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City of Chicago Scaffold Ordinance and Permits

The City of Chicago enacted a new Ordinance regarding scaffolding, training and blocking the Public Way, that took effect in September 2002.

Service One's commitment to safety and compliance, includes educating our workforce and customers on achieving compliance under the new Ordinance. In addition to securing Scaffold permits for each building, the new code requires the window cleaning contractor or the property owner to secure a sidewalk or street closure permit and furnish a pedestrian sidewalk canopy for any type of suspended operations, whether a temporary scaffold, bosuns chair, rope descent system, or a permanently installed scaffold system.

In addition to the permit fees and training, a significant cost involves the time required to compile the necessary applications and the expediting time at City Hall to secure the permits. The ordinance also requires the submission of stamped, engineered drawings, schedules and site plans to be submitted with the Permit application. As a service to our clients, Service One will work with your property managers and engineers to expedite the necessary permits and navigate the bureaucracy of City Hall.

TRAINING COURSE AND PROOF OF COMPLETION

Pursuant to section 13-34-050 of the Municipal Code of Chicago, the following rules shall apply to all personnel involved in the use, erection or maintenance of scaffolding:

- A. Municipal Code section 13-34-040 provides, in part, that certain scaffolding requires a permit. For purposes of these Rules, such scaffolding shall be called "permitted scaffolding."
- B. Code section 13-34-040 also requires, in part, that "each natural person who participates in any way in the erection, maintenance or use of [permitted] scaffolding must obtain a separate proof that he or she has successfully completed . . . an approved training course."
- C. Proof of successful completion shall be an identification card, issued by the institution providing the training course. The identification card shall include a photograph of the student's face, and shall include the following information: the student's name, the student's building trade, the institution's name, the date the course was completed, or expiration date, and the type(s) of scaffolding that the

student has been trained for. Only training courses administered by institutions or agencies approved by the Commissioner of Buildings shall be authorized to offer such training.

- D. The identification card shall be valid for a period of four years. At the end of four years, a refresher training course, subject to the approval of the Commissioner of Buildings, must be taken, and a new identification card issued. A person who successfully completed an approved training course on or after October 1, 2000 may be issued an identification card for that course, subject to a four-year expiration. (For example, if the course was completed in January of 2001, the card will expire in January of 2005).
- E. Every person erecting, maintaining or using permitted scaffolding must wear their identification card in a visible location at all times that they are on, or working with, the permitted scaffolding. HOWEVER, an apprentice who is serving their probationary period is not subject to this Rule 1(E), if they are accompanied at all times by a person with an identification card. An apprentice must be able to provide satisfactory proof of their probationary apprentice status upon request of authorized City personnel.

The following is the section from recent Amendments to Chapter 10-28 of the Municipal Code of Chicago. This document is provided as a convenience to our clients by Service One, Inc. (SOI). SOI neither warrants nor represents that these excerpts constitute an accurate or up-to-date statement of the law. SOI does not offer legal advice or representation.

For current and complete versions of the Municipal Code pertaining to window cleaning, please consult an attorney, and/or visit the City of Chicago Department of Buildings website at:

www.cityofchicago.org/Buildings

For more information, contact Service One Inc. at 773-533-5100 or visit our web site at:

www.glass-metal.com

CITY OF CHICAGO O R D I N A N C E

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHICAGO:

SECTION 1. Chapter 10-28 of the Municipal Code of Chicago is hereby amended by adding new Articles V-A, V-B and V-C, as follows:

**ARTICLE V-A. Obstruction of streets, sidewalks and public places
for construction and building maintenance purposes.**

10-28-281 Definitions.

For the purposes of this Chapter, the following terms shall be defined as follows:

- (a) “Apron” shall mean a platform extending from the exterior wall of a building at any level.

- (b) “Commissioner” shall mean the commissioner of transportation.

- (c) “Construction canopy” shall mean a temporary structure erected adjacent to a building undergoing construction, demolition, repair or maintenance which is designed to catch construction materials, and which obstructs any public way or public place, but allows for pedestrian traffic to pass under the structure.

- (d) “Heavy duty construction canopy” shall mean a construction canopy designed to carry a live load of at least 250 pounds per square foot.

- (e) “Light duty construction canopy” shall mean a construction canopy designed to carry a

live load of at least 150 pounds per square foot and up to 250 pounds per square foot.

- (f) “Public place” shall mean any exterior location open to the public, but shall not include the public way.
- (g) “Public protection measures” shall mean the installation of a construction canopy or other temporary structure over, or the closure of, the public way or a public place, as necessary to ensure the safety of the public.
- (h) “Type I activity” shall mean work on a building which involves alteration, repair of exterior facade, work conducted pursuant to the critical examination program, or demolition. This includes, but is not limited to, tuckpointing.
- (i) “Type II activity” shall mean work which involves the construction of a new building.
- (j) “Type III activity” shall mean any routine maintenance work on a building greater than eighty feet which does not require the removal of any physical structures. This includes, but is not limited to, painting, cleaning and window washing.

10-28-281.1 Public protection measures.

No person may engage in a Type I, Type II or Type III activity unless public protection measures are taken with respect to the public way or public place beneath or adjacent to the work being performed.

10-28-281.2 Permit required.

(A) The taking of public protection measures for a Type I, Type II and Type III activity shall require a permit issued by the commissioner subject to the requirements of this section.

(B) For an obstruction caused by a construction canopy, the person providing the canopy must apply for and obtain the permit.

(C) For an obstruction of a public place for a Type III activity, the building's owner shall provide to the department of transportation a complete schedule of prospective Type III activities for that owner's building for a one-year period. The owner shall be required to submit the schedule no earlier than December 15 and no later than the last business day of each year for the preceding year. The permit for an obstruction of a public place for a Type III activity in a public place shall expire on December 31 in the year for which the permit is issued. For the year 2003, the owner shall submit the schedule no later than March 1, 2003.

(D) An application for a permit issued pursuant to this section shall contain (1) the name of the applicant; (2) the name, address and telephone number of the owner of the building requiring the obstruction and, if applicable, the provider of the construction canopy; (3) the location of the proposed obstruction; (4) the purpose of the obstruction; (5) whether the obstruction is (a) for the alteration, maintenance or repair of a building's exterior facade; (b) for exterior work conducted pursuant to the City's critical examination program, Sections 13-196-033 through 13-196-037; (c) for demolition; (d) for new construction; or (e) for any other type of construction or maintenance; (6) the proposed commencement date and the estimated duration of the obstruction; and (7) evidence of a public liability insurance policy issued by an insurer authorized to transact business in Illinois, in an amount not less than

\$1,000,000.00 and naming the City of Chicago as additional insured.

(E) All information in the permit application must be kept current. The permittee must notify the commissioner of any changes within 5 business days, and any appropriate additional fees shall be assessed. If a permittee wishes to conduct work different from that listed on the permit application, or wishes to change the location of the obstructed area, the permittee must file an amended application for a permit. The permittee must then pay any applicable additional fees based on the amendments to the permit.

(F) Any permit issued pursuant to the terms of this section may be revoked by the commissioner at any time for violation of the terms of the permit.

(G) The commissioner may delay issuance of a permit in order to prevent interference with other work in progress on the public way, a parade, or special events, for which necessary permits have already been issued.

(H) Nothing in this section shall require a permit for a dumpster, as defined in Section 10-28-799(A) of the Code, that is validly permitted pursuant to Section 10-28-799.

10-28-281.3 Permit fees.

(A) **Obstruction of a public place.** For an obstruction of a public place for a Type III activity, the permittee shall pay a yearly fee of \$100.00. For an obstruction of a public place for a Type I and a Type II activity, the fee shall be \$50.00 per permit.

(B) **Obstruction of public way - initial permit fees.** For an obstruction of the public way

within the Central Business District, for the first 180 days for a Type I and Type III activity and for the first 540 days for a Type II activity, the permit fees per month for each foot of frontage obstructed shall be as follows:

Initial Permit Fees:

<i>Type of obstruction</i>	<i>Permit fee</i>
sidewalk or parkway - partial closure	\$4.00, but in no event less than \$80.00 per month
sidewalk or parkway - total closure	\$8.00, but in no event less than \$160.00 per month
bicycle lane - total closure	\$8.00, but in no event less than \$160.00 per month
street lane containing parking spaces	\$20.00, but in no event less than \$400.00 per month
street lane normally used for vehicular traffic, including a bus lane	\$40.00, but in no event less than \$800.00 per month
alley - if a lane of at least 10 feet is left unobstructed	\$10.00, but in no event less than \$200.00 per month
alley - if a lane of at least 10 feet is not left unobstructed	\$20.00, but in no event less than \$400.00 per month

(C) **Type I and Type III activity fees - after first 180 days.** In the event that the permittee seeks to continue its permitted status for a Type I or Type III activity after 180 days, the fees for each month of each foot of frontage used shall be as follows:

Type I and Type III activity fees - after 180 days:

<i>Type of obstruction</i>	<i>181-360 days after the initial permit date</i>	<i>361-540 days after the initial permit date</i>	<i>more than 541 days after the initial permit date</i>
sidewalk or parkway - partial closure	\$8.00, but in no event less than \$160.00 per month	\$12.00, but in no event less than \$240.00 per month	\$16.00, but in no event less than \$320.00 per month
sidewalk or parkway - total closure	\$16.00, but in no event less than \$320.00 per month	\$24.00, but in no event less than \$480.00 per month	\$32.00, but in no event less than \$640.00 per month
bicycle lane - total closure	\$16.00, but in no event	\$24.00, but in no event	\$32.00, but in no event

	less than \$320.00 per month	less than \$480.00 per month	less than \$640.00 per month
street lane containing parking spaces	\$40.00, but in no event less than \$800.00 per month	\$60.00, but in no event less than \$1200.00 per month	\$80.00, but in no event less than \$1600.00 per month
street lane normally used for vehicular traffic, including a bus lane	\$80.00, but in no event less than \$1600.00 per month	\$120.00, but in no event less than \$2400.00 per month	\$160.00, but in no event less than \$3200.00 per month
alley - if a lane of at least 10 feet is left unobstructed	\$20.00, but in no event less than \$400.00 per month	\$30.00, but in no event less than \$600.00 per month	\$40.00, but in no event less than \$800.00 per month
alley - if a lane of at least 10 feet is not left unobstructed	\$40.00, but in no event less than \$800.00 per month	\$60.00, but in no event less than \$1200.00 per month	\$80.00, but in no event less than \$1600.00 per month

(D) **Type II activity fees - after first 540 days.** In the event the permittee seeks to continue its permitted status for a Type II activity after 540 days, the fees for each month of each foot of frontage used shall be as follows:

Type II activity fees - after 540 days:

<i>Type of obstruction</i>	<i>After 540 days</i>
sidewalk or parkway - partial closure	\$8.00, but in no event less than \$160.00 per month
sidewalk or parkway - total closure	\$16.00, but in no event less than \$320.00 per month
bicycle lane - total closure	\$16.00, but in no event less than \$320.00 per month
street lane containing parking spaces	\$40.00, but in no event less than \$800.00 per month
street lane normally used for vehicular traffic, including a bus lane	\$80.00, but in no event less than \$1600.00 per month
alley - if a lane of at least 10 feet is left unobstructed	\$20.00, but in no event less than \$400.00 per month
alley - if a lane of at least 10 feet is not left unobstructed	\$40.00, but in no event less than \$800.00 per month

(E) The use of a construction canopy which obstructs the public way, but allows for

pedestrians to pass under the structure, shall be considered a partial closure for the calculation of the above permit fees.

(F) The charges described in this section shall be cumulative by type of obstruction, and any period over three days shall be counted as a full month in calculating these charges. These charges are in addition to any appropriate charges for restoration of the public way due to alteration or damage, loss of parking meter revenues, for costs of relocation of parking meters, and for costs of relocation of traffic control devices.

(G) For an obstruction of the public way outside the Central Business District and for an obstruction estimated to last no longer than three days, the permit fees shall be one-half of the amounts in subsections (B), (C) and (D).

(H) Duration of an obstruction shall be calculated from the original date of the obstruction to its removal, regardless of the number of amended permit periods; however, if a permit is issued for a construction canopy for the purposes of demolition (a Type I activity) and the construction canopy remains in place during subsequent new construction (a Type II activity), a new Type II permit is necessary and the duration of the obstruction shall be calculated from the date of the new permit.

10-28-281.4 Prohibited uses of traffic and curb lanes.

A permit issued pursuant to this Chapter does not allow its holder to locate a temporary office or other structure, or any materials within an obstructed traffic or curb lane. The permit holder also may not locate a vehicle within an obstructed traffic or curb lane, unless the vehicle is being used for the

expeditious loading or unloading of materials, tools or supplies, or the permittee obtains prior approval from the commissioner. A violation of this section shall result in a fine of \$500.00 per day for each violation.

10-28-281.5 Penalties.

(A) **Failure to amend permit.** If a permittee fails to obtain an amended permit before the permit's expiration date, the delinquent permit fees shall be increased by 10%.

(B) **Non-compliant obstruction.** If the dimensions of the obstruction exceed the dimensions allowed by the permit, the permittee and the building owner shall jointly be assessed a fine equal to \$1,000 per day for each violation, plus any appropriate additional fees for the obstruction.

(C) **Inactivity.** If three consecutive months of inactivity are found at a permitted site on the public way, the permittee and the building owner shall be jointly assessed, in addition to any above fees, a fine of up to \$500.00 per day. The commissioner of transportation and the commissioner of buildings shall be authorized to inspect the permittee's and the owner's books and records at any time during regular business hours to determine the period of inactivity.

ARTICLE V-B. Protection of the public way and public places.

10-28-281.6 Protection required.

(a) When any person conducts a Type I or Type II activity on a building within the Central Business District, a heavy duty construction canopy shall be used to protect the public way or public

place. At a minimum, the heavy duty construction canopy shall extend from the building up to the nearest public light pole, planter or other public structure, or fifteen feet, whichever is less. When necessary for the public to enter a building during a Type I or Type II activity, all entrances from the street to the building shall also be protected by a heavy duty construction canopy. The area required to be canopied can be altered by the commissioner, if, in his opinion, the height of the building and the type of work being conducted necessitates a larger or smaller canopied area.

(b) In all other circumstances, and when conducting a Type III activity, a light duty construction canopy shall be used, with the following exceptions:

- (1) When the height of the building does not exceed three stories or 40 feet, a barricade located not less than ten feet from the building may be used in lieu of a light duty construction canopy.
- (2) When the height of a building does not exceed four stories or 50 feet, a fence located not less than ten feet from the building may be used in lieu of a light duty construction canopy.

(c) The commissioner shall have the authority to require the use of a barricade, fencing or traffic cones in lieu of a construction canopy based on the duration of the obstruction or any traffic concerns which may be caused by the construction canopy.

10-28-281.7 Fences and barricades.

- (a) Fences shall be not less than six feet high of solid construction sheathed with one-inch

lumber or other approved materials of equal strength.

(b) Barricades shall consist of substantial railings or other barriers which will effectively prevent public access to the barricaded area.

10-28-281.8 Aprons.

(a) When additional stories are added to an existing building, an apron shall be provided at the level of the lowest additional story and maintained during the period when materials are being placed or handled on the street front.

(b) Aprons shall be constructed of not less than two layers of two-inch planking or of other approved materials of equal strength and shall be designed to support a superimposed load of not less than 250 pounds per square foot. Aprons shall extend not less than six stories from the building wall. Aprons shall slope downward toward the building wall or shall be provided with a substantial curb not less than 12 inches high at the outer edge.

(c) For a building exceeding four stories or 50 feet in height and intended to be demolished, one apron shall be constructed for each four stories above adjoining sidewalk grade with the lowest apron located in the third story.

ARTICLE V-C. Construction canopies.

10-28-282 Submission of plans.

No permit may be issued for an obstruction of the public way within the Central Business

District caused by a heavy duty construction canopy unless the permit application is accompanied by the following:

- (a) A drawing of the construction site plan and the construction schedule. No permit shall be issued unless the site plan is approved by the commissioner. The site plan must include any and all sidewalks, bicycle lanes, bus lanes, street lanes and traffic lanes which will be affected by the construction project. The site plan must also indicate any and all trees, lane striping, hydrants and traffic signs which will be affected by the construction project. The site plans must be printed on a standard blueprint, which is a minimum of 22 inches by 34 inches.
- (b) A certification signed by an Illinois-licensed structural engineer, certifying that the type of construction canopy used is structurally sound and adheres to the provisions of this Code, accepted engineering practice, and other applicable standards. The certification must be dated, and must be renewed annually.
- (c) Detailed drawings of all signs intended to be placed upon the construction canopy. The drawings shall indicate the size of the signs and must include a description of any advertisements on the signs. The description of the advertisements shall be reviewed solely for the purposes of determining compliance with paragraph (G) of Section 10-28-283. All drawings describing electrical signs shall also comply with Sections 18-27-600.27 and 18-27-600.28.

10-28-283 General Requirements.

(A) Construction. No construction canopy shall be designed with less than six feet of internal pedestrian space or internal center supports, unless prior approval is obtained from the department of transportation. The roof deck of a heavy duty construction canopy shall be constructed of not less than two layers of two-inch planking or of other approved materials of equal strength and shall be designed to support a superimposed load of not less than 250 pounds per square foot, and shall have a ceiling height of not less than eight feet. The side facing the construction or demolition work shall be fully enclosed and the street side, if extending into the street, shall be enclosed with a splash guard and railing not less than four feet high.

(B) Maintenance. Every construction canopy shall be kept well-lighted continuously between sunset and sunrise and shall be maintained clear of debris, holes and trip hazards, and shall be properly drained to prevent accumulation of water, snow and ice. The level of illumination shall be the equivalent of that produced by two hundred watt, thirty four hundred lumen minimum, standard incandescent lamps enclosed in vandal-proof fixtures spaced fifteen feet apart and eight feet above the floor level. Artificial lighting units shall be inspected nightly and burned out or inoperative units shall be replaced or repaired nightly. For a construction canopy erected for three months or less, temporary string lighting shall be permitted. For a construction canopy erected for more than three months, temporary string lighting shall be permitted for a period of one week until hard wiring is installed. All electrical wiring shall conform to the requirements provided in Title 18 of this Code.

(C) Appearance of construction canopy. All construction canopies shall be painted and

obstruction lights and diagonal red striping shall be provided as required by the department of transportation on all portions of the construction canopy extending beyond the curb line.

(D) Time of construction. The erection of a heavy duty construction canopy within the Central Business District which results in the obstruction of a street lane may only be conducted under the supervision of a representative from the department of transportation.

The erection of a construction canopy in the public way, and any work such as painting, installation of signs or installation of lights on the construction canopy itself, within the Central Business District, shall only be permitted between the hours of 7:00 p.m. and 6:00 a.m. unless expressly approved by the commissioner of transportation or the commissioner of buildings. Erection of a construction canopy in the public way which occurs outside the Central Business District shall only be permitted by the department of transportation in a manner not to conflict with existing rush-hour traffic restrictions. All affected sidewalks must be closed off, with proper signs, during the erection of a construction canopy.

(E) Emergency sign. A sign, visible from the public way, must be attached to the exterior wall of each elevation of every construction canopy listing the name and address of the construction canopy provider, and listing a twenty-four hour telephone number for the provider. The sign must be printed in a type size no less than 4 inches in height. The permittee is responsible for maintaining the sign for the life of the construction project.

(F) Notice. A notice board, and a copy of the permit, must be attached to the interior wall of each elevation of every construction canopy listing the name, address and telephone number of the

building owner and the construction canopy provider. The notice must also include a description of the type of work being conducted on the building and the estimated completion date of the project. The permittee is responsible for maintaining the sign for the life of the construction project.

(G) Advertising. Other than the signs required by this Chapter, and any signs designating the name of the owner or occupant of the premises protected by the construction canopy or advertising goods manufactured or produced or services rendered on the premises protected by the construction canopy, there shall be no business or advertising messages posted on any construction canopy located within the public way. All signs permitted by this Chapter, including signs on a construction canopy located within a public place, shall conform with all applicable provisions of the Chicago Zoning Ordinances.

(H) Gates. All gates on construction canopies shall be closed when not in use. Any doors or gates located on a public thoroughfare shall not be constructed to open into the line of either the pedestrian or vehicular traffic.

10-28-284 Closure of sidewalks and bicycle lanes.

(A) Closure of sidewalks. When the use of a construction canopy results in the total closure of a sidewalk, signs must be provided warning pedestrians that the sidewalk is closed. The signs must be printed in a type size no less than 4 inches in height, must be located at appropriate adjacent intersections and must also be attached to both sides of the construction canopy. The permittee is responsible for maintaining the signs for the life of the construction project.

(B) Closure of bicycle lanes. When the use of a construction canopy results in the closure of a bicycle lane, signs must be provided warning bicyclists of the lane closure and warning vehicles of the need to yield to the bicyclists. The signs must be of a type as designated by the department of transportation. At a minimum, the lane closure signs must be located on both sides of the street in the direction of the approach to the construction canopy at a point 600 feet and 300 feet in front of the construction canopy. In addition, lane closure signs must be attached to the end of the construction canopy facing the approaching bicycle traffic. At a minimum, the yield to bicyclists signs must be located on both sides of the street in the direction of the approach to the construction canopy at a point 100 feet and 50 feet in front of the construction canopy. In addition, yield to bicyclists signs must be attached to the end of the construction canopy facing the approaching bicycle traffic. The permittee is responsible for maintaining the signs for the life of the construction project.

10-28-285 Sidewalks - Damage deposit required.

In any building operation which would require the driving of vehicles or equipment upon or across any public sidewalk abutting the premises, the applicant shall obtain from the commissioner a certificate of prior inspection which shall state the condition of the sidewalk before construction is started. The commissioner is hereby authorized to charge a fee of \$10.00 for each such prior inspection, to estimate probable damage that might be caused to such public sidewalk by the driving of vehicles or equipment thereon, and to require a deposit by the applicant of moneys sufficient to restore said sidewalk to a condition as good as it was before construction was started.

When the commissioner receives satisfactory proof that the affected sidewalk has been restored to a condition equally as good as before the permitted work, he shall certify this fact to the city comptroller. The comptroller shall thereupon direct the city treasurer to refund the amount deposited in connection with the permit.

10-28-286 Violation - Penalty.

Any person who shall violate any of the provisions of Sections 10-28-281 through 10-28-285 for which no specific penalty is provided, shall be fined \$500.00 per day for each violation.

SECTION 2. Sections 13-32-140, 13-32-150 and Sections 13-124-140 through 13-124-170 of the Municipal Code of Chicago are hereby repealed.

SECTION 3. Section 13-124-130 of the Municipal Code of Chicago is hereby amended by deleting the bracketed language and inserting the underscored language, as follows:

13-124-130 Walkways, barricades and fences--Generally.

During the erection, alteration or demolition of any building, proper provisions shall be made for the protection of every public sidewalk or other public thoroughfare or any public place, as defined by Section 10-28-281, in accordance with the provisions of [Sections 13-124-140 to 13-124-180] Chapter 10-28. The department of buildings shall have the authority, along with the department of transportation, to enforce Sections 10-28-281.6, 10-28-281.7, 10-28-281.8 and 10-28-283.

SECTION 4. Section 13-124-180 of the Municipal Code of Chicago is hereby amended by deleting the bracketed language and inserting the underscored language, as follows:

13-124-180 Walkways and temporary sidewalks – Construction requirements.

- (a) When a permanent sidewalk is obstructed by a [sidewalk shed] construction canopy, fence or barricade, temporary sidewalks shall be provided. All vertical wooden surfaces of a [sidewalk shed] construction canopy, fence or barricade, and all wooden guards and railing shall be painted.
- (b) Walkways and temporary sidewalks shall be not less than four feet wide, inside measurement, except that in congested districts the building commissioner may require additional width.
- (c) All walkways and temporary sidewalks shall be designed to support a live load of not less than 250 pounds per square foot.
- (d) All temporary sidewalks shall be provided with railings and guards of dressed lumber. If such railings and guards are nearer the street curb than four feet, there shall be a guard of dressed lumber on the street side.
- (e) When necessary to permit the delivery of materials to basements of buildings in process of erection, temporary sidewalks may be built at a height not exceeding four feet above curb level of the street. Such temporary sidewalks shall have railings on both sides and shall be approached by ramps having a grade of not more than one in eight.
- (f) Every covered walkway shall be kept well-lighted continuously between sunset and sunrise and

shall be maintained clear of debris, holes and trip hazards and shall be properly drained to prevent accumulation of water. Obstruction lights and diagonal red striping shall be provided as required by the department of transportation on all portions of the sidewalk shed extending beyond the curb line.

- (g) If a temporary sidewalk or walkway is placed at a level above or below an abutting public sidewalk, the two shall be connected by a ramp to blend them to a common level. The ramp shall have a nonslip surface and a slope not to exceed one inch rise per 12 inches in length.
- (h) No temporary structures, field offices, construction equipment, materials, signs, displays, ornamentation or similar loads shall be erected or placed upon a [sidewalk shed or] construction canopy until plans identifying these loads are submitted to the department of buildings for review and a building permit is issued, authorizing the construction or loading on top of the [shed or] canopy.

SECTION 5. Chapter 13-128 of the Municipal Code of Chicago is hereby amended by adding a new Section 13-128-061, as follows:

13-128-061 Removal of traffic control device.

If removal of a traffic control device other than a parking meter is necessary in order to accommodate properly permitted work in or affecting the public way, the commissioner may order the temporary removal of the affected device. The permittee shall pay a fee of \$150.00 in advance for the removal and reinstallation of each traffic device.

SECTION 6. Section 2-14-155 of the Municipal Code of Chicago is hereby amended by deleting the bracketed language, as follows:

2-14-155 Defenses to building code violations.

It shall be a defense to a building code violation adjudicated under this article, if the owner, manager, person exercising control, his attorney, or any other agent or representative proves to the administrative law officer's satisfaction that:

- (a) The building code violation alleged in the notice does not in fact exist, or, at the time of the hearing on the issue of whether the building code violation does or does not exist, the violation has been remedied or removed;
- (b) The building code violation has been caused by the current building occupants and that in spite of reasonable attempts by the owner, manager, or person exercising control to maintain the building free of such violations, the current occupants continued to cause the violations;
- (c) An occupant or resident of the building has refused entry to the owner or his agent to all or a part of the building for the purpose of correcting the building code violation.

This section does not create a defense to a person who has been charged with encouraging or permitting illegal activity on any premises in violation of Section 8-4-090 of this Code , or with a violation of Section [13-124-140, 13-124-150 or 13-124-170] 10-28-281.6, 10-28-281.7 or 10-28-281.8 of this Code.

SECTION 7. Section 2-102-030 of the Municipal Code of Chicago is hereby amended by inserting the underscored language, as follows:

2-102-030 Commissioner – Powers and duties.

The commissioner of transportation shall have the following powers and duties:

* * * * *

(Subsections (a) through (o) of Section 2-102-030
are not affected by this amendment and are not
shown here, for editorial convenience)

(p) To mandate and regulate, by permit or otherwise, construction canopies and other structures as may be necessary to protect people using the public way or public place while work is being conducted above, or adjacent to, a portion of the public way or public place.

SECTION 8. This ordinance shall be in full force and take effect on January 1, 2003.