



2850 W. Fulton St. Chicago, IL 60612  
773.533.5100  
Fax 773.533.3088  
www.aluminum.com

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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 has been edited to include *ONLY* the portion of the ordinance that applies to window cleaning and metal maintenance.** These excerpts are 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.

[www.cityofchicago.org/Buildings](http://www.cityofchicago.org/Buildings)

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## 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 within the Central Business District, as defined in Section 9-4-010, 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.

**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 (per foot of frontage obstructed)</i>
sidewalk or parkway - partial closure	\$4.00, but in no event less than \$160.00 per month (20' minimum)

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 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
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
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(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.

(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).

**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.**

(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.

#### **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.