

SUBSTITUTE
ORDINANCE

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

This ordinance is organized into three articles, as follows:

Article I: Registration of Buildings Containing Vacant Commercial Storefronts
Article II: Enforcement Provisions
Article III: Effective Date

ARTICLE I.
REGISTRATION OF BUILDINGS CONTAINING VACANT COMMERCIAL STOREFRONTS

SECTION 1. Section 14X-2-202 of the Municipal Code of Chicago is hereby amended by deleting the language struck through and by inserting the language underscored, as follows:

14X-2-202 DEFINITIONS.

(omitted text is not affected by this ordinance)

CITY. As defined in Chapter 2 of the *Chicago Construction Codes Administrative Provisions*.

COMMERCIAL STOREFRONT. An area within a *building* that is or would be suitable for occupancy for a non-accessory nonresidential use, assuming that any violations of this code existing at the *premises* are fully remedied, and that can be accessed directly from an outdoor space that is open to the public, such as a street, alley, sidewalk, path, or parking area.

(omitted text is not affected by this ordinance)

VACANT. A *structure* or portion of a *structure* that is lacking habitual presence of human beings who have a legal right to be on the *premises*, or ~~located on *premises* at~~ *in* which substantially all lawful business or construction operations or *occupancy* has ceased, or that is substantially devoid of contents. A *structure* or portion of a *structure* is *vacant* if it has been declared unfit for *occupancy* by the *building official*, *fire code official*, Department of Public Health, Department of Police, or a court or administrative agency, and that official or agency has ordered that the *structure* remain unoccupied. A *structure* or portion of a *structure* is not *vacant* if either: (1) there is a valid and active *permit* for rehabilitation of the *structure*; or (2) the *owner* has applied for and is diligently pursuing a *permit* for rehabilitation of the *structure*.

As applied to the entirety of a *building* or other *structure*:

In determining whether a *structure*, as a whole, is *vacant*, it is relevant to consider, among other factors, the overall floor area of the *structure* ~~or floor~~ relative to the floor area of occupied portions (if any), the condition and value of any personal property at the *premises*, whether there is active electrical, gas, and water service to the *structure* (as applicable in light of the

immediately prior occupancy of the structure), and the presence of bona fide rental or for sale signs, including valid phone and email contact information, on the premises that are legible from the adjacent public way. A residential *building* is not *vacant* if it has been used as a residence by an individual entitled to possession for a period of at least three months within the previous nine months and an individual entitled to possession intends to resume residing at the *building*. A *building* containing ten or more *dwelling units* or *sleeping units* is *vacant* when at least 90% of the units are unoccupied. A *structure* is *vacant* if it has been declared unfit for ~~occupancy~~ by the ~~building official, fire code official, Department of Public Health, Police Department, or a court or administrative agency~~ and that official or agency has ordered that the *structure* remain unoccupied.

As applied to a commercial storefront:

In determining whether a commercial storefront is vacant, it is relevant to consider, among other factors, the condition and value of any personal property within the space, whether there is active electrical, gas, and water service to the space (as applicable in light of the immediately prior occupancy of the commercial storefront), and the presence of bona fide rental or for sale signs, including valid phone and email contact information, that are legible from the adjacent public way.

(omitted text is not affected by this ordinance)

SECTION 2. Chapter 14X-12 of the Municipal Code of Chicago is hereby amended by deleting the language struck through and by inserting the language underscored, as follows:

CHAPTER 14X-12
VACANT BUILDINGS, STRUCTURES, AND COMMERCIAL STOREFRONTS

14X-12-1201 GENERAL.

14X-12-1201.1 Scope.

This chapter provides minimum standards for the maintenance, insurance, and registration of *vacant buildings* and other *vacant structures* and occupied buildings containing at least one vacant commercial storefront.

14X-12-1202 PROPERTY MAINTENANCE.

14X-12-1202.1 General.

The *owner* of a *structure* or commercial storefront that is *vacant* must maintain the *premises* as provided in this code and in accordance with the additional requirements in Sections 14X-12-1202.2 through 14X-12-1202.7.

14X-12-1202.2 Time for compliance.

This obligation begins as soon as the *structure* or commercial storefront becomes *vacant* and continues as long as the *structure* or commercial storefront remains *vacant*.

(omitted text is not affected by this ordinance)

14X-12-1202.4 Exterior structure.

The exterior of a ~~vacant structure~~ must be maintained in accordance with Sections 14X-12-1202.4.1 through ~~14X-12-1202.4.7~~ 14X-12-1202.4.8.

(omitted text is not affected by this ordinance)

14X-12-1202.4.8 Business identification signage.

Business identification signage related to an activity that is no longer occurring on the premises must be removed or concealed.

14X-12-1202.5 Interior conditions.

The interior of a ~~vacant structure~~ Interior areas must be maintained in accordance with Section 14X-12-1202.5.1 through 14X-12-1202.5.6.

14X-12-1202.5.1 Rubbish.

~~A vacant structure~~ Interior areas must be kept free of *garbage*. *Rubbish* may not be allowed to accumulate in a manner that creates a health, fire, or safety hazard, or provides harborage for rodents or other animals. ~~Materials stored on the premises~~ Stored materials must be stacked in an orderly manner, safely, and away from stairways, corridors, and other places of ingress ~~and~~ or egress.

(omitted text is not affected by this ordinance)

14X-12-1202.6 Security.

The owner of a ~~vacant structure~~ or commercial storefront that is vacant must immediately enclose and secure the ~~structure~~ structure or commercial storefront in accordance with Sections 14X-12-1202.6.1 through 14X-12-1202.6.5.3 and in a manner that is reasonably intended to prevent entry by unauthorized persons. The owner must monitor and maintain the *premises* so that ~~vacant structures remain~~ the structure or commercial storefront remains secure.

(omitted text is not affected by this ordinance)

14X-12-1202.6.2 Larger openings.

Openings greater than 1 square foot (0.1 m²) in area must be closed and secured, using secure doors, glazed windows, polycarbonate boarding or commercial-quality steel security panels, or filled with like-kind material as the surrounding wall to prevent entry by unauthorized persons. Plywood is prohibited.

Exception: For the first six months that a building or commercial storefront is *vacant*, openings greater than 1 square foot (0.1 m²) may be secured with plywood.

(omitted text is not affected by this ordinance)

14X-12-1202.6.5 Heightened security.

Where a structure or commercial storefront has been *vacant* for six months or longer and is not in full compliance with Section 14X-12-1202.4.3, the *building official* may require the owner to provide any or all of the additional security measures in Sections 14X-12-1202.6.5.1 through 14X-12-1202.6.5.3.

(omitted text is not affected by this ordinance)

14X-12-1202.6.5.2 Burglar alarm.

The structure or commercial storefront that is vacant must be monitored by a working burglar alarm system, ~~as defined in Section 4-400-010 of the Municipal Code.~~ The burglar alarm system must connect to all areas of the ~~building~~ building subject to unauthorized human entry, including, but not limited to, all exterior doors, windows, or other readily accessed openings. The *owner* must maintain an active account with a third-party burglar alarm company that has twenty-four-hour live operators. The burglar alarm system must, upon detecting unauthorized entry, send an automatic signal to the burglar alarm company who will monitor the system and notify the *owner* of the unauthorized entry, and who will also telephone the police department to inform it of the unauthorized entry if there is no adequate response from the *owner*.

(omitted text is not affected by this ordinance)

14X-12-1202.7 Sign.

Wherever a vacant structure or commercial storefront is required to be registered under Section 14X-12-1204 or 14X-12-1206, the *owner* must post a sign at the *premises* indicating the registration number; the name, address and telephone number of the *owner* or the *owner's* authorized agent for the purpose of service of process; and the name, address, and telephone number of any person responsible for day-to-day supervision and management of the *premises*. The sign must be at least 8.5 inches (216 mm) by 11 inches (279 mm) and lettering must be legible from the *public way*.

14X-12-1203 INSURANCE.

14X-12-1203.1 General.

The *owner* of a structure or commercial storefront that is vacant must maintain liability insurance for the *premises* as provided in Section 14X-12-1203.

14X-12-1203.2 Time for compliance.

This obligation begins 30 days after a structure or commercial storefront becomes vacant or 30 days after the *owner* becomes *owner* of the structure or commercial storefront, whichever is later. The obligation continues as long as the structure or commercial storefront remains vacant.

14X-12-1203.2.1 Presumption.

A structure or commercial storefront is legally presumed to have been vacant for more than 30 days if either:

(omitted text is not affected by this ordinance)

3. It is vacant and a request has been submitted to the county assessor's office or other government agency to reduce the assessed valuation of the property on the basis of vacancy.

14X-12-1203.3 Minimum coverage.

Insurance must provide the minimum coverage specified in Section 14X-12-1203.3.1, or 14X-12-1203.3.2, or 14X-12-1203.3.3, as applicable.

14X-12-1203.3.1 Residential buildings.

For *buildings* designed primarily for residential *occupancy*, the insurance policy must provide coverage in an amount of not less than \$300,000 per occurrence for bodily injury, personal injury, and property damage.

(omitted text is not affected by this ordinance)

14X-12-1203.3.3 Commercial storefronts.

For each *building* that contains at least one *vacant commercial storefront*, the insurance policy must provide commercial general liability coverage in an amount of not less than \$1,000,000 per occurrence for bodily injury, personal injury, and property damage.

14X-12-1203.4 Notice.

Any insurance policy acquired or renewed after the *structure* or *commercial storefront* has become *vacant* must provide for written notice to the *building official* within 30 days of any lapse, cancellation, or change in coverage.

14X-12-1204 OWNER REGISTRATION OF VACANT BUILDING OR STRUCTURE.

14X-12-1204.1 General.

The *owner* of a *structure* that, as a whole, is *vacant* must register the *structure* with the *building official* as provided in Sections 14X-12-1204.2 through 14X-12-1204.9.

(omitted text is not affected by this ordinance)

14X-12-1204.2.1 Presumption.

A *structure* is legally presumed to have been *vacant* for more than 30 days if either:

(omitted text is not affected by this ordinance)

3. It is *vacant* and a request has been submitted to the county assessor's office or other government agency to reduce the assessed valuation of the property on the basis of vacancy.

(omitted text is not affected by this ordinance)

14X-12-1206 RESERVED OWNER REGISTRATION OF BUILDING CONTAINING A VACANT COMMERCIAL STOREFRONT.

14X-12-1206.1 General.

The *owner* of a *building* containing at least one *commercial storefront* that is *vacant* must register the *building* with the *building official* as provided in Sections 14X-12-1206.2 through 14X-12-1206.9.

Exception: The requirements of this section do not apply to a *building* that is required to be registered pursuant to Section 14X-12-1204.

14X-12-1206.2 Time for compliance.

This obligation begins 30 days after a *commercial storefront* becomes *vacant* or 30 days after the *owner* becomes *owner* of the *commercial storefront*, whichever is later. The obligation continues as long as the *commercial storefront* remains *vacant*.

Exception: This obligation begins 395 days after a *commercial storefront* becomes *vacant* or 30 days after the *owner* becomes *owner* of the *commercial storefront*, whichever is later, if both:

1. Bona fide rental or for sale signs, including valid phone and email contact information, are displayed and legible from the adjacent *public way*.
2. The *owner* is not identified on the most recent list published pursuant to Section 2-92-416(e) of the *Municipal Code*.

14X-12-1206.2.1 Presumption.

A *commercial storefront* is legally presumed to have been *vacant* for more than 30 days if either:

1. It is *vacant* and has not been secured in accordance with Section 14X-12-1202.6.
2. It is *vacant* and more than one window, door, or other opening, in any combination, is boarded up and either:
 - 2.1. The yard contains grass or weeds more than 10 inches (254 mm) in height.
 - 2.2. The yard contains an accumulation of junk and debris.
 - 2.3. Snow and ice have not been removed from the walk leading to the *commercial storefront's* main entrance or from the public sidewalk adjoining the *commercial storefront* in the manner and within the period of time provided in Section 10-8-180 of the *Municipal Code*.
3. It is *vacant* and a request has been submitted to the county assessor's office or other government agency to reduce the assessed valuation of the property on the basis of vacancy of the *commercial storefront*.

14X-12-1206.3 Method of registration.

The *building official* may specify the form and manner of registration.

14X-12-1206.4 Fees.

The fee for each registered *building* for each registration or renewal period is \$100. The registration fee or renewal fee is \$250 if the applicable registration or renewal takes place not through voluntary and timely compliance, but as the result of a *City* identification of a violation of Section 14X-12-1206.

Exception: Governmental agencies are exempt from registration and renewal fees.

14X-12-1206.5 Duration.

A registration is valid for six months from the date of registration.

14X-12-1206.6 Registration statement.

In addition to other information required by the *building official*, the registration statement must include the name, street address, and telephone number of an authorized agent meeting the criteria listed in Sections 14X-12-1204.6.1 and 14X-12-1204.6.2.

14X-12-1206.6.1 Evidence of insurance.

Where requested by the *building official*, the *owner* must provide evidence of the insurance coverage required by Section 14X-12-1203 at the time of registration or renewal; however, registration or renewal may not be denied for failure to provide evidence of insurance coverage.

14X-12-1206.6.2 Effect.

A registration statement shall be prima facie proof of the statements therein contained in any administrative enforcement proceeding or court proceeding instituted by the *City* against the *owner*.

14X-12-1206.7 Renewal.

The *owner* must renew the registration for successive six-month periods as long as the *commercial storefront* remains *vacant*.

14X-12-1206.8 Amended statement.

The *owner* must notify the *building official* within 20 days of any change in the registration information by filing an amended registration statement or notice of deregistration with the *building official* in the form and manner specified by the *building official*.

14X-12-1206.9 Access.

The *owner* of a registered *commercial storefront*, following reasonable notice, must provide access to the *building official* or *fire code official* to conduct an exterior and interior inspection of the *commercial storefront* to determine compliance with the *Municipal Code*.

(omitted text is not affected by this ordinance)

**ARTICLE II.
ENFORCEMENT PROVISIONS**

SECTION 1. Section 11-12-125 of the Municipal Code of Chicago is hereby amended by inserting the language underscored, as follows:

11-12-125 Water supply shut off.

(a) Upon written notice of the Building Commissioner that a building is vacant and registered or required to be registered in accordance with Section 14X-12-1204 and upon the Building Commissioner's request to the Department of Water Management to shut off the water supply to the building, the Department of Water Management shall shut off the building's water service supply and provide notice to the Department of Finance that all applicable fees, including a water shut off fee, as determined by the Department of Water Management, shall be billed and collected by the Department of Finance. The Department of Finance shall thereafter cease billing and charging of all prospective fees and charges included in the unified statement of charges against the person responsible for the water account of the building from the time the water supply is shut off until such time as the water supply is restored.

(omitted text is not affected by this ordinance)

SECTION 2. Section 14A-2-202 of the Municipal Code of Chicago is hereby amended by inserting the language underscored, as follows:

14A-2-202 DEFINITIONS.

(omitted text is not affected by this ordinance)

CITY DATUM. The horizontal plane established pursuant to Section 10-4-210 of the *Municipal Code*.

COMMERCIAL STOREFRONT. As defined in Chapter 2 of the *Chicago Minimum Requirements for Existing Buildings*.

(omitted text is not affected by this ordinance)

SECTION 3. Section 14A-3-307.2 of the Municipal Code of Chicago is hereby amended by deleting the language struck through and by inserting the language underscored, as follows:

14A-3-307.2 Written notice.

(omitted text is not affected by this ordinance)

The notice must be dated and bear the *City* seal and the title of the *City* official who issued the order. If only a portion of a *building* has been ordered vacated and closed, the notice must specify the affected portion, and must also be affixed at interior entrances to that portion. The *City* official ~~must~~ may also cause a written notice of violation as provided in Section 14A-3-301.3 to be served upon the *owner* of the property.

SECTION 4. Section 14A-3-313.1 of the Municipal Code of Chicago is hereby amended by inserting the language underscored, as follows:

14A-3-313.1 Scope.

The following *buildings* and *structures* are declared to be public nuisances subject to abatement proceedings under Section 14A-3-313:

(omitted text is not affected by this ordinance)

5. *A building or structure that is vacant and that has been in violation of any requirement under Chapter 12 of the Minimum Requirements for Existing Buildings for a continuous period of 365 days or more.*
6. *A building containing at least one commercial storefront that is vacant and that has been in violation of any requirement under Chapter 12 of the Minimum Requirements for Existing Buildings for a continuous period of 365 days or more.*

SECTION 5. Section 14A-3-314.1 of the Municipal Code of Chicago is hereby amended by deleting the language struck through and by inserting the language underscored, as follows:

14A-3-314 INCARCERATION.

(omitted text is not affected by this ordinance)

14A-3-314.1.5 Failure to secure vacant building or commercial storefront.

The owner of a ~~vacant building~~ building or commercial storefront that is vacant is subject to incarceration for a term not to exceed 6 months if the building or commercial storefront is found by the building official to be vacant and open on three or more days within any 365-day period.

14A-3-314.1.6 Death or injury caused by vacant building or commercial storefront.

The owner of a ~~vacant building~~ building or commercial storefront that is vacant is subject to incarceration for a term of not less than 30 days where an individual suffers a severe injury or death as a result of any condition on the premises of the vacant building or within the vacant commercial storefront that is a violation of the *Chicago Construction Codes*. For purposes of this provision, "severe injury" means any physical injury that results in loss of soft tissue; a broken bone; hospital admittance; impairment of any bodily function; or disfiguring laceration.

14A-3-314.1.7 Forcible felony in unsecured vacant building or commercial storefront.

The owner of a ~~vacant building~~ building or commercial storefront that is vacant that is not secured as required by Chapter 12 of the *Chicago Minimum Requirements for Existing Buildings* is subject to incarceration for a term of not less than 30 days where a forcible felony occurs in the vacant building. For purposes of this provision, "forcible felony" has the same meaning as in the Criminal Code of 2012, 720 ILCS 5/2-8.

SECTION 6. Section 14A-3-314.1 of the Municipal Code of Chicago is hereby amended by deleting the language struck through and by inserting the language underscored, as follows:

14A-4-407.2.1.2 Complex demolition.

A permit application for complex demolition must include:

1. A ~~scaled site plan~~ current survey marked with the horizontal distances between buildings or structures to be demolished, property lines, and buildings on the site that will not be demolished.

(omitted text is not affected by this ordinance)

**ARTICLE III.
EFFECTIVE DATE**

SECTION 1. This ordinance shall take effect 10 days after passage and publication.