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City Council Document Tracking Sheet

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Matter ID:

O2023-0005958

Meeting Date:

11/15/2023

Sponsor(s):

Napolitano (41) *

Tabares (23) (C)

Lopez (15) (C)

Mitts (37) (C)

Manaa-Hoppenworth (48) (C)

Waguespack (32) (C)

Mitchell (07) (C)

Conway (34) (C)

Gardiner (45) (C)

Rodriguez (22) (C)

Clay (46) (C)

Curtis (18) (C)

Dowell (03) (C)

Sposato (38) (C)

Lawson (44) (C)

Cardona (31) (C)



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Nugent (39) (C)

Quinn (13) (C)

Villegas (36) (C)

O'Shea (19) (C)

Scott (24) (C)

Yancy (05) (C)

Reilly (42) (C)

Knudsen (43) (C)

Taylor (20) (C)

Type: Ordinance

Title: Amendment of Municipal Code Chapters 14X-12 and 14A-3 regarding policies and registration of vacant or abandoned commercial storefronts

Committee Assignment: Committee on Zoning, Landmarks and Building Standards

ZONING

ORDINANCE

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

SECTION 1. Chapter 14X-12 of the Municipal Code of Chicago is hereby amended by inserting the language underlined, and by deleting the language struck through, as follows:

CHAPTER 14X-12 VACANT BUILDINGS

14X-12-1201 GENERAL.

14X-12-1201.1 Scope.

This chapter provides minimum standards for the maintenance and registration of *vacant buildings, vacant or abandoned commercial storefronts,* and other *vacant structures.*

14X-12-1202 PROPERTY MAINTENANCE.

14X-12-1202.1 General.

The *owner* of a *structure* that is *vacant* must maintain the *premises* as provided in the *Municipal Code* ~~this code~~ and in accordance with the additional requirements in Sections 14X-12-1202.2 through 14X-12-1202.7. The *owner* of a *vacant or abandoned commercial storefront* must maintain the *commercial storefront* as provided in the *Municipal Code*, in accordance with the applicable requirements in Sections 14X-12-1202.2 through 14X-12-1202.7, and in accordance with the additional requirements in Sections 14X-12-1206.2 through 14X-12-1206.11.

14X-12-1202.2 Time for compliance.

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

(Omitted text is unaffected by this ordinance)

14X-12-1202.4 Exterior structure.

The exterior of a *vacant structure* or *vacant or abandoned commercial storefront* must be maintained in accordance with Sections 14X-12-1202.4.1 through 14X-12-1202.4.7.

(Omitted text is unaffected by this ordinance)

14X-12-1202.5 Interior conditions.

The interior of a *vacant structure* or *vacant or abandoned commercial storefront* 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 or vacant or abandoned commercial storefront 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 must be stacked in an orderly manner, safely, and away from stairways, corridors, and other places of ingress and egress.

(Omitted text is unaffected by this ordinance)

14X-12-1202.6 Security.

The owner of a vacant structure or vacant or abandoned commercial storefront must immediately enclose and secure the structure 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 and vacant or abandoned commercial storefronts remain secure.

(Omitted text is unaffected by this ordinance)

14X-12-1202.6.5 Heightened security.

Where a structure has been vacant, or a commercial storefront has been a vacant or abandoned storefront, 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 unaffected by this ordinance)

14X-12-1202.6.5.2 Burglar alarm.

The structure or vacant or abandoned commercial storefront, as applicable, 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 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 unaffected by this ordinance)

14X-12-1202.7 Sign.

Wherever a vacant structure is required to be registered under Section 14X-12-1204, or a vacant or abandoned commercial storefront is required to be registered under Section 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.

(Omitted text is unaffected by this ordinance)

14X-12-1204 OWNER REGISTRATION OF VACANT STRUCTURES.

(Omitted text is unaffected by this ordinance)

14X-12-1204.4 Fees.

The fee for each registered *structure* for each registration or renewal period is ~~\$30~~ \$100. The registration fee or renewal fee is ~~\$100~~ \$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-12-1204.

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

(Omitted text is unaffected by this ordinance)

14X-12-1206—RESERVED. OWNER REGISTRATION OF VACANT OR ABANDONED COMMERCIAL STOREFRONTS.

14X-12-1206.1 General.

The owner of a commercial storefront that is a vacant or abandoned commercial storefront must register the commercial storefront with the building official as provided in Sections 14X-12-1206.2 through 14X-12-1206.11.

14X-12-1206.1.1 Definitions.

For the purposes of this chapter:

“Commercial storefront” means any area within a building that is located on the ground floor or is otherwise directly accessible from the public way that may be individually leased or rented for any commercial use group, as defined in Section 17-17-0104, regardless of whether such area comprises all or a portion of the relevant structure; has been vertically subdivided; is owned as a commercial condominium unit or comprises a portion of a single, undivided parcel; or is located in a mixed-use structure.

“Vacant or abandoned commercial storefront” means a commercial storefront that is lacking habitual presence of human beings who have a legal right to be on the premises, or located on premises at which substantially all lawful business or construction operations or occupancy has ceased, or that is substantially devoid of contents and: (1) is unsecured; (2) is secured by boarding or other similar means; (3) is located in a priority building with serious and chronic code violations listed pursuant to Section 2-92-416(d) or a building owned by a building code scofflaw and disclosed and published pursuant to Section 2-92-416(f); (4) has been unoccupied for more than 60 days; or (5) has received a reduced property tax assessment, or the owner of the commercial storefront has successfully appealed for a reduction in property tax assessment, based upon a vacancy in the commercial storefront. A commercial storefront shall not be considered vacant or abandoned if:

(1) There is a valid building permit for repair, rehabilitation, or construction of the commercial storefront and the owner completes the repair, rehabilitation, or construction within one year from

the date the initial permit was issued, unless the *building official*, in their sole discretion, determines that the *owner* needs additional time to complete the repair, rehabilitation, or construction of the *commercial storefront*; or

(2) The *owner* or tenant has filed an application for, and is actively seeking to obtain, authorization, permits, or a license required by State or local law permitting the lawful use and occupancy of the *commercial storefront*.

14X-12-1206.2 Time for compliance.

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

Exceptions:

1. Governmental agencies are exempt from registration and renewal fees.

2. The *owner* of a *vacant or abandoned commercial storefront* shall be exempt from registration and renewal fees for the first 12 months of required registration, provided that: (A) such *vacant or abandoned commercial storefront* is not located in a priority building with serious and chronic code violations listed pursuant to Section 2-92-416(d) or a building owned by a building code scofflaw and disclosed and published pursuant to Section 2-92-416(f); and (B) the *owner* has provided the *building official* with satisfactory evidence that the *owner* is actively listing or selling the *vacant or abandoned commercial storefront*, or the *structure* or *premises* containing the *vacant or abandoned commercial storefront*.

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, telephone number of an authorized agent, and lease and listing information as required under Section 14X-12-1206.6.4

14X-12-1206.6.1 Agent.

The agent must be a natural person, 21 years of age or older, designated by the *owner* as agent for receiving notices of code violations and for receiving process, in any court proceeding or administrative enforcement proceeding, on behalf of the *owner* in connection with enforcement of this code. The agent's street address must be located in Cook County, Illinois and the agent must maintain an office in Cook County, Illinois, or reside within Cook County, Illinois. An *owner* of a *vacant or abandoned commercial storefront* who is a natural person and who meets the requirements of this section as to location of residence or office may be designated as the agent.

14X-12-1206.6.2 Role of agent.

By designating an agent under the provisions of this section the *owner* is consenting to receive any and all notices of code violations concerning the registered *structure* and all process in any court proceeding or administrative enforcement proceeding brought to enforce code provisions concerning the registered *structure* or *premises* by service of the notice or process on the agent. Any *owner* who has designated an agent under the provisions of this section is deemed to consent to the continuation of the agent's designation for the purposes of this section until the *owner* notifies the *building official* in writing of a change of agent or until the *owner* files a new registration statement.

14X-12-1206.6.3 Evidence of insurance.

Where requested by the *building official*, the *owner* must provide evidence of the insurance coverage required by Section 14X-12-1206.10.1 at the time of registration or renewal, however, registration or renewal may not be denied for failure to provide evidence of insurance coverage.

14X-12-1206.6.4 Lease and listing information.

The *owner* of a *vacant or abandoned commercial storefront* shall provide a copy of any lease or other agreement granting a right of occupancy for the *commercial storefront* to the *building official*, as well as the name of any person entitled to occupy the *commercial storefront*. The *owner* shall also provide a narrative description of all leasing and listing activity taken over the preceding six months to the *building official*, including the names of any listing agents or brokers, the number of inquiries, the result of each inquiry, and any current listings of the *commercial storefront* for lease or other occupancy, including any listing to sell the *structure* or *premises*. Upon receipt of any current listings under this section, the *building official* shall forward such listings to the Commissioner of Business Affairs and Consumer Protection for each *vacant or abandoned commercial storefront* that: (i) is in compliance with the applicable requirements of this chapter; and (ii) that is not located in a priority building with serious and chronic code violations listed pursuant to Section 2-92-416(d) or a building owned by a building code scofflaw and disclosed and published pursuant to Section 2-92-416(f). By providing any current listings under the provisions of this section, the *owner* is consenting to the inclusion of the *vacant or abandoned commercial storefront* on the database maintained by the Department of Business Affairs and Consumer Protection under Section 2-25-150.

14X-12-1206.6.5 Effect.

A registration statement shall be prima facie proof of the statements therein contained in any proceeding instituted by the City against the *owner*, including any administrative

enforcement proceeding, court proceeding, or proceeding challenging a property tax assessment or reduction in property tax assessment based on the *commercial storefront* being vacant, including any intervention by the City pursuant to 35 ILCS 200/16-55.

14X-12-1206.7 Renewal.

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

14X-12-1206.8 Amended statement.

The *owner* of a *vacant or abandoned commercial storefront* 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 *vacant or abandoned 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 *structure* to determine compliance with the *Municipal Code*.

14X-12-1206.10 Additional Requirements for Vacant or Abandoned Commercial Store Fronts.

In addition to any other applicable requirements under this chapter, the *owner* of a *vacant or abandoned commercial storefront* shall comply with the requirements of Sections 14X-12-1206.10.1 through 14X-12-1206.10.5.

14X-12-1206.10.1 Insurance.

The *owner* of a *vacant or abandoned commercial storefront* must maintain liability insurance that covers the *commercial storefront*. Such 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-12-1206.10.2 Lease and Sale Activity Reports.

Within 30 days of the occurrence of any of the following, the *owner* of a *vacant or abandoned commercial storefront* shall provide any necessary information, or update any information submitted with the *owner's* registration of a *vacant or abandoned commercial storefront* to the *building official*: (i) any change to the current listing provided by the *owner* in connection with registering under this chapter; (ii) the renewal of an existing lease or the execution of a new lease for current or future occupancy of the *vacant or abandoned commercial storefront*; (iii) any purchase and sale agreement, deed, or other binding agreement for the conveyance of the *vacant or abandoned commercial storefront*, or the applicable *structure* or *premises*; and (iv) the denial of any inquiry by a prospective tenant or purchaser on materially the same terms as contained in the current listings.

14X-12-1206.10.3 Business Identification Signage.

In addition to any other applicable requirements under, and notwithstanding any conflicting provision of, the *Municipal Code*, the owner of a vacant or abandoned commercial storefront shall remove, or cause the removal of, all business identification signs related within 30 days of the commercial storefront becoming a vacant or abandoned commercial storefront.

14X-12-1206.10.4 Exterior Structure.

In addition to, and notwithstanding any conflicting provisions of, the applicable requirement of Section 14X-12-1202.4 and Section 14X-12-1204.5, the exterior structure of a vacant or abandoned commercial storefront, including windows, doors, and any interior portion of the vacant or abandoned commercial storefront that is visible from the public way, must be maintained in sound condition and good repair; kept free of the storage, placement, or accumulation of goods and merchandise visible from the public way; and otherwise maintained in keeping with the general aesthetic quality of the surrounding area. All windows glass must be kept clean and window openings must retain their transparency and should not be blocked with interior or exterior barriers including signage or with an exception for any materials approved for covering any unsecured openings under Section 12X12-1206.

14X-12-1206.10.5 Notice of Vacancy-Related Assessments.

The owner of a vacant or abandoned commercial storefront shall notify the City within 30 days of, based upon a vacancy in the commercial storefront, applying for or receiving a reduced property tax assessment, filing an appeal for a reduction in property tax assessment, or successfully appealing for a reduction in property tax assessment.

14X-12-1206.11 Prohibited Lease Terms for Commercial Storefronts.

Notwithstanding anything in the *Municipal Code* to the contrary, a private agreement that purports to prohibit a tenant of a commercial storefront from voluntarily vacating or otherwise ceasing operations at such commercial storefront while simultaneously preventing the owner of the commercial storefront, by the continuing payment of rent or otherwise, from leasing such commercial storefront to another tenant to operate another permitted business or use in such commercial storefront are declared to be against public policy, null, void, and unenforceable.

14X-12-1207 WATCHMAN.

14X-12-1207.1 Scope.

The owner of any vacant and open structure, ~~or~~ any uncompleted abandoned structure, ~~or~~ any vacant boarded-up structure, any vacant or abandoned commercial storefront, or any otherwise enclosed vacant structure must have a watchman on duty upon the premises on which any one of such aforementioned buildings is situated every day continuously, unless the building has been secured by methods required in Section 14X-12-1202.6, including any heightened requirements under Section 14X-12-1202.6.5.

14X-12-1208 VIOLATIONS.

14X-12-1208.1 Penalties for Violations.

In addition to any other applicable penalties under the *Municipal Code* or any remedy available to the City at law or equity, violations of this chapter may be subject to abatement proceedings under Section 14A-3-313.

SECTION 2. Section 14A-3-313 of the Municipal Code of Chicago is hereby amended by inserting the language underlined, as follows:

14A-3-313 NUISANCE ABATEMENT.

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 unaffected by this ordinance)

5. A vacant or abandoned commercial storefront, as defined in Section 14X-12-1206.1.1, that has remained a vacant or abandoned commercial storefront in violation of Chapter 14X-12, including by failing to register with the City under Section 14X-12-1206.1, for a period of 12 months.

6. A vacant structure that has remained a vacant structure in violation of Chapter 14X-12, including by failing to register with the City under Section 14X-12-1204.1, for a period of 12 months.

SECTION 3. Section 14A-3-314 of the Municipal Code of Chicago is hereby amended by inserting the language underlined, as follows:

14A-3-314 INCARCERATION.

14A-3-314.1 Scope.

In addition to any other penalty or remedy provided for in this chapter, punishment by a term of incarceration for not more than 6 months must be imposed when specifically sought by the Corporation Counsel and where authorized by Sections 14A-3-314.1.1 through 14A-3-314.1.7.

(Omitted text is unaffected by this ordinance)

14A-3-314.1.5 Failure to secure vacant building.

The owner of a vacant building or a vacant or abandoned commercial storefront, as defined in Section 14X-12-1206.1.1, is subject to incarceration for a term not to exceed 6 months if the building or commercial storefront, as defined in Section 14X-12-1206.1.1, 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.

The owner of a vacant building or a vacant or abandoned commercial storefront, as defined in Section 14X-12-1206.1.1, 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 vacant or abandoned 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.

The owner of a vacant building or a vacant or abandoned commercial storefront, as defined in Section 14X-12-1206.1.1, 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 or vacant or abandoned commercial storefront. For purposes of this provision, "forcible felony" has the same meaning as in the Criminal Code of 2012, 720 ILCS 5/2-8.

SECTION 4. Chapter 2-25 of the Municipal Code of Chicago is hereby amended by inserting a new Section 2-25-150, as follows:

2-25-150 List of Vacant or Abandoned Commercial Storefronts.

The Commissioner shall develop a database of vacant or abandoned commercial storefronts, as defined in Section 14X-1206.1.1, including any applicable current listing received by the Commissioner under Section 14X-1206-6.4. The Commissioner may make such current listings available to prospective and current licensees in connection with the Department's economic development and small business initiatives.

SECTION 5. Section 2-92-416 of the Municipal Code of Chicago is hereby amended by inserting the language underlined, as follows:

2-92-416 Serious and chronic code violations.

(Omitted text is unaffected by this ordinance)

(g) Surety bond required. Each owner of a priority building with serious and chronic code violations listed pursuant to subsection (d) of this section or a building owned by a building code scofflaw and disclosed and published pursuant to subsection (f) of this section shall obtain and provide evidence to the Corporation Counsel, and carry in full force and effect throughout the time such building remains a priority building with serious and chronic code violations or remains owned by a building code scofflaw, a performance or surety bond in an amount equal to the lesser of: (i) the cost to abate all immediate hazards and complete work necessary to remedy all other violations of the building provisions of this Code; or (ii) the cost of demolition of the applicable building, including the full cost of demolition and maintenance of the vacant building site for a period of 12 consecutive months.

(h) Rules. The Commissioner and Corporation Counsel are authorized to adopt rules to implement this section.

SECTION 6. Chapter 3-92 of the Municipal Code of Chicago is hereby amended by inserting a new Section 3-92-085, as follows:

3-92-085 Intervening in Vacancy Related Assessment Reductions.

(a) Whenever the City receives a copy of a petition pursuant to 35 ILCS 200/16-55(i) for an assessment reduction based as a result of vacancies, in full or in part, for any property that is considered commercial property for the purpose of property taxes within the City, the Corporation Counsel shall review such petition to confirm if the subject property has been registered as a vacant building pursuant to Section 14X-12-1204, and shall forward a copy of the petition to the Alderman of the ward where the subject property is located with a request for any relevant facts or circumstances related to the alleged vacancies at the subject property. The Corporation Counsel: (i) shall intervene if the subject property is not listed on the vacant property registry; and (ii) may intervene in other cases where the Corporation Counsel determines that it is in the best interest of the City.

(b) Within 30 days following a successful appeal for an assessment reduction based as a result of vacancies, in full or in part, for any property that is considered commercial property for the purpose of property taxes within the City where the City intervened under subsection (a) of this section, the Corporation Counsel shall review the available information to determine whether the owner of the subject property is in violation of Section 14X-12-1204 or any other applicable provision of this Code related to vacant buildings or lots, and shall pursue any available remedies under this Code, including, as applicable, under Chapter 1-21 or Chapter 1-23.

SECTION 7. Within 90 days of the effective date of this ordinance, the Corporation Counsel shall review all petitions received in the previous 2 years by the City pursuant to 35 ILCS 200/16-55(i) for an assessment reduction based as a result of vacancies, in full or in part, for any property that is considered commercial property for the purpose of property taxes to determine whether the owner of the subject property is in violation of Section 14X-12-1204 or any other applicable provision of this Code related to vacant buildings or lots, and shall pursue any available remedies under this Code, including, as applicable, under Chapter 1-21 or Chapter 1-23.

SECTION 8. This ordinance shall take effect 10 days after passage and publication.

Silvana Dubois 23rd

James Budini 45

Will D. Polyo 22

Maty Quinn 13

 41st

Anthony Napolitano
41st Ward Alderman

 46

 36th Matt. 07/16/19

Paul Curtis 18

 24

 37

Pat Douell 31st

 5

Scott Wagners 32nd

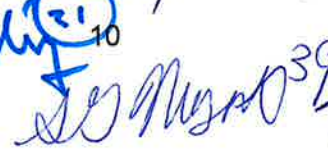
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Roman L. Marky 31

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