

**City of Chicago
Department of Buildings**

**RULES AND REGULATIONS
FOR EXTERIOR WALL MAINTENANCE**

**City of Chicago
Richard M. Daley
Mayor**

**Richard Monocchio
Commissioner**

BY AUTHORITY VESTED IN THE COMMISSIONER OF BUILDINGS PURSUANT TO THE GENERAL PROVISIONS OF THE MUNICIPAL CODE OF CHICAGO, THE FOLLOWING RULES AND REGULATIONS REGARDING EXTERIOR WALL MAINTENANCE ARE ADOPTED HEREIN.

By Order of the Commissioner:


Richard Monocchio

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**CITY OF CHICAGO
DEPARTMENT OF BUILDINGS
PROPOSED RULES AND REGULATIONS
for
EXTERIOR WALL MAINTENANCE**

RULE 1. DEFINITIONS

Rule 1.1 “Category I buildings” means those buildings constructed with exterior walls and enclosures that are primarily reinforced with, or are in direct contact with, non-corrodible metal.

Rule 1.2 “Category II buildings” means those buildings constructed with exterior walls and enclosures that are primarily reinforced with, or are in direct contact with: (i) corrosion resistant metal; or (ii) corrodible metal that is protected by flashing and corrosion-resistant metal anchors.

Rule 1.3 “Category III buildings” means those buildings constructed with exterior walls and enclosures that are primarily reinforced with, or are in direct contact with, corrodible metal.

Rule 1.4 “Category IV buildings” means those buildings constructed with exterior walls and enclosures that are primarily secured to the substrate by adhesive bond or with masonry headers.

Rule 1.5 “Corrodible metal” means unprotected carbon steel, shop-primed steel, uncoated reinforcing bars and other metals that can corrode.

Rule 1.6 “Corrosion-resistant metal” means corrodible metal that is galvanized, epoxy coated, or painted specifically to resist corrosion with that finish intact.

Rule 1.7 “Non-corrodible metal” means stainless steel, aluminum and other metals that do not corrode under atmospheric conditions.

Rule 1.8 “Commissioner” means the Building Commissioner.

Rule 1.9 “Department” means the Department of Buildings.

Rule 1.10 “Unsafe and imminently hazardous condition” means a condition in an exterior wall or enclosure that has no reliable means of structural support, and that is dangerous to people or property.

Rule 1.11 A “safe with a repair and maintenance program condition” means a condition in an exterior wall and enclosure that is considered by the professional not to be in an “unsafe and imminently hazardous condition” at the time the critical examination is performed, but requires repair and maintenance within a time period designated by the professional in order to prevent its deterioration into an “unsafe and imminently hazardous condition.”

Rule 1.12 A “safe condition” means a condition in an exterior wall and enclosure that exhibits neither an “unsafe and imminently hazardous condition” nor a “safe with a repair and maintenance condition” at the time of the critical examination.

Rule 1.13 “Failure of the exterior enclosure” means that any portion of the cladding or component of the facade has broken away from the exterior wall and is dangerous to people or property.

Rule 1.14 “Repair” or “Repair work” means work performed on a building which is permanent in nature and intended to bring any condition into a state of reliability.

Rule 1.15 “Stabilization” means work performed on an exterior wall of a building which is temporary in nature and intended to contain an unsafe and imminently hazardous condition until permanent repairs can be affected. The location and description of any stabilization work shall be reported to the Department at (312) 743-7200. The report shall include a description of a recommended repair program and schedule and a discussion of any stabilization work performed or required.

Rule 1.16 A “current report,” “current critical examination report,” or “current ongoing inspection and repair report” means a report that sets forth the findings of a critical examination or an ongoing inspection and repair examination which has been completed within the four (4) months previous to the date that the critical examination report or an ongoing inspection and repair report is due.

Rule 1.17 “Flashing” means a thin impervious material used in the construction of a building to prevent water penetration or provide water drainage, especially between a roof and wall, and over exterior door openings, windows and shelf angles.

Rule 1.18 “ Representative drop” means a movement from top to bottom of a building façade, covering an area at least 24 feet wide using scaffolding, cranes, hoists, cherry pickers, ladders and other devices that permit a close-up visual examination of the façade at elevations above grade level.

Rule 1.19 “Public way” means a public street, alley, sidewalk or park.

RULE 2 FILING REQUIREMENTS

Rule 2.1 Owners of occupied buildings may choose to file Ongoing Inspection and Repair Report "Short Forms" every second year and not file critical examination reports at category mandated frequencies provided that all of the following conditions are met:

- a. There is a critical examination on file and that report has been acknowledged by the Department of Buildings as true to form.
- b. The most recently filed report, either critical examination or ongoing inspection and repair report, classified the building as "Safe" or "Safe with Repair and Maintenance".
- c. Owners notify the Department of Buildings in writing of their intention to choose this filing option by emailing the address posted on the Department of Buildings web site under "Exterior Wall Program". Owners will receive confirmation that the specified building meets all requirements.

Rule 2.2 Owners of vacant buildings must file critical examinations every 4th year, regardless of building category, for the time that the building remains vacant.

Rule 2.3 Owners of occupied buildings where the most recent report classified the building as "unsafe and imminently hazardous" must file critical examinations and ongoing maintenance reports at the intervals required for the building category until such time as the building can be considered "Safe" or "Safe with Repair and Maintenance".

Rule 2.4 Owners of newly constructed buildings are permitted to begin the "Short Form Only" program without an initial critical examination provided that dangerous and hazardous conditions have not been discovered on the building. The initial report will be required 2 years after first occupancy.

RULE 3 EXAMINATIONS OF EXTERIOR WALL BALCONIES, FIRE ESCAPES, CHIMNEYS, HANGING AIR CONDITIONERS, MARQUEES, ATGRADE CANOPIES, SIGNS, FLAGPOLES, AND WINDOW WASHING AND EXTERIOR MAINTENANCE SYSTEMS

Rule 3.1 For purposes of examining exterior wall balconies, fire escapes, chimneys, hanging air conditioners, marquees, at-grade canopies, signs, flagpoles, and window washing and exterior maintenance systems (collectively the "Appurtenances"), the examination shall be performed in compliance with Rule 4. The examination shall be limited to a visual examination of the surface of the exterior wall where the appurtenances are in contact with the wall, and their impact, if any, on the integrity of the exterior wall.

Rule 3.2 If the Professional discovers conditions that may implicate the integrity of the exterior wall where it comes into contact with an appurtenance, the professional shall inform the owner, in writing, of the need for further examination of such structures. The professional shall include in the critical examination or on-going inspection and repair report documentation that the notification required by this rule has been provided to the owner.

RULE 4 CLOSE-UP VISUAL EXAMINATIONS

Rule 4.1 In performing a critical examination, the professional shall conduct or supervise a close-up visual examination to determine whether an exterior wall and enclosure should be characterized as “unsafe and imminently hazardous”; “safe with a repair and maintenance program”; or “safe condition.”

Rule 4.2 A close-up visual examination shall be conducted by a professional or an architect-in-training, engineer-in-training, technician, contractor or skilled trades people, under the professional’s direct supervision, who must make physical contact with those portions of the exterior wall reachable by hand or tool while utilizing scaffolding, boatswain chairs, or lifts at a minimum of one (1) representative drop on each public way spanning no less than 24 feet. If any repairs are required, only scaffolding shall be used.

Rule 4.3 To supplement the close-up visual examination, other methods, including but not limited to, photographic magnification techniques, remote observation equipment, or infra-red or thermography cameras, which can demonstrate reasonable reliability may be approved by the Commissioner on a case-by-case basis. Such approval must be granted prior to the examination.

RULE 5 CRITICAL EXAMINATIONS

Rule 5.1 Based upon any previous critical examinations or upon review of the construction documents for the building, the professional shall categorize the building according to the categories as defined in these rules and include such information in any reports. Based upon the category of the building, a critical examination shall be performed as required in these rules unless the owner is qualified for and participating in the “Short Form Only” program.

Rule 5.2 The owner of a Category I building shall have a critical examination performed on the building and submit a current critical examination report no later than December 1 of the twelfth (12th) year following the last submitted critical report unless the owner is qualified for and participating in the “Short Form Only” program.

Rule 5.3 The owner of a Category II or IV building shall have a critical examination performed on the building and submit a current critical examination report no later than December 1 of the eighth (8th) year following the last submitted critical report unless the owner is qualified for and participating in the “Short Form Only” program.

Rule 5.4 The owner of a Category III building shall have a critical examination performed on the building and submit a current critical examination report no later than December 1 of the 4th year following the last submitted critical report unless the owner is qualified for and participating in the "Short Form Only" program.

Rule 5.5 The commissioner may reset the time for the next reporting cycle to be consistent with the building's respective category for any building, if, during the inspection and reporting cycle applicable to that building, an owner submits a report to the commissioner that sets forth repairs on the building that occurred during the reporting cycle, and the report meets the requirements of a current critical examination report.

Rule 5.6 Critical examinations shall begin with every elevation parallel to any public way.

Rule 5.7 Light courts enclosed by walls on all sides need not be included in the scope of a critical examination, unless there are skylights at the bottom of the courtyard or there are openings that permit public ingress or egress into the light court. In any case, such light court shall be included in any ongoing inspection and repair report.

Rule 5.8 Examination of the substrate of typical wall areas with no externally visible distress at no less than one inspection opening per elevation shall be required in buildings which meet all of the following conditions:

- a) The building is fifty (50) years or older;
- b) Component and cladding of the building is comprised of masonry, stone or terra cotta; and
- c) The material is affixed to the building with concealed corrodible or corrosion resistant metal fasteners.

Rule 5.9 Examination of the substrate shall require the physical removal of small portions of the components or cladding at the inspection openings as recommended by the professional.

Rule 5.10 The owner shall notify the Department, in writing, as soon as possible of any deviation from a schedule of repairs recommended by the professional either in the critical examination report or in any emergency repair schedule recommended.

Rule 5.11 Repairs may be performed concurrent with the performance of a critical examination. Any repair work performed concurrently with a critical examination shall be in conformity with all applicable permit requirements.

Rule 5.12 Any repair work conducted under the auspices of a general repair permit which is structural in nature shall cause the owner to submit proper plans and documentation and obtain a revised building permit at the completion of the work. It shall be the duty of the owner or professional to remove any remedial or repair work that the Commissioner determines is in violation of the Building Code.

Rule 5.13 The repair or replacement-in-kind of any materials or types of structural support systems, such as, but not limited to: lintels or shelf angles, shall require a permit but no structural plans or structural review. Repair work which may be characterized as nominal or cosmetic, such as, but not limited to: sealing or patching, shall not require a permit.

Rule 5.14 Repair work shall not be performed from or upon any fixed scaffolding which does not meet a minimum live load of at least 30 lbs. per square foot.

Rule 5.15 Professional's report

- 1) Every critical examination report shall be signed and have the professional's seal attached and shall certify that the professional has:
 - i) Reviewed the pertinent available drawings and specifications of the building to determine the specified design of the exterior wall systems on the building;
 - ii) reviewed the available as-built drawings and specifications of the building and as-built conditions exposed by inspection openings cut in the wall for a critical examination to determine the as-built construction of the exterior wall system on the building;
 - iii) Reviewed the available drawings and specifications and maintenance reports on previous repair work performed on the exterior facade to obtain information on the maintenance history of the facade wall; and
 - iv) has notified the owner of exterior wall areas that are bowed, bulged, displaced or leaning and that examination of the condition of a sufficient number of metal ties, anchors and shelf angles that support the wall at these location should be performed.
- 2) Recognizing the limitations on detecting concealed internal wall distress, the critical examination may not find all unsafe and imminently hazardous conditions in the wall that are not visible from the exterior, however, the professional shall certify in the report that the critical examination was performed in accordance with the exterior wall ordinance and rules and regulations, and the applicable standard of care for architects or structural engineers.

Rule 5.16 All critical examination reports shall include the following information and such information shall be in the order as outlined below:

- 1) Name and address of building;
- 2) Site plan of building showing adjacent streets and alleys and a relationship of building to property lines and to adjacent buildings;
- 3) Principal building occupancy and type of mixed use, if any;
- 4) Complete name, mailing address and phone number for the owner, including primary contact person on site and at the management company, if applicable;
- 5) Name, business address and phone number of professional preparing the critical examination report;
- 6) Description of building, including: number of stories; height; plan dimensions; age and type of exterior wall construction, describing (as applicable) cornices, soffits or similar overhangs or features;
- 7) Overall photographs or drawings of all elevations of the building;

- 8) Detailed description of the critical examination in narrative form, that must include characterization of the building as: "unsafe and imminently hazardous"; "safe with a repair and maintenance program"; or "safe"; and start and completion dates of the exam;
- 9) Drawings or photographs to describe the locations and extent of all significant distress or deteriorated conditions observed in the exterior walls;
- 10) Description and location of observed unsafe and imminently hazardous conditions in the exterior wall; and description of recommended repair program and schedule to address these conditions; and a discussion of any stabilization work performed or required;
- 11) Description of recommended repair work, if any, and the urgency of such repairs;
- 12) Where appropriate, a comparison of conditions of exterior walls on building with conditions observed during previous examinations;
- 13) Recommendation for future examination, if earlier than otherwise required by Code;
- 14) Signature and seal of Professional who performed or supervised the critical examination;
- 15) Date of the report;
- 16) Other documents, notes, summaries, memoranda, letters or ancillary reports pertinent to the critical examination report prepared by the professional and submitted to the owner; and
- 17) Categorization of the building as determined by the professional.

Rule 5.17 The owner shall submit two paper copies of the current critical examination report on 8½ x11 paper.

Rule 5.18 All critical examinations must be performed within the previous twelve month period from the date that they are due.

RULE 6 ONGOING INSPECTIONS AND REPAIR PROGRAM AND REPORTS

Rule 6.1 Any owner eligible for and participating in the Ongoing Maintenance and Repair Report option outlined in Rule 2 shall submit a current ongoing inspection and repair report no later than November 1st every 2nd year.

Rule 6.2 The owner of a Category I building shall submit a current ongoing inspection and repair report no later than November 1st every sixth (6th) year after submission of a critical examination report unless the owner is qualified for and participating in the "Short Form Only" program.

Rule 6.3 The owner of a Category II or IV building shall submit a current ongoing inspection and repair report no later than November 1st every fourth (4th) year after submission of a critical examination report unless the owner is qualified for and participating in the "Short Form Only" program.

Rule 6.4 The owner of a Category III building shall submit a current ongoing inspection and repair report no later than November 1st every second (2nd) year after submission of a critical examination report unless the owner is qualified for and participating in the "Short Form Only" program.

Rule 6.5 All ongoing inspection and repair reports shall include such information as requested on a form approved by the Commissioner. It shall also include other documents, notes, summaries, memoranda, letters or ancillary reports pertinent to the ongoing maintenance report prepared by the professional and submitted to the owner.

Rule 6.6 Any report or form which indicates the need for ongoing maintenance must include a thorough description of recommended repairs, maintenance or corrective actions and a timetable for completion. References to previous critical examination report materials must be specific with required repairs and timetable for completion; statements similar to "Repairs should be performed as outlined in 2004 critical examination" will not be accepted. The performance of the recommended repairs and maintenance work in accordance with the timetable shall be confirmed in subsequent reports.

RULE 7 UNSAFE AND IMMINENTLY HAZARDOUS CONDITIONS

Rule 7.1 Upon determining that an exterior wall is in an unsafe and imminently hazardous condition, the owner and professional shall promptly notify the Department by phoning (312) 743-7200 during business hours or, during non-business hours, by phoning 311. It shall also be the responsibility of the professional, or an architect-in-training or engineer-in-training under the professional's direct supervision, to personally examine the condition and determine the appropriate repair or stabilization procedures. The owner of the building shall promptly begin repairs or stabilization of an unsafe and imminently hazardous condition

Rule 7.2 A schedule of the repair or stabilization work shall be submitted to the Commissioner within 72 hours of notification to the owner by the professional.

Rule 7.3 An application for a building permit for the repair work shall be submitted no later than 30 days after the professional notifies the owner and the Commissioner of the unsafe and imminently hazardous condition; provided, however, that if the severity of conditions warrant more immediate action, the Commissioner may prescribe an earlier date by which an application must be submitted.

Rule 7.4 If the unsafe and imminently hazardous condition is discovered during an Ongoing Maintenance and Repair Program ("Short Form") inspection, the owner may be required to perform a critical examination on portions of or all of the façade of the building. Verbal notice of the requirement may come at the time of inspection; official notice will come in the form of a circuit court case.

RULE 8 FEES

Rule 8.1 The filing fee for a critical examination report and an ongoing inspection and repair report shall be \$10.

Rule 8.2 The filing fee for the review of any report filed because the initial report was determined to be unacceptable shall be \$10.

RULE 9 DELINQUENT REPORTS

Rule 9.1 The Department of Buildings reserves the right to consider a report delinquent for the previous calendar year when both inspection date and report submittal occur in the calendar year following originally required due date. Reports submitted for structures that do not have the required report on file with the Department of Buildings may be considered delinquent if the report is submitted before August 1st of the calendar year following the originally required due date.

Rule 9.2 If a building owner receives a violation notice for not filing a report for any calendar year, and the inspection is not performed and report submitted before August 1st of the following calendar year, it will be impossible to comply that violation. Owners may be required to file a report to bring the building up to date but the time frame for future reports will not be impacted.

Rule 9.3 If a report is considered delinquent for the previous calendar year, future reports will be required based on the year for which the report was acknowledged, not the year that the inspection was performed and report submitted.

RULE 10 EXTENSIONS

Rule 10.1 An owner may request, in writing, an extension for the due date for the submission of a critical examination report or ongoing inspection and repair report. The request shall set forth the reasons for the extension, which may include but not be limited to the following:

- (a) The building is scheduled for demolition within the next twelve months of the due date of the report.
- (b) The building is performing a major restoration project at the time the critical examination is due that will be completed within 1 year of the critical examination due date.
- (c) The building or structure is the recipient of federal, state or municipal funding advanced specifically for the purpose of financing the cost of exterior wall and facade repairs, critical examinations and ongoing inspections.

Rule 10.2 Formal extensions will not be granted for the following:

- (a) The building is located in a district where the City of Chicago imposes a moratorium on canopies during the holiday season.
- (b) Buildings requesting an extension of less than 3 months due to a variety of reasons including but not limited to delay in hiring of architect or structural engineer and inclement weather.

Rule 10.3 All owners shall make their request for an extension of time to comply with these Rules in a written letter directed to the Commissioner of Buildings. Submission of a letter requesting an extension of time shall not constitute approval by the Building Commissioner, nor toll the owner's obligation to comply with these rules until such time as the Commissioner issues a letter approving the request. The letter must include:

- (a). Address of building
- (b). Date(s) of last examination(s)
- (c) Reason for requested extension, including all relevant documentation
- (d) Alternative plans for inspection, if necessary
- (e) Additional documentation from the architect or structural engineer that, based upon the licensed expert's inspection, that the structure in question is free of any imminently dangerous and hazardous exterior wall conditions and that there is no evidence that would cause the expert to conclude that an imminent collapse of the exterior facade components is possible.

Rule 10.4 Requests must be made no later than 3 months before the report deadline to be considered

Rule 10.5 The extension shall be granted for a period no longer than one year from the date that the critical examination report or ongoing inspection and repair report was originally required to be filed.