Proceedings
Chicago Committee on High Rise Buildings

Seminar on the
New requirements
of the Chicago
Façade Inspection
Ordinance - 2008

presented by the
Chicago Committee on High Rise Buildings
in cooperation with the
City of Chicago Department of Buildings

March 20, 2008
James R. Thompson Center, Chicago

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Report No. 19
March 2008
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- ABOMA Illinois: Apartment Building Owners and Managers Association of Illinois
- AIA/Chicago: American Institute of Architects; Chicago Chapter
- BOMA Chicago: Building Owners and Managers Association, Chicago
- CAR: Chicago Association of Realtors
- CSI Chicago: Construction Specifications Institute; Chicago Chapter
- IREM: Institute of Real Estate Management
- IUOE Local 399: International Union of Operating Engineers, Local 399
- SEAOI: Structural Engineers Association of Illinois
- Chief Engineers Association of Chicagoland.
- City of Chicago Department of Buildings
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Chicago Committee on High Rise Buildings
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Frequently Asked Questions
GOOD MORNING and welcome to the Chicago Committee on High Rise Buildings seminar on the changes to the City of Chicago Façade Inspection Ordinance Rules and Regulations. Before we go any further, I would like to tell you here today that the City of Chicago is a safer place to live, work, and play. Visitors can come to our great city, enjoy the beauty of our skyline, the beauty of our skyscrapers looking up to admire their fabulous facades without the worry of something falling upon them.

In conjunction with the City of Chicago’s Building Department, the Chicago Committee on High Rise Buildings worked closely with local and national organizations to develop a cost effective, and more importantly a safe inspection program for the maintenance of exterior walls and enclosures. Today our City is in good hands with these dedicated individuals who have worked so hard to keep this ordinance in place and the avenue of communication open so that you the owners, managers and maintainers of these structures are kept aware of its existence and of its importance.

These individuals who are here beside me today and many others have spent countless hours of their time and energy to insure that the quality Chicago’s Façade Inspection Ordinance remains fair and in the best interest of the citizens and visitors of Chicago. Equally, you who are here today, also show your commitment to keep our buildings structurally sound, more water resistance and as an added bonus looking stunning and clean.

Without further ado I like to introduce to you our speakers today:

Peter Ousley, Deputy Commissioner, City of Chicago Department of Buildings.

Jon Boyd, Executive Vice-President of Klein & Hoffman, Inc., member CCHRB will recite the recent amendments to the Ordinance and monitor today’s program.

Ian Chin, Vice-President and Principal of Wiss Janney Elstner & Associates, member CCHRB and Perimeter Fire Containment Task Force Chairman will recite the current Rules & Regulations of the Ordinance.

Jose’ Aparicio, City of Chicago Department of Buildings will give us an overall of Administration and Compliance Monitoring of the Ordinance.

Thomas Skweres, President, Vanguard Chicago will give us the Buildings Owners Perspective.

Jeffery Winick, Attorney, Stein, Ray and Harris will give us the Legal/Liability Considerations for Owners and Design Professionals.

I would also like to thank CCHRB members;

John Burns, John Burns Consulting Company

Paul Colgan, Chief Executive Officer of Attainable Housing Alliance

Kim Clawson, Associate Principal, Goettsch Partners
Acknowledgements

• Chicago Committee on High Rise Buildings

• Chicago City Council

• Committee on Buildings
  – Ald. Bernard Stone, Chairman
Two Departments

• In 2003, The Department of Construction and Permits was created to improve the processing of permits.

• Buildings are still responsible for inspections, licensing and code enforcement.
Departments Re-united

• In October 2007, the Departments were combined to help save $1.1 million.

• Buildings now offers one-stop service for all design and construction.

• 370,000 Inspections Annually

• 60,000 Permits Issued Annually
Our Mission

The Department of Buildings supports the safety and quality of life for the residents and visitors of Chicago through the enforcement of the Building Code.

The permitting and inspection process promotes high-quality design standards as well as the conservation, rehabilitation and reuse of the existing building stock.
PREFACE

In the late 1970’s a series of events gave rise to development of one of the nation’s first municipal ordinances mandating periodic inspection of building exteriors. The Chicago ordinance was subsequently repealed, however other cities subsequently created laws and ordinance addressing similar concerns. In addition, a broader national standard was developed by ASTM E6.55, entitled ASTM E2270 - “Standard Practice for Periodic Inspection of Building Facades for Unsafe Conditions”.

A new Chicago façade ordinance was enacted in 1996, with significant revisions made to the requirements 2000 and 2002. In late 2007, a substitute ordinance was enacted that fully reorganized sections 34(13-196-031 through 34(13-196-039) of the City of Chicago Municipal Code. These are the subject of this seminar and publication.

Although compliance with the ordinance can not provide a guarantee that future events of falling materials will not occur, it is the intent of the ordinance and its rules and regulations to significantly reduce the number of building exteriors which receive inadequate maintenance in the City of Chicago.

This seminar and publication is intended to assist building owners, contractors and design professionals in developing a proper understanding of the amended requirements and procedures for compliance.

Chicago Committee on High Rise Buildings
Review of the  
2007 Maintenance of Exterior Walls and Enclosures Ordinance

Elsewhere in this proceedings volume, are the current City of Chicago Ordinance language and the Rules and Regulations for compliance. There is also a copy of the current “short form”. You may reference these documents in regard to the commentary that follows.

The City of Chicago Maintenance of Exterior walls and Enclosures Ordinance, often referred to as the “Façade Ordinance”, is divided into the following sections.

Maintenance of Ext. Wall and Enclosures
  • 34(13-196-031) Definitions
  • 34(13-196-032) Application – All buildings over 80 feet in height
  • 34(13-196-033) Critical Examinations
  • 34(13-196-034) Ongoing Inspection and Repair Program
  • 34(13-196-035) Reporting
  • 34(13-196-036) Retention of records at the Building
  • 34(13-196-037) Unsafe Exterior walls and Enclosures
  • 34(13-196-038) Rules and Regulations
  • 34(13-196-039) Fines and Penalties

34(13-196-031) Definitions
For purposes of Sections 13-196-031 through 13-096-039, the following words and terms are defined as follows:  [Note: Underlining is for emphasis.]

"Commissioner" shall mean the commissioner of buildings or his designee.

"Critical examination" shall mean a close-up visual examination of the condition of all elevations of the exterior walls and enclosures. All examinations shall be performed by or under the direct supervision of a professional employed by the owner for the purpose of determining if remedial work is required.

[The previous version included the specific of amount of coverage, which has been moved to the Rules and Regulations, referred to in section 13-196-038.]

"Critical examination report" shall mean a report prepared by a professional retained by the owner that sets forth the findings of a critical examination conducted by the professional. The report shall include: (i) recommendations by the professional for any necessary repairs or remedial work; (ii) a proposed schedule for completion of the necessary repairs or remedial work; and (iii) any other information requested by the commissioner that he deems relevant and reliable. The report shall be signed by and bear the seal of the professional and be in the format set forth in the rules and regulations.

[This definition is new to this section and covers items previously included in section 13-196-034.]
"Exterior walls and enclosures" shall mean the exterior envelope of a building or structure, or any part thereof, including, but not limited to, balconies, fire escapes, chimneys, hanging air-conditioners, marquees, at grade canopies, signs, flagpoles, fire escapes, and window washing and exterior maintenance systems.

[This definition is new to this section and includes items not specifically identified in the ordinance previously.]

"Ongoing inspection and repair program" shall mean a program for the periodic inspections of the exterior walls and enclosures of a building or structure by a professional retained by the owner and the completion of any recommended repairs or remedial work by the owner.

[This definition is revised in form but is not materially different from the old versions, except for the interval of the inspections required, which are now addressed in the Rules and Regulations.]

"Ongoing inspection and repair report" shall mean a report prepared by a professional retained by the owner that sets forth the findings of an inspection performed pursuant to the ongoing inspection and repair program. The report shall include: (i) a description of the condition of the building's exterior walls and enclosures, and any surveys, inspections or repair work performed; (ii) recommendations by the professional for any necessary repairs or remedial work; (iii) a proposed schedule for completion of the recommended repairs or remedial work; and (iv) any other information requested by the commissioner that he deems relevant and reliable. The report shall be signed by and bear the seal of the professional and be in the format set forth in the rules and regulations.

[This definition is new to this section and covers items previously included in section 13-196-034.]

"Owner" shall have the same meaning ascribed to that term in Section 13-4-010 of this code. [Definition Revised]

"Professional" shall mean an Illinois licensed architect or Illinois licensed structural engineer.

34(13-196-032) Application

Exterior walls and enclosures of buildings that are 80 feet or more in height above grade shall comply with Sections 13-196-033 to 13-196-037.

[This section was revised in 2002 to remove the term “six stories”, limiting the requirement to buildings over 80 feet regardless of number of stories. Note: The term ‘height’ in this section and elsewhere in section 13-196 is intended as the height of the exterior walls above grade, and is not to be confused with the term ‘height of building’ as referred to in section 13-48 ‘Height and Area Limitations’.]

Critical Examinations

(a) The owner of every building 80 feet or more in height above grade shall, at intervals designated in rules and regulations:

(1) arrange for periodic critical examinations of the building; and

(2) submit the critical examination report to the commissioner.

(b) The initial critical examination report shall be submitted for all buildings constructed prior to January 1, 1950, by December 1, 2003, and on all buildings constructed on or after January 1, 1950, by December 1, 2004. The initial critical examination report for buildings constructed after the effective date of this 2007 amendatory ordinance shall be submitted as designated in the rules and regulations.

(c) Following the initial critical examination, the building shall be subsequently critically examined, and the critical examination report submitted, at the intervals designated in the rules and regulations. Any building which cannot be categorized according to the information contained in a previously submitted critical examination report shall be required to supplement the report with a certification by a professional as to which category the building belongs.

(d) The owner shall perform the necessary repairs and remedial work set forth in the critical examination report. Nothing in this section shall be construed as authorizing any owner to make any repairs or perform any remedial work without the proper permits.

Maintenance Of Exterior Walls And Enclosures -- Ongoing Inspection And Repair Program.

(a) The owner of every building 80 feet or more in height above grade shall, at intervals designated in rules and regulations:

(1) establish an ongoing inspection and repair program for the years intervening the critical examinations of the building; and

(2) submit the ongoing inspection and repair program report to the commissioner.

(b) The owner shall perform the necessary repairs and remedial work set forth in the ongoing inspection and repair report. Nothing in this section shall be construed as authorizing any owner to make any repairs or perform any remedial work without the proper permits.

[Intervals for mandated inspections are now defined in the Rules and regulations.]

Maintenance Of Exterior Walls And Enclosures - Reporting

(a) For every ongoing inspection and repair report, and for every critical examination report, the owner shall submit the report, accompanied by a filing fee, to the building commissioner.

(b) The commissioner shall make a determination whether a report submitted by the owner is acceptable or not acceptable. A report shall not be considered filed until the building commissioner makes a determination that the report is acceptable.
(c) For any report determined to be not acceptable, the owner shall: (1) submit a new report that addresses the deficiencies noted in the original report; and (2) pay a fee for reviewing the new report.

(d) The commissioner may, in rules and regulations, establish the amount of any fee and appropriate timeframes for the submission of any report, required by this section.

13-196-036 Maintenance Of Exterior Walls - Retention Of Records At The Building

It shall be the duty of the owner to retain at the building for which the reports were prepared a copy of:

(1) the most recent critical examination report; and

(2) any ongoing inspection and repair reports prepared after the most recent critical examination report.

13-196-037 Maintenance Of Exterior Walls And Enclosures - Unsafe Exterior Walls And Enclosures

(a) It shall be the duty of the owner of every building regardless of the height to maintain the building's exterior walls in a safe condition.

(b) If, in the determination of the commissioner, any exterior wall or enclosure of any building, regardless of the height of the building, is in an unsafe condition, the building commissioner may require the owner:

(1) to take appropriate precautionary measures, which may include the erection of a construction canopy; and

(2) effect such repairs or reinforcements in a timely manner to remediate such unsafe condition.

(c) In addition to any other requirements imposed by the commissioner pursuant to subsection (b) of this section, the owner of any building found to have an exterior wall or enclosure in an unsafe condition shall:

(1) take immediate action to have a critical examination performed upon the building;

(2) provide to the building commissioner a critical examination report subject to the requirements of Section 13-196-035;

(3) obtain all necessary permits and promptly begin and complete the removal, reinforcement and permanent repairs necessary to make the premises conform to the building provisions of this code, and provide structurally safe conditions; provided that nothing in this section shall be construed as authorizing the owner to make any repairs or perform any remedial work without the proper permits; and

(4) comply with the requirements of Section 13-196-036.
d) It shall be the duty of the owner and the duty of the professional to notify the commissioner immediately, by telephone and in writing, upon the determination by the professional that an exterior wall or enclosure is in an unsafe condition, or if any failure of an exterior wall is noted.

13-195-038 Rules And Regulation.
The commissioner may issue rules and regulations for the administration and enforcement of the minimum requirements for the maintenance of exterior walls and enclosures. The rules and regulations may also include the classification of buildings, intervals for the performance of critical examinations and ongoing inspections and repairs programs, and the intervals and format of the submission of critical examination reports and ongoing inspection and repair reports. Any person violating any rule or regulation shall be subject to the fines prescribed in Section 13-196-039.

13-196-039 Fines And Penalties
(a) Failure to make a report or to maintain an exterior wall or enclosure as required by Section 13-196-031 through and including Section 13-196-037, or any person who violates Section 13-196-030, Section 13-196-204 or Section 13-196-209 shall be punishable by a fine of not less than $1,000.00 and not more than $2,500.00 for each offense. Each day that a violation continues shall constitute a separate and distinct offense for which a fine shall be imposed.

(b) Any owner and any other person found in violation of Section 13-196-030 through and including Section 13-196-037 shall be jointly and severally liable for such costs awarded or assessed under Chapter 1 - 20 of this code.

[The penalties for non-compliance can be quite harsh.]
13-196-031 Maintenance Of Exterior Walls And Enclosures -- Definitions

For purposes of Sections 13-196-031 through 13-096-039, the following words and terms are defined as follows:

"Commissioner" shall mean the commissioner of buildings or his designee.

"Critical examination" shall mean a close-up visual examination of the condition of all elevations of the exterior walls and enclosures. All examinations shall be performed by or under the direct supervision of a professional employed by the owner for the purpose of determining if remedial work is required.

"Critical examination report" shall mean a report prepared by a professional retained by the owner that sets forth the findings of a critical examination conducted by the professional. The report shall include: (i) recommendations by the professional for any necessary repairs or remedial work; (ii) a proposed schedule for completion of the necessary repairs or remedial work; and (iii) any other information requested by the commissioner that he deems relevant and reliable. The report shall be signed by and bear the seal of the professional and be in the format set forth in the rules and regulations.

"Exterior walls and enclosures" shall mean the exterior envelope of a building or structure, or any part thereof, including, but not limited to, balconies, fire escapes, chimneys, hanging airconditioners, marquees, at grade canopies, signs, flagpoles, fire escapes, and window washing and exterior maintenance systems.

"Ongoing inspection and repair program" shall mean a program for the periodic inspections of the exterior walls and enclosures of a building or structure by a professional retained by the owner and the completion of any recommended repairs or remedial work by the owner.

"Ongoing inspection and repair report" shall mean a report prepared by a professional retained by the owner that sets forth the findings of an inspection performed pursuant to the ongoing inspection and repair program. The report shall include: (i) a description of the condition of the building's exterior walls and enclosures, and any surveys, inspections or repair work performed; (ii) recommendations by the professional for any necessary repairs or remedial work; (iii) a proposed schedule for completion of the recommended repairs or remedial work; and (iv) any other information requested by the commissioner that he deems relevant and reliable. The report shall be signed by and bear the seal of the professional and be in the format set forth in the rules and regulations.

"Owner" shall have the same meaning ascribed to that term in Section 13-4-010 of this code.

"Professional" shall mean an Illinois licensed architect or Illinois licensed structural engineer.
Exterior walls and enclosures of buildings that are 80 feet or more in height above grade shall comply with Sections 13-196-033 to 13-196-037.

13-196-033 Maintenance Of Exterior Walls And Enclosures -- Critical Examinations.

(a) The owner of every building 80 feet or more in height above grade shall, at intervals designated in rules and regulations.

(1) arrange for periodic critical examinations of the building; and

(2) submit the critical examination report to the commissioner.

(b) The initial critical examination report shall be submitted for all building constructed prior to January 1, 1950, by December 1, 2003, and on all buildings constructed on or after January 1, 1950, by December 1, 2004. The initial critical examination report for buildings constructed after the effective date of this 2007 amendatory ordinance shall be submitted as designated in the rules and regulations.

(c) Following the initial critical examination, the building shall be subsequently critically examined, and the critical examination report submitted, at the intervals designated in the rules and regulations. Any building which cannot be categorized according to the information contained in a previously submitted critical examination report shall be required to supplement the report with a certification by a professional as to which category the building belongs.

(d) The owner shall perform the necessary repairs and remedial work set forth in the critical examination report. Nothing in this section shall be construed as authorizing any owner to make any repairs or perform any remedial work without the proper permits.

13-196-034 Maintenance Of Exterior Walls And Enclosures -- Ongoing Inspection And Repair Program.

(a) The owner of every building 80 feet or more in height above grade shall, at intervals designated in rules and regulations:

(1) establish an ongoing inspection and repair program for the years intervening the critical examinations of the building; and

(2) submit the ongoing inspection and repair program report to the commissioner.

(b) The owner shall perform the necessary repairs and remedial work set forth in the ongoing inspection and repair report. Nothing in this section shall be construed as authorizing any owner to make any repairs or perform any remedial work without the proper permits.
13-196-035 Maintenance Of Exterior Walls And Enclosures - Reporting

(a) For every ongoing inspection and repair report, and for every critical examination report, the owner shall submit the report, accompanied by a filing fee, to the building commissioner.

(b) The commissioner shall make a determination whether a report submitted by the owner is acceptable or not acceptable. A report shall not be considered filed until the building commissioner makes a determination that the report is acceptable.

(c) For any report determined to be not acceptable, the owner shall: (1) submit a new report that addresses the deficiencies noted in the original report; and (2) pay a fee for reviewing the new report.

(d) The commissioner may, in rules and regulations, establish the amount of any fee and appropriate timeframes for the submission of any report, required by this section.

13-196-036 Maintenance Of Exterior Walls - Retention Of Records At The Building

It shall be the duty of the owner to retain at the building for which the reports were prepared a copy of: (1) the most recent critical examination report; and (2) any ongoing inspection and repair reports prepared after the most recent critical examination report.

13-196-037 Maintenance Of Exterior Walls And Enclosures - Unsafe Exterior Walls And Enclosures

(a) It shall be the duty of the owner of every building regardless of the height to maintain the building's exterior walls in a safe condition.

(b) If, in the determination of the commissioner, any exterior wall or enclosure of any building, regardless of the height of the building, is in an unsafe condition, the building commissioner may require the owner: (1) to take appropriate precautionary measures, which may include the erection of a construction canopy; and (2) effect such repairs or reinforcements in a timely manner to remediate such unsafe condition.

(c) In addition to any other requirements imposed by the commissioner pursuant to subsection

(b) Of this section, the owner of any building found to have an exterior wall or enclosure in an unsafe condition shall:

(1) take immediate action to have a critical examination performed upon the building;

(2) provide to the building commissioner a critical examination report subject to the requirements of Section 13-196-035;

(3) obtain all necessary permits and promptly begin and complete the removal, reinforcement and permanent repairs necessary to make the premises conform to the building provisions of this code, and provide structurally safe conditions; provided that nothing in this section shall be construed as authorizing the owner to make any repairs or perform any remedial work without the proper permits; and

(4) comply with the requirements of Section 13-196-036.

Exhibit A - 3
(d) It shall be the duty of the owner and the duty of the professional to notify the commissioner immediately, by telephone and in writing, upon the determination by the professional that an exterior wall or enclosure is in an unsafe condition, or if any failure of an exterior wall is noted.

13-195-038 Rules And Regulation.

The commissioner may issue rules and regulations for the administration and enforcement of the minimum requirements for the maintenance of exterior walls and enclosures. The rules and regulations may also include the classification of buildings, intervals for the performance of critical examinations and ongoing inspections and repairs programs, and the intervals and format of the submission of critical examination reports and ongoing inspection and repair reports. Any person violating any rule or regulation shall be subject to the fines prescribed in Section 13-196-039.

13-196-039 Fines And Penalties

(a) Failure to make a report or to maintain an exterior wall or enclosure as required by Section 13-196-031 through and including Section 13-196-037, or any person who violates Section 13-196-030, Section 13-196-204 or Section 13-196-209 shall be punishable by a fine of not less than $1,000.00 and not more than $2,500.00 for each offense. Each day that a violation continues shall constitute a separate and distinct offense for which a fine shall be imposed.

(b) Any owner and any other person found in violation of Section 13-196-030 through and including Section 13-196-037 shall be jointly and severally liable for such costs awarded or assessed under Chapter 1 - 20 of this code.
These proposed regulations shall be effective as of April 1, 2008.

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, noncorrodible 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 effected. 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 2 – EXAMINATION OF EXTERIOR WALL BALCONIES, FIRE ESCAPES, CHIMNEYS, HANGING AIR CONDITIONERS, MARQUEES, ATGRADE CANOPIES, SIGNS, FLAGPOLES, AND WINDOW WASHING AND EXTERIOR MAINTENANCE SYSTEMS**

**Rule 2.1** 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 3. 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 2.2** 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 3 – CLOSE-UP VISUAL EXAMINATIONS**

**Rule 3.1** 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 3.2 For exterior walls constructed of material other than terra cotta a closeup 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 actually touch all corners of the building, as well as those portions of the exterior wall reachable by hand or tool while utilizing scaffolding, boatswain chairs, or lifts of alternate drops spanning at least twenty-five percent (25%) of the area of each exterior wall. If any repairs are required, only scaffolding shall be used.

Rule 3.3 For exterior walls and enclosures, or any part thereof, that are constructed of terra cotta material, 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 actually touch one hundred percent (100%) of the terra cotta material by hand or tool, while utilizing scaffolding, boatswain chairs or lifts; provided that any portion of the facade not constructed of terra cotta material shall be inspected in compliance with Rule 3.2. If any repairs are required, only scaffolding shall be used.

Rule 3.4 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 4 CRITICAL EXAMINATIONS

Rule 4.1 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.

Rule 4.2 Buildings which are primarily category I, II or IV, but which have some terra cotta elements, shall have the terra cotta inspected on a four (4) year cycle, and the remaining facade shall be inspected as required for the primary category.

Rule 4.3 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.

Rule 4.4 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.

Rule 4.5 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.

Rule 4.6 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 4.7 The owner of a building constructed after April 1, 2004 shall submit the first critical examination no later than December 1 of the fourth (4th) year after the issuance of a certificate of occupancy, or if no certificate of occupancy was issued, after the building’s first occupancy; provided that the Commissioner may extend the due date for the first critical examination for a period of no longer than six (6) years if: (a) a certificate of occupancy was issued; and (b) a professional recommends an extension and certifies, under seal, that (i) the professional was involved in the construction of the building’s exterior walls and enclosures, and (ii) the building’s exterior walls and enclosures are in a safe condition.

Rule 4.8 Notwithstanding Rules 4.2, 4.3, 4.4, and 4.5, an owner may perform a critical examination of a building in phases (a partial critical examination). Any partial critical examination of single or multiple elevations must encompass the entire elevation within that year. The critical examination report shall be submitted by the filing deadline of each year for any elevation completed in that year. Buildings completing the critical examination beyond one calendar year shall provide an ongoing inspection and repair report for those elevations not included in the critical examination for that year, and shall attach the report to the partial critical examination report.

Rule 4.9 Critical examinations shall begin with every elevation parallel to any public way.

Rule 4.10 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 4.11 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 4.12 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 4.13 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 4.14 Repairs may be performed concurrent with the performance of a critical examination. Any repair work performed concurrent with the performance of a critical examination must comply with all applicable permit requirements.

Rule 4.15 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 work found by the Department not to be in compliance with the Building Code.
Rule 4.16 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 4.17 Repair work shall not be performed from or upon any fixed scaffolding which does not meet a minimum live load of 30 lbs. per square foot.

Rule 4.18 Professional's report
   a) 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.
   b) 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 4.19 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 4.20 The owner shall submit two paper copies of the current critical examination report on 8½ x11 paper.

Rule 4.21 All critical examinations must be performed within the previous twelve month period from the date that they are due.

RULE 5 – ONGOING INSPECTIONS AND REPAIR PROGRAM AND REPORTS

Rule 5.1 The owner of a Category I building shall submit a current ongoing inspection and repair report every sixth (6th) year after submission of a critical examination report.

Rule 5.2 The owner of a Category II or IV building shall submit a current ongoing inspection and repair report every fourth (4th) year after submission of a critical examination report.

Rule 5.3 The owner of a Category III building shall submit a current ongoing inspection and repair report every second (2nd) year after submission of a critical examination report.

Rule 5.4 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 5.5 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. The performance of the recommended repairs and maintenance work in accordance with the timetable shall be confirmed in subsequent reports.
RULE 6 – UNSAFE AND IMMINENTLY HAZARDOUS CONDITIONS

Rule 6.1 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 6.2 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 6.3 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 – FEES

Rule 7.1 The filing fee for a critical examination report and an ongoing inspection and repair report shall be $10.

Rule 7.2 The filing fee for the review of any report filed because the initial report was determined to be unacceptable shall be $10.
CITY OF CHICAGO - DEPARTMENT OF BUILDINGS


1. Name and Address of Building _______________________________
   Contact Person on Site ___________________________ Phone __________

2. Principal Occupancy of Building: _______________________________

3. Name and Address Owner / Agent: _______________________________
   Contact Person _____________________ Phone (    ) ________________

4. Description of Building and Exterior Walls: (Check all that apply.)
   a. No. of Stories ____________
   b. Height: ________________
   c. Plan Dimen.: ____________
   d. Year Constructed: ____________
   e. Composition of Exterior
      a. Metal  □  b. Soffit □
   f. Category __________

5. The following was performed in the past year by the Owner/Agent and Professional:
   □ Inspection from Afar   □ Close-Up inspection
   □ Repair Design      □ Prepared Repair Document
   □ Observed Repair Work □ Report Preparation

6. Have you reviewed previous ordinance Reports or other reports on file for this Building?
   □ YES Dates of prior Reports _______, _______, _______, _______
   □ None Available

7. Please check one of the following summarizing the condition of the façade. Use the back of this sheet (or attach separate Report) to briefly describe the nature and extent of inspections, repairs, maintenance or corrective actions taken during the Reporting Period, and recommended to be preformed within the next one year period.
   [Refer to Rules and Regulations for Exterior Wall Maintenance for definitions and additional reporting requirements.]
   □ SAFE CONDITION.
   □ SAFE WITH REPAIR AND MAINTENANCE PROGRAM. Describe repair and maintenance required and time frame to prevent deterioration into and unsafe condition.
   □ UNSAFE AND IMMINENTLY HAZARDOUS. The Department of Buildings must be notified by phone (312) 743-7200 and by mail at Department of Buildings. 120 N. Racine Ave., Chicago, IL 60607-2010.
   Name of Building Department Employee Contacted: ____________________________
   Date Contacted: ____________________________
   Protective Canopies Recommended: □ YES □ NO

8. Licensed Professional:
   Name: ________________________________
   Firm: ________________________________
   Address: ________________________________
   Phone: ________________________________
   Fax: ________________________________
   Date ____________________    Seal ____________________
   Signature and Seal of Professional: ________________________________

Space Below For Building Department Use Only
Review of the 2008 Rules and Regulations ("The Rules") of the Maintenance Of Exterior Walls And Enclosures Program

By
Ian R. Chin
Vice President and Senior Principal
Wiss, Janney, Elstner Associates, Inc

Section 13-196-038 of "Maintenance Of Exterior Walls And Enclosures" of the Chicago Building Code (CBC) states the following:

"The commissioner may issue rules and regulations for the administration and enforcement of the minimum requirements for the maintenance of exterior walls and enclosures. The rules and regulations may also include the classification of buildings, intervals for the performance of critical examinations and ongoing inspections and repairs programs, and the intervals and format of the submission of critical examination reports and ongoing inspection and repair reports. Any person violating any rule or regulation shall be subject to the fines prescribed in Section 13-196-039".

On April 1, 2008 the commissioner issued the "Rules and Regulations for Exterior Wall Maintenance" (the rules). Collectively, the "Maintenance Of Exterior Walls And Enclosures" and the rules are referred to as the Chicago Facade Inspection Ordinance or Facade Ordinance.

The April 1, 2008 rules reflect the changes that were made to "Maintenance Of Exterior Walls And Enclosures", sections 13-196-031 through 13-196-039 of the CBC on November 13, 2007. The April 1, 2008 rules are based upon and are a rational re-organization of the previous November 21, 2002 Rules and Regulations. Among other requirements, the November 21, 2002 rules introduced the definition of and the inspection requirements for Category I, II, III, and IV buildings to the Facade Ordinance.

The April 1, 2008 rules consist the following seven (7) basic Rules:
RULE 1 (Rules 1.1 through 1.18): DEFINITIONS
RULE 2 (Rules 2.1 and 2.2): EXAMINATION OF EXTERIOR WALL BALCONIES, FIRE ESCAPES, CHIMNEYS, HANGING AIR CONDITIONERS, MARQUEES, AT-GRADE CANOPIES, SIGNS, FLAGPOLES, FIRE ESCAPES, AND WINDOW WASHING AND EXTERIOR MAINTENANCE SYSTEMS
RULE 3 (Rules 3.1 through 3.4): CLOSE-UP VISUAL EXAMINATIONS
RULE 4 (Rules 4.1 through 4.21): CRITICAL EXAMINATIONS
RULE 5 (Rules 5.1 through 5.6): ONGOING INSPECTION AND REPAIR PROGRAM AND REPORTS
RULE 6 (Rules 6.1 through 6.3): UNSAFE AND IMMINENTLY HAZARDOUS CONDITIONS.
RULE 7 (Rules 7.1 and 7.2): FEES
All of the rules as prepared by the Department of Buildings (Department) are presented below. The rules or sections of each rule that are red in color are new rules or changes that were made to the November 21, 2002 Rules and Regulations. Comments in italics intended to clarify certain rules or sections of certain rules and are based upon information presented by the Chicago Committee on High Rise Buildings (CCHRB) on November 21, 2002 and at the CCHRB seminar on March 20, 2008.

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

These regulations shall be effective as of April 1, 2008.

RULE 1. DEFINITIONS

Comment: since September 21, 2002, buildings that are required to comply with the Facade Ordinance (80 feet or more in height above grade) are required to be categorized by a professional (Rule 4.1) as Category I, II, III, or IV. The definition of the Category I, II, III, and IV buildings is based upon the corrosion potential of metal that primarily reinforces or that is in direct contact with the exterior portion of exterior walls, because, the vast majority of structural failures that have occurred in exterior walls on buildings have occurred in the exterior portion of the walls and were caused by forces resulting from confinement of the corrosion of metal that was used to either reinforce or directly support the exterior portion of the walls.

Examples of failed walls that were caused by corrosion of metal used to reinforce the exterior portion of the walls are reinforced concrete and reinforced stone veneers, as shown in Figures 1 and 2, respectively.

Figure 1. View of failed reinforced concrete veneer due to corrosion of reinforcing steel.
Crack in reinforced stone veneer at corroded reinforcing steel

Corroded reinforcing steel at crack in stone veneer

Figure 2. View of failed reinforced stone veneer due to corrosion of reinforcing steel.

An example of a failed wall that was caused by the corrosion of metal that is in direct contact with and that was used to support to the exterior portion of the wall is a limestone veneer that is directly supported by shelf angles, as shown in Figures 3.
Figure 3. View of failed limestone veneer due to corrosion of supporting metal in direct contact with the wall

Metals that are not in direct contact with the exterior portion of exterior walls are not considered in determining the Category of the building.

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

*Comment:* an example of a Category I building is a building with un-reinforced stone exterior wall panels that are in direct contact with supporting stainless steel or aluminum elements, as shown in Figure 4.

Figure 4. Category I building (un-reinforced stone exterior panels in direct contact with supporting non-corrodible metal).
Another example of a Category I building is a building with an aluminum curtain wall system that is in direct contact with supporting stainless steel or aluminum elements, as shown in Figures 5.

![Category I building diagram](image)

**Figure 5.** Category I building (aluminum curtain wall system 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 1.6 “Corrosion-resistant metal”** means corrodible metal that is galvanized, epoxy coated, or painted specifically to resist corrosion with that finish intact.

**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.

**Comment:** an example of Category II buildings is a building with exposed concrete walls, columns, beams, and/or slab edges that are primarily reinforced with or are in direct contact with galvanized steel or epoxy coated steel reinforcing bars with the galvanizing and epoxy coating intact, as shown in Figure 6.
Figure 6. Category II building (exterior concrete walls, columns, beams, and/or slab edges primarily reinforced with corrosion resistant reinforcing bars)

Another example of Category II buildings is a building with brick or concrete masonry walls with galvanized steel wall ties with the galvanizing coating intact; that have an effective flashing system that completely separates the walls from being in direct contact with corrodible supporting steel shelf angles or lintels; and with the underside of the corrodible shelf angles or lintels not being in direct contact with the top of the wall below, as shown Figure 7.

Figure 7. Category II building (exterior walls with an effective flashing system that completely prevents the walls from being in direct contact with corrodible supporting steel shelf angles or lintels and with galvanized steel wall ties with the galvanizing coating intact)
Without an effective flashing system that completely prevents the walls from being in direct contact with corrodible supporting steel shelf angles or lintels; or if the galvanizing coating on the metal ties in the wall is not intact; or if the underside of corrodible steel angles or lintels is in direct contact with the top of the wall below; the building with the wall shown in Figure 7 would be a Category III building.

The change made to Rule 1.2 to allow Category II buildings to have walls with flashing that completely prevents the walls from being in direct contact with corrodible metal, potentially allows a Category III building with corrodible shelf angles and lintels to be changed to a Category II building with the installation an effective retrofit flashing system that completely prevents the wall form being in direct contact with corrodible metal. During the installation of the retrofit flashing system, separation between the bottom of corrodible shelf angles and lintels and the top of the wall below shall be verified.

Other examples of Category II buildings are buildings with masonry walls with galvanized steel wall ties and stucco with galvanized steel metal lath.

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

*Comment:* examples of Category III buildings is a building with exposed concrete walls, columns, beams, and/or slab edges that are primarily reinforced with uncoated steel reinforcing bars (Figures 1 and 8); a building with stone exterior walls that were primarily reinforced with corrodible reinforcing bars (Figure 2); and a building with exterior walls that are in direct contact with supporting uncoated or unprotected carbon steel shelf angles or lintels (Figures 3 and 9).

*Figure 8. Category III building (exterior concrete walls, columns, beams, and/or slab edges primarily reinforced with corrodible reinforcing bars)*
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.

Comment: the exterior walls on Category IV buildings are not reinforced with or are in direct contact with metals. Examples of Category IV buildings are buildings with bonded tile faced exterior walls or masonry walls with intact masonry headers, as shown in Figures 10 and 11, respectively.
Figure 11. Category IV Building (brick masonry walls with intact masonry headers)

Other examples of Category IV buildings are buildings with bonded walls systems such as Exterior Insulation and Finish Systems (EIFS), and stucco without metal lath.

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.

Comment: one of the intents of the Facade Ordinance is to achieve the timely identification of “unsafe and imminently hazardous” conditions in exterior walls so that the owner of the building can promptly begin repairs or stabilization of these conditions. This rule defines an “unsafe and imminently hazardous condition” in an exterior wall as “a condition that has no reliable means of structural support, and that is dangerous to people or property”.

An example of an “unsafe and imminently hazardous condition” in a wall is a fractured and/or displaced section of a wall that is not reliably structurally anchored to the building, as shown in Figures 12 and 13.
Cracked glass in a window or curtain wall that is dangerous to people or property is considered by the Department to be an “unsafe and imminently hazardous condition”.

Paragraph 13-196-037 (d) of the CBC states “It shall be the duty of the owner and the duty of the professional to notify the commissioner immediately, by telephone and in writing, upon the determination by the professional that an exterior wall or enclosure is in an unsafe condition, or if any failure of an exterior wall is noted”
According to Rule 6.1, the telephone numbers to call to notify the commissioner upon the determination of an “unsafe and imminently hazardous condition” are (312) 743-7200 during business hours and 311 during non-business hours.

**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.”

*Comment:* an example of a “safe with a repair and maintenance program condition” in a wall, is an area of a wall with cracks and/or open joints that has a reliable means of structural support, as shown in Figure 14.

![Figure 14. Example of “safe with a repair and maintenance program condition”](image)

**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.

*Comment:* an example of a “safe condition” in a wall, is an intact area of the wall with a reliable means of structural support, as shown in Figure 15.
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.

*Comment:* an example of a “failure of the exterior enclosure” condition in a wall, is where a fractured section of a wall had broken loose and had fallen from the wall, as shown in Figure 16.

Figure 15. Example of a “safe condition”

Figure 16. Example of “failure of the exterior enclosure” condition

Paragraph 13-196-037 (d) of the CBC requires the owner and professional to notify the commissioner immediately, by telephone and in writing, upon determination by the professional if any failure of an exterior wall is noted.
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 effected. 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.

Comment: examples of stabilization of an “unsafe and imminently hazardous condition” are shown in Figures 17 and 18.

Figure 17. Example of stabilization of an “unsafe and imminently hazardous condition”
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.

Comment: all critical examination reports and ongoing inspection and repair reports are required to be completed within the 4 months following the completion of the critical examination and the ongoing inspection and repair examination . The intent of this rule is for owners to provide the Department with current information on the walls on buildings soon after they are inspected.

RULE 2 EXAMINATION OF EXTERIOR WALL BALCONIES, FIRE ESCAPES, CHIMNEYS, HANGING AIR CONDITIONERS, MARQUEES, AT-GRADE CANOPIES, SIGNS, FLAGPOLES, AND WINDOW WASHING AND EXTERIOR MAINTENANCE SYSTEMS

Rule 2.1 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 3. 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.

**Comment:** the examination of appurtenances on a building is not a part of the critical examination or the ongoing inspection and repair program. Requirements for the inspection of appurtenances such as exposed metal structures and equipment that are permanently mounted or installed on the exterior of a building are prescribed in sections 4(13-96-820) to 4(13-96-870) of the CBC. When appurtenances are located within the area of the exterior walls being critically examined, the local exterior surface of the wall that is in direct contact with appurtenances shall be visually examined, as shown in Figure 19. No assessment of the structural connection of the appurtenances to the building or of the appurtenances themselves is required by the Facade Ordinance.

![Image of a local exterior surface of a wall in direct contact with an appurtenance](image)

*Figure 19. Local exterior surface of wall in direct contact with an appurtenance (Fire Escape)*

**Rule 2.2** 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.

**Comment:** when conditions that may implicate the structural integrity of the exterior wall where it comes in contact with an appurtenance are discovered during the critical examination, the professional shall:
1. Inform the owner in writing of the need for further examination of the affected area of the wall and of the portion of the appurtenance that is in direct contact with the wall.
2. Document in the critical examination report or the on-going inspection and repair report that the owner was so informed.

RULE 3 CLOSE-UP VISUAL EXAMINATIONS

Rule 3.1 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.”

Comment: the close-up visual examination of an exterior wall is required to be performed by or be supervised by a professional (Illinois licensed architect or structural engineer). The purpose of the close-up visual inspection is to determine if an exterior wall should be characterized as “unsafe and imminently hazardous”, “safe with a repair and maintenance program”, or “safe condition”.

Rule 3.2 For exterior walls constructed of material other than terra cotta 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 actually touch all corners of the building, as well as those portions of the exterior wall reachable by hand or tool while utilizing scaffolding, boatswain chairs, or lifts of alternate drops spanning at least twenty-five percent (25%) of the area of each exterior wall. If any repairs are required, only scaffolding shall be used.

Comment: close-up visual examination requirements:
1. Corners mean exterior corners.
2. The length of the wall at each side of a corner to be inspected is one to three feet.
3. Touch wall areas at all outside corners and at alternate drops that cover 25% of the area of each wall, by hand or tool.
4. Can be performed by architect-in-training, engineer-in-training, technician, contractor, skilled trades people under the direct supervision of the professional.
5. Use scaffolding, boatswain chairs, or lifts to perform the close-up visual examination and to touch wall areas examined close-up. An example of a wall being examined close-up from a boatswain chair is shown in Figure 20.
6. Scaffolding shall be used to make repairs and inspection openings.
7. Minimum live load capacity for scaffolding used to make repairs shall be 30 psf (Rule 4.17).
8. Lifts with a minimum live load capacity of 30 psf can also be used to make repairs to a wall.
Rule 3.3 For exterior walls and enclosures, or any part thereof, that are constructed of terra cotta material, 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 actually touch one hundred percent (100 %) of the terra cotta material by hand or tool, while utilizing scaffolding, boatswain chairs or lifts; provided that any portion of the facade not constructed of terra cotta material shall be inspected in compliance with Rule 3.2. If any repairs are required, only scaffolding shall be used.

Comment: 100% of all areas of terra cotta in a wall shall be examined close-up and a current critical examination report prepared every 4 years.

Rule 3.4 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.

Comment: reliable remote observation techniques can be used to supplement the close-up visual examination of a wall with the approval of the commissioner on a case-by-case basis. Such equipment shall not be used in lieu of the close-up visual examination. Approval for their use to supplement the close-up visual examination must be obtained from the commissioner prior to performing the examination.
RULE 4 CRITICAL EXAMINATIONS

Rule 4.1 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.

Comment: the categorization of the building shall be made by a professional based upon previous critical examination reports or upon review of construction documents of the building. The time or cycle between critical examinations is dictated by the category of the building.

Rule 4.2 Buildings which are primarily category I, II or IV, but which have some terra cotta elements, shall have the terra cotta inspected on a four (4) year cycle, and the remaining facade shall be inspected as required for the primary category.

Comment: for exterior walls comprised of a combination of terra cotta and other materials, 100% of the terra cotta in the wall shall examined close-up and a current critical examination report prepared and submitted to the Department every 4 years. The cycle between critical examinations for the remainder of the wall shall be in accordance with its primary category.

Rule 4.3 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.

Comment: the critical examination cycle for Category I buildings is 12 years. The owner shall submit the current critical examination report no later than December 1 of the year that the report is due. A current critical examination report is a report that is completed within the 4 months following the completion of the critical examination( Rule 1.16). All critical examinations must be performed within the previous 12 month period from the date that they are due (Rule 4.21). The due date for the subsequent critical examination report will remain December 1st of the 12th year following the submittal of the current critical examination report, even if the current critical examination report was submitted in the month of August.

Rule 4.4 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.

Comment: the critical examination cycle for Category II and IV buildings is 8 years. The owner shall submit the current critical examination report no later than December 1 of the year that the report is due.
Rule 4.5 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.

Comment: the critical examination cycle for Category III is 4 years. The owner shall submit the current critical examination report no later than December 1 of the year that the report is due.

Rule 4.6 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.

Comment: the commissioner may reset the critical examination cycle for a building under the following conditions:
1. Repair work is performed on the exterior walls during the reporting cycle.
2. The owner of the building submits a report to the commissioner that describes the repair work performed.
3. The report meets the requirements of a current critical examination report (Rules 1.16, 4.18, and 4.19).

Rule 4.7 The owner of a building constructed after April 1, 2004 shall submit the first critical examination no later than December 1 of the fourth (4th) year after the issuance of a certificate of occupancy, or if no certificate of occupancy was issued, after the building’s first occupancy; provided that the Commissioner may extend the due date for the first critical examination for a period of no longer than six (6) years if: (a) a certificate of occupancy was issued; and (b) a professional recommends an extension and certifies, under seal, that (i) the professional was involved in the construction of the building’s exterior walls and enclosures, and (ii) the building’s exterior walls and enclosures are in a safe condition.

Comment: the current critical examination report for a new building shall be submitted to the commissioner no later than December 1 of the 4th year after issuance of a certificate of occupancy or after the first occupancy of the building. The commissioner may extend the due date of the critical examination report up to 10 year, if:
1. A certificate of occupancy was issued.
2. The professional recommends the extension.
3. The professional certifies under seal that:
   a. The professional was involved in the construction of the exterior walls.
   b. The exterior walls and enclosures are in a safe condition.

Rule 4.8 Notwithstanding Rules 4.2, 4.3, 4.4, and 4.5, an owner may perform a critical examination of a building in phases (a partial critical
examination). Any partial critical examination of single or multiple elevations must encompass the entire elevation within that year.

The critical examination report shall be submitted by the filing deadline of each year for any elevation completed in that year.

Buildings completing the critical examination beyond one calendar year shall provide an ongoing inspection and repair report for those elevations not included in the critical examination for that year, and shall attach the report to the partial critical examination report.

**Comment:** an owner can elect to perform the critical examination in phases (partial critical examination). The requirements of a partial critical examination are:

1. Must encompass an entire single or multiple elevations of the building.
2. Must be completed in one year.
3. The current partial critical examination report shall be submitted no later than December 1 of the year the close-up examination is performed.
4. The cycle for the next partial critical examination shall be in accordance with the category of the building.
4. Owners of buildings that do not complete the critical examination in one calendar year are required to submit a partial critical examination report of the wall(s) on the building that was critically examined and to attach to the report the current ongoing inspection and repair report of the wall(s) that was not critically examined.
5. The critical examination of the exterior walls on buildings that change from performing partial critical examinations to complete critical examinations may require close-up visual examination of all elevations in the year that the change is made. This requirement should be verified with the Department.

**Rule 4.9** Critical examinations shall begin with every elevation parallel to any public way.

**Rule 4.10** 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.

**Comment:** exterior walls around light courts are to be critically examined if there is a skylight at the bottom of the light court or if there are openings that permit public ingress and egress into the light court. Exterior walls around light courts are to be included in the ongoing inspection and repair report.

**Rule 4.11** 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 corrodbile or corrosion-resistant metal fasteners.

Comment: the substrate of typical wall areas with no externally visible distress is required to be examined at no less than one inspection opening per elevation on buildings meeting all of the above conditions because corrosion of corrodbile and corrosion-resistant metal fasteners in walls on buildings of this age and type can potentially occur. The minimum number of inspection openings per elevation has been reduced from two to one.

Rule 4.12 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.

Comment: the size of the inspection openings required by Rule 4.11 will involve the removal of small portions of the wall as recommended by the professional.

Rule 4.13 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 4.14 Repairs may be performed concurrent with the performance of a critical examination. Any repair work performed concurrent with the performance of a critical examination must comply with all applicable permit requirements.

Comment: repair work performed concurrent with a critical examination may require a building permit. Refer to rules 4.15 and 4.16.

Rule 4.15 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 work found by the Department not to be in compliance with the Building Code.

Comment: proper drawings and specifications and a building permit are required for all structural repair work performed on exterior walls.

Rule 4.16 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.

Comment: the repair or replacement in kind of any wall material or structural support systems requires a building permit but no structural drawings and specifications or structural review.
Cosmetic repair work performed on a wall such as sealing and patching does not require a building permit.

**Rule 4.17** Repair work shall not be performed from or upon any fixed scaffolding which does not meet a minimum live load of 30 lbs. per square foot.

**Rule 4.18** 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.

**Comment:** the critical examination of exterior walls on buildings as required by the Facade Ordinance is a visual, non-destructive examination of the exterior condition of approximately 25% to 30% of the surface of non-terra cotta walls and of 100% of terra cotta walls. The critical examination of buildings that are 50 years or older with masonry, stone, or terra cotta exterior walls with concealed corrodbible or non-corrodible metal fasters includes a limited visual examination of the substrate of the walls at one small inspection opening on each elevation. Due to the limited nature of the critical examination as required by the Facade Ordinance, the professional should not be expected to find all “unsafe and imminently hazardous conditions” in a wall, and therefore, the submittal of a critical examination report by the professional is not a representation that all “unsafe and imminently hazardous conditions” in a wall have been identified.

**Rule 4.19** 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.

Comment: this rule will is intended to result in critical examination reports with a similar information and format for all buildings.

RULE 4.20 The owner shall submit two paper copies of the current critical examination report on 8½ x11 paper.

Comment: the critical examination reports shall be submitted to the Department by the owner. The Department will return one of the two copies of the approved report to the owner.
Rule 4.21 All critical examinations must be performed within the previous twelve month period from the date that they are due.

Comment: the intent of this rule is for owners to provide to the Department with current information on the walls on buildings.

RULE 5 ONGOING INSPECTIONS AND REPAIR PROGRAM AND REPORTS

Rule 5.1 The owner of a Category I building shall submit a current ongoing inspection and repair report every sixth (6th) year after submission of a critical examination report.

Comment: for Category I buildings, a current ongoing inspection and repair reports is required to be submitted to the Department no later than December 1 of the 6th year after submission of a critical examination report (midpoint of the critical examination cycle). Prior to this change, an ongoing inspection and repair report for Category I buildings was required at two year intervals during the intervening years between critical examinations. A current ongoing inspection and repair report is a report that is completed within the 4 months following the completion of the ongoing inspection and repair examination (Rule 1.16). The due date for the subsequent ongoing inspection and repair report will remain December 1st of the 12th year following the submittal of the current ongoing inspection and repair report, even if the current ongoing inspection and repair report was submitted in the month of August. The Facade Ordinance does not require the ongoing inspection and repair examination to include close-up visual examinations of the walls.

Rule 5.2 The owner of a Category II or IV building shall submit a current ongoing inspection and repair report every fourth (4th) year after submission of a critical examination report.

Comment: for Category II and IV buildings, a current ongoing inspection and repair reports is required to be submitted to the Department no later than December 1 of the 4th year after submission of a critical examination report (midpoint of the critical examination cycle). Prior to this change, ongoing inspection and repair reports for Category II and IV buildings were required at two year intervals during the intervening years between critical examinations.

Rule 5.3 The owner of a Category III building shall submit a current ongoing inspection and repair report every second (2nd) year after submission of a critical examination report.

Comment: for Category III buildings, a current ongoing inspection and repair report is required to be submitted to the Department no later than December 1 of the 2nd year after submission of a critical examination report (midpoint of the critical examination cycle).

Rule 5.4 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.

Comment: the professional shall use the form approved by the commissioner to prepare the ongoing inspection and repair report (“short form”). The professional is required to attach to the “short form” all pertinent documents that were prepared by the professional and were submitted to the owner.

Rule 5.5 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. The performance of the recommended repairs and maintenance work in accordance with the timetable shall be confirmed in subsequent reports.

Comment: ongoing inspection and repair reports that indicate the need for repair work must include a thorough description of the recommended repair work and a timetable for its completion. In subsequent ongoing inspection and repair reports, the professional shall confirm that repair work recommended in previous ongoing inspection and repair reports was performed in accordance with the timetable.

RULE 6  UNSAFE AND IMMINENTLY HAZARDOUS CONDITIONS

Rule 6.1 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 6.2 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 6.3 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.

Comment: unsafe and imminently hazardous conditions that are discovered in exterior walls during a critical examination are not normally known to exist prior to the close-up visual
examination of the walls. Their discovery is therefore normally unanticipated. Upon determining that an exterior wall is in an unsafe and imminently hazardous condition:

1. The owner and the professional are required to promptly notify the Department by phoning (312) 743-7200 and in writing.
2. The professional or an architect-in-training or engineer-in-training under the professional’s direct supervision, shall examine the unsafe and imminently hazardous condition to determine its cause(s) and its appropriate repair or stabilization procedures.
3. The owner shall promptly begin repair or stabilization of the unsafe and imminently hazardous condition.
4. A schedule of the repair or stabilization shall be submitted to the commissioner within 72 hours of the notification to the owner of the condition by the professional.
5. An application shall be submitted for a building permit to repair the condition no later than 30 days after the professional notifies the owner and commissioner of the condition. The commissioner may prescribe an earlier application date for the building permit if the condition warrants more immediate action.

RULE 7 FEES

Rule 7.1 The filing fee for a critical examination report and an ongoing inspection and repair report shall be $10.

Rule 7.2 The filing fee for the review of any report filed because the initial report was determined to be unacceptable shall be $10.

May 28, 2008
Administration and Compliance Monitoring

Jose Aparicio
Building Inspector
Exterior Wall Ordinances
Current Statistics

- 1,600 buildings required to file.
- 400 buildings delinquent as of the 2007 deadline. These buildings need to file in 2008.
- More than 700 reports expected to be filed in 2008.
Report submittal

- The owner is ultimately responsible for making sure the report is submitted.
- Two paper copies and the $10.00 filing fee to:
  City of Chicago Department of Buildings
  Attn: Exterior Wall Program, Allison Sullivan
  120 N. Racine, 1st Floor
  Chicago, IL 60607
- If the report is hand delivered, a receipt is issued for the check only. The receipt does not signify an accepted report.
- The signed and stamped copy is not immediately available.
What happens if…

An owner does not file a report?

- Delinquent buildings will be processed for Administrative Hearings.
- Fines of $500 to $1,000 per day, per violation, can be assessed.
- Reports cannot be submitted at Administrative Hearings.
- When a building receives a notice for a hearing date and reports have been submitted:
  - If the reports were submitted before the violation notice was written, contact Allison Sullivan before the hearing date.
  - If the reports were submitted after the violation notice was written, the owner should bring all documentation to the hearing.
What happens if…

Only one copy of the report is submitted?

The owner will be notified that they will not receive a signed stamped copy of the report, only a photocopy of the signed and stamped cover page. If there are other reasons to reject the report, a second copy will be required when resubmitting. Owners who desire a signed, stamped copy will be required to submit a second report.
Helpful Hints

- Include the address of the building on the cover of the report.
- Buildings with split ownership (condo tower/garage) are encouraged to file joint reports.
- If filing a partial critical examination, do not file a separate short form for the facades not covered on the critical examination report.
Helpful Hints

- Do not include unnecessary materials in the critical examination report.
- Reports with information on both sides of a page are accepted - and encouraged.
How does the Department of Buildings decide which buildings to inspect?

- Random audits
- Dangerous and hazardous conditions
- “Safe with repair and maintenance program” conditions not repaired in suggested time frame
If Requirements Change

- If the requirements change, inform the Department of Buildings.
  - Building with flashing re-categorized from III to II.
  - Building previously reported at or above 80 feet with a valid measurement of less than 80 feet.
  - A comprehensive repair program is completed that covers the building as required by a critical examination.
Q. Boatswain chairs are now permitted for inspection. It is much cheaper to use this method for inspection – why would anyone use scaffolding?

A. Most repairs cannot be done from a boatswain chair. If you know repairs are required, it is a good idea to use scaffolding for the inspection so the repairs and inspection can be done simultaneously.
Q. Does the Department of Buildings grant extension requests?
A. No. The ordinance does not permit extensions.
Q. Our building does yearly maintenance. Should I submit the report to DOB?
A. Unlike critical examinations, filing a short form does not reset the time frame for reporting requirements. This may mean that buildings will have to file additional examinations.
Q. Can I submit my critical examination report electronically?
A. No. You must submit two paper copies.
Q. My building has a unique situation. How do I categorize it? What inspection coverage is required?

A. Contact the Department of Buildings in writing for clarification. Then include all documentation exchanged in the final report.
Other Questions

- Panel Discussion
GOOD MORNING EVERYONE. AS JON SAID, I AM TOM SKWERES, THE PRESIDENT OF VANGUARD CHICAGO, A CONDOMINIUM ASSOCIATION MANAGEMENT FIRM.

THE PURPOSE OF MY PRESENTATION TODAY IS TO GIVE YOU A BRIEF, NON-TECHNICAL OVERVIEW OF HOW THE AMENDED CITY OF CHICAGO FAÇADE INSPECTION ORDINANCE AFFECTS COMPLIANCE OF THIS ORDINANCE BY BUILDING OWNERS AND MANAGERS, WHO I AM SPECIFICALLY ADDRESSING IN SEVERAL PARTS OF THIS PRESENTATION.

AS WE ALL KNOW, THE PURPOSE OF THE ORIGINAL ORDINANCE IS TO PROVIDE SAFE, WELL-MAINTAINED HIGH-RISE BUILDINGS IN THE CITY, NOT ONLY FOR ITS OCCUPANTS OR RESIDENTS BUT ALSO FOR THE GENERAL PUBLIC. WHAT THE BOTTOM LINE OF THE NEW ORDINANCE DOES FOR BUILDING OWNERS AND MANAGERS IS TO HELP EASE THE FINANCIAL BURDEN PLACED ON US. IT DOES NOT THOUGH RELIEVE US OF COMPLYING TIMELY AND COMPLETELY. WE MUST MAINTAIN THE EXTERIOR INTEGRITY OF OUR HIGH-RISE BUILDINGS AS REQUIRED.

IN QUICK REVIEW, HOW DOES THIS AMENDED ORDINANCE ACCOMPLISH ITS MISSION? WELL, YOU HAVE BEEN HEARING THE ANSWERS TO THAT QUESTION ALL MORNING.

1) IT PROVIDES FOR POTENTIALLY LESS FREQUENT FAÇADE INSPECTIONS, DEPENDING ON THE BUILDING CATEGORY, AND FOR REPORTING TO THE COMMISSIONER.
2) IT PROVIDES FOR LESS AREA OF THE BUILDING TO BE INSPECTED PER INSPECTION PERIOD.
3) IT PROVIDES FOR LESS INVASIVE INSPECTIONS, POTENTIALLY REDUCING INTERIOR BUILDING DAMAGE.
4) IT GIVES THE OWNERS AND MANAGERS A WIDER CHOICE OF INSPECTION APPARATUS, SUCH AS SCAFFOLDING, SWING STAGES, BOATSWAIN CHAIRS OR LIFTS.
5) AND, IT PROVIDES FOR ONGOING INSPECTIONS,

JUST TO NAME A FEW COMPONENTS WITH COST FACTOR IMPLICATIONS.

BECAUSE OF THE CLARITY IN THE AMENDMENT WE THE BUILDING OWNERS AND MANAGERS CAN MAKE BETTER LONG-TERM PLANS REGARDING THE BUILDING’S FAÇADE.

SO, WHAT ARE OUR OBLIGATIONS AS OWNERS AND MANAGERS TO COMPLY WITH THE ORDINANCE AND HOW DO WE BEST ACCOMPLISH THIS MISSION? HOW DO WE BALANCE COMPLIANCE WITH COST?

IN MY OPINION, A GOOD BUILDING MANAGER OR OWNER KNOWS WHAT THEY DON’T KNOW. SO WITH ALL THE FACETS OF BUILDING OWNERSHIP, OPERATION AND MANAGEMENT, THE FIRST THING THEY SHOULD DO IS SELECT AN EXPERIENCED, PROFESSIONAL ARCHITECT OR ENGINEER TO WORK WITH THEM. SOMEONE WITH WHOM THEY CAN FORM A LONG-TERM PARTNERSHIP. SOMEONE WHO WILL LOOK OUT FOR THE WELFARE OF YOU THEIR CLIENT, BUT WHO WILL NOT BE AFRAID TO
CHALLENGE YOU IF WHAT YOU PLAN TO DO DOES NOT CONFORM WITH THE INTENT OF THE ORDINANCE OR YOUR BEST INTERESTS.

NOT ONLY DOES YOUR ARCHITECT OR ENGINEER NEED TO BE EXPERIENCED IN FAÇADE CONSTRUCTION AND RENOVATION, BUT THEY ALSO NEED TO HAVE A THOROUGH UNDERSTANDING OF THIS ORDINANCE AND HOW IT AFFECTS YOUR PARTICULAR BUILDING.

WHILE INVESTIGATING THE HIRING OF YOUR PROFESSIONAL PARTNER, CHECK THEIR REFERENCES. TALK TO YOUR PEERS ABOUT YOUR SELECTION OR ALTERNATIVE CHOICES AND MAKE SURE TO OBTAIN A CURRENT CERTIFICATE OF INSURANCE FROM YOUR FINAL CHOICE.

THIS SAME PROCEDURE WOULD HOLD TRUE WHEN YOUR CHOICES COME DOWN TO WHO WILL BE THE CONTRACTOR DOING ANY REPAIR WORK NEEDED.

NOW, AFTER YOU HAVE CHOSEN YOUR ENGINEERING FAÇADE PARTNER, GIVE THEM THE TOOLS THEY NEED TO DO THEIR JOB. THE TOOLS I AM TALKING ABOUT ARE: BUILDING DRAWINGS OR SKETCHES, AS-BUILT PLANS OR BUILDING PICTURES. YOU SHOULD GATHER PAST ORDINANCE COMPLIANCE REPORTS OR DOCUMENTS FOR THEM TO REVIEW. AND, IF YOU HAVE RECEIVED ANY PAST VIOLATIONS OR WARNINGS FROM THE CITY, THESE SHOULD ALSO BE DISCLOSED, DISCUSSED AND REMEDIES/COMPLIANCE EXPLAINED. YOU CAN NEVER PROVIDE TOO MUCH BUILDING HISTORY OR OPERATIONAL PHILOSOPHY.

BECAUSE OF THE SPECIFICS OF THE ORDINANCE, YOU MUST GATHER YOUR BUILDING AND PROFESSIONAL TEAM (MANAGERS, CHIEF ENGINEERS, ARCHITECTS, CONTRACTORS, CONSULTANTS, ETC.) TO COME UP WITH THE BEST STRATEGIC PLAN TO COMPLY WITH THE RULES. YOU SHOULD ALSO DISCUSS HOW TO ACCOMPLISH ANY CORRECTIVE ACTION CALLED FOR FROM THE BUILDING INSPECTION, ALTERNATIVES IF NECESSARY, AND TO DISCUSS FUTURE COURSES OF ACTION TO BE EVALUATED AND TAKEN.

YOUR NEXT CONCERN IS HOW DO WE FUND COMPLIANCE NOW AND IN THE FUTURE? WELL, GATHER ALL YOUR COST FACTS FROM YOUR TEAM AND DO A FINANCIAL ANALYSIS OF FUNDS NEEDED. ADDING EXPERTS FROM THIS AREA TO YOUR TEAM SUCH AS, ACCOUNTING PERSONNEL, BANKERS, FINANCIAL ADVISORS OR OWNERS REPRESENTATIVES ONLY HELPS TO STRENGTHEN YOUR STRATEGIC PLAN.

DEVELOPING THE REALISTIC, WORKABLE PLAN NOW LEADS TO THE IMPLEMENTATION PHASE. IF YOU HAVE DONE YOUR HOMEWORK, YOU ARE NOW READY TO ACT. WHATEVER THIS PLAN OF ACTION IS, ALWAYS CREATE A THOROUGH PAPER TRAIL FOR FUTURE OWNERS AND MANAGERS TO UTILIZE.

IN REVIEW, YOUR FAÇADE INSPECTION INITIATIVE INVOLVES:
  1) HIRING THE RIGHT, EXPERIENCED PROFESSIONAL TO WORK WITH YOU.
  2) COMING UP WITH A PLAN OR COMPLIANCE INSPECTION TO BE PERFORMED.
  3) INITIATING YOUR INSPECTION PLAN.
  4) FOLLOWING UP FROM RESULTS OF THE INSPECTION AND PROVIDING TIMELY REPORTS TO THE COMMISSIONER.
  5) LASTLY, GATHER AND PRESERVE ALL DATA COMPILED AND ACTION TAKEN. PREPARE FOR ON-GOING REQUIREMENTS AND FOLLOW-UP.
IN CONCLUSION, THIS NEW ORDINANCE HAS GIVEN ALL BUILDING OWNERS AND MANAGERS A MORE REALISTIC APPROACH TO BUILDING FAÇADE MAINTENANCE RESPONSIBILITY. BUT MOST IMPORTANTLY, IT HELPS PROTECT THE VALUE OF YOUR ASSET, BY TAKING CARE OF YOUR BUILDING.

THANK YOU.
A REVIEW OF THE LEGAL IMPLICATIONS OF THE CHICAGO FAÇADE ORDINANCE

In response to heightened concern at City Hall regarding the potential threats to public safety associated with building facades triggered, in part by a high profile façade failure, the City instituted a major revision to the Facade Ordinance, effective, September 26, 2000.

The façade ordinance was amended to require a critical examination at four-year intervals as well as an annual inspection and repair program. This reflected a much more aggressive approach by the City and the standard changed from the choice between an annual ongoing report (favored by the vast majority of building owners) to an annual repair and maintenance program and a mandatory Critical Examination every four years.

Though there have been modest modifications over the years, the City determined that more significant modifications were in order and you have heard from my colleagues regarding those changes.

My objective is to highlight a few key liability considerations that remain unchanged and then discuss a few key differences in the 2007 ordinance and the associated rules and regulations.

Before I discuss those changes I wanted to take a moment and tip my hat to the City of Chicago, its Department of Buildings and the office of the Corporation Counsel. As a member of the Chicago Committee on High Rise Buildings, I was offered the opportunity to work with the City to help arrive at an outcome that best balanced the interests of the City, its residents and the many business interests affected by these rules. I thank all of the representatives of the City who were responsible for making that opportunity available.
The effort has successfully resulted in an Ordinance that endeavors to fairly balance the interests of all of those involved and establishes Rules and Regulations that set appropriate parameters for the application of the Ordinance.

**The Rules and Regulations**

The Rules and Regulations are designed to accomplish two key objectives. First, they address the responsibilities of the parties. They define who is required to perform which functions and how those functions are to be accomplished. The other speakers have discussed the particular details of the rules and regulations in this regard. The best advice that I can give with respect to those details (i.e. the who, when and how) is to hew closely to those requirements. That is true whether you are the design professional, the building owner or the contractor performing services in connection with the façade inspection or repair. In particular, I would encourage all participants to consider the following recommendations:

(i) **Exercise Caution When Using the Carefully Defined Terminology of the Ordinance and the Rules and Regulations**

Every participant in the process (design professional/owner/contractor) should take care to operate within the parameters of the Ordinance and the Rules and Regulations. The documents were drafted with careful consideration of the interests of all of the participating parties and with the intent of providing each of those parties with a significant amount of protection from liability. But that protection is only available if the parties avail themselves of it by carefully following the guidelines. In particular, the Ordinance, as modified by the Rules and Regulations, addresses the most serious danger associated with façade inspection and repair: the perceived “guarantee” of safety.
The Rules and Regulations Define What is Meant by “Unsafe and Imminently Hazardous Condition”.

The key fact that creates potential liability is that no one is in a position to guarantee the condition of that which it can not see. Consequently, the definition of the conditions to be identified and addressed were designed to indicate only that would could be observed. For example, an “Unsafe and Imminently Hazardous Condition is one that is demonstrably dangerous. It requires visible evidence of distress. It does not include a condition that, due to unseen and undiscoverable factors, is inherently dangerous. Similarly, building owners are held to maintain their buildings in a fashion that accounts for that which they could have or should have known - it does not obligate them to discover that which is unseen and unforseeable.

All Other Defined Building Conditions Are Built Off of the Definition of “Unsafe and Imminently Hazardous”

The remaining definitions of building conditions are designed to logically (and necessarily) follow from the definition of “Unsafe and Imminently Hazardous”. “Safe with Repair and Maintenance Program Condition” is defined as that which is not “Unsafe and Imminently Hazardous”, but rather those conditions that could deteriorate into such a condition without certain preventative measures. And “Safe” is not safe as that term is normally used (i.e. a condition that necessarily presents no potential danger to the general public), but merely that which is neither “Unsafe and
Consequently, it is of paramount importance that the contract entered for façade inspection and repair work not impose a greater burden than the rules and regulations. That can best be accomplished by using the terminology directly out of the Ordinance and the Rules and Regulations. The contract should provide that scope of work is to identify and repair “Unsafe and Imminently Hazardous Conditions”; “Safe with Repair and Maintenance Program” conditions and to identify all remaining conditions that qualify as “Safe” as those terms are used in the Ordinance and the Rules and Regulations.

It is important to point out that the categorization of a condition as “Safe with a Repair and Maintenance Program” is one that poses potential liability to the design professional in a way that requires special attention. In such circumstances, the design professional is required to both identify the necessary repair or maintenance and, just as importantly, the time frame within which the repair needs to be performed in order to prevent it from deteriorating into an “Unsafe and Imminently Hazardous Condition”. The danger is that the design professional identifies the need for the repair and/or maintenance, but doesn’t specify a short enough time period. In the event of a façade failure prior to the expiration of the designated time period, the design professional bears potential liability. For this reason, it is recommended that design professionals act conservatively when addressing conditions of this sort.

The second objective of the Rules and Regulations is to define minimally acceptable standards of performance. Given the particular liability to which design
professionals may be subject, this effort focused on defining the standard to which the design professional would be held. The language of the new Rules and Regulations associated with the “standard of care” constitutes one of the most significant changes. The previous version of the Rules and Regulations explicitly identified the standard of care to be used in evaluating the performance of the design professionals. Former Rules 15 and 16 provided:

Rule 15:

“Services rendered by professionals pursuant to the provisions of Sections 13-196-031 through 13-096-039, inclusive, and these Rules and Regulations shall be exercised with reasonable care and competence.”

Rule 16:

“The standard of care of the professional performing the critical examination of an exterior wall shall include the following, with the understanding that, because of the physical properties of the many materials commonly used for constructing exterior walls, and the limitations on detecting concealed internal wall distress, the critical examination may not find “unsafe and imminently hazardous conditions” in the wall that are not visible from the exterior. Therefore, submittal of the critical examination report is not a representation that all “unsafe and imminently hazardous conditions” in a wall have been identified.”

Although all parties appreciated the benefits of the above provisions, the City concluded that it lacked the authority to establish a standard of care in the Rules and Regulations. For that reason, the Rules and Regulations were modified as follows:

New Rule 4.18(2) provides:
“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. 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 and structural engineers.”

This provision continues to insulate the Owner, the Contractors and the Design Professional from being held responsible for guaranteeing that which cannot be guaranteed. Since it is necessarily the case that unless one removes and reinstalls all of the cladding or other facade material, there can be no assurance of the absence of future difficulties - this statement clarifies the inherently limited objective that can be achieved by the ordinance. In that respect, it continues to provide the protection established by the former version of the rule. However, it does not specify a standard of care. Rather it defaults to the applicable standard of care for architects and structural engineers. Since, in the absence of contractual language that provides otherwise, the “applicable” standard of care is one that is tied to an “industry-standard” level of performance, design professionals are still afforded substantial protection by this language. But that it true only insofar as they don’t promise to deliver anything more than that which a similarly situated design professional would be expected to find. For that reason, the design professionals should be careful not to include any language in their contracts that hold them accountable to providing their services in any manner other than that which is consistent with the “standard of care.”

In a similar vein, because of the nature of the risks associated with façade inspection and repair, design professionals and contractors are encouraged to consider negotiating provisions in their contracts that both (i) limit their liability to the owner and
(ii) provide indemnification in the event of a façade failure that is unrelated to either an inadequacy in the professional services or a failure in the construction services.
Façade

Q: Could somebody grab the microphone and bring it down?
A: And John is going to have a microphone on this side.

Q: I think we have a question down front here, Kim if you want to bring the mike down?
A: We want to get these on the mike because the intention is to transcribe the Q and A. I think we had a question down here.

Q: Question for Mr. Winnick – On the rule 4.18, are we supposed to include the unsafe and imminently hazardous condition statement or not?
A: I am not sure I understand the question.

Q: Well, I guess previously it had stated in the ordinance that we were, that it did include the statement unsafe and imminently hazardous conditions, but in the new ordinance, it doesn’t state that?
A: No, you should be indicating

Q: Ok.
A: Any unsafe or (inaudible) hazardous conditions

Q: Ok.
A: Ok, over here on the left.
Q: I think there should be a clarification, I think I understand it but since the City of Chicago has a definition of 80 feet for a high-rise building being the mean roof level, that it's not the same 80 feet that the parapet that could be 85 feet, then it would qualify, correct?

A: What it is, is that in the rule, in the building code it does state that the height of the building is from grade, to the roof and compare the walls over three feet, it is to be included in the height.

Q: Ok.

A: That's still not quite clear.

Q: Does the 80 feet for the high-rise, for the facade ordinance mean if you had a, that would be then, 83 feet?

A: I don't understand what you mean by

Q: Well

A: Do you have an example?

Q: Well, say if you had a building that had a roof elevation of 79 feet, 11 inches. That qualifies as a mid-rise, not a high-rise? If you had a parapet that extended up to 85 feet, or what if you had then a parapet that was 2
feet higher, 82 feet, and it was, does that mean that it was higher than 80 feet?

A: Yes, it is required to fall under the ordinance.

Q: This question is for Ian, you had mentioned that in the inspections, that used to be corners plus 25% of the building? The question is, on the corners, at what point does the corner stop, and then the 25% start, does that make sense?

A: That makes sense. I think we have had several questions like that this morning. Basically, the city has not defined, basically, what a corner is. Whether it's one foot off of the corner, or 10 feet off the corner. If I were to make an interpretation of that, I would say, within three feet of the corner, would be sufficient. So, if you do 3 feet on the corner of a building, then you do the remaining 25% after you have removed the corner area from the rest of the facade. Does that answer your question?

Q: Yes, thank you.

A: Thank you.

Q: I think it’s important as we are talking about percentages today that, the codes sets and establishes minimum standards and many of the professionals that are doing this kind of work, that are involved in specific
buildings are going to tell you that for a particular type of building, in a
given condition that 25% may not be adequate and they may suggest to
you that you’re going to have to do a heavier coverage of that, so please
expect that because it will be the case in many situations. Question up
here.

A: Yeah, you defined the pertinence of a fire escape and where our
responsibility begins and ends, could you clarify a little bit more as far as
the chimney goes? Maybe a 100 foot chimney?

Q: Well, if the chimney’s on top of the high-rise building, it should be looked
at, it should be inspected. And it could be the whole chimney or a portion
of it, we’re not asking you to go around the whole chimney, so you’re
going to have to get somebody to get on a rope, (inaudible) to do that type
of inspection, but if you look at least a portion of it and verify, yes at least a
portion of it is fine and the rest you could take a little visual of it, that will
be sufficient enough.

A: You are referring to the whole height of the chimney?

Q: Most of these chimneys, most of the damage happens at the top height of
the chimney, it doesn’t happen at the lower portion, it’s always at the top
where it’s exposed to water the most. So, we would prefer you look at the
top portion and the bottom portion you just take a quick glance at as you
are going down.
A: You?

Q: Yeah, if balconies are a (inaudible), where does the, could you clarify the difference between a bolt on, or an extension of the structure? Where the demarcation is?

A: I would interpret that a bolt on balcony would be a (inaudible). However, if you have an extension of a floor slab as a balcony, I would suspect that the vertical edge of the balcony slab would be part of the wall.

Q: All right, and the railing system then

A: We're talking about a concrete slab.

Q: Right

A: Ok, thank you.

Q: When you have two towers and they have the same address, will the city allow you to do, if you have a (inaudible) like you do one tower every four years, and one in between because it would be very efficient to do it that way.

A: No
Q: If, one other question, if you had a 10-story building with terra cotta on it, and you have a 25-story reinforced concrete building coming out of the middle of it, how is that treated? And let’s say the tower was a class 2.

A: Wait, again, repeat that again?

Q: If you have a 10 story, 80 year old building with terra cotta on it, and you have a 25 story concrete building coming out of the middle of it, how is that treated?

A: If would be two different classes, so you would treat it as two separate (inaudible) the top portion would be class, I think one, and the bottom portion would be a category three. So it would be in different, separate categories.

Q: I think the point we are trying to make, the example of four towers and a single address, yes you can phase the different towers, but a given tower has to meet the four or eight of twelve-year cycle individually for its reports. The reports themselves can be staggered. Does that adequately answer the question?

A: We have several towers, we have six of them with two towers and two of them have the same address. The ones that have separate addresses we are doing separately. But you know, if they are a class three you would want to do one tower and then do the ongoing on the other one, because that would be the most efficient way to do it.
Q: You can phase those, but for an individual tower you need to complete the cycle within the four-year window. If it’s a category three, but then you could, for instance do the other tower in the off two years or stagger them, so they are phased.

A: Great, thank you.

Q: Yes.

A: (Inaudible)

Q: Yes, the extra metals and pertinences are covered under a separate section of the building code and then there is a, I believe, five year cycle on those inspections, and those still are required, It’s a separate reporting mechanism, and it may in fact be, as was pointed out, in the building owner’s interest to combine those for economies, but they would be responding to two separate components of the code. That’s a choice that you may make, but they are separate requirements. And the intent here, that was addressed by Jeff, and by Ian was that the intent here was not to double up on those. Yes?

A: To choose the category of a building and existing building from the three to two, what is required to be submitted?

Q: I would think that you would have to submit to the city, a set of documentation, describing the work that was done. In other words, if you
were going to take out brick work to install flashings or install new
galvanized steel ties, there should be a set of construction documents that
was used to perform that work, and after that work is completed, the
professional can then submit that documentation to the city, certifying that
the work was in fact done, and therefore can change a classification from
a three to a two.

A: I mean, I think the key to that point, to compliment that statement is
identify your intentions at the initial stages of your process and the
permitting process as part of the project you anticipate changing the
classification of the building.

Q: (Inaudible)

A: Again, I think it's just a matter of getting the documentation and working
with Alison and Jose to, to provide sufficient documentation to clarify and
to, to show that it has been completed.

Q: And I think that, that documentation must be certified by a professional. I
don't think you can have the contractor just come in and do that.

A: Right here, sir?

Q: Here's a situation where a building has setbacks. The perimeter building is
under 80 feet, the other facades that rise above 80 feet, which part of the
facades need to be examined and so on and so forth?
A: It’s still under the same rules, the portion, the bottom portion’s under 80 feet, but the top portion is over 80 feet. Is that what you are saying?

Q: Yeah

A: No, no, no. It’s setbacks.

Q: No, I understand it’s setbacks. You still have to do portion the same rule, it applies to the same rule, you still have to do the 25% in the corners,

A: So I have to do the portion that’s below 80 feet?

Q: Yes, because remember, you are adding that to the height. What the rule states, is that not a penthouse like, or is an occupied penthouse?

A: Let me give you a concrete example: Look at Stroger Hospital,

Q: Ok.

A: Are you familiar with that building?

Q: Yes, I know it.

A: Most of it is five stories high, under 80 feet. The rest of it, you know we have patient towers, that are higher. They are set back, for the most part. So, the question is, do we have to inspect the,

Q: Yes
A: each part of the building?

Q: You have to inspect the bottom portion and the setback portion. There are a lot of towers in the city that have setbacks, but they are still a lot higher, go up more,

A: So, what you are saying is, every portion of that building needs to be inspected?

Q: Yeah, and you will follow what the rules say as 25% in the corners and all that.

A: I understand that part.

Q: Ok. There’s a lot buildings that are wedding cake of some shape or substance and it’s still one building, it’s treated as one building. I have a question back in the corner here?

A: For Mr. Winnick, how would you define an engineer in training?

Q: Actually, I am going to turn that over to the professionals. An engineering training is a person, is a graduate engineer from an accredited school, that has an engineering degree, that is being supervised, his work is being supervised by a licensed engineer. And this period in training is a time that three or four years as is necessary for the engineer to get enough
experience to sit for the professional engineering exam. So this is a time between graduation and sitting for the license, that engineer is in training.

A: I think a reason that that question was asked was in the context of the determination once hazards are identified. Standard allows that a professional may delegate certain portions of the examination process to people under his care, and that may include architects that are licensed, but may not be the person signing the report, or engineers, non-licensed, and or engineers in training, it could include people that are from the trades, assisted by a contractor, etc, etc. The standard is elevated, however once hazards are identified, and at that point, the standard is narrowed to only include the professional and designated engineers in training or architects in training. So that, I think is part of the clarification.

Here in the center, oh I'm sorry I've got the microphone over here. Back right?

Q: Ok my question is a category three building undergoes an extensive renovation, two facades, and puts in new steel. Does that steel considered a category three building or does certain elevations shift to category two?

A: My understanding of this, and I have just had an interpretation from the department on this exact subject. When a building has a mixed category, which in fact, can occur, where a façade one elevation may be all glass that is all stainless steel, and the other elevations may be whatever, brick masonry. You may have a category three on one wall, and a category one
on another façade. But you can identify the building as a mixed classification. It should be done so in your reporting to the city and the rules will apply, applicable to those individual elements. And if there are questions on any individual building, and there are going to be many of them, I urge you to send pictures or elevation sketches to the department to Alison or to Jose, and they will help you through this process. I have already submitted several to Alison this spring because of these changes. And they are very helpful in helping to clarify these. Yes?

Q: I wanted to follow up on the question about the wedding cake building. Is there ever a situation where a building has, say an attached parking structure that is not 80 feet high or say an attached townhouse that’s attached to the high-rise portion, that we wouldn’t have to inspect the smaller buildings?

A: Who wants to field that one?

Q: You are saying that there’s a parking structure next to the building, correct?

A: Maybe four stories tall and then you have the tower side, just do the tower portion. The lower portion is not considered, even though it’s attached, we consider that even though it’s kind of working with it, but you also have townhomes that are next door that are lower, mostly the bigger portion that we are worried about.
Q: Again, this is the same kind of thing, when you have those specific questions, take them back to these two, because they can definitely guide you through that. Microphone out there, Bob?

A: (Inaudible)

Q: Well, my under, you want to answer that?

A: The most artful way I can respond to that is to say the city is always willing to respond and work with the larger community to investigate potential changes, but the reality is the ordinance as it has been presented today is the ordinance, and we do not presently anticipate making any changes.

Q: Dennis?

A: So what should be on the website (inaudible) what should be on the website are the published rules and regulations and under the way that the city does it, we publish it and so we just did through the rules. So we put an ad in the Chicago Sun Times publish it for three days in the Sun Times saying if anyone wants to look at our website, there’s our rules and regulations, so it’s open for public comment including the comment here, and we then can go and change it although we don’t anticipate any changes to those published rules and regs.
Q: I will say that the ordinance is a thing that is more or less locked in stone, the rules do tend to be a bit more fluid and as we learn as a community new interpretations and new quandaries arise the department has reached out to the community and we have tried to, further clarifications of the rules as we move forward and yes, the rules that are out there are published but to say that they will be this way forever, that’s not realistic. I mean, they will be evolving, but the rules presumably will always be available and in a published form and if there are questions on the rules, take them back to the department.

A: Back here, John?

Q: The rules say that repairs need to be made from scaffolding only. Can repairs be made from a lift truck?

A: My understanding, as long as it meets the code requirements for a 30 lb per square foot (inaudible) load on the lift. I don’t think that it defines whether it’s a lift that’s on a, I mean there are all types of construction equipment. I think that the intent of the rule is such that you are not doing repairs hanging from a rope is what it boils down to. If you are on a platform that is adequately supported, whether it be a basket lift, I mean these are common construction equipment that we all use. (Inaudible), cable suspended scaffolding I think all are acceptable, as long as they meet the normal regulations for construction equipment.
Q: I have a follow-up comment. The ordinance refers to permanent repairs or permanent in nature, and I am not aware of any repairs that are permanent, which may be misleading to a number of people.

A: Well, permanent as, in the context of long-term repairs, meaning as if it were put in place as a replacement construction, as opposed to a stabilization, which by its nature is intended to be a temporary repair. That's really the intent is to differentiate from something that is intended as a stopgap fix that may be in place for a year, eighteen months, two years, something like that. Tim?

Q: (Inaudible) special dispensation to areas of walls that are above a pertinence, such as the wall above a balcony are really hard to inspect sometimes, you have to get on and off the stage. In effect, anything that might fall would fall on the balcony itself, is that ever excused?

A: I am not aware of any exception to that, I don’t know; does anyone want to speak to that? I mean, we routinely get off of stages and walk on the balconies to look at walls. Now again, the close-up touching is a requirement and the percentage is still governed.

Q: You can if it’s a non terra cotta building you could exclude those from your 25% of the area that you are inspecting.

A: Yes?
Q: Could you speak a little bit to the permits that are required to be pulled for critical examinations?

A: That’s a very good point, and I think we included something in the handout, did you have that in the handout?

Q: (Inaudible)

A: Some of the permits that a lot of building owners aren’t aware of is in the back of today’s handout, will be also be put on the website once we are finished with our full publication. But you scaffolding, your swing stage permits, your overhead protection permits, there are copies of the swing stage permit in the back of today’s handout, which is very important, a lot of building owners aren’t aware of this, we do need your insurance, and it’s pretty simple, self-explanatory form. Any other questions, can be found, you can, one more?

Q: (Inaudible)

A: Any other questions, you can certainly go to our website cchrbo.org. That info, we will assure you that it will get to the proper party. You have another question and then we will adjourn.

Q: As a follow up to that, Mr. Apericio (spelling) and I have had this conversation in the past. Often in conjunction with the ongoing, we have
stabilization repairs, so are there, is a general repair permit going hand-in-hand with the critical examination? Does that need to be obtained?

A: When you pull your permits, you get a scaffold permit. You cannot use a scaffold permit to do repairs, you have to get a building permit to do repairs. So, it kind of works hand-in-hand together. When you go in for your (inaudible) repairs, they are going to ask exactly what are you doing? Now our permits are being requested that anyone who is doing work on high-rise buildings has to make sure they give the exact information of what they are doing on the building because we have found some buildings that have gone beyond the permit or the scope of the permit, and we have been putting stop-work orders on those buildings, and we do not want that to happen, especially if it’s a dangerous or hazardous condition. We will work with you, we will try to help you speed the process along, and (inaudible) you always maintain that you have to get permits for anything repairs. If you find a condition where you know you are going to be on a building, you know you are going to do minor repairs, the contractor or whoever is responsible to get this permit, make sure they are saying, it is for an exterior wall (inaudible), and to do some minor repairs on the building. Nothing major, cause then after that is there is any major work it will have to go through a regular review process or will have to (inaudible) will work with you on trying to figure out what permit you can get.
Q: Once again, thank you all for coming, thank you for taking a proactive stance on keeping the city safe, and thank you for our speakers today.