

ORDINANCE

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

SECTION 1. Section 14A-3-306.1 of the Municipal Code of Chicago is hereby amended by inserting the language underscored, as follows.

14A-3-306.1 General.

The *building official* and any other *City* official charged with responsibility for administering the *Chicago Construction Codes* is authorized to issue a stop work order directing that the following prohibited activities cease and desist immediately:

(Omitted text is unaffected by this ordinance)

5. The construction, demolition, *rehabilitation*, or relocation of any *structure* in which excavation work has caused sagging, settling, cracking, or collapse of its foundation and walls of any *existing structure* containing a Group R occupancy located on property adjacent to the property being excavated, regardless of whether: (a) such *existing structure* is located within 5 horizontal feet of such excavation work; or (b) such sagging, settling, cracking, or collapse is due to absent or insufficient reinforcement or bracing or due to any other act or omission in the performance of the excavation work; provided, however, prior to issuance of a stop work order under this subsection, the *owner* of such *existing structure* must submit a written certification of such sagging, settling, cracking, or collapse, prepared by a *registered design professional* or a *registered geotechnical engineer*, to the *building official*. A stop work order issued under this subsection shall continue until: (A) such sagging, settling, cracking, or collapse is abated; or (B) the *owner* of the affected *structure* submits to the *building official* a written settlement or other agreement between the *owner* of the affected *structure* and the *owner* of the property on which excavation work was performed.

SECTION 2. Section 14A-3-306 of the Municipal Code of Chicago is hereby amended by inserting the language underscored, and by deleting the language struck through, as follows:

14A-4-406 EXCAVATION WORK ON PRIVATE PROPERTY.

14A-4-406.1 Scope.

All excavation work on private property must comply with Chapter 10-21 of the *Municipal Code* and Chapter 33 of the *Chicago Building Code*. A *permit* is required before beginning excavation work on private property that will be either:

1. More than 5 feet (1524 mm) vertically below existing grade and such excavation work will be either: (a) is adjacent to any *lot* containing an *existing structure* containing, in whole or in part, any Group R occupancy; or (b) within 5 feet (1524 mm) horizontally of either the *public way* or an *existing building* or *existing structure* that does not contain any Group R occupancy on a different *lot*.

(Omitted text is unaffected by this ordinance)

14A-4-406.1.1 Declaration of policy.

Notwithstanding any provision of state law to the contrary, the *owner* of property on which excavation work is to be performed, and the *person* actually performing the work, must protect the adjacent and subjacent support of the adjoining *public way*, any structures located on an adjacent lot containing any Group R occupancy, and any other structures located on the property of another and within five feet (1524 mm) of any portion of the excavating work, in accordance with this section.

(Omitted text is unaffected by this ordinance)

14A-4-406.3 Bracing for adjacent structures.

Where excavation work that requires a *permit* will be conducted on a lot adjacent to any other lot that contains an existing structure containing any Group R occupancy, or within 5 feet (1524 mm) of any portion of any other existing structure, the *owner* of the property to be excavated or the *person* performing the excavation work must reinforce or brace the such adjacent-existing structure in order to prevent sagging, settling, cracking, or collapse of its foundation and walls. The *owner* of the property to be excavated is responsible for the entire cost of the reinforcement or bracing. The reinforcement or bracing must be done in a manner consistent with the provisions of the *Chicago Construction Codes*. Bracing, including earth retention systems, required by this section must be designed by a *registered design professional*.

(Omitted text is unaffected by this ordinance)

14A-4-406.5 Liability.

The *owner* of the property where excavation work takes place and the *person* performing the work are jointly and severally liable for any damage, death, or injury caused by sagging, settling, cracking, or collapse of the *public way* or of the foundation or walls of any existing structure that contains any Group R occupancy located on any adjacent lot, or any other an-existing structure located within 5 feet (1524 mm) horizontally of the excavation work, due to absent or insufficient reinforcement or bracing, or due to any other act or omission in the performance of the excavation work. For purposes of this section, "damage" includes incidental costs such as salvage, relocation and temporary housing of occupants of damaged properties, as well as costs incurred by the *City* in responding to any sagging, settling, cracking, or collapse.

SECTION 3. This ordinance takes effect 30 days after passage and publication.



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