
CITY OF CHICAGO

RULES



MAINTENANCE OF EXPOSED TANKS AND TANK SUPPORT STRUCTURES

LAST UPDATED: 10/22/2015



Mayor Rahm Emanuel

Commissioner Judy Frydland

BY AUTHORITY VESTED IN THE COMMISSIONER OF BUILDINGS PURSUANT TO SECTIONS 2-22-040(4) AND 13-96-420(i) AND THE GENERAL PROVISIONS OF THE MUNICIPAL CODE OF CHICAGO, THE FOLLOWING RULES REGARDING THE MAINTENANCE OF EXPOSED TANKS AND TANK SUPPORT STRUCTURES ARE ADOPTED HEREIN.

By Order of the Commissioner:

Signed: 
Commissioner Judith Frydland

Date: 10/9/15

Published: 10/12/15

Effective: 10/22/15

RULES REGARDING THE MAINTENANCE OF EXPOSED TANKS AND TANK SUPPORT STRUCTURES

ARTICLE I - DEFINITIONS

Rule No. 1. As used in these Rules, unless the context clearly indicates otherwise:

“Building Code” or “Chicago Building Code” has the meaning ascribed to the term in Section 1-4-090 of the Municipal Code of Chicago.

“Code” or “Municipal Code” has the meaning ascribed to the term in Section 1-4-090 of the Municipal Code of Chicago.

“Commissioner” means the commissioner of buildings or his or her designee.

“Critical and invasive examination report” or “report” means a written report signed and sealed by an architect or structural engineer licensed in the State of Illinois that sets forth the findings of a critical and invasive examination and attests to the internal and external structural condition and integrity of the tank, tank supporting structure and the portion where it is connected to a roof or other structure, as required by Section 13-96-420(d) of the Municipal Code of Chicago.

“Department” means the department of buildings.

“Exposed tank” or “exposed tank supporting structure” means any tank or supporting structure that is located on the exterior of a building or is otherwise exposed to the elements.

“False Statements” shall have the interpretation ascribed to the term in Chapter 1-21 of the Municipal Code of Chicago.

“Owner” has the meaning ascribed to the term in Section 13-4-010 of the Municipal Code of Chicago.

“Safe condition” means a tank, tank supporting structure, and the portion where it is connected to a roof or other structure, that the examining architect or structural engineer licensed in the State of Illinois determines exhibits neither an “unsafe and imminently hazardous condition” nor a “safe with a repair” at the time of the critical and invasive examination.

“Safe with a repair condition” means a tank, tank supporting structure, and the portion where it is connected to a roof or other structure, that is considered by the examining architect or structural engineer licensed in the State of Illinois to not be in an “unsafe and imminently hazardous condition” at the time the critical and invasive examination is performed, but which

does requires repair prior to the next two year examination and reporting period in order to prevent its deterioration into an “unsafe and imminently hazardous condition”.

“Tank(s)” means any water tank with a capacity of more than 250 gallons, regardless of whether the tank is holding water.

“Tank supporting structure” or “supporting structure” means any structure used to support a tank regardless of whether a tank is affixed to such supporting structure. The term “supporting structure” shall be construed broadly to include anchors, guides, tracks, mounting brackets, mounting hardware of any type and all other forms of tank support.

“Unsafe and imminently hazardous condition” means a condition in a tank, tank supporting or the portion where it is connected to a roof or other structure that the examining architect or structural engineer licensed in the State of Illinois determines has no reliable means of structural integrity or support, and that is a health and safety threat or danger to the public, the property or adjoining properties.

ARTICLE II – CRITICAL AND INVASIVE EXAMINATION REQUIRED

Rule No. 2. A critical and invasive examination shall be conducted by an architect or structural engineer holding a valid professional license in the State of Illinois and shall consist of an in-person physical examination by hand or tool of the wood, metal and masonry, if applicable, components of both the tank, the tank supporting structure and the portion where it is connected to a roof or other structure.

If the tank is still present then the interior of the tank must be visually examined regardless of whether or not the tank is in active use.

If the tank has been removed but the tank supporting structure remains, then a critical and invasive examination of the tank supporting structure and the portion where it is connected to a roof or other structure must occur in full accordance with the provisions of Section 13-96-420 of the Municipal Code of Chicago and these Rules.

Other methods may be utilized to supplement the in-person physical examination by hand or tool, including but not limited to, sample scraping or coring, infra-red or thermal imaging, or other methods or technology to assess the internal and external structural condition and integrity of the tank, tank supporting structure and the portion where it is connected to a roof or other structure.

Date stamped color photographs of the tank, tank supporting structure and the portion where it is connected to a roof or other structure shall be taken during the critical and invasive examination and shall be submitted with the critical and invasive examination report.

Rule No. 3. The installation of any miscellaneous items or appurtenances on the tank or tank supporting structure, including but not limited to, signs and wireless communication equipment, is prohibited under sections 13-96-420(g) and (h) of the Municipal Code of Chicago. However, the owner, agent, or person in charge, possession or control of any existing miscellaneous items or appurtenances that were connected to the tank or tank supporting structure prior to the September 10, 2014 effective date of 13-96-420(g) and (h) must submit a critical examination report in the same manner as provided under sections 13-96-420(d) and (e) of the Municipal Code of Chicago and these Rules.

Rule No. 4. If, in the course of the critical and invasive examination, the examining architect or structural engineer finds or observes an unsafe and imminently hazardous condition as defined in Rule No. 1, then the architect or structural engineer shall (1) immediately report the condition to the City's 311 system and (2) immediately report the condition to the building owner and building management. Furthermore, the examining architect or structural engineer shall also subsequently detail the unsafe and imminently hazardous condition on the critical and invasive examination report.

ARTICLE III – CRITICAL AND INVASIVE EXAMINATION REPORT REQUIRED

Rule No. 5. The critical and invasive examination report shall be signed and sealed by the architect or structural engineer licensed in the State of Illinois who performed the in-person physical examination of the tank or tank supporting structure. If there are multiple tanks or tank supporting structures on the property then a separate report must be filed for each.

The report shall contain the following:

- (a) The address of the property on which the tank or tank supporting structure is located. If the property has an address range or multiple addresses then the address range and multiple addresses must be listed.
- (b) The name of the property owner and the property management company, if applicable.
- (c) The date or dates that the critical and invasive examination occurred.
- (d) The full name, business name (if applicable), business address, business phone number, business email address, and State of Illinois architect or structural engineer license number of the examining architect or structural engineer.
- (e) A detailed narrative of the methodology and techniques utilized for the critical and invasive examination.
- (f) A statement as to whether the tank, the tank supporting structure and the portion where it is connected to a roof or other structure were deemed to be in a "safe condition," "safe with a repair condition," or "unsafe and imminently hazardous condition" as the term as defined in Rule No. 1.
- (g) If the tank, the tank supporting structure or the portion where it is connected to a roof or other structure were deemed to "safe with a repair condition," or "unsafe and imminently hazardous condition" as the term as defined in Rule No. 1, then a detailed

narrative as to the explicit nature, findings and analysis of any and all the repair condition and/or unsafe and imminently hazardous condition.

- (h) Copies of the date stamped color photographs of the tank, the tank supporting structure and the portion where it is connected to a roof or other structure taken during the critical and invasive examination as shall be submitted with the critical and invasive examination report.

Rule No. 6. Two copies of the signed and sealed critical and invasive examination report shall be submitted to the building commissioner, along with a report review fee of Seventy-five dollars (\$75.00) payable to the City of Chicago department of finance. The initial report shall be filed with the building commissioner no later than December 1, 2015, and subsequent reports shall be filed with the building commissioner no later than September 10th every two years thereafter. Reports shall be filed by mail or in-person at:

City of Chicago
Department of Buildings
Conservation Bureau
Tank and Tank Supporting Structure Report
2045 West Washington Boulevard
Chicago, Illinois 60612

The commissioner reserves the right by directive to require an electronic filing of the report in the future.

ARTICLE IV – REVIEW OF CRITICAL AND INVASIVE EXAMINATION REPORT

Rule No. 7. The commissioner has the sole discretion to accept or reject the critical and invasive examination report. If the report is rejected, the commissioner shall state the reasons for said rejection in writing. A tank, tank supporting structure or the portion where it is connected to a roof or other structure with a rejected report shall be deemed to be in non-compliance with Section 13-96-420 of the Municipal Code of Chicago and these Rules.

Rule No. 8. The commissioner reserves the right to withdraw the acceptance of any report deemed to contain a false statement or material omission of an adverse fact.

ARTICLE VI – CONTINUING DUTY TO MAINTAIN

Rule No. 9. An owner shall have a continuing duty to maintain a tank, tank supporting structure and the portion where it is connected to a roof or other structure. In the event that an owner or owner's agent becomes aware of an unsafe and imminently hazardous condition as defined in Rule No. 1, then the owner or owner's agent shall take all immediate steps to stabilize, repair or abate the unsafe and imminently hazardous condition. In addition, the

owner or owner's agent shall immediately report the unsafe and imminently hazardous condition to the City's 311 system.

ARTICLE VII – POTENTIAL PENALITIES FOR FALSE STATEMENTS OR FALSE OR ALTERED INSPECTION REPORTS

Rule No. 10. The commissioner may refuse to accept a report from any person or entity found to have submitted a prior report which was found to contain a false statement.

Rule No. 11. The commissioner may void or revoke any permit that was issued in reliance on a document which is found to contain a false statement or which has been forged or altered by an applicant.

ARTICLE VIII – GENERAL PROVISIONS

Rule No. 12. Nothing in these Rules is intended to limit the powers or authority of the City of Chicago, the Department of Buildings or the powers or authority of any other City departments; nor are these Rules intended to relieve any person or entity from full compliance with any other provisions of the Municipal Code of Chicago or other rules and regulations promulgated by the department or any other City department.

Rule No. 13. Penalties for violations of these rules shall be as provided in the Municipal Code of Chicago.

Rule No. 14. The commissioner reserves the right to suspend, repeal or amend these Rules at any time in accordance with law.

Rule No. 15. The provisions of these Rules are severable. If any part of these Rules, in whole or in part, is declared invalid or unconstitutional, that declaration shall not affect the part or parts which remains.