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Chicago Adopts Construction Site Cleanliness Ordinance

A new City of Chicago ordinance setting certain requirements for construction site cleanliness will become effective on March 11, 2005.

The ordinance uses the commonly accepted definition of general contractors to determine who must comply with the ordinance. The ordinance also uses the commonly accepted definition of "construction and demolition debris" but excludes products containing lead, asbestos, or other hazardous materials. "Construction site" is defined as any portion of real property that is the location of any excavation of or erection, enlargement, alteration, repair, removal or demolition of any building or structure. Any construction that is contained within a completely enclosed structure is excluded.

The construction sites that are subject to the ordinance include residential projects with four or more units and that involve the construction of new structures or structures that have been substantially rehabilitated. Any project that will require a certificate of occupancy is also governed by the ordinance. A project for which the total cost is less than \$10,000 is excluded from the ordinance's requirements. Projects for which only plumbing, mechanical or electrical permits are required are also excluded. The department of streets and sanitation will be the primary enforcers of the new ordinance.

The ordinance requires all construction sites to be enclosed by a continuous chain link fence at least six feet in height. Opaque fabric meshing is to be affixed to the fence in order to allow air into the site, but contain construction dust and dirt within the site. The fence is to be placed at the perimeter of the property. The ordinance also requires the general contractor to take the necessary steps to ensure that dirt and debris from the construction site shall not be transmitted by vehicles leaving the site. These steps include paving roads, installing wheel wash stations and having street sweepers. In addition, beginning May 1, 2005, the general contractor must enclose floor areas with fabric meshing in order to contain dust and debris.

The ordinance also sets recycling standards that must be met in the future. For example, a contractor who is issued a permit after January 1, 2006 and before January 1, 2007, shall recycle at least 25% of construction and demolition debris produced at the site. Contractors issued permits after January 1, 2007 must recycle at least 50% of its construction debris produced at the site. Once these requirements become effective, contractors must submit documentation verifying their compliance in order to obtain a certificate of occupancy.

Any contractor violating the ordinance's cleanliness requirements will be fined at least \$200 for each offense. If a citation is issued on three separate days within a three-month period at the same construction site, the site may be subject to a 10-day stop work order issued by the Department of Buildings, the Department of the Environment or the Department of Streets and Sanitation. The City will lift the 10-day stop work order only if sufficient evidence is found of compliance with the ordinance.

If your company currently works as a general contractor, it should undergo efforts to comply with the ordinance, including but not limited to, installing the fabric mesh fence around the perimeter of the site, fabric mesh enclosures on each floor and dust screens. Further, general contractors should begin to develop plans that will meet the ordinance's future recycling requirements.

If you have any questions about the ordinance, call Megan Byrnes at 312-540-7522 or Bruce Schoumacher at 312-540-7046.

Disclaimer

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