



Office of the City Clerk



O2012-8254

Office of the City Clerk

City Council Document Tracking Sheet

Meeting Date: 12/12/2012

Sponsor(s): Suarez, Regner Ray (31)
Osterman, Harry (48)
Silverstein, Debra L. (50)

Type: Ordinance

Title: Amendment of Titles 2, 4, 5 and 7 of Municipal Code
regulating building code violations regarding bed bugs

Committee(s) Assignment: Joint Committee: Health and Environmental Protection;
Housing and Real Estate

ORDINANCE

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

SECTION 1. Section 2-14-155 of the Municipal Code of Chicago is hereby amended by inserting the language underscored and by deleting the language struck through, as follows:

2-14-155 Defenses to building code violations.

It shall be a defense to a building code violation adjudicated under this article, if the owner, manager, person exercising control, his attorney, or any other agent or representative proves to the administrative law officer that:

(a) The building code violation alleged in the notice did not in fact exist at the time of the inspection resulting in the notice;

(b) (1) At the time of the hearing on the issue of whether the building code violation does or does not exist, the violation has been remedied or removed. This subsection (b) shall not create a defense:

(A) ~~to~~ for a violation of Section 13-12-135(d)(5)(C); ~~or to~~

(B) for a person or entity that is an architect, structural engineer, contractor or builder who has been charged with a violation of Section 13-12-050 or Section 13-12-060 of this Code; ~~nor shall it be a defense~~

(C) for any violation of Section 13-20-550 or Section 17-12-0709 pertaining to any off-premise sign, as that term is defined in section 17-17-02108; or

(D) for a violation of sections 7-28-830, 7-28-840 or 7-28-850.

(2) However, for violations of Sections 13-196-400 through 13-196-440 of this Code, it shall be a defense under this subsection only where the violation has been remedied or removed within seven days of service of notice of the building code violations as provided under Section 2-14-152;

(Omitted text is unaffected by this ordinance)

SECTION 2: Section 2-112-160 of the Municipal Code of Chicago is hereby amended by inserting the language underscored and deleting the language struck through, as follows:

2-112-160 Commissioner – Enforcement powers and duties.

The commissioner of health shall have the following powers and duties:

(a) Public health related powers and duties:

(1) To enforce all the laws of the state and provisions of this Code in relation to matters pertaining to the public health and sanitary conditions of the city;

(2) To enforce all regulations of the board of health or any other federal, state or local authority with power to make regulations concerning the public health;

(3) To cause all nuisances affecting the health of the public to be abated with all reasonable promptness;

(4) To determine when a disease is communicable or epidemic, and establish quarantine regulations whenever it is deemed necessary;

(5) To enforce all the provisions of this code in relation to bed bugs, including but not limited to section 4-4-332, and Article VIII of chapter 7-28.

(Omitted text is unaffected by this ordinance)

SECTION 3: Chapter 4-4 of the Municipal Code of Chicago is hereby amended by adding a new Section 4-4-332, as follows:

4-4-332 Bed bugs.

(a) It is the responsibility of every licensee under this title 4 to provide pest control services when bed bugs are found on any licensed premises. The pest control services shall be conducted by a pest management professional as many times as necessary to totally eliminate the reported bed bug problem. Every licensee shall maintain a written record of the pest control measures performed by the pest management professional on the licensed premises and receipts and reports prepared by the pest management professional relating to those measures taken. The record shall be open to inspection by the departments of health, buildings, and business affairs and licensing.

(b) It shall be unlawful for any licensee under this title 4 which provides sleeping accommodations for hire or rent for transient occupancy by guests to rent, hire, or otherwise provide, any such sleeping accommodation in which an infestation of any bed bugs is discovered or suspected, unless an inspection by the pest management professional has determined that no such infestation exists or the infestation has been exterminated.

(c) For purposes of this section, the following definitions apply:

“Pest management professional” has the same meaning ascribed to that term in section 7-28-810.

“Transient occupancy” means any occupancy on a daily or nightly basis, or any part thereof, for a period of 30 or fewer consecutive days.

SECTION 4: Chapter 5-12 of the Municipal Code of Chicago is hereby amended by adding a new Section 5-12-101, and by adding the language underscored, as follows:

5-12-040 Tenant responsibilities.

Every tenant must:

(a) Comply with all obligations imposed specifically upon tenants by provisions of the municipal code applicable to dwelling units, including section 7-28-850;

(Omitted text is unaffected by this ordinance)

5-12-101 Bed bugs - Education.

Prior to any tenant entering into or renewing a rental agreement for a dwelling unit, the landlord or any person authorized to enter into a rental agreement on his behalf shall provide to such tenant the informational brochure on bed bug prevention and treatment prepared by the department of health pursuant to section 7-28-860.

SECTION 5: Chapter 7-28 of the Municipal Code of Chicago is hereby amended by adding a new section 7-28-370, as follows:

7-28-370 Disposal of furnishings, bedding, clothing or other materials infested with bed bugs.

(a) Subject to subsection (b), no person shall place, discard or dispose of any bedding, clothing or other materials infested with bed bugs on the public way.

(b) No person shall place, discard or dispose of any furniture, bedding, clothing or other material infested with bed bugs in the person's refuse container or dumpster for refuse collection, unless, the infested object is first totally enclosed in a plastic bag and labeled as being infested with bed bugs.

No furnishing, bedding, clothing or other material infested with bed bugs shall be recycled.

(c) For purposes of this section, "bedding" has the same meaning ascribed to that term in section 7-28-810.

SECTION 6: Chapter 7-28 of the Municipal Code of Chicago is hereby amended by adding a new Article VIII Bed Bugs, Sections 7-28-810 through 7-28-900, as follows:

Article VIII Bed Bugs.

7-28-810 Definitions. As used in this article, the following terms are defined as follows:

"Bedding" means any mattress, box spring, foundation, or studio couch made in whole or part from new or secondhand fabric, filling material, or other textile product or material and which can be used for sleeping or reclining purposes.

"Commissioner" means the commissioner of public health.

"Dwelling unit," "landlord," "rent" and "tenant" have the meaning ascribed to those terms in Section 5-12-030.

"Multiple rental unit building" means a building which contains two or more rental

units. A “multiple rental unit building” does not include a condominium building.

“Pest Management Professional” means a person who: (i) is licensed, registered or certified by the State of Illinois to perform pest control services pursuant to the Structural Pest Control Act, 235 ILCS 235; and (ii) follows National Pest Management Association Best Practices for the extermination of bed bugs.

“Rental unit” means any dwelling unit which is not owner occupied and is held out for rent to tenants.

7-28-820 Bed bugs-Nuisance.

Bed bugs are hereby declared to be a public nuisance subject to the abatement provisions of this chapter.

7-28-830 Bed bug infestation-duty to exterminate.

(a) In any rental unit where an infestation of bed bugs is found or suspected, it is the responsibility of the landlord to: (1) provide pest control services by a pest management professional as many times as necessary to totally eliminate the bed bug infestation; and (2) maintain a written record of the pest control measures performed by the pest management professional on the rental unit and receipts and reports prepared by the pest management professional. The record shall be open to inspection by authorized city personnel, including but not limited to employees of the departments of health and buildings.

(b) In any multiple rental unit building where an infestation of bed bugs is found or suspected, it responsibility of the landlord to: 1) provide pest control services by a pest management professional as many times as necessary to totally eliminate the bed bug infestation within the building or portion thereof, including the individual rental units; and (2) maintain a written record of the pest control measures performed by pest management professional on the building and receipts and reports prepared by the pest management professional. The record shall be open to inspection by authorized city personnel, including but not limited to employees of the departments of health and buildings.

(c) The extermination of bed bugs shall be by:

(1) inspection, and if necessary, the treatment of the two dwelling units on either side of the affected dwelling unit and the two units directly above and below the affected dwelling unit. This pattern of inspection and treatment shall be continued until no further infestation is detected; or

(2) any other method approved by the commissioner in rules and regulations.

7-28-840 Condominium and cooperative buildings-plan for treatment of bed bugs.

(a) No later than 90 days after the effective of this section, the governing association or board of directors of each condominium or cooperative building shall prepare a pest management plan for the detection, inspection and treatment of bed bugs in the building. The plan shall include the provisions of section 7-28-830(c) and require notification to the department of health of any known or suspected bed bug infestation within any part of the building. The governing association or board of directors shall maintain written records of any pest control measures performed by a pest management professional in the building retained by the association or board of directors and any report prepared by the pest management professional. The plan and records shall be maintained either on-site in the building or at the condominium's or cooperative's property management office and be open to inspection upon request by authorized city personnel, including but not limited to employees of the departments of health and buildings.

(b) The commissioner shall prepare and post on the health department's publicly accessible website a sample plan for the detection, inspection and treatment of bed bugs for the governing associations or board of directors of condominium or cooperative buildings. The sample plan shall set forth the best practices for the detection and treatment of bed bugs in such buildings.

7-28-850 Tenant Responsibility.

(a) A tenant shall immediately notify, in writing, the landlord of any known or suspected bed bug infestation in the presence of the tenant's dwelling unit, clothing, furniture or other personal property located in the building, or of any recurring or unexplained bites, stings, irritation, or sores of the skin or body which the tenant suspects is caused by bed bugs.

(b) The tenant shall cooperate with the landlord in the control, treatment and eradication of bed bug infestation found or suspected to be, in the tenant's rental unit. As part of that cooperation, the tenant shall:

(1) not interfere with inspections or treatments;

(2) grant access at reasonable times and upon reasonable notice to the tenant's rental unit for purposes of bed bug infestation inspection or treatment;

(3) make any necessary preparations, such as cleaning, dusting or vacuuming, prior to treatment in accordance with any pest management professional's recommendations; and

(4) dispose of any personal property that cannot be treated or cleaned before the treatment of the tenant's dwelling unit.

(c) Prior to inspection or treatment for bed bug infestation, the landlord shall send a written notice to the tenant of a dwelling unit being inspected or treated which advises the tenant of the tenant's responsibilities under this section and sets forth the specific preparations required by the tenant.

(d) This section shall not apply to any tenant of an assisted living or shared housing establishment, or similar living arrangement, when the establishment is required to provide the tenant assistance with activities of daily living or mandatory services. In such cases, the landlord will be responsible to make the necessary preparations, such as cleaning, dusting or vacuuming, of the tenant's dwelling unit prior to treatment in accordance with any pest management professional's recommendations. For purposes of this subsection, the terms "assistance with activities of daily living," "assisted living establishment," "mandatory services" and "shared housing establishment" have the meaning ascribed to those terms in the Illinois Assisted Living and Shared Housing Act, 210 ILCS 9/10.

7-28-860 Sale of secondhand bedding.

(a) For purposes of this section, the following definitions apply:

"Act" means the Illinois Safe and Hygienic Bed Act, 410 ILCS 68/1.

"Bedding," "manufacturer," "renovator," "rebuilder," "repairer," "sanitizer," and "secondhand material" have the meaning ascribed to those terms in section 410 ILCS 68/5 of the Act.

"Secondhand bedding" means bedding that is made in whole or part from secondhand material or that has been previously used or owned.

(b) Every manufacturer, renovator, rebuilder, repairer and sanitizer of bedding whose product is sold in the city shall comply with the Act.

(c) Every person who sells at retail any secondhand bedding shall post in a conspicuous location by the secondhand bedding a written notice that the bedding is made in whole or part from secondhand material or was previously owned or used.

(d) Every person who sells at retail any secondhand bedding shall provide to the purchaser of such secondhand bedding a written notice that the bedding is made in whole or part from secondhand material or has been previously owned or used.

7-28-870 Public information.

The commissioner shall prepare and post on the health department's publicly available website a brochure containing, at a minimum, the following: (1) a statement that the presence of bed bugs in any building or dwelling unit is a public nuisance; (2) information on how to detect the presence of bed bugs; (3) information on how to prevent

the spread of bed bugs within and between buildings; (4) a statement that tenants shall contact their landlord as soon as practicable if they suspect they have bed bugs in their dwelling unit; and (5) contact information as to where people can obtain more information.

7-28-880 Rules.

The commissioner of health and the commissioner of buildings shall have joint authority to promulgate rules and regulations necessary to implement this article.

7-28-890 Enforcement.

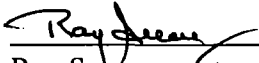
(a) Inspectors from the departments of buildings and health shall have authority to inspect the interior and exterior of buildings, other structures, or parcels on which a building is located for bed bug infestation and when any evidence is found indicating the presence of bed bugs at that site and to report such evidence to the appropriate commissioner.

(b) This article may be enforced by the departments of public health or buildings. In addition, the department of business affairs and consumer protection shall have the authority to enforce section 7-28-860.


7-28-900 Violation-penalties

Any person who is found in violation of this article shall be fined not less than \$300.00 nor more than \$1,000.00 for each offense. Each day that a violation continues shall constitute a separate and distinct offense to which a separate fine shall apply.

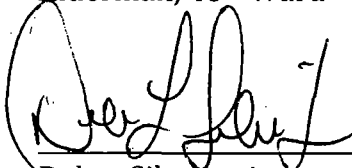
SECTION 6. This ordinance takes effect 10 days after its passage and approval.



Ray Suarez
Alderman, 31st Ward



Harry Osterman
Alderman, 48th Ward



Debra Silverstein
Alderman, 50th Ward