

CHAPTER X. - MANAGEMENT OF PARK PROPERTY

SECTION A. - LANDMARK PROPERTIES

1. Identification of Park Properties Significant to the Heritage of the Park District, City, State or Nation

The General Superintendent and the Board Committee on Planning and Development shall familiarize themselves with Park District properties which may contain areas, places, buildings, structures, landscapes, works of art and other objects or areas of historic, cultural, aesthetic, economic, social or architectural significance to the heritage of the Park District, City of Chicago, State of Illinois or the United States. For purposes of this chapter "architecture" includes, but is not limited to, landscape architecture.

2. Recommendation by the General Superintendent

Upon identifying property which is significantly based on one or more of the following criteria, the General Superintendent shall recommend to the Board that said property or properties be designated as "Park District Landmarks:"

- a. Its value as an example of the architectural, cultural, economic, historic, social or other aspect of the heritage of the Park District, City of Chicago, State of Illinois, or the United States.
- b. Its location as a site of a significant historic event which may or may not have taken place within or involved the use of any existing improvements.
- c. Its identification with a person or persons who significantly contributed to the architectural, cultural, economic, historic, social or other aspect of the heritage of the Park District, City of Chicago, State of Illinois, or the United States.
- d. Its exemplification of an architectural type of style distinguished by innovation, rarity, uniqueness, or overall quality of design, detail, materials, or craftsmanship.
- e. Its identification as the work of an architect, designer, engineer, or builder whose individual work is significant in the history or development of the Park District, City of Chicago, State of Illinois or the United States.
- f. Its representation of an architectural, cultural, economic, historic, social or other theme expressed through distinctive areas, districts, places, buildings, structures, works of art, or other objects that may or may not be contiguous.

- g. Its unique location or distinctive physical appearance or presence representing an established and familiar visual feature of a neighborhood, community, the Park District, or the City of Chicago.

The recommendation by the General Superintendent set forth in writing the facts relating to the criteria for designation that constitute the basis for the recommendation and shall specifically identify the critical features of the proposed landmark. a critical feature shall be any part, portion or whole of a property that makes an essential contribution to those qualities or characteristics by which the recommended landmark meets one or more of the criteria for designation. The recommendation of the General Superintendent shall also include a report which evaluates the relationship of the proposed designation of the immediate long-range plans of the Park District.

3. Designation of Park Properties as "Park District Landmarks"

After receiving the recommendation of the General Superintendent, the Board shall conduct a public hearing on the proposed designation. Giving due consideration to the recommendation of the General Superintendent and any comments from the public, the Board may by ordinance designate as a "Park District Landmark" Park District property containing an area, place, building, structure, work of art, or other objects of historic, cultural, aesthetic, economic, social or architectural significance to the heritage of the Park District, the City of Chicago, the State of Illinois or the United States. The Board in its ordinance shall identify the critical feature of the landmark, as defined above. The Board may direct that a suitable plaque or plaques be created by the General Superintendent appropriately identifying said landmark and that said plaque be affixed to the landmark.

4. General Superintendent Review of Work on Chicago Park District Landmarks

No alteration, construction, reconstruction, erection, demolition, relocation or other work shall be performed on any Park District landmark without the written approval of the General Superintendent or his/her designee. If the General Superintendent finds that the proposed work will not adversely affect any critical feature of the landmark and that the proposed work is in accord with the Standards for Rehabilitation set forth by the United States Secretary of the Interior at 36 C.F.R. 67, as amended from time to time, and any standards for landscape rehabilitation approved by the Board, the General Superintendent may approve the proposed work. The General Superintendent shall notify the Board of his or her approval. No substantial change may be made in the proposed work without the written approval of the General Superintendent.

If the General Superintendent finds that the proposed work will adversely affect or destroy any critical feature of the landmark, is inappropriate or inconsistent with the designation of the property, or does not comply with the Standard for Rehabilitation established by the Secretary of the Interior, or any standards for landscape rehabilitation approved by the

Board, the General Superintendent shall preliminarily disapprove the proposed work. The General Superintendent shall then notify the Board of the proposed work, the reason for preliminary disapproval and his/her opinion as to whether disapproval of the proposed work would substantially thwart or frustrate the Park District in performance of its statutory duties. However, notwithstanding any contrary provision in this Code, if, in the opinion of the General Superintendent, the construction, reconstruction, alteration, repair, or demolition of any improvement would remedy conditions imminently dangerous to life, health, or property, the General Superintendent shall approve the work notwithstanding other considerations relating to its designation as a "Park District Landmark" and immediately notify the Board of his/her approval.

5. Board Review of Work on Park District Landmarks

Upon receiving from the General Superintendent a notice of preliminary disapproval of proposed work together with his/her reason for disapproval and opinion as to the impact of the disapproval on performance of statutory duties as described above, the Board shall schedule and, thereafter, hold a public hearing on the proposed work. The Board shall also request from the Commission on Chicago Landmarks, an agency of the City of Chicago, a report which includes its analysis of the appropriateness of the proposed work and possible alternative work proposals which would minimize the adverse effect on the critical features of the landmark. After giving due consideration to the report and opinion of the General Superintendent, the report, if any, from the Commission on Chicago Landmarks, and any comments supplied at the public hearing, the Board shall determine whether the proposed work is approved, disapproved or approved as modified by the Board. In making its decision, the Board shall apply the following standard. The Board shall disapprove the proposed work if the work will adversely affect or destroy any critical feature of the landmark or is inappropriate or inconsistent with the designation of the property or does not comply with the Standard for Rehabilitation established by the United States Secretary of the Interior, or any standard for landscape rehabilitation approved by the Board, except if disapproval of the proposed work would substantially thwart or frustrate the Park District in performance of its statutory duties.

SECTION B. - MECHANICAL CODE

1. A certain document, three copies of which are on file in the office of the Secretary of the Park District, being marked and designated as "The BOCA National Mechanical Code, Sixth Edition, 1987," as published by the Building Officials and Code Administrators International, Inc., the Mechanical Code of the Park District; for the control of buildings and structures as herein provided; and each and all of the regulations, provisions, penalties, conditions and terms of the said BOCA National Mechanical Code are hereby referred to, adopted and made a part hereof, as if fully set out in this Code, with the additions, insertions, deletions and changes, if any, prescribed in Section 2 below.

2. The following sections are hereby revised as follows:

Section M-100.1 (page 1, second line). Insert: Park District.

Section M-114.2 (page 7, third line). Insert: 110% of the current charges of the Building Officials and Code Administrators or other duly qualified agency for providing such service.

Section M-114.3 (page 7, third line). Insert: 110% of the current charges of the Building Officials and Code Administrators or other duly qualified agency for providing such services.

Section M-117.4 (page 9, fifth, sixth and seventh lines. Insert: Violation, \$500, no time.

Section M-118.2 (page 10, fourth and fifth lines). Insert: \$10, \$500.

SECTION C. - BUILDING CODE.

1. A certain document, three copies of which are on file in the office of the Secretary of the Park District being marked and designated as "The BOCA National Building Code, Tenth edition, 1987" as published by the Building Code Officials and Code Administrators International, Inc., the Building Code of the Park District for the control of building and structures as herein provided; and each and all of the regulations, provisions, penalties, conditions and terms of said BOCA National Building Code are hereby referred to, adopted and made a part hereof, as if fully set out in this Code, with the additions, insertions and changes, if any, prescribed in Section 2 below.

2. The following sections are hereby revised as follows:

Section 100.1 (page 1, second line). Insert: Park District.

Section 103.4 (page 3, first line). Insert: the effective date of this ordinance.

Section 114.3.1 (page 11, third line). Insert: 110% of the current charges of the Building Officials and Code Administrators or other duly qualified agency for providing such services.

Section 117.4 (page 13, fourth and fifth lines). Insert: Violation, \$500, no time.

Section 118.2 (page 13, fourth and fifth lines). Insert: \$10, \$500.

Section 123.2 (page 17, second line). Insert: \$20.

Section 2906.1 (page 438, first, second and third lines). Insert: \$100,000; \$500,000; \$100,000.

Section 601 - delete.

Section 602 - delete.

SECTION D. - PLUMBING CODE.

1. A certain document, three copies of which are on file in the office of the Secretary of the Park District being marked and designated as "The BOCA National Plumbing Code, Seventh edition, 1987" as published by the Building Code Officials and Code Administrators International, Inc., the Plumbing Code of the Park District for the control of building and structures as herein provided; and each and all of the regulations, provisions, penalties, conditions and terms of said BOCA National Plumbing Code are hereby referred to, adopted and made a part hereof, as if fully set out in this Code, with the additions, insertions and changes, if any, prescribed in Section 2 below.

2. The following sections are hereby revised as follows:

Section P-100.1 (page 1, second line). Insert: Park District.

Section P-104.1 (page 2, second line). Insert: the effective date of this ordinance.

Section P-114.2 (page 8, third line). Insert: 110% of the current charges of the Building Officials and Code Administrators or other duly qualified agency for providing such services.

Section P-117.4 (page 9, fifth, sixth and seventh lines). Insert: Violation, \$500, no time.

Section P-118.2 (page 10, fifth line). Insert: \$10, \$500.

Section P-303.2 (page 26, third line). Insert: (distance in feet)?

Section P-308.3 (page 27, second line). Insert: (depth in feet in two locations). 3'6".

Section P-308.4 (page 27, second line and fourth lines). Insert: (number in inches in two locations).

SECTION E - ELECTRICAL CODE

A certain document, three copies of which are on file in the office of the Secretary of the Park District, being marked and designated as "The National Electrical Code, Sixth Edition, 1987," as published by the National Fire Protection Association, the Electrical Code of the Park District; for the control of buildings and structures as herein provided; and each and all of the regulations, provisions, penalties, conditions and terms of the said National Electrical Code are hereby referred to, adopted and made a part hereof, as if fully set out in this section.

SECTION F. - SALE, TRANSFER, AND DISPOSAL OF PERSONAL PROPERTY

1. Definitions

For purposes of this Section, the following words, terms, phrases and their derivatives shall have the meanings set forth in this section. When not inconsistent with the context, the present tense shall include the future tense; the plural shall include the singular number and the singular number shall include the plural number.

“Governmental Entity” means any unit of federal, state or local government, any municipal corporation or any political subdivision of the State.

“Non-profit Corporation” has the same meaning as a “not-for-profit corporation” as defined in 805 ILCS 105/103.10.

“Personal Property” means all tangible property owned by the Park District, including but not limited to equipment, supplies, and materials, other than real property.

“Surplus Personal Property” means personal property that is not required by or useful to the Park District or the resale value of which exceeds its useful value to the Park District. “Surplus Personal Property” shall not include impounded boats.

2. Surplus Personal Property

a. Disposal of Surplus Personal Property with no Resale Value.

If the Director of Purchases or his/her designee determines in writing that Surplus Personal Property has no resale value, the Director of Purchases or his/her designee shall dispose of such Surplus Personal Property.

b. Resale or Transfer of Surplus Personal Property with Resale Value

If the Director of Purchases or his/her designee determines in writing that Surplus Personal Property has resale value of \$10,000 or less, the Director of Purchases or his/her designee may sell or otherwise transfer such Surplus Personal Property. In the case of Surplus Personal Value valued in excess of \$10,000 but not more than \$50,000, the Director of Purchases or his/her designee may sell or otherwise transfer such Surplus Personal Property upon approval of the General Superintendent. In the case of Surplus Personal Property valued in excess of \$50,000, the Director of Purchases or his/her designee may sell or otherwise transfer such Surplus Personal Property upon approval of the Board. The Director shall sell or otherwise transfer Surplus Personal Property with resale value by means of public auction, competitive

sealed bidding or any other competitive procedure authorized by the General Superintendent. The Director of Purchases shall promulgate rules and regulations governing such procedures, subject to the approval of the General Superintendent.

3. Donation, Sale, or Transfer of Personal Property to Non-profit Corporations

The Director of Purchases or his/her designee may donate, sell or otherwise transfer Personal Property to a Non-profit Corporation, upon approval of the General Superintendent, or in the case of property valued in excess of \$5,000, upon approval of the Board.

4. Donation, Sale, or Transfer of Personal Property to Governmental Entities

The Director of Purchases or his/her designee may donate, sell or otherwise transfer Personal Property to any other Governmental Entity, upon approval of the General Superintendent, or, in the case of Personal Property valued in excess of \$10,000, upon approval of the Board.

5. Surplus Property Management

The Director of Purchases shall have the authority, subject to the approval of the General Superintendent, to promulgate additional rules and regulations governing the management of Surplus Personal Property.

6. Allocation of Proceeds

The Chief Financial Officer or his/her designee shall have the authority to allocate proceeds from the sale or transfer of Personal Property.

SECTION G. - STRUCTURES AND WORK ON AND UNDER PUBLIC WAYS

1. Permit Required

No person shall conduct or direct any of the following activity without first obtaining a permit from the General Superintendent:

- a.** make an opening in park property, pavement, side or cross walk or dig a hole, ditch or drain in or remove any sod, stone, earth, or gravel from any public way or other public place;
- b.** any portion of park property including the sidewalks and parkways during the construction, reconstruction, alteration, wrecking or tearing down of any building or structure or for the storage or delivery of building materials and equipment;
- c.** place any shaft, cable, pipe, main, conduit, wire or other transmitting or conducting device over, on or under the surface of park property or public place;
- d.** construct, build, establish or maintain any driveway over, across or upon park property;
- e.** remove any manhole cover, handhold cover or catch basin cover on any public way or other park property for any purpose including inspecting or maintaining any underground work or utility; on any public way or park property for the purpose of inspecting and maintaining any underground work or utility;
- f.** use the space under any sidewalk or parkway in such a manner as to affect or to interfere with any sewer or pipe or any other work lawfully in park property;
- g.** construct, maintain or use any canopy upon park property;
- h.** build, rebuild, remove or repair any sidewalk, walk from sidewalk to curb, carriage walk or concrete any lawn space;
- i.** use park roadways during the construction, reconstruction, alteration, wrecking or tearing down of any building or structure;
- j.** use any ladder, scaffolding or other similar devices upon or over any park property for the purpose of maintaining or repairing any private building or structure, or for hanging signs or changing the lettering on private signs; or
- k.** move on, along or across any public way or other park property, any building or structure or any machinery, equipment or personal property in excess of ten tons.

2. Encroachments

No building or other structure or a part or appurtenance thereof shall extend into, upon or over any part of the Park System.

3. Requirements for Issuing Permits

The General Superintendent shall not issue any permit authorized by this chapter until he/she shall have been fully advised of the time, place and character of such work and the purpose thereof. All applications for permits shall be accompanied by a plat, pencil tracing or sketch showing the location, character and dimensions of any proposed work, or any alterations involving changes in the location of pipes, conduits, wire or other conductors. The General Superintendent may require such additional drawings, surveys or other information as he/she may consider necessary or desirable to establish the scope, character and location of the work intended to be done and shall deny any application for permit unless or until such requirements are fulfilled.

4. Estimate of Costs

Before such a permit shall be granted, the Deputy General Superintendent of Parks and Recreation shall make an estimate of the cost of engineering and inspection services and of restoring the pavement, lawn, ground surface, or other improvements, to a condition equally as good as before the work provided for in such permit shall have been done.

5. Security for Costs

Before such a permit shall be granted, the applicant shall either pay the estimate of the cost of engineering and inspection service and of restoration, or deposit with the Park District a performance bond issued by a surety approved by the Treasurer in the penal sum of twice the estimate of cost, guaranteeing the payment by such applicant of all costs and charges against him/her by the virtue to the granting of such permits.

6. Indemnity Bond

Before any permit is issued the applicant shall first execute in favor of the Park District an indemnity bond in an amount to be fixed by the General Superintendent and in no case less than ten thousand dollars with sureties to be approved by the Director of Risk Management and in a form approved by the General Attorney conditioned upon the faithful performance of the permit and further conditioned to indemnify, keep and save harmless the Park District from any and all loss, cost, damage, expense, judgment or liability of any kind whatsoever which the Park District may be put to or which may be recovered from the Park District or any of its Officers or Employees from or by reason of or on account of accidents to person or property from or by reason of or on account of anything done under or by virtue of any permit granted.

7. Emergency Repairs

Whenever an emergency exists requiring that an opening in any public way or other park property be immediately made, and at such time or times the offices of the Park District are not open for the issuance of permits or the time required to make formal application would result in public injury or hardship such openings may be made if:

- a. the person making such opening has therefore obtained an emergency permit, and
- b. thereafter such person obtains a permit authorizing such opening.

The General Superintendent is hereby authorized to issue such emergency permits for the period of any calendar year.

8. Permit Fees

No permit shall be granted unless the applicant shall have paid at the time for filing an application for a permit the required permit fee in an amount in accord with the schedule set by the General Superintendent and approved by the Board.

9. Waiver of Permit Fees

No fee shall be charged to any municipality or aquarium or museum located within a park which offers reciprocity in the waiving of permit fees.