

CITY OF CHICAGO PUBLIC WAY USE PERMIT APPLICATION



BACP | SBC-PWU

GRANT OF PRIVILEGE APPLICATION PACKAGE

Department of Business Affairs and Consumer Protection (BACP)

Small Business Center (SBC) - Public Way Use (PWU) Unit

www.cityofchicago.org/sbc | 312.74.GOBIZ (744.6249) | 312.742.1974 (TTY)

CITY OF CHICAGO PUBLIC WAY USE (PWU) PERMIT APPLICATION

GRANT OF PRIVILEGE APPLICATION PACKAGE

GUIDE TO USING THE PUBLIC WAY FOR YOUR BUSINESS:

GENERAL INFORMATION

This is the City of Chicago Grant of Privilege Application Package. Permits for all privilege types, other than Sidewalk Cafes, have a five (5) year term, and are renewable. Completed applications may be submitted via mail, or in person, to:

City of Chicago
Department of Business Affairs and Consumer Protection
Small Business Center – Public Way Use Unit
City Hall, Room 800
121 N. LaSalle St.
Chicago, IL 60602

What is “Using the Public Way”?

Chicago’s streets, sidewalks, alleys and parkways are parts of the “public way.” In order for a business or property owner to occupy, use or otherwise encroach on, over or under the public way, a Public Way Use Permit or other specialized Permit is required under Chapter 10-28 of the Municipal Code of Chicago (“Code”). Common examples of items that encroach upon the public way, for which a Public Way Use Permit or other specialized Permit is required, are listed below.

- Over Street Level (Above Grade):
 - Canopies/Awnings, Signs, Light Fixtures, Balconies, Banners
- On Street Level (At Grade):
 - Planters, Decorative Pavers, Bollards, Windscreens, Kiosks, Sidewalk Cafés
- Under Street Level (Below Grade):
 - Vaults, Conduit (encased wiring), Caissons (foundation), Earth Retention Systems, Irrigation Systems

A complete list of public way uses is available online at our Small Business Center (SBC) website, at www.cityofchicago.org/sbc, [Public Way Use Permits](#) link.

How do I know which Application to File?

Depending upon the nature of the proposed encroachment on, over or under the public way, different Application processes apply.

- **Public Way Use Permits for Signs, Lights, Canopies, Awnings, Banners, Marquees** and All Other Encroachments On, Over or Under the Public Way are issued by the Department of Business Affairs and Consumer Protection (BACP)-Small Business Center (SBC), Public Way Use (PWU) Unit (with the exception of Sidewalk Cafes, which require a Sidewalk Café Permit issued by BACP) and newspaper stands; pay telephones; obstructions for construction and building maintenance purposes within the meaning of Articles V-A, V-B and V-C of Chapter 10-28 of the Code; lawn sprinkling systems in public parkways; advertising benches; and other permits administered by the Chicago Department of Transportation (“CDOT”).
 - For instructions and a copy of this Application, please download or request a copy of BACP’s “*Grant of Privilege Application Package*.”
- **Sidewalk Café Permits** are issued by the BACP-SBC, PWU Unit.
 - For instructions on how to apply for a Sidewalk Café Permit, and to obtain a copy of the Application form, please download or request a copy of BACP’s “*Sidewalk Café Application Information Package*.”
- For Permits issued by the Chicago Department of Transportation (“CDOT”), please contact CDOT directly at 312.744.3600, or in person at 30 N. LaSalle St., Suite 1100, Chicago, IL 60602.

How do I Obtain a Copy of the Application Packet?

You can download BACP’s “Grant of Privilege Application Package” and “Sidewalk Café Application Information Package” at BACP’s [Public Way Use Permits](#) webpage, or you can call 312.74.GOBIZ (744.6249) for an Application to be sent to you via fax, U.S. mail, or e-mail. If you are a new business owner, you may also request the appropriate Application when you apply for your City of Chicago business license at the address listed below.

Each Application administered by BACP is accompanied by **Instructions** explaining how the Application process works, and describing the information that you must provide in order to complete the Application.

Who should I contact if I have questions?

Please call our Business Contact Center at 312.74.GOBIZ (744.6249) with any questions you have regarding the correct Application to submit, or about the Application process. You can also obtain assistance by stopping by the SBC, Public Way Use Unit, in City Hall (121 North LaSalle Street, Chicago, Illinois), Room 800.

GENERAL GRANT OF PRIVILEGE PERMIT APPLICATION: PROCESS AND INSTRUCTIONS

1. Attached please find an Application for a Public Way Use Permit. For purposes of that Application, the LEGAL NAME of the Applicant means the natural person or entity to whom the permit will be issued. This named person or entity is responsible for paying annual usage fees and for complying with Section 10-28-015 of the Municipal Code of Chicago ("Code"), which includes obtaining commercial general liability insurance meeting the requirements of Section 10-28-015(e)(5).
2. The attached Application must be completed to obtain authorization from the City for any qualified permanent occupation of the public way, including encroachments on, over and under any street, sidewalk, parkway or alley within the City.
3. A completed Application must include plans, printed on 8 and 1/2 inch by 11 inch paper, displaying the items to be located on, over or under the public way; identifying the exact dimensions of those items; and clearly depicting the actual area of the public way affected by the encroachment.
4. In the case of renewal of an existing Public Way Use Permit, the completed Application must include photographs of the existing encroachment on the public way.
5. If the Applicant does not have a current business account number with the Department of Business Affairs and Consumer Protection (BACP), the Applicant must create such an account by completing a Business Information Sheet (BIS) pre-application form. The BIS form can be found at our website at: www.cityofchicago.org/sbc > [Public Way Use Permits](#). Any questions on the BIS form that do not apply to your situation should be marked N/A (Not Applicable).
6. The completed Application, including the plans and any required photographs, may be submitted, in person or by mail, to the address listed below. Faxes will not be accepted.
7. NOTE: Applicants for a Public Way Use Permit must also obtain the appropriate construction permit(s), if applicable. Please contact the Department of Buildings and/or Chicago Department of Transportation for details. All proposed encroachments on the public way require review and approval by various City inspecting departments. It is BACP's responsibility to provide your Application to the appropriate inspecting department(s). If the inspecting department disapproves your Application, BACP will notify you in writing of the reason(s) for that disapproval.
8. The Chicago City Council must adopt an Ordinance authorizing the issuance of a Public Way Use Permit. BACP will notify you by mail when the required Ordinance is enacted. At that time, as a condition of issuance of Public Way Use Permit, you are required to submit to BACP's Public Way Use Unit:
 - I. Payment of the first year's annual permit fee;
 - II. A completed Certificate of Insurance; and
 - III. A completed and signed Acceptance Letter ("Acceptance of Grant of Privilege Permit Terms").

Upon receipt of these materials, BACP will mail your Public Way Use Permit to you at the address identified in your Application. In accordance with Section 10-28-015(b) of the Code, if approval by Ordinance is withheld, the Commissioner of BACP shall deny your Application for a Public Way Use Permit, and shall notify you of such fact in writing within ten business days after the denial.

9. Permits for all privilege types, other than a Sidewalk Café Permit, are for five (5) year terms and are renewable.
10. If you do not receive your renewal Application, or require more detailed information related to Public Way Use Permits or any required business license, please contact us at:
 - publicwayuse@cityofchicago.org, or
 - 312-74-GOBIZ (744-6249), or
 - Go to our website at www.cityofchicago.org/sbc, and then select [Public Way Use Permits](#).

Please submit all required Application materials, in person or by mail (faxes will not be accepted), to:

City of Chicago Department of Business Affairs and Consumer Protection
Small Business Center – Public Way Use Unit
City Hall, Room 800
121 N. LaSalle Street
Chicago, Illinois 60602

APPLICATION CHECKLIST

APPLICATION

- Please ensure that all pages of the enclosed Application are accurate and complete.
- Carefully read Chapter 10-28 and Chapter 13-20 of the Municipal Code of Chicago ("Code") to determine whether additional requirements apply to your proposed use of the public way.

PHOTOGRAPHS

- If you are renewing an existing Public Way Use Permit, please provide photographs that clearly depict the item(s) encroaching upon the public way in relationship to the surrounding public way.

PLANS

- Plans shall be submitted on 8 ½" by 11" paper(s), and clearly illustrate:
 1. The business name and address as it appears on your business license, if applicable.
 2. The exact length and width of the item(s) encroaching on the public way. These lengths and widths must match the dimensions indicated on your Application.
- Plans that do not meet all applicable requirements will be returned to the Applicant for corrections. This will delay the processing of your Application.

INSURANCE REQUIREMENTS

- Following passage of an Ordinance authorizing issuance of the requested Public Way Use Permit, you must complete your Application by submitting a Certificate of Insurance, meeting the following requirements:
 1. The Certificate of Insurance must evidence commercial general liability coverage in an amount not less than \$1,000,000.00 per occurrence, covering bodily injury, personal injury and property damage that may result from issuance of the permit or use of the public way. Please ensure that the insurance coverage is no less than \$1,000,00.00.
 2. The Certificate of Insurance must comply with Section 10-28-015(e)(5) of the Code and clearly state the following:
 - a. Name the City of Chicago, and its agents and employees, as additional insured on a primary, non-contributory basis for any liability arising directly or indirectly from the permittee's operations, and clearly indicate that the public use being permitted (i.e. canopy, awning, balcony, sign, light fixtures, flag poles, vault, etc.) is covered by the insurance policy.
 - b. YOUR specific public way use must be listed on the insurance policy; if your specific use is not identified on the insurance policy, your Certificate of Insurance will not be accepted).
 - c. In addition, please note that the term "Certificate Holder" does not mean that the City of Chicago, and its agents and employees, are named as additional insured. Please ensure that your Certificate of Insurance names the City of Chicago, and its agents and employees, as additional insured in conformity with Section 10-28-015(e)(5) of the Code .
 3. The insurance policy must provide for 30 days' advance notice to the Commissioner of Business Affairs and Consumer Protection if the coverage provided for in the insurance policy is substantially changed, cancelled, allowed to lapse, or not renewed.
 4. The "Certificate Holder" named on the Certificate of Insurance must be:

City of Chicago - Public Way Use Unit
City Hall, Room 800
121 N. LaSalle Street
Chicago, Illinois 60602
 5. When returning a Corrected Certificate of Insurance, please ensure that the related account and permit numbers are listed on the Certificate.

ACCEPTANCE LETTER

- Following passage of an Ordinance authorizing issuance of the requested Public Way Use Permit, you must complete your Application by submitting the attached "Acceptance of Grant of Privilege Permit Terms" ("Acceptance Letter).

PERMIT FEE

- Following passage of an Ordinance authorizing issuance of the requested Public Way Use Permit, you must complete your Application by submitting the required Permit Fee.

BACP cannot issue any Public Way Use Permit that has been approved by Ordinance unless and until you submit proof of insurance in the required amount, the required Acceptance Letter, and the required Permit Fee.

APPLICATION FOR A GRANT OF PRIVILEGE IN THE PUBLIC WAY

APPLICANT INFORMATION

LEGAL NAME OF BUSINESS ENTITY:

PERMIT MAILING ADDRESS:

| | | |
|-----------------|--------|---------|
| CITY: | STATE: | ZIP: |
| CONTACT PERSON: | TITLE: | |
| PHONE: | FAX: | E-MAIL: |

DATE OF PERSONAL DELIVERY OF APPLICATION TO ALDERMANIC WARD OFFICE, IF APPLICABLE

(Entered by Applicant):

DATE OF MAILING OF APPLICATION TO ALDERMANIC WARD OFFICE, IF APPLICABLE

(Entered by Applicant):

USE OF THE PUBLIC WAY

- List the proposed or existing use(s) below, and complete the worksheet on page 10.
- Use only one application for all public way use types.

| TYPE | HOW MANY? | BUILDING ADDRESS |
|------|-----------|------------------|
| | | |
| | | |

1. Please enclose one sketch of proposed use of the public way, which maps to scale the proposed use and its relationship to surrounding right-of-way. All measurements must be indicated.
2. The enclosed sketch should also accurately depict the location of the property line and Public facilities (meters, light poles, sidewalks).
3. All Applications for permits involving "No Fee" items must be accompanied by a \$50 application fee. Please remit with Application.
4. "No Fee" items are listed in the price list on page 11.

PROPERTY OWNER INFORMATION

NAME:

ADDRESS:

| | | |
|-------|--------|------|
| CITY: | STATE: | ZIP: |
|-------|--------|------|

APPLICANT CERTIFICATION

I hereby certify that all statements made as part of this Application, and the attachments thereto, are true to the best of my knowledge and belief.

BY:

TITLE:

ALDERMAN'S RECOMMENDATION

Please note: The Alderman's recommendation shall be based on the applicable factors identified in Section 10-28-015(c) of the Municipal Code of Chicago. Aldermanic recommendation for approval shall not be unreasonably withheld or withheld because of the language, content or message contained in or implied by a sign, canopy, awning, banner, marquee or other item for which a permit is sought.

DATE OF RECEIPT OF APPLICATION AT ALDERMANIC WARD OFFICE

(Entered by Alderman or Alderman's designee at the Ward Office):

ALDERMAN'S SIGNATURE:

| | |
|-------|-------|
| DATE: | WARD: |
|-------|-------|

| | |
|---|--------------------|
| <input type="checkbox"/> Recommend In Favor | Provide Reason(s): |
| <input type="checkbox"/> Recommend Against | |

For Aldermanic Ward Office information, please go to the City of Chicago Office of the City Clerk website at: <http://chicago.legistar.com/People.aspx>.

DIMENSIONS OF PUBLIC WAY USE

- Use for all public way encroachments except sidewalk cafés.
- Use by **NEW APPLICANTS ONLY**.
- Renewals must obtain proper form from SBC, PWU Unit, or call (312) 74.GOBIZ (744.6249)
- Complete the worksheet for use of the public way and indicate all applicable measurements, the public way use type and the exact street the public way use is along.

| Exact Street (i.e. S. State St.) | Public Way Use Type | Quantity | Length of structure along public way | Height of structure | Depth of structure | Height above grade | Total depth over public way | Is this sign(s) Illuminated? (Y/N) | Is this an Existing Public Way Use (Y/N) |
|-------------------------------------|------------------------|----------|--|------------------------|-----------------------|-----------------------|--------------------------------|--|--|
| | | | | | | | | | |
| | | | | | | | | | |
| | | | | | | | | | |

Describe in detail how the public way is to be used together with the description of location.

YEAR* BUILDING WAS CONSTRUCTED:

*** Buildings built before 1923 must provide documentation.**

All disclosures and information contained in this Application must be kept current. Until such time that the City Council or other city agency takes action on the Application, any material change in the information required above must be provided by supplementing this Application Worksheet with an amended Application Worksheet.

Instructions:

To facilitate processing, please submit this Application form, in person or by any form of U.S. mail that provides proof of the date of delivery, to the Alderman in whose Ward your proposed use of the public way is located for the Alderman's signature and recommendation regarding the proposed use.

Be sure to **RETAIN A COPY** of the submitted Application for your own records, and in cases where the Application is mailed, any proof of the date of delivery provided by the U.S. Postal Service.

The Alderman has **60 days** from the date the Application is received at the Alderman's Ward Office to return the completed Application to you containing the Alderman's signature and recommendation. If the Alderman does not return the completed Application to you within 60 days of its receipt at the Alderman's Ward Office, please mail or bring a copy of your Application, for appropriate processing, to: BACP Small Business Center – Public Way Use Unit, at the address identified below, together with a letter describing your Application's submission history, including relevant dates and any supporting documentation.

If BACP determines that your Application is complete, accurate and in compliance with all pertinent provisions of the Municipal Code of Chicago and other applicable law, BACP will prepare and submit an ordinance to the City Council, recommending approval of the Application. You may also contact BACP at the address identified below if you wish to consider preparing and submitting, on your own behalf, an ordinance to the City Council that does not include an aldermanic recommendation. Such an ordinance will be subject to review for all applicable legal requirements.

Please submit all required information to:

City of Chicago Department of Business Affairs and Consumer Protection
 Small Business Center – Public Way Use Unit
 City Hall, Room 800 - 121 N. LaSalle Street
 Chicago, IL 60602

ACCEPTANCE OF GRANT OF PRIVILEGE PERMIT TERMS ("Acceptance Letter")

By signing below, I acknowledge that: (1) I understand and agree to comply with the "Terms and Conditions" set forth in this Acceptance Letter; and (2) I have received from the Department of Business Affairs and Consumer Protection ("BACP") a copy of Chapter 10-28 and Chapter 13-20 of the Municipal Code of Chicago ("Code").

TERMS AND CONDITIONS

I understand that it is my legal duty as the Permit Holder ("permittee"), and as a condition of the Public Way Use Permit, to:

1. Comply with all applicable requirements pertaining to the Public Way Use Permit, as set forth in Section 10-28-015(e) and other applicable provisions of the Code, and in rules duly promulgated thereunder, including the requirements set forth in these Terms and Conditions;
2. Upon passage of an Ordinance authorizing the issuance of the Public Way Use Permit, and thereafter upon renewal of such Permit, pay the applicable and **non-refundable** annual permit fee for such Permit;
3. Upon passage of an Ordinance authorizing the issuance of the Public Way Use Permit, submit to BACP's Public Way Use Unit a Certificate of Insurance meeting the requirements in Section 10-28-015(e)(5), and thereafter, maintain such insurance in full force and effect for the duration of the Permit;
4. Prior to renewing the Public Way Use Permit, resolve all "holds" that the City has placed on the permittee's account ("account holds") for failure to resolve outstanding debt or for any other reason. Failure to do so will result in delays in processing the issuance or renewal of the Public Way Use Permit;
5. Install and maintain in good condition and repair, and safe for public travel, and free from snow, ice and debris, all permitted item(s) encroaching in, over, under or adjacent to the public way, as required by, and in accordance with, Section 10-28-015(e)(1) of the Code;
6. Be responsible for the cost of any work that the City performs in the event of the permittee's failure, neglect or refusal to perform any of the permittee's legal obligations, as required by, and in accordance with, Section 10-28-015(e)(3) of the Code;
7. Be responsible for, and pay for, the removal, relocation, alteration, repair, maintenance, and restoration of city-owned structures or appliances located in or adjacent to the public way, which are necessary or appropriate on account of the permittee's use of the public way, as required by, and in accordance with, Section 10-28-015(e)(4) of the Code; and
8. Indemnify, defend, keep and save harmless the City, its agents and employees against all claims, liabilities, judgments, costs, damages and other expenses which in any way may arise or accrue against, be charged to or recovered from the City, its agents or employees to the extent required by, and in accordance with, Section 10-28-015(e)(6) of the Code.

By signing below:

- I agree to the Terms and Conditions identified herein.
- I agree to renew the required insurance policy at least 30 days prior to its expiration date.
- I acknowledge that I am not entitled to a refund of my permit fee or any portion thereof if the permitted item(s) identified in the Permit Application are not constructed in the public way.
- I understand that the Public Way Use Permit is not subject to sale, assignment or transfer, whether voluntary or involuntary, except upon approval of the Commissioner of BACP.
- I understand that as a condition of the Public Way Use Permit, I am required to keep all information in my Permit Application current, and to report any change in required information to BACP's Public Way Use Unit within 30 days after that change.

I understand that the failure to adhere to all conditions imposed in connection with the Public Way Use Permit may result in revocation of that permit.

| | |
|-------------------------------------|----------------------------------|
| SIGNATURE: | DATE: |
| PRINT NAME: | TITLE: |
| F.E.I.N. or SOCIAL SECURITY NUMBER: | |
| ACCOUNT #: | SITE # |
| LEGAL NAME OF BUSINESS ENTITY: | |
| BUSINESS NAME (DBA): | |
| BUSINESS LOCATION ADDRESS: | |
| CITY: Chicago | STATE: Illinois ZIP CODE: |
| BUSINESS PHONE: | |
| E-MAIL: | PERMIT TYPE: |

APPLICATION TO USE THE PUBLIC RIGHT OF WAY

EXAMPLE OF SIGN DRAWING

SIGN DRAWING

PROPERTY LOCATION: _____

ORGANIZATION(S) NAME: _____

HEIGHT OF STRUCTURE

LENGTH OF STRUCTURE

DEPTH OF STRUCTURE

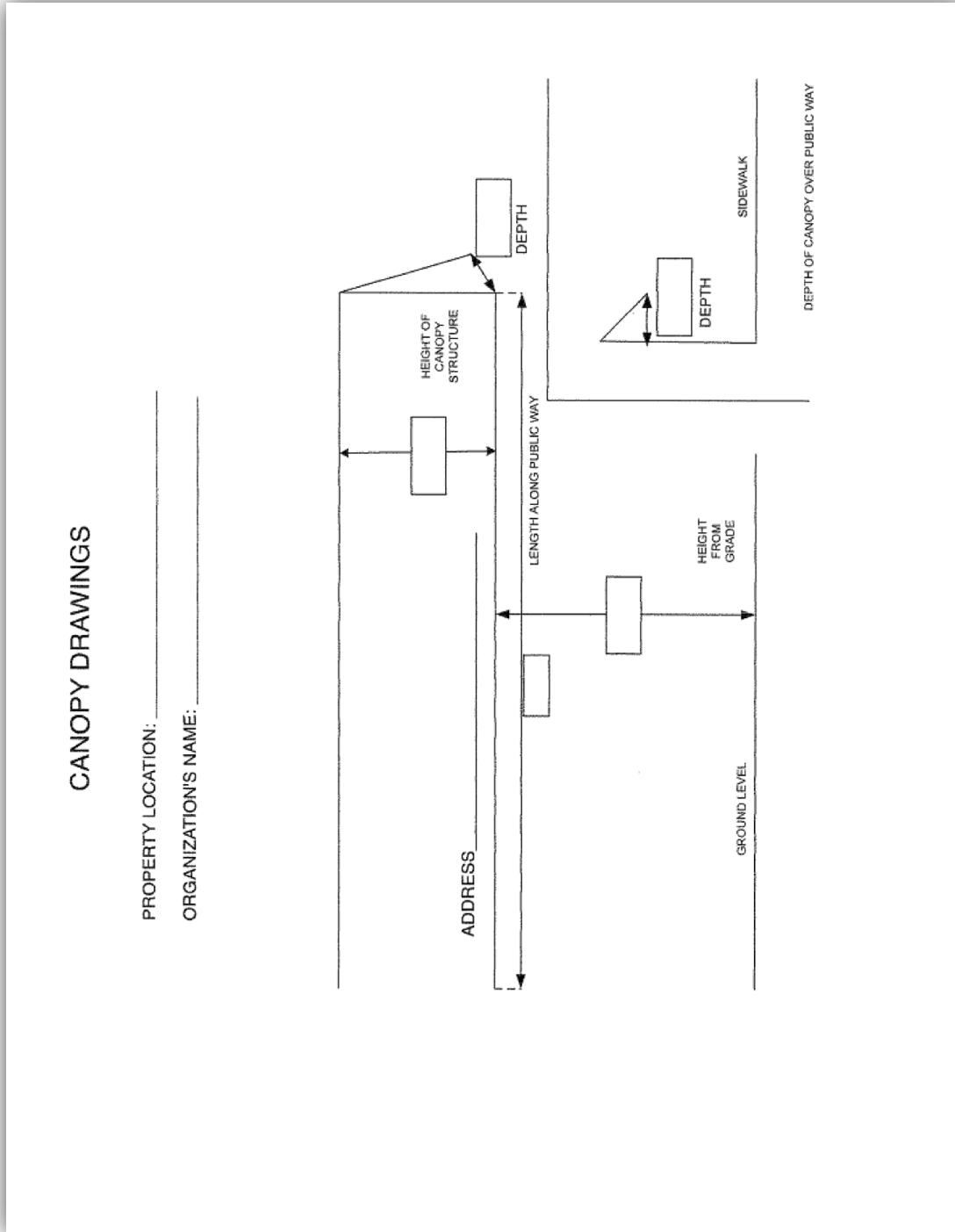
TOTAL DEPTH OVER THE PUBLIC WAY

HEIGHT ABOVE GRADE (SIDEWALK)

SIDEWALK

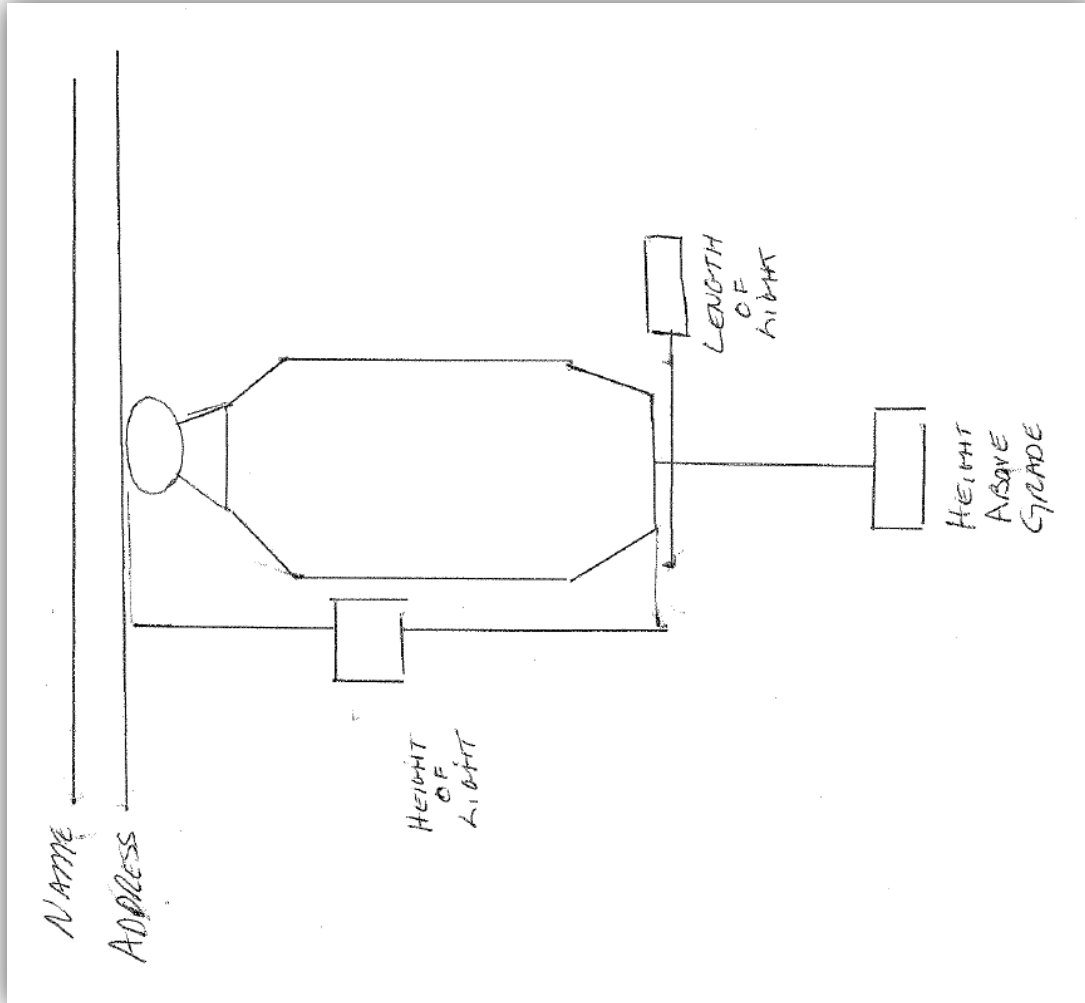
APPLICATION TO USE THE PUBLIC RIGHT OF WAY

EXAMPLE OF CANOPY/AWNING DRAWING



APPLICATION TO USE THE PUBLIC RIGHT OF WAY

EXAMPLE OF LIGHT(S) DRAWING



PUBLIC WAY USE - FEE STRUCTURE

| PUBLIC WAY USE | ANNUAL FLAT FEES |
|---|--|
| Awning | \$50 for the first 25 feet + \$1 each additional foot |
| Canopy | \$50 for the first 25 feet + \$1 each additional foot |
| Balcony | \$75 each |
| Banner | \$75 each |
| Barber Pole | \$10 each |
| Bay Window | \$75 each |
| Bicycle Rack | \$0 / \$50 application fee |
| Bollard | \$75 each |
| Cable | \$50 for 1 st 25 feet + \$1 each additional linear foot |
| Conduit (fiber or not) | \$6 per linear foot |
| Clock | \$400 each |
| Door Swing | \$75 each |
| Fire Escape | \$400 each |
| Flag Pole | \$75 each |
| Light Fixture | \$75 for the first + \$5 each additional light |
| Light Pole | \$75 each |
| Manhole | \$400 each |
| Marquee | \$50 for the first 25 feet + \$1 each additional foot |
| Park Bench | \$75 each |
| Security Camera | \$0 / \$50 application fee |
| Sign | \$100 each (if less than 25 square feet) |
| | \$300 each (if 25 square feet and up) |
| Smoking Management Receptacle | \$75 each (permanent) |
| | \$0 / \$50 application fee (portable) |
| Trash Container | \$75 each |
| Windscreen | \$400 each |
| Landscaping | \$0 / \$50 application fee |
| Planter | \$0 / \$50 application fee |
| Trees | \$0 / \$50 application fee |
| Tree Grate | \$0 / \$50 application fee |
| Combination of Sign (< 25 ft.), Awning, Canopy, Light | \$175 maximum |

The fees for all other structures occupying the public way are determined by a formula based on square feet, real estate value, and level (on, over, under the public way), with a minimum charge of \$400 per item per year.

Notwithstanding the above, the total fee for a public way use for any combination of signs less than 25 square feet, canopies, awnings, or light fixtures, at the same location, shall not exceed \$175.00 for all such public way uses.

Exemption: No fee shall be charged for a public way use that is on or above the public way in the following cases:

In the case of a residential building, as that term is defined in Section 17-17-02146, constructed in or before 1922 (with proof provided with this Application), a public way use that is part of the original construction and is a permanent structure of the building; provided that in the case of a mixed used building, any public way use that solely is for the use or benefit of any commercial or business activity in the building shall pay the fee(s) required for the public way use. In the case of a landmark building, any part of the building which is on or over the public way, including a clock or light fixture, if the clock or light fixture is part of the landmark designation. For purposes of this Exemption, a landmark building shall also include any building in a landmark district, other than a non-contributing building. If, in the case of any building specified in this Exemption, the public way use for which the Public Way Use Permit is sought is below grade level or is under the public way or under any other public place, the appropriate fee(s) shall be charged.

DO NOT INCLUDE ANNUAL FEE PAYMENT(S) WITH THIS APPLICATION.