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City Council Document Tracking Sheet

Meeting Date:	10/31/2012
Sponsor(s):	Burke, Edward M. (14)
Type:	Ordinance
Title:	Amendment of Chapter 7-28 to further regulate commercial refuse containers
Committee(s) Assignment:	Committee on Finance

ORDINANCE

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

SECTION 1. Section 7-28-215 of the Municipal Code of the City of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

7-28-215 Commercial refuse containers – Permit License and medallion required.

(A) *Definitions.* For purposes of this section, the following terms shall have the following meanings:

“Medallion” shall mean a transponder that uses Passive RFID radio frequency technology approved by the Commissioner of the Department of Transportation based upon a program of demonstrated use and proven reliability to transmit: (1) the license number of the provider; (2) the name, address and telephone number of the provider; (3) the approved location of the refuse container; (4) the name and address of the person responsible for payment for refuse collection service for the refuse container; (5) the size of the refuse container; (6) a unique identifier associated with each specific refuse container; and (7) such other information that the Commissioner of the Department of Transportation shall require.

“Provider” shall mean the person who provides refuse collection services for a refuse container that has been provided for use by or on behalf of that person at a requested specific location.

“Refuse container” shall mean ~~the~~ a commercial refuse container or a refuse compactor ~~described as defined~~ in Section 7-28-210 of the Code. However, “refuse container” shall not include a receptacle ~~provided for the convenience of customers of a business establishment if for which~~ no refuse collection service has been contracted ~~for that receptacle.~~

(B) *Permit License and medallion required.* It shall be unlawful for any provider to place, maintain, or provide refuse collection services for a refuse container for use in the City of Chicago unless such provider shall have first obtained a refuse container ~~permit~~ license and medallion for that container, and affixed the medallion thereto.

Any refuse container to which a non-operational medallion is affixed shall be placed out of service and shall not be used for any purpose described herein unless and until a replacement medallion is obtained and affixed thereto.

(C) *Application.* An application for a refuse container ~~permit~~ license shall be made to the ~~e~~Commissioner of the Department of ~~t~~Transportation. In addition to such other

information as the eCommissioner may require, the applicant shall state: (1) the name, address and telephone number of the provider; (2) the proposed location of the refuse container; (3) the name and address of the person responsible for payment for refuse collection service for the refuse container; and (4) the size of the refuse container. ~~the name, address, container locations, container sizes and telephone number of the provider of the refuse container.~~ The information shall be updated periodically or otherwise as prescribed by the eCommissioner of the Department of tTransportation.

(D) *Permit License fee.* Except with respect to refuse containers intended for and used exclusively either: ~~(i) for the collection of recyclable materials or~~ (ii) by a unit of local government or school district that levies a property tax exclusively within the City of Chicago, as to which there shall be no permit license fee, the ~~permit license~~ permit license fee for each refuse container ~~permitted licensed~~ pursuant to this section shall be as follows:

Type A (under one cubic yard)	\$ 17
Type B (one to two cubic yards)	\$32
Type C (two to 10 cubic yards)	\$63
Type D (over 10 cubic yards)	\$164
Type R (used exclusively for recycling)	no fee

Replacement medallions shall be issued at a fee to be determined by the Commissioner of the Department of Transportation.

The permit license shall be valid for a four-month period beginning on April 1, August 1, and December 1 of each year. In each year the ~~permit license~~ fee shall be paid no later than the following dates, unless a different payment schedule is specified by the eCommissioner of the Department of tTransportation by regulation:

July 15 for the period beginning April 1.

November 15 for the period beginning August 1.

March 15 for the period beginning December 1 of the previous year.

(E) *Enforcement.* This section shall be enforceable by any one of the following: the Commissioner of the Department of Fleet and Facilities Management, the President of the Board of Health, the commissioner of the environment, the eCommissioner of the Department of sStreets and sSanitation, the eCommissioner of the Department of tTransportation, the eCommissioner of the Department of bBusiness aAffairs and eConsumer pProtection, or the eComptroller, or their respective designees. The eCommissioner of the Department of tTransportation shall have the authority to promulgate such rules and regulations as the eCommissioner deems necessary or

appropriate for the proper administration and enforcement of this section. The eComptroller may require that a provider produce such records and other information that the director considers necessary to determine compliance with this section.

(F) *Penalties.*

(1) Any person violating this section or any rule or regulation promulgated under this section shall be subject to a fine of not less than \$250.00 nor more than \$1,500.00 for each offense.

(2) Each day that a violation ~~is permitted to exist~~ continues shall constitute a separate offense. In addition, any refuse container not validly ~~permitted~~ licensed and affixed with a medallion may be removed by the city, and all costs associated with such removal shall be borne by the provider of the refuse container. ~~The owner of a refuse container, if different from a provider, shall be jointly and severally liable with the provider for any violation of this section.~~

(3) Any person with one or more outstanding fines in a total amount in excess of \$300 shall be ineligible for renewal of any license and shall be subject to the revocation of any or all other licenses issued under this Section.

(4) None of the penalties under paragraphs (F)(1) – (3) above shall be assessed against any provider able to demonstrate by a preponderance of evidence that it has discontinued collection services for a refuse container owned by a person other than the provider.

SECTION 2. Section 7-28-331 of the Municipal Code of the City of Chicago is hereby deleted in its entirety:

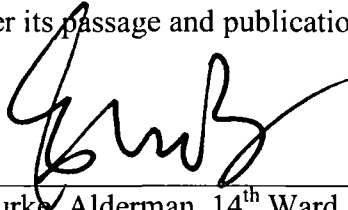
~~7-28-331 Commercial refuse containers and compactors — Identification.~~

~~—(a)—The owner of a commercial refuse container or compactor at a building where refuse is removed at the expense of the owner, his agent or occupant of the property, shall label the container with the following information: the address of the person using the commercial container; in the case of a business, the name of the business or businesses served by the container, and the name and telephone number of the person providing refuse collection service for that container; and, in the case of a residential building, the name of the person responsible for payment for refuse collection service for that container at the building; except that this section shall not apply to grease containers as defined in section 10-28-791 of this Code. The labeling shall be indelible, in letters no less than one inch high, in a color that contrasts clearly with its background, placed on the vertical surface opposite the hinge of the container's cover. The container shall be placed during normal use so that the label is visible from the alley adjacent to the building served by the container. Containers used exclusively for recycling shall be marked in a manner specified by the commissioner of transportation.~~

~~—(b)— No person shall cover, alter, obscure or remove the identifying label required under subsection (a) of this section.~~

~~—(c)— Any person who violates any provision of this section shall be fined not less than \$200.00 and not more than \$500.00 for each offense. Each day that a violation continues shall constitute a separate and distinct offense.~~

SECTION 3. This ordinance shall be in full force and effect one hundred and twenty (120) days after its passage and publication.

A handwritten signature in black ink, appearing to read 'E. M. Burke', written over a horizontal line.

Edward M. Burke, Alderman, 14th Ward