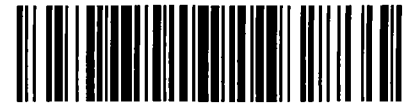




Office of the City Clerk



SO2012-6609

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City Council Document Tracking Sheet

Meeting Date:	10/3/2012
Sponsor(s):	Brookins, Howard (21)
Type:	Ordinance
Title:	Amendment of Section 7-28-785 of Municipal Code to further regulate collection bins
Committee(s) Assignment:	Committee on License and Consumer Protection

SUBSTITUTE
ORDINANCE

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

SECTION 1. Section 2-25-050 of the Municipal Code of Chicago is hereby amended by adding the language underscored and by deleting the language struck through, as follows:

2-25-050 Powers and duties of the department.

(Omitted text is unaffected by this ordinance)

(b) Powers and duties of the commissioner and the department. The powers and duties of the commissioner and department shall be as follows:

(1) To provide a gateway to assist businesses in obtaining city licenses;

(Omitted text is unaffected by this ordinance)

(32) To exercise powers and perform duties pursuant to an agreement between the City of Chicago and the County of Cook that is approved by the City Council, including the sharing of documents and information, and including the withholding of the issuance or renewal of a license under Section 4-4-150 or the suspension of a license under Section 4-4-280, for the purpose of facilitating the collection of taxes, fees, accounts payable, debts, and other revenues by the City and the County:

(33) To exercise all rights, powers, duties, obligations and responsibilities that relate to the issuance or revocation of permits for the installation or maintenance of collection bins pursuant to section 7-28-785.

SECTION 2. Section 4-264-060 of the Municipal Code of Chicago is hereby amended by adding the language underscored and by deleting the language struck through, as follows:

4-264-060 Use of unlicensed premises prohibited.

1. No secondhand dealer shall make use of any property, private or public, not included within the licensed premises, for the storage, handling or display of any secondhand article.

2. No secondhand dealer, their agent, or any other agency, organization or individual shall place or cause to be placed any unattended receptacle for the purpose of accepting donations of any kind on public or private property without the applicable permit. Any violation of this section or any rule or regulation promulgated thereunder may result in license suspension or revocation in accordance with the requirements of Section 4-4-280. ~~specific written consent of the Alderman of the ward in which said receptacle is placed. Failure to comply with this provision shall result in a fine of \$500 per day up to 5 calendar days at which time the illegally placed receptacle will be confiscated and disposed of by the Department of Streets and Sanitation under the direction of the Ward Superintendent who will have the power to issue tickets to the offending agency or individual.~~

SECTION 3. Section 7-28-785 of the Municipal Code of Chicago is hereby amended by adding the language underscored and by deleting the language struck through, as follows:

7-28-785 Collection bins.

(a) For purposes of this section only, the following definitions shall apply, unless the context clearly indicates otherwise:

(1) "Collection bin" means any bin, box, truck, or other container placed outdoors for the collection of clothes or other items as donations; provided that a "collection bin" shall not include any bin, box or other small container used solely for the purpose of collecting money.

(2) "Commissioner" means the commissioner of business affairs and consumer protection streets and sanitation.

"Designated agent" means a person who maintains an office or residence in the city and who is designated, in writing, by the owner or lessee of the real property on which the collection bin will be located: (i) to submit the letter required in subsection (c)(4) of this section; (ii) for service of process; and (iii) to take remedial action and respond to any violation of this section.

(3) ~~{Reserved-}~~ "Local contact person" means a person authorized as an agent of the operator who: (i) is designated for service of process; (ii) is authorized by the operator to take remedial action and respond to any violation of this code; and (iii) maintains a residence or office located in the city.

"Operator" means any person who installs or maintains a collection bin.

(4) "Owner" has the same meaning ascribed to that term in Section 13-4-010.

(b) It shall be unlawful for any person to install or maintain any collection bin outdoors on private property in the city without first obtaining a permit from the department of business affairs and consumer protection.

The commissioner is authorized to issue permits for the installation and maintenance of collection bins in accordance with this section.

(c) An application for a permit shall be made by an operator to the commissioner department of business affairs and consumer protection and shall include the following:

(1) the applicant's operator's name and address, and the name and address of the property owner lot on which the proposed collection bin will be located, and the name and address of the owner or lessee of the lot, if different from the operator's applicant's;

(2) a detailed drawing (site map) indicating: (i) the position of all permanent structures, including but not limited to, buildings and driveways located within the lot; (ii) the location of all streets, alleys, fire hydrants, light poles and traffic control signs adjacent to the lot; (iii) the lot lines; and (iv) the location of the proposed collection bin. The site map shall be legible and include a key to any symbols;

(3) a statement indicating the scheduled times for removal of the contents of the collection bin;

~~(4) the name and telephone number of an emergency contact person a letter signed by the owner or lessee, or his designated agent, setting forth the owner's or lessee's permission to locate the collection bin on the lot, if such collection bin will not be installed or maintained by the owner or lessee;~~

(5) pictures of the proposed site and collection bin;

(6) the name, address and 24-hour telephone number of a local contact person of the organization that will be using the collection bin for donations; and

(7) the address of the website required in subsection (g); and

~~(7 8) any other information reasonably required by the commissioner of business affairs and consumer protection.~~

~~(d) The commissioner of business affairs and consumer protection shall forward the completed application to the city council alderman of the ward in which the proposed collection bin will be located, along with a request for any information on the factors set forth in subsection (f).~~

~~(e) The following restrictions apply to the issuance of any permit under this section: No permit shall be issued for a collection bin on any lot:~~

~~(1) on which is located a vacant building, as that term is defined in section 13-12-125 a permit shall be issued only to the property owner on which the collection will be located; and or~~

~~(2) a permit shall not be issued for any property containing a dwelling unit, as that term is defined in Section 13-4-010.~~

(f) The commissioner shall deny or revoke a permit issued under this section if: (i) the granting of the permit would create a nuisance in the surrounding area; (ii) the location of the collection bin would interfere with or impede the flow of pedestrian or vehicular traffic, or ingress or egress from any surrounding building or lot; (iii) the location of the collection pin would impede or interfere with the use of any pole, traffic signs or signals, hydrants, mailboxes or other objects located near the site of the proposed collection bin; (iv) the operator makes any false statements, submits any false information or misrepresents any information required under this section; or (v) for any reason set forth in subsection (e).

~~Upon passage of an ordinance approving the issuance of the permit, the commissioner of business affairs and consumer protection shall issue the permit.~~

(g) As a condition of the permit, it shall be the duty of the permit holder to:

(Omitted text is unaffected by this ordinance)

(4) ensure that the collection bin is only being used by the organization operator listed on the permit. The name of the ~~organization using the bin for donations operator and permit number~~ shall be posted on the collection bin; and

(5) post on the collection bin the name and telephone number of ~~a responsible~~ the local contact person to contact in case of any emergency; and

(6) maintain a website which lists the address and ward of each collection bin installed or maintained by the operator, and a map indicating the locations of such collection bins within the city. The website shall be updated weekly and be accessible to the public.

Failure to adhere to any conditions imposed in the permit may result in revocation of the permit.

(Omitted text is unaffected by this ordinance)

(j) A permit issued pursuant to this section shall be for a term of two years, and the biennial fee shall be ~~\$200.00~~ 100.00 per collection bin lot. The permit shall expire on the date indicated in Section 4-4-021 of this Code.

(Omitted text is unaffected by this ordinance)

(m) The provisions of this section shall be enforced by the department of business affairs and consumer protection and by the department of streets and sanitation.

(n) No ~~person operator~~ whose permit under this section is revoked for any cause shall be granted another permit under this section, under the same or different name, for a period of one year ~~two years~~ from the date of revocation. When a permit issued under this section is revoked, no permit issued under this section shall be approved for the same location for a period of two years from the date of revocation.

(Omitted text is unaffected by this ordinance)

(q) It shall be the duty of every owner of any lot on which is located a collection bin to ensure that such collection bin has a valid permit and is in compliance with this section. Any collection bin installed or maintained in violation of this section shall be removed by the operator or the owner of the lot on which the collection bin is located. The owner and operator shall be jointly and severally liable for any violation of this section.

SECTION 4. This ordinance shall be in full force and effect ten days after its passage and publication.

Howard B. Brookins, Jr.
Alderman, 21st Ward