



# City of Chicago



O2016-8626

Office of the City Clerk

## Document Tracking Sheet

**Meeting Date:** 12/14/2016

**Sponsor(s):** Emanuel (Mayor)

**Type:** Ordinance

**Title:** Amendment of Municipal Code Titles 7, 11 and 17 regarding environmental fines and modifying definition of recycling facility and related terminology

**Committee(s) Assignment:** Committee on Health and Environmental Protection



HEALTH

OFFICE OF THE MAYOR  
CITY OF CHICAGO

RAHM EMANUEL  
MAYOR

December 14, 2016

TO THE HONORABLE, THE CITY COUNCIL  
OF THE CITY OF CHICAGO

Ladies and Gentlemen:

At the request of the Commissioner of Public Health, I transmit herewith an ordinance amending various provisions of the Municipal Code regarding environmental fines and updating terminology.

Your favorable consideration of this ordinance will be appreciated.

Very truly yours,

A handwritten signature in cursive script that reads "Rahm Emanuel".

Mayor

## ORDINANCE

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

**SECTION 1.** Chapter 7-28 of the Municipal Code of Chicago is hereby amended by adding the language underscored, and by deleting the language struck through, as follows:

#### **7-28-060 Conditions detrimental to health – Public nuisance – Violation – Penalty.**

*(Omitted text is unaffected by this ordinance)*

Any person found guilty of violating any of the provisions of this section shall be subject to a penalty of not less than \$200.00 nor more than ~~\$500.00~~ \$5,000.00, or imprisonment not to exceed 10 days, or both such fine and imprisonment for each offense. Each day such violation shall continue shall constitute a separate and distinct offense.

#### **7-28-450 Unremoved motor vehicles, ashes, refuse, waste, debris and other materials – Owner responsible for removal – Nuisance – Violation – Penalty.**

a. Lot in ill-maintained condition — Unremoved ashes, refuse, waste or other debris. Except as otherwise provided in Section 7-28-720, the owner, as defined in Section 7-28-005, of any business or residence or lot or tax parcel of real estate, whether improved or unimproved, vacant or occupied, shall remove or cause to be removed from such property any abandoned or derelict motor vehicle as defined in Section 9-80-110; garbage; ashes; refuse; trash; rubbish; waste; manure; or other substance or material that may contain disease or germs, or be scattered by the wind, or decompose, or become noxious or unhealthful or otherwise threaten the public health, safety or welfare. Unremoved material of such nature is hereby declared to be a public nuisance. Any owner or other person found in violation of this section shall be punished by a fine of not less than \$750.00 nor more than ~~\$1,500.00~~ \$5,000.00 for each offense. Each day such violation continues shall constitute a separate and distinct offense to which a separate fine shall apply.

*(Omitted text is unaffected by this ordinance)*

#### **7-28-720 Accumulation of materials or junk.**

It shall be unlawful for any person to accumulate or permit the accumulation on any open lot, or other premises, any lumber, boxes, barrels, bricks, stones, scrap metal, motor vehicle bodies or parts, or similar materials, or any articles of junk, which provides rat-harborage, unless the same shall be placed on open racks that are elevated not less than 18 inches above the ground, evenly piled or stacked.

Any person who violates this section shall be fined not less than \$300 nor more than ~~\$600~~ \$5,000 for each offense. Each day that a violation continues shall constitute a separate and distinct offense to which a separate fine shall apply.

**SECTION 2.** Chapter 11-4 of the Municipal Code of Chicago is hereby amended by adding the language underscored, and by deleting the language struck through, as follows:

**11-4-030 Operating a facility without a permit or authorization – Violation – Penalty.**

(a) Any person who operates a facility without a required permit or written authorization from the ~~commissioner~~ Commissioner shall pay a penalty of not less than \$1,000 nor more than \$10,000 ~~\$5,000~~ for each offense. Each day that a violation continues shall constitute a separate and distinct offense.

*(Omitted text is unaffected by this ordinance)*

**11-4-120 Definitions.**

Except as otherwise defined for purposes of a specific subsection, section, article or chapter in this Title 11, whenever the following words and phrases are used in this Title 11, they shall have the meanings ascribed to them in this section:

*(Omitted text is unaffected by this ordinance)*

“Open dumping” means the consolidation of ~~refuse~~ waste from one or more sources at a disposal site that does not fulfill the requirements of a sanitary landfill.

*(Omitted text is unaffected by this ordinance)*

“Recycling facility” means any building, portion of a building or area in which Type A, Type B, Type C or Type D recyclable material, as defined in Section 11-4-2510, is collected, stored, or processed for the purpose of marketing the material for use, ~~as a product or as raw material in the manufacturing process of new, reused or reconstituted products.~~ For classes of recycling facilities see Section 17-17-0105-D. A “recycling facility” shall not include any motor vehicle repair shop licensed pursuant to Chapter 4-228 of this Code.

**11-4-610 Definitions.**

*(Omitted text is unaffected by this ordinance)*

“Process equipment” means any equipment or device used in any industrial, commercial, or manufacturing operations for the mechanical, thermal, or chemical treatment or processing of a raw material, product, or byproduct, and which emits or has the potential to emit air contaminants. Process equipment includes, but is not limited to, tanks, kettles, converters, CNC machines, kilns, ovens, non-residential food preparation units vented to the outdoor atmosphere via a hood, crucibles, stills, dryers, roasters, crushers, grinders, blenders, mixers, reactors, regenerators, separators, filters, spray booths, columns, classifiers, screeners, quenchers, cookers, washers, scrubbers, mills, condensers, absorbers, balers, compactors, unfired pressure vessels, indirect fired vessels, unit heaters, infrared heaters, makeup air units with heating elements, agitators, and sedimentation and classification devices. Process equipment

also includes, but is not limited to, equipment or devices required for water conditioning, treatment of industrial and municipal wastes, metallurgical processing, pulp and paper production, food processing, dry cleaning, petrochemical production and other similar operations.

#### **11-4-760 Handling and storage of material susceptible to becoming windborne.**

(a) Material handling: No person shall cause or permit the use, handling, loading, unloading, storing, depositing, or scattering of any substance or material that may become airborne or be scattered by the wind without taking reasonable precautions to minimize air pollution windborne particulate matter.

(b) Material storage: No person shall operate or maintain, or cause to be operated or maintained, any building, structure, premises, open area, right-of-way or enterprise which contains, uses or involves any substance or material that may become airborne or be scattered by the wind without taking reasonable precautions to minimize air pollution windborne particulate matter.

(c) Material piles: Owners and operators of, and general contractors and subcontractors working at, of construction sites with material piles or any general contractor or subcontractor working on construction sites shall employ dust control measures for material piles. ~~These measures shall to~~ ensure that no visible dust or dirt from material piles migrates off the construction site ~~or onto the public ways~~. Work with material piles shall be suspended as necessary during high winds (in excess of 15 miles per hour) unless alternate measures are implemented to effectively control dust.

(d) Track out onto the public way: ~~Property owners~~ Owners and operators of, or and any general contractor or subcontractor ~~working at, on construction any property sites~~ shall ensure that mud, dirt, and other debris is not tracked out onto the public way. The ~~commissioner~~ Commissioner or the ~~commissioner~~ Commissioner of the ~~department of streets and sanitation~~ Department of Streets and Sanitation may require property owners, operators, general contractors and subcontractors to employ a street sweeper, water truck, truck wash, or other device to control the track out of mud, dust, and debris onto the public way.

#### **11-4-2510 Definitions.**

For the purposes of this article, the following words and phrases shall have the meaning ascribed to them by this section:

*(Omitted text is unaffected by this ordinance)*

Recycling facility means any building, portion of a building or area in which recyclable material is collected, stored, or processed for the purpose of marketing the material for use as raw material in the manufacturing process of new, reused or reconstituted products. A "recycling facility" shall not include any motor vehicle repair shop licensed pursuant to Chapter 4-228 of this Code. shall have the meaning ascribed to the term in Section 11-4-120. For classes of recycling facilities see Section 17-17-0105-D.

**SECTION 3.** Section 17-17-0105 of the Municipal Code of Chicago is hereby amended by adding the language underscored, and by deleting the language struck through, as follows:

**17-17-0105-D Recycling Facilities.** ~~As defined in Section 11-4-120. Any building, portion of building or area in which Type A, Type B, Type C or Type D recyclable material is collected, stored, or processed for the purpose of marketing the material for use as raw material in the manufacturing process of new, reused or reconstituted products.~~ No recycling facility shall engage in the recovery of materials for fuel in combustion or energy production processes. However, this section shall not prohibit any such recycling facility from recovering and using biogas or other fuel generated as a byproduct of a recycling activity, as approved by the ~~commissioner~~ Commissioner of health Health, while the facility is otherwise primarily engaged in recycling.

*(Omitted text is unaffected by this ordinance)*

**SECTION 4.** This ordinance shall be in full force and effect 10 days following passage and publication.