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Legislation Details (With Text)

File #: SO2021-362
Type: Ordinance
File created: 1/27/2021
Status: Passed
In control: City Council
Final action: 9/14/2021
Title: Amendment of Municipal Code Sections 2-100-030 and 10-32-055 regarding maintenance of managed native and pollinator garden registry
Sponsors: Hopkins, Brian, Sadlowski Garza, Susan, Thompson, Patrick D., Rodriguez, Michael D., Sigcho-Lopez, Byron, Ramirez-Rosa, Carlos, Vasquez, Jr., Andre, Smith, Michele, Tunney, Thomas, Cappleman, James, Martin, Matthew J., Osterman, Harry, Hadden, Maria E., Cardenas, George A., La Spata, Daniel, Reilly, Brendan, Waguespack, Scott
Indexes: Ch. 32 Trees, Plants & Shrubs, Ch. 100 Dept. of Streets & Sanitation
Attachments: 1. SO2021-362.pdf, 2. O2021-362.pdf

Date	Ver.	Action By	Action	Result
9/14/2021		City Council	Passed	Pass
9/13/2021	1	Committee on Environmental Protection and Energy	Recommended to Pass	
9/13/2021	1	Committee on Environmental Protection and Energy	Substituted in Committee	
2/23/2021	1	Committee on Environmental Protection and Energy	Add Co-Sponsor(s)	
2/1/2021	1	Committee on Environmental Protection and Energy	Add Co-Sponsor(s)	
1/27/2021	1	City Council	Referred	

s u b s j i x y i E
Q R j D I N A N C E

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

SECTION 1. Section 2-100-030 of the Municipal Code- of Chicago is hereby amended by adding the language underscored, and by deleting the language struck through, as follows:

2-100-030 Commissioner - Powers and duties.

The ~~commissioner~~ Commissioner of streets Streets and sanitation Sanitation shall have supervision of the sanitation of the public ways of the city and the lighting thereof except where such improvement is to be paid for wholly or in part by special assessment; the cleaning of public ways and the removal of garbage, refuse and waste, the removal of any article or thing which may encumber or obstruct any public way; the establishment and maintenance of a managed native and pollinator garden registry as provided in Section 10-32-055; the administration and operation of the Chicago skyway toll bridge; and the installation and inspection of all electrical equipment not specifically provided for by other sections of the ordinance.

The ~~commissioner~~ Commissioner of streets Streets and sanitation Sanitation or his the Commissioner's designee is authorized to negotiate and enter into intergovernmental agreements, which may include an obligation to indemnify, with the Chicago Park District in order to provide or receive services related to rodent control, snow removal, refuse removal and other services within the scope of duties of the department Department of streets Streets and sanitation Sanitation, with respect to property located within the City city boundaries.

SECTION 2. Chapter 10-32 of the Municipal Code of Chicago is hereby amended by adding a new Section 10-32-055, as follows:

10-32-055 Managed native and pollinator garden registry.

- a) The Department of Streets and Sanitation shall establish and maintain a registry of managed native and pollinator gardens, without cost to its registrants. The Department may promulgate rules regarding standards and processes associated with the establishment and maintenance of, and inclusion in, the registry of such gardens.
- b) For purposes of this section, the term "managed native and pollinator garden" or "garden" means a planned, intentional, and maintained planting of native plants and plants that are pollinator-friendly.
- c) Any property owner wishing to maintain a managed native and pollinator garden may apply to register the garden with the Department of Streets and Sanitation. The managed native and pollinator garden must be maintained in accordance With rules established by the Department. Managed native and pollinator gardens in good standing on the registry shall not be subject to Section 7-28-120. Failure to maintain the managed native and pollinator garden in accordance with this section and the rules hereunder may result in the Commissioner removing the garden from the registry.
- d) To be eligible to be in the registry:
 - 1) the managed native and pollinator garden shall be on an occupied property or a community garden that meets the definition and requirements of Section 17-9-0103.5.
 - 2) the managed native and pollinator garden shall not have any plants encroach on the public sidewalk or extend beyond the property line. Similarly, if a permit

for a managed native and pollinator garden in the parkway is acquired, any managed native and pollinator garden in a parkway shall not have plants, excluding trees, taller than ten inches.

(3) the plants within the garden will have been intentionally planted by seed or transplantation into the garden. Owners must be able to identify the plants contained within the garden.

e) (1) If a garden on the registry violates subsection (c), (d)(1), or (d)(3) of this section, the garden shall be removed from the registry.

(2) If a garden on the registry violates subsection (d)(2) of this section, the owner of the property shall be issued an administrative notice of violation, which shall list a date and time for a hearing with the Department of Administrative Hearings. If the owner brings the property into compliance prior to the hearing date, the City shall withdraw the administrative notice of violation. An owner who fails to bring the property into compliance prior to the hearing date shall be liable for a fine of \$100.

f) Nothing in this section shall be construed to allow the section to conflict with the Illinois Noxious Weed Law, 505 ILCS 100/1 et seq.;

g) A Native and Pollinator Garden Registry Advisory Board shall be created. The Advisory Board will have the authority to review garden-related applications and complaints and make recommendations to the Commissioner. The Board shall be appointed by the Mayor and shall be made up of:

- 1) One representative from the Department of Streets and Sanitation
 - 2) One representative from the Department of Planning and Development
 - 3) One representative from the Chicago Park District
 - 4) One member of the City Council
 - 5) One member from an organization representing community gardeners across the City
 - 6) One member from an organization representing urban agriculture growers
 - 7) One member from an organization that supports and owns conservation land in the City
 - 8) One member who has an expertise in a relevant subject, such as biology, botany, ecology, or horticulture
 - 9) One member from a cultural or scientific institution
- h) The Commissioner, or the Commissioner's designee, shall review applications to the registry. If,

after consultation with the Native and Pollinator Garden Registry Advisory Board, the Commissioner determines that the applicant's garden meets the requirements, then the garden shall be placed in the registry. If the garden is not compliant with the requirements of this section or if violations are found at a garden, the Commissioner, after consulting with the Advisory Board, shall remove a garden from the registry.

SECTION 3. This ordinance shall be in full force and effect ten days following passage and publication.

BRIAN HOPKINS Alderman, 2nd Ward