



Office of the City Clerk

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Legislation Details (With Text)

File #: O2017-7820
Type: Ordinance **Status:** Failed to Pass
File created: 11/8/2017 **In control:** City Council
Final action:
Title: Amendment of Municipal Code Section 7-28-785 regarding unlicensed collection bins within 3rd Ward
Sponsors: Dowell, Pat
Indexes: Ch. 28 Health Nuisances
Attachments: 1. O2017-7820.pdf

Date	Ver.	Action By	Action	Result
5/29/2019	1	City Council	Failed to Pass	
11/8/2017	1	City Council	Referred	

ORDINANCE

WHEREAS, The City of Chicago is a home rule unit of government pursuant to the 1970 Illinois Constitution, Article VII, Section 6(a); and

WHEREAS, Pursuant to its home rule power, the City of Chicago may exercise any power and perform any function relating to its government and affairs including the power to regulate for the protection of the public health, safety, morals, and welfare; and

WHEREAS, There are large metal collection bins throughout the City, which are to be licensed pursuant to Municipal Code Section 7-28-785; and

WHEREAS, However, unlicensed collection bins for donated clothing, shoes and other items have become prolific around the City, and specifically within the 3rd Ward; and

WHEREAS, The large metal boxes, often bearing the terms "charity" or "donation" in large letters, direct passersby to drop clothes in them, presumably to be redistributed to the needy. Unfortunately, the items may not be used for charitable causes and may instead be used to generate a profit; and

WHEREAS, Unlicensed collection bins create a health and safety hazard, items including mattresses and television sets are often left next to the collection bins, effectively making the bins illegal dump sites; now, therefore,

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

SECTION 1. Section 7-28-785 of the Municipal Code of Chicago is hereby amended inserting the language underscored, 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:

"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.

"Commissioner" means the commissioner of business affairs and consumer protection.

"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.

"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.

"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 department of business affairs and consumer protection and shall include the following:

1) the operator's name and address, the address of the 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;

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) 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;

- 6) the name, address and 24-hour telephone number of a local contact person;
 - 7) the address of the website required in subsection (g); and
 - 8) any other information reasonably required by the commissioner.
- d) The commissioner shall forward the completed application to the 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) 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; or
 - 2) containing a dwelling unit, as that term is defined in Section 13-4-010: or

(3) located in the 3rd Ward.

(omitted text is unaffected by this ordinance) SECTION 2. This ordinance shall take effect following passage and publication.

PAT DOWELL Alderman, 3rd Ward