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Legislation Text

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OFFICE OF THE MAYOR

CITY OF CHICAGO

RAHM EMANUEL
MAYOR

October 16, 2013

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 Chapter 11-4 of the Municipal Code regarding waste processing.

Your favorable consideration of this ordinance will be appreciated.

Very truly yours,

ORDINANCE

WHEREAS, The City of Chicago is a home rule unit of government as defined in Article VII, § 6(a) of the Illinois Constitution, and as such may exercise any power and perform any function pertaining to its government and affairs; and

WHEREAS, The practice of illegal dumping contributes to the existence of contaminated, underdeveloped sites that run afoul of the Illinois State policy of "provid[ing] and maintain[ing] a healthful

environment for the benefit of this and future generations," Ill. Const. 1970, art. 11, § 1; and

WHEREAS, It is in the interest of the People and City of Chicago that certain improperly disposed-of construction and demolition materials be reprocessed, even if such materials were originally generated offsite, so as to reduce truck emissions and truck miles, facilitate green cleanups consistent with the stated policy of the Illinois Environmental Protection Agency, and encourage the cleaning and development of historically neglected sites; now, therefore,

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

SECTION 1. Chapter 11-4 of the Municipal Code of Chicago is hereby amended by deleting the language struck through and by inserting the language underscored, as follows:

11-4-1935 Construction site reprocessing authorization.

(a) (1) Written authorization required. Except as otherwise provided in subsection (a)(2) and subsection (a)(3) of this section, reprocessable construction/demolition materials generated from construction, demolition or renovation may be reprocessed, as defined in Section 11-4-1910, and stored on a temporary basis on the site at which the construction, demolition or renovation occurred if all of the following requirements are met;

(Omitted text is unaffected by this ordinance)

v) all reprocessing of such construction /demolition material occurs on the site at which the demolition occurred; and

vi) the reprocessed construction/ demolition material is used solely on the site at which the demolition occurred for construction activities occurring on such site; and

vii) the contractor is in compliance with the setback requirements for equipment and materials set forth in subsection (a){3}(4) of this section.

(Omitted text is not affected by this ordinance)

(3) Good Faith Reprocessor - Requirements. A person shall not be subject to paragraphs (v) and (vi) of subsection (a)(1) of this section, and may reprocess construction/demolition material on a site at which the demolition did not occur, if all of the following requirements are met:

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(i) the person complies with paragraphs (i), (ii), (iii), (iv) and (vii) of subsection (a)(1); and

ii) the construction/demolition material being reprocessed was illegally dumped at the site; and

and iii) the person has not knowingly contributed to that illegal dumping;

iv) the construction/demolition material is reprocessed on the site of the illegal

dumping; and

v) the reprocessed construction/demolition material is used for construction activities on the site.

(3)(4) Setback requirements. No reprocessing device or stockpile of reprocessible construction/ demolition material or of reprocessed construction/ demolition material shall be located in the following places:

(Omitted text is unaffected by this ordinance)

Provided, however, that if (A) compliance with the requirements of this subsection (a)(3)(4) is physically impossible or hazardous due to the configuration, location or unique characteristics of the site where reprocessing or temporary storage of construction/ demolition material is authorized under this section; and (B) the contractor can show either that (1) the issuance of a certificate of exemption under this subsection will not create a public nuisance or adversely impact the surrounding area or surrounding users, or (2) such public nuisance or adverse impact can be eliminated or substantially reduced through the adoption of an abatement or mitigation plan, the contractor may apply to the commissioner for a written certificate of exemption from compliance with the requirements of this subsection (a)(3)(4). Prior to granting any exemption under this subsection (a)(3)(4), the commissioner or the commissioner's designee may conduct a site visit of the subject premises to determine the validity of the claim of impossibility or hazard and to determine whether the issuance of a certificate of exemption under this subsection will create a public nuisance or adversely impact the surrounding area or surrounding users. Upon a showing of physical impossibility or hazard and a finding that the issuance of a certificate of exemption either will not create a public nuisance or adversely impact the surrounding area or surrounding users or that such public nuisance or adverse impact can be eliminated or substantially reduced through the adoption of an abatement or mitigation plan, as determined by the commissioner, the commissioner shall issue to the contractor a certificate of exemption for such premises. Such certificate of exemption shall specify the scope and conditions of any exemption so granted, and may include provisions for nuisance abatement or other reasonable measures to eliminate or substantially reduce any adverse impact on the surrounding area or surrounding users. Such certificate shall be valid for the period of time identified on the face of such certificate or until such time that the certificate is revoked for cause by the commissioner following notice and a hearing before the commissioner, whichever comes first. A copy of such certificate shall be posted by the contractor in a conspicuous place on the premises covered by such certificate and, upon request by any authorized city official, shall be made available by the contractor for inspection by such city official.

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f44(5) Duration of authorization. The written authorization issued under subsection (a)(1) of this section shall be valid for a period of three months, as measured from the date on which such authorization is issued. Provided, however, that upon application to the commissioner, such authorization may be extended for an additional period(s) of time, each of which additional period shall not exceed three months, so long as construction/demolition material requiring reprocessing and reprocessing equipment remain on the site. Any reprocessible or reprocessed construction/demolition material that is not used on or removed from the site within three months of the date on which the temporary authorization is issued or extended under this section shall be subject to the construction site cleanliness rules and regulations for the maintenance of construction site stockpiles and prevention of the off-site dispersion of dust and debris from construction sites promulgated by the department under Section 13-32-125.

(§)(6) Enforcement. It shall be unlawful for any person to violate any of the requirements set

forth in this subsection (a). In addition to any other penalty provided by law, any person who violates any of the requirements of this subsection (a) shall be subject to the penalty set forth in subsection (d) of this section. In addition, any authorization issued under this subsection (a) shall be subject to suspension or revocation for cause by the commissioner following notice in accordance with the applicable provisions of subsection (d) of Section 11-4-025 and an opportunity to demand a hearing in accordance with the procedures set forth in subsection (c) of Section 11-4-025.

(Omitted text is unaffected by this ordinance)

11-4-2150 Environmental standards related to the demolition, renovation, asbestos abatement and maintenance, sandblasting, chemical washing, and grinding of buildings, facilities or other structures.

(Omitted text is unaffected by this ordinance)

Demolition fill material means any combination of uncontaminated brick, broken concrete, stone, mortar, sand, gravel or dirt so long as it: (i) contains no pieces of material, exceeding 12 inches in its largest dimension; (ii) contains no organic material or rebar, pipes, posts, splinters, lumber, glass or sheet metal; and (iii) except as otherwise provided in subsection (a)(2) or subsection (a)(3) of Section 11-4-1935, is used as fill on the same site where the demolition generating the material occurred, in a foundation below the existing grade of the site, with sufficient room remaining to accommodate the required final cover.

(Omitted text is unaffected by this ordinance)

SECTION 2. This ordinance shall take effect upon passage and approval.