



# Office of the City Clerk

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## Legislation Details (With Text)

**File #:** SO2012-7247  
**Type:** Ordinance **Status:** Passed  
**File created:** 10/31/2012 **In control:** City Council  
**Final action:** 6/25/2014  
**Title:** Amendment of Municipal Code Titles 2, 7 and 10 to further regulate commercial refuse containers  
**Sponsors:** Burke, Edward M.  
**Indexes:** Ch. 28 Health Nuisances, Ch. 36 Parks, Playgrounds & Airports, Ch. 100 Dept. of Streets & Sanitation  
**Attachments:** 1. O2012-7247.pdf, 2. SO2012-7247.pdf

Date	Ver.	Action By	Action	Result
6/25/2014	1	City Council	Passed as Substitute	Pass
6/24/2014	1	Committee on Finance	Recommended to Pass	
1/15/2013	1	Committee on Finance	Held in Committee	Pass
10/31/2012	1	City Council	Referred	

### SUBSTITUTE ORDINANCE

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

SECTION 1. Sections 7-28-215, 2-100-110 and 10-36-358 of the Municipal Code of Chicago are hereby amended, and Section 7-28-331 of the Municipal Code of Chicago is hereby amended and renumbered as Section 7-28-217, by deleting the struck-through language and inserting the underscored language as follows:

#### 7-28-215 Commercial refuse containers - Permit required.

*(Omitted text is unaffected by this ordinance)*

(D) Permit fee. Except with respect to refuse containers intended and used exclusively either: (i) for the collection of recyclable materials or (ii) by a unit of local government or school district that levies a property tax exclusively within the City of Chicago, as to which there shall be no permit fee, the permit fee for each refuse container permitted pursuant to this section shall be as follows:

Type A (under one cubic yard) \$17

Type B (one to two cubic yards) \$32

Type C (two to 10 cubic yards) \$63

Type D (over 10 cubic yards) \$164

Type R (used exclusively for recycling) no fee

The commissioner of transportation is authorized, by regulation, to impose an additional technology surcharge of up to 10% of the above fees as may be necessary to administer data collection using the verification technology provided for in Section 7-28-217(a). Such surcharge shall be added to and payable as part of the permit fee. The permit shall be valid for a four-month period beginning on April 1, August 1, and December 1 of each year. In each year the permit fee shall be paid no later than the following dates, unless a different payment schedule is specified by the commissioner of transportation by regulation:

July 15 for the period beginning April 1.

November 15 for the period beginning August 1.

March 15 for the period beginning December 1 of the previous year.

*(Omitted text is unaffected by this ordinance)*

(E) Enforcement. This section shall be enforceable by any one of the following: the ~~commissioner of the environment~~, the commissioner of streets and sanitation, the commissioner of transportation, the commissioner of business affairs and consumer protection, or the comptroller, or their respective designees. The commissioner of transportation shall have the authority to promulgate such rules and regulations as the commissioner deems necessary or appropriate for the proper administration and enforcement of this section. The ~~director of revenue~~ comptroller may require that a provider produce such records and other information that the ~~director~~ comptroller considers necessary to determine compliance with this section.

*(Omitted text is unaffected by this ordinance)*

#### **7-28-334 7-28-217 Commercial refuse containers and compactors - Identification.**

(a) The owner of a commercial refuse container or compactor at a building where refuse is removed at the expense of the owner, his agent or occupant of the property, shall label the container with the following information: the address of the person using the commercial container; in the case of a business, the name of the business or businesses served by the container, and the name and telephone number of the person providing refuse collection service for that container; and, in the case of a residential building, the name of the person responsible for payment for refuse collection service for that container at the building; except that this

section shall not apply to grease containers as defined in section 10-28-791 of this Code. The labeling shall be indelible, in letters no less than one inch high, in a color that contrasts clearly with its background, placed on the vertical surface opposite the hinge of the container's cover. The container shall be placed during normal use so that the label is visible from the alley adjacent to the building served by the container. Said owner, in addition to or as part of affixing the required label, shall equip each container with a form of technology (by way of non-limiting examples, a bar code or wireless transmitting device), following approval of that technology by the commissioner of streets and sanitation in consultation with the commissioner of transportation, that enables authorized city personnel to (i) verify that the container is properly permitted, and (ii) ascertain other information specified by said

commissioners that is relevant to the legal status of the container. Containers used exclusively for recycling shall be marked in a manner specified by the commissioner of transportation.

b) No person shall cover, alter, obscure or remove the identifying label or technological device required under subsection (a) of this section.

c) Any person who violates any provision of this section shall be fined not less than \$200.00 and not more than \$500.00 for each offense. Each day that a violation continues shall constitute a separate and distinct offense.

## **2-100-110 Police powers for designated employees.**

Each ward superintendent, and such other employees of the department of streets and sanitation as the commissioner of streets and sanitation shall designate, shall have the powers of members of the police force to serve process or notice within the city for the violation of Sections 4-4-310, 4-6-130, 7-12-387, 7-12-420, 7-28-060, 7-28-065 through 7-28-090, 7-28-120, 7-28-130, 7-28-150, 7-28-180 through 7-28-240, 7-28-260 through 7-28-310, ~~7-28-334~~, 7-28-360 through 7-28-410, 7-28-430 through 7-28-470, 7-28-490 through 7-28-510, 7-28-660 through 7-28-680, 7-28-710 through 7-28-720, 7-28-735 through 7-28-750, 7-28-785, 7-38-115, 7-38-117, 7-38-124, 8-4-135, 9-64-100(c), 10-8-180, 10-8-220 through 10-8-230, 10-8-250 through 10-8-271, 10-8-310, 10-8-320, 10-8-380, 10-8-402 through 10-8-405, 10-8-470, 10-8-480, 10-28-030, 10-28-340, 10-28-792, 10-32-050, 10-32-060, 10-32-110 through 10-32-150, 10-32-170, 10-32-180, 10-32-200 and 13-32-235 of the Municipal Code of Chicago. A copy of such designation, and any amendments thereto, shall be kept by the deputy commissioner of streets and sanitation for the bureau of sanitation and shall be available to the public upon request. The powers granted hereunder are expressly limited to the service of such process or notice, and this section shall not be construed as granting additional law enforcement powers.

## **10-36-358 Police powers for designated employees; duties of scavengers.**

(a) The commissioner of aviation may designate employees of the department of aviation to have the powers of

members of the police force to serve process or notice for violations occurring at any airport of Sections 4-4-310, 4-6-010, 4-6-130(e)(7), 4-6-130(e)(8), 4-6-130(e)(13), 4-6-130(e)(14), 7-12-420, 7-28-060, 7-28-070, 7-28-080, 7-28-120, 7-28-150, 7-28-210, 7-28-217, 7-28-220, 7-28-225, 7-28-227, 7-28-230, 7-28-240, 7-28-260, 7-28-261, 7-28-270, 7-28-280, 7-28-300, 7-28-301, 7-28-302, 7-28-303, 7-28-305, 7-28-310, 7-28-315, 7-28-331, 7-28-360, 7-28-380, 7-28-390, 7-28-395, 7-28-400, 7-28-410, 7-28-440, 7-28-450, 7-28-460, 7-28-

510, 7-28-660, 7-28-680, 7-28-690, 7-28-710, 7-28-720, 7-28-735, 8-4-135, 10-8-220, 10-28-340, 10-8-460 and 10-8-480 of the Municipal Code of Chicago as those sections are now or hereafter amended. A copy of the designation, and any amendments thereto, shall be kept by the commissioner of aviation and shall be available to the public upon request. The powers granted by this section are expressly limited to the service of such process or notice for violations of the specified Code sections, and this section shall not be construed as granting additional law enforcement powers. During the term of any concession and lease agreement between the City of Chicago and a private operator with respect to Chicago Midway Airport, the commissioner of aviation may delegate the powers set forth in this paragraph to the Chicago Police Department, another department of the City of Chicago with jurisdiction over such matters or the private operator.

*(Omitted text is unaffected by this ordinance)*

SECTION 2. This ordinance shall be in force and effect 360 days following passage and approval.

Alderman, 14<sup>th</sup> Ward

CHICAGO June 25, 2014

**To the President and Members of the City Council:**

**Your Committee on Finance having had under consideration**

A substitute ordinance concerning the authority to amend Chapter 7-28 of the Municipal Code of Chicago regarding commercial refuse containers.

02012-7247

Having had the same under advisement, begs leave to report and recommend that your Honorable Body pass the proposed Ordinance Transmitted Herewith

**This recommendation was concurred in by (a (viva voce vote")**  
**of members of the committee with 1 dissenting voters):**  
**(Alderman Hairston votes no)**

**Respectfully submitted**  
*(signed* ^ ^ \_ ^ \_ ^

**Chairman**