



Office of the City Clerk

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Legislation Details (With Text)

File #: SO2015-4701

Type: Ordinance **Status:** Passed

File created: 6/17/2015 **In control:** City Council

Final action: 7/29/2015

Title: Amendment of Municipal Code Section 7-28-240 regarding refuse removal in multiple dwellings and occupational units

Sponsors: O'Shea, Matthew J., Austin, Carrie M., Waguespack, Scott, Reilly, Brendan, Sposato, Nicholas, Taliaferro, Chris, Brookins, Jr., Howard, Zalewski, Michael R., Burnett, Jr., Walter, Villegas, Gilbert, Napolitano, Anthony V., Tunney, Thomas, Lopez, Raymond A., Foulkes, Toni, Pawar, Ameya, Sadlowski Garza, Susan, Beale, Anthony, Mitchell, Gregory I., Arena, John, Willie B. Cochran, Laurino, Margaret, Smith, Michele, Mitts, Emma, Santiago, Milagros, Scott, Jr. Michael, Munoz, Ricardo, Sawyer, Roderick T., Moore, David H., Curtis, Derrick G.

Indexes: Ch. 28 Health Nuisances

Attachments: 1. SO2015-4701.pdf, 2. O2015-4701.pdf

Date	Ver.	Action By	Action	Result
8/4/2015	1	City Council	Signed by Mayor	
7/29/2015	1	City Council	Passed as Substitute	Pass
7/28/2015	1	Committee on Budget and Government Operations	Recommended to Pass	Pass
6/17/2015	1	City Council	Referred	

CHICAGO, July 29, 2015

To the President and Members of the City Council:

Your Committee on the Budget and Government Operations, having had under consideration an Ordinance introduced by Aldermen Matthew J. O' Shea (19) and Carrie M. Austin (34) ,and others, authorizing an amendment to Chapter 7 of the Municipal Code of Chicago as it relates to Refuse Removal; and having been presented with a proposed Substitute Ordinance concerning the effective date by the Department of Law; and having had the same under advisement, begs leave to report and recommend that Your Honorable Body pass the Substitute Ordinance transmitted herewith.

This recommendation was concurred in by a viva voce vote of the members of the Committee. ~~members of the Committee with~~ dissenting vote(s).

Co-Sponsors: Aldermen Waguespack(32); Reilly(42); Sawyer(6); Mitchell(7); Beale(9); Sadlowski Garza(10); Lopez(15); Foulkes(16); D. Moore(17); Curtis(18); Cochran(20); Brookins(21); Munoz(22); Zalewski(23); Scott, Jr.(24); Burnett(27); Taliaferro(29); Santiago(31); Villegas(36); Mitts(37); Sposato(38); Laurino(39); Napolitano(41); Smith

(43); Tunney(44); Arena(45); and Pawar(47).

SUBSTITUTE ORDINANCE

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

SECTION 1. Section 7-28-240 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

7-28-240 Refuse removal.

(a) Multiple dwellings. ~~Except in the case of~~ It shall be the duty of the owner, or agent thereof, of every multiple dwelling to cause all refuse produced therein to be removed from the building at least once each week at such owner's or agent's own cost and expense. Provided, however, that this subsection (a) shall not apply to the following: (i) a any multiple dwelling containing ~~less than five~~ four or fewer living units, or ~~(ii) a multiple dwelling (other than a condominium, cooperative residential building or townhouse) each living unit of which is individually heated by the tenant and which was receiving city refuse collection on July 19, 2000 and which has not changed ownership since that time, or (iii) a~~ (ii) any townhouse which that is in compliance with Section 7-28-230[^] regarding ~~lea-tien of refuse containers and~~ unless the commissioner of streets and sanitation or the commissioner's designee determines that the townhouse's placement of the refuse containers ~~does not constitute~~ constitutes a health or safety hazard, notifies the owner or owner's agent of such fact in writing, and provides the owner or owner's agent with an opportunity to correct the hazard in a manner prescribed by the commissioner, or ~~as determined by the department of streets and sanitation, or (ry)-a~~ (iii) any multiple dwelling that is licensed as a bed-and-breakfast establishment pursuant to Section 4-6-290 and ~~containing less~~ contains four or fewer ~~than five~~ living units, unless the ~~department~~ commissioner of streets and sanitation or the commissioner's designee determines that the establishment is producing an unreasonable amount of refuse for a building of its size, notifies the owner or owner's agent of such fact in writing, and provides the owner or owner's agent with an opportunity to correct the problem in a manner prescribed by the commissioner, ~~it shall be the duty of the owner or his agent of every multiple dwelling to cause to be removed at his own cost and expense at least once each week- all refuse produced therein.~~

~~For purposes of this section only, a change in ownership of a multiple dwelling does not include a change in the mere form of ownership. A transfer of a multiple dwelling does not constitute a change in ownership for purposes of this section where the transfer is either (i) from one person to the person's wholly owned corporation or limited liability company; (ii) from one~~

~~person to a trust in which the person retains the complete beneficial ownership of the dwelling;~~

- iii) ~~from a group of persons to a corporation, limited liability company, trust, partnership or other legal entity, in which the group of persons retain the same percentage of ownership in the~~
- iv) ~~from one entity to a related entity^ where the transferor and the transferee are directly or indirectly owned wholly by the same person. For purposes of this section only, the execution of a lease of 30 years or longer shall be deemed a change in ownership.~~

(b) Occupational units. It shall be the duty of the occupant of every occupational unit to cause all refuse produced therein to be removed from the property at least once each week at ~~his own expense and cost~~ ~~at least once each week~~ all refuse produced therein such occupant's own cost and expense.

SECTION 2. This ordinance shall take full force and effect 90 days after its passage and approval.