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121 N. LaSalle St.
Room 107
Chicago, IL 60602
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Legislation Details (With Text)

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File created: 2/26/2021
Status: Failed to Pass
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Final action: 5/24/2023
Title: Amendment of Municipal Code Chapters 7-28 and 17-17 regarding refuse requirements for townhouse developments
Sponsors: Cardenas, George A.
Indexes: Ch. 17 Terminology & Measurements, Land Use & Zoning-Tables & Index, Ch. 28 Health Nuisances
Attachments: 1. O2021-759.pdf

Date	Ver.	Action By	Action	Result
5/24/2023	1	City Council	Failed to Pass	
2/26/2021	1	City Council	Referred	

City Council 2.24.21 Committee Environmental Protection and Energy

ORDINANCE

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

SECTION 1. Section 7-28-200 of the Municipal Code of Chicago is hereby amended by inserting the language underscored, as follows:

7-28-200 Definitions.

(Omitted text is unaffected by this ordinance) "Townhouse Development" has the meaning ascribed to that term in section 17-17-02180.

(Omitted text is unaffected by this ordinance)

SECTION 2. Section 7-28-220 of the Municipal Code of Chicago is hereby amended by deleting the language struck through, and by inserting the language underscored, as follows:

7-28-220 Duty to provide refuse containers and service.

(Omitted text is unaffected by this ordinance)

The owner, or Ws-agent thereof, of every multiple dwelling with five or more dwelling units and every townhouse development, if not required to have a compactor under section 7-28-225. at the owner's, or bis agent's thereof, expense shall provide or contract for sufficient commercial refuse containers using a minimum standard of 1/4 cubic yard for each occupied dwelling unit per week, including container space for recyclable material. The 1/4 cubic yard requirement can be lowered if the owner, or agent thereof, of such multiple dwelling or townhouse development can verify a lower waste generation rate over a period of months. The commissioner of streets and sanitation shall have the authority to promulgate rules and regulations related to the cubic yard verification. If an owner of a multiple dwelling or townhouse development elects to contract for

refuse pickup more than one time per week, the minimum cubic yard standard shall decrease accordingly.

(Omitted text is unaffected by this ordinance)

SECTION 3. Section 7-28-225 of the Municipal Code of Chicago is hereby amended by deleting the language struck through, and by inserting the language underscored, as follows:

7-28-225 Duty to provide compactors.

It shall be the duty of the owner or occupant of an occupational unit and the owner of a multiple dwelling with five or more dwelling units or a townhouse development with a waste generation of 50 cubic yards recyclable material collected as part of a recycling program, such as recyclable material collected in accordance with Chapter 11-5, to provide or contract for a refuse compactor and collection service with a minimum of once per week collection, except that a compactor shall not be required (i) when there is no suitable location on private property, or (ii) for multiple dwellings with five or more dwelling units that are only accessible by use of a private driveway, (iii) for townhouse developments that are only accessible by use of a private driveway, or (iytfi) if the occupational unit is a multiple dwelling, or townhouse development

receives refuse collection service a minimum of five times per week. If the department of streets and sanitation determines there is a suitable location on the property, but the owner^a or his agent thereof, does not wish to use the space for the compactor, a permit for use of the public way shall be required. If the department of streets and sanitation determines that a compactor may not be placed in the public way, the compactor must be placed on the suitable location on private property. The commissioner of streets and sanitation shall have the authority to promulgate rules and regulations regarding the definition of suitable location and regarding the exclusion of commingled recyclables from the 50 cubic yard weekly refuse amount.

SECTION 4. Section 7-28-235 of the Municipal Code of Chicago is hereby amended by deleting the language struck through, as follows:

7-28-235 City refuse collection - Fee.

(a) Except as otherwise provided in this section, the City shall be the exclusive provider of refuse collection services to the dwelling units identified in subsection (a)(1)(f) through (a)(1)(iviii) of this section, and to the properties identified in subsection (a)(2) of this section, if such dwelling units or properties directly abut the public way and the refuse container is placed for collection in accordance with Section 7-28-230:

(1) for dwelling units:

- i) a single dwelling;
- ii) a multiple dwelling containing four or fewer dwelling units: or
- iii) ~~a townhouse when the refuse container is placed for collection in compliance with~~
- iii) ~~Section 7-28-230; or~~

(win) a multiple dwelling that is licensed as a bed-and-breakfast establishment pursuant to Section 4-6-290 and contains four or fewer dwelling units unless the Commissioner of Streets and Sanitation 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; and

(Omitted text is unaffected by this ordinance)

Where a townhome or condominium association's assessments include the individual owner's share of the refuse collection charge, the Comptroller may issue a certificate of condo-er-townhome owner payment upon application and payment of an application fee of \$50.00.

SECTION 5. Section 7-28-240 of the Municipal Code of Chicago is hereby amended by inserting the language underscored, as follows:

7-28-240 Refuse removal.

(Omitted text is unaffected by this ordinance)

(c) Townhouse developments. It shall be the duty of the owner, or agent thereof, of every townhouse development to cause all refuse produced therein to be removed from the buildings at least once each week at such owner's or agent's own cost and expense.

SECTION 6. Section 7-28-260 of the Municipal Code of Chicago is hereby amended by deleting the language struck through, and by inserting the language underscored, as follows:

7-28-260 Containers - Use.

(a) It shall be the duty of the owner, or his-agent thereof, or occupant of every single dwelling, ~~multiple dwelling producing less than 32 gallons of refuse per week,* or a multiple dwelling, townhouse development, or occupational unit~~ to cause all refuse produced therein to be deposited in a refuse container or compactor as provided in Section 7-28-220 or 7-28-225, and to keep a tightly fitting cover in place at all times when refuse is contained therein, except when opened for the deposit or removal of refuse. The owner, ~~or his-agent thereof~~, or occupant shall maintain the container so that all refuse spilled during usage is removed and the area is cleaned in a timely manner. It shall be unlawful for any person other than the owner, or bis agent thereof, or occupant of the premises served by a refuse container to deposit or cause to be deposited therein any article or thing whatsoever.

SECTION 7. Section 17-17-0200 of the Municipal Code of Chicago is hereby amended by inserting the language underscored, as follows:

17-17-0200 General Terms.

(Omitted text is unaffected by this ordinance)

17-17-02180 Townhouse Development. Two or more townhouse units.

(Omitted text is unaffected by this ordinance)

GEORGE A. CARDENAS Alderman, 12th Ward

SECTION 8. This ordinance shall take effect 120 days after passage and publication.