



Office of the City Clerk

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Legislation Details (With Text)

File #: O2011-5603

Type: Ordinance **Status:** Failed to Pass

File created: 7/6/2011 **In control:** City Council

Final action: 5/20/2015

Title: Amendment of Municipal Code Section 7-28-785 regarding permit requirements for collection bins used for charitable purposes

Sponsors: Brookins, Jr., Howard, Cardenas, George A.

Indexes: Ch. 28 Health Nuisances

Attachments: 1. O2011-5603.pdf

Date	Ver.	Action By	Action	Result
5/20/2015	1	City Council	Failed to Pass	Fail
7/6/2011	1	City Council	Referred	

ORDINANCE

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

SECTION 1. Chapter 7-28-785 of the Municipal Code of the City of Chicago is hereby amended by striking through and adding new language underlined, boldfaced and italicized 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:

(1) "Collection bin" means any bin, box, truck, or other container placed outdoors for the collection of clothes or other items as donations. Temporary or seasonal containers set up for the sole purpose of collecting money for charitable purposes are exempt.

(2) "Commissioner" means the commissioner of streets and sanitation.

(3) [Reserved.]

(4) "Owner" has the same meaning ascribed to that term in Section 13-4-010.

(5) "Operator" means an organization or business that has a written agreement with the "Owner" to undertake and be responsible for all operations regarding the collection bins upon the Owner's property, including the installation, collection and maintenance of the collection bins. An "Operator" must be in good standing under the laws of the State of Illinois and hold a valid Business License with the City of Chicago.

(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.

(c) An application for a permit shall be made to the commissioner of business affairs and consumer protection and shall include the following:

(1) the applicant's name and address, and the name and address of the property owner, if different from the applicant's;

(2) for permits applied for by an Operator, the Operator shall provide and submit all collection bin locations within each ward to the commissioner of business affairs and consumer protection, and to the Alderman for each ward where collection bins are located. All city officials shall have access to a detailed list and ward maps detailing the location of the collection bins. Such data shall be accessible through the Operator's website that shall be updated on a weekly basis.

When requested by an Alderman or the Commissioner of business affairs and consumer protection the applicant shall provide 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. a-detai4ed-draw4ng (s4te-map)4fld-batm^ structure5r4ncludfflg^ driwway^oated-witten-th^ streetsralteys7#re-hydratt5r^ contrc4-signs-adjacent-to-th^ (4v)-the4<Kat4on-of-th^e-proposed-cc41<<ctTO^ mar>^haH4)e4eg-ibJe^

- (3) a statement indicating the scheduled times for removal of the contents of the collection bin;
- (4) the name and telephone number of an emergency contact person;
- (5) pictures of the proposed site and collection bin;
- (6) the name, address and contact person of the Operator organisation that will be using the collection bin for donations; and
- (7) any other information required by the commissioner of business affairs and consumer protection.

The commissioner of business affairs and consumer protection shall forward the completed application to the city council.

The following restrictions apply to the issuance of any permit under this section:

- (1) a numbered permit shall be issued only solely to the

property-owner Operator who has filed the application

for a collection bin on a specific property site on which

the collection bin will be located; and

- (2) a permit shall not be issued for a collection bin to be located on any property containing a dwelling unit, as that term is defined in Section 13-4-010.

(f) Upon passage of an ordinance approving the issuance of the permit, the commissioner of business affairs and consumer protection shall issue the permit.

(g) As a condition of the permit, it shall be the duty of the permit holder to:

- (1) maintain the collection bin in good condition and repair;

(2) use a collection bin of sufficient size to prevent any overflow or accumulation of clothes or other donated items outside of the collection bin;

(3) *cause to be removed at his own cost and expense all contents of the collection bin. The removal shall be of such frequency to prevent the overflow and accumulation of clothes or other donated items outside of the collection bin and shall be in accordance with the provisions of this code. The schedule of removal of the items shall be posted-on-the-collection-bin made available by the Operator to the Alderman of the ward where the collection bin is located and the Commissioner of Business Affairs and Consumer Protection upon request;*

(4) ensure that the collection bin is only being used by the organization listed on the permit. The name of the Operator organization using the bin for donations shall be posted on the bin; and

(5) post on the collection bin the permit number for that collection bin as well as the name and telephone number of a responsible person to contact in case of any emergency.

Failure to adhere to any conditions imposed in the permit may result in revocation of the permit.

(h) No collection bin shall be placed so as to constitute a nuisance to an adjacent property or the occupants thereof.

(i) A collection bin: (i) that is in poor condition or in a state of disrepair; (ii) which clothes or other donated items are permitted to accumulate outside of the collection bin; or (iii) containing

(j) A permit issued pursuant to this section shall be issued for a term of two years, and the annual fee shall be \$50.00 per lot. The permit shall expire on the date indicated in Section 4-4-021 of this Code.

A permit certificate shall be issued to Operators for a term of two years that enumerates the individual numbers issued to each collection bin for which the Operator is entitled to operate under the provisions contained in this sub-section. The fee for each collection bin used by the Operator in the City of Chicago shall be \$50.00. The Operator's permit shall expire on the date indicated in Section 4-4-021 of this Code.

(k) Upon the determination that a person has violated a provision of this section or any rule or regulation promulgated hereunder, the commissioner of business affairs and consumer protection or the commissioner of streets and sanitation may institute an administrative adjudication proceeding with the department of administrative hearings by forwarding a copy of a notice of violation or a notice of hearing, which has been properly served, to the department of administrative hearings; provided however, revocation of the permit by the commissioner of business affairs and consumer protection shall be in accordance with the requirements of Chapter 4-4 of the Municipal Code.

(l) The commissioner of business affairs and consumer protection is authorized to adopt such rules and regulations as such commissioner deems expedient for the proper administration and enforcement of this section. The rules and regulations may include, but not be limited to, provisions regulating the size and location of the collection bins on the lots.

(m) The provisions of this section shall be enforced by the department of business affairs and consumer protection and by the department of streets and sanitation.

(n) No person whose permit under this section is revoked for any cause shall be granted another permit under this

section, under the same or different name, for a period of two years from the date of revocation. When a permit issued under this section is revoked, no permit issued under this section shall be approved for the same location for a period of two years from the date of revocation.

(o) Any person who violates any provision of this section shall be fined not less than \$209 and not more than \$1,000 for each . offense. Each day that a violation continues shall constitute a separate and distinct offense.

(p) In addition to any other penalties imposed in this section, any person who knowingly makes any false statement, submits any

false information or misrepresents any information required under this section shall be fined \$500.00 per offense.

It shall be a cause of revocation of the permit if the applicant has made any false statements, submits any false information or misrepresents any information required under this section.

Section 2. This ordinance shall be in full force and effect upon its passage and publication.