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Legislation Text

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Committee on License and Consumer Protection

April 22, 2020

ORDINANCE

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

SECTION 1. Section 7-28-785 of the Municipal Code of the City of Chicago is hereby amended by deleting the language struck-through and inserting the language underscored, 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:

(Omitted text is unaffected by this ordinance)

"Commissioner" means the Commissioner of Business Affairs and Consumer Protection.

(Omitted text is unaffected by this ordinance)

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 from the Department of Business Affairs and Consumer Protection. The Commissioner is authorized to issue permits for the installation and maintenance of collection bins in accordance with this section.

c) An application for a permit shall be made by an operator to the Department of Business Affairs and Consumer Protection and shall include the following:

1) the operator's name and address, the address of the lot on which the proposed collection bin will be located, and the name and address of the owner or lessee of the lot, if different from the operator's;

2) 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;

1

(3) a statement indicating the scheduled times for removal of the contents of the collection bin;

(4) a letter signed by the owner or lessee, or his designated agent, setting forth the owner's or lessee's permission to locate the collection bin on the lot, if such collection bin will not be installed or maintained by the owner or lessee;

pictures of the proposed site;

(6) the name, address^A and 24-hour telephone number of a local contact person;

the address of the website required in subsection (g); and

any other information reasonably required by the eCommissioner.

d) Prior to issuance of any permit under this Section, T-the eCommissioner shall forward the completed application to the aAlderman of the wWard in which the proposed collection bin will be located, along with a request for a letter of support, nonobjection, or objection, as well as any information on the factors set forth in subsection (f). The Commissioner may not issue a permit pursuant to this Section until 30 days after the Alderman of the Ward in which the proposed collection bin will be located has received the request required under this subsection (d).

e) No permit shall be issued for a collection bin on any lot:

1) on which is located a vacant building, as that term is defined in Chapter 14X-2; ©f

2) containing a dwelling unit or sleeping unit, as those terms are defined in Chapter 14B-2t: or

3) if the Commissioner has not received a letter of support or nonobjection from the Alderman of the Ward in which the proposed collection bin will be located.

f) The ©Commissioner shall deny or revoke a permit issued under this section if: (i) the granting of the permit would create a nuisance in the surrounding area; (ii) the location of the collection bin would interfere with or impede the flow of pedestrian or vehicular traffic, or ingress or egress from any surrounding building or lot; (iii) the location of the collection bin would impede or interfere with the use of any pole, traffic signs or signals, hydrants, mailboxes or other objects located near the site of the proposed collection bin; (iv) the operator makes any false statements, submits any false information or misrepresents any information required under this section; (v) the operator of a collection bin has been issued more than three citations under this Section within any 365-day period: or (vi) for any reason set forth in subsection (e).

2

(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, including but not limited to removing litter surrounding the immediate area of the collection bin, and removing graffiti from the surface of the collection bin;

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;

4) ensure that the collection bin is only being used by the operator listed on the permit. The name of the operator and permit number shall be posted on collection the bin; and

5) post on the collection bin the name, and telephone number, and email address of the local contact person to contact in case of any emergency, and the address of the website required under subsection (6). This information shall be conspicuously posted on all four vertical sides of the collection bin in letters no less than 3 inches in height; and

6) maintain a website which lists the address and ward of each collection bin installed or maintained by the operator, and a map indicating the locations of such collection bins within the city. The website shall be updated weekly and be accessible to the public.

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

(Omitted text unaffected by this ordinance)

(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; (iii) containing items as a result of a failure to empty the bin pursuant to a scheduled removal; or (iv) that requires graffiti removal by the Department of Streets and Sanitation more than three times in any 365 day period, is hereby declared to be a public nuisance.

(1) Emergency abatement. In the event that the Commissioner of Business Affairs and eConsumer Protection or the Commissioner of Streets and Sanitation determines that any activity in violation of this section has created, or is

3

creating, an imminent and substantial threat to the environment or the public's health, safety, or welfare, then the Commissioner of Business Affairs and Consumer Protection or Commissioner of Streets and Sanitation shall order the property owner to abate the threat in the manner and within a time frame prescribed by such Commissioner. In the event that any person fails to abate such threat in accordance with the order of such Commissioner, or if the property owner is unknown or cannot with due diligence be found, such Commissioner may proceed to control, remove, dispose or otherwise abate the threat. Each time an order to abate is issued

pursuant to this subsection (0(1), the Commissioner of Business Affairs and Consumer Protection or the Commissioner of Streets and Sanitation, as applicable shall notify the Alderman of the Ward in which the collection bin is located.

2) Non-emergency abatement. If the Commissioner of Business Affairs and Consumer Protection or the Commissioner of Streets and Sanitation determines that any activity in violation of this section has not created, or is not creating, an imminent and substantial threat to the public's health, safety or welfare, such Commissioner shall post on the collection bin written notice to abate the nuisance in the manner prescribed by such Commissioner within thirty-six hours from posting the notice. Such Commissioner ~~may also attempt to~~ shall also notify the local contact person to abate said nuisance. The Commissioner of Business Affairs and Consumer Protection or the Commissioner of Streets and Sanitation, as applicable, shall notify the Alderman of the Ward in which the collection bin is located each time an order to abate is issued pursuant to this subsection (0(2). If any person fails to abate such nuisance in accordance with such Commissioner notice to abate, or if the property owner is unknown or cannot with due diligence be found, such Commissioner may proceed to control, remove, dispose or otherwise abate the nuisance.

3) Nothing in this section shall be construed to prevent the city of Chicago from acting without notice to abate a nuisance in an emergency where the nuisance poses an immediate threat to public health or safety, nor shall this section be construed to deny any common law right to anyone to abate a nuisance.

(4) In addition to any other penalties imposed in this section, the city shall be entitled to recover a penalty in the amount equal to three times the cost or expense incurred by the city in abating the nuisance plus its attorney fees and to place, and subsequently foreclose on, a lien upon the property involved, if necessary, to secure the recovery of its costs and fees. The penalties for the recovery of costs shall be in addition to any penalties imposed in this section.

(j) , Except for the initial permit period, A permit issued pursuant to this section shall be for a term of ~~two years~~ one year starting on July 1. and the biennial annual fee shall be ~~\$400.00~~ \$200 per collection bin. The initial collection bin permit period shall be from the date of issuance to the following June 30. The permit shall expire on the date indicated on the face of the permit.

4

(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 dDepartment of eBusiness aAffairs and eConsumer pProtection and by the dDepartment of sStreets and sSanitation.

(Omitted text is unaffected by this ordinance)

(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 \$500t©0 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.

(Omitted text is unaffected by this ordinance)

SECTION 2. Within 90 days after the effective date of this Section, the Commissioner of Business Affairs and Consumer Protection shall promulgate rules and regulations for the issuance of collection bin licenses to take effect beginning July 1, 2021, in accordance with this ordinance.

SECTION 3. Within 30 days of promulgating rules and regulations as required under Section 2 of this ordinance, the Commissioner of Business Affairs and Consumer Protection shall issue a notice to all permitted collection bin owners and all operators of collection bins in the City of Chicago regarding the updated rules and regulations, including the requirement of a letter of support from the Alderman of the Ward in which the collection bin will be or is currently located for each new application or renewal. Any permits issued by the Commissioner of the Business Affairs and Consumer Protection between the effective date of this Section and June 30, 2021 shall expire on June 30, 2021.

5

SECTION 4. Immediately following the effective date of this Section, the Commissioner of Business Affairs and Consumer Protection shall extend any collection bin permits issued prior to the effective date of this Section through June 30, 2021 at no cost to the owner or operator. The changes prescribed in this ordinance shall not affect a current collection bin permit, until such permit expires and is subject to renewal.

SECTION 5. Section 1 of this ordinance shall take effect on July 1, 2021. Sections 2, 3, and 4 of this ordinance shall take effect upon passage and publication.

BRIAN HOPKINS
Alderman, 2nd Ward

