

SUBSTITUTE
ORDINANCE

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

SECTION 1. Section 2-100-110 of the Municipal Code of Chicago is hereby amended by adding the language underscored, as follows:

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, 7-28-360 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, 7-28-780, 7-28-785, 7-38-115, 7-38-117, 7-38-124, 8-4-135, 8-32-130, 9-64-100(c), 9-64-115, 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, 14A-4-406.7, and 14A-4-407.3 of the Municipal Code of Chicago. A copy of such designation, and any amendments thereto, shall be kept by the Commissioner of Streets and 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.

SECTION 2. Section 4-6-130 of the Municipal Code of Chicago is hereby amended by adding the language underscored, and by deleting the language struck through, as follows:

4-6-130 Private scavenger.

(a) *Definitions.* As used in this section:

(Omitted text unaffected by this ordinance)

“Private scavenger” means any person engaged in the removal and disposal of recyclable material, or construction and demolition debris, or grease, fats and oils, or table refuse or animal or vegetative matter usually known as garbage, or other wastes, from any premises where the removal and disposal of such matter is not provided for by the ~~city~~ City. The term “private scavenger” includes any Disposal and Recycling Management Company. The term “private scavenger” does not include any: (i) person who gathers, removes or disposes of garbage or other waste from such person’s own premises without the aid of a licensed private scavenger, if such person has received written permission to do so, in the form of a permit issued by the ~~commissioner~~ Commissioner of ~~streets~~ Streets and ~~sanitation~~ Sanitation, and such person gathers, removes and disposes of the aforementioned material in the manner specified in such permit; or (ii) person who removes manure from his own premises; or (iii) backhauler meeting the requirements of Article V of Chapter 11-5 of this Code.

(Omitted text unaffected by this ordinance)

(c) *License issuance and renewal – Prohibited when.* No regulated business license to engage in the business of private scavenger shall be issued to the following persons:

(1) any applicant or licensee, as applicable, if such person has not obtained an inspection approval license meeting the requirements of subsection (b)(3) or (b)(4) of this article for each scavenger vehicle owned or used in the conduct of the business;

(2) any applicant or licensee, as applicable, if the ~~commissioner~~ Commissioner of streets Streets and sanitation Sanitation does not approve the adequacy of any recycling program required to be developed and made available by the private scavenger pursuant to subsection (e)(4) of this section;

(3) any applicant or licensee, as applicable, who fails to provide proof of compliance with requirements set forth in subsection (e)(5) of this section; or

~~(5)(4)~~ (4) any licensee under this section who has failed to submit in a timely manner the annual recycling report required under Section 11-5-220 or who has submitted an incomplete report, until such time that the ~~commissioner~~ Commissioner of streets Streets and sanitation Sanitation notifies the ~~department~~ Department that the annual recycling report required under Section 11-5-220 has been filed and is complete.

(d) *Departmental duties.*

(1) The ~~commissioner~~ Commissioner of streets Streets and sanitation Sanitation shall enforce the provisions of this section. Such ~~commissioner~~ Commissioner is authorized to (i) issue such reasonable orders in connection with carrying on the business of private scavenger as the ~~commissioner~~ Commissioner deems necessary to protect the health of the public; and (ii) to issue permits, subject to reasonable terms and conditions as determined by the ~~commissioner~~ Commissioner, to persons who desire, without the aid of a licensed private scavenger, to gather, remove or dispose of garbage or other waste from such person's own premises.

(2) The ~~commissioner~~ Commissioner of streets Streets and sanitation Sanitation shall review and approve the adequacy of any recycling program required to be developed and made available by a private scavenger pursuant to subsection (e)(4) of this section.

(3) Along with every notice of violation of subsection (e)(12) of this section, the ~~department~~ Department of streets Streets and sanitation Sanitation shall provide to the private scavenger a picture of the refuse or recycling container identified in such notice.

(4) If a licensee under this section uses a vehicle to conduct the business of private scavenger, the ~~city clerk~~ City Clerk shall issue to such person, at the time the license is issued, and any time a new vehicle is added to the licensee's fleet, a metal plate or other emblem for each vehicle used to conduct such business. Such plate or emblem shall be stamped or plainly, marked with the words "Chicago Private Scavenger". Provided, however, that no metal plate or other emblem shall be issued under this section for any vehicle used in said business unless such vehicle has been inspected by the ~~department~~ Department of streets Streets and sanitation Sanitation, as evidenced by an inspection approval certificate issued by the ~~department~~ Department for such vehicle. Provided further, that if the ~~commissioner~~ Commissioner of streets Streets and sanitation Sanitation notifies the ~~city clerk~~ City Clerk that a licensee under this section has failed to submit in a timely manner the annual recycling report required under Section 11-5-220 or has submitted an incomplete report, no metal plate or other emblem shall be issued or renewed under this subsection for any vehicle used in said business until such time that the ~~commissioner~~ Commissioner of streets Streets and sanitation Sanitation notifies the ~~city clerk~~ City Clerk that the annual recycling report required under Section 11-5-220 has been filed and is complete.

(e) *Legal duties.* Each licensee engaged in the business of private scavenger shall have a duty to:

(1) remove any recyclable material as defined in Section 11-5-020 or diseased or dead animal, offal, rubbish, garbage, dirt, street-sweepings or other filthy, offensive or noxious substance that the licensee has contracted or undertaken to remove with dispatch and, in every particular, in a manner as clean and free from offense and with as little danger and prejudice to life and health as possible;

(2) comply with any reasonable order issued by the ~~commissioner~~ Commissioner of streets Streets and sanitation Sanitation pursuant to authority granted to the ~~commissioner~~ Commissioner under subsection (d)(1)(i) of this section, and to perform the work required of such licensee in such a way that no public nuisance is created;

(3) register with the ~~commissioner~~ Commissioner of streets Streets and sanitation Sanitation, in the manner directed by the ~~commissioner~~ Commissioner, each and every scavenger vehicle operated in the ~~city~~ City by the licensee;

(4) develop and make available to all refuse collection customers an effective recycling program as required by Chapter 11-5 of this Code. Any hauler may subcontract with a recycling service provider, transfer station or other waste control facility to meet these requirements. The program shall be in writing and shall describe the categories of materials to be recycled, the involvement of the scavenger's or hauler's customers in the program, and the means of recycling. Such program shall be reviewed and approved by the ~~commissioner~~ Commissioner of streets Streets and sanitation Sanitation. Included in that program shall be the specific measures required to ensure cooperation between the building manager and the municipal solid waste hauler;

(5) submit to the ~~commissioner~~ Commissioner of streets Streets and sanitation Sanitation an annual recycling report meeting the requirements of Section 11-5-220;

(6) replace any scavenger vehicle that becomes unsuitable for the purpose for which it was originally intended with a vehicle of a type acceptable to the ~~commissioner~~ Commissioner of streets Streets and sanitation Sanitation;

(7) notify the ~~commissioner~~ Commissioner of streets Streets and sanitation Sanitation if the licensee suspends service at any location within the City. Such notice shall be in a form specified by the ~~commissioner~~ Commissioner, and shall identify the licensed scavenger, the address of the location at which service has been suspended, and the name and nature of the business conducted at the location. The notice shall be delivered to the ~~commissioner~~ Commissioner within three days after suspension of service. Any person who violates this subsection shall be subject to a fine of not less than \$200.00 nor more than \$500.00 for each offense. Each day that a violation continues shall constitute a separate and distinct offense;

(8) obtain from the ~~city clerk~~ City Clerk, at the time the license is issued and any time a new vehicle is added to the private scavenger's fleet of vehicles, a metal plate or other emblem for each scavenger vehicle used to conduct the licensed business, and conspicuously display such plate or emblem on each scavenger vehicle used in said business;

(Omitted text unaffected by this ordinance)

(12) be responsible for the appearance of any refuse or recycling container that the private scavenger provides to its customers; deliver any required refuse or recycling container free of graffiti; and remove graffiti from any refuse or recycling container within 15 business days of receiving written notification from the ~~commissioner~~ Commissioner of streets Streets and sanitation Sanitation. Provided, however, that from December 1 to March 1, if weather conditions make removal of the graffiti impracticable, the ~~commissioner~~ Commissioner may, by written order, extend the time for removal of the graffiti to such time when removal would be practicable. Any person who violates this subsection shall be subject to a fine of not

less than \$100.00 nor more than \$300.00 for each offense. Each day that a violation continues shall constitute a separate and distinct offense;

(13) carry in each of the licensee's scavenger vehicles a rake, broom, shovel or other implement of sufficient strength and durability, which shall be used by the licensee to remove scattered or spilled refuse or recyclable material. ~~The commissioner~~ Commissioner of streets Streets and sanitation Sanitation may issue rules specifying the types and conditions of the implements required to be used to comply with this subsection;

(14) whenever collecting refuse or recyclable material, completely remove all scattered refuse or recyclable material lying within six feet of the container or container area which the private scavenger is servicing and all refuse or recyclable material dropped or spilled during collection;

(15) equip each scavenger vehicle with a permanently installed functioning Global-Positioning-System (GPS) device which sends real-time data to the licensee. The licensee shall have a means of recording, storing for at least one year, and sharing the GPS data.

(Omitted text unaffected by this ordinance)

(h) *Construction of section.* Nothing in this section shall be construed to conflict with any existing or future provision of this Code concerning the removal and disposal of dirt, filth, litter, garbage, ashes, manure, offal, swill, dead animals, recyclable material and other material from the public way by the ~~city~~ City acting through its contractors or otherwise.

SECTION 3. Section 11-5-210 of the Municipal Code of Chicago is hereby amended by adding the language underscored, and by deleting the language struck through, as follows:

11-5-210 Record keeping – Required.

(a) Private haulers shall maintain complete and accurate records containing the following information: (1) the total tonnage of recyclable material collected by the private hauler from the totality of the private hauler's refuse collection customers within the ~~city~~ City during each calendar year; (2) the name and address of each facility to which the private hauler delivered any percentage of such collected recyclable material during each calendar year; (3) the percentage of recyclable material delivered each calendar year by the private hauler to each facility identified pursuant to item (2) of this section; (4) the location at any given time of any of the private hauler's scavenger vehicles, following the requirements of Section 4-6-130(e)(15); and ~~(4)~~ (5) any other information that the Commissioner may require in duly promulgated rules. The records required by this section shall be kept on file by the private hauler for a period of three years.

(b) Upon request of the City, each private hauler shall submit to the Commissioner a report containing records required by Section 11-5-210(a)(4), with the content and in the format required by the Commissioner within seven days of the request. The report shall contain an attestation, made under penalty of perjury, that the data submitted is accurate and complete.

(c) Failure to have a properly operational GPS device that tracks and submits the location of a private hauler vehicle at any given time or failure to record and report the location of each private hauler vehicle at any given time shall be considered a violation of this section. Each and every day that a violation exists for any individual violation of this section shall be a separate offense.

SECTION 4. This ordinance shall be in full force and effect upon passage and publication.


Daniel La Spata
Alderman, 1st Ward