



# City of Chicago



SO2016-4792

Office of the City Clerk

## Document Tracking Sheet

<b>Meeting Date:</b>	6/22/2016
<b>Sponsor(s):</b>	Emanuel (Mayor)
<b>Type:</b>	Ordinance
<b>Title:</b>	Amendment of Municipal Code Titles 4 and 11 regarding residential recycling
<b>Committee(s) Assignment:</b>	Committee on Health and Environmental Protection

## **S U B S T I T U T E**

## **O R D I N A N C E**

**WHEREAS**, The City of Chicago is a home rule unit of government as defined in Article VII, §6(a) of the Illinois Constitution, and, as such, may exercise any power and perform any function pertaining to its government and affairs; and

**WHEREAS**, Disposing of municipal waste in a safe, cost-effective and environmentally sound manner is a matter pertaining to the government and affairs of the City of Chicago; and

**WHEREAS**, After due investigation and consideration, the City Council of the City of Chicago has determined in findings set forth in Section 11-4-1820 of the Municipal Code of Chicago that “recycling [is] a key part of a comprehensive solid waste management plan” and “is in the best interest of the citizens of the City of Chicago;” and

**WHEREAS**, It is and remains the policy of the City of Chicago to promote programs to reduce the amount of waste generated at the source; to recover materials, for the purpose of recycling, that would otherwise be discarded; and to return such recovered materials to the economic mainstream as raw material for use in new, reused or reconstituted products meeting the quality standards of the marketplace; now, therefore,

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

**SECTION 1.** Title 11 of the Municipal Code of the City of Chicago is hereby amended by repealing the existing Chapter 11-5 and by inserting in its place a new Chapter 11-5, as follows:

### **ARTICLE I. TITLE AND DEFINITIONS**

#### **11-5-010 Title.**

This chapter shall be known and may be cited as the “Chicago Recycling Ordinance”. Effective January 1, 2017, source-separated recycling shall be deemed to be the method of recycling used in the City of Chicago. Source-separated recycling requires all persons citywide to place recyclable material in designated recycling containers and to keep recyclable material separate from waste until such time that the recyclable material is collected for delivery to a properly permitted facility.

#### **11-5-020 Definitions.**

As used in this chapter, unless the context requires otherwise, the following terms shall have the meanings set forth in this section:

“Backhauler” means the owner of any facility from which backhauled recyclable material is transported.

“Backhauled” or “backhauling” or “backhaul” means the process of using a truck: (1) to deliver to the local branch of a company, from such company’s warehouse, distribution center or similar facility, any food, merchandise, goods or other material that is temporarily packaged, for purposes of such delivery, in recyclable material; and (2) after delivery, to return such recyclable material to the company’s warehouse, distribution center or similar facility for reuse or recycling.

“Building” has the meaning ascribed to the term in Section 13-4-010.

“City” means the City of Chicago.

“City inspector” means any person under the employ of, or authorized by, any city department to inspect any building, property or premises for compliance with the requirements of the Municipal Code of Chicago.

“Collection” or “collected” means recovered by a hauler.

“Commissioner” means the Commissioner of Streets and Sanitation unless otherwise specified herein.

“Common area(s)” means those common areas of the premises where recyclable material is (1) routinely generated by the persons occupying, using, visiting or lawfully upon the premises, or (2) kept prior to removal to a location for collection by a private or public hauler.

“Construction and demolition debris” has the meaning ascribed to the term in Section 11-4-120.

“Department” means the Department of Streets and Sanitation unless otherwise specified herein.

“Dwelling unit” has the meaning ascribed to the term in Section 13-4-010.

“Existing building” has the meaning ascribed to the term in Section 13-4-010.

“Landscape waste” means grass or shrubbery cuttings, leaves, tree limbs or other materials accumulated as a result of the care of lawns, shrubbery, vines or trees, and includes any discarded fruits, vegetables or other vegetative material generated in the care of a garden.

“Low-density residential building” means a single family home or any residential building, as defined herein, that contains four or fewer dwelling units.

“Maintenance area(s)” means any area of the premises where waste is collected for recovery by a hauler.

“Occupational unit” has the meaning ascribed to the term in Section 7-28-200.

“Owner” has the meaning ascribed to the term in Section 13-4-010 and shall include, but is not limited to, the owner’s duly authorized agent.

“Private hauler” means any person that holds or is required to hold a private scavenger license under Section 4-6-130.

“Prohibited material” means any material listed in subsection (b) of Section 11-5-080 as modified by, or added to, in duly promulgated rules issued under Section 11-5-340.

“Public hauler” means the Department of Streets and Sanitation of the City of Chicago.

“Recyclable material(s)” means any material listed in subsection (a) of Section 11-5-080, as modified by, or added to, in duly promulgated rules issued under Section 11-5-340.

“Recycling container(s)” means any automatic lift container, bin, roll-off container or other storage container provided for use in placing and storing recyclable material pending collection of the recyclable material.

“Recycling facility” has the meaning ascribed to the term in Section 11-4-120.

“Refuse collection customer” means any person that: (1) enters into or is required to enter into a contract with a private hauler for the provision by such private hauler of waste collection services or recycling collection services or both to a building; or (2) owns or leases any building or occupational unit within a building that is serviced by a public hauler.

“Residential building” means any building or space that is primarily designed or used, as determined by the Commissioner, for dwelling by persons in a dwelling unit, including, but not limited to, apartment buildings, cooperative buildings, condominium buildings, hotels, dormitories and similar occupancies.

“Scavenger service” means waste or recyclable material collection service provided by a private hauler holding a valid private scavenger license under Section 4-6-130.

“Single stream recycling” means a type of source-separated recycling in which all recyclable material, regardless of type, can be placed in the same recycling container.

“Source-separated recycling” means a process that: (1) separates recyclable material from waste, before the point of collection of such material, by requiring that recyclable material be placed in designated recycling containers, and (2) keeps recyclable material separate from waste until the recyclable material can be returned to the economic mainstream as new, used or reconstituted products.

“Source-separated recycling services” means the collection, by a private hauler, of all of the recyclable material listed in Section 11-5-080, as modified by, or added to, in duly promulgated rules issued under Section 11-5-340.

“Tenant” means any person entitled by written or oral agreement, or by subtenancy approved by the landlord, or by sufferance to occupy a space within a building to the exclusion of others.

“Waste” means any discarded or abandoned material in solid, semisolid, liquid or contained gaseous form, including, but not limited to, industrial process waste, hazardous waste, municipal waste, special waste, garbage, or sludge from a waste treatment plant, water supply treatment plant or air pollution control facility. For purposes of this definition: The term “waste” includes, but is not limited to, any prohibited material listed in subsection (b) of Section 11-5-080, as modified by, or added to, in duly promulgated rules issued under Section 11-5-340. The term “waste” excludes: (1) sewage collected and treated in a municipal or regional sewage system; and (2) recyclable material as defined herein.

## **ARTICLE II. SOURCE-SEPARATED RECYCLING: GENERAL REQUIREMENTS**

### **11-5-030 Contract with a private hauler – When required – Exemptions.**

(a) *Duty.* Except as otherwise provided in subsections (b) or (c) of this section, the following persons shall contract with a private hauler, or cause a contract to be entered into with a private hauler, for the provision of source-separated recycling services as defined in Section 11-5-020: (1) any building owner that is required to provide or contract to maintain commercial refuse containers and scavenger service under Section 7-28-220 or compactors and collection service under Section 7-28-225; and (2) the occupant of any occupational unit within a building, if such occupant is required under Section 7-28-220 to provide or contract to maintain scavenger service.

(b) *Exemptions applicable to owners.* The requirements set forth in item (1) of subsection (a) of this section shall not apply to: (1) an owner that backhauls all of the recyclable material listed in Section 11-5-080 in accordance with the requirements set forth in Article V of this chapter, as applicable; or (2) an owner that holds a valid certificate of exemption under Section 11-5-040, to the extent of such exemption.

(c) *Exemptions applicable to occupants of occupational units.* The requirements set forth in item (2) of subsection (a) of this section shall not apply to the occupant of an occupational unit if: (1) the occupant's lease agreement provides for scavenger service sufficient to meet such occupant's waste generation and recyclable material collection needs; or (2) the occupant backhauls all of the recyclable material listed in Section 11-5-080 in accordance with the requirements set forth in Article V of this chapter; or (3) the occupant's occupational unit is located within a building whose owner holds a valid certificate of exemption issued under Section 11-5-050 for the building, to the extent of such exemption; or (4) the occupant holds a valid certificate of exemption issued under Section 11-5-040 for the occupational unit, to the extent of such exemption.

(d) Any person who violates this section or any rule promulgated thereunder shall be given a 30-day notice of non-compliance, and shall come into compliance with this section within such 30-day period.

(e) In addition to any other penalty provided by law, any person who violates this section or any rule promulgated thereunder shall be fined not less than \$500.00 nor more than \$1,000.00 for a first violation; not less than \$1,000.00 nor more than \$2,500.00 for a second violation within any 12-month period; and not less than \$2,500.00 nor more than \$5,000.00 for a third and each subsequent violation occurring within 12 months of the most recent violation. Each day that a violation continues shall constitute a separate and distinct offense to which a separate fine shall apply.

#### **11-5-040 Impossibility of compliance – Exemption.**

If, due to the configuration, location or unique characteristics of an existing building, it is physically impossible or hazardous for a refuse collection customer to store recyclable material on the premises for separate collection or to otherwise comply with any requirement of this chapter, such refuse collection customer may apply to the Commissioner for a written certificate of exemption from compliance with the requirements of this chapter. Application for such certificate shall be made by the refuse collection customer, on a form provided by the department, and shall be accompanied by a non-refundable application fee of \$500.00.

Upon receipt of such application, the Commissioner or the Commissioner's designee shall conduct a site visit of the subject premises to determine the validity of the claim of impossibility or hazard. Prior to granting any exemption under this section, the Commissioner may request the refuse collection customer to work with a private hauler or other person, at the refuse collection customer's expense, to determine whether a reasonable alternative method of recycling can be implemented at such premises.

If, following such site visit, the Commissioner determines that it is not impossible or not hazardous for the refuse collection customer to store recyclable material on the premises for separate collection or to otherwise comply with any requirement of this chapter, the Commissioner shall enter a final order to such effect. Such final order shall be accompanied by a

written decision stating why the Commissioner determined that it is not impossible or not hazardous for the refuse collection customer to store recyclable material on the premises for separate collection or to otherwise comply with any requirement of this chapter. The Commissioner is authorized to and shall issue any final order necessary to enforce this section.

If, following such site visit, the Commissioner determines that it is impossible or hazardous for the refuse collection customer to store recyclable material on the premises for separate collection or to otherwise comply with any requirement of this chapter, the Commissioner shall issue to such refuse collection customer a certificate of exemption for such premises, which shall specify the scope of any exemption granted and, where practicable, shall require the refuse collection customer to implement a reasonable alternative method of recycling. If issued, such certificate shall exempt the premises identified in such certificate and all residents, tenants and occupants of such premises from compliance with the requirements of this chapter on the premises identified in such certificate, to the extent, and subject to the conditions, stated on the face of such certificate. Such certificate, which shall be transferable, shall be valid for a period of five years from the date of its issuance, or until such time that the premises identified in such certificate are substantially rehabilitated in a manner that allows for compliance with the requirements of this chapter, or until such time that the certificate of exemption is revoked for cause by the Commissioner following notice and a hearing before the Commissioner, whichever comes first. A copy of such certificate shall be posted by the refuse collection customer, in a conspicuous place, in a common area of the premises identified in such certificate. Upon request by any resident, tenant or occupant of the premises identified in such certificate, the refuse collection customer shall provide a copy of such certificate to such person.

**11-5-050 Single stream recycling – Permitted.**

Single stream recycling of recyclable material, which is a type of source-separated recycling, is permitted under this chapter.

**11-5-060 Selective reuse or recycling of recyclable material – When permitted.**

If a refuse collection customer has a contract in place with a private hauler for the provision of source-separated recycling services for all of the recyclable material listed in Section 11-5-080, as modified by, or added to, in duly promulgated rules issued under Section 11-5-340, nothing in the chapter shall be construed to prohibit such refuse collection customer from singling out one or more of the items of recyclable material included in such list for reuse by such refuse collection customer or for recycling by such refuse collection customer at a properly permitted facility.

**11-5-070 Backhauling of recyclable material – Permitted.**

Backhauling of recyclable material is permitted under this chapter in accordance with the requirements set forth in Article V of this chapter.

**11-5-080 Recyclable material – Prohibited material.**

(a) *Recyclable material.* Except as otherwise provided in duly promulgated rules and regulations issued under Section 11-5-340, the materials listed in items (1) through (13), inclusive, of this subsection (a), and any additional materials that may be added to such list

pursuant to duly promulgated rules issued under Section 11-5-340, shall be source-separated in accordance with the requirements of this chapter:

- (1) Aluminum cans, aluminum trays and foil;
- (2) Steel and tin cans;
- (3) Glass bottles and jars;
- (4) Plastic bottles and containers made from #1 through #5 plastic resin, inclusive, or #7 plastic resin as indicated in the chasing arrow symbol on the item;
- (5) Beverage cartons and aseptic packaging;
- (6) Newspaper;
- (7) Cardboard;
- (8) Paper bags;
- (9) Magazines, catalogues and telephone books;
- (10) Office paper, computer paper, notebook and gift wrap paper;
- (11) Chip board and carrier stock packaging such as food and beverage boxes;
- (12) Junk mail and envelopes;
- (13) Paperback books.

(b) *Prohibited material.* Except as otherwise provided in duly promulgated rules issued under Section 11-5-340, the materials listed in items (1) through (16), inclusive, of this subsection (b), and any additional materials that may be added to such list pursuant to duly promulgated rules issued under Section 11-5-340, shall not be deposited in any recycling container required to be provided under this ordinance pursuant to Section 11-5-120 or Section 11-5-230:

- (1) motor oil containers;
- (2) insecticide containers;
- (3) herbicide containers;
- (4) hazardous chemical containers;



- (5) plastic film;
- (6) plastic bags;
- (7) plastic sheets;
- (8) plastic tarps;
- (9) plastic wrap;
- (10) expanded foam;
- (11) reusable bottles, such as Nalgene or baby bottles;
- (12) clear polystyrene or styrofoam (#6 plastic);
- (13) any container or paper fiber other than those listed in subsection (a) of this section;
- (14) landscape waste;
- (15) plastic products without a chasing arrow symbol; or
- (16) any other waste as defined in Section 11-5-020.

(c) The fact that a material appears on the list of prohibited material set forth in subsection (b) of this section does not mean that recycling options are not available to allow for the disposal, reuse or recycling of such material in a safe and environmentally-friendly manner. The department shall post and maintain on its City of Chicago website a list of disposal, reuse and recycling options for material that is not required to be recycled under this ordinance but where alternatives exist for the safe and proper disposal of such material. At a minimum, such list of options shall be updated annually by the department.

(d) Any person who violates this section shall be fined not less than \$50.00 nor more than \$100.00 for each offense. Provided, however, that if a violation of any requirement of this section is also a violation of Section 11-5-110 or 11-5-170 or 11-5-260, the fine for violation of Section 11-5-110 or 11-5-170 or 11-5-260, as applicable, shall apply. Each day that a violation continues shall constitute a separate and distinct offense.

**11-5-085 Removing recyclable material from a recycling container – Prohibition – Exemption.**

No person shall remove any recyclable material from a recycling container located on the public way. Provided, however, that this prohibition shall not apply to any (1) private hauler

under contract with a refuse collection customer to collect recyclable material from such refuse collection customer, or (2) city inspector or other authorized city official acting within the scope of his or her legal duties, or (3) any person who deposits recyclable material in a recycling container and subsequently attempts to reclaim the material so deposited. In addition to any other penalty provided by law, any person who violates this section shall be subject to a fine of not less than \$100.00 nor more than \$500.00 for each offense. Each day that a violation continues shall constitute a separate and distinct offense to which a separate fine shall apply.

**11-5-090 Producing materials for inspection – Required.**

Any person to whom a certificate of any type is issued under this chapter, or who is required under this chapter to provide a refuse collection customer or tenant with any manual, flier, written notification, written offer or documentation of any type, or who is required under this chapter to keep records or a log of any type or to file a report of any type or to enter into a waste collection contract, shall, upon request by any city inspector or authorized city official, make such certificate, manual, flier, written notification, written offer, documentation, records, log, report or contract available for inspection by such city inspector or authorized city official.

**11-5-095 Violation – Penalty.**

Except as otherwise provided in this Article II, and in addition to any other penalty provided by law, any person who violates this Article II or any rule promulgated thereunder shall be subject to a fine of not less than \$500.00 nor more than \$1,000.00 for each offense. Each day that a violation continues shall constitute a separate and distinct offense.

**ARTICLE III. REFUSE COLLECTION CUSTOMERS**

**11-5-100 Exemption.**

The requirements set forth in this Article III shall not apply to: (1) any refuse collection customer that backhauls all of the recyclable material listed in Section 11-5-080 in accordance with the requirements set forth in Article V of this chapter; or (2) any refuse collection customer that holds a valid certificate of exemption issued under Section 11-5-040, to the extent of such exemption.

**11-5-110 Source-separated recycling – Required.**

Each refuse collection customer shall engage in source-separated recycling and shall source-separate materials in accordance with Section 11-5-080.

**11-5-120 Recycling containers – Required.**

(a) Except as otherwise provided in Section 11-5-100, each refuse collection customer shall equip interior and exterior common areas of the premises under such refuse collection customer's control with recycling containers in an amount sufficient to enable persons occupying, using, visiting or lawfully upon such premises to engage in source-separated recycling. Nothing in this section shall be construed to require any refuse collection customer to

provide recycling containers on the public way or at any location where recycling containers are legally accessible to and emptied by a private or public hauler.

(b) The recycling containers required under this section shall: (1) be clearly identified as recycling containers, (2) display a written and/or pictorial list of the recyclable material that may be deposited into such container; (3) be emptied on a regular basis so that continued and uninterrupted source-separated recycling is able to occur on the premises; and (4) be maintained free from odor.

#### **11-5-130 Recycling signs – Required.**

(a) Except as otherwise provided in Section 11-5-100, each refuse collection customer shall post and maintain, in maintenance areas and common areas of the premises under such refuse collection customer's control, one or more permanent and legible signs notifying persons that source-separated recycling is required under Chapter 11-5 of the Municipal Code of Chicago. In addition, the signs required to be posted in maintenance areas shall list all of the material that is required to be source separated and shall describe the collection procedures for such material. The Department may promulgate rules setting forth the specific language or design of such signs.

(b) If a refuse collection customer provides scavenger service to any tenant of an occupational unit under such tenant's lease agreement, it shall be the duty of the refuse collection customer to equip each such tenant with permanent and legible recycling signs for use by such tenant in the space comprising the occupational unit. Such signs shall notify the employees, customers and clients of such tenant that source-separated recycling is required under Chapter 11-5 of the Municipal Code of Chicago. It shall be the duty of the tenant to post such recycling signs in common areas of the occupational unit.

#### **11-5-140 Education of tenants – Required.**

Except as otherwise provided in Section 11-5-100, each refuse collection customer shall develop and implement an ongoing education program to educate all tenants, residents and occupants of the premises under the refuse collection customer's control about the refuse collection customer's source-separated recycling program. Such education program shall include, but is not limited to, the following:

- (a) flyers containing, at a minimum, the following information:
  - (1) the types of materials required to be recycled, as set forth in subsection (a) of Section 11-5-080;
  - (2) the types of materials that cannot be deposited in a recycling container, as set forth in subsection (b) of Section 11-5-080;
  - (3) instructions on how to properly prepare materials for recycling;

- (4) the location of all recycling containers provided by the refuse collection customer and private hauler, both inside and outside the building;
- (5) the name of the private hauler that services the premises identified in the flyer and such private hauler's collection schedule;
- (6) the name and telephone number of a contact person authorized by the refuse collection customer to provide information and answer questions about the refuse collection customer's recycling program; and
- (7) any other information that the Commissioner may require.

If a refuse collection customer has a lease or rental agreement of any type with a tenant for the use by such tenant of any space within a building or portion of a building under the refuse collection customer's control, such refuse collection customer shall provide such tenant, within 30 calendar days after the effective date of this ordinance, with a copy of the flier required under this subsection (a). Thereafter, such refuse collection customer shall provide a copy of the flier required under this subsection to tenants at the time any lease, rental agreement or similar agreement between such refuse collection customer and a tenant is signed, renewed or otherwise extended; and

(b) Written notice to all existing residents, tenants and occupants of the building under such refuse collection customer's control of any change that is made or required to be made to the refuse collection customer's source-separated recycling program. Such notice shall be provided within ten calendar days of such change.

#### **11-5-150 Violation – Penalty.**

Except as otherwise provided in this Article III, and in addition to any other penalty provided by law, any person who violates this Article III or any rule promulgated thereunder shall be subject to a fine of not less than \$500.00 nor more than \$1,000.00 for each offense. Each day that a violation continues shall constitute a separate and distinct offense.

### **ARTICLE IV. PRIVATE HAULERS**

#### **11-5-160 Exemption.**

For purposes of this Article IV, the term "private hauler(s)" shall not include backhaulers.

#### **11-5-170 Source-separated recycling – Required.**

Each private hauler shall engage in source-separated recycling and shall source-separate materials in accordance with Section 11-5-080.

**11-5-180 Notification to customers – Required.**

Private haulers shall notify their refuse collection customers in writing that source-separated recycling is required under Chapter 11-5 of the Municipal Code of Chicago. In addition, the written notification required under this section shall set forth what materials are required to be source separated and shall describe the collection procedures for such materials.

**11-5-190 Private haulers to offer recycling services to customers – Required.**

(a) If a private hauler provides waste collection service to a refuse collection customer, such private hauler shall offer in writing to provide recyclable material collection service to such refuse collection customer.

(b) If a private hauler's offer to provide recyclable material collection service is accepted by such hauler's refuse collection customer, the private hauler may provide recyclable material collection service to such refuse collection customer directly or may arrange to have such service provided to the refuse collection customer by a third-party provider. Provided, however, that if a private hauler provides recyclable material collection service to a refuse collection customer through a third-party provider, such private hauler shall be responsible for reporting all of the information required to be reported under Section 11-5-220 about the recyclable material recovered within the city by the third-party provider on such private hauler's behalf.

(c) If a private hauler's offer to provide recyclable material collection service is declined by the private hauler's refuse collection customer, the private hauler shall: (1) keep written documentation of such fact on file at the private hauler's primary place of business for the duration of the waste collection service contract between the private hauler and such customer; and (2) report such fact to the department, on a form provided by the department for such purposes, within 10 business days of the date on which the private hauler's offer to provide recyclable material collection service is declined by the refuse collection customer.

**11-5-200 Delivery of recyclable material to properly permitted facility – Required.**

Private haulers shall deliver all collected recyclable material to a properly permitted facility that will keep the recyclable material separate from waste until the recyclable material can be returned to the economic mainstream as new, used or reconstituted products.

**11-5-210 Record keeping – Required.**

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 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; and (4) 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.

**11-5-220 Annual recycling report – Required.**

(a) *Duty to submit recycling report.* Each private hauler shall submit to the Department, on a form provided by the Department, an annual recycling report meeting the requirements of subsections (b), (c), (d) and (e) of this section.

(b) *Contents of recycling report.* The recycling report required by this section shall be completed in full and shall contain the following information:

- (1) the private hauler's full name and business address;
- (2) the full name, business telephone number and e-mail address of a responsible person to contact regarding the content of any recycling report submitted under this section;
- (3) the percentage of the private hauler's customers that are residential, commercial, industrial or institutional establishments;
- (4) if applicable, the tonnage of all recyclable material, per material type or category, collected by the private hauler within the city during the applicable reporting period; the name of the facility or facilities to which such recyclable material was delivered; and the approximate percentage of recyclable material delivered to each named facility;
- (5) if applicable, the tonnage of all construction and demolition debris, per material type or category, collected by the private hauler within the city during the applicable reporting period; the name of the facility or facilities to which such construction and demolition debris was delivered; and the approximate percentage of construction and demolition debris delivered to each named facility;
- (6) if applicable, the tonnage of all waste, excluding construction and demolition debris, collected by the private hauler within the city during the applicable reporting period; the name of the facility to which such waste was delivered; and the approximate percentage of waste delivered to each named facility; *and*
- (7) any other information that the Commissioner may require to implement this chapter.

(c) *Certification required.* Any private hauler submitting a recycling report under this section shall certify to the Department whether the information contained in such recycling report is accurate and complete. The Commissioner may investigate and verify any information

contained in such recycling report. Any person who knowingly makes a false statement of material fact in any recycling report submitted pursuant to this section shall be subject to prosecution under the False Statement Ordinance, Chapter 1-21, of the Municipal Code of Chicago.

(d) *Reporting schedule.* The annual recycling report required under this section shall be submitted by the private hauler to the Department no later than February 28th following the calendar year to which the annual report relates.

(e) *Review by Commissioner – Failure to submit report.* The Commissioner of Streets and Sanitation shall review and approve the adequacy of each annual recycling report submitted under this section. If the Commissioner notifies the Department of Business Affairs and Consumer Protection that the annual recycling report required under this section has not been filed in a timely manner or is incomplete, no private scavenger license issued under Section 4-6-130 shall be renewed by the Department of Business Affairs and Consumer Protection until such time that the Commissioner notifies the Department of Business Affairs and Consumer Protection that the annual recycling report required under this section has been filed and is complete.

#### **11-5-230 Recycling containers – Required.**

(a) All private haulers collecting recyclable material within the city shall provide their recycling customers with recycling containers that are legally accessible to the private hauler for collection.

(b) The recycling containers required under subsection (a) of this section shall: (1) be a shade of blue; (2) be distinctive in coloration from any waste container that is provided; (3) be constructed of a rigid material; (4) be clearly identified as a recyclable material container; (5) display a written and/or pictorial list of the recyclable material that may be deposited into the container; (6) be equipped with a close-fitting lid; (7) be leak-proof and rodent-proof; (8) bear the name and contact information of the private hauler providing the recycling containers, including the private hauler's business telephone number and business address; (9) in the case of a business, bear the name of the business served by the recycling container; and (10) in the case of a residential building, bear the address served by the recycling container. If the recycling container required to be provided under this section is constructed of plastic, the container's body and lid each shall be manufactured using 25 percent post-consumer recycled material; provided, however, that this requirement shall not apply to recycling containers in existence as of the effective date of this ordinance.

#### **11-5-240 Educating customers about recycling – Required.**

(a) All private haulers shall provide their recycling customers with a written instructional manual describing the recyclable material collection service being provided to the customer by the hauler. Such manual shall include, but is not limited to, the following information: (1) the definition of source-separated recycling; (2) why it is important to recycle;

(3) the list of material accepted and specifically prohibited for recycling as set forth in Section 11-5-080; (4) how to prepare recyclable material for handling by the hauler; (5) how to prevent contamination of recyclable material; and (6) the address of the Department's City of Chicago website, where this ordinance shall be posted and where additional information about disposal, reuse and recycling options can be obtained.

(b) Private haulers shall notify their recycling customers in writing of any change that the private hauler makes to the recyclable material collection service being provided by such hauler to the refuse collection customer. Such written notification shall be provided by the private hauler to the recycling customer at least 10 calendar days in advance of such change.

**11-5-250 Violation – Penalty.**

In addition to any other penalty provided by law, any person who violates this Article IV or any rule promulgated thereunder shall be subject to a fine of not less than \$500.00 nor more than \$1,000.00 for a first violation; not less than \$1,000.00 nor more than \$2,500.00 for a second violation for the same offense within any 12-month period; and not less than \$2,500.00 nor more than \$5,000.00 for a third and each subsequent violation for the same offense occurring within 12 months of the most recent violation for the same offense. Each day that a violation continues shall constitute a separate and distinct offense.

**ARTICLE V. BACKHAULERS**

**11-5-260 Source-separated recycling – Required.**

Each backhauler shall engage in source-separated recycling and shall source-separate materials in accordance with the requirements set forth in Section 11-5-080.

**11-5-270 Proper disposal of recyclable material – Required.**

If backhauled recyclable material is not reused or recycled by or at the facility to which it is transported, the backhauler shall: (1) dispose of such recyclable material in accordance with the requirements set forth in Articles II and III of this chapter, and (2) shall contract with a private hauler, meeting the requirements of Article IV of this chapter, for collection of such recyclable material.

**11-5-280 Selective backhauling of recyclable material – When permitted.**

A backhauler may backhaul any or all of the recyclable material set forth in Section 11-5-080. Provided, however, that if a backhauler backhauls only some of the recyclable material set forth in Section 11-5-080, it shall be the duty of such backhauler to ensure that the remainder of the recyclable material set forth in Section 11-5-080 is collected by a private hauler in accordance with Article IV of this chapter.

**11-5-290 Proper handling of recyclable material – Required.**

Backhaulers shall keep backhauled recyclable material separate from waste.



**11-5-300 Record keeping – Required.**

Backhaulers shall maintain complete and accurate records containing the following information: (1) the total tonnage of backhauled recyclable material collected within the city by the backhauler during each calendar year; (2) the name and address of each facility to which such backhauled recyclable material was transported during each calendar year; and (3) the percentage of backhauled recyclable material transported each calendar year to each facility identified pursuant to item (2) of this section. The records required by this section shall be kept on file by the backhauler for a period of three years.

**11-5-310 Annual recycling report – Required.**

Backhaulers shall submit to the Department, on a form provided by the Department, an annual recycling report meeting the requirements of Section 11-5-220. Provided, however, that for purposes of this section, each reference in Section 11-5-220 to a “private hauler” shall be replaced by the term “backhauler.”

**11-5-320 Violation – Penalty.**

In addition to any other penalty provided by law, any person who violates this Article V or any rule promulgated thereunder shall be subject to a fine of not less than \$500.00 nor more than \$1,000.00 for each offense. Each day that a violation continues shall constitute a separate and distinct offense.

**ARTICLE VI. MISCELLANEOUS REQUIREMENTS****11-5-330 Plastic bag and film plastic recycling.**

Plastic carryout bags and film plastic are subject to Chapter 7-30 of this Code.

**ARTICLE VII. ENFORCEMENT****11-5-340 Rules.**

The Commissioner is authorized to promulgate rules necessary or appropriate to implement this chapter. Such rules shall be posted on the Department’s website at least 30 calendar days in advance of the effective date of such rules. The Commissioner may provide copies of such rules to private haulers, backhaulers or other interested persons using appropriate means as determined by the Commissioner.

**11-5-350 Enforcing departments.**

This chapter shall be enforced by the Department of Streets and Sanitation, and may be enforced by the Department of Police or any city department that uses a city inspector to enforce the requirements of this Code, including, but not limited to, the Department of Business Affairs and Consumer Protection, the Department of Buildings and the Department of Transportation.

**SECTION 2.** Section 4-6-150 of the Municipal Code of Chicago is hereby amended by inserting the language underscored, as follows:

**4-6-150 Junk peddlers.**

*(Omitted text is unaffected by this ordinance)*

(f) *Prohibited acts.* It shall be unlawful for any licensee engaged in the business of junk peddler to:

*(Omitted text is unaffected by this ordinance)*

(9) remove any recyclable material from a recycling container located on the public way in violation of Section 11-5-085.

**SECTION 3.** Section 4-6-130 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting, in correct alphabetical order, the language underscored, as follows:

**4-6-130 Private scavenger.**

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

“Backhauler” has the meaning ascribed to the term in Section 11-5-020.

“Construction and demolition debris” has the meaning ascribed to the term in Section 11-4-120.

“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 waste, from any premises where the removal and disposal of such matter is not provided for by the city. 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 of streets and 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.

“Recyclable material” has the meaning ascribed to the term in Section 11-5-020.

“Recycling container” has the meaning ascribed to the term in Section 11-5-020.

“Refuse container” means any commercial refuse container or compacter as defined in Section 7-28-210.

(b) *Application – Additional information required.* In addition to the requirements set forth in Section 4-4-050, an application for, and, if requested, renewal of, a regulated business license to engage in the business of private scavenger shall be accompanied by the following information:

- (1) the number of scavenger vehicles that the applicant intends to operate or use in connection with said business;
- (2) the method of disposal and place of disposal of garbage or other waste being proposed by the applicant;
- (3) in the case of renewal of any license, an inspection approval certificate, issued by the department of streets and sanitation and dated not earlier than 60 days preceding the date of application, for each scavenger vehicle used in the conduct of the business.

(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 the application for an initial license has not been approved by the department of streets and sanitation for compliance with the applicable health, sanitation and safety provisions of this Code;
- (2) any applicant or licensee, as applicable, if such person has not obtained an inspection approval certification meeting the requirements of subsection (b)(3) of this section for each scavenger vehicle used in the conduct of the business;
- (3) any applicant or licensee, as applicable, if the commissioner of 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;
- (4) 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) 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 of streets and sanitation notifies the department that the annual recycling report required under Section 11-5-220 has been filed and is complete.

(d) *Departmental duties.*

(1) The commissioner of streets and sanitation shall enforce the provisions of this section. Such commissioner is authorized to: (i) issue such reasonable orders in connection with carrying on the business of private scavenger as the 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, 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 of streets and 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 of streets and 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 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 of streets and sanitation, as evidenced by an inspection approval certificate issued by the department for such vehicle. Provided further, that if the commissioner of streets and sanitation notifies the 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 of streets and sanitation notifies the 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 of streets and sanitation pursuant to authority granted to the 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 of streets and sanitation, in the manner directed by the commissioner, each and every scavenger vehicle operated in the 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 of streets and 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 written reports to the commissioner of streets and sanitation an annual recycling report meeting the requirements of Section 11-5-220 summarizing the private scavenger's recycling activities between January 1st and June 30th, on or before August 31st, and recycling activities between July 1st and December 31st, on or before February 28th of each year. Such written report shall contain the following data and information: (i) the weight of all materials collected in total by the licensee; (ii) the weight of all materials recycled by types or categories of materials, with a separate listing estimating the weight represented by buy-back or drop-off facilities; (iii) the percentage of customers that are high-density, condominium or cooperative residential buildings, and the percentage of customers that are commercial, office or retail establishments; (iv) the percentage of customers contracting for recycling services provided by or subcontracted by the hauler, and the percentage of customers subscribing to each type of recycling services if the hauler provides more than one collection method; (v) the percentage of customers contracting for recycling services; and (vi) any other information that the commissioner of streets and sanitation may reasonably require;~~

(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 of streets and sanitation;

(7) notify the commissioner of streets and sanitation if the licensee suspends service at any location within the City. Such notice shall be in a form specified by the 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 within three days after suspension of service. Any person who violates ~~any requirement of this section~~ subsection shall be subject to a fine of

not less than \$200.00 nor more than \$500.00 for each offense. Each day ~~such~~ that a violation continues shall constitute a separate and distinct offense;

(8) obtain from the 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 ~~in the~~ to conduct of the licensed business, ~~so licensed~~. ~~Such plate or emblem shall be stamped or plainly marked the words "Chicago Private Scavenger".~~ Said plate or emblem shall be and conspicuously displayed display such plate or emblem on each scavenger vehicle used in said business;

(9) provide refuse or recycling containers, as applicable, to customers, and ~~to~~ paint or otherwise permanently affix on each ~~refuse~~ such container the name and phone number of the licensee;

(10) upon suspension by a customer of any contract for private scavenger service, remove any refuse or recycling container provided to the licensee's customer within 30 days of the date ~~on which such customer suspends or terminates its contract with the licensee on which such suspension occurred~~;

(11) upon termination by a customer of any contract for private scavenger service, remove any refuse or recycling container provided to the licensee's customer within three days of the date on which such termination occurred;

(12) be responsible for the appearance of any refuse or recycling container that the private scavenger provides to its customers; deliver a 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 of streets and sanitation. Provided, however, that from December 1 to March 1, if weather conditions make removal of the graffiti impracticable, the 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 ~~any provision of~~ 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 for the removal of to remove scattered or spilled refuse or recyclable material. The commissioner of streets and sanitation may issue ~~regulations~~ rules specifying the types and conditions of the implements required to be used to comply ~~complying with the requirements of~~ 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.

(f) *Prohibited acts.* It shall be unlawful for any licensee engaged in the business of private scavenger to:

(1) provide any refuse or recycling container to any person who is not a customer of the private scavenger or to whom the private scavenger is not providing service;

(2) violate any applicable requirement set forth in Section 7-28-226;

(3) violate any applicable requirement set forth in Section 7-28-215-;

(4) violate any requirement set forth in Article IV of Chapter 11-5 of this Code; or

(5) remove any recyclable material from a recycling container located on the public way in violation of Section 11-5-085, unless the licensee is under contract with a refuse collection customer to collect recyclable material from such refuse collection customer.

(g) *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 acting through its contractors or otherwise.

**SECTION 4.** Section 11-4-250 of the Municipal Code of Chicago is hereby amended by Inserting the language underscored, as follows:

**11-4-250 Waste handling facilities – Permit required – Annual report required.**

(a) It shall be unlawful for any person to install or to construct or to operate any liquid waste handling facility, resource recovery facility, incinerator, sanitary landfill, transfer station or any facility that disposes, handles or treats any waste in the City of Chicago without having obtained a written permit from the commissioner. No changes, additions, expansions or extensions to any such facility shall be made without having obtained a written permit from the commissioner. For purposes of this section, an expansion or extension shall refer to an increase in the horizontal and/or vertical permitted limits of a facility or an increase in the handling or treating capacity of a facility; provided, however, the definition of expansion with respect to sanitary landfills shall be as set forth in Section 11-4-120.

Any operation at any such facility which exceeds or does not comply with the plans and specifications of the facility reviewed and approved by the commissioner pursuant to the permit

application, or which violates any of the conditions imposed by the permit, or which violates any provisions of this chapter or regulations promulgated hereunder will constitute grounds for revocation of the permit.

(b) Any person requiring a permit under this section shall submit to the commissioner of the department of streets and sanitation a written annual report summarizing all waste and recyclable material disposition, handling and treatment activities occurring at the facility during each calendar year. The annual report required under this subsection shall be submitted by such person to the department no later than February 28th following the calendar year to which the annual report relates. Such report shall contain the following data and information:

- (1) the full name and business address of the permitted facility;
- (2) the full name, business telephone number and e-mail address of a responsible person to contact regarding the content of any written report submitted under this section;
- (3) if applicable, the tonnage of all recyclable material, per material type or category, collected by the permittee during the applicable reporting period; the name and location of the facility to which each type or category of recyclable material was delivered; and the approximate percentage of each type or category of recyclable material delivered to each named facility;
- (4) if applicable, the tonnage of all municipal solid waste collected by the permittee during the applicable reporting period; the name and location to which the municipal solid waste was delivered; and the approximate percentage of municipal solid waste delivered to each named location;
- (5) if applicable, the tonnage of all construction and demolition debris, per material type or category, collected by the permittee during the applicable reporting period; the name and location to which the construction and demolition debris was delivered; and the approximate percentage of construction and demolition debris delivered to each named location; and
- (6) any other information that the commissioner of streets and sanitation may require to implement the requirements of this Chapter and Chapter 11-5 of this Code.

(c) If a permittee under this section fails to submit in a timely manner the annual recycling report required under subsection (b) of this section or submits an incomplete annual recycling report, such permittee's permit under this section shall not be renewed by the department until such time that the annual recycling report required under subsection (b) of this section is submitted and is complete.



(d) Penalties imposed for violations of this section shall be as provided in Section 11-4-030 of this Code.

**SECTION 5.** Section 11-4-2520 of the Municipal Code of Chicago is hereby amended by inserting the language underscored, as follows:

**11-4-2520 Permit – Required.**

*(Omitted text is unaffected by this ordinance)*

If a permittee under this section fails to submit in a timely manner the annual recycling report required under Section 11-4-250 or submits an incomplete annual recycling report, such permittee's permit under this section shall not be renewed by the department of public health until such time that the annual recycling report required under Section 11-4-250 is submitted and is complete.

**SECTION 6.** Section 11-4-2535 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

**11-4-2535 Report Annual report required.**

(a) Any person who ~~operates or maintain~~ requires a permit under Section 11-4-2520 to operate or maintain a recycling facility shall submit ~~a written report~~ to the commissioner of the department of streets and sanitation a written annual report summarizing all recycling activities occurring at the facility during each calendar year, between January 1st and June 30th, on or before August 31<sup>st</sup> and recycling activities between July 1st and December 31st, on or before The annual report required under this section shall be submitted by such person to the department no later than February 28th of each year, following the calendar year to which such report relates. Such report shall contain setting forth the following data and information:

- (1) the full name and business address of the recycling facility;
- (2) the full name, business telephone number and e-mail address of a responsible person to contact regarding the content of any written report submitted under this section;
- (a)(3) The weight the tonnage of all recyclable materials, per material type or category, collected in total by the permittee during the applicable reporting period; the approximate percentage of each type or category of recyclable material collected by the permittee; the name and location to which each type or category of

recyclable material was delivered; and the approximate percentage of each type or category of recyclable material delivered to each named location; and

- ~~(b)(4)~~ The weight of all materials recycled by types or categories of materials with a separate listing estimating the weight represented by buy-back or drop-off facilities; and if applicable, the tonnage of all municipal solid waste collected by the permittee during the applicable reporting period; the name and location to which the municipal solid waste was delivered; and the approximate percentage of municipal solid waste delivered to each named location;
- ~~(e)(5)~~ The percentage of customers that are high density, condominium or cooperative residential buildings, and the percentage of customers that are commercial, office or retail establishments; if applicable, the tonnage of all construction and demolition debris, per material type or category, collected by the permittee during the applicable reporting period; the approximate percentage of each type or category of construction and demolition debris collected by the permittee; the name and location of the facility to which each type or category of construction and demolition debris was delivered; and the approximate percentage of each type or category of construction or demolition debris delivered to each named location; and
- (6) any other information that the commissioner of streets and sanitation may require to implement the requirements of this Chapter and Chapter 11-5 of this Code.
- (b) Penalties imposed for violations of this section shall be as provided in Section 11-4-030 of this Code.

**SECTION 7.** Upon its passage and approval, this ordinance shall take full force and effect on January 1, 2017.

July 20, 2016

REPORT OF THE COMMITTEE ON HEALTH AND ENVIRONMENTAL PROTECTION

PRESENTING A REPORT FOR YOUR COMMITTEE ON HEALTH AND ENVIRONMENTAL PROTECTION WHICH HELD A MEETING ON July 18, 2016. THE FOLLOWING ORDINANCES WERE PASSED BY A MAJORITY OF THE MEMBERS PRESENT.

O2016-4792 (Substitute)      Ordinance regarding residential recycling

O2016-4791      Ordinance regarding produce stands on the public way

O2016-2642 (Substitute)      Ordinance regarding the establishment of a coyote wildlife management program

I HEREBY MOVE PASSAGE OF THIS ITEM BY THE LAST MOST FAVORABLE VOTE OF THE FINANCE COMMITTEE REPORT AND THE ASSOCIATED MOTION TO RECONSIDER.

Respectfully submitted,

George A. Cardenas  
Alderman, 12<sup>th</sup> Ward