



CITY OF CHICAGO MUNICIPAL CODE

7-28-785 COLLECTION BINS

(a) For purposes of this section only, the following definitions shall apply, unless the context clearly indicates otherwise:

“Collection bin” means any bin, box, truck, or other container placed outdoors for the collection of clothes or other items as donations; provided that a “collection bin” shall not include any bin, box or other small container used solely for the purpose of collecting money.

“Commissioner” means the commissioner of business affairs and consumer protection.

“Designated agent” means a person who maintains an office or residence in the city and who is designated, in writing, by the owner or lessee of the real property on which the collection bin will be located: (i) to submit the letter required in subsection (c)(4) of this section; (ii) for service of process; and (iii) to take remedial action and respond to any violation of this section.

“Local contact person” means a person authorized as an agent of the operator who: (i) is designated for service of process; (ii) is authorized by the operator to take remedial action and respond to any violation of this code; and (iii) maintains a residence or office located in the city.

“Operator” means any person who installs or maintains a collection bin.

“Owner” has the same meaning ascribed to that term in Section 13-4-010.

(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;

(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;

(5) pictures of the proposed site;

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

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

(8) any other information reasonably required by the commissioner.

(d) The commissioner shall forward the completed application to the alderman of the ward in which the proposed collection bin will be located, along with a request for any information on the factors set forth in subsection (f).

(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 Section 13-12-125; or

(2) containing a dwelling unit, as that term is defined in Section 13-4-010.

(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; or (v) for any reason set forth in subsection (e).



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

- (1) maintain the collection bin in good condition and repair;
 - (2) use a collection bin of sufficient size to prevent any overflow or accumulation of clothes or other donated items outside of the collection bin;
 - (3) cause to be removed at his own cost and expense all contents of the collection bin. The removal shall be of such frequency to prevent the overflow and accumulation of clothes or other donated items outside of the collection bin and shall be in accordance with the provisions of this code. The schedule of removal of the items shall be posted on the collection bin;
 - (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 of the local contact person to contact in case of any emergency;
- 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.

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

(i) A collection bin: (i) that is in poor condition or in a state of disrepair; (ii) which clothes or other donated items are permitted to accumulate outside of the collection bin; or (iii) containing items as a result of a failure to empty the bin pursuant to a scheduled removal, is hereby declared to be a public nuisance.

(1) Emergency abatement. In the event that 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 created, or is 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 the 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.

(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 provide the property owner with written notice to abate the nuisance in the manner prescribed by such commissioner within three days from receipt of the notice. If any person fails to abate such nuisance in accordance with such commissioner's 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) A permit issued pursuant to this section shall be for a term of two years, and the biennial fee shall be \$100.00 per collection bin. The permit shall expire on the date indicated on the face of the permit.

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

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

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

(n) No operator whose permit under this section is revoked for any cause shall be granted another permit under this section, under the same or different name, for a period of one year from the date of revocation. When a permit issued under this section is revoked, no permit issued under this section shall be approved for the same location for a period of two years from the date of revocation.

(o) Any person who violates any provision of this section shall be fined not less than \$200 and not more than \$1,000 for each offense. Each day that a violation continues shall constitute a separate and distinct offense.

(p) In addition to any other penalties imposed in this section, any person who knowingly makes any false statement, submits any false information or misrepresents any information required under this section shall be fined \$500.00 per offense.

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

(q) It shall be the duty of every owner of any lot on which is located a collection bin to ensure that such collection bin has a valid permit and is in compliance with this section. Any collection bin installed or maintained in violation of this section shall be removed by the operator or the owner of the lot on which the collection bin is located. The owner and operator shall be jointly and severally liable for any violation of this section

(Added Coun. J. 2-7-07, p. 97856, § 2; Amend Coun. J. 11-19-08, p. 47220, Art. V, § 5; Amend Coun. J. 6-6-12, p. 28356, § 12; Amend Coun. J. 11-15-12, p. 42188, § 3)