

S U B S T I T U T E
O R D I N A N C E

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

SECTION 1. Section 7-28-710 of the Municipal Code of Chicago is hereby amended by adding the language underscored as follows:

7-28-710 Dumping prohibited.

(Omitted text is unaffected by this ordinance)

(b) Nothing in this section shall prohibit the composting of organic waste or land application of composted organic waste in accordance with Sections 7-28-715 and Chapter 11-4 of this Code. For the purposes of this section and Section 7-28-715, the following definitions apply:

(Omitted text is unaffected by this ordinance)

"Composting operation" means all composting activities conducted on a site, including all composting material, stored organic waste and end-product compost located on any site at any one time. "Composting operation" shall not include the collection of organic waste under Section 7-28-715(8).

(Omitted text is unaffected by this ordinance)

SECTION 2. Section 7-28-715 of the Municipal Code of Chicago is hereby amended by adding the language underscored, and by deleting the language struck through, as follows:

7-28-715 Composting standards.

(Omitted text is unaffected by this ordinance)

(6) *Enforcement provisions.* Any person that violates this section or any rule ~~or regulation~~ promulgated thereunder and is not operating under a permit under Chapter 11-4 that permits composting shall be fined not less than \$300 nor more than \$600 for each offense. Each day that a violation continues shall constitute a separate and distinct offense to which a separate fine shall apply. In addition, if any person violates this section, the ~~commissioner of health~~ Commissioner of Health may issue an emergency or non-emergency cessation or abatement order in accordance with Section 11-4-025 of this Code.

(7) The ~~commissioner~~ Commissioner is authorized to enforce this section and rules ~~and regulations~~ promulgated thereunder. The ~~commissioners~~ Commissioners are authorized to administer this section and to jointly adopt and promulgate reasonable rules ~~and regulations~~ pertaining to the administration and enforcement of this section.

(8) Residential composting prohibitions against public policy.

(a) No governing association, as defined in Section 7-28-840, landlord, or any other owner of a dwelling unit may adopt, maintain, or enforce any covenant, bylaw, rule, or other restriction that effectively prohibits or unreasonably restricts a unit owner, tenant, or other residential occupant from: (i) collecting organic waste for drop-off at a composting facility, as defined in Section 11-4-2510, or (ii) contracting with a duly licensed private entity to collect and process organic waste. Any such collection of organic waste shall be conducted: (A) entirely within a fully enclosed container, with no opening having a dimension greater than 1/4 inch in any direction; and (B) in such a manner as to control any unreasonable odor or the unreasonable attraction of insects, rodents, birds, or other vectors or pests.

(b) Any aggrieved person, including but not limited to any unit owner, tenant, or other residential occupant, may seek injunctive or declaratory relief for a violation of subsection (8)(a) from a court of competent jurisdiction.

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