



City of Chicago



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Sponsor(s):	Emanuel (Mayor)
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Title:	Amendment of Municipal Code Titles 7, 11 and 17 by modifying regulations on recycling facility and urban farm accessory composting operations
Committee(s) Assignment:	Committee on Zoning, Landmarks and Building Standards



OFFICE OF THE MAYOR
CITY OF CHICAGO

RAHM EMANUEL
MAYOR

May 20, 2015

TO THE HONORABLE, THE CITY COUNCIL
OF THE CITY OF CHICAGO

Ladies and Gentlemen:

At the request of the Commissioner of Public Health, I transmit herewith an ordinance amending various provisions of the Municipal Code regarding urban composting.

Your favorable consideration of this ordinance will be appreciated.

Very truly yours,

Mayor

ORDINANCE

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

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

7-28-710 Dumping prohibited.

(a) It shall be unlawful for any person to place, leave, dump, or permit to accumulate any garbage or trash in any building, structure or premises so that the same shall afford food or harborage for rats, or to dump or place on any premises, land or waterway any dead animals or waste vegetable matter of any kind.

Any person who violates this section 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.

(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. ~~Each and every violation of 7-28-715 or any rule or regulation promulgated thereunder constitutes a separate violation of 7-28-710(a).~~ For the purposes of this section and Section 7-28-715, the following definitions apply:

"Commissioner" means the commissioner of streets and sanitation or the commissioner of health. When used in the plural, the term means both commissioners.

"Compost" means the humus-like product of the process of composting organic waste, which may be used as a soil conditioner.

"Composting" means a controlled biological treatment process by which microorganisms decompose the organic fraction of waste, producing compost.

"Composting material" means organic waste undergoing composting.

"Composting operation" means all composting activities conducted on a site, including all composting material, stored landscape organic waste and end-product compost located on any site at any one time.

~~"Food waste" means the source-separated organic portion of the waste resulting from the handling, processing, preparation, cooking and consumption of food, and the wastes from the handling, processing, storage and sale of produce. "Food waste" does not include packaging, utensils or containers from the handling, processing, preparation, cooking and consumption of food.~~

"Food scrap" means garbage that is (i) capable of being composted, (ii) separated by the generator from other waste, including non-compostable garbage; and (iii) managed separately

from other waste, including non-compostable garbage. Food scrap includes packaging, utensils, and food containers composed of readily biodegradable material in accordance with the ASTM D6400 standard required for use under Section 3.197 of the Illinois Environmental Protection Act, codified at 415 ILCS 5/3.197. For purposes of this definition, the term "garbage" has the meaning ascribed to the term in Section 11-4-120 of this Code.

"In-vessel" means composting which is conducted entirely within a fully enclosed container, with no opening having a dimension greater than 1/4 inch in any direction.

"Landscape waste" means grass or shrubbery cuttings, leaves, tree limbs and other materials accumulated as a result of the care of lawns, shrubbery, vines and trees, and includes any discarded fruits, vegetables and other vegetative material or crop residue generated in the care of a garden. The term "landscape waste" does not include soil other than incidental soil (e.g., soil attached to sod or attached to other materials accumulated as a result of the care of lawns, shrubbery, vines, trees or a garden).

"Limited organic waste" means organic waste, other than landscape waste, which does not include: fish; fish products; poultry; poultry products; meat; meat products; eggs (excluding egg shells); cheese, butter or other dairy products; fat; grease; oil or oily food; cat, dog, or other animal excreta; animal feed losses or animal bedding; colored or glossy paper; sawdust from pressure-treated plywood or lumber; diseased or insect-infested houseplants or soil; or biodegradable or compostable plastic.

"Operator" means any person who is engaged in a garden composting operation.

"Organic waste" means food waste scrap, landscape waste, uncontaminated wood waste or other non-hazardous carbonaceous waste that is collected and processed separately from the rest of the municipal waste stream.

"Owner" means any person who has legal title to any premises or structure where a garden composting operation is conducted.

"Uncontaminated wood waste" means untreated, unpainted and unvarnished wood.

"Vector" means any living agent, other than human, capable of transmitting, directly or indirectly, an infectious disease.

~~"Wood waste" means untreated, unpainted and unvarnished wood.~~

7-28-715 Composting standards.

(1) Any composting operation which meets the qualifications of paragraphs (3), (4) or (5) of this section shall be exempt from the permit requirements of Chapter 11-4 of this Code.

(2) *General composting standards.* All composting operations which meet the qualifications of paragraphs (3), (4) or (5) shall promote proper conditions for composting and

shall operate under the following standards, in addition to all applicable local, state and federal laws, rules and regulations:

(a) *Nuisance.* In no event shall any composting ~~activities~~ activity be conducted in a manner which creates an odor, litter, dust or noise nuisance, or attracts vectors or pests.

(b) *Rat and other vector control.* The presence of insects, rodents, birds and other vectors or pests shall be controlled through specific measures. These specific measures may include grinding the ingredients, providing screens or netting, or conducting the composting operation in-vessel.

(c) *Surface water.* The composting operation shall be located or designed and constructed to prevent the composting material and compost from sitting in ponded surface water. In no event shall any composting activity be conducted in a manner which creates standing water resulting from leachate.

(d) *Mixing.* Composting material shall be mixed or turned at regular intervals as conditions mandate to re-mix ingredients, distribute moisture, rebuild porosity and aid in physical breakdown until composting is complete.

(e) ~~*Moisture level.* The moisture level of the composting material shall be maintained within a range of 40% to 60% moisture~~ [Reserved].

(f) *Sewage restriction.* The composting material shall not contain sewage, sludge, septage or catch basin waste. For the purposes of this section, "sewage" shall have the meaning ascribed to it in Section 11-4-120 of this Code; "sludge" shall mean any solid, semi-solid, or liquid waste generated from a municipal, commercial, or industrial wastewater treatment plant, water supply treatment plant, or air pollution control facility or any other such waste having similar characteristics or effects; "septage" shall mean the waste found in a septic tank; and "catch basin waste" shall mean the waste found in a catch basin.

(3)(i) ~~*Garden compost*~~ *Tier I garden composting operation.* A composting operation that composts only landscape waste, whether or not generated on-site, shall be exempt from the permit requirements of Chapter 11-4 of this Code if it meets the following criteria:

(a) *Ingredients.* The composting operation composts only landscape waste.

(b) *Noncommercial.* The composting operation is not engaged in commercial activities related to composting, the acceptance of landscape waste or commercial landscaping.

(c) *Size.* The composting operation contains no more than a total of 10 cubic yards of landscape waste, composting material and end product compost on-site at any one time, unless express written authorization has been issued by the commissioner of streets and sanitation allowing a greater volume, not to exceed 25 cubic yards.

(d) *Compost use.* All generated compost must be used on-site.

(3)(ii) Tier II garden composting operation. A composting operation that composts only landscape waste and limited organic waste, whether or not generated on-site, shall be exempt from the permit requirements of Chapter 11-4 of this Code if it meets the following criteria:

(a) *Ingredients.* The composting operation composts only landscape waste and limited organic waste. The limited organic waste shall not exceed 10% of the total material in the process of being composted on-site at any one time.

(b) *Processing.* All food scrap must be processed into the composting operation or be contained in-vessel by the end of the day it was generated on-site or received from off-site. Other limited organic waste must be processed into the composting operation or be contained in a properly maintained covered steel or rigid plastic container by the end of the day it was generated on-site or received from off-site.

(c) *Record keeping.* The operator shall, in a form prescribed by the commissioners, maintain on site and shall make available for inspection records of all limited organic waste received from off-site.

(d) *Compost use.* All generated compost must be used on-site.

(e) *Noncommercial.* The composting operation is not engaged in commercial activities related to composting, the acceptance of limited organic waste or landscape waste, or commercial landscaping.

(f) *Size.* The composting operation contains no more than a total of 10 cubic yards of landscape waste, limited organic waste, composting material and end product compost on-site at any one time, unless express written authorization has been issued by the commissioner of streets and sanitation allowing a greater volume, not to exceed 25 cubic yards.

(3)(iii) *Registration.* Any operator shall annually register with the city's on-line or other registration portal, or a third party registration portal approved by the commissioners by rule. Such registration must include the name and contact information of the operator, the name and contact information of the owner, the name and contact information of the individual principally in charge of the site operations (if different from the operator), and any other information that may be required by the commissioners by rule. The operator must keep such information current as provided by the commissioners by rule.

(4) *On-site organic waste composting operation.* A composting operation that composts food waste scrap and/or non-hazardous carbonaceous waste, whether or not landscape waste is added to the composting mixture, shall be exempt from the permit requirements of Chapter 11-4 of this Code if it meets the following ~~criteria~~ criteria:

(a) *Ingredients.* The composting operation composts only organic waste that is generated on-site.

(b) *In-vessel requirement.* Any composting of food waste scrap and/or non-hazardous carbonaceous waste is conducted in-vessel. This requirement also applies to mixtures of landscape wastes with these wastes.

(c) *Size.* The composting operation contains no more than a total of 5 cubic yards of landscape waste, composting material and end product compost on-site at any one time, unless express written authorization has been issued by the commissioner of streets and sanitation allowing a greater volume.

(d) *Compost use.* All generated compost is used on-site.

(5) In addition to those composting operations described in paragraphs (3) and (4), all composting operations which meet the criteria for a permit-exempt facility pursuant to 35 Illinois Admin. Code Section 830.105 shall meet the standards of paragraph (2)(a) through (f) of this section, in addition to all applicable local, state and federal laws, rules and regulations.

(6) *Enforcement provisions.* ~~Any composting operation that fails to comply with the requirements of 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 is hereby in violation of Section 7-28-710(a) 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. Each and every violation of a standard set forth in this section or any rule or regulation promulgated thereunder is hereby declared to be a nuisance and a separate violation of Section 7-28-710(a), and shall be punished by penalty pursuant to Section 7-28-800. In addition, if any person violates this section, the 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 is authorized to enforce this section and rules and regulations promulgated thereunder. ~~The commissioner~~ of streets and sanitation is ~~are~~ authorized to administer this section and to jointly adopt, and promulgate and enforce reasonable rules and [G4] regulations pertaining to the administration and enforcement of this section.

SECTION 2. Section 11-4-040 of the Municipal Code of Chicago is hereby amended by inserting the language underscored, as follows:

11-4-040 Permit issuance or renewal – Requirements.

(Omitted text is unaffected by this ordinance)

(c) The commissioner may impose reasonable permit conditions to protect the public health, safety or welfare of the city.

SECTION 3. Chapter 11-4 of the Municipal Code of Chicago is hereby amended by adding new section 11-4-2545, by deleting the language struck through, and by inserting the language underscored, as follows:

**ARTICLE XX. RECYCLING FACILITY AND URBAN FARM ACCESSORY COMPOSTING
PERMITS (11-4-2510 et seq.)**

11-4-2510 Definitions.

For the purposes of this article, the following words and phrases shall have the meaning ascribed to them by this section:

(Omitted text is unaffected by this ordinance)

Food scrap means garbage that is (i) capable of being ~~decomposed into compost by composting~~ composted, (ii) separated by the generator from other waste, including, ~~but not limited to,~~ non-compostable garbage that is ~~not capable of being decomposed into compost by composting~~; and (iii) managed separately from other waste, including, ~~but not limited to,~~ non-compostable garbage that is ~~not capable of being decomposed into compost by composting~~. Food scrap includes, ~~but is not limited to,~~ packaging, utensils, and food containers composed of readily biodegradable material in accordance with the ASTM D6400 standard required for use under Section 3.197 of the Illinois Environmental Protection Act, as amended.

(Omitted text is unaffected by this ordinance)

Livestock waste means ~~livestock~~ excreta from animals used for food, fiber or labor, associated feed losses, and bedding.

(Omitted text is unaffected by this ordinance)

Uncontaminated wood waste means untreated, unpainted and unvarnished wood.

Urban farm means a farm that meets the description and requirements in Sections 17-9-0103.3 and 17-17-0104-H of this Code.

Vector means any living agent, other than human, capable of transmitting, directly or indirectly, an infectious disease.

11-4-2530 Permit – Application.

Application for a permit for a recycling facility or an urban farm accessory composting operation shall be made to the commissioner on forms provided by the commissioner for such purpose. Applicants shall provide the following information at a minimum:

(Omitted text is unaffected by this ordinance)

11-4-2545 Urban farm accessory composting operation.

In addition to all applicable local, state and federal laws, and rules and regulations promulgated thereunder, an urban farm accessory composting operation shall meet the following criteria:

- (1) Permit. No person shall engage in an urban farm accessory composting operation in the city without having first obtained an urban farm accessory composting operation permit from the commissioner. A Class III recycling facility permit holder is not required to obtain an urban farm accessory composting operations permit to conduct composting.
- (2) Ingredients. The composting operation composts any type of organic waste and livestock waste. In addition to other reasonable permit conditions that the commissioner may impose to protect the public health, safety or welfare of the city, the commissioner may impose permit conditions limiting the type and volume of livestock waste that the composting operation may compost.
- (3) Size. The composting operation constitutes no more than 2% of the site's total acreage.
- (4) Acceptance of material. No fee shall be charged for the acceptance of materials to be composted at the facility.
- (5) Processing. All food scrap must be processed into the composting operation or be contained in-vessel by the end of the day it was generated on-site or received from off-site. Other organic waste or livestock waste must be processed into the composting operation or be contained in a covered steel container by the end of the day it was generated on-site or received from off-site.
- (6) Commercial use. Compost sold or used off-site shall meet or otherwise comply with all applicable performance standards for organic waste compost facilities and with all applicable testing procedures and standards for the end-product compost produced by organic waste compost facilities, as set forth in rules issued by the Illinois Pollution Control Board pursuant to authority granted to such Board under subsections (b) and (e) of Section 22.34 of the Illinois Environmental Protection Act.
- (7) Record keeping. Any person engaged in an urban farm accessory composting operation shall, in a form prescribed by the commissioner, maintain on site and shall make available for inspection records of all organic waste and livestock waste received from off-site, and the amount of compost sold by the facility.

11-4-2550 Permit – Fees.

(a) The term of a recycling facility permit shall be for three years. The three year fee shall be:

Class I	\$300.00
Class II	
Less than 500 tons per day	1,500.00

500 to 1,000 tons per day	2,250.00
More than 1,000 tons per day	3,000.00
Class III	3,000.00
<u>Class III recycling facility</u>	
<u>permit for a not-for-profit applicant</u>	
<u>that conducts a composting</u>	
<u>operation of less than</u>	
<u>4,000 tons per year</u>	<u>300.00</u>
Class IV	3,000.00
Class V	4,500.00

(b) An urban farm accessory composting operation permit shall have a three-year term. The three-year permit fee shall be \$3,000.00. Provided, however, the three-year permit fee for a not-for-profit urban farm accessory composting operation with a capacity of less than 4,000 tons per year shall be \$300.00.

11-4-2680 Violation – Penalty.

(a) Unless otherwise provided in this article, penalties imposed for violations of any provisions of this article shall be as provided in Section 11-4-030 of this Code.

(b) The commissioner may inspect or cause the inspection of a recycling facility or an urban farm accessory composting operation in order to determine compliance with this article, the rules and regulations promulgated hereunder, a recycling facility or an urban farm accessory composting operation permit and its conditions and other applicable laws and ordinances. The commissioner may issue an emergency cessation order in accordance with the provisions of Section 11-4-025 of this Code, and may require any such facility or operation to be immediately closed and secured against entry upon discovery of (i) an imminent and substantial risk to the public health or safety or to the environment caused by the presence, treatment or storage of any recycling or composting material, or other activity on the premises, in violation of this article, a recycling material facility or an urban farm accessory composting operation permit or its conditions or the rules and regulations promulgated hereunder, or (ii) the facility or operation being operated without a required permit. The commissioner may also issue a non-emergency cessation order in accordance with the provisions of Section 11-4-025 of this Code, if he or she determines that any person is violating any of the provisions of this article, but such violation does not pose an imminent and substantial risk to the public health or safety or to the environment.

(Omitted text is unaffected by this ordinance)

SECTION 4. Chapter 17-9 of the Chicago Zoning Ordinance is hereby amended by deleting the language struck through and by inserting the language underscored, as follows:

17-9-0103.3 Urban Farm. *Urban farms* are subject to the following standards:

17-9-0103.3-A *Urban farms* shall be exempt from the landscaping and screening requirements of vehicular use areas of 17-11-0200.

17-9-0103.3-B Parkway vegetation that is complementary to allowed activities and that is acceptable to the Department of Planning and Development shall be allowed in lieu of the Parkway Tree requirements of 17-11-0100.

17-9-0103.3-C Fencing and screening that is complementary to allowed activities and that is acceptable to the Department of Planning and Development shall be allowed in lieu of the requirements of 17-3-0304 and 17-5-0601.

17-9-0103.3-D Composting ~~is limited to the materials generated on site only, and~~ must comply with the standards of Section ~~7-28-715~~ 11-4-2545 of the Municipal Code. Incidental sales of such compost material is expressly allowed as an accessory use to the principal use of an *urban farm*.

17-9-0103.5 Community garden. *Community gardens* are subject to the following standards:

17-9-0103.5-A *Community gardens* shall not be larger than 25,000 square feet, except in POS districts. There is no size limit for *community gardens* in the POS1 and POS2 districts.

17-9-0103.5-B *Accessory buildings*, such as sheds, greenhouses, hoopouses or farmstands shall comply with the requirements of 17-9-0201-D. Hoopouses or other fabric based shelters, which are not required to obtain a building permit, shall not be considered accessory buildings. Hoopouses or other fabric based shelters shall be securely attached to the ground and designed and constructed to comply with appropriate standards in Title 13 of the Municipal Code of Chicago.

17-9-0103.5-C Composting ~~is limited only to the materials generated on site, and must be used on site, and must otherwise~~ must comply with the standards of Section 7-28-715 of the Municipal Code.

17-9-0103.5-D Sales on site are limited to incidental sales of plants or produce generated on site.

17-9-0117 Waste-related Uses, Recycling Facilities, Mining/Excavation Uses, and Coke & Coal Bulk Material Uses.

(Omitted text is unaffected by this ordinance)

17-9-0117-C Urban Farm Accessory Composting Operations. Composting areas in an outdoor urban farm accessory composting operation must be located at least 150 feet from all R zoning district boundaries or at the farthest distance from all R zoning district boundaries, whichever is greater. This section does not apply to an urban farm accessory composting operation conducted within a completely enclosed building. For purposes of an outdoor urban farm accessory composting operation that composts landscape waste only and, otherwise operates in compliance with Section 415 ILCS 5/21(q)(2.5) (A) to (D) of the Illinois Environmental Protection Act, the setback requirement specified in this section is established pursuant to Section 415 ILCS 5/21(q)(2.5)(E) of the Illinois Environmental Protection Act.

SECTION 5. Section 17-17-0103 of the Chicago Zoning Ordinance is hereby amended by deleting the language struck through and by inserting the language underscored, as follows:

17-17-0103 Public and Civic Use Group. The *public and civic use group* includes uses that provide public or quasi-public services. The *public and civic use group* includes the following Use Categories:

(Omitted text is unaffected by this ordinance)

17-17-0103-F Parks and Recreation. Recreational, social, or multi-purpose uses typically associated with public parks, *public open spaces*, public play fields, public or private golf courses, or public recreation areas or buildings.

1. Community Garden. A neighborhood-based development with the primary purpose of providing space for members of the community to grow plants for beautification, education, recreation, community distribution or personal use. Sites are typically managed by public or civic entities, nonprofit organizations or other community-based organizations that are responsible for maintenance and operations. Processing and storage of plants or plant products, other than for purposes of composting as provided in Section 17-9-0103.5-C, are prohibited on site. Gardening tools and supplies may be stored within an accessory building that is in compliance with Section 17-9-0103.5-B of the Municipal Code.

(Omitted text is unaffected by this ordinance)

SECTION 6. This ordinance shall take effect 10 days after passage and publication.