

## ORDINANCE

WHEREAS, the City of Chicago wishes to promote responsible composting as a means of diverting waste from landfills and creating nutritive soil amendments. Now, therefore;

### **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 adding the language underscored or deleting the stricken language 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, ~~other than properly composted landscape waste.~~

In addition to any other fine or penalty for violation of this section, any person who violates this section shall be liable to the city for three times the amount of all costs and expenses incurred by the city in abating a nuisance caused by such violation.

(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:

“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 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.

“In-vessel” means composting which is conducted entirely within a fully enclosed container, with no opening having a dimension greater than ¼ 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 generated in the care of a garden.

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

“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 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.

(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.

(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) Garden Compost Operation. A composting operation that composts only landscape waste 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.

(4) On-site Organic Waste Composting Operation. A composting operation that composts food waste 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:

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

(b) In-vessel requirement. Any composting of food waste 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 this section and is not operating under a permit under Chapter 11-4 that permits composting is hereby in violation of Section 7-28-710(a). 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.

(7) The commissioner of streets and sanitation is authorized to adopt, promulgate and enforce reasonable rules and regulations pertaining to the administration and enforcement of this section.

**SECTION 2.** This ordinance shall take effect 30 days after its passage and approval.