

**AN ORDINANCE ADOPTING LICENSING REGULATIONS
FOR COLLECTION CONTAINERS**

WHEREAS, the City of Rolling Meadows, as a home rule unit of local government as provided by Article VII, Section 6(a) of the Illinois Constitution of 1970, has the authority to exercise any power and perform any function pertaining to its government and affairs including the power to regulate for the protection of the public health, safety, morals, and welfare; and

WHEREAS, it is the legislative findings of the Corporate Authorities of the City that: the City has experienced a proliferation of collection containers and their placement in required parking spaces and landscaped areas, often without the property owner's permission; the proliferation of these containers has contributed to visual clutter, blight due to graffiti and poor maintenance, and the accumulation of debris and excess items outside of the collection containers, and can also interfere with the proper management of the city's waste stream; and that it would be promote the health, safety, and welfare of the public, and protect the property rights of the owners of the properties on which the collection containers are located to require that each collection container be subject to a City license; and

WHEREAS, the City is currently required to retain impounded collection containers for a period of six months, and the City desires to remove this requirement and authorize the immediate disposal of an impounded collection container due to the increasing number of impounded collection containers in the City's possession, their size, their *de minimis* value, and the low likelihood that the owner will claim an impounded collection container; and,

WHEREAS, the City has previously adopted regulations governing collection containers in its Zoning Regulations, and desires to relocate these regulations elsewhere in the Municipal Code in conjunction with this amendment; and

WHEREAS, the Corporate Authorities of the City of Rolling Meadows have therefore determined that it is in the best interest of the City and its residents to amend the Municipal Code to regulate collection containers as set forth herein.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Rolling Meadows, Illinois:

Section 1: The recitals set forth above are incorporated herein by reference as the findings of the Corporate Authorities.

Section 2: Chapter 22, entitled "Businesses," of the Rolling Meadows Municipal Code is hereby amended to adopt a new Division 33 of Article III to be entitled "Collection Containers," as set forth in **Exhibit A** attached to and, by this reference, made a part of this Ordinance.

Section 3: If any provision of this Ordinance or part thereof is held invalid by a court of competent jurisdiction, the remaining provisions of this Ordinance shall remain in full force and effect, and shall be interpreted, applied, and enforced so as to achieve, as near as may be, the purpose and intent of this Ordinance to the greatest extent permitted by applicable law.

Section 4: This Ordinance shall be in full force and effect from and after 10 days from its passage, approval, and publication in pamphlet form in the manner provided by law.

PASSED AND APPROVED by the City Council of Rolling Meadows, Cook County, Illinois this 11th day of July, 2023.

AYES: Vinezeano, Boucher, Reyez, Koehler, O'Brien

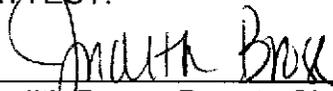
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ABSENT: McHale, Budmats



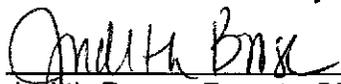
Lara Sanoica, Mayor

ATTEST:



Judith Brose, Deputy City Clerk

Published this 14th day of July, 2023.



Judith Brose, Deputy City Clerk

EXHIBIT A
New Chapter 22, Article III, Division 33
COLLECTION CONTAINERS

DIVISION 33 – COLLECTION CONTAINERS

Sec 22-1190. Purpose.

The city has experienced a proliferation of collection containers and their placement in required parking spaces and landscaped areas, often without the property owner's permission. The proliferation of these containers has contributed to visual clutter, blight due to graffiti and poor maintenance, and the accumulation of debris and excess items outside of the collection containers. They can also interfere with the proper management of the city's waste stream. The purpose of these regulations is to promote the health, safety, and welfare of the public, and protect the property rights of the owners of the properties on which the collection containers are located, by providing minimum blight-related performance standards for the operation of collection containers, including establishing criteria to ensure that:

- (1) Material is not allowed to accumulate outside of the collection containers;
- (2) The collection containers remain free of graffiti and blight;
- (3) The collection containers are maintained in sanitary conditions;
- (4) The collection containers are not placed without the approval of property owners; and
- (5) That contact information is readily available so that the operators can be contacted if there are any blight-related questions or concerns.

This Division regulates the size, number, placement, installation and maintenance of collection containers, as is necessary to accomplish the foregoing purposes.

Sec 22-1191. Definitions.

For the purposes of this Division 33, a "*collection container*" is an unattended drop-off box, container, receptacle, or similar facility that is operated by a person, organization for the primary purpose of receiving or storing collected items, including household goods, clothing, or other salvageable personal items. Collection containers do not provide a cash refund for collected items.

Sec 22-1192. Annual license required.

- (1) *Annual license required.* It is unlawful to place, operate, maintain or allow a collection container on any real property unless the property owner and operator of the collection container first obtains a license from the city.
- (2) *Exception:* The requirements of this Division 33 do not apply to collection containers that are located entirely within a habitable building with the permission of the building's owner.

Sec 22-1193. License applications.

- (1) *New applications.* The license application will be made on a form provided by the license officer, and include:
 - a. The signatures of the property owner and the operator of the collection container, acknowledging that they will be equally responsible for compliance with all applicable laws and conditions related to the collection containers for which they are seeking approval;
 - c. The name, address, email, website (if available) and telephone number of the operator of the collection container and property owner on which the collection container is to be located, including 24-hour contact information;
 - d. A vicinity map showing:
 - i. The proposed location of the collection container;
 - ii. The distance between the proposed location and all existing collection containers within 500 feet of the proposed location, as measured from lot line to lot line; and
 - iii. The distance between the proposed location and all residentially-zoned property within 500 feet of the proposed location, as measured from lot line to lot line.
 - e. Photographs of the location and adjacent properties;
 - f. A site plan containing:
 - i. Location and dimensions of all property boundaries;
 - ii. Location of all buildings;
 - iii. Proposed collection container location;
 - iv. Distance between the proposed collection container and property lines and buildings; and
 - v. Location and dimensions of all existing and proposed driveways, garages, carports, parking spaces, maneuvering aisles, pavement and striping/markings;
 - g. Elevations showing the appearance, materials, and dimensions of the collection container, including the information required in this Division 33 to be placed on the collection container and notice sign;
 - h. A description and/or diagram of the proposed locking mechanism of the collection container;
 - i. A maintenance plan (including graffiti removal, pick-up schedule, and litter and trash removal on and around the collection container); and

- j. Any other information regarding time, place, and manner of the collection container's operation, placement, and maintenance that is reasonably necessary to evaluate the proposal's consistency with the requirements of this Division 33.
- (2) *Permit expiration and renewal.* A license issued under this Division 33 will expire and become null and void annually on the anniversary of its date of issuance, unless renewed prior to its expiration. An application for renewal must be submitted prior to the expiration of the license on a form provided by the license officer, and include:
- a. The signatures of the property owner and the operator of the collection container, acknowledging that they will be equally responsible for compliance with all applicable laws and conditions related to the collection containers for which they are seeking approval;
 - b. Photographs of the location and adjacent properties taken within ten days of the submittal of the renewal application;
 - c. A detailed description of any changes to the information submitted on the previous application; and
 - d. Any other information regarding time, place, and manner of the collection container's operation, placement, and maintenance that is reasonably necessary to evaluate the proposal's consistency with the requirements of this Division 33.
- (3) *Decision on application.*
- (1) The license officer will approve or deny an application within 60 days of the receipt of a completed application. If the license officer fails to act on the application within the required 60 days, the application shall be deemed approved.
 - (2) The license officer will approve the application if all of the following are true; otherwise the license officer may deny the application:
 - a. The applicant has submitted a complete, fully executed and accurate application;
 - b. The property on which the collection container is to be located has been free of graffiti, as defined by the Municipal Code, for at least six months prior to the submission of the application, as evidenced by city records for the property;
 - c. The property on which the collection container is to be located has been free of any conditions constituting a nuisance, as defined by the Municipal Code, for at least six months prior to submission of the application, as evidenced by city records for the property;
 - d. The applicant is neither currently in violation of, nor has not been found in violation of this Division 33 within one year prior to submission of the application; and

- e. The application will be comply with all of the applicable provisions of this Division 33.

Sec 22-1194. Standards.

(1) *Location.*

- a. No collection container may be located within 500 feet from any other collection container, as measured from lot line to lot line.
- b. No collection container may be located in a residential zoning district.
- c. No collection container may be located within 500 feet of a property in a residential zoning district, as measured from lot line to lot line.
- d. No collection container may be located in front of the front line of the principal structure, as extended along the length of the property.
- e. No collection container will be located on or within:
 - i. The public right-of-way, including sidewalks;
 - ii. Area designated for landscaping;
- f. No collection container will be located in or block or impede access to any:
 - i. Required parking or driveway areas;
 - ii. Pedestrian routes;
 - iii. Emergency vehicle routes;
 - iv. Building ingress and egress;
 - v. Required access routes for persons with disabilities;
 - vi. Required or recorded easements;
 - vii. Trash enclosure areas or access to trash bins or trash enclosures; or
 - viii. Any place that would impede the functioning of exhaust, ventilation, or fire extinguishing systems.
- g. No more than one collection container will be located on any individual lot.
- h. No collection container will be located within the clear vision triangle of any intersection, or within any required yard or setback.

(2) *Physical attributes.*

- a. All collection containers must:
 - i. Be fabricated of durable and waterproof materials;
 - ii. Be placed on a level impervious surface;
 - iii. Have a tamper-resistant locking mechanism for all collection openings;

- iv. Not be electrically or hydraulically powered or otherwise mechanized; and
 - v. Not be considered a fixture of the site or an improvement to real property.
- b. Collection containers may not exceed six and one-half-feet in height, five feet in width and five feet in depth.
- c. Signage on collection containers will not exceed five-inch letter height. Collection containers must have the following information conspicuously displayed in at least two-inch type visible from the front of the collection container:
- i. The name, address, 24-hour telephone number, and, if available, the Internet Web address, and email address of the licensee, the operator of the collection container, and the owner of the real property;
 - ii. The type of material that may be deposited; and
 - iii. A notice stating that it is strictly prohibited to leave any materials outside the collection container.
- (3) *Maintenance and operation.*
- a. No overflow collection items, litter, debris or dumped materials will be allowed to accumulate within 20 feet of any collection container.
 - b. Collection containers will be maintained at all times in good working order, and at all times free from graffiti, removed or damaged signs and notifications, peeling paint, rust, and broken collection operating mechanisms.
 - c. Collection containers will be serviced not less than weekly between 7:00 a.m. and 7:00 p.m. on weekdays and 10:00 a.m. and 6:00 p.m. on weekends. This servicing includes maintenance of the container, the removal of collected materials, and removal of any graffiti, litter, or nuisance conditions as defined in the Municipal Code.
 - d. The operator will maintain an active email address and a 24-hour telephone service with recording capability for the public to register complaints.
 - e. It is strictly prohibited to allow a collection container to be used for solid waste or hazardous materials.

Sec 22-1195. Penalty; declaration of nuisance; abatement by City.

- (1) *Penalty.* Any person violating any provision of this Division 33 shall be subject to the general penalty provided in Appendix B of the Municipal Code. Each day that a violation exists shall be considered a separate violation of this chapter.

- (2) *Nuisance declared.* The placement, maintenance, or site-hosting of a collection container(s) in violation of any applicable requirements set forth in this Division 33 is hereby declared a nuisance.
- (3) *City abatement by disposal.* In addition to any other penalty provided by law, the city may further abate such nuisance by removing and immediately disposing of the nuisance collection containers and their contents after providing reasonable notice to the licensee, operator of the nuisance collection container, and owner of the real property, by affixing signage on the nuisance collection container. The dated notice will state that the nuisance collection container will be removed and disposed of within seven days of the posting of the notice, unless the nuisance conditions are fully corrected to the satisfaction of the license officer in strict accordance with the requirements of this Division 33. The licensee, the owner of the nuisance collection container, and the owner of the real property hosting the nuisance collection container are jointly and severally liable for the reasonable costs of removal, storage, and disposal incurred by the city.

[Sections 22-1196 through 1899, inclusive, are reserved for future use.]