

Vetoed by Mayor

ORDINANCE NO. 8586-86

AN ORDINANCE AMENDING CHAPTER 10
ENTITLED "GARBAGE AND REFUSE" OF THE URBANA CITY CODE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF URBANA, ILLINOIS,
that:

Section 1. Article I, Section 10-1 of the Urbana City Code, is hereby repealed in its entirety and the following is enacted in its place upon the taking effect of this Ordinance:

"Sec. 10-1. Deposit of garbage, slops, filth, etc.; nonapplicability to certain recyclable materials.

(a) Definitions. "Front yard" as used in this Chapter shall mean a yard extending across the full width of a lot, and measured between a lot line abutting a street and the nearest line of a structure located on a lot.

"Right-of-Way" (abbreviated ROW) as used in this Chapter shall mean the entire dedicated tract or strip of land that is legally used by the public for circulation and service.

(b) No person shall throw, discharge or deposit in any place within the city any garbage, animal matter, dead animals, or other refuse, rubbish or debris of any kind, except in receptacles made of impervious material having a solid bottom and tight-fitting lid which are stored and located on private property other than that owned or controlled by the city, including city right-of-way and other than the front yard of such property. The above provisions shall not apply, however to persons temporarily storing food cans, glass bottles and newspapers on such private property or adjacent parkway where such recyclable materials are generated on or collected from the same premises where stored:

(i) if such person has an existing agreement with a recycling service to remove such material at periodic intervals; or

(ii) if the City of Urbana has adopted a program to collect recyclable materials which would include the premises wherein such recyclable materials are stored."

Section 2. Article I, Section 10-2 of the Urbana City Code is repealed in its entirety and the following is enacted in its place:

"Sec. 10-2. Disposal of garbage.

(a) The keeper of every tenement house, lodging house, restaurant, boardinghouse, hotel, bakery, private residence or other place with a kitchen having refuse of an organic character commonly known as garbage shall provide for the disposal of such garbage by a

duly licensed sanitary hauler who shall be required to remove it at least once a week from the premises. No receptacles as required by section 10-1 for such garbage shall be placed, kept, maintained or stored by any person on city-owned or controlled right-of-way or in a front yard for the purpose of such disposal.

(b) No licensed hauler shall remove any garbage, refuse, rubbish or debris of any kind whether such be placed in receptacles or not, if such is resting upon city owned or controlled right-of-way, or a front yard, except with written permission of the Department of Public Works. Any person found guilty of violating this subsection shall be subject to the general penalties set out in section 1-10 of the Urbana Code of Ordinances; and for a second violation of this provision by a sanitary hauler or its employee such violation shall subject the Haulers license issued to such sanitary hauler to suspension or revocation under the provisions of the Urbana Code of Ordinances."

Section 3. Article I, Section 10-3 of the Urbana City Code is repealed in its entirety and the following enacted in its place upon the taking effect of this Ordinance:

"Sec. 10-3. Recycled materials to become property of the city; unauthorized collection.

From the time of the placement in the parkway by any resident of newspapers, cardboard, food cans and glass bottles, for collection by the city, such materials shall be and become the property of the city or its authorized agent. It shall be a violation of this article for any person unauthorized by the city to collect or pick-up or cause to be collected or picked-up any such materials. Any and each such collection in violation hereof from one or more building or premises shall constitute a separate and distinct offense punishable as hereinafter provided."

Unlawful removal of materials set out for municipal collection.

It shall be unlawful for any person to take, remove, collect or in any manner interfere with, or disturb any waste materials which have been deposited outside any dwelling, business establishment or other premises in the town which have been set out for the purpose of collection."

Section 4. Article I, Section 10-4, subsections (a), (b), (c) and (d) of the Urbana City Code are repealed in their entirety and the following enacted in their place upon the taking effect of this Ordinance:

"Sec. 10-4. Removal of refuse.

(a) Prohibition - public nuisance. The placing, keeping, maintaining or storing of any garbage, refuse, rubbish or debris of

any kind on city owned or controlled right-of-way or a front yard without written permission of the Director of Public Works and, the accumulation of refuse on property within the corporate limits of the city is hereby declared to be a public nuisance. For purposes of this prohibition, refuse shall include rubbish, debris, garbage, cut vegetation (but not composted material), residue of practically no monetary value, slop, and junk of no practical utility.

(b) Every person who is the owner or occupant of property within the city or agent in charge of such property for a non-resident owner: (1) is charged with the duty of preventing garbage, rubbish, refuse or debris of any kind from being placed on city owned or controlled right-of-way or the front yard by residents of such property, (excepting food cans, glass bottles and newspapers); and (2) is charged with the duty of keeping their property free from the accumulation of refuse.

Each owner, occupant or agent having charge of such property who is notified in accordance with the provisions set forth in subsection (e) of section 10-4 by the duly authorized agent of the city to remove such refuse shall be charged with the duty of removing the refuse and satisfactorily dispose of the same within five (5) days of the effective date of notice to do so.

(c) Violations. (1) Failure of the owner, occupant or agent in charge of such property to prevent placing of garbage, rubbish, refuse or debris of any kind on city owned or controlled right-of-way or the front yard, after one written warning setting forth the date of the violation and the address of the property in violation directed to each record owner of the subject property and to the occupants of the subject property, or (2) failure by the owner, occupant or agent in charge of such property to satisfactorily remove and dispose of such refuse or cause such to be removed and disposed of within five (5) days after the effective date of notice to remove the same shall subject such person to the general penalty set forth in section 1-10 of the Urbana Code of Ordinances. In addition to this penalty, the city may cause such refuse to be removed to a satisfactory disposal site and charge the reasonable cost of such removal to the owner, occupant or agent of the premises. Such charge shall be constitute a lien held by the city upon the subject premises.

(d) Subsequent violations. Any subsequent violation of Section 10-4 committed by the same person and occurring within ninety (90) days of a prior violation of Section 10-4 either for which a notice was sent pursuant to the provisions of subsection (c) above, or for which a notice of violation was previously issued pursuant to this subsection, shall subject the person to whom such notice is directed to a twenty-five dollar (\$25.00) fine. Notice of violation of this provision shall be served in accordance with subsection (e) below. The person so cited must satisfy such fine by paying the municipal collector the sum of twenty-five dollars (\$25.00) within five (5) days of the effective date of such notice of violation. Failure to satisfy such fine within the prescribed five-day period shall subject the person so cited to the general penalty set out in section 1-10 of the Urbana Code of Ordinances. Further, for each

and every day after the expiration of the prescribed five-day period that the subsequent accumulation of refuse is allowed to exist, a fine of twenty-five dollars (\$25.00) per day shall be assessed against the person to whom the notice of violation has been directed.

In the event that the subsequent accumulation of refuse is not removed within a reasonable time in compliance with the notice under this subsection, the city may cause such refuse to be removed to a satisfactory disposal site and charge the reasonable cost of such removal to the person to whom the notice was directed; such charge shall constitute a lien held by the city upon the subject premises."

Section 5. Article I, Section 10-7, is repealed in its entirety and the following enacted in its place upon the taking effect of this Ordinance:

"Sec. 10-7. Placing grass, leaves or debris in streets and gutters.

It shall be unlawful for any person to place grass, leaves or other debris in the streets or gutters of the city. Grass clippings, leaves and garden clippings may be placed in the city parkway at times authorized by the city for general brush pick-up or as authorized in writing by the Director of Public Works."

Section 6. Article III, Section 10-35 of the Urbana City Code is repealed in its entirety and the following enacted in its place upon the taking effect of this Ordinance:

"Sec. 10-35. Licensing.

Every sanitary hauler or other person engaged in the collection of garbage trash, or the like within the city must obtain a license from the city collector's office, and pay the annual license fee as set forth in section 14-7. Such licenses shall expire on June thirtieth of each year unless renewed by advance annual payment of the license fee."

Section 7. Article IV, Section 10-50 of the Urbana City Code is repealed in its entirety and the following enacted in its place upon the taking effect of this Ordinance:

"Sec. 10-50. Establishment.

The area established by resolution as the "Urbana Sanitary Landfill," or any other area so established, shall be considered to be the city grounds for solid waste disposal."

Section 8. Article IV of the Urbana City Code is hereby amended to add a new Section 10-51, as follows upon the taking effect of this Ordinance:

"Sec. 10-51. Rules and Regulations.

The Director of Public Works shall promulgate rules and regulations governing the use and operation of the Urbana Sanitary Landfill which shall be effective ten (10) days after approval of such rules and regulations by the Urbana City Council. Such rules and regulations may be amended from time to time by the Director of Public Works and such amendments shall be effective thirty (30) days after written notification to the Urbana City Council of such unless the Urbana City Council shall disapprove of all or any such modifications. Any violation of such rules and regulations by a licensed Hauler or its employee shall, after one (1) written warning and admonition to the licensee found to be violating the rule(s) or regulation(s), shall subject the Haulers license issued by the city to suspension or revocation as provided in the Urbana City Code."

This Ordinance shall be in full force and effect from and after its passage and publication in accordance with the terms of Section 1-2-4 of the Illinois Municipal Code.

This Ordinance is hereby passed by the affirmative vote, the "ayes" and "nays" being called of a majority of the Members of the City Council of the City of Urbana, Illinois, at a regular meeting of said Council on the 19th day of May, 1986.

PASSED by the City Council on this 19th day of May, 1986

Ruth S. Brookens
Ruth S. Brookens, City Clerk

APPROVED by the Mayor this _____ day of _____, 1986.

Jeffrey T. Markland, Mayor

CERTIFICATE OF PUBLICATION

I, Ruth S. Brookens, City Clerk, City of Urbana, Illinois, do herewith certify that I caused the above Ordinance to be duly published in the News-Gazette on the _____ day of _____, 1986, and a Certificate of Publication is attached hereto.

Ruth S. Brookens, City Clerk