

AN ORDINANCE AMENDING CHAPTERS TEN AND FOURTEEN OF THE CODE OF ORDINANCES, CITY OF URBANA, ILLINOIS REGULATING THE LOCATION OF THE DISPOSAL OF WASTE AND THE LICENSING OF COMMERCIAL HAULERS

WHEREAS, the Illinois General Assembly determined in the passing of the Local Solid Waste Disposal Act (Ill. Rev. Stat. Ch. 85, par. 5901 et seq.) that it was the purpose of that Act and the policy of this State to protect the public health and welfare and the quality of the environment by providing local governments with the ability to properly dispose of solid waste within their jurisdictions by preparing and implementing, either individually or jointly, solid waste management plans for the disposal of solid waste and, to the extent technically and economically feasible, to efficiently use products or by-products generated during the disposal process; and

WHEREAS, the Constitution of Illinois, 1970, Article VII, section 10, states that units of local governments may contract among themselves to obtain or share services and to exercise, combine, or transfer any power or function, in any manner not prohibited by law or by ordinance; and,

WHEREAS, Champaign County, the City of Champaign, and the City of Urbana as units of local government have formed a Municipal Joint Action Agency (MJAA) known as the Intergovernmental Solid Waste Disposal Association (ISWDA) pursuant to Illinois Revised Statutes, Chapter 127, paragraph 743.2, to engage in the planning, acquisition, and development of solid waste disposal facilities; and,

WHEREAS, Champaign County has adopted a Solid Waste Management Plan that anticipates the development of a Material Recovery/Transfer Facility (MR/TF) and a landfill by the ISWDA as well as the continued operation of the Yard Waste Reclamation Site (YWRS); and,

WHEREAS, in order to implement the Solid Waste Management Plan and construct the MR/TF and landfill and finance those facilities as well as the YWRS, it is necessary to insure that waste generated within the City of Champaign, the City of Urbana and unincorporated Champaign County is directed by the ISWDA to the proper location, whether the MR/TF, the Yard Waste Reclamation Site, or some other appropriate facility; and,

WHEREAS, it is necessary for purposes of securing funding for the construction of the MR/TF, landfill, and other facilities that the disposition of waste be controlled so as to assure the purchasers of construction bonds that an adequate volume of waste

will be available to generate sufficient tip fee revenue to pay back the bonds and operate the facility; and,

WHEREAS, the General Assembly has determined as set forth in Ill. Rev. Stat. Chapter 111 1/2, par. 1022.22 that as of July 1, 1990, no owner or operator of a sanitary landfill in the State may accept Landscape Waste for final disposal except that Landscape Waste separated from Municipal Waste may be accepted by a sanitary landfill if (1) the landfill provides and maintains for that purpose separate Landscape Waste composting facilities, and composts all Landscape Wastes, and (2) the composted waste is utilized either as part of the final vegetative cover for the landfill, or for such other uses as a soil conditioning material; and,

WHEREAS, the City of Urbana may direct waste to the proper disposal site by ordinance, license, franchise, contract, or other means in accordance with the provisions set forth in Illinois Revised Statutes, Chapter 34, par. 5-1047 and 5-15010, Illinois Revised Statutes, Chapter 85, par. 5906, Illinois Revised Statutes, Chapter 127, par. 743.2(f); and,

WHEREAS, the City of Urbana, as a home rule municipality, has the authority to require Commercial Haulers to obtain and maintain a business license from the City of Urbana pursuant to conditions and regulations established by the City of Urbana; and,

WHEREAS, the Local Solid Waste Disposal Act (Ill. Rev. Stat., Chapter 85, par. 5901, et seq.) states that units of local government may provide by ordinance, license, contract, or other means that the methods of disposal of solid waste shall be the exclusive methods of disposal to be allowed within their jurisdictions; and,

WHEREAS, it is the intent of the General Assembly as set forth in Ill. Rev. Stat., Chapter 85, Section 5904 that any action taken pursuant to that Act by one or more units of local government, acting individually or jointly, shall be deemed to be State action for purposes of the application of federal antitrust law, and no such action shall be prohibited by virtue of any anti-competitive effect it may produce.

WHEREAS, the enforceability of flow control has not been subjected to a legal challenge in the State of Illinois; and,

WHEREAS, in the event flow control is legally challenged in Illinois and a court determines that the ISWDA lacks legal authority to implement and enforce flow control, whether by mandate or license, then it would be incumbent upon the City of Champaign, City of Urbana, and Champaign County to continue to enforce their respective flow control ordinances.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF URBANA, ILLINOIS, as follows:

Section 1. That Sections 10-35 and 10-36 of Chapter 10, "Garbage and Refuse", of the Code of Ordinances, City of Urbana, Illinois, are hereby repealed.

Section 2. That Section 10-37 of Chapter 10, "Garbage and Refuse", of the Code of Ordinances, City of Urbana, Illinois, is hereby amended to read as follows:

Sec. 10-37. Vehicle operating requirements.

All vehicles hauling any rubble, construction and demolition wastes, municipal wastes or miscellaneous residential, commercial and industrial wastes within the city must conform to the following requirements:

(A) Vehicles must be constructed, loaded and operated so as to prevent any of the load from dropping, sifting, leaking, or otherwise escaping therefrom, except for those vehicles used in the maintenance of city streets and alleys.

(B) Vehicles hauling materials that may be blown from the bed must have a screen, tarpaulin, or other suitable cover so as to prevent the material from being blown from the bed.

(C) Vehicles shall be kept in a neat, clean, and sanitary condition; shall be emptied at the end of each collection day; and shall be maintained so that they will not give off offensive or obnoxious odors.

(D) Vehicles shall be operated and maintained in accordance with all applicable traffic, health, and sanitary ordinances, statutes, regulations, or rules of the city, county, and state.

Section 3. That Article VI, "Flow Control", Sections 10-100 through 10-129 are hereby added to Chapter 10, "Garbage and Refuse", of the Code of Ordinances, City of Urbana, Illinois, as follows:

ARTICLE VI. FLOW CONTROL

Sec. 10-100. Definitions.

As used in this article, the following underlined terms shall have the meaning ascribed to each such term as set forth below:

(A) Acceptable Waste means Municipal Waste less Unacceptable Waste. Acceptable Waste does not include Source Separated Materials.

(B) Approving Authority means the person designated by the Mayor of the City to administer the licensing provisions of this article.

(C) City means the City of Urbana, Illinois.

(D) Commercial Haulers means those persons who charge a fee for collecting Acceptable Waste and/or Landscape Waste.

(E) Commercial Waste means solid waste containing a variety of recyclable and nonrecyclable materials from retail and wholesale trade; financial, insurance, real estate and other service businesses; general government (including schools, universities and other special purpose units); and the manufacture, refurbishment or repair of durable and nondurable goods. Commercial Waste includes, but is not limited to: corrugated cardboard, wood boxes and pallets; fiber empty plastic and steel drums, textiles, paper, glass, food, waste, ferrous and non-ferrous metals, furniture and discarded equipment. Commercial Waste does not include solid waste considered as a Special Waste by the IEPA.

(F) Construction or Demolition Debris means solid waste containing a variety of recyclable and non-recyclable materials resulting from the construction, demolition, remodeling or renovation of residential, commercial or industrial structures. Construction or Demolition Debris includes cement, concrete, asphalt, or masonry debris resulting primarily from street, sidewalk, bridge, sewer and water construction, repair or replacement, which is defined as clean fill by the IEPA.

(G) County means Champaign County, Illinois.

(H) Excluded Waste means Special Waste, Hazardous Waste, Hazardous Hospital Waste and Landscape Waste.

(I) Garbage means waste resulting from the handling, processing, preparation, cooking, and consumption of food, and wastes from the handling, processing, storage, and sale of produce. (Ill. Rev. Stat., Chapter 111 1/2, Paragraph 1003.11).

(J) Generator means any Person whose act or process produces or accumulates Acceptable Waste or Landscape Waste.

(K) Hazardous Hospital Waste means waste generated in connection with patient care that is contaminated with or may be contaminated with an infectious agent that has the potential of inducing an infection and has not been rendered innocuous by sterilization or incineration. (Ill. Rev. Stat., Chapter 111 1/2, Paragraph 1003.14).

(L) Hazardous Waste means a waste, or combination of waste, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause or significantly contribute to an increase in mortality or an increase in serious, irreversible, or incapacitating reversible, illness; or pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, or disposed of, or otherwise managed, and which has been identified, by characteristics or listing, as hazardous pursuant to Section 3001 of the Resource Conservation and Recovery Act of 1976, P.A. 94-580 (42 USCA Section 6921) or pursuant to Pollution Control Board regulations. (Chapter 111 1/2, Paragraph 1003.15).

(M) Household Hazardous Waste means those wastes generated as a result of the maintenance of residential dwellings or property or non-commercial residential activities which are ignitable, corrosive, reactive, or toxic and, if generated as a result of commercial or industrial activity, would be considered a Special Waste as defined herein.

(N) Industrial Process Waste means any liquid, solid, semi-solid, or gaseous waste generated as a direct or indirect result of the manufacture of a product or the performance of a service. Any such waste which would pose a present or potential threat to human health or to the environment or with inherent properties which make the disposal of such waste in a landfill difficult to manage by normal means is an industrial process waste. Industrial Process Waste includes, but is not limited to, spent pickling liquors, cutting oils, chemical catalysts, distillation bottoms, etching acids, equipment cleanings, paint sludges, incinerator ashes, core sands, metallic dust sweepings, asbestos dust, hospital pathological wastes and off-specification, contaminated or recalled wholesale or retail products. Specifically excluded are uncontaminated packaging materials, uncontaminated machinery components, general household waste, landscape waste and construction or demolition debris. (Ill. Rev. Stat., Chapter 111 1/2, Paragraph 1003.17).

(O) ISWDA means Intergovernmental Solid Waste Disposal Association.

(P) Jurisdiction means the jurisdiction of the City of Urbana, which for purposes of this article, is the area within the corporate limits of the City.

(Q) Landscape Waste means all accumulations of grass or shrubbery cuttings, leaves, tree limbs and other materials accumulated as the result of the care of lawns, shrubbery, vines, and trees. Landscape Waste that has been chipped, shredded, composted, or otherwise processed so as to be converted from raw Landscape Waste shall not be considered to be Landscape Waste for purposes of this article. (Ill. Rev. Stat., Chapter 111 1/2, Paragraph 1003.20).

(R) Material Recovery/Transfer Facility (MR/TF) means the ISWDA facility with the capability of unloading compacted or uncompacted Acceptable Waste, recovering and processing Recyclable Materials, processing Source Separated Material and loading vehicles with Acceptable Waste residual for transfer to a disposal site.

(S) Member Government means the City of Champaign, the City of Urbana, or the County of Champaign.

(T) Municipal Waste means any Garbage, general household waste, Commercial Waste, Landscape Waste and Construction or Demolition Debris (Ill. Rev. Stat., Chapter 111 1/2, Paragraph 1003.21).

(U) Person means any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, political subdivision, state agency, or any other legal entity, or their legal representative, agent or assigns. (Ill. Rev. Stat., Chapter 111 1/2, Paragraph 1003.26).

(V) Pollution Control Waste means any liquid, solid, semi-solid or gaseous waste generated as a direct result of the removal of contaminants from the air, water or land, and which pose a present or potential threat to human health or to the environment or with inherent properties which make the disposal of such waste in a landfill difficult to manage by normal means. Pollution Control Waste includes, but is not limited to, waste and wastewater treatment plant sludges, baghouse dusts, scrubber sludges, and chemical spill cleansing. (Ill. Rev. Stat., Chapter 111 1/2, Paragraph 1003.27).

(W) Recycling means any process by which materials that would otherwise become municipal waste, including but not limited to metals, glass, paper, and plastics, are collected, separated or processed and returned to the economic mainstream in the form of raw materials or products. (Ill. Rev. Stat. Chapter 111 1/2, Paragraph 5953).

(X) Solid Waste means Waste, as defined in the Illinois Environmental Protection Act, which is in solid or semi-solid form, provided that "Solid Waste" does not include Source Separated Material.

(Y) Source Separated Material means those specified materials that are intended or collected to be recycled that are segregated at the point of generation by a procedure so designated for the purpose of such segregation.

(Z) Special Waste means any Industrial process Waste, Pollution Control Waste or Hazardous Waste. (Ill. Rev. Stat., Chapter 111 1/2, Paragraph 1003.45).

(AA) Tipping Fee (TF) means the amount charged per unit of measure for materials delivered to the MR/TF, Yard Waste Reclamation Site, or other facility; also, Tip Fee.

(BB) Unacceptable Waste means Excluded Waste as defined herein and those Acceptable Wastes with inherent properties which make the processing for materials recovery, transport for disposal, or disposal difficult to manage by normal means.

(CC) Waste means any garbage, sludge from a waste treatment plan, water supply treatment plan, or air pollution control facility or other discarded material including solid, liquid, semi-solid, or contained gaseous material resulting from industrial, commercial, mining and agricultural operations, and from community activities, but does not include solid or dissolved materials in irrigation return flows or industrial discharges which are point sources subject to permits under Section 402 of the Federal Water Pollution Control Act, as now or hereafter amended, or source, special nuclear, or by-product materials as defined by the Atomic Energy Act of 1954, as amended (68 Stat. 921) or any solid or dissolved material from any facility subject to the Federal Surface Mining Control and Reclamation Act of 1977 (P.L. 95-87) or the rules and regulations thereunder or any law or rule or regulation adopted by the State of Illinois pursuant thereto. (Ill. Rev. Stat., Chapter 111 1/2, Paragraph 1003.53).

Sec. 10-101. Flow control of Acceptable Waste.

(A) All Acceptable Waste (except as otherwise exempted herein) generated within the corporate limits of the City of Urbana shall be transported to and deposited at the MR/TF by either the Generator of such Acceptable Waste or the Commercial Hauler who collects Acceptable Waste from the Generator of such waste upon the MR/TF becoming operational and upon the payment of the applicable Tipping Fee. Notice of the date the MR/TF will become operational shall be sent by the ISWDA to all Commercial Haulers licensed by the City and shall be published by the ISWDA in a local newspaper of general circulation in Champaign County once a week for three successive weeks prior to the operational update. The ISWDA shall provide the City with a certificate of publication.

(B) No Acceptable Waste (except as otherwise exempted herein) generated within the City shall be disposed of by any Generator, Commercial Hauler, Member Government, other unit of local government, or school district within the City's Jurisdiction at any facility or location other than the MR/TF. This includes Acceptable Waste collected within the City, but commingled with Acceptable Waste collected outside the City's Jurisdiction. Any Generator of Acceptable Waste who authorizes the removal of Acceptable Waste by a Commercial Hauler licensed by the City shall be presumed to have properly disposed of such Acceptable Waste. Both the Generator and the Commercial Hauler shall be responsible for removing Excluded Waste and Unacceptable Waste from Acceptable Waste prior to delivering Acceptable Waste to the MR/TF.

Sec. 10-102. Flow control of Landscape Waste.

(A) All Landscape Waste (except as otherwise exempted herein) generated within the City shall be transported to and deposited at the Yard Waste Reclamation Site off East University Avenue in Urbana, Illinois, by either the Generator of such Landscape Waste or the Commercial Hauler who collects the Landscape Waste from the Generator of such waste upon payment of the applicable tipping fee.

(B) No Landscape Waste (except as otherwise exempted herein) shall be disposed of by any Generator, Commercial Hauler, Member Government, other unit of local government, or school district within the City at any location other than the Yard Waste Reclamation Site. Any Generator of Landscape Waste who authorizes the removal of such Landscape Waste by a Commercial Hauler licensed by the City shall be presumed to have properly disposed of such Landscape Waste.

Sec. 10-103. Materials which shall not be delivered to the MR/TF or the Yard Waste Reclamation Site.

(A) Hazardous Waste, Hazardous Hospital Waste, Industrial Process Waste, Pollution Control Waste and Unacceptable Waste shall not be delivered to the MR/TF.

(B) Hazardous Waste, Hazardous Hospital Waste, Household Hazardous Waste, Industrial Process Waste, and Pollution Control Waste shall not be delivered to the Yard Waste Reclamation Site.

Secs. 10-104 to 10-109. Reserved.

Sec. 10-110. License required.

(A) Each Commercial Hauler engaged in the collection of Acceptable Waste and/or Landscape Waste from a Generator located within the City shall obtain a Commercial Hauler's business license issued by the City.

(B) The City may provide for ISWDA or other ISWDA members to issue the license on behalf of the City.

Sec. 10-111. Duration.

Each Commercial Hauler's business license shall expire on June thirtieth of each year unless renewed by advance annual payment of the license fee.

Sec. 10-112. License Fee.

(A) The annual fee for each Commercial Hauler's business license shall be based upon the number of vehicles used by a Commercial Hauler for the collection of Acceptable Waste and/or Landscape Waste from within the City.

(B) The amount of the license fee shall be as prescribed in Section 14-7 of this Code.

(C) The payment of the license fee shall be in accordance with Section 14-6 of this Code.

(D) If a license is suspended or revoked, no portion of the license fee shall be returned to the licensee.

Sec. 10-113. Business vehicle sticker required.

A Commercial Hauler's business vehicle sticker is required on every vehicle used by a Commercial Hauler for collection of Acceptable Waste and/or Landscape Waste generated within the City.

Sec. 10-114. License application.

(A) The Approving Authority shall prepare and make available to all applicants an application form for a Commercial Hauler's business license. The application shall include the following information:

- (1) name of business operating the vehicle(s)
- (2) name of manager of business
- (3) address of business
- (4) year, make, and model of each collection vehicle operated by the business
- (5) type of each collection vehicle (year, make, model) (e.g., pick-up, dump truck, semi, etc.)
- (6) vehicle identification number of each collection vehicle
- (7) weight of each collection vehicle
- (8) capacity of each collection vehicle in yards
- (9) type of material to be hauled by each collection vehicle (e.g., Landscape Waste, residential waste, commercial waste, construction debris)
- (10) proof of valid State of Illinois safety sticker for each collection vehicle
- (11) such other information as the City shall deem appropriate or necessary.

(B) The licensee shall notify the City in writing within thirty (30) days following a change in any information contained in the licensee's application.

Sec. 10-115. Refusal to issue license.

(A) No license shall be issued to or held by any person who is not a person of good character or whose license has been revoked during the preceding ninety (90) days; nor shall such license be issued to or held by any firm or corporation if any officer thereof would be ineligible for a license under the foregoing conditions. In determining good character, the Approving Authority may consider any conviction of a felony or misdemeanor, if relevant to the license, the recency of such conviction and the applicant's demeanor and conduct subsequent to the conviction.

(B) The Approving Authority may refuse to issue a license for any of the reasons for which a license could be suspended under Section 10-117.

(C) The procedures for notice, hearing, and appeal of the refusal to issue a license under this article shall be in accordance with Section 14-5 of this Code.

Sec. 10-116. Conditions of license.

All persons required to have a license under this article shall comply with the following conditions:

(A) All Acceptable Waste collected from a Generator located within the City shall be transported to and deposited at the MR/TF.

(B) All Landscape Waste collected from a Generator located within the City shall be transported to and deposited at the Yard Waste Reclamation site.

(C) All collection vehicles operated by a Commercial Hauler must be licensed by the ISWDA.

(D) All Commercial Haulers shall comply fully with the provisions of Chapter 10 of the Code of Ordinances, City of Urbana, Illinois.

Sec. 10-117. License suspension.

(A) In addition to the reasons listed in Section 14-15 of this Code, the Approving Authority may suspend the business license of a Commercial Hauler for any one or more of the following reasons.

(1) the Commercial Hauler delivers non-exempt Acceptable Waste generated within the City to a location other than the MR/TF after it becomes operational; or

(2) Commercial Hauler delivers non-exempt Landscape Waste generated within the City to a location other than the Yard Waste Reclamation Site;

(3) the Commercial Hauler delivers Hazardous Waste, Hazardous Hospital Waste, Industrial Process Waste, Pollution Control Waste, or Special Waste to the MR/TF or the Yard Waste Reclamation Site;

(4) the Commercial Hauler provides collection services for Acceptable Waste and/or Landscape Waste for a fee without having a valid vehicle license issued by the ISWDA for the vehicle used for such collecting;

(5) the Commercial Hauler violates any of the provisions in Chapter 10 of this Code.

(6) the Commercial Hauler collects Acceptable Waste and/or Landscape Waste generated within the City for a fee in a collection vehicle not having a valid Commercial Hauler's business vehicle sticker issued by the City; or

(7) the Commercial Hauler displays on a collection vehicle either

(a) a facsimile or likeness of a Commercial Hauler's business vehicle sticker issued by the City, or

(b) a valid Commercial Hauler's business vehicle sticker issued by the City which has been altered in any manner without the authorization of the City;

(B) The procedures for notice, hearing, and appeal of the suspension of a license under this article shall be in accordance with Section 14-15 and 14-17 of this Code.

Sec. 10-118. License revocation.

(A) The Approving Authority may revoke a Commercial Hauler's business license for any one or more of the following reasons:

(1) One or more suspensions of that business license for any length of time for violations of this ordinance that occurred within a twelve-month period prior to the then current violation of this ordinance; or

(2) One or more convictions, or guilty pleas for violations of this ordinance that occurred within a twelve-month period prior to the then current violation of this ordinance.

(B) The procedures for notice, hearing, and appeal of the revocation of a license under this article shall be in accordance with Section 14-16 and 14-17 of this Code.

(C) A Commercial Hauler whose business license has been revoked may reapply for a Commercial Hauler's business license not less than ninety (90) days following the effective date of the revocation of the business license.

Sec. 10-119. Reserved.

Sec. 10-120. General Penalty.

(A) Any Person shall be in violation of this Code if that person:

(1) delivers non-exempt Acceptable Waste generated within the City to a location other than the MR/TF after it becomes operational; or

(2) delivers non-exempt Landscape Waste generated within the City to a location other than the Yard Waste Reclamation Site; or

(3) delivers Hazardous Waste, Hazardous Hospital Waste, Industrial Process Waste, Pollution Control Waste, or Special Waste, to the MR/TF or the Yard Waste Reclamation Site; or

(4) collects Acceptable Waste and/or Landscape Waste generated within the City for a fee without having a valid Commercial Hauler's business license issued by the City;

(5) collects Acceptable Waste and/or Landscape Waste generated within the City for a fee in a collection vehicle not licensed by the ISWDA;

(6) collects Acceptable Waste and/or Landscape Waste generated within the City for a fee in a collection vehicle not having a valid Commercial Haulers's business vehicle sticker issued by the City; or

(7) displays on a collection vehicle either

(a) a facsimile or likeness of a Commercial Hauler's business vehicle sticker issued by the City, or

(b) a valid Commercial Hauler's business vehicle sticker issued by the City which has been altered in any manner without the authorization of the City.

(B) Every act or omission constituting a violation of any of the provisions of this article by any officer, director, manager, agent, or employee of any Commercial Hauler shall be imputed to such Commercial Hauler. The Commercial Hauler may be punishable as if the act or omission had been done or omitted by the Commercial Hauler personally.

(C) Each vehicle load of Acceptable Waste not delivered to the MR/TF in accordance with this article, each collection of Acceptable Waste by either an unlicensed Commercial Hauler or unlicensed vehicle, each vehicle load of Landscape Waste not delivered to the Yard Waste Reclamation Site in accordance with this article, each collection of Landscape Waste by either an unlicensed Commercial Hauler or an unlicensed vehicle, and each vehicle load containing any Hazardous Waste, Hazardous Hospital Waste, Industrial Process Waste, Pollution Control Waste, or Special Waste delivered to the MR/TF or the YWRS shall be considered a separate offense.

(D) Any Person who is convicted of or who pleads guilty to a violation of this article shall be fined not less than \$100 nor more than \$500 for each offense.

(E) Whenever a finding of guilty is entered by a Court or a plea of guilty is entered by a defendant for the offenses contained in Section 10-120(A)(1) or (2) the Court shall, in addition to a fine, order the defendant to pay to the City an amount equal to the amount of waste improperly disposed of times the tipping fee at the MR/TF if Acceptable Waste or the tipping fee at the Yard Waste Reclamation Site if Landscape Waste.

(F) Whenever a finding of guilty is entered by the Court or a plea of guilty is entered by a defendant for the offenses contained in Section 10-120(A)(3), the Court shall, in addition to a fine, order the defendant to pay to the City an amount equal to the costs incurred by the ISWDA and/or the City to clean up and dispose of the Hazardous Waste, Hazardous Hospital Waste, Industrial Process Waste, Pollution Control Waste, or Special Waste delivered to the MR/TF or the Yard Waste Reclamation Site by the defendant.

(G) The suspension or revocation of a business license by the City or the imposition of a fine by the City in an administrative hearing shall not be considered a recovery or penalty so as to bar any court imposed fine from being enforced.

Sec. 10-121. Exemptions.

(A) The following material is exempt from the flow control and licensing regulations contained in this article:

(1) Source Separated Material.

(2) Construction and Demolition Debris consisting of concrete, cement, aggregate, asphalt, brick, masonry and other similar material if such material is taken to a facility that processes it into reusable material without landfilling any portion of such construction and demolition debris.

(3) Landscape Waste that is chipped, shredded, or composted at the place of generation.

(4) Tree limbs and tree trunks in excess of 12 inches in diameter.

(B) If a Commercial Hauler's business is confined to such exempt material, such Commercial Hauler need not obtain a business license from the City.

Sec. 10-122. Enforcement.

This ordinance shall be administered and enforced by the City. However, the Mayor of the City may delegate administrative responsibilities for the issuance of licenses under this article to the ISWDA.

Sec. 10-123. Effective dates.

(A) Sections 10-100 to 10-103 and 10-120 to 10-122 shall be effective on March 1, 1992.

(B) Sections 10-110 to 10-118 shall be effective on July 1, 1992.

Secs. 10-124 to 10-129. Reserved.

Section 4. That the subsection of Section 14-7 of Chapter 14, "Licenses and Permits", of the Code of Ordinances, City of Urbana, Illinois, setting the license fee for Sanitary Haulers [(A)General Miscellaneous(1)] is hereby amended to read as follows:

Commercial Hauler's business license: The license fee shall be calculated by multiplying the number of vehicles used for collection times One Hundred Twenty-five Dollars (\$125.00).

Section 5. Should any section, paragraph, sentence, clause, phrase or word of this Ordinance be declared invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect any of the remaining words, phrases, clauses, sentences, paragraphs or sections of this Ordinance, since the same would have been enacted by the City Council without the incorporation in this Ordinance of any such invalid or unconstitutional word, phrase, clause, sentence, paragraph or section.

Section 6. All ordinances, resolutions or motions or parts thereof, in conflict with the provisions of this Ordinance are, to the extent of such conflict, hereby repealed.

Section 7. The City Clerk is directed to publish this Ordinance in pamphlet form by authority of the corporate authorities, and this Ordinance shall be in full force and effect from and after its passage and publication in accordance with 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 Council of the City of Urbana, Illinois, at a regular meeting of said Council.

PASSED by the City Council this 3rd day of February, 1992.


Ruth S. Brookens
Ruth S. Brookens, City Clerk

APPROVED by the Mayor this 14th day of February, 1992.

Jeffrey T. Markland
Jeffrey T. Markland, Mayor

CERTIFICATE OF PUBLICATION IN PAMPHLET FORM

I, Ruth S. Brookens, certify that I am the duly elected and acting Municipal Clerk of the City of Urbana, Champaign County, Illinois.

I certify that on the 3rd day of February, 1992, the corporate authorities of the City of Urbana passed and approved Ordinance No. 9192-67, entitled _____

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which provided by its terms that it should be published in pamphlet form.

The pamphlet form of Ordinance No. 9192-67 was prepared, and a copy of such Ordinance was posted in the Urbana City Building commencing on the 17th day of February, 1992, and continuing for at least ten (10) days thereafter. Copies of such Ordinance were also available for public inspection upon request at the Office of the City Clerk.

DATED at Urbana, Illinois, this 2nd day of March, 1992.

(SEAL)



Ruth S. Brookens
CITY CLERK