

ORDINANCE NO. 9293-71

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

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 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 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; and

WHEREAS, the State of Illinois has mandated minimum recycling goals; and

WHEREAS, the State of Illinois has mandated examination of volume-based pricing; and

WHEREAS, Solid Waste generated in the City of Urbana should be disposed of in an environmentally responsible manner; and

WHEREAS, the City of Urbana wishes to expand choices for its residents to allow limited collection of refuse from the City right-of-way.

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

Section 1. The Director of Public Works shall prepare the City's Solid Waste Management Plan for approval by the City Council. The Plan shall be in accordance with applicable state and federal statutes and shall, to the extent possible, be consistent with the solid waste goals previously adopted by the City Council. The Plan shall provide procedures for ensuring landfill access for Municipal Waste generated within the jurisdiction of the City. The Plan shall provide for the periodic evaluation of the feasibility and economic cost of collecting and processing various materials for recycling, including aluminum cans, tin and bi-metal cans, newspaper, magazines and catalogs, corrugated cardboard, fiberboard, glass bottles and containers, and plastic bottles or containers.

Section 2. The Director of Public Works shall enter into negotiations for one or more contracts with IEPA licensed landfills for delivery of all of the Municipal Waste generated within the jurisdiction of the City. Such contracts shall establish limits on landfilling charges for a period of at least five years. Such contracts shall annually be automatically extended to at least a five year period except by at least three months written advanced notice by either party. Such contracts will be subject to approval by the City Council.

(I) Dormitory means a building where group sleeping accommodations are provided for persons in one (1) room, or a series of closely associated rooms, with an occupancy capacity of more than fifteen (15) people on a regular basis, for compensation and by prearrangement for a specified period of time, under single management. Cooking facilities are to be common. College residence halls, fraternal chapters and cooperatives are typical forms of dormitories.

(J) Dwelling means any building, but not a travel trailer, which is exclusively designed for or used for one (1) or more dwelling units.

(K) Dwelling Unit means one (1) room or suite of two (2) or more rooms in a building, designed for and used by one (1) family for living and sleeping purposes, containing its own kitchen and bathroom facilities, and having its own independent entry/access from the exterior of the structure or from a common interior hallway.

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

(M) Front yard means 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, but excluding the four-foot area immediately adjacent to the said nearest line of a structure located there.

(N) 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).

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

(P) Hauler means any Person who charges a fee for collecting Acceptable Waste, Landscape Waste, or Source Separated Materials.

(Q) 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).

(R) 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).

(S) Hospital means a building or portion thereof used for the treatment of sick, injured, or infirm persons, and licensed as a hospital by the State of Illinois.

(T) Hotel means a building in which lodging, or lodging and meals, is regularly provided and offered to the public for compensation, and which is customarily open to transient guests.

(U) 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.

(V) 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).

(W) 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.

(X) 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).

(Y) 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).

(Z) Nursing Home means a building or portion thereof used for boarding and care of not less than three (3) persons and licensed by the state as either a sheltered care facility, intermediate care facility, or skilled care facility.

(AA) 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).

(BB) 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).

(CC) 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).

(DD) Recyclable Materials means aluminum cans, tin and bi-metal cans, newspaper, and glass bottles or containers.

(EE) Right-of-way or ROW means the entire dedicated tract or strip of land that is legally used by the public for circulation or service.

(FF) Rooming House means a building where group sleeping accommodations are provided for persons in one (1) room, or a series of closely associated rooms, with an occupancy capacity of more than fifteen (15) people, but more than four (4) unrelated people on a regular basis, for compensation and by prearrangement for a specified period of time, under single management. Cooking facilities are to be common. Boardinghouses are typical rooming houses and may be a fraternal chapter or cooperative.

(GG) 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.

(HH) 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.

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

(JJ) Tipping Fee or Tip Fee means the amount charged per unit of measure for materials delivered to the Transfer Facility, Yard Waste Reclamation Site, or other solid waste disposal facility.

(KK) Transfer Facility means the City facility with the capability of unloading compacted or uncompact Acceptable Waste and loading vehicles with Acceptable Waste for transfer to a solid waste disposal facility.

(LL) 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.

(MM) Waste means any garbage, sludge from a waste treatment plant, 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).

(NN) Weekly Service Capacity means the volume capacity of the containers used at a location times the number of collections made by the Hauler at that location in a week.

(OO) Yard Waste Reclamation Site means the City facility with the capability of accepting Landscape Waste for composting and disposal located off East University Avenue in Urbana, Illinois.

Section 4. That Section 10-2 of Chapter 10, "Garbage and Refuse", of the Code of Ordinances, City of Urbana, Illinois, is hereby amended to read as follows:

**Sec. 10-2. Disposal of garbage.**

(A) 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 materials having a solid bottom and tightfitting lid which are stored and located on private property other than that owned or controlled by the city, including the city right-of-way and other than the front yard of such private property. The above provisions shall not apply, however, to persons temporarily storing Recyclable Materials for collection by the City or its authorized agent on such private property or adjacent parkway where such Recyclable Materials are generated or collected from the same premises where stored and are in containers approved by the city or otherwise packaged as approved by the city. This section shall not apply to landscape waste which is place in compliance with Section 10-7 of this Code.

(B) 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 Hauler who shall be required to remove it at least once a week from the premises. No receptacles as required by subsection (A) 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.

(C) No 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 Director of Public Works.

(D) Notwithstanding the provisions of subsections (A) or (B), residential customers paying for curbside service may have up to two containers of Acceptable Waste picked up from the City's right-of-way once per week on the same day that their recyclable materials are collected.

(E) Containers used for curbside collection of Acceptable Waste shall have a secured lid, have a capacity of less than 35 gallons, contain less than 40 pounds, and be on the curb no more than 24 hours up to 9:00 P.M. on the day of collection.

(F) Any Hauler providing curbside pickup shall provide the same customers access to back yard refuse and yard waste pickup with a single combined billing system.

(G) Solid Waste containers placed on the City Right-of-Way shall not contain Recyclable Materials.

(H) To the extent allowed by applicable law, solid waste contracts with the City shall include provisions for settlement of any outstanding legal actions between the City and the contractor.

(I) Any person found guilty of violating this section shall be subject to the general penalties set out in section 1-10 of the Code of Ordinances, City of Urbana, Illinois.

Section 5. That Section 10-9, is hereby added to Chapter 10, "Garbage and Refuse", of the Code of Ordinances, City of Urbana, Illinois, as follows:

**Sec. 10-9. Hours of operation.**

(A) Except as provided in subsections (B) and (C), no Hauler shall collect Acceptable Waste, Landscape Waste, or Source Separated Materials between the hours of 8:00 p.m. and 6:00 a.m. of the following day.

(B) The Director of Public Works may authorize, on a temporary basis not to exceed 90 days, different hours of operation if necessary for occupational health and welfare.

(C) The Director of Public Safety may authorize, subject to approval by the City Council, different hours of operation if necessary for the improvement of public safety.

(D) This section shall not become effective until one year after the Transfer Facility becomes operational. Notice of the date the Transfer Facility will become operational shall be sent by the City to all Haulers licensed by the City and shall be published by the City in a local newspaper of general circulation in Champaign County once a week for three successive weeks prior to the operational date.

Section 6. That Article VI, "Flow Control", Sections 10-100 through 10-129 of Chapter 10, "Garbage and Refuse", of the Code of Ordinances, City of Urbana, Illinois, is hereby amended to read as follows:

**ARTICLE VI. FLOW CONTROL AND LICENSING**

**Sec. 10-100. 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 Transfer Facility or a solid waste disposal facility designated by the Director of Public Works by either the Generator of such Acceptable Waste or the Commercial Hauler who collects Acceptable Waste from the Generator of such waste.



(B) No Acceptable Waste (except as otherwise exempted herein) generated within the City shall be disposed of by any Generator, Hauler, other unit of local government, or school district within the City's Jurisdiction at any facility or location other than the Transfer Facility or a solid waste disposal facility designated by the Director of Public Works. 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 Hauler licensed by the City shall be presumed to have properly disposed of such Acceptable Waste. Both the Generator and the Hauler shall be responsible for removing Excluded Waste and Unacceptable Waste from Acceptable Waste prior to delivering Acceptable Waste to the Transfer Facility.

(C) Notice of the date the Transfer Facility will become operational shall be sent by the City to all Haulers licensed by the City and shall be published by the City in a local newspaper of general circulation in Champaign County once a week for three successive weeks prior to the operational date.

**Sec. 10-101. 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 by either the Generator of such Landscape Waste or the 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, Hauler, 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 Hauler licensed by the City shall be presumed to have properly disposed of such Landscape Waste.

**Sec. 10-102. Materials which shall not be delivered to the Transfer Facility 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 Transfer Facility.

(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.

**Sec. 10-103. Conflict with United State Constitution.**

The provisions of this Article shall be enforced only to the extent that they are not in conflict with the United States Constitution as the Constitution shall have been interpreted by a court of competent jurisdiction.

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

**Sec. 10-110. License required.**

(A) Each Hauler engaged in the collection of Acceptable Waste, Landscape Waste, or Source Separated Materials from a Generator located within the City shall obtain a Solid Waste Hauling license issued by the City.

**Sec. 10-111. Duration.**

Each Solid Waste Hauling license shall expire on June thirtieth of each year unless renewed by advance annual payment of the license fee. Licenses issued between May 1, 1993 and June 30, 1993 shall not expire until June 30, 1994.

**Sec. 10-112. License Fee.**

(A) The annual fee for each Solid Waste Hauling license shall be as prescribed in Section 14-7(G) of this Code.

(B) The payment of the license fee shall be in accordance with Section 14-6 of this Code. However, the license fee may be paid in quarterly installments on or before July 1, October 1, January 1, and April 1 of the license year. Failure to make a quarterly installment may result in suspension or revocation of the license.

(C) 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 Solid Waste Hauling vehicle sticker is required on every vehicle used by a Hauler for collection of Acceptable Waste, Landscape Waste, or Source Separated Materials 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 Solid Waste Hauling 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) a certificate of insurance for worker's compensation and general liability in the amounts required by law

(12) such other information as the City shall deem appropriate or necessary.

(B) License applications will not be accepted more than 60 days before the effective date of the license.

(C) 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. 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) No license shall be issued to or held by any person who has been found in violation of any State or Federal laws involving restraint of trade, price-fixing, bid-rigging, or corrupt business practices.

(C) 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.

(D) 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 Transfer Facility or a solid waste facility designated by the Director of Public Works.

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

(D) All Haulers shall maintain accurate records of the number and type of customers served by the Hauler. Such records shall be available for audit by an independent auditor selected by the City.

(E) All Haulers shall maintain accurate records of the quantity of each type of Recyclable Materials collected by the Hauler. Such records shall be available for audit by an independent auditor selected by the City.

**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 Hauler for any one or more of the following reasons.

(1) the Hauler delivers non-exempt Acceptable Waste generated within the City to a location other than the Transfer Facility; or

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

(3) the Hauler delivers Hazardous Waste, Hazardous Hospital Waste, Industrial Process Waste, Pollution Control Waste, or Special Waste to the Transfer Facility or the Yard Waste Reclamation Site;

(4) the Hauler provides collection services for Acceptable Waste, Landscape Waste, or Source Separated Materials for a fee without having a valid Solid Waste Hauling license issued by the City;

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

(6) the Hauler collects Acceptable Waste, Landscape Waste, or Source Separated Materials generated within the City for a fee in a collection vehicle not having a valid Solid Waste Hauling vehicle sticker issued by the City; or

(7) the Hauler displays on a collection vehicle either

(a) a facsimile or likeness of a Solid Waste Hauling vehicle sticker issued by the City, or

(b) a valid Solid Waste Hauling vehicle sticker issued by the City which has been altered in any manner without the authorization of the City; or

(8) the Hauler fails to make a timely payment of the license fee required by Section 10-112 of this Code.

(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 Solid Waste Hauling license for any one or more of the following reasons:

(1) One or more suspensions of that 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 Hauler whose license has been revoked may reapply for a 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 Transfer Facility or a solid waste facility designated by the Director of Public Works; 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 Transfer Facility 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 Solid Waste Hauling 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 having a valid Solid Waste Hauling vehicle sticker issued by the City; or

(6) displays on a collection vehicle either

(a) a facsimile or likeness of a Solid Waste Hauling vehicle sticker issued by the City, or

(b) a valid Solid Waste Hauling 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 Hauler shall be imputed to such Hauler. The Hauler may be punishable as if the act or omission had been done or omitted by the Hauler personally.

(C) Each vehicle load of Acceptable Waste not delivered to the Transfer Facility or a solid waste facility designated by the Director of Public Works in accordance with this article; each collection of Acceptable Waste, Landscape Waste, or Source Separated Material by either an unlicensed Hauler or a vehicle without a valid sticker; each vehicle load of Landscape Waste not delivered to the Yard Waste Reclamation Site in accordance with this article; and each vehicle load containing any Hazardous Waste, Hazardous Hospital Waste, Industrial Process Waste, Pollution Control Waste, or Special Waste delivered to the Transfer Facility or the Yard Waste Reclamation Site 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 Transfer Facility or solid waste facility designated by the Director of Public Works 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 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 Transfer Facility or the Yard Waste Reclamation Site by the defendant.

(G) The suspension or revocation of a Solid Waste Hauling license 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) 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.

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

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

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

**Secs. 10-122 to 10-129. Reserved.**

Section 7. That Article VII, "Recycling", Sections 10-130 through 10-139 are hereby added to Chapter 10, "Garbage and Refuse", of the Code of Ordinances, City of Urbana, Illinois, as follows:

## ARTICLE VII. RECYCLING

### **Sec. 10-130. Solid Waste Disposal Stickers.**

(A) The City shall issue single use and annual Solid Waste Disposal Stickers. The single use Solid Waste Disposal Stickers will be valid for one collection of a single additional container. The annual Solid Waste Disposal Stickers shall be valid for weekly collection of a single additional container from July 1 to June 30 of the next year. The annual Solid Waste Disposal Stickers shall only be valid for the address listed on the sticker.

(B) The Solid Waste Disposal Stickers shall be available for purchase at the City Building during normal business hours.

(C) Each Hauler shall make available for purchase by its customers within a single combined billing system the Solid Waste Disposal Stickers issued by the City at the price charged by the City for individual stickers, with no surcharges, discounts, or handling fees.

(D) The fee to purchase Solid Waste Disposal Stickers from the City shall be as prescribed in Section 14-7(G) of this Code.

### **Section 10-131. Solid Waste Disposal Stickers required.**

(A) No Person shall place for collection by a Hauler more than one container of Acceptable Waste per week, unless each additional container has a valid Solid Waste Disposal Sticker affixed to the container.

(B) No Hauler shall collect more than one container of Acceptable Waste per week from a residential customer, unless each additional container has a valid Solid Waste Disposal Sticker affixed to the container.

### **Section 10-132. Removal of Solid Waste Disposal Stickers.**

(A) No Hauler shall fail to remove and destroy single use Solid Waste Disposal Stickers affixed to a container after collection of the Acceptable Waste from the container in a manner approved by the Director of Public Works.

(B) Except as required by subsection (A), no Person other than the owner of the container shall remove a valid Solid Waste Disposal Sticker from a container.

### **Section 10-133. Recycling.**

(A) The City shall provide recycling pickup of Recyclable Materials to all dwellings in the City containing one or two dwelling units.

(B) Owners of dwellings with three or more dwelling units shall provide recycling pickup of Recyclable Materials to such dwellings.

(C) Owners of dwellings with three or more dwelling units shall provide recycling pickup of any additional Source Separated Materials which can be collected for a period of at least three years with no additional cost to the owner.

(D) The Director of Public Works shall establish a fee schedule and may contract with owners of dwellings with three or more dwelling units to provide recycling pickup of Recyclable Materials to such dwellings.

(E) Owners of dwellings with ten or more dwelling units need not include collection of newspaper in the recycling services they provide until the City Council approves by Resolution a review of quality control procedures and economic impact.

**Secs. 10-134 to 10-139. Reserved.**

Section 8. 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 a Commercial Hauler's business license [(A)General Miscellaneous(1)] is hereby repealed.

Section 9. That subsection (G) "Solid Waste" is hereby added to Section 14-7, "Schedule of fees", of the Code of Ordinances, City of Urbana, Illinois, as follows:

(G) SOLID WASTE

(1) Solid Waste Hauling license: The annual license fee shall include a flat fee of Three Hundred Dollars (\$300.00).

(2) Fee for annual Solid Waste Disposal stickers:

(a) Twenty or more stickers.....\$24.00 per sticker

(b) One to Nineteen stickers.....\$30.00 per sticker

(3) Fee for single use Solid Waste Disposal stickers:

(a) One hundred or more stickers.....\$0.80 per sticker

(b) One to Ninety-nine stickers.....\$1.00 per sticker

Section 10. 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 11. 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 12. Sections 1, 2, 3, 4, 6, 10, 11, 12, 13 and the revision of Secs. 10-100, 10-101, 10-102, 10-120, and 10-121 of the Code of Ordinances, City of Urbana, Illinois in Section 6 of this Ordinance shall be effective at the earliest date permitted by law on or after the passage of this Ordinance and its publication in accordance with Section 1-2-4 of the Illinois Municipal Code. Sections 8, 9 and the revision of Secs. 10-110 through 10-119 of the Code of Ordinances, City of Urbana, Illinois in Section 6 of this Ordinance shall be effective on May 1, 1993. The addition of Secs. 10-130, 10-131, and 10-132 of the Code of Ordinances, City of Urbana, Illinois in Section 7 of this Ordinance shall be effective on July 1, 1993. Section 5 and the addition of Sec. 10-133 of the Code of Ordinances, City of Urbana, Illinois in Section 7 of this Ordinance shall be effective on September 1, 1993.

The force and effect of the revisions to Sec. 10-130, 10-131, 10-132, and Sec. 10-133(A) of Article VII entitled RECYCLING contained in this Ordinance shall be suspended if by May 3, 1993, the City Council has approved, upon recommendation of the Mayor, a contract to provide and support recycling services to dwellings in the City containing one or two dwelling units as follows:

- (A) Such contract shall provide for weekly collection, without additional charge for recycling nor any discount for failure to recycle, of those Recycling materials designated by the Director of Public works under the terms of this Ordinance or a subsequent Solid Waste Management Plan approved by Resolution of the City Council.

- (B) Such contract shall provide without additional charge for at least one annual collection of leaves during a week in November designated by the Director of Public Works. When such contract is in force, the City shall provide a rebate to each licensed Hauler for up to fifty cubic yards of leaves deposited at the Yard Waste Reclamation Site during the week in November designated by the Director of Public Works. The rebate shall be calculated by multiplying the actual volume of leaves deposited times the Tipping Fee. The Hauler shall be required to certify that the leaves were collected from dwellings in the City containing one or two dwelling units.
- (C) Such contract shall provide for annual notification of each eligible customer of their right to obtain recycling services and information on how to participate in a recycling program.
- (D) Such contract shall ensure that Recyclable Materials placed on the City right of way in containers supplied for this purpose before May 1 of 1993 shall be collected from such containers for a period of at least three years thereafter.
- (E) Such contract shall contain provisions for estimating the cost of the services it guarantees and billing the total cost of the program to licensed haulers' refuse hauling customers in dwellings in the City containing one or two dwelling units, in a manner which reflects to some degree the volume of refuse collected from such customers.
- (F) Such contract shall provide a mechanism for assuring that the Recyclable materials collected are recycled rather than landfilled, except under any special circumstances defined by the contract.
- (G) Such contract shall provide procedures for ensuring the quality of Recycled materials during collection and transport.
- (H) Such contract shall provide procedures for collection of aluminum cans, tin and bimetal cans, newspaper, and glass bottles or containers until such time as the City shall adopt a Solid Waste Management Plan which requires collection of different materials.
- (I) Such contract shall provide procedures and due notice for changes in the recycled materials to be collected.
- (J) Such contract shall guarantee provision of recycling services for a period of not less than one and not more than four years.
- (K) Such contract shall be approved by Resolution by a majority of the Aldermen and Alderwomen holding office at the time of passage of said Resolution.

Sec. 10-130, 10-131, and 10-132 of Article VII entitled RECYCLING of this ordinance shall come into effect within 61 days of the lapse of such contract and failure of the City Council to approve a succeeding contract under the provisions of this Ordinance.

By Resolution approved on or before May 3, 1993, by a majority of the Aldermen and Alderwomen then holding office, the City Council may suspend the force and effect of the revisions to Sec. 10-100 in this Ordinance. Such Resolution shall only be duly adopted if all Haulers licensed to collect Acceptable Waste within the City have provided to the City certified copies of contracts which guarantee tipping at an IEPA licensed landfill at a guaranteed maximum price for a period of at least five years. Such Resolution shall also only be duly adopted if it contains a determination that the total estimated cost to the City and its waste generators for transportation, tipping, and for contract and self insurance against associated liabilities is less under such contracts than if the City were to enter into one or more contracts with IEPA licensed landfills for delivery of all the Municipal Waste generated within the jurisdiction of the City. While such suspension is in force, no Hauler shall be licensed to collect Acceptable Waste within the City without presenting a certified copy of a contract which guarantees tipping at an IEPA licensed landfill at a guaranteed maximum price for a period of at least five years. Whenever such suspension is in effect, the City Council may by Resolution provide five years' notice of its intent to revoke such suspension. No licensed Haulers shall accept any obligations or liabilities connected with delivery of Acceptable

Waste for a period exceeding five years except at the risk of the contracting parties in the event that suspension of Section 10-100 be revoked or fail to occur under the terms of this Ordinance.

Section 13. 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.

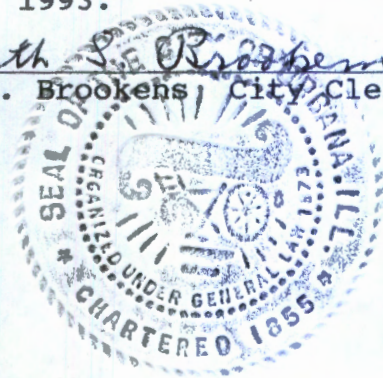
This Ordinance is hereby passed by the affirmative vote, the "ayes" and "nays" being called, of a majority of the members of the Council of the City of Urbana, Illinois, at a regular meeting of said Council.

PASSED by the City Council on the 1st day of February, 1993.

VETOED by the Mayor on the 12th day of February, 1993.

PASSED OVER THE MAYOR'S VETO by the affirmative vote, the "ayes" and "nays" being called, of two-thirds of the members of the Council of the City of Urbana, Illinois, at a regular meeting of said Council on the 18th day of February, 1993.

Ruth S. Brookens  
Ruth S. Brookens, City Clerk



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 1st day of February, 1993, the corporate authorities of the City of Urbana passed and approved Ordinance No. 9293-71, entitled AN ORDINANCE AMENDING CHAPTERS TEN AND FOURTEEN OF THE CODE OF ORDINANCES, CITY OF URBANA, ILLINOIS REGULATING THE COLLECTION AND DISPOSAL OF SOLID WASTE, THE LICENSING OF HAULERS, AND RECYCLING which provided by its terms that it should be published in pamphlet form.

The pamphlet form of Ordinance No. 9293-71 was prepared, and a copy of such Ordinance was posted in the Urbana City Building commencing on the 17th day of February, 1993, 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 1st day of March, 1993.



Ruth S. Brookens  
CITY CLERK

Section 3. That Section 10-1 of Chapter 10, "Garbage and Refuse," of the Code of Ordinances, City of Urbana, Illinois, is hereby amended to read as follows:

**Sec. 10-1. Definitions.**

As used in Chapter 10 and Section 14-7 of this Code, 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 Director of Public Works or his designee.

(C) Boardinghouse means a building, other than a single family dwelling, a two family dwelling, a hotel, or a dormitory, in which meals and lodging are regularly provided or offered for compensation by prearrangement, and for definite periods of time, but which is not open to transient customers.

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

(E) City Container means U-bags and/or U-ties, or any other means of containment approved by the City Council.

(F) 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.

(G) 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.

(H) County means Champaign County, Illinois.