

AN ORDINANCE AMENDING CHAPTER TWENTY-TWO OF THE CODE OF ORDINANCES,
CITY OF URBANA, ILLINOIS ESTABLISHING A RECYCLING TAX FOR
RESIDENTIAL DWELLINGS

WHEREAS, the City of Urbana has made residential collection of recyclable materials available for persons occupying dwellings containing four or fewer dwelling units for over eight years;

WHEREAS, the recycling program was originally funded by a surcharge on the tipping fees charged at the Urbana landfill;

WHEREAS, upon the closure of the Urbana landfill in November of 1988 the City had intended to fund the recycling program from the tipping fees charged by a regional solid waste facility to be built by the Intergovernmental Solid Waste Disposal Association (ISWDA);

WHEREAS, the plans for the regional solid waste facility and the City's intentions to use the tipping fees to fund the recycling program were derailed by the withdrawal of the City of Champaign from the ISWDA in June 1992;

WHEREAS, since the closure of the Urbana landfill in November of 1988 the recycling program has been funded by reducing the savings in the City's general revenue fund;

WHEREAS, in order to continue to make residential collection of recyclable materials available to persons occupying dwellings containing four or more dwelling units, to make the service available to persons occupying dwellings containing five and six dwelling units, and to expand the types of recyclable materials to be collected, the City Council has determined that a recycling tax should be imposed; and

WHEREAS, the City Council finds that it is reasonable to impose the recycling tax on those persons occupying dwellings containing six or fewer dwelling units for whom the City intends to make the service available, regardless of whether they elect to use the service.

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

Section 1. That Chapter 22, "Taxation", of the Code of Ordinances, City of Urbana, Illinois, is hereby amended by adding new Article VIII, "Recycling Tax", Sections 22-95 to 22-99 to read as follows:

ARTICLE VIII. RECYCLING TAX

Sec. 22-95. Definitions.

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

(A) 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 considered typical forms of dormitories.

(B) Dwelling means any building, but not a travel trailer or mobile home, which is used for one (1) or more Dwelling Units.

(C) Dwelling Units means one (1) room or suite of two (2) or more rooms in a dwelling, 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.

(D) Hotel or Motel 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.

(E) Nursing Home means a care facility required to be licensed by the State nursing home licensing requirements used for boarding and care of not less than three (3) persons, where the residents are provided basic nursing care, skilled nursing care, or assistance, supervision, and/or oversight in meeting their daily personal needs.

(F) Recyclable Materials means clear, brown, and green food and beverage (f&b) glass containers, f&b steel (tin), bi-metal, and aluminum can containers, newspaper (ONP), blow molded polyethylene terephthalate (PET, plastic code #1) and high density polyethylene (HDPE, plastic code #2) plastic containers, corrugated cardboard (OCC), chipboard, magazines (OMG), or other materials as may be designated by the City.

(G) Residential Dwelling means any single or multi-family Dwelling of six (6) or fewer Dwelling Units within the corporate limits of the City, but does not include dormitories, hotels, motels, or nursing homes.

(H) Taxpayer means the person(s) legally entitled to possession of the Dwelling Unit on the 25th day of each month. If the Dwelling Unit is owner-occupied, then the owner(s) shall be the taxpayer. If the Dwelling Unit is not owner-occupied, then the person(s) legally entitled to a notice to quit the premises shall be the taxpayer. If no person is legally entitled to a notice to quit the premises, then the owner(s) shall be the taxpayer.

Sec. 22-96. Residential recycling tax imposed.

(A) A residential recycling tax is hereby imposed upon the use and privilege of occupying a Dwelling Unit in a Residential Dwelling in the City of Urbana. The amount of the tax shall be as prescribed in Section 14-7 of this Code.

(B) The ultimate legal incidence of and liability for payment of said tax shall be borne jointly and severally by the Taxpayer(s). The tax shall be paid in addition to any and all other taxes, rents, or charges.

(C) If the Dwelling Unit is not inhabited during the entire calendar month, then no tax shall be due for that calendar month. Every Dwelling Unit in a Residential Dwelling in the City shall be presumed to be inhabited. The owner of the Dwelling may rebut this presumption by presentation of factual evidence to the Comptroller or designee. Responsibility for initiating this review and the presentation of this factual evidence rests entirely with the owner of the Dwelling. This evidence must be presented to the Comptroller at the same time that the owner files the annual tax return.

Sec. 22-97. Collection of tax.

(A) It shall be the duty of the owner of every Residential Dwelling to act as trustee for and on account of the city, and to secure said tax from the occupants of all Dwelling Units in the Residential Dwelling, and to pay over to the Comptroller said tax under the procedures prescribed by the Comptroller or as otherwise provided in this article.

(B) The owner shall file tax returns showing tax receipts received with respect to each Dwelling Unit on forms prescribed by the Comptroller. A separate return shall be filed for each Residential Dwelling.

(C) The owner shall remit the tax and file the returns on an annual basis. The tax and returns for the twelve month period ending February 28th shall be due on or before April 1st of each year. However, the tax and returns due on or before April 1, 1996 shall be for the eight month period beginning July 1, 1995 and ending February 28, 1996.

(D) If for any reason any tax is not remitted to the City when due, a penalty at the rate of two percent (2%) per month or part thereof, from the day of delinquency shall be added and shall be paid by the owner.

Sec. 22-98. Enforcement.

(A) If the Taxpayer(s) fails to pay the amount due, the City may in its discretion, file suit to collect such amounts as are delinquent and due against the taxpayer in a civil action, and shall collect, as well, all attorneys' fees and costs incurred by the City. The amount of the attorneys' fees shall be determined by order of the court.

(B) In addition to the other provisions of this Article, any taxpayer found guilty of violating, disobeying, omitting, neglecting, or refusing to comply with, or resisting or opposing the enforcement of any of the provisions of this Section, except when otherwise specifically provided, shall upon conviction thereof be fined not less than Fifty Dollars (\$50.00) more than Five Hundred Dollars (\$500.00) for each violation.

(C) In addition to the other provisions of this Article, any owner of a Residential Dwelling found guilty of violating, disobeying, omitting, neglecting, or refusing to comply with, or resisting or opposing the enforcement of any of the provisions of this Section, except when otherwise specifically provided, shall upon conviction thereof be fined not less than One Hundred Dollars (\$100.00) more than Five Hundred Dollars (\$500.00) for each violation.

Sec. 22-99. Proceeds of taxes, penalties, and fines.

The Comptroller of the City shall receive all revenues from taxes, penalties, and fines, as set forth in this Article and shall deposit such revenues in the proper fund of the City. The revenues shall be used solely for the costs associated with the City's collection and processing of Recyclable Materials from Residential Dwellings located within the City, and the costs to administer this Article.

Section 2. That subsection (I) "Solid Waste" of the Schedule of fees prescribed by Section 14-7 of the Code of Ordinances, City of Urbana, Illinois, is hereby amended to read as follows:

(I) SOLID WASTE

- (1) Regional Pollution Control Facility, annually. . \$2,000.00

(2) Hauler license: The annual license fee shall be Five Hundred Dollars (\$500.00) for each business engaged in the collection of Municipal Waste, or Landscape Waste, or Recycling Materials in the City.

(3) Vehicle registration sticker: The annual vehicle sticker fee shall be Two Hundred Dollars (\$200.00) per vehicle used by a hauler for collection of Municipal Waste, or Landscape Waste, or Recyclable Materials in the City.

(4) Residential Recycling Tax: The monthly Recycling Tax for a Dwelling Unit in a Residential Dwelling shall be Two dollars (\$2.00) per month.

Section 3. 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 4. 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 5. This Ordinance shall not be construed to affect any suit or proceeding pending in any court, or any rights acquired, or a liability incurred, or any cause or causes of action acquired or existing prior to the effective date of this Ordinance; nor shall any right or remedy of any character be lost, impaired, or affected by this Ordinance.

Section 6. This Ordinance shall be effective on July 1, 1995.

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.

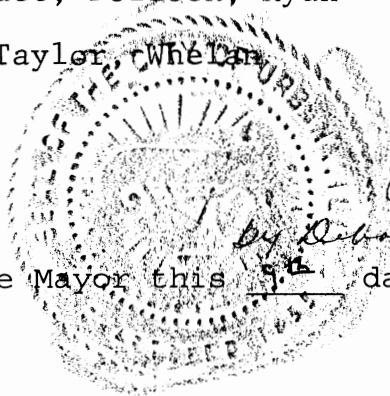
This Ordinance is hereby passed by the affirmative vote, the "ayes" and "nays" being called, of a majority of the members of the Council of the City of Urbana, Illinois, at a regular meeting of said Council.

PASSED by the City Council this 1st day of May, 1995.

AYES: Hayes, Patt, Pollock, Ryan

NAYS: Singer, Taylor, ~~Whelan~~

PRESENT:



Phyllis D. Clark
Phyllis D. Clark, City Clerk
Deborah J. Roberts, Deputy Clerk

APPROVED by the Mayor this 5th day of May, 1995.

Tod Satterthwaite
Tod Satterthwaite, Mayor

CERTIFICATE OF PUBLICATION IN PAMPHLET FORM

I, Phyllis D. Clark, certify that I am the duly elected and acting Municipal Clerk of the City of Urbana, Champaign County, Illinois.

I certify that on the _____ day of _____, 19____, the corporate authorities of the City of Urbana passed and approved Ordinance No. _____, entitled AN ORDINANCE AMENDING CHAPTER TWENTY-TWO OF THE CODE OF ORDINANCES, CITY OF URBANA, ILLINOIS ESTABLISHING A RECYCLING TAX FOR RESIDENTIAL DWELLINGS, which provided by its terms that it should be published in pamphlet form. The pamphlet form of Ordinance No. _____ was prepared, and a copy of such Ordinance was posted in the Urbana City Building commencing on the _____ day of _____, 19____, 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 _____ day of _____, 19____.

(SEAL)

CITY CLERK



CERTIFICATE OF PUBLICATION
IN PAMPHLET FORM



I, PHYLLIS D. CLARK, 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 May, 1995, the corporate authorities of the City of Urbana passed and approved Ordinance No. 9495-96, entitled "AN ORDINANCE AMENDING CHAPTER TWENTY-TWO OF THE CODE OF ORDINANCES, CITY OF URBANA, ILLINOIS ESTABLISHING A RECYCLING TAX FOR RESIDENTIAL DWELLINGS"

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

The pamphlet form of Ordinance No. 9495-96 was prepared, and a copy of such Ordinance was posted in the Urbana City Building commencing on the 8th day of May, 1995, 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 8th, day of May, 19 95.

(SEAL)

Phyllis D. Clark
Phyllis D. Clark, City Clerk

by *Deborah J. Roberts, Deputy Clerk*