

ORDINANCE NO. 9495-97

AN ORDINANCE AMENDING CHAPTER TEN OF THE CODE OF ORDINANCES, CITY OF URBANA, ILLINOIS REGULATING THE LICENSING OF HAULERS

WHEREAS, the City of Urbana has historically licensed haulers and regulated the placement of municipal waste, recyclable materials, or landscape waste on the public right-of-way;

WHEREAS, the City Council has determined that the unregulated placement of recyclable materials on the curb would result in unnecessary confusion for residents, increase clutter in the public right-of-way, and diminish the general appearance of the City's neighborhoods; and

WHEREAS, the City Council finds that it is in the best interest of the health, safety, and welfare of the citizens of Urbana to license haulers, to continue to prohibit the placement of municipal waste on the public right-of-way, and to regulate the placement of recyclable materials on the public right-of-way.

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

Section 1. 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 of this Code, the following underlined terms shall have the meaning ascribed to each such term as set forth below:

- (A) Approving Authority means the Director of Public Works or designee.
- (B) City means the City of Urbana, Illinois.

(C) Construction or Demolition Debris means solid waste containing a variety of 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 Illinois Environmental Protection Agency.

(D) County means Champaign County, Illinois.

(E) Curbside means that portion of the right-of-way adjacent to and within five (5) feet of paved or traveled roadways, including alleys.

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

(G) Dwelling units 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.

(H) 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.

(I) Generator means any Person whose act or process produces or accumulates Municipal Waste, Landscape Waste, or Recyclable Materials.

(J) Hauler means any Person who collects and transports Municipal Waste, Landscape Waste, or Recyclable Materials.

(K) 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 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.L. 94-580), as amended, or pursuant to Illinois Pollution Control Board regulations.

(L) Landscape Waste means all accumulations of grass, shrubbery cuttings, leaves, tree limbs and other materials accumulated as the result of the care of lawns, shrubbery, vines, and trees (415 ILCS 5/3.20). "LIVE" Christmas trees and greenery from wreaths or garlands, which are free of ornamentation and metal wire, shall also be considered Landscape Waste.

(M) Landscape Company means a company that provides, for property other than its own, maintenance or removal of lawns, shrubbery, trees, or any ornamental plant, and transports only Landscape Waste produced directly as a result of landscape care activities of its own employees, and no other landscape or municipal waste.

(N) Municipal Waste means any garbage, refuse, rubbish, debris, general household waste, or Construction or Demolition Debris, but does not include Special Waste or Landscape Waste.

(O) 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.

(P) 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.

(Q) Residential Dwelling means any single or multi-family dwelling of six (6) or fewer units within the corporate limits of the City.

(R) 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.

(S) Special Waste means any industrial process waste, pollution control waste, hazardous waste or potentially infectious medical waste.

Section 2. 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. Refuse service required

(A) It shall be the duty of every owner, agent, tenant, or occupant of any dwelling unit located within the corporate limits of the City to have accumulations of Municipal Waste collected and disposed of at least once every seven (7) days by a Hauler possessing a valid Hauler license.

(B) The occupancy of any dwelling or the operation of any business activity within the City shall be prima facie evidence that Municipal Waste is being produced and accumulated on such premises. The Director of Public Works or designee may, after review, grant exemption to this section if the level of Municipal Waste generated or the alternative arrangements for disposal of Municipal Waste does not reasonably warrant once a week collection. The person requesting the exemption shall have the burden of establishing the grounds for the exemption to the satisfaction of the Director of Public Works or designee.

(C) No person shall throw, discharge or deposit any Municipal Waste, except in a container made of impervious materials having a solid bottom, handles, and a tight fitting cover or lid. "Fifty-five (55) gallon drum" containers shall not be considered an acceptable container.

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

Sec. 10-3. Scavenging prohibited.

It shall be a violation of this Article for any person, except the owner, occupant, or the owner's agent to interfere, disturb, collect or cause to be collected containers and their contents of Municipal Waste, Recyclable Materials or Landscape Waste, which have been deposited outside any Dwelling, business establishment or other premises within the City, unless such person possesses a valid Hauler license and is duly authorized by the City. Any and each such collection in violation hereof from one or more Dwelling or premises shall constitute a separate and distinct offense.

Section 4. That Section 10-3.1 of Chapter 10, "Garbage and Refuse," of the Code of Ordinances, City of Urbana, Illinois, is hereby repealed in its entirety.

Section 5. That Article I, "In General", of Chapter 10, "Garbage and Refuse", of the Code of Ordinances, City of Urbana, Illinois, is hereby amended by adding new Sections 10-9, 10-10, 10-11, and 10-12 to read as follows:

Sec. 10-9. Burning prohibited.

It shall be unlawful for any person to burn Municipal Waste, Landscape Waste, Recyclable Materials, or Special Waste within the City limits, except in incinerators approved by the Illinois Environmental Protection Agency.

Sec. 10-10. Violation; Administrative fine.

(A) The Director of Public Works shall have the authority to issue a Notice of Violation to any person the Director determines has violated any provision of this Chapter.

(B) The Notice of Violation shall state the name of the person charged with violating this Chapter, the nature of the violation(s), and the amount of the administrative fine.

(C) The Notice of Violation shall be personally delivered to the person or delivered by certified mail to the last known address of the person.

(D) The administrative fine shall be \$50.00 for each violation(s) listed on a first Notice of Violation, \$100.00 for each violation(s) listed on a second Notice of Violation, and \$250.00 for each violation(s) listed on a third or subsequent Notice of Violation.

(E) The person issued the Notice of Violation may resolve the matter by correcting the violation(s) and paying the administrative fine within ten (10) days. If the person issued the Notice of Violation does not correct the violation and pay the administrative fine within ten (10) days, then the City may file a complaint with the Circuit Court for the violation(s).

Sec. 10-11. General Penalty.

(A) Any Person who violates any provision of this Chapter shall be subject to a fine of not less than \$100 nor more than \$200 for a first offense and a fine of not less than \$200 nor more than \$500 for any subsequent offense.

(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) The suspension or revocation of a Hauler license by the City shall not be considered a recovery or penalty so as to bar any court imposed fine from being enforced.

(D) The payment of an administrative fine pursuant to Section 10-10, if made within ten (10) days, shall bar any subsequent court imposed fine from being enforced as to the violations set forth in the Notice of Violation.

(E) The City may file a complaint with the Circuit Court alleging violation(s) of this Chapter without issuing a Notice of Violation pursuant to Section 10-10.

Sec. 10-12. Depositing waste on property of another.

It shall be a violation of this Chapter for any person to deposit or cause to be deposited Municipal Waste, Recyclable Materials, Landscape Waste, or Special Waste on the property of another without his or her express consent, including deposit into containers or dumpsters intended for the deposit of such materials by the owners or occupants of the property.

Section 6. That Chapter 10, "Garbage and Refuse," of the Code of Ordinances, City of Urbana, Illinois, is hereby amended by deleting Article II, "Storage in City Limits" and Article III, "Hauling" in their entirety and by adding new Article II, "Hauler License", to read as follows:

ARTICLE II. HAULER LICENSE

Sec. 10-20. License required.

No person shall engage in the collection and/or transport of Municipal Waste, Landscape Waste, or Recyclable Materials from a Generator located within the City, or advertise such services, without having a valid Hauler license issued by the City.

Sec. 10-21. Duration.

Each Hauler license shall expire on June thirtieth of each year.

Sec. 10-22. License application.

(A) The City shall prepare and make available to all applicants an application form for a Hauler license. The application shall include the following information:

- (1) name, address, and phone number of business operating the vehicle(s);
- (2) name of manager of business;
- (3) year, make, model, type, and Illinois vehicle plate number of each collection vehicle operated by the business;
- (4) Vehicle Identification Number (VIN) of each motorized collection vehicle;
- (5) Gross Vehicle Weight Rating (GVWR) of each collection vehicle;
- (6) capacity of each collection vehicle in cubic yards;
- (7) type of material to be hauled by each collection vehicle (e.g., Municipal Waste, Landscape Waste, Recyclable Materials);
- (8) proof of valid State of Illinois safety sticker for each collection vehicle as required by law;
- (9) a certificate of insurance for worker's compensation and general liability in the amounts required by law;

(B) The licensee shall notify the City in writing within fourteen (14) days following a change in any information contained in the licensee's application.

(C) A new application shall be required to be submitted to the approving authority no later than May 15 of each year prior to issuance of a Hauler license.

Sec. 10-23. Vehicle registration sticker required.

A valid vehicle registration sticker, issued by the City, is required on every motorized vehicle used by a Hauler for collection of Municipal Waste, Landscape Waste, or Recyclable Materials generated within the City.

Sec. 10-24. Facsimile or altered vehicle sticker.

(A) No Hauler shall display on a collection vehicle either a facsimile or likeness of a vehicle registration sticker issued by the City.

(B) No Hauler shall display on a collection vehicle a vehicle registration sticker issued by the City which has been altered in any manner without the authorization of the City.

Sec. 10-25. Vehicle operating requirements.

(A) All vehicles used for the collection and/or transportation of Municipal Waste, Landscape Waste, Recyclable Materials, or Special Wastes operating within the corporate limits of the City shall be operated and maintained in accordance with all applicable state or federal laws.

(B) All vehicles used for the collection or transportation of Municipal Waste, Landscape Waste, or Recyclable Materials generated within the corporate limits of the City shall conform to the following requirements:

- (1) shall have the business name and phone number clearly visible on both sides of the vehicle; and
- (2) shall be kept in a neat, clean, and sanitary condition, and shall be maintained so that they will not become offensive to the sense of smell of a person of ordinary sensibilities; and

(3) shall have and utilize a water-tight bed or receptacle and be constructed and operated in such a manner that no portion of the contents conveyed therein shall be scattered or left in or upon private or public property; and

(4) shall display a valid vehicle registration sticker issued by the City.

Sec. 10-26. Insurance requirements.

Any person required to have a license under this Article shall maintain in force and effect general liability, vehicle liability insurance, worker's compensation insurance and unemployment insurance, with insurance companies licensed to do business in the State of Illinois in the amounts required by State law. Upon request of the City, such person shall produce evidence of such coverage.

Sec. 10-27. Evacuation of contents.

Every vehicle utilized by a Hauler for the collection or transportation of Municipal Waste must be evacuated of its contents within twenty-four (24) hours of the deposit of such materials into the vehicle.

Sec. 10-28. Disposal, transfer, and storage.

(A) It shall be unlawful for any person to dispose of, transfer, or store Municipal Waste, Landscape Waste or special wastes in any place within the City, unless such location meets the requirements of Federal, State or local law.

(B) Any person required to have a license under this Article shall transport and dispose of all materials collected to an IEPA licensed facility except as otherwise provided by State law.

Sec. 10-29. Service level requirements.

(A) All Haulers providing regularly scheduled Municipal Waste collection services to Residential Dwellings are required to offer and provide a basic service level consisting of once-per-week backdoor collection of one thirty-two gallon container of Municipal Waste.

(B) Haulers are permitted to offer and provide additional levels of Municipal Waste collection service, including different frequencies of collection and different quantities of collection.

(C) Haulers are not permitted to offer nor provide curbside collection of Municipal Waste.

Sec. 10-30. Rates and charges.

(A) All Haulers providing Municipal Waste collection services to Residential Dwellings shall establish and file with the Director of Public Works a schedule of rates for all service levels offered by the Hauler on a form approved by the Director of Public Works on or before June 30th of each year.

(B) The rates for all service levels shall be based upon the quantity of Municipal Waste collected and shall include a volume based price differential in an amount determined by the hauler.

(C) No new, modified or amended rate shall become effective, or any charge be made based thereon, unless or until a schedule setting forth such new, amended or modified rates has been on file with the Director of Public Works for fourteen (14) calendar days.

(D) The Director of Public Works shall keep such schedules on file and available for public inspection or copying.

(E) The City shall publish at least annually a listing of the rates for all licensed Haulers in a newspaper of general circulation or otherwise make such information available to members of the public.

Sec. 10-31. Reports.

All licensed Haulers shall submit a certified written monthly report, on forms provided by the City, to the Director of Public Works. Such reports shall be submitted no later than fifteen days following the end of each month. The report shall contain:

(A) The percentage of customers that subscribe to each of the service level options;

(B) The total number of daily collections made for Recyclable Materials; and

(C) The quantity, by weight, of each recyclable material collected in the City, and delivered to a recycling processor and identification of the processor; and

(D) A summary generated by the recycling processor of the quantity of Recyclable Materials received, sold or alternatively disposed.

Sec. 10-32. Compliance with other laws and regulations.

All Haulers shall comply fully with all applicable county, state, and federal laws and regulations.

Sec. 10-33. License, vehicle registration fee.

(A) The annual fee for each Hauler license and vehicle registration sticker shall be as prescribed in Section 14-7 of this Code.

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

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

Sec. 10-34. Refusal to issue license.

(A) The Approving Authority may refuse to issue a license for any of the reasons for which a license could be suspended under Section 10-35 or revoked under Section 10-36.

(B) 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. 10-35. License suspension.

The Mayor may suspend for not more than thirty days a Waste Hauling license for any one or more of the following reasons:

(A) one or more convictions, or guilty pleas for violations of this Chapter that occurred within a twelve month period prior to the current violation of this Chapter;

(B) any fraud, misrepresentation, or false statement contained in any reports required by this Chapter;

(C) a conviction for a felony committed after issuance of the license, the Mayor shall have the burden of showing the relevancy of the conviction to the license; or

(D) failure to pay any court-imposed fine or penalty owing to the City.

Sec. 10-36. License revocation.

(A) The Mayor may revoke a Waste Hauling license for any one or more of the following reasons:

(1) three or more convictions, or guilty pleas for violations of this Chapter that occurred within a thirty-six month period prior to the then current violation of this Chapter.

(2) one or more suspensions of that license for any length of time for violations of this Chapter that occurred within a thirty-six month period prior to the then current violation of this Chapter; or

(3) any fraud, misrepresentation, or false statement contained in the application for the license;

(B) A Hauler whose license has been revoked may reapply for a Waste Hauling license not less than six (6) months following the effective date of the revocation of the license.

Sec. 10-37. Administrative procedure.

(A) No license shall be suspended or revoked unless an administrative hearing open to the public is held. The licensee shall be given written notice, at least seven days prior to the hearing, informing the licensee of the date of the hearing and the grounds for the suspension, or revocation. The written notice shall be by personal service on the licensee, or if the licensee can not be found, by certified mail addressed to the licensee at the address listed in the license application. The licensee shall be given a reasonable opportunity to appear and defend.

(B) The Mayor may appoint a hearing officer to hold hearings to take evidence on whether or not to suspend or revoke a license for violations of this Chapter; to hold rehearings on such matters; and to make recommendations as to findings of fact and sanction to be imposed. The Mayor shall review the evidence and recommendations of the hearing officer and shall adopt, modify, or reject those recommendations.

Sec. 10-38. Exemptions.

(A) Any person that collects Municipal Waste, Landscape Waste or Recyclable Materials from property owned or managed by that person and transports such materials directly to an licensed IEPA facility or as provided by State law is exempt from the provisions of this Article.

(B) Landscape companies are exempt from the provisions of this Article.

Secs. 10-39 to 10-49 Reserved.

Section 7. That existing Article IV, "Sanitary Landfill", Sections 10-50 through 10-74, of Chapter 10, "Garbage and Refuse", of the Code of Ordinances, City of Urbana, Illinois, is hereby retitled as Article III, "Regional Pollution Control Facilities Siting", Sections 10-50 through 10-74, of Chapter 10, "Garbage and Refuse", of the Code of Ordinances, City of Urbana, Illinois.

Section 8. That existing Article V, "Animal Waste", Sections 10-75 through 10-81, of Chapter 10, "Garbage and Refuse", of the Code of Ordinances, City of Urbana, Illinois, is hereby retitled and renumbered as Article IV, "Animal Waste", Sections 4-40 through 4-46, of Chapter 4, "Animals and Fowl", of the Code of Ordinances, City of Urbana, Illinois.

Section 9. That new Article IV, "Recycling", Sections 10-75 through 10-94, is hereby added to Chapter 10, "Garbage and Refuse", of the Code of Ordinances, City of Urbana, Illinois, to read as follows:

ARTICLE IV. RECYCLING

Sec. 10-75. Recycling collection permitted.

(A) Licensed Haulers may provide backdoor or curbside collection of Recyclable Materials.

(B) Curbside collection of Recyclable Materials will be allowed to occur in areas within the City only on the days designated by the Director of Public Works.

(C) The Director of Public Works in designating the areas and days for curbside collection of Recyclable Materials shall consider the following factors:

- (1) To provide contiguous and compact areas,
- (2) To promote the public participation in recycling, and
- (3) To reduce clutter in the public right-of-way.

Sec. 10-76. Disposal of recyclable materials.

(A) Haulers shall deliver all Recyclable Materials collected by the Hauler to a recycling processing facility to be processed and returned to the economic mainstream in the form of raw materials or products.

(B) No Hauler shall deliver any Recyclable Materials collected from generators who intended such materials to be recycled, directly to a landfill for ultimate disposal unless such recyclable materials have been determined to be unsuitable for processing or unable to meet market specifications by the recycling processing facility, or the Director of Public Works has determined that there is no longer a market for the recyclable material collected.

(C) Haulers who collect Recyclable Materials shall have a contract, approved by the Director of Public Works, with one or more recycling processing facilities. Such contract shall provide for documentation that Recyclable Materials delivered are recycled, and that the processor will cooperate with the contractor and/ or the City as shall be reasonably needed to verify that delivered Recyclable Materials are recycled.

Sec. 10-77. Recycling containers.

(A) Haulers who collect Recyclable Materials from the curbside shall use containers and collection methods approved by the Director of Public Works.

(B) Haulers shall only collect Recyclable Materials from containers or bags that clearly identifies the Hauler.

(C) No person shall permit a container(s) used for the collection of recycling materials to be placed or remain upon city-owned or controlled right-of-way, except for the forty-eight hour period commencing at 12:01 pm on the day preceding and ending at 12:01 pm on the day following the day of the week designated in Section 10-75 of this Code for curbside collection for that location. This section shall not apply to Landscape Waste which is placed in compliance with Section 10-7 of this Code.

Secs. 10-78 to 10-94. Reserved.

Section 10. 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 Recyclable Materials in the City.
- (3) Vehicle registration sticker: The annual vehicle sticker fee shall be Two Hundred Dollars (\$200.00) per motorized vehicle used by a hauler for collection of Municipal Waste, or Landscape Waste, or Recyclable Materials in the City.

Section 11. 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 12. 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 13. 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 14. This Ordinance shall be effective on July 1, 1995.

Section 15. 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.

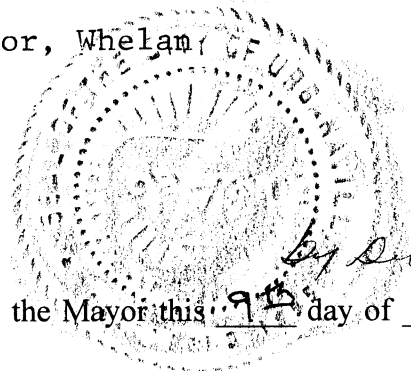
This Ordinance is hereby passed by the affirmative vote, the "ayes" and "nays" being called, of a majority of the members of the Council of the City of Urbana, Illinois, at a regular meeting of said Council.

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

AYES: Hayes, Patt, Pollock, Ryan, Singer

NAYS: Taylor, Whelan

PRESENT:



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

APPROVED by the Mayor this 9th day of May, 1995.

Tod Satterthwaite
Tod Satterthwaite, Mayor



**CERTIFICATE OF PUBLICATION
IN PAMPHLET FORM**



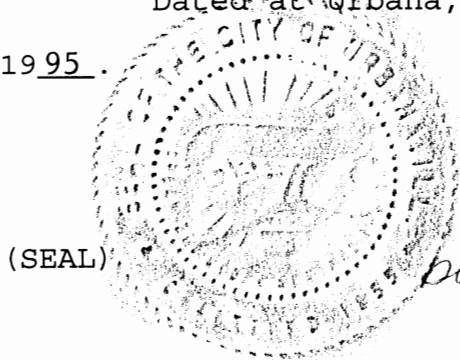
I, PHYLLIS D. CLARK, certify that I am the duly elected and acting Municipal Clerk of the City of Urbana, Champaign County, Illinois.

I certify that on the 1st day of May, 1995, the corporate authorities of the City of Urbana passed and approved Ordinance No. 9495-97, entitled "AN ORDINANCE AMENDING CHAPTER TEN OF THE CODE OF ORDINANCES, CITY OF URBANA, ILLINOIS REGULATING THE LICENSING OF HAULERS"

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

The pamphlet form of Ordinance No. 9495-97 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, 1995.



(SEAL)

Phyllis D. Clark
Phyllis D. Clark, City Clerk

By Deborah J. Roberts, Deputy Clerk