

ORDINANCE NO. 1999-05-030
AN ORDINANCE AMENDING CHAPTER TWENTY-TWO OF THE CODE OF
ORDINANCES, CITY OF URBANA, ILLINOIS ESTABLISHING A RECYCLING TAX
(Multi-Family Dwellings)

WHEREAS, the General Assembly determined in the passing of the Illinois Solid Waste Management Act (415 ILCS 20/2, et. seq.) that it is the purpose of said Act to reduce reliance on land disposal of solid waste, to encourage and promote alternative means of managing solid waste, and to assist local governments with solid waste planning and management. In furtherance of those aims, while recognizing that landfills will continue to be necessary, this Act establishes the following waste management hierarchy, in descending order of preference, as State policy:

- (1) volume reduction at the source;
- (2) recycling and reuse;
- (3) combustion with energy recovery;
- (4) combustion for volume reduction;
- (5) disposal in landfill facilities; and

WHEREAS, the Illinois General Assembly has determined in the passing of the Solid Waste Planning and Recycling Act (415 ILCS 15/2 et. seq.) that it is the purpose of said Act to provide incentives for decreased generation of municipal waste, to require certain counties to develop comprehensive waste management plans that place substantial emphasis on recycling and other alternatives to landfills, to encourage municipal recycling and source reduction, and to promote composting of yard waste.

WHEREAS, the City of Urbana, in response to the desires of its citizens, has made a commitment to recycling; and

WHEREAS, the City of Urbana started its residential recycling program over twelve years ago beginning first with collection being made available in those structures containing four or fewer dwelling units, then expanding the program in 1995 to encompass six or fewer dwelling units and establishing the recycling tax for such service; and

WHEREAS, the City Council in recognition of the fact that various housing segments of the community will require different methods of collection of recyclables to most efficiently accommodate the different circumstances involved in the recyclables generated and collection effort required, has attempted to allocate the means of raising the revenues needed to support the differing collection efforts; and

WHEREAS, the collection services for multi-family buildings is more efficient if done by residents placing recyclable materials in "toters"; and

WHEREAS, the City Council has established a system to provide, by contract, for the collection of recyclable materials as defined herein from all multi-family buildings in the City; and

WHEREAS, the City desires to meet the costs of the contract by imposing service charges as provided in Section 11-19-4 of the Illinois Municipal Code and pursuant to the City's authority as a home rule unit under Section 6(a), Article VII of the Constitution of the State of Illinois of 1970.

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

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

Dormitory as used herein shall mean a dormitory or rooming house as defined in the Urbana Zoning Ordinance.

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.

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.

Multi-family dwelling means any building which contains seven (7) or more dwelling units within the corporate limits of the City, but does not include dormitories, hotels, motels, or nursing homes, nor does it include multi-family dwellings owned by the University of Illinois.

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.

Occupancy as used herein shall mean that person(s) have the right to occupy such unit under a valid lease, whether or not such person(s) are actually physically present.

Owner. The record owner of the real estate parcel improved with a multi-family dwelling.

Recyclable materials to be collected under the Agreement are:

Paper fibers:

- ONP - Newspaper and inserts; and
- OCC - Corrugated cardboard, paperboard (such as cereal boxes, frozen food boxes, 12/24 can beverage cartons); and
- OMG - Magazines, catalogs; and
- RMP - Residential mixed paper (paper that is written upon, read from or used for packaging; such as junk mail, stationery, computer paper, kraft paper, etc.); and

Containers:

- Steel [tin], bi-metal, aluminum cans, trays and foils, and empty aerosol cans; and
- Glass containers and jars (clear, brown and green/blue); and
- PETE, SPI code #1 - Polyethylene terephthalate containers, natural and pigmented; and
- HDPE, SPI code #2 - High-density polyethylene containers, natural and pigmented; and
- LDPE, SPI code #4 - Low density polyethylene six and twelve pack ring carriers; and
- #3 through #7 SPI coded "narrow necked" plastic containers; and
- Aseptic boxes and "gable topped" cartons (such as dairy, fabric softener, and juice)

Containers that have contained paint, lubricating oils, agricultural chemicals or other toxic materials are unacceptable. The number and type of recyclable materials may be amended as approved by the Director of Public Works.

2. A multi-family dwelling recycling fee is hereby imposed on the owner of each multi-family dwelling in the City. The fee shall be \$2.75 per month for each dwelling unit in a multi-family dwelling.

3. (a) Collection of the Tax. The owner shall file a tax return and remit the tax due on a quarterly basis. The initial quarter shall end on the 31st day of October, 1999. The tax return and payment of taxes due shall be made on or before the last day of the month following the end of the quarter.

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

(c) With respect to any multi-family dwelling, for those months in which the following-described circumstances occur, no tax shall be due:

- (1) Where a certificate of occupancy has been issued, but no dwelling unit in the multi-family dwelling has been occupied by any tenants;
- (2) Where a certificate of occupancy has been issued, but revoked, and no new certificate of occupancy has been issued.

The Comptroller is directed to issue regulations implementing the provisions of this Section.

4. Enforcement. Any taxpayer found guilty of violating, disobeying, omitting, neglecting or refusing to comply with any of the provisions of this ordinance shall, upon conviction thereof, be fined not less than One Hundred Dollars (\$100.00) nor more than Five Hundred Dollars (\$500.00) for each violation.

5. Proceeds of taxes. The Comptroller of the City shall receive all revenues set forth in this ordinance and shall deposit such revenues in the proper fund of the City. The revenues shall be used solely for the cost associated with the City's collection and processing of recyclable materials from multi-family dwellings located within the City, and the cost to administer this ordinance.

6. 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.

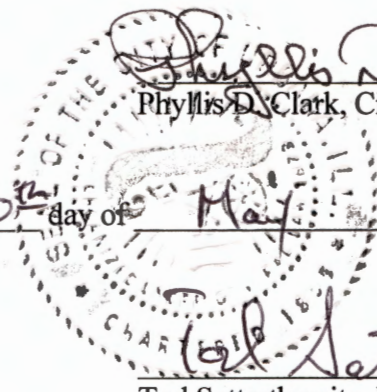
This Ordinance is hereby passed by the affirmative vote, the "ayes" and "nays" being called, of a majority of the members of the Council of the City of Urbana, Illinois, at a regular meeting of said Council.

PASSED by the City Council this 17th day of May, 1999.

AYES: Hayes, Huth, Patt, Taylor, Wyman

NAYS: Kearns

PRESENT:


Phyllis D. Clark, City Clerk
APPROVED by the Mayor this 20th day of May, 1999.
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 (Multi-Family 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 17th day of May, 1999,
the Corporate Authorities of the City of Urbana passed and approved Ordinance
No. 1999-05-030, entitled:

"AN ORDINANCE AMENDING CHAPTER TWENTY-TWO
OF THE CODE OF ORDINANCES, CITY OF URBANA,
ILLINOIS ESTABLISHING A RECYCLING TAX (MULTI-
FAMILY DWELLINGS)"

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

The pamphlet form of Ordinance No. 1999-05-030 was
prepared, and a copy of such Ordinance was posted in the Urbana City Building
commencing on the 21st day of May, 1999, and continuing
for at least ten (10) days thereafter. Copies of said Ordinance were also available for
public inspection upon request at the Office of the City Clerk.

Dated at Urbana, Illinois, this 21st day of May,
1999.



Phyllis D. Clark
City Clerk
by Robert J. Roberts
Deputy Clerk