

ORDINANCE NO. 2011-07-060

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

WHEREAS, the General Assembly has stated that it is the policy of the State of Illinois to reduce the stream of solid waste destined for landfills by encouraging solid waste and recycling programs by the enactment of such laws as the Local Solid Waste Disposal Act (415 ILCS 10-1, et seq.), and the Solid Waste Planning and Recycling Act (415 ILCS 15/1, et seq.); and

WHEREAS, the City of Urbana already implemented an extensive recycling program for all residential dwellings; and

WHEREAS, the Urbana City Council finds that it is in the best interest of the City and its citizens to address recycling opportunities involved in commercial establishments.

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

Section 1. The following Sections of the Urbana City Code are hereby amended, or deleted as indicated:

Section 10-1. Definitions.

a) Is hereby amended to add the following:

Commercial establishment means, for purposes of this chapter, any physical property not considered a residential dwelling, or a multifamily dwelling as defined in this chapter excluding, however, the properties owned by the University of Illinois, or University of Illinois Foundation.

b) The following definitions are hereby amended to read as follows:

Debris means the remains of something broken or destroyed.

Municipal waste means any garbage, refuse, rubbish, debris, or litter.

Residential dwelling means any single or multi-family dwelling of four (4) or fewer dwelling units within the corporate limits of the city, but does not include dormitories, hotels, motels, or nursing homes.

- c) The following definitions are hereby deleted:

Commercial/industrial hauler means any person who collects and transports municipal waste, landscape waste or recyclable materials solely from multifamily dwellings of seven (7) or more dwelling units, commercial business enterprises, or industrial enterprises.

Multifamily dwellings means a building or structure of seven (7) or more dwelling units, dormitories, college residence halls, fraternal chapters and cooperatives.

Residential hauler means any person who collects and transports municipal waste, landscape waste or recyclable materials from a residential dwelling.

Section 2. Section 10-20, Business license required, is amended to read as follows:

"No person shall engage in the collection of municipal waste, landscape waste, or recyclable materials within the city without having a valid hauler business license issued by the city, except as provided below:

- (a) Any person that self hauls municipal waste, landscape waste, or recyclable materials from property owned or managed by that person;
- (b) Persons transporting municipal waste, landscape waste, or recyclable materials collected from outside the city;
- (c) A contractor whose primary business is to demolish, construct or remodel a building or structure or to haul materials from storage tank cleanup projects;
- (d) Landscape companies; gardeners; tree service contractors; renderers; document shredding companies; automotive fluid reclamation companies; battery and electronics recycling companies; companies collecting medical, pharmaceutical, or radiological wastes; and persons collecting and transporting waste tires under valid permitting requirements; and
- (e) Government operations and operations performed by the University of Illinois."

Section 3. Section 10-31 is amended to read as follows:

"All licensed haulers shall submit a certified written annual report, on forms provided by the city, to the director of public works. Such reports shall be submitted no later than thirty (30) days following the end of calendar year 2011 and of each calendar year thereafter. The report shall contain:

- (a) The quantity, by weight, of recyclable materials, landscape waste, and municipal waste, collected within the city during the previous calendar year. All facilities to which recyclable materials, landscape waste, and municipal waste were delivered shall be identified. Haulers shall make a good faith effort to estimate the quantity by weight of the recyclable materials, landscape waste, and municipal waste so collected where only part of the load was collected in the city.
- (b) The information provided by haulers to the city as required herein shall be considered exempt from the Freedom of Information Act disclosure by the city upon assertion as to its proprietary nature by the hauler."

Section 4. Existing Sections 10-38 entitled "Exemptions" and 10-75 entitled "Residential and Multifamily Recycling Collection Permitted" are deleted.

Section 5. Enacts a new section to read as follows:

Sec.10-78.Commercial Recycling.

- (a) All licensed haulers that provide municipal waste collection services to commercial establishments on a continuing scheduled basis shall also offer collection service for recyclable materials and shall make known the availability of this service to all such customers at least once annually. Haulers providing only roll-off containers for construction and demolition activities or other types of special cleanup projects are not subject to the requirements this section.
- (b) Licensed haulers that are subject to this section may subcontract collection of recyclables to another hauler licensed by the city. If subcontracted, the primary licensed hauler shall promptly provide the name and address of the subcontractor to the city. Regardless of whether a subcontractor is so employed,

the primary license hauler remains subject to this section.

- (c) The recyclable materials that are required to be offered for collection shall be, at a minimum, the same materials required to be collected in the residential and multifamily programs as may be amended from time to time by the city. In addition, haulers may offer recycling collection services for other recyclable materials (e.g. corrugated cardboard), but such service shall be in addition to, not in place of, the range of materials collected in the residential and multifamily program.
- (d) A licensed hauler that fails to offer and provide such collections for the required materials, shall be subject to the general penalties as provided herein, including suspension or revocation of license.
- (e) To assure compliance with this section, each hauler shall annually provide the city with an example of the written material it disseminates to commercial establishments to communicate the availability of recycling collection services. Haulers shall also be required to, upon request, submit to the city a list quantifying the number of physical commercial properties to which they provide:
 - (i) municipal waste collection services, excluding roll-off container service;
 - (ii) collection services for the full range of recyclable materials; and
 - (iii) collection services for a more limited range of recyclable materials.

Section 6. Sec. 10-80, "Establishment of multifamily dwelling, dormitory and rooming house recycling program", is changed to amend the definition of multifamily dwelling as follows:

Multifamily dwelling means any building which contains five (5) or more dwelling units within the corporate limits of the city, but does not include dormitories, rooming houses, hotels, motels, or nursing homes.

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.

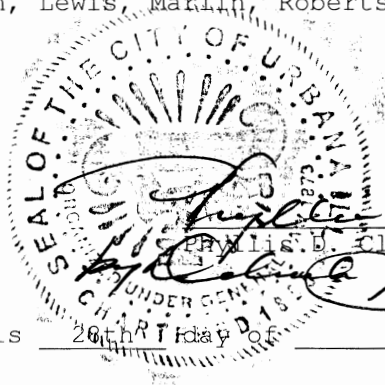
This Ordinance is hereby passed by the affirmative vote, the "ayes" and "nays" being called, of a majority of the members of the Council of the City of Urbana, Illinois, at a meeting of said Council.

PASSED by the City Council this 18th day of July, 2011.

AYES: Bowersox, Jakobsson, Lewis, Marlin, Roberts, Smyth, Stevenson

NAYS:

ABSTAINS:



Phyllis E. Clark
Phyllis E. Clark, City Clerk

J. H. Lunt
J. H. Lunt, Deputy Clerk

APPROVED by the Mayor this 26th day of July, 2011.

Laurel Lunt Prussing

Laurel Lunt Prussing, Mayor

By: Charles A. Smyth, Mayor Pro-tem