

**ORDINANCE NO. 2019-06-033**

**AN ORDINANCE AMENDING URBANA CITY CODE CHAPTER 22, ARTICLE VIII  
(Recycling Tax/2019)**

**WHEREAS**, the City of Urbana (“City”) is a home rule unit of local government pursuant to Article VII, Section 6, of the Illinois Constitution, 1970, and may exercise any power and perform any function pertaining to its government and affairs, including the power to tax; and

**WHEREAS**, the City Council heretofore has enacted Urbana City Code Chapter 22, Article VIII, to levy and impose a recycling tax within the City; and

**WHEREAS**, the City Council, after due consideration, finds that amending said article as herein provided is in the best interests of the residents of the City and is desirable for the welfare of the City’s government and affairs.

**NOW, THEREFORE, BE IT ORDAINED** by the City Council of the City of Urbana, Illinois, as follows:

**Section 1.**

The following provisions of Urbana City Code Chapter 22, “Taxation,” Article VIII, “Recycling Tax,” are hereby amended and as amended shall read as set forth in Exhibit “A,” which is attached hereto and incorporated herein by reference:

- A. Section 22-102, “Residential recycling tax imposed”
- B. Section 22-103, “Collection of tax”
- C. Section 22-104, “Enforcement”
- D. Section 22-105, “Proceeds of taxes, penalties, and fines”
- E. Section 22-112, “Fee imposed”
- F. Section 22-113, “Collection of tax”
- G. Section 22-114, “Enforcement”
- H. Section 22-115, “Proceeds of taxes”
- I. Section 22-122, “Fee imposed”
- J. Section 22-123, “Collection of tax”
- K. Section 22-124, “Enforcement”
- L. Section 22-125, “Proceeds of taxes.”

**Section 2.**

Those sections, paragraphs, and provisions of the Urbana City Code that are not expressly amended or repealed by this Ordinance are hereby re-enacted, and it is expressly declared to be the intention of this Ordinance not to repeal or amend any portions of the Urbana City Code other than those expressly set forth as amended or repealed in this Ordinance. The invalidity of any section or provision of this Ordinance hereby passed and approved shall not invalidate other sections or provisions thereof.

**Section 3.**

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 4.**

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 or on January 1, 2020, whichever occurs later.

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 17<sup>th</sup> day of June, 2019.

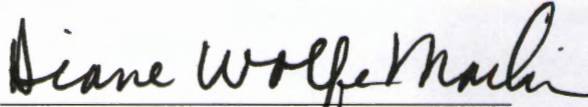
AYES: Brown, Hazen, Hursey, Jakobsson, Miller, Roberts, Wu

NAYS:

ABSTENTIONS:

  
\_\_\_\_\_  
Charles A. Smyth, City Clerk

**APPROVED BY THE MAYOR** this 18<sup>th</sup> day of June, 2019.

  
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Diane Wolfe Marlin, Mayor

## EXHIBIT A

### Urbana City Code Chapter 22 Article VIII

#### DIVISION 1. – RESIDENTIAL

##### Sec. 22-102. - 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) Every dwelling unit in a residential dwelling in the city is presumed to be occupied unless:  
(1) the certificate of occupancy for the dwelling unit has been revoked or suspended; (2) the dwelling is registered with the city as a vacant structure; or (3) the code official has declared the dwelling unfit for human occupancy.

##### Sec. 22-103. - 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 finance director said tax under the procedures prescribed by the finance director or as otherwise provided in this division.
- (b) Billing. Such residential recycling tax shall be billed and collected in accordance with an agreement then in existence between the city and the Urbana-Champaign Sanitary District; and the city hereby adopts by reference all of the procedures and details set forth in the Urbana-Champaign Sanitary District Ordinance pertaining to the Urbana-Champaign Sanitary District user charges as amended from time to time so far as such are applicable to the calculation and collection of the residential recycling tax set forth herein.

##### Sec. 22-104. - Enforcement.

- (a) Whenever the residential recycling tax for a parcel becomes delinquent as set forth in the collection process implemented by the Urbana-Champaign Sanitary District or the finance director in accordance with this article, 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 attorney's fees and costs incurred by the city. The amount of the attorney's fees shall be determined by order of the court.

- (b) In addition to the other provisions of this division, and 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) nor more than five hundred dollars (\$500.00) for each violation.
- (c) In addition to the other provisions of this division, 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) nor more than five hundred dollars (\$500.00) for each violation.

Sec. 22-105. - Proceeds of taxes.

The finance director of the city shall receive all revenues set forth in this division 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 division.

## DIVISION 2. – DORMITORIES

Sec. 22-112. - Tax imposed.

A dormitory recycling tax is hereby imposed on the owner of a dormitory in the city. The tax shall be based on the residential capacity of the dormitory and shall be calculated by multiplying the residential capacity of the dormitory by the amount as prescribed in section 14-7 of this Code.

Sec. 22-113. - Collection of tax.

- (a) Billing. Such dormitory recycling tax shall be billed and collected in accordance with an agreement then in existence between the city and the Urbana-Champaign Sanitary District, and the city hereby adopts by reference all of the procedures and details set forth in the Urbana-Champaign Sanitary District Ordinance pertaining to the Urbana-Champaign Sanitary District user charges as amended from time to time so far as such are applicable to the calculation and collection of the dormitory recycling tax set forth herein.
- (b) Every dwelling unit in a dormitory shall be presumed to be occupied unless: (1) a certificate of occupancy has been issued, but no dwelling unit in the dormitory has been occupied by any tenants at any time; (2) a certificate of occupancy has been revoked or suspended and no new certificate of occupancy has been issued; or (3) the dwelling is registered with the city as a vacant structure.

Sec. 22-114. - Enforcement.

- (a) Whenever the dormitory recycling tax for a parcel becomes delinquent as set forth in the collection process implemented by the Urbana-Champaign Sanitary District or the finance director in accordance with this article, 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 attorney's fees and costs incurred by the city. The amount of the attorney's fees shall be determined by order of the court.

- (b) Any taxpayer found guilty of violating, disobeying, omitting, neglecting or refusing to comply with any of the provisions of this division 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.

Sec. 22-115. - Proceeds of taxes.

The finance director of the city shall receive all revenues set forth in this division 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 dormitories located within the city, and the cost to administer this division.

### DIVISION 3. - MULTIFAMILY DWELLINGS

Sec. 22-122. - Tax imposed.

A multifamily dwelling recycling tax is hereby imposed on the owner of each multifamily dwelling or the owner of each multifamily dwelling unit in a multifamily dwelling in the city. The tax shall be the amount as prescribed in section 14-7 of this Code.

Sec. 22-123. - Collection of tax.

- (a) Billing. Such multifamily recycling tax shall be billed and collected in accordance with an agreement then in existence between the city and the Urbana-Champaign Sanitary District, and the city hereby adopts by reference all of the procedures and details set forth in the Urbana-Champaign Sanitary District Ordinance pertaining to the Urbana-Champaign Sanitary District user charges as amended from time to time so far as such are applicable to the calculation and collection of the multifamily recycling tax set forth herein.
- (b) Every dwelling unit in a multifamily dwelling shall be presumed to be occupied unless: (1) a certificate of occupancy has been issued, but no dwelling unit in the multifamily dwelling has been occupied by any tenants at any time; (2) a certificate of occupancy has been revoked or suspended and no new certificate of occupancy has been issued; or (3) the dwelling is registered with the city as a vacant structure.

Sec. 22-124. - Enforcement.

- (a) Whenever the multifamily dwelling recycling tax for a parcel becomes delinquent as set forth in the collection process implemented by the Urbana-Champaign Sanitary District or the finance director in accordance with this article, 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 attorney's fees and costs incurred by the city. The amount of the attorney's fees shall be determined by order of the court.

- (b) Any taxpayer found guilty of violating, disobeying, omitting, neglecting or refusing to comply with any of the provisions of this division 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.

Sec. 22-125. - Proceeds of taxes.

The finance director of the city shall receive all revenues set forth in this division 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 multifamily dwellings located within the city, and the cost to administer this division.



## CERTIFICATE OF PUBLICATION IN PAMPHLET FORM



I, Charles A. Smyth, certify that I am the duly elected and acting Municipal Clerk of the City of Urbana, Champaign County, Illinois. I certify that on the 17<sup>th</sup> day of June, 2019, the City Council of the City of Urbana passed and approved Ordinance No. 2019-06-033, entitled:

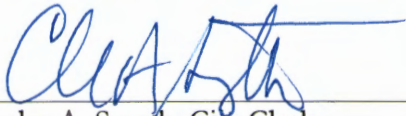
**AN ORDINANCE AMENDING URBANACITY CODE CHAPTER 22, ARTICLE VIII (Recycling Tax/2019)**

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

The pamphlet form of Ordinance No. 2019-06-033 was prepared, and a copy of such Ordinance was posted in the Urbana City Building commencing on the 19<sup>th</sup> day of June, 2019, 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 19<sup>th</sup> day of June, 2019.



  
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Charles A. Smyth, City Clerk