

**50-O-21**

**AN ORDINANCE**

**Amending Title 8 Chapter 4 of the City Code Concerning Municipal  
Solid Waste**

**NOW BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF  
EVANSTON, COOK COUNTY, ILLINOIS:**

**SECTION 1:** City Code Section 8-4-3, "General Disposal Requirements"  
of the Evanston City Code of 2012, as amended, is hereby further amended as follows:

**8-4-3. – GENERAL DISPOSAL REQUIREMENTS.**

(A) All refuse must be stored in clean, leakproof, nonabsorbent receptacles during storage.

(B) Refuse may be stored in:

1. Roll out carts provided by the City;
2. Thirty (30) gallon or less plastic trash bags without any perishable items in them;
3. Roll out carts or dumpsters provided by the private scavenger under contract with the City; or
4. Roll out carts or dumpsters provided by a private scavenger if an exception from the municipal solid waste franchise service is granted.

(C) Recyclable materials may be stored in:

1. Roll out carts or dumpsters provided by the City;
2. Roll out carts or dumpsters provided by the private scavenger under contract with the City; or

3. Roll out carts or dumpsters provided by a private scavenger if an exception from the municipal solid waste franchise service is granted.

(D) Yard Waste may be stored in:

1. Roll out carts purchased from the City and owned by the property owner;
2. Thirty (30) gallon or less biodegradable paper bags designated for yard waste; or
3. Yard waste consisting of brush or tree branches may be tied in bundles which must be no more than four (4) feet in length and tied with cloth ties. Tree branches less than four (4) inches in diameter are considered yard waste and will be collected by City crews; larger branches must be removed at the expense of the resident. The diameter of the bundles must not exceed three (3) feet. Bundles tied with plastic, wire, or rope will not be accepted.

(E) Food Scraps may be stored in:

1. Refuse roll out carts provided by the City;
2. Food and Yard waste roll out carts purchased from the City during the food and yard waste collection season; or
3. In a container provided by a private scavenger under contract with the City.

(F) The maximum weight of refuse, or recyclable materials or compostable materials placed into a roll out cart or food and yard waste bag may not exceed fifty (50) pounds. The volume of material placed into a roll out cart must allow the lid of the cart to fully close onto the cart body.

(G) The maximum volume of material placed in a dumpster provided by a private scavenger shall not exceed the capacity of the dumpster and allow for the dumpster lid to fully close onto the dumpster body.

(H) The disposal of construction debris shall be undertaken by the dwelling occupant or owner at his/her own expense utilizing the private scavenger under contract with the City.

(I) Occupiers, owners, or operators of residences and business or commercial properties shall not use waste receptacles placed on the public way by the City to collect refuse, recycling or compostable material disposed of by passersby.

(J) Recycling of Electronic Products Required: Pursuant to the Electronic Products Recycling and Reuse Act (415 ILCS 5/1 et seq., as amended), the following electronic products shall not be disposed of in any municipal solid waste container by any person

or business and must be recycled: televisions, printers, electronic keyboards, electronic mice, cable receivers, satellite receivers, monitors, facsimile machines, videocassette recorders, digital video disc (DVD) players, digital video disc (DVD) recorders, digital converter boxes, computers (including tablets), scanners, stereo equipment and speakers, portable digital music players, small scale servers, video game consoles, and cell phones.

(K) Disposal of larger municipal solid waste items or municipal solid waste in volume greater than what will fit into the provided and allowable receptacles requires a special pick up. Property owners are required to contact the City to schedule a special pick up. The municipal solid waste items to be disposed by a special pick up shall not be placed/stored on public property until the day that the special pick up is scheduled to occur.

(L) The Director of Public Works or the City Manager or his/her designee(s) shall designate procedures regulating the collection of refuse, garbage, large, heavy, or extraordinary materials and items.

(M) Equal Access to Service.

1. All properties shall provide appropriate levels of recycling service as determined by the City in accordance with City goals and priorities. In addition, all properties shall make tenants and occupants aware of services available to provide compostable materials collection.
2. No property owner, manager or representative shall deny access to a tenant or occupant to access appropriate recycling service or alternative diversion services such as compostable materials collection.
3. A property owner, manager or representative may elect to pass the cost of the alternative diversion services such as compostable material collection to occupants or tenants.

**SECTION 2:** City Code Section 8-4-4, "Recyclable Materials Disposal Requirements" of the Evanston City Code of 2012, as amended, is hereby further amended as follows:

**8-4-4. – RECYCLEABLE MATERIALS DISPOSAL REQUIREMENTS.**

(A) The recyclable materials listed in this Section set out for disposal shall be cleaned and segregated from any refuse and compostable material and set out in special receptacles provided by the City or the franchise waste private scavenger(s):

1. Paper items including newspapers and all inserts, direct mail advertising, office paper, magazines, catalogs, phone books, cardboard, paper bags, and chipboard (flattened cereal or tissue boxes, paper towels and toilet paper rolls, and food boxes). No waxed paper products will be accepted.
2. Juice boxes and milk, water, and broth cartons.
3. Glass jars and bottles with lids.
4. Aluminum cans, containers, clean foil, and metal lids larger than three (3) inches in diameter.
5. Steel and bimetal cans including empty aerosol cans and empty dry paint cans.
6. Plastic containers, bottles, and lids with material code numbers 1, 2, 3, 4, 5, and 7 (lids must be on the container)
7. Other articles may be prohibited by additional regulations promulgated by the Director of Public Works or the City Manager or his/her designee(s).

(B) Placing/mixing non-recyclable materials with recyclable materials in a receptacle indicated for recyclable materials shall be a violation of this Chapter and may result in a special collection fee for the collection, transportation, and disposal of the non-recyclable material.

**SECTION 3:** City Code Section 8-4-6, "General Receptacle Requirements" of the Evanston City Code of 2012, as amended, is hereby further amended as follows:

**8-4-6. – GENERAL RECEPTACLE REQUIREMENTS.**

(A) City Provided Refuse and Recycling Receptacles

1. Refuse and recycling roll-out carts provided by the City and will be imprinted with a serial number and stamped with the City seal. Ownership of the carts shall remain with the City and unauthorized removal of said carts shall be a *violation* of this Chapter.
2. Refuse and recycling roll-out carts will be maintained and repaired by the City. The City will replace the City issued roll-out cart for free of charge when it determines that a replacement is needed.

3. Refuse and recyclable materials placed in roll out carts must not exceed fifty (50) pounds and must be placed in a manner that will allow the roll out cart lid to completely close onto the cart.

4. Refuse containers used at residences with five (5) or less dwelling units shall be either the ninety-five (95) gallon or sixty-five (65) gallon roll-out carts provided by the City.

5. Recyclable materials containers provided by the City shall be either the ninety-five (95) gallon or sixty-five (65) gallon roll-out carts. The containers will have a blue lid and a weatherproof sticker indicating the acceptable and non-acceptable items for disposal.

6. A dwelling must have a ninety-five (95) gallon refuse cart in order to obtain any additional refuse cart.

(B) Food and Yard Waste Receptacles.

1. Kraft paper bags used for yard waste shall have a maximum capacity of thirty (30) gallons and weigh no more than fifty (50) pounds when filled. Branches shall not exceed four (4) inches in diameter and/or four (4) feet in length. Branch and trimming bundles shall not exceed three (3) feet in diameter. No food scraps may be disposed of in a Kraft paper bag.

2. Property owners wishing to use a roll out cart for food and yard waste disposal may purchase a roll out cart from the City. The cost of these carts shall be as identified in Section 8-4-11. These carts are then owned by the property owner.

3. Roll out carts purchased by the property owner and used for food and yard waste storage will be maintained and repaired by the City for the first five (5) years after they are purchased. After five (5) years from the date of purchase, the property owner is responsible for the repair/ replacement of the food and yard waste roll out cart. Food and yard waste roll out carts will have a green lid and a weatherproof sticker indicating the acceptable and non-acceptable items for disposal.

4. Food and yard waste placed in the roll out cart must not exceed fifty (50) pounds and must be placed in a manner that will allow the roll out cart lid to completely close onto the cart.

(C) Private Scavenger Provided Receptacles.

1. Receptacles provided by private scavengers shall be leakproof, rodent-resistant, lidded, and constructed of impervious material. The receptacles are subject to the inspection of the City of Evanston Health and Human Services Department.

2. Receptacles provided by private scavengers must display the name and address of the premises they serve in conspicuous lettering. Said lettering is to be maintained in a clean and legible condition. Containers shall be situated so that the required lettering is visible from the public way. This provision shall be waived in the event that private scavengers swap out containers during the weekly collection with new cleaned containers each and every week service is in effect.

3. Receptacles provided by private scavengers located in the downtown zoning districts shall be maintained with their lids shut and locked, except when depositing or removing waste.

**SECTION 4:** City Code Section 8-4-8, "Designation of Collection Site; Collection Agent" of the Evanston City Code of 2012, as amended, is hereby further amended as follows:

**8-4-8. – DESIGNATION OF COLLECTION SITE; COLLECTION AGENT.**

(A) Municipal solid waste collection containers shall be located aboveground. No collection will be made from containers set into the ground.

(B) Each premises occupied or used as a multi-family residential unit, business, or commercial purpose shall designate one individual who shall at all times be responsible for all requirements under this Chapter.

(C) All properties which abut an alley must designate a collection site at the edge of the property directly adjacent to the alley. Where practicable, the site should not be fenced or otherwise closed off in such a manner as to impede efficient collection. Any gates leading to the collection site from the alley shall be unlocked. The collection site may be on the alley itself, provided that containers shall not interfere with the free movement of vehicles in the alley.

(D) All properties that do not abut an alley:

1. Occupants of residences whose property does not abut an alley shall locate municipal solid waste receptacles along the curb immediately adjacent to the property, provided that containers shall not interfere with the free movement of vehicles in the street or pedestrians on walkways.

2. Municipal solid waste receptacles and all other refuse materials must be secured and placed in containers at the curb not earlier than 6:00 p.m. of the day preceding collection nor later than 7:00 a.m. on the day of collection. All

containers must be removed from the curb no later than 7:00 p.m. on the day of collection or twelve (12) hours after actual collection, whichever occurs later.

(E) The designated collection site for municipal solid waste collection service by the City or private scavenger under contract with the City will be located so as to provide the highest degree of accessibility to the collection vehicles.

(F) Each premises occupied or used as a multi-family residential unit, business, or commercial purpose shall designate one (1) individual or property management company, with contact information, who shall at all times be responsible for all requirements under this Chapter.

(G) Each property owner is responsible for the clearing of snow and ice from trash receptacles including a path reasonably wide and long enough to the refuse truck. All trash receptacles must be accessible for pick-up.

**SECTION 5:** City Code Section 8-4-9-2-2, "Franchise Service Exemptions" of the Evanston City Code of 2012, as amended, is hereby further amended as follows:

**8-4-9-2-2. – FRANCHISE SERVICE EXEMPTIONS.**

(A) Any person or legal entity occupying any building specified in Subsection 8-4-9-1(C) of this Chapter may request, in writing, to the Director of Public Works or the City Manager or their designee(s), that they be exempted from the City franchise service for municipal solid waste services. Said request shall specify the circumstances that necessitate such exemption status which may include, but are not limited to, a corporate contract whose provisions are outside the persons' or entities' control or a specialized service that cannot be provided by the City franchise service.

(B) Any person or legal entity that has been granted an exemption from the City franchise waste service shall contract at its own expense with a private scavenger licensed by the City pursuant to Chapter 4½ of this Title. Municipal solid waste pick up by the private scavenger shall be as often as may be required to prevent stored municipal solid waste from becoming a nuisance or a threat to the public health, welfare, or safety.

(C) Commencing on January 1, 2020, any nongovernmental entity, university or hospital exempt from the municipal solid waste franchise service shall pay to the City a per cubic yard hauler fee on each cubic yard of receptacle volume provided by a private scavenger for refuse collection, but not for recyclable or compostable material collection. The hauler fee shall be equal to two dollars and fifty cents (\$2.50) per cubic

yard of receptacle volume provided multiplied by the times per week the receptacle is serviced and then multiplied by three (3), the number of months in a calendar quarter.

(D) The hauler fee shall be paid to the City Collector no later than the thirtieth (30<sup>th</sup>) day following the close of a calendar quarter (for example, such payment is due on April 30<sup>th</sup> for the first calendar quarter ending March 31<sup>st</sup>) without demand from the City.

(E) Any person or legal entity using a private scavenger for construction debris disposal may request, in writing, to the Director of Public Works or the City Manager or their designee(s) that they be exempted from the City franchise service. Said request shall specify the circumstances that necessitate such exemption status which may include, but not limited to, a specialized service that cannot be provided by the City franchise service, such as the collection and disposal of poisonous or toxic materials and any quantities of liquid requiring tanker truck equipment.

(F) Any person or legal entity that has been granted an exemption from the City franchise waste service for construction debris disposal shall contract at its own expense with a private scavenger licensed by the City pursuant to Chapter 4½ of this Title.

1. Before the service is provided, the entity shall submit to the Director of Public Works or their designee(s) evidence that the private scavenger is licensed by the City; an estimate of number of containers and size to be utilized; when the service will begin and the duration in months that the service will be provided; the location where the debris will be disposed.
2. For each month that the containers are utilized, the entity shall provide the City with a copy of the invoice from the private scavenger indicating the cubic yards of the containers utilized and the weight of the material disposed.
3. The entity that is granted an exception in Section 8-4-9-2-2(E) shall pay the City a hauler fee of one dollar (\$1.00) for each cubic yard of disposal container provided. The hauler fee must be paid to the City Collector no later than the thirtieth (30<sup>th</sup>) day following the close of a calendar quarter (for example, such payment is due on April 30<sup>th</sup> for the first calendar quarter ending March 31<sup>st</sup>) without demand from the City.
4. The City shall not issue a certificate of temporary occupancy for the building site that utilizes an non-franchise private scavenger until the entity that requests an exception submits all required invoices and pays all outstanding hauler fees.

(G) Any person found guilty of *violating*, disobeying, omitting, neglecting or refusing to comply with or resisting or opposing the enforcement of any provision of this Section, except when otherwise specifically provided, shall be fined not less than two hundred fifty dollars (\$250.00) for the first offense, and not less than seven hundred fifty dollars



(\$750.00) for the second and each subsequent offense in any one hundred eighty (180) day period; each day of *violation* shall constitute a separate and distinct offense.

(H) All fees imposed by this Section 8-4-9-2-2(F) and remaining unpaid after they are due will bear interest at a rate of ten percent (10%) per month, or fraction thereof. The entity requesting a franchise service exception shall timely pay all fees imposed by this section to the City Collector.

**SECTION 6:** City Code Section 8-4-11, "Imposition of Sanitation Service Charges" of the Evanston City Code of 2012, as amended, is hereby further amended as follows:

**8-4-11. – IMPOSITION OF SANITATION SERVICE CHARGES.**

(A) Refuse. There is hereby established the following fee structure for the collection and disposal of refuse, as defined in Section 8-4-1 of this Chapter, by the City:

1. Nine dollars and fourteen cents (\$9.14) per month per dwelling for one (1) City-issued sixty-five (65) gallon roll out cart, only.
2. Twenty dollars and sixty-four cents (\$20.64) per month per dwelling for one (1) City-issued ninety-five (95) gallon roll out cart plus one (1) thirty (30) gallon or less trash bag.
3. Nine dollars and fourteen cents (\$9.14) per month per dwelling for any additional roll out cart regardless of size. The initial monthly fee shall be based on the largest roll out cart present at the location.
4. Eight dollars and eighty-five cents (\$8.85) per month per unit for each townhome, row house, or multiple dwellings which are at least seventy-five percent (75%) owner occupied for the entire housing complex.

(B) Food and Yard Waste. The fee structure for the collection and disposal of "compostable materials" as defined in Section 8-4-1 of this Chapter, by the City is:

1. One dollar and seventy-five cents (\$1.75) per yard waste sticker. Purchasers shall affix one (1) sticker to each bag of yard waste and/or branch and trimming bundle, regulated by Subsection 8-4-3(D) of this Chapter, left for collection by the City.
2. Twenty-five dollars (\$25.00) per year per yard waste cart.

(C) **Recyclable Materials.** The fee for the collection and disposal of "recyclable material" as defined in Section 8-4-1 of this Chapter, by the City for only multi-family apartment buildings six (6) units and greater is:

One dollar and eighty-five cents (\$1.85) per unit per month in the multi-family apartment buildings with six (6) units or greater. Disposition requirements for recyclable materials are outlined in Section 8-4-4 and the proper receptacle for said materials is outlined in Section 8-4-6 above.

(D) **Special Pick Up.** The fee structure for the collection and disposal of "special pick up," as defined in Section 8-4-1 of this Chapter, by the City is set forth below:

1. One hundred dollars and no cents (\$100.00) for the collection, transportation and disposal of up to three (3) cubic yards of municipal solid waste, compostable materials, or recyclable material.
2. Twenty-five dollars and no cents (\$25.00) for the collection, transportation and disposal of each additional one (1) cubic yard of refuse, compostable materials, or recyclable material in excess of the initial three (3) cubic yards.

(E) **Purchase of a Food and Yard Waste Cart.** The following fee is established for the purchase and delivery of each food and yard waste cart:

1. Eight-two dollars and fifty cents (\$82.50) for the purchase of a ninety-five (95) gallon roll out cart purchased through the office of the Public Works Director.

(F) *Purchase of an Additional Refuse Cart.* The following fee is established for the purchase and delivery of each additional refuse cart in addition to the first ninety-five (95) gallon refuse cart.

1. Seventy-five dollars (\$75.00) for the purchase of either a sixty-five (65) gallon or ninety-five (95) gallon roll out cart purchased through the office of the Public Works Director.

**SECTION 7:** City Code Section 8-4-14, "Penalty" of the Evanston City

Code of 2012, as amended, is hereby further amended as follows:

**8-4-14. – PENALTY.**

~~(A) Any person that violates the provisions of this Chapter except Sections 8-4-6(C)1, 8-4-6(C)4, , 8-4-7, 8-4-11, 8-4-12, and 8-4-13 of this Chapter, shall be punishable by a fine of two hundred fifty dollars (\$250.00). A separate offense shall be deemed committed for each day such violation occurs or continues.~~

~~(B) Any person that violates Subsections 8-4-6(C)1 of this Chapter shall be punishable by a fine of seventy-five dollars (\$75.00). Each day that a receptacle is found to be in violation shall constitute a separate and distinct offense. In addition, the owner of a commercial waste receptacle, if different from a solid waste collection service provider, shall be jointly and severally liable with the solid waste collection service provider for any violation of Subsection 8-4-6(C)1.~~

~~(C) Any person that violates Subsection 8-4-6(C)4 of this Chapter shall be punishable by a fine of fifty dollars (\$50.00). Each day that a receptacle is found in violation shall constitute a separate and distinct offense. (D) Any person that violates Section 8-4-7 of this Chapter shall be punishable by a fine of one hundred dollars (\$100.00). A separate offense shall be deemed committed for the unauthorized collection of each receptacle containing recyclable materials.~~

(A) Any person that violates the provisions of Subsections 8-4-3, 8-4-4, 8-4-8 or subsection 8-4-6(C)3 of this Chapter shall be guilty of an offense and fined as follows:

1. The fine for a first violation is fifty dollars (\$50.00).
2. The fine for a second violation is one hundred fifty dollars (\$150.00).
3. The fine for a third or subsequent violation is two hundred fifty dollars (\$250.00).

(B) Any person that violates the provisions of this Chapter except Sections 8-4-3, 8-4-4, 8-4-6(C)3, 8-4-7, 8-4-8, 8-4-9-2-2, 8-4-11, 8-4-12, and 8-4-13 of this Chapter, shall be punishable by a fine of two hundred fifty dollars (\$250.00).

(C) Each day a provision of this Chapter is found to have been violated constitutes a separate violation subject to the fine schedule set forth in Subsections (A) and (B) of this Section.

(D) The fines provided for herein shall not be construed as limiting the power of a court of competent jurisdiction or an administrative hearing officer to impose other penalties and remedies as provided for by applicable legislation.

**SECTION 8:** All ordinances or parts of ordinances in conflict herewith are hereby repealed.

**SECTION 9:** If any provision of this ordinance or application thereof to any person or circumstance is held unconstitutional or otherwise invalid, such invalidity

shall not affect other provisions or applications of this ordinance that can be given effect without the invalid application or provision, and each invalid provision or invalid application of this ordinance is severable 50-O-21 shall be in full force and effect after its passage and approval.

**SECTION 10:** The findings and recitals contained herein are declared to be prima facie evidence of the law of the City and shall be received in evidence as provided by the Illinois Compiled Statutes and the courts of the State of Illinois.

Introduced: June 14, 2021

Approved:

Adopted: June 28, 2021

June 30, 2021

*Daniel Biss*

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Daniel Biss, Mayor

Attest:

*Stephanie Mendoza*

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Stephanie Mendoza, City Clerk

Approved as to form:

*Nicholas E. Cummings*

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Nicholas E. Cummings, Corporation  
Counsel