

62-O-03

AN ORDINANCE

**Amending Title 8, Chapter 5 and
Title 8, Chapter 8 of the City Code
Regarding Garbage and Refuse**

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

SECTION 1: That Section 8-5-2 of the Evanston City Code of 1979, as amended, be and it hereby is, further amended to read as follows:

8-5-2: DIRECTOR OF PUBLIC WORKS; SUPERVISION: All matters relating to or affecting the collection, removal or disposal of refuse, litter, debris, and garbage shall be subject to the supervision and direction of the Director of Public Works. Designees of the City Manager are also hereby authorized to enforce all provisions of Title 8 relating to such matters.

SECTION 2: That Section 8-8-21(A) is hereby further amended by adding a new Subsection 8-8-21(A)(3) and by making other revisions, to read as follows:

8-8-21: ADDITIONAL REGULATIONS:

(A) Refuse, Litter, and Debris

1. Disposal of Refuse, Litter and Debris: Each Food Establishment shall at least once in each twenty-four (24) hour period, dispose of all paper, cups, plates, napkins, garbage and all other waste material accumulated upon the premises. Disposal shall be to a lawful location. It shall also be the duty of the owner, manager, or person in charge of said establishment to, at all times, keep the premises indoors, the premises outdoors, and within a ~~one hundred fifty (150')~~ two hundred fifty (250') foot radius of all property lines on which said establishment is located, free from rubbish, litter, and other waste materials and debris including food, beverages, napkins, straws, containers, bags, utensils,

cups, plates, cans and other waste materials emanating from the establishment, its patrons, from the outside waste receptacles used by such Food Establishment, or from any other source. Where the above ~~one hundred fifty (150')~~ two hundred fifty (250') foot radius encompasses private property, permission to encroach on said private property shall be obtained from the property owner.

2. Waste Receptacles and Required Signage for Type (2) Restaurants, as defined in Section 7-2-6(D): A waste receptacle shall be placed at each pedestrian exit from the restaurant building and each vehicular exit from the restaurant parking area. Conspicuous signage complying with the Sign Ordinance shall be posted within the building and at each waste receptacle location required above describing the requirements and penalties of the City ordinance applicable to litter.
3. Each Type 2 Restaurant¹ shall have its litter collection plan posted in conspicuous signage in its employee and public areas.

SECTION 3: That Section 8-5-3 of the City Code is hereby amended by adding a new Subsection (G), to read as follows:

SECTION 8-5-3 (G): The owners or operators of business or commercial properties, including, but not limited to sidewalk cafes, shall not use City-provided waste receptacles in lieu of, or in addition to, contracting for waste pick-up with private scavengers.

SECTION 4: That Section 8-5-6 of the City Code is hereby amended by adding a new Subsection 8-5-6 (G), to read as follows:

8-5-6: GENERAL RECEPTACLE REQUIREMENTS:

(G) Container labeling: All containers servicing business, commercial, or multi-residential premises shall 1) display the name and address of the premises they serve in conspicuous lettering. Said lettering is to be

¹ As defined in Section 6-18-3 of the Zoning Ordinance, as amended.

maintained in a clean and legible condition. Containers shall be situated so that the required lettering is visible from the public way.

2) Be registered annually with the Director of Public Works on the form provided by him or her and requiring the name, address, and telephone number of the owner and operator of the premises serviced by said containers, the number of containers, the capacity of each, their location, the name, address, and telephone number of the scavenger service, and the frequency of scavenger pick-ups. The registrant shall update the information provided within ten (10) days of a change.

3) If located in the Downtown Zoning Districts¹, shall be maintained with their lids shut and locked, except when depositing or removing waste.

SECTION 5: That Section 8-5-12 is hereby amended by deleting the last sentence:

8-5-12: RESPONSIBILITY FOR COMPLIANCE: Every owner, occupant, agent, employee of an owner or occupant, including corporations, associations of owners and individuals responsible for the collection and removal of refuse, garbage, and yard waste shall comply with each applicable provision of this chapter. ~~Prior to prosecution for alleged violations, the offender shall be duly notified of such violations and shall be given a reasonable time within which to correct the violation and thereby avoid prosecution.~~ (Ord. 42-O-90)

SECTION 6: That Section 8-5-9 is hereby amended by adding a new Subsection 8-5-9(E), renumbering existing Subsections 8-5-9(E), et seq. appropriately, and by adding a new Subsection 8-5-9(J), to read as follows:

Section 8-5-9 (E): The owner or operator of all premises providing or required to provide private scavenger service shall, upon the request of the City Manager or his or her designee, provide a copy of the current contract for refuse collection with a licensed scavenger for the premises in question.

Section 8-5-9 (J): If the City Manager or his or her designee determines that a Sunday waste pick-up from a business or commercial premises is required in the interest of the public health, welfare, or safety, he or she a) shall order same and invoice the operator of the premises in question for \$150.00, and b) may cause

the area in proximity to said receptacle to be cleaned. If the area adjacent to the container is not kept clear of refuse on a Sunday, the City may remove the refuse adjacent to the container and invoice the operator of the premises in question \$150.00, for each occurrence. Non-payment of any invoice issued pursuant to this Section within thirty (30) days of its date shall constitute a violation of this Chapter.

SECTION 7: That all ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 8: That this ordinance shall be in full force and effect from and after its passage, approval, and publication in the manner provided by law.

Introduced: June 23, 2003

Adopted: July 14, 2003

Approved:

July 18, 2003
Lorraine H. Hunter
Mayor

ATTEST:

Mary J. Morris
City Clerk

Approved as to form:
[Signature]
Corporation Counsel