

Effective Date: December 17, 2010

10/19/2010

82-O-10

AN ORDINANCE

Amending the City Code by Enacting a New Title 8, Chapter 26, "Solid Waste Transfer Station Fee"

WHEREAS, the City has the authority to adopt ordinances and to promulgate rules and regulations that pertain to its government and affairs and that protect the public health, safety, and welfare of its citizens; and

WHEREAS, a private entity owns and operates a Solid Waste Transfer Station within the City of Evanston for the benefit of residents within the City and those in surrounding areas; and

WHEREAS, charging a fee for the benefit of the City will partially offset the burden imposed on the City in maintaining the infrastructure impacted as a result of the operation of the Solid Waste Transfer Station.

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

SECTION 1: That Title 8, "Health and Sanitation", of the Evanston City Code of 1979, as amended, is hereby further amended by enacting a new Chapter 26, "Solid Waste Station Transfer Fee", to read as follows:

8-26-1: TITLE:

This Chapter shall be referred to as the Solid Waste Transfer Station Fee.

8-26-2: PURPOSE AND INTENT:

The purpose of this Chapter is to promote the public health, safety, and welfare of the residents of the City of Evanston by requiring a fee for the use of the Solid Waste Transfer Station.

8-26-3: DEFINITIONS:

As used in this Chapter, the following terms are defined as follows:

“SCAVENGER SERVICE”: means any person engaged in the removal of solid waste. The foregoing shall not apply to waste collected by, or on behalf of, the City of Evanston.

“SOLID WASTE TRANSFER STATION”: means a privately owned site or facility that accepts waste for sorting and/or consolidation, and for further transfer to a waste disposal, treatment, or handling facility.

8-26-4: PAYMENT OF FEE REQUIRED

- (A) The scavenger service that owns and operates the Solid Waste Transfer Station, shall be assessed a fee of two dollars (\$2.00) per ton, or any fraction thereof, of solid waste delivered to the Solid Waste Transfer Station.
- (B) The fee shall be paid to the City of Evanston each calendar quarter within forty-five (45) days after the last calendar quarter.
- (C) The scavenger service that owns and operates the Solid Waste Transfer Station shall provide, to the Director of Public Works of the City of Evanston, a quarterly report documenting the quantity of all solid waste delivered to the Solid Waste Transfer Station and shall identify the scavenger services that delivered said waste.

8-26-5: PENALTY

- (A) If the scavenger service that owns and operates the Solid Waste Transfer Station fails to pay the fee within the time frame specified in this Chapter, a late fee of five-hundred dollars (\$500.00) shall be assessed.
- (B) The City may refuse to permit the scavenger service that owns and operates the Solid Waste Transfer Station to continue to operate the Solid Waste Transfer Station if said scavenger service fails to pay all outstanding fees it owes the City for any two consecutive calendar quarters.

SECTION 2: That if any provision of this ordinance 82-O-10 or application thereof to any person or circumstance is ruled 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.

SECTION 3: That all ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 4: That this ordinance 82-O-10 shall be in full force and effect from and after its passage, approval, and publication in the manner provided by law.

Introduced: October 25, 2010

Approved:

Adopted: November 27, 2010

December 3, 2010

Elizabeth B. Tisdahl
Elizabeth B. Tisdahl, Mayor

Attest:

Approved as to form:

Rodney Greene
Rodney Greene, City Clerk

W. Grant Farrar
W. Grant Farrar, City Attorney

