

17-0-15

AN ORDINANCE

Amending City Code Section 8-4-6, "General Receptacle Requirements," By Regulating Commercial Refuse Receptacles

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

SECTION 1: Subsection 8-4-6 of the Evanston City Code of 2012, as amended ("City Code"), is hereby further amended to read as follows:

8-4-6. - GENERAL RECEPTACLE REQUIREMENTS.

- (A) Residential. Garbage containers used at residences with four (4) or less dwelling units shall be either the ninety five (95) gallon or sixty five (65) gallon roll-out carts provided by the City. Each additional roll-out refuse cart will require the payment of a monthly fee of two dollars fifty cents (\$2.50).
- (B) Location. Refuse collection containers shall be located aboveground. No collection will be made from containers set into the ground unless such containers were being serviced by City provided municipal solid waste collection service or a private scavenger as of the effective date hereof.
- (C) City Provided Containers.
 - 1. Refuse roll-out carts or dumpsters provided by the City will be imprinted with a serial number and stamped with the City seal to identify the roll-out carts. Ownership of the refuse carts shall remain with the City and unauthorized removal of said carts shall be a violation of this Chapter.
 - 2. Roll-out carts specifically marked for yard wastes and purchased through the office of the Director of Public Works are acceptable containers and will be collected by City crews. These carts are the property of the purchaser. Yard waste roll-out carts are maintained and repaired by the City as a courtesy but residents are responsible for paying for any replacements that are needed.
 - 3. The roll-out carts used for refuse will be maintained and repaired by the City. The City will replace the City issued roll-out cart for refuse free of charge when it determines that a replacement is needed.
- (D) Yard Waste. 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 inches (4") in diameter and/or four feet (4') in length. Branch and trimming bundles shall not exceed three feet (3') in diameter.

- (E) Container Labeling. All municipal solid waste collection containers provided by private scavengers shall:
1. 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.
 2. Be registered annually with the Director of Public Works or the City Manager or his/her designee(s) on the form provided by him/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 districts, shall be maintained with their lids shut and locked, except when depositing or removing waste.

(F) Commercial Waste Receptacles. Commercial waste receptacles required by this Chapter shall be leak-resistant, rodent-resistant, lidded, constructed of impervious material and subject to the inspection of the City of Evanston Health and Human Services Department.

SECTION 2: Subsection 8-4-15 of the City Code, is hereby further amended to read as follows:

8-4-15. - PENALTY.

- (A) Any person who shall violate the provisions of this Chapter except Sections 8-4-6(F), 8-4-7, 8-4-12, 8-4-13, and 8-4-14 of this Chapter, shall be punishable by a fine of not less than twenty five dollars (\$25.00) nor more than five hundred dollars (\$500.00). A separate offense shall be deemed committed for each day such violation occurs or continues.
- (B) Any person who shall violate Section 8-4-7 of this Chapter shall be punishable by a fine of not less than fifty dollars (\$50.00) nor more than five hundred dollars (\$500.00). A separate offense shall be deemed committed for the unauthorized collection of each receptacle containing recyclable materials.
- (C) Any person who shall violate Section 8-4-6(F) 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 Section 8-4-6(F).

SECTION 3: 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.

SECTION 4: All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 5: 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 application of this Ordinance 17-O-15 is severable.

SECTION 6: This Ordinance 17-O-15 shall be in full force and effect from and after its passage, approval, and publication in the manner provided by law.

Introduced: February 9, 2015

Adopted: February 23, 2015

Approved:

February 27, 2015

Elizabeth B Tisdahl
Elizabeth B. Tisdahl, Mayor

Attest:

Rodney Greene
Rodney Greene, City Clerk

Approved as to form:

W. Grant Farrar
W. Grant Farrar, Corporation Counsel