

10/24/2018
11/02/2018
11/19/2018

128-O-18

AN ORDINANCE

Amending City Code Title 8, Chapter 4 “Municipal Solid Waste”

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

SECTION 1: Title 8, Chapter 4 “Municipal Solid Waste” of the City Code of 2012 is hereby amended to fully replace the current chapter with the following text provided below:

CHAPTER 4 - MUNICIPAL SOLID WASTE

8-4-1. - DEFINITIONS.

In the construction and application of this Chapter, the following words shall have the meanings respectively ascribed to them in this Section:

<i>CONTAMINATED.</i>	Not in its pure state; tainted, putrefied, polluted, or unclean
<i>CONSTRUCTION DEBRIS.</i>	Any building material generated from the installation, repair, maintenance placement, alteration, enlargement, demolition, or abandonment of facilities
<i>FOOD SCRAPS.</i>	All fruit, all vegetables, coffee grounds, coffee filters, meats, bones, dairy products, eggs, egg shells, unwrapped candy, sugars, syrups, fried food, grains, baked goods, seafood, spices, herbs, tea, tea bags (without staples) and food soiled paper. Other materials such as: weeds, houseplant scraps , cold ashes from fireplace/grill, unlined paper products, BPI certified compostable bags, BPI certified compostable products, PLA Natureworks items, and Compostable kitchenware (ASTM D-6400 Certified)

<i>COMPOSTABLE MATERIALS.</i>	<p>Yard Waste, Food Scraps, and products or materials that will completely break down into organic matter within 180 days and the microorganisms present in compost will consume the material at the same rate they would natural materials (i.e. Food Scraps, Yard Waste and soiled paper).</p> <p>To ensure material meets the 180 days within this definition it must meet one of the following criteria:</p> <p>(a) The product packaging or the specific product includes the BPI logo;</p> <p>(b) The product packaging or the specific product includes the phrase "meets ASTM standards for compostability"; or</p> <p>(c) The product packaging or the specific product has been designated "Certified Compostable" by the Biodegradable Products Institute (BPI).</p> <p>Any other materials agreed upon in writing between the City and a private scavenger under contract with the City</p>
<i>MUNICIPAL SOLID WASTE.</i>	Includes recyclable materials, refuse, compostable materials and yard waste. Does not include construction debris
<i>PRIVATE SCAVENGER.</i>	Any nongovernmental entity or any person(s) not employed by a governmental entity, engaged in the business of collecting, transporting, and/or disposing of municipal solid waste
<i>RECYCLABLE MATERIALS.</i>	Any material that can be recycled or reused
<i>REFUSE.</i>	Includes all discarded, unwanted, or rejected materials, not including yard waste, compostable materials, recyclable materials or construction debris
<i>SPECIAL PICK UP.</i>	The collection, transportation and disposal of municipal solid waste that accumulates or remains in any street, alley or other public place or in any place where its presence constitute a nuisance to others or a potential or actual hazard to health, sanitation or safety and/or which is too large to fit in the container provided by the City.
<i>YARD WASTE.</i>	Includes all grass clippings, leaves, tree prunings and woody wastes, weeds, brush, and other compostable landscape type material

8-4-2. - DIRECTOR OF PUBLIC WORKS; SUPERVISION.

- (A) All matters relating to or affecting the collection, removal, or disposal of municipal solid waste shall be subject to the supervision and direction of the Director of Public Works or his/her designee. Designees of the City Manager are also hereby authorized to enforce all provisions of this title relating to such matters.
- (B) *Police Powers.* The Director of Public Works or his/her designees shall have full police powers to issue complaints, citations, notices to appear, and summonses for the violation of any provision this Section.

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-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 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-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 feet (4') in length and tied with cloth ties. Tree branches less than four inches (4") 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 feet (3'). 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.

8-4-4. - RECYCLABLE 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, and chipboard (flattened cereal or tissue boxes, paper towels and toilet paper rolls, and food boxes). No waxed paper products will be accepted.

2. Glass jars and bottles without lids.
3. Aluminum cans, containers, and clean foil.
4. Steel and bimetal cans including empty aerosol cans and empty dry paint cans.
5. Plastic containers with material code numbers 1, 2, 3, 4, 5, and 7 without lids, and 12-pack rings.
6. Other articles may be prohibited by additional regulations promulgated by the Director of Public Works or the City Manager or his/her designee(s).

8-4-5. - COMPOSTABLE MATERIAL DISPOSAL REQUIREMENTS.

- (A) Property owners are encouraged to dispose of compostable materials in the food and yard waste cart during the 9.5 months of the year that food and yard waste is collected. Property owners are also encouraged to participate in the year round food scrap collection program provided by a private scavenger under contract with the City.
- (B) Acceptable compostable materials include:
 1. Food Scraps such as: All fruit, all vegetables, coffee grounds, coffee filters, meats, bones, dairy products, eggs, egg shells, unwrapped candy, sugars, syrups, fried food, grains, baked goods, seafood, spices, herbs, tea, tea bags (without staples) and food soiled paper.
 2. Other materials such as: Weeds, houseplant scraps , cold ashes from fireplace/grill, unlined paper products, BPI certified compostable bags, BPI certified compostable products, PLA Natureworks items and Compostable kitchenware (ASTM D-6400 Certified)
 3. Any other materials agreed upon in writing between the City and a private scavenger under contract with the City.

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.

(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 leak-resistant, 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. Any private scavenger distributing receptacles within the City must, on an annual basis, provide the following information to the Director of Public Works or the City Manager or his/her designees(s).
 - a. The name, address and telephone number of the scavenger service and their contact person's name.
 - b. The name, address and telephone number of the owner and operator of the premises serviced by the private scavenger.
 - c. The number of receptacles provided, the capacity of each, their specific location and the frequency of pick up.
4. The private scavenger shall update the information provided to the City within ten (10) days of any changes to the service provided.

8-4-7. - OWNERSHIP OF RECYCLABLE MATERIALS.

Ownership of recyclable materials shall be vested in the City or in haulers authorized by the City. Unauthorized collection of recyclable materials set out for collection shall constitute a violation of this Chapter.

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 unless such containers were being serviced by City provided municipal solid waste collection service or a private scavenger as of the effective date hereof.
- (B) Every building, establishment, institution, or premises shall contain a designated municipal solid waste collection site which meets the standards of convenience and health and safety for the community. This requirement shall be applicable to all construction sites and remodeling projects.
- (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 six o'clock (6:00) P.M. of the day preceding collection nor later than seven o'clock (7:00) A.M. on the day of collection. All containers must be removed from the curb no later than seven o'clock (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 individual or property management company, with contact information, who shall at all times be responsible for all requirements under this Chapter.

8-4-9. - COLLECTION RESPONSIBILITY.**8-4-9-1. - COLLECTION SERVICE.**

- (A) The City shall provide municipal solid waste collection service, not including the collection of construction debris, on a once per week basis when practicable, to the following:
1. All single-family detached homes. For purposes of this Section, a structure commonly called a "coach house" or "carriage house" is considered to be a "single-family detached home" separate from the principal house on the same lot.
 2. All multiple dwellings of five (5) or fewer units.
 3. Townhouse, row house, or multiple dwellings which are at least seventy five percent (75%) owner occupied for the entire housing complex, and that the Director of Public Works or the City Manager or his/her designee(s) determines shall be included in the municipal solid waste collection service based on accessibility. Townhouse, row house, and multiple dwellings that the Director of Public Works or the City Manager or his/her designee(s) determines shall not be included in the municipal solid waste collection service shall be serviced by the municipal solid waste franchise service pursuant to Section 8-4-9-1 (B) of this Chapter. A sanitation service charge for the municipal solid waste collection service will be charged as specified in Section 8-4-11 of this Chapter.
- (B) Condominium, cooperative apartment, townhouse, or row house dwellings with six (6) or more units.
1. For condominium, cooperative apartment, townhouse, or row house dwellings with six (6) or more units, the City shall provide municipal solid waste collection service via private scavenger under contract with the City, not including the collection of construction debris, on a twice per week basis when practicable, to each unit of a condominium, cooperative apartment, townhouse, or row house dwelling which is at least seventy five percent (75%) owner occupied for the entire housing complex. A sanitation service charge for the municipal solid waste collection service will be charged as specified in Section 8-4-11 of this Chapter.

2. In the event a condominium/cooperative apartment has limited municipal solid waste storage capacity requiring removal more than twice per week, as determined by the Director of Public Works or the City Manager his/her designee(s), the extra collection service shall be obtained at the expense of the building occupants or owners.
- (C) All other residences, businesses, institutions or other legal entities shall be serviced by the City franchise waste service pursuant to Section 8-4-9-2 of this Chapter unless the residence, business, institution, or other legal entity is:
1. Exempted from the municipal solid waste franchise service pursuant to Section 8-4-9-2-2 of this Chapter; or
 2. Receiving municipal solid waste collection service from a private scavenger contracted by the City pursuant to Section 8-4-9-1 (B) of this Chapter; or
 3. Serviced by a governmental agency other than the City; or
 4. A university, hospital, or governmental agency.
- (D) Any person or legal entity occupying any building required to provide private scavenger service shall, upon the request of the City Manager or his/her designee, provide a copy of the current contract for refuse collection with a licensed scavenger for the subject premises.
- (E) Municipal solid waste that accumulates or remains in any street, alley or other public place where its presence constitutes a nuisance to others or a potential or actual hazard to health, sanitation or safety the Director of Public Works or the City Manager or his/her designee(s) shall have the municipal solid waste collected as a Special Pick Up.
- (F) When municipal solid waste (other than construction debris) is too large to fit in the container provided by the City, the property owner shall request a Special Pick Up. If a Special Pick Up is not requested, the waste will be tagged with a "non-collection notice" sticker. If the property owner does not call within forty-eight (48) hours of the municipal solid waste being tagged, the Special Pick Up will be performed and the property owner will be charged.
- (G) If the City Manager or his/her designee determines that a Sunday municipal solid waste pickup from a business or commercial premises is required in the interest of the public health, welfare, or safety, he/she:

1. Shall order same and invoice the operator of the premises in question for three hundred fifty dollars (\$350.00); and
2. May cause the area in proximity to said receptacle to be cleaned. If the area adjacent to the container is not kept clear of municipal solid waste on a Sunday, the City may remove the municipal solid waste adjacent to the container and invoice the operator of the premises in question three hundred fifty dollars (\$350.00) for each occurrence. Nonpayment of any invoice issued pursuant to this Section within thirty (30) days of its date shall constitute a violation of this Chapter.

8-4-9-2. - FRANCHISE.

8-4-9-2-1. - ESTABLISHING FRANCHISE WASTE SERVICE, GENERAL REGULATIONS.

To regulate and control the collection, transportation, and disposal of municipal solid waste, the City opts for an exclusive franchise waste service to collect, transport, and dispose of municipal solid waste by one or more qualified private scavengers procured through a competitive bidding process.

- (A) The following shall be serviced by the exclusive municipal solid waste franchise service:
1. All townhouse, row house, or multiple dwellings that the City does not provide municipal solid waste collection to under Subsections 8-4-9-1(A)3 and (B) of this Chapter; and
 2. All residences, businesses, institutions, or other legal entities required in Subsection 8-4-9-1(C) of this Chapter to receive service from the municipal solid waste franchise service; and
 3. All residences. Businesses, institutions, or other legal entities that want to participate year round food scrap collection program.
- (B) All those required to receive franchise waste service shall be responsible for paying all fees in accordance with the exclusive franchise contract.
- (C) Such service shall be performed as often as necessary to prevent a nuisance or a threat to public health, welfare and safety, but in no event, shall service be less than once each week. Containers designated for only food scraps may not be stored outdoors while containing food scraps for longer than one week.

- (D) No person or legal entity occupying a building required to receive the municipal solid waste franchise service shall enter into contract for municipal solid waste collection. All such contracts entered into after November 1, 2008, are deemed invalid.
- (E) Any entity not subject to service through the municipal solid waste franchise may petition the City Manager or the Director of Public Works or their designees, in writing, for such service.

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

Any person or legal entity occupying any building specified in Section 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. 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.

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.

8-4-10. - 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, recyclable material, and yard waste/food scrap shall comply with each applicable provision of this Chapter.

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-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-gallon roll out cart plus one (1) thirty-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 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 gallon roll out cart purchased through the office of the Public Works Director.

8-4-12. - BILLING PROCEDURES; DISPOSITION OF FUNDS.

The sanitation service charge, extra refuse container charge, and special pick up fee, shall be added to and separately recited upon a statement of charges for water consumption, sewer service, solid waste collection service, extra refuse container charge, and special pick up service,. The statement will be prepared and mailed to the consumer at least every six (6) months. The statement is delinquent if unpaid after twenty (20) days from the date of the statement, and a penalty of ten percent (10%) of the amount due and owing for the period recited upon such statement will be added to such statement and collected in addition thereto. All revenue received in payment of the sanitation service charge, extra refuse container charge, and special pick up fee shall be deposited in the solid waste fund.

Whenever any sanitation service charges or special pick up fees remain unpaid after the expiration of thirty (30) days from the date of such statement, the water supply for the premises served and delinquent shall be terminated, and the service cannot be resumed until all sanitation service charge, and special pick up fee in arrears are paid, including accrued penalties and a water turn on charge applied as listed in Section 7-12-17 of this code.

The City Manager, or his/her designee, shall enforce the provisions of this Chapter.

Those receiving franchise waste services shall be responsible for paying all fees in accordance with the exclusive franchise contract.

8-4-13. - CHARGES CONSTITUTE A LIEN.

Charges for the sanitation service charge and special pick up fees shall be a lien upon the premises served pursuant to the law thereto pertaining. Whenever any charges remain unpaid for thirty (30) days after they were rendered, the City Manager or his/her designee will file or cause to be filed in the office of the Cook County Recorder of Deeds a statement of lien claim duly verified by his/her affidavit, or the affidavit of some other officer of the City having knowledge of the facts.

The failure to record such a lien or to mail notice thereof shall not affect the right of the City to foreclose or adjudicate such a lien, by an equitable action in accordance with the statutory requirements therefor and in the same manner as provided for water service in Section 7-12-7-4 of this code. The City Manager or his/her designee shall execute releases of such liens on behalf of the City upon receipt of payment therefor.

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 Section 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 Section 8-4-6-(C)-1.
- (C) Any person that violates Section 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.

SECTION 2: All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 3: If any provision of this Ordinance 128-O-18 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 is severable.

SECTION 4: 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 5: This Ordinance 128-O-18 shall be in full force and effect after its passage, approval, and publication in the manner provided by law.

Introduced: November 12, 2018

Approved:

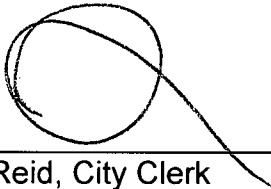
Adopted: November 19, 2018

December 7, 2018



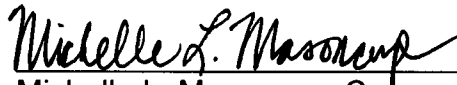
Stephen H. Hagerty, Mayor

Attest:



Devon Reid, City Clerk

Approved as to form:



Michelle L. Masoncup, Corporation
Counsel