

11/12/2019
11/14/2019

148-O-19

AN ORDINANCE

Amending City Code Title 8, Chapter 4, "Municipal Solid Waste" and Chapter 4 1/2 "Municipal Solid Waste Hauling License"

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

SECTION 1: City Code Section 8-4-1, "Definitions," of the Evanston City Code of 2012, as amended, is hereby further amended to read as follows:

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:

COMPOSTABLE MATERIALS.	Yard Waste, Food Scraps, and products or materials that will completely break down into organic matter within one hundred eighty (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).
	To ensure material meets the one hundred eighty (180) days within this definition it must meet one of the following criteria:
	(a) The product packaging or the specific product includes the BPI logo;
	(b) The product packaging or the specific product includes the phrase "meets ASTM standards for compostability; or
	(c) The product packaging or the specific product has been designated "Certified Compostable" by the Biodegradable Products Institute (BPI).
Any other materials agreed upon in writing between the City and a private scavenger under contract with the City.	

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 to read as follows:

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, 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 without lids.
 4. Aluminum cans, containers, and clean foil, and metal lids larger than 3" 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).

SECTION 3: City Code Section 8-4-6(C), "Private Scavenger Provided Receptacles," of the Evanston City Code of 2012, as amended, is hereby further amended to read as follows:

(C) *Private Scavenger Provided Receptacles.*

1. Receptacles provided by private scavengers shall be leak-proof, 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(A), "DESIGNATION OF COLLECTION SITE; COLLECTION AGENT," of the Evanston City Code of 2012, as amended, is hereby further amended to read as follows:

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

SECTION 5: City Code Section 8-4-9-1, "COLLECTION SERVICES," of the Evanston City Code of 2012, as amended, is hereby further amended to read as follows:

- (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 Subsection 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 Subsection 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) Each building in the City that contains six (6) or more residential units and is served by the exclusive municipal solid waste franchise contractor, designated pursuant to Subsection 8-4-9-2 of this Title, shall receive one (1), ninety-five-gallon recycling cart from said contractor at no cost to the owners of such buildings.
- (F) The owner of each building that receives a recycling cart pursuant to this Section shall provide adequate on-site storage space for each cart and access to each cart to the building residents and the municipal solid waste franchise contractor.
- (G) 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. The City will charge the person or entity causing the nuisance or hazard for a Special Pick Up.
- (H) 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.

- (l) 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.

SECTION 6: City Code Section 8-4-9-2-1(A), "ESTABLISHING FRANCHISE WASTE SERVICE, GENERAL REGULATIONS.," of the Evanston City Code of 2012, as amended, is hereby further amended to read as follows:

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.
 4. Disposal of construction debris

SECTION 7: City Code Section 8-4-9-2-2, "FRANCHISE SERVICE

EXEMPTIONS.," of the Evanston City Code of 2012, as amended, is hereby further amended to read as follows:

- (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 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 (30th) day following the close of a calendar quarter (for example, such payment is due on April 30th for the first calendar quarter ending March 31st) 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 4 ½ of this Title.

- a. 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.
 - b. 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.
 - c. The entity that is granted an exception in Section 8-4-9-2-2(E) shall pay the City a hauler fee of \$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 (30th) day following the close of a calendar quarter (for example, such payment is due on April 30th for the first calendar quarter ending March 31st) without demand from the City.
 - d. 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 exemption shall timely pay all fees imposed by this section to the City Collector.

SECTION 8: City Code Section 8-4 1/2-1, "LICENSE REQUIRED.," of the Evanston City Code of 2012, as amended, is hereby further amended to read as follows:

- (A) No "private scavenger" as defined in Section 8-4-1 of this Title shall engage in the collection, transportation, and/or disposal of municipal solid waste within the municipal limits without first having obtained an annual license to do so. The only private scavengers eligible to apply for such a license are:

1. Those contracted by the City to collect municipal solid waste.
 2. Those contracted by the City as the franchise waste hauler(s) pursuant to Section 8-4-9-3 of this Title.
 3. Those servicing persons or entities that are not required to be serviced by the City's municipal solid waste pick up service or the municipal solid waste franchise service.
- (B) Every application for a license to carry on the business of a private scavenger shall conform to the general provisions of Chapter 4 of this Title relating to municipal solid waste.
- (C) The application for a license so required herein shall state:
1. The company name of the private scavenger, their company address, the phone number and email address for a primary and alternate contact person for the private scavenger.
 2. The name of the business or entity that the private scavenger is providing solid waste services for, and the address, phone number and email address for the contact person at the business or entity.
 3. For each location where solid waste service is provided for the business / entity provide the service address, the type of receptacle(s) on site, the frequency of collection for each receptacle and the days of the week the collection is performed.
 4. The name and address of disposal site for the solid waste and recyclable materials collected.
- (D) The license shall be granted only upon approval of the application by the Director of Public Works or his/her designee. The license may be revoked at any time upon the recommendation of the Director of Public Health or the Director of Public Works for cause.
- (E) Any licensed waste hauler within the City must, on an annual basis, provide the following information to the Director of Public Works or his/her designee.
1. A report of the weight (in tons) of all solid waste collected in Evanston broken down by service type (refuse, recycling, construction and demolition waste, and food scrap collection) for the previous year. If the licensed waste hauler provided multiple services to Evanston properties, each service must have its weight tracked and reported independently of other services. Reports must be provided in an editable format (Excel, Word, etc.) by the third Monday of January by 5:00 p.m.

SECTION 9: City Code Section 8-4 1/2-2, "FEE, BOND AND INSURANCE, INDEMNIFICATION.," of the Evanston City Code of 2012, as amended, is hereby further amended to read as follows:

- (A) Each licensee shall pay annually to the City Collector the sum of one thousand (\$1,000.00) for each and every business or entity serviced by the private scavenger.
- (B) Each licensee shall execute a bond in the City in the sum of five thousand dollars (\$5,000.00). This bond shall contain a provision requiring the surety to investigate and defend third party suits.
- (C) Each licensee shall agree in writing to indemnify, save, and keep harmless the City from any and all loss, cost, damage, expense or liability of any kind whatsoever, which the City may suffer or which may be recovered against the City from or on account of the issuance of the license or on account of any activity advocated or permitted by the City. Additionally, each licensee shall supply to the City a certificate of insurance evidencing insurance coverage pertaining to all of the licensee's equipment, personnel and operations in the following amounts:
 1. *General liability.* Two million dollars (\$2,000,000.00) combined single limit per occurrence for bodily injury, personal injury and property damage.
 2. *Automobile liability.* One million dollars (\$1,000,000.00) combined single limit per occurrence for bodily injury, personal injury and property damage.
 3. *Workers' compensation and employers' liability.* Workers' compensation limits as required by Illinois State Statute.

The City shall be listed as an additional insured on the certificate of insurance, and any change to the certificate or policy of insurance must be reported to the Director of Public Works or his/her designee prior to the change becoming effective.

SECTION 10: City Code Section 8-4 1/2-3, "MANNER OF DISPOSAL.," of the Evanston City Code of 2012, as amended, is hereby further amended to read as follows:

8-4¹/₂-3. - MANNER OF DISPOSAL.

Municipal solid waste collected by private scavengers shall, under no circumstances, be disposed of at a refuse disposal or transfer facilities located within the municipal boundaries of the City of Evanston without prior written approval from the

Director of Public Works or his/her designee, nor in any other manner or place other than as prescribed by the Public Health Director or his/her designee.

SECTION 11: City Code Section 8-5 1/2-6, "RESIDENTIAL RECYCLING REQUIREMENTS.," of the Evanston City Code of 2012, as amended, is hereby further amended to read as follows:

Reserved.

SECTION 12: City Code Section 8-4 1/2-8, "PENALTY.," of the Evanston City Code of 2012, as amended, is hereby further amended to read as follows:

8-4½-8. - PENALTY.

Any person who shall violate the provisions of this Chapter shall be punishable by a fine of five hundred dollars (\$500.00). A separate offense shall be deemed committed for each day such violation occurs or continues.

SECTION 13: All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 14: If any provision of this Ordinance 148-O-19 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 15: Ordinance 148-O-19 shall be in full force and effect after its passage and approval.

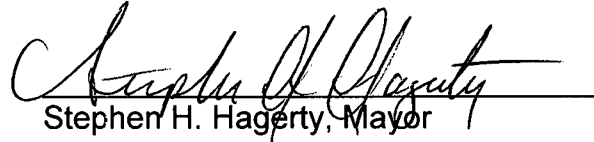
SECTION 13: The findings and recitals contained herein are declared to be prima facie evidence of the law of the City and shall be received in evidence as provided by the Illinois Compiled Statutes and the courts of the State of Illinois.

Introduced: November 25, 2019

Approved:

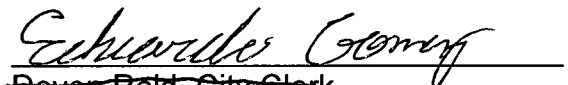
Adopted: December 9, 2019

December 16, 2019


Stephen H. Hagerty, Mayor

Attest:

Approved as to form:


~~Devon Reid, City Clerk~~
Eduardo Gomez, Deputy City Clerk


Michelle L. Masoncup, Corporation
Counsel