

427

ORDINANCE NO. F-0169

AN ORDINANCE AMENDING CHAPTER 54 (SOLID WASTE)  
OF THE WHEATON CITY CODE

WHEREAS, the City of Wheaton, Illinois ("City") is an Illinois home rule municipality pursuant to the provisions of Article VII, Section 6, of the Illinois Constitution, 1970, and as such the City may exercise any power or perform any functions pertaining to its government and affairs; and

WHEREAS, the City has established a licensing procedure for commercial scavengers that want to provide solid waste collection and disposal services to multifamily and commercial, office, industrial, and institutional customers; and

WHEREAS, the existing solid waste landfills in DuPage County will be closed by the end of 1998 and recycling is viable means of reducing the amount of solid waste that needs to be landfilled; and

WHEREAS, more convenient recycling opportunities for multifamily residents and commercials customers will increase participation in recycling programs.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Wheaton, DuPage County, Illinois, pursuant to its home rule powers, as follows:

Section 1: The Wheaton City Code is amended by deleting and repealing Section 54-43 in its entirety and replacing it with the following:

"Section 54-43      Multifamily solid waste collection and disposal license.

A company desiring to collect garbage, yard waste, and recyclable materials from multifamily properties within the city which do not receive curbside collection shall not engage in the business of garbage, yard waste, and recyclable material collection without obtaining a license therefore.

- (1) "Multifamily properties" is defined for the purposes of this section as properties with more than one residential living unit which do not receive curbside collection and are part of a larger complex which are serviced by a centralized garbage dumpsters/containers.
- (2) The number of licenses which may be issued under this classification shall be limited by the city council.
- (3) The term of the licenses which may be issued by the city council under this classification shall be for a one-year period beginning July 1 and ending June 30.
- (4) The license shall authorize a company to collect refuse, yard waste, and recyclable

materials from multifamily properties within the City.

- a. A company issued a multifamily solid waste collection and disposal license shall establish and operate a recycling program for multifamily property owners which includes, but is not limited to, the following:
  1. Proper site and design criteria for collection areas;
  2. Collection process;
  3. Container specifications;
  4. Data collection and reporting methods;
  5. Promotional and educational campaign materials; and
  6. Administration.

Recycling collection areas shall be conveniently located, screened from view, and maintained in a clean, sanitary and litter-free manner within common areas in or near the buildings.

- b. A multifamily solid waste collection and disposal licensee shall submit on a quarterly basis a report to the city that contains the following:
  1. The weight of recyclables, refuse, and yard waste collected from each multifamily property; and
  2. A summary of multifamily recycling services that includes, but is not limited to, frequency of collection, method of collection, and the name and location of the processing facility for recyclable materials.

Reports shall be due no later than 15 days after the close of the quarter (first quarter, July 1 to September 30, due October 15; second quarter, October 1 to December 31, due January 15; third quarter, January 1 to March 31, due April 15, and fourth quarter, April 1 to June 30, due July 15). The city shall further have the right from time to time to require other data or information relative to the multifamily refuse, yard waste, and recycling program.

- c. All multifamily solid waste collection and disposal licensees shall provide to the city on an annual basis a customer list of multifamily properties that are being serviced for collection by the licensee. The licensee's customer list shall include the following:
  1. Name and address of multifamily property owner or management company;

2. Name of multifamily property, if applicable; and
3. Address of multifamily property.

A current multifamily customer list shall be due no later than July 15. The information provided to the city under this section shall be considered exempt from the Freedom of Information Act disclosure by the city upon assertion as to its proprietary nature by the licensee.

- d. All licensees shall provide the following services to all multifamily properties serviced by the licensee:
  1. Collection of newspaper, corrugated cardboard, glass, aluminum, tin, polyethylene terephthalate (PET) #1 plastic bottles and containers, and high density polyethylene (HDPE) #2 plastic bottles and containers for recycling; and
  2. At least semi-annually, a distribution of promotional and educational materials to all tenants and owners of the multifamily properties served by the licensee; licensees shall submit copies of all promotional and educational materials to the City.

- (5) The fee for a multifamily solid waste and disposal license shall be \$100.00 per year.
- (6) Licensees may apply for a waiver from the requirements of the multifamily solid waste collection and disposal license provisions for a particular multifamily property by demonstrating that collection of recyclable materials would be an undue burden.
  - a. All waiver requests must be made in writing and addressed to the city clerk. The city clerk may consult with the Environmental Improvement Commission and others as deemed appropriate when considering waiver requests. All approvals or denials of waiver requests shall be made within ten days from the date the request is duly filed. Any decision to deny such a waiver request shall be in writing. The following standards will be used when considering whether to grant a waiver request:
    1. site limitations;
    2. financial hardships; or
    3. other means of collection provided by multifamily property owner.
  - b. The city manager shall hear all appeals on the denial of a waiver request by the city clerk. A written appeal must be filed in the city manager's office within 21 days after the date of denial of the waiver request. The appealing party shall submit what documentation it desires to have the city manager consider with the written appeal; and the city manager shall render a decision within 14 days of the filing of the written appeal under this section.

Section 2: The Wheaton City Code is amended by deleting and repealing Section 54-44 in its entirety and replacing it with the following:

"Section 54-44      Commercial, office, industrial and institutional solid waste collection and disposal license.

A company desiring to collect garbage, yard waste, and/or recyclable materials from commercial, office, industrial and institutional properties within the city shall not engage in the business of garbage, yard waste, and/or recyclable material collection without obtaining a license therefore.

- (1) The number of licenses which may be issued under this classification shall be limited by the city council.
- (2) The term of the licenses which may be issued by the city council under this classification shall be for a one-year period beginning July 1 and ending June 30.
- (3) The fee for a commercial, office, industrial, and institutional solid waste collection and disposal license shall be \$300.00 per year.
- (4) If requested by the owner of a commercial, office, industrial or institutional property, the licensee shall provide collection and recycling services as agreed to by the owner of the commercial, office, industrial or institutional property and the licensee.
  - a. A company desiring a commercial, office, industrial and institutional solid waste collection and disposal license shall submit to the city an acceptable plan for the establishment and operation of a recycling program for commercial, office, industrial and institutional property owners. An acceptable recycling plan shall include, but not be limited to, the following:
    1. Proper site and design criteria for collection areas;
    2. Collection process;
    3. Container specifications;
    4. Data collection and reporting methods;
    5. Promotional and educational campaign materials; and
    6. Administration.

Recycling collection areas shall be conveniently located, screened from view, and maintained in a clean, sanitary and litter-free manner within common areas in or near the buildings.

b. A commercial, office, industrial, and institutional solid waste collection and disposal licensee shall submit on a quarterly basis a report to the city that contains the following:

1. The weight of recyclables, refuse, and yard waste collected from each commercial, office, industrial, and institutional property; and
2. A summary of recycling services provided to those commercial, office, industrial and institutional properties having a recycling program that includes, but is not limited to, a description of the items collected, frequency of collection, method of collection, method of disposal, and the name and location of processing facility for recyclables.

Reports shall be due no later than 15 days after the close of the quarter (first quarter, July 1 to September 30, due October 15; second quarter, October 1 to December 31, due January 15; third quarter, January 1 to March 31, due April 15, and fourth quarter, April 1 to June 30, due July 15). The city shall further have the right from time to time to require other data or information relative to the commercial, office, industrial and institutional refuse, yard waste, and recycling program.

c. All commercial, office, industrial and institutional solid waste collection and disposal licensees shall provide to the city on an annual basis a customer list of commercial, office, industrial and institutional properties that are being serviced for collection by the licensee. The licensee's customer list shall include the following:

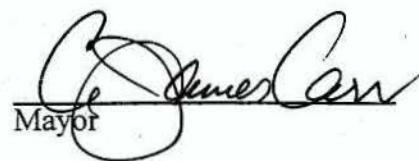
1. Name and address of commercial, office, industrial or institutional property owner or building management company;
2. Name of commercial, office, industrial or institutional property;
3. Address of commercial, office, industrial or institutional property; and
4. An indication of which commercial, office, industrial and institutional customers are participating in a recycling program.

A current commercial, office, industrial and institutional customer list shall be due no later than July 15. The information provided to the city under this section shall be considered exempt from the Freedom of Information Act disclosure by the city upon assertion as to its proprietary nature by the licensee.

d. All licensees shall distribute promotional and educational materials at least semi-annually to all commercial, office, industrial, and institutional properties serviced by the licensee; licensees shall submit copies of all promotional and educational materials to the City.

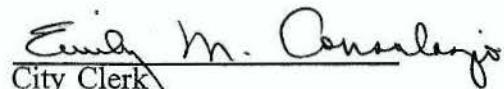
Section 3: All Ordinances or parts of ordinances in conflict with these provisions are repealed.

Section 4: This Ordinance shall become effective from and after its passage, approval, and publication in pamphlet form in the manner prescribed by law.



James Carr  
Mayor

ATTEST:



Emily M. Consalvo  
City Clerk

Roll Call Vote:

Ayes: Councilwoman Davenport  
Councilman Eckhoff  
Councilman Gresk  
Mayor Carr  
Councilman Johnson  
Councilwoman Johnson  
Councilman Mork

Nays: None

Absent: None

Motion Carried Unanimously

Passed: October 6, 1997  
Published: October 7, 1997