



CITY OF URBANA
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TO: Mayor Laurel Lunt Prussing and Urbana City Council

FROM: Curt Borman, Assistant City Attorney

DATE: October 15, 2010

SUBJECT: Consideration of an Ordinance Amending Chapter 22, Section 22-122, of the Urbana City Code (multifamily dwelling recycling fee)

Introduction

This proposed Code amendment clarifies a provision authorizing a multifamily dwelling recycling fee by specifying that this fee applies not only to owners of building containing five or more dwelling units but also to owners of individual dwelling units within such buildings.

Background

In 1999, the City Council adopted Ordinance No. 1999-05-030, amending Chapter 22 of the Urbana City Code to establish a recycling tax for multifamily dwellings. The intent of the ordinance was to impose a recycling program fee on the owners of buildings containing five or more dwelling units (e.g., apartments) and also on the owners of individual dwelling units within buildings containing five or more dwelling units (e.g., condominiums). The proposed amendment makes clear this intent.

Fiscal Impact

Approval of the proposed amendment will facilitate the City's efforts in collecting this tax from owners of dwelling units located in multifamily buildings. Non-approval may hinder the City's collection efforts.

Recommendation

Approve the ordinance amending Chapter 22, Section 22-122, of the Urbana City Code.

ORDINANCE NO. 2010-10-098

AN ORDINANCE AMENDING CHAPTER 22, SECTION 22-122, OF THE URBANA CITY CODE (multifamily dwelling recycling fee)

WHEREAS, the Mayor and City Council heretofore have adopted Section 22-122 of the Urbana City Code imposing a multifamily dwelling recycling fee; and

WHEREAS, the Mayor and the City Council find that the best interests of the City are served by amending said ordinance.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and the City Council of the City of Urbana, Champaign County, Illinois, as follows:

Section 1.

Urbana City Code Chapter 22, "Taxation," Article VIII, "Recycling tax," Division 3, "Multifamily dwellings," Section 22-122, "Fee imposed," is hereby amended with the underlined text indicating new language as follows:

Sec. 22-122. Fee imposed.

A multifamily dwelling recycling fee is hereby imposed on the owner of each multifamily dwelling or the owner of each multifamily dwelling unit in a multifamily dwelling in the city. The fee shall be the amount as prescribed in section 14-7 of this Code.

(Ord. No. 1999-05-030, § 2, 5-17-99; Ord. No. 2002-04-039, § 4, 4-15-02)

Section 2.

Those sections, paragraphs, and provisions of the Urbana City Code that are not expressly amended or repealed by this Ordinance are hereby re-enacted, and it is expressly declared to be the intention of this Ordinance not to repeal or amend any portions of the Urbana City Code other than those expressly set forth as amended or repealed in this Ordinance. The invalidity of any section or provision of this Ordinance hereby passed and approved shall not invalidate other sections or provisions thereof.

Section 3.

This Ordinance shall not be construed to affect any suit or proceeding pending in any court, or any rights acquired, or a liability incurred, or any cause or causes of action acquired or existing prior to the effective date of this Ordinance; nor shall any right or remedy of any character be lost, impaired, or affected by this Ordinance.

Section 4.

The City Clerk is directed to publish this Ordinance in pamphlet form by authority of the corporate authorities, and this Ordinance shall be in full force and effect from and after its passage.

This Ordinance is hereby passed by the affirmative vote, the "ayes" and "nays" being called, of a majority of the members of the Council of the City of Urbana, Illinois, at a meeting of said Council.

PASSED BY THE CITY COUNCIL this ____ day of _____, _____.

AYES:

NAYS:

ABSENT:

ABSTAINED:

Phyllis D. Clark, City Clerk

APPROVED BY THE MAYOR this ____ day of _____, _____.

Laurel Lunt Prussing, Mayor