



MEMORANDUM

TO: Mayor Laurel Lunt Prussing and Members of the Urbana City Council
FROM: Bart Hagston, Environmental Sustainability Manager
DATE: November 23, 2011
RE: Proposed Ordinance to Revise Waste Container Requirements

INTRODUCTION

A loophole currently exists in the City Code of Ordinances regarding the placement of waste containers. While language is present which requires a property owner to provide waste containers, the language stops short of specifically requiring containers be placed upon each occupied property. The proposed ordinance will rectify that deficiency.

BACKGROUND

The development of this ordinance was driven by a specific situation at a multi-family complex. The landlord owns apartments on two sides of a public street. The landlord removed a dumpster from the buildings on one side of the street and expects residents to travel across the street to utilize a dumpster at the owner's other buildings. This situation technically complies with the current City Code language.

In practice, the residents have not been walking across the street to appropriately dispose of their waste. They have been walking to the multi-family building next door, which is owned by someone else, and using that dumpster. This practice has resulted in the dumpster overflowing at the neighboring complex, creating problems which are no fault of that property's owner.

Efforts to get the landlord to voluntarily replace the dumpster at the problem location have not had positive results.

OPTIONS

1. Do not approve the proposed Ordinance (attached) which would revise City Code language. Allow the above described situation to continue.
2. Approve the proposed Ordinance to revise City Code language. Such action would close the existing loophole and require property owners to provide waste containers upon each occupied property, with exceptions for properties that are not separated by a road, fence, etc.

RECOMMENDATION

Staff recommends approval of an Ordinance Amending Urbana City Code Chapter Eleven, Section 11-53 (Waste Containers) to correct the above described situation and help prevent such occurrences in the future.

ORDINANCE NO. 2011-11-133

AN ORDINANCE AMENDING URBANA CITY CODE CHAPTER ELEVEN, SECTION 11-53

(Waste Containers)

WHEREAS, Chapter Eleven of the Urbana City Code addresses Health and Sanitation; and

WHEREAS, the amendment of this Chapter is necessary to clarify the requirements for waste container placement and maintenance; and

WHEREAS, the Urbana City Council finds that it is in the best interest of the City and its citizens to address these matters to ensure proper waste collection and minimize nuisances.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF URBANA, ILLINOIS, as follows:

Section 1.

Urbana City Code Chapter 11, "Health and Sanitation," Article IV, "Nuisances," Division 2, "Municipal Waste," Section 11-53, "Containers" is hereby amended and as amended shall read as follows:

Sec. 11-53. Containers.

(a) Required. Waste containers are required to be used during the occupancy of all dwellings and businesses and the property owner shall be ultimately responsible to provide containers in accordance with this article. Waste containers shall be located on each property where an occupied dwelling or business is located, except adjacent properties owned by the same person may share waste containers so long as both of the following conditions are met:

- (1) The adjacent properties are not separated by a road, alley, right-of-way or physical barrier (e.g. fence); and

- (2) Sufficient waste container capacity and collection frequency, as required under this section, are maintained.

(b) Specifications. Each waste container shall be constructed of durable plastic or metal and have a solid water tight bottom, with covers or lids to adequately prevent water, insects, or animals from entry and to minimize odors, except as exempted under Sec. 11-52(b). Lids on containers shall be kept in general repair by the hauler, if the hauler provides the container, or by the property owner or tenant if they provide the container. "Fifty-five (55) gallon drum" containers shall not be considered an acceptable container. All containers shall be maintained to be sound and kept in sanitary condition.

(c) Capacity. All waste containers shall be of sufficient size and number to adequately store and hold all accumulations of municipal wastes, except for the occasional disposal of bulky or oversized wastes such as furniture, mattresses, or appliances which cannot be placed into containers, generated between weekly collection periods from all dwellings or businesses. Frequency of collection shall also be sufficient so as to provide adequate waste disposal capacity.

- (1) Single-family dwellings are prohibited from using a container or dumpster having a capacity of larger than one (1) cubic yard for the storage of wastes accumulated between required weekly collection periods.

(d) Location; allowance for curbside collection. No person shall permit municipal waste or container(s) used for the collection of municipal waste or recyclable materials to be placed or remain upon city-owned or controlled right-of-way or a front yard, except for the forty-hour period commencing at 6:00 p.m. on the day preceding and ending at 10:00 a.m. on the day following the day of the week designated in this Code allowing curbside collection for a given location.

(e) Placement following collection. Containers used for curbside collection of municipal waste or recyclable materials shall be returned and placed back by haulers in an orderly manner so as to not obstruct any street, sidewalk or driveway.

(f) A violation of this section is declared to be a public nuisance, Class 1 offense.

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 and publication in accordance with Section 1-2-4 of the Illinois Municipal Code.

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 on this ___ day of _____, 2011.

AYES:

NAYS:

ABSTAINED:

Phyllis D. Clark, City Clerk

Approved by the Mayor this _____ day of _____, 2011

Laurel Lunt Prussing, Mayor