

ORDINANCE NO. _____

AN ORDINANCE ADDING DIVISION 2 TO SECTION 21 OF THE MUNICIPAL CODE TO REQUIRE THE COLLECTION OF RECYCLABLE MATERIALS FROM MULTI-FAMILY DWELLINGS

WHEREAS, the Town of Normal is a home rule unit of local government with authority to legislate in matters concerning its local government and affairs; and

WHEREAS, the Town regulates multi-family housing and the collection of solid waste materials; and

WHEREAS, it is in the best interests of the health, safety and welfare of the citizens of Normal to amend the Town Code to institute a requirement for the collection of recyclables from multi-family dwellings.

NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES FOR THE TOWN OF NORMAL, ILLINOIS:

SECTION ONE: That Chapter 21 of the Municipal Code of the Town of Normal, Illinois, 1969, is amended by changing Division 2 as follows, with bold, italics indicating additions and strikeouts indicating deletions:

DIVISION 2

MULTIFAMILY RECYCLING

SEC. 21.2-1. PURPOSE. The purpose of this new Division 2 is to establish requirements for the collection and recycling of recyclable materials generated from multi-family dwellings that are not served by the Town recycling-collection services.

SEC. 21.2-5. DEFINITIONS. For the purpose of this Division 2:

“Collector” means a refuse collector who collects recyclable material from multiple-family dwellings and transports it to a processor.

“Multi-family dwelling” means a mobile home park or residential structure other than a one or two family dwelling.

“Management agent” means the person required to provide refuse receptacles and collection for the multi-family dwelling under Section 21.1-4 of this Code.

“Person” means an individual or entity.

“Processor” means a “recycling center” as defined under Section 3.375 Of the Illinois Environmental Protection Act (415 ILCS 5/3.375).

“Recyclable material” has the definition set forth in Section 21.1-1 of this Code.

“Recycling receptacle” means a dumpster, roll-off box, or refuse tote used for the purpose of the collection of recyclable materials.

“Refuse tote” means a 2-wheeled mobile waste/recycle container with a capacity of at least 65 gallons and with lid able to be loaded automatically with appropriate equipment.

“Storage area” means any outside area of a multi-family dwelling designated for the location of recycling receptacles for the collection and storage of recyclable material prior to removal by the Collector.

SEC. 21.2-10. RECYCLING REQUIREMENTS FOR MULTIFAMILY DWELLINGS.

- A. On or before August 1, 2019, the management agent of a multi-family dwelling shall institute an on-site recycling program and provide a collection system for the collection of recyclable materials. The recycling program must include all of the following components: (1) recycling receptacles that are located in a storage area; and (2) a contract with a collector for collection of the recyclable materials and transport to a processor.*
- B. For a multi-family dwelling other than a mobile home park, a storage area must be located at each location with a solid waste receptacle. If a mobile home park provides centralized solid waste receptacles at locations other than at each mobile home location, then a storage area must be located at each location with a solid waste receptacle. For all other mobile home parks, a storage area must be located in a centralized location that is accessible and convenient to the residents of the mobile home park.*
- C. The management agent shall provide, at the storage area, a sufficient number of recycling receptacles*
- D. Each storage area and location of any recycling receptacle must comply with all Town zoning, building, and subdivision laws, except that any requirement for the screening of recycling receptacles does not apply until August 1, 2022.*
- E. The storage area must be kept clean and orderly, such that no materials are left on the ground around the recycling receptacles and shall otherwise comply with all applicable existing solid-waste ordinances.*
- F. The recycling material must be collected by a collector at least once per week. The restrictions set forth in Section 21.1-5 apply to collectors under this Division 2. All collection must be performed on the site of the multi-family dwelling; recycling receptacles may not be placed on the curb of a public street or alley for collection unless approved by Director of Public Works.*

SEC. 21.2-12. RECYCLABLES COLLECTION AND PROCESSING.

- A. Each collector may deliver the recyclable materials only to a processor. The collector shall ensure that the processor meets the provisions of this Division 2, which includes sufficient processing facility, equipment, labor, and management to perform the sorting, preparation, processing, and recovery of materials in a manner that will maximize the quality and quantity of recyclable materials.*
- B. Each collector must file a report with the McLean County Solid Waste Coordinator concerning the amount of recyclable materials collected. The report must be in the form and manner as required by the McLean County Solid Waste Coordinator. The report must be filed annually and must, at a minimum, specify amount and type of material collected.*

SEC. 21.2-15. NEW MULTI-FAMILY DWELLINGS.

- A. Prior to construction, the site plan for each new multi-family dwelling must provide for the exterior storage areas of the recycling receptacles.*
- B. The storage area:
 - (1) must be located with the residential solid waste receptacles.*
 - (2) may be located in a parking area, if the proposed use provides at least the minimum number of parking spaces required for the use after deducting the areas used for the storage area.*
 - (3) Must otherwise comply with all applicable zoning, subdivision, and solid-waste ordinances then in effect.*
 - (4) must be accessible for collection vehicles and located so that the storage area will not obstruct pedestrian or vehicular traffic movement on the site or on public streets or sidewalks adjacent to the site.**
- C. Any site plan submitted after the effective date of this Division 2 may not be approved unless it includes provisions for recycling storage areas in accordance with this Section.*
- D. The management agent of a multi-family dwelling constructed after the effective date of this Division 2 must institute an on-site recycling program meeting the requirements of Section 21.2-10 within 30 days after the date of initial occupancy.*

SEC 21.2-20. PENALTIES.

- A. A violation of this Division 2 shall subject the violator to a penalty of \$100 per day, and each day a violation continues to exist constitutes a separate violation.*
- B. The Division 2 may be enforced through any remedy available at law for the enforcement of ordinances, including the institution of an appropriate action for an ordinance violation*

in circuit court or before the Town's administrative adjudication system. The Town may also institute any appropriate action in the circuit court for injunctive relief to restrain any actual or threatened violation of this Division 2.

SEC. 21.2-25. EXEMPTION FOR TOWN-COLLECTED DWELLINGS. *The recycling requirements under this Division 2 do not apply to any multi-family dwelling for which the Town provides weekly collection of refuse and recycling.*

SEC. 21.2-30. EVALUATION OF RECYCLING REQUIREMENTS. *On or before April 1, 2022, Town staff shall evaluate this Division 2, including the screening requirements and any other zoning, building, and subdivision laws affecting this Division 2, and shall recommend any amendments to the Town Council to this Division 2 that it deems necessary and appropriate. But nothing in this Section requires or prohibits any amendments to this Division 2.*

SECTION TWO: That That the Town Clerk is authorized and directed to publish this ordinance in pamphlet form as provided by law.

SECTION THREE: That this ordinance takes effect 10 days after passage.