

190492

For Inclusion on Board Agenda

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SUBMITTED BY: David P. Gorman, Assistant Director of Public Works

NOTE: All materials must be submitted to and approved by the Village Manager's Office by 12:00 noon, Wednesday, prior to the Agenda Distribution.



MEMORANDUM

TO: Scott Niehaus, Village Manager

THROUGH: Carl S. Goldsmith, Director of Public Works *cg*

FROM: David P. Gorman, PE, Asst. Director of Public Works

SUBJECT: **Commercial Recyclers Code – Amendment Regarding Terms and Conditions**

DATE: December 11, 2019

Attached is a proposed ordinance to amend the Village Code regarding Commercial Recyclers. These changes are proposed for cleanup and clarification of terms and conditions of licenses.

Background:

Village Code Chapter 124 has required licenses for Commercial Recyclers since 1991. Licensees may collect recyclable materials other than those collected per the Solid Waste Contract, which are defined as “Atypical Recyclables” in the Contract. Waste Management has sole rights to collect glass, newspaper, aluminum, plastic, metal, unbaled (loose) cardboard, and paper.

The Solid Waste Contract defines “Atypical Recyclables” as: “Waste materials, not including Recyclables that are not placed in a landfill and are reused in a productive manner. Examples include, but are not limited to, baled cardboard, scrap metal, clean construction and demolition debris (CCDD), wood and electronics.” In addition, Staff would include food scraps and plant waste that generates a marketable compost. Commercial Recyclers may collect any of these materials provided that they obtain a license and provide a report regarding their collections.

Another proposed revision is to require reports on an annual rather than quarterly basis. This is deemed to be adequate and also a more appropriate time demand on Staff and the companies.

Recommendation:

The Public Works & Environmental Concerns Committee has voted to recommend the ordinance to the Board of Trustees.

CG/DG:dg H:\PW\Environmental\Refuse & Recycling\Commercial Recyclers\Amendments to Chapter 124\Ch 124 Code Amendments 2019 - BOT Memo.doc
attachment: proposed ordinance

ORDINANCE NO. _____

**AN ORDINANCE
AMENDING TITLE XI, CHAPTER 124
OF THE LOMBARD VILLAGE CODE
IN REGARD TO COMMERCIAL RECYCLERS**

BE IT ORDAINED by the President and Board of Trustees of the Village of Lombard, DuPage County, Illinois, as follows:

SECTION 1: That Title XI, Chapter 124 of the Lombard Village Code is amended as set forth on Exhibit A attached hereto and made part hereof, with words, letters and numbers that are lined out on Exhibit A representing deletions from Chapter 124, and words, letters and numbers that are underlined on Exhibit A representing additions to Chapter 124.

SECTION 2: That this Ordinance shall be in full force and effect from and after its passage, approval and publication in pamphlet form, as provided by law.

Passed on first reading this _____ day of _____, 2019.

First reading waived by action of the Board of Trustees this ____ day of _____, 2019.

Passed on second reading this ____ day of December, 2019, pursuant to a roll call vote as follows:

AYES: _____

NAYS: _____

ABSENT: _____

APPROVED by me this _____ day of December, 2019.

Keith Giagnorio, Village President

ATTEST:

Sharon Kuderna, Village Clerk

Published by me in pamphlet form this ____ day of December, 2019.

Sharon Kuderna, Village Clerk

Exhibit A

**TITLE XI, CHAPTER 124
OF THE LOMBARD VILLAGE CODE**

(see attached)

CHAPTER 124: *COMMERCIAL RECYCLERS*

§ 124.01 - Purpose.

The purpose of this Chapter is to regulate and control the commercial collection of Atypical Recyclable Materials within the Village, and to eliminate any health or safety problems which may result from the commercial collection of Atypical Recyclable Materials.

§ 124.02 - Definitions.

For purposes of this Chapter, the following definitions shall apply:

Commercial Recycler shall mean any person, firm or corporation, other than the Village's Refuse and Recycling Hauler, that collects Atypical Recyclable Materials from properties within the Village as part of a for-profit business venture.

Atypical Recyclable Materials shall mean waste materials that are not collected by the Village's Refuse and Recycling Hauler, that are not placed in a landfill, and that are reused in a productive manner. Examples of Atypical Recyclable Materials include, but are not limited to, baled cardboard, scrap metal, clean construction and demolition debris (CCDD), wood, compost materials, and electronics. Atypical Recyclable Materials does not include Village Recyclable Materials. Notwithstanding the foregoing, the following items shall not be considered Atypical Recyclable Materials for the purpose of requiring a Commercial Recycler license in order to collect them:

- (A) Motor vehicles batteries;
- (B) Used motor oil;
- (C) Vehicle tires;
- (D) Hazardous and/or biological waste;
- (E) Clothing and other textiles.

Village's Refuse and Recycling Hauler shall mean the entity with which the Village has entered into a contract for the removal of refuse, yard waste and recyclable materials within the Village.

Village Recyclable Materials shall mean glass, newspaper, aluminum, plastic, metal, non-baled cardboard, paper or any other materials collected as recyclable materials pursuant to the Village's Solid Waste Contract.

Village's Solid Waste Contract shall mean the contract entered into between the Village and the Village's Refuse and Recycling Hauler.

§ 124.03 - License required.

No person, firm or corporation shall act as a Commercial Recycler within the Village without first having secured a license for such business from the Village Clerk. The fee for said license shall be \$100.00 per

license year or such prorated fee as shall be appropriate for the portion of the license year to which said license is applicable. In the event that the Commercial Recycler intends to collect Atypical Recyclable Materials solely from federal, state or local governmental entities within the Village, the license fee shall be waived. The licensing period for which such license shall be issued shall commence on the first day of July of each year and shall extend to and through the following 30th day of June.

§ 124.04 - Application for, conditions of, and restrictions on licenses.

(A) Number limited. The Village Clerk shall not issue more than five (5) Commercial Recycler Licenses.

(B) Financial statement: Each original application and each renewal application for a Commercial Recycler License with the Village shall be accompanied by a current financial statement of the applicant.

(C) Hold harmless agreement: Upon application for a Commercial Recycler License, each licensee shall provide the Clerk with an agreement to hold the Village harmless for any acts of the licensee relating to its use of the Village streets and alleys in such a manner as to cause injury or loss to persons or property. Such agreement must be approved by the Village Attorney prior to its filing with the Clerk.

(D) Insurance: Upon application for a Commercial Recycler License, each applicant shall provide the Clerk with evidence of general liability insurance, for protection against personal injury or property damage, in the amount of \$1,000,000.00 per occurrence; and automobile liability insurance, on any licensee owned and/or hired and/or non-owned motor vehicles engaged in the operations of the licensee within the Village, in the amount of \$1,000,000.00 per occurrence.

(E) Description of activity: Each application for a Commercial Recycler License shall be accompanied by a written statement from the applicant setting forth the following information:

- (1) The Atypical Recyclable Materials that the applicant intends to collect;
- (2) The properties from which the applicant intends to collect Atypical Recyclable Materials; and
- (3) The method of collection.

(F) Annual statement: Each Commercial Recycler shall be required to file with the Village Clerk, within three (3) months after the end of each licensing period, as referenced in Section 124.03 above, an annual statement setting forth the following information in regard to the previous licensing period:

- (1) The amount (volume or weight as applicable) of Atypical Recyclable Materials, by type, collected within the Village;
- (2) The amount (volume or weight as applicable) of Atypical Recyclable Materials, by type, collected within the Village that were actually recycled; and
- (3) Documentation in regard to the location(s) at, and company(ies) with, which said Atypical Recyclable Materials were recycled.

(G) Prohibited collection: Commercial Recyclers are prohibited from collecting Village Recyclable Materials within the Village.(H) Revocation of license: The requirements of subsections (B)—(G) above are conditions precedent to holding a Commercial Recyclers License in the Village, and failure of a licensee to conform thereto shall be cause for the revocation of the Commercial Recycler License issued to said licensee.