

TOWN COUNCIL ACTION REPORT

June 28, 2018

An Ordinance Adding Division 2 to Section 21 of the Municipal Code to Require the Collection of Recyclable Materials from Multi-Family Dwellings

PREPARED BY: Wayne Aldrich, Director of Public Works

REVIEWED BY: Pamela S. Reece, City Manager
Brian Day, Corporation Counsel
Greg Troemel, Director of Inspections
Mercy Davison, Town Planner

BUDGET IMPACT: Not Applicable

STAFF RECOMMENDATION: Approval

ATTACHMENTS: Proposed Ordinance

BACKGROUND

On February 5th, 2018, the Town Council adopted the 20-Year Materials Recovery and Resource Management Plan (Solid Waste Plan) for McLean County, Bloomington and Normal. The Solid Waste Plan includes proposed actions to significantly reduce the amount of solid waste requiring disposal in our community. Alternatives include source reduction, reuse, recycling and composting. Implementation of the Solid Waste Management Plan is also included as a Top Priority Management Action in the Town of Normal Strategic Plan for 2017-2023.

In the first quarter period of implementation (2017-2022), the Solid Waste Plan identifies a Multifamily Housing Recycling Program to help achieve the recycling goals in the plan. Although some multifamily housing units currently provide recycling on a voluntary basis, most of the multifamily housing units do not.

On March 31st, 2018, the Town of Normal ceased collection of recyclables from the drop-box recycle collection centers. This service was then taken over by Midwest Fiber Recycling but with half the drop-box locations (four rather than eight). Although this arrangement has been successful, it further reduces the convenience for recycling to Town of Normal residents, including residents of multifamily units.

In support of the goals listed in the Solid Waste Plan and to better ensure that recycling is a convenient and equitable option for all Town residents, staff began researching details for a draft ordinance requiring recycling for multifamily dwellings.

To gain additional information regarding multifamily recycling programs, Town staff had detailed discussions with three other university communities that require multifamily recycling – Champaign, Urbana, and Iowa City.

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In Champaign and Urbana, multifamily recycling is administered by the city. Urbana began its program in 1999 and Champaign in 2010. These communities have dedicated staff to administer the programs, which includes the selection and contracting with a private contractor to perform the services. Both Champaign and Urbana use refuse totes (like those used by the Town for curbside pick-up) to collect single stream recyclables from the multifamily units. The city provides the totes to the multifamily sites. To fund the program, a recycling fee is charged to the property owner based on the number of units.

In 2016, Iowa City required all multifamily apartments and condominiums to provide recycling for their tenants. The private property owners contract directly with a private collector. There is no restriction on the type or size of container used – this decision is left to the property owner and the collector. Enforcement of the multifamily recycle ordinance is through their rental permit process.

All three communities have a flexible implementation and enforcement process. The communities also indicated that contamination of the recycle stream (mixing of waste with recyclables) can occasionally be an issue, especially for student apartments during move-out.

Town staff also held separate meetings with the major apartment companies in town and the four largest collectors of commercial waste to solicit their initial input. All the waste collectors interviewed can provide recycling services to commercial and multifamily residential clients.

To assist staff in the preparation of a draft ordinance, a working group of stakeholders was assembled. The group consisted of the following members:

Maya Rejmer - Student Government, ISU
Michael Brown – Ecology Action Center
Dan Winters - Republic Waste Services
Mark Fowler - Manager, The Landings Mobile Home Park
Todd Shumaker - Midwest Fiber Recycling
Andy Netzer - Young America
Charlie Farnor and Carol Margherio - Ironwood Gardens/Snyder Corp.
Linda Eggen – Lancaster Heights Manager
John Davenport - Dean of Students, ISU
Tom Bierma - Professor of Environmental Health, ISU
RC McBride - Normal Town Council
Pam Reece, City Manager, TON
Teri Legner - Assistant City Manager, TON
Wayne Aldrich - Public Works, TON
Greg Troemel - Director of Inspections, TON
Mercy Davison - Town Planner, TON
Brian Day - Corporation Counsel, TON

The entire group met on April 25, 2018 and May 29, 2018, and discussed the various provisions of the proposed ordinance. On May 10, 2018, a subset of the group also toured various multifamily residential areas to observe the waste storage areas.

Based on the input received from other communities and the working group, Town staff prepared a draft ordinance. An informational meeting was held on the draft ordinance on June 21, 2018 at 5:30 p.m. The purpose of this informational meeting was to inform the stakeholders and other members of the public of the provisions of the proposed ordinance. Attendees were also informed of their options to provide input on the ordinance directly to the Town Council via email or at the Town Council meeting.

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DISCUSSION/ANALYSIS

The proposed attached ordinance was prepared by the Legal Department. If approved, the ordinance will add Division 2 to Section 21 of the Municipal Code that covers Refuse and Recyclable Material Collection and Disposal. Major provisions of the proposed ordinance follow.

Applicability

This ordinance will apply to mobile home parks and all multifamily dwellings in the Town of Normal that do not currently qualify for recycling collection services from the Public Works Department.

Effective Date

The proposed implementation date is no later than August 1st, 2019. This date allows time for collectors to implement the service and takes into account the student apartment leasing cycle.

Storage Areas

The ordinance requires that receptacles be in a designated storage area. Each storage area will comply with Town zoning, building and subdivision provisions. The proposed ordinance does not initially require screening of recycling receptacles, which is currently required for waste containers. Rather, on or before August 1st, 2022, the entire ordinance including the screening requirements will be re-evaluated. This will allow the owners time to right-size their recycling and waste facilities and allow the Town to see how the recycling facilities fit within current screening structures.

In most cases the recycle collection will occur at the designated storage area. In order to promote ease of access by the private collector, recycling totes may be placed adjacent to a public street or alley on the day of pick-up if approved by the Public Works Director.

Recycle Containers

The type and size of the recycle container is generally unrestricted and to be determined by the property owner and the collector. However, if totes are used for recycling, a 65-gallon minimum size is required. (This is the smallest size permitted in the Town's waste and recycle collection program.)

Collection and Processing

- A) The ordinance requires the property owner to contract with a private collector for recycling services.
- B) The private collector will ensure that the recyclable materials are taken to a qualified processor.
- C) The collectors will file an annual report with McLean County Solid Waste Coordinator Michael Brown, Executive Director of the Ecology Action Center.

Penalties

Violation of this code may result in a penalty of \$100.00 per day. Enforcement of this code will be based on complaints and during the annual housing inspection. On-site variations for recycling container location may be pursued as indicated in the zoning code.

STAFF RECOMMENDATION

As this ordinance will allow for the collection of recyclables from multifamily units and is in conformance with the adopted Solid Waste Management Plan, Town Staff recommends approval.

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Town staff greatly appreciates the participation and cooperation of all individuals participating in the formulation of this ordinance.

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~~***FLUORIDATION OF WATER***~~

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.

SECTION FOUR: That this ordinance is adopted under Home Rule Authority granted the Town of Normal by Article 7, Section 6, of the Illinois Constitution, 1970.

APPROVED:

 President of the Board of Trustees of
 The Town of Normal, Illinois

ATTEST:

 Town Clerk

(seal)

The foregoing ordinance was voted upon and passed by the President and Board of Trustees of the Town of Normal on the ____ day of _____, 2018, with _____ voting aye; _____ abstaining; _____ voting nay: and _____ absent.

	AYE	NAY	OTHER		AYE	NAY	OTHER
Councilman Fritzen				Councilman Preston			
Councilman McBride				Councilman McCarthy			
Councilwoman Cummings				Mayor Koos			
Councilwoman Lorenz							

The foregoing ordinance was approved by the President on the ____ day of _____, 2018.

The foregoing ordinance was published in pamphlet form on the ____ day of _____, 2018.