

ORDINANCE

**AN ORDINANCE AMENDING CHAPTER 20 (“PUBLIC HEALTH”),
ARTICLE 13 (“COMMERCIAL SOLID WASTE HAULING AND RECYCLING”),
SECTION 20-13-3 (“PROCEDURES TO DETERMINE IF A COMMERCIAL FRANCHISE CAN BE
CONSIDERED BY THE VILLAGE”) OF THE OAK PARK VILLAGE CODE
TO AMEND THE EFFECTIVE DATE BY WHICH PRIVATE HAULING CONTRACTORS MUST
BEGIN REPORTING RECYCLING DATA TO THE VILLAGE**

WHEREAS, Section 11-19-1 of the Illinois Municipal Code, 65 ILCS 5/11-19-1, provides the Village of Oak Park (“Village”) with the authority to award a franchise to a private entity for the collection of waste from non-residential locations if certain requirements are met; and

WHEREAS, one of those requirements is the adoption of an ordinance requiring each licensed hauler in the Village serving non-residential locations to report “on the first day of the month following the effective date of such ordinance to report every 6 months to the Village the number of non-residential locations served by the hauler in the Village and the number non-residential locations contracting with the hauler for the recyclable materials collection service pursuant to Section 10 of the Solid Waste Hauling and Recycling Program Act;” and

WHEREAS, the Village is required to receive such waste hauler reports “for a period of no less than 36 continuous months;” and

WHEREAS, if the report establishes for the final 6 months of the 36-month reporting period that less than 50% of the non-residential locations in the Village contract for recyclable material collection services, the Village may award a franchise to a private entity for the collection of waste from non-residential locations; and

WHEREAS, the purpose of this Ordinance is to amend Section 20-13-3 of the Oak Park Village Code to establish July 1, 2023 as the effective date by which the reports must be filed with the Village as set forth above pursuant to Section 11-9-1 of the Illinois Municipal Code.

NOW THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of Oak Park, Cook County, Illinois, in the exercise of their home rule powers, as follows:

Section 1. Recitals Incorporated. The above recitals are incorporated herein as though fully set forth.

Section 2. Village Code Amended. Chapter 20 (“Public Health”), Article 13 (“Commercial Solid Waste Hauling and Recycling”), Section 20-13-3 (“Procedures to Determine if a Commercial Franchise Can Be Considered by the Village”) of the Oak Park Village Code is amended to delete the overstricken language and add the underlined language as follows:

20-13-3: PROCEDURES TO DETERMINE IF A COMMERCIAL FRANCHISE CAN BE CONSIDERED BY THE VILLAGE:

A. The Village shall provide written notice to all private hauling contractors providing hauling services in the Village of its intent to issue a request for proposals for a commercial franchise, and such written notice shall include a copy of this article.

B. ~~Upon the effective date of this article~~ Beginning on July 1, 2023, each private hauling contractor, for a period of thirty six (36) continuous months, shall report the number of nonresidential locations served by the private hauling contractor in the Village for collection of Village waste, and the number that contract for recyclable materials collection service. The specific data required to be reported for the thirty six (36) month period shall be provided and reported as follows:

1. The thirty six (36) month continuous study shall commence ~~on the first day of the month following the effective date of this article~~ beginning on July 1, 2023.

2. Every six (6) months from the commencement date each private hauling contractor shall report to the Village on a form to be provided by the Village the number of nonresidential locations served by the private hauling contractor for collection of Village waste, and the number of nonresidential locations contracting for recyclable materials collection service. Each six (6) month report shall be submitted to the Village within thirty (30) days following the end of each six (6) month period.

3. The Village shall post on its website within fifteen (15) days of receiving the reports required under subsection 20-13-3B2 of this section from all the private hauling contractors the "participation rate" as defined in section 20-13-1 of this article for each six (6) month reporting period. When determining the participation rate the Village shall use the information provided by all private hauling contractors operating within the Village in accordance with subsection 20-13-3B2 of this section. The information shall be reported by private hauling contractors without identifying the private hauling contractor and, in aggregate without naming individual private hauling contractors and the nonresidential locations the private hauling contractors for which provide collection services.

4. If the participation rate for the final six (6) month period of the thirty six (36) month study establishes that the participation rate is less than fifty percent (50%), the Village may proceed to issue a request for proposals for a commercial franchise.

C. Beginning at the conclusion of the thirty six (36) month reporting period, and upon written request of the Village, each private hauling contractor shall report to the Village for every six (6) month period thereafter for as long as the Village chooses to receive such data. The data required under this section shall be provided and reported as follows:

1. The number of nonresidential locations the private hauling contractor provides collection

services to for Village waste;

2. The number of nonresidential locations the private hauling contractor provides collection services to for recyclable materials;

3. An estimate of the amount in volume or tons of Village waste collected from the nonresidential locations serviced by the private hauling contractor;

4. An estimate of the amount in volume or tons of recyclable materials collected from the nonresidential locations serviced by the private hauling contractor;

5. The Village shall post on its website within fifteen (15) days of receiving the reports required under this subsection 20-13-3C from all the private hauling contractors the "participation rate" as defined in section 20-13-1 of this article for each six (6) month reporting period. When determining the participation rate the Village shall use the information provided by all private hauling contractors operating within the Village. The information shall be reported by private hauling contractor, without identifying the private hauling contractor; and, in aggregate without naming individual private hauling contractors and the nonresidential locations for which the private hauling contractors provide collection services; and

6. If the participation rate reported to the Village is determined to be less than fifty percent (50%) of the nonresidential locations for two (2) consecutive six (6) month reporting periods, the Village may proceed to issue a request for proposals for a commercial franchise.

Section 3. Severability and Repeal of Inconsistent Ordinances. If any section, paragraph, clause or provision of this Ordinance shall be held invalid, the invalidity thereof shall not affect any of the other provisions of this Ordinance. All ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 4. Effective Date. This Ordinance shall be in full force and effect after its approval, passage and publication as provided by law.

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ADOPTED this 5th day of June, 2023, pursuant to a roll call vote at follows:

Voting	Aye	Nay	Abstain	Absent
President Scaman				
Trustee Buchanan				
Trustee Enyia				
Trustee Parakkat				
Trustee Robinson				
Trustee Straw				
Trustee Wesley				

APPROVED this 5th day of June, 2023.

Vicki Scaman, Village President

ATTEST

Christina M. Waters, Village Clerk

Published in pamphlet form this 5th day of June, 2023.

Christina M. Waters, Village Clerk