



DEPARTMENT OF PUBLIC WORKS

Environmental Sustainability Division

m e m o r a n d u m

TO: Mayor Laurel Lunt Prussing and Members of the City Council
FROM: Scott R. Tess, Environmental Sustainability Manager
DATE: April 21, 2016
SUBJECT: Licensed Hauler Operating Hours Restriction

Background

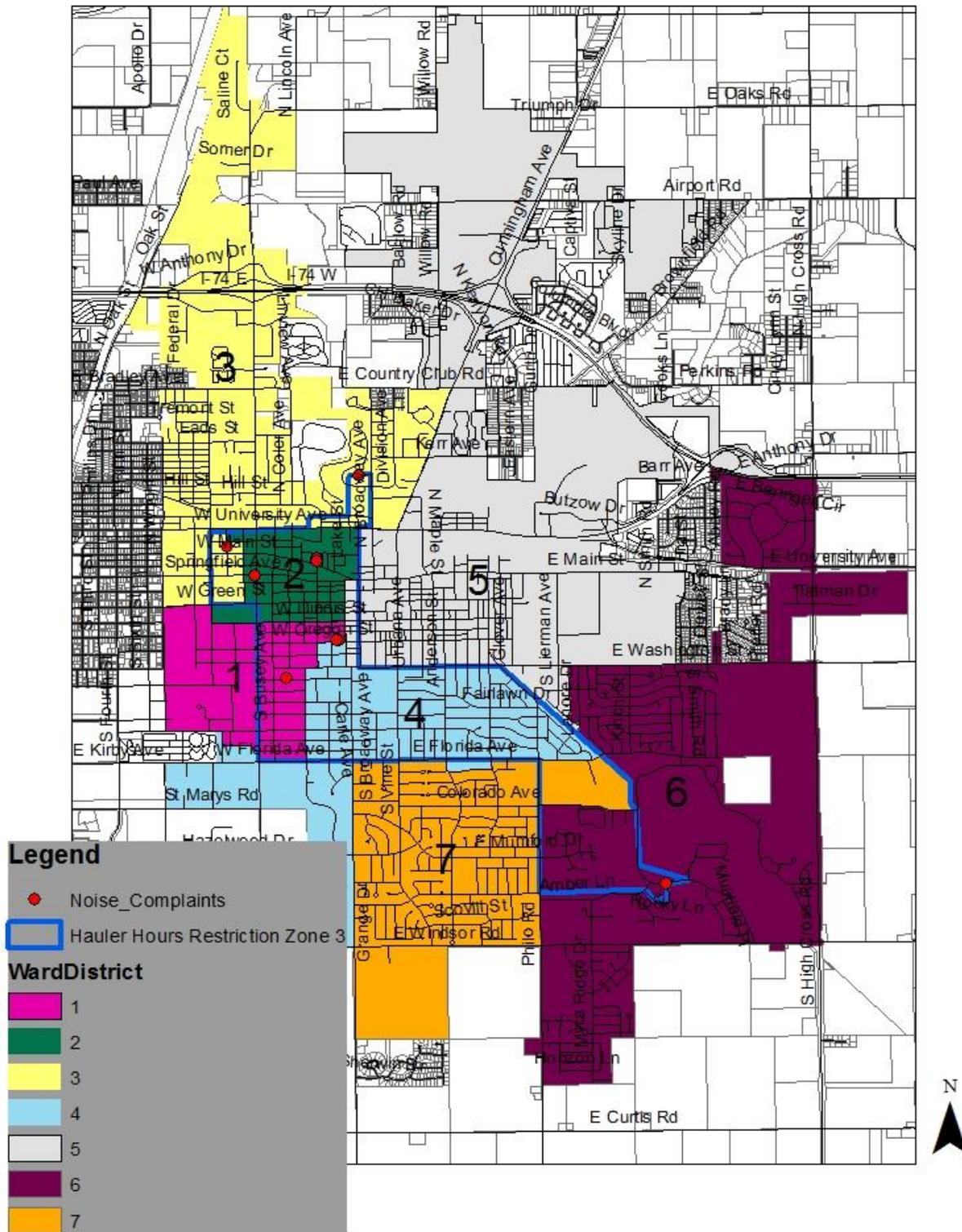
On January 11, 2016 the City Council considered several options regarding the establishment of licensed hauler operating hours. Since many complaints regarding early hours refuse collection were within a specific neighborhood, Council Members asked staff to draft a licensed hauler operating hours restriction that would apply only to a limited geographic area. After mapping complaints, it was clear that the location of complaints were not wholly contained within a single Ward or collection day. Therefore, staff was asked to draw a new licensed haulers operating hours restriction zone for Council's consideration.

Potential Amendment

Sec. 10-25. Vehicle operating requirements.

- (c) It shall be unlawful for any licensed hauler to collect refuse, landscape trimmings, construction and demolition debris, or recyclable materials at any time between the hours of 8:00 p.m. through 6:00 a.m., Monday through Saturday; between the hours of 8:00 p.m. Saturday through 12:00 noon on Sunday; and between the hours of 8:00 p.m. Sunday through X:XX a.m. on Monday, at properties within the published Licensed Haulers Operating Hours Restriction Zone. This ordinance shall take effect on _____

Draft Hauler Operating Hours Restriction Zones



Compliance

Establishing licensed hauler operating hours within Chapter 10 of the Urbana Code of Ordinances would allow use of the existing compliance mechanisms of that chapter including escalating fines for each violation of the Chapter with the possibility of license suspension or revocation for repeated violations. The existing compliance elements of Chapter 10 are below:

Sec. 10-34. - Refusal to issue license.

- (a) The approving authority may refuse to issue a license for any of the reasons for which a license could be suspended under section 10-35 or revoked under section 10-36.
- (b) The procedures for notice, hearing, and appeal of the refusal to issue a license under this article shall be in accordance with section 14-5 of this Code.

Sec. 10-35. - License suspension.

The mayor may suspend for not more than thirty (30) days a waste hauling license for any one (1) or more of the following reasons:

- (a) One (1) or more convictions or guilty pleas for violations of this chapter that occurred within a twelve-month period prior to the current violation of this chapter;
- (b) Any fraud, misrepresentation, or false statement contained in any reports required by this chapter;
- (c) A conviction for a felony committed after issuance of the license, the mayor shall have the burden of showing the relevancy of the conviction to the license; or
- (d) Failure to pay any court-imposed fine or penalty owing to the city.

Sec. 10-36. - License revocation.

- (a) The mayor may revoke a waste hauling license for any one (1) or more of the following reasons:
 - (1) Three (3) or more convictions or guilty pleas for violations of this chapter that occurred within a thirty-six (36) month period prior to the then-current violation of this chapter.
 - (2) One (1) or more suspensions of that license for any length of time for violations of this chapter that occurred within a thirty-six (36) month period prior to the then-current violation of this chapter; or
 - (3) Any fraud, misrepresentation, or false statement contained in the application for the license;
- (b) A hauler whose license has been revoked may reapply for a waste hauling license not less than six (6) months following the effective date of the revocation of the license.

Sec. 10-37. - Administrative procedure.

(a) No license shall be suspended or revoked unless an administrative hearing open to the public is held. The licensee shall be given written notice, at least seven (7) days prior to the hearing, informing the licensee of the date of the hearing and the grounds for the suspension or revocation. The written notice shall be by personal service on the licensee, or if the licensee can not be found, by certified mail addressed to the licensee at the address listed in the license application. The licensee shall be given a reasonable opportunity to appear and defend.

(b) The mayor may appoint a hearing officer to hold hearings to take evidence on whether or not to suspend or revoke a license for violations of this chapter; to hold rehearings on such matters; and to make recommendations as to findings of fact and sanction to be imposed. The mayor shall review the evidence and recommendations of the hearing officer and shall adopt, modify, or reject those recommendations.

Sec. 10-39. - General penalty.

(a) Any person who violates any provision of Article II or IV of this chapter shall be subject to a fine of not less than one hundred dollars (\$100.00) nor more than two hundred dollars (\$200.00) for a first offense and a fine of not less than two hundred dollars (\$200.00) nor more than five hundred dollars (\$500.00) for any subsequent offense.

(b) Every act or omission constituting a violation of any of the provisions of Article II or IV by any officer, director, manager, agent, or employee of any hauler shall be imputed to such hauler. The hauler may be punishable as if the act or omission had been done by the hauler personally.

(c) The suspension or revocation of a business license by the city shall not be considered a recovery or penalty so as to bar any court imposed fine from being enforced.

Enforcement

Enforcement of a licensed hauler operating hours restriction would likely be complaint driven.