

1 AN ACT concerning local government.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Illinois Municipal Code is amended by
5 changing Sections 11-19-1, 11-19-2, and 11-19-5 as follows:

6 (65 ILCS 5/11-19-1) (from Ch. 24, par. 11-19-1)
7 Sec. 11-19-1. Contracts.

8 (a) Any city, village or incorporated town may make
9 contracts with any other city, village, or incorporated town or
10 with any person, corporation, or county, or any agency created
11 by intergovernmental agreement, for more than one year and not
12 exceeding 30 years relating to the collection and final
13 disposition, or relating solely to either the collection or
14 final disposition of garbage, refuse and ashes. A municipality
15 may contract with private industry to operate a designated
16 facility for the disposal, treatment or recycling of solid
17 waste, and may enter into contracts with private firms or local
18 governments for the delivery of waste to such facility. In
19 regard to a contract involving a garbage, refuse, or garbage
20 and refuse incineration facility, the 30 year contract
21 limitation imposed by this Section shall be computed so that
22 the 30 years shall not begin to run until the date on which the
23 facility actually begins accepting garbage or refuse. The

1 payments required in regard to any contract entered into under
2 this Division 19 shall not be regarded as indebtedness of the
3 city, village, or incorporated town, as the case may be, for
4 the purpose of any debt limitation imposed by any law. On and
5 after the effective date of this amendatory Act of the 100th
6 General Assembly, a municipality with a population of less than
7 1,000,000 shall not enter into any new contracts with any other
8 unit of local government, by intergovernmental agreement or
9 otherwise, or with any corporation or person relating to the
10 collecting and final disposition of general construction or
11 demolition debris; except that this sentence does not apply to
12 a municipality with a population of less than 1,000,000 that is
13 a party to: (1) a contract relating to the collecting and final
14 disposition of general construction or demolition debris on the
15 effective date of this amendatory Act of the 100th General
16 Assembly; or (2) the renewal or extension of a contract
17 relating to the collecting and final disposition of general
18 construction or demolition debris irrespective of whether the
19 contract automatically renews, is amended, or is subject to a
20 new request for proposal after the effective date of this
21 amendatory Act of the 100th General Assembly.

22 (a-5) If a municipality with a population of less than
23 1,000,000 located in a county as defined in the Solid Waste and
24 Recycling Program Act has never awarded a franchise to a
25 private entity for the collection of waste from non-residential
26 locations, then the municipality may not award a franchise

1 unless:

2 (1) the municipality provides prior written notice to
3 all haulers licensed to provide waste hauling service in
4 that municipality of the municipality's intent to issue a
5 request for proposal under this Section;

6 (2) the municipality adopts an ordinance requiring
7 each licensed hauler, for a period of no less than 36
8 continuous months commencing on the first day of the month
9 following the effective date of such ordinance, to report
10 every 6 months to the municipality the number of
11 non-residential locations served by the hauler in the
12 municipality and the number of non-residential locations
13 contracting with the hauler for the recyclable materials
14 collection service pursuant to Section 10 of the Solid
15 Waste Hauling and Recycling Program Act; and

16 (3) the report to the municipality required under
17 paragraph (2) of this subsection (a-5) for the final 6
18 months of that 36-month period establishes that less than
19 50% of the non-residential locations in the municipality
20 contract for recyclable material collection services
21 pursuant to Section 10 of the Solid Waste Hauling and
22 Recycling Program Act.

23 All such reports shall be filed with the municipality by
24 the hauler on or before the last day of the month following the
25 end of the 6-month reporting period. Within 15 days after the
26 last day for licensed haulers to file such reports, the

1 municipality shall post on its website: (i) the information
2 provided by each hauler pursuant to paragraph (2) of this
3 subsection (a-5), without identifying the hauler; and (ii) the
4 aggregate number of non-residential locations served by all
5 licensed haulers in the municipality and the aggregate number
6 of non-residential locations contracting with all licensed
7 haulers in the municipality for the recyclable materials
8 collection service under Section 10 of the Solid Waste Hauling
9 and Recycling Program Act.

10 (a-10) Beginning at the conclusion of the 36-month
11 reporting period and thereafter, and upon written request of
12 the municipality, each licensed hauler shall, for every 6-month
13 period, report to the municipality (i) the number of
14 non-residential locations served by the hauler in the
15 municipality and the number of non-residential locations
16 contracting with the hauler for the recyclable materials
17 collection service pursuant to Section 10 of the Solid Waste
18 Hauling and Recycling Program Act, (ii) an estimate of the
19 quantity of recyclable materials, in tons, collected by the
20 hauler in the municipality from non-residential locations
21 contracting with the hauler for recyclable materials
22 collection service pursuant to Section 10 of the Solid Waste
23 Hauling and Recycling Program Act, and (iii) an estimate of the
24 quantity of municipal waste, in tons, collected by the hauler
25 in the municipality from those non-residential locations. All
26 reports for that 6-month period shall be filed with the

1 municipality by the hauler on or before the last day of the
2 month following the end of the 6-month reporting period. Within
3 15 days after the last day for licensed haulers to file such
4 reports, the municipality shall post on its website: (i) the
5 information provided by each hauler pursuant to this subsection
6 (a-10), without identifying the hauler; and (ii) the aggregate
7 number of non-residential locations served by all licensed
8 haulers in the municipality and the aggregate number of
9 non-residential locations contracting with all licensed
10 haulers in the municipality for the recyclable materials
11 collection service under Section 10 of the Solid Waste Hauling
12 and Recycling Program Act.

13 A municipality subject to subsection (a-5) of this Section
14 may not award a franchise unless 2 consecutive 6-month reports
15 determine that less than 50% of the non-residential locations
16 within the municipality contract for recyclable material
17 collection service pursuant to Section 10 of the Solid Waste
18 Hauling and Recycling Program Act.

19 (b) If a municipality with a population of less than
20 1,000,000 has never awarded a franchise to a private entity for
21 the collection of waste from non-residential locations, then
22 that municipality may not award such a franchise without
23 issuing a request for proposal. The municipality may not issue
24 a request for proposal without first: (i) holding at least one
25 public hearing seeking comment on the advisability of issuing a
26 request for proposal and awarding a franchise; (ii) providing

1 at least 30 days' written notice of the hearing, delivered by
2 first class mail to all private entities that provide
3 non-residential waste collection services within the
4 municipality that the municipality is able to identify through
5 its records; and (iii) providing at least 30 days' public
6 notice of the hearing.

7 After issuing a request for proposal, the municipality may
8 not award a franchise without first: (i) allowing at least 30
9 days for proposals to be submitted to the municipality; (ii)
10 holding at least one public hearing after the receipt of
11 proposals on whether to award a franchise to a proposed
12 franchisee; and (iii) providing at least 30 days' public notice
13 of the hearing. At the public hearing, the municipality must
14 disclose and discuss the proposed franchise fee or calculation
15 formula of such franchise fee that it will receive under the
16 proposed franchise.

17 (b-5) If no request for proposal is issued within 120 days
18 after the initial public hearing required in subsection (b),
19 then the municipality must hold another hearing as outlined in
20 subsection (b).

21 (b-10) If a municipality has not awarded a franchise within
22 210 days after the date that a request for proposal is issued
23 pursuant to subsection (b), then the municipality must adhere
24 to all of the requirements set forth in subsections (b) and
25 (b-5).

26 (b-15) The franchise fee and any other fees, taxes, or

1 charges imposed by the municipality in connection with a
2 franchise for the collection of waste from non-residential
3 locations must be used exclusively for costs associated with
4 administering the franchise program.

5 (c) If a municipality with a population of less than
6 1,000,000 has never awarded a franchise to a private entity for
7 the collection of waste from non-residential locations, then a
8 private entity may not begin providing waste collection
9 services to non-residential locations under a franchise
10 agreement with that municipality at any time before the date
11 that is 15 months after the date the ordinance or resolution
12 approving the award of the franchise is adopted.

13 (d) For purposes of this Section, "waste" means garbage,
14 refuse, or ashes as defined in Section 11-19-2.

15 (e) A home rule unit may not award a franchise to a private
16 entity for the collection of waste in a manner contrary to the
17 provisions of this Section. This Section is a limitation under
18 subsection (i) of Section 6 of Article VII of the Illinois
19 Constitution on the concurrent exercise by home rule units of
20 powers and functions exercised by the State.

21 (f) A municipality with a population of less than 1,000,000
22 shall not award a franchise or contract to any private entity
23 for the collection of general construction or demolition debris
24 from residential or non-residential locations. This subsection
25 does not apply to a municipality with a population of less than
26 1,000,000 that is a party to: (1) a franchise or contract with

1 a private entity for the collection of general construction or
2 demolition debris from residential or non-residential
3 locations on the effective date of this amendatory Act of the
4 100th General Assembly; or (2) the renewal or extension of a
5 franchise or contract with a private entity for the collection
6 of general construction or demolition debris from residential
7 or non-residential locations irrespective of whether the
8 franchise or contract automatically renews, is amended, or is
9 subject to a new request for proposal after the effective date
10 of this amendatory Act of the 100th General Assembly.

11 (Source: P.A. 98-1079, eff. 8-26-14.)

12 (65 ILCS 5/11-19-2) (from Ch. 24, par. 11-19-2)

13 Sec. 11-19-2. As used in this Division 19, ~~the words~~
14 ~~"garbage", "refuse", and "ashes" have the following meanings:~~

15 (1) "Garbage" means wastes. ~~Wastes~~ resulting from the
16 handling, preparation, cooking and consumption of food; wastes
17 from the handling, storage and sale of produce.

18 (2) "Refuse" means combustible. ~~Combustible~~ trash,
19 including, but not limited to, paper, cartons, boxes, barrels,
20 wood, excelsior, tree branches, yard trimmings, wood
21 furniture, bedding; noncombustible trash, including, but not
22 limited to, metals, tin cans, metal furniture, dirt, small
23 quantities of rock and pieces of concrete, glass, crockery,
24 other mineral waste; street rubbish, including, but not limited
25 to, street sweepings, dirt, leaves, catch-basin dirt, contents

1 of litter receptacles, but refuse does not mean earth and
2 wastes from building operations, nor shall it include solid
3 wastes resulting from industrial processes and manufacturing
4 operations such as food processing wastes, boiler-house
5 cinders, lumber, scraps and shavings.

6 (3) "Ashes" means residue. ~~Residue~~ from fires used for
7 cooking and for heating buildings.

8 (4) "General construction or demolition debris" has the
9 meaning given to that term in Section 3.160 of the
10 Environmental Protection Act.

11 (Source: Laws 1961, p. 576.)

12 (65 ILCS 5/11-19-5) (from Ch. 24, par. 11-19-5)

13 Sec. 11-19-5. Every city, village or incorporated town may
14 provide such method or methods as shall be approved by the
15 corporate authorities for the disposition of garbage, refuse
16 and ashes. Any municipality may provide by ordinance that such
17 method or methods shall be the exclusive method or methods for
18 the disposition of garbage, refuse and ashes to be allowed
19 within that municipality. Such ordinance may be enacted
20 notwithstanding the fact that competition may be displaced or
21 that such ordinance may have an anti-competitive effect. Such
22 methods may include, but need not be limited to land fill,
23 feeding of garbage to hogs, incineration, reduction to
24 fertilizer, or otherwise. Salvage and fertilizer or other
25 matter or things of value may be sold and the proceeds used for

1 the operation of the system. Material that is intended or
2 collected to be recycled is not garbage, refuse or ashes. A
3 municipality with a population of less than 1,000,000 shall not
4 provide by ordinance for any methods that award a franchise for
5 the collection or final disposition of general construction or
6 demolition debris, except as allowed under Section 11-19-1.

7 (Source: P.A. 84-794.)