

## EXHIBIT A

### CHAPTER 50 OF THE LAKE COUNTY, ILLINOIS CODE OF ORDINANCES

#### SECTION 50.03 Licenses & SECTION 50.04 Construction and demolition debris diversion

##### 50.03 LICENSES.

(A) *License required.* No hauler shall engage in the collection of municipal waste, recyclable materials or landscape waste from any individual resident, single-family home, multifamily home, commercial business, or institutional facility within the county without first having applied for and obtained a license to do so from the county.

(B) *Municipal license.* Each municipality may license, franchise, contract with or otherwise control the haulers operating within the respective boundaries of the municipality and shall require as part of said license, franchise, contract or other control that the hauler offer the service of recyclable materials collection to each individual resident, single-family home, multifamily home, commercial business, or institutional facility within the municipality.

(C) *License procedure.*

(1) *Application.* Application for a license shall be made in writing to the county on the form provided by the county, shall be verified by the applicant and shall contain the following information:

(a) The name, address and telephone number of the applicant; if the applicant is a partnership, the application shall show for each partner his or her name and address and interest and also all information contained by subsections (C)(1)(b) and (C)(1)(c) below. If the applicant is a corporation, the application shall show the name and address of the registered agent, and with respect to each director, and each shareholder owning 5% or more of the corporation's shares (i) his or her name and address, (ii) the information required by subsection (C)(1)(c) below, and in addition, with respect to each director and shareholder owning more than 25% of the shares, the information required by subsection (C)(1)(b) below;

(b) The experience of the Applicant in the collection, transport and disposal of refuse and applicant's (or principal owner) business experience (or a related field) during the five-year period immediately preceding the date of the application;

(c) The criminal record, if any, of the applicant;

(d) The rates or a schedule of rates proposed to be charged;

(e) The number and kind of vehicles owned and controlled by the applicant, and the number and kind of vehicles proposed to be licensed hereunder for use in the collection of municipal waste, recyclable materials or landscape waste from within the county's boundaries. An application may be amended from time to time during the license period to provide for increases or reductions in the number of vehicles;

(f) The location of the applicant's office and garage;

(g) The color scheme, insignia and trade name to be used to designate the vehicles of the applicant;

(h) A description of each vehicle including the vehicle identification number and license plate number of the vehicle;

(i) A certificate from the Secretary of State of the State of Illinois for each vehicle proposed to be licensed hereunder showing compliance by the applicant with the statutes of the State of Illinois, or as the same may be in force and effect, relating to the bonding, licensing and/or insuring of each such vehicle;

(j) A policy or certificate of insurance, issued by a company acceptable to the county, showing proof of insurance as required below. All such policies or certificates of insurance shall be in an acceptable form. The licensee shall maintain the full insurance coverage required herein at all times and a duplicate certificate of insurance shall be deposited with the Lake County Clerk and shall provide that such insurance may not be canceled except upon 30 days prior written notice to the Lake County Clerk. The insurance coverage specified herein constitutes the minimum requirements and said requirements shall in no way lessen or limit the liability of the licensee under the terms of this subchapter. The licensee shall procure and maintain at its own cost and expense any additional kinds and amounts of insurance, which, in the licensee's own judgment, may be necessary for its proper protection.

1. *Workers' compensation insurance.* The licensee shall carry this with a company authorized under the laws of the State of Illinois with a policy to protect itself against liability under the Workers' Compensation Act and the Workers' Occupational Diseases Act of the State of Illinois.

2. *Vehicle liability insurance.* The licensee shall carry under its own name a comprehensive policy to insure the entire vehicle liability for its operations with limits of not less than \$1,000,000 each person and \$3,000,000 each accident bodily injury liability, \$1,000,000 each accident for property damage liability.

3. *General liability.* The licensee shall carry in its own name a comprehensive liability policy for its operations other than vehicular operations with limits of at least \$1,000,000 each person and \$3,000,000 each accident bodily injury liability, \$1,000,000 each accident for property damage liability.

(k) Such other information as the county may require from time to time.

(2) *License issuance.* The county shall approve the application and issue the license upon the payment of the fee required herein if it finds:

(a) That the applicant is not in default to the county;

(b) That the applicant has conducted its business in accordance with this code of ordinances and regulations of the county;

(c) That the equipment used in the applicant's business meets the requirements of this code of ordinances and regulations of the county;

(d) The issuance of the license is in the best interest of the county and that the quality of service to be rendered will serve the public health, safety and welfare; and

(e) That all information, insurance, certificates and agreements required by this section have been provided and approved.

(3) *License renewal.* The county shall provide a license renewal form to each hauler within 60 days prior to the expiration of the hauler's current license. License renewal forms shall be completed and returned to the county at least 30 days prior to the expiration of the hauler's current license.

(4) *Accuracy and updating of information.* All information required to be submitted for this license shall be complete, accurate and submitted in a timely manner. The applicant shall notify the county of any change of address or telephone number.

(5) *Transfer of ownership.* Licenses are not transferable. Any attempted transfer of a license shall render said license immediately void. An ownership change in a corporation that involves the sale or transfer of 35% or more of the stock shall void the existing license.

(D) *License issuance or denial.*

(1) *License action.* The county shall have 30 days from the receipt of a complete license or renewal application to issue or deny the license or the license renewal.

(2) *Notification.* The county shall notify the applicant in writing of the issuance or denial of said application. Denial of said license shall be by certified mail, return receipt requested.

(3) *License denial.* A license denial shall provide written notice stating the basis for the denial and shall provide notice to the applicant that if an appeal is desired, a written request for a hearing must be filed within 15 calendar days following service, exclusive of the date of service. Upon receipt of a request for hearing, the county shall set a time and place for the hearing. The hearing shall be conducted pursuant to the procedures in § 50.06.

(E) *License and vehicle registration fee.*

(1) *Schedule of fees.* The fee for each license shall be \$50. Checks must be made payable to the Lake County Treasurer. Payment of all fees must accompany the license application or renewal.

(2) *Vehicle registration.* The county reserves the right to issue a decal and require the placement of said decal conspicuously on the outside of each vehicle so utilized by the hauler. Such decals may be issued annually. The number of said vehicles utilized by the hauler shall be reported in the application. If the county exercises the right to require decals on each vehicle, no vehicle may be used without displaying said decal.

(F) *Reporting.* The Hauler shall submit a written report to SWALCO, on a form provided by SWALCO, on its solid waste, recycling and landscape waste operations, on or before January 31 of each year, for the previous six calendar months of July through December, and also on or before July 31 of each year for the previous six calendar months of January through June. The report shall contain:

(1) The total tonnage of municipal waste collected from within municipal jurisdictions or geographically defined unincorporated areas of the county, and the location or locations the municipal waste was transported to; and

(2) The total tonnage of recyclable material collected from residential programs within municipal jurisdictions or geographically defined unincorporated areas of the county and the location or locations the recyclable material was transported to; and

(3) The total tonnage of recyclable material collected from commercial accounts within municipal jurisdictions or geographically defined unincorporated areas of the county and the location or locations the recyclable material was transported to; and

(4) The total tonnage of landscape waste material collected from within municipal jurisdictions or geographically defined areas of the county and the location or locations the landscape waste material was transported to.

(G) *Delegation of licensing.* The county may delegate licensing, as provided for in § 50.03, to a qualified agency. Such an agency may also be responsible for revocation of licenses, as provided for in § 50.05.

(H) *Compliance with other laws.* The obtaining of a license herein shall not be deemed to exclude the necessity of obtaining other licenses or permits as required by all applicable city, county, state and federal laws or regulations. The hauler shall at all times operate in compliance with all applicable city, county, state, and federal rules or regulations.

(1977 Code, § 1:4-9) (Ord. passed - -2005; Ord. passed 6-11-2013)

#### 50.04 CONSTRUCTION AND DEMOLITION DEBRIS DIVERSION

(A) *Applicability of covered projects.* Seventy-five percent of construction and demolition (C&D) debris generated by a covered project shall be diverted in accordance with this section. Failure to comply with any of the terms of this subchapter shall subject the person to the full range of enforcement mechanisms set forth in §50.99 (B).

(B) *C&D debris compliance planning.*

(1) Re-roofing and re-siding projects. By submitting a registration application for a re-roofing or re-siding project, the applicant agrees to ~~For all re-roofing and re-siding projects, the applicant shall sign a notarized affidavit agreeing to~~ comply with the requirements of this subchapter.

(2) *Other permitted projects.*

(a) Prior to the issuance, by the County Planning, Building, and Development Department (“PB&D”), of a permit for a covered project, the applicant must complete and submit the C&D Debris Compliance Plan, on a form provided by the PB&D, By submitting an application for a covered project and a C&D Debris Compliance Plan, the applicant agrees to comply with the requirements of this subchapter. The Plan must ~~which will~~ include:

1. A description of the covered project including the number of structures and the gross floor area;
2. Identification of all materials to be diverted from disposal to recyclable C&D debris, recovered wood, and/or alternate daily cover;
3. A description of whether and to what extent materials will be separated on -site or co-mingled;
4. Identification of the vendors or facilities that will collect or receive the construction or demolition debris, and such additional information as the PB&D Director may require demonstrating that the vendor or facility will recycle or divert C&D debris received from the covered project;
5. The estimated date on which the covered project is to commence;

~~6. A notarized affidavit, signed by the applicant or general contractor for the covered project, binding him or her to the terms of the C&D Debris Compliance Plan; and~~

~~7.6.~~ Such additional information as the PB&D Director may require.

(b) Where all of the facts cannot be ascertained, the applicant shall provide the best estimate based on all information reasonably available about the covered project.

(C) *Application fee.* The application fee for any re-roofing and re-siding project, as described in subsection (B)(1) above, shall be \$5, in addition to all other permit or registration related fees. The application fee for any covered project, as described in subsection (B)(2) above, shall be \$20, in addition to all other permit related fees. The application fee must be payable to the Lake County Treasurer and must be submitted with the application.

(D) *Review of C&D debris compliance plan.*

(1) *Approval.* Notwithstanding any other provision of this subchapter, the Lake County PB&D Department shall not issue a permit for a covered project without an acceptable C&D Debris Compliance Plan and application fee.

(2) *Denial.* If it is determined that the C&D Debris Compliance Plan is incomplete or fails to demonstrate that at least 75% of all C&D debris generated by the covered project will be diverted, the C&D Debris Compliance Plan shall be returned to the applicant marked “failed”. Upon the return of the C&D Debris Compliance Plan, the applicant may make necessary changes and resubmit the C&D Debris Compliance Plan or request a variance, in writing, from the requirements of this section, to be approved by the PB&D Director, in consultation with SWALCO.

(E) *C&D debris compliance report.* Not less than ten business days prior to the scheduled date for the final inspection of a covered project subject to this section, the applicant shall complete and submit the C&D Debris Compliance Report provided by PB&D. The C&D Debris Compliance Report must include the following information:

- (1) The date(s) demolition and/or construction commenced;
- (2) The weight of C&D debris that was diverted to achieve the 75% diversion requirement;
- (3) The weight of C&D debris that was diverted to achieve the 75% diversion requirement; and
- (5) Original receipts from all vendors and facilities which collected or received C&D debris, indicating weights received by each.

(F) *Determination of compliance.*

(1) *Compliance.* The information submitted under subsection (E) above shall be reviewed in order to determine whether the applicant has complied with the Diversion Requirement.

(2) *Non-compliance.* If it is determined that the applicant has not complied with subsection (A) above, enforcement shall occur under the terms of §50.99 (B).

(3) *Extraordinary circumstances.* If the diversion requirement has not been achieved due to extraordinary circumstances, the applicant may request a variance, in writing, from the requirements of §50.04, to be approved by the PB&D Director, in consultation with SWALCO.

(G) *Variance criteria.* The PB&D Director may grant a variance from the requirements of §50.04 only if the PB&D Director finds that all of the following have been met.

- (1) There are exceptional or extraordinary circumstances applicable to the project that do not apply to similar projects and that make compliance with the section impracticable.
- (2) Granting the variance will not constitute a grant of special privilege inconsistent with limitations imposed on similar covered projects.
- (3) Cost to the applicant of strict compliance with this section is not the primary reason for granting the exception.

(1977 Code, § 1:4-9) (Ord. passed - -2005; Ord. passed 6-11-2013)