

VILLAGE OF MT. AUBURN

ORDINANCE NO. 174

**AN ORDINANCE AMENDING CHAPTER 6, ARTICLE I  
OF THE VILLAGE OF MT. AUBURN VILLAGE CODE  
(formerly known as Garbage) and hereinafter referred  
to as**

**"REGULATION OF RESIDENTIAL AND COMMERCIAL REFUSE, RECYCLING  
AND YARD WASTE COLLECTION AND PENALTIES FOR ILLEGAL DUMPING IN  
THE VILLAGE MT. AUBURN, ILLINOIS"**

ADOPTED BY THE BOARD OF TRUSTEES

OF THE

VILLAGE OF MT. AUBURN

THIS 1st DAY OF MAY, 2018

VILLAGE OF MT. AUBURN

ORDINANCE NO.174

**AN ORDINANCE AMENDING CHAPTER 6, ARTICLE I AND CHAPTER 10 ARTICLE III OF THE VILLAGE OF MT. AUBURN VILLAGE CODE (formerly known as Garbage and Garbage and Debris)**

**REGULATION OF RESIDENTIAL AND COMMERCIAL REFUSE, RECYCLING AND YARD WASTE COLLECTION AND PENALTIES FOR ILLEGAL DUMPING IN THE VILLAGE MT. AUBURN, ILLINOIS**

WHEREAS the Village has reviewed the original Village Code, Chapter 6, Article I dealing with Garbage, license and created the position of health officer and finds that said Village Code needs to be repealed and replaced with three separate ordinances each dealing with following distinct subject matters:

- (A) Regulation of Residential and Commercial Refuse, recycling and Yard Waste Collection and Penalties for Illegal Dumping in the Village of Mt. Auburn, Illinois. (Ord. No. 174)
- (B) Regulating Open Burning and Yard Waste Disposal (Ord. No. 175); and
- (C) An Ordinance Dissolving the Position of Health Officer and the Health Department with the Health Committee Assuming all duties and responsibilities. (Ord. No. 176)

WHEREAS the Village has reviewed the original Village Code, Chapter 10, Article II dealing with Garbage and Debris and finds that it is both fair and reasonable to consolidate the subject matter in Article III with a single Ordinance regulating residential and commercial refuse.

NOW THEREFORE, BE IT ORDAINED by the Mayor and Village Trustees of the Village of Mt. Auburn hereby amends Chapter 6, Article I of the Village of Mt. Auburn Village Code as follows:

**6-1-1: Repeal and Replace the Garbage Code**

Article 6, Article I of the Village of the Village Code is repealed and replaced with this ordinance as amended herein and in conjunction with Ordinance number 175 and 176 entered *instanter*. It also repeals and replaces Section 10, Article III with this ordinance.

**6-1-2: Purpose:**

The purpose of this ordinance is to regulate and control the accumulation, removal and disposal of refuse, recyclables, and yard waste and to eliminate unhealthy, unsanitary and unsightly conditions in the village.

**6-1-3: Definitions:**

(A) **COMMERCIAL RESIDENT:** Any commercial business within the Village. (also referred herein as public premises)

(B) **RECEPTICAL – RESIDENTIAL:** means the refuse retainer (garbage can) that each residential homeowner/Occupier uses to store said refuse.

(C) **EPA:** Environmental Protection Agency

(D) **IEPA:** Illinois Environmental Protection Agency, or successor.

(E) **PRIVATE RESIDENCE:** Any individual residence within the village limits, including single-family homes, duplexes, town houses, condominiums and multiple-unit buildings. (also referred herein as Private Premises)

(F) **RECYCLABLE MATERIAL:** Materials to be discarded that may be marketable recyclable commodities, including green, brown, blue, clear glass food and beverage bottles and jars; steel, aluminum and bi-metal food and beverage containers; paperboard milk, food and laundry refill cartons; drink boxes (aseptic packaging); polyethylene terphthalate (PET, plastic code #1); high density polyethylene (HDPE, plastic code #2); vinyl (V, plastic code #3); low density polyethylene (LDPE, plastic code #4); polypropylene (PP, plastic code #5); other (plastic code #7) plastic food, beverage and household cleaning product containers; formed aluminum containers, trays and pans; aluminum foil; plastic beverage six-pack rings; empty paint and aerosol cans; old corrugated cardboard (OCC); dry and wet strength box board; white, colored, computer and mixed office and school paper; newsprint;; magazines; telephone directories; as well as any other materials designated or approved by the village for recycling.

(G) **REFUSE:** (Garbage) The day-to-day accumulations of discarded and unwanted household and kitchen wastes, including but not limited to food, food residues and materials necessarily used for packaging, storing, preparing, and consuming same, usually referred to as “garbage,” and all combustible and non-combustible waste materials resulting from the usual routine of domestic housekeeping, including but not limited to boxes, cartons, wrapping, crockery, plastic containers, fixtures, and papers and small electronic appliances such as toasters, vacuum cleaners, televisions, and computers. Christmas trees (except during January), wreaths, and other ornamental indoor plants are included in this definition.

(H) **RESIDENTIAL REFUSE CONTRACTOR:** The refuse contractor is a licensed refuse (garbage) hauler authorized and licensed by the Village to dispose of refuse, recyclables, and yard waste from residential and village properties in the village in accordance with an agreement entered into by the village and the refuse contractor(s).

(I) RESIDENTIAL REFUSE LICENSE: A license issued by the village for the pick up of residential waste and recyclable materials.

(J) RESTRICTED ITEMS: Automotive tires; more than two-cubic yards of broken concrete, rocks, and or soil; household hazardous wastes including but not limited to, explosives, oil-based paints, latex paint in liquid form, oils, solvents or other materials that may present a fire hazard; Potentially Infectious Medical Waste (PIMW) defined in 35 Illinois Administrative Code 1420.102 that is not exempt; medical and biohazard wastes; any single household item too large to be placed in a compactor-type truck or for one person to reasonably manage; construction and/or demolition material in excess of 2 cubic yards including drywall, lumber, and roofing materials.

(K) DUMPSTER: When two (2) or more separate businesses or residences utilize the same dumpster, compactor or dumpster space. This includes separate businesses or residences within the same building, as well as in separate buildings.

(L) TEMPORARY ROLL OFF CONTAINERS: Containers used for a short period of time exclusively during construction remodeling and/or for the removal of large quantities of refuse. UNIT: Any individual residence and or any village-owned property within the Village

(M) VILLAGE: Refers to the Village of Mt. Auburn, Illinois

(N) WHITE GOODS: Items defined by 35 Illinois Administrative Code Sec 875.101 and including all household residential-type discarded refrigerators, ranges, water heaters, freezers, air conditioners, clothes washers, dryers, boilers, and other similar domestic large appliances. Large commercial freezers, chillers, icemakers, or air conditioners are not included in this definition.

(O) YARD WASTE also known as "Landscape Waste" means all accumulations of grass or shrubbery cuttings, leaves, tree limbs, branches, brush, vines, garden plants, and other similar organic materials as the result of the cultivation and maintenance of lawns, shrubbery, vines, trees, and gardens

**6-1-4 Prohibited Acts or Conditions:**

(A). No occupant, person, owner, owner's agent or tenant of any private or public premises shall permit refuse to accumulate on such premises except in covered containers or as provided in this ordinance, and all such refuse shall be removed weekly, or more often if necessary to protect the health of the inhabitants of the village.

(B). Residential and Commercial Waste, Refuse and Recyclable Materials must be stored in a refuse container which shall consist of a Metal or plastic container having tight fitting covers with a minimum of a (32) gallons capacity and not exceeding (96) gallon capacity or as dictated by proper notice by any licensed refuse contractors.

(C). Deposits on Streets and/or Sidewalks: It shall be unlawful to deposit or permit any residential or commercial waste, refuse or recyclable materials to fall from any vehicle on any public street or alley in the village provided, that this provision shall not be construed to prohibit placing residential or commercial waste or refuse in a container complying with the provisions of this ordinance preparatory to having such material collected and disposed of in the manner provided herein.

(D) Restricted items: No occupant, person, owner, owner's agent or tenant of any private or public premises shall place or allow to be placed into the refuse container any restricted items defined in this Ordinance.

(E) Disposal of Landscape Waste: Landscape waste materials shall not be commingled with refuse or recyclable materials, but shall be disposed of in compliance with state law.

(F) Windblown Refuse: It shall be unlawful to cause or permit to accumulate any refuse, dust or ashes that can be blown away by the wind unless properly disposed of in a sealed container.

(G) Combustible Refuse: It shall be unlawful to permit or store any combustible refuse in such a way as to create a fire hazard.

(H). Consent of Owner: It shall be unlawful to dump or place any residential or commercial waste, refuse, recyclable materials or yard waste on any premises in the village without the consent of the owner of such premises.

(I) White Goods: It shall be unlawful for any person to dispose of a refrigerator or freezer unless the door to the appliance has been removed.

**6-1-5: Collection of Refuse/Recyclables**

(a) Frequency of collection: All household garbage or refuse shall be collected and removed from the premises of residential units at least once every week by the village's residential refuse contractor(s).

**6-1-6: Refuse License and Condition Requirements for Issuance**

(A) Agreement/Licensed by Village: No person or firm, whether licensed as a refuse contractor or not, shall purchase, collect, transport or remove residential refuse from a residence to another residence or commercial property unless authorized and licensed by the Village or authorized by the village to do so pursuant to a written agreement entered into between the village and the refuse contractor. In the event the residential refuse collection and disposal contract is terminated, the residential refuse license shall be automatically revoked without notice or hearing.

(B) Number of Licenses Granted: The Village shall not restrict the number of licenses.

(C) Fee: Each Applicant shall pay to the Village a non-refundable fee of \$75.00 to apply for a license. This fee will not be pro-rated even if the Applicant applies and is granted said license for less than a calendar year.

(D) Duration of License: The License shall be for the period of one year commencing on January 1st and expiring on December 31st. Should a license be issued mid-year, it will only be for the balance of said year.

(E) Deadlines to Apply: The Village shall accept applications any time throughout the year.

(F) Rates: At the time of the application, the Applicant will provide to the Village the rates the Applicant will charge to the residence and commercial businesses within the Village. The Applicant acknowledges by virtue of applying for said application, that the rates will not increase during the licensing period. If a license is granted mid-year, and the applicant applies for a license the following year, the Applicant acknowledges that said rates will not be raised until after the first full year of having a license issued by the Village.

(G) Renewal and revocation of Licenses: Each Refuse contractor shall apply for renewal of the license and pay the application fee yearly. Licenses shall be revocable at any time by action of the Village President and Board of Trustees after notice and a hearing by the Village President and Board of Trustees which determines that the licensee has failed to comply with the rules and regulations established in this ordinance.

(H) Indemnification: Prior to the issuance of a commercial license, the licensee shall provide the village a certificate of insurance naming the village as an additional insured, a certificate of insurance with insurance coverage pertaining to all of the licensee's equipment, personnel and operations under the contract including general liability insurance, workers' compensation insurance and motor vehicle insurance in the amounts set forth in section (I). The licensee shall maintain adequate safeguards and use reasonable care in the performance of all work and shall insure, indemnify, defend and hold the village harmless from any and all liability, costs and fees, including attorney fees resulting from damage to or destruction of any property or death of or injury to any person (including, but not limited to, the licensee's employees) or any administrative or judicial proceedings in whole or in part arising out of the contract or in connection with the work to be performed, including, without limitation, all acts or alleged acts of the licensee, its employees, agents, or subcontractors, but excluding that arising out of the sole legal cause of the village, its agents or employees.

(I) Insurance: Each contractor will have the following proof of insurance:

- (1) General Liability: One million dollars (\$1,000,000.00) combined single limit per occurrence for bodily injury, personal injury and property damage.

- (2) Automobile Liability: One hundred thousand dollars (\$100,000.00) combined single limit per accident for bodily injury and property damage.
- (3) Workers' Compensation and Employers' Liability: Workers' compensation limits as required by the labor code of the state of Illinois and employers' liability limits of one million dollars (\$1,000,000.00) per accident.

(J) Disposal of Refuse: All refuse collected by a licensee shall be disposed of by the licensee at his/her own expense outside the corporate limits of the village. If recycling is offered by the Contractor, said Recyclable refuse shall be disposed of at a proper processing facility or a materials vendor. It shall be unlawful for any licensee to dispose of or store any refuse in any place within the village limits. All refuse collected by any licensee shall be disposed of in accordance with all applicable statutes of the State of Illinois and the ordinances of the village.

(K) Inspection of Refuse hauler and roll-off container vehicles required:

The Village Clerk, before issuing a refuse contractor license, shall require the contractor to obtain written approval of the Health Committee, or its designee, to the effect that each refuse vehicle and/or roll-off container vehicle has been inspected by such designee and found to be satisfactorily constructed to prevent the littering of garbage onto the Village's streets, alleyways, roadways or other public ways and that each vehicle has a packer capacity (as that term is generally and customarily used in the refuse business) for the collection of garbage of twenty five (25) cubic yards or less.

**6-1-7 Roll-Off Containers Permit Required and Conditions for Permit Issuance.**

A. It shall be unlawful for any person to locate, place, use or maintain any roll-off container on any village street, alleyway, roadway, sidewalk or other public way without first obtaining a roll-off container permit from the Village.

B. There will be no additional fee for a roll-off container for a permit to place a dumpster at a location approved by the Village.

C. The Village Health committee or its designee must approve of the location of the roll-off container prior to issuing the permit. The Village has a right to limit the duration of the permit as they deem fit to insure that public health interests are protected.

D. The roll-off container must have reflectors on all four corners of the container at a height that would be within the direct headlight beam of vehicles that may approach said roll-off container.

E. The name, address and twenty-four hour phone number of the Refuse Contractor's phone number must be clearly visible and marked on said container in reflective letters and numbers.

F. A roll-off container can be denied issuance if such container has a garbage collection capacity of greater than Twenty (20) cubic yards.

G. It shall be unlawful for any person to locate, place, use or maintain any roll-off container on any Village street, alleyway, roadway, sidewalk or other public way unless such container is protected by lighted barricades or construction cones and placed in the front and rear of said container as well as the sides of the roll-off container facing vehicular and/or pedestrian traffic have reflective tape of at least two inches (2") in width vertically affixed to said side(s) of the roll-off container.

H. It shall be unlawful for any person to locate, place, use or maintain any roll-off container on any street, alley, roadway, sidewalk or other public way that will interfere with vehicular traffic or that reduces the usable vehicular width of such street, alley way, roadway or other vehicle public way to less than eighteen feet. It shall also not obscure any vision of traffic at or near any intersection.

I. It is the responsibility of the person whose been issued the permit to ensure that the area around the roll-off container is free from any debris, refuse or other waste.

**6-1-8 Notice to Remove Garbage, Refuse or Debris; Removal by Village**

(a) In the event of a health hazard or public nuisance, as deemed necessary, the Health Committee and/or the Ordinance Committee may direct that garbage, refuse and debris be removed from private property within the corporate limits of the village.

(b) Service of notice. Upon such direction, the Health Committee and/or Ordinance Committee shall give written notice by certified mail return receipt requested or by personal delivery service to the owner of the property upon which garbage, refuse or debris exists. If the names of the owner of the property cannot be determined, the notice shall be sent to the last assessee of the general real estate taxes on the real estate.

(c) Contents of notice. The notice to be given by the Health Committee and/or Ordinance Committee shall designate the real estate, and the garbage, refuse or debris thereon to be removed, and shall provide that if the garbage, refuse or debris is not removed from the real estate within five days after the posting of such notice the village will cause the garbage, refuse or debris to be removed and collect the reasonable cost thereof from the owner of the real estate.

(d) Removal by Village. Upon the failure, refusal or neglect of the owner of any real estate upon which garbage, refuse or debris exists to remove the garbage, refuse or debris within five days after the service of notice as provided in subsection (b) of this section, the Health Committee and/or Ordinance Committee shall notify the appropriate village employees or the village's refuse contractor to remove, or cause to be removed, the garbage, refuse or debris from the property, and such employees or contractor shall forthwith cause the garbage and such employees or contractor shall forthwith cause the garbage and debris to be removed.



(e) Billing. Health Committee and/or Ordinance Committee, after removal of garbage, refuse and debris from any private property pursuant to the provisions of this section, shall designate in writing to the Village Board the reasonable cost incurred in the removal of the garbage, refuse and debris. The Village Board shall then bill the owner of the real estate for the reasonable cost of the removal of the garbage, refuse and debris, posting the bill by United States mail.

(f) Filing of notice of lien. If the owner of any real estate from which garbage, refuse and debris has been removed pursuant to the provisions of this section fails to pay the cost thereof within 15 days after posting of the bill for the removal, the Village Clerk shall cause a notice of lien to be filed in the Office of the Recorder of Deeds of the county, which notice shall consist of a sworn statement setting out:

- (1) A description of the real estate sufficient for identification thereof;
- (2) The amount of money representing the cost and expense incurred or payable for the service; and
- (3) The date when such cost and expense was incurred by the village.

(g) Foreclosure of lien. If the cost incurred by the village for the removal of any garbage, refuse or debris from private property pursuant to the terms of this section is not paid by the owner of the real estate within 6 months from the date of the filing of the notice of lien therefore, the Village Clerk shall advise the Board of Trustees of the failure to pay such cost, to enable it to designate whether foreclosure of the lien for the cost should be commenced.

#### **6-1-9 Violations**

Penalty Violations of any provision of this ordinance shall be punished by a fine of not less than \$100.00 nor more than \$750.00. Each day any such violation shall constitute a separate offense.

#### **6-1-10 Enforcement**

Enforcement Proceedings to enforce violations of this Ordinance may be initiated and conducted in accordance with and pursuant to the provisions of the Village Ordinance Providing for Administrative Adjudication of Municipal Code Violations or by any other means provided by law or ordinance of the village providing for local enforcement of code violations.

#### **6-1-11 Severability**

The various portions of this Ordinance are hereby expressly declared to be severable, and the invalidity of any such portion of this Ordinance shall not affect the validity of any other portions of this Ordinance, which shall be enforced to the fullest extent possible.

#### **6-1-12: Effective Date**

This ordinance shall be in full force and effect May 1, 2018.

ADOPTED this 1<sup>st</sup> day of May, 2018 pursuant to roll call vote as follows:

AYES: Charlene Saulsberry, Glen Goodrich, Mike Krachum, Sandra Gooder, Dixie Vincent

NAYS: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Abstain: Denise Carey

Brent Milburn  
Brent Milburn, Village Mayor

ATTEST: Sheri Clayton  
Sheri Clayton, Village Clerk

FILED IN THE OFFICE OF THE VILLAGE CLERK  
VILLAGE OF MT. AUBURN, ILLINOIS  
ON THE 1<sup>st</sup> DAY OF May, 2018.

