

Ordinance No. 91-27

**AN ORDINANCE AMENDING ORDINANCE NO. 91-26
AND CHANGING THE EFFECTIVE DATE THEREOF TO AUGUST 1, 1991**

BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF CHATHAM, SANGAMON COUNTY, ILLINOIS, AS FOLLOWS:

SECTION 1: Ordinance No. 91-26 is hereby amended as follows:

a. Section 9(a) is amended to read as follows:

The annual license fee shall be \$250. A license shall be effective from August 1 of any year through and including July 30 of the following year. The license fee for applications received after August 1 of any year or before July 31 of any year will not be prorated.

b. Section 13 is amended to read as follows:

This Ordinance is effective August 1, 1991; the Administrator shall begin accepting and processing license applications on July 1, 1991. The Clerk shall forthwith publish this Ordinance in pamphlet form and in the Chatham Clarion and shall mail a copy to all waste haulers known to the Clerk to be doing business in Chatham.

SECTION 2: The Clerk shall forthwith publish this Ordinance amending Ordinance No. 91-26 in the Chatham Clarion, and shall amend Ordinance No. 91-26 and publish Ordinance No. 91-26, as amended, in pamphlet form, and shall mail a copy to all waste haulers known to the Clerk to be doing business in Chatham.

SECTION 3: Other than as amended hereby, all other provisions of Ordinance No. 91-26 shall remain in full force and effect.

SECTION 4: This Ordinance is effective immediately.

PASSED this 11th day of JUNE, 1991.

Carl D. Alvings
PRESIDENT

ATTEST:

Pat Schand
CLERK

AYES: 5

NAYS: 0

PASSED: 6-11-91

APPROVED: 6-11-91

ABSENT: 1

VILLAGE OF CHATHAM, ILLINOIS

ORDINANCE NO. 91-26, as amended by Ordinance No. 91-27

AN ORDINANCE PROVIDING FOR REGULATION OF
SOLID WASTE DISPOSAL AND LICENSURE OF SOLID WASTE
HAULERS WITHIN THE VILLAGE OF CHAHTAM, ILLINOIS

ADOPTED BY THE PRESIDENT AND BOARD OF TRUSTEES
OF THE VILLAGE OF CHATHAM, ILLINOIS
THIS 11 DAY OF JUNE, 1991

Published in pamphlet form by the authority of the President and
Board of Trustees of the Village of Chatham, Illinois,
Sangamon County, this 11 day of JUNE, 1991

Ordinance No. 91-26, as amended by Ordinance No. 91-~~27~~

**AN ORDINANCE PROVIDING FOR REGULATION OF
SOLID WASTE DISPOSAL AND LICENSURE OF SOLID WASTE
HAULERS WITHIN THE VILLAGE OF CHATHAM, ILLINOIS**

WHEREAS, pursuant to Section 11-19-1 of the Illinois Municipal Code, Ill.Rev.Stat., Ch. 24, §11-19-1, the corporate authorities of the Village of Chatham may enter into contracts with waste haulers and recyclable collectors for collection, disposal and recycling of solid waste;

WHEREAS, under decisional law the Village of Chatham has the power to regulate solid waste disposal and license garbage collectors in furtherance of public health, safety and welfare;

WHEREAS, the corporate authorities of the Village of Chatham have determined that in furtherance of the public health, safety and welfare, in view of diminishing landfill capacity, in view of trends in State law, and in accordance with the Sangamon County Solid Waste Management Plan, it is desirable for the Village of Chatham to implement and manage a program for disposal of solid waste, including non-recyclable materials, recyclable materials and yard waste;

WHEREAS, the corporate authorities of the Village of Chatham have determined that the continuation of a competitive market with the minimum amount of governmental regulation is the best method given current economic and market conditions to ensure the most efficient solid waste management program at the least cost to the citizens of Chatham;

WHEREAS, through a six month pilot program involving the Village in cooperation with private waste haulers and volunteer

citizens groups, the feasibility of a curbside recycling program has been demonstrated to the satisfaction of the corporate authorities of the Village of Chatham;

WHEREAS, the corporate authorities of the Village wish to allow maximum flexibility for waste haulers to set their rates while at the same time providing economic incentives for recycling and waste volume reduction.

NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF CHATHAM, ILLINOIS, AS FOLLOWS:

SECTION 1. LICENSE REQUIRED FOR ENGAGING IN THE BUSINESS OF SOLID WASTE HAULING AND DISPOSAL

After the effective date of this Ordinance and subject to Section 8 of this Ordinance, no person, firm or corporation shall engage in the business of solid waste hauling or disposal within the corporate limits of the Village of Chatham unless licensed in accordance with the provisions of this Ordinance.

SECTION 2. INFORMATION REQUIRED TO OBTAIN LICENSE

Any person, firm or corporation may obtain a license to collect solid waste within the Village of Chatham by submitting an application for license to the Village Clerk and paying an annual license fee as set forth in Section 9 hereof. The applications shall be on forms prescribed by the Village Administrator, and shall contain the following information about and agreements of the waste hauler:

- a. The name, business address, and telephone number of the person, firm or corporation;

b. If the waste hauler is a corporation, the corporation shall provide a certificate of good standing and the name, address and telephone number of the corporation's president and of its registered agent.

c. If the applicant is a partnership, the applicant shall provide the names, addresses and phone numbers of all partners holding greater than a 5% interest.

d. If the applicant is doing business under an assumed name, the applicant shall provide a copy of the assumed name certificate filed with the County Clerk, if a natural person, and of the assumed name certificate filed with the Secretary of State, if a corporation.

e. The applicant shall provide proof of liability insurance in the amount of \$1 million per occurrence, including insurance for each vehicle, and shall agree to keep such insurance in force during the term of the license.

f. The applicant shall provide proof of workers' compensation insurance covering its employees in the statutory amount, and shall agree to keep such insurance in force during the term of its license.

g. The applicant shall attach a schedule of rates which it will charge upon the license being granted, and shall agree to provide the Village with written notice of any rate changes at least 30 days in advance of rate changes.

h. The applicant shall agree to observe all provisions and conditions of this Ordinance during the term of its license.

i. If in accordance with Section 6 of this Ordinance, the applicant proposes not to recycle a class of recyclable materials due to the unavailability of markets, the applicant shall include with the application, or may submit under separate cover, proof of the unavailability of the market.

j. The application shall be signed by the applicant or a responsible officer of the applicant.

k. The applicant shall agree to clearly mark each vehicle used for solid waste collection with the applicant's name.

SECTION 3. PROCEDURES FOR GRANTING OR DENYING LICENSE; APPEALS

a. Applications for solid waste hauling licenses shall be submitted to the Village Clerk, who shall give the applications to the Village Administrator for processing. The Village Administrator shall, within seven working days of receipt of the application by the Clerk, grant or deny the license. If the license is denied, the Village Administrator shall state the reasons for the denial in writing. Thereupon, the applicant may appeal in accordance with subsection b of this Section; or may within ten days resubmit a license application curing any deficiencies, without having to pay an additional license fee. The Village Administrator shall grant the license or render a

final decision denying the license, within seven working days of resubmission.

b. In the event a license is denied, the applicant may appeal the denial of the application to the administrative committee of the Village Board within seven working days of the final denial, and may request a hearing before the administrative committee, which will be held within seven working days of the request. The administrative committee's determination shall be reviewable in accordance with Illinois statutes pertaining to administrative review.

SECTION 4. CONDITIONS OF LICENSURE

A licensee under this Ordinance shall, as a condition of licensure do the following things:

a. The licensee shall pick up and segregate by class the following classes of solid waste:

(1) Unseparated solid waste, which shall consist of solid waste of all descriptions other than yard waste, including recyclable materials that have not been segregated by the customer.

(2) Recyclable materials, which shall include (a) aluminum cans; (b) steel cans; (c) tin-coated cans; (d) bi-metal cans; (e) glass bottles and jars of all colors; (f) No. 1 plastic; (g) No. 2 plastic; and (h) newspapers, when such recyclable materials are separated by the customer from other classes of solid waste and placed in separate marked bins, or in the case of newspapers, placed in paper bags or baled with twine;

or, in the case of plastic bottles, tied together with twine. The Village reserves the right to expand the definition of recyclable materials due to changing market conditions, without affecting the validity of the license.

(3) Yard waste, which shall include leaves, grass clippings, wood chips, twigs, and garden waste such as weeds and stalks, when segregated and bagged in accordance with the regulations of the facility which accepts such yard waste from the solid waste hauler.

b. The licensee shall transport and dispose of unseparated solid waste in landfills or by any other method permitted by state and federal law.

c. The licensee shall transport and dispose of recyclable materials by selling or giving such materials to dealers in recyclable materials.

d. The licensee shall transport yard waste to composting centers or other facilities which accept yard waste only.

e. Each licensee shall be responsible for handling the recyclable materials and yard waste of its own customers; however, licensees may agree among themselves to handle the recyclable materials and yard waste of another licensee.

f. The licensee shall comply with this Ordinance and all other ordinances of the Village and with state, county and federal laws and regulations pertaining to solid waste management.

g. On or before the 15th day of each month the licensee shall provide the Village with data regarding the volume of solid waste, broken down by categories, disposed of or sold in the previous month, and shall provide any other data the Village may reasonably require.

SECTION 5. RATE STRUCTURES

A licensee may set its own rates, subject only to the following restrictions:

a. The licensee shall set volume-based rates for commercial and industrial customers for collection of unseparated solid waste, and shall dispose of recyclable materials from such customers free of charge. The licensee may agree with such customers on any frequency of pickup of solid waste, provided that all waste is picked up at least once per week. Because the needs of commercial and industrial customers vary so greatly from customer to customer, the licensee need not announce a rate of general applicability, and is free, subject to state and federal law, to discriminate among commercial and industrial customers in the matter of rates.

b. For residential customers, each licensee shall charge a basic fee, which will entitle each customer to a once weekly pickup and disposal of one 32 gallon garbage can or a 33 gallon bag of unseparated solid waste, not to exceed 60 pounds. For unseparated solid waste in excess of the basic service, the licensee shall charge a per-32 gallon can or 33 gallon bag fee. The customer shall purchase stickers for such additional cans and

bags from the licensee, and shall affix a sticker to each additional can or bag to be picked up in addition to the basic service. The rates for residential customers shall be of general applicability, and there shall be no discrimination among residential customers as to rates; however, senior citizen discounts are permissible.

c. Recyclable materials shall be picked up from residential customers free of charge.

d. Rates for disposal of yard waste shall be volume-based. The licensee shall charge separately for each 32 gallon can or 33 gallon bag of yard waste. The customer shall purchase stickers from the licensees and shall affix a sticker to each can or bag of yard waste. A yard waste sticker shall cost no less than a sticker for unseparated solid waste.

e. A licensee may change its rates from time to time in its discretion. The licensee shall provide the Village Administrator with a copy of any rate change for residential customers at least 30 days in advance of the rate change, and shall inform each residential customer of the rate change in writing at least 30 days in advance of its effective date. Notice to customers may, in the discretion of the licensee, be made by an insert in the monthly bill. No rate change shall be effective unless these notice provisions are complied with.

SECTION 6. PROCEDURES IN THE EVENT OF UNMARKETABILITY OF RECYCLABLES

A licensee may relieve itself of the obligation to pick up and dispose of any class of recyclable materials by submitting

to the Village Administrator proof of the lack of a reasonable market for such recyclable material. Proof shall consist of a written statement detailing the efforts the licensee has made to seek a market for that class of recyclable material and any other written material the licensee may have in its possession regarding market trends. Upon receipt of such material, the Village Administrator shall have 15 working days in which to verify the validity of the licensee's statement and to seek a market for the class of recyclable materials. If the Village Administrator finds the licensee's statement is correct and is unable to find a market, the licensee may upon 14 calendar days notice to its customers, require the customers to place the unmarketable class of recyclable material with the unseparated solid waste for pickup. With any subsequent license application, the licensee shall submit written information substantiating the continued unavailability of a market for that class of recyclable materials.

SECTION 7. UNLICENSED WASTE COLLECTION PROHIBITED

a. No person, firm or corporation not licensed hereunder may collect or transport solid waste within the corporate limits of the Village of Chatham. No person other than a licensee hereunder may remove recyclable materials from any premises located within the corporate limits of the Village of Chatham. This paragraph shall not be a limitation on the right of any bonafide non-profit, religious, charitable or educational organization to collect recyclable materials on the premises of

such organization, or on the right of any person to give recyclable materials to such organizations or to sell or give his own recyclable materials to a recyclable dealer.

SECTION 8. COLLECTION OF OVER-SIZED SOLID WASTE

A licensee under this Ordinance shall have no obligation to collect, but may collect for a fee set forth in the licensee's rate structure, solid waste materials, including but not limited to appliances, furniture, carpets, trees, etc., which do not fit into a 32 gallon container or 33 gallon bag or weigh in excess of 60 pounds per item. From time to time, the Village Administrator shall make arrangements for the pickup, disposal, and where appropriate, recycling, of such materials. Residents of and commercial and industrial establishments in the Village may themselves remove and dispose of such materials or contract with non-licensees hereunder for the removal of such materials.

SECTION 9. DURATION OF LICENSE; LICENSE FEE; CONTRACTUAL OBLIGATIONS

a. The annual license fee shall be \$250. A license shall be effective from August 1 of any year through and including July 31 of the following year. The license fee for applications received after August 1 of any year or before July 31 of any year will not be prorated.

b. A license granted hereunder shall constitute a contract pursuant to Section 11-19-1 of the Illinois Municipal Code for the duration of the license.

SECTION 10. RECORDS

The Village Administrator shall design and obtain license and data collection forms for issuance to each licensee hereunder and shall maintain records of all licenses granted and denied hereunder. The licenses granted hereunder shall be serial numbered. All license applications and records pertaining to grants and denials of licenses shall be subject to disclosure to the public under the Freedom of Information Act and Village policies implementing that Act.

SECTION 11. CUSTOMER RESPONSIBILITIES

a. No residential customer of a license shall:

(1) Place unseparated and unbagged solid waste or yard waste for collection in any can larger than 32 gallons, or place unseparated solid waste or yard waste in any bag larger than 33 gallons;

(2) Place more than 60 pounds of unseparated solid waste or yard waste in any 32 gallon can or 33 gallon bag;

(3) Place a can of solid waste for collection which is not firmly covered with a lid, or a bag which is not tied.

b. No licensee is required to pick up any can or bag of solid waste which is in violation of this section.

SECTION 12. ENFORCEMENT AND PENALTIES

a. The Village Police Department, Public Works Department and Village Administrator are hereby authorized and directed to enforce all provisions of this Ordinance.

b. Any person who violates any provision of this Ordinance shall, upon conviction thereof, be punished by a monetary fine not less than \$100 nor to exceed \$500.

c. Each and every day that a violation continues shall be considered a separate offense.

d. The Village Administrator may revoke the license of any licensee who fails to comply with the conditions of licensure set forth in Section 4 hereof. The Administrator shall, before revoking a license, order a licensee to show cause why the license should not be revoked, and shall specify the deficiencies which the Administrator believes exist. The licensee shall, within 10 days of the date of the notice, provide the Administrator with written reasons and evidence why the license should not be revoked. Within 5 days of receipt of such evidence, the Administrator shall render a decision, which may be appealed by the licensee in the same manner as denial of licenses in accordance with Section 3(b) of this Ordinance.

SECTION 13. EFFECTIVE DATE; PUBLICATION

This Ordinance is effective August 1, 1991; the Administrator shall begin accepting and processing license applications on July 1, 1991. The Clerk shall forthwith publish this Ordinance in pamphlet form and in the Chatham Clarion, and

shall mail a copy to all waste haulers known to the Clerk to be doing business in Chatham.

SECTION 14. SEVERANCE CLAUSE; CHANGE OF LAW

The provisions of this Ordinance are severable, and if any provision of this Ordinance shall for any reason be held invalid or unconstitutional, or if the application of this Ordinance to any person or circumstance is held invalid or unconstitutional, such decision shall not affect the validity of the remainder of this Ordinance. If state, federal or county law changes to mandate conditions of licensure more stringent than those set forth in this Ordinance, such changes shall be deemed incorporated in this Ordinance and in all licenses granted hereunder.

PASSED this 11 day of JUNE, 1991.

Carl D. Oblinger
PRESIDENT

ATTEST:

[Signature]
CLERK

AYES: 5

NAYS: 0

PASSED: 6-11-91

APPROVED: 6-11-91

ABSENT: 1

ORDINANCE CERTIFICATE

STATE OF ILLINOIS)
) SS.
COUNTY OF SANGAMON)

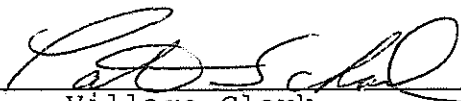
I, the undersigned, do hereby certify that I am the duly qualified and acting Village Clerk of the Village of Chatham, Sangamon County, Illinois.

I do further certify that the ordinance attached hereto is a full, true, and exact copy of Ordinance No. 91-26, as amended by Ordinance No. 91-27, adopted by the President and Board of Trustees of said Village on the 11 day of JUNE, 1991, said Ordinance being entitled:

**AN ORDINANCE PROVIDING FOR REGULATION OF
SOLID WASTE DISPOSAL AND LICENSURE OF SOLID WASTE
HAULERS WITHIN THE VILLAGE OF CHATHAM, ILLINOIS**

I do further certify that prior to the making of this certificate, the said Ordinance was spread at length upon the permanent records of said Village, where it now appears and remains.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of said Village this 11 day of JUNE, 1991.



Village Clerk

PREPARED BY:

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