

SANGAMON COUNTY, ILLINOIS

ORDINANCE
NUMBER 22-38

**AN ORDINANCE AMENDING THE VILLAGE CODE REGARDING THE VILLAGE
GREEN PROGRAM PERTAINING TO COMMERCIAL PROPERTIES**

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AN ORDINANCE AMENDING THE VILLAGE CODE REGARDING THE VILLAGE GREEN PROGRAM PERTAINING TO COMMERCIAL PROPERTIES

WHEREAS, the Village of Chatham (hereinafter, the “Village”), an Illinois municipal corporation; and

WHEREAS, the Village currently undertakes the direct collection and disposal of yard waste within the Village; and

WHEREAS, to help fund the yard waste collection, and other “green” programs, the Village charged a \$2.00 monthly fee; and

WHEREAS, the Village Board recently issued an RFP for yard waste and branch removal services of the Village including commercial properties; and

WHEREAS, the Village Board desires to and finds it in the best interests of the Village to amend the green program service as set forth herein to reflect the operational and other service changes with specific reference to commercial properties.

NOW THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of Chatham, Sangamon County, Illinois, as follows:

Section 1. Recitals. The foregoing recitals shall be and are hereby incorporated into and made a part of this Ordinance as if fully set forth in this Section 1.

Section 2. Amendment to Title V. Chapter 53 of Title V to the Village Code shall be amended as follows (added; ~~deleted~~):

VILLAGE GREEN PROGRAM

§ 53.45 DEFINITIONS.

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

RESIDENTIAL DWELLING UNIT (RDU). A residential unit shall include a single-family dwelling, multi-family dwelling unit, and mobile home not in a mobile home park whether on public or private streets. A dwelling in a residential area which contains a "home-type" business enterprise, such as a small beauty parlor, etc., shall be considered a dwelling unit and receive collection service.

UTILITY CUSTOMER. Any resident of any household which has an electric, water or sewer utility account with the village, or any authorized agent of any person, firm or corporation having a nonresidential electric, water or sewer utility account with the village.

§ 53.46 GREEN PROGRAM

The Village Green program shall refer to collection and disposal of residential and commercial solid waste, yard waste and the collection of tree limbs and branches and activities necessary to keep streets and alleyways clear of yard waste and debris. It shall be the responsibility of each residential dwelling unit and commercial property, at the unit's sole cost and expense, to contract with a licensed waste hauler for the collection of solid waste. The Village shall contract for the at least semi-annual pick up of yard waste and the monthly collection of tree limbs and branches. The cost of the semi-annual yard waste and collection of tree limbs and branches, as set forth herein, shall be covered by the Green Program Service Charge set forth in Section §53.47. The Green Program shall also include the annual village clean-up and other green/recycling projects, including necessary equipment purchases for street sweeping and other Green Program projects as may be approved by the corporate authorities of the village.

§ 53.47 GREEN PROGRAM SERVICE CHARGE.

Each utility customer in the village shall be assessed a monthly service charge of \$4.00 for each month of the year to defray the cost of collection and disposal of yard waste pursuant to §53.52, authorized tree waste pursuant to §53.71, the annual village clean-up program and other recycling/clean-up projects of the village and related equipment for street cleaning / clearing. The service charge shall be charged and collected along with the monthly utility bill to each customer. The service charges shall be placed in a special fund in the village treasury and used only to defray the cost of the above described services in §53.46.

RESIDENTIAL AND COMMERCIAL YARD WASTE COLLECTION AND DISPOSAL SYSTEM

§ 53.50 ESTABLISHMENT OF SYSTEM.

The village hereby establishes a yard waste collection and disposal system.

§ 53.51 DEFINITIONS.

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

COMPOST YARD WASTE BAGS. Biodegradable sacks designed to store yard waste with sufficient wall strength to maintain physical integrity when lifted. Bags must be easily identified and distinguishable from regular solid waste containers.

RESIDENTIAL YARD WASTE. Household generated yard material such as grass clippings, garden debris, leaves, shrubbery or brush or tree trimmings less than 4' in length and 2" in diameter. Each household must place this material in a separate, identifiable container or Compost Yard Waste Bags or bundled.

COMMERCIAL YARD WASTE. Locally generated yard material such as grass clippings, garden debris, leaves, shrubbery or brush or tree trimmings less than 4' in length and 2" in diameter at commercial properties. Each commercial property must place this material in a separate, identifiable container or Compost Yard Waste Bags or bundled.

YARD WASTE CONTAINER. Households and commercial properties must provide their own separate yard waste container or compost yard waste paper bags. Yard waste containers must be prominently marked so that they may be identified by a passing truck and must be placed at the curb. Containers may not exceed 90-gallon bins and cannot exceed 50 lbs. in weight.

§ 53.52 YARD WASTE COLLECTION

- (A) Collection of yard waste will be for each residential dwelling unit and commercial property and shall be performed by the Village or its contractor a total of 4 times, twice per year for a duration of five weeks (spring and fall) with two trips through the Village per five-week period. Collection of the yard waste outside these designated collection periods must be performed by each residential dwelling unit's designated waste hauler with appropriate stickers affixed to bags or containers as required.
- (B) Containers for yard waste may be either a reusable container clearly marked "Yard Waste" or a paper or other biodegradable bag with a capacity not to exceed thirty (30) gallons.
- (C) The Village's Contractor will pick up an unlimited-number containers at curbsides. For curbside pickup, all containers shall be placed near the street in front of the residential unit or in an alley adjacent to the property. It shall be the responsibility of each resident to see the container are placed curbside or as close as practicable to collection vehicle routes by 6:00 a.m. on the designated collection day. Curbside refers to that portion of the right-of-way adjacent to paved or traveled roadways (including alleys).

- (D) Nothing herein shall limit residents of the village from disposing of yard waste at their own expense in accordance with their respective waste haulers' rates and procedures.

SOLID WASTE (GARBAGE) RESPONSIBILITY

§ 53.60 RESPONSIBILITY OF OWNERS AND OCCUPIERS OF LAND TO REMOVE SOLID WASTE (GARBAGE).

- (A) All owners and occupiers of land within the Village shall remove or cause to be removed by a licensed solid waste hauler all solid waste (garbage) other than yard waste, as defined in this chapter, produced or otherwise accumulated on any premises in the village, at least once weekly.
- (B) The accumulation of solid waste (garbage) on a premises in violation of division (A) of this section is hereby declared a nuisance.
- (C) All leases of real property in the Village shall specify, as between the landlord and the tenant, who is responsible for waste removal from the premises. However, the failure of the party responsible to remove the waste pursuant to the lease shall not be a defense for the other party in the event the village brings an action to enforce division (A) of this section.

TREE WASTE COLLECTION & DISPOSAL SYSTEM

§ 53.70 DEFINITIONS.

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

~~RESIDENTIAL-LIMB AND BRANCHES.~~ ~~Household-generated~~ shrubbery or brush or tree trimmings less than 4 feet in length and 8" in diameter generated at the property. Each ~~household~~ property must place this material at the curb for pickup.

§ 53.71 LIMB AND BRANCH COLLECTION

- (A) Collection of limb and branches will be for each residential dwelling unit and each commercial property and shall be performed twelve times per year with one trip thru the Village per month.
- (B) For pickup, all branches and limbs shall be placed near the street in front of the property ~~residential unit~~. It shall be the responsibility of each resident to see the branches and limbs are placed curbside or as close as practicable to collection vehicle routes by 6:00 a.m. on the designated collection day.

Curbside refers to that portion of the right-of-way adjacent to paved or traveled roadways.

§ 53.72 – 53.74 RESERVED

VILLAGE BURN PILE

§ 53.75 DEFINITIONS.

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

AUTHORIZED TREE WASTE. Tree limbs, branches and trimmings, and leaves attached thereto, and discarded Christmas trees and wreaths, generated within the corporate limits of the village.

AUTHORIZED TREE WASTE does not include Residential Yard Waste as defined in § 53.41, nor any material generated outside the corporate limits of the village.

BURN PILE. A Village-owned and operated facility for disposing of authorized tree waste by burning. The Burn Pile shall be located at 9507 South Main Street, Chatham, Illinois.

COMMERCIAL OPERATOR. Any person, firm or corporation which for a consideration, generates or disposes of authorized tree waste, including but not limited to persons in the businesses of landscaping, tree removal, tree surgery and general hauling.

§ 53.76 HOURS OF OPERATION.

The days and hours of operation of the burn pile shall be 8:00 a.m. through 3:00 p.m. Monday through Friday. However, the Village Manager, Manager of Public Utilities, or the Manager of Public Works may in their sole discretion open or close the burn pile at any time and for any reason and without notice.

§ 53.77 BURN PILE REGULATIONS.

The following regulations shall govern the burn pile:

- (A) No person shall deposit any materials other than authorized tree waste at the burn pile and shall display a valid permit.
- (B) All authorized tree waste deposited at the burn pile shall be placed inside the areas specifically identified by signage erected by the village. No person shall deposit any materials at the burn pile outside the designated areas.

- (C) Residents of the village may deposit authorized tree waste at no charge after obtaining a free permit, valid for seven days, from the village's Utility Office.
- (D) Commercial operators may not deposit any tree waste at the burn pile.
- (E) Residents depositing authorized tree waste shall provide evidence of residency upon request.
- (F) No person shall be found in or shall deposit any materials in the burn pile at times other than the hours set forth in §53.76, or when the burn pile is closed. Any person violating this rule is deemed a trespasser.

§ 53.78 SIGNAGE.

The Village Manager shall cause signage to be erected at the burn pile indicating:

- (A) The days and hours of operation; and
- (B) A summary of the rules as set forth in §53.77.

§ 53.79 BURNING.

From time to time and in accordance with applicable EPA regulations, the Manager of Utilities or the Manger of Public Works shall arrange for the burning of materials deposited in the burn pile.

§ 53.80 ADDITIONAL REGULATIONS PERTAINING TO COMMERCIAL OPERATORS.

All tree waste generated by a commercial operator shall be removed from the corporate limits of the village and disposed of by the commercial operator.

§ 53.99 PENALTY.

- (A) Any person who violates any provision of this chapter shall, upon conviction thereof, be punished by a monetary fine not less than \$100 nor to exceed \$750. Each and every day that a violation continues shall be considered a separate offense.
- (B) In addition to the penalty as prescribed in division (A) of this section, the village may apply to the court for equitable relief compelling an owner or occupier of land to abate a nuisance created by violation of §53.60 of this chapter.

Section 3. Severability. In the event a court of competent jurisdiction finds this ordinance or any provision hereof to be invalid or unenforceable as applied, such finding shall not affect the validity of the remaining provisions of this ordinance and the application thereof to the greatest extent permitted by law.

Section 4. Repeal and Savings Clause. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 5. Effectiveness. This ordinance shall be in full force and effect after its approval and publication in pamphlet form as required by law.

	AYE	NAY	ABSTAIN	ABSENT
KRISTEN CHIARO	✓			
MEREDITH FERGUSON	✓			
JOHN FLETCHER	✓			
BRETT GERGER				✓
TIM NICE	✓			
CARL TRY	✓			
DAVE KIMSEY				
TOTAL	5	-	-	1

APPROVED by the President of the Village of Chatham, Illinois this 9 day of August, 2022.


 Dave Kimsey, Village President

Attest:


 Dan Holden, Village Clerk