

Refuse - SAVE

ORDINANCE NO. 193

AN ORDINANCE AMENDING CHAPTER 12, NUISANCES, SECTION 12.08., AND ADDING NEW CHAPTER 8, ALL TO THE MUNICIPAL CODE OF LE ROY, ILLINOIS, 1975 (AS AMENDED).

Whereas, the Mayor and City Council of the City of LeRoy, McLean County, Illinois, an Illinois municipal corporation, have determined that it is in the best interests of the city and of the residents of the aforesaid city to provide in detail for the collection and disposal of refuse that may be found from time to time within the city limits of said city, and

Whereas, the Mayor and City Council have determined that the present ordinances providing for the collection and disposal of refuse are not adequate for the purpose for which they are intended,

NOW, THEREFORE, BE IT ORDAINED by the Mayor and City Council of the City of LeRoy, Illinois, in lawful meeting assembled:

Section 1. That Chapter 12, Section 12.08 (a) and (b), are hereby repealed, and that Section 12.08 (c) is hereby relettered Section 12.08 (a).

Section 2. That new Chapter 8, REFUSE COLLECTION AND DISPOSAL, is hereby added to the Municipal Code of LeRoy, Illinois, 1975 (as amended), in words and figures as follows:

CHAPTER 8
REFUSE COLLECTION AND DISPOSAL

8.01: DEFINITIONS. For the purposes of this Chapter, the following terms, phrases, words and their derivations, shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words in the singular number include the plural number. The word "shall" is always mandatory.

(a). Approved Refuse Container.

(1). A can made of galvanized metal, aluminum, plastic or other water and weather-proof material. The receptacle shall taper from top to bottom, be fitted with handles or baes and be equipped with a tight fitting cover or lid. Total capacity of any receptacle shall not exceed 30 gallons and total weight of receptacle and contents thereof shall not exceed 50 pounds, or

(2). Plastic bags of at least 3.0 mils thickness tied at the top, total weight not in excess of 25 pounds.

(b). Ashes. Residue from fires used for cooking or heating buildings.

- (c). Brush. Trimmings from shrubs, trees or other woody plants not less than two feet or more than six feet in length and not in excess of two inches in diameter.
- (d). Building. Any structure, whether public or private, whether or not in use for any purpose whatsoever.
- (e). Building Waste. Any and all refuse or residue resulting directly from building construction, reconstruction, repair, demolition or replacement.
- (f). Bulk Refuse.
- (1). Discarded household furniture;
 - (2). Discarded household appliances;
 - (3). Tree branches in excess of two inches in diameter;
 - (4). Brush and shrubbery not prepared according to Section 8.07;
 - (5). Any other individual item of furniture, furnishings, equipment, machinery or land or brush, shrubbery or tree trimmings, weighing more than fifty pounds, including as examples the following: Auto parts, tires and wheels, mechanical equipment, T.V. sets, stoves, refrigerators, furniture pieces, individual items which but for their weight would constitute rubbish, individual items of construction and demolition waste, freezers, clothes washers, clothes dryers, dishwashers, trash compactors, water heaters, furnaces and duct work, carpeting, bed mattresses, bed box springs, power lawn mowers, etc.
- (g). City. The City of LeRoy, McLean County, Illinois.
- (h). Commercial Building. A building which is used for any commercial or industrial purpose whatever, and shall include hotels and motels.
- (i). Department. The Street Department of the City of LeRoy, Illinois.
- (j). Garbage. Putrescible animal and vegetable waste resulting from the handling, preparation, cooking and consumption of food.
- (k). Inspector. The person assigned the duties of Refuse Violation Inspector of the City of LeRoy, Illinois.
- (l). Large Containers. Receptacles having a minimum capacity of 3/4 cubic yard and a maximum of 2 cubic yards, with wheels, and designed to be capable of being picked up by the City's equipment. Said receptacles commonly being known as "dumpsters".

- (m). Licensed Waste Collector. Any person who obtains a license from the City of LeRoy to collect or transport public or private refuse over the streets of the City.
- (n). Mobile Home. Any vehicle or similar portable structure constructed so as to permit its being used as a conveyance on a public street and so as to permit the occupancy thereof as a dwelling by one or more persons.
- (o). Mobile Home Park. Any area of land on which 5 or more occupied mobile homes are harbored, either free of charge or for revenue, together with any building structure or enclosure used as a part of the equipment of such park.
- (p). Multi-family Dwelling. A building or portion thereof, or group of buildings, under common ownership constituting a complex under common ownership.
- (q). Other Wastes. Any item of the nature of trash or refuse not specifically enumerated in this definition section.
- (r). Owner. Any person or group of persons having legal or equitable title to property, or the agent of said person, lessee or agent of a lessee, or any person having care, custody, management or control of property.
- (s). Refuse. All putrescible and non-putrescible garbage, rubbish, ashes, bulky waste, brush, construction and demolition wastes, building waste and other wastes.
- (t). Residential Building. Any building, except a mobile home, which is used exclusively for permanent dwelling purposes and such accessory uses as are permitted under Chapter 21, Municipal Code of the City of LeRoy.
- (u). Rubbish. Combustibles such as paper, cardboard cartons, wood, boxes, excelsior, plastic, rags, cloth, bedding, leather, rubber, grass, leaves, yard trimmings and garden wastes, or non-combustibles, such as metal, tin cans, metal foil, dirt, stone, bricks, ceramics, crockery, glass, bottles or combinations thereof weighing 50 pounds or less as left for pick-up in containers.
- (v). Street. All publicly dedicated streets in the City of LeRoy. Where refuse collection authorized by Sections 8.03 and 8.04 of this Chapter may not be conveniently conducted from publicly dedicated streets, "street" shall also include streets in a mobile home park or apartment building complex which possess the following characteristics: (i) Pavement of not less than 10 feet in width; (ii) Freedom from all obstruction not less than 2 feet on each side of the pavement; (iii) Absence of overhanging tree limbs which could interfere with any city refuse collection vehicle;

(iv). Configuration which allows city refuse collection vehicles convenient ingress and egress; (v) Surface maintained in a condition so as not to impede or hamper city refuse collection vehicles. The determination of whether a street meets the aforesaid standards shall be made by the City Street Superintendent.

8.02: SCOPE OF SERVICE

(a). The City shall provide refuse collection service for all residential buildings, commercial buildings and mobile home parks on the conditions and under the provisions as hereinafter set forth.

(b). As to any mobile home not located in a mobile home park, those mobile homes present within the limits of the City of LeRoy and in conformance with the Municipal Code of the City of LeRoy, Illinois, 1975 (as amended), regarding legal non-conformance with the City zoning ordinances and mobile home park ordinances shall be provided refuse collection service the same as any other residential building. Refuse collection service may not be provided to any other mobile homes unless located within a mobile home park.

(c). Mobile Home Parks. Refuse collection service shall be provided to the occupants of mobile home parks by agreement between the City and owner of the mobile home park, which agreement shall provide for the placement and location of one or more common refuse collection receptacles at convenient points within or about the mobile home park, such convenience being not only for the occupants of the mobile home park but also for the ingress and egress of city refuse collection vehicles. Said agreement shall include a provision holding the City harmless from any liability for damages to private streets, roadways, or parking areas which might arise due to the size and weight of City refuse collection vehicles.

(d). Commercial Buildings. Commercial buildings deemed by the City Council to require no more than 5 approved refuse containers, none being in excess of 30 gallons, shall be treated in the same manner as residential buildings for refuse collection purposes, including fees and pick up schedules. All other commercial buildings shall be provided refuse collection service at convenient points within or about the commercial building, such convenience being not only for the building itself but also for the ingress and egress of City refuse collection vehicles. The owners of the commercial building shall hold the city harmless from any liability for damages to private streets, roadways, or parking lots which might arise due to the size and weight of City refuse collection vehicles.

(e). Mobile Home Parks. Refuse collection service shall be provided to the occupants of mobile home parks by agreement between the City and owner of the mobile home park, which agreement shall provide for the placement and location of one or more common refuse collection receptacles at convenient points within or about the mobile home park, such convenience being not only for the occupants of the mobile home park but also for the ingress and egress of city refuse collection vehicles. Said agreement shall include a provision holding the City harmless from any liability for damages to private streets, roadways, or parking areas which might arise due to the size and weight of City refuse collection vehicles.

(e). Multi-family Dwelling Buildings. Multi-family dwelling buildings and apartment complexes shall be provided refuse collection service in the same manner as residential buildings but by agreement between the Landlord and the City may be provided special billing rates as set forth hereinafter.

8.03: COLLECTION OF REFUSE FROM RESIDENTIAL BUILDINGS AND COMMERCIAL BUILDINGS QUALIFYING FOR TREATMENT AS RESIDENTIAL BUILDINGS. Except as hereinafter provided, all City refuse collection shall be made from the street in front of residential buildings and commercial buildings qualifying for treatment as residential buildings.

(a). Present Alley Collection. Collection will be made from those alleys from which collection is presently made as follows:
Blocks 10 & 23, Original Town of LeRoy;
Block 62, Conkling's Addition to the Town of LeRoy;

(b). Future Alley Collection. No refuse shall be collected from alleys other than the alleys enumerated in sub-section (a) previous unless such alleys conform to the following standards: (i) Alley shall have a public right-of-way not less than 16.5 feet in width; (ii) Alleys shall contain a gravel base not less than 10 feet wide the entire length of the alley; (iii) On each side of the graveled portion of the alley there shall be a strip not less than 2 feet in width which is free of any and all obstructions including without limitation: (aa) plants and shrubs, (bb) trees, (cc) garages including overhangs, (dd) utility poles.

(c). Refuse Collection. Refuse shall be collected once a week according to a collection schedule established by the Superintendent of Streets, which schedule shall provide for routine pick-up as well as holiday schedules from time to time. No more than 5 approved refuse containers, the contents of each meeting all requirements herein set forth, the contents of which do not contain bulk refuse or building waste (as to collection services rendered under this Section 8.03 only) shall be picked up in each weekly collection.

(d). Bulk Refuse Pick Up. Bulk refuse shall be collected according to the collection schedule established by the Superintendent of Streets, which schedule shall provide for regular pick-ups.

8.04: COLLECTION OF REFUSE FROM COMMERCIAL BUILDINGS NOT QUALIFYING FOR TREATMENT AS RESIDENTIAL BUILDINGS, FROM SCHOOL OR OTHER GOVERNMENTAL ENTITIES AND OTHER NON-RESIDENTIAL REFUSE COLLECTION CUSTOMERS.

(a). School Districts and Other Governmental Entities. All school districts located within the City of LeRoy or having school sites within the City of LeRoy requiring refuse collection from time to time as well as any other governmental entities having property locations within the City of LeRoy municipal boundaries and requiring refuse collection services shall be provided refuse collection services by the City under such special arrangements as may be made from time to time by contract between the City of LeRoy and the school district or other governmental entity, said contract to be approved by the Mayor and City Council.

(b). Commercial Buildings and Refuse Collection Customers Not Treated as Residential Buildings or Residential Refuse Collection Customers. Business, commercial and other non-residential buildings, institutions and refuse collection customers are hereby divided into fair and reasonable types for the purpose of collection of garbage and trash accumulation and refuse. Collections will not be made from inside structures or enclosures. The City Street Department Superintendent will make determination of the type of receptacles (cans or containers) that will be used. Collection fees for a calendar month for each classification shall be as set forth hereinafter. Each business or commercial establishment and all other non-residential institutions and refuse collection customers shall provide suitable concrete or paved platform areas upon which the containers shall be kept and provide reasonable access routes for the City equipment at all times and in all weather conditions. City shall not be liable for damages to private streets, roadways or private parking areas which might arise due to the size and weight of City refuse collection vehicles.

8.05: LEAVES AND LAWN CLIPPINGS

(a). Lawn clippings will be collected from residential property and other refuse collection customer sites on regular bulk refuse collection schedules. Lawn clippings must be properly placed and packaged in approved refuse containers.

(b). Leaf Collection. Leaves at all times of the year except the period from September 15 through December 15 shall be collected on regular refuse collection schedules if properly placed and packaged in approved refuse receptacles. From September 15 to December 15 of each year the leaves are deemed to be bulk refuse and will be picked up as bulk refuse upon the collection schedule for such type of refuse.

8.06: REFUSE FEES FOR A CALENDAR MONTH FOR EACH CLASSIFICATION OF REFUSE COLLECTION CUSTOMERS SHALL BE AS FOLLOWS:

a. Fees for Regular Collection from Residential Premises and Commercial Premises Treated as Residential Premises.

One Family Residence	\$6.00 per month
Two Family Residence	\$12.00 per month
Commercial Establishments	\$6.00 per month
Multi-Family Dwelling	\$6.00 per month per unit

b. Monthly Fees for Commercial and Business Establishments, and Other Institutions and Non-residential Refuse Collection Customers.

Table 1:

Monthly Fees for Can or Bag Collection

Number of Cans or Equivalent* Each Collection:	Monthly Fee - Number of Pick-Ups Per Week:	
	1 time	2 times
Minimum charge per customer -	\$6.00 (5 cans maximum)	\$12.00 (5 cans maximum)
Additional charge, over minimum, per can over 5 cans**	\$2.00 per can	\$4.00 per can

* Two standard trash bags equal one can.

** Each person or business.

Table 2:

Monthly Fees for Container Collection Service

Container Size:	Number of Times Emptied Per Week:	
	1 time	2 times
3/4 cubic yard minimum to 2 cubic yards maximum, per container	\$12.00	\$24.00

c. Multi-Family Dwellings - Special Billing Rate for Use of Containers in Place of Garbage Cans or Other Refuse Receptacles.

In lieu of the residential refuse collection customer rates set forth previously, owners of multi-family dwelling buildings or complexes may provide container refuse receptacles for the occupants in which event the monthly fees for container collection service will be as follows:

Container Size:

Monthly Fee -
Number of Times Emptied Per Week:

3/4 cubic yard minimum to
2 cubic yards maximum, per
container

1 time	2 times
\$12.00	\$24.00

d. All containers shall be provided at the owner's or occupant's expense and shall be the property of the owner or occupant-refuse collection customer. City shall not be liable in any manner for the maintenance or sanitary condition of any refuse container.

e. Refuse collection fees shall be included with the City water and sewer use bill to each water user bi-monthly at the same time as the City water and sewer use bills are sent out. The City Clerk is hereby directed not to accept payment of the water or sewer use bills unless such payment is in the total amount billed, which shall include the appropriate refuse collection fees as herein provided. Owners or occupants of premises which do not use City water shall be billed bi-monthly by separate billing for the appropriate refuse fee for their premises. A penalty of ten percent (10%) will be added to statements if not paid within fifteen (15) days after mailing. Non-payment of the bill may result in termination of refuse collection services upon the direction of the City Council of the City Street Superintendent.

f. The City, by determination of the City Street Superintendent, may refuse to continue refuse collection service to any customer when the payment for the bill for such service is two months delinquent. As provided under the laws of the State of Illinois, City may remove garbage or debris from the premises of any owner, occupant, or refuse collection customer within the City, even when the aforesaid is delinquent, and City may collect from such owner of the real estate, from which the garbage and debris was removed, the reasonable cost thereof. This cost shall be a lien upon the real estate affected if, within sixty (60) days after such expense is incurred, City shall cause notice of lien to be filed in the office of the Recorder of Deeds of McLean County, Illinois. Said notice shall consist of a sworn statement setting out: (i) a description of the real estate sufficient for identification thereof, (ii) the amount of money representing the cost and expense incurred or payable for the service, and (iii) the date or dates when such cost and expense was incurred by the municipality. Upon payment of the cost and expense by the owner or persons interested in such property after notice of lien has been filed, and upon payment of the filing fee paid to the Recorder of Deeds, the lien shall be released by City in writing which release shall be forwarded to the owner or occupant against whose name the lien was filed.

8.07: PREPARATION AND PLACEMENT OF REFUSE FOR COLLECTION.

(a). Preparation of Refuse for Collection.

(1). Garbage and Rubbish. All garbage and rubbish shall be placed in approved refuse containers, and amounts in each container shall not exceed 50 pounds (as to collection under Section 8.03).

(2). Newspapers and Empty Boxes. All newspapers and empty boxes not placed in approved refuse containers shall be tied securely into bundles not weighing more than 50 pounds.

(3). Brush. Brush not in approved refuse containers shall be cut in length not to exceed 6 feet in length and stacked neatly for collection.

(4). Bulk Refuse. Bulk Refuse shall be prepared so as not to be a hazard. Doors must be removed from refrigerators and other large appliances.

(5). All garbage shall be thoroughly drained of all liquids.

(6). Sharp objects. All sharp objects constituting rubbish, or construction or demolition waste shall be blunted as much as may be reasonably possible.

(7). Ashes. Ashes shall be extinguished so that no hot coal or fire remains.

(8). No ashes shall be mixed with garbage, rubbish, construction or demolition waste or brush.

(9). All garbage, rubbish, and other refuse, except bulk refuse and brush, shall be placed in approved refuse containers which containers shall be tightly covered at all times.

(10). All refuse containers shall be stored on the premises of the owner or other persons utilizing the City refuse collection service and shall be screened so as to prevent their being viewed from the street.

(b). Sub-standard Refuse Containers. A container may be considered defective if it: (i) has no cover, or the cover fits so badly as to allow insects or animals access to the contents; (ii) has no handles; (iii) is rotted or has holes in the top, sides or bottom; (iv) has ragged or sharp edges or any other defect liable to hamper or injure the refuse collectors; or (v) is in an unsanitary condition.

(c). Responsibility for Maintenance of Refuse Containers. It is the obligation of the owner and occupant of any dwelling unit, commercial building, or other refuse collection customer to provide approved refuse containers and maintain the same in good repair and sanitary condition. Whenever any receptacle shall become defective, it is the joint responsibility of the owner and occupant or other refuse collection customer to repair or replace the same and to restore it to sanitary condition.

(d). Prohibited Containers. Prohibited containers shall be deemed to include, but not to be limited to, metal drums, fiber or paper-board drums, wire trash burners, barrels, paper shopping bags, cardboard boxes, receptacles without lids, open plastic bags or containers having sharp or jagged edges or other exposures.

(e). Placement of Refuse for Collection. Not earlier than 2:00 p.m. on the day prior to the scheduled collection day, nor later than 5:00 a.m. on the day of collection, all refuse to be collected shall be placed so as not to present a hazard to pedestrians or vehicular traffic along the streets or alley from which collection shall be made. Placement of refuse on the owner's property shall constitute authorization for refuse collectors to enter on said property for the purpose of collecting refuse deposited thereon. Owners shall return all receptacles to the place of storage upon the premises within 12 hours after having been emptied.

(f). Prohibited Refuse Collection. No brush or building waste shall be collected which is created by any person, firm or corporation doing work as a contractor for any other person. Brush or building waste in excess of the amounts set forth in this section (f), or created by any person, firm or corporation doing work as a contractor for any other person, will only be collected after special arrangements shall have been made with the City Street Superintendent for pick-up of such refuse. The City Street Superintendent shall have final authority to determine whether or not the capability of the City refuse collection system will permit such refuse collection. Special arrangements shall also be made with the City Street Superintendent for pick-up of bulk refuse for times other than those regularly scheduled and for building waste. Charges for all special arrangements and special pick-ups shall be made by the City Street Superintendent, whose determination shall be final, and shall be made in accordance with policy guidelines and minimum user's fees established by the City Council from time to time.

8.08: CONDITION OF REFUSE OR RECEPTACLES AND PROCEDURE FOR DISPOSAL OF DEFECTIVE RECEPTACLES.

(a). Condition of Refuse Receptacles. All refuse receptacles shall be kept in safe, clean and sanitary condition and in compliance with Sections 8.07 (b), (c) and (d).

(b). Procedure for Disposal. The City Street Department sanitation crews shall have the right to condemn any defective receptacles by placing thereon a red tag or sticker which shall be notice to the owner or occupant of the defective nature of the receptacle. The owner of said receptacle shall replace or repair same before it is used again. If the receptacle is used again in its defective nature, the City shall have the right to dispose of the defective receptacle during a subsequent collection. Any person may dispute the condemnation of a container by calling the Street Department Superintendent, whose judgment shall be deemed final. Failure to contact the Street Department Superintendent within 48 hours of condemnation shall constitute an admission that the container was defective.

8.09: VIOLATIONS

(a). Improper Refuse Preparation. A person commits the offense of improper refuse preparation if he prepares refuse other than in compliance with Section 8.07.

(b). Improper Refuse Packaging. A person commits the offense of improper refuse packaging if he deposits refuse in containers or leaves refuse or containers thereof in a condition other than allowed in this Chapter.

(c). Improper Placement of Refuse. A person commits the offense of improper refuse storage or placement for collection if he stores, deposits or leaves refuse containers in a place other than in compliance with Sections 8.02, 8.03 and 8.07.

(d). Interference with Refuse Collection. A person commits the offense of interference with refuse collection if he obstructs, interferes with or hampers any refuse collector in the process of collecting refuse.

(e). Disturbing Refuse of Another. It shall be unlawful for any person other than a refuse collector employed or licensed by the City to remove, disturb or damage any refuse or refuse receptacle properly set out for collection, provided, however, any person may remove refuse set out for collection on the property owned, rented, leased or on which the person otherwise has a legal interest.

(f). Damage to Refuse Containers. A person commits the offense of damage to refuse containers if he (i) damages, defaces or renders fit for condemnation, any refuse container other than his own; (ii) allows any animal he owns to render fit for condemnation, tear or rip any collectable refuse container not his own.

(g). Abuse to Refuse Receptacles. Refuse collectors shall not damage, deface or physically abuse any refuse receptacle.

(h). Accumulation of Refuse. A person commits the offense of accumulation of refuse if he permits to remain longer than one week on the exterior of his property any item which: (i) constitutes refuse or building waste as defined in this Chapter; (ii)

is non-functional; or (iii) has no apparent value. A separate offense shall be deemed to be committed each day the violation continues.

(i). Burning of Leaves, Brush, Tree Limbs or Other Refuse.

No person shall rake or store leaves on any street pavement, including any gutter, nor shall any person burn or cause to be burned leaves, brush, tree limbs or any other refuse upon the paved portion of any City street or public parking area, City parking area or alley.

Section 3. That this ordinance shall be in full force and effect after its passage, approval and publication in pamphlet form as required by law.

PASSED BY the Mayor and City Council of the City of LeRoy, Illinois,
on the 16th day of January, 1984.