

VILLAGE OF MILLINGTON
KENDALL AND LASALLE COUNTIES, ILLINOIS

ORDINANCE NO. 12-03-2021

"AN ORDINANCE ADOPTING REGULATIONS GOVERNING
RESIDENTIAL AND COMMERCIAL WASTE COLLECTION AND DISPOSAL"

PASSED AND APPROVED BY THE

VILLAGE BOARD OF THE

VILLAGE OF MILLINGTON

THIS 13th DAY OF December, 2021

Published in pamphlet form by authority of the Village Board of the Village of Millington, Kendall and LaSalle Counties, Illinois, this 13th day of December, 2021.

**AN ORDINANCE ADOPTING REGULATIONS GOVERNING
RESIDENTIAL AND COMMERCIAL WASTE COLLECTION AND DISPOSAL**

WHEREAS, the Village of Millington ("Village") is an Illinois municipal corporation organized and operating under the Constitution and laws of the State of Illinois; and

WHEREAS, the Village has the authority to adopt ordinances and to promulgate rules and regulations that pertain to its government and affairs and governing the use of public right-of-way and that protect the public health, safety, and welfare of its citizens; and

WHEREAS, for many years, the Village's residential waste has been removed by many different garbage haulers, causing significant garbage truck traffic, damage to public rights of way, and other negative impacts; and

WHEREAS, the Village now wishes to establish regulations governing residential and commercial waste collection to mitigate the harmful impacts resulting from waste collection practices; and

WHEREAS, the Village Board finds that adopting this Ordinance is in the Village's best interests and that doing so will promote the public health, safety, and welfare of the Village, its residents, and businesses;

NOW, THEREFORE, BE IT ORDAINED by the Village President and Board of Trustees of the Village of Millington, Kendall and LaSalle Counties, Illinois, as follows:

1. **Recitals.** The foregoing recitals are incorporated as though fully set forth in this Section 1.
2. **Regulations Adopted.** The following residential and commercial waste collection regulations are hereby adopted:

Sec. 2.01 - Definitions.

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

Ashes means residue from fires used for cooking and for heating buildings, and the residue from incinerators.

Collector means any individual, firm, or corporation that shall go from place to place within the Village on any vehicle, mechanical or otherwise, for the purpose of collecting garbage, refuse, ashes, or recyclables; or any individual who shall engage in the business of collecting garbage, refuse, ashes, or recyclables.

Garbage means organic wastes resulting from the handling, preparation, cooking, and consumption of food, as well as organic wastes from the handling, storage, and sale of produce.

Recyclables means newspapers; corrugated cardboard; magazines; junk mail; aluminum cans; steel tin cans; #1 and #2 plastics; clear, green and brown glass; textiles; and other materials as determined by the label on the recycling toter.

Refuse means combustible trash including, without limitation, paper, cartons, boxes, barrels, wood, excelsior, tree branches, yard trimmings, wood furniture, bedding; noncombustible trash including, but not limited to, metals, tin cans, metal furniture, dirt, small quantities of rock and pieces of concrete, glass, crockery, other mineral

wastes; street rubbish including, but not limited to, street sweepings, dirt, leaves, catch basin dirt, contents of litter receptacles; provided, refuse shall not include earth and wastes from building operations, nor shall it include solid wastes resulting from industrial processes and manufacturing operations such as food processing wastes, boiler house cinders, lumber scraps and shavings.

Sec. 2.02 - Exclusive residential collection license.

(A) A single exclusive residential collection license shall be issued by the Village Clerk to the contract collector as determined after competitive bidding has been conducted and a contractor has been selected by the Village Board. Exclusive residential garbage and refuse collection shall be defined as all necessary garbage and refuse collection relating to residential units of a four-plex or less.

(B) This contract shall specify a rate structure of collection, and any other terms agreed upon between the parties. Violation of the rate provisions of the contract shall be grounds for the Village, in its discretion, to revoke the residential collection therein.

(C) The terms of the contract between the Village and the entity holding the exclusive residential collection license are incorporated by reference into this Ordinance, and shall be binding as if fully set forth herein. A true and correct copy of the contract is filed at Village Hall, 200 Grant Street, Millington, Illinois, and is available for viewing by the public. The terms of the contract shall be binding in the event of any conflict with any terms of this Ordinance.

Sec. 2.03 - Commercial collection.

(A) Collectors collecting commercial garbage, refuse, and brush within the Village shall contract directly with the owner of the commercial or industrial property, or the property's tenants.

(B) The collector shall indemnify and hold harmless the Village, and its officers and employees, from liabilities and related expenses of any kind which may arise out of or from the discharge of the collector's duties.

Sec. 2.04 - Authority to collect.

No person other than the officials or employees of the Village, or the person or entity the Village may have licensed or registered, shall collect garbage, refuse, brush, recyclables or other trash or waste in the Village for hire.

Sec. 2.05 - Frequency of collection.

The collection of garbage and refuse from residential units shall be made in accordance with the exclusive residential collection contract.

Sec. 2.06 - Containers provided by contractor.

(A) It shall be the duty of every owner, or his or her agent, or occupant of any house, building, flat, apartment, or tenement in the Village where persons reside, board, or lodge, or where animal or vegetable food is prepared or served, or where garbage or

refuse, as defined, is created, to provide for the house, building, flat, apartment, or tenement, and at all times to maintain in good order and repair, containers as hereinafter specified.

(B) In the residential area, all containers shall not be of less than 35-gallon nor more than 95-gallon capacity and are the property of the contractor. The containers shall be tightly covered, watertight, of rigid construction, and provided with suitable handles at the sides. Liners or bags of heavy duty plastic film may be used, but must be properly sealed at the top of the liner or bag and must not be punctured or broken.

(C) The Village, at its option, may require owners or agents operating multiple dwelling structures of a four-plex or less to provide one or more cubic yard containers for each multiple dwelling.

(D) The Village, at its option, may require the use of one or more cubic yard containers for each business.

Sec. 2.07 - Number of residential containers limited.

In residential areas, the number of containers per week per residential unit shall be limited to the equivalent of one totor for refuse and one for recycling.

Sec. 2.08 - Care, placement and removal of containers.

(A) It shall be the duty of every person requesting garbage or refuse collection from any person or entity having a residential contract with the Village, or any private collector serving commercial property, to place or cause to be placed the containers referred to in this subchapter at a convenient place upon the premises at the times and in the manner as may be directed by the Village or collection contractor. No container set out to be collected, whether collected by a person or entity having a contract with the Village, or, in the case of commercial properties, by a private collector, shall remain on the street right-of-way for more than 24 hours.

(B) Each and every container for garbage or refuse shall be maintained in a sanitary condition.

Sec. 2.09 - Hazardous materials and hot ashes to be separated from other garbage.

Hot ashes or refuse which is explosive, toxic, or otherwise of hazardous nature shall not be mixed or mingled with refuse that is to be collected by any person having a contract for collection with the Village.

Sec. 2.10 - Failure to use container unlawful.

It shall be unlawful to place or permit to remain anywhere in the Village any garbage or other material subject to decay, other than leaves or grass, excepting in a tightly covered, watertight container of rigid construction.

Sec. 2.11 - Wind-blown accumulations unlawful.

It shall be unlawful to cause or permit to accumulate any dust, ashes, refuse, or recyclables of a nature that it can be blown away by the wind, anywhere in the Village.

Sec. 2.12 - Dropping of refuse from vehicle unlawful.

It shall be unlawful to deposit, or permit to fall, from any vehicle any garbage, refuse, ashes, manure, or offensive or nauseous substance on any public street or alley in the Village; provided, that this Ordinance shall not be construed to prohibit placing garbage, refuse, ashes, or recyclables in a container complying with the provisions of this subchapter, preparatory to having the material collected and disposed of in the manner provided herein.

Sec. 2.13 - Dumping of refuse on property without owner's consent unlawful.

It shall be unlawful to dump or place any garbage, refuse, ashes or recyclables on any premises in the Village without the consent of the owner of the premises.

Sec. 2.14 - Unlicensed collector handling curbside recyclables unlawful.

It shall be unlawful for any person other than a residential collector licensed with the Village as herein provided or a private collector serving commercial property, to remove, displace, uncover, or otherwise disturb any recyclable materials placed at the curb.

Sec. 2.15 - Disposal of garbage other than in incinerator or landfill unlawful.

It shall be unlawful to dispose of any garbage, refuse, brush, yard waste or ashes anywhere in the Village, except in an in-building incinerator or other disposal device properly constructed and operated under local, state, or federal law, or in a lawfully established landfill site. Material not so properly disposed of shall be placed in containers for collection by the Village-licensed collector or private collector serving commercial property. Property owners or tenants of residential units of a four-plex or less shall use the Village's contracted residential garbage collection service exclusively, and commercial and industrial property owners may use private collectors. All residential customers shall be billed and shall pay for residential garbage collection in accordance with the Village's contract for garbage collection. In the event that the Village is required to take legal action to collect any fees provided in this Ordinance, the Village may add to the bill for collection its reasonable attorneys' fees incurred thereby.

Sec. 2.16 - Accumulation of offensive substance prohibited.

No pile or deposit of manure, garbage, miscellaneous waste, refuse, of any kind whatsoever, or accumulation of any offensive or nauseous substance, shall be made within the limits of the Village.

Sec. 2.17 - Prima facie evidence of responsibility.

The fact that garbage, refuse, ashes, or recyclables remain on any occupant's premises in the Village in violation of this subchapter shall be prima facie evidence that the occupant of the premises is responsible for the violation of this subchapter.

Lenee Kissel, Village Clerk