

VILLAGE OF COAL VALLEY
ORDINANCE NO. 2017-00-11

BE IT ORDAINED BY THE PRESIDENT AND THE BOARD OF TRUSTEES OF THE VILLAGE OF COAL VALLEY, ILLINOIS THAT THE FOLLOWING ORDINANCE AMENDMENTS BE ADOPTED:

AN ORDINANCE AMENDING TITLE VII – HEALTH AND SANITATION;
DIVISION I – TRASH AND YARD WASTE; CHAPTER 1 GARBAGE AND REFUSE;
SECTION 7 - RATES, BILLINGS, PAYMENTS AND DELINQUENT BILLS.

Section 1 - DEFINITIONS

“Bulk Item” shall be defined as a large item such as a couch, chair, mattress, table, etc.

"Commercial waste" shall mean waste material resulting from the operation of business enterprises and institutions.

"Construction waste" shall mean waste from building construction, alteration, demolition or repair, including, but not limited to excavated earth, stones, brick, concrete, plaster, lumber and roofing.

“Container” any cart/tote provided by the Waste Hauler for residential waste, refuse, garbage, rubbish and recycling collection.

"Disposal" shall include the storage, collection, disposal or handling of refuse.

"Garbage" shall mean all animal and vegetable wastes resulting from the handling, preparation, cooking or consumption of foods. All residential garbage shall be drained of surplus liquids.

"Hazardous waste" shall mean waste, a combination of waste and other discarded material, which, because of its quality, concentration or physical, chemical or infectious characteristics, pose a substantial present or potential hazard to human health or the environment.

"Household bulk waste" means, by way of example, chairs, sofas, carpet, furniture, as well as construction and yard waste in lengths of no more than four (4) feet and weighing, as a unit, no more than fifty (50) pounds, and similar items approved by the waste hauler.

"Recycle" means the collection of items such as plastics, tin, aluminum, newspaper, magazines, cardboard, glass, and stationery paper, approved for collection and recycling by the waste hauler.

"Refuse" shall mean all solid waste, except animal and human excrement, and shall include garbage and rubbish as defined in this Section.

"Resident" means any person residing in a dwelling, including multi-family dwellings.

"Residential refuse" shall mean refuse and trash generated from normal household use. Residential refuse does not include commercial waste, construction waste, hazardous waste, residential yard waste, dead animals, e-waste, tires, ashes, and white goods.

"Residential yard waste" shall mean yard waste generated from households including grass clippings, leaves and trimmings from shrubs, trees or bushes. Residential yard waste does not include tree limbs over four (4) inches in diameter or tree stumps.

"Rubbish" shall include glass, metal, paper, plant growth, wood, or non-putrescible solid wastes except for those items approved for collection and recycling by the Waste Hauler.

"Trash Bill" shall mean the monthly combined trash and recycle bill that is billed to the residents by the Village of Coal Valley.

"Waste Hauler" shall mean a duly licensed waste hauler authorized to do business in the State of Illinois, and contracted with the Village of Coal Valley to provide waste hauling, disposal and recycling services for residential customers.

"Yard Waste Bag" means any kraft paper bag designed and designated for holding/containing yard waste that is purchased by residents from vendors who sell such bags.

Section 2 – STORAGE, PLACEMENT AND REMOVAL OF REFUSE/RECYCLE CONTAINERS

2.1 No resident shall store or place garbage, trash, refuse, recycle containers and yard waste on Village Rights-of-Ways and streets except as allowed by the provisions of Section 2.2 below.

2.2 Refuse, recycle containers, and yard waste may be placed street or curbside no sooner than 5:00 pm the day before collection, and must be in place at the street or curb by 6:00 am the day of collection, and removed from the street or curb by 7:00 pm on collection day. All containers shall be placed and kept so contents shall not be spilled or scattered upon public grounds, streets, alleys, or spilled upon private property.

Section 3 – CONTAINERS REQUIRED

3.1 All residents within the Village are required to obtain a residential refuse container through the Village from the Waste Hauler for refuse, and upon request from the resident for recycling collection. There will be an additional charge required by the Waste Hauler for each container past the first one they provide for refuse and recycle collection. The additional charge(s) would be added to the resident's monthly bill as specified in the Waste Hauler's contract with the Village of Coal Valley. Recycling services through the Village must use the recycling container provided by the Waste Hauler.

3.2 Single-use bags for yard waste shall be of sufficiently sturdy material as to prevent breaking or tearing of the bags prior to collection. Bags meeting the requirements of the Waste Hauler or sold by the Waste Hauler or other commercial sources are presumed to meet the requirements of this Ordinance. All yard waste bags will have a yard waste sticker, purchased from the Village, attached to each yard waste bag.

3.3 The Waste Hauler will provide a recycle container to those Village residents who request to participate in recycling. Recycle containers will be picked up on the same day as normal trash collection on a bi-weekly basis. All residents will be charged for

recycling regardless if they utilize recycling or not.

- 3.4** Residents can choose from three different size refuse/recycle containers (35 gal; 65 gal; 95 gal) provided by the Waste Hauler. The number of and size of containers are arranged through the Village. If residents do not make a selection of a refuse container by default they will receive a 95 gal refuse container. Residents that request a recycle cart will be given a 65 gal recycle container by default.
- 3.5** All residential refuse and recycle material must fit in the container(s)/cart(s) provided by the Waste Hauler. If it fits in the Waste Hauler's container(s) it will be picked up by the Waste Hauler. Residents who have excessive residential waste or recycle material that does not fit into the Waste Hauler's containers must call the Village to start the process to arrange a special pickup by the Waste Hauler. This special pickup is direct billed to the resident by the Waste Hauler. Each bag or container requiring special pickup cannot exceed fifty (50) pounds in weight. Residents who have excessive (does not fit into the Waste Hauler's containers) residential refuse or recycle material, and have not arranged for a special pickup, can be considered in violation of this Ordinance and subject to the penalties found in Section 8 of this Ordinance.
- 3.6** All residents will be allowed to have one "bulk item" pick up once a month as defined in Section 1 Definitions.

Section 4 – RESIDENTIAL YARD WASTE NOT PLACED IN YARD WASTE BAG

Residential yard waste not placed in a yard waste bag shall be securely baled, tied, bundled or packaged so as not to exceed forty-eight (48) inches in length, and fifty (50) pounds in weight.

Section 5 – COLLECTION BY WASTE HAULER

- 5.1** The Village shall contract with the Waste Hauler for the exclusive collection of residential trash, recycle material and yard waste within the Village. No other waste hauler shall collect residential trash, recycle material and yard waste within the Village while the Village is under contract with the Waste Hauler.
- 5.2** The Waste Hauler shall collect residential refuse and recycling on the day(s) established by the contract between the Waste Hauler and the Village of Coal Valley.
- 5.3** The Waste Hauler shall not collect hazardous waste; refuse or garbage which has not been drained of excessive amounts of liquid; commercial waste; construction waste, and residential yard waste not properly bagged, bundled and/or weighing over fifty (50) pounds.
- 5.4** The Waste Hauler contracted with the Village is the exclusive provider of residential waste hauling, disposal and recycling of all residential refuse, garbage, recyclables, and yard waste within the Village. This Ordinance applies to all residences in the Village except for those residences located in B-2 zoned areas. Each owner of a residence in B-2 Zoned areas may opt out of the Village's residential waste and recycle program by notifying the Village in writing of their desire to not participate. No resident, except for those exempted in B-2 Zoned areas, shall contract with any other waste hauler for the pickup and disposal of residential waste, refuse, garbage or the pickup of recyclables. Any such contract or contracts or receipt of services

for the same with any entity engaged in the business of residential waste hauling, recycling and yard waste removal, other than the Waste Hauler contracted with the Village, is a violation of this ordinance, and shall be considered null and void by the Village and subject to penalties as outlined in this Ordinance.

- 5.5 Village residents may haul and dispose of household refuse and recyclable material outside of the Village. Residents shall not otherwise contract for residential waste hauling service, recycling and yard waste services within the Village with another provider other than the Waste Hauler the Village has on contract. Village residents disposing of refuse outside the Village will still be charged for monthly trash and recycling collection.**
- 5.6 Village residents are responsible for cleaning up their spilled refuse, trash, recycle material, and yard waste caused by animals, weather, or humans prior to pickup by the Waste Hauler.**

Section 6 – EXEMPT ENTITIES

Commercial businesses, including but not limited to, restaurants, retail sales establishments, manufacturers, manufacturing facilities and businesses, and commercial agricultural operations are exempt from the provisions of this ordinance, except this does not include businesses located in a residential home unless otherwise exempted in this Ordinance. Country clubs, mobile home parks, and governmental entities, including fire departments and schools, are also exempt from the requirements and provisions of this Ordinance. Churches are also exempt, except for residential homes (rectories, parsonages, etc.) associated with the church except when they meet the requirements in section 5.4.

Section 7 – RATES, BILLINGS, PAYMENTS AND DELINQUENT BILLS

- 7.1 The monthly rates for curbside refuse collection, recycling, and yard waste shall be established by the contract between the Waste Hauler and the Village. The total costs for these collection services, to include the Village's Administrative Fees, are identified in Appendix A to this Chapter.**
- 7.2 All charges for curbside refuse collection and shall be collected by the Village with its monthly utility billing to each residential customer.**
- 7.3 It is the responsibility of the owner to notify the Village 10 days prior to a residence being vacated (home sale, renter moving, foreclosure, etc) and not require refuse collection. The 10 day notice would also apply to a home owner/renter returning to the residence. Failure to notify the Village does not waive the owner's responsibility to pay for trash collection.**
- 7.4 Renters must sign up for trash collection at Village Hall. In the event a renter fails to pay his trash collection bill, said payment will become the responsibility of the owner of record of that residence.**
- 7.5 Delinquent Bills – The provisions of Chapter 8 of Title VII of the Village Code of Ordinances apply to trash collection bills. Past due bills will be assessed a monthly 10% penalty on the total amount of the Water, Sewer and Trash Bill due. Failure to pay the trash bill, that is 30 days past due, can result in water service being turned off to the residence and can only be turned on once the resident/owner has made payment or payment arrangements with Village Hall. There is a \$20.00**

charge to turn off the water supply and a \$20.00 charge to turn on the water supply. Those residents who do not have water and or sewer service supplied by the Village, and do not pay their delinquent trash bill, will be issued an Ordinance Violation Citation with penalty fees in accordance with Title I, Division V, Chapter 1, Section 3 of the Code of Ordinances for the Village of Coal Valley for each month the bill is not paid.

Section 8 – PENALTY/CIVIL INFRACTION

Any person who shall violate any provision of this Chapter shall be guilty of a municipal code violation and shall be subject to a fine in accordance with Title I, Division IV, Chapter 1, Section 3 of the Code of Ordinances for the Village of Coal Valley. Each day this Ordinance is violated shall be considered a separate violation unless otherwise specified in this Ordinance.

Section 9 - ENFORCEMENT

The Village Code Enforcement Officer is hereby designated as the authorized Village official to issue municipal civil infraction citations to alleged violators of this Chapter. Failure to pay the trash bill can also result in a Mechanics Lien being placed upon the property.

Section 10 - NUISANCE

A violation of this Chapter is hereby declared to be a public nuisance or a nuisance per se, and is declared to be offensive to the public health, safety and welfare.

Section 11 – INJUNCTIVE RELIEF

In addition to enforcing this Chapter through the use of a municipal civil infraction proceeding, the Village may initiate proceedings through the Municipal Code Enforcement System (MUNCIES) or in the Circuit Court of Rock Island or Henry County to abate or eliminate the nuisance per se or any other violation of this Chapter.

Section 12 - VALIDITY

If any section, provision or clause of this Chapter or the application thereof to any resident or circumstance is held invalid, such invalidity shall not affect any remaining portions or application of this Chapter, which can be given effect without the invalid portion or application.

PASSED AND APPROVED this 7th day of June, 2017.

Roll Call Vote

Ayes: _____

Nays: _____

Absent/Abstained:_____

Michael Bartels, President

Attest: Deanna Hulliger, Village Clerk