ORDINANCE NO. 2017-30

AN ORDINANCE DELETING CHAPTER 5, HEALTH AND SANITATION, ARTICLE VI, GARBAGE COLLECTION, AND AMENDING CHAPTER 3, BUSINESS REGULATIONS, ARTICLE XII, GARBAGE AND REFUSE, OF THE JUSTICE MUNICIPAL CODE

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ORDINANCE NO. 2017-20

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BE IT ORDAINED by the Village President and Board of Trustees of the Village of Justice, Cook County, Illinois, as follows:

Section 1

That Chapter 5, Health and Sanitation, of the Justice Municipal Code, be amended by deleting Article VI, Garbage Collection.

Section 2

That Chapter 3, Business Regulations, of the Justice Municipal Code, be amended by changing Article XII, Garbage and Refuse, to read as follows:

ARTICLE XII. GARBAGE AND REFUSE

DIVISION 1. IN GENERAL

Sec. 3-381. Definitions:

The following words, terms, and phrases, and their derivations, when used in this article, shall have the following meanings:

*Ashes* means all ashes, soot, cinders, slag, or other residue resulting from the combustion of wood, charcoal, coal, or any other material or substance.

*Garbage* means all waste resulting from the handling, preparation, cooking, consumption, storage, or sale of food products, including but not limited to rejected organic matter, household food, cooking grease and kindred refuse.

*Junk* means all discarded waste paper or clippings, base metals, rope, bags, rags, scraps of woolens, rubber, glass, empty bottles when the number of each kind of size of bottle is less than one gross, and all articles discarded or no longer used as a manufactured article composed of or consisting of any one or more of the materials or articles herein mentioned. Junk also includes all items and materials stored for resale with no more processing than sorting, crushing or separation from other items and materials.

*Litter* means any item improperly discarded including, but not limited to, the following: (a) disposable tableware such as paper or plastic plates, cups, napkins or towels, cutlery, bags, or food wrappings such as aluminum foil and cellophane; (b) beverage containers including all cans, bottles, and cartons; (c) tobacco packaging, such as cigarette cartons; (d) food wastes or
any other type of table wastes; (e) books, newspapers, magazines, pamphlets, notices, or papers of any type; and (f) any other improperly discarded garbage, refuse matter, article or substance.

Refuse means all combustible trash including, but not limited to, paper, cardboard, wood, excelsior, tree branches, yard trimmings, wood furniture, and textiles. Refuse also includes all noncombustible trash including, but not limited to, base metals, dirt, small quantities of rock and concrete, glass, tableware, and other mineral waste. Refuse shall also mean all street rubbish including, but not limited to, dirt, leaves, and contents of litter receptacles. Refuse shall not include earth and wastes from building operations, nor shall it include solid wastes resulting from industrial processing or manufacturing operations such as food processing wastes, boilerhouse cinders, and lumber scraps or shavings.

Refuse Container means a moveable metal or plastic container used for the deposit and temporary storage of garbage and refuse. Said refuse containers shall be leak-resistant, rodent-resistant, and equipped with fitting lids constructed of impervious material, and otherwise being of a construction and condition acceptable to the Building Commissioner.

Sec. 3-382. License-Required; Exceptions:

No person shall engage in the business of garbage or refuse collection, removal, or disposal without first having obtained a license to do so. Any person desiring to remove, or dispose of garbage, decaying animal matter, or other such animal or vegetable refuse and wastes from his own premises, without the aid of a licensed private garbage or refuse collector, may do so only upon the written permission of the Building Commissioner, and then only in the manner specified in such permit. No license shall be required of any person for the removal of manure from his own premises.

Sec. 3-383. License Required; Application:

(a) An application for a private garbage or refuse collector's license shall be submitted in conformity with the general requirements of this code relating to applications for licenses. The applicant shall state the number of vehicles he intends to operate or use, the method of disposal, and the address of the proposed disposal site.

(b) Applications for new licenses shall be approved by the Building Commissioner with respect to health, sanitation and safety provisions of this code. Applications for renewal of licenses shall be accompanied by an inspection approval certificate from the Building Commissioner for each piece of equipment to be used by the applicant. Inspection approval certificates shall be dated not more than sixty (60) days preceding the date of application.

Sec. 3-384. License Required; Display:

Each licensed individual shall receive, upon issuance of his license, a copy of his license for each vehicle used in the private collection of garbage or refuse. Upon demand by the Building Commissioner or any police officer of the Village, the driver of the vehicle shall present a copy of the license.

Sec. 3-385. Dumping In Village:

No ashes, garbage, junk or refuse shall be disposed of in any public dump or public place within the Village.
Sec. 3-386. Removal By Village:

Nothing in this article shall be construed to conflict with any provision of this code concerning the removal and disposal of ashes, garbage, junk, litter, or refuse from public ways by the Village, through its contractors or otherwise.

Sec. 3-387. Manner Of Removing Waste:

It shall be the duty of any individual who has contracted or undertaken the removal of any ashes, garbage, junk, litter, or refuse, or any individual who has engaged in the loading or unloading of any such substance, to do so in a clean and sanitary manner. All licensed garbage and refuse collectors must comply with the orders of the Building Commissioner and must perform the removal work required of them in such a manner as not to create any further nuisance.

Sec. 3-388. Enforcement:

The Building Commissioner shall enforce the provisions of this article and shall be authorized to issue all orders in connection with the carrying on of the business of a licensed garbage and refuse collector as deemed reasonable and necessary to protect the health and safety of the public.

DIVISION 2. GARBAGE COLLECTION

Sec. 3-389. Garbage Collection Rules:

(a) The Village has designated a specific contractor who shall have the exclusive authority to collect and dispose of all garbage, landscape waste, and recyclables from all single-family and multi-family (three (3) units or less) residential structures in the Village.

(b) Property owners/occupants shall be assessed a fee for garbage collection, irrespective of whether such services are utilized.

(c) Pursuant to the Village's franchise agreement, no later than fifteen (15) days prior to the due date of the next bill, any owner-occupant, aged sixty-two (62) or older (for purposes of this section "seniors") may apply to receive a reduced garbage collection rate to commence on the next billing cycle, following the acceptance and approval of the application. Each senior must submit a completed application to the Finance Office of the Village, as well as some form of government-issued identification, and a copy of the senior's most recent property tax bill. The reduced rate shall only be available to owner-occupants of single-family residential dwellings who do not owe any delinquent charges to the Village. From time to time, the Village may require renewal of the senior discount.

Sec. 3-390. Charges:

The Village hereby imposes a monthly fee as stated in the current franchise agreement for garbage collection. Failure to pay a garbage bill prior to the twentieth (20th) day of the billing month shall result in a late charge on the account, as set forth in section 13-1 of this code. All past due accounts shall incur a bi-monthly interest charge as set forth in section 13-1 of this code.
DIVISION 3. REFUSE CONTAINERS

Sec. 3-392. Regulations:

(a) It shall be the duty of the owner and/or occupant of every single-family and multi-family dwelling producing less than 32 gallons of refuse per week, or a multiple dwelling occupational unit to cause all refuse produced therein to be deposited in a refuse container or compactor. A tightly fitting metal or plastic cover must be kept in place at all times when refuse is contained therein, except during the deposit or removal of refuse. The container and surrounding area, must be maintained so that any refuse spilled during usage is removed and the area is cleaned in a timely manner. It shall be unlawful for any person other than the owner, his agent, or the occupant of the premises served to deposit or cause to be deposited therein any item whatsoever.

(b) It shall be the duty of every person responsible for the installation, use, or emptying of a sanitary refuse container to keep a tightly fitting metal or plastic cover in place at all times when refuse is contained therein, except during the deposit or removal of refuse.

(c) No refuse container may be placed on a Village street, parkway, or alley, or beyond a building setback line, at any time except for collection. Residential buildings using the Village-contracted refuse service may move their privately-owned refuse containers to the street for collection no earlier than four o’clock (4:00) P.M. of the day preceding pick-up. All refuse containers must be removed from the street no later than twelve o’clock (12:00) midnight of the day of pick-up.

(d) All multi-family residential buildings containing four (4) or more residential units must provide a covered, metal refuse container, commonly known as a dumpster, with a capacity of at least one-half (1/2) cubic yard per unit.

(e) All multi-family residential dwellings between three (3) and eighteen (18) units, and all industrial and commercial buildings, must enclose the refuse containers within an opaque fence or other structure. The refuse containers must be enclosed on no less than three (3) sides. The refuse container enclosure must be approved and permitted prior to construction by the Building Commissioner. The dimensions of the enclosure will be established by the Building Commissioner.

(f) Plastic bags containing refuse must be disposed of within the refuse container and shall not be placed on the ground.

(g) Large household items and bundled or bagged yard waste may be placed on the ground directly surrounding the refuse container if they are unable to fit within the container.

(h) Commercially-owned containers moved to or located beyond the restricted areas, listed in subsection (c) of this section, will be ticketed. Tickets may be issued to both the owner of the container and the property owner. A ticketed individual shall have forty-eight (48) hours within the issuance of the ticket to remedy the situation. The Village maintains the right to charge any additional fees incurred by the remedying of the situation if the owner of the container has not
done so himself upon lapse of the forty-eight (48) hour period; a removal fee of no less than two hundred dollars ($200.00) will be imposed, in addition to the cost of the ticket. Fees may be increased for large containers, such as roll off boxes, or if extra time or labor is needed to complete the removal.

(i) All refuse containers located on non-residential property designated as a “B” (business), “C” (planned commercial and office development), or “I” (industrial) zoning classification, shall be located no less than twenty feet (20') from the lot line of: (i) any property designated with any “R” (residential) zoning classification, and (ii) any property designated with any “B” zoning classification but used for residential purposes including, without limitation, manufactured housing communities and mobile home parks. If there is less than twenty feet (20') separating the structure served by said refuse container and the lot line of a residential property, then the refuse container shall be located and maintained at the maximum possible distance from the lot line.

Sec. 3-393. Construction:

(a) During construction, excavation, landscaping, general cleanup, or the performance of any maintenance operation on private property, a property owner may obtain a permit allowing for the temporary use of a large container, such as a roll-off box. The container is to be located in front of the building setback on the property. At no time shall such container be located on a street, parkway, or alley. The permit will be issued by the Building Department for a fee of twenty five dollars ($25.00) per container. Violators will be subject to fines and removal as described in subsection 3-392(h) of this division.

(b) Any person who constructs, renovates, excavates, or otherwise performs any maintenance activity on private property, shall not allow debris to accumulate on the public way. Debris generated by any of the activities mentioned herein are to be removed from the public way once per day. Debris is to be removed, transported and disposed of in conformity with the requirements of this code and in a manner that does not cause any debris to accumulate in the Village sewer system.

(c) Debris, as used in this section, means landscape, construction or demolition waste, including chipped paint, rubble, garbage, trash, chemical residue, or any other miscellaneous material or substance thereby generated by the construction, excavation, landscaping, general cleanup, or the performance of any other maintenance operation on private property. Debris does not include any item or material placed on the public way in compliance with a valid permit issued by the Village.

Sec. 3-394. Removal of Restaurant Garbage:

(a) Every person owning or controlling any hotel, restaurant, café, or retail food establishment that uses a commercial refuse container, shall remove and dispose of all substances deposited in such refuse containers in accordance with the provisions of this Code.

(b) It shall be the duty of every owner, manager, and occupant to keep a tightly fitting metal or plastic cover in place at all times when refuse is contained therein, except during the deposit or removal of refuse.

Sec. 3-395. Removal of Litter from a Retail Establishment’s Parking Area:
(a) Every person owning, managing, or occupying a retail establishment with an adjacent parking area provided for customer use, shall maintain the same free of litter. Any accumulated litter shall be deposited into the establishment’s commercial refuse container for removal by a licensed collector.

(b) Throughout the customer parking areas, litter baskets must be provided and maintained in good condition and repair by the owner, manager, or occupant of the adjacent retail establishment. Litter baskets shall be placed at appropriate locations throughout the parking areas so as not to constitute a nuisance to adjacent properties or the occupants thereof. Litter baskets must be of sufficient size and number as to prevent any overflow or accumulation of litter outside of the containers.

(c) Litter is hereby declared to be a public nuisance. It shall be the duty of the Building Commissioner to issue a ticket, in person or by mail, upon the owner, manager, or occupant of the parking area where a nuisance may be found. Upon receipt of the ticket, the owner, manager, or occupant shall abate the nuisance immediately. If the owner, manager, or occupant is unknown, cannot with due diligence be found, or is known but fails to abate the nuisance, the Building Commissioner may proceed to abate the nuisance or seek to enjoin the nuisance. In addition to the cost of the ticket, an amount equal to three times the cost or expense incurred by the Village in abating a nuisance may be recovered in an appropriate action instituted by the Village attorney. Nothing in this section shall be construed to prevent the Village from abating a nuisance, without notice, in an emergency situation where the nuisance poses an immediate threat to public health or safety. Nothing in this section shall be construed to deny any common law right to anyone to abate a nuisance.

Sec. 3-396. Violations and Penalties:

(a) It shall be unlawful for any person to violate any of the provisions of this article.

(b) Any person who violates any provision of this article shall be fined not less than one hundred fifty dollars ($150.00) and not more than seven hundred fifty dollars ($750.00) for each offense. Each day that a violation continues shall constitute a separate and distinct offense.

Sec. 3-397-3-405. Reserved.

Section 2

If any section, paragraph, clause, or provision of this ordinance shall be held invalid, the invalidity thereof shall not affect any of the other provisions of this ordinance.

Section 3

All ordinances or policies in conflict with the provisions of this ordinance are hereby repealed insofar as they conflict herewith.

Section 4

This ordinance shall be immediately in full force and effect after passage, approval and publication. This ordinance is authorized to be published in pamphlet form.
This ordinance was passed and deposited in the office of the Village Clerk of the Village of Justice this 10th day of July, 2017.

KUBAN:    yes    SPARR:    yes
OSZAKIEWSKI:   yes    SYMONDS:    yes
RUSCH:    yes    WARNER:    yes

Suzanne M. Small
SUZANNE SMALL, Village Clerk

APPROVED by me this 10th day of July, 2017.

Krzysztof Wasowicz
KRZYSZTOF WASOWICZ, Village President

I DO HEREBY CERTIFY that this ordinance was, after its passage and approval, published in pamphlet form by authority of the Village of Justice, in accordance with law, this 10th day of July, 2017.

Suzanne M. Small
SUZANNE SMALL, Village Clerk