

STATE OF ILLINOIS :
COUNTY OF LIVINGSTON :
CITY OF FAIRBURY :

Ordinance No. 2022- 11

AN ORDINANCE AMENDING PARTS OF CHAPTER
OF THE MUNICIPAL CODE OF THE CITY OF FAIRBURY OF 1982
IN RELATION TO REFUSE AND GARBAGE

Whereas, the costs of trash collection of the City of Fairbury have increased since rates and charges were last set by the City Council of the City of Fairbury, and

Whereas, it has become necessary to outsource trash collection to a third-party vendor which will increase rates and charges.

NOW, THEREFORE, be it ordained by the City Council of the City of Fairbury, Livingston County, Illinois that Chapter 6 of the Fairbury Municipal Code of 1982 shall be amended to read as follows:

SECTION I

.01 RECEPTACLE REQUIRED.

It shall be the duty of every owner, organization, or occupant of any house, building, flat or apartment, or tenement in the city where people reside, board or lodge, or where animal or vegetable foods are prepared or served, and at all time, to maintain in good order and repair, a container provided by the third-party vendor or a dumpster for the collection of refuse.

.02 DEPOSIT IN STREET.

No garbage or refuse of any kind shall be deposited in any street, alley or public way, except as is provided in this chapter; and no such refuse shall be so placed that it can be blown about or scattered by the wind.

No person in the City of Fairbury shall mow his lawn so that the grass clippings from the lawn mower shall be blown into any street, alley, or public way in the City of Fairbury; nor shall any person rake or blow any leaves or grass clippings into any street, alley, or public way in the City of Fairbury; nor shall person deposit, put, or place by any means or in any manner grass clippings or leaves in any street, alley, or public way in the City of Fairbury. (1986-8)

.03 PENALTY.

Any person convicted of violating any of the provisions of this chapter shall be deemed guilty of a Class C Misdemeanor as provided in the Illinois Revised Statutes, and penalized accordingly. Furthermore, the violation of this chapter is declared to be a public nuisance to be abated in the manner provided by law.

.04 GARBAGE COLLECTION SERVICE CHARGE.

(a) There is hereby established a regular garbage collection service charge for every property for garbage picked up within the City of Fairbury as follows: (2022-7)

(i) Said charge for residential pickup will be \$14.00 per month to be billed to the resident. (2022-7)

(ii) Said charge for a multiple family dwelling shall be \$12.00 per month for each dwelling unit in the multiple family dwelling. In the case of a multiple family dwelling unit having individual water meters for each dwelling unit, the charge for each dwelling unit shall be billed to the person in whose name the water meter is listed. In the case of multiple family dwelling units without individual water meters for each unit, then said charge for each dwelling unit shall be billed to the person in whose name the water meter is listed. (2022-7)

(iii) Said charges for all non-residential users shall be as follows: (1998-17)

(A) Non-residential users with a dumpster shall be charged at the rate of \$6.00 per cubic yard based on the dumpster capacity. Said charge shall be multiplied by the number of times the dumpster is dumped during a week, then by 4.33. Example of a 3-yard dumpster, dumped twice a week: $\$6 \times 3(\text{capacity}) \times 2(\text{dumps per week}) \times 4.33(\text{average weeks in a month})$. There will be a minimum \$20.00 charge per billing period. (2022-7)

(E) For non-residential users, the term "billing period" shall mean a one (1) month period covered by the water and sewerage billing cycle for that part of Fairbury in which the non-residential use is located. (2022-7)

(F) The non-residential charges set forth above are based upon one garbage pick-up per week. All non-residential users shall be charged individually whether they have their garbage set out separately or whether it is co-mingled with the garbage of other non-residential users in a common dumpster or otherwise. (2022-7)

(G) Any user of the garbage services of the City of Fairbury who is located in a residential zone, as established by the Zoning Ordinance of the City of Fairbury, and who has received from the Zoning Board of Appeals a variance to conduct a commercial use at that location, can be charged at the rate for non-residential users for the garbage services of the City of Fairbury. (2022-7)

(H) The Superintendent of Streets may make adjustments to rates of non-residential users, when necessary, because of changes in the number of garbage pick-ups per week. (2022-7)

(iv) The regular garbage collection service charges set forth above shall be charged for each month or part of a month that such services are provided, without pro-ration. (1988-2)

(b) As used in this Chapter, a single-family dwelling shall mean a building designed for or occupied exclusively by one family for residential purposes. Multiple family dwelling as used in this Chapter shall mean a building designed for or occupied exclusively by two or more families for residential purposes. (1988-2)

(c) There is hereby established a special garbage collection service charge (bulk pick-up) for the

following types of materials over two (2) each week which will be in addition to the regular garbage collection service charge established in paragraph (a) above. All such items will be billed at the rate of \$10 over the allotted amount. (2022-7)

(i) All furniture and appliances including but not limited to sofas, chairs, box spring and mattress, refrigerator, stoves, dishwashers, furnaces, water heaters, sinks and stools, and any other large household furnishings. (1988-2)

(ii) Building materials and large quantities of cardboard, newspaper, plaster, lath, and similar materials will require the rental of a City dumpster. (2022-7)

(iii) The preceding types of items shall be picked up at residential sites, commercial sites and construction sites only upon request of the person having such items to be picked up. Such person shall notify the Fairbury Street Department of such items to be picked up and where they are to be picked up. The City reserves the right to refuse to pick up any construction materials. (1988-2)

(d) Hazardous substances as defined in the Illinois Environmental Protection Act as now in effect or as hereafter amended shall not be picked up or disposed of by the City under any circumstances. (1988-2)

(e) (i) The regular garbage collection charges established hereby will be billed to those receiving garbage collection services every month. The bill will be sent with the water and sewerage bill for those recipients of garbage collection services who also receive water and sewerage services from the City of Fairbury. The bill will be sent separately to such recipients of garbage collection services who do not receive water and sewerage services from the City of Fairbury. Persons receiving water and sewerage services from the City of Fairbury will also be receiving garbage collection services from the City of Fairbury. (2022-7)

(ii) The special garbage collection charges established hereby will be billed monthly on their monthly bill whenever items subject to said special garbage collection charges are picked up by the City. (1988-2)

(iii) Whenever payment is made on a combined bill for water, sewerage, and regular garbage collection charges, the payment shall be applied first toward the regular garbage collection service charge, then to the charge for sewerage service, and lastly to the charge for water service. (1988-16)

(iv) If any garbage collection charge, whether regular or special, is not paid within twenty days of the date such statement is rendered, then the Mayor of the City may direct the City Attorney to take legal action to collect such garbage collection charges not paid by the 20th day after the bill is rendered. (1988-16)

.05 GARBAGE PICK UP REGULATIONS

The following regulations shall apply to all garbage picked up in the City of Fairbury. Any garbage which is not set out in compliance with these regulations shall not be picked up: (2022-7)

(a) All residential garbage shall be placed in containers provided by the third-party vendor.

(2022-7)

(b) All non-residential garbage shall be placed in dumpsters. No loose garbage, either residential or non-residential, shall be picked up by the City, but shall be put in containers or dumpsters approved by the City of Fairbury or the third-party vendor, except as otherwise herein provided. (2022-7)

(c) No loose leaves or grass clippings shall be picked up by the City of Fairbury. Leaves and grass clippings need not be placed in approved containers but if not placed in approved containers, must be placed in plastic garbage bags. (2022-7)

(d) All garbage must be taken to the City coping, alley, or street by 6am the day of service in order for it to be picked up. The City will not enter onto private property to pick up garbage except in the case of dumpsters which must be located at points approved by the City. (2022-7)

.06 STARTING AND STOPPING OF GARBAGE PICK UP AND DISPOSAL SERVICES

Any user of the garbage pick-up and disposal service of the City of Fairbury who shall be gone from the City of Fairbury and not need such services for a period of a minimum of 2 months but no longer than 6 months may have service stopped and may have the user fee charged for such service dropped for the time that they are gone. Such user shall file with the City, on a form provided by the City, a request for temporary termination of service stating the date when such service is to be terminated, the date when such service is to be resumed, and the name and address of the person requesting the temporary termination of service. During such period of temporary termination of service, the user charge for garbage pick-up and disposal service will not be charged to such user. This can be requested once per twelve (12) months. The City holds the right to deny any requests. (2022-7)

If a person is not sure of the date that he desires garbage pick-up and disposal service to resume, then such person shall, as soon as he is sure of such date, notify the City to have garbage pick-up and disposal service resumed, at which time the user charge shall be resumed. (1988-12)

If any user who requests temporary termination of garbage pick-up and disposal service fails to notify the City when to resume such service and puts garbage out for pick-up and disposal, then such person shall pay in addition to the charge which would have otherwise been due, a penalty of \$14.00 for each month, or part thereof, that such person has used such services without notifying the City that he has resumed such services. (2022-7)

.07 PRIVATE COLLECTION AND DISPOSAL OF GARBAGE.

- (a) The collection and disposal of residential garbage and refuse by private contractors shall not be allowed within the City of Fairbury. Non-residential garbage and refuse may be collected and disposed of by private contractors in City of Fairbury as provided in this Section .06. Such private collection and disposal of garbage and refuse shall be permitted only from 7:00 A.M. to 7:00 P.M. on Monday through Saturday of each week. (1988-18)
- (b) Contractors desiring to provide private collection and disposal of non-residential garbage and refuse in the City of Fairbury shall file an application for license with the City Clerk. The fee for such license which shall accompany the application shall be \$35.00. The application shall state the name, address and telephone number of the applicant; the

number of garbage trucks and employees that the applicant has; the number of trucks and employees that the applicant plans to use for the collection and disposal of garbage and refuse in the City of Fairbury, the make and size of garbage trucks that the applicant would plan to use in the City of Fairbury; the days of the week that the applicant plans to collect garbage and refuse in the City of Fairbury; the amount of liability insurance carried by the applicant and name of its insurance carrier; list any other municipalities, counties, or state in which the applicant is licensed to provide garbage collection and disposal service; and whether the applicant has ever been denied or lost a license from any municipality, county, or state to provide garbage collection and disposal service, and if so, when and where. The bond hereinafter provided shall accompany the application. Said application shall be forwarded to the Street Commissioner for his recommendation and he shall then forward the application with his recommendation to the City Council for approval or rejection. The City Council will either approve or reject the application. If the application is approved by the City Council, the City Clerk shall issue to the applicant a license permitting the private collection and disposal of non-residential garbage and refuse in the City of Fairbury until April 30 next following. Said license shall be effective upon issuance by the Clerk. (1988-18)

- (c) Each applicant shall provide a bond to the City in an amount not less than \$5,000.00 with surety as approved by the City Council that it will collect and dispose of garbage and refuse of its customers in the City of Fairbury on the days set forth in its application for license that it will not allow garbage and refuse to accumulate to a degree that is a danger to public health, unsightly, or a public nuisance. Said bond shall become payable to the City of Fairbury if the contractor fails to collect and dispose of garbage of its customers on the day provided or the following day or if its failure to collect and dispose of garbage and refuse creates a situation which is a danger to public health, unsightly, or a public nuisance. (1988-18)
- (d) Any private contractor desiring to collect and dispose of non-residential garbage and refuse in the City of Fairbury shall use only commercially manufactured closed garbage trucks which have a capacity of at least fifteen cubic yards. (1988-18)
- (e) Any such private contractor shall dispose of the garbage and refuse collected by it only in accordance with State and Federal laws and regulations. (1988-18)
- (f) Each such license shall be for a one year term except that the first such license shall be effective from the date of its approval by the City Council until April 30 next following. Thereafter each license shall be for a one year periods from May 1 of each year to April 30 of the following year. Each private contractor desiring to renew its license for private collection and disposal of non-residential garbage and refuse in the City of Fairbury shall re-apply with the City Clerk on or before April 1 of each year and the contractor must continue to meet all of the requirements of a private contractor. The fee of the first license shall be pro-rated on a monthly basis from the date that the application is approved to the next following April 30. Thereafter, each application fee shall be due and payable when the application is filed with the City Clerk. Said license may not be assigned or conveyed. If any such private contractor should decide to terminate the collection and disposal of garbage and refuse in the City of Fairbury, such contractor shall notify the Street Commissioner of the City of Fairbury at least thirty days prior to the date he intends to stop such private collection and disposal of garbage and refuse and shall give the Street Commissioner a list of all his customers. The contractor shall continue to collect and dispose of garbage for his customers during that thirty day period. At the end of that time the contractor may stop. (1988-18)
- (g) The license of any contractor for the private collection and disposal of garbage and refuse in the City of Fairbury may revoked in the manner herein provided. If any contractor shall fail to collect and dispose of garbage and refuse on the days that he has provided in his

application or if he shall allow garbage and refuse to accumulate so as to be a danger to public health, unsightly, or a public nuisance; or if the contractor shall fail to keep liability insurance in force in the amounts in effect when its license was granted; or if the contractor should fail to dispose of garbage and refuse in accordance with state and federal laws and regulation; or if the applicant shall fail to use the type of garbage truck required in this Section .06; or if the trucks used by the contractor shall be unsafe or his employees shall collect garbage and refuse and operate the trucks in a reckless or unsafe manner, then the Streets and Alleys Committee shall investigate the matter. The contractor shall be notified of the investigation being made by the Streets and Alleys Committee and allowed an opportunity to present evidence in defense of his position to the Committee. The Streets and Alleys Committee shall make a recommendation to the City Council whether or not to revoke the license, and the contractor shall be given at least five days' notice of the City Council hearing on revocation. The contractor shall be given an opportunity to appear and to be heard at the Council meeting before any vote is taken on revocation of his license. If the City Council should vote to revoke the license, then the contractor shall immediately create the collection and disposal of garbage and refuse in the City of Fairbury. (1988-18)

- (h) If any non-residential user of the Fairbury garbage services desires to have his garbage and refuse collected by a private contractor, he shall so notify the Street Commissioner that he is so doing, the name of the contractor who will be collecting and disposing of his garbage and refuse, and the date that such private collection and disposal shall begin. After that time the City of Fairbury shall not collect any garbage or refuse of any type from such user. If the user desires to terminate the private collection and disposal of his garbage and refuse and to again have the City collect and dispose of his garbage and refuse, then he shall file a written request for such City service with the Street Commissioner stating the date that he wants such City service to begin, and shall pay a reinstatement fee of \$35.00. (1988-18)
- (i) This Section .06 shall not apply to the collection and disposal of construction materials from construction sites. (1988-18)
- (j) This Section .06 shall not apply to the collection and disposal of metal, glass, paper, and cardboard by person or entities collecting the same for recycling purposes. If such person or entities collect such materials for any purposes other than recycling they must comply with all the requirements of this Section.06. (1988-18)

.08 RESIDENTIAL USE OF CITY DUMPSTERS (2020-13)

The City will provide a dumpster, as available, upon request to residential properties. The City will take into consideration requested area for dumpster to be placed but does not guarantee requested placement.

Dump fees will coincide with non-residential dumpster fees and said fees will be added to monthly utility bills issued by the City with the following regulations:

- a) Dumpsters will be allowed for use up to 30 calendar days. Upon 30 days, the City will retrieve the dumpster. The dumpster will be emptied and dumping fees will be applied. Another dumpster cannot be requested within 10 days of previous dumpster removal.
- b) The City is to be notified prior to 30 days for needs of more than 30 days. An additional fee of \$4 per day will be applied in addition to normal dumping fees for any additional days past the initial 30-day allowance.

The City will dump the dumpster upon request made to City Hall. The City holds the right at any time to retrieve a City dumpster from a residential property.

SECTION II

The rates and charges established in this ordinance shall be effective as of August 1, 2022.

SECTION III

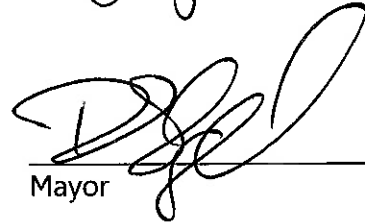
All ordinances or resolutions or parts thereof in conflict with the provisions of this ordinance are to the extent of such conflict hereby repealed.

This ordinance shall be effective after passage by the City Council of the City of Fairbury, Illinois, and its approval by the Mayor of the City of Fairbury, Illinois, and its publication in pamphlet form as required by law.

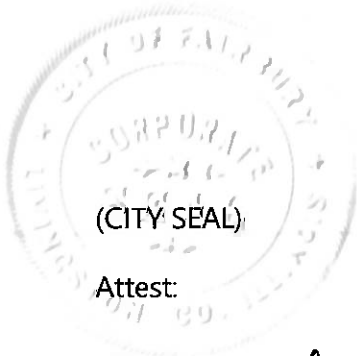
Passed by the City Council of the City of Fairbury, Illinois on July 20, 2022.

Ayes: 6 Nays: 0 Absent: 2

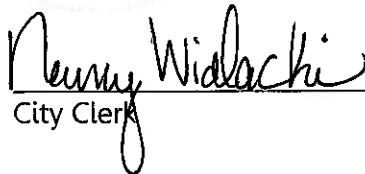
Approved by the Mayor of the City of Fairbury, Illinois on July 20, 2022.



Mayor



Attest:



City Clerk