

VILLAGE OF CHATHAM, ILLINOIS

ORDINANCE NO. 03-54

AN ORDINANCE REGULATING THE BURNING OF WASTE WITHIN THE
VILLAGE OF CHATHAM AND ESTABLISHING A YARD WASTE
COLLECTION AND DISPOSAL SYSTEM

~~NOT~~
ADOPTED BY THE PRESIDENT AND BOARD OF TRUSTEES
OF THE VILLAGE OF CHATHAM, ILLINOIS
THIS 25 DAY OF NOVEMBER, 2003

(DID NOT PASS 3Y, 3N, 1A)

(ORDINANCES NEED 4 YES VOTES)

Published in pamphlet form by the authority of the President and
Board of Trustees of the Village of Chatham, Sangamon County,
Illinois, this _____ day of _____, 2003.

STATE OF ILLINOIS)
) ss.
COUNTY OF SANGAMON)

CERTIFICATE

I certify that I am the duly elected and acting Village Clerk of the Village of Chatham, Sangamon County, Illinois.

I further certify that on _____, 2003, the corporate authorities of such Village passed and approved Ordinance No. _____ entitled:

AN ORDINANCE REGULATING THE BURNING OF WASTE WITHIN THE VILLAGE OF CHATHAM AND ESTABLISHING A YARD WASTE COLLECTION AND DISPOSAL SYSTEM

which provided by its terms that it should be published in pamphlet form.

The pamphlet form of Ordinance No. 03-___ including the Ordinance and a cover sheet thereof, was prepared, and a copy of such Ordinance was posted in the Village Hall, commencing on _____, 2003, to continue for at least ten days thereafter. Copies of such Ordinance were also available for public inspection upon request in the office of the Village Clerk.

DATED at Chatham, Illinois, this ___ day of _____, 2003.

(SEAL)

Village Clerk

Ordinance No. 03- 54

**AN ORDINANCE REGULATING THE BURNING OF WASTE WITHIN THE
VILLAGE OF CHATHAM AND ESTABLISHING A YARD WASTE
COLLECTION AND DISPOSAL SYSTEM**

WHEREAS, as the population of the Village of Chatham has increased over the years, there have been more frequent complaints by residents of the Village regarding the burning of yard waste in the Village and the consequent degradation of air quality within the Village, especially in the autumn;

WHEREAS, the corporate authorities of the Village wish to address the problem by prohibiting the burning of yard waste within the more densely populated areas of the Village, while continuing to permit and regulate the burning of yard waste in the less densely populated, largely rural areas of the Village which are zoned P-1;

WHEREAS, the corporate authorities of the Village find that the burning of branches has a lesser impact on air quality, and should be allowed to continue;

WHEREAS, the corporate authorities of the Village wish to continue in force the existing prohibition against burning other types of waste throughout all areas of the Village;

WHEREAS, the Village has the express authority under Division 19 of Article 11 of the Illinois Municipal Code, 65 ILCS 5/11-19-1 *et seq.* to regulate the disposal of refuse and garbage; to enter into contracts with waste haulers;

WHEREAS, Section 11-19-4 of the Illinois Municipal Code provides that (a) the corporate authorities may provide for the payment of service charges to be collected from persons receiving refuse disposal services; (b) the service charges shall be established as

can reasonably be expected to yield revenues not in excess of contract obligations and the costs of operation, maintenance, and an adequate depreciation fund; and (c) a schedule of charges shall be adopted by ordinance, and a copy of the schedule shall be furnished to each customer;

WHEREAS, the corporate authorities find that all customers of the Village utility system receive service from, and benefit directly from, a yard waste collection and disposal system because among other things, leaves and smoke blowing about the Village know no boundaries;

NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF CHATHAM, SANGAMON COUNTY, ILLINOIS, AS FOLLOWS:

SECTION 1: The Village hereby adopts the recitals in the preambles to this Ordinance as its legislative findings, and declares that this Ordinance is adopted and shall be construed in light of such findings.

SECTION 2: Section 97.01 of the Code of Ordinances of the Village of Chatham is amended to state as follows:

97.01 BURNING OF WASTE

(A) As used in this section, "yard waste" includes and is limited to leaves, grass clippings, wood chips, and garden waste such as weeds and stalks. "Yard waste" does not include tree and shrub branches. "Other waste" includes paper, plastic, domestic waste, waste oil, tires, construction waste, lumber, and every other type of garbage, rubbish, or refuse not specifically within the definition of "yard waste", other than tree and shrub branches.

(B) Burning of yard waste is prohibited within the corporate limits of the Village except in areas which are zoned P-1 under the Zoning Chapter of this Code of Ordinances.

(C) The burning of other waste is prohibited at all times in all areas within the corporate limits of the Village.

(D) Burning of yard waste in areas which are zoned P-1 under the Zoning Chapter of this Code of Ordinance is subject to the following regulations.

1. Burning of yard waste is permitted Wednesday through Friday from 9:00 a.m. to 7:00 p.m. and Saturday, 9:00 a.m. to 12:00 p.m. Each fire must be completely extinguished by 7:00 p.m., Wednesday through Friday, and 12:00 p.m. on Saturday.

2. No burning of yard waste is permitted on any state or national holiday.

3. No burning of yard waste is permitted when the wind is in excess of 12 mph.

4. Burning of yard waste must be personally supervised at all times by a person at least 14 years of age.

5. Persons burning yard waste shall do so with due regard for the safety of others and shall take appropriate precautions to insure that the fire is contained at all times.

6. The burning of yard waste producing obnoxious odors or emitting excessive smoke, is prohibited.

7. Burning of yard waste shall be conducted so as not to create a visibility hazard on any roadway, sidewalk or private drive.

8. No yard waste may be burned except yard waste which was generated on the zoning lot where the burning occurs.

(E) Burning of tree and shrub branches in all areas of the Village is subject to the following regulations.

1. Burning of branches is permitted Wednesday through Saturday.

2. Persons burning branches shall do so with due regard for the safety of others and shall take appropriate precautions to insure that the fire is contained at all times.

(F) The Village Police Department is charged with the responsibility of monitoring and enforcing this Ordinance. The Village Police Department may order the extinguishment of any fire which, in the opinion of the officer on duty, violates this Section.

(G) Burning of yard waste, other waste and branches within the Village in violation of this Section is hereby declared a nuisance.

SECTION 3: Section 97.99 (A) of the Code of Ordinances of the Village of

Chatham is amended to state as follows:

(A) Any person violating Section 97.01 of this Code of Ordinance shall be subject to a fine as follows:

1. For the first offense, not less than \$25.00 or more than \$50.00.

2. For the second offense, not less than \$100.00 or more than \$250.00.

3. For the third or subsequent offense, not less than \$300.00 or more than \$750.00.

In addition, the Village may seek any other remedies available at law and equity to restrain or enjoin violations of Section 97.01.

SECTION 4: Section 53.40 through 53.46 are hereby added to the Code of

Ordinances of the Village of Chatham, to state as follows:

YARD WASTE COLLECTION AND DISPOSAL SYSTEM

53.40 **Establishment of System.** The Village hereby establishes a yard waste collection and disposal system.

53.41 Definitions.

As used in sections 53.40 through 53.46 of this Chapter:

“Yard waste” has the same definition as in Section 97.01 of this Code of Ordinances: "Yard waste" includes and is limited to leaves, grass clippings, wood chips, and garden waste such as weeds and stalks. “Yard waste” does not include tree and shrub branches.

“Waste hauler” means a person, firm or corporation with a solid waste license issued pursuant to this Chapter.

“Approved receptacle” means a bag or other receptacle approved by the Director of Utilities and Administration for the collection of yard waste.

“Utility Customer” means any resident of any household which has an electric, water or sewer utility account with the Village, or any authorized agent of any person, firm or corporation having a nonresidential electric, water or sewer utility account with the Village.

53.42 Contract with Waste Haulers

Annually, the Village shall contract with one or more waste haulers for the removal and disposal of yard waste from the Village, and shall provide adequately for such contracts in its appropriation ordinance. The contract or contracts shall provide that for the consideration agreed between the Village and such waste haulers, the waste haulers shall remove and dispose of all yard waste placed at the curbs of Village streets in approved receptacles during designated months.

53.43 Autumn Yard Waste Collection and Disposal

During the period from October 15 through December 15 of each year, or as otherwise provided pursuant to contracts with waste haulers and announced by the Director of Utilities and Administration, any utility customer in the Village may dispose of yard waste generated anywhere within the corporate limits of the Village by collecting such yard waste and placing it in approved receptacles at the customer’s curb fronting a Village street. The yard waste shall be collected according to a schedule announced from time to time by the Director of Utilities and Administration. The

Director of Utilities and Administration shall make approved bags available at no cost to the public.

53.44 Yard Waste Service Charge

Each utility customer in the Village shall be assessed a monthly service charge of \$1.00 for each month of the year to defray the cost of collection and disposal of yard waste pursuant to Section 53.43. The service charge shall be charged and collected along with the monthly utility bill to each customer. Such service charges shall be placed in a special fund in the Village Treasury and used only to defray the cost of the yard waste hauling and disposal contracts describe in Section 53.42, together with other costs of operation and maintenance of the yard waste collection system.

53.45 Revaluation and Adjustment of Fee

Periodically, the Village Board, in conjunction with the Chief Fiscal Officer, shall reevaluate the yard waste service charge, and adjust it if necessary by amendments to this Chapter, to ensure that the revenues of the service charge do not exceed the cost of the contracts and other operation and maintenance expenses of the yard waste collection system.

53.46 Yard Waste Collection and Disposal At Customers' Expense

During periods of time other than October 15 through December 15, residents of the Village may dispose of yard waste at their own expense in accordance with their respective waste haulers' rates and procedures.

SECTION 5: This Ordinance shall become effective on January 1, 2004.

The Clerk shall forthwith publish this Ordinance in pamphlet form and shall see to its inclusion in the next update of the Village Code of Ordinances. Section 53.44 of the Code of Ordinances is intended as a Schedule of Services pursuant to Section 11-19-4 of the Illinois Municipal Code. Accordingly, in the January, 2004 billing, the Director of

Utilities and Administration shall include in every utility customer's bill, or shall separately mail, a copy of Section 53.44 of the Code of Ordinances.

DID
NOT

PASSED this 25 day of NOVEMBER, 2003.

VILLAGE PRESIDENT

ATTEST:

Pat Schaefer
Village Clerk

AYES: 3 HERR MCCARTHY KAVANAGH

NAYS: 3 MCADAMS MCGRATH GRAY

PASSED: _____

APPROVED: _____

ABSENT: Boyle

ORDINANCE CERTIFICATE

STATE OF ILLINOIS)
) SS.
COUNTY OF SANGAMON)

I, the undersigned, do hereby certify that I am the duly qualified and acting Village Clerk of the Village of Chatham, Sangamon County, Illinois.

I do further certify that the ordinance attached hereto is a full, true, and exact copy of Ordinance No. 03-___, adopted by the President and Board of Trustees of said Village on the ____ day of _____, 2003, said Ordinance being entitled:

**AN ORDINANCE REGULATING THE BURNING OF WASTE WITHIN THE
VILLAGE OF CHATHAM AND ESTABLISHING A YARD WASTE
COLLECTION AND DISPOSAL SYSTEM**

I do further certify that prior to the making of this certificate, the said Ordinance was spread at length upon the permanent records of said Village, where it now appears and remains.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of said Village this ____ day of _____, 2003.

Village Clerk