

ORDINANCE NO. 2, SERIES 2023
RESIDENTIAL GARBAGE COLLECTION AND RECYCLING

AN ORDINANCE AMENDING ORDINANCE NO. 10, SERIES 2018, AN ORDINANCE ESTABLISHING A MUNICIPAL SYSTEM FOR THE COLLECTION AND DISPOSAL OF ALL RESIDENTIAL GARBAGE AND RUBBISH ACCUMULATED IN THE VILLAGE; PRESCRIBING REGULATIONS FOR THE STORAGE AND COLLECTION OF GARBAGE AND RUBBISH; PROVIDING FOR THE IMPOSITION AND COLLECTION BY THE VILLAGE OF FEES FOR THE COLLECTION AND DISPOSAL OF GARBAGE AND RUBBISH TOGETHER WITH SEWER AND WATER FEES; AND PRESCRIBING PENALTIES FOR VIOLATIONS OF ITS PROVISIONS.

BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE VILLAGE OF JOY:

Pursuant to Illinois compiled Statutes, the revised Code of Ordinance of the Village of Joy, Illinois Title II is hereby amended to add a new Chapter 8 to read as follows:

SECTION 1. Short Title. This Ordinance shall be known and may be cited as the "Municipal Refuse Collection System Ordinance of the Village of Joy". The Village intends to provide exclusive collection and encourage recycling.

SECTION 2. Definitions. For the purpose of this Ordinance the following terms, phrases, words, and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number, and words in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

(1) "Village" is the Village of Joy.

(2) "Garbage" shall mean waste resulting from the handling, preparation, cooking, and consumption of food; wastes from the handling, storage, and sale of produce.

(3) "Person" is any owner of residential property located within the Village; a person, firm, partnership, association, corporation, company, or organization of any kind.

(4) "Refuse" is all putrescible and nonputrescible solid waste (except body wastes), including garbage, rubbish, ashes, and street cleanings.

(5) "Rubbish" is nonputrescible solid waste (excluding ashes), consisting of both combustible and non-combustible wastes, such as paper, cardboard, tin cans, wood, glass, bedding, crockery, and similar materials.

(6) "Recyclables" are: rinsed aluminum and steel (tin) cans, # 1 and # 2 plastic bottles, newspaper, clean textiles in a plastic bag, glass (unbroken clear, brown, or green), file waste (junk mail and white paper), and corrugated cardboard.

(7) "Yard Waste" includes any type of plant material such as grass clippings, leaves, tree and shrub trimmings, brush or anything pertaining to yard waste of any kind.

SECTION 3. Collection by Contractor designated by the Village. All refuse accumulated on residential property in the Village shall be collected, conveyed, and disposed of by a contractor selected by the Village. No other person shall collect, convey on any of the streets or alleys of the Village, or dispose of any refuse accumulated on residential properties in the Village except as authorized.

(1) Exception for Actual Procedures. This Ordinance shall not prohibit the actual producers of refuse, or the owners of premises upon which refuse has accumulated, from personally collecting, conveying, and disposing of such refuse, providing such producers or owners comply with the provisions of this Ordinance and with any other governing law or ordinances.

(2) Exception for business owners. Owners of businesses within the Village shall be granted an exemption from this ordinance if the business has a dumpster and the owner intends to use the dumpster for the owner's private, immediate household garbage collection.

SECTION 4. Collection Practices.

(1) Refuse Containers.

(a) In addition to recycling, refuse, garbage, and rubbish shall be placed in 96 - gallon cans of a type approved by the garbage committee, which shall be supplied by the Contractor. No such container shall weigh more than fifty (50) pounds, including contents.

(b) Additional refuse, garbage, and rubbish shall be placed in 32 - gallon bags. Such bags shall have a Village sticker, purchased from Village Hall, attached.

(2) Storing of Refuse.

(a) Public Place. No person shall place any refuse in any street, alley, or other public place, or upon any private property whether owned by such person or not, within the Village except it be in proper containers for collection. Nor shall any person throw or deposit any garbage or rubbish in any stream or other body of water.

(a-1) Unauthorized Accumulation. Any unauthorized accumulation of refuse on any premise is hereby declared to be a nuisance and is prohibited. Failure to remove any existing accumulation of refuse within fourteen (14) days after the effective date of this Ordinance shall be deemed a violation of this Ordinance.

(a-2) Scattering of Refuse. No persons shall case, place, sweep, or deposit anywhere within the Village any refuse in such a manner that it may be carried or deposited by the elements upon any street, sidewalk, alley, sewer, parkway, or their public place, or into any occupied premises within the Village.

(3) Points of Collection. Recycling and refuse containers shall be placed for collection at ground level on the property, not within the right-of-way of a street or alley, and accessible to and not more than ten (10) feet from the side of the street from which collection is made. Recycling and refuse containers shall not be placed, nor remain, within the right-of-way of a street or alley after collection is completed.

SECTION 5. Collection Practices.

(1) Frequency of Collection. Garbage, refuse, and recycling accumulated on residential properties shall be collected at least once each week.

(2) Limitation on Quantity. In addition to recycling, no person shall place more than one (1) can per residence or dwelling each week. Any additional refuse, garbage, and rubbish shall be placed in 32 - gallon bags. Such bags shall have a Village sticker, purchased from Village Hall, attached. Such bags shall not exceed (50) pounds. Boxes will be taken only if they are flat and tied in bundles. There is no limit on acceptable recyclables.

(3) No Chemicals or Hazardous Liquids. No person shall place any chemicals or hazardous liquids in the cans or bags to be disposed of with other garbage and refuse.

(4) Substances. No person shall place any liquids, building materials, furniture, appliances, dead animals, or manure in the cans or bags to be disposed of with any other garbage and refuse.

SECTION 6. Fees.

(1) The garbage collection fee for each residential property located in the Village shall consist of a basic fee of \$22.10 per month per property for garbage collection of (1) 96 - gallon can. An additional fee of \$2.00 for each additional 32 - gallon bag will be added to the basic fee. Fees may change at any time to reflect increases in the cost of garbage collection. The combined charges shall be added each month to the water and sewer bill for each residential property located within the Village. All fees for garbage and refuse collection shall be due and payable along with the water and sewer bill on the 15th day of each month.

(2) Delinquent Accounts. All water / sewer / garbage accounts shall be considered delinquent if not paid within thirty (30) days after the due date of the bill. All delinquent accounts are subject to the stoppage of service after a notice mailed at least five days prior to the user. For customers using both the collection service and the water / sewer service, both services may be terminated for any delinquency of either service. Service shall be resumed thereafter only upon payment of the accumulated fees for the period of collection and the period of non-collection, plus a fee of \$175.00 for reinstating services.

(a) Concurrently a delinquency under the Village Water and Sewer Use Ordinance for service, or a delinquency under this Ordinance for services can result at the discretion of the Village in a shut-off of both services per the respective ordinances.

(b) Legal Remedy. The stoppage of collection / water / sewer service herein before authorized for non-payment of collection charges shall be in addition to the right of the Village to proceed for the collection of such unpaid charges in a manner provided by law for the collection of a municipal claim.

(c) All charges or rates for the use of the solid waste services are liens upon the real estate upon or for which service is supplied whenever the charges or rates become delinquent.

The City Clerk and / or Collector are authorized and directed to file sworn statements showing such delinquencies in the office of the Recorder of Deeds of Mercer County, Illinois, and such filing of such statements shall be deemed notice of the lien and of the demand for payment of such charges for such services.

SECTION 7. Penalties. Any person violating any of the provisions of this Ordinance shall be fined in an amount not exceeding Five Hundred and no / 00 Dollars (\$500.00). Each day such violation is committed or permitted to continue, shall constitute a separate offense and shall be punishable as such hereunder.

SECTION 8. Separability. If any section, subsection, sentence, clause, phrase, or portion of this ordinance is for any reason held invalid or unconstitutional by any court competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions hereof.


SECTION 9. Concurrent with Water and Sewer Title. All bill collection procedures are joint and concurrent with all billing procedures and penalties set out in Title V (Water Service) and Title VI (Sewer Service) of this Code.

SECTION 10. Ordinance Repealed. All Ordinances and parts of Ordinances in conflict with the provisions of this Ordinances are hereby repealed.


SECTION 11. Effective Date. This Ordinance shall take effect on January 1, 2024, after its passage, approval, and publication according to law.

PASSED AND APPROVED: This 15th day of November, 2023, at a regular meeting of the Village of Joy, Mercer County, Illinois, upon roll call, vote taken and recorded in the minutes of said meeting of said Village Board.

Said vote being: Yeas 5, Nays: _____, Absent: 1



PRESIDENT, LARRY HUNT

ATTEST: 

VILLAGE CLERK, GWEN PRITCHETT


CERTIFICATE:

I, Gwen Pritchett, hereby certify that I am the duly appointed, qualified, and acting Village Clerk of the Village of Joy, Mercer County, Illinois, and that in such capacity I am the keeper of the records and the seal of said Village.

In addition, I further certify that the attached Ordinance No. 2, Series 2023 was, at a duly convened regular meeting of the President and the Board of Trustees of the Village of Joy, Mercer County, Illinois, on November 15th, 2023, adopted by said Board and approved by said President.

I further certify that the attached copy of Ordinance No. 2, Series 2023 was copied directly from the original copy of said Ordinance aforereferenced of the Village of Joy, Mercer County, Illinois, said original Ordinance maintained by me in the official book of Ordinances for the Village of Joy, Mercer County, Illinois.

DATED this 15 day of November, 2023



VILLAGE CLERK
VILLAGE OF JOY, ILLINOIS