

VILLAGE OF CATLIN

ORDINANCE NO. 763

AN ORDINANCE AMENDING TITLE IX, CHAPTER 91, OF THE VILLAGE CODE  
PERTAINING TO HEALTH AND SAFETY

WHEREAS, an inherent power of a municipality is the power over the health, welfare and safety of its citizens; and,

WHEREAS, the Illinois Municipal Code further provides a municipality with power to regulate for the health, welfare and safety of its citizens, including garbage collection; and,

WHEREAS, Chapter 91 of the Village Code contains provisions concerning the health and safety of the citizens, including provisions regarding garbage collection; and,

WHEREAS, Chapter 91 should be amended to include additional provisions concerning garbage collection within the Village.

NOW, THEREFORE, BE IT ORDAINED, by the Village Board of the Village of Catlin, Illinois as follows:

SECTION 1: Chapter 91 of the Village Code shall be amended as follows, with strikethroughs being deletions and underlining being additions:

§ 91.04 Definitions

The following words and phrases, when used in this chapter, shall have the meanings respectively ascribed to them:

"GARBAGE RECEPTACLE or RECEPTACLE." A solid, durable metal or plastic container with a cover and handles, and without any leaks, breaks or cracks designed for containing garbage, refuse, rubbish and solid waste.

"GARBAGE." All solid waste and non-liquid putrescible and non-putrescible waste that are found in the typical household or business.

§ 91.08 Hauling of Garbage

The collection and hauling of garbage, refuse, and waste materials for hire, within the village limits, shall be done only in a manner as shall provide a covering for all the materials, adequate to prevent escape thereof by falling, leaking, dripping, blowing, or otherwise, from the collecting vehicle.

§ 91.08 Garbage Receptacles

(A) The owners of each premises within the Village containing a structure which generates garbage shall provide an adequate number of receptacles to sufficiently accommodate the amount of garbage generated by the premises.

(B) All garbage receptacles shall be maintained in good repair, and in a clean and sanitary condition.

(C) Receptacles that have deteriorated or that have been damaged to the extent of being badly dented, leaking, without handles or covers, or having ill-fitting covers, or having jagged or sharp edges capable of causing injury shall be replaced or satisfactorily repaired prior to continued use.

§ 91.09 Garbage to be placed in Receptacles.

(A) No garbage shall be placed out of doors anywhere in the Village unless it is securely contained in a garbage receptacle.

(B) All glass, all items with sharp corners, and all sharp objects shall be securely wrapped to prevent damage to the receptacle and to prevent injury to any person handling or collecting the garbage.

§ 91.10 Placing Liquid Matter, Septic or Sanitary Sewer Discharge in Garbage Receptacle

No waste material shall be deposited in garbage receptacles if it is of the consistency of water and contains no solid matter. It shall also be unlawful for any person to place septic or sanitary sewer discharge in a garbage receptacle.

§ 91.11 Placing Garbage for Collection

(A) Any person occupying or in possession of a single-family dwelling shall place, or cause to be placed, the garbage receptacle(s) for collection on the street-line of the premises.

(B) Any owner of a premises containing a multi-family dwelling structure or a commercial structure shall provide for the necessary area for the storage of the garbage receptacle(s). Such area shall be of sufficient size and able to contain the receptacle(s) and shall be in an appropriate location to allow for collection.

(C) All garbage receptacles shall be stored off of the streets, curbs, gutters and sidewalks and within the side-yard or rear-yard of the premises. Garbage accumulated prior to the scheduled pick-up day shall be placed in a garbage receptacle such that the garbage is inaccessible to animals when not placed for collection.

### § 91.12 Removing, Damaging, Tampering and Uncovering Receptacles

It shall be unlawful for any person other than a collector, or the owner, occupant, tenant or person in possession of the premises for which a receptacle has been provided, to deposit any article in the receptacle or remove, displace, damage, deface, destroy, uncover, or in any manner disturb the receptacle or any portion of its contents.

### § 91.13 Garbage Collection

(A) All trucks used for the collection of garbage, solid waste and refuse must be of the packer-type or such other design suitable for sanitary and healthful transportation. The trucks shall be properly safeguarded to prevent the escape of any garbage or material by falling, leaking, spilling, dripping, blowing, or otherwise. Garbage collection shall be done in a workmanlike manner and cause no nuisance or menace to public health or damage to any property. Trucks shall be provided with a legible company name in a conspicuous location allowing the identification of the equipment, owner or operator.

(B) The owner/operator of any truck other than a packer-type truck shall be required to cover such truck with a tarp or other covering to insure that no material being hauled by the truck drops from or blows off of the truck.

(C) The owner/operator of any truck which is observed allowing garbage, solid waste or refuse to drop or blow off said truck shall be responsible for picking up said garbage, solid waste or refuse from the public right-of-way or adjoining private property.

(D) No truck used for the collection of garbage shall be found in or use any alley within the village.

(E) Parking of garbage collection trucks on public or private property so as to create a nuisance shall be prohibited.

§ 91.99 Penalty

- (A) ~~Whoever violates any provision of this chapter shall be fined not more than \$25 for each and every violation. Every day a violation continues shall constitute a separate offense.~~
- (B) (1) ~~Any individual who violates any provision of §§91.15 through 91.19 shall be subject to a fine of not less than \$25 for the first offense and not less than \$100 for each subsequent offense.~~
- (2) ~~The owner, lessee, or occupant of any premises or person in charge of the burning therein or thereupon, who causes, permits or allows the violation of §§91.15 through 91.19 on said premises, is guilty of creating a nuisance and subject to penalty as herein provided.~~

Any person found guilty of violating any provision of this Chapter shall, in addition to any other penalty provided in this Chapter, be fined not less than \$100 nor more than \$750 for each offense. Each day a violation continues shall be deemed a separate offense. In addition to any fine imposed under this chapter, the offender shall be ordered to pay all of the costs and fees incurred by the Village in prosecuting the violation, which shall include but not be limited to the costs associated with an administrative adjudication proceeding or circuit court proceeding, and reasonable attorney's fees.

**SECTION 2:** This amendatory Ordinance shall be effective ten (10) days after its passage, approval and publication.

PASSED this 22<sup>nd</sup> day of April, 2020, by 5 ayes, 0 nays  
and 0 absent.

APPROVED:

By: Bret Schmirer  
Mayor

ATTEST:

By: Shelley M. Linn  
Village Clerk