

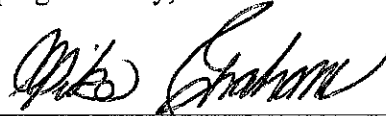
ORDINANCE NO. 2436

**AN ORDINANCE
AMENDING ARTICLES II AND III OF CHAPTER 28 OF THE RANTOUL CODE**

**VILLAGE OF RANTOUL
CHAMPAIGN COUNTY, ILLINOIS**

CERTIFICATE OF PUBLICATION

Published in pamphlet form this 11th day of August, 2015, by authority of the President and Board of Trustees of the Village of Rantoul, Champaign County, Illinois.



Village Clerk

ORDINANCE NO. 2436

AN ORDINANCE
AMENDING ARTICLES II AND III OF CHAPTER 28 OF THE RANTOUL CODE

BE IT ORDAINED BY THE PRESIDENT AND THE BOARD OF TRUSTEES OF THE VILLAGE OF RANTOUL, ILLINOIS, as follows:

Section 1. Adoption. Article II, entitled "WASTE COLLECTION", and Article III, entitled "WASTE HAULER LICENSE", of Chapter 28, entitled "SOLID WASTE", of the Rantoul Code, as supplemented and amended, be and the same are hereby further amended as set forth in the title, headings and text thereof as attached hereto and hereby incorporated herein by this reference thereto.

Section 2. Effective Date. The provisions of this Ordinance shall become effective following its passage, approval and publication as required by law.

Section 3. Conflict. All ordinances or parts of ordinances which are in conflict with the provisions of this Ordinance are, to the extent of such conflict, hereby repealed.

Section 4. Publication. The Village Clerk is hereby authorized and directed to cause this Ordinance to be published in pamphlet form.

This ordinance is hereby passed, the "ayes" and "nays" being called, by the concurrence of a majority of the members of the Corporate Authorities then holding office at a regular meeting on the date set forth below.

PASSED this 11th day of August, 2015.

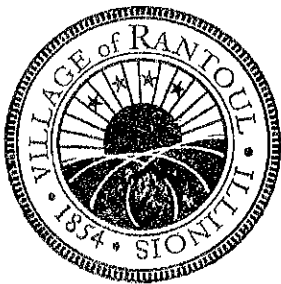


Village Clerk

APPROVED this 11th day of August, 2015.



Village President



**CHAPTER 28
SOLID WASTE**

ARTICLE II

WASTE COLLECTION

Sec. 28-19. Definitions.

For the purposes of this Chapter, and the interpretation and enforcement thereof, the capitalized words, terms, phrases and their derivatives set forth in this Section below shall have the meanings as follows:

- (a) **Commercial Hauling Service** means the provision of any service to collect and transport Municipal Waste or Landscape Waste from any Multifamily Dwelling or any commercial or industrial premises.
- (b) **Construction or Demolition Debris** means any solid waste containing a variety of materials resulting from the construction, demolition, remodeling or renovation of residential, commercial or industrial structures. **“Construction or Demolition Debris”** also includes cement, concrete, asphalt, or masonry debris resulting primarily from street, sidewalk, bridge, sewer and water construction, repair or replacement, which is defined as “clean fill” by the Illinois Environmental Protection Agency.
- (c) **Curbside** means that portion of the Right-of-Way adjacent to and within five (5) feet of the Roadway, including any alley.
- (d) **Director** means the Director of the Inspection Department (otherwise known as the Village Inspector) or his or her designee.
- (e) **Dwelling Unit** means one (1) room or a suite of two (2) or more rooms in a residential dwelling designed for and used for living and sleeping purposes, containing its own kitchen and bathroom facilities, and having its own independent entry/access from the exterior of such residential dwelling or from a common interior hallway.
- (f) **Front Yard** means the open space of any yard on any lot within the Village extending the entire width of any such lot from the line of the Right-of-Way to the nearest point of any building or structure located on such lot.
- (g) **IEPA** means the Illinois Environmental Protection Agency.
- (h) **Landscape Company** means any Person that provides, for any property other than its own, maintenance or removal of lawns, shrubbery, trees or any ornamental plant, and transports only Landscape Waste produced directly as a result of such landscape care activities.

- (i) **Landscape Waste** means any accumulation of grass, shrubbery cuttings, leaves, tree limbs and other materials accumulated as the result of the care and maintenance of lawns, shrubbery, vines and trees; provided, however, that Landscape Waste that has been chipped, shredded, composted or otherwise processed so as to be converted from raw Landscape Waste shall not be considered to be Landscape Waste for the purposes of this Chapter.
- (j) **Multifamily Dwelling** means any residential dwelling containing more than four (4) Dwelling Units.
- (k) **Municipal Waste** means any garbage, refuse, rubbish, debris, general household waste, or Construction or Demolition Debris, but does not include any Landscape Waste or any material or waste classified as hazardous, toxic, flammable or otherwise dangerous to the environment under any federal, state or local law.
- (l) **Person** means any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, political subdivision, state agency, or any other legal entity, or their legal representative, agent or assigns.
- (m) **Right-of-Way** means the entire width between the boundary lines of any land dedicated for street, alley or sidewalk purposes or otherwise open to the use of the public for the purposes of passage or vehicular travel within the Village.
- (n) **Roadway** means that portion of the Right-of-Way improved, designed or ordinarily used for vehicular travel.
- (o) **Village Hauling Service** means the provision of any service contracted by the Village to collect Municipal Waste or Landscape Waste from any residential dwelling containing not more than four (4) Dwelling Units.
- (p) **Waste Hauler** means any Person who charges a fee for collecting Municipal Waste or Landscape Waste.

Sec. 28-20. Service Required.

(a) Any Person who as owner, agent, lessee, occupant or other person in control of any Dwelling Unit other than a Multifamily Dwelling shall be required to have Village Hauling Service.

(b) Any Person who as owner, agent, lessee, occupant or other person in control of any Multifamily Dwelling or of any commercial or industrial premises within the Village shall have any accumulation of Municipal Waste on any such property collected and disposed of at least once every seven (7) calendar days by a Waste Hauler who has a valid Waste Hauler License as required by Article III of this Chapter.

(c) The occupancy of any Dwelling Unit, Multifamily Dwelling or the operation of any commercial or industrial activity by any Person within the Village shall be prima facie evidence that Municipal Waste is being produced and accumulated within any such Dwelling Unit, Multifamily Dwelling or on any such commercial or industrial premises.

(d) For any Commercial Hauling Service, the Director may, upon hearing, grant an exemption from the requirements of this Section if the level of Municipal Waste generated or the alternative arrangements for disposal of Municipal Waste does not reasonably warrant any such collection and disposal. Any Person requesting such exemption shall have the burden of establishing the grounds for any such exemption to the satisfaction of the Director.

Sec. 28-21. Container Requirements.

(a) No Person who as owner, agent, lessee, occupant or other person in control of any Dwelling Unit or of any commercial or industrial premises shall accumulate or permit the accumulation of Municipal Waste on any such property except in:

- (i) for Village Hauling Service; such container as may be supplied from time to time by the provider of such Village Hauling Service;
- (ii) for Commercial Hauling Service; a watertight container or containers which meet or exceed the requirements of being constructed of a rigid material with handles, a tight-fitting lid and sufficient capacity to contain the accumulation of Municipal Waste until the next date of collection; or a watertight dumpster or similar trash receptacle which meets or exceeds the requirements of being constructed of a rigid material with a lid and sufficient capacity to contain the accumulation of Municipal Waste until the next date of collection.

(b) Any unlawful accumulation of Municipal Waste in violation of the provisions of this Section is declared to be a public nuisance and may be enforced in accordance with provisions of this Code applicable to public nuisances.

Sec. 28-22. Municipal and Landscape Waste in Front Yard or Right-of-Way.

It shall be unlawful for any Person, including for this purpose, any owner, agent, lessee, occupant or other person in control of any Dwelling Unit or of any commercial or industrial premises, to cause, permit or allow any Municipal Waste or any Landscape Waste to be placed, deposited or stored in any Front Yard or in any Right-of-Way within the Village, except as may otherwise be allowed or authorized in connection with the following:

(a) Municipal Waste generated from any Dwelling Unit other than a Multifamily Dwelling may be temporarily placed, deposited and stored in any Front Yard or in any Right-of-Way (excluding the Roadway and sidewalk portions thereof) immediately adjacent to the Dwelling Unit where such Municipal Waste is generated for the purposes of Curbside collection by the provider of Village Hauling Service during the forty (40) hour period commencing at 6:00 p.m. on the day preceding and ending at 10:00 a.m. on the day following the day or days designated by such provider of Village Hauling Service for Curbside collection, provided such Municipal Waste is in a container or containers meeting the requirements of Section 28-21(a)(i) of this Article above. If a Village-observed holiday should occur on any one (1) of such designated days, the hours for such Curbside collection shall be permitted during the same forty (40) hour period preceding and following the day immediately after any such holiday.

(b) Landscape Waste may be temporarily placed, deposited or stored in a Front Yard or in any Right-of-Way (excluding the Roadway and sidewalk portions thereof) immediately adjacent to the Dwelling Unit or the commercial or industrial premises where such Landscape Waste is generated for the purposes of Curbside collection by: (i) the Village during any period designated for such purposes by the President and Board of Trustees of the Village, or (ii) a licensed Waste Hauler for a maximum period of seven (7) consecutive calendar days, provided that any such Landscape Waste is bundled or placed in containers or bags stacked no more than three (3) feet in height which each bears a Landscape Waste collection tag, sticker or other identification from any such Waste Hauler which is a minimum of eleven (11) square inches in size, a distinctive color, and bears the name, address and telephone number of the licensed Waste Hauler who has contracted to collect such Landscape Waste.

(c) Leaves may be placed, deposited or stored within the Right-of-Way in a neat and careful manner and piled near, but not upon, any portion of the Roadway or of any sidewalk for Curbside collection by the Village during any period designated for such purpose by the President and Board of Trustees of the Village; provided, however, that any leaves so placed, deposited or stored shall be piled no more than eighteen (18) inches in height and no other material of any kind shall be deposited or placed in or near such leaves.

Sec. 28-23. Composting-Maximum Size and Location Standards.

It shall be unlawful for any Person, including for this purpose, any owner, agent, lessee, occupant or other person in control of any Dwelling Unit or of any commercial or industrial premises to cause, permit or allow a compost cell or pile to be maintained within the Village in violation of the following standards:

(a) The maximum size of any such compost cell or pile shall not exceed one hundred twenty-five (125) cubic feet in volume and five (5) feet in height. Any such compost cell or pile shall also be restrained on three (3) sides to minimize blowing material, and any such side walls should allow aeration. Any such compost cell or pile shall further not:

- (i) be located in a floodway;
- (ii) be setback less than three (3) feet from any property line, unless such compost cell or pile is maintained jointly by two (2) or more abutting property owners;
- (iii) be closer than fifteen (15) feet to any Dwelling Unit on abutting property;
- (iv) be located in any Front Yard; and
- (v) be maintained so that runoff or leachate created as a result of any such compost cell or pile runs onto abutting property.

(b) Only the following organic materials shall be allowed in any such compost cell or pile: dirt, sod, Landscape Waste in which any woody materials and garden wastes have been reduced in size to half ($\frac{1}{2}$) an inch in diameter and twelve (12) inches long, and cooked and uncooked fruits and vegetables; provided, however, that small amounts of wood ash or fertilizer may be added to provide nutrients.

(c) The materials to be excluded from a compost cell or pile shall include, but are not limited to: Construction or Demolition Debris, metal items, preservative-treated wood products, petroleum products (gasoline, crankcase oil, paints, or solvents), pesticides or herbicides (except that which is already conveyed as part of the organic materials described in subsection (b) of this Section above), fish or animal feces, fish or animal carcasses, cooked meat scraps, human feces, paper, and plastic or cardboard items normally considered solid waste.

Sec. 28-24. Burning Prohibited.

It shall be unlawful for any Person to burn any Municipal Waste or Landscape Waste within the Village, except that leaves only may be burned upon any private property by or with the consent of the owner, agent, lessee, occupant or other Person in control thereof between the hours of 11:00 a.m. to 4:00 p.m. on any Saturday during the months of April, May, October and November if such burning of leaves is done under the constant supervision of some adult Person and is upon private property located not less than three (3) feet from any Right-of-Way.

Sec. 28-25. General Penalty.

Any Person who violates any provision of this Article shall be subject to a fine of not less than twenty-five dollars (\$25.00) nor more than seven hundred fifty dollars (\$750.00) for each offense. A separate offense shall be deemed committed on each day during or on which any violation of this Article continues.

ARTICLE III

WASTE HAULER LICENSE

Sec. 28-48. License Required.

Except as otherwise provided in Section 28-63 of this Article, it shall be unlawful for any person to engage in the business of being a Waste Hauler or to otherwise collect and/or transport any Municipal Waste or any Landscape Waste within the Village, or to advertise to provide any Residential Hauling Service or any Commercial Hauling Service, without having a valid Waste Hauler License as required by this Article.

Sec. 28-49. Term.

Each Waste Hauler License under this Article shall be effective or renewed for a one (1) year period which commences on May 1 and expires on April 30 of the following year regardless of when issued.

Sec. 28-50. License Application.

(a) The Director shall prepare and make available to any applicant an application form for such Waste Hauler License. Such application form shall include the following information:

- (i) Name, address and telephone number of the applicant;
- (ii) Name of the manager of the applicant, if any;
- (iii) Year, make, model, type, vehicle identification number and Illinois license plate registration of each collection vehicle to be operated by the applicant within the Village;
- (iv) Gross vehicle weight and capacity in cubic yards of each collection vehicle;
- (v) Type of material to be collected and hauled by each collection vehicle (e.g., Municipal Waste, Landscape Waste or both);
- (vi) Proof of valid State of Illinois safety sticker as required by law for each collection vehicle; and
- (vii) Certificate of insurance for any insurance required pursuant to Section 28-54 of this Article.

(b) Any licensee having a valid Waste Hauler License shall notify the Director in writing within fourteen (14) days following a change in any information contained in such licensee's application, including any change in connection with the addition or deletion of any collection vehicle.

(c) A new application shall be required to be submitted to the Director no later than April 15 of each year prior to issuance of a renewed Waste Hauler License under this Article.

Sec. 28-51. Collection Vehicle Inspection Permit Required.

A collection vehicle inspection permit, issued by the Village, is required and shall be displayed on each collection vehicle used by any licensee for collection of Municipal Waste or Landscape Waste within the Village. Each such collection vehicle inspection permit shall be effective or renewed for a one (1) year period which commences on May 1 and expires on April 30 of the following year, regardless of when issued. Any such collection vehicle inspection permit may be issued upon an inspection by the Director when any such collection vehicle is found to be in good working condition and in compliance with the provisions of this Article.

Sec. 28-52. Facsimile or Altered Collection Vehicle Inspection Permit.

(a) No licensee shall display on a collection vehicle either a facsimile or likeness of any collection vehicle inspection permit issued by the Village.

(b) No licensee shall display on any collection vehicle a collection vehicle inspection permit issued by the Village which has been altered in any manner without the express written authorization of the Village.

Sec. 28-53. Collection Vehicle Operating Requirements.

(a) Each collection vehicle operating within the Village shall be operated and maintained in accordance with all applicable federal, state and local laws.

(b) Each collection vehicle used for the collection or transportation of Municipal Waste or Landscape Waste within the Village shall conform to the following requirements:

- (i) Shall have the business name and telephone number clearly visible on both sides of such collection vehicle;
- (ii) Shall be kept in a neat, clean and sanitary condition, and shall be maintained so as not to become offensive to the sense of smell of a person of ordinary sensibilities; and
- (iii) Shall have and utilize a water-tight bed or receptacle and be constructed and operated in such a manner that no portion of the contents conveyed therein shall be scattered or left in or upon any private or public property or any Right-of-Way.

Sec. 28-54. Insurance Requirements.

Any person required to have a Waste Hauler License under this Article shall maintain in force and effect general liability insurance, vehicle liability insurance, worker's compensation insurance and unemployment insurance, with insurance companies licensed to do business in the State of Illinois and in such amounts as may be required by law. Upon request of the Director, each such Person shall produce evidence of such coverage.

Sec. 28-55. Evacuation of Contents.

It shall be unlawful for any person to fail to remove or evacuate any Municipal Waste from any collection vehicle within the Village within a period of twenty-four (24) hours after the collection or deposit of any such Municipal Waste into any such collection vehicle.

Sec. 28-56. Disposal, Transfer and Storage.

(a) It shall be unlawful for any Person to dispose of, transfer, or store Municipal Waste or Landscape Waste in any place within the Village unless such location meets the applicable requirements of any federal, state or local law.

(b) Any Person required to have a Waste Hauler License under this Article shall transport and dispose of all Municipal Waste and Landscape Waste collected within the Village to a facility licensed by the IEPA or to such other facility as may be authorized for such purposes by applicable law.

Sec. 28-57. Service Requirements

(a) Each Waste Hauler offering to provide Commercial Hauling Service within the Village shall be required to offer and provide:

- (i) basic service for the collection of Municipal Waste no less frequently than once every seven (7) calendar days;
- (ii) service for the collection of household appliances upon the request of any customer no less frequently than once every thirty (30) calendar days; and
- (iii) service for the collection of Landscape Waste no less frequently than once every seven (7) calendar days during the months of March to November, inclusive, upon the request of any customer.

(b) Each Waste Hauler offering to provide Commercial Hauling Service within the Village shall provide customer service operations to receive requests for services or complaints and shall minimally maintain and staff customer service telephone lines on a local or toll-free basis between the hours of 8:00 a.m. to 5:00 p.m. on Monday through Friday of each week, excluding holidays.

(c) Each Waste Hauler offering to provide Commercial Hauling Service within the Village shall be permitted to offer and provide additional levels of collection services, including greater frequencies of collection and additional quantities of collection.

Sec. 28-58. RESERVED.

Sec. 28-59. License, Vehicle Permit Inspection Fee.

(a) The annual fee for each Waste Hauler License and for each collection vehicle inspection permit shall be in such amounts established from time to time by the Village Board.

(b) If a Waste Hauler License is suspended or revoked, no portion of such fee shall be returned or refunded to any such licensee.

Sec. 28-60. License Suspension.

The Village President may suspend for not more than thirty (30) days a Waste Hauler License for any one (1) or more violations of this Article within a twelve (12) month period prior to any then current violation of this Article.

Sec. 28-61. License Revocation.

(a) The Village President may revoke a Waste Hauler License for any one (1) or more of the following reasons:

- (i) Two (2) or more violations of this Article within a twenty-four (24) month period prior to the then-current violation of this Article.

- (ii) Two (2) or more suspensions of such Waste Hauler License for any length of time for any violations of this Article that occurred within a twenty-four (24) month period prior to the then-current violation of this Article; or
- (iii) Any fraud, misrepresentation or false statement contained in any application for such Waste Hauler License or for any commercial vehicle inspection permit required by this Article.

(b) Any Waste Hauler whose license has been revoked may reapply for a Waste Hauler License not less than six (6) months following the effective date of any such revocation of any such Waste Hauler License.

Sec. 28-62. Administrative Procedure.

(a) No Waste Hauler License shall be suspended or revoked unless an administrative hearing open to the public is held. The Licensee shall be given written notice, at least seven (7) days prior to such hearing, informing the Licensee of the date and time of any such hearing and the grounds for the proposed suspension or revocation. Such written notice shall be by personal service on the Licensee, or by certified mail addressed to the Licensee at the address listed in the license application. The Licensee shall be given a reasonable opportunity to appear and defend.

(b) The Village President may appoint a hearing officer to hold any hearing to take evidence on whether or not to suspend or revoke a Waste Hauler License under this Article; to hold any rehearing on such matters; and to make a recommendation as to findings of fact and any sanction to be imposed. In such event, the Village President shall review the evidence and recommendations of the hearing officer and shall adopt, modify or reject any recommendations.

Sec. 28-63. Exemptions.

The following shall be exempt from the provisions of this Article:

- (i) Any Person who collects Municipal Waste or Landscape Waste from property owned, managed, leased or occupied by such Person and who transports such materials directly to a facility licensed by the IEPA or to such other facility as may be authorized for such purposes by applicable law.
- (ii) Landscape Companies and any Person that collects only Construction or Demolition Debris.
- (iii) Any Person that collects used household appliances as a part of a transaction involving the sale of any household appliances.

Sec. 28-64. General Penalty.

Any Person who violates any provision of this Article shall be subject to penalties as provided in Section 1-23. A separate offense shall be deemed committed on each day during or on which any violation of this Article continues.