

ORDINANCE

AN ORDINANCE AMENDING CHAPTER 20 ("PUBLIC HEALTH"), ARTICLE 7 ("GARBAGE, WEEDS AND LITTERING"), SECTION 20-7-2 ("STORAGE AND COLLECTION OF GARBAGE, REFUSE, YARD WASTE AND RECYCLABLE MATERIALS FOR RESIDENTIAL BUILDINGS CONTAINING FIVE UNITS OR LESS; STORAGE AND COLLECTION OF YARD WASTE FOR ALL BUILDINGS") OF THE OAK PARK VILLAGE CODE REGARDING RATES FOR GARBAGE, REFUSE, YARD WASTE AND RECYCLABLE MATERIALS COLLECTION SERVICES IN THE VILLAGE

WHEREAS, the Village of Oak Park ("Village") as a home rule unit of local government as provided by Article VII, Section 6 of the Illinois Constitution of 1970 has the authority to exercise any power and perform any function pertaining to its government and affairs except as limited by Article VII, Section 6 of the Illinois Constitution of 1970; and

WHEREAS, Section 11-19-4 of the Illinois Municipal Code, 65 ILCS 5/11-19-4, authorizes municipalities to establish service charges for the collection and disposal, treatment or recycling or solely for the collection or solely for the disposal, treatment or recycling of garbage, refuse and ashes to be collected from persons, firms and corporations receiving service; and

WHEREAS, pursuant to Village's home rule authority and Section 11-19-4 of the Illinois Municipal Code, 65 ILCS 5/11-19-4, the Village has determined to adopt this Ordinance for the service charges as set forth herein.

NOW THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of Oak Park, Cook County, Illinois, in the exercise of their home rule powers, as follows:

Section 1. Recitals Incorporated. The above recitals are incorporated herein as though fully set forth.

Section 2. Village Code Amended. Chapter 20 ("Public Health"), Article 7 ("Garbage, Weeds and Littering"), Section 20-7-2 ("Storage and Collection of Garbage, Refuse, Yard Waste and Recyclable Materials for Residential Buildings Containing Five Units or Less; Storage and Collection of Yard Waste for All Buildings") of the Oak Park Village Code is amended to add the underlined language and delete the overstricken language as follows:

20-7-2: STORAGE AND COLLECTION OF GARBAGE, REFUSE, YARD WASTE AND RECYCLABLE MATERIALS FOR RESIDENTIAL BUILDINGS CONTAINING FIVE UNITS OR LESS; STORAGE AND COLLECTION OF YARD WASTE FOR ALL BUILDINGS:

A. Containers: It shall be the duty of every owner, operator, occupant or responsible party of every residential building containing five (5) or less dwelling units to store all garbage, except compostable kitchen waste placed in a compost pile, and refuse in a "mobile cart" as defined in section 20-7-1 of this article, except for permissible shared mobile carts under this article. Mobile carts which weigh in excess of fifty (50) pounds when filled will not be collected by the Village. Garbage and refuse in any other type of container will not be collected by the Village. It shall be

the duty of every owner, operator or occupant of every residential building containing five (5) or less dwelling units to store all garbage and refuse in a mobile cart and/or in garbage and refuse containers of standard, waterproof metal or plastic construction with handles and a tightfitting cover, which containers shall be no larger than forty (40) gallons in capacity and sufficient in size and number to hold one week's accumulation. Leaking or otherwise defective garbage and refuse containers shall be repaired or replaced.

It shall be the duty of every owner, operator, occupant or responsible party of every building within the Village presenting yard waste for collection by the Village to separately dispose of yard waste in the form of grass clippings and small yard material and brush only in "yard waste bags" as defined in section 20-7-1 of this article, or in a rigid container of up to thirty (30) gallons, which container is clearly labeled "Yard Waste Only". Limbs of less than three inches (3") in diameter and two feet (2') or less in length may also be disposed of in yard waste bags. Bundles of brush, securely tied and not exceeding four feet (4') in length may be neatly stacked next to the yard waste bags for the separately scheduled regular yard waste collection. The Village will not collect bundles of brush tied with either wire or plastic cord. Yard waste will only be collected if it is disposed of in yard waste bags or containers to which is affixed a Village yard waste sticker. Yard waste stickers may be purchased at Village Hall and through local vendors. Information as to the location of vendors shall be available through the Village's Director of Public Works or his designee.

Recyclable material may only be donated to the Village for recycling by placement of specified materials in official Village boxes or at designated Village of Oak Park recycling stations located throughout the Village or by placement in the official Village recycling container owned by the Village but made available to individual residents exclusively for the collection of recyclable materials; except that when the amount of recyclable material exceeds the space available in the recycling container, recyclable materials may be placed in Kraft paper bags, or in the case of newspaper, either placed in Kraft paper bags or bundled and tied only with string, and then placed on top of or next to the recycling container for collection. Mixed paper may also be placed inside of, on top of or next to the recycling container for collection. Regardless of placement, however, mixed paper must always be separated from newspaper, flattened out and bundled with twine in two (2) directions. Mixed paper may be placed in Kraft bags, but such bags must also be bundled with twine in two (2) directions. Recycling materials may also be placed in Kraft paper bags and then placed in the recycling container.

Yard and compostable kitchen waste may also be used in a compost pile. Garbage (excluding compostable kitchen waste) and untreated animal excrement are prohibited as compost ingredients. All compost piles shall be aerated on a regular basis to avoid anaerobic conditions which are conducive to rodent and insect infestation and the creation of noxious and offensive odors. Any compost pile which is not created or tended in a manner consistent with these provisions may be declared to be a public nuisance under the nuisance provisions of this code for purposes of abatement and prosecution.

Garbage shall be drained of moisture and wrapped in paper or plastic before it is deposited in the container. Containers to which garbage is frozen for failure to observe the above regulation, and garbage contained in receptacles which also contain yard waste, or dog defecation or similar offensive matter, will not be collected by the Village.

Items such as toys, securely tied bundles of papers, crates, empty cartons, and small items suitable for collection by packer type equipment shall be neatly stacked next to approved containers for collection.

No containers are necessary for items such as large and bulky appliances (refrigerators, washing machines, stoves, dryers, etc.), large toys, furniture, empty cartons, empty crates, newspapers and magazines when securely tied in bundles convenient to handle, brush and branches, Christmas trees and other large discarded household objects. Refrigerators and similar equipment not in operation shall not be discarded, abandoned or stored on premises without first removing the doors.

B. Location And Time For Collection: Garbage, refuse, yard waste and recyclable materials stored in accordance with subsection 20-7-2A of this section and all bulk materials for special pickup shall be placed for collection close to, but not encroaching upon, the public alley abutting the property for which they are provided, and shall be no more than three feet (3') from the alley and easily accessible to the collector or on the alley of any rear yard fence or enclosure. The Director of Public Works may approve the placing of containers in an alley in the least obtrusive manner possible where the location of adjoining structures makes it impossible to locate the containers on private property. This approval is limited to specified containers in specified locations and may be withdrawn at any time when, at the discretion of the Public Works Director, the container or containers create an unreasonable obstruction of the public way. In areas where there are no alleys, residents in such areas shall place garbage, refuse, yard waste, recyclable materials and materials for collection close to, but not encroaching upon, the street in the area between the street curbing and the sidewalk. All garbage and refuse storage areas shall be maintained by owners, occupants or responsible parties in a clean condition. All containers and materials for collection shall be placed out prior to seven o'clock (7:00) A.M. on the designated collection day. The regular collection day for garbage and refuse, yard waste and recyclable material may be different. Where the collection days coincide, however, recycling containers and materials and yard waste bags and recyclable materials shall be placed next to garbage and refuse containers for collection. Containers shall be retrieved by ten o'clock (10:00) P.M. after they have been emptied by the collector.

During the annual eight (8) week fall leaf collection period, leaves shall be placed for collection by raking them into the street on the pavement area as close to the curb as possible. The Village shall give notice to the public of the beginning of the collection period by publication in a local newspaper, not less than one week prior to the beginning of the period.

C. Bulk Material and Extra Trash Pickups: Occasional extra trash may be disposed of in containers of not more than thirty two (32) gallon capacity. Extra trash so disposed of will only be collected

if there is affixed to the container a refuse sticker. Bulk materials will only be collected if there is affixed to the item two (2) refuse stickers. Refuse stickers may be purchased at Village Hall or through local vendors. Information as to the location of vendors shall be available through the Village's Director of Public Works or his designee.

D. Collection of Recyclable Materials; Prohibited Activities:

1. Prohibited Collections: It shall be unlawful for anyone other than the Village or its authorized agent to collect, procure, remove or obtain any recycling container or recyclable materials placed in recycling containers for collection in the parkways in front of a home or in the alley adjacent to a home participating in the Village's recycling program, unless such a collection is through an organized aluminum can or paper drive authorized by the Village Manager or his designee.

2. Use of Containers: Recycling containers shall only be used for the storage of recyclable materials in accordance with the Village's recycling program. Such recycling containers shall be considered Village property and shall at all times remain at the property originally provided for.

3. Penalty: Any person violating any provision of this subsection 20-7-2D shall be subject to the penalties provided for in section 1-1-5 of this code.

E. Rates For Collection Of Garbage, Refuse, Yard Waste And Recycling Charges: The monthly/quarterly rates for collection of garbage, refuse, yard waste and recycling commodities as set forth in this article shall be as follows:

FIGURE 1
RESIDENTIAL FEE RATES FOR REFUSE
COLLECTION AND DISPOSAL AND RECYCLING

Number Of Units	96 Gallon Cart Monthly	Quarterly	64 Gallon Cart Monthly	Quarterly
1 cart	\$29.06 <u>\$30.22</u>	\$87.18 <u>\$90.66</u>	\$26.39 <u>\$27.45</u>	\$79.17 <u>\$82.35</u>
2 carts	\$58.12 <u>\$60.44</u>	\$174.36 <u>\$181.32</u>	\$52.78 <u>\$54.90</u>	\$158.34 <u>\$164.70</u>
3 carts	\$87.18 <u>\$90.67</u>	\$261.54 <u>\$271.98</u>	\$79.17 <u>\$82.35</u>	\$237.51 <u>\$247.05</u>
4 carts	\$116.24 <u>\$120.88</u>	\$348.72 <u>\$362.64</u>	\$105.56 <u>\$109.80</u>	\$316.68 <u>\$329.40</u>
5 carts	\$145.30 <u>\$151.10</u>	\$435.90 <u>\$453.30</u>	\$131.95 <u>\$137.25</u>	\$395.85 <u>\$411.75</u>
Shared Cart	\$25.63 <u>\$26.55</u>	\$76.89 <u>\$79.65</u>	\$23.69 <u>\$24.59</u>	\$71.06 <u>\$73.63</u>

FIGURE 2
STICKER PRICES

Yard waste stickers (see subsection 20-7-2A of this section)	\$3.10 <u>\$3.25</u> each
Refuse stickers (see subsection 20-7-2C of this section)	\$3.10 <u>\$3.25</u> each

All owners of residential property within the Village containing from one to five (5) dwelling units shall pay the garbage collection rates prescribed in this article. For purposes of this section, "residential properties containing from one to five (5) units" shall not include condominium buildings and buildings containing mixed commercial and residential use.

The above rates are inclusive of a \$2.50 alley improvement fee per cart.

F. Bulk Items: The rate for the pick-up of a bulk item shall be ~~\$6.20~~ \$6.50 (two (2) refuse stickers) and the bulk item pickup shall be limited to one (1) bulk item per week.

G. Compost Cart: The rate for a compost cart as set forth in this article shall be ~~\$15.68~~ \$16.31 per month /~~\$47.04~~ \$48.93 per quarter. The winter rate during the four month period when service is limited to every other week the rate for a compost cart shall be ~~\$7.84~~ \$8.16 per month/~~\$23.52~~ \$24.48 per quarter. Said rate shall be charged on a pro rata basis for a shared compost cart between applicable customers. New compost cart program participants who agree to twelve (12) months of continuous compost cart service shall receive a green rate credit of ~~\$47.04~~ \$48.93 for the first three (3) months of service.

H. Special Pickup: The rate for a special pickup shall be ~~\$18.67~~ \$19.42 for collection plus ~~\$5.52~~ \$5.74 per cubic yard. The rate for a yard waste special pickup shall be ~~\$22.08~~ \$22.96 per cubic yard.

I. Back Door Service: The rate for back door service shall be ~~\$17.12~~ \$17.80 per month which shall be in addition to all other applicable rates set forth in this article.

J. Bills For Garbage, Refuse and Recycling Collection: Bills for garbage, refuse, and recycling collection, as fixed in this section for service rendered, shall be due and payable in the manner prescribed in section 26-2-3 of this code.

K. Nonpayment Of Garbage, Refuse And Recycling Charges: Failure of the owner of any residential property within the Village containing up to five (5) dwelling units to pay the charges for garbage and refuse collection thereto within thirty (30) days after such charges are due and payable, shall be subject to the following remedies applied severally or cumulatively to enforce collections of charges:

1. By shutting off, in whole or in part, the water supply to such property; provided, water service shall only be shut off in accordance with the notice and hearing procedures set forth in section 26-2-4 of this code.

2. By suits at law for the recovery of amounts due, and to enforce judgments by levy and making the same a lien on real estate.

3. By recording a notice of declaration of lien on the specific property with the recorder of deeds of Cook County, Illinois.

4. By foreclosure of the lien.

L. Exceptions: Charges for garbage, refuse and recycling service supplied to residential properties within the Village containing up to five (5) dwelling units during any quarter will be at the rates specified in subsection 20-7-2E of this section except where the premises have been vacant, unoccupied, and no water, sewage or garbage service was provided for a preceding period of twelve (12) consecutive months, or the premises are vacant, unoccupied, no water, sewage, or garbage service is provided and the property is publicly advertised for sale, in which event there will be no charge for such quarter.

M. Private Scavengers Prohibited: The employment of private scavengers by an owner of any residential property within the Village containing up to five (5) dwelling units for the collection of garbage, refuse and recyclables shall not be allowed. All owners of residential properties within the Village containing up to five (5) dwelling units shall pay the collection rates prescribed in this article. The Village Board shall employ all necessary persons and vehicles, or enter into contract for this service, to collect, remove, dispose of, compost and/or recycle within the Village garbage, refuse, and recyclable materials from residential properties within the Village containing up to five (5) dwelling units.

N. Title to Waste: Title to municipal solid waste which is placed for collection shall pass to the Village when it is collected by the Village or by a contractor retained by the Village for the purpose of collecting municipal solid waste.

O. Composting Standards: All composting operations shall promote proper conditions for composting and shall operate under the following standards:

1. Nuisance: In no event shall any composting activities be conducted in a manner which creates an odor, litter, dust or noise nuisance, or attracts vectors or pests.

2. Proximity: Compost piles must be placed in the rear yard no closer than three feet (3') to any adjacent property line.

3. Vermicomposting: No composting operation may be conducted within a building with the exception of vermicomposting. No composting or vermicomposting operation may be conducted within a building containing a food service establishment.
4. Rat or Other Vector Control: The presence of insects, rodents, birds and other vectors or pests shall be controlled through specific measures. These specific measures may include grinding the ingredients, providing screens or wire mesh no larger than one-fourth inch ($\frac{1}{4}$ "), or conducting the composting operation in vessel.
5. Surface Water: The composting operation shall be located or designed and constructed to prevent the composting material and compost from sitting in ponded surface water.
6. Mixing: Composting material shall be mixed or turned at regular intervals as conditions mandate to remix ingredients, distribute moisture, rebuild porosity and aid in physical breakdown until composting is complete.
7. Ingredients: The composting operation composts only organic waste that is generated on site.
8. Compost Use: All generated compost shall be used on site.

Section 3. Severability and Repeal of Inconsistent Ordinances. If any section, paragraph, clause or provision of this Ordinance shall be held invalid, the invalidity thereof shall not affect any of the other provisions of this Ordinance. All ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 4. Effective Date. This Ordinance shall be in full force and effect after its approval, passage and publication as provided by law on January 1, 2024.

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ADOPTED this 20th day of November, 2023 pursuant to a roll call vote as follows:

Voting	Aye	Nay	Abstain	Absent
President Scaman				
Trustee Buchanan				
Trustee Enyia				
Trustee Parakkat				
Trustee Robinson				
Trustee Straw				
Trustee Wesley				

APPROVED this 20th day of November, 2023.

Vicki Scaman, President

ATTEST

Christina M. Waters, Village Clerk

Published in pamphlet form this 20th day of November, 2023.

Vicki Scaman, Village Clerk