

## ORDINANCE

**AN ORDINANCE AMENDING CHAPTER 20 (“PUBLIC HEALTH”), ARTICLE 7 (“GARBAGE, WEEDS AND LITTERING”) SECTION 20-7-1 (“DEFINITIONS”) AND 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 THE VILLAGE OF OAK PARK’S ANNUAL FALL LEAF COLLECTION**

**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**, pursuant to its Constitutional home rule powers, the Village has the authority “to regulate for the protection of the public health, safety, morals, and welfare,” Ill. Const art. 7 § 6;

**WHEREAS**, the “powers and functions of home rule units shall be construed liberally,” and written “with the intention that home rule units be given the broadest powers possible,” *Scadron v. City of Des Plaines*, 153 Ill.2d 164 (1992); and

**WHEREAS**, Section 11-19-5 of the Illinois Municipal Code, 65 ILCS 5/11-19-5, authorizes municipalities to establish “methods for the disposition of garbage, refuse and ashes;” and

**WHEREAS**, the Village has determined to amend the Oak Park Village Code to change the description of the Village’s “Annual Fall Leaf Collection Program” pursuant to the Village’s authority set forth above.

**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 by reference as though fully set forth.

**Section 2. Village Code Amended.** Chapter 20 (“Public Health”), Article 7 (“Garbage, Weeds and Littering”), Section 20-7-1 (“Definitions”) and 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 are amended to delete the overstricken language and add the underlined language to read as follows:

## **20-7-1: DEFINITIONS:**

The following words and phrases shall have the meanings, and are hereby defined as follows:

\* \* \* \*

PARKWAY: The portion of real property generally between a public sidewalk and a street curb.

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For purposes of the Yard Waste Collection Program, leaves shall not be considered to be yard waste during the annual fall leaf collection period and during this time period shall be disposed of in the manner specified in section 20-7-2 of this article.

\* \* \* \*

**YARD WASTE BAGS:** Any thirty (30) gallon, heavy duty, kraft paper ~~bags~~ bag designed for yard waste collection, which ~~bags~~ are acceptable at a licensed ~~composting~~ compost facility.

## **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 20-7-2 A 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 in yard waste bags with a weight less than fifty (50) pounds when filled with leaves to be placed in the parkway~~ as close to the curb as possible. The Village shall give notice to the public of the beginning and the length 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.

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**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.

**ADOPTED** this 30<sup>th</sup> day of April, 2024, 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 30<sup>th</sup> day of April, 2024.

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Vicki Scaman, Village President

**ATTEST**

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Christina M. Waters, Village Clerk

Published in pamphlet form this 30<sup>th</sup> day of April, 2024.

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Christina M. Waters, Village Clerk