

ORDINANCE NO. 276

**AN ORDINANCE AMENDING AND RESTATING
THE VILLAGE OF VARNA'S SOLID WASTE DISPOSAL AND
RECYCLING ORDINANCE**

Recitals

- A. The Board of Trustees for the Village of Varna, Illinois (the "Village") has the authority to adopt ordinances pertaining to its government and affairs and protecting public health, safety, and welfare.
- B. The Village Board of Trustees previously adopted Ordinance No. 271 entitled "An Ordinance Concerning Solid Waste Disposal and Recycling for the Village of Varna" on September 4, 2023.
- C. In accordance with Article 11, Division 19 of the Illinois Municipal Code (65 ILCS 5/Art. 11, Div. 19), and Section 3(A) of Village Ordinance No. 271, the Village Board of Trustees has contracted for the collection and disposal of residential solid waste.
- D. Garbage trucks are large and heavy vehicles which cause significant wear and tear and damage to the Village's streets requiring costly repairs; accordingly, a substantial benefit afforded to Village residents and taxpayers from the Village's contract with a single hauler is less damage to the Village's streets and a related decrease in costs to repair the Village's streets and less inconvenience to the motor public.
- E. The Village Board of Trustees now desires to update and restate the regulations adopted in Ordinance No. 271 and revisions are shown in this ordinance in **redline** font.

**NOW, THEREFORE, BE IT ORDAINED BY THE VILLAGE PRESIDENT
AND BOARD OF TRUSTEES OF THE VILLAGE OF VARNA, MARSHALL
COUNTY, ILLINOIS, AS FOLLOWS HEREIN.**

Section 1. **Recitals.** The Recitals set forth above are incorporated herein as part of this Ordinance.

Section 2. Definitions.

(A) “Bulk Waste” means white goods, furniture, and other waste materials other than construction debris or Hazardous Waste with weights or volumes greater than those allowed for containers or carts.

(B) “Contracted Hauler” means the person or company that has been contracted with by the Village to provide residential garbage, refuse and ashes collection, and/or recycling.

(C) “Garbage” means wastes resulting from the handling, preparation, cooking and consumption of food; wastes from the handling, storage and sale of produce.

(D) “Hauler” means any person who engages in the business of collecting or hauling garbage, refuse, recyclable material, landscape waste, brush, or other solid waste on a continuous and regular basis and makes multiple scheduled collections per month within a county.

(E) “Hazardous Waste” means materials (whether solids, liquids, or gases) which constitute a hazard to health or safety, including, but not limited to, poisons, acids, caustic materials or solutions; chemicals; Freon gas; polychlorinated biphenyls (“PCBs”); asbestos; lead-based paints; infectious or infected wastes; radioactive materials; petroleum products; explosives; flammable substances; and any waste, substance, or material that under any federal, state, or local environmental law is deemed hazardous, toxic, a pollutant, or a contaminant.

(F) “Recycling” means a method, technique, or process designed to remove any contaminant from waste so as to render that waste reusable, or any process by which materials that would otherwise be disposed of or discarded are collected, separated, or processed and returned to the economic mainstream in the form of raw materials or products.

(G) “Recyclable material” or “Recyclables” means materials to be collected separately from Solid Waste for diversion from a landfill and conveyed to one or more recyclables processing facilities. Single stream recyclables shall include aluminum cans; steel cans; one through seven plastic bottles and containers; clear, brown, and green glass containers; and all grades of paper, including but not limited to newspaper, junk mail, magazines, and corrugated cardboard. Recyclables do not include Hazardous Waste or items contaminated with food waste.

(H) “Refuse” means combustible trash, including, but not limited to, paper, cartons, boxes, barrels, wood, and noncombustible trash, including, but not limited to, metals, and tin cans, but refuse does not mean white goods, earth and wastes from building operations, nor shall it include solid wastes resulting from industrial processes and manufacturing operations such as food processing wastes, boiler-house cinders, lumber, *et cetera*.

(I) “Solid Waste” means garbage and refuse and waste products typically generated by occupied residential properties. Solid Waste does not include bulk waste; discarded building materials; yard waste; or trees, brush, and other materials from land clearing.

(J) “White goods” means any large household appliance including refrigerators, stoves, dishwashers, water heaters, washers, dryers, or other similar appliances.

(K) “Yard waste” means grass clippings, brush, leaves, garden debris, woody vegetative material, tree limbs, and trees produced and removed from property located within the Village limits.

Section 3: Contract for Collection for Residential Solid Waste.

(A) The Village shall provide for collection of residential solid waste and, if economical, recycling as provided herein by contract with a hauler picking up from each residential user, solid waste and/or recyclable materials not exceeding the number of containers as provided by a contract entered into by the Village with a hauler; further provided, that each owner and/or occupant of individual residential premises shall be responsible for removal, at such owner’s and/or occupant’s extra expense, of any containers of solid waste or recyclable materials in excess of the amount provided in this Ordinance. No hauler shall provide residential service within the Village without a contract with the Village.

(B) The owner or occupant of any building, structure or land not eligible for participation in the Village’s solid waste collection system shall cause to be removed all solid waste, garbage, refuse, bulk waste, recyclable materials, or hazardous materials from such property at the owner’s or occupant’s expense.

Section 4: Receptacle Requirements.

(A) All residential solid waste that is designated for collection and disposal must be placed in the Contracted Hauler’s provided tote or cart, if required by the Contracted Hauler’s contract with the Village. If a Contracted Hauler’s provided tote or cart is not required, solid

waste must be contained and may be placed in covered cans or containers not to exceed thirty-two (32) gallons in capacity with a maximum weight for any one container and its contents not to exceed fifty (50) pounds. The minimum can or container shall not be less than fifteen (15) gallons.

(B) Recycling containers shall be provided to each residential unit which wishes to participate in the recycling program if a recycling program is available. Residents may recycle more materials than can be held in the provided recycling container by using a garbage can with a lid painted red or which has the word "RECYCLE" clearly printed on it.

(C) Replacement of damaged containers, totes, or carts shall be as provided for in the Village's contract with the Contracted Hauler.

Section 5: Placement of Items for Residential Collection.

(A) Containers and items to be collected shall be placed in plain view at their pick-up location adjacent to the street, but not in the roadway, no earlier than four p.m. on the day prior to the collection day and shall be removed no later than 11:59 p.m. on the day of collection. Containers shall be placed as close to the roadway as possible but not on any driving surface or in a traffic lane.

(B) When alleys or streets become impassable because of inclement weather or other unusual conditions, the Village President may notify residences and commercial establishments to place solid waste and recyclable containers at the nearest collection point which is accessible to vehicles used by haulers.

(C) No items for collection, as designated in this Ordinance, shall be dumped or placed on any premises other than on the property from which it was generated.

Section 6: Service Charges for Residential Collection.

(A) The fee for collection of residential solid waste and recyclable materials shall be according to the fee schedule set forth in an agreement between the Village and the Contracted Hauler. The property owner and/or occupant shall be billed **monthly** and be the party responsible for payment of the collection fee. **The monthly fee shall be billed to each residential unit and collected in conjunction with other utility services provided by the Village. Regardless of how utility payments may be designated, utility payments shall be applied first to charges for solid waste collection and disposal service, remaining funds shall**

be applied to other utility services and late charges and interest (if any). The Village may assess a late fee of \$5.00 for each month charges for solid waste collection and disposal services are not paid in full.

(B) If any person, firm, or corporation fails to pay utility bills ~~for residential garbage service~~ in full in a timely manner, the Village, after providing notice, may discontinue water service ~~garbage removal service shall cease~~ until all delinquent utility charges, including late fees and interest, ~~is~~are paid in full.

Section 7: Dumpsters.

(A) Residential properties are required to participate in the solid waste collection and disposal service provided by the Village. Permanent dumpsters are not permitted for garbage and refuse and waste products typically generated by occupied residential properties.

(B) Dumpsters are not permitted for residential properties without a permit from the Village. Permits shall be issued for periods not to exceed thirty (30) days. During a calendar year, only three (3) permits shall be issued for the same residential property.

(1) A fee of twenty-five dollars (\$25.00) shall be assessed by the Village on a property owner and/or occupant who fails to obtain a dumpster permit within five (5) business days' of receiving written notice from the Village of the permit requirement. Notice shall be deemed to delivered (a) on the date of personal service, (b) on the date notice is posted on the property, or (c) three (3) days after being placed in the United States' mail with proper postage paid.

(2) A fee of twenty-five dollars (\$25.00) shall be assessed by the Village on a permit holder who fails to remove a dumpster upon the expiration of the permitted period.

(C) Dumpsters shall be stable while empty or loaded; equipped for mechanical dumping; durable; leak-proof and vermin proof; and maintained in good repair.

(D) Dumpsters must be covered with close fitting covers, unless such dumpsters contain no animal, vegetable, or food wastes.

(E) A dumpster shall not be located within the right-of-way of any street, alley, sidewalk, or other public right-of-way.

(F) A dumpster shall not obstruct safe sight distances for traffic and pedestrians.

(G) A dumpster shall not be located within 15 feet of a window or door of a dwelling on another lot.

(H) The area surrounding a dumpster shall be maintained free of litter, the lids shall be kept tightly secured when not in use, and a dumpster should not be overflowing with debris.

Section 8: Yard Waste Disposal.

(A) The Village Board of Trustees may provide a location for the disposal of yard waste and other allowed materials by Village residents. The disposal site shall be posted with signs sufficient to inform residents of the location where yard waste and other allowed materials may be deposited.

(1) The disposal of materials other than yard waste and other allowed materials as posted at the designated location is prohibited.

(2) The disposal of materials at the designated location by any person, firm, or corporation that is not a Village resident is prohibited.

(B) Any person violating any provisions of this Section shall be fined not less than five hundred dollars (\$500.00) nor more than seven hundred fifty dollars (\$750.00), plus court costs, for each offense and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

Section 9: Improper Disposal.

(A) It shall be unlawful for any person, firm, or corporation to dispose of or dump solid waste, garbage, refuse, bulk waste, recyclable materials, yard waste, or hazardous materials upon the Village streets or upon any public or private premises other than those duly designated for such purpose unless by special permission of the Village board.

(B) It shall be unlawful for any person, firm, or corporation to dispose of solid waste, garbage, refuse, bulk waste, recyclable materials, yard waste, or hazardous materials in such a manner that the disposed of materials may be carried or deposited by the action of the wind, rain, snow, or other weather condition upon the Village streets or upon any public or private premises.

(C) No person, firm, or corporation shall discharge sanitary, industrial or other waste into the storm sewage system of said Village.

Section 9: Penalty. Unless otherwise specified herein, any person violating any provisions of this Ordinance shall be fined not less than seventy-five dollars (\$75.00) nor more than seven hundred fifty dollars (\$750.00), plus court costs, for each offense and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

Section 10. Repealer. All ordinances, resolutions or parts thereof in conflict with the provisions of this Ordinance are, to the extent of such conflict, expressly repealed.

Section 11. Severability. In the event that any section, clause, provision, or part of this Ordinance shall be found and determined to be invalid by a court of competent jurisdiction, all valid parts that are severable from the invalid parts shall remain in full force and effect.

Section 12. Effect on Pre-existing Matters. This Ordinance does not affect prosecutions for ordinance violations committed prior to the effective date of this Ordinance and does not waive any fee or penalty due and unpaid on the effective date of this Ordinance.

Section 13. Effective Date. This Ordinance shall be in full force and effect from and after its passage, approval, and publication in pamphlet form in a manner provided by law.

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PASSED at a regular meeting of the Board of Trustees of the Village of Varna, Illinois on March 4, 2024, by roll call vote as follows:

Record of the Vote	Yes	No	Abstain	Absent
Chambers	✓			
Koch	✓			
Marliere	✓			
Meierkord	✓			
Strawn	✓			
Wyatt				✓

APPROVED on March 4, 2024

Louis Holocker
Louis Holocker, Village President

ATTEST

Jane Egli
Jane Egli, Village Clerk

PUBLISHED in pamphlet form on March 5, 2024

Jane Egli
Jane Egli, Village Clerk

STATE OF ILLINOIS)

) ss
COUNTY OF MARSHALL)

CERTIFICATE OF MUNICIPAL CLERK

I, the undersigned, certify that I am the duly qualified and acting Clerk of the Village of Varna, the County and State aforesaid, and, as such Clerk, I am the keeper of the records and files of the Corporate Authorities of the Village. I do further certify that the attached and foregoing is a true and correct copy of Ordinance No. 276: An Ordinance Amending and Restating the Village of Varna's Solid Waste Disposal and Recycling Ordinance as passed by the Village Board of Trustees at its regular meeting held on March 4, 2024, and as approved by the Village President on March 4, 2024.

IN WITNESS WHEREOF I have hereunto affixed my official signature and the corporate seal of the Village of Varna, Illinois.

Jane Egli (SEAL)
Jane Egli, Village Clerk

