

VILLAGE OF BURNHAM

ORDINANCE NO. 2013-O-006

**AN ORDINANCE AMENDING SECTION 78-63. OF THE
CODE OF ORDINANCES, VILLAGE OF BURNHAM,
ILLINOIS**

WHEREAS, the Village of Burnham, Cook County, Illinois, (the “Village”) has elected by Referendum on March 11, 1980 to become a home rule unit, and accordingly, pursuant to the provisions of the Constitution of the State of Illinois of 1970, particularly Article VII, Section 6(a) thereof, the Village is a home rule unit; and

WHEREAS, pursuant to the powers of a home rule unit set forth in Article VII, Section 6(a) of the Constitution of the State of Illinois of 1970, the Village may exercise any power and perform any function pertaining to its government and affairs, including but not limited to the power to regulate for the protection of public health, safety, morals, and welfare, to license, to tax and to incur debt; and

WHEREAS, the Corporate Authorities of the Village have deemed it necessary, essential and for the best interest of the residents of the Village that collection of garbage, refuse, landscape waste, and white goods from residential property be continued by the Village; and

WHEREAS, the cost of the disposal of garbage, refuse, landscape waste, and white goods collected from residential property has increased; and

WHEREAS, the Corporate Authorities of the Village deem it advisable and is in the best interest of the Village to increase the fees for the collection of garbage, refuse, landscape waste and white goods from residential property by the Village.

BE IT ORDAINED by the Village President (Mayor) and Board of Trustees of the Village of Burnham, Cook County, Illinois, in the exercise of its home rule powers, as follows:

Section 1. The Corporate Authorities of the Village hereby find that all of the recitals contained in the preambles of this Ordinance are true, correct and complete and do hereby incorporate them into this Ordinance by this reference as if they were set forth verbatim in this section.

Section 2. Section 78-63. of the Code of Ordinances, Village of Burnham, Illinois is hereby amended to read as follows:

Sec. 78-63. Fees.

(a) Regular fees. The fees for such collection by the Village shall be paid quarterly in advance and shall be as follows:

- (1) Single-family residence: \$15.00 per month.
- (2) Apartment per unit: \$15.00 per month

(b) Senior citizen fees. Fees for such collection for the personal single-family dwelling of any resident of the village who is 65 years

of age or over shall be paid quarterly in advance and shall be \$7.50 per month. Any resident of the village who is 65 years of age or over and who desires this reduced collection fee shall submit proof of age and ownership of his personal single-family dwelling to the village clerk. The president and board of trustees of the village shall make the final determination whether said resident is qualified for said reduced collection fee, but in no event shall one family be entitled to said reduced collection fee for more than one personal single-family dwelling unit.

(d) Delinquent accounts. All accounts shall be considered delinquent if not paid by the 15th of the month after each billing period. All delinquent accounts are subject to stoppage of collection service without notice. If a delinquent account is not paid within 30 days after each billing period, the superintendent of public works or other designated officer shall cease all collection services for that account unless otherwise directed by the public works and building committee. Collection service shall be resumed thereafter only on payment of the accumulated collection fees for the period of collection and the period of non-collection plus \$50.00 unless the public works and buildings committee specifically directs otherwise.

The stoppage of collection services hereinbefore authorized for non-payment of collection fees shall be in addition to the right of the village to proceed for the collection of such unpaid fees in any manner provided by law for the collection of a village claim.

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

Section 4. If any section, subsection, paragraph, sentence, clause, or phrase of this Ordinance or the application thereto any person or circumstance is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such decision shall not affect the validity of the remaining sections, subsections, paragraphs, sentences, clauses or phrases of this Ordinance or the application of such portion to other persons or circumstances but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any portion.

Section 5. This Ordinance shall be in full force and effect after its passage, approval and publication according to law.

Section 6. This Ordinance and each of its terms shall be the effective legislative act of a home rule municipality without regard to whether such Ordinance should

(a) contain terms contrary to the provisions of current or subsequent non-

preemptive state law, or, (b) legislate in a manner or regarding a manner not delegated to municipalities by state law. It is the intent of the Corporate Authorities of the Village of Burnham, Cook County, Illinois that to the extent that the terms of this Ordinance should be inconsistent with any non-preemptive state law, that this Ordinance should supersede state law in that regard within its jurisdiction.

Section 7. This Ordinance shall be published in pamphlet form by the authority of the Village President (Mayor) and the Board of Trustees of the Village of Burnham, Cook County, Illinois.

PASSED By the Village President (Mayor) and Board of Trustees of the Village of Burnham, Cook County, Illinois, this 9th day of July, 2013.

ROLL CALL VOTE:

AYES: John J. Cap, Ray Espino, Brenda Greer, Carmella Richardson and

Travis Claybrooks

NAYS:

ABSENT:

VILLAGE CLERK

APPROVED by me this 9th day of July, 2013.

VILLAGE PRESIDENT (MAYOR)

ATTEST:

VILLAGE CLERK

(SEAL)

Recorded in Village Records: _____.

Published in pamphlet form by authority of the Village President (Mayor) and
Board of Trustees of the Village of Burnham, Cook County, Illinois on
July 10, 2013.

ATTEST:

VILLAGE CLERK

(SEAL)