

VILLAGE OF BURNHAM

ORDINANCE NO. 2014-O-002

**AN ORDINANCE AMENDING DIVISION 2. COLLECTION BY VILLAGE
OF ARTICLE II. COLLECTION AND DISPOSAL AND ARTICLE III.
LANDSCAPE WASTE OF CHAPTER 78 SOLID WASTE OF THE CODE
OF ORDINANCES, VILLAGE OF BURNHAM, ILLINOIS**

**PASSED BY THE
VILLAGE PRESIDENT (MAYOR) AND BOARD OF TRUSTEES OF
THE
VILLAGE OF BURNHAM**

THIS 28th DAY OF January, 2014

**PUBLISHED IN PAMPHLET FORM
BY AUTHORITY OF THE VILLAGE PRESIDENT (MAYOR) AND
BOARD OF TRUSTEES OF THE VILLAGE OF BURNHAM, COOK
COUNTY, ILLINOIS THIS 7th DAY OF February, 2014**

STATE OF ILLINOIS)
) SS.
COUNTY OF COOK)

CERTIFICATION

I, LUS E. CHAVEZ, do hereby certify that I am the duly qualified and acting Village Clerk of the Village of Burnham, Cook County, Illinois, and as such Village Clerk, I am the keeper of the official journal, records, papers, entries, documents, and Resolutions and Ordinances of the Village of Burnham and of the Village President and Board of Trustees of the Village of Burnham (the "Corporate Authorities") and that attached is a full, true, and correct copy of ORDINANCE NO. 2014-O-002 now on file in my office entitled:

AN ORDINANCE AMENDING DIVISION 2. COLLECTION BY VILLAGE OF ARTICLE II. COLLECTION AND DISPOSAL AND ARTICLE III. LANDSCAPE WASTE OF CHAPTER 78 SOLID WASTE OF THE CODE OF ORDINANCES, VILLAGE OF BURNHAM, ILLINOIS

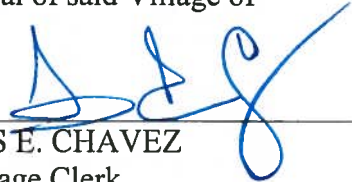
I further certify that said Ordinance No. 2014-O-002 was duly passed on roll call vote by the Board of Trustees of the Village of Burnham, Cook County, Illinois, on the 28th day of January, 2014, and approved by the Village President (Mayor) on the 28th day of January, 2014, and that said Ordinance attached is now in full force and effect and has not been rescinded.

I do further certify that the deliberations of the Corporate Authorities on the passage of said Ordinance was taken openly, that the vote on the passage of said Ordinance was taken openly; that said meeting was held at a specified time and place convenient to the public; that notice of said meeting was duly given to all newspapers, radio or television stations and other news media requesting such notice; and that said meeting was called and held in strict compliance with the provisions of "AN ACT in relation to meeting", approved July 11, 1957, as amended, and the Illinois Municipal Code, as amended, and that the Corporate Authorities have complied will all of the provisions of said Act and said Codes and with all of the procedural rules of the Corporate Authorities.

IN WITNESS WHEREOF, I have hereunto set my hand as Village Clerk of the Village of Burnham and have hereunto affixed the seal of said Village of Burnham this 28th day of January, 2014.



(SEAL)



LUS E. CHAVEZ
Village Clerk

VILLAGE OF BURNHAM

ORDINANCE NO. 2014-O-002

AN ORDINANCE AMENDING DIVISION 2. COLLECTION BY VILLAGE OF ARTICLE II. COLLECTION AND DISPOSAL AND ARTICLE III. LANDSCAPE WASTE OF CHAPTER 78 SOLID WASTE 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 the 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 interests of the residents of the Village that the Village contract with a private scavenger company to collect garbage, refuse, landscape waste, and white goods from residential property in the Village; and

WHEREAS, the Corporate Authorities of the Village deem it advisable and is in the best interests of the Village to amend the fees and other requirements for the collection of garbage, refuse, landscape waste and white goods from residential property by the village contracted private scavenger company for the term of the scavenger contract.

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 power, 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. DIVISION 2. COLLECTION BY VILLAGE of ARTICLE II. COLLECTION AND DISPOSAL of Chapter 78 SOLID WASTE of the Code of Ordinances, Village of Burnham, Illinois is hereby amended to read as follows:

DIVISION 2. COLLECTION BY VILLAGE CONTRACTED PRIVATE
SCAVANGER COMPANY

Sec. 78-61. Generally.

The village has contracted with a private scavenger company to provide collection service for ashes, garbage, landscape waste, refuse,

or white goods for the following residential premises within the village:

- (1) All single-family detached homes;
- (2) All two-family homes;
- (3) All duplex homes; and
- (4) All apartment buildings of three or less units.

Sec. 78-62. Frequency.

The collection by the private scavenger company shall be made from all premises once per week, on Monday, between the hours of 6:00 a.m. and 7:00 p.m. for the entire village provided that the material is properly stored for collection in a container complying with the provisions of this article and articles II-IV of this chapter; and provided further that the owner, occupant, or lessee of any premises in the village has complied fully with the provisions of this article and articles II-IV of this chapter including the payment of fees.

In the event that a holiday falls on the regular collection day, collection shall be made on the first non-holiday immediately thereafter. Holidays observed include New Years Day, Memorial Day, Fourth of July, Labor Day, Thanksgiving Day, and Christmas Day. Holidays that fall on Sunday will be observed on Monday

Sec. 78-63. Fees.

(a) Regular fees. The fees for such collection by the private scavenger company shall be paid monthly in advance to the Village for payment to the private scavenger company and shall be as follows:

(1) For the Period Commencing February 1, 2014 and Ending on January 31, 2015:

- (i) Single-family residence: \$15.50 per month.
- (ii) Two-family residence per unit: \$15.50 per month.
- (iii) Duplex home per unit: \$15.50 per month.
- (iv) Apartment per unit: \$15.50 per month.

(2) For the Period Commencing February 1, 2015 and Ending on January 31, 2016:

- (i) Single-family residence: \$15.97 per month.
- (ii) Two-family residence per unit: \$15.97 per month.
- (iii) Duplex home per unit: \$15.97 per month.
- (iv) Apartment per unit: \$15.97 per month.

(3) For the Period Commencing February 1, 2016 and Ending on January 31, 2017:

- (i) Single-family residence: \$16.45 per month.
- (ii) Two-family residence per unit: \$16.45 per month.

(iii) Duplex home per unit: \$16.45 per month.

(iv) Apartment per unit: \$16.45 per month.

(4) For the Period Commencing February 1, 2017 and Ending on January 31, 2018:

(i) Single-family residence: \$16.94 per month.

(ii) Two-family residence per unit: \$16.94 per month.

(iii) Duplex home per unit: \$16.94 per month.

(iv) Apartment per unit: \$16.94 per month.

(5) For the Period Commencing February 1, 2018 and Ending on January 31, 2019:

(i) Single-family residence: \$17.45 per month.

(ii) Two-family residence per unit: \$17.45 per month.

(iii) Duplex home per unit: \$17.45 per month.

(iv) Apartment per unit: \$17.45 per month.

(b) Senior citizen fees. Fees for such collection by the private scavenger company for the personal single-family dwelling of any resident of the village who is 65 years of age or over shall be paid monthly in advance to the Village for payment to the private scavenger company and shall be as follows:

(1) \$12.50 per month for the period commencing February 1, 2014 and ending January 31, 2015.

(2) \$12.88 per month for the period commencing February 1, 2015 and ending on January 31, 2016.

(3) \$13.27 per month for the period commencing February 1, 2016 and ending on January 31, 2017.

(4) \$13.67 per month for the period commencing February 1, 2017 and ending on January 31, 2018.

(5) \$14.08 per month for the period commencing February 1, 2018 and ending on January 31, 2019.

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 shall make the final determination whether such resident is qualified for such reduced collection fee, but in no event shall one family be entitled to such reduced collection fee for more than one personal single-family dwelling unit.

(c) Delinquent accounts. All accounts shall be considered delinquent if not paid by the 15th of the month after each billing period and a penalty of ten percent (10%) of the total unpaid balance of such bill

for garbage collection shall be added thereto and collected in addition thereto for each billing period such total unpaid balance remains unpaid. 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 village clerk or other designated officer shall notify the private scavenger company to 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 authorized for non-payment of collection fees in this section shall be in addition to the right of the village to proceed with the collection of such unpaid fees in any manner provided by law for the collection of a village claim.

Sec. 78-64. Special (heavy) collection.

(a) The private scavenger company will, at no additional cost, provide Christmas tree collection and disposal once per week on the day scheduled for collection in the month of January.

(b) The private scavenger company will, at no additional cost, provide the collection of one discarded large item of furniture or one discarded household appliance once per week on the day scheduled for collection. Any discarded household appliance that may be hazardous must be made safe for collection.

(c) The private scavenger company will, at no additional cost, provide, once per week on the day scheduled for collection, the collection of two (2) thirty (30) gallon in capacity containers of construction material provided said material is generated by the homeowner and not a contractor and to which a “Homeowner Construction Waste Only” sticker supplied by the village is affixed.

(d) No engine blocks, tires, transmissions, axles, heavy metal parts, broken concrete, stone, clay, dirt, metal, swimming pools, electronic waste or refuse resulting from building construction or material which will cause damage to equipment or injury to drivers will be collected and removed by the private scavenger company.

Sec. 78-65. Containers.

(a) Required. Every owner or person in control or occupant of any residential premises set forth in section 78-61 shall:

(1) Furnish a sufficient number of waste containers as set forth and defined in subsection (b) of this section for a normal weekly accumulation of waste.

(2) Maintain in good order and repair each container.

(3) Disinfect with an effective antiseptic solution as often as is necessary to maintain each container in a sanitary condition.

(b) Size.

(1) All household garbage shall be drained, wrapped and stored in a 90-gallon capacity, royal blue, blow molded plastic, transportable cart which has two front-mounted metal lifting bars and a locking lid and which is suitable for semi-automated handling equipment used by the private scavenger company and is coded for identification by the village and purchased from the village.

(2) Household refuse shall be stored in a 90-gallon capacity, blow molded plastic, transportable cart which has two front-mounted metal lifting bars and a locking lid and which is suitable for semi-automated handling equipment used by the private scavenger company and is coded for identification by the village and purchased from the village, except for bulky refuse such as tree cuttings, tree branches and large cardboard boxes; provided, however, that

newspapers and magazines, if not stored in such container, shall be bundled or tied securely. Tree cuttings and branches shall be bundled securely in lengths not to exceed four (4) feet, no more than four (4) inches in diameter and heights not to exceed two (2) feet. The weight of any bundled refuse shall not exceed forty-five (45) pounds.

(3) Construction material generated by the homeowner and not a contractor shall be stored a durable metal or plastic, nonabsorbent, water tight and easily washable container not exceeding 30 gallons in capacity which has a close fitting cover and has at least two suitable handles to facilitate collections and to which a “Homeowner Construction Waste Only” sticker supplied by the village is affixed.

(c) Location. All containers used for garbage or refuse waste complying with the provisions of this article shall be placed for collection in the alley or on the curb by 6:00 a.m. on the day scheduled for collection or not earlier than 6:00 p.m. on the immediately preceding day. Containers placed at the curb shall be removed from the curb prior to 11:00 p.m. on the same day of collection.

(d) Inspection. All waste containers shall be subject to inspection and approval or condemnation by the superintendent of public works or other designated officer.

Sec. 78-66. Notice of violation.

The superintendent of public works or other designated officer may attach to any garbage or refuse or homeowner construction material storage container that is found in violation of this article a notice in substantially the following form:

For Collection by Village Contracted
Private Scavenger Company
NOTICE
THE USE OF THIS CONTAINER FOR
STORAGE OF GARBAGE OR REFUSE OR HOMEOWNER
CONSTRUCTION MATERIAL IS ILLEGAL
Village Code section 78-65(b)

Garbage or refuse containers must be a 90-gallon capacity, royal blue, blow molded plastic, transportable cart which has tow front-mounted metal lifting bars and a locking lid and which is suitable for semi-automated handling equipment used by the private scavenger company and is coded for identification by the village and purchased from the village.

Homeowner construction material containers must be a durable metal or plastic, nonabsorbent, water tight and easily washable

container not exceeding 30 gallons in capacity which has a close fitting cover and has at least two suitable handles to facilitate collections and to which a “Homeowner Construction Waste Only” sticker supplied by the village is affixed.

Further use of this container for the storage of garbage or refuse or homeowner construction waste shall result in prosecution for violation of the village ordinance.

DEPARTMENT OF PUBLIC WORKS
VILLAGE OF BURNHAM

Sec. 78-67. Collection of leaves.

(a) From street pavement. The village will remove for disposal all leaves from public and private trees and shrubs during periods designated by the board of trustees when such leaves are deposited on the street pavement and immediately adjacent to the curb.

(b) Deposit in street. Leaves shall be placed on the street pavement during the specified collection period in a loose condition, not in containers, and free from foreign matter such as tree branches, hedge clippings, rubble and/or bulky objects.

Section 3. ARTICLE III. LANDSCAPE WASTE of Chapter 78 SOLID WASTE of the Code of Ordinances, Village of Burnham, Illinois is hereby amended to read as follows:

ARTICLE III. LANDSCAPE WASTE

Sec. 78-131. Separation required.

Landscape waste shall not be mixed or combined with garbage rubbish or refuse of any other kind but shall be either properly mulched or properly disposed of in accordance with the provisions of this article.

Sec. 78-132. Frequency.

The collection by the private scavenger company shall be made from all premises once per week on the same day scheduled for garbage collection between the hours of 6:00 a.m. and 7:00 p.m. for the entire village from April 1 through November 30 provided the material is properly stored for collection in a container complying with the provisions of this article and articles II-IV of this chapter; and provided further that the owner, occupant, or lessee of any premises in the village has complied fully with the provisions of this article and articles II-IV of this chapter including the payment of fees.

Sec. 78-133. Containers. Landscape waste, except tree trimmings, tree branches, hedge clippings or similar material, for collection by the private scavenger company from residential premises set forth in section 78-61 shall be placed in either of the following containers:

(1) A Kraft paper bag of a degradable type or a biodegradable bag not exceeding 32 gallons in capacity or 45 pounds in weight; or

(2) A durable metal or plastic, nonabsorbent, water tight and easily washable container not exceeding 32 gallons in capacity or 45 pounds in weight which has a close fitting cover and has at least two suitable handles or bails to facilitate collection and to which a “Yard Waste Only” sticker supplied by the village is affixed.

Sec. 78-134. Trimmings and clippings.

Tree trimmings, tree branches, hedge clippings or similar material shall be cut not to exceed four (4) feet in length, no more than four (4) inches in diameter, and must be securely tied with biodegradable material not to exceed two (two) feet in height for collection by the private scavenger company.

Sec. 78-135. Location of containers.

Landscape containers complying with the provisions of this article shall be placed for collection in the alley or on the curb by 6:00 a.m. on the day scheduled for garbage collection or not earlier than 6:00 p.m. on the immediately preceding day. Containers placed at the curb shall be removed from the curb prior to 11:00 p.m. on the same day of the collection.

Sec. 78-136. Notice of violation.

The superintendent of public works or other designated officer may attach to any landscape storage container that is found in violation of this article a notice in substantially the following form:

For Collection by the Village
Contract Private Scavenger Company
NOTICE
THE USE OF THIS CONTAINER FOR
STORAGE OF LANDSCAP WASTE IS ILLEGAL
Village Code section 78-133

Landscape containers must be either:

- (1) A Kraft paper bag of a degradable type or a biodegradable bag not exceeding 32 gallons in capacity or 45 pounds in weight; or
- (2) A durable metal or plastic, nonabsorbent, water tight and easily washable container not exceeding 32 gallons in capacity or 45 pounds in weight which has a close fitting cover and has at least two suitable

handles or bails to facilitate collection, and to which a “Yard Waste Only” sticker supplied by the village is affixed.

Further use of this container for the storage of landscape waste shall result in prosecution for violation of the village ordinance.

DEPARTMENT OF PUBLIC WORKS
VILLAGE OF BURNHAM

Sec. 78-137. Mulching.

All residents are encouraged to mulch grass clippings on the ground where they can decompose and return nutrients to the soil.

Section 4. A copy of this Ordinance, properly certified by the Village Clerk, shall be filed in the Office of the Recorder of Deeds of Cook County, Illinois, and shall be deemed notice to all owners of real estate of their liability for garbage collection service supplied to any user of the garbage collection service of said Village on their properties, and it shall be the duty of the Village Clerk and such other officers of the Village to take all action necessary or required by the laws of the State of Illinois thereunto enabling to file all claims and liens for money due the Village and to prosecute and enforce such claims in the manner, form and time as permitted by the laws of the State of Illinois.

Section 5. All Ordinances or parts of Ordinances in conflict with the provisions of this Ordinance are, to the extent of such conflict, hereby repealed.

Section 6. 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 7. This Ordinance shall be in full force and effect after its passage, approval and publication according to law.

Section 8. 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 matter not delegated to municipalities by state law. It is the intent of the Corporate Authorities of the Village of Burnham 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 9. This Ordinance shall be published in pamphlet form by the authority of the Village President (Mayor) and Board of Trustees of the Village of Burnham, Cook County, Illinois.

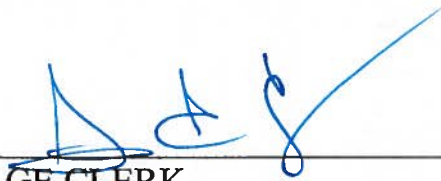
PASSED by the Village President (Mayor) and Board of Trustees of the Village of Burnham, Cook County, Illinois, this 28th day of January, 2014.

ROLL CALL:

AYES: Trustees John Cap, Reynaldo Espino, Grace Garcia, Carmella Richardson, Brenda Greer and Travis Claybrooks

NAYS: None

ABSENT: None



VILLAGE CLERK

APPROVED by me this 28th day of January, 2014.



VILLAGE PRESIDENT (MAYOR)

ATTEST:



VILLAGE CLERK

(SEAL)



Recorded in Village Records: January 28, 2014

Published in pamphlet form by authority of the Village President (Mayor) and Board of Trustees of the Village of Burnham, Cook County, Illinois on February 7, 2014.

ATTEST:



VILLAGE CLERK


(SEAL)