

ORDINANCE NO: 1530

ORDINANCE AMENDING CITY CODE, CHAPTER 26 – SOLID WASTE

WHEREAS, the City of Lebanon, St. Clair County, Illinois (hereinafter “City”), is a non-home rule municipality duly established, existing and operating in accordance with the provisions of the Illinois Municipal Code (Section 5/1-1-1 et seq. of Chapter 65 of the Illinois Compiled Statutes); and

WHEREAS, City has determined the City Code should be amended to include more information regarding collection of solid waste, yard waste, and recycling within the corporate boundaries of the City; and

WHEREAS, City has determined the City Code should be amended to provide more information as to the contractual relationship between City and the person and/or waste handling company operating as an independent contractor collecting recyclable material, refuse, garbage, trash, landscape waste, or other waste material within the corporate boundaries of the City; and

WHEREAS, City Code, Chapter 26 – Solid Waste, currently states: “Reserved”; and

WHEREAS, City has determined it necessary to amend the City Code to reflect changes to Chapter 26 – Solid Waste; and

WHEREAS, the City Council finds that the Mayor should be authorized and directed, on behalf of the City, to execute whatever documents are necessary to amend the City Code to reflect the changes to Chapter 26 – Solid Waste, as stated herein.

NOW, THEREFORE, BE IT ORDAINED, by the City Council of the City of Lebanon, Illinois, as follows:

Section 1. The foregoing recitals are incorporated herein as findings of the City Council of the City of Lebanon, Illinois.

Section 2. Chapter 26 – Solid Waste, shall now state:

CHAPTER 26 – SOLID WASTE

Sec. 26-1. - Separate receptacles for garbage and refuse and landscape waste required.

- (a) It shall be the duty of every owner or his agent or occupant of any house, building, flat, apartment, tenement or real estate where people reside, board or lodge or where animal or vegetable matter is prepared or served or where landscape waste is accumulated and at all times to maintain in good order and repair a separate container or bag for garbage and refuse, except landscape waste, of a size mandated by the

waste handling company, and a separate bag for landscape waste as such is defined in the Illinois Environmental Protection Act (415 ILCS 5/1 et seq.). If the said owner, agent, or occupant participates in the recycling program, recyclable materials shall be placed in a separate container as specified by the waste handling company. Further, the bag for landscape waste shall be approved by the waste handling company.

- (b) It shall be the duty of every person mentioned in subsection (a) of this section to deposit nothing but garbage, tin cans, bottles, ashes and similar refuse, excluding landscape waste as defined in subsection (a) of this section and excluding recyclable materials if such person participates in the recycling program, in the receptacle provided for such, and all landscape except that tree limbs, twigs, and brush may be securely tied in bundles not exceeding 48 inches in length and 24 inches in diameter and have the landscape bag tied around the outside thereof. It shall be unlawful to deposit landscape waste in the container provided for garbage, tin cans, bottles, ashes and similar refuse.

Sec. 26-2. - Specifications for garbage receptacles.

The can for garbage shall be watertight, with a close-fitting cover, shall be provided with suitable handles, and shall be provided by the waste handling company according to the agreement with the City.

Sec. 26-3. - Recyclable material container.

To be eligible for recyclable material collection, such materials shall be placed in the recyclable container provided by the waste handling company and shall contain only recyclable material. The first such container for a collection location will be supplied by the waste handling company according to the agreement with the City.

"Recyclable material" means the following:

- (1) All paper including corrugated cardboard, newspaper, waste paper, scrap paper, junk mail, office paper, and magazines.
- (2) Plastic containers marked number one or number two if rinsed out and lids removed.
- (3) Glass food and beverage containers only if rinsed out and lids removed.
- (4) Aluminum cans and other all aluminum articles.
- (5) Tin cans if empty and rinsed out.

Any replacement recyclable container will be supplied by the waste handling company according to the agreement with the City.

Sec. 26-4. - Placement of waste; deposit in streets prohibited.

No garbage, refuse or landscape waste of any kind shall be allowed to accumulate in or be deposited in any street, alley or public way, except as is provided in this chapter, and no such garbage, refuse or landscape waste shall be placed so that it can be blown about or scattered by the wind, or be deposited in any other person's container or receptacle without express permission from that person.

Sec. 26-5. - Chapter includes provisions of contract for removal and disposal.

The sections of this chapter are presumed to include those contained in any contract or agreement entered into by and between the city and any person or waste handling company for the removal and disposal of garbage, refuse, waste matter and material. The provisions contained in any such subsequent contract or agreement shall be displayed at the city hall, and made available for public information.

Sec. 26-6. - Noncontract collectors.

- (a) Rules. It is unlawful for any person to conduct a business of collecting and disposing of Recyclable material, refuse, garbage, trash or landscape waste or other waste material other than the person or waste handling company authorized by this city to collect and remove said materials within the corporate boundaries of this city.
- (b) Violation; penalty. Any person or waste handling company violating subsection (a) of this section shall be punishable by fine of not less than \$50.00 nor more than \$750.00 per day per violation as provided in the City Code.

Sec. 26-7. – City’s authority to enter a contract with a person and/or waste handling company

City has the power and authority to enter a contract with a person and/or waste handling company for removal of Recyclable material, refuse, garbage, trash or landscape waste or other waste material by way of a simple majority vote of the corporate authorities after seeking and approving a notice of municipal letting. City is authorized to contract and enter contracts, and to hire independent contractors to provide services for the health, safety, general welfare, and economic welfare of City residents as stated in this Chapter 26.

Sec. 26-8. - Violation; penalty.

Except as otherwise provided in this chapter, any person violating the provisions of this chapter shall be punishable as set forth in the City Code.

Section 3. That this Ordinance shall be known as Ordinance No: 1531 and shall be effective upon adoption with implementation date of 26th day of September 2022.

This Ordinance adopted by the City Council of the City of Lebanon, Illinois and deposited and filed in the office of the City Clerk on the 26th day of September, 2022, the vote taken by ayes and nays and entered upon the legislative records as follows:

AYES: 6 Alderpersons Bennett, Duckworth, Fero, Mack, McPeck and Witty

NAYS: 0



APPROVED:

Cheri Wright

Mayor

City of Lebanon,

St. Clair County, Illinois

ATTEST:

Luanne Holper

City Clerk

City of Lebanon,

St. Clair County, Illinois