

CITY OF PEKIN

ORDINANCE NO. 3089-22/23

**AMENDING CHAPTER 3, ARTICLE I, DIVISION 2, SECTION 4 AND
CHAPTER 5, ARTICLE 6, DIVISION 2, SECTION 2-3 AND CHAPTER 3,
ARTICLE I, DIVISION 3 BY THE ADDITION OF NEW SECTION 13 OF
THE PEKIN CITY CODE**

**REGARDING LITTER CONTAINERS AND SCREENING OF
DUMPSTERS**

PASSED BY THE CITY COUNCIL
OF THE CITY OF PEKIN
THE 23RD DAY OF MAY 2022

PUBLISHED IN PAMPHLET FORM BY AUTHORITY OF THE CITY
COUNCIL OF THE CITY OF PEKIN, TAZEWELL COUNTY, ILLINOIS,
THIS 23RD DAY OF MAY 2022

EFFECTIVE JUNE 2, 2022

Ordinance No. 3089-22/23

Amending Chapter 3, Article I, Division 2, Section 4 and Chapter 5, Article 6, Division 2, Section 2-3 and Chapter 3, Article I, Division 3 by the addition of new Section 13 of the Pekin City Code Regarding Litter containers and Screening of Dumpsters

WHEREAS, the City of Pekin is a home rule municipality as described in Section 6(a), Article VII of the 1970 Constitution of the State of Illinois; and

WHEREAS, the City of Pekin, as a home rule municipality, may exercise power and perform any function pertaining to its government and affairs, including, but not limited to, the power to legislate for the protection of the public health, safety, and welfare; and

WHEREAS, the City of Pekin desires to impose regulations requiring the screening and maintenance of dumpsters placed within the City; and

WHEREAS, the City Council of the City of Pekin finds it is in the best interest of the City and its residents to amend the City Code as set forth below.

NOW, THEREFORE, BE IT ORDNANIED BY THE CITY COUNCIL OF THE CITY OF PEKIN, TAZEWELL COUNTY, ILLINOIS:

Section 1. Chapter 3, Article I, Division 2, Section 4 of the Pekin City Code is hereby amended as follows (additions indicated by underline, deletions by ~~strikethrough~~):

Sec. 3-1-2-4. Prohibited acts.

(a) *Deposits.* Solid waste shall be disposed of only as set forth in this section.

(1) No garbage, refuse, or waste material of any kind shall be deposited in any street, alley or public way, except as is provided in this Division.

(2) It shall be unlawful to deposit or leave any refuse or material in such a place or condition that it can be blown by the wind so as to be scattered or cause clouds of dust or particles, and it shall be unlawful to permit the escape of soot, ashes or other solid products or results of combustion so as to be wind-blown or scattered.

(3) It shall be unlawful for any person to dump or deposit, or cause to be dumped or deposited any grass, leaves, branches or any other things in the roadway or gutter of any public street in the City.

(4) Garbage, refuse, waste material, and recyclable materials shall be deposited only in approved containers. Containers shall not be overfilled such that the lid cannot fully close. No waste may be placed on top of the closed lid.

(5) No person shall dump or deposit refuse or cause refuse to be dumped or deposited upon any property or within the trash receptacles of another without the permission of the owner.

(b) *Storing combustible refuse.* It shall be unlawful to permit or store any combustible refuse in such a way as to create a fire hazard or to store or throw away any refuse of any kind in any alley, street or other public way in the City.

(c) *Prohibited materials.* The following materials will not be accepted for collection pursuant to this Division:

- (1) Building or construction materials, provided that carpet will be accepted if it is rolled up in bundles of not more than 4 feet in length and not more than 50 pounds in weight.
 - (2) Bulk items, which shall be defined as any item too large to fit inside a 96-gallon cart or any item exceeding 50 pounds in weight, including, but not limited to, furniture, mattresses, and appliances.
 - (3) Household appliances and electronics.
 - (4) Animal remains, and animal waste unless placed within a separate bag or container prior to being placed in the disposal cart.
 - (5) Hazardous waste, batteries, motor oil, and other materials that cannot be disposed of at the disposal facility.
 - (6) Paint cans, unless the paint is completely dried out prior to being placed for disposal.
- (d) The City reserves the right to refuse collection of any materials placed for disposal in violation of this Section.

Section 2. Chapter 5, Article 6, Division 2, Section 2-3 of the Pekin City Code is hereby amended as follows (additions indicated by underline, deletions by ~~striketrough~~):

Sec. 5-6-2-2-3. Litter containers.

(a) *Number and capacity of litter containers.* Every dwelling and building, residential or otherwise, must have litter containers of sufficient number and capacity to accommodate and contain all litter generated and accumulated by occupants of the dwelling or business building.

(b) *Responsibility for maintenance of litter containers.*

- (1) The occupant or occupants of any single-family dwelling unit must supply and maintain, at all times, a ratproof and watertight container for all litter.
- (2) In multiple family dwellings of less than five such units, the owner must supply and maintain, at all times, a ratproof and watertight container for all litter.
- (3) In multiple family dwellings consisting of five or more individual dwellings units and in nonresidential buildings, the owner must provide a dumpster for all litter that is ratproof and watertight. However, if this requirement cannot be met because the nature or size of the property does not permit the placement or removal of a dumpster, the owner may petition the Code Enforcement Officer or his designee for an exception; provided, that such exception can be granted without substantial detriment to the public good and without impairing the general purpose and intent of this Subdivision.

(c) *Use of litter containers.*

- (1) It shall be the responsibility of every occupant of a single-family dwelling to keep containers, whether they be garbage cans, dumpsters or other containers, tightly covered or sealed, except when momentarily opened to receive or remove litter.

(2) In multifamily dwellings and commercial establishments, the owner or his agent must keep containers, whether they be garbage cans, dumpsters or other containers, tightly covered or sealed at all times, except when momentarily opened to receive or remove litter.

(d) *Type and placement of litter containers.*

(1) This Subsection applies solely to single-family dwellings and multiple family dwellings of less than five units.

(2) All litter containers must be stored:

- a. Inside an enclosed structure;
- b. In the rear yard; or
- c. In the side yard.

(3) All litter containers placed for pick up must be compatible with the City's waste collection vehicles and their lifter systems, and must meet the specification set forth in Chapter 3, Article I, Division 2 of this Code.

~~(e) *Disturbing containers.* It shall be unlawful for any person, other than the owner, occupant, tenant or members of their families, or any container for garbage, rubbish, refuse, ashes or wastes, or to remove, displace, injure, deface, destroy, uncover or in any scavenger employed or licensed by the City, or the owner's agent, employees or servants to deposit any article, substance or thing in manner disturb such container or any litter that is placed on curblin~~
It shall be unlawful for any person, other than the owner, occupant, tenant, or their agent or employee, or a scavenger employed or licensed by the City, to deposit any article, substance, or thing in any litter container or to remove, displace, injure, deface, destroy, uncover, or in any manner disturb such container or any litter that is placed on a curblin
for collection.

Section 3. Chapter 3, Article I, Division 3 is hereby amended by the addition of a new Section 13 as follows:

Sec. 3-1-3-13. – Screening of Dumpsters.

(a) Except as otherwise provided herein, every owner, occupant, or lessee using or occupying a building or structure within the corporate limits of the city for other than residential purposes, and all residential structures required by this Code to have a dumpster, or have an adequate area for a dumpster pad site as described herein, or purposes accessory thereto, shall maintain on such premises a dumpster meeting the requirements of this section.

(b) *Surface.* Dumpsters shall be located on a hard surface constructed of bituminous concrete, Portland cement concrete, or other hard, solid surface of comparable strength and durability. The hard surface where said dumpster is stored shall be directly accessible to a waste hauling vehicle licensed in accordance with the provisions of this chapter, by a route across surfaces that meet all applicable construction standards of this Code for access to such vehicles.

(c) *Screening required.* All dumpsters must be fully screened from view from public streets and any abutting properties by three opaque walls and an opaque gate. All dumpsters shall

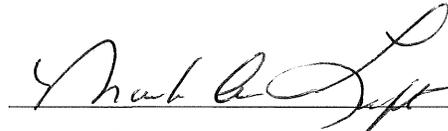
have lids that remain closed and remain inside the screening enclosure area at all times unless in use.

- (1) *Minimum height.* Screening walls and gates shall be not less than six feet nor more than eight feet in height.
 - (2) *Screening materials.* Screening materials shall be new material and shall be masonry, brick, stone, reinforced concrete, treated wood fence panels, chain link with slats.
 - (3) *Gates.* Screening gates must screen the dumpster from view when closed. Gates must swing out to an angle greater than 90 degrees and create an opening at least 12 feet wide for the collection truck to enter the enclosure. Each gate must be equipped with a pin capable of holding the gate in its fully opened position while the dumpster is being accessed. Gates must swing clear of all fire lanes. Persons authorized to use the dumpster must keep the gates closed unless the dumpster or enclosure is in the actual process of being emptied, filled, painted, cleaned, constructed, installed, repaired, or otherwise maintained. There shall be affixed to the exterior of each gate a sign that is conspicuous and readily visible. The sign shall state "GATES TO REMAIN CLOSED WHEN NOT IN USE" in block letters at least three inches high. All sign lettering must appear in contrasting colors against the background.
 - (4) *Bollards.* A minimum of four bollards shall be provided within the enclosure, two in the rear, and one on each side, to prevent the dumpster from striking or damaging the screening enclosure. The City's chief building official may approve another type of protection device in writing if the chief building official determines that such device protects the enclosure as well as bollards.
- (d) Notwithstanding subsection (a) of this section, the Public Works Director may permit persons using or occupying a structure for commercial purposes to use light commercial hand pickup not to exceed 175 pounds per 96 gallon wheeled cart. However, if at any time the amount of garbage removed from such structure exceeds 175 pounds per 96 gallon wheeled cart or one cubic yard per week, the Public Works Director may thereafter require the use of a commercial dumpster as provided herein
- (e) Except with written permission of the City or in City-owned receptacles, no person shall allow or permit a dumpster to be located on any City right-of-way or City-owned or leased property except while the dumpster is actually in the process of being emptied.
- (f) Properties with dumpsters existing as of the date of passage of this ordinance shall have one year from said date of passage to construct a dumpster surface and screening enclosure that complies with the requirements of this section.

Section 4. This Ordinance is in addition to all other ordinances on the subject and shall be construed therewith excepting as to that part in direct conflict with any other ordinance, and in the event of such conflict, the provisions hereof shall govern.

Section 5. This Ordinance shall be in full force and effect from and after its passage and approval in the manner provided by law.

ADOPTED AND APPROVED at a regular meeting of the City Council of the City of Pekin this 23rd day of, 2022


MAYOR

ATTEST:

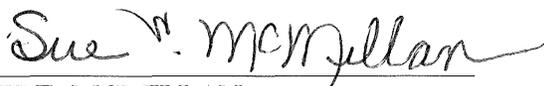

CITY CLERK

CERTIFICATE

I, SUE E. MCMILLAN, CITY CLERK IN AND FOR THE CITY OF PEKIN, IN THE COUNTIES OF TAZEWELL AND PEORIA, IN THE STATE OF ILLINOIS, AND KEEPER OF THE RECORDS AND FILES THEREOF, AS PROVIDED BY STATUTE, DO HEREBY CERTIFY THE ATTACHED TO BE A TRUE, PERFECT AND COMPLETE COPY OF ORDINANCE NO. 3089-22/23 ADOPTED BY THE CITY COUNCIL OF THE CITY OF PEKIN AT ITS COUNCIL MEETING HELD ON MAY 23, 2022.

GIVEN UNDER MY HAND AND SEAL THIS 23RD DAY OF MAY 2022.

(SEAL)



SUE E. MCMILLAN
CITY CLERK