

ORDINANCE NO. 90-40

BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF CHATHAM, ILLINOIS, AS FOLLOWS:

SECTION 1. Purpose and Declaration of Policy.

This ordinance has been created due to the great public interest in preserving the environment by reducing the amount of refuse sent to landfills and incinerators. Because of the solid waste disposal problems and potential solution to some of these problems provided by recycling, it shall be the policy of the Village of Chatham to encourage recycling of the recyclable materials to the fullest extent possible. The Village of Chatham, therefore, hereby establishes a recycling pilot program for the Village.

SECTION 2. Definitions.

(a) "Aluminum materials" means aluminum cans used to hold beverages.

(b) "Authorized recyclable collector" means a person, firm or corporation authorized by the Village Board to collect and haul away recyclable materials.

(c) "Glass" means bottles and jars, made of silica, sand, soda ash, and limestone, being transparent or translucent, and used for packaging or bottling of various materials. This does not include plastics or glass products such as window glass, blue glass, flat glass, mirrors, plate glass, safety glass, light bulbs, ceramics or pieces of broken glass.

(d) "Non-profit organization" means an established organization or foundation dedicated to public service or culture including, but not limited to, religious, educational, and health care functions. Federal, state, and local governmental establishments are considered non-profit organizations for purposes of this ordinance. This term shall include civic clubs, youth groups, and extra-curricular school organizations.

(e) "Non-recyclable materials" means solid waste materials which are not designated as Recyclable Materials by the Village.

(f) "Occupier of land" means any single-family residential dwelling, which shall hold title to or shall be in the possession of any property in the Village of Chatham, whether as owner, lessee, or tenant.

(g) "Plastic containers" means plastic milk jugs, detergent bottles, orange juice bottles, etc., and plastic bottles made of P.E.T. (polyethylene terephthalate), which are used to package soda, seltzer, soft drinks, and the like. This does not include bottles of other types of plastic.

(h) "Recyclable materials" means aluminum materials, plastic beverage containers, glass and tin cans, as set forth in Section 7 of this ordinance.

(i) "Recycling coordinator" means the Village Administrator, or other Village officer or employee designated by the Village Board to supervise the Village recycling program.

(j) "Recycling receptacle" means any unattended bin, box, container, structure, or device, whether owned by the Village,

its agent, or a non-profit organization, with the purpose of serving as a container for the collection of recyclable materials. This includes receptacles located on the premises of occupiers of land as well as receptacles placed at city collection facilities. A recycling receptacle other than a paper bag must be clearly labeled as such.

(k) "Refuse" means all solid waste generated by occupiers of land within the Village of Chatham, whether recyclable or non-recyclable materials.

(l) "Residential dwelling" means any housing structure with at least one unit, including single-family homes.

(m) "Tin cans" means steel and tin-coated cans.

(n) "Village" means the Village of Chatham.

SECTION 3. Separation of Recyclable Materials.

The Village of Chatham hereby establishes a voluntary pilot program whereby each occupier of land in the Village may separate all Recyclable Materials from other refuse, in accordance with the provisions of this ordinance, and have such Recyclable Materials removed by the Village at no cost to the occupier of land.

SECTION 4. Collection of Recyclable Materials.

(a) Recyclable Materials shall be placed in recycling receptacles provided by the Village at a cost of \$2.50 per receptacle; no residence in the Village shall receive more than one receptacle from the Village.

(b) If receptacles are not provided for a particular recyclable material, or if the amount of recyclable materials is greater than the container provided, such materials must be placed in a brown paper bag and placed adjacent to the recycling receptacles on collection dates.

(c) Recycling receptacles shall be placed at curbside or other designated spot on the occupier of land's premises for collection on days specified by the Village. Collections shall be made by the Authorized Recyclable Collectors on those days.

(d) After collection, empty receptacles shall be removed promptly by the occupier of land.

(e) All occupiers of land shall be provided with information on recyclable materials within the Village, proper procedures for disposal, and collection dates.

SECTION 6. Scavenging and Unauthorized Collections.

(a) Recyclable materials placed at curbside for collection or in any recycling receptacle placed by the Village are the property of the Village and, upon collection, of the Village's Authorized Recyclable Collectors. It is a violation of this ordinance for any person not authorized by the Village to collect or pick up, or cause to be collected or picked up, any such recyclable materials or receptacles.

(b) Nothing in this Section is intended to prevent any occupier of land from donating or selling recyclable materials from its own refuse.

(c) It shall be unlawful for any person to place, locate, establish, maintain, erect, leave, or otherwise make available any unattended recycling receptacle which is in public view in the Village for the purpose of collecting discarded recyclable materials; provided, however, that in the case of undertakings sponsored by and located on a site owned by a bonafide non-profit organization, the Village shall be authorized to issue temporary permits for the location and use of recycling receptacles.

SECTION 7. Recyclable Materials.

The following types of refuse are designed as Recyclable Materials by the Village. These materials shall be separated from other refuse and placed in the recycling receptacles in the manner described:

(a) Aluminum materials: Shall be placed in a recycling receptacle or brown paper bag.

(b) Glass: Shall be rinsed and placed in a recycling receptacle or paper bag. Glass of different colors (clear, brown, green, etc.) may be mixed. All caps, covers, and lids shall be removed prior to disposal and placed with non-recyclable materials. Materials not specifically included in this ordinance's definition of glass shall not be mixed with glass.

(c) Plastic beverage containers: Shall be emptied, and placed in a recycling receptacle or brown paper bag. All tops, caps and lids should be removed and placed with non-recyclable materials.

(d) Tin cans: Shall be rinsed and placed in a recycling receptacle or brown paper bag. Labels do not have to be removed prior to disposal.

Non-recyclable materials shall be prepared for collection as stated in other applicable ordinances of the Village. Non-recyclable materials shall not be placed with any recyclable materials.

SECTION 8. Authorized Recyclable Collectors.

The Village Board may designate up to two Authorized Recyclable Collectors, and shall enter into a contract not exceeding six (6) months in duration, with any such Authorized Recyclable Collector, according to such terms and conditions as the Village Board deems appropriate. Authorized Recyclable Collectors shall be independent contractors and shall not be considered agents of the Village for any purpose whatsoever.

SECTION 9. Enforcement and Penalties.

(a) The Village police department, public works department, and recycling coordinator are hereby authorized and directed to enforce all provisions of this ordinance.

(b) Any person who violates any provision of this ordinance shall, upon conviction thereof, be punished by a monetary fine not less than One Hundred Dollars (\$100.00) or to exceed Five Hundred Dollars (\$500.00).

(c) Each and every day that a violation continues shall be considered a separate offense.

SECTION 10. Effective Date; Sunset Provision; Implementation.

(a) This ordinance shall take effect on its passage and publication as required by law. The pilot program established hereby shall automatically terminate on June 1, 1991, unless extended or sooner terminated by ordinance.

(b) The Recycling Coordinator is authorized and directed to implement this ordinance immediately. The Recycling Coordinator is authorized to spend up to \$4,000.00 on the purchase of not less than 500 or more than 1,000 recycling receptacles, and shall commence negotiations with prospective Authorized Recyclable Collectors for contract approval on or prior to December 1, 1990.

(c) Collections of recyclable materials shall begin on or about December 1, 1990.

(d) On or about April 1, 1991, the Authorized Recyclable Collectors shall evaluate their costs of implementing the recycling program. On receipt of the data, the Village shall commence good faith negotiations with the Authorized Recycling Collectors regarding a long term contract with the Authorized Recycling Collectors which will include a reasonable return to the Authorized Recycling Collectors.

(e) On or about April 1, 1991, the Recycling Coordinator shall render a report to the Village Board as to the status of the recycling program and develop specific recommendations regarding changes to the program.

(f) The Clerk shall forthwith publish this Ordinance in pamphlet form.

SECTION 11. Severance Clause.

The provisions of this ordinance are declared to be severable, and if any section, sentence, clause or phase of this ordinance shall for any reason be held invalid or unconstitutional, or if the application of this ordinance to any person or circumstances is held invalid or unconstitutional, such decisions shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this ordinance.

Passed this 18th day of October, 1990.

APPROVED:

Carl D Oblinger

Carl Oblinger
Village President

ATTEST:

Rose Miller

Rose Miller
Village Clerk

AYES 4

NAYES 0

PASSED 10/18/90

APPROVED 10/18/90

Trustees Dumb & Osullivan absent

ORDINANCE CERTIFICATE

STATE OF ILLINOIS)
) SS
COUNTY OF SANGAMON)

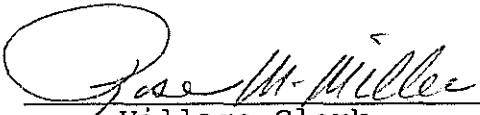
I, the undersigned, do hereby certify that I am the duly qualified and acting Village Clerk of the Village of Chatham, Sangamon County, Illinois.

I do further certify that the ordinance attached hereto is a full, true, and exact copy of Ordinance No. 90-40, adopted by the President and Board of Trustees of said Village on the 18th day of October, 1990, said Ordinance being entitled:

Ordinance No. 90-40.

I do further certify that prior to the making of this certificate, the said Ordinance was spread at length upon the permanent records of said Village, where it now appears and remains.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of said Village this 20th day of October, 1990.



Village Clerk

Prepared By:
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