

ORDINANCE NO. 2019- 04 - 01

ORDINANCE REGARDING COLLECTION OF CHARGES AND FEES
FOR GARBAGE COLLECTION SERVICES

WHEREAS, the Village maintains a municipal garbage collection system in compliance with Division 19 of Article 11 of the Illinois Municipal Code (65 ILCS 5/11-19-1, *et seq.*); and

WHEREAS, the Village seeks to update the provisions of the Village Code governing the Village's municipal garbage collection system in order to clarify that a property owner is fully responsible for any delinquent and unpaid garbage collection bills and any delinquent and unpaid garbage collection fees when the property owner has rented or otherwise allowed such property to be occupied should the tenant or occupant not timely pay the garbage collection bills or related fees; and

WHEREAS, the Village Board of the Village of Princeville finds that it is in the best interests of the Village to amend the Garbage Collection and Disposal Chapter of the Village Code as provided herein;

NOW, THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of Princeville, Peoria County, Illinois, that:

SECTION 1. Section 040 of Title 8, Chapter 20 of the Village of Princeville Municipal Code ("Collection") is hereby amended to read as follows (additions are indicated by underline; deletions by ~~strikeout~~):

8.20.040 Collection Charge.

A collection charge for the Village's municipal waste collection system is hereby established for funding the cost of operating and maintaining the Village's municipal waste collection system. Garbage and refuse ("waste") when properly placed in cans as specified in this ~~Chapter~~ ~~chapter~~ adjacent to Village streets, will be regularly collected under the direction of the Superintendent of Public Works so long as the monthly ~~weekly~~ charge therefor, as now in effect or as may be from time to time provided by ordinance, is paid within thirty (30) days from the date the bill therefor is rendered. The collection charge shall be payable at the Village hall and failure to receive a bill for such collection charges shall not relieve any person from payment of such collection charge. The bill for these waste collection services may be sent and combined by the Village with the billings sent to a particular premises for water and sewer billing purposes. However, the commencement or

continuation of any waste collection service under this Chapter is separate from and not dependent upon the payment of the water and sewer service bill pursuant to those respective provisions of this Village Code.

SECTION 2. New Section 050 of Title 8, Chapter 20 is hereby added to the Village of Princeville Municipal Code ("Property owner's responsibilities") as follows:

8.20.050 Delinquent bills.

Whenever a bill or any fee for garbage and waste collection service under the Village's municipal waste collection system remains unpaid for thirty (30) days after it is due, it is declared delinquent, and the Superintendent of Public Works shall discontinue the waste collection service for the premises of the user whose bill or fee is delinquent. When a waste collection service bill or any related service fee becomes delinquent, a delinquency notice will be sent and will serve as a notice of delinquency to the owner of the premises, as well as to the occupant or tenant of the property when applicable, seven (7) days prior to the date scheduled for termination of the waste collection services, informing them of the delinquent amount. If the delinquent bill remains unpaid, then the waste collection service to the property may be discontinued on the termination date stated in the delinquency notice or any time thereafter, being no sooner than seven (7) days from the date of the delinquency notice. Before the garbage collection service is again commenced to such premises, the property owner or user shall pay all delinquent bills and the additional sum of ten dollars (\$10.00) as hereinafter provided for administrative costs associated with collecting the delinquent bill. Further, the commencement or continuation of any waste collection service under this Chapter is separate from and not dependent on the payment of the water and sewer service bill pursuant to those respective provisions of this Village Code.

SECTION 3. New Section 060 of Title 8, Chapter 20 is hereby added to the Village of Princeville Municipal Code ("Property owner's responsibilities") as follows:

8.20.060 Property owner's and occupant's responsibilities.

All owners of real estate provided garbage and waste collection service by the Village are jointly and severally responsible for the waste collection bills and service fees for users upon premises owned by them, and such property owner shall not be entitled to waste collection service upon premises owned by them until all delinquent bills and fees for waste collection service to the premises and the additional fee established in Section 8.20.050 have been paid to the Village. Accordingly, the property owner of the premises receiving waste collection service from the Village, the occupant thereof, and the user of the waste collection service shall be jointly and severally liable to pay for the waste collection service and related service fees on said premises, and the waste collection service is furnished to the premises by the Village only upon the condition that the property owner of the premises, occupant, and user of the waste collection service are jointly and severally liable to the Village for all billings and fees for this waste collection service from the Village. Said waste collection bills and fees will run with the property and remain a liability of the individuals aforementioned.

SECTION 4. New Section 070 of Title 8, Chapter 20 is hereby added to the Village of Princeville Municipal Code ("Property owner's responsibilities") as follows:

8.20.070 Collection by Village.

A. *The Village shall provide garbage pickup service, by contractors, agents, or employees (hereinafter "municipal pickup"), primarily for family dwellings (being single family homes and duplexes) within the Village. The Village may also offer garbage pickup services on a contract basis to multi-family, business, commercial, or other users within the Village.*

B. *It is necessary for and in the best interests of the Village to regulate and control the collection, transportation, and disposal of municipal waste in the exercise of the Village's police power in order to protect the health, safety, and welfare of its residents. Accordingly, there is hereby established a municipal waste collection system for the Village as authorized pursuant to Division 19 of Title 11 of the Illinois Municipal Code (65 ILCS 5/11-19-1 et seq.), as amended from time to time, for the purpose of collecting and disposing of garbage and refuse, as those terms are defined in Division 19 of Title 11 of the Illinois Municipal Code, as amended, and hereafter termed in combination as "waste". It is further necessary and in the best interests of the Village to provide for the environmentally sound and efficient collection, transportation, and disposal of waste by creating this municipal waste collection system for the disposal of waste and to impose the rates and charges as provided in this Chapter.*

C. *All persons owning or occupying residential property within the corporate limits of the Village as set forth in this Chapter shall dispose of waste through the municipal waste collection system. All waste shall be collected by or on behalf of the Village pursuant to the terms of this Chapter.*

D. *No person, entity, or business shall collect, transport, or dispose of waste without a contract or franchise issued by the Village pursuant to this Chapter.*

E. *No person shall dispose of waste through the Village's municipal waste collection system unless the waste complies with all rules and regulations applicable thereto as established from time to time by either the Village or the designated collection contractor.*

F. *Garbage and waste to be collected under the Village's municipal waste collection system shall not include electronics recycling, hazardous waste, hazardous or regulated medical waste, construction materials (as defined in Division 19 of Title 11 of the Illinois Municipal Code, as amended), demolition materials, landscaping materials except during designated time periods, white goods (household appliances or equipment), bulky wastes, and items in excess of fifty (50) pounds. The user will need to make alternate arrangements to dispose of these items, which may include contacting the Village's waste collection contractor.*

SECTION 5. New Section 070 of Title 8, Chapter 20 is hereby added to the Village of Princeville Municipal Code ("Property owner's responsibilities") as follows:

8.20.070 Severability.

If any provisions of this Chapter or the application thereof are held to be unconstitutional or otherwise invalid by a court of competent jurisdiction, such ruling shall not affect any other provisions of this Chapter of the Village Code not specifically included in such ruling or

which can be given effect without the unconstitutional or invalid provision or application; and to this end, the provisions of this Village Code are declared severable.

SECTION 6. This Ordinance is hereby ordered to be published in pamphlet form by the Village Clerk and said Clerk is ordered to keep at least three (3) copies hereof available for public inspection in the future and in accordance with the Illinois Municipal Code.

SECTION 7. This Ordinance is in addition to all other ordinances on the subject and shall be construed therewith except as to that part in direct conflict with another ordinance, and in the event of such conflict, the provisions hereof shall govern.

SECTION 8. This Ordinance shall be in full force and effect from and after its passage and publication as required by law.

PASSED THIS 1st DAY OF April, 2019.

AYE: Sutherland, Gilroy, Haley, Ekole, Delbridge.

NAYES: None.

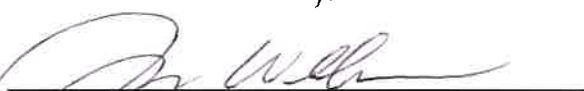
ABSENT: Geiger

APPROVED THIS 1st DAY OF April, 2019.



Jeff Troutman, President
Village of Princeville, Illinois

ATTEST:

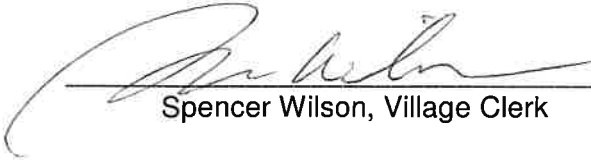


Spencer Wilson, Clerk
Village of Princeville, Illinois

CERTIFICATE OF PUBLICATION

I, Spencer Wilson, and the undersigned, do hereby certify that I am the duly qualified and acting interim Clerk of the Village of Princeville, a municipal corporation of and in the County of Peoria, Illinois, that the foregoing Ordinance No. 2019- 04 - 01 is a true and accurate copy of the Ordinance passed by the Village Board and President of the Village of Princeville on the meeting date set forth therein, and that Ordinance No. 19-04-01 was published by me in pamphlet form this 1st day of April, 2019, by making three (3) copies thereof available on that date at the Village Hall for the Village of Princeville for public inspection.





Spencer Wilson, Village Clerk