

CITY OF NOKOMIS, ILLINOIS

ORDINANCE NO. 2096

**AN ORDINANCE AMENDING CHAPTER 17 OF THE REVISED CODE
OF ORDINANCES OF THE CITY OF NOKOMIS, ILLINOIS REGARDING
DUMPSTERS AND ROLL-OFF CONTAINERS**

ADOPTED BY THE

CITY COUNCIL

OF THE

CITY OF NOKOMIS, ILLINOIS

THIS 27th DAY OF DECEMBER, 2022

Published in pamphlet form by authority of the City Council of the City of
Nokomis, Montgomery County, Illinois, this 27 day of December, 2022.

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ORDINANCE NO. 2095

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WHEREAS, the City of Nokomis, Illinois (the "City") is an Illinois non-home rule municipal corporation pursuant to Article VII, § 8 of the 1970 Illinois Constitution, organized and operating under the Illinois Municipal Code, 65 ILCS 5/1-1-1, *et seq.*; and

WHEREAS, Section 11-60-2 of the Illinois Municipal Code authorizes the City to define, prevent, and abate nuisances; and

WHEREAS, Section 11-19-5 of the Illinois Municipal Code authorizes the City to provide such methods as shall be approved by the corporate authorities for the disposition of garbage, refuse, and ashes; and

WHEREAS, the corporate authorities of the City of Nokomis, Illinois have determined that it is in the best interest of the City of Nokomis and its residents to adopt reasonable provisions regarding the use of dumpsters and roll-off containers within the City.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and the City Council of the City of Nokomis, Montgomery County, Illinois, as follows:

SECTION 1: The above recitals are incorporated herein and made a part hereof.

SECTION 2: Section 17-1-1 of the Revised Code of Ordinances of Nokomis, Illinois is hereby amended to add the following paragraph:

ROLL-OFF CONTAINERS. Dumpsters or other containers with a capacity of greater than 10 cubic yards which are used for the storage, collection, or removal of large quantities of rubbish, debris, or other discarded materials from industrial processes, from construction projects or other matter not normally collected on a regular schedule, and by haulers of rubbish not normally collected in regular collections.

SECTION 3: Section 17-1-11 of the Code is hereby amended to read as follows, with stricken portions to be deleted and italicized portions to be added:

17-1-11 INDUSTRY, CONSTRUCTION, ETC. Nothing in this *Article* ~~Code~~ shall be deemed to prevent or regulate the hauling of rubbish or refuse from industrial processes, ~~from~~ or construction projects or *the hauling of* other matter not normally collected on a regular schedule, and haulers of rubbish not normally collected in regular collections shall be excused from the requirements of obtaining a collector's license as provided in this *Article* ~~Chapter~~.

SECTION 4: Chapter 17 of the Code is hereby amended by creating "Article II" to read as follows:

17-2-1 ROLL-OFF CONTAINERS; PERMIT REQUIRED; FEE. No person or entity shall place a roll-off container on public property or on the public way within the City without first applying for and obtaining a permit therefor. The application for a roll-off container permit shall be in the manner and form approved by the Commissioner of Public Health and Safety and signed by the owner of the roll-off container or his/her/its duly authorized agent. The fee for a roll-off container permit shall be \$10.00. Upon proper application and payment of the permit fee, a permit shall be issued for a period not to exceed fourteen (14) consecutive days. Upon payment of the required permit fee, the permit shall be subject to renewal for an additional term of fourteen (14) consecutive days.

17-2-2 CONDITIONS OF ALL PERMITS. Upon issuance of a permit, all permitted roll-off containers shall be subject to the following conditions.

(A) All roll-off containers shall be accentuated with such warning, safety, and/or traffic control measures, including, but not limited to, caution tape, cones, delineator posts, drums, barriers, barricade(s), and flashing amber lights, as may be prescribed by the Commissioner of Public Health and Safety. Permittees shall bear the expense of such items.

(B) Permittees shall be responsible for any damages to City property resulting from the roll-off container and shall be assessed for damage repair.

(C) Permittees shall ensure that the roll-off container is covered to prevent wind-blown debris.

17-2-3 **PENALTIES.** Any person or entity who places a roll-off container without first obtaining a permit therefor, or who fails to comply with the terms or conditions of an issued permit, or who allows a roll-off container to remain after an issued permit has expired shall be guilty of an offense punishable by a fine of not less than \$150.00 for the first violation, not less than \$250.00 for the second violation, and not less than \$350.00 for the third and each violation thereafter. Each day that any violation of this Article shall continue shall constitute a separate offense.

17-2-4 **REVOCATION & DENIAL OF PERMITS.** Roll-off container permits shall be revocable at any time by action of the Commissioner of Public Health and Safety if said Commissioner determines that the permittee has failed to comply with any requirements of this Article, and such revocation may extend to all roll-off container permits held by the permittee. If an applicant is determined to have previously violated the terms of this Article, such applicant's application for roll-off container permits shall be denied for a minimum of ninety (90) days from the date of the previous violation.

17-2-5 **REMOVAL OF ROLL-OFF CONTAINERS BY CITY.** The Commissioner of Public Health and Safety or his designee is hereby authorized to engage the services of a third party and to remove any roll-off containers found by said Commissioner to be located on public property or on the public way in violation of this Article. Roll-off containers so removed shall be restored to the owner after payment of the expense incurred by the City in removing and storing such roll-off container, as well as any penalties provided for in Section 17-2-2 hereof.

SECTION 5: All ordinances, resolutions, motions, or parts thereof in conflict or inconsistent with the provisions of this Ordinance are hereby superseded to the extent that they may conflict.

SECTION 6: If any section, clause, paragraph, provision, or part of this Ordinance shall be found and determined to be invalid by a court of competent jurisdiction, all valid parts that are severable from the invalid parts shall remain in full force and effect.

SECTION 7: This Ordinance shall be in full force and effect from and after its passage, approval, and publication as provided by law.

SECTION 8: The Mayor is authorized and directed to sign and the City Clerk is authorized and directed to attest to this Ordinance.

SECTION 9: The Clerk shall publish this Ordinance in pamphlet form and see to inclusion of this Ordinance in the next update of the Code of Ordinances.

PASSED this 27th day of December, 2022 by roll call votes as follows:

AYE: 4
NAY: 0
ABSENT: 1
PRESENT: 4

APPROVED by the Mayor of the City of Nokomis, Illinois this day 27 of December, 2022.

ATTEST:

Rodney Duv
CITY CLERK

Mike Holliday
MAYOR

STATE OF ILLINOIS)
COUNTY OF MONTGOMERY) ss.
CITY OF NOKOMIS)

CITY CLERK'S CERTIFICATE

I, the undersigned, do hereby certify that I am the duly appointed and acting City Clerk of the City of Nokomis, Montgomery County, Illinois, and, as such, am the keeper of records and seal thereof; that the foregoing is a true, complete, and correct copy of Ordinance No. 2096 of said City and that said Ordinance, which is:

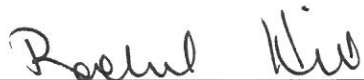
AN ORDINANCE AMENDING CHAPTER 17 OF THE REVISED
CODE OF ORDINANCES OF THE CITY OF NOKOMIS, ILLINOIS
REGARDING DUMPSTERS AND ROLL-OFF CONTAINERS

was passed and approved by the City Council of the City of Nokomis, Montgomery County, Illinois, by yea and nay vote on the 27th day of December, 2022; that said Ordinance was signed by the Mayor on the 27 day of December, 2022 and was then deposited in the office of the City Clerk of said City and filed therein; and that the same was recorded in the Record of Ordinances of said City.

I further certify said Ordinance provided by its terms that it should be published in pamphlet form; that the pamphlet form of Ordinance No. 2096, including the Ordinance and a cover sheet thereof, was prepared; that a copy of such Ordinance was posted in the Nokomis City Hall, commencing on the 27 day of December, 2022, to continue for at least ten (10) days thereafter; and that copies of such Ordinance were also available for public inspection upon request in the office of the City Clerk.

DATED at Nokomis, Illinois, this 27 day of December, A.D., 2022.

(SEAL)



City Clerk

CITY OF NOKOMIS, ILLINOIS

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SECTION 5: All ordinances, resolutions, motions, or parts thereof in conflict or inconsistent with the provisions of this Ordinance are hereby superseded to the extent that they may conflict.

SECTION 6: If any section, clause, paragraph, provision, or part of this Ordinance shall be found and determined to be invalid by a court of competent jurisdiction, all valid parts that are severable from the invalid parts shall remain in full force and effect.

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SECTION 8: The Mayor is authorized and directed to sign and the City Clerk is authorized and directed to attest to this Ordinance.

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PASSED this 27th day of December, 2022 by roll call votes as follows:

AYE: 4
NAY: 0
ABSENT: 1
PRESENT: 4

APPROVED by the Mayor of the City of Nokomis, Illinois this day 27 of December, 2022.

ATTEST:

Rosene Wu
CITY CLERK

Mike Holliday
MAYOR

STATE OF ILLINOIS)
COUNTY OF MONTGOMERY) ss.
CITY OF NOKOMIS)

CITY CLERK'S CERTIFICATE

I, the undersigned, do hereby certify that I am the duly appointed and acting City Clerk of the City of Nokomis, Montgomery County, Illinois, and, as such, am the keeper of records and seal thereof; that the foregoing is a true, complete, and correct copy of Ordinance No. 2096 of said City and that said Ordinance, which is:

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was passed and approved by the City Council of the City of Nokomis, Montgomery County, Illinois, by yea and nay vote on the 27th day of December, 2022; that said Ordinance was signed by the Mayor on the 27 day of December, 2022 and was then deposited in the office of the City Clerk of said City and filed therein; and that the same was recorded in the Record of Ordinances of said City.

I further certify said Ordinance provided by its terms that it should be published in pamphlet form; that the pamphlet form of Ordinance No. 2096, including the Ordinance and a cover sheet thereof, was prepared; that a copy of such Ordinance was posted in the Nokomis City Hall, commencing on the 27 day of December, 2022, to continue for at least ten (10) days thereafter; and that copies of such Ordinance were also available for public inspection upon request in the office of the City Clerk.

DATED at Nokomis, Illinois, this 27 day of December, A.D., 2022.

(SEAL)



City Clerk