

CITY OF NOKOMIS, ILLINOIS

ORDINANCE NO. 2128

**AN ORDINANCE AMENDING CHAPTER 17 OF THE REVISED CODE
PERTAINING GARBAGE**

**ADOPTED BY THE
CITY COUNCIL
OF THE
CITY OF NOKOMIS, ILLINOIS
THIS 9th DAY OF SEPTEMBER, 2024**

Published in pamphlet form by the authority of the City Council of the City of
Nokomis, Montgomery County, Illinois, this 9th day of September, 2024.

CITY OF NOKOMIS, ILLINOIS

Ordinance No. 2128

**AN ORDINANCE AMENDING CHAPTER 17 OF THE REVISED CODE
PERTAINING GARBAGE**

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

WHEREAS, pursuant to Section 1-2-1 of the Illinois Municipal Code, 65 ILCS 5/1-2-1, the City "may pass all ordinances and make all rules and regulations proper or necessary, to carry into effect the powers granted to municipalities, with such fines or penalties as may be deemed proper"; and

WHEREAS, the Revised Code of Ordinances of Nokomis, Illinois (the "Code") currently regulates garbage within the City; and

WHEREAS, the corporate authorities recognize the need to amend, update, and clarify existing the garbage regulations; and

WHEREAS, the corporate authorities find that, to continue to prevent disease, unsanitary conditions, and rat, rodent, and pest infestation, the existing garbage regulations in the Code must be amended and updated; and

WHEREAS, the corporate authorities recognize this nuisance and threat to the health, safety, and welfare of the community; and

WHEREAS, the corporate authorities have determined it is in the best interests of the City and its residence to amend Chapter 17 of the Code as set forth herein.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NOKOMIS, MONTGOMERY COUNTY, ILLINOIS, AS FOLLOWS:

SECTION 1: The recitals contained above in the preamble of this Ordinance are hereby incorporated herein by reference, the same as if set forth in this Section of this Ordinance verbatim, as findings of the City Council of the City of Nokomis, Illinois.

SECTION 2: Chapter 17 of the Revised Code is hereby amended to read as provided in "**EXHIBIT A**" attached hereto.

SECTION 3: A "redlined" version of the amendment is attached hereto as "**EXHIBIT B**".

SECTION 4: All ordinances, resolutions, motions, or parts thereof in conflict with this Ordinance are hereby superseded to the extent of any conflict.

SECTION 5: If any section, clause, paragraph, or part of this Ordinance shall be found and determined to be invalid or unenforceable by a court of competent jurisdiction, the invalidity or unenforceability of such section, paragraph, or provision shall not affect any of the remaining provisions of this Ordinance, which are hereby declared to be separable, and all valid parts that are severable from the invalid parts shall remain in full force and effect.

SECTION 6: This Ordinance shall take effect upon its passage, approval, and publication as required by law.

SECTION 7: The Mayor is authorized and directed to sign and the Clerk is authorized and directed to attest to this Ordinance.

SECTION 8: The City Clerk shall publish this Ordinance in pamphlet form and shall see to its inclusion in the next published update of the Code.

** THE BALANCE OF THIS PAGE IS INTENTIONALLY LEFT BLANK **

Adopted this 9th day of September, 2024, by roll call votes as follows:

	<u>Ayes</u>	<u>Nays</u>	<u>Present</u>	<u>Absent</u>	<u>Abstain</u>
Commissioner Arkebauer	✓		✓		
Commissioner Morris		✓	✓		
Commissioner Glenn	✓		✓		
Commissioner Stauder				✓	
Mayor Goldsmith	✓		✓		

APPROVED by the Mayor of the City of Nokomis, Illinois this 9th day of September, 2024.


MAYOR

ATTEST:


CITY CLERK

"EXHIBIT A"

CHAPTER 17

GARBAGE REGULATIONS

ARTICLE I – GENERAL PROVISIONS

17-1-1 APPLICATION. This Chapter shall apply to all garbage and rubbish to be collected and picked up by any collection system, private or public, conducted within the City.

17-1-2 DEFINITIONS. As used in this Chapter, the following definitions shall apply:

"GARBAGE" shall mean wastes resulting from the handling, preparation, cooking and consumption of food; wastes from the handling, storage, and sale of produce.

"REFUSE" shall mean rubbish, ashes, junk, liquid waste, tree branches, brush cuttings, yard trimmings, and like materials.

"RUBBISH" shall mean combustible trash, including, but not limited to paper, cartons, boxes, barrels, wood, excelsior, wood furniture, bedding; non-combustible trash, including, but not limited to, metals, tin cans, metal furniture, dirt, small quantities of rock and pieces of concrete, glass, crockery, other mineral waste; street rubbish, including, but not limited to street sweepings, dirt, debris, catch-basin dirt, contents of litter receptacles, provided, however, that refuse shall not include earth and wastes from building operations, nor shall it include solid wastes resulting from industrial presses and manufacturing operations such as food processing wastes, boiler house cinders, lumber, scraps and shavings.

ARTICLE II – COLLECTION AND DISPOSAL

17-2-1 ACCUMULATION PROHIBITED. In residential areas, garbage and rubbish collection shall be made once each week. In commercial businesses and industrial areas and at all nursing homes, restaurants, and other business establishments within the City dealing in foods or perishable items, collection shall be made at least once each week or more frequently in order to prevent a nuisance and protect the health and safety of the inhabitants of the City. The fact that garbage or rubbish remains on an occupant's premises in the City in violation of this Chapter shall be prima facie evidence that the occupant of such premises is

responsible for the violations of the Chapter occurring.

17-2-2 PLACEMENT OF RESIDENTIAL WASTE RECEPTACLES.

Residential waste receptacles, garbage cans, refuse, and refuse containers for the disposition of garbage or rubbish to be picked up by any private collector from any premises in the City shall be maintained out of public view, and the same shall not be placed for pick-up earlier than 4:00 p.m. of the evening prior to the scheduled pick-up day. All garbage or rubbish or refuse shall be in containers and placed at either the street in front of the premises or at the alley where there is an alley accessible. Said containers shall be removed from the pick-up location not later than 8:00 p.m. the evening of the scheduled pick-up day and removed from public view.

17-2-3 WINDBLOWN GARBAGE UNLAWFUL.

It shall be unlawful to place garbage or rubbish in such a manner as to allow the same to be blown by the wind onto the property of other residents.

17-2-4 BURNING PROHIBITED.

It shall be unlawful at any time to burn under any circumstances any discarded, used, or unconsumed garbage, refuse, or other such waste material of any description except as otherwise provided by and consistent with Article IX of Chapter 27 of this Code ("Open Burning").

17-2-5 LANDSCAPE WASTE.

It shall be unlawful for any person to cause or allow the open dumping or disposal of any landscape waste at any site in the City or upon the public highways or other public property, except at a site approved by the Illinois Environmental Protection Agency and pursuant to regulations adopted by the Illinois Pollution Control Board, and except as otherwise provided by and consistent with Article IX of Chapter 27 of this Code ("Open Burning").

17-2-6 USE OF CITY DUMPSTERS AND FACILITIES

PROHIBITED. The disposal or dumping of personal garbage or refuse in City dumpsters is prohibited unless the garbage or refuse is generated by the use of City property.

ARTICLE III – CONTRACTORS

17-3-1 LICENSES REQUIRED; FEE.

No person shall engage in the business as a residential or commercial collector of garbage and refuse unless such

person shall have first made application to and secured a license from the City.

The license fee shall be **One Hundred Dollars (\$100.00) per year**. The fee shall be paid on or before **May 1st** of each year.

17-3-2 APPLICATION FOR LICENSE. [Reserved.]

17-3-3 TRUCK REQUIREMENTS - CLEANLINESS. [Reserved.]

17-3-4 PARKED GARBAGE TRUCKS. No truck carrying garbage or rubbish, or both, shall be parked or be permitted to stand anywhere in the City except as provided for in **Section 17-1-10** any longer than is necessary to pick up containers; however, providing that the standing of such vehicle was made necessary by mechanical trouble, traffic conditions, accident or obedience to the direction of policemen or traffic signals, shall not be considered a violation of this Code.

17-3-5 TRUCK WASTEWATERS. A garbage truck or other equipment shall not be washed on City streets or public property and will not be washed where the wastewaters will cause any offensive odors to adjoining property owners.

17-3-6 HOURS OF COLLECTION. All collection of garbage or rubbish within the City shall occur between the hours of 4:00 a.m. to 7:00 p.m. on Monday through Saturday. Garbage or rubbish shall not be collected on Sunday.

17-3-7 GARBAGE FALLING FROM TRUCK. It shall be unlawful to deposit or permit to fall from any vehicle any garbage, refuse, or ashes on any public street or alley in the City, provided that this Code shall not be construed to prohibit placing garbage, refuse, or ashes in a container complying with the provisions of this Code, preparatory to having such material collected and disposed of in the manner provided herein.

17-3-8 LOCATION OF YARDS FOR EQUIPMENT. A licensee shall designate the location of the yards on which his equipment will be parked while not in use and the equipment shall not be parked within the City limits unless the designated location shall not, in the opinion of the Chief of Police, create any nuisance for adjoining property owners.

The licensee shall have as additional equipment a truck for the disposal of

large or unusual items of rubbish which cannot be placed in the designated containers and shall have available for such pickups such equipment at least **one (1) day** each week or on such additional days as may be necessary to satisfy the needs of the public.

17-3-9 INDUSTRY, CONSTRUCTION, ETC. Nothing in this Code shall be deemed to prevent or regulate the hauling of rubbish or refuse from industrial processes, from construction projects or 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 Chapter.

17-3-10 REVOCATION OF PERMIT. If the licensee fails to perform any services according to his application and rate schedule, the Mayor may revoke his permit.

“EXHIBIT B”

CHAPTER 17

GARBAGE REGULATIONS

ARTICLE I – GENERAL REGULATIONS PROVISIONS

17-1-1 APPLICATION. This Chapter shall apply to all garbage and rubbish to be collected and picked up by any collection system, private or public, conducted within the City.

17-1-12 DEFINITIONS. As used in this ~~Code~~ Chapter, the following definitions shall apply:

“GARBAGE” shall mean wastes resulting from the handling, preparation, cooking and consumption of food; wastes from the handling, storage, and sale of produce.

“REFUSE” shall mean rubbish, ashes, junk, liquid waste, tree branches, brush cuttings, yard trimmings, and like materials.

“RUBBISH” shall mean combustible trash, including, but not limited to paper, cartons, boxes, barrels, wood, excelsior, wood furniture, bedding; non-combustible trash, including, but not limited to, metals, tin cans, metal furniture, dirt, small quantities of rock and pieces of concrete, glass, crockery, other mineral waste; street rubbish, including, but not limited to street sweepings, dirt, debris, catch-basin dirt, contents of litter receptacles, provided, however, that refuse shall not include earth and wastes from building operations, nor shall it include solid wastes resulting from industrial presses and manufacturing operations such as food processing wastes, boiler house cinders, lumber, scraps and shavings.

ARTICLE II – COLLECTION AND DISPOSAL

17-2-1 ACCUMULATION PROHIBITED. In residential areas, garbage and rubbish collection shall be made once each week. In commercial businesses and industrial areas and at all nursing homes, restaurants, and other business establishments within the City dealing in foods or perishable items, collection shall be made at least once each week or more frequently in order to prevent a nuisance and protect the health and safety of the inhabitants of the City. ~~17-1-9~~

~~**ACCUMULATION OF GARBAGE UNLAWFUL.**~~ The fact that garbage or rubbish remains on an occupant’s premises in the City in violation of this Chapter

shall be prima facie evidence that the occupant of such premises is responsible for the violations of the Chapter occurring.

17-2-2 PLACEMENT OF RESIDENTIAL WASTE RECEPTACLES.

Residential waste receptacles, garbage cans, refuse, and refuse containers for the disposition of garbage or rubbish to be picked up by any private collector from any premises in the City shall be maintained out of public view, and the same shall not be placed for pick-up earlier than 4:00 p.m. of the evening prior to the scheduled pick-up day. All garbage or refuse or rubbish shall be in containers and placed at either the street in front of the premises or at the alley where there is an alley accessible. Said containers shall be removed from the pick-up location not later than 8:00 p.m. the evening of the scheduled pick-up day and removed from public view.

17-21-37 WINDBLOWN GARBAGE UNLAWFUL. It shall be unlawful to place garbage or rubbish in such a manner as to allow the same to be blown by the wind onto the property of other residents.

17-2-4 BURNING PROHIBITED. It shall be unlawful at any time to burn under any circumstances any discarded, used, or unconsumed garbage, refuse, or other such waste material of any description except as otherwise provided by and consistent with Article IX of Chapter 27 of this Code ("Open Burning").

17-2-5 LANDSCAPE WASTE. It shall be unlawful for any person to cause or allow the open dumping or disposal of any landscape waste at any site in the City or upon the public highways or other public property, except at a site approved by the Illinois Environmental Protection Agency and pursuant to regulations adopted by the Illinois Pollution Control Board, and except as otherwise provided by and consistent with Article IX of Chapter 27 of this Code ("Open Burning").

17-2-6 USE OF CITY DUMPSTERS AND FACILITIES PROHIBITED. The disposal or dumping of personal garbage or refuse in City dumpsters is prohibited unless the garbage or refuse is generated by the use of City property.

ARTICLE III – CONTRACTORS

17-13-2-1 LICENSES REQUIRED; FEE. No person shall engage in the

business as a residential or commercial collector of garbage and rubbish unless such person shall have first made application to and secured a license from the City.

The license fee shall be **One Hundred Dollars (\$100.00) per year**. The fee shall be paid on or before **May 1st** of each year.

~~**17-13-3-2 APPLICATION FOR LICENSE.** Upon application for a license, the person applying for same shall furnish the City Clerk, along with the application, proof of insurance for liability and property damage, and at that time, they shall file with the Clerk a rate schedule for services to be performed for a residential application. The rate schedule shall set forth the type of service to be offered and the price for same, including the size and number of cans per pickup for the charge, the charge for any extra cans, the charge for the bags, the size of the bags, and the charge for bundles and size of the bundles; also a rate schedule shall include an unlimited service charge; the schedule shall set forth whether this is once a week or twice a week pickup.~~

~~————The rate schedule shall also set forth the day or days of each week that the collector shall schedule his pickup within the City. The rate schedule as filed shall be valid for **one (1) year** and the licensee shall not be permitted to increase the price on the schedule for a period of **one (1) year** from the date of filing of the rate schedule. The rate schedule shall be effective upon approval by the City Council.[Reserved.]~~

~~**17-13-4-3 TRUCK REQUIREMENTS - CLEANLINESS.** The firm that handles the collection of trash shall be of good character and give evidence that the equipment used by him is adequate for the purposes intended. The successful firm shall have a truck or trucks which shall be so designed that garbage and rubbish that is collected will be covered at all times or placed in containers that will be covered at all times except in the loading of garbage or rubbish, so that offensive odors are not permitted to permeate the air and cause a nuisance within the City. The trucks and all containers in which garbage is collected and transported shall be cleaned daily and the collector shall not collect any garbage on any day without having a clean truck and hand containers if containers are used.[Reserved.]~~

~~**17-13-5-4 PARKED GARBAGE TRUCKS.** No truck carrying garbage or rubbish, or both, shall be parked or be permitted to stand anywhere in the City except as provided for in **Section 17-1-10** any longer than is necessary to pick up containers; however, providing that the standing of such vehicle was made necessary by mechanical trouble, traffic conditions, accident or obedience to the direction of policemen or traffic signals, shall not be considered a violation of this Code.~~

17-13-6-5 TRUCK WASTEWATERS. A garbage truck or other equipment shall not be washed on City streets or public property and will not be washed where the wastewaters will cause any offensive odors to adjoining property owners.

~~**17-1-7 WINDBLOWN GARBAGE UNLAWFUL.** It shall be unlawful to place garbage or rubbish in such a manner as to allow the same to be blown by the wind onto the property of other residents.~~

17-3-6 HOURS OF COLLECTION. All collection of garbage or rubbish within the City shall occur between the hours of 4:00 a.m. to 7:00 p.m. on Monday through Saturday. Garbage or rubbish shall not be collected on Sunday.

17-13-8-7 GARBAGE FALLING FROM TRUCK. It shall be unlawful to deposit or permit to fall from any vehicle any garbage, refuse, or ashes on any public street or alley in the City, provided that this Code shall not be construed to prohibit placing garbage, refuse, or ashes in a container complying with the provisions of this Code, preparatory to having such material collected and disposed of in the manner provided herein.

~~**17-1-9 ACCUMULATION OF GARBAGE UNLAWFUL.** The fact that garbage or rubbish remains on an occupant's premises in the City in violation of this Chapter shall be prima facie evidence that the occupant of such premises is responsible for the violations of the Chapter occurring.~~

17-13-10-8 LOCATION OF YARDS FOR EQUIPMENT. A licensee shall designate the location of the yards on which his equipment will be parked while not in use and the equipment shall not be parked within the City limits unless the designated location shall not, in the opinion of the ~~Code Enforcement Officer~~ Chief of Police, create any nuisance for adjoining property owners.

The licensee shall have as additional equipment a truck for the disposal of large or unusual items of rubbish which cannot be placed in the designated containers and shall have available for such pickups such equipment at least **one (1) day** each week or on such additional days as may be necessary to satisfy the needs of the public.

17-13-11-9 INDUSTRY, CONSTRUCTION, ETC. Nothing in this Code shall be deemed to prevent or regulate the hauling of rubbish or refuse from industrial processes, from construction projects or 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 Chapter.

17-13-102 REVOCATION OF PERMIT. If the licensee fails to perform any services according to his application and rate schedule, the Mayor may revoke his permit.

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

CERTIFICATE

I 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. 2128 of said City; that said Ordinance, which is

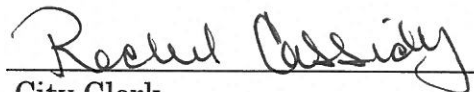
**AN ORDINANCE AMENDING CHAPTER 17 OF THE REVISED CODE
PERTAINING GARBAGE**

was passed by the City Council of the City of Nokomis, Montgomery County, Illinois, by yea and nay vote on the 9th day of September, 2024; that said Ordinance was approved by the Mayor on the 9th day of September, 2024; and that said Ordinance 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 said Ordinance, 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 9th day of September, 2024, 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 9th day of September, 2024.

(SEAL)



City Clerk