

VILLAGE OF HAMMOND
PIATT COUNTY, ILLINOIS

ORDINANCE #2023-28

"An Ordinance Requiring the Mandatory Use of the Village Authorized Solid Waste Hauler"

ADOPTED BY THE BOARD OF TRUSTEES OF THE VILLAGE OF HAMMOND THIS
8th day of November, 2023

Published in pamphlet form by authority of the Village Board of the Village of Hammond, Piatt
County, Illinois

VILLAGE OF HAMMOND
PIATT COUNTY, ILLINOIS
ORDINANCE #2023-28

WHEREAS, the Village of Hammond, Piatt County, Illinois, (hereinafter the “Village”) is a duly established and functioning municipal corporation; and

WHEREAS, the President and Village Board of the Village of Hammond, Illinois have studied the problem of solid waste hauling in the Village of Hammond, Illinois; and

WHEREAS, the President and Village Board of the Village of Hammond, Illinois believe that there exists a need to better regulate the requirement of utilizing the Village’s authorized solid waste hauler in the Village of Hammond, Illinois for the purpose of protecting the health, safety, and welfare of the residents of the Village of Hammond, Illinois:

NOW, THEREFORE, be it ordained by the Village Board of the Village of Hammond; Illinois as follows:

ARTICLE ONE

(A) All generators of solid waste within the corporate limits of the Village shall subscribe to and use the services of only the hauler who is under contract with the Village to dispose of solid waste, and no other hauler.

(B) All generators of solid waste shall be billed for solid waste hauling from the solid waste hauler then under contract with the Village pursuant to the fee schedule set forth in the then current solid waste contract.

(C) Any generator of solid waste disposing said solid waste in a receptacle or collection route stop other than one paid for by the user, unless so consented to in writing with the solid waste hauler, shall be deemed guilty of theft of labor or services.

(D) Any generator of solid waste must put said waste in a receptacle or receptacles provided by the hauler who is under contract with the Village to dispose of solid waste. In no event shall bags of waste shall not be left on the ground.

(E) In the event that a resident of the Village also operates a business within the Village, that resident is not required to have residential garbage collection at the residence, so long as the waste is transported from the residence to the business and upon request the resident/operator of the business presents proof of payment of the hauler who is under contract with the Village to dispose of solid waste to a representative of the Village.

(F) When renting a dumpster, the dumpster cannot be on a Village Street without notification to the Village Clerk of the dates it is to be set and the duration in which it will stay. There must be safety procedures in place to ensure it’s visible and safely out of the way.

(G) Any person, firm, or corporation violating any provisions of this Ordinance shall be notified as follows:

1. Place phone call to homeowner notifying them of the violation on their property and giving them 10 days in which to fix the violation.

2. If compliance is not met in the 10 days, a non-certified letter will be sent reiterating the violation that needs to be corrected. Allow another 10 days.

3. If compliance is still not met, a certified violation letter is mailed to the homeowner. The first fine will be charged at this time for non-compliance and due within 10 days. The fine structure is as follows:

- 1st Offense: \$180.00
- 2nd Offense-committed within 12 months of any prior offense: \$330.00
- 3rd Offense-committed within 12 months of any prior offense: \$580.00

Each day that a violation continues beyond the 10-day notice period described above shall constitute a separate offense.

Notice shall be deemed to be properly served by:

- Depositing the notice in U.S. mail, prepaid first-class postage regardless of whether the addressee accepts or refuses delivery; or
- Personal service; or
- Posting of notice upon property

ARTICLE TWO

Nothing in this Ordinance shall be construed so as to limit or detract from the provisions of the laws of the State of Illinois, and the Ordinance shall not be construed so to legalize conditions which are nuisances at common law or to preclude any remedies available at common law or in equity.

ARTICLE THREE

To the extent that this Ordinance is in conflict with any other Ordinances of the Village of Hammond, those provisions shall hereby be repealed and this Ordinance shall apply. Except as detailed above, all other Ordinances of the Village of Hammond shall retain their current language and remain in full force and effect.

ARTICLE FOUR SEVERABILITY

Should any part of this Ordinance be declared invalid by a court of competent jurisdiction, such declaration shall not affect the validity of the remaining portions of this Ordinance.

ARTICLE FIVE EFFECTIVE DATE

This Ordinance shall be effective immediately upon its passage, approval, and publication in pamphlet form as provided by law. Passed by the Board of Trustees of the Village

of Hammond, Piatt County, Illinois, this 8th day of November, 2023, by the following roll call vote:

AYES: 6 NAYS: 0 ABSENT: 0

Brenda Sebens
Village Clerk

Marsha Burgener
Village President

State of Illinois)
) ss.
 County of Piatt)
 Certificate of Publication)

I, Brenda Sebens, certify that I am the duly appointed and acting Municipal Clerk of the Village of Hammond, Piatt County, Illinois.

I further certify that on November 8, 2023, the Corporate Authorities of such municipality passed and approved Ordinance #2023-28, entitled "An Ordinance Requiring the Mandatory Use of the Village Authorized Solid Waste Hauler", which provided by its terms that it should be published in pamphlet form.

The pamphlet form of Ordinance #2023-28, including the Ordinance and a cover sheet thereof, was prepared and a copy of such Ordinance was posted in the municipal building commencing on November 9, 2023 and continuing for at least 10 (ten) days thereafter. Copies of such Ordinance were also available for public inspection upon request in the office of the Municipal Clerk.

Dated at Hammond, Illinois, this 8th day of November, 2023.

(SEAL)

Brenda Sebens
 Municipal Clerk