

ORDINANCE NO. 2013-09

**AN ORDINANCE REQUIRING PERSONS COLLECTING AND DISPOSING OF YARD
WASTE WITHIN THE CITY OF ANNA TO OBTAIN A LOCAL LICENSE**

PASSED AND APPROVED BY THE CITY COUNCIL OF ANNA

October 1, 2013

ORDINANCE NO 2013-09

AN ORDINANCE REQUIRING PERSONS COLLECTING AND DISPOSING OF YARD WASTE WITHIN THE CITY OF ANNA TO OBTAIN A LOCAL LICENSE

WHEREAS, the City of Anna, [hereinafter the “CITY”] finds that it has the authority to pass all ordinances and make all rules and regulations proper or necessary to carry into effect the powers granted to municipalities; and

WHEREAS, the CITY has been mandated by law to close and cease operation of its landfill; and

WHEREAS, the City Council finds that it is not economically feasible for the CITY or its inhabitants to continue its previous methods of collection and disposition of yard waste; and

WHEREAS, the Illinois Environmental Protection Agency has mandated by law for the CITY to cease dumping yard waste on the landfill property; and

WHEREAS, the City is empowered by Article 11, Division 19, of the Illinois Municipal Code, to regulate and license contractors for collection and final disposition of yard waste; and

WHEREAS, the City has provided alternate means of elimination of yard waste by approving Burn Ordinance No. 2013-05; and

WHEREAS, the Mayor and City Council [hereinafter the “CORPORATE AUTHORITIES”] have determined that it is necessary to enact this Ordinance to protect and promote public health, sanitation, and the general well-being of the citizens and business owners of the City of Anna.

NOW THEREFORE, be it ordained by the CORPORATE AUTHORITIES of the City of Anna, Union County, Illinois, as follows:

SECTION 1: DEFINITIONS. Certain terms used herein are defined as follows:

- a. **CITY**—The City of Anna, Union County, Illinois, a municipal corporation, or the area within the Corporate boundaries of the City whichever the context requires.
- b. **DISPOSAL SITE**—A depository for the processing or disposal of yard waste that is licensed, permitted, and approved by all governmental bodies and agencies having jurisdiction.
- c. **PERSON**—Includes a natural person, firm, partnership, corporation, and any other legal entity.
- d. **TERM**—One year from January 1st to December 31st.
- e. **YARD WASTE**—Grass clippings, leaves, branches, garden plants and flowers, weeds and other similar organic waste accumulated as the result of the cultivation and maintenance of lawns, shrubbery, trees, vines and gardens.

SECTION 2: It is unlawful for any person to conduct, engage, in maintain, operate, carry-on or manage any business or activity for which a license is required by this Ordinance without first having obtained a license therefor.

SECTION 3: LICENSE AND FEE. Yard waste collection and disposition license and the fee therefor are:

- a. “YARD WASTE LICENSE”—for collection and disposition of yard waste within the CITY for any and all persons, with an annual fee of \$75.00, which is a non-exclusive license upon which there is no limit on the number of license which may be granted. Pro-rated fees will not be allowed.

SECTION 4: INSURANCE. Each Licensee shall, unless higher limits are required by the Corporate Authorities, maintain in full force and effect, throughout the TERM of its License, the following types of insurance in at least the limits specified below:

General Liability:	
Bodily Injury	\$1,000,000 each occurrence
	\$3,000,000 aggregate
Property Damage	\$1,000,000 each occurrence
	\$3,000,000 aggregate

All insurance will be by insurers acceptable to the City and authorized to do business in the State of Illinois; prior to the commencement of work the Licensee shall furnish the City with certificates of insurance that such insurance has been produced and is in force, which policies shall not thereafter be canceled, permitted to expire, or be changed without (30) days written notice to the City.

SECTION 5: INDEMNITY. Each Licensee shall in its application, agree to indemnify and save harmless the City, its officers, agents, servants and employees from and against any and all suits, actions, legal proceedings, claims, demands, damages, costs, expenses and attorney's fees resulting from a willful or negligent act or omission of the Licensee, its officers, agents, servants and employees in its performance of services including those resulting from any proceeding by the Illinois Environmental Protection Agency arising out of Licensee's collection or disposal of Yard Waste pursuant to its License; provided, however, that the Licensee shall not be liable for any suits, actions, legal proceedings, claims, demands, damages, costs, expenses and attorney's fees arising out of a willful or negligent act or omission of the City, its officers, agents, servants and employees.

SECTION 6: LICENSE APPLICATIONS. In order to obtain a YARD WASTE LICENSE, each application for a license hereunder shall contain:

1. Name of applicant; and
2. Address of principal place business; and
3. Telephone number of principal place of business; and
4. The names of the principals of the applicant, if applicant is not an individual; and
5. Copy of state issued driver's license or identification card; and

6. Completion of a form consenting to and authorizing a background check by the city police department; and
7. The method of disposal and the disposal site(s) intended to be used; and
8. Proof of general liability insurance in accordance with Section 4 of this ordinance; and
9. \$75.00 license fee in accordance with Section 3 of this ordinance; and
10. Any other relevant information that the City may find reasonably necessary for the acquisition and approval of a yard waste license.

SECTION 7: LICENSE NON-TRANSFERABLE. A License issued hereunder may not be assigned, sold, transferred, or used as collateral or otherwise encumbered, without the consent of CITY.

SECTION 8: REQUIREMENTS FOR PERSONS WITHIN CITY.

- a. Each person owning, controlling, or in possession of any premises, dwelling, business, or who is an occupant of any dwelling unit where yard waste is produced, shall provide for collection and disposal of the yard waste by a Licensee hereunder in a manner in which is in accordance with this Ordinance, and the laws of the State of Illinois and the United States of America or properly burn yard waste according to the City's Burn Ordinance No. 2013-05.
- b. Each person who owns, is in possession of, or controls any building, structure, vehicle, yard, lot, premises, or part thereof, is prohibited to permit same to be used, kept, maintained, or operated so as to cause any nuisance as stated in Ordinance 2004-01 or so as to be dangerous to life or detrimental to health.

SECTION 9: It is unlawful for any person:

- a. To fail to provide, at the cost and expense of that person, for collection and disposal of all yard waste produced and generated by that person upon any premises in the City of Anna, possessed or controlled by that person.

SECTION 10: ENFORCEMENT. Whenever any person fails to procure a license required by this Ordinance, or to provide for collection and disposition of Yard Waste as required by this Ordinance, or otherwise violates any provision of this Ordinance, the CITY is authorized to cause appropriate action and proceeding and to be pursued, including investigation of a factual basis for any such violation, the notification of appropriate health and environmental regulation agencies, or the institution of the penalty hereinafter provided.

SECTION 11: PENALTY

- a. Any person or entity collecting or disposing of yard waste within the CITY without a Yard Waste License as provided by this Ordinance, shall be fined Five Hundred Dollars (\$500.00) for each offense; and a separate offense shall be deemed committed on each day during on which a violation occurs or continues.

SECTION 12: REVOCATION. For the protection and promotion of public health, sanitation, safety, and general well-being, a Yard Waste License issued by the CITY is revocable.


SECTION 13: SEVERABILITY. If any section, paragraph, clause, or provision of this Ordinance is held invalid, the invalidity of such section, paragraph, clause or provision shall not affect any of the other provisions of this Ordinance.

SECTION 14: REPEALER. All ordinances, resolutions or orders, or parts thereof, which conflict with the provisions of this Ordinance, are, to the extent of such conflict, hereby repealed.

SECTION 15: FORCE AND EFFECT. This Ordinance shall be in full force and effect on October 1, 2013.

SECTION 16: PUBLICATION. This Ordinance shall be printed and published in pamphlet form by the authority of the Corporate Authorities within ten days of its passage.

PASSED AND ADOPTED: 10/1, 2013




MAYOR

RECORD OF VOTE:

	<u>YEA</u>	<u>NAY</u>
MAYOR CROSS	<u>✓</u>	<u>—</u>
COMMISSIONER BIGLER	<u>—</u>	<u>✓</u>
COMMISSIONER ISOM	<u>✓</u>	<u>—</u>
COMMISSIONER KAMP	<u>✓</u>	<u>—</u>
COMMISSIONER WEBB	<u>—</u>	<u>✓</u>

ATTEST:  _____, CITY CLERK

FILED FOR RECORD ON 10/2, 2013



CITY CLERK

[CORPORATE SEAL]