

ORDINANCE NO. 2019-16

AN ORDINANCE AMENDING CHAPTER 70, SECTION 70-34 OF THE MUNICIPAL CODE, VILLAGE OF STICKNEY, ILLINOIS REGARDING REFUSE, RECYCLABLES AND YARD WASTE COLLECTIONS FROM SINGLE-FAMILY RESIDENCES

WHEREAS, the Village of Stickney (the “Village”) is a home rule municipal corporation in accordance with Article VII, Section 6(a) of the Constitution of the State of Illinois of 1970; and

WHEREAS, the Village has the authority to adopt ordinances and to promulgate rules and regulations that pertain to its government and affairs, and to review, interpret and amend its ordinances, rules and regulations; and

WHEREAS, the Village President (the “President”) and the Board of Trustees of the Village (the “Village Board” and with the President, the “Corporate Authorities”) are committed to ensuring the health, safety and welfare of individuals residing in, working in and visiting the Village; and

WHEREAS, the Municipal Code, Village of Stickney, Illinois (the “Village Code”) currently sets forth certain regulations regarding the collection and disposal of refuse, recyclables and yard waste within the Village (the “Existing Regulations”); and

WHEREAS, the Corporate Authorities recognize the need to amend, update and clarify the Existing Regulations from time to time as a result of changes in the law and certain contractual obligations; and

WHEREAS, on March 16, 2018, the Village entered into an Agreement (the “Agreement”) with Waste Management of Illinois, Inc. (“Waste Management”) for the provision of refuse, recyclables and yard waste collection and disposal within the Village (the “Services”); and

WHEREAS, Paragraph X(c) of the Agreement provides that Waste Management shall be entitled to pass through to, and collect from, the Village any additional collection or disposal costs, taxes, or surcharges incurred by Waste Management as a result of any mandated changes in local, state or federal laws or regulations governing the generation, collection, transportation, processing, sorting and disposal of solid waste and/or recyclable materials; and

WHEREAS, on June 28, 2019, State of Illinois Governor J.B. Pritzker signed Public Act 101-0032 into law, which, in part, amended Section 2 of the Motor Fuel Tax Law (the “MFT”), 35 ILCS 505/2, to increase the taxes imposed on the price per gallon of certain fuel, gases, propane, and the like; and

WHEREAS, the amendment to the MFT triggered an increase in the collection rates for single-family collections and Waste Management has invoked Paragraph X(c) of the Agreement and has further determined that the collection rates must be twenty-one cents (\$0.21) per month per single-family residence, effective October 1, 2019; and

WHEREAS, the Existing Regulations provide for certain collection rates, which must be amended to reflect the increased collection rates per single-family residence and the contractual rates found in the Agreement; and

WHEREAS, the Corporate Authorities find that in order to continue to provide the Services through Waste Management and to prevent disease, unsanitary conditions, and rat, rodent and pest infestation, the Existing Regulations must be amended and updated as they relate to collection rates for single-family residential refuse, recyclables and yard waste collection and disposal; and

WHEREAS, the Corporate Authorities find that this increase shall be effective on January 1, 2020; and

WHEREAS, based upon the foregoing, the Corporate Authorities have determined that it is in the best interests of the Village and its residents to amend Chapter 70, Section 70-34 of the Village Code as set forth below;

NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF STICKNEY, COOK COUNTY, ILLINOIS, as follows:

**ARTICLE I.
IN GENERAL**

SECTION 1. INCORPORATION CLAUSE.

The Corporate Authorities hereby find that all of the recitals hereinbefore stated as contained in the preambles to this Ordinance are full, true and correct and do hereby, by reference, incorporate and make them part of this Ordinance as legislative findings.

SECTION 2. PURPOSE.

The purpose of this Ordinance is to amend Chapter 70, Section 70-34 of the Village Code to update, amend, and clarify the Village's Existing Regulations, and to authorize the President or his designee to take all actions necessary to carry out the intent of this Ordinance.

**ARTICLE II.
AMENDMENT OF CHAPTER 70, SECTION 70-34 OF THE MUNICIPAL CODE, VILLAGE OF STICKNEY, ILLINOIS**

SECTION 3. AMENDMENT OF CHAPTER 70, SECTION 70-34

That the Village Code is hereby amended, notwithstanding any provision, ordinance, resolution or Village Code section to the contrary, by amending Chapter 70, Section 70-34 by striking out any language to be removed or repealed and underlining new language as follows:

Sec. 70-34. – Collection from single-family residences.

- (a) Refuse accumulated from single-family residences of the village shall be collected, conveyed and disposed of by the village or its contractor or agent under the supervision of the supervisor of public works. The supervisor of public works shall have the authority to make regulations concerning the days of collection, type and location of waste containers and such other matters pertaining to the collection, conveyance and disposal as he shall find necessary, and to change and modify the same after notice, provided that such regulations are not contrary to the provisions hereof. Any person aggrieved by a regulation of the supervisor of public works shall have the right of appeal to the president and board of trustees who shall have the authority to confirm, modify, or revoke any such regulation.

(b) The fee for such collection shall be as follows for each housekeeping unit:

- (1) As of June 1, 2018 January 1, 2020, the rate for each housekeeping unit single-family residence shall be \$14.00 \$16.16 per month;
- (2) As of June 1, 2019 April 1, 2020, the rate for each housekeeping unit single-family residence shall be \$15.00 \$16.79 per month;
- (3) As of June 1, 2020 April 1, 2021, the rate for each housekeeping unit single-family residence shall be \$16.00 \$17.44 per month;
- (4) As of June 1, 2021 April 1, 2022, the rate for each housekeeping unit single-family residence shall be \$17.00 \$18.22 per month;
- (5) As of June 1, 2022 April 1, 2023, the rate for each housekeeping unit single-family residence shall be \$18.00 \$18.82 per month;
- (6) As of April 1, 2024, the rate for each single-family residence shall be \$19.55 per month;
- (7) As of April 1, 2025, the rate for each single-family residence shall be \$20.31 per month;
- (8) As of April 1, 2026, the rate for each single-family residence shall be \$21.10 per month; and
- (9) As of April 1, 2027, the rate for each single-family residence shall be \$21.92 per month.

These rates may be increased or decreased by operation of law or contract.

- (c) All bills rendered shall be paid within 30 days of the date on which the bill is rendered.
- (d) All bills for the refuse service charge shall be rendered by the village collector at the same time as the bills for water service charges are rendered.

SECTION 3.1. OTHER ACTIONS AUTHORIZED.

The officers, employees and/or agents of the Village shall take all action necessary or reasonably required to carry out, give effect to and consummate the amendments contemplated by this Ordinance and shall take all action necessary in conformity therewith. The officers, employees and/or agents of the Village are specifically authorized and directed to draft and disseminate any and all necessary forms or notices to be utilized in connection with the intent of this Ordinance.

ARTICLE III. HEADINGS, SAVINGS CLAUSES, PUBLICATION, EFFECTIVE DATE

SECTION 4. HEADINGS.

The headings of the articles, sections, paragraphs and subparagraphs of this Ordinance are inserted solely for the convenience of reference and form no substantive part of this Ordinance

nor should they be used in any interpretation or construction of any substantive provision of this Ordinance.

SECTION 5. SEVERABILITY.

The provisions of this Ordinance are hereby declared to be severable and should any provision of this Ordinance be determined to be in conflict with any law, statute or regulation by a court of competent jurisdiction, said provision shall be excluded and deemed inoperative, unenforceable and as though not provided for herein and all other provisions shall remain unaffected, unimpaired, valid and in full force and effect.

SECTION 6. SUPERSEDER.

All code provisions, ordinances, resolutions, rules and orders, or parts thereof, in conflict herewith are, to the extent of such conflict, hereby superseded.

SECTION 7. PUBLICATION.

A full, true and complete copy of this Ordinance shall be published in pamphlet form or in a newspaper published and of general circulation within the Village as provided by the Illinois Municipal Code, as amended.

SECTION 8. EFFECTIVE DATE.

This Ordinance shall be effective and in full force ten (10) days after its passage, approval and publication in accordance with Illinois law.

PASSED this 15th day of October, 2019.

AYES: Trustee Hrejsa, Kapolnek, Milenkovic, Savopoulos, Torres and White

NAYS: None

ABSENT: None

ABSTENTION: None

APPROVED by me this 15th day of October, 2019.

Jeff Walik, President

ATTESTED AND FILED in my
office this 16th day of October, 2019.

Audrey McAdams, Village Clerk