

VILLAGE OF VERNON HILLS

ORDINANCE NO. 2009-059

AN ORDINANCE AMENDING ARTICLE II SCAVENGERS, DIVISION 1
REGARDING MANDATORY RECYCLING PROGRAM FOR THE VILLAGE OF
VERNON HILLS.

THE 1ST DAY OF DECEMBER 2009

Published in pamphlet form by the
Authority of the President and Board
Of Trustees of the Village of Vernon
Hills, Lake County, Illinois, this 2nd
Day of December 2009

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**AN ORDINANCE AMENDING ARTICLE II
SCAVENGERS, DIVISION 1 REGARDING
MANDATORY RECYCLING PROGRAM FOR
THE VILLAGE OF VERNON HILLS.**

WHEREAS the Village previously determined that it is in the best interest and welfare of the citizens of the Village of Vernon Hills, Lake County, Illinois, to have a recycling program for refuse including, but not limited to, newspapers, glass, aluminum, tin and bi-metal cans; and,

WHEREAS the Village has, since 1990, paid the cost of recycling for the residents of the Village; and,

WHEREAS the Village does not maintain a real estate tax on property in the Village and therefore relies upon the sales tax received from retailers in the Village as its major source of funding for Village operations; and,

WHEREAS the state of the economy is such that the Village has experienced substantially reduced sales tax dollars from retail operations in the Village; and

WHEREAS because of the substantial reduction in sales taxes received by the Village, the Village deems it necessary to terminate the Village's financial support of the waste recycling program.

NOW THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF VERNON HILLS, LAKE COUNTY, ILLINOIS, AS FOLLOWS:

SECTION I: Section 9-15 (c) of Chapter 9, Article I of the Vernon Hills Municipal Code shall be and is hereby amended to add the following at the end of the section: "Notwithstanding the foregoing, the owner or occupant shall be responsible for the cost of providing the recycling refuse program to the property, and shall pay the cost of recycling assessed to said property."

SECTION II: Section 9-42 of Chapter 9, Article II of the Vernon Hills Municipal Code shall be and is hereby amended to read as follows:

(a) *Residential trash, refuse and recyclable refuse to be removed.* All residential trash, and refuse (with the exception of liquid waste and toxic poisonous materials) and recyclable refuse from single-family detached residential units shall be placed in containers as are supplied by the village's licensed hauler. Said container shall not be in excess of 96 gallons subject to the terms outlined in subsection 9-3(c) and shall be

collected and removed by the Village of Vernon Hills' licensed scavenger from every residential unit in the village at least once weekly on a schedule to be provided to the village by the scavenger. The schedule shall be subject to the approval of the village and may be modified by the village upon 30 days written notice.

(b) *[Choice of hauler.]* All residential trash, refuse (with the exception of liquid waste and toxic poisonous materials) from attached single-family residential units that are not collected collectively shall be allowed to use any village-licensed hauler. All recyclable refuse from single-family attached residential units shall be placed in containers as are supplied by the village's licensed hauler. Their garbage collection shall follow those provisions set forth in subsection 9-3(c)(3) and shall be collected and removed from every residential unit at least once weekly on a schedule to be provided to the village by the scavenger. The schedule shall be subject to the approval of the village and may be modified by the village upon 30 days written notice. Those attached single family residential units choosing to operate under the village's licensed hauler contract shall conform with subsection (a).

(c) *Frequency of collection.* The scavenger shall collect from each residential unit at least once weekly [of] such residential trash, refuse, and recyclable refuse placed outside on the ground level at front of curb of residence. Those items that weigh more than 50 pounds or which cannot be lifted by one person or require a special handling will require the owner to contact a licensed scavenger for pickup.

(d) *Charges.* The scavenger shall bill each residential unit directly. Effective February 1, 2010, the scavenger contractor shall bill residential units directly for all collection of recyclable refuse. The owner or occupant of each residential unit shall be responsible for the cost of the recycling refuse program, and shall also pay the cost of recycling received for such service. The rates or schedules of rates proposed to be charged shall be filed with the village and, except for recyclable refuse, shall not be changed more frequently than once a year and the scavenger shall notify the village and each resident being serviced 60 days in advance of change of service rates. All rates are to be listed with the commerce commission, in the tariff section.

SECTION III. The first sentence of Section 9-45 (b) of Chapter 9, Article II of the Vernon Hills Municipal Code shall be and is hereby amended to read as follows:

(b) Means of disposal. At all times during the term of the permit, the scavenger shall have available a suitable means of disposing of trash, refuse and recyclable refuse collected.

SECTION IV. The first sentence of Section 9-45 (d) of Chapter 9, Article II of the Vernon Hills Municipal Code shall be and is hereby amended to read as follows:

“(d) *Actions of employees in picking up refuse.* Any refuse or garbage or recyclable refuse spilled by the scavenger on the yard or street shall be picked up prior to leaving the site of collection.”

SECTION V. SEVERABILITY. In the event that any section, clause, provision or part of this Ordinance shall be found and finally 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. If any part of this Ordinance is found to be invalid in any one or more of its applications, all valid applications that are severable from the invalid applications shall remain in effect.

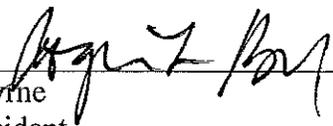
SECTION VI. REPEAL AND SAVINGS CLAUSE. All ordinances or parts of ordinances in conflict herewith are hereby repealed; provided, however, that nothing herein contained shall affect any rights, actions or causes of action which shall have accrued to the Village of Vernon Hills prior to the effective date of this ordinance.

SECTION VII. EFFECTIVE DATE. This ordinance shall be in full force and effect from and after its passage, approval and publication in pamphlet form as provided by law.

SECTION VIII. ORDINANCE NUMBER. This ordinance shall be known as Ordinance Number 2009-059.

Adopted by roll call vote as follows:

AYES: 4-Williams, Hebda, Koch, Marquardt
NAYS: 0-None
ABSENT AND NOT VOTING: 2-Schwartz, Schultz



Roger L. Byrne
Village President

PASSED: 12/01/2009
APPROVED: 12/01/2009
PUBLISHED IN PAMPHLET FORM: 12/02/2009

ATTEST:



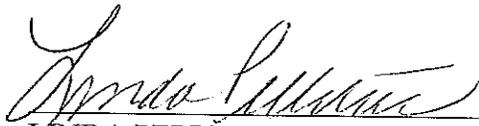
Linda Pelletier
Village Clerk



AFFIDAVIT OF SERVICE

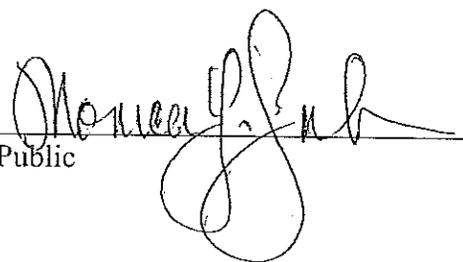
STATE OF ILLINOIS)
)
COUNTY OF LAKE)

I, LINDA PELLETIER, BEING FIRST DULY APPOINTED, DEPOSES AND SAYS ON OATH THAT AS VILLAGE CLERK OF THE VILLAGE OF VERNON HILLS, SHE DID CAUSE THE FOREGOING CERTIFICATE FOR ORDINANCE 2009-059, AN ORDINANCE AMENDING ARTICLE II SCAVENGERS, DIVISION 1 REGARDING MANDATORY RECYCLING PROGRAM FOR THE VILLAGE OF VERNON HILLS.



LINDA PELLETIER, VILLAGE CLERK

SUBSCRIBED AND SWORN to Before
Me this 16 day of December 2009



Notary Public

