

**ORDINANCE NO. 2015-21**

**AN ORDINANCE AMENDING CHAPTER 22, SECTION 22-76 AND CHAPTER 70, SECTIONS 70-39, 70-40, 70-41, 70-42 AND 70-43 OF THE MUNICIPAL CODE, VILLAGE OF STICKNEY, ILLINOIS REGARDING DUMPSTERS**

**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 Village residents; and

**WHEREAS**, residents of the Village and businesses operating within the Village occasionally require the use of dumpsters and other storage receptacles (the "Dumpsters") for construction and remodeling projects; and

**WHEREAS**, Dumpsters can create property damage and parking congestion; and

**WHEREAS**, the Municipal Code, Village Of Stickney, Illinois (the "Village Code") does not currently regulate the placement and use of Dumpsters or companies that furnish Dumpsters to individuals or businesses within the Village; and

**WHEREAS**, based upon the foregoing, the Corporate Authorities have determined that it is necessary, advisable and in the best interests of the Village and its residents to amend Chapter 22, Section 22-76 and Chapter 70, Sections 70-39, 70-40, 70-41, 70-42 and 70-43 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 22, Section 22-76 and Chapter 70, Sections 70-39, 70-40, 70-41, 70-42 and 70-43 of the Village Code to regulate the placement and use of Dumpsters and companies that furnish Dumpsters to individuals and businesses within the Village and to authorize the President or her designee to take all actions necessary to carry out the intent of this Ordinance.

**ARTICLE II.**

**AMENDMENT OF CHAPTER 22, SECTION 22-76 AND CHAPTER 70, SECTIONS 70-39, 70-40, 70-41, 70-42 AND 70-43 OF THE MUNICIPAL CODE, VILLAGE OF STICKNEY, ILLINOIS**

**SECTION 3.0. AMENDMENT OF CHAPTER 22, SECTION 22-76.**

That the Village Code is hereby amended, notwithstanding any provision, ordinance, resolution or Village Code section to the contrary, by amending Chapter 22, Section 22-76, which Section shall be amended as follows:

**S**

Scavengers and/or dumpster providers .....500.00

Plus \$10,000.00 bond\* to secure compliance with the Village Code and evidence of public liability insurance in limits of \$100,000.00/\$300,000.00

**SECTION 3.1. AMENDMENT OF CHAPTER 70, SECTION 70-39.**

That the Village Code is hereby amended, notwithstanding any provision, ordinance, resolution or Village Code section to the contrary, by deleting Chapter 70, Section 70-39, and replacing said Section with the following:

**Sec. 70-39. Applicability.**

The restrictions imposed herein shall apply to all dumpsters, storage containers, or any similar obstruction placed on any public street, public sidewalk or public alley at any time, or moved across public right-of-way for placement on private property.

**SECTION 3.2. AMENDMENT OF CHAPTER 70, SECTION 70-40.**

That the Village Code is hereby amended, notwithstanding any provision, ordinance, resolution or Village Code section to the contrary, by deleting Chapter 70, Section 70-40, and replacing said Section with the following:

**Sec. 70-40. - Registration required.**

All persons, companies, corporations or entities providing any dumpster or storage container in the village must obtain a business license in accordance with Section 22-76 and submit a bond with corporate surety conditioned to indemnify the Village for any damage done to any Village property, including curbs and pavement. Such bond shall be in the principal amount of \$10,000 payable to the Village in the event of any breach of the conditions of such bond.

**SECTION 3.3. AMENDMENT OF CHAPTER 70, SECTION 70-41.**

That the Village Code is hereby amended, notwithstanding any provision, ordinance, resolution or Village Code section to the contrary, by deleting Chapter 70, Section 70-41, and replacing said Section with the following:

**Sec. 70-41. – Permit required; fee.**

(1) A container permit shall be valid for ten days and is renewable. A container permit is required for all such obstructions, whether placed on public or private property. The permit must be obtained by the owner or authorized agent of the owner of the property where the dumpster, foldable dumpster or container will be placed or utilized.

(2) The container permit fee shall be \$50.00.

(3) The service providing the dumpster, foldable dumpster or container must have a current business license with the Village in order for the Village to issue a container permit.

**SECTION 3.4. AMENDMENT OF CHAPTER 70, SECTION 70-42.**

That the Village Code is hereby amended, notwithstanding any provision, ordinance, resolution or Village Code section to the contrary, by deleting Chapter 70, Section 70-42, and replacing said Section with the following:

**Sec. 70-42. – Location and placement.**

(1) All containers must be located on private property. The placement of containers on public alleys or parkway is strictly prohibited. Where it is not possible to place a dumpster on private property, a maximum 20-yard dumpster may be placed in the street in accordance with the provisions of this Section. Storage units, foldable dumpsters or other containers are prohibited from obstructing any portion of the public way.

(2) No such obstruction shall be allowed to be placed in any manner so as to block any public street, sidewalk or alley for use by vehicles, pedestrians or bicycles. No such obstruction shall be allowed to be placed within 15 feet from the corner of any street or alley.

(3) It is the responsibility of the permit applicant to ensure that the placement of the obstruction does not interfere with snow removal, street cleaning or capital improvements.

**SECTION 3.5. AMENDMENT OF CHAPTER 70, SECTION 70-43.**

That the Village Code is hereby amended, notwithstanding any provision, ordinance, resolution or Village Code section to the contrary, by deleting Chapter 70, Section 70-43, and replacing said Section with the following:

**Sec. 70-43. – Care of the public way.**

(1) The owner or authorized agent of any property owner obstructing the public way with a dumpster or container must place a flashing barricade, obtained by the owner, on either side of the obstruction.

(2) Any container traversing the public parkway must have padding, plywood or a like material placed under the unit to prevent damage to or depressions in the public way.

(3) The container permit applicant is responsible for any damage to the public right-of-way. The applicant will be notified of the cost of repair, based on the current cost assessed by the department of public works. Failure to pay the cost of repairs within 30 days will result in a \$750.00 fine.

### **SECTION 3.6. 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 immediately after its passage and approval.

**PASSED this 15th day of December, 2015.**

**AYES: Trustees Fuentes, Hrejsa, Lazansky, Milenkovic, Savopoulos and White**

**NAYS:**

**ABSENT:**

**ABSTENTION:**

**APPROVED by me this 16<sup>th</sup> day of December, 2015.**

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**Deborah Morelli, President**

**ATTESTED AND FILED in my  
office this 16<sup>th</sup> day of December, 2015.**

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**Audrey McAdams, Village Clerk**