

VILLAGE OF LOMBARD
REQUEST FOR BOARD OF TRUSTEES ACTION
For Inclusion on Board Agenda

 X Resolution or Ordinance (Blue) _____ Waiver of First Requested

Other Business (Pink)

TO: PRESIDENT AND BOARD OF TRUSTEES

FROM: David A. Hulseberg, Village Manager

DATE: February 9, 2011 (COW) (B of T) **Date:** February 17, 2011

TITLE: Text Amendments Regarding Dumpsters and the Village Service Fee

SUBMITTED BY: David P. Gorman, Assistant Director of Public Works *DPA*

BACKGROUND/POLICY IMPLICATIONS:

A recommendation from Staff to amend the Village Code regarding the requirement to keep dumpsters from public view and to increase the Village Service Fee.

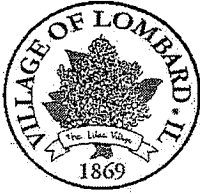
FISCAL IMPACT/FUNDING SOURCE:

Refuse & Recycling Revue Account: 1010.604840

Review (as necessary):

Village Attorney X _____ Date _____
Finance Director X _____ Date _____
Village Manager X _____ Date _____

NOTE: All materials must be submitted to and approved by the Village Manager's Office by 12:00 noon, Wednesday, prior to the Agenda Distribution.



MEMORANDUM

TO: David A. Hulseberg, Village Manager

THROUGH: Carl Goldsmith, Director of Public Works *CG*

FROM: David Gorman, Assistant Director of Public Works *DG*

SUBJECT: **Garbage Collection and Disposal Text Amendments for Dumpsters and the Village Service Fee**

DATE: February 9, 2011

The attached Ordinance would amend the Village Code to revise the requirement to keep dumpsters out of public view and to increase the Village Service Fee. These amendments follow the Board of Trustees' actions to approve (a) the 2011-2015 Solid Waste Contract (August 19, 2010), (b) the associated Village Code amendments (December 2, 2010), and (c) a resolution expressing the intent to raise the Service Fee (February 3, 2011).

AMENDMENT REGARDING DUMPSTERS:

Village Code Sections §92.10 through 92.17 provide definitions, fee rates and regulations regarding solid waste and recycling collection and disposal services. The recent Code amendment made numerous revisions throughout these sections but it mistakenly omitted the requirement to keep dumpsters, other than those for construction authorized by a building permit, out of public view from Subsection 92.13 (E). However, that amendment may still be corrected before its effective date of April 1, 2011. That subsection currently reads as follows:

(E) It shall be the duty of every Person in possession of any premises or residing at any premises within the Village for which a Waste Container is, or Waste Containers are, provided to keep such Waste Container(s) out of view from a public street or adjacent property.

Thus, it should be amended to return to its prior purpose as follows:

(E) It shall be the duty of every person in possession of any premises or residing at any premises within the Village, for which a waste container or waste containers, are provided, to place the same at a location in the rear yard of said premises. Where a residence or dwelling unit does not have a rear entrance to a rear yard, but has a rear entrance located in a side yard, such containers may be located in the side yard, but only if effectively screened so as not to be clearly visible from a public street or adjacent property. These location and screening requirements shall not apply to dumpsters used other than for regularly scheduled service of at least once every seven days.

Also, the definition of "Dumpster" in Section 92.10 should be replaced as follows:

DUMPSTER. Any Waste container with a capacity larger than those provided by the authorized Waste Disposal Firm for single family residential collection.

AMENDMENT REGARDING VILLAGE SERVICE FEE:

The Board of Trustees passed Resolution No. 71-11 on February 3, 2011 to increase the amount of the Village Service Fee for residential accounts from \$0.35 to \$0.59 and to provide the required timely notice to Waste Management per the Solid Waste Contract. The current rate has remained unchanged since 1994 and it no longer fully funds the curbside brush collection nor the other services benefitting residents. A full explanation for the fee increase was provided in the memo provided with that resolution and, notably, the overall rates for refuse and recycling services will still decrease. Accordingly, the proposed amendment to Sections 92.17 (A) and 92.17 (C) would increase the Village Service Fee for residential accounts from \$0.35 to \$0.59, effective April 1, 2011.

RECOMMENDATION:

Staff recommends that the Board of Trustees approve the Ordinance to amend Section 92.10 and 92.13 (E) to keep dumpsters from public view and Sections 92.17 (A) and 92.17 (C) to increase the Village Service Fee. The Ordinance has been reviewed and found to be acceptable by the Village Attorney.

CG/DG:dg

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attachment: proposed Ordinance

ORDINANCE NO. _____

**AN ORDINANCE AMENDING TITLE 9, CHAPTER 92, SECTIONS 92.10, 92.13 (E), 92.17 (A) AND 92.17 (C) OF THE LOMBARD VILLAGE CODE
IN REGARD TO GARBAGE COLLECTION AND DISPOSAL**

BE IT ORDAINED by the President and Board of Trustees of the Village of Lombard, DuPage County, Illinois, as follows:

SECTION 1: That, effective April 1, 2011, Title 9, Chapter 92, Section 92.10 of the Lombard Village Code is amended to define a “Dumpster” as follows:

“DUMPSTER. Any Waste container with a capacity larger than those provided by the authorized Waste Disposal Firm for single family residential collection.”

SECTION 2: That, effective April 1, 2011, Title 9, Chapter 92, Section 92.13 (E) of the Lombard Village Code is amended to read in its entirety as follows:

“(E) It shall be the duty of every person in possession of any premises or residing at any premises within the Village, for which a waste container or waste containers, are provided, to place the same at a location in the rear yard of said premises. Where a residence or dwelling unit does not have a rear entrance to a rear yard, but has a rear entrance located in a side yard, such containers may be located in the side yard, but only if effectively screened so as not to be clearly visible from a public street or adjacent property. These location and screening requirements shall not apply to dumpsters used other than for regularly scheduled service of at least once every seven days.”

SECTION 3: That, effective April 1, 2011, Title 9, Chapter 92, Section 92.17 (A) of the Lombard Village Code is amended to read in its entirety as follows:

“(A) For Residential (single-family, duplex, triplex and quadruplex) units, the user fees for one (1) pick up per week for April 1, 2011 through March 31, 2012 shall be as follows:

(1) Pick up of one (1) thirty-five (35) gallon Cart Waste Container and an unlimited amount of Recyclables (as defined by the Village’s Contract with the authorized Waste Disposal Firm) at the curb; \$10.68 per month.

(2) Pick up of one (1) sixty-four (64) gallon Cart Waste Container and an unlimited amount of Recyclables (as defined by the Village’s Contract with the authorized Waste Disposal Firm) at the curb; \$13.30 per month.

(3) Pick up of one (1) ninety-six (96) gallon Cart Waste Container and an unlimited amount of Recyclables (as defined by the Village's Contract with the authorized Waste Disposal Firm) at the curb; \$16.04 per month.

(4) Pick up of each non-Cart Waste Container in addition to the Cart Waste Container; \$1.30 per sticker, which shall be affixed to said non-Cart Waste Container.

(5) Pick up of Bulk Materials; \$20.00 per pick up.

(6) Pick up of White Goods; \$25.00 per pick up.

(7) Pick-up of Large Items; \$1.30 per sticker which shall be affixed to each large item.

(8) Pick-up of Yard Waste; \$1.80 per sticker as defined by subsection (E) below.

(9) Pick up waste tires; \$5.00 per tire.

(10) Special collections; \$10.00 per cubic yard.

(11) Backdoor service (as provided for by the Village's Contract with the authorized Waste Disposal Firm); \$22.00 per month, with said fee being in lieu of the fees set forth in subsections (1), (2) and (3) above."

SECTION 4: That, effective April 1, 2011, Title 9, Chapter 92, Section 92.17 (C) of the Lombard Village Code is amended to read in its entirety as follows:

"(C) Village Service Fees, in the amounts of \$0.59 per month for each Residential unit, \$3.00 per month for each Commercial unit and \$0.10 for each Yard Waste sticker, are hereby established relative to the collection of refuse, recyclable materials and Yard Waste. Said Village Service Fees are included in the services fees established in subsections (A) and (B) above. The Village Service Fees shall be collected by the authorized Waste Disposal Firm and shall be remitted to the Village at least once every three (3) months upon collection thereof."

SECTION 5: That this Ordinance shall be in full force and effect on from and after its adoption, approval and publication in pamphlet form as provided by law.

Passed on first reading this ____ day of _____, 2011.

First reading waived by action of the Board of Trustees this ____ day of _____, 2011.

Passed on second reading this _____ day of _____, 2011, pursuant to a roll call vote as follows:

AYES: _____

NAYS _____

ABSENT: _____

APPROVED by me this _____ day of _____, 2011..

William J. Mueller
Village President

ATTEST:

Brigitte O'Brien
Village Clerk

Published by me in pamphlet form this ___ day of _____, 2011.

Brigitte O'Brien
Village Clerk