

CITY OF MARSHALL

ORDINANCE NO. 2010-O-02

AN ORDINANCE CONCERNING
SCAVENGERS AND REFUSE COLLECTORS

ADOPTED BY THE
CITY COUNCIL
OF THE
CITY OF MARSHALL

Published in pamphlet form by authority of the City of Marshall, Clark County, Illinois, this 9th
day of March 2010.

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AN ORDINANCE CONCERNING
SCAVENGERS AND REFUSE COLLECTORS

BE IT ORDAINED by the City Council of the City of Marshall, Illinois:

Section 1. That section 66-26 of the Code of Ordinances, City of Marshall, Illinois is hereby amended to read as follows:

Sec. 66-26. Definitions.

For the purposes of this article certain terms or words used herein shall be interpreted or defined as follows:

Roll-off dumpster: a dumpster that is a rented bulk solid waste receptacle placed temporarily in the driveway or other location and used to handle solid waste disposal related to temporary activities such as moving, remodeling or other construction at a site and which is typically delivered and removed by truck. The rented container is hauled away when it is full and is emptied by mechanical means.

Roll-off dumpster business: a business that includes the renting, placing and removal of roll-off dumpsters. It does not include the collection and disposal of garbage, trash and refuse allowed under the scavenger and refuse collector license.

Roll-off dumpster license: the license given to a person in the roll-off dumpster business.

Scavenger and refuse collector business: a business that includes the collection and disposal of garbage, trash and refuse as well as the renting, placing and removal of roll-off dumpsters.

Scavenger and refuse collector license: the license given to a person in the scavenger and refuse collector business.

Section 2. That section 66-27 of the Code of Ordinances, City of Marshall, Illinois is hereby amended to read as follows, with strikeouts indicating deletions in text and underscores indicating additions to text:

Sec. 66-27. Storage and disposal generally.

It shall be unlawful for any business ~~scavenger or refuse collector~~ licensed under this article to dispose of or store in the open any garbage, trash, refuse or solid waste in any place in the city or within one-half mile thereof, and all such material ~~refuse, garbage and trash~~ so collected shall be disposed of at a lawfully operated and approved sanitary landfill site.

Section 3. That section 66-41 of the Code of Ordinances, City of Marshall, Illinois is hereby amended to read as follows, with strikeouts indicating deletions in text and underscores indicating additions to text:

Sec. 66-41. Required; penalty for failure to obtain.

- (a) It shall be unlawful for any person to engage in the ~~business of scavenger and~~ or refuse collector business or the roll-off dumpster business within the city limits without first securing a license therefor.
- (b) ~~Any scavenger or refuse collector who operates within the city collecting garbage, trash and refuse from others without first securing a scavenger or refuse collector's license from the city clerk~~ Any person found to have violated any provision of this article shall be fined as provided in section 1-5.

Section 4. That section 66-42 of the Code of Ordinances, City of Marshall, Illinois is hereby amended to read as follows, with strikeouts indicating deletions in text and underscores indicating additions to text:

Sec. 66-42. Application; to be issued only on order of council.

Application for a license under this article shall be made to the city clerk ~~and shall be referred by him to the city council. No such license shall be issued except on the order of the city council.~~ The applicant shall certify in the application that the business he will carry on ~~its~~ his operations by using only trucks with watertight, factory constructed, packer-type refuse bodies for the hauling of garbage, refuse, trash and combustible materials which are subject to being wind-borne.

Section 5. That section 66-44 of the Code of Ordinances, City of Marshall, Illinois is hereby amended to read as follows, with strikeouts indicating deletions in text and underscores indicating additions to text:

Sec. 66-44. Limitation on number; term.

It is hereby determined that it is in the best interest to the people of the city, based upon public convenience and necessity, that only two ~~three~~ scavenger and refuse collector ~~collectors'~~ licenses and three roll-off dumpster licenses shall be issued. Such licenses shall be issued for a period of up to one year, expiring on the subsequent second Monday in May.

Section 6. That section 66-45 of the Code of Ordinances, City of Marshall, Illinois is hereby amended to read as follows, with strikeouts indicating deletions in text and underscores indicating additions to text:

Sec. 66-45. Fee.

The annual license fee, payable to the city clerk in advance, for a license under this article shall be \$50.00 ~~\$25.00~~ per year. Each such license shall terminate on the subsequent second Monday in May. The fee to be paid shall be reduced to \$25.00 ~~\$12.50~~ where there are less than six full calendar months between the date of issuance of the license and the next succeeding second Monday in May.

Section 7. That section 66-46 of the Code of Ordinances, City of Marshall, Illinois is hereby amended to read as follows, with strikeouts indicating deletions in text and underscores indicating additions to text:

Sec. 66-46. Revocation.

In case of violation of any of the provisions of this article, the licensee ~~scavenger or refuse collector~~ shall be warned by any law enforcement officer. Subsequent violations by the licensee ~~scavenger or refuse collector~~ will lead to revocation of his or her or its license, after due notice and hearing before the city council.

Section 8. If any provision of this Ordinance, or application thereof, is held invalid by any Court, other provisions or applications of this Ordinance which can be given effect without the invalid provision or application shall not be affected, and to this end the provisions of this Ordinance are declared to be severable.

Section 9. That this Ordinance shall be published in pamphlet form and shall take effect ten (10) days after its passage, approval and publication in pamphlet form as provided by law.

	<u>AYES</u>	<u>NAYS</u>	<u>ABSENT</u>
James C. Anderson	✓		
Terry Clatfelter	✓		
Randall McGinnis	✓		
James McKittrick	✓		
Cheryl A. Raisner	✓		
Tim J. Sanders	✓		
Mark R. Strait	✓		
James White	✓		

PASSED this 8th day of March, 2010.

APPROVED this 8th day of March, 2010.

Kenneth R. Smith
MAYOR

ATTESTED, filed in my office,
and published in pamphlet form
this ____ day of March, 2010.

John W. [Signature]
CITY CLERK

(SEAL)