

CITY OF MONTICELLO  
PIATT COUNTY, ILLINOIS

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ORDINANCE NO. 2022-50

“AN ORDINANCE AMENDING TITLE V, CHAPTER 50  
OF THE CITY OF MONTICELLO CODE OF ORDINANCES  
TO ADOPT REGULATIONS GOVERNING RESIDENTIAL WASTE”

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ADOPTED BY THE  
CITY COUNCIL  
CITY OF MONTICELLO  
THIS 28<sup>th</sup> DAY OF NOVEMBER, 2022

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Published in pamphlet form by authority of the City Council of the City of Monticello, Piatt County, Illinois, this 29<sup>th</sup> day of November, 2022.

**CITY OF MONTICELLO  
PIATT COUNTY, ILLINOIS**

**ORDINANCE NO. 2022-50**

**AN ORDINANCE AMENDING TITLE V, CHAPTER 50  
OF THE CITY OF MONTICELLO CODE OF ORDINANCES  
TO ADOPT REGULATIONS GOVERNING RESIDENTIAL WASTE**

**WHEREAS**, the City of Monticello (“City”) is an Illinois non-home rule municipality organized and operating under the Illinois Municipal Code (“Code”); and

**WHEREAS**, the City may approve the method or methods for the disposition of garbage, refuse and ashes, (65 ILCS 5/11-19-5); and

**WHEREAS**, the City may provide by ordinance that such method or methods shall be the exclusive method or methods for the disposition of garbage, refuse and ashes to be allowed within the City, (65 ILCS 5/11-19-5); and

**WHEREAS**, updating the City’s residential waste regulations in accordance with this Ordinance will promote the public health, safety and welfare by providing for the efficient disposal of waste from residences in the City; and

**WHEREAS**, the Mayor and City Council wish to amend the City of Monticello Code of Ordinances in accordance with this Ordinance.

**NOW, THEREFORE, BE IT ORDAINED** by the Mayor and City Council of the City of Monticello, Piatt County, Illinois, as follows:

Section 1. RECITALS. The foregoing recitals are incorporated as though fully set forth herein.

Section 2. CHAPTER AMENDED. Chapter 50 of Title V of the City of Monticello Code of Ordinances, titled “Residential Waste,” is hereby amended as follows (additions in **bold and underline**, deletions in ~~**bold and strikeout**~~):

**§50.15 LICENSE REQUIRED.**

[ . . . ]

- (B) ~~The Each~~ licensee, by ~~applying for and~~ receiving a license **and residential waste hauling contract** from the city, shall be deemed to have entered into an indemnity agreement with the city whereby the licensee agrees to indemnify, defend, and hold the city harmless from all costs, expenses and liabilities, including attorneys' fees and court costs, resulting from or arising out of any claim, demand, or cause of action for damage to persons or property caused, or allegedly caused, by licensee or licensee's employees in the city.
- (C) As a condition to each license, the licensed hauler must maintain current, effective, and binding certificates of insurance on file with the City Clerk throughout the term of the license, naming the city as an additional insured, for the following types of insurance **unless other insurance is agreed to between the parties in the residential waste hauling contract:** [ . . . ]

**§50.16 LICENSE.**

The number of licensed haulers shall not exceed ~~4~~ **one under the terms of a residential waste hauling franchise contract between the City and the hauler.** No applicant shall be granted a license unless the applicant shall have the proper and necessary vehicles, machinery and other equipment for properly taking care of and disposing of residential waste in conformity with this chapter and the health regulations of the state, the County of Piatt, and the city. No license shall be granted to any applicant who has been guilty of any willful violation of this chapter or any other health or sanitary regulations of the city, or is in default on any contract with the city.

**§50.17. APPLICATION COMPETITIVE PROCUREMENT PROCESS**

**The licensed hauler shall be selected through a competitive procurement process. The residential waste hauling franchise contract awarded may be for multiple years as decided by the City Council to be in the best interests of the City. All applications for license shall be made to the City Clerk on forms provided by the city. Applicants must produce all necessary documents to demonstrate compliance with the requirements of this chapter.**

**§50.18 FEE; EXPIRATION.**

**The licensed hauler shall pay fees, if any, to the City as set forth in the residential waste hauling franchise contract between the hauler and the City.**

~~The license fee shall be \$50 per year for each licensee. In addition to the license fee, each licensee must pay a road impact fee, to be used exclusively for roadway improvements, in the greater amount of 1) \$2,500, or 2) an amount equal to \$1 per waste tote per month and \$0.25 for each waste sticker. The license fee is due upon application for each license, and the road impact fee is due upon the expiration of each license. The licensee must produce all necessary business records to substantiate the required road impact fee. All licenses shall expire annually on January 31 of each year.~~

[...]

#### **§50.20 REVOCATION OF LICENSE.**

If, during the period covered by the license granted, the licensee shall fail to keep his, her, or its equipment in good repair, or fail to keep the same in a sanitary condition when not in use, or fail to keep the same up to standards required by this chapter, or fail to obey any of the provisions of this chapter, or fail to give adequate service to customers, the license may be revoked in accordance with the terms of the residential waste hauling franchise contract with the licensed hauler and after a hearing, on reasonable advance notice, before the City Council Chief of Police. ~~The corporate authorities, may affirm, reverse, or remand a revocation decision, following receipt of a notice of appeal from the licensee within 30 days of an adverse decision, and an opportunity for the licensee to be heard before the corporate authorities upon reasonable notice.~~

### **WASTE PREPARATION AND COLLECTION**

#### **§50.30 APPROVED CONTAINERS**

All residential waste shall be placed for collection in ~~the following approved~~ containers as required by the residential waste hauling franchise contract.

- (A) ~~Residential waste. All residential waste for collection, other than recyclable materials which a customer desires to separate for recycling, landscape waste, or construction waste, shall be placed either:~~
- ~~(1) in watertight bags, that do not exceed 33 gallons in capacity and 50 pounds in weight, affixed with a waste sticker purchased from a licensed hauler.; or~~
  - ~~(2) in watertight bags inside one or more waste totes provided to customers by a licensed hauler for a monthly fee, based upon the size of tote provided.~~

~~(B) *Recyclable material.* All recyclable materials separated from residential waste must be placed in either:~~

- ~~(1) recycling containers purchased from the city; or~~
- ~~(2) in recycling totes provided free of charge to customers paying monthly fees for waste totes provided by licensed haulers.~~

#### ~~§50.31 MINIMUM SERVICES RESERVED~~

~~(A) Each licensed hauler shall collect residential waste at least once each week and recyclable material placed for collection by the licensee's customers at least once every other week.~~

~~(B) If a customer chooses to separate recyclable material from the customer's residential waste and places the recyclable material in approved containers, as provided for above, each licensed hauler shall collect the recyclable material and shall not mix recyclable material with other residential waste.; provided, however, that However, no licensed hauler shall be required to pick up recyclable material, unless if the recyclable material is not accompanied by at least 1 bag of residential waste, or deposited in a recycling tote provided by a licensed hauler for pick up on a date designated by the hauler.~~

~~(C) Any residential waste that would fit in an approved container, as described in § 50.30, that is not placed in such an approved container shall not be collected by the licensed hauler. Any bag of residential waste placed for collection that does not have a stick-on decal waste sticker purchased from a licensed hauler placed thereon, or is not placed in a waste tote provided by a licensed hauler, as provided for below, shall not be collected by the licensed hauler.~~

### RATES AND CHARGES

#### §50.60 RATES

~~(A) *Residential waste and Recycled Materials.* Rates shall be determined through the competitive procurement process. The Licensed hauler shall charge a customer for the collection of residential waste on the basis of the amount of residential waste, not separated for recycling, collected from such customer. This shall be accomplished by the licensed hauler charging each customer a standard fee for either:~~

- ~~(1) each bag of residential waste collected, which fee shall be paid by the customer purchasing from the hauler a stick-on~~

~~decal waste sticker which the customer shall place on each bag of waste to be collected.; or~~

~~(2) a monthly fee for each waste tote based on the size of tote provided.~~

~~(B) *Recyclable material.* Licensed haulers shall not charge for collecting recyclable material that has been separated and placed by customer in approved containers, as provided for in § 50.30.~~

~~(C) Any items collected that will not fit in an approved container, as described in § 50.30, shall be charged for at the discretion of the hauler.~~

Section 3. SEVERABILITY. This Ordinance and every provision thereof shall be considered severable and the invalidity of any section clause, paragraph, sentence or provision of this Ordinance will not affect the validity of any other portion of this Ordinance.

Section 4. SUPERSEDER. All ordinances, resolutions, motions, or orders in conflict herewith shall be, and the same hereby are, repealed to the extent of such conflict.

Section 5. EFFECTIVE DATE. This Ordinance shall be in full force and effect after its passage and publication in pamphlet form, in accordance with law; and the approval of Ordinance No. 2022-49 “AN ORDINANCE AWARDDING A RESIDENTIAL WASTE HAULING FRANCHISE AND LICENSE.” The provisions of the City of Monticello Code of Ordinances amended herein shall be reprinted with the changes.

Passed by the City Council of the City of Monticello, Piatt County, this 28<sup>th</sup> day of November, 2022, by the following roll-call vote:

AYES:

NAYS:

ABSENT:

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Jill Potts, City Clerk  
City of Monticello, Piatt County, Illinois

Approved by the Mayor of the City of Monticello this 28<sup>th</sup> day of November, 2022.

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Mayor

ATTEST:

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City Clerk

City of Monticello, Piatt County, Illinois