

VILLAGE OF NEW BADEN, ILLINOIS
ORDINANCE NO. 765

**AN ORDINANCE CONCERNING GARBAGE REFUSE CONTAINERS
AND NOT-FOR-PROFIT COLLECTION BINS**

WHEREAS, the Village of New Baden (“Village”), Clinton and St. Clair Counties, Illinois is a duly created, organized and validly existing municipality of the State of Illinois under the 1970 Illinois Constitution and the laws of the State of Illinois, including particularly the Illinois Municipal Code, and all laws amendatory thereof and supplementary thereto; and

WHEREAS, the Village has the authority to enact ordinances for the preservation of the health, welfare and safety of the community and the residents of the Village; and

WHEREAS, the Village desires to amend its current regulations governing the enclosure of garbage refuse containers; and

WHEREAS, the Village desires to provide for the placement of collection bins that are used for collecting items for resale or recycling.

NOW THEREFORE BE IT ORDAINED, by the Mayor and Board of Trustees of the Village of New Baden, as follows:

1. That the preceding recitations in the upper part of this Ordinance realleged, restated and adopted as paragraph one (“1”) of this Ordinance.
2. That Section 29-5-5 of the Village Code shall be amended to read as follows:

“The owner, manager or operator of every establishment, residence or otherwise, producing garbage, vegetable wastes or other putrescible materials shall provide, and at all times, cause to be used, leak-proof containers having close-fitting covers for storage of such materials until such time as the waste is removed from the premises for disposal.

Any trash dumpster (“Dumpster”), or other garbage refuse container exceeding four (4) cubic yards in size (“Container”), that is situated in a commercial or business zoning classification, or is situated on property that also contains a business, shall be governed by the following regulations:

(a) If the Dumpster or Container is located at the rear of the business, and is not in public view from the street, the Dumpster or Container is not required to be enclosed;

(b) If the Dumpster or Container is located on the side of the business and is in public view from a street, the Dumpster or Container must be contained within an enclosure.

Any Dumpster or Container that is utilized by a residential dwelling containing two (2) or more units shall be fully enclosed with gated access.”

3. That a new Article shall be added to Chapter 16 of the Village Code. Said Article shall read as follows:

“ARTICLE III – COLLECTION BINS

16-3-1 VILLAGE APPROVAL. Any person, organization, company or other entity, desiring to place a collection bin to be used to collect and sell any items must first obtain the permission of the Village. The Village Board shall have the authority to approve or deny the placement of a collection bin.”

4. This ordinance shall take full force and effect immediately upon passage by the Corporate Authorities.

PASSED and APPROVED this 15th day of September, 2008.

Yeas: Fiedler, Brandmeyer, Malina, Swank, Linthicum, Gloeckner

Nays: None

Absent: None

Timothy Hoerchler, Village President

ATTEST:

Teri Crane, Village Clerk