

ORDINANCE NO. 1063

**AN ORDINANCE AMENDING CHAPTER 245 OF THE
EL PASO MUNICIPAL CODE REGARDING SOLID WASTE**

ORDINANCE NO. 1063

AN ORDINANCE AMENDING CHAPTER 245, OF THE EL PASO MUNICIPAL CODE OF
ORDINANCES REGARDING SOLID WASTE

WHEREAS, the City of El Paso is a municipal corporation organized and existing under the Illinois Municipal Code, 65 ILCS 5/1-1-1, *et seq.*; and

WHEREAS, the Illinois Municipal Code, 65 ILCS 5/1-2-1 provides that the corporate authorities of each municipality may pass all ordinances and make all rules and regulations proper or necessary, to carry into effect the powers granted to municipalities, with such fines or penalties as may be deemed proper; and

WHEREAS, the City of El Paso has enacted an ordinance enumerating regulations for the handling, placement, and carrying away of solid waste within the City; and

WHEREAS, the City of El Paso finds it important and desirable to revise the El Paso Municipal Code to prohibit the accumulation of solid waste, including garbage, refuse, and rubbish from the public way within the City of El Paso; and

WHEREAS, it is in the best interest of the health, safety, and welfare of the citizens of the City of El Paso that said refuse accumulation prohibitions are incorporated into Chapter 245 of the El Paso Municipal Code.

NOW THEREFORE BE IT ORDAINED by the City Council of the City of El Paso, that the Municipal Code be amended as follows:

SECTION ONE: Recitals. The foregoing recitals are incorporated as substantive provisions hereof as though fully set forth herein.

SECTION TWO: Amendment. Chapter 245, entitled "Solid Waste," of Part II, entitled "General Legislation," of the El Paso Municipal Code is hereby amended, in part, as follows:

§ 245-1. Supervision.

All matters relating to or affecting the collection, removal or disposal of garbage, household refuse, ashes or waste material, are hereby specifically placed under the direction of the Beautification Committee.

§ 245-2. Definition.

As used in this chapter, the following terms shall have the following meanings indicated:

GARBAGE

Includes organic, household or kitchen waste, such as unused food and food residues, and any paper used for wrapping.

§ 245-3. Accumulation prohibited; containers.

The owner, occupant or lessee of any premises in the City shall remove from the premises and dispose of all garbage, dead rodents, animals or fowl, ashes, tin cans, manure and all refuse and rubbish of every description whatsoever and shall keep the premises at all times free and clear of any accumulation of the same. It shall be the duty of every owner or his agent or occupant of any house, building or apartment in the City to deposit all waste in a durable, watertight container with a close-fitting cover. It shall be unlawful for any owner, occupant, or lessee of any premises of the City to deposit junk or other discarded materials at the edge of the property which they own, occupy, or lease.

It shall be the duty of every owner, occupant or lessee of any premises in the City to remove from the public way that is immediately contiguous to said premises any and all garbage, dead rodents, animals or fowl, ashes, tin cans, manure and all refuse and rubbish of every description whatsoever and shall keep the public way at all times free and clear of any accumulation of the same. The foregoing shall not preclude the placement of garbage, refuse and rubbish in a proper receptacle for collection by a waste hauler on the designated waste collection day.

§ 245-4. Deposit in streets.

No garbage or rubbish of any kind shall be deposited in any street, alley or public way, or on vacant property within the City.

§ 245-5. Illegal deposits.

It is unlawful for any person, firm or corporation to cast, place, sweep or deposit within the limits of the City any garbage or other waste matter, or rubbish, in such a manner that it may be carried or deposited by the action of the wind, rain, or snow into or upon any street, sidewalk, alley, sewer, parkway or other public place, or onto any occupied or unoccupied premises within the limits of the City.

§ 245-6. Offensive substances.

No pile or deposit of manure, garbage, miscellaneous waste, or refuse of any kind whatsoever, nor accumulation of any offensive or noxious substance shall be made within the limits of the City, nor shall any person, firm or corporation unload, discharge, or put upon the right of way any railroad, street, alley or public place within the City any manure, garbage, miscellaneous waste, refuse or offensive or nauseous substance, nor shall any vehicles loaded with or having upon them any

such substance or substances to be allowed to remain or stand or park on or along any railroad, street, alley or other public place within the limits of the City.

§ 245-7. Dumping.

No Garbage or waste material shall be dumped within the City limits, but must be hauled to a place outside of the City limits, at a distance which will not create a nuisance to any resident within the City limits.

§ 245-8. Garbage collectors.

Any person, firm or corporation engaging in the business of collecting, hauling, or transporting for hire or a fee, through the streets or alleys of the City, any garbage, ashes, rubbish or waste materials shall, if first requested by the City Director of Public Services, notify the City and furnish to the City the name and address of the person, firm, or corporation, a description of the vehicle to be used in the collection of such garbage or waste, and a proposed schedule of the times when collections will be made, the rates to be charged, the name of the liability insurance carrier and the amounts of liability insurance limits. No person, firm or corporation shall engage in the business of transporting garbage as set forth herein unless he, she, or it can provide the Director of Public Services a certificate of liability insurance not less than \$1,000,000. Such certificate shall be furnished if and when requested by the City.

§ 245-9. Placement of residential waste receptacles.

Residential waste receptacles, garbage cans, refuse, and refuse containers shall not be set at curbside or the designate location for garbage collection earlier than 6:00 p.m. of the evening prior to the scheduled collection day during the months of April through October, or sooner than 4:00 p.m. during the months of November through March. Said containers shall be removed from the curbside as quickly as possible after collection, but not later than 11:59 p.m. the evening of the scheduled collection day.

§ 245-10. Presumption of responsibility.

The owner and occupant of any premises upon which a discovered violation of this chapter shall be presumed jointly responsible for said violation and subjected to the penalty hereinafter provided.

§ 245-11. Penalty.

Any person, firm or corporation violating any of the provisions of this chapter shall be subject to the general penalty provision of this Code (see Chapter 1, Article IV); and in addition, is subject to a revocation of the authority of the person, firm or corporation to continue to operate as a garbage collector within the City.

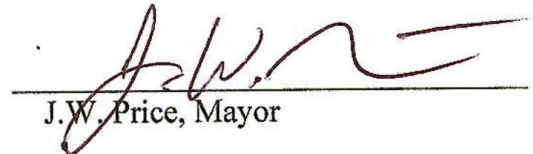
SECTION THREE: Severability. In the event that any section, clause, provision, or part of this Ordinance shall be found and determined to be invalid by a court of competent jurisdiction, all valid parts that are severable from the invalid parts shall remain in full force and effect.

SECTION FOUR: Repeal and Savings. All Ordinances or parts of Ordinances in conflict herewith are hereby repealed; provided, however, that nothing herein contained shall affect any rights, action, or causes of action which shall have accrued to the City of El Paso prior to the effective date of this Ordinance.

SECTION FIVE: Publication. The City Clerk be and is hereby authorized and directed to publish this Ordinance in pamphlet form as provided by law.

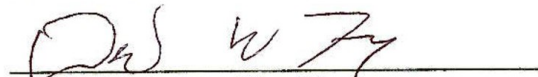
SECTION SIX: Effective Date. This Ordinance shall be in full force and effect from and after its passage, approval and publication in pamphlet form as provided by law.

APPROVED:



J.W. Price, Mayor

ATTEST:



David W. Fever, City Clerk

PASSED by the City Council on the 24th day of April, 2023.
APPROVED by the Mayor on the 24th day of April, 2023.
PUBLISHED in pamphlet form on the 25th day of April, 2023.



David W. Fever, City Clerk