

**CHAPTER 16**

**GARBAGE**

**ARTICLE I - GENERAL REGULATIONS**

**16-1-1**      **DEFINITIONS.** As used in this Code, the following definitions shall apply:

**"GARBAGE"** shall mean wastes resulting from the handling, preparation, cooking and consumption of food; wastes from the handling, storage, and sale of produce.

**"RUBBISH"** shall mean combustible trash, including, but not limited to paper, cartons, boxes, barrels, wood, excelsior, wood furniture, bedding; non-combustible trash, including, but not limited to, metals, tin cans, metal furniture, dirt, small quantities of rock and pieces of concrete, glass, crockery, other mineral waste; street rubbish, including, but not limited to street sweepings, dirt, catch-basin dirt, contents of litter receptacles, provided, however, that refuse shall not include earth and wastes from building operations, nor shall it include solid wastes resulting from industrial processes and manufacturing operations such as food processing wastes, boiler house cinders, lumber, scraps and shavings.

**"YARD WASTE"** shall mean material such as tree branches, yard trimmings, leaves and grass.

**16-1-2**      **LICENSE REQUIRED; FEE.** No person, business, firm, corporation or similar entity shall engage in the business or act of solid waste hauling or disposal within the corporate limits of the Village, including all residential and commercial collectors of garbage and rubbish, unless licensed in accordance with the provisions of this Chapter and acting in accordance with same. The Village shall issue no more than **five (5) licenses** per year for the hauling or disposal of garbage within the Village. A license shall be effective from **May 1** of any year through and including **April 30** of the following year. The license fee shall be **Two Hundred Fifty Dollars (\$250.00)** per axle of the largest garbage or waste hauler truck or vehicle to be used by the collector during the license year. The license fee for applications received after **May** of any year or before **April 30** of any year will not be prorated. The fee shall be paid on or before **May 1<sup>st</sup>** of each year or immediately upon issuance of the license if issued after **May 1**. The licensure fee shall be utilized by the Village as follows: (1) **\$250** shall go to the Village's general fund to pay for the administrative of this Chapter; and (2) the remaining fee shall be dedicated to infrastructure improvements and repairs related to the Village's roads.

**16-1-3**      **INFORMATION REQUIRED TO OBTAIN LICENSE.** Any person, firm or corporation may obtain a license to collect solid waste within the Village by submitting an application for license to the Village Clerk and paying an annual license fee as set forth in **Section 16-1-2** above. The applications shall be on forms prescribed by the Village, and shall contain the following information about any agreements of the waste hauler:

(A)            The name, business address, and telephone number of the person, firm or corporation;

(B) If the waste hauler is a corporation, the corporation shall provide a certificate of good standing and the name, address and telephone number of the corporation's president and of its registered agent.

(C) If the applicant is a partnership, the applicant shall provide the names, addresses and telephone numbers of all partners holding greater than a **five percent (5%)** interest.

(D) If the applicant is doing business under an assumed name, the applicant shall provide a copy of the assumed name certificate filed with the County Clerk, if a natural person, and of the assumed name certificate filed with the Secretary of State, if a corporation.

(E) The applicant shall provide proof of liability insurance in the amount of **One Million Dollars (\$1,000,000.00)** per occurrence, including insurance for each vehicle, and shall agree to keep such insurance in force during the term of the license.

(F) The applicant shall provide proof of workers' compensation insurance covering its employees in the statutory amount, and shall agree to keep such insurance in force during the term of its license.

(G) The applicant shall attach a schedule of rates which it will charge upon the license being granted, and shall agree to provide the Village, as well as any customers, with written notice of any rate changes at least **thirty (30) days** in advance of rate changes and otherwise comply with the provisions of **Section 16-1-7(E)**.

(H) The applicant shall agree to observe all provisions and conditions of this Chapter during the term of its license.

(I) If in accordance with **Section 6-1-16** of this Chapter, the applicant proposes not to recycle a class of recyclable materials due to the unavailability of markets, the applicant shall include with the application, or may submit under separate cover, proof of the unavailability of the market.

(J) The application shall be signed by the applicant or a responsible officer of the applicant.

**16-1-4      APPLICATION FOR LICENSE.** Upon application for a license, the person applying for same shall furnish the Village Clerk, along with the application, proof of insurance for liability and property damage, and at that time, they shall file with the Clerk a rate schedule for services to be performed for a residential application.

The rate schedule shall set forth the type of service to be offered and the price for same, including the size and number of cans per pickup for the charge, the charge for any extra cans, the charge for the bags, the size of the bags, and the charge for bundles and size of the bundles; also a rate schedule shall include an unlimited service charge; the schedule shall set forth whether this is once-a-week or twice-a-week pickup. There shall not be any additional charges for recycling.

The rate schedule shall also set forth the day or days of each week that the collector shall schedule his pickup within the Village. The rate schedule as filed, except the prices included therein, shall be valid for the period of the license.

**16-1-5      PROCEDURES FOR GRANTING OR DENYING LICENSE; APPEALS.**

(A) Applications for solid waste hauling licenses shall be submitted to the Village Clerk, who shall process the applications within **seven (7) working days** and either grant or deny the license. If the license is denied, the Village shall state the reason for the denial in writing. Thereupon, the applicant may appeal in accordance with subsection (B) of

this Section; or may with **ten (10) days** resubmit a license application curing any deficiencies, without having to pay an additional license fee. The Village shall grant the license or render a final decision denying the license, within **seven (7) working days** of resubmission.

(B) In the event a license is denied, the applicant may appeal the denial of the application to the Village Board within **seven (7) working days** of the final denial, and may request a hearing. The Village Board's determination shall be reviewable in accordance with Illinois statutes pertaining to administrative review.

**16-1-6**      **CONDITIONS OF LICENSURE.** A licensee under this Chapter shall, as a condition of licensure, do the following:

(A) The licensee shall pick up and segregate by class the following classes of solid waste:

- (1) Unseparated solid waste, which shall consist of solid waste of all descriptions other than yard waste, including recyclable materials that have not been segregated by the customer.
- (2) Recyclable materials, which shall include: (a) aluminum cans; (b) steel cans; (c) tin-coated cans; (d) No. 1 plastic; (e) No. 2 plastic; and (f) newspapers. Recyclable materials shall be separated by the customer from other classes of solid waste and placed in separate marked bins. Newspapers, shall be placed in paper bags or baled with twine. Plastic bottles, may be tied together with twine. The Village reserves the right to expand the definition of recyclable materials due to changing market conditions, without affecting the validity of the license.
- (3) Yard waste, which shall include leaves, grass clippings, wood chips, twigs, and garden waste such as weeds and stalks, when segregated and bagged in accordance with the regulations of the facility which accepts such yard waste from the solid waste hauler.

(B) The licensee shall transport and dispose of unseparated solid waste in landfills or by any other method permitted by State and Federal law.

(C) The licensee shall transport and dispose of recyclable materials by selling or giving such materials to dealers in recyclable materials. Recyclable material shall be recycled and shall not be disposed of in a solid waste landfill or other methods without the express approval of the Village Board. Unauthorized disposal of recyclable material may result in the cancellation of the waste haulers license and subject to fines as provided for in **Section 16-1-21.**

(D) The licensee shall transport yard waste top composting centers or other facilities which accept yard waste only.

(E) Each licensee shall be responsible for handling the recyclable materials and yard waste of its own customers; however, licensees may agree among themselves to handle the recyclable materials and yard waste of another licensee.

(F) The licensee shall comply with this Chapter and all other ordinances of the Village and with State, County and Federal laws and regulations pertaining to solid waste management.

(G) On or before the **fifteenth (15<sup>th</sup>) day** of each month the licensee shall provide the Village with data regarding the volume, by category, of solid waste collected, where

each type of material was disposed of or solid in the previous month and shall provide any other data the Village may reasonably require.

**16-1-7**      **RATE STRUCTURES.** A licensee may set its own rates, subject only to the following restrictions:

(A)            The licensee shall set volume-based rates for commercial and industrial customers for collection of unseparated solid waste, and shall dispose of recyclable materials from such customers free of charge. The licensee may agree with such customers on any frequency of pickup of solid waste, provided that all waste is picked up at least once per week. Because the needs of commercial and industrial customers vary from customer to customer, the licensee need not announce a rate of general applicability, and is free, subject to State and Federal law, to discriminate among commercial and industrial customers in the matter of rates.

(B)            For residential customers, each licensee shall charge a basic fee, which will entitle each residential customer to a once weekly pickup and disposal of **one (1) thirty-two (32) gallon** garbage can or a **thirty-three (33) gallon** bag of unseparated solid waste, not to exceed **sixty (60) pounds**. For unseparated solid waste in excess of the basic service, the licensee shall charge a per **thirty-two (32) gallon can** or **thirty-three (33) gallon bag** fee. The customer shall purchase stickers for such additional cans and bags from the licensee, and shall affix a sticker to each additional can or bag to be picked up in addition to the basic service. The rates for residential customer shall be general applicability, and there shall be no discrimination among residential customers as to rates; however, senior citizen discounts are permissible.

(C)            Recyclable materials shall be picked up from residential customers free of charge.

(D)            Rates for disposal of yard waste shall be volume-based. The licensee shall charge separately for each **thirty-two (32) gallon can** or **thirty-three (33) gallon bag** of yard waste. The customer shall purchase stickers from the licensees and shall affix a sticker to each can or bag of yard waste. A yard waste sticker shall cost no less than a sticker for unseparated solid waste.

(E)            A licensee may change its rates from time to time in its discretion. The licensee shall provide the Village with a copy of any rate change for residential customers at least **thirty (30) days** in advance of the rate change, and shall inform each residential customer of the rate change in writing at least **thirty (30) days** in advance of its effective date. Notice to customers may, in the discretion of the licensee, be made by an inset in the monthly bill. However, no rate change shall be effective unless these notice provisions are complied with.

**16-1-8**      **TRUCK REQUIREMENT - CLEANLINESS.** The firm that handles the collection of trash shall be of good character and give evidence that the equipment used by him is adequate for the purposes intended. The successful firm shall have a truck or trucks which shall be so designed that garbage and rubbish that is collected will be covered at all times except in the loading of garbage or rubbish, so that offensive odors are not permitted to permeate the air and cause a nuisance within the Village. The trucks and all containers in which garbage is collected and transported shall be cleaned daily and the collector shall not collect any garbage on any day without having a clean truck and hand containers if containers are used.

**16-1-9**        **PARKED GARBAGE TRUCKS.** No truck carrying garbage or rubbish, or both, shall be parked or be permitted to stand anywhere in the Village except as provided for in **Section 16-1-14** any longer than is necessary to pick up containers; however, providing that the standing of such vehicle was made necessary by mechanical trouble, traffic conditions, accident or obedience to the direction of policemen or traffic signals, shall not be considered a violation of this Code.

**16-1-10**       **TRUCK WASTEWATERS.** A garbage truck or other equipment shall not be washed on Village streets or public property and will not be washed where the wastewaters will cause any offensive odors to adjoining property owners.

**16-1-11**       **WINDBLOWN GARBAGE UNLAWFUL.** It shall be unlawful to place garbage or rubbish in such a manner as to allow the same to be blown by the wind onto the property of other residents.

**16-1-12**       **GARBAGE FALLING FROM TRUCK.** It shall be unlawful to deposit or permit to fall from any vehicle any garbage, refuse or ashes on any public street or alley in the Village, provided that this Code shall not be construed to prohibit placing garbage, refuse, or ashes in a container complying with the provisions of this Code, preparatory to having such material collected and disposed of in the manner provided herein.

**16-1-13**       **ACCUMULATION OF GARBAGE UNLAWFUL.** The fact that garbage or rubbish remains on an occupant's premises in the Village in violation of this Chapter shall be prima facie evidence that the occupant of such premises is responsible for the violations of the Chapter occurring.

**16-1-14**       **LOCATION OF YARDS FOR EQUIPMENT.** A licensee shall designate the location of the yards on which his equipment will be parked while not in use and the equipment shall not be parked within the Village limits unless the designated location shall not, in the opinion of the Code Enforcement Officer, create any nuisance for adjoining property owners.

The licensee shall have as additional equipment a truck for the disposal of large or unusual items of rubbish which cannot be placed in the designated containers and shall have available for such pickups such equipment at least **one (1) day** each week or on such additional days as may be necessary to satisfy the needs of the public.

**16-1-15**       **INDUSTRY, CONSTRUCTION, ETC.** Nothing in this Code shall be deemed to prevent or regulate the hauling of rubbish or refuse from industrial processes, from construction projects or other matter not normally collected on a regular schedule and haulers of rubbish not normally collected in regular collections shall be excused from the requirements of obtaining a collector's license as provided in this Chapter.

**16-1-16      PROCEDURES IN THE EVENT OF UNMARKETABILITY OF RECYCLABLES.** A licensee may relieve itself of the obligation to pick up and dispose of any class of recyclable materials by submitting to the Village proof of the lack of a reasonable market for such recyclable material. Proof shall consist of a written statement detailing the efforts the licensee has made to seek a market for that class of recyclable material and any other written material the licensee may have in its possession regarding market trends. Upon receipt of such material, the Village shall have **thirty (30) working days** in which to verify the validity of the licensee's statement and to seek a market for the class of recyclable materials. If the Village finds the licensee's statement is correct and is unable to find a market, the licensee may upon **fourteen (14) calendar days'** notice to its customers, require the customers to place the unmarketable class of recyclable material with the unseparated solid waste for pickup. With any subsequent licensee application, the licensee shall submit written information substantiating the continued unavailability of a market for that class of recyclable materials.

**16-1-17      COLLECTION OF OVER-SIZED SOLID WASTE.** A licensee under this Chapter shall have no obligation to collect, but may collect for a fee set forth in the licensee's rate structure, solid waste materials, including but not limited to appliances, furniture, carpets, trees, etc., which do not fit into a **thirty-two (32) gallon** container or **thirty-three (33) gallon bag** or weigh in excess of **sixty (60) pounds** per item. From time to time, the Village may make arrangement for the pickup, disposal, and where appropriate, recycling, or such materials. Residents of any commercial and industrial establishment in the Village may themselves remove and dispose of such materials or contract with non-licensees hereunder for the removal of such materials.

**16-1-18      CUSTOMER RESPONSIBILITIES.**  
(A) No residential customer of a license shall, without prior agreement with the waste hauler:

- (1) Place unseparated and unbagged solid waste or yard waste for collection in any can larger than **thirty-two (32) gallons**, or place unseparated solid waste or yard waste in any bag larger than **thirty-three (33) gallons**;
- (2) Place more than **sixty (60) pounds** of unseparated solid waste or yard waste in any **thirty-two (32) gallon** can or **thirty-three (33) gallon** bag;
- (3) Place a can of solid waste for collection which is not firmly covered with a lid, or a bag which is not tied.

(B) No licensee is required to pick up any can or bag of solid waste which is in violation of this Section.

**16-1-19      REGISTRATION AND CANCELLATION.** Any person or business registered with the Village to provide garbage services must provide at least **thirty (30) days** advance written notice to its customers and to the Village prior to the cancelling or cessation of any garbage service within the Village.

**16-1-20**     **RECORDS.**     The Village shall design and obtain license and data collection forms for issuance to each licensee hereunder and shall maintain records of licenses granted and denied hereunder. The licenses granted hereunder shall be serial numbered. All license application and records pertaining to grants and denials of licenses shall be subject to disclosure to the public under the Freedom of Information Act and Village policies implementing that Act.

**16-1-21**     **ENFORCEMENT AND PENALTIES.**

(A)           The Village Police Department, Public Works Department and Village Board are hereby authorized and directed to enforce all provision of this Chapter.

(B)           Any person who violates any provision of this Chapter shall, upon conviction thereof, be punished by a monetary fine of not less than **Seventy-Five Dollars (\$75.00)** nor more than **Seven Hundred Fifty Dollars (\$750.00)**.

(C)           Each and every day that a violation continues shall be considered a separate offense.

(D)           The Village may revoke the license of any licensee who fails to comply with the conditions of licensure set forth in **Section 16-1-6** hereof. The Village shall, before revoking a license, order a licensee to show cause why the license should not be revoked, and shall specify the deficiencies which the Village believes exist. The licensee shall, within **ten (10) days** of the date of the notice, provide the Village with written reasons and evidence why the license should not be revoked. Within **five (5) days** of receipt of such evidence, the Village shall render a decision, which may be appealed by the licensee in the same manner as denial of licenses in accordance with **Section 16-1-5(B)** of this Chapter.

**(Ord. No. 12-06; 07-09-12)**