

CHAPTER 17  
**GARBAGE, REFUSE AND RECYCLING**

**17.01 DEFINITIONS.** Terms used in this Chapter mean as follows:

Garbage: All animal and vegetable waste and all putrescible matter.

Refuse: All waste substances including garbage as well as combustible and noncombustible wastes.

Noncombustible Waste: All other waste substance not capable of incineration or burning, including ashes, glass, metal, earthenware and the like.

Sanitary Landfill: A type of operation in which refuse is deposited by plan in a pit or excavation of open land, is compacted by force applied by mechanical equipment, and then covered by a layer of earth, ashes or suitable covering material to a depth of at least two (2) feet.

Recyclable Materials: Materials that are separated from garbage or refuse for the purpose of recycling, including but not limited to aluminum and tin cans, newspapers, corrugated cardboard, high grade printing and writing papers, magazines, plastic and glass containers.

Recycling: The process by which solid waste is collected, separated and processed for reuse as either a raw material or a product which itself is subject to recycling, but does not include the combustion of waste for energy recovery or volume reduction.

Recycling Containers: Any and all receptacles identified specifically for the containment of recycling items.

Recycling Facility: A structure, building and/or parcel where material from the waste stream are collected and processed for re-use and/or recycling.

**17.02 CONSENT OF VILLAGE.** No license or permit to operate a sanitary landfill or otherwise place or dump garbage not originating in the Village, within the Village or within one (1) mile of the corporate limits shall be issued unless the provisions of the Illinois Revised Statutes, Chapter 100, par. 27, are complied with.

**17.03 LICENSE REQUIRED.** It shall be unlawful to maintain or operate a sanitary landfill, or any place for the disposal of garbage, refuse or recyclable materials, anywhere in the Village or within one (1) mile of the corporate limits without first receiving a license therefore; and it shall be unlawful to maintain, operate or permit the maintenance or operation of any such place in violation of any provision of this Chapter.

The annual fee for such license shall be two thousand dollars (\$2,000.00). No such license shall be issued except on direction by the President and Board of Trustees.

**17.04 BOND.** No such license shall be issued, or effective, unless there is on file with the Village Clerk a cash bond or a bond with a corporate surety, in penal amount of Twenty-Five Thousand Dollars (\$25,000) to assure that:

- A. The licensee, his agents and employees will comply with all of the terms, conditions, provision requirements and specifications contained in this Chapter.
- B. The license, his agents and servants, will faithfully operate the sanitary landfill for which the permit is issued in accordance with the provisions of this Chapter.
- C. The licensee, his agents and employees will save harmless the Village from any expense incurred through the failure of the permittee, his agents and employees to operate and maintain the sanitary landfill as required by this Chapter, including any expense the Village may be put to for correcting any condition or violation of this Chapter by the Village's own labor and equipment, whenever the President and Board of Trustees determines it is necessary for the Village to correct any condition in violation of this Chapter, or from any damages growing out of the negligence of the permittee or his agents or employees.
- D. Before acceptance, all bonds shall be approved by the President and Board of Trustees. If a corporate bond is offered, it shall be executed by a company authorized to transact business in the State of Illinois as a surety. If a cash bond is offered, it shall be deposited with the Treasurer, who shall give his/her official receipt therefore, reciting that the cash has been deposited in compliance with and subject to the provisions of this Chapter.

**17.05 APPLICATION; INVESTIGATION.** Applications for licenses shall be filed with the Village Clerk and shall contain a description and plat of the land on which the disposal of refuse is proposed; a description of the sequence and plan of operation; availability of the equipment for water supply; type and capacity of equipment to be used for operations; plans for fire, nuisance and vermin control; existing and proposed roadways and easements; existing topography and water courses, together with a diagram and written statement explaining proposed location and extent of earthwork and fill operations, proposed equipment and estimated daily or weekly volume of garbage and refuse; and such other information as may be required by the President and Board of Trustees.

The Public Works Director shall examine the premises and shall also coordinate his investigation with the County Health Department to determine whether the granting of the permit to the applicant would or would not violate the health regulations of the County or would, in any way, create a hazard or menace to the public health or would, in any way, create a nuisance to the people of the Village, and shall make a report giving his recommendations to the President and Board of Trustees.

**17.06 DUMPING REFUSE, GARBAGE OR RECYCLABLE MATERIALS.** It shall be unlawful to dump or dispose of any refuse, garbage or recyclable materials except in a properly constructed receptacle, or in a licensed landfill within the Village or within one (1) mile of the Village limits.

**17.07 ENFORCEMENT.** All enforcement officers of the Village shall be charged with the enforcement of this Chapter and shall make any inspection necessary to that end.

**17.08 REVOCATION OF LICENSE.** Any license issued under the provisions of this Chapter may be revoked by the President for any violation of any law or ordinance pertaining to the operation or maintenance of such establishment.

**17.09 DISPOSAL BY RESIDENTS AND/OR COMMERCIAL PROPERTIES**

- A. **Receptacles Required.** It shall be the duty of every owner, or his agent, or the occupant of any house, dwelling or other building in the Village wherein people reside or lodge, or where animal or vegetable food is prepared or served, and at all times, to maintain in good order and repair a separate receptacle to be used for the purpose of depositing garbage and other similar refuse. Such receptacle shall be watertight, made or constructed of metal or plastic, and shall be equipped with a close fitting cover, and shall be of a capacity of not less than five (5) nor more than thirty (30) gallons.
- B. **Deposit on Streets and Property.** It shall be unlawful for any person to deposit garbage or other similar refuse or recyclable materials in any street, alley or public way. It shall be unlawful for any person to deposit garbage or other similar refuse or recyclable materials upon any private property, unless such garbage or other similar refuse shall be placed in a receptacle as hereinabove described, and it shall be unlawful to place such receptacles upon any street, alley or public way.
- C. **Littering.** It shall be unlawful for any person to deposit, place or locate garbage or other similar refuse or recyclable materials in any manner so that the same could be blown about or scattered by wind or accessible to animals.
- D. **Burning.** It shall be unlawful for any person to burn or cause to be burned any garbage or other similar refuse or recyclable materials within the corporate limits of the Village.
- E. **Storage of Garbage and Refuse Containers, Etc.** No person shall place any garbage and refuse or recycling container on any street, alley or other public place more than twenty-four (24) hours prior to the regular and customary collection schedule established by the scavenger, nor shall any person permit such garbage, refuse or recycling containers to remain in any street, alley or other public place for more than twenty-four (24) hours after the aforesaid regular and customary collection schedule. At all other times there shall be no storing of garbage and refuse or recycling containers in front of residents or commercial properties, garages, or in the public's plain view. All containers must be in the garage or in back yard out of the public's plain view. If garbage and refuse or recycling containers

are to be stored on the side of garages they must have appropriate screening as necessary to store containers out of the public view.

- F. Accumulation of Garbage. The accumulation and storage of garbage or recyclable materials on any premises for more than a period of two weeks is hereby declared to be a public nuisance and is prohibited.

**17.10 GARBAGE AND REFUSE VEHICLES.** Any truck, wagon or other vehicle used by any person for the waste product shall be constructed in such manner that the load carrying portion thereof is entirely enclosed and covered, and such enclosure or cover shall be kept closed and in place at all times except when such material is being loaded or unloaded.

**17.11 SEPARATION AND COLLECTION OF RECYCLABLE MATERIALS FROM RESIDENTIAL DWELLING UNITS.**

- A. Separation Encouraged. Even though it is not mandatory, the Village strongly encourages every occupant of any residential dwelling unit having recyclable materials on the premises to separate these from all other refuse or garbage and shall store recyclables separately in containers designated as containers for the storage of recyclables.
- B. Collection of Recyclables. Collection of recyclables from premises shall be by a hauler designated by the Village. As an alternative, occupants of residential dwelling units may take recyclable materials to a properly licensed recycling facility.

**17.12 OWNERSHIP OF REFUSE AND RECYCLABLES.**

- A. Ownership of refuse and recyclable material set out for collection shall remain with the occupant who set out the material until removal by the licensed hauler. Until the refuse and/or recyclable materials are removed by the licensed hauler, the occupant who set out the material is totally responsible for their proper preparation, handling and storage. Ownership and responsibility for the proper handling of the refuse and recyclable materials shall vest in the licensed hauler upon removal thereon by the hauler.
- B. It is unlawful for any person who is not licensed by the Village to take or collect or scavenge any refuse or recyclable materials set out for licensed collection programs within the Village.
- C. Nothing in this Ordinance shall abridge the right of any recycling and composting program lawfully operated for profit, non-profit or charitable purposes from selling recyclables and yard waste.

**17.13 SETTLEMENT OF OFFENSE.** Any Offense arising under this Chapter 17, for which a specific penalty is not stated may be settled and compromised by the offender by payment to the Village the sum of money stated for a Class A violation in Chapter 1.07-E.