

**CHAPTER 17**

**GARBAGE REGULATIONS**

**ARTICLE I – GENERAL REGULATIONS**

**17-1-1**        **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, debris, 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 presses and manufacturing operations such as food processing wastes, boiler house cinders, lumber, scraps and shavings.

**"ROLL-OFF CONTAINERS"**. Dumpsters or other containers with a capacity of greater than **ten (10) cubic yards** which are used for the storage, collection, or removal of large quantities of rubbish, debris, or other discarded materials from industrial processes, from construction projects or other matter not normally collected on a regular schedule, and by haulers of rubbish not normally collected in regular collections. **(Ord. No. 2096; 12-27-22)**

**17-1-2**        **LICENSES REQUIRED; FEE.** No person shall engage in the business as a residential or commercial collector of garbage and rubbish unless such person shall have first made application to and secured a license from the City.

The license fee shall be **One Hundred Dollars (\$100.00) per year**. The fee shall be paid on or before **May 1<sup>st</sup>** of each year.

**17-1-3**        **APPLICATION FOR LICENSE.** Upon application for a license, the person applying for same shall furnish the City 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.

The rate schedule shall also set forth the day or days of each week that the collector shall schedule his pickup within the City. The rate schedule as filed shall be valid for **one (1) year** and the licensee shall not be permitted to increase the price on the schedule for a period of **one (1) year** from the date of filing of the rate schedule. The rate schedule shall be effective upon approval by the City Council.

**17-1-4**        **TRUCK REQUIREMENTS - 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 or placed in containers that 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 City. 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.

**17-1-5**        **PARKED GARBAGE TRUCKS.** No truck carrying garbage or rubbish, or both, shall be parked or be permitted to stand anywhere in the City except as provided for in **Section 17-1-10** 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.

**17-1-6**        **TRUCK WASTEWATERS.** A garbage truck or other equipment shall not be washed on City streets or public property and will not be washed where the wastewaters will cause any offensive odors to adjoining property owners.

**17-1-7**        **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.

**17-1-8**        **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 City, 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.

**17-1-9**        **ACCUMULATION OF GARBAGE UNLAWFUL.** The fact that garbage or rubbish remains on an occupants premises in the City 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.

**17-1-10**       **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 City 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.

**17-1-11**       **INDUSTRY, CONSTRUCTION, ETC.** Nothing in this Article shall be deemed to prevent or regulate the hauling of rubbish or refuse from industrial processes or construction projects or the hauling of 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 Article. **(Ord. No. 2096; 12-27-22)**

**17-1-12**       **REVOCAION OF PERMIT.** If the licensee fails to perform any services according to his application and rate schedule, the Mayor may revoke his permit.

**(See 65 ILCS 5/11-19, et seq.)**

**ARTICLE II – ROLL-OFF CONTAINERS**

**17-2-1**        **ROLL-OFF CONTAINERS; PERMIT RERQUIRED; FEE.** No person or entity shall place a roll-off container on public property or on the public way within the City without first applying for and obtaining a permit therefor. The application for a roll-off container permit shall be in the manner and form approved by the Commissioner of Public Health and Safety and signed by the owner of the roll-off container or his/her/its duly authorized agent. The fee for a roll-off container permit shall be **Ten Dollars (\$10.00)**. Upon proper application and payment of the permit fee, a permit shall be issued for a period not to exceed **fourteen (14) consecutive days**. Upon payment of the required permit fee, the permit shall be subject to renewal for an additional term of **fourteen (14) consecutive days**.

**17-2-2**        **CONDITIONS OF ALL PERMITS.** Upon issuance of a permit, all permitted roll-off containers shall be subject to the following conditions:

(A)            All roll-off containers shall be accentuated with such warning, safety, and/or traffic control measures, including, but not limited to, caution tape, cones, delineator posts, drums, barriers, barricade(s), and flashing amber lights, as may be prescribed by the Commissioner of Public Health and Safety. Permittees shall bear the expense of such items.

(B)            Permittees shall be responsible for any damage to City property resulting from the roll-off container and shall be assessed for damage repair.

(C)            Permittees shall ensure that the roll-off container is covered to prevent wind-blown debris.

**17-2-3**        **PENALTIES.** Any person or entity who places a roll-off container without first obtaining a permit therefor, or who places a roll-off container without first obtaining a permit therefor, or who fails to comply with the terms or conditions of an issued permit, or who allows a roll-off container to remain after an issued permit has expired shall be guilty of an offense punishable by a fine of not less than **One Hundred Fifty Dollars (\$150.00)** for the first violation, not less than **Two Hundred Fifty Dollars (\$250.00)** for the second violation, and not less than **Three Hundred Fifty Dollars (\$350.00)** for the third and each violation thereafter. Each day that any violation of this Article shall continue shall constitute a separate offense.

**17-2-4**        **REVOCATION AND DENIAL OF PERMITS.** Roll-off container permits shall be revocable at any time by action of the Commissioner of Public Health and Safety if said Commissioner determines that the permittee has failed to comply with any requirements of this Article, and such revocation may extend to all roll-off container permits held by the permittee. If an applicant is determined to have previously violated the terms of this Article, such applicant's application for roll-off container permits shall be denied for a minimum of **ninety (90) days** from the date of the previous violation.

**17-2-5**        **REMOVAL OF ROLL-OFF CONTAINERS.** The Commissioner of Public Health and Safety or his designee is hereby authorized to engage the services of a third party and to remove any roll-off containers found by said Commissioner to be located on public property or on the public way in violation of this Article. Roll-off containers so removed shall be restored to the owner after payment of the expense incurred by the City in removing and storing such roll-off container, as well as any penalties provided for in **Section 17-2-2** hereof.

**(Ord. No. 2096; 12-27-22)**