

VILLAGE OF VERNON HILLS

ORDINANCE NO. 2010-044

AMENDING AND RESTATING CHAPTER 9 – GARBAGE AND REFUSE OF THE  
VILLAGE OF VERNON HILLS MUNICIPAL CODE

THE 20<sup>th</sup> DAY OF JULY 2010

Published in pamphlet form by the Authority  
of the President and Board of Trustees of the  
Village of Vernon Hills, Lake County,  
Illinois, this 21<sup>st</sup> Day of July 2010



STATE OF ILLINOIS )  
  )  
COUNTY OF LAKE    )

CERTIFICATE

I, MICHAEL S. ALLISON, CERTIFY THAT I AM THE DULY APPOINTED AND ACTING VILLAGE CLERK OF THE VILLAGE OF VERNON HILLS, LAKE COUNTY, ILLINOIS. I FURTHER CERTIFY THAT ON JULY 20, 2010, THE CORPORATE AUTHORITIES OF SUCH MUNICIPALITY PASSED AND APPROVED ORDINANCE 2010-044, AMENDING AND RESTATING CHAPTER 9 – GARBAGE AND REFUSE OF THE VILLAGE OF VERNON HILLS MUNICIPAL CODE.

THE PAMPHLET FOR ORDINANCE NO. 2010-044, INCLUDING THE ORDINANCE AND A COVER SHEET THEREOF WAS PREPARED, AND A COPY OF SUCH ORDINANCE WAS POSTED IN THE VILLAGE HALL, COMMENCING JULY 21, 2010 AND CONTINUING FOR AT LEAST TEN DAYS THEREAFTER. COPIES OF SUCH ORDINANCE WERE ALSO AVAILABLE FOR PUBLIC INSPECTION UPON REQUEST IN THE OFFICE OF THE VILLAGE CLERK.

DATED IN VERNON HILLS, ILLINOIS, THIS 3<sup>rd</sup> DAY OF AUGUST 2010.



\_\_\_\_\_  
MICHAEL S. ALLISON, VILLAGE CLERK

SEAL



**ORDINANCE 2010-044**

**AMENDING AND RESTATING CHAPTER 9 –  
GARBAGE AND REFUSE OF THE VILLAGE  
OF VERNON HILLS MUNICIPAL CODE**

WHEREAS, the Board of Trustees has reviewed the Restatement of Chapter 9 of the Code of Ordinances as set forth in Exhibit A and believes that it is in the best interest of the Village to approve said amendments at this time.

**NOW, THEREFORE BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF VERNON HILLS, COUNTY OF LAKE AND STATE OF ILLINOIS:**

**SECTION I.** Pursuant to the Vernon Hills Code of Ordinances, the following Restatement of Chapter 9 - Garbage and Refuse as set forth in Exhibit A is hereby approved.

**SECTION II. 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. If any part of this ordinance is found to be invalid in any one or more of its several applications, all valid applications that are severable from the invalid applications shall remain in effect.

**SECTION III. REPEAL AND SAVINGS CLAUSE.** All ordinances or parts of ordinances in conflict herewith are hereby repealed; provided, however, that nothing herein contained shall affect any rights, actions or causes of action which shall have accrued to the Village of Vernon Hills prior to the effective date of this ordinance.

**SECTION IV. EFFECTIVE DATE.** This ordinance shall be in full force and effect from and after its passage, approval and publication as provided by law.

**SECTION VI. ORDINANCE NUMBER.** This ordinance shall be known as Ordinance Number 2010-044.

Adopted by roll call vote as follows:

AYES: 7 – Koch, Marquardt, Schultz, Schwartz, Williams, Hebda, Byrne

NAYS: 0 - None

ABSENT AND NOT VOTING: 0 None

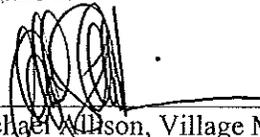
  
Roger L. Byrne, Village President

PASSED: 7/20/2010

APPROVED: 7/20/2010

PUBLISHED IN PAMPHLET FORM: 7/21/2010

ATTEST:

  
Michael Wilson, Village Manager/Clerk



## EXHIBIT A

### ARTICLE I. IN GENERAL

**Sec. 9-1. Definitions.** The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Bulk Items means items capable of being handled by one person which individually does not exceed fifty (50) pounds in weight and which is able to be collected with a standard packer type collection vehicle.

Collected Collectively means waste deposited in roll-off containers and/or dumpsters by residential unit owners located in a multiple unit residential building that does not have a garage and a driveway in front of each residential unit, or located in a mixed use residential/ commercial building.

Commercial and Industrial Waste means all garbage, refuse, rubbish, general commercial waste, general industrial waste and other material resulting from commercial and industrial establishments.

Garbage means putrescible animal and vegetable wastes resulting from the handling, preparation, cooking and consumption of food.

Growing Season means the time of year, as determined by the Village, when Landscape Waste is produced in sufficient amounts to warrant timely collection and disposal; including, but not necessarily limited to, the months of April, May, June, July, August, September, October and November.

License Year means the period between May 1 in any calendar year and April 30, in the succeeding calendar year.

Landscape Waste means all accumulations of grass or shrubbery cuttings, brush, leaves, tree limbs (not to exceed four (4) inches in diameter and forty eight (48) inches in length), yard waste, and other materials accumulated as the result of the care of lawns, shrubbery, vines and trees, and as otherwise described at 415 ILCS 5/3.270.

Municipal Waste means garbage, refuse, rubbish, general household and other material (which is not defined as Recyclable Materials or Landscape Waste) resulting from operation of: 1) all attached and detached residential dwellings that have a garage and a driveway in front of each residential unit; 2) all municipal establishments; and 3) from community activities.

Owner means any person owning, leasing, renting, occupying or managing any building, structure, property or premises in the Village.

Premises means any real property or improvements or structure thereon located within the Village.

Recyclable Materials or Recyclables means materials delivered to a facility, or facilities for processing into marketable fractions that shall consist of ferrous metal, aluminum, glass and rigid plastic (#1 - #5), food and beverage containers, newsprint, corrugated paper, junk mail, magazines, office paper, box board or

other materials which the Village may designate as recyclable material from time to time.

Refuse means all putrescible and non-putrescible solid wastes including but not limited to, garbage, refuse, and rubbish.

Residential Waste When Collected Collectively means waste deposited in roll-off containers and/or dumpsters by residential unit owners located in a multiple unit residential building that does not have a garage and driveway in front of each unit, or located in a mixed use residential/commercial building.

Rubbish means non-putrescible solid waste consisting of both combustible and noncombustible wastes, such as paper, cardboard, rags, tin cans, boxes, excelsior, chips, glass, bottles, crockery, metal articles, and similar materials and objects of such shape, weight, volume and character as to be readily transportable by a Scavenger.

Scavenger means any person or company operating a Waste collection program in the Village. All Scavengers must be licensed by the Village prior to being authorized to engage in a Waste collection business in the Village

Senior citizen means a person 65 years of age and over and who is the principal owner or resident of the premises.

White Goods means those items as defined in 35 Illinois Administrative Code including but not limited to all discarded refrigerators, washing machines, clothes dryers, ranges, stoves, dishwashers, water heaters, freezers, air conditioners, furnaces, humidifiers and other similar domestic and commercial large appliances. All latching doors shall be removed from white goods prior to making the item available for pick up.

(Code 1982, § 9-6; Ord. No. 2002-22, § II, 3-19-02) (Code 1982, § 9-2; Ord. No. 90-01, § 1, 1-9-90; Ord. No. 90-22, § 1, 6-5-90)

Waste means Municipal Waste, Recyclable Materials, Landscape Waste, Residential Waste When Collected Collectively and Commercial and Industrial Waste. It is the intent of this definition that the term "Waste" shall be an all-inclusive term including all Refuse, Garbage, Rubbish, White Goods, Bulk Items and other materials being discarded throughout the Village.

Cross references: Definitions and rules of construction generally, § 1-2.

### **Sec. 9-2. Scope.**

The provisions of this chapter shall apply to the storage, collection, transportation and disposal of all Waste in the Village, including Commercial and Industrial Waste, Residential Waste When Collected Collectively, Municipal Waste, Recyclable Materials, Landscape Waste, White Goods, and Bulk Items. (Code 1982, § 9-1)

### **Sec. 9-3. Duty of owners to provide for storage, collection and disposal.**

(a) Generally. It shall be unlawful for the Owner of any building, structure, property or Premises in the Village to store, collect or dispose of any and all

Waste produced or otherwise accumulated on the Premises, or to cause the same to be done except in accordance with the provisions of this Chapter.

(b) Preparation for collection. All Waste shall be placed in Village-approved containers subject to the provisions set forth below:

(1) Ashes. Ashes put out for collection shall be cold and shall contain no hot or live coals or embers.

(2) Garbage. All garbage, before being placed in containers for collection, shall have drained from it all free liquids and shall be placed in paper or plastic bags prior to its placement in Village-approved containers.

(3) Rubbish. All rubbish shall be drained of liquid before being deposited in Village-approved containers for collection. Rubbish may be placed in the same containers with garbage.

(4) Refuse. Refuse, garbage, and rubbish, shall be collected by the Scavenger. No refuse shall be collected by the Scavenger under any circumstances unless the materials to be collected are placed in Village-approved containers as to facilitate collection.

(5) Landscape Waste. Landscape Waste shall be cut to length not to exceed four feet and securely tied in bundles no more than two feet thick before being deposited for collection.

(6) Recyclable Materials. Recyclable Material shall be placed in Village-approved containers in such a manner as to facilitate collection by any and all Scavengers providing recycling collection service capability.

(c) Containers:

(1) Provision of containers. Containers for Municipal Waste shall be provided by the Scavenger authorized by contract to collect Municipal Waste in the Village. Containers for other Waste customers shall be provided according to the private agreement between the Scavenger and the customer acceptable to and approved by the Village.

(2) Duty to provide and maintain containers in sanitary condition. All containers shall be maintained in good condition by the Owner, tenant, occupant or manager of any building, structure, property or premises in the Village. Any container that does not conform to the provisions of this Chapter, or that may have ragged or sharp edges or any other defect liable to hamper or injure the person collecting the contents thereof, shall be promptly replaced upon notice. The Scavenger shall have the right to refuse collection service to an Owner failing to comply with the provisions of this subsection after notice by the Scavenger to the Village Manager and the Village Manager being satisfied that such noncompliance is willful or in disregard of this chapter.

(3) Keeping containers closed. Containers shall be kept tightly covered at all times except when placing or removing garbage.

(4) Maximum capacity of containers for individual residential units. Containers shall be made of plastic and shall have a capacity of not more than 96 gallons for individual residential units.

(5) Commercial and industrial waste. Commercial and Industrial Waste shall be in sealed containers with lids that keep out animals.

(6) Recyclable material. Recyclable material containers for Municipal Waste customers shall be provided by the Scavenger authorized to collect Municipal Waste in the Village pursuant to contract as amended from time to time. Residents who require or request replacement of recyclable material containers will be provided such containers by the Contractor. Recyclable material containers for other customers shall be provided pursuant to the private agreement between the recycling Scavenger and the customer.

(Code 1982, § 9-3; Ord. No. 90-01, § 2, 1-9-90; Ord. No. 90-22, §§ II, III, 6-5-90; Ord. No. 2002-22, § I, 3-19-02)

(Code 1982, § 9-13a; Ord. No. 90-01, § 4, 1-9-90; Ord. No. 90-22, § V, 6-5-90)

(d) Storage of putrescible waste on premises.

(1) Putrescible Waste, except body wastes, shall not be kept on any Premises in the Village unless such Waste is stored in containers as are supplied by the Village's licensed Scavenger. Residential Units When Collected Collectively, and commercial and industrial facilities shall make arrangements with their Scavenger for the storage and removal of putrescible waste prior to it being detectible by the public. Such containers shall be kept securely covered with tight fitting covers, and shall be maintained in good repair and clean condition. Garbage shall be drained and wrapped in paper before the same is deposited in such containers.

(e) Unauthorized accumulations. Any unauthorized accumulation of Waste on any Premises is hereby declared to be a public nuisance and is prohibited. Subject to a declaration that a health hazard exists pursuant to Section 9-6, failure to remove any accumulation of Waste within ten days after notice by the Village Manager, or any of his duly authorized assistants or subordinates, or any other officer of the Village empowered to enforce the ordinances thereof, shall be deemed a violation of this chapter. The Village shall have the right to cause such public nuisance to be abated and to seek appropriate remedy therefore by action at law or in equity as the Village shall determine.

(Code 1982, § 9-4(b))

**Sec. 9-4. Time and placement for collection; and storage of waste and recycling containers.**

(a) Placement of waste and recycling containers and landscape waste ready for pickup. Waste and recycling containers of garbage, debris, trash, refuse, bundled landscaping materials, and recyclables to be collected by a Scavenger service shall be placed for collection at or near the front curb of the principal building on the premises. Title to any and all Recyclable Material shall remain with the Owner until such time as the Owner willfully disposes of the Recyclable Materials. Placement of Recyclable Material in a recyclable material container at the curb or other collection point designated by the Village shall be interpreted as willful disposal. It shall be unlawful for any person other than the original Owner

or Scavenger operating under a Village-approved recycling collection service agreement to remove Recyclable Material from recyclable material containers placed at the curb or other collection point designated by the Village.

(b) Encroachment on public property. Except as may otherwise be provided in this chapter, it shall be unlawful for any person to place or otherwise deposit any Waste or Waste container on any public street, alley, sidewalk or other public place.

(Code 1982, § 9-9)

(c) Time frame for placement of waste curbside. Containers, debris, refuse, landscaping materials, or recyclables shall not be placed curbside, in public view for collection, before 5:00 p.m. on the day prior to the scheduled collection. Containers shall be removed and stored on private property in accordance with this section before 7:00 p.m. on the collection day.

(d) Storage of waste and recycling containers and debris on private property. Except as provided, Waste and recycling containers of garbage, debris, refuse, bundled landscaping materials, and recyclables shall be stored inside an approved trash enclosure, shed, garage, building, or dwelling and out of public view.

Exception. For detached, single-family residentially zoned property Municipal Waste and recycling containers and Landscape Waste may be stored outdoors provided:

- (1) All Waste and recycling containers have tightly-fit covers and that the covers remain in the closed position.
- (2) Containers and debris placed in the rear yard are kept adjacent to and behind the dwelling, or
- (3) Containers and debris placed in the side yard is a minimum of 15 feet behind the front building face and adjacent to the dwelling, or
- (4) Containers and debris placed in the side yard are behind the front building face, adjacent to the dwelling, and screened with natural landscaping materials.
- (5) Where circumstances warrant, the Village Manager may grant exceptions to this section.

(e) Trespassing prohibited. Scavengers or their employees shall not be permitted to enter houses, enclosed porches, garages or similar enclosures to make collections.

(Code 1982, § 9-5; Ord. No. 2006-25, § I, 5-2-06)

**Sec. 9-5. Frequency of collection.** All Waste produced or otherwise accumulated on any Premises in the Village shall be removed from such Premises at least once in each week. Putrescible refuse shall not be allowed to overflow the containers provided for storage. All recyclable material produced or otherwise accumulated on any Premises in the Village shall be removed from such Premises at least once every two weeks for attached single family or as needed; provided, however, that recyclable material shall not be stored in such a

manner as to create a public nuisance. All Landscape Waste produced or otherwise accumulated on any Premises shall be removed from such Premises at least once per week during the growing season; provided however, that Landscape Waste shall not be stored in such a manner as to create a public nuisance.

**Sec. 9-6 Occupancy is evidence of waste generation**

(a) The occupancy of any Premises shall be prima facie evidence that Waste is being produced and accumulated on such Premises and pickups must be made. So long as there shall be licensed and available within the Village a scavenger service capable of providing Waste disposal service to an Owner or occupant of property, Waste, refuse, garbage, rubbish or ashes shall be disposed of only through the services of such licensed Scavenger. If the Owner fails to cause Waste to be removed within 24 hours after notice is visibly tacked on the Premises by the Village Manager or his representative setting forth the condition of the Premise which condition is deemed to create a health hazard, the Village may cause removal of such Waste from the Premises of the Owner and the cost of such removal shall become a lien on the real estate involved and the Village may recover the cost thereof by appropriate court action.

(b) The occupancy of any Premises shall be prima facie evidence that Recyclable Material is being produced and accumulated on such Premises and pickups must be made. So long as there shall be licensed and available within the Village a Scavenger capable of providing Recyclable Material collection service to an Owner or occupant of property, Recyclable Material shall be disposed of only through the services of such Scavenger unless the Owner or occupant himself transports the Recyclable Material from the Premises to an entity or firm which processes Recyclable Material. Notwithstanding the foregoing, the Owner or occupant shall be responsible to pay for the cost of providing the Recycling Material program to the Premises, and shall pay the cost of recycling assessed to said Premises.

(Code 1982, § 9-13; Ord. No. 90-01, § 3, 1-9-90; Ord. No. 90-22, § IV, 6-5-90; Ord. No. 2002-22, § III, 3-19-02; Ord. No. 2009-059, § I, 12-1-09)

**Sec. 9-7. Prohibited Activities.**

(a) Littering. No person shall cast, place or deposit any Waste, Recyclables or Landscape Waste in any street, alley, way, park or other public place, or upon any private property, whether owned by such person or not, within the Village except in proper containers as herein authorized for collection or under express approval granted by the Village Manager. Nor shall any person throw or deposit any Waste in any storm sewer, stream or other body of water within the Village.

(Code 1982, § 9-4(a))

(b) Scattering of refuse. No person shall cast, place, sweep or deposit anywhere within the Village any Waste in such a manner that it may be carried or deposited by the elements in or upon any street, sidewalk, alley, sewer, parkway, park or other public space, or into any occupied premises within the Village.

(Code 1982, § 9-4(c))

(c) Deposit of waste in stream, public or private premises. No person shall cast, sweep, drop, place or otherwise deposit any Waste anywhere in the Village in such a manner that the Waste might be carried or deposited by the elements upon any stream, body of water, or public or private Premises.

(Code; 9-11)

(d) Use of sewers.

No person shall introduce, directly or indirectly, any Waste into any public or private sewer system unless such Waste has been first macerated or refined. Catch basins shall not be cleaned by flushing or otherwise introducing the contents thereof into any sewer.

(Code 1982, § 9-12)

(e) Construction waste. It shall be unlawful for any person responsible for the production or accumulation of Waste on any Premises in the Village resulting from any building or construction operations to fail or refuse to store and dispose of such Waste in accordance with the provisions of this chapter, or cause the same to be done.

(Code 1982, § 9-7)

(f) Creation of nuisance through burning. Except as provided, open burning of any material, Waste, garbage, Landscape Waste, or debris is prohibited within the corporate limits of the Village at all times.

Exceptions.

The burning of wood in fire pits and portable chimneys, used solely for recreational purposes, is allowed provided the fire is supervised by an adult and the smoke does not become a nuisance for adjacent property owners.

Controlled burning of prairie plants and grasses in accordance with the IEPA regulations and approved in advance by the fire district and the Village.

(Code 1982, § 9-11; Ord. No. 2003-42, § I, 6-19-03)

### **Sec. 9-8 Special waste problems.**

(1) Contagious Disease Waste. The removal of wearing apparel, bedding or other Waste and refuse from homes or other places where highly infectious or contagious diseases have prevailed shall be performed as directed by, and under the supervision of the county health officer. Such Waste refuse shall not be placed in containers for regular collections.

(2) Inflammable, explosive or other dangerous waste. Highly inflammable or explosive materials, acids, highly corrosive materials, and other materials, the handling or disposal of which would present a hazard to the Scavengers or to the public, shall not be placed in containers for regular collection but shall be disposed of as directed by the Village Manager at the expense of the owner or possessor thereof.

(3) White goods. For the purposes of this section:

(a) White goods shall include all discarded refrigerators, washing machines, clothes dryers, ranges, stoves, dishwashers, water heaters, freezers, air conditioners, furnaces, humidifiers and other similar domestic and commercial large appliances.

(b) White good components shall include:

- i. Any chlorofluorocarbon and/or freon type refrigerant gas;
- ii. Any electrical switch containing mercury;
- iii. Any device that contains or may contain PCBs in a closed system, such as a dielectric fluid for a capacitor, ballast or other component; and
- iv. Any fluorescent lamp that contains mercury.

(Code 1982, § 9-6; Ord. No. 2002-22, § II, 3-19-02)

**Sec. 9-9 Enforcement.** The Village shall have the right in addition to the provisions of this Chapter to enforce any provisions of this Chapter by appropriate action at law or in equity for all lawful relief obtainable.

(Code 1982, § 9-14)

**Secs. 9-16--9-40. Reserved.**

## ARTICLE II. SCAVENGERS\*

\***Cross references:** Licenses, permits and miscellaneous business regulations, ch. 10.

### DIVISION 1. GENERALLY

**Sec. 9-41. Compliance with article.**

Persons doing business as Scavengers in the Village shall comply with the conditions of this Article.

(Code 1982, § 9-26)

**Sec. 9-42. Residential Municipal Waste.**

(a) Residential Municipal Waste and Recyclable Material to be removed. All residential Municipal Waste (with the exception of liquid waste and toxic poisonous materials) and Recyclable Material from attached and detached residential dwellings that have a garage and a driveway shall be placed in containers as are supplied by the Scavenger authorized by contract to collect Municipal Waste in the Village. Said container shall not be in excess of 96 gallons, and shall be collected and removed by the Scavenger authorized by contract to collect Municipal Waste in the Village from every attached and detached residential dwelling that has a garage and a driveway at least once weekly. Those items that weigh more than 50 pounds or which cannot be lifted by one person or require a special handling will require the Owner to contact a licensed Scavenger for pickup.

(b) Frequency of collection. The Scavenger shall collect from each residential unit such residential Municipal Waste (not including recycling materials) placed outside on the ground level at the front of the curb of the residence at least once weekly on a schedule to be provided to the Village by the Scavenger. With regard to recycling materials, the Scavenger shall collect from each single family detached residential unit such recycling placed outside on the ground level at the front of the curb of the residence at least once weekly and from each single family attached residential unit that has a garage and a driveway such recycling placed outside on the ground level at least every other week on a schedule to be provided to the Village by the Scavenger. The schedule shall be subject to the approval of the Village and may be modified by the Village upon 30 days' written notice.

(c) Charges. The Scavenger shall bill each residential unit directly. Effective February 1, 2010, the Scavenger shall bill residential units directly for all collection of Recyclable Material. The Owner or occupant of each residential unit shall be responsible for the cost of the recycling material program, and shall also pay the cost of recycling received for such service. All rates are to be listed with the commerce commission, in the tariff section, as required by law. Notwithstanding the foregoing, while the Scavenger and property owners' association may make other arrangements for payment, the individual residential unit owner shall remain individually responsible for the cost of Waste and Recycling services.

(Code 1982, § 9-27; Ord. No. 91-33, § 1, 6-11-91; Ord. No. 2002-22, § IV, 3-19-02; Ord. No. 2009-059, § II, 12-1-09)

**Sec. 9-43. Attached Residential Units Collected Collectively, and Commercial and Industrial removal and disposal of refuse.**

(a) Choice of Scavenger. All residential Waste (with the exception of liquid waste and toxic poisonous materials) from attached single-family residential units collected collectively, commercial waste, and industrial waste shall be allowed to be collected by any Village-licensed Scavenger. All Recyclable Material shall be placed in containers as are supplied by said Village-licensed Scavenger. The scavenger service shall follow those provisions set forth in subsection 9-3(c) and shall be collected and removed from every applicable Premises at least once weekly on a schedule to be provided to the Village by the Scavenger. The schedule shall be subject to the approval of the Village and may be modified by the Village upon 30 days written notice. The Scavengers and Owners of the Premises shall conform with subsection (b) below.

(b) Containers:

(1) The Scavenger will provide Waste containers that are compatible with a truck pickup system to all attached residential units collected collectively, and commercial and industrial establishments, building contractors and other contractors where it is desirable to use this service.

(2) The Scavenger shall keep all containers presentable and in good repair as required from time to time by the Village Manager.

(b) Materials permitted. The Scavenger shall remove and shall have the right to haul construction debris and all Waste materials from commercial, industrial,

institutional establishments, attached residential units collected collectively and apartment buildings as follows: All Waste materials of any kind collected at such establishments, except for liquid waste and toxic or poisonous materials.

(c) Charges:

(1) The Scavenger will bill attached residential units collected collectively, and commercial and industrial container users directly. In the event that a residential homeowners' association includes Waste services and/or Recycling services in the monthly assessments, the licensed Scavenger can agree to bill and collect through the homeowners' association. Notwithstanding the foregoing, each residential owner shall remain individually liable for the payment of the Waste and/or Recycling service collection invoice.

(2) For pickup from the attached residential units collected collectively, the commercial and industrial Waste containers, removal, and the disposal of other bulk materials, rates shall be comparable to prevailing contract commercial and/or industrial containerized rates, adjusted to reflect volume, compaction, frequency and container costs.

(3) The Village will not pay the Scavenger and the Scavenger shall be responsible for billing to and collecting such accounts from the Owners or occupants of all Premises except only as provided in subsection 9-42(d)(3). 9-42(c).

(Code 1982, § 9-28; Ord. No. 2002-22, § V, 3-19-02)

Sec. 9-44. Reserved.

**Editor's note:** Ord. No. 2002-22, § VI, adopted March 19, 2002, repealed § 9-44, which pertained to service to churches and Village facilities and derived from Code 1982, § 9-29.

**Sec. 9-45. Service generally.**

(a) Time of collection. No Scavenger shall begin any collection service or activity in the Village before 7:00 a.m. and shall not collect Waste in the Village after 7:00 p.m.

(b) Means of disposal. At all times during the term of the license, the Scavenger shall have available a suitable means of disposing of Waste, Landscape Waste, and Recyclable Material collected.

(c) Service calls and complaints. The Scavenger shall maintain a regular office and a listed telephone exchange number for the receipt of service calls or complaints and shall have someone available to answer such calls Monday through Friday, except holidays, from 7:00 a.m. to 5:00 p.m. All complaints shall be given prompt and courteous attention and the Scavenger shall investigate any complaints of scheduled collection that were missed, and if collections were missed by the Scavenger, the Scavenger shall arrange for the pickup thereof within 24 hours after the complaint is received. The Scavenger shall appoint one supervisor to meet at least once monthly with a representative of the Village to address complaints which may be received by the Village and to report action taken on previous complaints. If the Scavenger and the customer are unable to resolve a complaint in a manner satisfactory to both, then the Scavenger shall deliver to the Village, within 48 hours after receipt of the complaint, notice of such complaint. The complaint shall include the name and address of the customer,

the date and hour the complaint was received, the nature of the complaint and the Scavenger's response to the complaint. The Village or its designee may elect to arbitrate any complaint. If a Scavenger fails to take corrective action, to the satisfaction of the Village, after a second unsatisfactory customer service notice within a three month period, it may be deemed a material breach of the license and said license shall be subject to revocation pursuant to Section 9-72.

(d) Actions of employees in picking up refuse. Any Waste or Recyclable Material spilled by the Scavenger on the yard or street shall be picked up prior to leaving the site of collection.

(e) Responsibility for damage; replacement of containers. The Scavenger shall be responsible for any yard damage created by its employees. Containers shall be replaced to the same location as found after emptying and shall be replaced in the same condition.

(Code 1982, § 9-30; Ord. No. 2009-059, §§ III, IV, 12-1-09)

#### **Sec. 9-46. Employees.**

The Scavenger agrees to perform all services in a neat, orderly and efficient manner, to use due care and diligence in the performance of the permit and to provide neat, orderly and courteous employees and personnel. The Scavenger agrees to prohibit the drinking of all alcoholic beverages by its drivers and members of the crew while on duty and in the course of performance of their duties under this permit. The Scavenger shall not allow any driver or crew member to be working while intoxicated.

(Code 1982, § 9-31)

#### **Sec. 9-47. Equipment.**

(a) The Scavenger shall exclusively use enclosed, leak-proof, packer-tight disposal truck bodies for all service involving food waste. The Scavenger shall not allow litter or trash to scatter or be spread as the result of Scavenger's service provided within the Village.

(b) All equipment shall be painted with no rust showing on the cab, chassis or body. Vehicle equipment is to be fully equipped with original equipment to meet federal, state and local laws. Any cab, chassis or packer body in excess of three years of age may be inspected by a representative of the Village Manager and trucks not approved shall not be used in the Village. No advertising signs shall be displayed on the packer body except the name, address and phone number of Scavenger. The Scavenger shall provide the Village Manager with a list of all equipment to be used. Trucks shall be identified by number which is painted on the truck, by make, by year of cab, chassis and body, and by make of body.

(Code 1982, § 9-32)

#### **Sec. 9-48. Compliance with authority.**

The Scavenger agrees to comply at all times with all laws, ordinances and regulations of the state, the county, and the Village, which are applicable to the Scavenger's work under the permit.

(Code 1982, § 9-34)

Secs. 9-50--9-65. Reserved.

DIVISION 2. LICENSE\*

**\*Cross references:** Licenses, permits and miscellaneous business regulations, ch. 10.

**Sec. 9-66. Required license.**

(a) Required license. It shall be unlawful for any person, firm or corporation to engage in the business of scavenger or recycling or the collection or disposal of Waste, animal, human or vegetable refuse, offal or refuse of any kind, without first having secured a Village license therefore.

(b) Classification of licenses.

(1) Residential scavenger license. Only one public Scavenger license shall be issued for the purpose of performing Municipal Waste, Recycling Materials and Landscape Waste collection services from all single family attached and detached residential dwellings that have a garage and a driveway, excluding any attached multifamily residential units for which Waste is collected collectively. The license issued to the Scavenger awarded the contract to collect Municipal Waste in the Village, also includes the right to collect or dispose of Waste, animal, human or vegetable refuse, offal or refuse of any kind from residential properties when collected collectively, commercial, industrial and institutional properties, and no additional license will be required, therefore.

(2) Multifamily attached, commercial, industrial and institutional license. The number of licenses issued for attached single-family residential units that are collected collectively, commercial, industrial, and institutional facilities are unlimited. A license for this purpose will be issued to each qualified applicant who presents evidence that he has adequate and proper equipment and approved disposal facilities. Each licensee will be issued vehicle licenses as are necessary. Such license shall be provided by the Village and displayed on each vehicle of the licensee used in the Village.

(Code 1982, § 9-41; Ord. No. 2002-22, § VII, 3-19-02)

**Sec. 9-67. Application.**

(a) Residential scavenger license. The residential scavenger license shall be issued to the person, firm or corporation which has been awarded the contract for the collection and removal of all Municipal Waste, Recycling Materials and Landscape Waste and shall also be subject to all conditions established in said contract. This contract shall be subject to the approval of the corporate authorities of the Village.

(b) Multifamily attached residential units, commercial, industrial and institutional license. Applications for the attached single-family residential units that are collected collectively, commercial, industrial and institutional licenses shall be made pursuant to section 9- 66. The Village Manager shall review the application and make recommendations for approval or denial. No such license shall be issued except on the order of the Village Manager.

(c) Denial of license. The Village Manager shall have the right to deny any applicant a license, and may require any reasonable proof necessary for

assurance as to the applicant's compliance and ability to comply with the provisions of this division or any other ordinance of the Village.  
(Code 1982, § 9-42; Ord. No. 2002-22, § VIII, 3-19-02)

**Sec. 9-68. Insurance prerequisite to issuance.**

No license which has been otherwise approved shall be issued until the Scavenger has filed with the Village Manager a certificate or other evidence that the Scavenger carries insurance of the following types of at least the limits specified below:

- (a) Workman's compensation: Statutory as amended for from time to time
  - (b) Employer's liability . . . \$500,000.00
  - (c) Bodily injury liability except automobile, each occurrence . . . 500,000.00  
Aggregate . . . 1,000,000.00
  - (d) Property damage liability except automobile, each occurrence . . .  
500,000.00  
Aggregate . . . 1,000,000.00
  - (e) Automobile bodily injury liability, each person . . . 500,000.00  
Each occurrence . . . 1,000,000.00
  - (f) Automobile property damage, each occurrence . . . 500,000.00
  - (g) Excess umbrella liability, each occurrence . . . 5,000,000.00
- (Code 1982, § 9-43; Ord. No. 2002-22, § IX, 3-19-02)

**Sec. 9-69. Conditions for issuance.**

If the Village Manager finds:

- (1) That the applicant is not in default to the Village;
- (2) That the applicant has conducted his business in accordance with the ordinances and regulations of the Village, County, State and other regulatory bodies;
- (3) That the equipment used in the applicant's business meets the requirements of the ordinances and regulations of the Village; and
- (4) That the issuance of the license is in the best interests of the Village and that the quality of service to be rendered will serve the public health, safety and welfare;

the Village Manager shall approve the application and recommend the license be issued by the Village Board of Trustees upon the payment of the required fee, provided that the application shows on its face the ability of the applicant to operate at all times not less than two refuse disposal vehicles within the Village.  
(Code 1982, § 9-44)

**Sec. 9-70. Fee.**

The license fees under this division are as specified in Chapter 25-- Comprehensive Fees and Penalties.  
(Code 1982, § 9-45; Ord. No. 2004-44, § I, 5-18-04)

**Sec. 9-71. Assignment.**

Any license issued under this division shall not be assignable or transferable by the licensee or by operation of law or otherwise, nor may the licensee sublet or contract out any part of the work to be performed by the Scavenger.  
(Code 1982, § 9-46)

**Sec. 9-72. Revocation.**

If a licensee under this division has falsified his application for such license, or has failed to comply with any of the terms or conditions of the license as issued, or shall violate any of the terms or provisions of this chapter, upon not less than ten days' prior notice to the licensee the Village may revoke such license upon recommendation of the Village Manager. Upon revocation of such license, the licensee shall cease all scavenger operations within the Village.

(Code 1982, § 9-47)

**Sec. 9-73. Appeals.**

(a) If any person shall be aggrieved by any decision of the Village Manager or his designate hereunder, such person may appeal the decision or determination of the Village Manager to the Village Board of Trustees which shall conduct a public hearing upon such appeal and after such hearing shall have the right to reverse, modify or affirm the decision or determination of the Village Manager.

(b) In the event of revocation of a license to a Scavenger the licensee may request a public hearing thereon before the Village Board of Trustees for findings and determination as to cause for such revocation. Hearing thereon shall be held at a public meeting after publication of notice of same not less than 15 days prior to such meeting in a newspaper of general circulation within the Village. After such hearing the Village Board of Trustees shall have the right to affirm, reverse, modify or amend the finding as to revocation and may reinstate the licensee generally or upon such conditions as the Village Board of Trustees shall determine.

(Code 1982, § 9-48)

**Sec. 9-74. Penalties.**

(a) Any person who violates, disobeys, omits, neglects, or refuses to comply with, or resists the enforcement of any of the provisions of this division shall be fined not less than the amounts specified in Chapter 25--Comprehensive Fees and Penalties. Each day that a violation exists shall constitute a separate offense.

(b) In the event a licensed Scavenger violates any provisions of any ordinance of the Village or fails to remove the refuse as contracted with the customer, the Village Manager shall have the right to suspend or revoke the license pursuant to section 9-72, and/or abate the violation by any means available to the Village, and any and all expense incurred by the Village thereby may be charged against the licensed Scavenger.

(Ord. No. 2002-22, § X, 3-19-02; Ord. No. 2004-44, § II, 5-18-04)

## EXHIBIT A

### ARTICLE I. IN GENERAL

**Sec. 9-1. Definitions.** The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Bulk Items means items capable of being handled by one person which individually does not exceed fifty (50) pounds in weight and which is able to be collected with a standard packer type collection vehicle.

Collected Collectively means waste deposited in roll-off containers and/or dumpsters by residential unit owners located in a multiple unit residential building that does not have a garage and a driveway in front of each residential unit, or located in a mixed use residential/ commercial building.

Commercial and Industrial Waste means all garbage, refuse, rubbish, general commercial waste, general industrial waste and other material resulting from commercial and industrial establishments.

Garbage means putrescible animal and vegetable wastes resulting from the handling, preparation, cooking and consumption of food.

Growing Season means the time of year, as determined by the Village, when Landscape Waste is produced in sufficient amounts to warrant timely collection and disposal; including, but not necessarily limited to, the months of April, May, June, July, August, September, October and November.

License Year means the period between May 1 in any calendar year and April 30, in the succeeding calendar year.

Landscape Waste means all accumulations of grass or shrubbery cuttings, brush, leaves, tree limbs (not to exceed four (4) inches in diameter and forty eight (48) inches in length), yard waste, and other materials accumulated as the result of the care of lawns, shrubbery, vines and trees, and as otherwise described at 415 ILCS 5/3.270.

Municipal Waste means garbage, refuse, rubbish, general household and other material (which is not defined as Recyclable Materials or Landscape Waste) resulting from operation of: 1) all attached and detached residential dwellings that have a garage and a driveway in front of each residential unit; 2) all municipal establishments; and 3) from community activities.

Owner means any person owning, leasing, renting, occupying or managing any building, structure, property or premises in the Village.

Premises means any real property or improvements or structure thereon located within the Village.

Recyclable Materials or Recyclables means materials delivered to a facility, or facilities for processing into marketable fractions that shall consist of ferrous metal, aluminum, glass and rigid plastic (#1 - #5), food and beverage containers, newsprint, corrugated paper, junk mail, magazines, office paper, box board or

other materials which the Village may designate as recyclable material from time to time.

Refuse means all putrescible and non-putrescible solid wastes including but not limited to, garbage, refuse, and rubbish.

Residential Waste When Collected Collectively means waste deposited in roll-off containers and/or dumpsters by residential unit owners located in a multiple unit residential building that does not have a garage and driveway in front of each unit, or located in a mixed use residential/commercial building.

Rubbish means non-putrescible solid waste consisting of both combustible and noncombustible wastes, such as paper, cardboard, rags, tin cans, boxes, excelsior, chips, glass, bottles, crockery, metal articles, and similar materials and objects of such shape, weight, volume and character as to be readily transportable by a Scavenger.

Scavenger means any person or company operating a Waste collection program in the Village. All Scavengers must be licensed by the Village prior to being authorized to engage in a Waste collection business in the Village

Senior citizen means a person 65 years of age and over and who is the principal owner or resident of the premises.

White Goods means those items as defined in 35 Illinois Administrative Code including but not limited to all discarded refrigerators, washing machines, clothes dryers, ranges, stoves, dishwashers, water heaters, freezers, air conditioners, furnaces, humidifiers and other similar domestic and commercial large appliances. All latching doors shall be removed from white goods prior to making the item available for pick up.

(Code 1982, § 9-6; Ord. No. 2002-22, § 11, 3-19-02) (Code 1982, § 9-2; Ord. No. 90-01, § 1, 1-9-90; Ord. No. 90-22, § 1, 6-5-90)

Waste means Municipal Waste, Recyclable Materials, Landscape Waste, Residential Waste When Collected Collectively and Commercial and Industrial Waste. It is the intent of this definition that the term "Waste" shall be an all-inclusive term including all Refuse, Garbage, Rubbish, White Goods, Bulk Items and other materials being discarded throughout the Village.

Cross references: Definitions and rules of construction generally, § 1-2.

### **Sec. 9-2. Scope.**

The provisions of this chapter shall apply to the storage, collection, transportation and disposal of all Waste in the Village, including Commercial and Industrial Waste, Residential Waste When Collected Collectively, Municipal Waste, Recyclable Materials, Landscape Waste, White Goods, and Bulk Items. (Code 1982, § 9-1)

### **Sec. 9-3. Duty of owners to provide for storage, collection and disposal.**

(a) Generally. It shall be unlawful for the Owner of any building, structure, property or Premises in the Village to store, collect or dispose of any and all

Waste produced or otherwise accumulated on the Premises, or to cause the same to be done except in accordance with the provisions of this Chapter.

(b) Preparation for collection. All Waste shall be placed in Village-approved containers subject to the provisions set forth below:

(1) Ashes. Ashes put out for collection shall be cold and shall contain no hot or live coals or embers.

(2) Garbage. All garbage, before being placed in containers for collection, shall have drained from it all free liquids and shall be placed in paper or plastic bags prior to its placement in Village-approved containers.

(3) Rubbish. All rubbish shall be drained of liquid before being deposited in Village-approved containers for collection. Rubbish may be placed in the same containers with garbage.

(4) Refuse. Refuse, garbage, and rubbish, shall be collected by the Scavenger. No refuse shall be collected by the Scavenger under any circumstances unless the materials to be collected are placed in Village-approved containers as to facilitate collection.

(5) Landscape Waste. Landscape Waste shall be cut to length not to exceed four feet and securely tied in bundles no more than two feet thick before being deposited for collection.

(6) Recyclable Materials. Recyclable Material shall be placed in Village-approved containers in such a manner as to facilitate collection by any and all Scavengers providing recycling collection service capability.

(c) Containers:

(1) Provision of containers. Containers for Municipal Waste shall be provided by the Scavenger authorized by contract to collect Municipal Waste in the Village. Containers for other Waste customers shall be provided according to the private agreement between the Scavenger and the customer acceptable to and approved by the Village.

(2) Duty to provide and maintain containers in sanitary condition. All containers shall be maintained in good condition by the Owner, tenant, occupant or manager of any building, structure, property or premises in the Village. Any container that does not conform to the provisions of this Chapter, or that may have ragged or sharp edges or any other defect liable to hamper or injure the person collecting the contents thereof, shall be promptly replaced upon notice. The Scavenger shall have the right to refuse collection service to an Owner failing to comply with the provisions of this subsection after notice by the Scavenger to the Village Manager and the Village Manager being satisfied that such noncompliance is willful or in disregard of this chapter.

(3) Keeping containers closed. Containers shall be kept tightly covered at all times except when placing or removing garbage.

(4) Maximum capacity of containers for individual residential units. Containers shall be made of plastic and shall have a capacity of not more than 96 gallons for individual residential units.

(5) Commercial and industrial waste. Commercial and Industrial Waste shall be in sealed containers with lids that keep out animals.

(6) Recyclable material. Recyclable material containers for Municipal Waste customers shall be provided by the Scavenger authorized to collect Municipal Waste in the Village pursuant to contract as amended from time to time. Residents who require or request replacement of recyclable material containers will be provided such containers by the Contractor. Recyclable material containers for other customers shall be provided pursuant to the private agreement between the recycling Scavenger and the customer.

(Code 1982, § 9-3; Ord. No. 90-01, § 2, 1-9-90; Ord. No. 90-22, §§ II, III, 6-5-90; Ord. No. 2002-22, § I, 3-19-02)

(Code 1982, § 9-13a; Ord. No. 90-01, § 4, 1-9-90; Ord. No. 90-22, § V, 6-5-90)

(d) Storage of putrescible waste on premises.

(1) Putrescible Waste, except body wastes, shall not be kept on any Premises in the Village unless such Waste is stored in containers as are supplied by the Village's licensed Scavenger. Residential Units When Collected Collectively, and commercial and industrial facilities shall make arrangements with their Scavenger for the storage and removal of putrescible waste prior to it being detectible by the public. Such containers shall be kept securely covered with tight fitting covers, and shall be maintained in good repair and clean condition. Garbage shall be drained and wrapped in paper before the same is deposited in such containers.

(e) Unauthorized accumulations. Any unauthorized accumulation of Waste on any Premises is hereby declared to be a public nuisance and is prohibited. Subject to a declaration that a health hazard exists pursuant to Section 9-6, failure to remove any accumulation of Waste within ten days after notice by the Village Manager, or any of his duly authorized assistants or subordinates, or any other officer of the Village empowered to enforce the ordinances thereof, shall be deemed a violation of this chapter. The Village shall have the right to cause such public nuisance to be abated and to seek appropriate remedy therefore by action at law or in equity as the Village shall determine.

(Code 1982, § 9-4(b))

**Sec. 9-4. Time and placement for collection; and storage of waste and recycling containers.**

(a) Placement of waste and recycling containers and landscape waste ready for pickup. Waste and recycling containers of garbage, debris, trash, refuse, bundled landscaping materials, and recyclables to be collected by a Scavenger service shall be placed for collection at or near the front curb of the principal building on the premises. Title to any and all Recyclable Material shall remain with the Owner until such time as the Owner willfully disposes of the Recyclable Materials. Placement of Recyclable Material in a recyclable material container at the curb or other collection point designated by the Village shall be interpreted as willful disposal. It shall be unlawful for any person other than the original Owner

or Scavenger operating under a Village-approved recycling collection service agreement to remove Recyclable Material from recyclable material containers placed at the curb or other collection point designated by the Village.

(b) Encroachment on public property. Except as may otherwise be provided in this chapter, it shall be unlawful for any person to place or otherwise deposit any Waste or Waste container on any public street, alley, sidewalk or other public place.

(Code 1982, § 9-9)

(c) Time frame for placement of waste curbside. Containers, debris, refuse, landscaping materials, or recyclables shall not be placed curbside, in public view for collection, before 5:00 p.m. on the day prior to the scheduled collection. Containers shall be removed and stored on private property in accordance with this section before 7:00 p.m. on the collection day.

(d) Storage of waste and recycling containers and debris on private property. Except as provided, Waste and recycling containers of garbage, debris, refuse, bundled landscaping materials, and recyclables shall be stored inside an approved trash enclosure, shed, garage, building, or dwelling and out of public view.

Exception. For detached, single-family residentially zoned property Municipal Waste and recycling containers and Landscape Waste may be stored outdoors provided:

- (1) All Waste and recycling containers have tightly-fit covers and that the covers remain in the closed position.
- (2) Containers and debris placed in the rear yard are kept adjacent to and behind the dwelling, or
- (3) Containers and debris placed in the side yard is a minimum of 15 feet behind the front building face and adjacent to the dwelling, or
- (4) Containers and debris placed in the side yard are behind the front building face, adjacent to the dwelling, and screened with natural landscaping materials.
- (5) Where circumstances warrant, the Village Manager may grant exceptions to this section.

(e) Trespassing prohibited. Scavengers or their employees shall not be permitted to enter houses, enclosed porches, garages or similar enclosures to make collections.

(Code 1982, § 9-5; Ord. No. 2006-25, § 1, 5-2-06)

**Sec. 9-5. Frequency of collection.** All Waste produced or otherwise accumulated on any Premises in the Village shall be removed from such Premises at least once in each week. Putrescible refuse shall not be allowed to overflow the containers provided for storage. All recyclable material produced or otherwise accumulated on any Premises in the Village shall be removed from such Premises at least once every two weeks for attached single family or as needed; provided, however, that recyclable material shall not be stored in such a

manner as to create a public nuisance. All Landscape Waste produced or otherwise accumulated on any Premises shall be removed from such Premises at least once per week during the growing season; provided however, that Landscape Waste shall not be stored in such a manner as to create a public nuisance.

**Sec. 9-6 Occupancy is evidence of waste generation**

(a) The occupancy of any Premises shall be prima facie evidence that Waste is being produced and accumulated on such Premises and pickups must be made. So long as there shall be licensed and available within the Village a scavenger service capable of providing Waste disposal service to an Owner or occupant of property, Waste, refuse, garbage, rubbish or ashes shall be disposed of only through the services of such licensed Scavenger. If the Owner fails to cause Waste to be removed within 24 hours after notice is visibly tacked on the Premises by the Village Manager or his representative setting forth the condition of the Premise which condition is deemed to create a health hazard, the Village may cause removal of such Waste from the Premises of the Owner and the cost of such removal shall become a lien on the real estate involved and the Village may recover the cost thereof by appropriate court action.

(b) The occupancy of any Premises shall be prima facie evidence that Recyclable Material is being produced and accumulated on such Premises and pickups must be made. So long as there shall be licensed and available within the Village a Scavenger capable of providing Recyclable Material collection service to an Owner or occupant of property, Recyclable Material shall be disposed of only through the services of such Scavenger unless the Owner or occupant himself transports the Recyclable Material from the Premises to an entity or firm which processes Recyclable Material. Notwithstanding the foregoing, the Owner or occupant shall be responsible to pay for the cost of providing the Recycling Material program to the Premises, and shall pay the cost of recycling assessed to said Premises.

(Code 1982, § 9-13; Ord. No. 90-01, § 3, 1-9-90; Ord. No. 90-22, § IV, 6-5-90; Ord. No. 2002-22, § III, 3-19-02; Ord. No. 2009-059, § I, 12-1-09)

**Sec. 9-7. Prohibited Activities.**

(a) Littering. No person shall cast, place or deposit any Waste, Recyclables or Landscape Waste in any street, alley, way, park or other public place, or upon any private property, whether owned by such person or not, within the Village except in proper containers as herein authorized for collection or under express approval granted by the Village Manager. Nor shall any person throw or deposit any Waste in any storm sewer, stream or other body of water within the Village.

(Code 1982, § 9-4(a))

(b) Scattering of refuse. No person shall cast, place, sweep or deposit anywhere within the Village any Waste in such a manner that it may be carried or deposited by the elements in or upon any street, sidewalk, alley, sewer, parkway, park or other public space, or into any occupied premises within the Village.

(Code 1982, § 9-4(c))

(c) Deposit of waste in stream, public or private premises. No person shall cast, sweep, drop, place or otherwise deposit any Waste anywhere in the Village in such a manner that the Waste might be carried or deposited by the elements upon any stream, body of water, or public or private Premises.

(Code; 9-11)

(d) Use of sewers.

No person shall introduce, directly or indirectly, any Waste into any public or private sewer system unless such Waste has been first macerated or refined. Catch basins shall not be cleaned by flushing or otherwise introducing the contents thereof into any sewer.

(Code 1982, § 9-12)

(e) Construction waste. It shall be unlawful for any person responsible for the production or accumulation of Waste on any Premises in the Village resulting from any building or construction operations to fail or refuse to store and dispose of such Waste in accordance with the provisions of this chapter, or cause the same to be done.

(Code 1982, § 9-7)

(f) Creation of nuisance through burning. Except as provided, open burning of any material, Waste, garbage, Landscape Waste, or debris is prohibited within the corporate limits of the Village at all times.

Exceptions.

The burning of wood in fire pits and portable chimneys, used solely for recreational purposes, is allowed provided the fire is supervised by an adult and the smoke does not become a nuisance for adjacent property owners.

Controlled burning of prairie plants and grasses in accordance with the IEPA regulations and approved in advance by the fire district and the Village.

(Code 1982, § 9-11; Ord. No. 2003-42, § I, 6-19-03)

### **Sec. 9-8 Special waste problems.**

(1) Contagious Disease Waste. The removal of wearing apparel, bedding or other Waste and refuse from homes or other places where highly infectious or contagious diseases have prevailed shall be performed as directed by, and under the supervision of the county health officer. Such Waste refuse shall not be placed in containers for regular collections.

(2) Inflammable, explosive or other dangerous waste. Highly inflammable or explosive materials, acids, highly corrosive materials, and other materials, the handling or disposal of which would present a hazard to the Scavengers or to the public, shall not be placed in containers for regular collection but shall be disposed of as directed by the Village Manager at the expense of the owner or possessor thereof.

(3) White goods. For the purposes of this section:

(a) White goods shall include all discarded refrigerators, washing machines, clothes dryers, ranges, stoves, dishwashers, water heaters, freezers, air conditioners, furnaces, humidifiers and other similar domestic and commercial large appliances.

(b) White good components shall include:

- i. Any chlorofluorocarbon and/or freon type refrigerant gas;
- ii. Any electrical switch containing mercury;
- iii. Any device that contains or may contain PCBs in a closed system, such as a dielectric fluid for a capacitor, ballast or other component; and
- iv. Any fluorescent lamp that contains mercury.

(Code 1982, § 9-6; Ord. No. 2002-22, § II, 3-19-02)

**Sec. 9-9 Enforcement.** The Village shall have the right in addition to the provisions of this Chapter to enforce any provisions of this Chapter by appropriate action at law or in equity for all lawful relief obtainable.

(Code 1982, § 9-14)

**Secs. 9-16--9-40. Reserved.**

## ARTICLE II. SCAVENGERS\*

\***Cross references:** Licenses, permits and miscellaneous business regulations, ch. 10.

### DIVISION 1. GENERALLY

#### **Sec. 9-41. Compliance with article.**

Persons doing business as Scavengers in the Village shall comply with the conditions of this Article.

(Code 1982, § 9-26)

#### **Sec. 9-42. Residential Municipal Waste.**

(a) **Residential Municipal Waste and Recyclable Material to be removed.** All residential Municipal Waste (with the exception of liquid waste and toxic poisonous materials) and Recyclable Material from attached and detached residential dwellings that have a garage and a driveway shall be placed in containers as are supplied by the Scavenger authorized by contract to collect Municipal Waste in the Village. Said container shall not be in excess of 96 gallons, and shall be collected and removed by the Scavenger authorized by contract to collect Municipal Waste in the Village from every attached and detached residential dwelling that has a garage and a driveway at least once weekly. Those items that weigh more than 50 pounds or which cannot be lifted by one person or require a special handling will require the Owner to contact a licensed Scavenger for pickup.

(b) Frequency of collection. The Scavenger shall collect from each residential unit such residential Municipal Waste (not including recycling materials) placed outside on the ground level at the front of the curb of the residence at least once weekly on a schedule to be provided to the Village by the Scavenger. With regard to recycling materials, the Scavenger shall collect from each single family detached residential unit such recycling placed outside on the ground level at the front of the curb of the residence at least once weekly and from each single family attached residential unit that has a garage and a driveway such recycling placed outside on the ground level at least every other week on a schedule to be provided to the Village by the Scavenger. The schedule shall be subject to the approval of the Village and may be modified by the Village upon 30 days' written notice.

(c) Charges. The Scavenger shall bill each residential unit directly. Effective February 1, 2010, the Scavenger shall bill residential units directly for all collection of Recyclable Material. The Owner or occupant of each residential unit shall be responsible for the cost of the recycling material program, and shall also pay the cost of recycling received for such service. All rates are to be listed with the commerce commission, in the tariff section, as required by law. Notwithstanding the foregoing, while the Scavenger and property owners' association may make other arrangements for payment, the individual residential unit owner shall remain individually responsible for the cost of Waste and Recycling services.

(Code 1982, § 9-27; Ord. No. 91-33, § 1, 6-11-91; Ord. No. 2002-22, § IV, 3-19-02; Ord. No. 2009-059, § II, 12-1-09)

**Sec. 9-43. Attached Residential Units Collected Collectively, and Commercial and Industrial removal and disposal of refuse.**

(a) Choice of Scavenger. All residential Waste (with the exception of liquid waste and toxic poisonous materials) from attached single-family residential units collected collectively, commercial waste, and industrial waste shall be allowed to be collected by any Village-licensed Scavenger. All Recyclable Material shall be placed in containers as are supplied by said Village-licensed Scavenger. The scavenger service shall follow those provisions set forth in subsection 9-3(c) and shall be collected and removed from every applicable Premises at least once weekly on a schedule to be provided to the Village by the Scavenger. The schedule shall be subject to the approval of the Village and may be modified by the Village upon 30 days written notice. The Scavengers and Owners of the Premises shall conform with subsection (b) below.

(b) Containers:

(1) The Scavenger will provide Waste containers that are compatible with a truck pickup system to all attached residential units collected collectively, and commercial and industrial establishments, building contractors and other contractors where it is desirable to use this service.

(2) The Scavenger shall keep all containers presentable and in good repair as required from time to time by the Village Manager.

(b) Materials permitted. The Scavenger shall remove and shall have the right to haul construction debris and all Waste materials from commercial, industrial,

institutional establishments, attached residential units collected collectively and apartment buildings as follows: All Waste materials of any kind collected at such establishments, except for liquid waste and toxic or poisonous materials.

(c) Charges:

(1) The Scavenger will bill attached residential units collected collectively, and commercial and industrial container users directly. In the event that a residential homeowners' association includes Waste services and/or Recycling services in the monthly assessments, the licensed Scavenger can agree to bill and collect through the homeowners' association. Notwithstanding the foregoing, each residential owner shall remain individually liable for the payment of the Waste and/or Recycling service collection invoice.

(2) For pickup from the attached residential units collected collectively, the commercial and industrial Waste containers, removal, and the disposal of other bulk materials, rates shall be comparable to prevailing contract commercial and/or industrial containerized rates, adjusted to reflect volume, compaction, frequency and container costs.

(3) The Village will not pay the Scavenger and the Scavenger shall be responsible for billing to and collecting such accounts from the Owners or occupants of all Premises except only as provided in subsection 9-42(d)(3). 9-42(c).

(Code 1982, § 9-28; Ord. No. 2002-22, § V, 3-19-02)

Sec. 9-44. Reserved.

**Editor's note:** Ord. No. 2002-22, § VI, adopted March 19, 2002, repealed § 9-44, which pertained to service to churches and Village facilities and derived from Code 1982, § 9-29.

**Sec. 9-45. Service generally.**

(a) Time of collection. No Scavenger shall begin any collection service or activity in the Village before 7:00 a.m. and shall not collect Waste in the Village after 7:00 p.m.

(b) Means of disposal. At all times during the term of the license, the Scavenger shall have available a suitable means of disposing of Waste, Landscape Waste, and Recyclable Material collected.

(c) Service calls and complaints. The Scavenger shall maintain a regular office and a listed telephone exchange number for the receipt of service calls or complaints and shall have someone available to answer such calls Monday through Friday, except holidays, from 7:00 a.m. to 5:00 p.m. All complaints shall be given prompt and courteous attention and the Scavenger shall investigate any complaints of scheduled collection that were missed, and if collections were missed by the Scavenger, the Scavenger shall arrange for the pickup thereof within 24 hours after the complaint is received. The Scavenger shall appoint one supervisor to meet at least once monthly with a representative of the Village to address complaints which may be received by the Village and to report action taken on previous complaints. If the Scavenger and the customer are unable to resolve a complaint in a manner satisfactory to both, then the Scavenger shall deliver to the Village, within 48 hours after receipt of the complaint, notice of such complaint. The complaint shall include the name and address of the customer,

the date and hour the complaint was received, the nature of the complaint and the Scavenger's response to the complaint. The Village or its designee may elect to arbitrate any complaint. If a Scavenger fails to take corrective action, to the satisfaction of the Village, after a second unsatisfactory customer service notice within a three month period, it may be deemed a material breach of the license and said license shall be subject to revocation pursuant to Section 9-72.

(d) Actions of employees in picking up refuse. Any Waste or Recyclable Material spilled by the Scavenger on the yard or street shall be picked up prior to leaving the site of collection.

(e) Responsibility for damage; replacement of containers. The Scavenger shall be responsible for any yard damage created by its employees. Containers shall be replaced to the same location as found after emptying and shall be replaced in the same condition.

(Code 1982, § 9-30; Ord. No. 2009-059, §§ III, IV, 12-1-09)

#### **Sec. 9-46. Employees.**

The Scavenger agrees to perform all services in a neat, orderly and efficient manner, to use due care and diligence in the performance of the permit and to provide neat, orderly and courteous employees and personnel. The Scavenger agrees to prohibit the drinking of all alcoholic beverages by its drivers and members of the crew while on duty and in the course of performance of their duties under this permit. The Scavenger shall not allow any driver or crew member to be working while intoxicated.

(Code 1982, § 9-31)

#### **Sec. 9-47. Equipment.**

(a) The Scavenger shall exclusively use enclosed, leak-proof, packer-tight disposal truck bodies for all service involving food waste. The Scavenger shall not allow litter or trash to scatter or be spread as the result of Scavenger's service provided within the Village.

(b) All equipment shall be painted with no rust showing on the cab, chassis or body. Vehicle equipment is to be fully equipped with original equipment to meet federal, state and local laws. Any cab, chassis or packer body in excess of three years of age may be inspected by a representative of the Village Manager and trucks not approved shall not be used in the Village. No advertising signs shall be displayed on the packer body except the name, address and phone number of Scavenger. The Scavenger shall provide the Village Manager with a list of all equipment to be used. Trucks shall be identified by number which is painted on the truck, by make, by year of cab, chassis and body, and by make of body.

(Code 1982, § 9-32)

#### **Sec. 9-48. Compliance with authority.**

The Scavenger agrees to comply at all times with all laws, ordinances and regulations of the state, the county, and the Village, which are applicable to the Scavenger's work under the permit.

(Code 1982, § 9-34)

Secs. 9-50--9-65. Reserved.

DIVISION 2. LICENSE\*

**\*Cross references:** Licenses, permits and miscellaneous business regulations, ch. 10.

**Sec. 9-66. Required license.**

(a) Required license. It shall be unlawful for any person, firm or corporation to engage in the business of scavenger or recycling or the collection or disposal of Waste, animal, human or vegetable refuse, offal or refuse of any kind, without first having secured a Village license therefore.

(b) Classification of licenses.

(1) Residential scavenger license. Only one public Scavenger license shall be issued for the purpose of performing Municipal Waste, Recycling Materials and Landscape Waste collection services from all single family attached and detached residential dwellings that have a garage and a driveway, excluding any attached multifamily residential units for which Waste is collected collectively. The license issued to the Scavenger awarded the contract to collect Municipal Waste in the Village, also includes the right to collect or dispose of Waste, animal, human or vegetable refuse, offal or refuse of any kind from residential properties when collected collectively, commercial, industrial and institutional properties, and no additional license will be required, therefore.

(2) Multifamily attached, commercial, industrial and institutional license. The number of licenses issued for attached single-family residential units that are collected collectively, commercial, industrial, and institutional facilities are unlimited. A license for this purpose will be issued to each qualified applicant who presents evidence that he has adequate and proper equipment and approved disposal facilities. Each licensee will be issued vehicle licenses as are necessary. Such license shall be provided by the Village and displayed on each vehicle of the licensee used in the Village.

(Code 1982, § 9-41; Ord. No. 2002-22, § VII, 3-19-02)

**Sec. 9-67. Application.**

(a) Residential scavenger license. The residential scavenger license shall be issued to the person, firm or corporation which has been awarded the contract for the collection and removal of all Municipal Waste, Recycling Materials and Landscape Waste and shall also be subject to all conditions established in said contract. This contract shall be subject to the approval of the corporate authorities of the Village.

(b) Multifamily attached residential units, commercial, industrial and institutional license. Applications for the attached single-family residential units that are collected collectively, commercial, industrial and institutional licenses shall be made pursuant to section 9- 66. The Village Manager shall review the application and make recommendations for approval or denial. No such license shall be issued except on the order of the Village Manager.

(c) Denial of license. The Village Manager shall have the right to deny any applicant a license, and may require any reasonable proof necessary for

assurance as to the applicant's compliance and ability to comply with the provisions of this division or any other ordinance of the Village.  
(Code 1982, § 9-42; Ord. No. 2002-22, § VIII, 3-19-02)

**Sec. 9-68. Insurance prerequisite to issuance.**

No license which has been otherwise approved shall be issued until the Scavenger has filed with the Village Manager a certificate or other evidence that the Scavenger carries insurance of the following types of at least the limits specified below:

- (a) Workman's compensation: Statutory as amended for from time to time
  - (b) Employer's liability . . . \$500,000.00
  - (c) Bodily injury liability except automobile, each occurrence . . . 500,000.00  
Aggregate . . . 1,000,000.00
  - (d) Property damage liability except automobile, each occurrence . . .  
500,000.00  
Aggregate . . . 1,000,000.00
  - (e) Automobile bodily injury liability, each person . . . 500,000.00  
Each occurrence . . . 1,000,000.00
  - (f) Automobile property damage, each occurrence . . . 500,000.00
  - (g) Excess umbrella liability, each occurrence . . . 5,000,000.00
- (Code 1982, § 9-43; Ord. No. 2002-22, § IX, 3-19-02)

**Sec. 9-69. Conditions for issuance.**

If the Village Manager finds:

- (1) That the applicant is not in default to the Village;
- (2) That the applicant has conducted his business in accordance with the ordinances and regulations of the Village, County, State and other regulatory bodies;
- (3) That the equipment used in the applicant's business meets the requirements of the ordinances and regulations of the Village; and
- (4) That the issuance of the license is in the best interests of the Village and that the quality of service to be rendered will serve the public health, safety and welfare;

the Village Manager shall approve the application and recommend the license be issued by the Village Board of Trustees upon the payment of the required fee, provided that the application shows on its face the ability of the applicant to operate at all times not less than two refuse disposal vehicles within the Village.  
(Code 1982, § 9-44)

**Sec. 9-70. Fee.**

The license fees under this division are as specified in Chapter 25--  
Comprehensive Fees and Penalties.  
(Code 1982, § 9-45; Ord. No. 2004-44, § I, 5-18-04)

**Sec. 9-71. Assignment.**

Any license issued under this division shall not be assignable or transferable by the licensee or by operation of law or otherwise, nor may the licensee sublet or contract out any part of the work to be performed by the Scavenger.  
(Code 1982, § 9-46)

**Sec. 9-72. Revocation.**

If a licensee under this division has falsified his application for such license, or has failed to comply with any of the terms or conditions of the license as issued, or shall violate any of the terms or provisions of this chapter, upon not less than ten days' prior notice to the licensee the Village may revoke such license upon recommendation of the Village Manager. Upon revocation of such license, the licensee shall cease all scavenger operations within the Village.  
(Code 1982, § 9-47)

**Sec. 9-73. Appeals.**

(a) If any person shall be aggrieved by any decision of the Village Manager or his designate hereunder, such person may appeal the decision or determination of the Village Manager to the Village Board of Trustees which shall conduct a public hearing upon such appeal and after such hearing shall have the right to reverse, modify or affirm the decision or determination of the Village Manager.

(b) In the event of revocation of a license to a Scavenger the licensee may request a public hearing thereon before the Village Board of Trustees for findings and determination as to cause for such revocation. Hearing thereon shall be held at a public meeting after publication of notice of same not less than 15 days prior to such meeting in a newspaper of general circulation within the Village. After such hearing the Village Board of Trustees shall have the right to affirm, reverse, modify or amend the finding as to revocation and may reinstate the licensee generally or upon such conditions as the Village Board of Trustees shall determine.

(Code 1982, § 9-48)

**Sec. 9-74. Penalties.**

(a) Any person who violates, disobeys, omits, neglects, or refuses to comply with, or resists the enforcement of any of the provisions of this division shall be fined not less than the amounts specified in Chapter 25--Comprehensive Fees and Penalties. Each day that a violation exists shall constitute a separate offense.

(b) In the event a licensed Scavenger violates any provisions of any ordinance of the Village or fails to remove the refuse as contracted with the customer, the Village Manager shall have the right to suspend or revoke the license pursuant to section 9-72, and/or abate the violation by any means available to the Village, and any and all expense incurred by the Village thereby may be charged against the licensed Scavenger.

(Ord. No. 2002-22, § X, 3-19-02; Ord. No. 2004-44, § II, 5-18-04)