

Chapter 10 SCAVENGERS, RECYCLABLES AND REFUSE

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10.1 DEFINITIONS

In addition to the definitions found in Appendix A of this Code, the following terms used in this Chapter are defined as follows:

Bulk items: Discarded furniture, bedding, appliances, equipment, bicycles, sleds, swing sets, large tools and comparable items, capable of being handled by 1 person and shall not exceed 50 pounds in weight and shall be able to be collected with a standard packer type collection vehicle.

Landscape waste: All accumulations of grass or shrubbery cuttings, leaves, tree limbs, aquatic weeds and other materials accumulated as the result of the care of lawns, shrubbery, vines, trees and as otherwise described in 415 ILCS 5/3.20.

Landscape waste unit: A landscape waste unit may be any of the following:

1. Landscape waste contained in 1 biodegradable paper “kraft” type bag, up to 33 gallons in capacity.
2. Landscape waste contained in 1 metal or plastic can, up to 34 gallons in capacity and not exceeding 60 pounds.
3. One bundle of landscape waste, including brush or other branches 4 inches or less in diameter, too bulky for placement into kraft paper bags or cans, securely tied with biodegradable string or twine, not exceeding 4 feet in length and 60 pounds in weight.

Multiple dwelling: A building or a part of a building designed, intended or used as an apartment house, apartment, hotel, tenement, house or other use in which there is more than 1 dwelling unit.

Premises: Any house, residence building, flat, apartment, dwelling place or place of abode, commercial or industrial establishment, office building, hotel, church, school, hospital, club building or meeting hall, or any other business or institutional establishment.

Recyclable material: Newsprint, corrugated paper, junk mail, magazines, office paper, boxboard, ferrous metal cans, aluminum containers, glass and plastic, which shall include HDPE, PET containers, and plastics 3 through 7, and additional items as mutually agreed upon by the Village and the scavenger.

Recycling container: A waste container used separately for recyclable materials.

Refuse: Garbage, industrial, lunchroom or office waste, and other material resulting from the operation of residential, municipal, commercial or institutional establishments and community activities, which are not defined as recyclable material or landscape waste, including small amounts of construction debris and materials that 1 person can load into a collection vehicle.

Residence: A building which is arranged, designed, used or intended to be used for residential occupancy by one or more families, but does not include a multiple dwelling building of more than 4 dwelling units.

Residential scavenger service: The collection or disposal of refuse from all homes and residences, including multiple dwellings of not more than 4 dwelling units, and including all Village facilities but excluding the removal by contractors, developers, builders, craftsmen, installers, towing services, landscapers, servicemen and the like of debris caused by their normal operations, or trees, logs, brush, tree limbs or junked motor vehicles.

Scavenger: Any person, firm, partnership, association, joint stock company, joint venture, public or private corporation conducting any of the enumerated activities of collection and disposal of waste materials for set fees or payments.

Waste container: A durable metal or plastic container of standard waterproof construction with a tight fitting cover and handles suitable for lifting by one person having a capacity of not less than 10 gallons nor more than 34 gallons, or a “toter” cart, supplied by the scavenger, having a capacity of 65 gallons or 95 gallons designed for automated collection, provided however, that the term “waste container” as applied to premises receiving scavenger services shall also include receptacles of impervious materials, such as galvanized metal of a suitable gauge and construction to insure durability, with the tight-fitting cover, rodent and fly proof, of a type 1 to 8 cubic yards capacity, supplied by the scavenger and emptied mechanically into a “packer-type” vehicle. Containers that do not meet the criteria set forth in this Chapter shall be prohibited.

10.2 RESIDENTIAL SCAVENGER SERVICE REGULATIONS

A. **REFUSE ACCUMULATIONS PROHIBITED:** It shall be the duty of every owner, occupant and/or agent of any premises located within the Village to keep their premises free and clean from refuse at all times.

B. **REFUSE REMOVAL REQUIRED:**

1. Refuse shall be removed from any and all premises within the Village at least once a week, provided, however, every owner, occupant and/or agent of any premises shall cause all refuse to be removed from any and all premises as often as necessary to comply with this Section.
2. It shall be the duty of every person owning or occupying any premises, or portions thereof, to remove or cause to be removed therefrom, before vacating the same, any and all refuse or any other waste.

C. **REFUSE STORAGE RESTRICTONS:**

1. No person shall permit any refuse to accumulate within the Village unless

such refuse shall be suitably enclosed in waste containers.

2. Only waste containers defined herein shall be acceptable. A sufficient number of waste containers for a weekly accumulation of refuse shall be provided and at all times maintained in good order and repair by the owner, occupant or agent or any premises in the Village. All waste containers shall be kept clean and disinfected with an antiseptic solution as often as necessary to maintain them in a sanitary condition. Filthy, leaky or defective receptacles shall be cleaned, repaired or replaced by the owner, occupant or agent of the premises served.
3. It shall be the duty of the owner, occupant or agent of any premises to cause all refuse produced on the premises to be thoroughly drained of all surplus liquid, securely wrapped or bagged in paper or plastic, bundled or packed in a covered box or carton of such dimensions as will permit its free passage into and out of the waste container, and finally deposited, after such wrapping, bagging, bundling or packaging in such waste container, as soon as practicable after the same is produced thereof.

All refuse shall be securely wrapped, bagged, bundled or packed in such a manner as may be necessary to prevent the scattering of same, and shall be deposited in a waste container.

4. It shall be unlawful for any person to deposit in any waste container any article or thing other than refuse as defined herein.
5. It shall be unlawful to dispose of any refuse in such a manner that the wind, sun, rain or snow scatters refuse.

D. DEAD ANIMAL DISPOSAL: Dead animals are not considered refuse and shall not be disposed of in waste containers. Dead animals shall only be disposed of in accordance with all applicable health regulations.

E. CUSTOMER REGULATIONS: Except as provided herein, the following regulations shall apply to all persons receiving residential scavenger service.

1. The owner or occupant of every single-family dwelling unit shall provide and maintain in good condition and repair not less than 1 residential waste container. The owner or agent of every multiple dwelling having not more than 4 dwelling units shall provide and maintain in good condition and repair not less than 1 waste container per dwelling unit.
2. Waste containers, landscape waste units and recycling containers shall be stored at the side or rear of the dwelling units except from 3 p.m. on the day prior to collection to 8 p.m. on the day of collection, when waste containers landscape waste units and recycling containers may be placed at the curb. Waste containers shall be placed on the curb on the day of collection by 6 a.m.

3. The items which may be placed at the curb for collection and pickup shall be limited as follows:
 - a. An unlimited number of residential waste containers and bulk items; and
 - b. An unlimited number of landscape waste units; and
 - c. An unlimited quantity of recyclable material contained in one or more recycling container(s).

10.3 COMMERCIAL SCAVENGER SERVICE REGULATIONS

Notwithstanding any provisions herein, all persons who receive commercial scavenger service shall be subject to the following additional regulations:

1. Waste containers may be located anywhere on a lot. However, if waste containers are located in a required front yard or in an exterior side yard, containers shall be adequately screened from public view with a solid type fence not less than 5 feet in height, provided the height of the fencing shall not exceed more than 12 inches the height of the waste containers. Fencing shall enclose the waste containers on no less than 3 sides.
2. A special pickup shall be arranged for all bulk items and bulk items shall remain within an enclosed building until pickup.
3. No refuse, waste container or landscape unit shall be placed on the curb.

10.4 PROHIBITIONS

It shall be unlawful for any person to do any of the following prohibited acts:

1. Place for collection or pickup any landscape waste or refuse in a recycling container.
2. Mix landscape waste with any refuse that is intended for collection or disposal at a landfill.
3. Place for collection or pickup of any landscape waste unless it is packaged as a landscape waste unit.
4. Bury refuse, landscape waste and/or recyclable material at any time within the Village limits.
5. Permit the storage of or to store any refuse, landscape waste and/or recyclable material in any such way as to create a fire hazard.
6. Place, deposit or permit to be deposited in an unsanitary manner upon any public or private property within the Village the carcass of any animal or any offal, filth or noisome substance.

7. Dump, deposit or place any refuse, landscape waste and/or recyclable material upon real property owned by another without the consent of the owner or person in possession of such real property, and otherwise in conformance with all applicable regulations set forth in this Chapter.
8. Dump or deposit refuse, landscape waste and/or recyclable material, construction waste, the carcass of any dead animal or any offal, filth or noisome substance or any other offensive matter in any watercourse, lake, pond, spring, well or common sewer, street or public highway.
9. Sweep or deposit any sweeping from any walkway, driveway, building or any construction activity onto any public or private street, right-of-way or parkway.

10.5 SCAVENGER SERVICES LICENSES

A. It shall be unlawful for any person to engage in residential scavenger service or in the collection or disposal of garbage, refuse, recyclable materials or landscape wastes from residential dwellings within the Village, without first having obtained a license from the Village and entering into a contract with the Village.

B. Applications for scavenger service licenses shall be made in writing at the Village Hall. Each application shall contain such information as may be required by the Village including, but not limited to, the name and address of the applicant, and, if the applicant is other than a natural person, the names and addresses of all partners, directors, officers, registered agents and/or persons having, beneficially or otherwise, any ownership interest in the applicant.

C. Not more than one residential scavenger service license shall be issued and in force at one time. There shall be no limit on the number of commercial scavenger service licenses issued or in force at any time. All scavenger service licenses shall be annual licenses, commencing on May 1st of each year, or the date of issuance if later than May 1st, and terminate on April 30th of the following year. The fee for a residential scavenger service license shall be \$100 per year.

D. It shall be the duty of each person holding a residential scavenger license to comply with the following standards and specifications:

1. Bond and Issuance Requirements:
 - a. Bond: Prior to the issuance of any license, the licensee shall file with the Village a performance bond in the amount of \$25,000 with sureties, in a form acceptable to the Village.
 - b. Prior to the issuance of any license, the licensee shall provide the Village with evidence that the licensee has currently in force adequate insurance against liability under State Workman's Compensation and Occupational Disease, motor vehicle liability insurance and a policy of general liability insurance with such limits and coverages as the Village may from time to time require. The Village shall be named an additional insured on the motor vehicle li-

ability and general liability coverages. Each licensee shall indemnify and hold the Village harmless from and against claims for damages arising by reason of the performance or non-performance of the licensee hereunder or by reason of any act or omission of said licensee. The licensee shall be required to produce a certificate of insurance indicating the required insurance is in force during the term of the license. The certificate shall reflect that the insurance policies shall not be cancelable without 30 days prior written notice to the Village.

2. **Vehicle Requirements:** The licensee shall use modern loader trucks and keep all equipment used in the performance of its work in a clean, sanitary condition and shall not permit the trucks to remain standing anywhere in the Village. All trucks used for residential refuse collection shall be enclosed in a leak proof packer type of truck. Recyclable material shall be collected in a vehicle appropriate for this purpose. Landscape waste shall be collected in a leak proof packer type of truck.
3. **Disposal of Refuse:**
 - a. All refuse collected by a licensee shall be disposed of by the licensee at its own expense outside the corporate limits of the Village. Recyclable material shall be disposed of at a proper processing facility or a material vendor, and in accordance with any applicable contract between the scavenger and the Village. Landscape waste shall be disposed of at a site in conformance with State requirements. It shall be unlawful for any licensee to dispose of or store any refuse, recyclable material or landscape waste in any place within the Village limits.
 - b. All refuse collected by any licensee shall be disposed of in accordance with all applicable State statutes and requirements of the Village.
4. **Holiday Pickups:** When a scheduled pickup day falls on a holiday, the refuse shall be picked up on the next business day occurring immediately thereafter.
5. **Customer Service:** The licensee shall provide an area office and telephone number for the receipt of service calls or complaints, and shall have an employee available to receive such calls on working days from 8 a.m. to 4:30 p.m. Complaints shall be given prompt and courteous attention. In case of missed scheduled collections, the licensee shall investigate, and if the claim is valid, shall arrange for a pickup of the refuse in question within 24 hours after the complaint is received. All licensees shall maintain a log of every complaint received, the date received, the person making the complaint, any action taken and the date such action is taken. Such complaint log shall at times be available for inspection by the Village.

6. Employees Under the Influence of Liquor Prohibited: It shall be unlawful for any licensee, his agents or employees to be performing scavenger services within the Village while under the influence of intoxicating liquors. Said violation will subject a licensee to license revocation.
7. Additional Standards and Specifications for Residential Scavenger Service: In addition to the standards and specifications herein, any residential scavenger service licensee shall comply with the following standards and specifications:
 - a. The items which may be placed for collection and pickup shall be limited as follows:
 - (1) An unlimited number of residential waste containers and bulk items.
 - (2) An unlimited number of landscape waste units.
 - (3) An unlimited quantity of recyclable material contained in one or more recycling container(s).

The licensee shall collect and pick up all refuse, landscape waste and recyclable material from each residence per pickup in accordance with the provisions of this Section. Such pickups shall be from the front curb.

- b. When any residential customer has accumulated refuse not provided for herein, the customer shall request that a special pickup be made by the licensee. The licensee shall provide the customer with a written estimate of the cost of such special pickup, which shall be agreed to in writing by the customer and the licensee prior to rendering the service. Special pickups shall be accomplished within one week after a cost estimate is provided, or otherwise at such times as is agreed to by the customer.
- c. Collection shall be made from each residence or location once a week, in accordance with bid specifications.
- d. The licensee shall collect discarded Christmas trees from each residence on an annual basis, as provided for in the contract entered into between the Village and the licensee.
- e. Collection rates shall be as provided for in the contract entered into between the Village and the licensee.

E. REVOCATION, SUSPENSION: Residential scavenger service licenses may be revoked and/or suspended as follows:

1. When the conduct or operation of a licensee constitutes a nuisance in fact

and a clear and present danger to the public health, safety or general welfare, the President shall be authorized to summarily order the cessation of business and the suspension of the license for a period not to exceed 10 days.

2. A residential scavenger service license may be revoked by the President after notice and hearing as provided herein above, for any of the following reasons:
 - a. Any fraud, misrepresentation or false statement contained in the license application;
 - b. Any violation by the licensee of provisions relating to the license or the subject matter of the license;
 - c. Conviction of the licensee of any felony or of a misdemeanor involving moral turpitude;
 - d. Failure of the licensee to pay any fine or penalty owing to the Village; or
 - e. Refusal to permit an inspection, or any interference with a duly authorized Village officer or employee while in the performance of their duties in making an inspection.

Such revocation, if ordered, shall not preclude prosecution and imposition of any other penalties provided for the violation of other applicable sections of this Code.

3. Notice of the hearing for revocation of a residential scavenger service license shall be given in writing setting forth specifically the grounds of the complaint and the time and place for the hearing. The notice shall be sent by certified mail (return receipt requested) to the licensee at the last known address at least 5 days prior to the date set forth for the hearing.
4. At the hearing, the Village Attorney shall present the complaint and shall represent the Village. The licensee shall be permitted counsel and shall have the right to submit evidence and cross-examine witnesses. The President shall preside and shall render the decision.
5. Any person aggrieved by the decision of the President in connection with the revocation of a residential scavenger service license shall have the right to appeal to the Village Board. Such appeal shall be taken within 10 days after notice of revocation of the license by filing at the Village Hall a written statement under oath setting forth specifically the grounds for appeal. The Village Board shall thereupon set the time and place for a hearing on such appeal, and notice of such hearing shall be given to the licensee in the same manner as provided herein above. The decision of the Village Board on such appeal shall be by vote of a majority of all the mem-

bers then holding office and shall be final.

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