

CHAPTER 10

GARBAGE AND RUBBISH

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ARTICLE I. IN GENERAL

10-1-1. Definitions. As used in this ARTICLE, the following terms shall have the following meanings, unless the context clearly indicates that a different meaning is intended:

(a) Domicile Waste: Any refuse generated on single-family domiciliary property as a result of the domiciliary activities. The term excludes landscape waste, garbage and trade waste.

(b) Garbage: Refuse resulting from the handling, processing, preparation, cooking and consumption of food or food products.

(c) Landscape Waste: Any vegetable or plant refuse, except garbage and agricultural waste. The term includes tree, tree trimmings, branches, stumps, brush, weeds, leaves, grass, shrubbery and yard trimmings.

(d) Refuse: Any discarded matter or any matter which is to be reduced in volume, or otherwise changed in chemical or physical properties, in order to facilitate its discard, removal or disposal.

(e) Trade Waste: Any refuse resulting from the prosecution of any trade, business, industry, commercial venture, utility or service activity, and any government or institutional activity, whether or not for profit. The term includes landscape waste but excludes agricultural waste.

10-1-2. Closed Containers Required. No domicile waste, garbage, refuse, or trade waste shall be placed out of doors anywhere in the City awaiting pickup except in a closed container with a lid. These containers shall be of solid construction, without any leaks, breaks, or cracks. They shall be strong enough to avoid cracking or breaking under day to day use including the use stress involved in picking up and emptying the containers. (Ordinance No. 02-C-1 amended February 5, 2002)

10-1-3. Collection and Disposal by Licensed Scavenger Required. It shall be the duty of the owner, occupant, or lessee of any premises in the City which generates domicile waste, garbage, refuse, or trade waste to have the said waste, refuse, or garbage from the premises collected and disposed of at least one per week by a scavenger licensed by the City.

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10-1-4. Premises to be Kept Clean. The owner, occupant, or lessee of any premises in the City shall keep such premises free and clear of any accumulation of any domicile waste, garbage, landscape, waste, refuse, and trade waste.

10-1-5. Duty to Clean Up Scattered Domicile Waste, etc. The scavenger or garbage collector is responsible for cleaning up only that domicile waste, garbage, refuse, and trade waste scattered in the process of conveying the material to the truck. It is so the responsibility of the owner, occupant, or lessee of the premises to clean up any domicile waste, garbage, refuse, or trade waste which is strewn about by wind, or any other means.

10-1-6. Unauthorized Removal of Waste and Garbage from Containers. It shall be unlawful for any person other than a police officer or duly authorized employee of a scavenger licensed by the City to collect or remove any domicile waste, garbage, refuse, or trade waste from containers and trash receptacles used in the collection and disposal of said waste and garbage.

(Ordinance 09-C-1, amended April 06, 2009)

10-1-7. Damaged or Deteriorated Trash Containers and Receptacles. Trash containers and receptacles which have deteriorated, or have been damaged to the extent that the covers will not fit securely or those having jagged or sharp edges capable of causing injury to refuse collectors or other persons whose duty it is to handle containers, are declared a nuisance and shall be removed within five days after notice of such defective conditions are given to the owner or user.

10-1-8. Unauthorized Use of Trash Containers and Receptacles. It shall be unlawful for any person to place, or to permit another to place, any domicile waste, garbage, refuse, or trade waste in any trash container or receptacle unless the waste, garbage, or refuse is from the premises served by the trash container or receptacle.

10-1-9. Littering Prohibited. (a) No person shall litter any streets, or any public or private property with handbills, paper or debris. No person shall so distribute any advertising matter or handbills that they may be blown about or result in the littering of streets, or any public or private property.

(b) No person shall throw, place, leave, or suffer to be thrown, placed or left, any domicile waste, garbage, landscape waste, refuse, or trade waste in or upon any premises, public or private, including streets, alleys, parkways, or other public places or upon any vacant or unimproved lots or parcels of land in the City.

10-1-10. Penalty. Any person, firm, or corporation violating any provision of this ARTICLE shall be fined not less than Five Dollars nor more than Five

Hundred Dollars for each offense, and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

ARTICLE II. SCAVENGERS

10-2-1. Definition. The word “scavenger” as used herein means any person engaging in the work or business, whether regularly, intermittently, or occasionally, of cleaning or removing garbage, waste, refuse, debris, junk or abandoned or discarded substances or materials from the streets and alleys. Persons regularly engaged in the collection for resale of industrial scrap or salvageable materials are expressly excluded from the provisions of this article.

10-2-2. License required. No person shall perform any service as a scavenger or engage in the business of being a scavenger, within the city without a license therefor.

10-2-3. License application. The application for a scavenger license shall be verified by the applicant personally and shall state the name and address of the applicant; a complete description and identification of the vehicles to be used by the applicant; the place where such vehicles will be kept or stored when not in use; and the dispositions to be made by the applicant of all garbage, waste, refuse, debris, junk or abandoned or discarded material collected. Application forms may be obtained from the City Clerk upon request and after being properly completed will be referred by the City Clerk to the City Council for consideration. The Mayor shall issue licenses following approval by the City Council.

10-2-4. Fees. The annual license fee for a scavenger license shall be \$75, payable in advance, and no portion thereof shall be refundable.
(06-C-1, 04/17/06)

10-2-5. Number of licenses. No more than five scavenger licenses shall be in force at any time. (91-C-2, 05/30/91)

10-2-6. Change of location. Any license holder under this article who shall make any change in address, equipment, location of storage facilities for equipment or manner or place of disposition of collected materials shall report such change in writing to the City Clerk within 5 days after such change.

10-2-7. Insurance required. No scavenger license shall be issued unless the applicant therefor presents proof in the form of a certificate of insurance by an insurer legally qualified to do business in Illinois, which insurer has been approved by the City Council. Said certificate shall show that the applicant for license has public liability insurance covering his scavenger operation, protecting

both himself and the city; the limits of such protection; the date of expiration of such insurance; provision that the insurance cannot be cancelled without at least 10 days notice to the City Clerk; and that upon such cancellation, or expiration without renewal of the insurance. The minimum amount of insurance required shall be as follows:

- (A) Three Hundred Thousand Dollars (\$300,000.00) bodily injury (per person);
- (B) Five Hundred Thousand Dollars (\$500,000.00) bodily injury (per accident);
- (C) Three Hundred Thousand Dollars (\$300,000.00) property damage;
- (D) One Million Dollars (\$1,000,000.00) business umbrella policy;

A copy of the policy shall be furnished to the City Clerk before a license shall be issued to the applicant. (06-C-1, 04/17/06)

10-2-8. Transport vehicles. Any vehicle used by a scavenger shall have a cargo body constructed of metal, of sufficiently tight construction to prevent the leakage or spillage of liquid or solid therefrom, and shall be completely enclosed except for loading or unloading openings which loading and unloading openings shall be capable of being tightly closed. The openings shall be kept tightly closed when the vehicle is being used to transport collected material from the place of collection to the place of disposition.

10-2-9. Collection by licensed scavenger. Any licensed scavenger may collect and dispose of garbage, ashes and rubbish in accordance with such rules and regulations as to service and rates of charge as may be approved by the City Council from time to time. No owner, occupant or lessee of any premises in the city shall be entitled to such services who has not fully complied with all of the provisions of this chapter and with the rules and regulations promulgated by the City Council. Any disputes with regard to these rules and regulations shall be heard by the City Council or an authorized committee thereof.

10-2-10. Suspension or revocation of scavenger license. The City Council shall have the power to suspend or revoke any scavenger license for any violation of this chapter or for any violation of the rules and regulations promulgated by the City Council pursuant to this chapter. No suspension or revocation may be invoked by the City Council unless the scavenger licensee involved has had the opportunity to have a hearing before the City Council or any authorized committee thereof and has also had an opportunity to be presented with written charges of any alleged violation not less than 10 days prior to any such hearing. The

scavenger licensee shall have the right to be represented by an attorney at any such hearing and shall have the right to present evidence on his behalf.