

CHAPTER 6

GARBAGE AND REFUSE

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9-6-1: **PURPOSE:** In order to comply with present statutory law and administrative rules and regulations concerning procedures and methods for the collection and disposal of garbage and refuse, which requirements the Village Board recognizes as necessary and desirable for the protection of public health and welfare, the Village Board does hereby establish the provisions of this Chapter for the collection, removal and disposal of garbage and refuse. (Ord., 8-13-1996)

9-6-2: **DEFINITIONS:** Unless the context of this Chapter specifically indicates otherwise, the meanings of terms used herein shall be as follows:

GARBAGE: Includes all waste resulting from the handling, processing, preparation, dressing, cooking and consumption of food, including containers in which food is purchased, stored or sold.

LICENSED

CONTRACTOR: The person, firm or corporation with whom this Village has contracted for the collection and removal of garbage and refuse from residences within the Village, and nonresidents who, with Village Board approval, request and receive garbage and refuse collection by the Village of Elizabeth.

REFUSE: Includes ashes, wastepaper, boxes, old toys, appliances, furniture and similar materials. The term "refuse" shall not include earth, sod, rocks, concrete, or building materials from demolition or remodeling or construction, which shall be collectively known as "demolition or construction debris".

RESIDENCE: A building or portion thereof designed or used predominantly for residential occupancy, including one-family dwellings, two-family dwellings and multiple-family dwellings, but not including hotels, motels, boarding or rooming houses or tourist homes. Each unit in a condominium or townhouse shall be considered as a separate residential unit. Each unit in a government subsidized senior center or low income complex shall be considered a separate residential unit.

WASTE: Any garbage, sludge from a waste treatment plant, water supply treatment plant, or air pollution facility or other discarded material, including solid, liquid, semi-solid, or contained gaseous material resulting from industrial, commercial, mining and agricultural operations and from community activities, but does not include solid or dissolved materials in irrigation return flows or industrial discharges which are point sources subject to permits under Section 402 of the Federal Water Pollution Control Act as now or hereinafter amended, or source, special nuclear, or byproduct materials as defined by the Atomic Energy Act of 1954, as amended, or any solid or dissolved material from any facility subject to the Federal Surface Mining Control and Reclamation Act of 1977 or the rules and regulations thereunder, or any law or rule or regulation adopted by the State of Illinois pursuant thereto.
(Ord., 8-13-1996; amd. Ord., 1996)

9-6-3: **UNLAWFUL DEPOSITS:**

- A. Generally: It shall be unlawful for any person, firm or corporation to deposit or permit to be deposited anywhere within the Village any pile of garbage, refuse, demolition or construction debris, or major portions of trees, other than in compliance with this Chapter. (Ord., 8-13-1996)
- B. Refuse on Village Property: It is unlawful for anyone to dump or dispose of refuse on Village property in the Village. A violation of this subsection is a petty offense and shall be punishable by a fine not to exceed one hundred dollars (\$100.00). (Ord., 11-11-99, 11-10-1999)

- C. Lawn Waste on Village Streets or in Storm Sewers: It is unlawful for any person to deposit any lawn leaves or grass clippings in the Village streets or storm sewers located within the Village. A violation of this subsection is a petty offense and shall be punishable by a fine not to exceed fifty dollars (\$50.00). (Ord., 00-9-12, 9-12-2000)

9-6-4: **GARBAGE COLLECTION:**

A. Contract for Collection:

1. The Village Board may from time to time grant by contract, franchise or otherwise the right to any person, firm or corporation to collect and remove garbage and refuse in the Village from the residences thereof on an exclusive basis or on any other reasonable basis that it may deem appropriate.
2. No person, firm or corporation shall collect and remove garbage and refuse within the Village without having first been granted the right so to do by the Village Board.
3. Collection Rules and Regulations: The Village Board shall provide rules and regulations for the collection and removal of garbage and refuse as it deems necessary. (Ord., 8-13-1996)

9-6-5: **CONTAINER REQUIREMENTS:**

A. Duty to Provide Containers:

1. Residences: Every owner or his agent or the occupant of any residence shall provide and maintain in good order and repair a rodent proof garbage container or containers of not more than thirty (30) galloon capacity with a tight cover and suitable handles for the deposit of garbage. Items of refuse placed for collection shall be bagged or otherwise contained. The licensed contractor shall not be required to handle or empty perishable, nonstandard residential containers. (Ord., 1996)
2. Businesses: Every owner or his agent or the occupant of any place of business wherein food is prepared or served or sold for human consumption shall provide and maintain in good order and repair containers of sufficient size and quantity for the storage of garbage and refuse. No owner or agent or occupant of any such place of business shall permit garbage and refuse to collect upon said premises for more than three (3) days; provided however, that the placing of a contract for

removal of garbage and refuse with a licensed contractor shall be prima facie evidence of compliance with the requirements of this subsection A2. (Ord., 1996)

- B. Dumpster on Village Property: It is unlawful for any person to place dumpster on Village property without a permit from the Village. "Village property" shall include, but not limited to, any Village street, parks and alleys. A violation of this subsection is a petty offense and shall be punishable by a fine not to exceed fifty dollars. (\$50.00). (Ord. 1-8-02, 1-8-2002)

9-6-6: **RECYCLING PROGRAM:**

A. Definitions:

- BUILDING:** Any structure designed, built, or occupied as a shelter or roofed enclosure for persons, animals, or property.

- COMMERICAL CUSTOMER:** Person or persons engaged in business, including, but not limited to, stores, markets, offices, restaurants, shopping centers and theaters.

- COMPOSTING:** The biological process by which microorganisms decompose the organic fraction of waste, producing a humus-like material that may be used as a soil conditioner.

- MUNICIPAL WASTE:** Garbage, general household, institutional and commercial waste, industrial lunchroom or office waste, landscape waste and construction and demolition debris.

- OCCUPANT:** Person or persons residing in dwellings of one or more units which have either curbside, alley or centrally located collection services.

- PERSON:** Any individual, partnership, copartnership, firm, company, corporation, association, joint stock company, trust, estate, political subdivision, state agency or any other legal entity or their legal representative, agent or assigns.

RECYCLABLE MATERIALS:	Materials that are separated from garbage, municipal waste or refuse for the purpose of recycling, including, but not limited to: aluminum and tin cans, newspapers, corrugated cardboard, high grade printing and writing papers, magazines, landscape waste, plastic and glass containers.
RECYCLING :	The process by which solid waste is collected, separated and processed for reuse as either a raw material or a product which itself is subject to recycling, but does not include the combustion of waste for energy recovery or volume reduction.
RECYCLING CENTER:	A site or facility that accepts only segregated, nonhazardous, nonspecial, homogeneous, nonputrescible materials such as dry paper, glass, cans or plastics, for subsequent use in the secondary materials market.
RECYCLING CONTAINERS:	Any and all receptacles identified specifically for the containment of recycling items.
RECYCLING FACILITY:	A structure, building and/or parcel where materials from the waste stream are collected and processed for reuse and/or recycling.
CONSTRUCTION AND DEMOLITION: WASTE:	All waste resulting from the construction, renovation and demolition of buildings, roads, bridges, docks, piers and other structures.
CURBSIDE COLLECTION:	Refers to both recyclable and unrecyclable items collected from and set out within five feet (5') of either a street curb or from a roadway on a curbless street.
DWELLING:	A building, exclusive of recreational vehicles, containing as its principle use one or more dwelling units.

GARBAGE:	Any refuse products or materials including but not limited to, the following: putrescible animal and vegetable waste resulting from the handling, preparation, cooking, sale or consumption of food, animal excretion; glass or metal containers, products or objects discarded as no longer usable; paper, wood and cardboard waste; uprooted weeds, grass clippings, leaves and the like; ashes and cinders; discarded furniture or clothing; and dead animals. The term “garbage” does not include human excretion in the form of body waste.
HAULER:	Any person who engages in the business of collecting or hauling garbage, municipal waste, recyclables, landscape waste, brush or other refuse on a continuous and regular basis, and makes multiple scheduled collections per month within the Village.
LANDSCAPE WASTE:	All accumulations of grass or shrubbery cuttings, leaves, trees limbs and other materials accumulated as result of the care of lawns, shrubbery, vines and trees.
MATERIAL SEPARATION PLAN:	The plan submitted by the solid waste haulers specifying the recycling methods, means, etc., to be provided to residential customers.
RECYCLING RECLAMATION OR REUSE:	Any methods, techniques or processes designed to remove any containment from waste so as to render the waste reusable, or any process by which materials that would otherwise be disposed of or discarded are collected, separated or processed and returned to the economic mainstream in the form of raw materials or products.
REFUSE:	Waste.
RESIDENTIAL DWELLING UNIT:	Single-family, two-family and multiple-family dwellings.

- SCAVENGING:** The unauthorized collection of municipal waste and recyclable materials that have been set out by residents of the Village of Elizabeth specifically for an authorized collection.
- SOLID WASTE MANAGEMENT PLAN:** The officially adopted plan by the Village of Elizabeth pursuant to Illinois Solid Waste and Recycling Act¹ for the management of municipal waste generated within its boundaries.
- SOLID WASTE MANAGER:** The person appointed by the solid waste agency to oversee the implementation and management of solid waste programs as specified within the solid waste management plan.
- WASTE:** Any garbage, sludge from a waste treatment plant, water supply treatment plant, or air pollution facility or other discarded material, including solid, liquid, semi-solid, or contained gaseous material resulting from industrial, commercial, mining and agricultural operations and from community activities, but does not include solid or dissolved materials in irrigation return flows or industrial discharges which are point sources subject to permits under Section 402 of the Federal Water Pollution Control Act as now or hereinafter amended, or source, special nuclear, or by-product materials as defined by the Atomic Energy Act of 1954, as amended, or any solid or dissolved material from any facility subject to the Federal Surface Mining Control and Reclamation Act of 1977 or the rules and regulations thereunder or any law or rule or regulation adopted by the State of Illinois pursuant thereto.
(Ord., 1996)

- B. Separation Required: No person shall dispose of garbage, refuse or municipal solid waste without first separating all recyclable materials for collection by a licensed hauler with whom the Village has contracted under this Chapter or for delivery to a

¹ 415 ILCS 15/1 et seq.

licensed recycling facility.

C. Collection of Recyclables: Collection of the recyclables from the premises shall be a hauler with whom the Village has contracted and which hauler is duly licensed. No hauler shall pick up any garbage, refuse or municipal solid waste from which recyclable materials have not been separated. (Ord., 1996; amd. 2002 Code)

D. Ownership of Refuse and Recyclables:

1. Ownership of refuse and recyclable material set out for collection shall remain with the occupant who set out the material until removal by the licensed hauler. The person who set out the material is totally responsible for its proper preparation, handling and storage. Ownership and responsibility for the proper handling of the refuse and recyclable materials shall vest in the licensed hauler upon removal thereof by the hauler.
2. It shall be unlawful for any hauler to knowingly collect municipal waste, garbage or refuse from any residential dwelling in the Village containing recyclable material consisting of newsprint, magazines, glass containers, recyclable plastic containers, aluminum and steel (bi-metal) cans.
3. It shall be unlawful for any person (other than a governmental agent acting within the scope of his authority) not licensed by the agency to take, collect or scavenge any refuse or recyclable materials set out for licensed collection programs within the Village.
4. Nothing in this Section shall abridge the right of any recycling and composting program lawfully operated for profit, nonprofit or charitable purpose from selling recyclables and yard waste. (Ord., 1996)

9-6-7: **SOLID WASTE DISPOSAL FACILITY:** The Village President, by and with the assistance of such Village employees upon whom he may find it expedient to call, is hereby authorized to operate the Village Solid Waste Disposal Facility (IEPA No. 0850150003), located at West Side Park in the Village, in accordance with IEPA rules and regulations and such other requirements as to use and conduct as he deems necessary; provided however, that he shall not charge nor collect any fee from a user of said facility without prior authority therefor from the Village Board; provided further however, that he shall not allow or permit the disposal therein of any materials other than demolition or construction debris or landscape waste or major portions of trees. (Ord. 4-87-1, 4-7-197; amd. 2002 Code)