

CHAPTER 6
GARBAGE AND REFUSE

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ORDINANCE NO. 1-92

NOW, THEREFORE, BE IT ORDAINED BY the Village President and Village Board of the Village of Dakota, Stephenson County, Illinois, as follows:

The ordinances of the Village are hereby amended to include the following Chapter:

"Chapter 6 "

SOLID WASTE AND RECYCLING

DEFINITIONS

The following definitions shall apply whenever used in this Chapter:

8-6-1. Definitions

Bags: Plastic sacks or receptacles designed to store household waste with sufficient wall strength to maintain physical integrity when lifted by top. Total weight of a bag and its contents shall not exceed 50 lbs.

Base Rate: The minimum monthly charge assessed by the Village to each residential dwelling for basic household waste collection and disposal, and recycling services. The Base Rate shall be set by contract and shall not include the charge assessed for additional bags of household waste collected in addition to the first thirty (30) gallon bag for each household.

Bulky Household Waste: Rubbish such as stoves, refrigerators, water heaters, washing machines, white goods, furniture and waste materials other than construction debris, dead animals, hazardous waste or stable matter with weights or volumes greater than those allowed for containers.

Commercial Solid Waste: Garbage or refuse generated by a producer within the corporate limits other than a residential dwelling unit, including, but not limited to, multi-family dwellings, business, commercial or industrial producers.

Construction Debris: Waste building materials resulting from construction, remodeling, repair, renovation and demolition operations.

Container: A receptacle in which recyclable materials, household waste, rubbish, and garbage can be stored and later placed for collection as approved by the Village.

Contractor: A sole proprietor, corporation or partnership performing waste collection, recycling and disposal under contract with the Village.

Garbage: All animal and vegetable matter from handling, preparation, cooking, consumption, storage, decay or decomposition of food (meats, fish, fowl, fruits, grains) and/or any other animal or vegetable matter whatsoever, subject to decay which may putrefy or generate noxious or offensive odors.

Hazardous Waste: Waste that is toxic, corrosive, dangerously flammable, explosive or otherwise, which because of its characteristics, poses a substantial hazard to human health including, but not limited to, gasoline, oil, batteries, petroleum products, medical or veterinary pathological waste, pesticides or pesticide containers, paints, paint cans, paint thinner, lead, and radioactive materials.

Household Metal: Aluminum cans, tin cans and other recyclable metal.

Household Waste: All wastes which normally result from the operation of a household, including all garbage and rubbish. Household waste does not include hazardous waste or materials, nor does it include yard waste.

Owner: Any person, agent, firm or corporation having legal or equitable interest in the property.

Producer: One who generates solid waste and/or recyclable material.

Receptacle: Any container, whether referred to as "garbage can," "plastic bag," "cans," "suitable container," or "containers," which are of such size and form as to permit collection by one man. Garbage cans shall not exceed 30 gallons in capacity and shall be fitted with handles and lids.

Recyclable Materials: Newsprint, glass, corrugated cardboard, household metal, plastic bottles stamped with either a number 1 or number 2 grade, and other materials for which there is a market outlet for reuse or reformulation as new product.

Refuse: Solid waste material, except body waste,

Residential Household Waste: Household waste generated by a producer at a residential dwelling unit.

Residential Dwelling Unit: Any single or multi-family dwelling of 8 or less within the corporate limits of the Village.

Rubbish: All nonputrescible solid wastes consisting of both combustible and noncombustible waste, including but not limited to paper, plastics, bottles, glass, cardboard, metal, cans, bricks, ashes, sod, dirt, rocks, cement, trees, wood, leather, and any other like materials small enough for one man to handle. Rubbish does not include yard waste, bulky household waste, dead animals, garbage, stable matter and hazardous wastes.

Self-Adhesive Sticker: A sticker produced and printed for placement on each bag of household waste not included in the Base Rate charge to residential dwelling units.

Stable Matter: All manure and other waste matter normally accumulated in or about a stable, or any animal, livestock, or poultry enclosure, and resulting from the keeping of animals or livestock.

Solid Waste: Garbage or rubbish.

Volume Based Rates: Billing method that uses a base rate and a self-adhesive sticker to provide an incentive for producers to recycle and to more fairly apportion the costs of providing collection and recycling services.

Yard Waste: Compostible, organic material consisting of dead plants, weeds, Christmas trees, tree or hedge trimmings, grass clippings and leaves, but excluding tree limbs over 2" in diameter and 48" in length.

COLLECTION AND DISPOSAL

8-6-2. Franchise Authority. The Village shall collect residential household waste from all residential dwelling units as defined. The Village, subject to Village Board authorization and approval, may collect solid waste itself or it may franchise the authority to collect commercial solid waste and/or residential solid waste to one or more contractors through the use of either competitive bidding or negotiated contracts. The Village shall also have the authority to regulate and/or to require all producers to separate recyclable materials from waste materials as a condition for collection.

8-6-3. Residential Solid Waste Collection. Household waste collection from residential dwelling units shall be made only by the Village or designated contractors and only in the following manner:

- (a) collection shall occur at least once every seven (7) days.
- (b) collection shall be made curb-side or in a location mutually agreed between the Village Board and the Contractor.

- (c) collections shall be from containers or bags no larger than 30 gallons, larger containers or bags being subject to pick-up refusal, and enforcement action;
- (d) billing for collection shall be made using volume based rates, and residents shall be encouraged, but not required, to separate household wastes from recyclable materials. However, household waste commingled with hazardous waste or yard waste shall be refused for collection and subject to enforcement action.
- (e) participation in the Village's residential household waste collection program is mandatory and shall apply to all residential dwelling units.

8-6-4. Garbage Bag Stickers. Residential household waste collection charges shall be based on the dwelling unit's disposal volume. The Base Rate shall apply to each residential dwelling unit rate and shall include the cost of disposal for one (1) 30-gallon bag of waste. Each additional 30-gallon bag of waste set out for collection shall display a self-adhesive sticker at a rate and in a manner to be set by contract, and failure to do so shall be considered a violation of this ordinance. It shall be unlawful to tamper with, remove, change, alter or deface any sticker.

8-6-5. Storage. Residential household waste stored outside of a dwelling, garage or utility building must be placed in clean garbage containers with tight fitting lids at the rear of the dwelling unit or a suitable place out of public view. Filthy, leaking or defective containers shall be cleaned, repaired or replaced by the owner or occupant of the dwelling unit, at his or her expense. All containers shall be kept clean and disinfected with an antiseptic solution as often as necessary to prevent odors from becoming a nuisance. Neglect of these requirements or use of unsafe, unsanitary, or unsightly containers shall subject residential dwelling unit owners and/or occupants to enforcement action. Producer shall not allow solid waste to accumulate on their property past the established collection day.

8-6-6. Container Placement. Containers shall be placed at or near the curb in front of each dwelling unit where they can be seen from the street or road on scheduled pick-up days. The Village Board and the Contractor may mutually agree to a different location for pickup for the Village or parts of the Village. Garbage container bags placed for collection shall be tightly bound and closed by means of a staple or twist-tie. Containers may be placed by the curb or roadside no earlier than after dusk or 8:00 p.m., whichever is later, on the day prior to the scheduled residential waste collection. Containers must be returned to their dwelling or out of public view by 6:00 p.m. on the day of collection.

8-6-7. Commercial Storage. Institutional, commercial, business or industrial establishments, as well as apartment buildings of greater than 8 units, any of which produce solid waste within the corporate limits of the Village shall provide sufficient and adequate containers for the storage of all solid waste produced by such establishments. When bulk containers are provided by private firms, the name and telephone number of the firm shall be printed on the side. All containers shall be waterproofed, leakproof and shall be covered at all times subsequent to depositing waste therein or removing the contents thereof. It shall be the responsibility of the owner, operator or manager of the establishment to see that they are maintained in a sanitary condition.

8-6-8. Commercial Disposal. Establishments producing large quantities of solid waste and other refuse shall cause the removal and disposal of all such waste or refuse, from containers as often as necessary, but no less than every seven (7) days, to ensure a healthy environment around the establishments. Such establishment shall not allow solid waste or refuse to spill over from the container and they shall make arrangement for the proper removal and disposal of any such spillage.

8-6-9. Waste Designation. The City of Freeport's Municipal Sanitary Landfill shall be the exclusive site for the processing and disposal of all solid waste collected by commercial solid waste collection firms within the geographical confines of the Village. The terms and conditions of this section shall be specified in an inter-governmental agreement between the Village and the City. A commercial solid waste collection firm violating this section shall be subject to a fine of not less than \$200, nor more than \$500, with each day a violation occurs being a separate offense.

8-6-10. Regulations. This provisions of any contract for the collection of solid waste and/or the collection of recyclable materials subsequently adopted to this ordinance shall be consistent with this Chapter. All contract provisions may be passage of a resolution of the Village Board be adopted by reference as if fully set forth herein. The Village Board may adopt additional regulations by resolution to implement the intent of this Chapter. This Chapter does not imply a right to a contract nor restrict the Village from insuring its rights by contract, including, but not limited to, contractual provisions regarding financial responsibility and the Village's rights to insure compliance with this Chapter and with its contract.

8-6-11. Penalties. Unless otherwise specified, the penalty for violating this Chapter or its regulations shall be not less than \$25 nor more than \$100.

RECYCLING

8-6-12. **Recycling Collection.** There is hereby established in the Village a curb-side recycling program operated by the Village or contractors of the Village for residential dwelling units to provide for the separation of designated recyclable materials and for placement of such materials in special designated recycling containers. The Village shall designate the special recycling containers to be used for the purpose of storing recycling materials on-site at the residential dwelling unit and placement of those materials curb-side. Residents shall use only the Village-designated recycling containers or a container approved by the Contractor.

8-6-13. **Recycling Containers.** The Village shall provide specially labeled recycling containers to each residential dwelling unit. The Village shall maintain ownership of the containers. However, each residential dwelling unit shall be responsible for the normal and reasonable care of the recycling containers entrusted to the dwelling unit's care, and the cost of replacement of containers which are damaged or lost through misuse, misplacement, theft or neglect.

8-6-14. **Placement and Storage of Recycling Containers.** Recycling containers shall be stored on the residential dwelling unit's premises and may be placed at the dwelling unit's designated location for collection only during the time specified for household solid waste collection.

8-6-15. **Recycling Materials.** The Village's recycling program shall provide, at minimum, for the collection of household metal, newsprint, corrugated cardboard, number one and number two plastic bottles which are separated from the waste stream and placed in the recycling container for collection on the regularly scheduled pick-up day. The Village Board may from time to time change the materials to be separated from the waste stream and include new materials in the recycling program, upon satisfactory evidence of a marketing outlet or disposal network for such materials. Residents shall be notified in writing and by public notice of any change in recycling materials collected from residential dwelling units. Such changes in collected materials shall be binding upon contractors.

8-6-16. **Scavenging Prohibited.** Once recyclable material has been placed in and along recycling containers, and set curb-side or at the designated collection point, recycling materials become the property of the Village until lifted into the contractor's truck or recycling vehicle, at which time such materials shall be and become the property and responsibility of the contractor. It shall be unlawful for persons, firms or corporations to remove any recyclable material set out or aside for collection.

8-6-17. Cost of Collection. The cost of collection of recyclable materials shall be included within the Base Rate for household waste collection and disposal charged to residential dwelling units by the Village; no additional charges shall be levied on any residential dwelling unit as a condition of recycling collection. The revenue derived from the sale of recyclable materials shall be the contractor's revenue.

8-6-18. Additional Recycling Programs. Institutions, firms, factories, businesses, commercial establishments, and apartment complexes that do not fit the definition of residential dwelling unit may be included in the Village's recycling program upon promulgation of regulations by the Village Board.

YARD WASTE

8-6-19. Yard Waste Disposal. No producer of yard waste shall mix or commingle yard waste with solid waste or household waste or with any recyclable material. Any such commingling of yard waste or landscape waste is hereby prohibited. If the Freeport Municipal Landfill lifts its prohibition against commingling yard waste with solid waste, the Village Board may, by resolution, waive the prohibition established in this section.

The Village is empowered to contract a private firm, individuals or other public entities to operate a yard waste collection program either separately or in conjunction with the Village's residential household waste collection and recycling program.

8-6-20. Ordinance Conflicts. All ordinances or parts of ordinances in conflict with provisions herein are hereby repealed to the extent of such conflict. If any section, clause or provision of this Ordinance be declared by a Court of competent jurisdiction to be invalid, such decision shall not affect the validity of the Ordinance as a whole or any part thereof, other than the part so declared to be invalid.

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

PASSED this 10th day of Oct., 1991.

AYES: 6
NAYS: 0
ABSENT: 0

APPROVED this 10th day of Oct., 1991.

ATTEST:

Jeanne Yeoman

William A. Lucas
VILLAGE PRESIDENT

State Statute 5906
Effective Jan 1, 1986
Section 11-19-7 of the Village Management Code
and section 25.11a of the Charter to be revised. The law in relation to a resolution.
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