

CHAPTER 17
GARBAGE, REFUSE AND RECYCLING

17.01 DEFINITIONS. Terms used in this Chapter mean as follows:

Garbage: All animal and vegetable waste and all putrescible matter.

Refuse: All waste substances including garbage as well as combustible and noncombustible wastes.

Noncombustible Waste: All other waste substance not capable of incineration or burning, including ashes, glass, metal, earthenware and the like.

Sanitary Landfill: A type of operation in which refuse is deposited by plan in a pit or excavation of open land, is compacted by force applied by mechanical equipment, and then covered by a layer of earth, ashes or suitable covering material to a depth of at least two (2) feet.

Recyclable Materials: Materials that are separated from garbage 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, 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 Containers: Any and all receptacles identified specifically for the containment of recycling items.

Recycling Facility: A structure, building and/or parcel where material from the waste stream are collected and processed for re-use and/or recycling.

Transfer Station: A facility where refuse and recyclables are brought for processing and consolidation so that they can be moved to an alternative disposal site such as a landfill.

17.02 CONSENT OF VILLAGE. No license or permit to operate a Sanitary Landfill, Transfer Station, or Recycling Facility or otherwise place or dump garbage not originating in the Village, within the Village or within one (1) mile of the corporate limits shall be issued unless the provisions of 720 ILCS 5/47-10, are complied with.

17.03 LICENSE REQUIRED. It shall be unlawful to maintain or operate a Sanitary Landfill, Transfer Station, Recycling Facility or any place for the disposal or processing of garbage, refuse or recyclable materials, anywhere in the Village or within one (1) mile of the corporate limits without first receiving a license therefore; and it shall be unlawful to maintain, operate or permit the maintenance or operation of any such place in violation of any provision of this Chapter.

The annual fee for such license shall be \$100,000 or an alternative amount mutually agreed upon by the Village of Johnsburg and the operator. No such license shall be issued except on direction by the President and Board of Trustees.

17.04 SECURITY No such license shall be issued, or effective, unless there is on file with the Village Clerk a cash bond or irrevocable letter of credit with the Village named as beneficiary in the amount of Twenty-Five Thousand Dollars (\$25,000) to assure that:

- A. The licensee, his agents and employees will comply with all of the terms, conditions, provision requirements and specifications contained in this Chapter.
- B. The licensee, his agents and servants, will faithfully operate the Sanitary Landfill, Transfer Station or Recycling Facility for which the permit is issued in accordance with the provisions of this Chapter.
- C. The licensee, his agents and employees will save harmless the Village from any expense incurred through the failure of the permittee, his agents and employees to operate and maintain the Sanitary Landfill, Transfer Station or Recycling Facility as required by this Chapter, including any expense the Village may be put to for correcting any condition or violation of this Chapter by the Village's own labor and equipment, whenever the President and Board of Trustees determines it is necessary for the Village to correct any condition in violation of this Chapter, or from any damages growing out of the negligence of the permittee or his agents or employees.
- D. Before acceptance, the Security shall be approved by the President and Board of Trustees. The letter of credit shall be executed by and issued by a financial institution in McHenry County reasonably acceptable to the Village. If a cash bond is offered, it shall be deposited with the Comptroller, who shall give his/her official receipt therefore, reciting that the cash has been deposited in compliance with and subject to the provisions of this Chapter.

17.05 APPLICATION; INVESTIGATION. Applications for licenses shall be filed with the Village Clerk and shall contain a description and plat of the land on which the disposal of refuse is proposed; a description of the sequence and plan of operation; availability of the equipment for water supply; type and capacity of equipment to be used for operations; plans for fire, nuisance and vermin control; existing and proposed roadways and easements; existing topography and water courses, together with a diagram and written statement explaining proposed location and extent of earthwork and fill operations, proposed equipment and estimated daily or weekly volume of garbage and refuse; and such other information as may be required by the President and Board of Trustees.

The Village Engineer shall examine the premises and shall also coordinate his investigation with the County Health Department to determine whether the granting of the permit to the applicant would or would not violate the health regulations of the County or would, in any way, create a hazard or menace to the public health or would, in any way, create a nuisance to the people of the

Village, and shall make a report giving his recommendations to the President and Board of Trustees.

17.06 DUMPING REFUSE, GARBAGE OR RECYCLABLE MATERIALS. It shall be unlawful to dump or dispose of any refuse, garbage or recyclable materials except in a properly constructed receptacle, or in a licensed landfill within the Village or within one (1) mile of the Village limits.

17.07 ENFORCEMENT. All enforcement officers of the Village shall be charged with the enforcement of this Chapter and shall make any inspection necessary to that end.

17.08 REVOCATION OF LICENSE. Any license issued under the provisions of this Chapter may be revoked by the President for any violation of any law or ordinance pertaining to the operation or maintenance of such establishment.

17.09 DISPOSAL BY RESIDENTS AND/OR COMMERCIAL PROPERTIES

- A. Receptacles Required. It shall be the duty of every owner, or his agent, or the occupant of any house, dwelling or other building in the Village wherein people reside or lodge, or where animal or vegetable food is prepared or served, and at all times, to maintain in good order and repair a separate receptacle to be used for the purpose of depositing garbage and other similar refuse. For residential properties, such receptacle(s) shall be watertight, made or constructed of metal or plastic, and shall be equipped with a close fitting cover, and shall be of a capacity of not less than five (5) nor more than thirty-five (35) gallons. Additionally, residents may rent containers as provided for in the Village's Residential Refuse, Recycling, Landscape and Optional Waste Removal Contract. At no time shall commercial containers be permitted for regular weekly pickup of garbage at single family detached dwellings, townhome or other multifamily units served by curbside collection services.
- B. Deposit on Streets and Property. It shall be unlawful for any person to deposit garbage or other similar refuse or recyclable materials in any street, alley or public way. It shall be unlawful for any person to deposit garbage or other similar refuse or recyclable materials upon any private property, unless such garbage or other similar refuse shall be placed in a receptacle as hereinabove described, and it shall be unlawful to place such receptacles upon any street, alley or public way.
- C. Littering. It shall be unlawful for any person to deposit, place or locate garbage or other similar refuse or recyclable materials in any manner so that the same could be blown about or scattered by wind or accessible to animals.
- D. Burning. It shall be unlawful for any person to burn or cause to be burned any garbage or other similar refuse or recyclable materials within the corporate limits of the Village.
- E. Storage of Garbage and Refuse Containers, Etc.

1. No person shall place any garbage and refuse or recycling container on any street, alley or other public place more than twenty-four (24) hours prior to the regular and customary collection schedule established by the scavenger, nor shall any person permit such garbage, refuse or recycling containers to remain in any street, alley or other public place for more than twenty-four (24) hours after the aforesaid regular and customary collection schedule. At all other times there shall be no storing of garbage and refuse or recycling containers in front of a residential or commercial structure or garage. Containers kept along the side or rear of a home must have lids secured at all times and kept in neat order with no garbage or debris in public view.
2. Commercial containers “Dumpsters” must be appropriately enclosed such that they are screened from public view. The enclosure shall measure six (6) feet in height and completely surround the container with an access gate made of the same material as the enclosure. Suitable enclosure materials shall be either wood or chain link fencing with slats. The enclosure must be installed within 90 days from notification.
3. Penalty - Any person, firm or corporation violating any provision of this section 17.09-E.02 shall be fined not more than a Class C and be responsible for the Village cost of prosecution including reasonable attorney fees.

F. Accumulation of Garbage. The accumulation and storage of garbage or recyclable materials on any premises for more than a period of two weeks is hereby declared to be a public nuisance and is prohibited.

17.10 GARBAGE AND REFUSE VEHICLES. Any truck, wagon or other vehicle used by any person for the waste product shall be constructed in such manner that the load carrying portion thereof is entirely enclosed and covered, and such enclosure or cover shall be kept closed and in place at all times except when such material is being loaded or unloaded.

17.11 SEPARATION AND COLLECTION OF RECYCLABLE MATERIALS FROM RESIDENTIAL DWELLING UNITS.

- A. Separation Encouraged. Even though it is not mandatory, the Village strongly encourages every occupant of any residential dwelling unit having recyclable materials on the premises to separate these from all other refuse or garbage and shall store recyclables separately in containers designated as containers for the storage of recyclables.
- B. Collection of Recyclables. Collection of recyclables from premises shall be by a hauler designated by the Village. As an alternative, occupants of residential dwelling units may take recyclable materials to a properly licensed recycling facility.

17.12 OWNERSHIP OF REFUSE AND RECYCLABLES.

- A. 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. Until the refuse and/or recyclable materials are removed by the licensed hauler, the occupant who set out the material is totally responsible for their 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 thereon by the hauler.
- B. It is unlawful for any person who is not licensed by the Village to take or collect or scavenge any refuse or recyclable materials set out for licensed collection programs within the Village.
- C. Nothing in this Ordinance shall abridge the right of any recycling and composting program lawfully operated for profit, non-profit or charitable purposes from selling recyclables and yard waste.

17.13 EXCLUSIVE CONTRACT. The President and Board of Trustees is authorized to enter into an exclusive contract for the collection and proper disposal of residential refuse, recyclables, yard waste and other materials from single family and multi-family dwellings being served by curbside collection services.

17.14 NON-FRANCHISED RESIDENTIAL WASTE HAULER BARRED FROM DELIVERING WASTE SERVICE IN VILLAGE’S CORPORATE BOUNDARIES

In the event that the Village enters into an exclusive, franchise agreement with a waste collection and disposal service firm to serve single family and multi-family residential units within the Village, exclusive of multi-family residential units that utilize a centralized dumpster that is at least 2 cubic yards in size, no other person, firm or entity shall provide waste collection and/or disposal services to any single family or multi-family residential unit, other than those multi-family units that utilize a centralized 2 cubic yard dumpster or greater, within the corporate boundaries during the term of such agreement. Each instance where waste collection is provided by a person, firm or entity to a single family residential unit or multi-family residential within the Village, other than a multi-family residential unit that utilizes a centralized 2 cubic yard dumpster or greater, that has not entered into an agreement with the Village for waste collection service, is a violation of this ordinance.

17.15 SETTLEMENT OF OFFENSE. Any Offense arising under this Chapter 17, for which a specific penalty is not stated may be settled and compromised by the offender by payment to the Village the sum of money stated for a Class A violation in Chapter 1.07-E.