

Chapter 53 -- GARBAGE AND REFUSE

Section 53.01 - Definitions.

For the purposes of this chapter, and the interpretation and enforcement thereof, the words, terms, phrases and their derivatives set forth in this section below shall have the meanings as follows:

City hauling service means the provision of any service contracted by the city to collect residential waste or landscape waste from any residential dwelling containing not more than two dwelling units.

Commercial hauling service means the provision of any service to collect and transport municipal waste or landscape waste from any dwelling, multifamily dwelling or any commercial or industrial premises.

Construction or demolition debris means any solid waste containing a variety of materials resulting from the construction, demolition, remodeling or renovation of residential, commercial or industrial structures. "Construction or demolition debris" also includes cement, concrete, asphalt or masonry debris resulting primarily from street, sidewalk, bridge, sewer and water construction, repair or replacement, which is defined as "clean fill" by the Illinois Environmental Protection Agency.

Curbside means that portion of the right-of-way adjacent to and within five feet of the roadway, including any alley.

Director means the City Manager or his or her designee.

Dwelling unit means one room or a suite of two or more rooms in a residential dwelling designed for and used for living and sleeping purposes, containing its own kitchen and bathroom facilities, and having its own independent entry/access from the exterior of such residential dwelling or from a common interior hallway.

Front yard means the open space of any yard on any lot within the city extending the entire width of any such lot from the line of the right-of-way to the nearest point of any building or structure located on such lot.

IEPA means the Illinois Environmental Protection Agency.

Landscape company means any person that provides, for any property other than its own, maintenance or removal of lawns, shrubbery, trees or any ornamental plant, and transports only landscape waste produced directly as a result of such landscape care activities.

Landscape waste means any accumulation of grass, shrubbery cuttings, leaves, tree limbs and other materials accumulated as the result of the care and maintenance of lawns, shrubbery, vines and trees; provided, however, that landscape waste that has been chipped, shredded, composted or otherwise processed so as to be converted from raw landscape waste shall not be considered to be landscape waste for the purposes of this chapter.

Multifamily dwelling means any residential dwelling containing more than two dwelling units.

Municipal waste means any garbage, refuse, rubbish, debris, general household waste, or construction or demolition debris, but does not include any landscape waste or any material or waste classified as hazardous, toxic, flammable or otherwise dangerous to the environment under any federal, state or local law.

Person means any individual, partnership, co-partnership, 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.

Residential waste means any garbage, refuse, rubbish, debris, general household waste, but does not include any construction or demolition debris or landscape waste or any material or waste classified as hazardous, toxic, flammable or otherwise dangerous to the environment under any federal, state or local law.

Right-of-way means the entire width between the boundary lines of any land dedicated for street, alley or sidewalk purposes or otherwise open to the use of the public for the purposes of passage or vehicular travel within the city.

Roadway means that portion of the right-of-way improved, designed or ordinarily used for vehicular travel.

Waste hauler means any person who charges a fee for collecting municipal waste or landscape waste.

Section 53.02 - Service required.

- (a) Any person who as owner, agent, lessee, occupant or other person in control of any dwelling unit other than a multifamily dwelling shall be required to have city hauling service.
- (b) Any person who as owner, agent, lessee, occupant or other person in control of any multifamily dwelling or of any commercial or industrial premises within the city shall have any accumulation of municipal waste on any such property collected and disposed of at least once every seven calendar days by a waste hauler who has a valid waste hauler license as required by this chapter.
- (c) The occupancy of any dwelling unit, multifamily dwelling or the operation of any commercial or industrial activity by any person within the city shall be prima facie evidence that municipal waste is being produced and accumulated within any such dwelling unit, multifamily dwelling or on any such commercial or industrial premises.

Section 53.03 - Container requirements.

- (a) All municipal waste shall be placed for collection in approved containers as described in this subsection. No person who as owner, agent, lessee, occupant or other person in control of any dwelling unit or of any commercial or industrial premises shall accumulate or permit the accumulation of municipal waste on any such property except:

- (1) *For city hauling service of residential waste:* All residential waste for collection, other than recyclable materials which a customer desires to separate for recycling, landscape waste, or construction waste, shall be placed in such container as may be supplied from time to time by the provider of such city hauling service;
 - (2) *For commercial hauling service of municipal waste:* a watertight container or containers which meet or exceed the requirements of being constructed of a rigid material with handles, a tight-fitting lid and sufficient capacity to contain the accumulation of municipal waste until the next date of collection; or a watertight dumpster or similar trash receptacle which meets or exceeds the requirements of being constructed of a rigid material with a lid and sufficient capacity to contain the accumulation of municipal waste until the next date of collection.
- (b) Any unlawful accumulation of municipal waste in violation of the provisions of this section is declared to be a public nuisance and may be enforced in accordance with provisions of this Code applicable to public nuisances.
- (c) *Recyclable material.* All recyclable materials separated from residential waste must be placed in recycling totes provided free of charge to customers paying monthly fees for waste totes provided by licensed haulers.

Section 53.04 - Municipal and landscape waste in front yard or right-of-way.

It shall be unlawful for any person, including for this purpose, any owner, agent, lessee, occupant or other person in control of any dwelling unit or of any commercial or industrial premises, to cause, permit or allow any municipal waste or any landscape waste to be placed, deposited or stored in any front yard or in any right-of-way within the city, except as may otherwise be allowed or authorized in connection with the following:

- (1) Residential waste generated from any dwelling unit other than a multifamily dwelling may be temporarily placed, deposited and stored in any front yard or in any right-of-way (excluding the roadway and sidewalk portions thereof) immediately adjacent to the dwelling unit where such residential waste is generated for the purposes of curbside collection by the provider of city hauling service during the 40-hour period commencing at 6:00 p.m. on the day preceding and ending at 10:00 a.m. on the day following the day or days designated by such provider of city hauling service for curbside collection; provided such residential waste is in a container or containers meeting the requirements of this article. If a city-observed holiday should occur on any one of such designated days, the hours for such curbside collection shall be permitted during the same 40-hour period preceding and following the day immediately after any such holiday.
- (2) Landscape waste may be temporarily placed, deposited or stored in a front yard or in any right-of-way (excluding the roadway and sidewalk portions thereof) immediately adjacent to the dwelling unit or the commercial or industrial premises where such landscape waste is generated for the purposes of curbside collection by: (i) the city during any period designated for such purposes by the Mayor and City Council of the city; or (ii) a licensed waste hauler for a maximum

period of seven consecutive calendar days; provided that any such landscape waste is placed in their own containers or biodegradable bags.

- (3) Leaves may be placed, deposited or stored within the right-of-way in a neat and careful manner and piled near, but not upon, any portion of the roadway or of any sidewalk for curbside collection by the city during any period designated for such purpose by the Mayor and City Council of the city; provided, however, that any leaves so placed, deposited or stored shall be piled no more than 18 inches in height and no other material of any kind shall be deposited or placed in or near such leaves.

Section 53.05 - Composting—Maximum size and location standards.

It shall be unlawful for any person, including for this purpose, any owner, agent, lessee, occupant or other person in control of any dwelling unit or of any commercial or industrial premises to cause, permit or allow a compost cell or pile to be maintained within the city in violation of the following standards:

- (1) The maximum size of any such compost cell or pile shall not exceed 125 cubic feet in volume and five feet in height. Any such compost cell or pile shall also be restrained on three sides to minimize blowing material, and any such side walls should allow aeration. Any such compost cell or pile shall further not:
 - a. Be located in a floodway;
 - b. Be setback less than three feet from any property line, unless such compost cell or pile is maintained jointly by two or more abutting property owners;
 - c. Be closer than 15 feet to any dwelling unit on abutting property;
 - d. Be located in any front yard; and
 - e. Be maintained so that runoff or leachate created as a result of any such compost cell or pile runs onto abutting property.
- (2) Only the following organic materials shall be allowed in any such compost cell or pile: dirt, sod, landscape waste in which any woody materials and garden wastes have been reduced in size to half an inch in diameter and 12 inches long, and cooked and uncooked fruits and vegetables; provided, however, that small amounts of wood ash or fertilizer may be added to provide nutrients.
- (3) The materials to be excluded from a compost cell or pile shall include, but are not limited to: construction or demolition debris, metal items, preservative-treated wood products, petroleum products (gasoline, crankcase oil, paints or solvents), pesticides or herbicides (except that which is already conveyed as part of the organic materials described in subsection (2) of this section above), fish or animal feces, fish or animal carcasses, cooked meat scraps, human feces, paper, and plastic or cardboard items normally considered solid waste.

Section 53.06 reserved

Section 53.07 Placement for Collection

Unless other arrangements for the location of waste pickup are made between the customer and the hauler, all residential waste, placed in approved containers shall be placed at the curb by the customer for collection. Approved containers may be stored at the curb until collected, but no longer than 48 hours at a time. Approved containers may not be placed on top of water meters and may not interfere with mail delivery, snow removal and vehicular traffic.

Section 53.08 Hazardous Waste

No hazardous waste shall be placed for collection with residential waste. No hazardous waste shall be collected within the city without the hauler thereof being licensed to perform the hauling by the Illinois Environmental Protection Agency.

Section 53.09 Disposal

All residential waste shall be collected, removed, and disposed of in accordance with all applicable statutes, laws, ordinances, rules, and regulations. All recyclable material collected by any hauler shall be processed and marketed as recyclable material. Only that portion of the recyclable material that is not processable or marketable due to the quality of the recyclable material, for example, wet newspaper, may be landfilled. Upon request of the city, proof of recycling must be provided to the city by the waste hauler.

It shall be unlawful to bury municipal waste at any time within the city limits.

Section 53.10 - Burning prohibited; exceptions.

- (a) It shall be unlawful to burn any garbage, or material such as rubber, tires, leather, tar paper, old batteries or any material which emit an offensive odor when burned, outside of any building at any time in the City.
- (b) It shall be unlawful to burn papers, excelsior, or other material which may be blown about by the wind anywhere in the City unless the same is burned in a stove, fireplace, or furnace or in an incinerator sufficiently fine to prevent the escape of ignited particles.
- (c) Recreational campfires are permitted on property only under the following conditions:
 - (1) The fire shall be contained in a metal container not exceeding twenty (20) square feet in plane surface area and not elevated more than ten (10) inches above the grade level or on cleared earth in a pit enclosed on the sides by masonry or rock materials and not exceeding twenty (20) square feet in area.
 - (2) All trees, fences, decks and other structures shall be at least ten (10) feet from the fire enclosure or pit.

- (3) Any fuel used shall be confined to logs or branches that are untreated or commercially available charcoal briquettes. No other fuels are permissible except a starter fuel designed for that purpose.
 - (4) A responsible adult of at least eighteen (18) years of age shall be in attendance at all times that the fire is burning. When adult supervision ceases, the fire shall be extinguished with water and the coals spread out in the enclosure.
 - (5) Campfires shall be extinguished if, in the opinion of a responding fire department employee, there is danger that smoke or fire will inflict injury upon someone or will cause damage to property.
 - (6) The owner of the property upon which the fire is burning shall have consented to such fire.
- (d) Outdoor cooking fires: Charcoal or small wood fires for cooking purposes are permitted in containers designed for cooking over such fires. These containers shall be placed so that they do not cause fire or smoke damage to property or injury to any person.
 - (e) Enforcement: It shall be the responsibility of the Police Chief or his or her designee to enforce this section of the Code.

Section 53.11 License Required

- (a) No person, firm, corporation, or company shall engage in the business of collecting and/or hauling municipal waste or recyclable material over and upon the streets of the city unless the person, firm, corporation, or company shall be licensed therefor by the City of Farmer City.
- (b) Each licensee, by applying for and receiving a license from the city, shall be deemed to have entered into an indemnity agreement with the city whereby the licensee agrees to indemnify, defend, and hold the city harmless from all costs, expenses and liabilities, including attorneys' fees and court costs, resulting from or arising out of any claim, demand, or cause of action for damage to persons or property caused, or allegedly caused, by licensee or licensee's employees in the city.
- (c) As a condition to each license, the licensed hauler must maintain current, effective, and binding certificates of insurance on file with the City Clerk throughout the term of the license, naming the city as an additional insured, for the following types of insurance:
 - (1) *Worker's compensation.* The licensed hauler must carry with a company authorized under the laws of the State of Illinois a policy to protect itself against liability under the Worker's Compensation and Occupational Diseases statutes of the State of Illinois;
 - (2) *Motor vehicle liability insurance.* The licensed hauler shall carry in its own name a policy under a comprehensive form to insure the entire motor vehicle liability for its operations with limits not less than:
 - a. Three million dollars (\$3,000,000) for each person and \$5,000,000 for each accident for bodily injury and death liability; and

- b. Two million dollars (\$2,000,000) for each accident for property damage liability;
- (3) *General liability*. The licensed hauler shall carry in its own name a commercial general liability insurance policy with the following limits of liability:
 - a. Three million dollars (\$3,000,000) combined single limit per occurrence for bodily injury, and property damage;
 - b. Five million dollars (\$5,000,000) per occurrence for personal injury; and
 - c. A general aggregate limit of liability shall be twice the required occurrence limit, and no less than \$6,000,000;
- (4) *Employer's liability*. The licensed hauler shall carry in its own name an employer's liability policy with limits of \$1,000,000 per accident; and
- (5) *Environmental impairment pollution liability*. The licensed hauler shall carry in its own name a \$2,000,000 combined single limit per occurrence for bodily injury, property damage, and remediation costs.

Section 53.12 License

- (a) No applicant shall be granted a license unless the applicant shall have the proper and necessary vehicles, machinery and other equipment for properly taking care of and disposing of municipal waste in conformity with this chapter and the health regulations of the state, the County of DeWitt, and the city. No license shall be granted to any applicant who has been guilty of any willful violation of this chapter or any other health or sanitary regulations of the city, or is in default on any contract with the city.
- (b) The City shall contract with one (1) person to be the sole City hauling service which shall have the exclusive license to collect residential waste and landscape waste from residential dwellings other than multifamily dwellings.

Section 53.13 Application

The application for and renewal of a commercial hauling license shall include the following information:

- (1) Name and phone number of the business operating the vehicle(s);
- (2) Name of the manager of the business;
- (3) Address of business;
- (4) Year, make and model and Illinois vehicle plate number of each collection vehicle operated by the business;
- (5) Type of each collection vehicle (e.g. pickup, dump truck, semi);
- (6) Vehicle Identification Number of each collection vehicle;
- (7) Weight of each collection vehicle;

- (8) Capacity of each collection vehicle in yards;
- (9) Type of material to be hauled by each collection vehicle (e.g. landscape waste, residential waste); and
- (10) Proof of current commercial general liability, automobile liability, and workers' compensation insurance in the form of a certificate of insurance issued by an insurance company licensed to do business in the State in the amounts required by the City and stated on the City's Application for Commercial Hauler License.
- (11) If the applicant is or will be collecting on a regular basis from freestanding residential units of four (4) or less, how and by whom recyclables will be collected.

The licensee shall notify the City in writing within fourteen (14) days following a change in any information contained in the licensee's application.

- (12) All applications for license shall be made to the City Clerk on forms provided by the city. Applicants must produce all necessary documents to demonstrate compliance with the requirements of this chapter.
- (13) Proof of satisfaction of all prior years fees owed to the City.

Section 53.14 Fee; Expiration

The license fee shall be \$100 per year for each licensee. In addition to the license fee, the City hauling service shall pay additional fees as contained in the contract with the City. All other licensee holders shall pay an additional fee to the City in an amount equal to \$5.00 per container per year collected within the City. The license fee is due upon application for each license, and the additional fee is due upon the expiration of each license. The licensee must produce all necessary business records to substantiate the required additional fee. All licenses shall expire annually on April 30 of each year.

Section 53.15 Vehicles Transporting Waste

All vehicles used in the collection and/or transportation of municipal waste shall conform to the following requirements:

- (a) They shall at all times be kept in a neat, clean and sanitary condition, and in good running order;
- (b) They shall be kept thoroughly cleaned so that when empty they will give off no offensive or obnoxious odors;
- (c) They shall not be overloaded;

- (d) They shall have and utilize a water-tight bed or receptacle having a closed cover and be so constructed that no portion of the waste conveyed therein shall be scattered or left in or upon the sidewalks, streets, alleys or public grounds of the City;
- (e) They shall not allow any fluids being hauled to leak from the bed or engine onto a public street or right- of-way;
- (f) They shall not be parked on the streets of the city in any 1 place for a period longer than is necessary to load the waste of the customer being immediately served;
- (g) They shall at all times be kept neatly painted and easily identifiable with the licensed hauler's name and the website required under Section 53.12 of this chapter; and
- (h) They shall not be driven or operated by anyone not of good moral character.

Section 53.16 Minimum Services

- (a) Each licensed hauler shall collect residential waste at least once each week and recyclable material placed for collection by the licensee's customers at least once every other week.
 - (1) Recyclable materials may include, but not be limited to, corrugated cardboard, boxboard, beverage carrier stock, magazines, catalogs, newspaper and inserts, telephone directories, paperback books, residential mixed paper, tin and bi-metal food and beverage cans, empty aerosol cans, aluminum food and beverage cans, foil and trays, food and beverage mixed glass containers, plastics labeled #1 through #7, non-styrofoam.
 - (2) Recycling services shall be provided at no additional cost. Recycling services shall not be separately priced nor shall recyclable materials be counted towards the per container cost of services.
- (b) If a customer chooses to separate recyclable material from the customer's residential waste and places the recyclable material in approved containers, as provided for above, each licensed hauler shall collect the recyclable material and shall not mix recyclable material with other residential waste. However, no licensed hauler shall be required to pick up recyclable material, unless the recyclable material is accompanied by at least 1 bag of residential waste, or deposited in a recycling tote provided by a licensed hauler for pick up on a date designated by the hauler.
- (c) Any residential waste that would fit in an approved container, as described in § 53.03, that is not placed in such an approved container shall not be collected by the licensed

hauler, except as provided in any written agreement between the City and the City hauling service.

- (d) Nothing contained in this chapter is intended to restrict customers and licensed haulers from increasing the level of services provided by the hauler, including but not limited to more frequent collections, back door collections, special collections of bulky items or landscape waste and the like.

Section 53.17 Rates

- (a) *Residential waste.* Licensed haulers shall charge a customer for the collection of residential waste on the basis of the amount of residential waste, not separated for recycling, collected from such customer. This shall be accomplished by the licensed hauler charging each customer a standard fee for:
 - (1) A monthly fee for each waste tote based on the size of tote provided.
- (b) *Recyclable material.* Licensed haulers shall not charge for collecting recyclable material that has been separated and placed by customer in approved containers, as provided for in § 53.03.
- (c) Any items collected that will not fit in an approved container, as described in § 53.03, shall be charged for at the discretion of the hauler, except as provided in any written agreement between the City and the City hauling service.

Section 53.18 Additional Services

- (a) Each licensed hauler shall maintain an office equipped with sufficient telephones and personnel to provide prompt, courteous and efficient service for Farmer City residents contracted with that hauler for questions or to file complaints by telephone or in person Monday through Friday (except holidays) from 8:30 a.m. until 4:30 p.m. Every complaint shall be given prompt, courteous attention. In the case of alleged missed collections, the licensed hauler shall investigate, and if such allegation is verified, shall make the collection within 24 hours after the complaint is received. The licensed hauler shall notify the City if any complaints received and corrective action taken.
- (b) Each licensed hauler shall provide a point of contact to the City to handle any issues relative to their license as well as any complaints received by the City regarding the refuse or recycling collection services provided by the hauler. Each licensed hauler shall also provide information for after-hours emergencies.

- (c) Each licensed hauler must maintain a website specifically dedicated to the waste hauling service it provides in the City of Farmer City, including waste and recycling collection schedules, information regarding the rental of waste totes, and such other information the city reasonably deems necessary from time to time. The licensed hauler's email address and telephone number must be listed on the required website.

Section 53.19 Hours

All collections of residential waste shall be made between the hours of 6:00 a.m. and 7:00 p.m. All collections shall be made as quietly as possible.

Section 53.20 - License revocation.

- (a) Unless as otherwise agreed in any contract between City and City hauling service, the director may revoke a waste hauler license for any one or more of the following reasons:
 - (1) Two or more violations of this article within a 24-month period prior to the then-current violation of this article;
 - (2) Two or more suspensions of such waste hauler license for any length of time for any violations of this article that occurred within a 24-month period prior to the then-current violation of this article; or
 - (3) Any fraud, misrepresentation or false statement contained in any application for such waste hauler license or for any commercial vehicle inspection permit required by this article.
- (b) Any waste hauler whose license has been revoked may reapply for a waste hauler license not less than six months following the effective date of any such revocation of any such waste hauler license.

Section 53.21 - Administrative procedure.

- (a) No waste hauler license shall be suspended or revoked unless an administrative hearing open to the public is held. The licensee shall be given written notice, at least seven days prior to such hearing, informing the licensee of the date and time of any such hearing and the grounds for the proposed suspension or revocation. Such written notice shall be by personal service on the licensee, or by certified mail addressed to the licensee at the address listed in the license application. The licensee shall be given a reasonable opportunity to appear and defend.
- (b) The director may appoint a hearing officer to hold any hearing to take evidence on whether or not to suspend or revoke a waste hauler license under this article; to hold any rehearing on such matters; and to make a recommendation as to findings of fact and any sanction to be imposed. In such event, the City Manager shall review the evidence and

recommendations of the hearing officer and shall adopt, modify or reject any recommendations.

Section 53.22 Penalty

Any person, firm, associate, corporation or company who shall violate any of the provisions of this chapter shall be fined a minimum of \$75 up to \$750 for each offense. Each day that a violation is allowed to exist shall constitute a separate offense