

Chapter 62

SOLID WASTE COLLECTION AND REGULATIONS*

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***Editor's note**—Section II of Ord. No. 2008-11, adopted February 4, 2008, amended ch. 62 in its entirety to read as herein set out. Former ch. 62 pertained to similar subject matter, consisted of §§ 62-1—62-5, 62-31, 62-32, and derived from §§ 13.01—13.07 of the 1977 Code.

Cross references—Animals waste, § 14-3; buildings and building regulations, ch. 18; utilities, ch. 82.

Sec. 62-1. Purpose.

The purpose of this chapter is to provide for the protection and promotion of public health, safety and welfare through the establishment of regulations and standards for the safe and sanitary disposal of solid waste, garbage, refuse, litter and recyclable materials within the village. (Ord. No. 2008-11, § II, 2-4-2008)

Sec. 62-2. Definitions.

For purposes of this chapter, the following words shall have the meanings indicated:

Commercial compactor: A fully enclosed metal, watertight receptacle normally supplied by a scavenger service company.

Commercial establishment: Any individual, business or entity of any kind which generates commercial waste, refuse or recyclable materials.

Commercial grease: Waste fats and oils created by the preparation of food by a food vendor of any size.

Commercial scavenger license: A license issued by the village for the pick up of commercial waste and recyclable materials.

Commercial scavenger licensee: Any refuse collection firm licensed by the village providing removal of commercial waste, refuse and recyclable materials from apartment buildings, stores, offices, industries, hotels, restaurants, hospitals, healthcare facilities and other places. The firm is responsible for delivering the collected material to a state permitted transfer station or landfill.

Commercial waste: Generated by businesses, offices, restaurants, retailers, institutions and apartments located in or as part of commercial buildings and other apartments not included in the definition of "residential unit" as defined herein; includes combustible trash, including, but not limited to, paper cartons, boxes, barrels, wood, packaging material, wood furniture, bedding; non-combustible trash, including, but not limited to, food waste, metals, tin cans, metal furniture, glass, crockery, other mineral waste or street refuse. This does not include "temporary construction roll-off containers" as defined herein.

Waste container: A tightly covered metal, or plastic, watertight receptacle.

Director of department of public works: The appointed director of the department of public works, or his or her designee.

Disinfect: Misting the metal, plastic or wood interior of commercial refuse and recycling containers with a bleach and water solution of sufficient strength to destroy harmful bacteria, viruses, etc.

Dumpster area: The enclosed area where commercial waste, refuse, recyclable materials, grease containers, dumpsters or compactors are stored.

Grease container: An enclosed, leak-proof receptacle located inside or outside a food establishment for the storage of commercially generated grease.

Landscape waste: Grass clippings; leaves; branches and brush; other yard and garden trimmings; vines; garden plants and flowers; weeds; tree droppings (for example, pine cones and crab apples); and other similar organic waste materials accumulated as the result of the cultivation and maintenance of lawns, shrubbery, vines, trees, and gardens.

Landscape waste bags, bundles or containers: Shall include biodegradable, two-ply paper bags designed for landscape waste collection; watertight, reusable waste container labeled "Yard Waste Only" or "Landscape Waste Only"; and securely tied bundles of brush or branches not exceeding two feet in diameter, and four feet in length with no individual branch exceeding three inches in diameter.

Recyclable materials: Materials that would otherwise become residential or commercial waste, including, but not limited to, metals, glass, paper and plastics, which are collected, separated or processed and returned to the economic mainstream in the form of raw materials or products.

Recycling, reclamation, of refuse: A method, technique, or process designed to remove any contaminant from waste so as to render such 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: Wastes resulting from the handling, processing, preparation, cooking and consumption of food, and wastes from the handling, processing, storage and sale of produce. Also includes all types of loose waste materials which can be held in "containers" as defined herein. The terms "garbage", "solid waste", "trash", and "waste" are synonymous with refuse unless otherwise more specifically defined (for example, "landscape waste").

Residential unit: An individual living unit, including, without limitation, single-family detached homes, town homes, condominiums, and apartments in buildings with eight units or less.

Residential waste: All discarded and unwanted putrescible and nonputrescible household and kitchen wastes, including, but not limited to, food, food residues, and materials necessarily used for packaging, storing, preparing, and consuming same, usually defined as "garbage"; and all combustible and noncombustible waste materials resulting from the routine of domestic housekeeping, including, but not limited to, medical waste generated as general household waste, metal, cold ashes; furniture, furnishings, and fixtures; small household appliances of all kinds; textiles and leather; dead animals and animal waste; toys and recreational equipment; and similar items. Residential waste shall specifically exclude any hazardous substance, hazardous waste, industrial process waste, hazardous hospital waste, landscape waste, pollution control waste, potentially infectious medical waste, special waste, and used oil, all as defined by Illinois law from time to time.

Restaurant: All establishments where waste is generated through the preparation and sale of food.

Shared dumpster: When two or more separate businesses utilize the same dumpster, compactor or dumpster space. This includes separate businesses within the same building, as well as in separate buildings.

Temporary construction roll-off containers: Containers used exclusively during construction and/or remodeling.

White goods: All discarded refrigerators, ranges, water heaters, freezers, air conditioners, humidifiers, and other similar domestic and commercial large appliances.

White goods' components: Includes any:

- (1) Chlorofluorocarbon refrigerant gas;
- (2) Any electrical switch containing mercury; and
- (3) Any device that contains or may contain PCBs in a closed system, such as a dielectric fluid for a capacitor, ballast or other component.

(Ord. No. 2008-11, § II, 2-4-2008)

Sec. 62-3. Prohibited acts and conditions.

(a) *Uncovered residential or commercial waste, refuse and recyclable materials.* It shall be unlawful to place or permit to remain anywhere in the village any residential or commercial waste, refuse and recyclable materials except in containers complying with the provisions of this chapter.

(b) *Deposits on streets.* It shall be unlawful to deposit or permit any residential or commercial waste, refuse or recyclable materials to fall from any vehicle on any public street or alley in the village provided that this provision shall not be construed to prohibit placing residential or commercial waste or refuse in a container complying with the provisions of this chapter preparatory to having such material collected and disposed of in the manner provided herein.

(c) *Windblown refuse.* It shall be unlawful to cause or permit to accumulate any refuse, dust or ashes that can be blown away by the wind unless properly disposed of in a sealed container.

(d) *Consent of owner.* It shall be unlawful to dump or place any residential or commercial waste, refuse or recyclable materials on any premises in the village without the consent of the owner of such premises.

(e) *Container.* It shall be unlawful to dispose of any residential or commercial waste, refuse or recyclable materials in the village except in a container complying with the provisions of this chapter.

(Ord. No. 2008-11, § II, 2-4-2008)

Sec. 62-4. Residential waste, refuse, recyclable materials, and landscape waste.

(a) *Residential waste collection.*

- (1) Residential waste and refuse shall be collected from all premises at least once each week.
- (2) Containers complying with the provisions of this chapter shall be placed by the residents the evening before the day of collection at the curb of the street from which collections of residential waste and refuse are being made.
- (3) All containers shall be removed from the street by 12:00 noon of the day following collection.
- (4) All residential waste and refuse shall be disposed of at a waste disposal site approved by the Illinois Environmental Protection Agency.

(b) *Contract for residential waste pick-up and disposal.*

- (1) The village may, with the approval of the village board of trustees, enter into one or more contracts for residential waste, refuse, recyclable materials, and landscape waste pick-up and disposal throughout the village which shall entitle the contractor to the exclusive right to pick up said materials.

(c) *Landscape waste collection.*

- (1) For those not participating in the seasonal yard waste program, all landscape waste bags, bundles or containers must have an approved sticker affixed, identifying the material as landscape waste.

(d) *Mixing landscape waste with residential waste.* It shall be unlawful to mix landscape waste in the same container as residential waste, refuse, or recyclable materials for disposal.

(e) *Recyclable materials collection.*

- (1) Recyclable materials must be placed in a container provided by the contracted service provider suitable for preventing debris from being spilled by wind, animals or other interference.
- (2) Recyclable materials must be placed at the street or at the curb from which collections are being made by the residents no earlier than 24 hours before the scheduled pick-up.
- (3) All containers shall be removed from the street by 12:00 noon of the day following pick-up.

(f) *Ownership.* All residential waste, refuse, recyclable materials and landscape waste shall become and be the property of the contracted service as soon as the same is placed in the collection vehicle.

(g) *Disposal of white goods.* No person shall knowingly put out for collection or collect white goods for the purpose of disposal by landfilling. (Ord. No. 2008-11, § II, 2-4-2008)

Sec. 62-5. Commercial waste, refuse, and recyclable materials collection.

(a) *Award of commercial scavenger licenses.*

- (1) It shall be unlawful for any person, firm or corporation or other entity to engage in the business of scavenging or recycling, or the collection or disposal of commercial waste, refuse or recycling materials without first having secured a commercial scavenger license from the village as provided in this section.
- (2) Commercial scavenger licenses shall be effective from May 1 to April 30 of the following year. The annual fee for a commercial scavenger license shall be \$1,500.00. The fee is nonrefundable and

shall be applicable irrespective of when an applicant submits an application for a commercial scavenger license.

- (3) There is no limit on the number of commercial scavenger licenses that may be issued by the village. Applications for such licenses shall be made to the village clerk on forms and in a manner prescribed by the village clerk. Commercial scavenger licenses shall be issued only upon the order of the village administrator.
- (4) The village administrator shall have the right to deny a commercial scavenger license to an applicant in the absence of reasonable proof necessary to evidence the applicant's ability to comply with, or past compliance with, the provisions of this chapter or any other code provision or ordinance of the village.
- (5) A commercial scavenger licensee shall provide the village, within 14 business days of the village's request, with copies of records pertaining to their collection of commercial waste, refuse, recyclable materials, and landscape waste within the village, including, but not limited to, vehicle information, the addresses of village customers, receipts, and complaints.

(b) *Liability insurance required.* No license shall be issued until the commercial scavenger applicant has filed with the village administrator a certificate or other evidence that the applicant carries insurance of the following types of at least the limits specified below:

- (1) Workers' compensation: Statutory as amended from time to time.
- (2) Employer's liability: \$500,000.00.
- (3) Bodily injury liability except automobile: \$500,000.00 each occurrence, \$1,000,000.00 aggregate.
- (4) Property damage liability except automobile: \$500,000.00 each occurrence, \$1,000,000.00 aggregate.
- (5) Automobile bodily injury liability: \$100,000.00 each person, \$1,000,000.00 each occurrence.

- (6) Automobile property damage: \$500,000.00 each occurrence.
- (7) Comprehensive general liability: \$1,000,000.00 each occurrence, \$2,000,000.00 aggregate.

Further, the Village of Gurnee shall be named as an "additional insured" on all coverage set forth above, except workers' compensation and professional liability.

(c) *Equipment; inspection.*

- (1) *Licensee equipment.* Every commercial scavenger licensee must demonstrate that it has adequate and sufficient equipment to render service to any customer requesting service in accordance with the requirements of this subsection of this Code.
- (2) *Truck and refuse container inspection.* All commercial scavenger licensee trucks and refuse containers shall be subject to inspection and approval by the village.
- (3) *Truck requirements.* No commercial scavenger licensee's truck shall be operated unless it is a modern enclosed leak-proof truck with a load packer. Such equipment shall be cleaned at sufficient frequency to prevent nuisance and insect breeding and shall be maintained in good condition and repair. All commercial scavenger licensee trucks will be clearly identified with the name of the scavenger.
- (4) *Container requirements.* Refuse containers must have a tight-fitting cover, be in a state of good repair, be leak-proof, free from rust and periodically painted. The name of the commercial scavenger licensee must be clearly visible on the container. Covers for the storage of trade and construction waste shall not be necessary. The use of drums as refuse bins is prohibited. The village shall determine whether the requirements set forth in this section have been met by a commercial scavenger licensee.

(d) *Collection by a village-licensed commercial scavenger.*

- (1) All commercial establishments shall be responsible for contracting for collection

of commercial waste, refuse, or recyclable materials from a commercial scavenger licensee that is licensed by the village as provided for herein.

(e) *Ownership.* All commercial waste, refuse, recyclable materials and landscape waste shall become and be the property of the commercial scavenger as soon as the same is placed in the collection vehicle.

(f) *Mixing landscape waste with commercial waste.* It shall be unlawful to mix landscape waste in the same container as commercial waste, refuse, or recyclable materials for disposal.
(Ord. No. 2008-11, § II, 2-4-2008)

Sec. 62-6. Responsibilities of commercial establishments.

(a) *Cleanliness of enclosures.* Special attention is to be paid by commercial establishments to enclosures located adjacent to public walkways. Enclosures are to be kept free of debris and spillage at all times and odors shall be minimized so as not to be objectionable. The village may direct the owner or manager of a commercial establishment to relocate refuse and/or grease containers causing objectionable odors and/or to take such other steps necessary to resolve the issue. Enclosure doors are to be kept closed. It is the responsibility of the owner to keep all material, including grease, off public walkways and clean such walkways and enclosures if any spillage occurs.

(b) *Commercial grease collection and storage.* All commercial establishments which sell or provide food are required to collect and dispose of food-generated grease separately from refuse, recyclables and wastewater. Grease is to be collected in a leak-proof container kept inside or outside the establishment. Outside containers must be kept on a nonpermeable surface (such as sealed asphalt or concrete) and the area must be kept clean at all times. Collection of grease must be made monthly or more frequently to prevent objectionable odors and unsanitary conditions and disposed of appropriately. In the event that the director of the department of public works determines that collections should be made at a particular commercial establishment more frequently

in order to protect the health, welfare and safety of the community, the director of the department of public works shall work with the owner or management of such establishment to determine the frequency of grease collections that are needed and the time period such additional collections will be required. Leakage of liquids of any type from a commercial grease container is strictly prohibited.

(Ord. No. 2008-11, § II, 2-4-2008)

Sec. 62-7. Penalties and enforcement.

(a) Any person or entity that violates, neglects or refuses to comply with, or resists the enforcement of any of the provisions of this chapter shall be fined not less than \$200.00 nor more than \$750.00 for each offense. Each day that a violation exists shall constitute a separate offense. In addition, the village may suspend or revoke the license of a commercial scavenger and/or abate the violation by any means available to the village.

(b) The fact that residential waste, commercial waste, refuse, or landscape waste remains on any residential or commercial occupant's premises in the village in violation of this chapter shall be prima facie evidence that the occupant of such premises is responsible for such violation.

(c) In addition to the remedies provided above, the village may give notice in writing to a commercial establishment that it is in violation of any provision of this chapter. The notice shall specify the violation and what needs to be done to correct it and shall set a specified period of time for abatement of the violation by the property owner or occupant. In the event that the violation is not corrected within the time prescribed, the village may proceed to abate such violation, keeping an account of the expense of the costs of the abatement, and such expense shall be charged and paid by the owner or occupant of the commercial establishment.

(Ord. No. 2008-11, § II, 2-4-2008)