

Chapter 42

SOLID WASTE*

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***Cross reference** – Any ordinance regarding water, sewer, solid waste, and electric rates, rules and regulations and sewer and water main construction saved from repeal, § 1-9(25); buildings and building regulations, ch. 10; health and sanitation, ch. 18; unlawful dumping, etc., § 38-157; utilities, ch. 54.

Sec. 42-1. Declaration of policy.

It is the purpose and intent of this chapter to enhance and improve the environment and promote the health, safety and welfare of the village by establishing minimum standards for the storage, collection, transport, processing, separation, recovery and disposal of solid waste.

(Code 1988, § 6-3-2)

Sec. 42-2. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Agricultural establishment means an establishment engaged in the rearing and slaughtering of animals and the processing of animal products or orchard and field crops.

Bulky waste means items whose large size precludes or complicates their handling by normal collection, processing or disposal methods.

Commercial unit means all property, other than residential units, and includes boardinghouses, motels and resorts.

Curb means the back edge or curb and gutter along a paved street or where one would be if the street was paved and had a curb and gutter.

Demolition waste means the portion of solid wastes consisting of wastes from the repair, remodeling or reconstruction of buildings, such as lumber, roofing and sheathing scraps, rubble, broken concrete, asphalt and plaster, conduit, pipes, wire, insulation and any other materials resulting from the demolition of buildings and improvements.

Disposal means the orderly process of discarding useless or unwanted material.

DNR means the state department of natural resources.

Dump means a land site where solid waste is disposed of in a manner that does not protect the environment.

Dwelling unit means a place of habitation occupied by a normal single-family unit or a combination of persons who may be considered as equivalent to a single-family unit for the purposes of this chapter. Garbage includes every refuse accumulation of animal, fruit or vegetable matter, liquid or otherwise, that attends the preparation, use, cooking, dealing in or storing of meat, fish, fowl, fruit or vegetables originally used for foodstuffs.

Hazardous waste means wastes, such as toxic, radioactive or pathogenic substances, which require special handling to avoid illness or injury to persons or damage to property and the environment.

Industrial waste means waste material, except garbage, rubbish and refuse, directly or indirectly resulting from an industrial processing or manufacturing operation.

Litter means solid waste scattered about in a careless manner, usually rubbish.

Nonresidential solid waste means solid waste from agricultural, commercial, industrial or institutional activities, or a building or group of buildings consisting of four or more dwelling units.

Person means individuals, firms, corporations and associations, and includes the plural as well as the singular.

Private collection service means a collection service provided by a person licensed by the DNR to perform such service.

Recyclable waste means waste material that can be remanufactured into usable products and shall include, by way of enumeration but not by way of limitation, glass, plastic, newspaper, cardboard and metal (aluminum, steel, tin, brass, etc.).

Refuse includes all waste material, including garbage, rubbish and industrial waste, and shall include, by way of enumeration but not by way of limitation, grass, leaves, sticks, tree branches and logs, stumps, stone, cement, boards, furniture or household appliances, and garden debris.

Residential solid waste means all solid waste that normally originates in a residential environment from residential dwelling units.

Residential unit means an individual household capable of independent habitation by a family unit. A single-family dwelling shall be considered to be one residential unit; a multifamily dwelling shall be considered to be multiple residential units, the number of residential units of which shall equal the number of family units to be housed therein. Residential units shall not include boardinghouses, motels or resorts.

Rubbish includes combustible and noncombustible waste material, except rocks, concrete, bricks and similar solid materials, plaster or dirt, that is incidental to the operation of a building and shall include, by way of enumeration but not by way of limitation, tin cans, bottles, rags, paper, cardboard and sweepings.

Scavenging means the uncontrolled removal of materials at any point in solid waste management.

Solid waste means garbage, rubbish and other useless, unwanted or discarded material from agricultural, residential, commercial, industrial or institutional activities. Solid waste does not include solid or dissolved material in domestic sewage.

Storage means the interim containment of solid waste in an approved manner after generation and prior to collection and ultimate disposal.

Storage areas means areas where persons place containers during noncollection days, as well as areas where containers are set out on collection days.

(Code 1988, § 6-3-3)

Cross reference – Definitions generally, § 1-2.

Sec. 42-3. Refuse from outside the village.

It is unlawful for any person to place or deposit, or cause to be deposited, for collection, any waste or refuse not generated within the corporate limits of the village.

(Code 1988, § 6-3-9)

Sec. 42-4. Refuse storage areas.

Storage areas shall be kept in a nuisance-free and odor-free condition, and litter shall not be allowed to accumulate. Collection crews will not be responsible for cleaning up loose materials from any containers which have become ruptured or broken due to wet conditions, animals, vandalism or other cause, and the occupant and/or owner shall be responsible for cleaning up such litter. Litter not collected shall not be allowed to accumulate. A violation of this section will result in the occupant and/or owner being notified to clean up the area, and a continued violation shall result in the owner being prosecuted under the provisions of this chapter and other ordinances.

(Code 1988, § 6-3-4)

Sec. 42-5. Waste and refuse containers.

(a) *Standards.* Suitable containers, of a type approved by the village, shall be provided by the property owner or tenant in which to store all solid waste, except for bulky or certain yard wastes, as provided in this chapter. In order to be approved, containers shall provide for efficient, safe and sanitary handling of solid wastes. They shall be maintained in a nuisance-free and odor-free condition, and shall be sufficient to prevent the scattering of contents by weather conditions or animals.

(b) *Approved types.* All garbage created, accumulated or produced shall be deposited in containers of a type approved by the village board. Each container for a residential unit shall be equipped with suitable handles and tightfitting covers, shall be watertight, and shall have the capacity of not less than five gallons nor more than 30 gallons. All garbage containers shall be kept in a neat, clean and sanitary condition at all times. All garbage containers for residential units shall be of metal, durable plastic or other suitable, moisture-resistant materials, including heavy-duty refuse disposal plastic bags, and shall not exceed 30-gallon capacity. Other containers for multifamily residential units, such as dumpsters, may be used with the express approval of the village board. Containers, including their contents, shall not exceed a weight which one person can safely lift (50 pounds). Metal garbage cans shall be of sufficient thickness to resist denting during normal handling by collection crews. Plastic garbage bags must be closed with a tie, and shall consist of a plastic material which is not damaged by freezing and not susceptible to melting. They shall be capable of being handled during hot and cold weather without damage during normal handling by collection crews. Plastic bags shall be of a sufficient strength to allow lifting and loading of the contents without tearing. Construction dumpsters will be allowed in the street or right-of-way with permission of the public works director, chief of police or the village administrator. Construction dumpsters must be removed within 48 hours.

(1) Construction dumpsters will be allowed in the street or right of way with permission of the Public Works Director, Chief of Police, or the Administrator. They must be removed within 48 hours.

(c) *Provider.* It shall be the duty of every occupant, tenant and proprietor of any residential unit to provide, and at all times keep in a suitable place readily accessible to the garbage collector, garbage containers capable of holding all garbage which would ordinarily accumulate on such premises between

the times of successive collections. The owner of any multiple-family dwelling shall furnish or require the tenants thereof to furnish proper garbage containers. Garbage containers located at multiple-family dwellings shall be marked so as to indicate the residential unit to which they belong.

(d) *Ashes.* Cold, completely extinguished ashes may be left for collection in cardboard containers.

(e) *Illegal containers.* Containers which are not approved consist of metal barrels and drums, wooden or cardboard barrels, wheelbarrows and other such containers not approved by this chapter. Such containers will not be emptied regardless of their contents or weight.

(Code 1988, § 6-3-5; Ord. of 8-10-2005(13))

Sec. 42-6. Collection of refuse.

(a) *Placement.*

(1) Residential solid waste shall be accessible to collection crews. Residential solid waste in approved containers shall be placed for collection immediately behind the curb of the public street. Yard and bulky wastes from residential units shall also be placed in a neat, orderly fashion, behind the curb. During winter months, solid waste shall not be placed on top of a snow bank, nor in the roadway. The owner shall either shovel out an area behind the curb in which to place his wastes or he shall place such wastes in his driveway. Collection crews will not collect residential solid waste unless it is placed at the curb of a public street. Residential units shall bring their solid waste to the public right-of-way for collection. Should collection crews be unable to discharge contents of garbage cans into collection vehicles using normal handling procedures, the cans, including their contents, will be left at the curb side. The owner shall make provisions to assure that the solid waste in such cans can be collected on the next collection day. Collection crews will not empty garbage cans by means other than dumping.

(2) No garbage containers or other containers for refuse, other than those of the village, shall be placed, kept, stored or located within the right-of-way of a street or alley; provided, however, that the village board may authorize the location of such containers within the public right-of-way at specified places and times when such location is necessary for the expeditious collection and disposition of refuse.

(b) *Time of placement restricted.* All receptacles and containers for refuse and rubbish and all bundles of rubbish shall be placed in collection locations as designated in subsection (a) of this section only after 6:00 p.m. on the evening prior to the regular collection time the following day. All receptacles, bags and containers for refuse and garbage disposal shall be removed from the curbside collection point within 24 hours after the regular collection time. Village employees or employees of licensed collectors will not enter any structures to remove garbage or refuse, except by written agreement with the property owner.

(Code 1988, § 6-3-6)

Sec. 42-7. Prohibited activities; noncollectible materials.

(a) *Dead animals.* It shall be unlawful to place any dead animal, or parts thereof, in a container for collection; provided, however, this subsection shall not apply to animal parts from food preparation for

human consumption.

(b) *Undrained garbage and food wastes.* It shall be unlawful to place any garbage or other food wastes in a container for collection unless it is first drained and wrapped.

(c) *Ashes.* It shall be unlawful to place hot ashes for collection. (See section 42-5(d).)

(d) *Improper placement.* It shall be unlawful to place, or allow to be placed, any solid waste upon the roads, streets, or public or private property within the village contrary to the provisions of this chapter.

(e) *Compliance required.* It shall be unlawful to store, collect, transport, transfer, recover, incinerate or dispose of any solid waste within the boundaries of the village contrary to the provisions of this chapter.

(f) *Transportation; collection vehicles.* It shall be unlawful to transport any solid waste in any vehicle which permits the contents to blow, sift, leak or fall from such vehicle. If spillage does occur, the collection crew shall immediately return spilled materials to the collection vehicle and shall properly clean, or have cleaned, the area. All vehicles used for the collection and transportation of solid waste shall be durable, easily cleanable and leakproof, if necessary, considering the type of waste and its moisture content. Collection vehicles shall be cleaned frequently to prevent nuisances and insect breeding, and shall be maintained in good repair.

(g) *Interference with authorized collector.* No person, other than an authorized collector, shall collect or interfere with any garbage after it shall have been put into a garbage receptacle and deposited in the proper place for the collector, nor shall any unauthorized person molest, hinder, delay or in any manner interfere with an authorized garbage collector in the discharge of his duties.

(h) *Scavenging.* It shall be unlawful for any person to scavenge any solid waste placed for collection.

(i) *Private dumps.* It shall be unlawful for any person to use or operate a dump.

(j) *Burning of waste.* It shall be unlawful for any person to burn solid waste in any manner, except as provided elsewhere in this Code.

(k) *Noncollectible materials.* It shall be unlawful for any person to place any of the following wastes for collection:

- (1) Hazardous wastes;
- (2) Toxic wastes;
- (3) Chemicals;
- (4) Explosives or ammunition;
- (5) Drain or waste oil, or flammable liquids;

- (6) Large quantities of paint;
- (7) Tires.
- (l) *Animal and human wastes.* It shall be unlawful for any person to place animal and/or human wastes for collection. Such wastes should be disposed of in plastic bags or in the sanitary sewer system. Such items as kitty litter may be placed for collection if animal wastes are removed prior to such disposal.
- (m) *Hospital wastes.* It shall be unlawful for any person to place any pathogenic hospital wastes for collection. Such items as needles and syringes may be disposed of as long as they are contained to eliminate injury to collection crews.
- (n) *Building wastes.* All waste resulting from remodeling, construction or removal of a building, roadway or sidewalk shall be disposed of by the owner, builder or contractor.
(Code 1988, § 6-3-7)

Sec. 42-8. Garbage accumulation declared a nuisance.

The accumulation or deposit of garbage, trash or putrescible animal or vegetable matter in or upon any lot or land or any public or private place within the village which causes the air or environment to become noxious or offensive, or to be in such a condition as to promote the breeding of flies, mosquitoes or other insects, or to provide a habitat or breeding place for rodents or other animals, or which otherwise becomes injurious to the public health, is prohibited and declared to constitute a nuisance.
(Code 1988, § 6-3-8)

Cross reference – Nuisances, ch. 26.

Sec. 42-9. Unlawful collection.

No person, unless he has a contract with the village permitting him to collect and remove rubbish and refuse, or he is a village employee acting under the direction of the village board and the street superintendent, shall collect, scavenge, recover, retrieve, shift, look over or remove rubbish or refuse which has been deposited or placed by any person or entity on the roadway, parking area, sidewalk, private property, terrace adjoining his premises or within any dumpster located within the village, for collection by the contracted parties, as provided in this chapter.
(Code 1988, § 6-3-10)

Chapters 43--45

RESERVED