

CHAPTER 4

REFUSE COLLECTION AND WASTE HAULER SERVICES

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8-4-1: DEFINITIONS:

For the purposes of this Chapter, the following terms, words and phrases shall have the meaning herein given.

ASHES	Residue from fire used for cooking and for heating buildings. (Ord. 90-1144-28)
CLEAN CONSTRUCTION	Those wastes/debris resulting from the construction or of structures or buildings which include, but are not limited to materials such as concrete blocks, bricks, or broken concrete or asphalt, plaster, rock, stone, wire and wood lath, glass, timbers, wood building products, siding, gutters, appliances, pipes, ducts, furniture, heating and air-conditioning equipment, uncontaminated dirt or sand and other similar nonputrescible materials generated from construction or demolition activities. (Ord. 92-1233-11)(Ord. 11-3230-52)

EXCLUSIVE WASTE HAULER	A waste hauler contracted by the Village to provide collection and disposal of solid waste for residential, multi-family, institutional, commercial, and/or industrial users.(Ord. Amd. 96-1462-46, eff. 10/14/96)
GARBAGE	Putrescible animal and vegetable wastes resulting from the handling, preparation, cooking and consumption of food; wastes from handling, storage and sale of produce.
LANDSCAPE WASTE	All accumulations of grass or shrubbery cuttings, leaves, tree limbs and other materials accumulated as the result of the care of lawns, shrubbery, vines and trees.
LITTER	Any discarded, used or unconsumed substance or waste. Litter may include, but is not limited to any garbage, trash, refuse, debris, rubbish, grass clippings or other lawn or garden waste, newspaper, magazines, glass, metal, plastic or paper containers, or other packaging construction material, motor vehicle parts, furniture, oil, carcass of dead animal, any nauseous or offensive matter of any kind, any object likely to injure any person or create a traffic hazard, or anything else of an unsightly or unsanitary nature, which has been discarded, abandoned or otherwise disposed of improperly.
PERSON	Any person, firm, partnership, association, trust, corporation, company, institution, society, or organization.
RECYCLABLES	Discarded materials which may be reclaimed and which are considered salable and Recyclable@ by the Village. For purposes of this Chapter they include, but are not limited to, glass, bi-metal (tin and steel) cans, aluminum cans, newspapers and inserts, paper bags, magazines, catalogs, telephone books, household papers consisting of office and stationery papers, computer papers, or other mailings, corrugated cardboard and clean chipboard, and plastics #1 (PET) such as soda bottles, #2 (HDPE), such as, one gallon milk or water containers, two gallon water dispensers, plastic fruit juice bottles, liquid laundry detergent containers, fabric softener bottles, bleach bottles, windshield solvent bottles, #3 (PVC), such as, floor wax bottles, #4 (LDPE), such as, lids from tubs or coffee cans, #5 (PP), such as syrup bottles, #6 (PS rigid) such as, take out containers, vitamin bottles, and #7 (other), such as ketchup bottles. (Ord. Amd. 96-1462-46, eff. 10/21/96)

RECYCLING	Any process by which solid waste materials are transformed into new products in such a manner that the original products may lose their identity. (Ord. 90-1144-28)
REFUSE	All solid wastes including, but not limited to, garbage, rubbish, ashes, landscape waste, recyclables, clean construction or demolition wastes/debris, commercial waste and industrial waste. (Ord. 92-1233-11)
RUBBISH	Nonputrescible solid wastes consisting of both combustible and noncombustible wastes.
VILLAGE	The Village of Lincolnshire. (Ord. 90-1144-28)
WASTE HAULER	Any person collecting and disposing of refuse, except the following: <ul style="list-style-type: none"> A. Any landscaper who only hauls landscape waste generated from his daily landscape services; B. Any plumber or contractor whose daily operations only generate minor amounts of clean construction or demolition wastes/debris which can and are hauled away on a daily basis in a pick-up truck or similar sized vehicle. (Ord. Amd. 96-1462-46, eff. 10/14/96)

8-4-2: PURPOSE:

The purpose of this Chapter is to regulate and control the disposal, accumulation and removal of refuse, to eliminate unhealthy, unsanitary and unsightly conditions in the Village and to promote the active reuse of materials in the solid waste stream through education, conservation and recycling.

8-4-3: REGISTRATION REQUIRED:

No person acting as a waste hauler shall remove refuse from any premises or property in the Village or transport refuse through the streets or public ways owned and/or operated by the Village, or in any manner dispose of refuse, or contract for any such removal, transportation or disposal of refuse without first having registered with the Village and paying the required registration fee, as provided for in this Chapter. With the exception of a waste hauler who is under exclusive contract with the Village. (Ord. Amd. 96-1462-46, eff. 10/14/96)

Any waste hauler who removes refuse from any premises or property in the Village or who transport refuse through the streets or public ways owned and operated by the Village, or in any manner dispose of refuse or contract for any such removal, transportation or disposal of refuse without registering with the Village or paying the required registration fee shall be subject to fines and penalties as outlined in Title 1 Chapter 17 of the Code.

8-4-3.1 EXCLUSIVE CONTRACTS:

As suits the current best interest of the Village, and to better enable the Village to regulate and control the services provided to the users of solid waste services, the Board may provide for one exclusive solid waste hauler providing the collection and disposal of solid waste for residential, multi-family, institutional, commercial, and/or industrial users. The Village may provide for such exceptions to the exclusive franchise as it determines to be in the users' and the Village's mutual best interests. Waste haulers under exclusive contract with the Village shall not be required to pay a registration fee but shall be required to comply with all Village waste hauler regulations unless in conflict with the exclusive contract document, at which time the exclusive contract document shall prevail. The exclusive contract document is deemed to be a part of this Chapter by reference. (Ord. Amd. 96-1462-46, eff. 10/21/96)

8-4-4: WASTE HAULERS, REGISTRATION:

- A. Waste haulers shall register on application forms provided by the Public Works Department of the Village.

- B. At the time of application, each waste hauler must establish that it carries and will continue to carry for so long as it operates within the Village, the following insurance:
 - 1. Workman's Compensation: The waste hauler shall carry with a company authorized under the laws of the State of Illinois a policy to protect itself against liability under the Workman's Compensation and Occupational Diseases statutes of the State of Illinois.

 - 2. Motor Vehicle Liability Insurance: The waste 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 \$3,000,000 each person and \$5,000,000 each accident bodily injury and death liability and \$2,000,000 each accident for property damage liability.

 - 3. General Liability: The waste hauler shall carry in its own name a Commercial General Liability Insurance policy with the following limits of liability: \$3,000,000 combined single limit per occurrence for bodily injury, and property damage and \$5,000,000 per occurrence for personal injury. The general aggregate shall be twice the required occurrence limit. Minimum General Aggregate shall be no less than \$6,000,000.

 - 4. Employer's Liability: The waste hauler shall carry in its own name an Employer's Liability limits of \$2,000,000 per accident.

5. Environmental Impairment Pollution Liability: The waste hauler shall carry in its own name a \$2,000,000 combined single limit per occurrence for bodily injury, property damage, and remediation costs.
 6. The Village shall be named as an additional insured on each of the above insurance policies.
- C. Verification of Coverage. The wastehauler shall furnish the Village with certificates of insurance naming the Village and its elected and appointed officials, agents, employees and volunteers as additional insureds and with any original endorsements. The certificates and endorsements for each insurance policy are to be signed by a person authorized by that insurer to bind coverage on its behalf.
- D. The Insurance coverage requirements specified herein constitutes the minimum requirements and said requirements shall in no way lessen or limit the liability of the waste hauler. The waste hauler shall procure and maintain, at its own cost and expense, any additional kinds and amounts of insurance, which, in the waste hauler's judgment, may be necessary for its proper protection in the prosecution of its work.
- E. The waste hauler shall furnish the Village satisfactory proof of coverage of the above insurance requirements, by a reliable company or companies, with a minimum "Best" insurance rating of B, before commencing the performance of services under this Chapter. Such proof shall consist of certificates executed by the respective insurance companies and filed with the Village. Said certificates shall contain a clause to the effect that, for the duration of the registration, the insurance policy/policies shall be canceled, expired or changed as to amount of coverage only after written notification sixty (60) days in advance to the Village.
- F. Upon application for a waste hauler's registration, each applicant shall provide the Public Works Department with an agreement to hold the Village harmless for any acts of the applicant relating to its use of the Village streets and public ways in such a manner as to cause injury or loss to persons or property. Such agreement must be approved by the Village Attorney prior to its filing with the Public Works Department.

To be registered, a waste hauler must use all modern loader trucks for its operations in the Village and must keep all equipment used in the performance of its work in a clean, safe, sanitary condition and shall not permit the same to remain standing anywhere in the Village. All trucks used for refuse collection

shall be enclosed and leak-proof. All trucks used for recycling and landscape waste pickup must be capable of keeping all materials within the confines of the vehicle.

- G. All refuse collected by a waste hauler shall be disposed of at a State-approved or Village-approved site outside the corporate limits of the Village. The Village's present compost site may be used by all waste haulers to dispose of landscape wastes for so long as said site is made available by the Village at the discretion of the waste hauler.
- H. Each registered waste hauler shall provide the Village, at no cost, with one dumpster per year for a period of one week each year at a location and time to be designated by the Public Works Department and at the discretion of the Public Works Department. Such dumpster shall be dumped as often as necessary during such one week period and as directed by the Public Works Department. All such dumpsters shall be a minimum size of twenty (20) cubic yards.
- I. All registered waste haulers shall comply with all applicable provisions of the Illinois Vehicle Code, as amended, and this Code. A certificate from the Secretary of State of the State of Illinois covering each vehicle proposed to be licensed showing compliance by the applicant with the statutes of the State of Illinois, now, or as the same may be, in force and effect, relating to the bonding, or licensing or insuring of motor vehicles used must be in the possession of the waste hauler.
- J. Waste haulers shall perform all collection and disposal services in a neat, orderly, and efficient manner and shall use due care and diligence in the performance of such services and to provide neat, orderly and courteous employees and personnel.
- K. Waste haulers shall not allow refuse or landscape wastes or recyclables to scatter or spread as a result of the waste hauler's services.

The requirements of subsections 8-4-4B through K, inclusive, are conditions precedent to holding a waste hauler's registration certificate in the Village, and the failure of a waste hauler to conform thereto shall constitute cause for the revocation of the waste hauler's registration certificate by the Village Manager. The Village Manager, in revoking a waste hauler's registration certificate, shall give the waste hauler a written notice by certified, return receipt mail specifying the grounds thereof. Such waste hauler may, within ten (10) working days of such revocation, file a written request with the Village Manager for a public

hearing before the Village Manager, at which time the waste hauler may present evidence bearing upon the question. The Village Manager, after such public hearing, may affirm his prior revocation or restore the waste hauler's registration certificate with or without conditions.

8-4-5: REGISTRATION CERTIFICATE:

- A. Regular Residential and/or Nonresidential Waste Haulers: Each application for a registration certificate by a regular residential and/or nonresidential waste hauler, a waste hauler who provides a minimum of once per week regular refuse pickup to a residential or nonresidential property, shall be accompanied by an annual registration fee as established in the Comprehensive Fee Schedule set forth in Chapter 15 of Title 1 of this Code. Each registration certificate shall be issued only to the person, firm or corporation named in the application and shall not be transferable or assignable.
- B. Periodic Refuse Haulers: Each application for a registration certificate by a waste hauler who removes refuse on a periodic and/or as needed basis, i.e., construction waste removal, shall be accompanied by an annual registration fee as established in the Comprehensive Fee Schedule set forth in Chapter 15 of Title 1 of this Code. Each registration certificate shall be issued only to the person, firm or corporation named in the application and shall not be transferable or assignable.
- C. Any Regular Residential and/or Nonresidential or Periodic Refuse waste hauler who removes refuse from any premises or property in the Village or who transport refuse through the streets or public ways owned and operated by the Village, or in any manner dispose of refuse or contract for any such removal, transportation or disposal of refuse without registering with the Village or paying the required registration fee shall be subject to fines and penalties as outlined in Title 1 Chapter 17 of the Code.

8-4-6: RECYCLING AND LANDSCAPE WASTE SERVICES:

As of July 1, 1990, all waste haulers must offer the following additional services to their customers in conjunction with the regular refuse pickup being provided to customers prior to the passage of these regulations:

- A. Pickup of all landscape waste as defined herein.
- B. Curbside recycling for all residential dwelling units.

- C. Recycling for all nonresidential buildings.

The cost of all services described above shall be the responsibility of the customer utilizing the service based upon the fees charged by the waste hauler to provide said services.

8-4-7: ANNUAL REPORT:

All waste haulers shall make annual written reports to the Village setting forth their collection and disposal activities and services offered in the Village on a form provided by the Village. Said reports shall be supplied to the Village within thirty (30) days of the end of each calendar year. In addition, said reports shall also include the following:

- A. Total number of residential customers served.
- B. Total number of commercial customers served.
- C. Total number of customers utilizing the recycling and landscape waste services.
- D. Total tonnage of recyclables and landscape wastes picked up in the Village. (Ord. 90-1144-28)

8-4-8 REFUSE PICKUPS:

- A. Residential waste haulers shall offer both once and twice per week pickup service of any and all refuse. Residential customers shall choose whether they desire once or twice per week pickup service. Pickups shall take place only on Wednesday for once per week pickup service and Wednesday and Saturday for twice per week pickup service. If this schedule is interrupted by holidays or weather-related conditions, the pickup service shall be on the next available working day. (Ord. 90-1144-28; and Ord. 90-1169-53)
- B. Commercial waste haulers shall provide pickup service as often as necessary and desired by the customer.
- C. Collection of recyclables and landscape waste shall only be conducted on Wednesday. If the collection of recyclables and landscape waste is interrupted by holidays or weather-related conditions, the collection shall be on

the next available working day.(Ord. Amd. 03-1827-04, eff. 2/10/03)(Amd. Ord. 03-1838-15, eff. 04/14/03)

- D. It shall be illegal for a waste hauler to collect waste from an area adjacent to any residential dwelling prior to 7:00 a.m. on any day. Any waste hauler found to be in violation of this regulation is subject to a fine and penalties as outline in Title 1 Chaper 17 of this Code.

8-4-9: COLOR AND SIZE OF RECYCLING BINS:

All toter carts for the collection of recyclables from detached single-family dwelling units on individual lots shall be of a forest green color and a minimum size of 65 gallons. The recycling toter carts shall be provided by the refuse hauler serving the residential unit.

8-4-10: DISPOSAL SITE:

In the event the Village decides to enter into a service agreement providing for the exclusive disposal of all of its residential waste at a designated or appropriate facility, all waste haulers upon thirty (30) days written notice by certified return receipt mail from the Village, must dispose of all the Village's residential waste at such facility.

8-4-11: ANTI-SCAVAGING:

It shall be unlawful for any person other than the registered waste haulers to collect, obtain, possess or pick up any recyclable item placed for collection at any residential or nonresidential property as part of the Village's gram.

8-4-12: ANTI-LITTERING:

It shall be unlawful for any person to deposit litter in any place within the Village, except in authorized receptacles. No person shall deposit in any gutter, street or other public places in the Village any accumulation of litter.

8-4-13: DUTY OF OWNERS:

It shall be the duty of the owner/occupant of any premises in the Village to store, collect, and dispose of all refuse produced or otherwise accumulated on said premises, or to cause the same to be done, in accordance with the provisions of this Chapter.

- A. No owner/occupant of a residential dwelling unit may place any refuse out for pickup service before nine o'clock (9:00) P.M. on the day before the scheduled pickup. Additionally, refuse containers must be removed from plain view from the street no later than 9:00 p.m. on the day of scheduled collection.
- B. The owner/occupant of a residential dwelling unit shall provide a location on their premises where refuse containers may be stored on days between refuse pickup. This location shall be maintained in an orderly manner at all times and shall not be in plain view from the street or in a location that would be offensive or be a nuisance to immediate adjoining neighbors.(Ord. 90-1144-28; and. Ord. 90-1169-53)(Ord. 03-1838-15, eff. 4/14/03)
- C. Commercial, industrial, and multi-family residential refuse and refuse storage containers must be completely screened from public view, either wholly within the interior of a building or within an approved exterior refuse enclosure. Exterior enclosures must utilize the same exterior finishes and materials as the principal building on the site. Exterior enclosures must also be of a height sufficient to completely screen any refuse containers inside, and must be four-sided with doors made of a solid material compatible in color and texture with the exterior finish and materials. Exterior enclosures must be maintained in an orderly manner at all times and doors must be closed at all times, except when being serviced. (Ord. 14-3337-64 eff. 10/27/14)

8-4-14: CONSTRUCTION REFUSE:

In addition to the duty imposed herein on the owners of the premises, it shall be the duty of any person responsible for the production or accumulation of refuse on any premises in the Village resulting from any building or construction operations to store and dispose of such refuse in accordance with the provisions of this Chapter, or cause the same to be done. Access to refuse containers shall not be across public curb or parkway. Dumpsters shall not be allowed to stand unutilized at any site for longer than thirty (30) days, and when in use shall not be allowed to overflow.

When applicable, the owner and Commercial Contractor shall be responsible for removing any construction dumpsters prior to the final inspection upon an application for a Certificate of Occupancy. Dumpsters located on premises for

which a Building Permit has not been issued shall require a permit for approval from the Department of Community Development, and shall not be permitted more than sixty (60) days every twelve (12) months. (Ord. Amd. 07-2974-02, eff. 2/26/07)

8-4-15: REFUSE ON PRIVATE PROPERTY:

No person shall burn in the open any refuse on any premises in the Village. No person shall keep any refuse on any premises in the Village in such a manner as to create a public nuisance nor shall any person keep on any premises in the Village any refuse not produced on said premises.

8-4-16: DEPOSIT OF REFUSE:

No person shall cast, sweep, drop, place or otherwise deposit any refuse anywhere in the Village in such manner that the refuse might be carried or deposited by the elements upon any creek, river, body of water, or public or private premises.

8-4-17: USE OF SEWERS:

No person shall introduce, directly or indirectly, any refuse into any public or private sewer system unless such refuse has been first macerated or refined.

8-4-18: FREQUENCY OF COLLECTION:

All refuse produced or otherwise accumulated on any premises in the Village shall be removed from such premises at least once in each week; provided, however, that putrescible refuse shall not be allowed to overflow the containers provided for storage. (Ord. 90-1144-28)