

TITLE IX: GENERAL PUBLIC REGULATIONS - CONTINUEDCHAPTER 92: HEALTH & SANITATION*TRASH REGULATIONS*

92-1: DEFINITIONS. As used in this Article, the following words and phrases shall have the following meanings unless the context clearly indicates a different meaning:

"APPLICANT" Any person who applies for a Garbage and Refuse Collection.

"CITY" All territory located within the City limits of the City of Red Bud, Illinois.

"GARBAGE" Wastes resulting from the handling, preparation, cooking and consumption of food; wastes from the handling, storage, and sale of produce.

"LICENSEE" Any applicant who has been awarded a current Garbage and Refuse Collection license.

"OCCUPANT" As applied to a building or land shall include any person who occupies the whole or any part of such building or land, whether alone or with others.

"PERSON" Any natural individual, firm, trust, partnership, association, corporation or any other entity.

"PREMISES" Any residence, commercial business, industry, hospital, nursing home, hotel, restaurant, and/or other business establishment within the City dealing with garbage and/or refuse.

"REFUSE" Combustible trash, including but not limited to, paper, cartons, boxes, barrels, wood, excelsior, wood furniture, bedding; noncombustible trash, including but not limited to, metals, tin cans, metal furniture, dirt, small quantities of rock and pieces of concrete, glass, crockery, other mineral waste; street rubbish, including, but not limited to, street sweepings, dirt, catch-basin dirt, contents of litter receptacles, but refuse does not mean tree branches, logs, brush cuttings and yard trimmings, leaves, earth and wastes from building construction or demolition operations, nor shall it include solid wastes resulting from industrial processes and manufacturing operations such as food processing wastes, boiler-house cinders, lumber, scraps and shavings.

92-2: APPLICATION. This Article shall apply to all garbage and refuse to be collected and picked up by any collection system, private or public, conducted within the City.

92-3: SOURCE OF REFUSE. No garbage or refuse shall be collected by any collection system or placed outside of any premises for collection by any collection system except garbage and refuse generated by an occupant of the City or from an activity conducted on premises within the City. No person shall move or transport any garbage or refuse from one location to another to evade the provisions of this Article.

92-4: GARBAGE AND REFUSE WAITING FOR COLLECTION. Every occupant using or occupying any premises, shall provide adequate receptacles of sizes, numbers and types required to contain all garbage and refuse generated by those persons occupying and/or using such premises. All

garbage and refuse shall be stored in metal or plastic receptacles with a tight-fitting lid and in compliance with all public health ordinances of the City and County of Randolph and laws of the State of Illinois.

92-5: UPSETTING OR TAMPERING WITH RECEPTACLES. No person shall cause the removal, upsetting, mutilation, defacing or tampering with receptacles for garbage or refuse or cause the contents thereof to be spilled or be strewn in or upon any public place or private premises.

92-6: LICENSE, APPLICATION FOR AND AWARD OF.

(A) It shall be unlawful for any person, to collect garbage or refuse in the City until a license therefore has been obtained upon approval by the Mayor. A license shall only be issued to applicants who qualify for a license. Applications for the license shall be made to the City Clerk. A license shall be issued only upon a showing by the applicant that:

(1) Applicant has a truck specially equipped with self-compactor or dumpster type container mounted on the truck to be used exclusively for garbage and refuse operations.

(2) Said truck has been inspected within six (6) months by the Illinois Department of Transportation as required by State law, and a copy of this inspection shall be supplied to the City Clerk.

(3) Said truck has audible back-up alarm system designed to alert bystanders when vehicle is in backward motion (automatic type).

(4) Written evidence of agreement between applicant and operator of licensed landfill approved by the Illinois Environmental Protection Agency for the disposal of all garbage and refuse to be collected by said applicant.

(5) Applicant shall state the make, model and year and license number for each motor vehicle or truck to be used by the applicant hereunder.

(6) Applicant shall furnish a certificate or policy of liability insurance as hereafter required to the Clerk.

(7) Applicant shall state his or its correct legal name, business address and telephone number.

(8) Payment of license fee.

(9) Filing of rate schedules.

(B) No license shall be granted until the applicant shall have displayed the ability to strictly comply with all the requirements and conditions of this Article in the operations to be conducted under the license. No license issued pursuant to this Article shall be transferable.

(C) If the applicant complies with this Article, all required fees have been paid and it does not appear that any City Ordinance or State Law will be violated by the operation, the City Clerk shall thereupon issue a license for the collection of garbage and refuse to said applicant, following

the approval of the Mayor. The Mayor may also choose to submit an application for approval by a majority of the City Council holding office.

92-7: LICENSE FEE AND TERM. Every person who shall be issued a license hereunder shall pay a license fee of Twenty Dollars (\$20.00) per year or any fractional part thereof. The license year shall commence on May the first (1st) and end on April the thirtieth (30th) of each year. No permit fee payable under this Article shall be refundable.

92-8: INSURANCE AND RATES. Upon application for a license, the person applying for the same shall furnish the City Clerk, along with the application, proof of liability insurance in the amount of One Million Dollars (\$1,000,000.00) for injury or death to persons and property damage. Applicant shall file with the Clerk a rate schedule for services to be performed for an occupant. The rate schedule shall include: (1) the types of service to be offered, i.e. residential—business; (2) the price for each size of dumpster or cans and number of cans per pick-up for the charge; (3) the charge for any extra cans; (4) the charge for bags, the size of bags; (5) the charge for bundles and size of bundles; (6) an unlimited service charge; (7) the schedule shall set forth the cost of once a week or twice a week pick-up; and (8) set forth the day or days of each week that the Applicant shall schedule his pick-up within the City. If for any reason there would be a revision to the rate schedule a copy of the new or revised rates shall be supplied to the City Clerk and shall state the effective date of the new rates.

92-9: INDUSTRY, CONSTRUCTION, ETC. Nothing in this Article shall be deemed to prevent or regulate the hauling of rubbish or refuse from industrial processes and from construction projects or other matter such as, but not limited to, discarded furniture, refrigerators, stoves, etc., not normally collected on a regular schedule. Haulers of rubbish, refuse and/or garbage not normally collected in regular collections, shall be excused from the requirements of obtaining a collector's license as provided in this Article.

92-10: COLLECTION FREQUENCY; HOURS; PLACEMENT FOR COLLECTIONS.

(A) In residential areas, garbage and refuse collection shall be made once each week. In commercial business and industrial areas and at all hospitals, nursing homes, hotels, restaurants and other business establishments within the City dealing in foods or perishable items, collection shall be made at least once each week or more frequently in order to prevent a nuisance.

(B) It shall be unlawful to operate a motor vehicle or truck for the collection of garbage or refuse within the City except between the hours of 6:00 A.M. to 7:00 P.M. on Monday through Saturday. No collection of garbage or refuse on Sunday shall be permitted. Removal of garbage and refuse due to special occasions such as picnics is permitted on Sunday.

(C) On the date collection of any garbage or refuse is scheduled for any premises in the City, or not earlier than 5:00 P.M. of the night before collection is so scheduled, all garbage and refuse shall be placed at the street in front of the premises where there is no alley or at the alley where there is an alley. Such garbage or refuse shall be in containers as required under other provisions of this Article. After such garbage and refuse has been collected and on the same day of such collection, such containers must be removed from the front yard so that they are not visible from the front yard.

92-11: COLLECTION TRUCK.

(A) Except as stated in Section 92-11(C), it shall be unlawful for any person, either in person or by his or its agent, employee or servant, to use any vehicle to haul any kind of garbage or refuse, whether liquid or solid, except in a truck specifically equipped with a self-compactor or dumpster type container mounted on the truck, used exclusively for garbage or refuse operations, (hereinafter "Collection Truck").

(B) All collection trucks used in picking up garbage or refuse for residential customers shall be single axle trucks and shall not exceed thirty-seven thousand (37,000) pounds gross vehicle weight and shall be equipped with a self-compactor or equipped with a dumpster-style container mounted in the truck for transfer of garbage or refuse into a truck specifically equipped with a self-compactor. This load limit is an exception to the load limits on streets as provided in Section 155-1 of the Revised Code.

(C) In the event a collection truck fails to operate because of mechanical problems, a licensee may request a waiver and use a larger collection vehicle. Such request shall be made to the City Superintendent who may grant or reject the request. If the request is granted, it shall be done on an emergency basis only and subject to terms and conditions determined by the City Superintendent.

92-12: TRANSFER OF GARBAGE.

(A) It shall be unlawful to transfer garbage or refuse by any means within the City limits, except when transferring from the collection truck used for residential pick-up to a larger truck equipped with a self-compactor.

(B) Locations for transferring of garbage or refuse from the collection truck used for a residential pickup to a larger truck equipped with a self-compactor shall be determined by the City Superintendent. No garbage and/or refuse collector truck may be parked or placed at any other location in the City. The Licensee shall have as additional equipment, a truck for the disposal of larger or unusual items or rubbish which cannot be placed in the compactor truck and shall have available for such pick-ups, such equipment at least one (1) day each week or on such additional days as may be necessary to satisfy the needs of the public.

92-13: PARKED GARBAGE TRUCK. No truck carrying garbage or refuse, or both, shall be parked or be permitted to stand anywhere in the City any longer than is necessary to pick up containers; excepting, however, that the standing of such vehicle when made necessary by mechanical trouble, traffic conditions, accident or obedience to the direction of policemen or traffic signals, shall not be considered a violation of this Article. Neither shall the transfer truck or rubbish truck as stated in Section 92-12(B) above be a violation of this Code.

92-14: LOCATION OF DUMPSTER. A licensee shall designate the location of his or its equipment in the yards on which his dumpsters will be placed.

92-15: TRUCK WASTE WATERS. A garbage truck or other related equipment shall not be washed or cleaned on either private or public property, or create a nuisance, or cause a health hazard within the City.

92-16: GARBAGE FALLING FROM TRUCK OVERLOADING. It shall be unlawful to deposit or permit to fall from any vehicle any garbage or refuse on any public street or alley in the City. It

shall be unlawful for any person to permit any vehicle for the collection of garbage or refuse in the City to exceed the legal yard limit or to allow the contents thereof to be blown or scattered upon any public street, alley or other public way or place in the City. The person in charge of such vehicle shall immediately gather up or cause to be gathered up any such blown or scattered material.

92-17: NEGLECT OF GARBAGE AND REFUSE CONTAINERS BY CONTRACTOR. It shall be unlawful for any licensee who has contracted to collect and remove garbage and/or refuse within the City to allow such garbage and refuse to remain uncollected beyond the date provided by the contract with the customer for such collection and removal. If any contractor fails to comply with this Section, the Mayor or his appointee may proceed at the contractor's expense, after notice, to abate such condition and to revoke such contractor's license.

92-18: DEPOSIT OF REFUSE. It shall be unlawful for any licensee who has who has contracted to collect and remove garbage and refuse within the City to deposit such garbage and refuse at any location other than a landfill/solid waste disposal facility licensed by the State of Illinois.

92-19: PENALTY. Any person violating any provision of this Article shall be fined not less than Fifty Dollars (\$50.00) for the first offense, One Hundred Dollars (\$100.00) for the second offense and not more than Five Hundred Dollars (\$500.00) for any subsequent offense.

92-20: SUSPENSION, REVOCATION. In addition to any fine, a licensee's license may be suspended or revoked at any time by the Mayor for any violation of this Article. No license shall be suspended or revoked without an opportunity for a hearing.

(A) Written notice will be issued by the Mayor or his appointee showing noncompliance with this Article. The notice shall refer to section(s) violated and state facts evidencing a violation. Applicant will be given not less than twenty-four (24) hours nor more than seventy-two (72) hours to either comply with the provision(s) then being violated by applicant or appeal the notice to the City Council by filing an appeal with the City Clerk. The appeal shall be in writing and shall state the reasons for setting aside the Mayor's notice.

(B) Any licensee receiving written warning of three (3) violations, which have not been set aside by the City Council, within a twelve (12) month license period shall appear before the City Council and show cause why his license shall not be revoked or suspended.

(C) If a license is suspended or revoked, the licensee may appeal the decision of the City Council to the Randolph County, Illinois Circuit Court, Twentieth Judicial Circuit Court of Randolph County. The appeal must be made within forty-five (45) days of the City Council's decision and shall be made pursuant to the rules of Administrative Review, 735 ILCS 5/3-101, et seq.

92-21 to 92-22: RESERVED

COMPOST SITE REGULATIONS

92-23: COMPOST SITE. The City of Red Bud shall establish a compost site for the composting of grass clippings, leaves and brush. Such site shall be constructed and operated pursuant to the rules and regulations of the Illinois Environmental Protection Agency as amended from time to time. The compost site shall be of sufficient size in order to meet the composting needs of the citizens of Red Bud, Illinois.

92-24: USE OF SITE. The residents of Red Bud, Illinois shall be the only permitted users of the site which will operate under the following rules and regulations:

(A) The site will operate Monday through Friday from seven o'clock (7:00) a.m. to three thirty (3:30) p.m.

(B) The City will offer to its residents thirty (30) gallon bags with which to place their grass, leaves and/or brush. Such bags will have printed on them "City of Red Bud" and will be available at locations announced from time to time by the City. The cost of each bag will be posted at the City hall and at the City Utility Plant. The cost per bag shall be determined from time to time by resolution of the City Council.

(C) Whenever a resident purchases such compost bag(s) the resident will leave his or her name, address and date of purchase on forms provided by the City. The forms shall also specify the requested pick-up date(s).

(D) The City will designate a pick-up day or days for compost, the number of such days being determined by the demand of the residents. The City will post the pick-up day(s) in each week and the beginning and ending times of pick-up.

(E) No individual or entity may deliver compost bags to the compost site. All filled compost bags will be picked up by the City or hauler authorized by the City Council. The compost site will not be open to the public. Material will be delivered to the composting site by the City of Red Bud, Illinois or by a hauler authorized by the City Council of the City of Red Bud, Illinois.

(F) **Fine For Violation.** Compost bags shall be used exclusively for grass clippings, leaves and brush. If any bag contains materials other than grass clippings, leaves and/or brush, such person or entity from which the bag is picked up by the City shall be subject to a fine by the City of Red Bud pursuant to the general penalty provision of Chapter 4.

92-25: USE OF COMPOST. Any resident of the City of Red Bud, Illinois may request the Superintendent of Utilities for compost. Such resident shall make arrangements with the Superintendent of Utilities for pick-up of the finished compost at no cost to the resident.

92-26 to 92-27: RESERVED.

BURNING

92-28: BURNING. Any person shall be permitted to burn only their leaves and small twigs on their private property on any Tuesday, Thursday and/or Saturday of the week. Burning may occur only from sunrise to sundown. No burning is allowed in the City streets or City gutters. This shall in no way prohibit recreational burning of wood in fire pits.

92-29 to 92-30: RESERVED.