

CHAPTER 16

GARBAGE

ARTICLE I – GENERAL REGULATIONS

16-1-1 **DEFINITIONS.** As used in this Code, the following definitions shall apply:

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

"RUBBISH" shall mean combustible trash, including, but not limited to paper, cartons, boxes, barrels, wood, excelsior, wood furniture, bedding; non-combustible 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, provided, however, that refuse shall not include earth and wastes from building 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.

"YARD WASTE" shall mean material such as tree branches, yard trimmings, leaves and grass.

16-1-2 **LICENSE REQUIRED; FEE.** No person shall engage in the business as a residential or commercial collector of garbage and rubbish unless such person shall have first made application to and secured a license from the City and shall have provided proof of insurance required by the City. Commencing on **January 1, 2012**, an annual fee for a license shall be required to be paid to the City in the amount of **One Thousand Six Hundred Fifty Dollars (\$1,650.00)**. Any new licensee applying for a license to become effective during the first **six (6) months** of any **one (1) calendar year** shall owe the whole amount of said annual fee. Any new licensee applying for a license to become effective during July through December of any **one (1) calendar year** shall only be required to pay **one-half (1/2)** of the annual fee or **Eight Hundred Twenty-Five Dollars (\$825.00)**. Once a license is acquired by a collector of garbage, the said annual fee shall be due and owing on the **first (1st) day** of each and every calendar year. The non-payment of such fee shall cause one's existing license to become null and void.

There shall be no limit on the number of licenses to engage in the business as a residential or a commercial collector of garbage or rubbish within the City limits of Carlinville, Macoupin County, Illinois.

A license issued under this Chapter shall be purely a personal privilege and shall not constitute property, nor shall it be subject to attachment, garnishment, or execution, nor shall it be alienable or transferable, voluntarily or involuntarily, or subject to being encumbered or hypothecated. **(Ord. No. 1708; 08-05-13)**

16-1-3 **PARKED GARBAGE TRUCKS.** No truck carrying garbage or rubbish, or both, shall be parked or be permitted to stand anywhere in the City any longer than is

necessary to pick up containers; however, providing that the standing of such vehicle was 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 Code.

16-1-4 **TRUCK WASTEWATERS.** A garbage truck or other equipment shall not be washed on City streets or public property and will not be washed where the wastewaters will cause any offensive odors to adjoining property owners.

16-1-5 **WINDBLOWN GARBAGE UNLAWFUL.** It shall be unlawful to place garbage or rubbish in such a manner as to allow the same to be blown by the wind onto the property of other residents.

16-1-6 **GARBAGE FALLING FROM TRUCK.** It shall be unlawful to deposit or permit to fall from any vehicle any garbage, refuse or ashes on any public street or alley in the City, provided that this Code shall not be construed to prohibit placing garbage, refuse, or ashes in a container complying with the provisions of this Code, preparatory to having such material collected and disposed of in the manner provided herein.

16-1-7 **ACCUMULATION OF GARBAGE UNLAWFUL.** The fact that garbage or rubbish remains on an occupant's premises in the City in violation of this Chapter shall be prima facie evidence that the occupant of such premises is responsible for the violations of the Chapter occurring.

16-1-8 **LOCATION OF YARDS FOR EQUIPMENT.** A licensee shall designate the location of the yards on which his equipment will be parked while not in use and the equipment shall not be parked within the City limits unless the designated location shall not, in the opinion of the Chief of Police, create any nuisance for adjoining property owners.

The licensee shall have as additional equipment a truck for the disposal of large or unusual items of rubbish which cannot be placed in the designated containers and shall have available for such pickups 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.

16-1-9 **INDUSTRY, CONSTRUCTION, ETC.** Nothing in this Code shall be deemed to prevent or regulate the hauling of rubbish or refuse from industrial processes, from construction projects or other matter not normally collected on a regular schedule and haulers of rubbish not normally collected in regular collections shall be excused from the requirements of obtaining a collector's license as provided in this Chapter.

16-1-10 **REVOCATION OF PERMIT.** If the licensee fails to perform any services according to his application and rate schedule, the Mayor may revoke his permit.

(65 ILCS 5/11-19, et seq.)

ARTICLE II - LANDFILL FEE

16-2-1 PERMIT. No person shall conduct any waste storage, waste treatment of waste disposal operation within the City limits of the City under any of the following conditions: without all the permits required by law for such operation; in violation of the terms and conditions of the permits allowing such operation; in violation of any applicable laws, rules, ordinances or regulations governing such operation.

16-2-2 SOLID WASTE MANAGEMENT FEE. In accordance with **Chapter 415, paragraph 5/22.15(j) of the Illinois Compiled Statutes**, a solid waste management fee to be assessed and collected by the City is hereby established. Said fee shall be **Forty-Five Cents (\$0.45)** per cubic yard of solid waste deposited in landfills operating within the City limits of the City; provided, however, said fee shall be reduced to the maximum amount permitted by law when said fee exceeds the maximum amount permitted by law.

16-2-3 SOLID WASTE MANAGEMENT FUND ESTABLISHED. Collection of said fees shall begin and be in accordance with payment schedules set by the State of Illinois. Such fees shall be made payable to the City Treasurer by the owners and operators of the landfills located in the City limits of the City and retained by him in a fund designated as the Solid Waste Management Fund. This Fund shall be accounted for as required by law. The City Council shall make expenditures from this Fund for payment of any cost related to solid waste management. **(Ord. No. 1179; 04-03-89)**