

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 Village.

The license fee shall be **Fifty Dollars (\$50.00) per year.** The fee shall be paid on or before **May 1st** of each year. The Village is not subject to the provisions of this Chapter.

16-1-3 **APPLICATION FOR LICENSE.** Upon application for a license, the person applying for same shall furnish the Village Clerk, along with the application, proof of insurance for liability and property damage, and at that time, they shall file with the Clerk a rate schedule for services to be performed for a residential application. The rate schedule shall set forth the type of service to be offered and the price for same, including the size and number of cans per pickup for the charge, the charge for any extra cans, the charge for the bags, the size of the bags, and the charge for bundles and size of the bundles; also a rate schedule shall include an unlimited service charge; the schedule shall set forth whether this is once-a-week or twice-a-week pickup.

The rate schedule shall also set forth the day or days of each week that the collector shall schedule his pickup within the Village. The rate schedule as filed shall be valid for **one (1) year** and the licensee shall not be permitted to increase the price on the schedule for a period of **one (1) year** from the date of filing of the rate schedule. The rate schedule shall be effective upon approval by the Village Board.

16-1-4 TRUCK REQUIREMENT - CLEANLINESS. The firm that handles the collection of trash shall be of good character and give evidence that the equipment used by him is adequate for the purposes intended. The successful firm shall have a truck or trucks which shall be so designed that garbage and rubbish that is collected will be covered at all times except in the loading of garbage or rubbish, so that offensive odors are not permitted to permeate the air and cause a nuisance within the Village. The trucks and all containers in which garbage is collected and transported shall be cleaned daily and the collector shall not collect any garbage on any day without having a clean truck and hand containers if containers are used.

16-1-5 PARKED GARBAGE TRUCKS. No truck carrying garbage or rubbish, or both, shall be parked or be permitted to stand anywhere in the Village except as provided for in **Section 16-1-10** 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.

16-1-6 TRUCK WASTEWATERS. A garbage truck or other equipment shall not be washed on Village streets or public property and will not be washed where the wastewaters will cause any offensive odors to adjoining property owners.

16-1-7 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.

16-1-8 GARBAGE FALLING FROM TRUCK. It shall be unlawful to deposit or permit to fall from any vehicle any garbage, liquids, refuse or ashes on any public street or alley in the Village, 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.

16-1-9 **ACCUMULATION OF GARBAGE UNLAWFUL.** The fact that garbage or rubbish remains on an 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 the violations of the Chapter occurring.

16-1-10 **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 Village limits unless the designated location shall not, in the opinion of the Code Enforcement Officer, 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.

16-1-11 **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.

16-1-12 **REVOCAION OF PERMIT.** If the licensee fails to perform any services according to his application and rate schedule, the Mayor may revoke his permit.

(See 65 ILCS Sec. 5/11-19-1, et seq.)

ARTICLE II

GARBAGE COLLECTION

16-2-1 GARBAGE AND TRASH DEFINITIONS.

(A) The term "garbage" as used in this Article shall be held to mean and include all putrescible waste and wastes resulting from the handling, preparation, cooking and consumption of food.

(B) The term "rubbish" as used in this Article shall be held to mean and include all non-putrescible waste, except trash as defined herein.

(C) The term "trash" as used in this Article shall be held to mean and include ashes, grass and lawn rakings, landscape waste, and other materials accumulated as a result of the care of lawns, shrubbery, vines and trees.

(D) The term "garbage or rubbish container" as used in this Article shall be held to mean a container constructed of metal, rubber or plastic not easily corroded, watertight, rodent proof and shall have a tight fitting cover. Such container shall have a capacity of not less than **five (5) gallons** and not more than **fifty (50) gallons** and shall be equipped with suitable handles.

16-2-2 CONTAINER REQUIRED. It shall be unlawful for any person, firm or corporation to deposit or place any garbage, rubbish or trash in any alley, street or other public place within the Village nor shall any person, firm or corporation deposit or place any garbage, rubbish or trash upon private property, whether owned by such person or not, within the limits of the Village unless the same shall be enclosed in a suitable garbage or rubbish container. All such garbage and rubbish shall be placed in such containers for collection. Failure to comply with this Section shall constitute a public nuisance.

16-2-3 DISPOSAL REQUIRED. Every owner, tenant, lessee or occupant of every dwelling or other person, firm or corporation, or other place with a kitchen, except apartments and trailer parks, on whose premises garbage, rubbish, or trash is generated and collects, shall provide and at all times keep within such building or on the premises garbage containers sufficient to hold all garbage and rubbish which may accumulate on the premises between collections and shall place such containers at all times so as to be readily accessible for collection, removal and emptying by the Village and where they will not be a public nuisance. Every such place shall be presumed to generate garbage and rubbish by virtue of having a kitchen. All other owners, tenants, lessees or occupants or other persons, firms or corporations, of every other place on whose premises garbage, rubbish or trash is generated and collects, shall provide and at all times keep within such building or on the premises containers sufficient to hold all garbage and rubbish which may accumulate on the premises

between collections and shall place such containers at all times so as to be readily accessible for collection, removal and emptying by a duly licensed sanitary hauler who shall be required to remove it at least once a week.

The regular collection service for dwellings with kitchens shall not remove items such as tires, crates, refrigerators, stoves, air conditioners, sofas, chairs, furniture, pipe, trash, automobile parts, household appliances, poisons, explosives, petroleum products, lead base paint, dangerous or corrosive chemicals, heavy metals or metal parts, lumber, dirt, rocks, bricks, concrete blocks and other refuse from construction or remodeling, hazardous wastes and other like items. Specific arrangements must be made with the Supervisor of Public Works and Safety (or other designated officer) for such removal at charges established by the Supervisor of Public Works and Safety (or other designated officer) based on actual costs.

16-2-4 COLLECTION BY VILLAGE. The Mayor or other designated officer shall have charge of the collection of garbage and rubbish in the Village generated from single-family residences, two-family residences, and apartments only. The Village may contract pursuant to State statute, under **65 ILCS Sec. 5/11-9-1 et seq.** and its amendments from time to time, to provide for such collection. The collection shall be made from all premises at least once a week, provided that the material is properly stored for collection in a container complying with the provisions of this Article.

The fees for such collection by the Village shall be paid monthly in advance and shall be as follows:

Senior citizens age 62	\$11.15 per month
Single-family residence	11.65 per month
Two-family residence	23.30 per month

(Ord. No. 09-02; 01-08-09)

The refuse fees shall be included within the water bill to each water user monthly, and payment of the water bill shall not be construed as paid in full unless such payment is in the total amount billed, which shall include the appropriate refuse fee as herein provided. Owners or occupants of premises which do not use Village water shall be billed monthly by separate billing for the appropriate refuse fee for their premises. The owner of the premises and the occupant thereof and the user of any water, sewerage, or refuse service, or any combination of such services, shall be jointly and severally liable to pay for the refuse service on said premises, and the refuse service is furnished to the premises by the Village of Fisher only upon the condition that the owner of the premises, occupant and user of the service, are jointly and severally liable therefor to the Village of Fisher. Bills shall be rendered on the **twenty-fifth (25th) day** of each month and shall be payable within **ten (10) days** after the date of the original bill, then in such a case a penalty of **ten percent (10%)** of the amount of the bill shall be added and become due.

In the event said rates or charges for water, sewerage, and/or refuse service, including any penalty then due, are not paid by the **twenty-fifth (25th) day** of the month, a Final Notice will be sent by the **fifth (5th) day** of the following month.

All service will be shut off by the **tenth (10th) day** of the following month with no notification, if the total bill has not been paid. To have service reinstated, there will be a **Forty Dollar (\$40.00)** water turn-on fee, plus a deposit of **one-twelfth (1/12)** of the prior **twelve (12) month** period amount of water bills. There will be a charge of **Fifteen Dollars (\$15.00)** for NSF checks.

16-2-5 LIMITATION OF AMOUNTS. Whenever the collection of garbage and rubbish from any residence or place shall exceed the normal amount for such a place so that the fee prescribed for such collection is not fair and reasonable as applied to that particular residence or place, or is garbage or rubbish generated from another site, or is non-residential in character, the President of the Mayor or other designated officer shall recommend to the Village Board the establishment of a special rate for such residence or place.

16-2-6 RESIDENTIAL GARBAGE CANS.

(A) Property owners shall provide that all garbage cans shall be contained within each property owner's property up until the **twenty-four (24) hours** prior to and **twenty-four (24) hours** after the regularly scheduled Village garbage pick up. After such pick up, all garbage cans shall be returned to owner's property.

(B) Garbage cans stored at residences shall not be located at, on or near the roadway and shall remain covered and located adjacent to the residence or garage or shall be stored indoors except as otherwise provided herein.

(C) Each violation of this Section shall result in a fine of **Twenty-Five Dollars (\$25.00)**. Each day that a garbage can is in violation of this Section shall constitute a separate violation. **(Ord. No. 08-01; 01-10-08)**

(Ord. No. 98-4; 04-09-98)