

Chapter 10

GARBAGE AND TRASH

Sec. 10-1. Supervision of Garbage Collections.

All matters relating to or affecting the collection, removal or disposal of household refuse, waste materials, discarded articles commonly known as trash or rubbish, including ashes, recyclables and yard waste, shall be subject to and under the supervision and direction of the Superintendent of Streets and Parks.

The Superintendent of Streets and Parks is hereby authorized and directed to cause all garbage, ashes, miscellaneous waste, recyclables and yard waste, as the same are hereinafter defined, to be collected regularly and systematically throughout the village.

Sec. 10-2. Definitions.

For the purposes of this chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section:

- (1) *Ashes*: The residue from fires used for cooking and for heating buildings.
- (2) *Building Materials*: Articles commonly used in the construction, maintenance and rehabilitation of all structures.
- (3) *Bulk Refuse*: Furniture, appliances (including, but not limited to, ranges, television sets, microwaves, refrigerators, dishwashers, washing machines, dryers, room air-conditioners and freezers), and hot water heaters; except that "white goods" as defined by the Illinois Compiled Statutes shall not be considered to be bulk refuse.
- (4) *Curbside Service*:
 - (a) In areas where conventional curbs, "curbside" shall refer to placement of solid waste behind the curb, but within five (5) feet of the pavement.
 - (b) In those areas without conventional curbs, "curbside" shall refer to the placement of solid waste at a reasonable distance; i.e., not closer than two (2) feet, nor further than five (5) feet from the pavement.
- (5) *Garbage*: Any rejected or waste household food, offal, swill or carrion, and every accumulation of animal, fruit or vegetable matter that attends the preparation, use, cooking and eating in or storage of meats, fish, fowl, fruits or vegetables, and any other matter of any

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nature which is subject to decay, petrification, and the generation of noxious or offensive gases or odor, or which, during or after decay, may serve as breeding or feeding material for flies or other germ-carrying insects.

- (6) *Hazardous Waste:* Waste, in any amount, which is defined, characterized or designated as hazardous by the United States Environmental Protection Agency or appropriate State agency by, or pursuant to, Federal or State law; or waste in any amount, which is regulated under Federal or State law. It may also include motor oil, gasoline, paint and paint cans.
- (7) *Homeowner, Customer or Resident:* The occupant of a single family or multiple family dwelling unit which has not more than six (6) units.
- (8) *Landscape Waste:* Leaves, grass clippings, leaves and tree branches/brush (which are no more than pencil thin and six (6) feet long) and similar types of plant material which are accumulated as a result of the care and maintenance of lawns, shrubbery, vines, trees and other types of vegetative landscaping.
- (9) *Publicly Owned Facilities:* Buildings and other structures occupied or used by the Village, and other units of local government within the corporate limits of the Village and public refuse containers located on Village property, including, but not limited to parks and parkways.
- (10) *Recyclable Materials:* Newspapers and inserts, yellow, brown, green and clear glass bottles, aluminum cans, HDPE plastic containers, PET plastic containers, metal cans, paper bags, chipboard, telephone books, aluminum foil, aluminum food trays, milk jugs, cardboard, and any other materials that the Village determines to recycle in the future.
- (11) *Refuse:* All household garbage, rubbish, (including but not limited to bottles, jars, books, paper, boxes, cartons, and other miscellaneous household litter), ashes, manure, properly contained waste produced by pets, dead animals or parts thereof, junk scraps, small auto parts, furniture and appliances (including but not limited to ranges, dishwashers, washing machines, dryers and water heaters). White goods, bulk refuse and building materials are "refuse". Hazardous waste, landscape waste and recyclable materials are not "refuse".
- (12) *Residential Service:* Collection and disposal of refuse, landscape waste and recyclable materials from residential units (single family and multi-family as defined herein).
- (13) *Residential Units:* Single family or multi-family dwellings with six (6) units or less.
- (14) *Roadside:* An item is "roadside" if it is not on the pavement of a street, but is within five (5) feet of the pavement.

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- (15) *Solid Waste*: Refuse, landscape waste, recyclable materials and any other materials, which are collected and disposed of.
- (16) *Solid Waste Collection and Disposal*: The collection and disposal of refuse and landscape waste by landfilling, composting or land application and the recycling of recyclable materials.
- (17) *Superintendent*: The Superintendent of Streets and Parks, or his designated representative.
- (18) *Village*: Village of Fox River Grove, McHenry and Lake Counties, Illinois.
- (19) *White Goods*: Appliances, including stoves, washers, dryers, refrigerators, freezers, air conditioners and dehumidifiers. White goods shall be considered refuse, but not bulk refuse.

Sec. 10-3. Garbage of residential and publicly-owned facilities.

- (a) The Village shall provide curbside collection and disposal of solid waste from all single-family dwellings and at multiple family dwellings with six (6) units or less and from all community and municipal buildings, including, but not limited to, library, fire, school buildings, parks, police and public works, Village buildings and public refuse containers located on the Village properties.
- (b) Pickups shall be at the curbside of the residence or residential unit to be served or, in the case of multi-family dwelling units or publicly owned facilities, pickups may be in the designated "garbage area" located on the premises, provided that such designation meets the prior approval of the Village.
- (c) No person shall place any garbage and refuse container on any street, alley or other public place any sooner than 3:00 p.m. on the day prior to the regular and customary collection schedule, nor shall any person permit such garbage and refuse containers to remain in any street, alley or other public place more than twenty-four (24) hours after the aforesaid regular and customary collection schedule. At all other times such garbage and refuse containers shall be stored out of public's plain view.
- (d) **Penalty.** Any person who shall violate any provision of this Section shall be fined fifty (\$50.00) dollars for the first offense that occurs within the one (1) year period, one hundred (\$100.00) dollars for the second offense within the one (1) year period following being given a written warning, and not less than two hundred fifty (\$250.00) dollars for the third and any additional offenses that may occur during the one (1) year period following being given a written warning. (Ord. No. 01-15, Sec. 1, 3-15-2001, Ord. No. 07-10, Sec. 7, 4-19-07; Ord. No. 09-14, Sec. 1, 5-14-09)

Sec. 10-4. Garbage of commercial and industrial firms; residential units of six or more.

There shall be no collection of any solid waste from any commercial or industrial establishment, nor from any structure which does not contain residential family units or which contains more than six (6) residential units; however, all commercial, industrial and other structures including those containing more than six (6) residential units shall make private arrangements for the collection and disposal of solid waste in a prompt and sanitary manner. Such arrangements shall comply with any Ordinance and Village Code regulations governing private scavengers.

Sec. 10-5. Bulk refuse, white goods pickup.

The Village's authorized contractor shall furnish a collection service for bulk refuse and white goods as part of the collection service to collect and dispose of all discarded material and trash which is too large or bulky to handle by packer-type equipment. The bulk and white good service shall include the collection and disposition of white goods. Bulk service shall include the pick-up of items such as, but not limited to, pianos, beds, box sets, large carpets, other discarded household furniture, furnishings, fixtures, and appliances. Said items shall be placed at the curb or alongside approved containers by the resident on his/her regular pickup day for collection. The Contractor may require a resident to arrange for a special pickup where there are more than two (2) items of bulk to be picked up or where the volume of the bulk refuse items exceeds two (2) cubic yards. The resident may be responsible for an additional cost if there are more than two (2) items of bulk refuse per regular collection.

Unless prohibited by State, Federal or other applicable law, the contractor shall collect white goods with a maximum of two (2) items of white goods per regular collection. The pickup of additional white goods shall be done at an additional cost to the resident. For those white goods containing any Class I or Class II substances used as a refrigerant, the refrigerant must first have been recaptured from the equipment. Once recaptured, a certification of compliance must be attached to the appliance signed by the technician. If a pickup is requested without certification, an additional fee will be assessed and levied against the resident for pickup, handling, and disposal of the appliance and refrigerants.

The Village's authorized contractor shall be responsible for collecting all refuse items normally collected in the event of flooding or other man-made or natural disasters, regardless of the amount of such materials that is generated. Regular collection times may be waived by the Superintendent in such cases.

Home remodeling and repair construction materials shall be collected as part of the regular collection provided that such items are placed within an approved container which does not weigh more than fifty (50) pounds or in bundles which do not exceed four (4) feet in length and do not weigh more than fifty (50) pounds.

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The resident may be charged an additional fee and may have to arrange for a special pickup if the volume of items, other than white goods, to be collected, which are not in approved containers exceeds two (2) cubic yards.

Sec. 10-6. Garbage receptacles.

Approved receptacles to be used for the collection of refuse shall consist of resident furnished garbage cans, garbage carts or totes and trash or plastic bags having a volume capacity not exceeding thirty-two (32) gallons and not exceeding a total filled weight of fifty (50) pounds, or contractor furnished carts having a capacity of ninety-five (95) gallons, sixty (60) gallons and/or of such other size that the contractor may furnish. Receptacles for garbage shall be water tight, and if not plastic bags, made of metal or plastic with close fitting covers.

Sec. 10-7. Landscape waste service.

- (a) Landscape waste must be separated from refuse materials and must either be bundled and securely tied into bundles weighing not more than fifty (50) pounds and not containing any branch or limb larger than one half inch in diameter or be contained in a biodegradable bag having a volume capacity of not more than fifty-five (55) gallons and weighing not more than fifty (50) pounds when filled.
- (b) Provided there is compliance with subsection (a), an unlimited amount of yard waste shall be collected as part of the regular waste collection during the period from April 1 through November 30.

Sec. 10-8. Recycling service.

- (a) Curbside recycling service shall be provided and recyclable materials shall be collected as part of the regular waste collection. Recycling containers shall be provided to each dwelling unit. Additional and/or replacement containers shall be available at an additional cost. Lids or covers for recycling containers shall be made available to residents on request at an additional cost.
- (b) Recyclable materials are to be placed in a recycling container provided that if the amount of recyclable material exceeds the capacity of the recycling container, the excess recyclable material may be placed in another container alongside the recycling container.

Sec. 10-9. Unacceptable items.

Those items that are not allowed in landfills by regulations, such as hazardous waste, liquids, batteries, paint, large automotive parts and items too heavy for one man to lift or which constitute a health or injury hazard will not be collected.

Sec. 10-10. Prohibited deposits; uncovered garbage declared a nuisance.

It shall be unlawful for any person to deposit on any property in the Village or under the jurisdiction of the Village any refuse, trash, garbage, offal, carcasses of dead animals, human or animal excrement or other objectionable wastes, except in an approved container or incinerator. Any uncovered garbage or refuse is hereby declared to be a nuisance.

Sec. 10-11. Combustible refuse.

It shall be unlawful to store any combustible refuse in such a way as to create a fire hazard.

Sec. 10-12. Hot ashes not to be placed in wooden receptacles.

No hot ashes shall be placed in a wooden receptacle.

Sec. 10-13. Wind blown refuse.

No garbage or refuse shall be placed so that it can be blown about or scattered by the wind.

Sec. 10-14. Burning leaves, refuse and garbage.

- (a) It shall be unlawful to burn any garbage, or other organic refuse, outside of any building at any time within the corporate limits of the Village. For purpose of this section organic refuse includes, but is not limited to, leaves and other yard waste. (Ord. 08-30, Sec. 1, 12-18-08)
- (b) Except as provided in subsection (d), it shall be unlawful to burn any logs, wood or wood material outside of a building at any time within the corporate limits of the Village unless the logs, wood or wood material are being burned in a grill or barbecue and in connection with the cooking of food.
- (c) It shall be unlawful to burn papers, excelsior or other material which may be blown about by the wind anywhere in the Village unless the same is burned in a stove, fireplace or furnace or in an incinerator sufficiently fine to prevent the escape of ignited particles.
- (d) Small recreational fires where wood logs and branches are burned, including, but not limited to, what are commonly referred to as campfires, shall be permitted during the hours between 7:00 A.M. and 1:00 A.M. the next day provided that there is compliance with each of the following conditions:
 - (1) No small recreational fire shall be maintained on a Village roadway or within any other public right of way.

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- (2) No accelerant shall be used in connection with the starting or maintaining of a small recreational fire.
 - (3) Wherever there is a small recreational fire, a person not less than eighteen (18) years of age must be present who is supervising or attending to the fire.
 - (4) Leaves and grass may not be burned in a small recreational fire. No material other than dry wood logs and branches may be burned in a small recreational fire.
 - (5) No small recreational fire shall occur at any location that is closer than thirty (30) feet to a residential or commercial building.
 - (6) No small recreational fire shall be maintained or allowed to burn in such a manner that the fire endangers persons or property. (Ord. 08-30, Sec. 2, 12-18-08)
- (e) Penalty. See Section 10-18. (Ord. No. 97-25, Sec. 1, 8-21-97; Ord. No. 02-24, Sec. 1, 8-29-02; Ord. No. 09-14, Sec. 1, 5-14-09; Ord. No. 12-03, Sec. 1, 1-19-12)

Sec. 10-15. Unauthorized use of dumpster or other receptacle.

It shall be unlawful for any person to place garbage, refuse, ashes or other waste into any dumpster or other receptacle, unless such person either owns or leases the dumpster or other receptacle or has secured permission from the owner or lessee of the dumpster or other receptacle to place garbage, refuse, ashes or other waste into the receptacle. (Ord. No. 94-09, Sec. 1, 3-17-94)

Sec. 10-16. Encroachment of dumpsters and other solid waste containers onto public right-of-way or adjacent property prohibited.*

No person shall place or maintain any dumpsters or other solid waste container so that any part of such dumpster or solid waste container is located within a public right-of-way or is located on any property not owned or occupied by the person who owns or is responsible for the maintenance and placement of the dumpster or solid waste container, except (a) approved solid waste receptacles as provided in Section 10-6 of this Code may be placed along the curb of a public street or alley during the 18 hour period prior to the time the solid waste contained in the receptacle is scheduled to be collected pursuant to Section 10-3 of this Code and (b) where the owner or occupant of the property on which the dumpster or solid waste container has given permission allowing the dumpster or garbage, refuse or grease container to be located on the property. (Ord. No. 96-12, Sec. 1, 3-21-96)

Sec. 10-17. Restrictions on the placing and maintenance of solid waste.**

* State law reference--65 ILCS 5/11-20-5

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It shall be unlawful for any person to place or maintain any solid waste, other than the branches and limbs of trees and shrubs or landscape waste which has been placed on a compost pile, in a location which is not within a building or other enclosed structure unless such solid waste has been placed inside a dumpster or other solid waste container. It shall be unlawful for any person to place or maintain any solid waste in a dumpster or other solid waste container which is not located within a building or other enclosed structure so that solid waste is located above the rim of the container or so that the cover of the container cannot be readily and completely closed. It shall be unlawful for any person to place or maintain any solid waste in such a manner that the solid waste may be carried by the action of the wind, rain or snow into or upon any adjacent property or upon any street, sidewalk, alley or other public place in the Village, provided that this provision shall not prohibit any person from placing solid waste that is contained in an approved solid waste receptacle as provided in Section 10-6 of this Code along the curb of a public street or right-of-way prior to the time the solid waste contained in the receptacle is scheduled to be collected pursuant to Section 10-3 of this Code. (Ord. No. 96-12, Sec. 2, 3-21-96)

Sec. 10-18. Penalty.

Any person who violates any provision contained in Sections 10-10 through 10-17 of this Chapter shall, upon conviction, be fined one hundred (\$100) dollars if the conviction is for the first violation by such person to occur within the previous twelve (12) month period. Such fine shall be two hundred and fifty (\$250) dollars if the conviction is for the second violation of a provision contained in Sections 10-10 through 10-17 by such person within a twelve (12) month period and five hundred (\$500) dollars if such person has violated a provision contained in Sections 10-10 through 10-17 more than twice during the twelve (12) month period prior to the conviction. Each day in which any violation shall continue shall be deemed a separate offense for which a fine may be imposed. (Ord. No. 96-16, Sec. 1, 4-18-96)

Sec. 10-19. Dumpster Enclosures Required.

- (a) New or Renovated Commercial Buildings. Commercial buildings constructed or renovated by more than fifty percent (50%) of the net value of the property on or after September 1, 2016 must provide dumpster enclosures in accordance with Dumpster Enclosure Standards set forth in this Section 10-19.
- (b) Declaration of Public Nuisance. A violation of the provisions contained in Section 10-13, Section 10-16 and/or Section 10-17 of this Chapter is hereby declared a public nuisance. Any person who owns or occupies premises where a dumpster is located and who violates Section 10-13, Section 10-16 and/or Section 10-17 of this Chapter on three (3) or more occasions within a twelve (12) month period as a result of the failure to maintain, use or locate a dumpster as required by Section 10-13, Section 10-16 or Section 10-17 must

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thereafter enclose any dumpster on the premises in accordance with the Dumpster Enclosure Standards set forth in this Section 10-19.

- (c) Notice of Violation. If an owner or occupant on which a dumpster is located violates Section 10-13, Section 10-16 and/or Section 10-17 as a result of the failure to maintain, use or locate the dumpster as required by Section 10-13, Section 10-16 or Section 10-17, the Village shall send by certified mail to the address of the premises where the dumpster is located and to the person to whom the water bill for the premises is sent a warning notice. The warning notice sent after the first violation in a twelve (12) month period shall state that enclosure of dumpsters on the premises will be required if there are two (2) more violations of either Section 10-13, Section 10-16 and/or Section 10-17 within the twelve (12) month period that began on the date of the violation. The warning notice sent after the second violation in a twelve (12) month period shall state that enclosure of the dumpster will be required if there is another violation of either Section 10-13, Section 10-16 or Section 10-17 within the twelve (12) month period that began on the date of the first violation. The notice sent to the address of the premises where the dumpster is located shall be addressed to the owner and/or occupant of the premises, if the identity of the owner and/or occupant is known to the Village.

Any person who owns or occupies premises where a violation of Section 10-13, Section 10-16 and/or Section 10-17 occurs on three (3) or more occasions within a twelve (12) month period as a result of the failure to maintain, use or locate a dumpster as required by Section 10-13, Section 10-16 or Section 10-17 is required to enclose the dumpster on the premises in accordance with the Dumpster Enclosure Standards set forth in this Section 10-19. Compliance with Section 10-19 must occur within thirty (30) days after the date of the notice requiring an enclosure is sent by certified mail to the address of the premises where the dumpster is located and to the person to whom the water bill for the premises is sent. The notice sent to the address of the premises where the dumpster is located shall be addressed to the owner and/or occupant of the premises, if the identity of the owner or occupant is known to the Village.

- (d) Dumpster Enclosure Standards.

- (1) Dumpsters shall be kept within an enclosure the walls of which are made of either solid wood, wood board-on-board, solid brick masonry or another solid material that is determined by the Village to be acceptable based on factors such as location of the enclosure, the uses located on adjacent and nearby properties and the visibility of the enclosure from public rights of way. The enclosure shall be of sufficient dimensions to completely enclose the dumpster on all sides and visually screen the dumpster from the street and from abutting properties. The walls of the enclosures shall not be less than six (6) feet in height and must be at least one (1) foot above the height of the enclosed dumpster, whichever is taller.

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- (2) Each dumpster enclosure shall have at least a thirty (30) inch wide gated opening on one side, to enable a person to walk into the enclosure to deposit trash, garbage, refuse or recyclable materials.
 - (3) The gates of the enclosure shall be constructed of a frame with walls affixed thereto, and both frame and wall shall be of a solid wooden or wood board-on-board material of sufficient strength to withstand normal use. Gates shall be attached to metal posts at least three (3) inches in diameter with at least three (3) hinges. Each gate shall be lockable and have a wheel at the bottom to prevent sagging and shall have drop pins or rods to hold the gates in place in both open and closed positions.
 - (4) The dumpster enclosure gates shall be closed at all times except when loading garbage or refuse and except when the dumpster is being emptied by a waste removal or scavenger service.
 - (5) It shall be the joint and several obligation of the owner and the occupant of the premises where the dumpster enclosure is located to maintain the dumpster and the enclosure in a safe, clean and sanitary condition.
- (e) Penalty. Any person who violates any provision of this Section 10-19 shall, upon conviction, be fined in an amount of not less than five hundred (\$500) dollars for each offense. Each day in which any violation shall continue shall be deemed to constitute a separate offense for which a fine may be imposed. (Ord. 2003-34, Sec. 1, 10-16-03; Ord. No. 12-03, Sec. 2, 1-19-12, Ord. No. 2016-17, Sec. 1, 9-1-16)

Sec. 10-20. Severability.

If any section, subsection, sentence, clause or phrase of this Ordinance or the application thereof to any person or circumstance is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed to be a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions of this Ordinance or the application of such portion to other person or circumstances. (Ord. 2003-34, Sec. 2, 10-16-03)