

CHAPTER 56

REFUSE AND RECYCLABLES REMOVAL

1. **POLICY.** It is the policy and purpose of the provisions of this Chapter, and it is hereby determined to be necessary thereto, in order to protect the health, safety and welfare of the people of the City, to provide a coordinated City-wide program for the safe, economical and efficient storage, collection and removal of refuse and recyclables, and to insure adequate standards of basic service for the same, and this Chapter shall be liberally construed for accomplishing these purposes. (Amended, Ordinance No. 2010-89, December 20, 2010)

2. **DEFINITIONS.** As used in this Chapter, unless context otherwise requires, the following words or phrases shall mean:

Basic removal service (Single Family, Duplex and Triplex): Once weekly removal of refuse and once weekly removal of recyclables, with one annual large item pick-up. Weekly removal of landscape waste shall be provided for six weeks in the spring beginning April 1 and for six weeks in the fall beginning November 1 of each year. A premium landscape waste option is available to all single family customers with one weekly removal of landscape waste, yearlong. Under the premium option weekly removal of landscape waste shall be provided upon customer request during the period of January 1 through March 31.

(Amended, Ordinance No. 2010-89, December 20, 2010)

(Amended, Ordinance No. 2005-92, October 17, 2005)

(Amended, Ordinance No. 2001-89, December 17, 2001)

(Amended, Ordinance No. 90-69, June 18, 1990)

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Basic removal service (Fourplex, Fiveplex and Sixplex): Twice weekly removal of refuse and once weekly removal of recyclables with one annual large item pick up. Weekly removal of landscape waste shall be provided for six weeks in the spring beginning April 1 and for six weeks in the fall beginning November 1 of each year. A premium landscape waste option is available to all duplex, triplex, fourplex, fiveplex and sixplex customers with one weekly removal of landscape waste, yearlong. Under the premium option weekly removal of landscape waste shall be provided upon customer request during the period of January 1 through March 31.

(Amended, Ordinance No. 2010-89, December 20, 2010)

Commercial: All that which is not residential as well as properties owned by the Decatur Housing Authority. (Amended, Ordinance No. 2010-11, March 1, 2010)

Garbage: Refuse resulting from the handling, processing, preparation, cooking and consumption of food or food products.

Hardship Customer: A customer who is physically unable to place refuse containers at the curb and has no family member or other person living in the residence able to place the refuse containers at the curb. (Amended, Ordinance No. 2010-89, December 20, 2010)

Landscape waste: All accumulations of grass or shrubbery cuttings, leaves, tree limbs and other materials accumulated on the customer's residence as the result of the care of lawns, shrubbery, vines and trees.

(Amended, Ordinance No. 2010-89, December 20, 2010)

(Amended, Ordinance No. 90-69, June 18, 1990)

Large item pick-up: Removal of one household appliance such as a refrigerator, oven or dishwasher and not more than five (5) other items none of which are able to be placed in an approved container, and all of which items must be placed at the curb by the customer. A twenty dollar (\$20.00) surcharge will be assessed for any pickup of an appliance with refrigerant.

(Amended, Ordinance No. 2010-89, December 20, 2010)

(Amended, Ordinance No. 2001-89, December 17, 2001)

Minimum removal service: Service whereby the customer is charged only by the bag of refuse actually removed by the licensed hauler and not a regular monthly rate.

(Amended, Ordinance No. 88-87, September 19, 1988)

(Amended, Ordinance No. 88-72, August 29, 1988)

Recyclables: Material that has been recovered or diverted from the nonhazardous solid waste stream for purpose of reuse, recycling or reclamation and a substantial portion of which is consistently used in the manufacture of products, which may otherwise be produced using raw or virgin materials. (Amended, Ordinance No. 2010-89, December 20, 2010)

Refuse: Any discarded matter, including but not limited to garbage, sweepings, landscape waste, paper, cardboard, tin cans, ashes, bottles and similar other accumulations, but excluding special waste as defined by the Illinois Pollution Control Board.

(Amended, Ordinance No. 2010-89, December 20, 2010)

Residential: Premises occupied by six or fewer living units. Routes predominantly serving residential premises. Areas predominantly consisting of residential premises. Refuse and recyclables produced on residential premises.

(Amended, Ordinance No. 2010-89, December 20, 2010)

3. RULES AND REGULATIONS.

A. The provisions hereof shall be administered under the supervision of the City Manager which officer is authorized to promulgate reasonable rules and regulations not contrary thereto in order to facilitate such administration and to carry out the intent and purpose thereof.

B. Other provisions of this Chapter to the contrary notwithstanding, the City Manager is further authorized to modify the terms and conditions of removal service for licensees in

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residential areas specified by such officer, but only as expressly permitted herein. Such modifications of the removal service otherwise required by the provisions of this Chapter shall be limited in duration not to exceed three months, and no such modification may be applied to any residential area more than once in any two year period. Modifications as described herein may not be made applicable to more than five residential areas at any time, without the express consent of the Council, and may be made only for the purpose of conducting empirical studies regarding modes of delivery service and the efficacy and economy thereof. Such modifications may require the separation of refuse and recyclables by the producer thereof, and may vary the placement of and container for said refuse and recyclables and the frequency of collection thereof, but no such modification may reduce the number of refuse and recyclables collections to fewer than one per week.

(Amended, Ordinance No. 2010-89, December 20, 2010)

(Amended, Ordinance No. 90-13, January 29, 1990)

4. **ACCUMULATION OF REFUSE AND RECYCLABLES.** Refuse and recyclables shall not be allowed to accumulate on any premises in the City.

(Amended, Ordinance No. 2010-89, December 20, 2010)

5. **TEMPORARY STORAGE OF REFUSE AND RECYCLABLES.** Refuse and recyclables may be temporarily stored at the premises where produced only while awaiting periodic removal. (Amended, Ordinance No. 2010-89, December 20, 2010)

6. **MANNER OF STORAGE.** Storage and removal of refuse and recyclables shall be in such manner as to not create vector production or sustenance, or conditions for transmission of disease to man or animals, fire hazards, litter or hazards to service or disposal workers or the public. (Amended, Ordinance No. 2010-89, December 20, 2010)

7. **CLEAN CONTAINERS.** Garbage temporarily stored shall be kept only in approved containers kept clean and closed; excluding recyclables contained in eighteen (18) gallon recycling bins. (Amended, Ordinance No. 2010-89, December 20, 2010)

8. **APPROVED CONTAINERS.**

A. Approved containers for refuse other than landscape waste are the following:

(a) Metal or impact resistant plastic water-tight cans of not less than 15 or more than 32 gallon capacity with tight fitting lids and at least two opposing exterior handles; or,

(b) Water-tight bulk containers with tight fitting covers for commercial pickup.

(c) Water-tight bulk containers with tight fitting covers for residential pickup not less than 32 gallons or more than 96 gallons and meeting approved standards for automated or semi-automated collection. Bulk containers may be leased from licensed refuse haulers, purchased from licensed refuse haulers or purchased from an independent source.

(Amended, Ordinance No. 2010-89, December 20, 2010)

B. Approved containers for landscape waste, other than limbs, branches and wood, are the following:

(a) 33 gallon paper bags designed for composting purposes; or,

(b) Metal or impact resistant plastic water-tight cans of not less than 15 or more than 32 gallon capacity with tight fitting lids and at least two opposing exterior handles, marked with an approved yard waste only sticker.

(Amended, Ordinance No. 93-17, March 29, 1993)

(Amended, Ordinance No. 90-69, June 18, 1990)

C. Approved containers for recyclables are the following:

(a) Water-tight bulk containers with tight fitting covers for residential pickup not less than 32 gallons or more than 96 gallons and meeting approved standards for automated or semi-

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automated collection. The bulk containers for recyclables will be provided to customers from a source authorized through a contract with the City and a third-party contractor.

(b) Eighteen (18) gallon plastic bins provided to customers from Suburban Disposal authorized by a contract between the City and Suburban Disposal.

(Amended, Ordinance No. 2010-89, December 20, 2010)

9. **CONTAINER WEIGHT.** Approved containers, except bulk containers, shall be so filled as not to exceed 35 pounds total weight.

(Amended, Ordinance No. 93-17, March 29, 1993)

10. **BULK CONTAINERS.** All bulk containers and detachable units shall be at all times kept in a place easily accessible to private contractors and shall at all times be kept clean, neat, painted and in a good state of repair. However, no bulk container or detachable unit shall be stored in front of a business, residence, in front of the building line closest to the street or on a public right-of-way. Commercial establishments leasing said containers or units shall be responsible for notifying the company from whom they are leasing said containers or units that they are in need of repair. Owners or lessees of bulk containers or portable packing units shall be responsible for notifying their service contractor of any damaged conditions. Said containers and units shall at all times be kept in a place safely accessible to collection personnel and shall at all times be kept clean, neat, painted and in a good state of repair. All doors and lid springs must be in working condition. Container lids must be kept closed at all times. Cleaning up spilled materials shall be the responsibility of the property owner or occupant. All bulk containers must meet approved standards for automated or semi-automated collection.

(Amended, Ordinance No. 2010-89, December 20, 2010)

11. **LOCATION OF CONTAINER.** Refuse and recyclables containers on private property, for other than landscape waste, shall be placed and kept at all times either within or adjacent to a building at a location which does not front or face any public street, but which location may front or face an alley.

(Amended, Ordinance No. 2010-89, December 20, 2010)

(Amended, Ordinance No. 90-69, June 18, 1990)

12. **SPILLAGE.** To avoid spillage, all garbage shall be thoroughly drained of surplus liquid before being placed in containers.

13. **ASHES.** All ashes, chips and briquettes shall be thoroughly extinguished before being placed in containers.

14. **LIMBS AND BRANCHES.** Limbs, branches and wood which are set out for removal shall be tied securely in bundles not to exceed 48 inches in length or 35 pounds in weight. Such approved bundles shall be placed within three feet of the curb or alley line, dependent on the nearest location to the established removal route, no earlier than 24 hours before the established removal time. (Amended, Ordinance No. 90-69, June 18, 1990)

15. **GRASS CLIPPINGS.** Landscape waste, other than limbs, branches and wood, shall be placed in approved containers within three feet of the curb or alley line, dependent on the nearest location to the established removal route. Such approved containers may be so placed no earlier than 24 hours before the established removal time.

(Amended, Ordinance No. 90-69, June 18, 1990)

16. **TAMPERING WITH CONTAINER.** No person, firm or corporation, except the owner or occupant of the premises whereon the same is produced, or a licensee hereunder authorized so to do, shall take, tamper with or remove the contents of any refuse and recyclables

container awaiting removal or any receptacle provided for the disposal of refuse and recyclables by the public generally. (Amended, Ordinance No. 2010-89, December 20, 2010)

17. **USE OF OTHER CONTAINER.** No person, firm or corporation shall use receptacles of another producer or those provided for the disposal of refuse and recyclables by the public generally as a primary means of refuse and recyclables removal.

(Amended, Ordinance No. 2010-89, December 20, 2010)

18. **PAYMENT REQUIRED.** All owners of residential premises in the City shall subscribe to, and be a customer of, the licensee for refuse and recyclables removal for the residential area containing said premises, as described herein, and it shall be unlawful, and a violation of this section, for any such owner to fail at any time to be fully and lawfully entitled to receive refuse and recyclables removal service from such licensee. It shall be a defense to any prosecution for a violation hereof that the licensee from whom the property owner is required to receive service has failed to provide such service in material breach of the provisions of this Chapter or any other applicable law or ordinance, or in material breach of any lawful agreement between said owner and licensee. (Amended, Ordinance No. 2010-89, December 20, 2010)

19. **SERVICE REQUIRED.** Each licensee shall provide service to all residential producers in each residential area served under such license unless said producers are delinquent in the payment of any fees for such service, as authorized hereby, or are otherwise in material breach of the provisions of this Chapter or any other applicable law or ordinance or are in material breach of any lawful agreement between said owner and licensee.

20. **COMMERCIAL PREMISES.** Basic removal service shall be provided, either by the owner or occupant thereof, or by a licensee hereunder, at all commercial premises in the City where refuse is produced, except where minimum service is permitted.

21. **MINIMUM REMOVAL SERVICE.** Minimum removal service shall be permitted where the occupancy of the premises is such that the weekly production of refuse is less than the capacity of one approved container.

(Amended, Ordinance No. 88-87, September 19, 1988)

(Amended, Ordinance No. 88-72, June 29, 1988)

22. **VEHICLES.** No vehicles used in and on the streets of the City of Decatur for the removal of refuse and recyclables shall be overloaded nor shall such vehicles be parked in any one place while fully or partially loaded for any longer than is necessary to collect the refuse and recyclables of the person being served. All such vehicles shall be so covered as not to permit the sifting out or spilling or scattering by the wind or leakage of any refuse and recyclables hauled or transported, and such vehicles shall be kept thoroughly cleaned so that when empty they will give off no offensive or obnoxious odors. (Amended, Ordinance No. 2010-89, December 20)

23. **REMOVAL.** A. Except as provided in subparagraph B hereof, no person, firm or corporation shall remove refuse and recyclables from any premises within the City without a current license issued pursuant to the provisions of this Chapter, provided that the owner or occupant of commercial premises whereon such refuse and recyclables was produced may remove the same. (Amended, Ordinance No. 2010-89, December 20, 2010)

B. It shall not be a violation of any provision of this Chapter for any person, firm or corporation to remove recyclable materials from any premises within the corporate limits of the City of Decatur if such person, firm or corporation is the owner of said recyclable materials or does so pursuant to a contract with said City, as provided in Chapter 56.1 of the City Code; for the purposes hereof, "recyclable materials" shall be those materials defined as such in said Chapter 56.1. (Amended, Ordinance No. 91-66, September 30, 1991)

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24. **APPLICATION.** Application for a license and renewals thereof shall be made upon forms prescribed by the City Manager and submitted to the Finance Department. The applications shall contain:

(a) The name and address of the applicant;

(b) The trade or other fictitious name, if any, under which the applicant does business or proposes to do business;

(c) The location of the place or places from which the removal service operates or is intended to operate, and a description, in such form and with such reasonable detail as may be prescribed by the City Manager, of the boundaries of any residential area in the City to be served under such license, or, if only commercial producers will be served, a statement to that effect.

(d) A description of each vehicle which the applicant operates or intends to operate within the license year, including the make, model, year of manufacture, serial number, and the length of time the vehicle has been in use.

(e) Such other information as the City Manager may reasonably require in the administration of the provisions of this Chapter.

(Amended, Ordinance No. 89-42, May 1, 1989)

25. LICENSE FEE.

All applications for licenses or renewals thereof shall be accompanied by an annual fee of Six Hundred Dollars (\$600.00) plus Two Hundred Dollars (\$200.00) for each vehicle to be operated during the license year, which license year shall commence January 1, and end the following December 31.

(Amended, Ordinance No. 2002-111, December 16, 2002)

26. **RESIDENTIAL AREAS.** The residential areas described in applications for licenses hereunder shall be those respective areas established and existing on January 1, 1983, as shown by the descriptions attached to the license applications on file with the Finance Department on that date. No residential area, or part of an area, shall be changed, or changed from one license to another except upon notice to each licensee and the occupant of each residence that would be affected by any proposed change and after a hearing before the City Manager in the time and manner provided for hearings other than to establish rates.

(Amended, Ordinance No. 89-42, May 1, 1989)

27. **LICENSED AREAS.** No residential area shall be included in the boundaries of more than one license.

28. **PUBLIC HEARING.** Within a reasonable time after an application for original license is filed with the Finance Department, a public hearing shall be, and in the case of application for renewal of license a hearing may be, held by the City Manager, or his designee, notice of the time and place whereof shall be published once in a newspaper of general circulation in the City not less than ten days prior to said hearing, and a copy of which said notice shall be served, either personally or by mail, upon the applicant.

(Amended, Ordinance No. 89-42, May 1, 1989)

29. **REPORT OF HEARING.** Such hearing officer may consider that which is submitted concerning any item contained within such application; the experience and responsibility of the applicant; the effect the proposed service may have on the general health, safety and welfare of the community; and such other matters as may to such officer appear to be germane, and such officer shall file with the Finance Department a report in writing of findings

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and conclusions with regard thereto, which said report shall specifically, in addition to whatever else may be reported, state findings as to:

- (a) Whether or not the public is at the time reasonably adequately served.
- (b) Whether or not convenience and necessity requires the proposed service.
- (c) Whether or not the proposed service, location, personnel, equipment, vehicles and operation comply with the provisions of this Chapter.
- (d) Whether or not the license applied for should be granted.

(Amended, Ordinance No. 89-42, dated May 1, 1989)

30. **REVIEW BY COUNCIL.** Any party aggrieved by the conclusions of such hearing officer as to whether or not a license should be granted may within ten days from the date such report is filed with the Finance Department, file a request with the Finance Department for Council review of said report, whereafter the Council shall consider the report and may make or cause to be made such additional investigation or inquiry as it deems advisable, whereafter the Council may make such determination in the matter as appears to it to be in the best interest of the general health, safety and welfare of the community.

(Amended, Ordinance No. 89-42, May 1, 1989)

31. **REQUIREMENTS FOR LICENSE.** A license for the removal of refuse and recyclables shall not be issued unless the applicant for the same shall have and own proper and necessary vehicles, machinery and appliances for transporting and disposing of refuse and recyclables in conformity with the provisions hereof and with all applicable traffic, health and sanitary ordinances, statutes, regulations or rules of the State of Illinois, the County of Macon and the City of Decatur. Such a license shall not be issued to any applicant who has been

convicted of the violation of any health or sanitary rule, regulation, ordinance or statute of said State, County or City. (Amended, Ordinance No. 2010-89, December 20, 2010)

32. **VEHICLE DECAL.** The Finance Department, shall issue to each licensee an appropriate sticker, decal or other device for each vehicle operated under such license, and which shall be displayed on said vehicle at all times of such operation.

(Amended, Ordinance No. 89-42, May 1, 1989)

33. **VEHICLE NUMBER.** The City license number shall be displayed on the front and rear of each truck in legible characters at least six (6) inches in height.

34. **CLOSED VEHICLES.** All vehicles used by licensees hereunder to collect and haul refuse and recyclables shall be closed, non-leakable packer-type motor trucks, equipped with a mechanism that is designed in such a way that the entry for refuse and recyclables into the vehicle's body will be exposed only for the time actually required to deposit the refuse and recyclables. The exterior of such vehicles shall at all times be kept neatly painted and the exterior and interior of such vehicles shall be kept thoroughly washed and cleansed with a suitable deodorant at all times. (Amended, Ordinance No. 2010-89, December 20, 2010)

35. **INSPECTION OF VEHICLES.** All vehicles used by licensee hereunder to remove refuse and recyclables are subject to inspection at the discretion of the City Manager and at reasonable hours to assure conformance to the requirements hereof.

(Amended, Ordinance No. 2010-89, December 20, 2010)

36. **COLLECTION OF REFUSE AND RECYCLABLES.** Licensees hereunder shall make collections with a minimum of noise and disturbance to the customer. Refuse and recyclables containers shall be handled carefully and shall be thoroughly emptied and then left where they were placed for collection. Any refuse and recyclables spilled by the licensee shall

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be picked up immediately and the area left clean. In those areas of the City in residential zoning districts as established and provided by the Zoning Ordinance, or upon streets and alleys lying within said districts or next and adjacent thereto no refuse and recyclables shall be collected by any licensee hereunder between the hours of 6:00 P.M. and 6:00 A.M. of the following day, and in all other areas of the City no refuse and recyclables shall be collected between the hours of 6:00 P.M. and 5:00 A.M. of the following day. In the case of special events, the City Manager may allow special hours of refuse and recyclables pickup for no more than seven (7) consecutive days.

(Amended, Ordinance No. 2010-89, December 20, 2010)

(Amended, Ordinance No. 2009-39, May 18, 2009)

37. **USE OF STREETS.** When serving commercial producers, and when going to and from served residential areas, licensee shall use major or collector streets and avoid using residential streets unless not practically possible so to do.

38. **LIST OF CUSTOMERS.** The licensee hereunder shall at all times keep a list of the names of his customers and their addresses and shall, upon request, deliver a copy of the same to the Finance Department. (Amended, Ordinance No. 89-42, May 1, 1989)

39. **LICENSEE TELEPHONE.** Each licensee hereunder shall maintain an office and telephone service, which telephone number shall be plainly denoted on all vehicles required to be tagged under the provisions hereof and in the local yellow pages. Such licensee shall maintain reasonable office hours.

40. **BILLING.** Licensees hereunder shall bill their customers on a regular and consistent basis, but not more frequently than once every month.

41. **RATE SCHEDULES.** Each licensee shall file a rate schedule with the Finance Department setting forth a rate for each type of regular service furnished under such license,

which in no case exceed the maximum that may be set by City Council. City Council may also set a service charge for the expense of providing a recycling program as provided in Chapter 56.1 of the City Code that may include the City reimbursing licensed haulers for the collection of recyclables.

(Amended, Ordinance No. 2010-89, December 20, 2010)

(Amended, Ordinance No. 89-42, May 1, 1989)

42. MODIFICATION OF RATES. In order to establish rates for services for which no rate has heretofore been established, or to modify established rates, a schedule of proposed rates shall be filed with the City Clerk who shall inform the City Manager thereof and the City Manager or his designee shall fix a date, time and place for a public hearing thereon and shall advise the person who filed such schedule thereof and such person shall cause such schedule and notice of hearing to be published at least once in a newspaper of general circulation in the City not less than fifteen (15) nor more than thirty (30) days prior to the hearing date and cause evidence of such publication to be filed with the City Clerk. The City Manager, or his designee, shall hold such hearing and receive evidence regarding the proposed rate or rates and thereafter make by filing the same with the City Clerk recommendations to the Council with regard thereto. The Council may approve or disapprove or modify such recommendations in whole or in part by action within forty-five (45) days after the filing thereof with the City Clerk. Should the Council not so act within such forty-five (45) days, the recommendation shall be deemed to have been approved and the recommended rates shall become the authorized maximum rates. Nothing herein shall prevent the Council from initiating establishment or modification of rates in such other manner as it may select. Except upon initiation by the Council, application for modification of established rates shall not be made more than once during a license term.

43. **UNIQUE SERVICES.** Nothing in this Chapter shall prohibit a licensee from, by agreement with a party served, establishing a price for unique or unusual, other than regular haulage of things other than refuse and recyclables including but not limited to back door service or for customized removal of refuse and recyclables in amounts greater than, or at frequencies more often than, that included in regular service for which rates are established hereunder. Back door service shall be provided to Hardship Customers at no charge.

(Amended, Ordinance No. 2010-89, December 20, 2010)

44. **ANNEXATION.** Territory annexed to the City shall be added to the area of the then current licensee that can more conveniently and efficiently serve such territory, the determination of which, if not reached by agreement, shall be made by the City Manager.

45. **REVOCAION OF LICENSE.** The City Manager may suspend, revoke, fine, or deny renewal of a license to remove refuse and recyclables issued under the provisions hereof or of any other applicable code, ordinance, rule, regulation, or statute of the City of Decatur, County of Macon or State of Illinois. The fine shall not exceed Five Hundred Dollars (\$500.00) for each offense, and each day of a continuing violation shall be deemed a separate offense. Such suspension, revocation, fine, or denial of renewal may take place only after the licensee has been given written notice warning of possible suspension, revocation, fine, or denial and a hearing, if requested by the licensee, before the City Manager. Such request for a hearing must be made within five (5) days of receipt of such written notice.

(Amended, Ordinance No. 2010-89, December 20, 2010)

(Amended, Ordinance No. 2010-36, May 17, 2010)

46. **PENALTY.** Any person, firm or corporation who shall violate any provision of this Chapter shall be fined not less than One Hundred Fifty Dollars (\$150.00) nor more than Five Hundred Dollars (\$500.00) for each offense and each day on which a violation occurs or

continues shall be considered a separate offense. The penalties or remedies provided herein shall be cumulative and resort to any one or more shall be no defense to prosecution of another.

(Amended, Ordinance No. 2011-72, October 31, 2011)

(Amended, Ordinance No. 2010-89, December 20, 2010)

(Amended, Ordinance No. 2002-111, December 16, 2002)