Chapter 8 GARBAGE AND REFUSE*

***Editor's Note(s)**—Chapter 8 was replaced in its entirety by Ord. No. O-33-20 enacted May 11, 2020, to add Section 8-1. Definitions to the Garbage and Refuse Code of Ordinances.

***Cross reference(s)**--Fire protection and prevention, Ch. 7; health and sanitation, Ch. 9; housing, Ch. 10; antilitter regulations, §12-191, et seq.

Sec. 8-1. Definitions.

As used in this Chapter and unless the context clearly requires otherwise, the words and terms listed below shall have the meanings ascribed to them in this Section. (Ord. No. O-33-20, 05/11/2020)

"Bulk Items" – Shall mean items which are too large and bulky to be bagged, including, but not limited to, beds, box springs, mattresses, sofas, furniture, furnishings, fixtures, rugs, carpeting rolls not to exceed 4', bicycles, swing sets not to exceed 4' length, barbeque grills, lawn care equipment, snow blowers, Remodeling Waste, plumbing fixtures, vanities/cabinets, counter tops, and exercise equipment. Bulk Items shall not include White Goods.

Electronic Waste" – Shall mean covered electronic devices as defined under the Illinois Consumer Electronics Recycling Act including any computer, computer monitor, television, printer, electronic keyboard, facsimile machine, videocassette recorder, portable digital music player that has memory capability and is battery powered, digital video disc player, video game console, electronic mouse, scanner, digital converter box, cable receiver, satellite receiver, digital video disc recorder, or small-scale server sold at retail.

"Excluded Waste" – Shall mean any material which is or contains, or which the Village refuse contractor reasonably believes to be or contain, hazardous waste, radioactive, volatile, corrosive, highly flammable, explosive, biomedical, infectious, biohazardous, toxic or hazardous as defined by the applicable federal, state, or local laws or regulations.

"Garbage" – Shall mean all residential animal and vegetable waste resulting from the handling, preparation, cooking, and consumption of food.

Landscape Waste" – Shall mean all accumulations of grass or shrubbery cuttings, leaves, tree limbs and other materials accumulated as the result of the care of lawns, shrubbery, vines and trees, excluding, however, tree limbs that are more than four (4) inches in diameter.

"Recyclable Materials" – Shall mean metal including aluminum, tin and steel food and spray cans, aluminum foil and foil trays; glass including clear and colored bottles and jars; paper including newspaper, magazines, catalogs, telephone books, hardcover, softcover, office paper, advertising/junk mail, kraft paper bags, chip board/paperboard, corrugated cardboard, beverage cartons and aseptic packaging, wrapping paper; plastic including bottles, containers and bags numbered 1 for polyethylene terephthalate or PETE, 2 and HDPE for high density polyethylene, 3 and V for polyvinyl chloride or PVC, 4 and LDPE for low density polyethylene, 5 and PP for polypropylene, 6 and PS for polystyrene, and 7 and Other for other materials, including multi-layer materials.#1 PETE plastic containers and #2 HPDE plastic containers #3-#7 plastic containers and bags, aseptic beverage containers and packages, six-pack rings and twelve-pack bands.

"Refuse" – Shall mean all garbage, ashes, discarded household furniture, furnishings, fixtures, laundry tubs, appliances other than White Goods, manure, dead animals and parts thereof, household litter, junk scraps, and small auto parts. Landscape waste and recyclable materials are not "refuse."

"Remodeling Waste" – Shall mean two (2) cubic yards or less of building materials from do-it-yourself construction or demolition projects.

"Single-Family Dwelling" – Shall mean a single-family residential unit, including duplexes, with a separate entrance and separately metered electric, water or sewer facilities.

"White Goods" – Shall include all discarded refrigerators, ranges, water heaters, freezers, air conditioners, humidifiers, washing machines, dryers, dishwashers, ovens, furnaces, dehumidifiers, water softeners, trash compactors, microwave ovens and other similar domestic large appliances.
(Ord. No. O-109-23, 9/11/23)

Sec. 8-2. Collection charges.

The garbage and refuse collection charge, which - includes the collection of garbage, refuse, recycling materials, and landscape waste, shall be included in the Village's billing to the eligible residence for water and sewer service and shall be subject to the collection and penalty provisions provided for water and sewer charges. All monies received by the Village in payment of the consolidated refuse, water and sewer bill shall be applied first toward the payment of the refuse bill, second to the sewer bill, and the balance to the water bill.

Each Single-Family Dwelling unit shall pay in advance a monthly Basic User Billing Charge as set out in the Fee Schedule Supplement to the Code of Ordinances; however, this shall not be in addition to the Basic User Billing Charge charged under Section 19-62. In addition to this Basic User Billing Charge, each Single-family dwelling unit shall pay the following rates:
(Ord. 0-168-08, §1, 12/1/08, effective Jan. 1, 2009; Ord. #157-11, §1, 12/12/11, effective Jan. 1, 2012; Ord. O-136-18 effective 1-1-19)

(a) **Single-Family Dwelling Units:**

(1) *Curbside Pickup Charge:* The monthly garbage and refuse collection fee for the Village's mandatory garbage and refuse collection and disposal service shall be as set out in the Fee Schedule Supplement to the Code of Ordinances. Said payment shall entitle the dwelling unit to one (1) weekly pickup of all garbage and refuse at the curb, as prescribed in section 8-3. (Ord. No. 0-204-02, §1, 11-11-02, effect. Jan. 1, 2003, Ord. No. 0-284-03, §2, 12-8-03, effective Jan. 1, 2004; Ord. 0-213-07, §1, 12/10/07, effective Jan. 1, 2008; Ord. #157-11, §2, 12/12/11, effective Jan. 1, 2012)

(2) *Rear Door Pickup Premium*: A unit may elect in writing to have garbage and recycling picked up at the rear of the premises once per week. The Rear Door Pickup Premium shall be as set out in the Fee Schedule Supplement to the Code of Ordinances as an additional charge per month to the rate charged in subsection (1). Said payment shall entitle the dwelling unit to the collection of one (1) sixty-five (65) or ninety-five (95) gallon wheeled refuse cart and one (1) sixty-five (65) or thirty-five (35) gallon wheeled recycling cart provided by the Village's garbage and refuse collection contractor with any excess garbage or refuse placed at the curb in compliance with the Specifications under Section 8.3. Requests from residents to change service to provide or delete Rear Door Collection will be granted for periods of not less than one (1) month. (Ord. No. 0-204-02, §1, 11-11-02, effect. Jan. 1, 2003; Ord. No. 0-284-03, §3, 12-8-03, effective Jan. 1, 2004; Ord. 0-213-07, §1, 12/10/07, effective Jan. 1, 2008; Ord. No. 0-168-08, §2, 12-1-08, effective Jan. 1, 2009; Ord. #157-11, §3, 12/12/11, effective Jan. 1, 2012, Ord. No. O-33-20, 05/11/2020)

(3) *Yard-Waste Exempt Discount*: The Yard-Waste Exempt Discount shall be as set out in the Fee Schedule Supplement to the Code of Ordinances and shall be a per month reduction to the rate charged in subsection (1). To qualify for a Yard-Waste Exempt Discount, an application must be filled out by an officer of a condominium or townhouse association that

a) provides for individual refuse pickup, b) employs a comprehensive yard care service for all dwelling units, and c) certifies that such yard waste as collected is deposited in accordance with state law. Said application and certification shall be in a form and manner determined by the Director of Finance and Operations and shall be renewed from time to time as determined by the Director of Finance and Operations. (Ord. No. 0-204-02, §1, 11-11-02, effect. Jan. 1, 2003; Ord. No. 0-284-03, §4, 12-8-03, effective Jan. 1, 2004; Ord. 0-213-07, §1, 12/10/07, effective Jan. 1, 2008; Ord. No. 0-168-08, §3, 12-1-08 effective Jan. 1, 2009; Ord. #157-11, §4, 12/12/11, effective Jan. 1, 2012)

(4) *Senior Citizen Discount*: The Senior Citizen Discount shall be as set out in the Fee Schedule Supplement to the Code of Ordinances and shall be a per month reduction to the rate charged in subsection (1). To qualify for a senior refuse discount, an application must be filled out at the Village Hall in person, the applicant must be sixty-five (65) years or older, have the garbage and refuse account in their name and be the titleholder of the single-family dwelling unit for which the senior citizen rate is sought. This rate shall become effective with all billings prepared after January 1, 2002. (Ord. 0-159-01, §1, 11-12-01, effective 1-1-02) (Ord. No. 0-204-02, §1, 11-11-02, effect. Jan. 1, 2003; Ord. No. 0-168-08, §4, 12-1-08, effective Jan. 1, 2009; Ord. #157-11, §5, 12/12/11, effective Jan. 1, 2012)

(b) Multiple-Family Dwelling Units:

Each structure with two dwelling units shall pay a monthly rate equal to two times the rate charged in subsection (1), which garbage and refuse collection and disposal service shall be mandatory for all two (2) dwelling unit structures within the Village. (Ord. 0-168-08, §5, 12-1-08, effective Jan. 1, 2009)

(Code 1961 §17.201; Ord. No. O-7-75, §1, 1-27-75; Ord. No. O-83-75, □ §1, 11-24-75; Ord. No. O-135-77, □ §1, 12-27-77; Ord. No. O-35-80, □□ §1--3, 4-14-80; Ord. No. O-72-81, □□ §1, 2, 8-24-81; Ord. No. O-29-86, □ §1, 4-14-86; Ord. No. O-180-88, □ §3, 12-27-88; Ord. No. O-48-90, §1, 4-23-90; Ord. No. O-88-91, □ §1, 6-24-91; Ord. No. O-55-92, □ §1, 2, 4-27-92; Ord. No. 0-50-94, □ §1, 4-25-94; Ord. No. O-65-96 □ §2. 4-22-96; Ord. No. 0-63-97;□ §2,4-28-97; Ord.No.0-44-98 □ §2, 4/27/98; Ord.No.0-86-99,□ §1,6-28-99; Ord. No. 0-206-06, §1, 12/4/06 effec. 1/1/07, Ord. No. O-33-20, 05/11/2020)

Sec. 8-3. Specifications for Curbside Pickup.

(a) **Refuse and Recycling Carts**. All refuse and recyclable materials shall be placed in refuse and recycling carts provided by the Village's refuse contractor and placed at the curb on the regularly scheduled collection day.
Any excess refuse that will not fit in the refuse cart shall be bagged and placed at the curb for collection. Each bag of refuse shall not exceed fifty (50) pounds. Bulk items that are too large to put in a refuse cart or be bagged shall be placed at the curb.

(b) **Landscape Waste**. All Landscape waste shall be placed in thirty (30) gallon, two (2) ply kraft paper bags or bundled not to exceed a length of more than four (4) feet or diameter of more than four (4) inches. Each bag or bundle shall not exceed sixty (60) pounds. Bundles shall be tied with a natural fiber cord that is biodegradable, such as twine. Landscape waste is collected from April 1 through the second week of December, unless otherwise specified by the Village.

(c) **Remodeling Waste**. All remodeling waste shall not exceed two (2) cubic yards. Remodeling waste shall be placed in a refuse cart, bagged or bundled. Each waste bag or bundle shall not exceed fifty (50) pounds.

(d) **Materials Not Collected**. Materials that will not be collected shall include excluded waste, earth, rocks, concrete, waste from remodeling or construction of homes by commercial contractors, tree limbs, stumps or logs that are greater than four (4) inches in diameter, tires, liquid waste, hazardous waste,

potentially infectious medical waste, white goods, electronic waste, or other materials whose collection is not permitted by the Illinois Environmental Protection Act.
(Ord. No. O-33-20, 05/11/2020)

(e) **Set Out Time**. No garbage, refuse, recycling, landscape waste or refuse/recycling carts shall be set out or placed at the curb any sooner than 7:00 p.m. the day before collection or any later than 6:00 a.m. on the collection day. (Ord. No. O-109-23, 9/11/23)

(f) **Unsecured Waste**. All refuse, recyclable, landscape waste and remodeling waste shall be placed in a cart, bagged or bundled for collection, excluding bulk items. No such waste shall be placed unsecured or loose at the curb that can be blown or scattered by the wind. (Ord. No. O-109-23, 9/11/23)

Sec. 8-4. Deposits prohibited; burial specifications.

It shall be unlawful for any person to deposit anywhere in the Village any uncovered piles of animal excrement, refuse, garbage, offal or carcasses of dead animals. Such refuse must be buried at least two (2) feet below the surface of the ground or otherwise properly disposed of within twenty-four (24) hours. Any uncovered pile of refuse, animal excrement, garbage, offal or carcasses of dead animals are hereby declared to be a nuisance. (Code 1961, □ 17.305)

Sec. 8-5. Burning, burying, accumulating refuse prohibited.

It shall be unlawful for any person to burn or bury garbage or other refuse within the Village; to permit garbage or other refuse to accumulate in any manner so as to create a nuisance and to attract flies, vermin or rodents, or to permit any garbage or other refuse to accumulate for more than ten (10) days. (Code 1961, □ 17.203; Ord. No. O-109-23, 9/11/23)

Cross reference(s)--Fire prevention and protection, generally, Ch. 7; open fires prohibited, □ 12-41; grass fires prohibited, □ 12-42.

Sec. 8-6. Deposits in streets prohibited.

No garbage, refuse, recycling or landscape waste of any kind shall be deposited in any street, alley or public way except as provided in the Code of Ordinances (Code 1961, 17.204; Ord. No. O-34-80, 1, 4-14-80; Ord. No. O-27-86, 1, 4-14-86; Ord. No. O-33-20, 05-11-20; Ord. No. O-109-23, 9-11-23)

Cross reference(s)--Rubbish on streets, etc., □ 12-28; streets and sidewalks generally, Ch. 16; prohibited deposits, □16-20 et seq.

Sec. 8-7. Delinquent bills for refuse service; filing of statement of lien claim; notice of delinquency.

Whenever a bill for refuse service remains unpaid sixty (60) days after it has been rendered, the Village manager shall refer such bills to a firm or agency specializing in collection work to pursue collection from the debtor, including all charges incurred by the Village in the collection of said bills.
The Village Clerk shall reserve the right to file with the county recorder of deeds of Cook County a statement of lien claim on all above referenced unpaid bills. The statement shall contain the following: (Ord. No. 0-41-94 4/11/94)

(1) A legal description of the subject premises sufficient for identification thereof;

(2) The amount of money due for such services;

(3) The date when such amount became delinquent; and

(4) A notice that the Village claims a lien for said amount.

If the user of the refuse service whose bill is unpaid is not the owner of the premises, and the Village Clerk has notice of this, notice shall be mailed to the owner of the premises, if his address be known to the Clerk, whenever such bill remains unpaid for a period of sixty (60) days after it has been rendered.

(Ord. No. O-103-76, □ 1, 11-22-76)

Sec. 8-8. Foreclosure of lien for unpaid refuse service bills.

The Village shall have the power to foreclose the lien for unpaid refuse service bill or bills, together with all filing fees, court costs and other charges incurred by the Village in the collection of said bill or bills, by suit in chancery in the circuit court of Cook County. Said lien shall be effective and may be foreclosed against the subject premises whether or not the party or parties owning or occupying the premises are the same as those who owned or occupied the premises at the time such service was rendered.
(Ord. No. O-103-76, □ 1, 11-22-76)

Sec. 8-9. Unlawful removal of recycled material.

It shall be unlawful for unlicensed persons, firms or corporations to remove any item including but not limited to newspapers; aluminum or bimetal cans; glass bottles or plastic milk containers placed in or adjacent to Village recycling containers; or the recycling containers themselves.
(Ord. No. O-50-89, □ 1, 5-8-89)

Sec. 8-10. Definitions applicable to sections 8-11 through 8-13.

The terms defined herein shall apply to the provisions of sections 8-11 through 8-13:

Agency means the Solid Waste Agency of Northern Cook County.

Municipal waste system means the waste collection, transportation and disposal system of the municipality operated under license, including all physical assets of the municipality used for the collection, transportation and disposal of system waste, all amounts on deposit in the municipal waste system fund and all amounts collected on account of rates and charges imposed under sections 8-10 through 8-13 herein.

Municipality means the Village of Palatine.

Person means any natural individual, firm, trust, estate, partnership, association, joint stock company, joint venture, or corporation, or a receiver, trustee, conservator or other representative appointed by order of any court.

Project use agreement means the 1992 Project Use Agreement by and between the municipality and the agency, as amended from time to time.

System waste means:

(1) Garbage and general household waste;

(2) Institutional waste; and

(3) Construction and demolition waste discarded by persons within the residential zoned districts, further described as single-family, attached single-family, multifamily dwellings and Village-owned municipal buildings.

“System waste" does not include industrial, commercial, office parks or other governmental agencies other than the Village. (Ord. No. O-25-92, □ 1, 3-9-92, Ord. No. O-33-20, 05-11-20)

Sec. 8-11. Required use of municipal waste system.

(a) Except as permitted in paragraph (b) below, all persons owning or occupying real estate within the corporate limits of the municipality shall dispose of system waste through the municipal waste system. All system waste shall be collected by or on behalf of the municipality pursuant to the terms of these sections and shall be delivered to a transfer station as directed by the agency and the municipality or as otherwise agreed to by the agency and the municipality under the Project Use Agreement.

(b) All waste generated from real estate which is industrial, commercial [or from] office parks or other governmental agencies other than the Village are exempted from the requirement to deliver the waste generated from their operations to the agency.

(c) No person shall dispose of system waste through the municipal waste system unless the system waste complies with all rules and regulations applicable thereto and established from time to time by either the municipality or the agency.

(d) Any person disposing of system waste through the municipal waste system shall pay the rates and charges established by the municipality under the provisions of section 8-2. (Ord. No. O-25-92, □ 1, 3-9-92)

Sec. 8-12. Private collectors and haulers.

(a) No person shall collect, transport or dispose of system waste without a license issued pursuant to chapter 11, sections 11-421 through 11-429 of the Code of Ordinances, as amended from time to time.

(b) Any person holding a license to collect, transport or dispose of system waste shall comply with the following obligations as a condition of that license:

(1) Comply with all the laws, ordinances, rules and regulations pertaining to the collection, transportation and disposal of system waste as may be enacted from time to time by any lawful authority, including the State of Illinois, this municipality and the agency.

(2) Deliver all system waste to the transfer station designated by the agency and the municipality.

(3) Maintain all equipment used to collect, transport and dispose of system waste in good repair and working order and operate it efficiently and effectively.

(4) Collect as agent for and promptly pay to the municipality all rates and charges imposed by the municipality on persons using the municipal waste system except for those persons who are to be billed by the municipality.

(5) Maintain accurate books and records and make them available to the municipality upon demand.

(c) Nothing in sections 8-10 through 8-13 is intended to impair any license issued before the effective date of these sections to any person which authorizes the person to collect, transport and dispose of municipal waste which constitutes system waste to a location other than the transfer station designated by the agency and the municipality. (Ord. No. O-25-92, □ 1, 3-9-92)

Sec. 8-13. Municipal waste system fund; imposition of rates and charges.

(a) *Creation.* There is hereby created and established an enterprise fund of the municipality known as the municipal waste system fund, which shall be separate and apart from all other funds and accounts of the municipality as provided below in section (g).

(b) *Budget.* Before the beginning of each fiscal year, the Village Manager shall recommend and the municipality shall adopt a budget for the municipal waste system. The budget shall estimate the revenue required to:

(1) Pay all operating and maintenance expenses of the municipal waste system, including reserves for uncollected charges, and all obligations to the agency under the Project Use Agreement;

(2) Pay as they become due interest on and principal of any revenue bonds, as needed or other obligations payable from the revenues of the municipal waste system;

(3) Provide for all unpaid claims; and

(4) Maintain appropriate depreciation and reserve funds for the revenue bond issues.

The budget shall estimate the amounts available to pay those obligations from taxes levied and anticipated to be collected pursuant to law as needed; other amounts deposited in the municipal waste system fund; and rates and charges to be imposed on persons disposing of system waste through the municipal waste system.

(c) *Sufficiency of rates and charges.* The rates and charges imposed for use of the municipal waste system shall be sufficient, after taking into account monies then on hand in the municipal waste system fund and the proceeds of taxes levied and to be collected which have been assigned and pledged to the municipal waste system fund, to pay all operation and maintenance expenses of the municipal waste system, including reserves for uncollected charges, and all obligations to the agency under the terms of the Project Use Agreement; to pay as they become due interest on and principal of any revenue bonds as needed, or other obligations payable from revenues of the municipal waste system; to provide for all unpaid claims; and to provide adequate depreciation and reserve funds for revenue bond issues of the municipal waste system.

(d) *Rates set.* The rates for the service will be those as set forth in Section 8-2 of the Code of Ordinances, as amended, from time to time.

(e) *Liability for rates and charges.* The owners and occupants of real estate within the municipality served by the municipal waste system shall be jointly and severally liable to pay all rates and charges imposed by the municipality pursuant to the provisions of this section.

(f) *Deposit of amounts collected.* All amounts collected from rates and charges imposed under this section shall be deposited in the municipal waste system fund, and together with all other amounts deposited in the municipal waste system fund shall be separate apart from all other monies of the municipality, except amounts deposited in the municipal waste system fund may be invested together with other funds of the municipality. (Ord. No. O-25-92, □ 1, 3-9-92; Ord. No. O-37-92, □ 1, 3-23-92)

Sec. 8-14. Penalty.

Any person, firm or corporation violating any of the provisions of this Chapter shall be subject to a fine of not less than fifty dollars ($50.00) nor more than seven hundred and fifty dollars ($750.00) for each offense. (Ord. No. O-50-89, 1. 5-8-89, Ord. No. O-33-20, 05-11-20)