

Chapter 5

Solid Waste Ordinance

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4-5-1 SCOPE

An Ordinance regulating the storage, collection, transportation, and disposal of solid waste within Rock Island County, Illinois.

WHEREAS, the Board of Health of the Rock Island County Department of Public Health has deemed it necessary and desirable to regulate solid waste disposal for health purposes and accordingly has recommended the adoption of the following Ordinance.

THEREFORE, be it resolved by the County Board of Rock Island County, Illinois, that the following Ordinance is hereby made and adopted this 19th day of April, 2016.

4-5-2 DEFINITIONS

The following definitions shall apply in the interpretation and enforcement of this Ordinance:

1. AUTHORIZED WASTE DISPOSAL SITE means a landfill or other site used for the proper disposal of solid waste or other wastes as permitted and approved by the State of Illinois Environmental Protection Agency.
2. BOARD OF HEALTH means the Rock Island County Board of Health or its authorized representative(s).
3. GARBAGE means organic waste products resulting from the handling, storage, preparation, cooking, or consumption of any food, or any substance that may decompose and become offensive or dangerous to health.
4. HAZARDOUS WASTE means wastes that are inherently dangerous to handle, treat, and dispose of that include radioactive substances, toxic chemicals, biological wastes, flammable wastes, and explosives.
5. HEALTH AUTHORITY means that person or persons designated by the Rock Island County Board of Health to enforce this Ordinance.
6. HEALTH DEPARTMENT means the Rock Island County Department of Public Health, including its duly authorized representative(s).
7. HEALTH DEPARTMENT ADMINISTRATOR means the individual selected by the Rock Island County Board of

Health to administer and enforce the policies, ordinances, resolutions, and laws of said Board.

7. LANDSCAPE WASTE means any vegetable or plant refuse, which term includes trees, tree trimmings, branches, stumps, brush, weeds, leaves, grass, shrubbery, and yard trimmings, but excludes garbage.
8. LICENSE means a written permit issued by the Rock Island County Department of Public Health permitting the collection, transportation, and disposal of solid waste within Rock Island County, Illinois.
9. ORDINANCE means the "Rock Island County Solid Waste Ordinance."
10. REFUSE means any discarded, used, or consumed substance or waste material. Refuse may include, but is not limited to, any garbage, trash, debris, rubbish, sticks, brush, branches, tree limbs, grass clippings or other lawn or garden waste, newspapers, magazines, glass, metal, plastic or paper containers or other packaging, construction material, inoperative, dismantled, partially dismantled, wrecked, or abandoned motor vehicles or vehicle parts, discarded, dismantled, unusable or dilapidated appliances, furniture, equipment, machinery, or parts thereof, discarded, unusable, broken, or dilapidated household articles, construction or demolition waste or materials including but not limited to wood, plaster, metals, plastics, tile, brick, concrete, and mineral, oil, carcass of a dead animal, any nauseous or offensive matter of any kind, any object likely to injure any person or create a traffic hazard, or anything else of an unsightly or unsanitary nature, which has been discarded, abandoned, or otherwise disposed of improperly.
11. SOLID WASTE means refuse.

4-5-3 UNLAWFUL DUMPING AND EXCEPTIONS

It shall be unlawful for a person to dump, deposit, drop, throw, discard, leave, cause or permit the dumping, depositing, dropping, throwing, discarding, or leaving of refuse upon any public or private property in Rock Island County or upon or into any river, lake, pond, or other stream or body of water in Rock Island County. Furthermore, it shall be unlawful to transport refuse from any dwelling, residence, place of business, farm or other site to deposit such material in, around, or on top of refuse containers on any other property, public or private. Exceptions to the above prohibitions are as follows:

- A. The property has been designated as an authorized waste disposal site by the State of Illinois Environmental Protection Agency.
- B. The refuse is placed into a receptacle or other container, as prescribed in Section 4-5-5 of this Ordinance, intended by the owner or occupant in lawful possession of that property for the depositing of refuse.
- C. A person is acting under the direction of proper public officials during either: 1) special cleanup days, or 2) emergency situations.

4-5-4 ACCUMULATION, STORAGE, AND DISPOSAL OF REFUSE

No person shall cause or permit refuse to accumulate in any building or on any property, improved or vacant, public or private, within Rock Island County, Illinois, except such properties which are zoned as authorized salvage yards or collection or recycling facilities by Rock Island County or a municipality. The occupant, tenant, owner or his agent of any building or property shall be responsible for properly storing or placing all refuse in containers, as prescribed in Section 4-5-5 of this Ordinance, and for subsequent removal from such property. No person shall remove the covers from or open refuse containers, except as permitted in the Ordinance, or to place

or disturb such containers so as their contents might be spilled or scattered. Unless otherwise stated below, refuse shall be removed from any building or property not less than once every two weeks and shall be taken to an authorized waste disposal site, salvage yard, recycling facility, or other approved site.

4-5-4.1 Vacated Premises

Any person occupying or controlling any property or building shall cause to be removed therefrom all refuse before vacating the premises. In the event refuse is not removed from said building or property and the previous occupant or tenant cannot be located, responsibility for removing all refuse shall become the responsibility of the building or property owner.

4-5-4.2 Recyclable Materials

Recyclable packaging materials, including fiberboard and food and beverage containers, as well as other recyclable paper and plastic materials, shall be stored outside in suitable rigid storage containers or within an enclosed structure. These materials shall be removed from the premises at least once a month or more frequently if necessary to prevent odor or nuisance conditions leading to the presence of flies or other vermin.

4-5-4.3 Burning of Refuse

No person shall be permitted to burn refuse in Rock Island County, Illinois, except as provided in Section 4-5-4.4.

4-5-4.4 Burning and Removal of Landscape Waste

The open burning of landscape waste shall be permitted within the unincorporated areas of Rock Island County, Illinois, subject to the following restrictions:

- 1) Only landscape waste that has been generated on the premises may be burned on that same property; and
- 2) Atmospheric conditions must exist which permit dissipation of smoke and airborne contaminants; and
- 3) Where the burning of grass or other similar vegetation creates a smoldering fire, prolonged smoke, or noxious odors, the Health Authority may order the property owner or occupant to halt such burning and fully douse the material with water; and
- 4) The burning operation must not create a visibility hazard on roadways, railroad tracks, or air fields; and
- 5) The burning of landscape waste is prohibited in unincorporated areas within 1,000 feet from a municipality in which open burning of landscape waste is prohibited.

In residentially-zoned areas, landscape waste in the form of trees, tree trimmings, branches, brush, shrubbery, or other woody plants that has been cut and/or piled shall be removed from the property for proper disposal or burned, if permitted by law, within thirty (30) days of trimming or cutting. Removal of such material does not apply to wood piles used for fireplaces and stoves when such wood is properly stored and is not neglected or rotted and is not a harborage for rodents or other vermin.

4-5-4.5 Compost Materials

The composting of grass, leaves, or other yard waste is permitted on properties in properly maintained compost piles or enclosures that do not produce offensive odors, attract vermin, or lead to the production of flies. Compost piles or other piles of decaying vegetation that create offensive odors, attract vermin, or produce fly populations are prohibited.

4-5-4.6 Animal Waste

Animal waste from household pets shall be regularly removed from yard or kennel areas from any property at a frequency so as not to cause offensive odors, attract vermin, or produce fly populations. Animal wastes shall be collected and wrapped or bagged like garbage and placed in proper refuse containers for collection.

4-5-4.7 Sharp Objects

All sharp objects, including but not limited to needles, syringes, lancets, or metal with sharp corners or sides, shall be placed in puncture-proof hard plastic or metal containers with lids reinforced with tape.

4-5-4.8 Highly Flammable, Explosive, or Hazardous Materials

No person shall place or cause to be placed in refuse containers highly flammable, explosive, or hazardous materials. All such materials shall be disposed of at a facility authorized to handle these types of wastes.

4-5-4.9 Restricted Materials

In accordance with Pollution Control Board regulations contained within the Illinois Administrative Code, the following materials shall not be disposed of in refuse containers where such container contents will be taken to a sanitary landfill for final disposal:

- 1) Motor oil
- 2) "White good" appliances which have not had specified components removed therefrom
- 3) Discarded or waste tires
- 4) Landscape or yard waste

- 5) Covered Electronic Devices (CED) as defined in the aforementioned Pollution Control Board regulations.

The above-listed items shall be disposed of at authorized recycling or collection sites.

4-5-5 REFUSE CONTAINERS REQUIRED

Containers as prescribed in Section 4-5-5.1, 4-5-5.2, and 4-5-5.3 of this Ordinance shall be provided at each building or property where refuse is generated or stored.

4-5-5.1 Refuse Containers for Residential Properties or Small Businesses

The occupant, tenant, owner or his agent of any house, building, apartment, or tenement where persons reside, board, lodge, or work shall provide and maintain in good repair approved containers for refuse storage and collection. A sufficient number of containers shall be provided to accommodate all refuse generated between regular collection or disposal dates. However, one (1) container of at least twenty (20) gallons capacity shall be provided for any small business or for each two (2) persons residing in any premises. All containers shall be: 1) of rigid design, 2) corrosion resistant, 3) constructed of metal or plastic, and 4) leak-proof and fly-proof with tight-fitting lids and handles at the sides. All hand-emptied containers shall have a capacity of at least twenty (20) gallons but shall not exceed a capacity of thirty (30) gallons. Plastic bags shall not be accepted for the storage and collection of refuse except as provided in Section 4-5-5.2 of this Ordinance.

4-5-5.2 Use of Plastic Bags

The use of plastic bags for refuse storage and collection shall only be permitted if such bagged and sealed refuse is stored within a relatively fly-proof or vermin-proof location such as a shed, garage, other out-building or within the dwelling. Only bags specifically designed for refuse storage which are leak proof and relatively strong shall be permitted. Bags filled with refuse shall be tied and shall be placed in the out-of-doors only on the date of collection as close to the time of pick-up as practical. The use of plastic bags for refuse storage and collection shall only be permitted for a single family dwelling or duplex building.

4-5-5.3 Refuse Containers for Apartments or Larger Businesses

The owner or agent of any apartment building or larger business where eight (8) or more twenty (20) gallon refuse containers are provided or needed shall provide container(s) of one (1) cubic yard capacity or larger. A sufficient amount of total refuse storage capacity shall be provided to accommodate all refuse generated between regular collection dates. Such large containers shall be: 1) stable while loaded or empty, 2) equipped with lids with hinges or sliding doors, 3) equipped for mechanical dumping, 4) durable, 5) leak-proof and relatively fly and vermin-proof, and 6) maintained in good repair.

4-5-5.4 Removal of Covers and Cleaning of Refuse Containers

The covers of refuse containers shall be removed or opened only for the purpose of depositing or collecting refuse. Containers shall be maintained in a clean and sanitary condition. All such containers shall be cleaned as

often as necessary to minimize the attraction of flies, vermin, or other animals or the creation of unsanitary conditions or offensive odors. Refuse containers may be cleaned by scrubbing with detergent and water or by pressure washing. If cleaning is done on the premises, the debris and residue generated from container cleaning shall be collected and disposed of in a proper manner. Large, mechanically dumped containers shall be cleaned at a properly designed and operated facility. In all cleaning of large mechanically dumped refuse containers, cleaning solutions, washings, and residue shall be collected and disposed of in a proper manner.

4-5-6 TRANSPORTATION OF REFUSE

No person shall transport or cause to be transported within Rock Island County, Illinois, any refuse except within a closed or covered container or specially constructed conveyance approved by the Health Authority. Exceptions to this Section may be granted by the Health Authority such as for transportation of certain types of refuse which will not present a health or safety hazard or create littering of properties and roadways.

4-5-7 REFUSE HAULER'S LICENSE REQUIRED

No person, except as provided in Section 4-5-7.1 of this Ordinance, shall conduct a refuse collection, transport, or disposal business in Rock Island County unless such person possesses a valid Rock Island County Refuse Hauler's License issued by the Health Department.

4-5-7.1 Exceptions

A Rock Island County Refuse Hauler's License shall not be required of a property owner or tenant who may personally remove refuse generated on such single-family

property. However, such exception does not relieve the property owner or tenant from complying with the other requirements of this Ordinance. Nor shall said license be required of a public or municipal refuse hauling business operating in Rock Island County.

4-5-7.2 Application for License

Application for a Rock Island County Refuse Hauler's License shall be in writing and in such form as prescribed by the Health Department. As part of the review process, the Health Authority shall be permitted to inspect all applicable vehicles and equipment utilized by the applicant.

4-5-7.3 Performance Standards

The following standards for applicable vehicles, facilities, or equipment shall be met on an ongoing basis by holders or applicants of a Rock Island County Refuse Hauler's License.

- A. Each refuse hauling vehicle shall be in good mechanical condition.
- B. Each refuse hauling vehicle shall be maintained in a safe, clean, and sanitary condition, and shall be constructed, maintained, and operated to prevent spillage of solid waste and/or liquid waste. Each refuse hauling vehicle shall be constructed with a watertight body and cover which shall be an integral part of the vehicle, or under conditions approved by the Health Authority, there shall be a separate cover or tarp of suitable material with fasteners or a closing mechanism designed to secure all sides of the cover to the vehicle. Such cover shall be secured in place whenever the vehicle is transporting refuse. For refuse haulers with

a regular collection route, only an enclosed packer type vehicle shall be permitted. No refuse shall be transported in the loading hopper, if so equipped.

- C. Overnight parking of a loaded refuse hauling vehicle on public or private property is prohibited.
- D. A shovel and broom shall be kept on each refuse hauling vehicle for the purpose of cleaning up spillage.
- E. Each refuse hauling vehicle or container transported to any location of use shall be properly identified with the operator's business name and of adequate letter size so as to be distinguishable at a reasonable distance. Letters shall not be less than four (4) inches high.
- F. Containers furnished to customers shall comply with the requirements set forth in Section 4-5-5.3.
- G. Current lists of customers and vehicle routes shall be supplied to the Health Authority upon request.
- H. Licensed refuse haulers must comply with all applicable ordinances and laws of Rock Island County and the State of Illinois regarding the operation of their business.
- I. Proof of ownership or of lease of a vehicle or vehicles shall be provided at the time of inspection.
- J. When a complaint is received regarding noise created by the operation of refuse collection vehicles and/or crews, the Health Authority may, upon review of the complaint, set the hours of collection so that the noise does not unduly disturb the neighborhood.
- K. Licensed refuse haulers shall be responsive to inquiries or requests from the Health Department regarding their collection practices, nonpick-up or littering complaints, the condition of containers, and payment by customers. In such cases, the refuse hauler shall take prompt corrective action as deemed necessary by the Health Authority.

4-5-7.4 Issuance of License

Upon receipt of the required application, the Health Authority shall review: 1) information provided on the application, and 2) the applicant's work record with respect to previous compliance with provisions of this Ordinance (if applicable), and 3) other pertinent information regarding qualifications, experience, and equipment as deemed necessary by the Health Authority. In addition, the Health Authority shall inspect each applicable vehicle, facility, or piece of equipment to ascertain whether the applicable Performance Standards of Section 4-5-7.3 are being met. Inspections shall be conducted at mutually agreed upon times and locations. If the Health Authority, after such review and inspections, determines that the applicant has the proper qualifications and equipment and has previously operated in compliance with the provisions of this Ordinance (if applicable), and upon payment of the required fee, a license shall be issued to the applicant. Licenses are issued annually and shall expire November 30th of each year.

4-5-7.5 License Fee

Payment of the license fee shall accompany each application. The appropriate fee is established by the Board of Health and is listed on the Health Department fee schedule.

4-5-8 COMPLIANCE CONFERENCES

In cases where the applicant or licensee has violated provisions of this Ordinance, most particularly Section 4-5-7.3, the Health Department Administrator has the authority to compel the applicant or licensee to attend a compliance conference at the Health

Department. The purpose of this informal conference is to discuss specified violations by the applicant or licensee and to reach an agreed upon resolution to allow issuance or continuation of a Rock Island County Refuse Hauler's License. No enforcement action will be taken at a compliance conference. A compliance conference is conducted at the option of the Health Department Administrator. This option does not preclude the Health Department Administrator from taking action as provided in Section 4-5-9 of this Ordinance.

4-5-9 SUSPENSION OR REVOCATION OF REFUSE HAULER'S LICENSE

Whenever a holder of a Rock Island County Refuse Hauler's License has failed to comply with any part of this Ordinance, the Health Authority may give a written notice to request compliance within a specified time. Upon failure by the license holder to comply with such notice in the time prescribed, the license may be suspended or revoked after an opportunity for a hearing has been provided by the Health Department Administrator. Prior to such action, the Health Department Administrator shall notify the operator in writing, stating the reason for which the license shall be suspended or revoked at the end of five (5) days following service of such notice unless a request for a hearing is filed with the Health Department Administrator by the license holder within such five (5) day period. However, said license may be suspended without warning, notice, or hearing by the Health Authority if the licensee's actions pose a substantial hazard to the public health.

4-5-10 INSPECTIONS

Subject to constitutional limitations, the Health Authority shall have the authority to enter any property or inspect any applicable facilities at any reasonable time for health and sanitation purposes to determine compliance with the provisions of this Ordinance. It shall be the duty of the owner or occupant of a property to give the Health Authority free access to the property at reasonable times upon request of the Health Authority.

4-5-11 NOTICE OF VIOLATION

Whenever the Health Authority determines, through inspections or other means, that there is a violation of any provision of this Ordinance, the Health Authority shall give notice of such alleged violation. Such notice shall:

1. Be in writing.
2. Include a statement of the reasons for the issuance of the notice.
3. Contain an outline of remedial action and allow a reasonable time to effect compliance with this Ordinance.
4. Be served upon the owner, operator, or resident as the case may require, provided that such notice shall be deemed to have been properly served when the notice has been personally delivered or sent by registered or certified mail or if the owner, operator, or resident acknowledges receipt of such notice.

4-5-12 HEARING BEFORE THE HEALTH DEPARTMENT ADMINISTRATOR

Any person affected by any order or notice issued by the Health Department in connection with the enforcement of any section of this Ordinance may file in the office of the Health Department a written request for a hearing before the Health Department Administrator. The Health Department Administrator shall hold a hearing at a time and place designated by him/her within thirty (30) days from the date on which the written request was filed. The petitioner for the hearing shall be notified of the time and place of the hearing not less than five (5) days prior to the date on which the hearing is to be held. If, as a result of the hearing, the Health Department Administrator finds that strict compliance with the order or notice would cause undue hardship on the petitioner and that the public health would be adequately protected and substantial

justice done by varying or withdrawing the order or notice, the Health Department Administrator may modify or withdraw the order or notice, and as a condition for such action may make requirements which are additional to those prescribed in this Ordinance for the purpose of properly protecting the public health. The Health Department Administrator shall render a decision within ten (10) days after the date of the hearing which shall be reduced to writing and placed on file in the office of the Health Department, and a copy thereof shall be sent to the petitioner. Any person aggrieved by the decision of the Health Department Administrator may seek relief therefrom through a hearing before the Board of Health.

4-5-13 HEARING BEFORE THE BOARD OF HEALTH

Any person aggrieved by the decision of the Health Department Administrator, rendered as the result of a hearing held in accordance with Section 4-4-12, may file in the office of the Health Department a written request for a hearing at the next regular Board of Health meeting, if the agenda allows. The petitioner for the hearing shall be notified of the time and place of the hearing not less than five (5) days prior to the date on which the hearing is to be held. If, as a result of the hearing, the Board of Health finds that strict compliance with the decision of the Health Department Administrator would cause undue hardship on the petitioner and that the public health would be adequately protected and substantial justice done by granting a variance from the decision of the Health Department Administrator, the Board of Health may grant a variance, and as a condition for such variance, may make requirements which are additional to those prescribed by this Ordinance, all for the purpose of properly protecting the public health. The Board of Health shall render a decision within ten (10) days after the date of the hearing which shall be reduced to writing and placed on file in the office of the Health Department, and a copy thereof shall be sent to the petitioner.

4-5-14 PENALTIES

Any person who violates any provisions of this Ordinance shall be guilty of a Petty Offense and shall be fined not more than \$1,000. Each day's violation constitutes a separate offense.

4-5-15 INJUNCTIONS

The State's Attorney of Rock Island County may bring action for an injunction to restrain any violation of this Ordinance or to enjoin the operations of any such establishment causing such violation.

4-5-16 CONFLICT OF ORDINANCE

In any case where a provision of this Ordinance is found to be in conflict with a provision of any zoning, building, fire, safety, or health ordinance or code of Rock Island County existing on the effective date of this Ordinance, the provision which, in the judgment of the Health Authority, establishes the higher standard for the promotion and protection of the health and safety of the people shall be deemed to prevail, and such other ordinance or codes are hereby declared to be repealed to the extent that they may be found in conflict of this Ordinance.

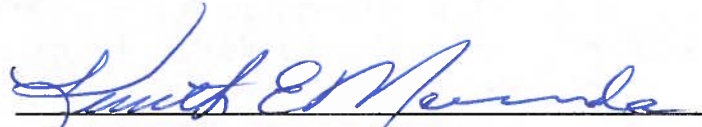
4-5-17 SEPARABILITY OF PROVISIONS

If any section, subsection, paragraph, sentence, clause, or phrase of this Ordinance should be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this Ordinance which shall remain in full force and effect and, to this end, the provisions of the Ordinance are hereby declared to be severable.

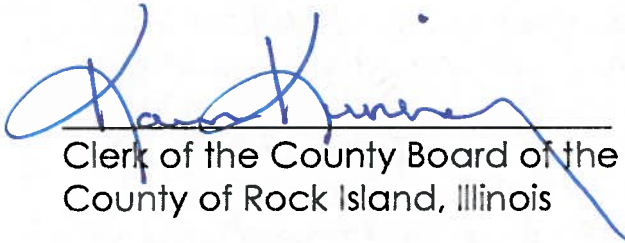
4-5-18 EFFECTIVE DATE

This Ordinance shall be in full force and effective immediately upon its adoption as provided by law. Previously adopted ordinances pertaining to the same subject are repealed.

The above and foregoing resolution was adopted on the 19TH day of APRIL, 2016.



Chairman of the County Board of the
County of Rock Island, Illinois



Clerk of the County Board of the
County of Rock Island, Illinois