

**CHAPTER 32**

**SOLID WASTE**

**ARTICLE I - GARBAGE**

**DIVISION I GENERAL REGULATIONS**

**3211 DEFINITIONS.** As used in this Chapter, the words “garbage”, “trash”, and “solid waste” have the following meanings:

**“GARBAGE”:** Wastes resulting from the handling, preparation, cooking and consumption of food; wastes from the handling, storage and sale of produce.

**“TRASH”:** Paper, cardboard, ashes, metalware, broken glass, crockery, stemware and all other nonputrescible wastes.

**“SOLID WASTE”:** Garbage, trash and other discarded solid materials, such as: furniture, appliances, dryers, washer, stoves, refrigerators, tables, chairs, beds and bedsprings or any other household items, except animal waste used as fertilizer. (**Ord. No. 1234; 03-04-02**)

**3212 LICENSE.**

(A) No person shall engage in the business as a residential or commercial collector of garbage and trash unless having first made application and secured a license from the City; providing, however, that no license shall be required by any such person during any period of time that such a person is collecting garbage and trash within the City (e.g. Boy Scouts) and is not operating as a business whose purpose is to collect garbage and trash. A license application form is attached hereto as Addendum 1 and incorporated herein.

(B) No license shall be issued by the City to anyone if such a license would interfere with the contract rights that anyone may have with the City relative to the collection and disposal of garbage and trash.

(C) None of the provisions of this Chapter shall be construed or interpreted to prohibit the City from entering into contractual arrangements with anyone with regard to the collection of garbage and trash within the City.

(D) In the event there is a conflict between any of the provisions of this Chapter and with any contract entered into between the City and some person for the collection and disposal of garbage and trash, the provisions of any such contract shall govern.

(E) The fee for any license which may be issued pursuant to this Chapter shall be **One Hundred Dollars (\$100.00)** per the City’s fiscal year for a residential license, **One Hundred Twenty-Five Dollars (\$125.00)** per year for a commercial license and **One Hundred Fifty Dollars (\$150.00)** per year for a combined residential and commercial license. There shall be no pro rata reduction in such fee

in the event the license is issued within any fiscal year, nor shall there be any such pro rata refund of any such fee in the event such license should be surrendered, suspended, revoked or otherwise terminated prior to the expiration of its term. **(Ord. No. 1234; 03-04-02)**

**32-1-3 CONTRACTS FOR RESIDENTIAL COLLECTION REQUIRED.**

The City shall contract exclusively with one residential collector of garbage and trash. **(Ord. No. 1234; 03-04-02)**

**32-1-4 RESIDENTIAL COLLECTION SERVICE MANDATORY.**

It is hereby found and determined that the periodic collection and disposal of garbage and trash from residential dwelling units in the City benefits those residential dwelling units and, therefore, the residential garbage and trash collection charges as contracted by the City shall be mandatory. Furthermore, such occupants, owners and users of any dwelling in or from which garbage or trash are created, accumulated or produced, are liable for and shall pay the service charge as billed by the City. **(Ord. No. 1234; 03-04-02)**

**3215 COLLECTION AND DISPOSAL.**

(A) The City Council shall select and approve one independent contractor for the purposes of collecting residential garbage. The independent contractor shall be the sole collector of garbage and trash from residences within the City.

(B) The owner of any commercial or industrial property shall hire a licensed private collection firm for picking up garbage and rubbish at least once per week. Any commercial or industrial garbage collector's license application must be approved by the Mayor and City Clerk.

(C) Each active water customer shall be liable for garbage and trash collection charges for residential properties when billed by the City. In the case of rental property, the owner, occupant and user of premises receiving garbage and trash collection shall be jointly and severally liable and the provisions of **Sections 38-2-2** shall apply to garbage and trash collection services.

(D) Whenever there exists exceptional conditions of occupancy and use of certain properties the City Clerk in his/her discretion is hereby authorized to establish billing procedures for such properties.

(E) The City Clerk shall bill the garbage and trash collection charges as a separate item on the water bill for residential properties. The City Clerk shall also collect all garbage and trash collection charges. Such charges shall be assessed against the person in whose name the water meter is listed and where no water service is provided, against the owner or person collecting the rent.

(F) All charges for collection of garbage and trash shall be paid the month after service. A delinquent debt owed for any City utilities shall be cause for discontinuing all service from the City and the provisions of **Section 38-2-1(E), (F), (I) and (J)** shall apply to garbage and trash collection services.

(G) The amount of collection charges imposed is hereby declared to be a debt due to the City. All residents whose garbage and trash is removed and disposed of shall be liable to the City for the applicable collection charges due therefor, and such charges shall be recoverable in any court of competent jurisdiction.

(H) Effective **June 1, 2020**, the amount charged by the City each month for residential garbage and trash collection shall be the amount charged by the contractor collecting garbage and trash plus **Three Dollars (\$3.00)** for each residence receiving trash pickup. **One (1)** tote/trash receptacle per residence shall be provided, which shall remain the property of the trash collector. An additional tote/trash receptacle may be furnished to a residence by the trash collector upon request for an additional monthly charge of the amount charged by the trash collector for an additional tote/trash receptacle plus **One Dollar Twenty-Five Cents (\$1.25)**, and such additional tote/trash receptacle shall also remain the property of the trash collector. Each residence shall have a limit of **two (2)** totes/trash receptacles furnished by the trash collector. **(Ord. No. 1729; 05-04-20)**

**32-1-6 APPLICATION FOR LICENSE.** Upon application for a license, the person applying for same shall furnish the City Clerk along with the application, proof of insurance in the amounts required in **Section 32-1-15**, and at that time, the applicant shall file with the Clerk a rate schedule for services to be performed for a residential application. The rate schedule shall set forth the type of service to be offered and the price for same; including the size and number of cans per pickup for the charge, the charge for any extra cans, the charge for the bags, the size of the bags and the charge for bundles and the size of the bundles. Also, a rate schedule shall include an unlimited service charge. The schedule shall set forth whether the rate is for once-a-week pickup or twice-a-week pickup.

The licensee shall also disclose the location of the area on which his equipment will be located while not in use. The rate schedule shall also set forth the days or day of each week that the collector shall schedule his pickup with the City. The rate schedule as filed shall be valid for **one (1) year** and the licensee shall not be permitted to increase his price on the schedule for a period of **one (1) year** from the date of filing of the rate schedule. The rate schedule shall be effective upon approval by the City Council. Prior to and after the issuance of any such license, the City Council may also impose any additional terms or conditions which, in its sole discretion, shall deem necessary to satisfy and protect the public health needs and welfare of the City.

Any licensee shall have as additional equipment, a truck for the disposal of large or unusual items or rubbish which cannot be placed in the designated containers, and shall have available for such pickups such equipment on such day or days as may be prescribed by the City Council as a condition to the issuance of the permit. **(Ord. No. 1261; 12-02-02)**

**3217 TRUCK REQUIREMENTS; CLEANLINESS, ETC.** The firm for the handling of collection of trash shall be of good character and give evidence that the equipment used by him is adequate for the purposes intended. The successful firm shall have a truck or trucks which shall be so designed that garbage and rubbish that is collected will be covered at all times or placed in containers that will be covered at all times, except in the loading of garbage or rubbish, so that offensive odors are not permitted to permeate the air and cause a nuisance within the City. The trucks and all containers in which garbage is collected and transported shall be kept in a clean and sanitary condition. **(Ord. No. 717; 101678, Sec. 16.04)**

**3218 TRUCK WASTEWATERS.** A garbage truck or other related equipment shall not be washed or cleaned on either private or public property within the City where wastewaters would drain on adjoining private property, or create a nuisance, or cause a health hazard. **(Ord. No. 717; 101678, Sec. 16.05)**

**3219 WINDBLOWN GARBAGE UNLAWFUL.** It shall be unlawful to place garbage or rubbish in such a manner as to allow same to be blown by the wind onto the property of other residents. **(Ord. No. 717; 101678, Sec. 16.06)**

**32110 MATERIALS FALLING OR LEAKING FROM TRUCK.** It shall be unlawful to deposit or permit to fall from any vehicle, any fluids, or materials including garbage, refuse or ashes on any public street or alley in the City; provided that this Chapter shall not be construed to prohibit placing garbage, refuse, or ashes in a container complying with the provisions of this Chapter preparatory to having such material collected and disposed of in the manner provided herein.

It shall be the responsibility of the licensee's truck driver to notify the City Hall or the Street Department if there is any dispensing of any materials or fluids from the garbage truck within the boundaries of the City, that the driver, operator, is unable to clean up.

The contracted firm shall be liable for any cleanup charges arising from the leaking or dispensing of any fluids or materials from its equipment onto residential property or onto any City alley or street. The cleanup charges shall be assessed on an individual basis by the City Street Department. After an appropriate cleanup has been completed by the Street Department, a bill for such cleanup will be prepared by the City Clerk and be forwarded to the licensee. **(Ord. No. 717; 10-16-78, Sec. 16.07)**

**32111 PARKING OF TRUCK LIMITED.** No truck or other vehicle carrying garbage or refuse shall be parked or permitted to stand upon or along any streets, alleys, or other public areas within the City any longer than is necessary to pickup containers. **(Ord. No. 717; 101678, Sec. 16.08)**

**32112 GARBAGE ON PREMISES UNLAWFUL.** The fact that garbage or rubbish remains on an occupant's premises in the City in violation of this Chapter shall be prima facie evidence that the occupant of such premises is responsible for the violations of the Chapter occurring. **(See Chapter 25) (Ord. No. 717; 101678, Sec. 16.09)**

**32113 INDUSTRY, CONSTRUCTION, ETC.** Nothing in this Chapter shall be deemed to prevent or regulate the hauling of refuse from industrial processes, from construction projects, or refuse generated from other activities not normally generated

or collected on a regular schedule. Any such haulers of such refuse shall be excused from the requirements of obtaining a license as provided in this Chapter. **(Ord. No. 717; 101678, Sec. 16.10)**

**32114      REVOCATION OF LICENSE.** If the licensee fails to perform any services according to his application and rate schedule, and any additional terms and conditions that might be imposed by the City Council subsequent to the issuance of such license, then the City Council may, after receiving notice of any such failure to perform, and after having been afforded an opportunity to be heard on his behalf, may revoke and nullify such license. **(Ord. No. 717; 101678, Sec. 16.11)**

**32115      INSURANCE.** Any holder of a license, or any person under a contract with the City relative to the collection of garbage and trash within the City, shall furnish and file with the City Clerk a certificate of insurance indicating coverage for the following types of insurance in at least the limits specified below:

Workmen's Compensation	Statutory
General Liability:	
Bodily Injury	\$1,000,000 each occurrence \$3,000,000 aggregate
Property Damage	\$1,000,000 each occurrence \$3,000,000 aggregate
Automobile Liability:	
Bodily Injury	\$1,000,000 each person \$3,000,000 aggregate
Property Damage	\$1,000,000 each occurrence

All such insurance policies must be insured by an insurance company authorized to do business within the State of Illinois. **(Ord. No. 1454; 04-20-09)**

**32116      PARKED GARBAGE TRUCK.** No truck carrying garbage or refuse, shall be parked or be permitted to stand anywhere upon the public streets, alleys or private property within the City, except as is necessary to pickup containers provided for the collection of garbage or refuse. **(Ord. No. 717; 101678, Sec. 16.13)**

**32-1-17**    **LOCATION OF CONTAINERS.**    Garbage cans, trash containers, and dumpsters shall be kept together within the property lines of the residence being served. Refuse and refuse containers shall be set at curbside only on the day prior to the scheduled pick-up day and the day of the scheduled pick-up but said containers shall be removed from the curbside and returned to an appropriate location as quickly as possible after pickup, but not later than eleven fifty-nine o'clock (11:59) P.M. the evening of the scheduled pick-up day. **(Ord. No. 1261; 12-02-02)**

**CITY OF CHESTER  
RESIDENTIAL/COMMERCIAL GARBAGE AND TRASH  
COLLECTION LICENSE APPLICATION**

Company Name \_\_\_\_\_ Date \_\_\_\_\_

Address \_\_\_\_\_

City, State, Zip \_\_\_\_\_

I am applying for a (Circle One): *Residential Commercial Combined Residential & Commercial* License.

List make, model, year, license number of trucks to be operated and location where equipment will be stored when not in use. (Attach copy of current IDOT inspection slip)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

List your residential rate (if applicable) schedule including type of service to be offered, number of cans/pickup, extra charges, price for same and unlimited service charge. (See Section 16-1-3 of this Chapter)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Day(s) of Collection \_\_\_\_\_

Is certificate of insurance attached? \_\_\_\_\_

Is agreement with licensed landfill attached? \_\_\_\_\_

\_\_\_\_\_  
Print Name of Applicant

\_\_\_\_\_  
Signature of Applicant

\*\*\*\*\*

Approval: \_\_\_\_\_

Date \_\_\_\_\_

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Clerk