

CHAPTER 16

SOLID WASTE

Art. I In General, Secs. 16-1 - 16-37
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ARTICLE I. IN GENERAL

*Cross Reference - Fire prevention and protection, Sec 14-1 et seq.; health, Sec 18-1 et seq; nuisances, Sec 24-1 et seq.; junk and secondhand merchandise dealers, Sec. 25-1 et seq.; junked, abandoned and wrecked vehicles, Sec. 32-72 et seq.

State law references - Disposal of refuse, solid waste and ashes in municipalities. Ill Ref. Stat. Ch. 24, Sec. 11-19-1 et seq.; authority to prohibit deposits in streets, alleys and other public property, Ch. 24, Sec. 11-80-10; Environmental Control Act, Ch. 111 ½, Sec. 1001 et seq.

Sec. 16-01. Definitions - Solid waste

Terms used in this chapter shall have the following meanings:

Ashes. The term "ashes" shall mean the residue from the combustion of fuel as the result of burning.

Solid Waste. The term "solid waste" shall have any meaning as defined in all applicable federal and state statutes and regulations defining said term.

Household solid waste. The term "household solid waste" shall mean inorganic, incombustible household waste such as metal cans, metal ware, plastic, rubber and kindred product containers, bottles, broken glass, crockery, stoneware and similar refuse resulting from the regular operation of household, not classed as solid waste or miscellaneous solid waste.

Manure. "Manure" shall mean the excrement of all domestic animals and fowl, and stable bedding.

Miscellaneous solid waste. The term "miscellaneous solid waste", shall mean combustible solid waste such as papers, boxes, brush and leaves, and any other solid waste or waste resulting from the operation of a domestic or business establishment, such as grass cuttings, tree trimmings, debris from building, construction, repair or remodeling, discarded equipment and similar waste. (Code 1965, Sec. 13.01).

Sec. 16-02. Premises to be kept clean.

In the event said owner, occupant or lessee of any premises allows or permits refuse and solid waste to remain upon the premises or to accumulate upon said premises, the City of Kankakee shall have the authority through its Environmental Services Utility to cause removal of same. Upon removal, the actual costs of removal including expenses for labor, tipping fees and use of equipment shall be charged to the owner, occupant or lessee in accordance with the usual fees charged by the Environmental Services Utility. Said charge shall become a debt owed by said owner, occupant or lessee to the City of Kankakee and may be collected as any other debt. In addition thereto, a lien may be placed upon the premises for the collection of said debt. (Code 1965, 13.02; Ord. No. 98-88, Sec. 16-02, 11-2-98; Ord. 2010-12, 4-19-10).

Sec. 16-03. Reserved.

Sec. 16-04. Placement of receptacles for collection of solid waste.

Receptacles for solid waste, ashes and household solid waste to be collected shall be placed outside the residence or other building in an accessible place, and at ground level and near the street or alley line. No receptacle shall be placed at or near the street line at any time earlier than 24 hours before nor later than 24 hours after the date and time same is due to be picked up by the solid waste or refuse collector for any street, avenue, boulevard or place in the City other than Stoddard Place, Looker Avenue, New Street, Stone Street, or Chestnut Street between Fifth Avenue and Entrance Avenue.(Code 1965, Sec. 13.02; Ord. No 95-13, 3-6-95)

Sec. 16-05. Solid waste containers to be provided.

The owner, occupant or lessee of any premises in the City, upon which shall accumulate any solid waste, ashes or household solid waste, shall provide and maintain clean and in good repair adequate receptacles. No such receptacle, container or drum shall be used which is of a forty (40) gallon capacity or larger or any modification thereof. (Code 1965, Sec. 13.03)

Sec. 16-06. Number of receptacles required for solid waste.

Every owner or his agent, or the occupant of any house, building or apartment in the City wherein persons reside, board or lodge shall provide for each such house, building or apartment and at all times maintain containers for papers, solid waste and other waste, in a number sufficient to store and handle for disposal the accumulations from each such house, building or apartment according to the specifications of this chapter. (Ord. No. 70-26, Sec. 1, 7-6-70).

Sec. 16.07. Duty to clean up scattered solid waste.

- A. No owner or his agent or the occupant of any house, building or apartment in the City shall allow solid waste, ashes, or household solid waste to be scattered or strewn about or overflow from any receptacle or container, which is provided for each such house, building or apartment for the collection and disposal of such solid waste. Every such owner, agent or occupant shall clean up any solid waste which is scattered or strewn about, in or upon such premises, public or private, or upon streets, alleys, parkways or other public or private places or upon any vacant or unimproved lots or parcels of land in the City, by wind, the ravages of animals such as dogs, or by other means. (Ord. No. 98-88, Sec. 16.07, 11-2-98)(Ord. No. 86-33, Sec. 1)
- B. Notice. Written notice shall be given to the occupant and/or owner of such house, building or apartment to forthwith clean up and remove said solid waste within 72 hours of service of said notice. Said notice may be served personally upon the owner or any occupant of said house, building or apartment or by the posting of said notice on the front door of said house, building or apartment. Said notice shall contain the date and time of service and the date and time of the expiration of said 72-hour period. If the solid waste is not removed within the stated 72-hour period, the City of Kankakee shall be entitled to remove said solid waste and bill the owner and occupant of said house, building or apartment for the costs of removal and disposal of said solid waste and place a lien on the real estate upon which the house, building or apartment sits for the full costs of the removal and disposal. In addition, the owner and/or occupant of said house, building or apartment may be ticketed for each day of the violation hereunder. Each day of the violation shall be a separate offense. The fine for each offense shall be a minimum of \$100.00 not to exceed \$750.00 for each day of violation hereunder, with the proviso that the first offense shall carry a mandatory fine of \$100.00, the second offense shall carry a mandatory fine of \$250.00, and the third offense shall carry a mandatory fine of \$500.00. If any person charged with a violation hereunder fails to appear on any charge filed under this ordinance, a default fine may be entered against said person in the maximum amount under this ordinance. (Ord. 2015-33)

Sec. 16-08. Duty to prevent scattering of material by wind.

Wind-blown material must be confined to a closed container and any failure to do so shall be regarded as a violation of this Code. (Ord. No. 70-26, Sec. 1; 7-6-70)

Sec. 16-09. Covering of solid waste containers.

The use of open containers for food cans, cartons or any other material which will draw flies or other insects is strictly unlawful. Such containers must be tightly covered in metal, durable plastic cans, or other similar material having the same general properties. (Ord. No. 70-26, Sec. 13.17)

Secs. 16-10 – 16-20. Reserved

Sec. 16-21. Littering prohibited.

Cross Reference - Dumping or depositing refuse as nuisance. Sec. 24-6.

- (a) No person shall litter any streets, or any public or private property with handbills, paper or debris. No person shall so distribute any advertising matter or handbills that they may be blown about or result in the littering of streets, or any public or private property. No person shall place any advertising matter or hand bills in or on any vehicle.
- (b) No person shall throw, place, leave or suffer to be thrown, placed or left, any solid waste, ashes, miscellaneous solid waste, manure or any refuse in or upon any premises, public or private, including streets, alley, parkways, or other public places or upon any vacant or unimproved lots or parcels of land in the City. (Code 1965, Secs. 13.08; 15.49)

Sec. 16-22. Sweeping from commercial establishments prohibited.

It shall be unlawful for any person to sweep waste from any commercial establishment or the adjacent sidewalk into the gutter.

Sec. 16-23. Deposit of grass/solid waste prohibited in public streets.

It shall be unlawful for any person to dump or deposit or cause to be dumped or deposited any grass, leaves, branches, or any other things in a roadway or gutter of any public street in the City. (Ord. No. 70-31; Sec. 1, 7-20-70)

Sec. 16-24. Deposits in rivers, streams or creeks prohibited.

Cross Reference - Water Pollution Control, Secs. 34-103 et. seq.

State law references - Water pollution generally, Ill. Rev. Stat. Ch. 14, Sec. 11 et seq. and Ch. 111 ½, Sec. 1011 et seq., dumping in waters of State prohibited, Ch. 56, Sec. 160.

No person shall throw, discharge or deposit or cause to be thrown, or deposited, or discharge by any other person, any solid waste, of offal or refuse, or ashes, in the waters or any river, stream or creek of any tributary of the Kankakee River of on or along the banks of any of them. (Code 1965, Sec. 11.09).

Sec. 16-25. Collection of offal.

- (a) The term "offal" is defined to be butcher offal, hotel and restaurant bones, grease, glue, solid waste, animal and vegetable refuse and wastes, butcher shop wastes and bones, meat market scraps and other kindred refuse and wastes.
- (b) All vehicles used for the collection or transportation of offal shall be provided with watertight bodies of boxes and the sides thereof shall be sufficiently high above the load of contents so that no part of the

contents may leak, fall or spill there from, and every such vehicle shall have a waterproof and watertight cover which shall always be spread tightly over the top of such vehicle except during the time of loading.

- (c) In all cases where such offal is transported in packages, such packages whether it be a box, barrel or can, shall be watertight and closely covered with a watertight cover so as to prevent leaking, spilling or falling of the contents thereof.
- (d) All such vehicles and all implements and the boxes used in connection therewith must be kept in an inoffensive and sanitary condition and thoroughly washed and cleansed and disinfected daily.
- (e) No vehicle containing such offal material shall be permitted to remain or be stored in any public or private barn, building or premises, thoroughfare, alley or street, or in any other place in the City, overnight; and the storing of any such material in vehicles or boxes upon any premises within the city shall be deemed and is hereby declared to be a public nuisance (Code 1965, Sec. 13.11)

Sec. 16-26. Notice to provide container for solid waste.

The collector of solid waste is authorized to serve a notice in writing upon the owner, agent, occupant, or person in possession, charge or control of any premises upon which, or in the alley, or street adjacent to which premises, solid waste is accumulated or discharged without a suitable solid waste can as required by this chapter, requiring them or either of them to provide such solid waste can and to deposit all of such solid waste in such can. The Superintendent of the Environmental Services Utility is authorized to issue a ticket or citation for failure to comply with such notice. (Code 1965, Sec. 13.12)

Sec. 16-27. Penalty for violating solid waste ordinances.

Any person violating any provision of this article shall be subject to a fine of not less than twenty-five dollars (\$25.00) nor more than one hundred dollars (\$100.00) for each offense unless specified otherwise. A separate offense shall be deemed committed on each day during or on which a violation occurs or continues. (Ord. No. 70-26, Sec. 1, 7-6-70).

Sec. 16-28. Dumping of tires.

The dumping or depositing of tires is hereby declared a nuisance and prohibited within the City. Any person who is in violation of this specific Section shall be subject to a fine of not more than five hundred and no/100ths (\$500.00) dollars for each offense. A separate offense shall be deemed committed on each day during or which a violation occurs or continues. (Ord. No. 88-17. Sec. 1, 6-6-88).

Secs. 16-29--16-37. Reserved.

ARTICLE II. SCAVENGERS

DIVISION 1. GENERALLY

Sec. 16-38. Definition - Scavengers.

Scavenger: as used herein means any person engaging in the work or business, whether regularly, intermittently or occasionally, of cleaning or removing solid waste, refuse, debris, junk or abandoned or discarded substances or materials from the streets, alleys and parkways for the purposes of regular refuse pick up by a licensed waste hauler or the City of Kankakee. This definition does not include any licensed waste hauler. (Code 1965, Sec. 32.06, Ord. No 96-17, Sec. 16-38, 04-01-96).

Commercial waste hauler: is used herein and means any person engaged in the work or business of cleaning or removing solid waste, refuse, debris, junk or abandoned or discarded substances or

materials from the streets and alleys. Persons regularly engaged in the collection for re-sale of industrial scrap or salvageable materials obtained from industrial sites, are expressly excluded from the provisions of this Article.

This section does not include any business or entity with which the City of Kankakee has a contract for the purposes of picking up and removal of solid waste, trash or solid waste from residential premises.

Sec. 16-39. Transport vehicles used by scavengers.

Any vehicle used by a scavenger shall have a cargo body construction of metal, of sufficiently tight construction to prevent the leakage or spillage of any liquid or solid there from and shall be completely enclosed except for loading or unloading openings which loading and unloading openings shall be capable of being tightly closed. The openings shall be kept tightly closed when the vehicle is being used to transport collected material from the place of collection to the place of disposition. (Code 1965, Sec. 32.06)

Sec. 16-40. License.

No person shall perform any service as a commercial waste hauler within the City without a license therefore.

Sec. 16-41. Fee for Commercial Waste Hauler.

The license fee for a commercial waste hauler shall be as described in Chapter 21 Section 21.04 of this Municipal Code. (Code 1965, Sec. 32.06; Ord No 84-8, Sec 1, 4-3-84; Ord. No 96-17, Sec. 16-41, 4-1-96; Ord. No. 96-34. Sec. 16-41, 5-6-96 * deletes charge for truck license; Ord 04-24 Sec 7.)

Sec. 61-42. Change of Location.

Any license holder under this division who shall make any equipment or manner or place of disposition of collected material shall report such change in writing to the City within five (5) days after such change. (Code 1965, Sec. 32.06; Ord. No 96-19, Sec. 16-42; 4-1-96)

Sec. 16-43. Ownership of refuse.

Contents of all containers, all solid waste bags and all bags used for the purposes of recycling material shall become the property of the City of Kankakee upon their deposit, either upon the street, boulevard or alleys for the purposes of pick up by the solid waste collector. No scavenger or commercial waste hauler or any other person or entity may pick up, collect, take, sort or in any other way examine or obtain contents of any closed solid waste containers, solid waste bag or recycling bag or container designated by the City for recyclable material.

Sec. 16-44. Prohibition against Scavenging.

No person may scavenge items placed in enclosed containers, bags or recyclable materials, or other items which are the property of the City at any time and may not scavenge any other items other than between sunrise and sunset.

Sec 16-45. Alternate Prosecutions.

Violations of this Ordinance may be prosecuted by a complaint alleging a violation of this ordinance; however, this ordinance does not prohibit or exclude the prosecution of the person or entity who violates this ordinance for theft or other similar offenses pursuant to the Statutes of the State of Illinois.

Sec. 16-46. Improper Dumping.

It shall be a violation of this ordinance for any person or entity to place, deposit or leave for pick up any solid waste or any recyclable materials on any property not owned or occupied by that person without the consent of the property

owner.

Sec. 16-47. Penalty.

A person who is found guilty of violating this ordinance, upon conviction, shall be fined a minimum of one hundred dollars (\$100.00).

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