

CHAPTER 16

GARBAGE

ARTICLE I – GENERAL REGULATIONS

16-1-1 **DEFINITIONS.** As used in this Chapter, the words, “garbage” and “rubbish” have the following meanings:

(A) **“Garbage”.** Wastes resulting from the handling, preparation, cooking and consumption of food; wastes from the handling, storage and sale of produce.

(B) **“Rubbish”.** Combustible trash, including, but not limited to paper, cartons, boxes, barrels, wood, excelsior, wood furniture, bedding; non-combustible trash, including but not limited to metals, tin cans, metal furniture, dirt, small quantities of rock and pieces of concrete, glass, crockery, other mineral waste; street rubbish, including, but not limited to street sweepings, dirt, catch-basin dirt, contents of litter receptacles provided, however, that refuse shall not include earth and wastes from building operations, nor shall it include solid wastes resulting from industrial processes and manufacturing operations such as food processing, wastes, boiler house cinders, lumber, scraps and shavings.

(C) **“Yard Waste”.** Material such as tree branches, yard trimmings, leaves and grass.

(D) **“Container”.** The term “container” as used in this Article shall be held to mean a container constructed of metal, rubber or plastic not easily corroded, water tight, rodent proof and shall have a tight fitting cover. Such container shall have a capacity of not less than **five (5) gallons** and not more than **fifty (50) gallons** and shall be equipped with suitable handles. Dumpsters provided by sanitation companies are exempt from these limitations.

(E) **“Dumpster”.** The term “dumpster” shall mean a container with a capacity of more than **fifty (50) gallons**, including but not limited to dumpsters provided by sanitation companies. **(Ord. No. 03-02; 01-15-03)**

16-1-2 **DISPOSAL REQUIRED.** It shall be unlawful for any person firm or corporation to deposit or place any garbage, rubbish, or trash in any alley, street or other public place within the Village, nor shall any person, firm or corporation deposit or place any garbage upon private property, whether owned by such person or not, within the limits of the Village unless the same shall be enclosed in a suitable garbage or rubbish container.

16-1-3 **CONTAINER REQUIRED.** Every owner, tenant, lessee or occupant of every dwelling house, tenement house, lodging house, store or restaurant, boarding house or other person, persons, firm or corporation on whose

premises garbage, rubbish, or trash collects, shall provide and at all times keep within such building or on the premises garbage containers sufficient to hold all garbage which may accumulate on the premises between collections, and shall place such containers so as to be readily accessible for removal and emptying and where they shall not be a public nuisance.

16-1-4 **VEHICLES TO BE COVERED.** It shall be unlawful for any person, firm or corporation, in person or by his or its agent, employee or servant, to use any vehicle to haul any kind of dirt, rubbish, waste articles or things or substance, whether liquid or solid, unless such vehicle is covered to prevent any part of its load from spilling or dropping at all times while such vehicle is in motion on any street or alley in the municipality, except while actually being loaded or unloaded. Provided, however, that the requirements herein for covering such vehicles shall not apply to vehicles carrying brush cuttings, tree trimmings, branches, logs and similar waste material, if such matter is securely lashed to such vehicle to prevent spilling or dropping as aforesaid.

16-1-5 **DEPOSITING OF LITTER PROHIBITED.** It shall be unlawful for any person, firm or corporation, in person or by his agent, employee or servant, to cast, throw, sweep, sift, or deposit in any manner in or upon any public way or other public place in the Village or in any river, canal, public water, drain, sewer or receiving basin within the jurisdiction of the Village, any kind of dirt, rubbish, waste article, thing or substance whatsoever, whether liquid or solid. Nor shall any person, firm or corporation cast, throw, sweep, sift or deposit any of the aforementioned items anywhere within the jurisdiction of the Village in such manner that it may be carried or deposited in whole or in part, by the action of the sun, wind, rain or snow, into any of the aforementioned places. Provided, that this Section shall not apply to the deposit of material under a permit authorized by any ordinance of the Village; or to goods, wares or merchandise deposited upon any public way or other public place temporarily, in the necessary course of trade, and removed there from within **two (2) hours** after being so deposited; or to articles or things deposited in or conducted into the Village sewer system through lawful drains in accordance with the ordinances of the Village relating thereto. It shall be unlawful for any garbage, trash, rubbish, or domicidial waste to be deposited on private property for more than **thirty (30) days**.

16-1-6 **DANGEROUS APPLIANCES.** It shall be unlawful to keep or permit to be kept in any accessible outdoor location, any refrigerator, ice box, freezer, washing machine or other similar appliance that may cause bodily harm to any child or other person who may gain access to said appliance.

16-1-7 DUMPSTER REGULATIONS. All dumpsters maintained by commercial, office and industrial users, not-for-profit organizations, and any multi-family units consisting of **three (3)** or more dwellings shall be subject to the regulations set forth in this Section. All such dumpsters shall have working and securely fitting lids. The contents of such dumpsters shall be regularly removed and properly disposed of, and no such dumpster shall be loaded or filled beyond its capacity. All such dumpsters shall be maintained in good repair and free of objectionable odors and shall not leak liquids onto the ground.

The provisions of this Section shall apply to all dumpsters maintained by commercial, office and industrial users and not-for-profit organizations existing on the date of this Article or placed in use hereafter. All existing dumpsters maintained by commercial, office and industrial users and not-for-profit organizations shall comply with the requirements of this Article not more than **twelve (12) months** after the date of this Article. **(Ord. No. 03-02; 01-15-03)**

**(See 65 ILCS Sec. 5/11-19-1)
(November, 1992)**

ARTICLE II – RESIDENTIAL YARD WASTE DISPOSAL FACILITY

16-2-1 **DEFINITIONS.** The following terms shall be defined in this Article accordingly:

(A) **“Yard Waste”** means, and is specifically limited to, vegetation, leaves, wood chips, grass clippings, garden waste such as weeds and stalks, and branches and other tree or shrub parts. “Yard Waste” excludes, without limitation, food, paper, cardboard, plastic, tires, paint, solvents, appliances, furniture, metal, dead animals, and construction or demolition waste.

(B) **“Residential Yard Waste”** means Yard Waste which originated from a lot within the corporate limits of the Village upon which a single family, duplex, or multi-family residential structure is located, in which **one (1)** or more persons reside.

(C) **“Commercial Activity”** means any activity for which a consideration is paid, and it includes but is not limited to the businesses of landscaping, tree removal, tree surgery and general hauling. The leasing or renting of real property, without more, is not a “commercial activity”.

16-2-2 **LOCATION.** The Village shall maintain a Residential Yard Waste disposal site at a location to be specified by the Streets and Park Superintendent for the use, without charge, of the citizens of New Berlin. The facility is referred to in this Article as the Residential Yard Waste Facility.

16-2-3 **OPERATION DAYS AND HOURS.** The days and hours of operation of the Residential Yard Waste Facility shall be sunrise to sunset, **three hundred sixty-five (365) days** per year. However, the Streets and Park Superintendent may in his sole discretion close the Residential Yard Waste Facility at any time and for any reason.

16-2-4 **PROOF OF RESIDENCY.** The Streets and Park Superintendent and the Chief of Police and their designees may demand that any person found in or about the Residential Yard Waste Facility produce evidence of residence.

16-2-5 **REGULATIONS.** The following regulations shall govern the Residential Yard Waste Facility:

(A) No person shall deposit any materials other than Residential Yard Waste at the Residential Yard Waste Facility;

(B) All Residential Yard Waste deposited at the Residential Yard Waste Facility shall be placed inside the area specifically identified by signage

erected by the Village. No person shall deposit any materials at the Residential Yard Waste Facility outside the designated area.

(C) No person other than a resident of New Berlin shall deposit any materials at the Residential Yard Waste Facility.

(D) No person shall deposit any materials at the Residential Yard Waste Facility in connection with any commercial activity.

(E) No person shall be in, or deposit any materials in, the Residential Yard Waste Facility at times other than the hours set forth in **Section 16-2-3**, or when the Residential Yard Waste Facility is closed by order of the Streets and Park Superintendent. Any person violating this rule is deemed a trespasser.

(F) No person found in the Residential Yard Waste Facility shall fail to produce evidence of residence when requested to do so in accordance with **Section 16-2-4**.

16-2-6 **SIGNS.** The Streets and Park Superintendent shall erect signage at the Residential Yard Waste Facility indicating:

(A) the days and hours of operation; and

(B) a summary of the rules as set forth in **Section 16-2-5**.

If the Streets and Park Superintendent closes the Residential Yard Waste Facility, he shall erect a sign notifying that the Residential Yard Waste Facility is closed by his order.

16-2-7 **PENALTY.** Any person violating this Article, upon conviction thereof, shall be subject of a fine of not less than **Two Hundred Fifty Dollars (\$250.00)** or more than **Seven Hundred Fifty Dollars (\$750.00)**, and in addition, shall be liability to reimburse the Village for any landfill or hauling fees caused by the violation.

16-2-8 **PROSECUTION.** In addition to the penalties set forth in **Section 16-2-7**, a person violating **Section 16-2-5(E)** may be prosecuted under State law as a trespasser.

(Ord. No. 03-12; 07-16-03)