

Madison County, Illinois
Residential Recycling Ordinance

WHEREAS, the County of Madison, Illinois (hereinafter referred to as the "County"), has adopted the Madison County Solid Waste Plan in which the County recognizes recycling as a valuable, practical and essential method of waste stream reduction; and

WHEREAS, The Solid Waste Planning and Recycling Act of 1988, 1992 - 415 ILCS, and following, has established a recycling goal that requires a minimum of 15 % of the entire solid waste stream generated in Madison County by June 20, 1994 and 25% by June 20, 1996; and

WHEREAS, pursuant to the authority granted within 415 ILCS/15, the County may require residents to separate recyclable materials at the time of disposal or trash pickup; and

WHEREAS, the County is desirous in the implementation of its recycling program within its adopted Solid Waste Management Plan and the recycling goals therein through the enactment of this Ordinance; and

A) The recycling of certain items, including, but not limited to, aluminum and tin cans, newspapers, corrugated cardboard, high grade printing and writing papers, landscape waste, plastic and glass containers, and any and all recyclable materials is vital to the conservation of America's natural resources; and

B) The inclusion of recyclable materials in municipal waste generated by the residents of Madison County increases the volume of refuse which must ultimately be disposed of in sanitary landfills; and

C) The continued disposal of recyclable material generated by both the residents and businesses of Madison County will exacerbate the shortage of landfills; and

D) By eliminating recyclable material from the municipal waste stream, the capacity of existing landfills to serve the needs of Madison County for disposal of non-recyclable solid waste will be extended for several years;

SECTION 1. ADOPTION OF ORDINANCE. The Madison County Residential Recycling Ordinance is hereby adopted.

SECTION 2. INCONSISTENT ORDINANCES REPEALED. All Ordinances or parts of other ordinances in conflict with the provisions of this Ordinance shall to the extent of the conflict be, and are hereby repealed; provided that nothing herein shall in any way excuse or prevent


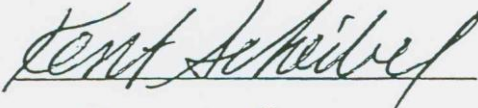

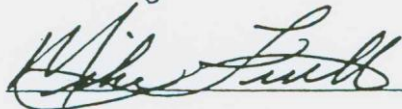
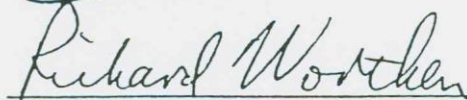
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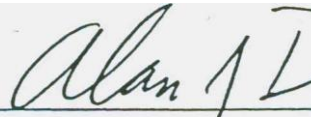
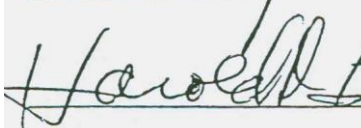

SECTION 3. SAVING CLAUSE. Nothing in this Ordinance hereby adopted shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed by the Ordinance; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this Ordinance.

SECTION 4. PASSAGE AND PUBLICATION. This Ordinance shall be in full force and effect after its passage and publication by the County Clerk as provided by law.

APPROVED AND ADOPTED at a regular meeting of the County Board of Madison County and the State of Illinois, this 20th day of July, 1994.


Chairman, Madison County Board

112.01 Short title
112.02 Purpose and authority
112.03 Definitions

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112.11 Licensing of Haulers and Disposal of Waste

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112.21 Administration Procedures
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112.25 Provisions Cumulative
112.26 Amendments

This ordinance shall be known and cited as the Residential Recycling Ordinance of Madison County.

SECTION 112.02 - PURPOSE AND AUTHORITY

(A) The County adopts and avails the County of the provisions of the Solid Waste

Planning and Recycling Act, an Act in relation to solid waste, "enacted by the People of the State of Illinois, represented in the General Assembly of the State of Illinois", 415 ILCS, and following.

(B) The County provides a general guideline in the development of programs to reduce solid waste and to allow citizens to become proactive in volume reduction and recycling.

(C) The County implements the intent of the County Solid Waste Plan.

Curbside Collection means a mixed municipal solid waste or recyclable materials collection system whereby the waste generator sets out waste containers for collection. Such collection may include specially established collection programs, including but not limited to, "back door" collection programs.

Dwelling means a building, exclusive of recreational vehicles, hotels, or motels containing as its principle use one (1) or more dwelling units.

Garbage. Any refuse products or materials including but not limited to the following: putrescible animal and vegetable wastes resulting from the handling, preparation, cooking, sale or consumption of food; animal excretion; glass or metal containers, products or objects discarded as no longer usable; paper, wood, and cardboard waste; uprooted weeds, grass clippings, leaves and the like; ashes and cinders; discarded furniture or clothing; and dead animals.

The term "garbage" does not include human excretion in the form of body waste.

Hauler. Any person, who engages in the business of collecting or hauling garbage, municipal waste, recyclables, landscape waste, brush or other refuse on a continuous and regular basis, and makes multiple scheduled collections per month within the County.

Municipality shall mean all incorporated places including a Village or a City.

Municipal Solid Waste. Any garbage, general household, institutional and commercial waste, industrial lunchroom or office waste, landscape waste, and construction and demolition debris.

Recyclable Materials means materials that are separated from garbage, municipal waste or refuse for the purpose of recycling, including, but not limited to, aluminum and tin cans, newspapers, corrugated cardboard, high grade printing and writing papers, magazines, landscape waste, plastic and glass containers, motor oil and vehicle fluids.

Recycling, Reclamation or Reuse means a method, technique, or process designed to remove any contaminant from waste so as to render the waste reusable, or any process by which materials that would otherwise be disposed of or discarded are collected, separated, or processed and returned to the economic mainstream in the form of raw materials or products, but does not include the combustion of waste for energy recovery or volume reduction.

Residential Dwelling Unit means single and two-family dwellings.
garbage, refuse or waste generated by a

residential dwelling unit.

Refuse shall mean all discarded and unwanted putrescible and non-putrescible household and kitchen wastes, including, but not limited to, food, food residues, and materials necessarily used for packaging, storing, preparing, and consuming same, usually defined as "garbage"; and all combustible and non-combustible waste materials resulting from the usual routine of domestic housekeeping, including, but not limited to, aluminum and steel cans; glass containers; plastic containers; crockery and other containers; metal; paper of all types, including newspapers, books, magazines, and catalogs; boxes and cartons; cold ashes; furniture, furnishings, and fixtures; household appliances of all kinds; textiles and leather; dead animals and animal waste; toys and recreational equipment; and similar items. For the purposes of this ordinance, the terms "garbage", "refuse", "rubbish", "solid waste", "trash", and "waste" shall be synonymous unless otherwise more specifically defined.

Scavenging. The unauthorized collection or removal of materials, municipal waste, and recyclable materials from a solid waste management facility, or that has been set out by residents of the county specifically for an authorized collection, in a manner not in conformity with the regulations governing salvaging.

Two-Family Dwelling means a dwelling containing two (2) dwelling units each with completely separate entrances.

Volume Based User Fees shall mean refuse collection fees established on a volume or weight basis, or base rate volume structure.

*SEPARATION OF RECYCLABLES AND
licENSING*

SECTION 112.10 - SEPARATION OF
RECYCLABLE MA~ FROM
RESIDENTIAL DWELLING UNITS

(A) Each occupant of a residential dwelling unit in Madison County shall comply with one of the following:

(1) Reside within the corporate limits of a municipality which has entered into a written agreement with the county assuming responsibility for meeting the 25% state mandated recycling goal, and can demonstrate annually through reporting it has complied with the recycling requirement.

(2) Reside within the unincorporated area of a township which has entered into a written agreement with - the county assuming responsibility for meeting the 25 % state mandated recycling goal and can demonstrate annually through reporting it has complied with the recycling requirement.

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(3) Shall separate recyclable materials . from all other refuse, garbage, and municipal waste, and store these recyclables separately in containers designed for recycling. As an alternative, occupants of residential dwellings may separate recyclable materials and take them to an established recycling center. For the purposes of this paragraph, recycling shall be defined as materials consisting of, at a minimum, newsprint, glass and plastic containers, and aluminum and steel cans.

(B) All municipalities/townships are encouraged to

adopt volume-based user fees for the collection and disposal of waste.

SECITON 112.11 - licENSING OF
HAULERS AND DISPOSAL OF WASTE

(A) No person shall knowingly dispose of waste, collected from residential dwelling units in Madison County, without recyclables first being removed. An exception to this is waste collected from residential dwelling units within a municipality or township that has entered into a written agreement with the County as provided in Section 112.10, Paragraph 1 or 2.

(1) No person or company shall engage in the business of collecting or hauling garbage, municipal waste, recyclables, or other - refuse from sites within the County, or to a disposal site within the county, without first procuring a licenseto do so from the County. Such license shall be valid for one year_ beginning June 1st.

(2) Application. Madison County shall prepare and make available to all haulers an application form for vehicle licenses. The application shall include the following information:

- a) name of business operating vehicles
- d)name of manager of business
- c) name and address of the person designated as the legal representative of the firm (i.e. Owner, President) d) address and telephone number of business
- e) year, make, and model of

- each vehicle
- t) type of each vehicle (e.g. dump truck, packer, pickup, etc.)
- g) vehicle identification number, license plate number, and fleet number for each vehicle
- h) weight of each vehicle
- i) capacity of each vehicle in cubic yards and tons
- j) such other information as the County shall deem appropriate or necessary.

The licensee shall notify Madison County in writing within 30 days following a change in any information contained in the license application.

The completed license application shall be accompanied by a material separation plan in accordance with Section 112.11, B, 8 of this ordinance.

The County shall provide license renewal forms to each hauler within sixty (60) days prior to the expiration of the contractor's current license. License renewal forms shall be completed and received by the County thirty (30) days prior to the expiration of the contractor's current license.

The County may grant a conditional license where an application and/or material separation plan is incomplete. The conditional license shall specify the conditions upon which a permanent license will be granted and the time requirement within which the conditions must be met. Failure to comply with the conditions specified shall result in a revocation of the conditional license and denial of the

permanent license.

(a) The County shall have thirty (30) days from the receipt of the license or renewal application to issue or deny the license, license renewal, or conditional license. The County will issue a temporary license valid for thirty (30) days upon its failure to act upon the application within thirty (30) days.

(b) The past history of the applicant, in terms of compliance with this ordinance, will be considered for purposes of issuance or denial of the license. The County shall notify the applicant in writing of its decision. If issued, the license shall be mailed by first class mail to the address provided in the application. If denied, a written decision shall be served by certified mail upon the applicant at the address provided in the application:

(c) A license denial shall provide written notice stating the basis for the denial and shall provide notice to the applicant that if an appeal is desired, a written request for a hearing must be received by the County within (15) calendar days following service. Upon receipt of a request for hearing, the County shall set a time and place for the hearing. The hearing shall be conducted pursuant to the procedures in Section 112.22 of this ordinance.

(6) License and Vehicle Registration Fee

(a) The annual fee per vehicle shall be Fifty (\$50), and shall be paid in the following manner: Forty-five Dollars (\$45) to the Environmental Department and Five (\$5) to the County Clerk.

(b) Payment of all fees must accompany the license application/renewal and material separation plan.

(c) Vehicles owned and operated by Municipalities or Townships are exempt from the fee but not from licensing or reporting.

A copy of the permit shall be carried at all times in the hauling vehicle and the sticker shall be displayed in the upper right hand corner of the windshield.

(8) Material Separation Plan, Information Required

As a condition of licensing and on a form supplied by the County, each applicant or licensee shall submit a material separation plan with the license application to the County for approval. The plan shall demonstrate the means, methods, etc. to permit the separation of recyclables from the solid waste stream. Each material separation plan shall contain:

(a) The means and methods employed to collect, process and market those separated materials from occupants of residential dwelling units as required under Section 112.10 of

this ordinance.

(b) The identification of specific recycling services to be employed (e.g. curbside services)

(c) Number of households proposed to be served during the license year by each collection method used in Subsection (b) above, and the frequency of collection for each method.

(d) Identification of the types of recyclable material to be collected in accordance with, or beyond that required for separation under Section 112.10 of this ordinance.

(e) A description of the method and materials which will be used to explain to each customer the number of materials to be collected, material preparation instructions, and frequency of service.

On or before July 31st and January 31st of each year, each licensee shall submit a written report, on forms provided by the County, on its recycling service operation during the previous six months (January 1 - June 30; July 1 - December 31). Failure to submit such a report shall constitute a violation of this Ordinance and will result in suspension or revocation of the license. This report shall contain:

(a) The total tonnage of municipal waste collected in the County;

(b) The total tonnage of recyclable material collected in the County, by commodity, in each sector (i.e. municipal residential by community, unincorporated residential, multi-family, and commercial).

(c) The total tonnage of landscape waste collected for land application and/or composting.

Collection of recyclables from all dwelling units shall be by a hauler duly licensed by the County under this ordinance, selected by the occupant of the premises or by a manager of such premises, or by an association governing such premises, or by a municipality or township, or by franchise awarded by a municipality or township.

ADMINISTRATION AND ENFORCEMENT

SECTION 112.20 - VIOLATIONS AND PENALTIES

(A) Any licensed hauler who violates any provision of this Ordinance shall be subject to a fine of fifty dollars (\$50) for the first violation; one hundred dollars (\$100) for the second violation; and two hundred dollars (\$200) for a third violation. In the case of a fourth violation, a fourteen (14) day suspension of a license to collect or haul garbage, municipal waste, recyclable materials, or other refuse within the county shall be imposed. A fifth violation may result in two (2) months suspension of license. For further subsequent violation(s), the license" may be revoked for the remainder of the license

term plus an additional year. For purposes of enforcement, the time period in which these violations accumulate shall be the period of the license. Notwithstanding these provisions, any violation of this Ordinance may result in suspension or revocation proceedings pursuant to Section 112.21.

(B) Any person who scavenges municipal waste and recyclable materials that have been set out by residents, or businesses, or the county specifically for an authorized collection under this ordinance shall be subject to a fine of up to five hundred dollars (\$500). Each day any violation of this ordinance continues shall constitute a separate offense.

The County or any of its duly authorized representatives will issue a warning notice to any occupant observed not in compliance with any provision of this ordinance.

The County may institute appropriate actions or proceedings', including application for injunctive relief, action to compel performance, or other appropriate action to prevent, restrain, correct, or abate any violation or threatened violation of this ordinance.

SECTION 112.21 - ADMINISTRATIVE PROCEDURES

(1) Any license required under this ordinance may be suspended or revoked for violation of any provisions of this ordinance.

(2) Written notice of a suspension or revocation shall be served personally or by registered or certified mail upon the licensee at least fifteen (15) calendar days prior to the effective date of the suspension or revocation. The written notice shall contain the effective date of the suspension or revocation; the facts which support the conclusion that a violation or violations have occurred; a statement that if the licensee desires to appeal, a written request for a hearing must be received by the County within fifteen (15) calendar days following service; and that the request for hearing must state the grounds for appeal. If a hearing is requested, the suspension or revocation shall be stayed pending outcome of the hearing.

(3) Upon receipt of a request for hearing, the County shall set a date, time, and place for the hearing. The hearing shall be conducted pursuant to the procedures in Section 112.22 of this ordinance.

(1) If the County finds that the public health, safety, or welfare requires immediate action, summary suspension of a license may be ordered.

(2) Written notice of a summary suspension shall be by certified return receipt mail to the licensee's business address. The County shall also take reasonable steps to notify the licensee by telephone prior to the summary suspension.

(3) The written notice shall state the effective date of the summary suspension; the violation requiring emergency action, the facts which support the conclusion that a violation has occurred; a statement that if the licensee desires to appeal, a written

request for hearing must be received by the County within ten (10) calendar days following service of the notice, and that the request must state the grounds for appeal.

(4) Upon receipt of a request for hearing, the County shall set a date, time, and place for the hearing. The hearing shall be conducted pursuant to the procedures in Section 112.22 of this ordinance.

(5) The summary suspension shall not be stayed pending an appeal.

The hearing shall be before the Environmental Committee of the Madison County Board.

The County shall schedule and provide notice of the date, time, and place of the pre-hearing conference and hearing. The pre-hearing conference shall be held at least three (3) weeks prior to the hearing. The hearing shall be held no later than forty five (45) calendar days after receipt for the hearing or by mutual agreement of the parties.

During the pre-hearing conference and hearing, the following process shall be followed:

(1) The pre-hearing conference shall define the issues, schedule the exchange of witness lists and documentary evidence, seek agreement on the

testimonial evidence, determine whether intended evidence is cumulative and repetitive, and consider all other matters that will assist in a fair and expeditious hearing.

(2) Each part shall exchange all relevant information and documentary evidence at least one (1) week prior to the hearing date. Such information shall include all evidence intended for introduction at the hearing and includes but is not limited to the following: exhibits; statements; reports; witness lists including a description of the facts and opinions to which each is expected to testify; photographs, slides, demonstrative evidence. Evidence not exchanged in accordance with this provision will not be considered in the hearing unless good cause is shown.

(3) The hearing shall be public and shall be recorded.

(4) All witnesses shall testify under oath or affirmation.

(5) The hearing is subject to the general rules of evidence with latitude necessary to gain facts or information. Irrelevant, immaterial, or unduly repetitious evidence shall be excluded.

(6) The County shall have the burden of proof through preponderance of evidence.

(7) The County, licensee or applicant, and additional parties as determined by the Environmental Committee, shall present evidence in that order. Each party shall have the opportunity to cross-examine the witnesses of the other party. The Environmental Committee may examine witnesses.

(8) The Environmental Committee shall make a written finding of fact and

conclusions based upon the evidence

(9) The cost of preparing a record shall be borne by the applicant or licensee.

(10) Appeal of a decision by the Environmental Committee shall be made to the Circuit Court within thirty-five (35) calendar days following the receipt of the Environmental Committee decision.

SECTION 112.23 - EFFECTIVE DATE AND OTHER ORDINANCES OR AGREEMENTS

(A) The provisions of this ordinance shall go into effect July 1, 1996

(B) This Ordinance is not intended to abrogate any existing covenant or any other private agreement, provided that where the provisions of this Ordinance are more restrictive or impose higher standards or requirements than such covenant or other private agreement, the requirements of this Ordinance shall govern.

(C) Where requirements of ordinances and programs adopted by any municipality or township are as stringent or more stringent than the provisions of this Ordinance, the more restrictive program and/or Ordinance requirements shall govern.

If any section, subsection, sentence, clause phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions thereof.

SECTION 112.25
CUMULATIVE

The provisions in this ordinance are cumulative and are additional limitations upon all other laws and ordinances covering any subject matter in this ordinance.

This ordinance may be amended from time to time by amendatory ordinances.