

JACKSON COUNTY WASTE MANAGEMENT ORDINANCE

WHEREAS, the Illinois Solid Waste Planning and Recycling Act, 415 ILCS 15/1 *et. seq.* (1994) (hereinafter referred to as the Act), mandates Counties to adopt and implement a plan for the management, disposal and reduction of solid wastes generated in their County; and

WHEREAS, in accordance with the Act, the County of Jackson, Illinois (hereinafter referred to as the County), through its County Board, has adopted a waste management plan; which plan must also include a County-wide recycling program; and

WHEREAS, the County recognizes recycling as a valuable, practical and essential method of waste stream reduction; and

WHEREAS, the present ordinance is intended to implement the County's waste management plan; and

WHEREAS, the Jackson County Board finds that:

- A) Sanitary landfill capacity is limited; and
- B) Alternatives to and reduction in the reliance on sanitary landfills is vital to the needs of the County's residents, businesses and environment; and
- C) Recycling of certain solid wastes is preferable to the disposal of these solid wastes; and
- D) Mandated recycling of certain solid wastes along with other related measures and incentives are needed in order to accomplish the County's goals in reducing the solid waste stream in this County;

NOW, THEREFORE, THE JACKSON COUNTY BOARD ORDAINS, AS FOLLOWS:

SECTION I. Short Title

The present ordinance is adopted; and shall hereinafter be known and cited as the "Jackson County Waste Management Ordinance".

SECTION 2. Savings Clause

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of other ordinances in conflict with the provisions of this ordinance shall to the extent of the conflict be, and are, repealed; provided that nothing herein shall in any way excuse or prevent the prosecution of any provisions or existing violations of any ordinance, or parts thereof, superseded by this present ordinance. Further provided that all decisions and actions made and all rights or privileges conferred in reliance on previous versions of this ordinance shall remain in full force and effect and not be affected by any adopted amendments or modifications of this

ordinance.

SECTION 3. Definitions

For purposes of this Ordinance, the following terms shall have the following meanings:

Contamination means the presence of unallowed materials in a recycling container.

Commercial Establishment Unit means any building or any part of any building wherein commerce or business is conducted, both profit and not-for-profit, including but not limited to, stores, markets, offices, restaurants, shopping centers, theaters, schools, churches, government offices and manufacturing facilities.

Composting means the biological process by which microorganisms decompose the organic fraction of waste, producing a humus-like material that may be used as a soil conditioner.

County means the County of Jackson or its designated agent to administer this ordinance.

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.

Day means one calendar day.

Discard means to set out refuse for the intended purpose of having it removed by a hauler.

Dispose means to deposit refuse in a permitted solid waste management facility or to collect materials with the intent of depositing them in such a facility.

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

Garbage means 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.

Generator means the person who produced the refuse or recyclable material.

Hauler means any person who engages in the business of collecting, hauling or disposing garbage, solid waste, recyclables, landscape waste, trash, brush or other refuse on a continuous and regular basis within the County.

Municipality means any city, village or incorporated town.

Person means any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, political subdivision, state agency, or any other legal entity, or their legal representatives, agents or assigns.

Recyclable Materials means materials that are separated from garbage, solid waste, trash, or refuse for the purpose of recycling, such as, 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, cooking grease and other renderable materials; and for which an economic and practical recycling market exists for the particular material.

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.

Refuse means waste. Refuse shall be synonymous with the terms “garbage”, “refuse”, “rubbish”, “solid waste” and “trash”.

Residential Dwelling Unit means single, and multi-family dwelling units of habitation.

Scavenging means the unauthorized collection or removal of, in a manner not in conformity with the law governing scavenging, materials, solid waste, and recyclable materials from a solid waste management facility or refuse or recycling container, or that has been set out or discarded by persons specifically for authorized collection.

Solid Waste means any garbage, general residential dwelling unit and dwelling, commercial establishment unit waste, industrial lunchroom or office waste, landscape waste and construction and demolition debris.

Solid Waste Stream means any garbage, refuse or waste generated by residential dwelling units, dwelling units, and commercial establishment units.

SECTION 4. Separation of Recyclables

- A) Each person in Jackson County shall be encouraged to participate, to the fullest extent possible, in programs to collect recyclable materials.
- B) All haulers shall properly recycle any and all recyclable materials separated by the generator and set out for recycling collection, so long as the materials in question are ones collected for recycling by that hauler in accordance with Sections 7 and 9 of this Ordinance. Collected recyclables shall be sorted, processed and marketed as necessary to facilitate their recycling into new products, and shall not be disposed of

in a landfill or other disposal facility. The only exception to this rule is when materials are grossly contaminated to the point where they cannot be properly sorted and processed. If a hauler determines that a customer's recyclable materials are too contaminated for recycling, the hauler must promptly notify the customer as to why the materials were not recycled.

- C) Haulers may not separate recyclable materials from refuse unless this act is performed at a facility that has appropriate State permits.

SECTION 5. Disposal of Solid Waste

All solid waste, excluding recyclable materials, collected by waste haulers must be disposed of at permitted solid waste management facilities.

SECTION 6. Licensing of Haulers

- A) No person shall engage in the business of collecting or hauling garbage, solid waste recyclables, or other refuse from sites within the County, or to a disposal site within the County, without first procuring a license to do so from the County. Such license shall be valid for one (1) year beginning July 1 of each year through June 30 of the following year.
- B) A license may be waived for haulers that meet all of the following exemptions:
 1. Regularly collects refuse and/or recyclable materials from less than six (6) residential dwellings within the County;
 2. Does not collect refuse and/or recyclable materials from commercial establishment units within the County;
 3. Utilizes a disposal site within the County no more than twelve (12) times per license year.

In such case, the hauler shall ask the County in writing to be exempted from licensing, including details to support the request. Within thirty (30) days, the County shall respond in writing as to the hauler's exemption request. It shall be the responsibility of each hauler granted license exemption to submit a license application at such point in time when they no longer meet the exemption rules.

- C) The County shall prepare and make available to haulers an application form for vehicle licenses. The application shall include the following information:
 1. Name of business operating vehicles;
 2. Name of business manager;
 3. Name and address of the person designated as the legal representative of the business (such as president or owner);
 4. Address and telephone number of business;

5. Year, make and model of each hauling vehicle;
 6. Type of each vehicle (such as dump truck, pickup, etc.);
 7. For each vehicle, its vehicle identification number, license plate number and fleet number;
 8. Weight of each vehicle;
 9. Capacity of each vehicle in tons or cubic yards;
 10. Such other information as the County shall deem appropriate and necessary.
- D) The licensee shall notify the County in writing within thirty (30) days following a change in any application information.
- E) Each application from a hauler engaged in the business of collecting or hauling garbage, solid waste recyclables, or other refuse from sites within the County, shall be accompanied by a material management plan in accordance with Section 7 of this ordinance.
- F) The County shall provide license renewal forms to each hauler within sixty (60) days prior to the expiration of the licensee's current license. License renewal forms shall be completed and received by the County thirty (30) days prior to the expiration of the licensee's current license.
- G) The County may grant a conditional license where an application and/or material management 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 conditional license revocation and denial of a permanent license.
- H) 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 the County's failure to act upon the application within thirty (30) days.
- I) 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.
- J) 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 fifteen (15) days following service of the denial. Upon receipt of a hearing request, the County shall set a time and place for the hearing. The hearing shall be conducted in accordance with the procedures in Section 11, Part 2 of this Ordinance.
- K) The annual license fee for each vehicle shall be fifty dollars (\$50), except for

rendering companies which shall pay a fifty dollar (\$50) annual licensing fee for their fleet. The annual license fee shall be prorated in the event the licensing period is less than one (1) year's duration. Payment of all fees must accompany the license application/renewal and material management plan.

- L) A copy of the license shall be carried at all times in the vehicle; and the sticker shall be conspicuously displayed in the upper right hand corner of the windshield.
- M) The County reserves the right to inspect all licensed vehicles or fleets to ensure that they adequately prevent the spillage or loss of refuse, recyclable materials or liquids. Any hauler whose vehicle fails inspection may be subject to the penalties described under Section 11 of this Ordinance.

SECTION 7. Material Management Plan

As a condition of licensing and on a form supplied by the County, each applicant or licensee engaged in the business of collecting or hauling garbage, solid waste recyclables, or other refuse from sites within the County, shall submit a material management plan with the license application/renewal form. The plan shall demonstrate the means, methods, procedures to separate recyclables from the solid waste stream. Each material management plan shall contain the following:

1. The means, methods and procedures used to collect, process and market those separated materials from persons as required under Section 10 of this Ordinance.
2. The identification of specific recycling services to be employed (e.g. curbside services, etc.).
3. The total number of persons proposed to be served during the license year by each collection method used in Sub-Section 2 above, and the frequency of collection for each method. In addition, the total is to be broken down into the categories of residential dwelling units, dwelling units and commercial establishment units, showing the total number of each.
4. Identification of the types of recyclable material to be collected in accordance with, or beyond that required for separation under Section 10 of this Ordinance.
5. A description of the method and materials which will be used to explain to each customer the type of materials to be collected, material preparation instructions and frequency of service.

SECTION 8. Reporting

On or before July 31st and January 31st of each year, each licensee engaged in the business of collecting or hauling garbage, solid waste, recyclables, or other refuse from sites within the County, shall submit a written report, on forms provided by the County, on its recycling service operation during the previous six (6) months. (January 1 - June 30; July 1 - December 31). Interim reports may also be required by the County. Failure to submit a report shall constitute a violation of this ordinance and will result in suspension or revocation of the license. This report shall contain:

1. The total tonnage of solid waste collected in the County and the amount disposed of at in-county and out-of-county facilities.
2. The total tonnage of recyclable materials collected in the County, by commodity, in each sector - dwelling units and commercial establishment units.
3. The total tonnage of landscape waste collected for land application and/or composting.

SECTION 9. Collection of Recyclables

- A) Collection of recyclables from all persons shall be by a hauler licensed by the County under this ordinance, and selected by the occupant of the unit, or by a manager of such unit, or by an association governing those units, or by a municipality or township, or by franchise awarded by a municipality or township.
- B) All haulers licensed by the County to engage in the collection of recyclables shall collect, at a minimum, the following materials from all residential dwellings which procure curbside recycling service: aluminum cans; steel cans; glass bottles and jars; plastic bottles (#1 and #2); newspaper; and corrugated cardboard. Haulers may collect additional types of recyclable materials, but shall report those additional types in the Material Management Plan as described in Section 7 of this Ordinance.

SECTION 10. Hauler Requirements

All haulers licensed by the County to engage in the collection of refuse and/or recyclable materials from sites within the County, shall be required to:

- A) Provide curbside recycling service to each residential dwelling they service which contains four (4) or fewer units and is located within the corporate limits of a municipality.
- B) Provide refuse and curbside recycling service to the residential dwellings detailed in Sub-Section A of this Section for a single, combined price rate, with no option for the resident to opt-out of procuring the recycling service.
- C) Collect recyclable materials regularly from all residential dwellings that receive curbside recycling service, with every-other week being the longest period allowed between scheduled collections.
- D) Upon request, provide sufficient documentation to the County that the hauler is in compliance with the requirements of this Section.

SECTION 11. Administration and Enforcement

A) Enforcement - VIOLATIONS AND PENALTIES

1. Within any twelve (12) month period of time, any hauler who violates any provision of this ordinance may be subject to a fine of fifty dollars (\$50) for the first violation; one hundred dollars (\$100) for the second violation; two hundred fifty dollars (\$250) for the third violation; and five hundred dollars (\$500) for the fourth and subsequent violations. For a licensed hauler, in the case of a fourth violation within a twelve (12) month period of time, a fourteen (14) day suspension of a license may be imposed. A fifth violation within a twelve (12) month period of time may result in a two (2) month license suspension. For further subsequent violation(s), the license may be revoked for the remainder of the license term plus an additional year. Notwithstanding these provisions, any violation of this ordinance may result in suspension or revocation proceedings in accordance with Sub-Section B of this Section.

2. Any person who scavenges solid waste and/or recyclable materials that have been set out specifically for collection by persons or the County may be subject to a fine of up to five hundred (\$500) dollars for each occurrence. Each day of any violation of this ordinance which continues constitutes a separate offense for each day in violation.

3. A violation of this Ordinance shall be initiated by either a citation to the offender or by separate complaint. The violation shall be prosecuted by the State's Attorney's office.

4. In addition to the fines, the County may institute an injunctive action against the offender, separate from or in conjunction with the ordinance violation proceeding, seeking any appropriate relief to prevent, abate, correct any violation of this ordinance or a threatened violation of this ordinance.

5. The County may issue a warning notice to any person suspected of not being in compliance with any provision of this ordinance.

B) Administrative Procedures - NOTICE

PART 1. SUSPENSION OF LICENSE

a. Any license required under this ordinance may be temporarily suspended for a violation of any provision of this ordinance.

b. Whenever a license holder or operator has failed to comply with any provision of this ordinance, the license holder shall be notified in writing that the license shall be suspended as set forth in this ordinance. The notice shall state that the license holder shall have an opportunity for a hearing, and the procedures for requesting such shall be indicated in the notice to the license holder. The County, before imposing the suspension, shall allow for reasonable advance notice to the license holder of the suspension before it is imposed. If, however, the County finds that the public health, safety, or welfare requires immediate action, summary suspension of a license may be ordered. Requesting a hearing shall not delay or stay the imposition of the

temporary or summary suspension.

c. Upon suspension of the license, the license shall be removed from the vehicle and immediately returned to the County.

d. Any person whose license has been suspended may, at any time, make application for the reinstatement of the license. Upon receipt by the County of this request, the County may cause a reinspection or resubmission of corrected information or whatever corrective actions the County may require in order to reinstate the license. An application for reinstatement shall not delay or stay the imposition of the temporary or summary suspension.

e. All notices for suspensions shall be by certified mail to or by personal service on the license holder.

f. In addition to the above, the written notice shall state the effective date of the suspension; the facts constituting 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; and the consequences to the license holder if the holder fails to contest the suspension.

g. All hearings shall be conducted in accordance with PART 3 of this Sub-Section.

PART 2. REVOCATION OF LICENSE

a. For serious and repeated violations of any provision of this ordinance, or for interference with the County in the performance of its duties under this ordinance, the license may be permanently revoked after an opportunity for a hearing, as set forth in PART 3 of this Sub-Section, has been given the license holder. No license shall be revoked until the license holder has been notified in writing, as provided below. If the license holder fails to request a hearing, after being sent notice, by the date indicated in the notice, the license shall be permanently revoked. If the license holder requests a hearing within the time stated in the notice, then, the County, at its discretion, may suspend the license for the duration of the revocation proceedings. Provided further, nothing herein shall prevent the County from suspending a license, either summarily or temporarily concurrently with the license revocation proceedings.

b. The date of revocation to be inserted in the notice of revocation shall be at least five (5) days from the date the notice is served on the license holder. In addition to the above, the notice shall also state whether or not the license is suspended during the pendency of the revocation proceedings. Further, the notice must also state the reasons for the revocation; and that the license holder has the right to a hearing before the license revocation is imposed. Furthermore, the notice shall state the consequences to the license holder should the holder fail to request a hearing.

c. All notices for suspensions shall be by certified mail to or by personal service on

the license holder.

d. All hearings shall be conducted in accordance with PART 3 of this Sub-Section.

PART 3. HEARINGS

a. All hearings shall be conducted by the County at a time and place designated by it. Based upon the record of such hearing, the County shall make a finding and shall sustain, modify, or rescind any official notice or order considered in the hearing. A written report of the decision shall be furnished to the license holder by the County within ten (10) working days of the conclusion of the hearing, or such other time as the parties may agree to. All final decisions resulting from the hearing shall be subject to the Illinois Administrative Review Act, as now or hereinafter amended.

b. All hearings shall be public and shall be recorded.

c. The cost of preparing a record shall be borne by the applicant or license holder.

SECTION 12. Effective Date

The provisions of this ordinance shall be effective on July 1, 1997.

SECTION 13. Other Ordinances or Agreements

- A) 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, this ordinance's requirements shall govern.
- B) Where the requirements of any municipality's or township's ordinances or programs are more stringent than the provisions of this ordinance, the more restrictive program and/or ordinance requirements shall govern.

SECTION 14. Severability

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

SECTION 15. Provisions Cumulative

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

SECTION 16. Amendments

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

SECTION 17. Chairman's Signature

The Chairman of the Jackson County Board is authorized to affix his signature on this

ordinance on behalf of the Jackson County Board.

THIS REPRINT OF THE JACKSON COUNTY WASTE MANAGEMENT ORDINANCE IS COMPILED FROM ORDINANCE 96-28, ORDAINED AND ADOPTED BY THE JACKSON COUNTY BOARD AT ITS REGULAR MONTHLY MEETING ON SEPTEMBER 11, 1996; AND FROM AMENDMENTS TO THE ORDINANCE ON DECEMBER 11, 1996 (ORDINANCE 96-32), APRIL 9, 1997 (ORDINANCE 97-3), AUGUST 14, 2008 (ORDINANCE 08-04), AND OCTOBER 14, 2009 (ORDINANCE 09-08).