

## CHAPTER 117: WASTEHAULER LICENSE AND REGULATIONS

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## Huntley – Business Regulations

### ***GARBAGE AND RUBBISH REMOVAL SERVICES***

#### **§ 117.01 LICENSE REQUIRED**

It shall be unlawful for any person, firm, or corporation to engage in the business of collecting garbage, refuse, or rubbish within the Village without having first obtained a license to do so, provided that this section shall not apply to materials from the demolition of buildings or structures demolished pursuant to a permit issued by the Village. All persons, corporations, or other entities issuing a license for garbage and rubbish removal must also pick up recyclable materials and lawn and garden debris.

(Ord. 92-03-01, passed 3-12-92) Penalty, see § 117.99

#### **§ 117.02 GARBAGE, REFUSE, OR RUBBISH DEFINITIONS**

As used in this subchapter:

***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 useable; 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.

***RECYCLABLE MATERIALS.*** Newspapers consisting of bagged, boxed, or securely twined newspapers; glass, clear, brown, or green in color; aluminum or tin products; and such other materials mutually agreed upon between the Village and the licensee.  
(Ord. 92-03-01, passed 3-12-92)

#### **§ 117.03 APPLICATIONS**

Applications for such licenses shall be made in writing to the Village Clerk, and shall be subject to the approval of the President and Village Board. The application shall be under oath and shall state as follows:

(A) The name, address, and statement of legal age of the applicant in the case of an individual; in the case of a co-partnership, the persons entitled to share in the profits thereof, and in the case of a corporation for profit, or a club, the date of incorporation, the objects for which it was organized, the names and addresses of the officers and directors, owned by one person or his nominees, the name and address of such person.

(B) The citizenship of the applicant, his place of birth, and if a naturalized citizen, the time and place of his naturalization.

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(C) The character of business of the applicant, and in the case of a corporation, the objects for which it was formed.

(D) The length of time that said applicant has been in business of that nature, or in the case of a corporation, the date on which its charter was issued.

(E) The location and description of the premises or place of business which is to be operated under such license.

(F) A statement whether applicant has made similar applications for a similar license on premises other than described in this application, and the disposition of such application.

(G) A statement that applicant has never been convicted of a felony and is not disqualified to receive a license by reason of any matter or thing contained in this section, laws of this state, or the ordinances of this Village.

(H) Whether a previous license by any state or subdivision thereof, or by the federal government has been revoked, and the reasons thereof.

(I) The number of trucks intended to be operated under the proposed license.

(J) That each truck shall be covered or enclosed in such a way that the contents thereof will not blow from or drop off of said truck either in the Village limits or on the way to the designated landfill facility.

(K) That all regulations and resolutions duly adopted by the Village Board pertaining to the pick-up and dumping of garbage, refuse, and rubbish will be observed and followed including:

- Lids must be replaced on cans; Dumpster enclosure gates must be closed.
- Trucks must be parked in order to lift trash over in case of front loaders.
- Trash that is spilled while handling, must be picked up.

(L) That garbage shall be securely packaged or enclosed in a weather resistant container for collection.

(M) The name, address, or location of the sanitary landfill at which the licensee intends to deposit all garbage, refuse, rubbish, or recyclables collected from within the Village.

(N) That the license to be issued upon the application is, and will be subject to revocation by the President and Village Board.

(O) A list of current residential curbside customers for which the license will be issued, which list shall be updated on a quarter-annual basis and furnished to the Village Manager of the Village within five days of the end of each quarter during the license period.

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(P) No license shall be issued hereunder unless the applicant shall file with the application a certificate by an insurance company authorized to do business in the State of Illinois, certifying that the applicant has in force and effect, insurance in the minimum amount of \$1,000,000. Said certificate shall name the Village as being a co-insured.  
(Ord. 92-03-01, passed 3-12-92; Ord.(O)2003-06.60, passed 6-26-03)

### **§ 117.04 LIMITATIONS ON LICENSES**

There shall be no more than six garbage collector's business licenses in the Village, and no person, firm, or corporation shall be issued more than one license. No license shall be issued to any person, firm, or corporation which do not have trucks in service. There shall be no limitation on the number of trucks operated by each licensee. The allowed number of business licenses may be increased or decreased by ordinances passed and approved by the President and Village Board.  
(Ord. 92-03-01, passed 3-12-92; Am. Ord. 98-03-12-02, passed 3-12-98)

### **§ 117.05 DURATION AND TRANSFER OF LICENSE**

(A) A license shall be purely a personal privilege, good for not to exceed one year after the issuance. The one year period shall be from the 1<sup>st</sup> day of January of each year to the 31<sup>st</sup> day of December of each year unless sooner revoked or suspended as in this section provided. Licenses issued after the 1<sup>st</sup> day of January of any year shall pay the full license fees as provided. A license shall not constitute property, nor shall it be subject to attachment, garnishment, or execution, nor shall it be alienable or transferable, voluntarily or involuntarily, or subject to be encumbered or hypothecated. Such license shall not descend by the laws of testate or intestate devolution, but it shall cease upon the death of the licensee, provided that the executors or administrators of the estate of any deceased licensee, and the trustee of any insolvent or bankrupt licensee, when such estate consists in part of refuse collection service, may continue the business under order of the appropriate court, and may exercise the privileges of the deceased or insolvent or bankrupt licensee after the death of such decedent, or such insolvency or bankruptcy, until the expiration of such license, but not longer than six months after the death bankruptcy, or insolvency of such licensees. In no event shall there be any refund of any portion of any license fee paid.  
(Ord. 92-03-01, passed 3-12-92; Am. Ord. (O)2007-12.78, passed 12-13-07)

(B) Any licensee may renew his license at the expiration thereof, provided he is then qualified to receive a license and further provided that the renewal privilege herein provided for shall not be construed as a vested right which shall in any case prevent the President and Village Board from decreasing the number of licenses to be issued within their jurisdiction.  
(Ord. 92-03-01, passed 3-12-92)

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### **§ 117.06 ANNUAL LICENSE FEE**

The annual fee for such license shall be One Thousand Five Hundred dollars and no cents (\$1,500.00). The payment of the fee is due upon the filing of the application. Fees will increase yearly according to the CPI.

(Ord. 92-03-01, passed 3-12-92; Am. Ord. (O)2007-12.78, passed 12-13-07)

### **§ 117.07 TIME FOR PICK UP**

Licensees shall schedule the pickup of garbage, refuse, or rubbish in accordance with the schedule for zone pickup established by the Village and shall schedule such pickup within the zone schedule for a minimum of at least one day to coincide with the pickup of recyclable materials within said zone. All licensees shall be required to pickup recyclable materials, lawn and garden debris as defined in the Illinois Revised Statutes in addition to garbage, refuse, and rubbish. All licensees shall obtain approval from the Village Manager's office for any holiday collection schedule.

(Ord. 92-03-01, passed 3-12-92)

### **§ 117.08 APPROVED LANDFILL**

Licensees under this section shall deposit all garbage, refuse, rubbish, and recyclables collected within the Village at any landfill facility, recycling center, and composting facilities approved and licensed by the Illinois Environmental Protection Agency.

(Ord. 92-03-01, passed 3-12-92) Penalty, see § 117.99

## ***RECYCLING SERVICES***

### **§ 117.20 LICENSE REQUIRED**

It shall be unlawful for any person, firm, or corporation to collect curbside recyclable materials within the Village without having first obtained a license to do so, provided that this section shall not apply to not-for-profit, civic, and charitable organizations conducting a recycling program as a fund-raising project with the approval of the Village President or Village Board.

(Ord. 92-03-01, passed 3-12-92) Penalty, see § 117.99

### **§ 117.21 APPLICATIONS**

Applications for such licenses shall be made in writing to the Village Clerk, and shall be subject to the approval of the President and Village Board. The application shall be under oath and shall state as follows:

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(A) The name, address, and statement of legal age of the applicant in the case of an individual; in the case of a co-partnership, the persons entitled to share in the profits thereof, and in the case of a corporation for profit, or a club, the date of incorporation, the objects for which it was organized, the names and addresses of the officers and directors, owned by one person or his nominees, the name and address of such person.

(B) The citizenship of the applicant, his place of birth, and if a naturalized citizen, the time and place of his naturalization.

(C) The character of business of the applicant; and in the case of a corporation, the objects for which it was formed.

(D) The length of time that said applicant has been in business of that character, or in the case of a corporation, the date on which its charter was issued.

(E) The location and description of the premises or place of business which is to be operated under such license.

(F) A statement whether applicant has made similar application for a similar other license on premises other than described in this application, and the disposition of such application.

(G) A statement that applicant has never been convicted of a felony and is not disqualified to receive a license by reason of any matter or thing contained in this section, laws of this state, or the ordinances of this Village.

(H) Whether a previous license by any state or subdivision thereof, or by the Federal government has been revoked, and the reasons therefore.

(I) The number of trucks intended to be operated under the proposed license.

(J) That each truck shall be covered or enclosed in such a way that the content thereof will not blow from or drop off of said truck either in the Village limits or on the way to the designated recycling facility.

(K) That all regulations and resolutions duly adopted by the Village Board pertaining to the pick-up and dumping of garbage, refuse, and rubbish will be observed and followed including:

- Lids must be replaced on cans; Dumpster enclosure gates must be closed.
- Trucks must be parked in order to lift trash over in case of front loaders.
- Trash that is spilled while handling, must be picked up.

(L) That recyclable materials shall be securely packaged or enclosed in approved containers for collection.

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M) The name, address, or location of the recycling facility at which the licensee intends to deposit all recyclable materials collected from within the Village.

(N) That the license to be issued upon the application is and will be subject to revocation by the President and Village Board.

(O) No license shall be issued hereunder unless the applicant shall file with the application a certificate by an insurance company authorized to do business in the State of Illinois, certifying that the applicant has in force and effect, insurance in the minimum amount of \$1,000,000. Said certificate shall name the Village as being a co-insured.  
(Ord. 92-03-01, passed 3-12-92; Ord.(O)2003-06.60, passed 6-26-03)

### § 117.22 DEFINITIONS

***CURBSIDE RECYCLER.*** Any person, firm, or corporation licensed in the business of curbside collection of recyclable materials pursuant to this section.

***GARAGE, REFUSE, or RUBBISH.*** Consists of any materials as defined in § 117.02 of this chapter.

***HOLIDAYS.*** Those days established and approved by the Village as part of the curbside recycling program.

***LICENSED HAULER.*** Any person, firm, or corporation engaged in the business of collecting garbage, refuse, or rubbish within the Village pursuant to §§ 117.-1 through 117.08.

***RECYCLABLE MATERIALS.*** Newspapers consisting of tagged, boxed, or securely twined newspapers; glass, clear, brown, or green in color; aluminum or tin products; and such other materials mutually agreed upon between the Village and the licensee.  
(Ord. 92-03-01, passed 3-12-92)

### § 117.23 ANNUAL LICENSE FEE

The annual fee for such license shall be One Thousand Five Hundred dollars and no cents (\$1,500.00). The payment of the fee is due upon the filing of the application. Fees will increase yearly according to the CPI.  
(Ord. 92-03-01, passed 3-12-92; Am. Ord. (O)2007-12.78, passed 12-13-07)

### § 117.24 AGREEMENT FOR CURBSIDE RECYCLING

Any person, firm, or corporation defined as a curbside recycler under § 117.22 shall enter into an agreement for curbside recycling upon such terms and provisions as may be approved by the Village. No such contract shall extend beyond the period of the license provided for in this subchapter.  
(Ord. 92-03-01, passed 3-12-92) Penalty, see § 117.99

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### § 117.25 DURATION AND TRANSFER OF LICENSE

(A) A license shall be purely a personal privilege, good for not to exceed one year after the issuance. The one year period shall be from the 1<sup>st</sup> day of January of each year to the 31<sup>st</sup> day of December of each year unless sooner revoked or suspended as in this section provided. Licenses issued after the 1<sup>st</sup> day of January of any year shall pay the full license fees as provided. A license shall not constitute property, nor shall it be subject to attachment, garnishment, or execution, nor shall it be alienable or transferable, voluntarily or involuntarily, or subject to be encumbered or hypothecated. Such license shall not descend by the laws to testate or intestate devolution, but it shall cease upon the death of the licensee, provided that the executors or administrators of the estate of any deceased licensee, and the trustee of any insolvent or bankrupt licensee, when such estate consists in part of refuse collection service, may continue the business under order of the appropriate court, and may exercise the privileges of the deceased or insolvent or bankrupt licensee after the death of such decedent, or such insolvency or bankruptcy, until the expiration of such license, but not longer than six months after the death, bankruptcy, or insolvency of such licensees. In no event shall there be any refund of any portion of any license fee paid.

(Ord. 92-03-01, passed 3-12-92; Am. Ord. (O)2007-12.78, passed 12-13-07)

(B) Any licensee may renew his license at the expiration thereof, provided he is then qualified to receive a license AND FURTHER PROVIDED that the renewal privilege herein provided for shall not be construed as a vested right which shall in any case prevent the President and Village Board from decreasing the number of licenses to be issued within their jurisdiction. (Ord. 92-03-01, passed 3-12-92)

### § 117.26 TIMES FOR PICK UP

Licenses shall schedule the pickup of recyclable materials in accordance with the schedule for zone pickup established by the Village and shall schedule such pickup within the zone schedule for a minimum of at least one day to coincide with the pickup of garbage, refuse, or rubbish within said zone. All licensees shall obtain approval from the Village Manager's office for any holiday collection schedule.

(Ord. 92-03-01, passed 3-12-92)

### § 117.27 ADVERTISING PROHIBITIONS

No licensee shall place or otherwise distribute fliers, advertisements, billing statements, (including any surcharge), etc., through the mail or other means which includes any information regarding recycling without the prior approval of the Village Manager.

(Ord. 92-03-01, passed 3-12-92) Penalty, see § 117.99

### § 117.99 PENALTY

Any person, firm, or corporation violating the provisions of this chapter may, in addition to any penalty imposed under the Illinois Revised Statutes, be fined from \$5 to \$500 for each violation. Each day a violation is permitted to exist shall constitute a separate offense.

(Ord. 92-03-01, passed 3-12-92)