

CHAPTER 15

GARBAGE AND TRASH

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ARTICLE I. IN GENERAL

SEC. 15-1100. DEFINITIONS.

As used in this chapter, the following terms shall have the meanings assigned to them:

- (1) **Administrative Approval** shall mean any building, zoning, health and grading permit and any license from the City, and any permit, license or other administrative action from the Illinois Department of Environmental Protection or other agency of the State of Illinois or the United States of America that is required prior to any person or bodies politic or corporate, dumping or placing refuse on private or public property within the City.
- (2) **Appliance** shall mean any household or office mechanical device or apparatus, or instrument normally used in residential dwellings, that utilizes a power supply, whether electrical or otherwise and which exceeds fifty (50) pounds net weight. Examples of appliances are, but not limited to: stove, washer, dryer, hot water heater, refrigerator and freezer. Altering, disassembling, or modifying appliances to reduce their weight below fifty (50) pounds total assembled weight is strictly prohibited.
- (3) **Ashes** shall mean and include the ashes of wood, paper, coal, coke or charcoal and the residue resulting from the combustion of any material or substance.
- (4) **Automated Tipper Cart** shall mean a specialized container, either ninety-six (96) gallons or forty-eight (48) gallons in size, owned by the City and provided to the City's residential customers for use in storing and transporting household garbage for weekly collection.
- (5) **Biomedical Waste** shall mean any waste material which was used in the treatment of humans or animals.
- (6) **Brush** shall mean trimmings from trees, shrubs, bushes or other woody plants.
- (7) **Bulky Item** shall mean an item or collection of items that does not fit in a City-provided automated tipper cart, is not a tire or an appliance as defined in this chapter, does not exceed two (2) cubic yards in volume, and does not meet the definition of a paid brush collection, yard waste, commercial waste, or hazardous waste.
- (8) **Class A Scavenger** shall mean any person engaged in the collection, removal, transportation and disposal of the contents of any vault, tank or container, whether above or below grade, which consists of garbage.

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- (9) **Class B Scavenger** shall mean any person engaged in the collection, removal, transportation or disposal of residential refuse and/or commercial waste.
- (10) **Class C Scavenger** shall mean any person engaged in the collection, removal, transportation or disposal of waste oils and greases from cooking or otherwise.
- (11) **Commercial Waste** shall mean trade wastes such as packing paper, cardboard, excelsior, straw, crates, boxes, acids, oils, grease, chemicals, tires, vehicle and aircraft parts, discarded merchandise, glass, metals, wire, crockery, ashes, cinders, garbage, food and other waste materials, including construction waste, such as earth, metals used in plating, wood, plastics, tile, brick, concrete, terra cotta, slate, marble, and minerals; and waste produced from a residential or commercial property of more than five (5) units; but shall not include any hazardous waste as defined in this chapter, federal or state law or regulation.
- (12) **Complex** shall mean a group of two (2) or more buildings, developed as an integrated unit and under single management or control.
- (13) **Construction Waste** shall mean excess or discarded construction materials associated with a construction project or home repair.
- (14) **Curbside** shall mean within five (5) feet of the lot line when such a lot line abuts a public alley (if the property is served by such an alley) and shall mean within three (3) feet of the edge of the paved portion of public street, or at the location designated by the director of public works or his designee to be the most suitable for collection and that best facilitates the City's automated collection equipment.
- (15) **Curbside Recyclable Materials** shall mean any and all materials authorized for placement in designated curbside recycling carts as provided by any outside vendor or agent ("vendor") authorized by action of the City Council to collect curbside recyclable materials for the City; said materials shall include newspaper, newspaper inserts, magazines, paper bags, telephone books, catalogs, office paper, junk mail, envelopes of any type, corrugated cardboard, chipboard, wet strength carrier stock (chip board), frozen food paper packages, juice boxes, bulky cardboard, all #1 PET plastic containers, all #2 HDPE plastic containers, all #3 (V-vinyl/polyvinyl Chloride-PVC) plastic containers, all #4 LDPE plastic containers, all #5 (PP-polypropylene) plastic containers, all #6 (PS-polystyrene) plastic containers, all #7 – other plastic, formed steel containers, aluminum cans, tin/steel/bi-metal cans, or any other item characterized as a recyclable commodity, with the exception of glass, unless otherwise authorized by the City.
- (16) **Curbside Recycling** shall mean a single stream method of collection of residentially generated recyclable materials by which the owner(s) or occupant(s) of certain residential properties (single-family residences and residential buildings of five (5) dwelling units or less) may dispose of recyclable materials by placing same in a City vendor designated curbside recycling cart for bi-weekly collection, removal and transport to a recycling process center by the City's vendor. All materials to be collected under this definition shall be per Section 15-1100(15) above.
- (17) **Curbside Recycling Cart** shall mean a cart designated by the City and provided by the City's vendor for the collection of curbside recyclable materials.
- (18) **Drop-off Recycling Bin** shall mean any bin designated and provided by the City for the collection of recyclable materials pursuant to the Rock Island County Waste Management Agency recycling drop-off collection system.
- (19) **Drop-off Recyclable Materials** shall mean any and all materials authorized for placement in the City's drop-off recycling bins pursuant to the Rock Island County Waste Management Agency

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recycling drop-off collection system; said materials include without limitation co-mingled rigid containers (plastics #1-7 including without limitation milk jugs, food containers, detergent, shampoo and liter bottles, yogurt cups; metals of tin and aluminum; glass of green, brown and clear colors) and co-mingled fiber (corrugated cardboard, chipboard, newspapers, magazines, mixed office paper, phonebooks and brown paper bags).

- (20) **Dumpster** shall mean any commercial refuse container with a capacity of at least a one (1) yard capacity and a maximum of six (6) yards capacity and shall be equipped with a hinged lid, wheels and such other equipment as needed for sanitary mechanical dumping.
- (21) **Garbage or Household Garbage** shall mean solid waste normally associated with the operation of a household, including food waste, paper goods, and other disposables not associated with recyclable materials, yard maintenance, yard waste or hazardous waste.
- (22) **Hazardous Waste** shall mean a waste, or combination of wastes, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause or significantly contribute to an increase in mortality or an increase in serious, irreversible, or incapacitating reversible, illness; or pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, or disposed of, or otherwise managed, and which has been identified, by characteristics or listing, as hazardous under Section 3001 of the Resource Conservation and Recovery Act of 1976, P.L. 94-580 or under regulations of the Pollution Control Board. (420 ILCS 20/3). Examples of such waste or materials shall include but not be limited to batteries, motor oil, oil base paint, insecticides, herbicides, tires, roofing materials, acids, caustics, solvents, and other similar materials. Hazardous waste shall also include but not be limited to materials that are hazardous by reason of their pathological, explosive, radiological, or toxic characteristics.
- (23) **Lifter Device** shall mean a device attached to a City sanitation truck for the purpose of lifting and dumping automated tipper carts.
- (24) **Miscellaneous Rubbish** shall mean household items or substances discarded during a scheduled bulky item collection and shall include but not be limited to paper, rags, cardboard, clothing, bottles, crockery, metals, plastics, tin items, and other household items, but does not include appliances, tires, yard waste or hazardous waste.
- (25) **Paid Brush Collection** shall mean the prepaid collection of brush that is larger than four (4) feet in length and four (4) inches in diameter.
- (26) **Refuse** shall be the generic term and shall include within its meaning garbage or household garbage, recyclable materials, yard waste, ashes, miscellaneous rubbish, commercial waste, and construction waste.
- (27) **Residential Refuse** shall mean garbage or household garbage, recyclable materials, yard waste, ashes and/or miscellaneous rubbish originating from a single-family residence or a residential building of five (5) dwelling units or less, and construction waste when said construction waste is the result of construction work done by the owner or the occupant of the residential premises.

(Ord. No. 3036-2007; Sec. 15-1100 (15) – (26) repealed in entirety; new Sec. 15-1100 (15) – (26) enacted; 10/23/07)

SEC. 15-1101. ADMINISTRATION.

The provisions of this chapter shall be administered by the director of public works or said director's designee.

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SEC. 15-1102. VACATION OF PREMISES.

No person occupying or controlling any premises or building shall vacate the premises before causing all refuse to be removed from the premises and disposed of in a lawful manner.

SEC. 15-1103. VEHICLES CARRYING REFUSE.

No person shall convey or cause to be conveyed within the City any refuse that is putrid, offensive in odor, or constitutes a health hazard without all necessary administrative approval and without using a tightly closed container or specially constructed conveyance authorized for such use by the administrative approval.

SEC. 15-1104. DUMPING IN THE CITY.

For public health and safety, it shall be unlawful for any person to dump or place any refuse or other offensive substances within the City except in an area having received all necessary administrative approvals for operation of a sanitary landfill.

SEC. 15-1105. SCAVENGING OR THEFT OF RECYCLABLE MATERIALS PROHIBITED.

(a) No unauthorized person shall scavenge, pilfer, disturb or remove (hereinafter: "scavenge") recyclable materials once those materials have been placed for collection in any of the City's drop-off recycling bins or a curbside recycling cart. All recyclable materials placed for collection in City recycling bins or in curbside recycling carts shall thereupon become the property of the City or the City's vendor, shall not be considered abandoned in any respect, and only persons authorized by the City or its authorized vendor shall collect or handle recyclable materials once those materials have been placed appropriately for collection.

(b) Any action inconsistent with Section 15-1105(a) above shall be considered an offense and each collection or scavenge by unauthorized persons in violation of this section shall constitute a separate and distinct offense, punishable as provided in Section 1-1107 of the Moline Code of Ordinances.

(c) The City's vendor for curbside recycling shall be exempt from the restrictions of this section and the Class B Scavenger license fee of fifty dollars (\$50.00) per vehicle required by Section 15-3203(b)(2).
(Ord. No. 3036-2007; Sec. 15-1105 repealed in entirety; new Sec. 15-1105 enacted; 10/23/07)

SEC. 15-1106. PENALTY.

(a) Any person who violates Section 15-1105 of this article, pertaining to scavenging or theft of recyclable materials, upon conviction thereof, shall be punished by a fine of not less than fifty dollars (\$50.00) plus court costs nor more than seven hundred fifty dollars (\$750.00) plus court costs for the first offense and not less than one hundred dollars (\$100.00) plus court costs nor more than seven hundred fifty dollars (\$750.00) for the second offense and each subsequent offense committed within any one hundred eighty (180) day period. Each day during which or on which any person violates this article shall be deemed a separate offense.

(b) Any person who violates any of the remaining provisions of this article shall be administered as either a littering offense pursuant to Section 22-6100 et seq. of this Code or as a violation of the Health Code, as determined by the health officer. Penalties and remedies shall be as provided therein; provided, however, that any person or property violating this article shall, in addition to any other fine, penalty or requirement of this Code, pay the City no less than a seventy-five dollar (\$75.00) administrative fee or the complete and actual costs, charges and expenses incurred by the City in remedying or alleviating such violation or nuisance, whichever amount is greater.

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ARTICLE II. CONTAINERS AND COLLECTIONS

DIVISION 1. REFUSE CONTAINERS

SEC. 15-2100. REQUIRED CONTAINERS FOR PROPERTY TYPE.

It shall be unlawful for any person to keep refuse on said person's premises except in the appropriate container as prescribed in this section. The required containers are as follows:

(a) **Type of building.**

- (1) Single-family residence. City-owned and provided automated tipper carts will be used for collection at single-family residences located within the City and pursuant to the provisions of Section 15-2101. The City's vendor for curbside recycling will provide curbside recycling carts to single-family residences within the City for the collection of curbside recyclable materials pursuant to the provisions of Section 15-2102.
 - (2) Residential buildings of five (5) dwelling units or less. City-owned and provided automated tipper carts will be used for collection at residential buildings with five (5) dwelling units or less, and the City's vendor for curbside recycling will provide curbside recycling carts to the owner or the owner's agent of said residential buildings for the collection of curbside recyclable materials. The owner or the owner's agent shall maintain or require the occupant of each dwelling unit to maintain, at the occupant's registered collection address, the automated tipper cart and the curbside recycling cart assigned to each unit, and shall be responsible for selecting the tipper cart size for each unit. Additional tipper carts may be requested from the City in accordance with Section 15-2101.
 - (3) Residential buildings of more than five (5) dwelling units. Dumpsters will be used for collection at residential buildings or complexes with more than five (5) dwelling units. The owner or the owner's agent shall provide no more than one (1) dumpster with a minimum capacity of one (1) cubic yard per every six (6) dwelling units or portion thereof contained in a residential building or complex with more than five (5) dwelling units. The City will not provide dumpster collection or collection of refuse placed in dumpsters; said collection shall be the responsibility of the owner or the owner's agent.
 - (4) Commercial and industrial buildings. Dumpsters will be used for collection at commercial and industrial buildings. The owner or occupant, or the agent of the owner or occupant, of any commercial or industrial building shall provide a sufficient number of dumpsters so that all commercial waste can be stored therein during the interval between collections; however, the director of public works or said director's designee shall provide by rule or regulation exemption for the storage of commercial waste in dumpsters when said commercial waste is unsuitable for containerization and the open storage of such commercial waste will not be a threat to the public health. No refuse of any type created by a commercial enterprise will be collected by the City; said collection shall be the responsibility of the owner or occupant, or the agent of the owner or occupant, of the commercial or industrial building.
- (b) **Type of refuse.**
- (1) Household garbage and commercial waste shall be placed in either an automated tipper cart or a dumpster as required in Section 15-2100(a) above. The weight and volume of refuse placed in an automated tipper cart shall not exceed the maximum capacity of the cart.

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- (2) Recyclable materials shall be placed in a curbside recycling cart as required in Section 15-2100(a) above. The weight and volume of refuse placed in a curbside recycling cart shall not exceed the minimum capacity of the cart.
- (3) Miscellaneous rubbish/bulky items and construction waste. When miscellaneous rubbish and construction waste is generated by the owner or occupant of a residence pursuant to the owner's or occupant's own labor and the rubbish and construction waste exceeds the capacity of the owner's or occupant's normal automated waste collection, said rubbish and construction waste shall be scheduled, prepared and placed for collection in accordance with the rules and regulations adopted by the director of public works or said director's designee for collection of miscellaneous rubbish/bulky items, as follows:
- (a) Types of materials which cannot be practically collected as part of the weekly scheduled City collection;
 - (b) Procedures by which special collections are requested;
 - (c) Preparation and placement of construction waste for City collection, provided said construction waste is a result of construction work done by the occupant of the premises; and
 - (d) Preparation and placement of miscellaneous rubbish that is not suitable for placement in an automated tipper cart.

Said rules and regulations shall be filed with the city clerk at least ten (10) days prior to their effective date. Any such rules adopted by the director of public works or said director's designee shall provide that those materials listed in said rules as not capable of being placed for weekly collection by the City shall be collected by the City by special collection in accordance with the procedures contained in said rules.

Containerized rubbish and debris placed for miscellaneous rubbish/bulky item collection may not exceed fifty (50) pounds in weight, or more than two (2) cubic yards in volume, and must be organized for handling and disposal by City public works' crews. When generated by a contractor, miscellaneous rubbish and construction waste disposal shall be the responsibility of the contractor creating the waste.

(c) **Exception - Compost.** Yard waste may be stored on premises if stored in properly maintained compost piles.

SEC. 15-2101. AUTOMATED TIPPER CARTS.

(a) The City will provide, at no charge, one (1) ninety-six (96) gallon automated tipper cart to each residence and one (1) ninety-six (96) gallon automated tipper cart per unit to each residential building of five (5) dwelling units or less. The property owner or occupant of the residence, or the owner of a residential building of five (5) dwelling units or less, may request a forty-eight (48) gallon cart in lieu of the ninety-six (96) gallon cart by completing a waiver for same at the City's accounts and finance department, library, or public works department. A second and/or additional cart may be requested and will be provided by the City upon payment to the City of a prepaid fee of forty-six dollars (\$46.00); an annual administrative fee of forty dollars (\$40.00) will be charged to cover the extra volume of any additional cart and will be added to the property owner's or occupant's sewer and water bill. In special circumstances, two (2) forty-eight (48) gallon carts may be substituted for a single ninety-six (96) gallon cart upon request and when the director of public works or said director's designee, in said director's or designee's sole discretion, determines that it is in the best interest of the City to do so. (Ord. No. 3017-2008; Sec. 15-2101(a) repealed; new Sec. 15-2101(a) enacted; 03/04/08)

(b) **Collection Location of Automated Tipper Carts.** For collection of the automated tipper carts, the carts shall be placed at the location designated by the director of public works or said director's designee to be the most suitable for collection and that best facilitates the City's automated collection equipment. The cart shall be placed at

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the designated location with the cart's lid facing the right-of-way and with a three (3) foot minimum clearance on all sides of the cart, including clearance from any additional automated tipper cart(s) or curbside recycling cart placed at that location. In addition, residents shall keep the designated location free of debris, snow, and any other matter that may hinder the City's accessibility of the cart for collection.

(c) **Tampering with Automated Tipper Carts.** Automated tipper carts are the sole property of the City. It shall be unlawful for any person to deface a City-provided automated tipper cart in any way, to cause damage to an automated tipper cart by either intent or negligence, or to remove an automated tipper cart, with the intent of theft, from the residence or residential customer to which it was provided by the City. No unauthorized person shall open, pilfer, disturb or remove an automated tipper cart that has been set out for collection or otherwise scatter or disperse the contents of same or cause the scattering or dispersing of the contents of same. No person shall remove or leave open an automated tipper cart lid except for the purpose of depositing refuse therein for collection thereof or for the cleaning thereof.

SEC. 15-2102. CURBSIDE RECYCLING CARTS.

(a) The City's vendor shall provide one (1) curbside recycling cart to each single-family residence and one (1) curbside recycling cart per unit to each residential building of five (5) dwelling units or less. The curbside recycling carts shall be blue or a color approved by the director of public works or said director's designee, and its exterior shall be emblazoned with the word "RECYCLE" and the recycling logo, the vendor's name and phone number, and directions for curbside collection.

(b) **Fee for Curbside Recycling.** The fee for curbside recycling shall be two dollars and 56/100 (\$2.56) per single-family residence per month. Residential buildings of five (5) dwelling units or less shall be charged two dollars and 56/100 (\$2.56) per unit. Said fee will be added to the property's quarterly water, sewer and stormwater utility invoice, and shall be applied to payment immediately after stormwater fees and prior to water or sewer charges.

(c) **Collection Location of Curbside Recycling Carts.** For collection of the curbside recycling carts, the carts shall be placed at the location designated by the director of public works or said director's designee to be the most suitable for collection and that best facilitates the City's vendor's curbside collection. The cart shall be placed at the designated location with the cart's lid facing the right-of-way and with a three (3) foot minimum clearance on all sides of the cart, including clearance of any automated tipper cart(s) placed at that location. In addition, residents shall keep the designated location free of debris, snow, and any other matter that may hinder the City's vendor's accessibility to the curbside recycling cart for collection.

(d) **Collection Schedule of Curbside Recycling Carts.** Collection of curbside recycling carts shall be by the City's vendor on a bi-weekly basis. Collection shall be on the same day of the week as the City's collection of its automated tipper carts and between the hours of 6:00 a.m. and 6:00 p.m.

(e) **Tampering with Curbside Recycling Carts.** Curbside recycling carts are the sole property of the City's vendor. It shall be unlawful for any person to deface such a cart in any way, to cause damage to such a cart by either intent or negligence, or to remove a curbside recycling cart where such removal would otherwise constitute theft under the City Code or the State of Illinois Criminal Code, either and both as now existing or hereafter adopted. No unauthorized person shall open, pilfer, disturb or remove a curbside recycling cart that has been set out for collection or otherwise scatter or disperse the contents of same or cause the scattering or dispersing of the contents of same. No person shall remove or leave open a curbside recycling cart lid except for the purpose of depositing materials therein for collection thereof or for the cleaning thereof.

(f) **Agreement.** The agreement between the City and its vendor that provides for the curbside recycling collection and services herein referenced shall be filed with the City Clerk prior to its effective date.

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SEC. 15-2103. TIME FOR MAKING CONTAINERS AVAILABLE FOR COLLECTION.

No container shall be placed at the location designated for curbside collection or, in the case of a private collection, or a dumpster placed at the collection location, any earlier than twenty-four (24) hours prior to the day of collection. On the day of collection, all containers shall be placed at the curbside collection location or, in the case of private collection or a dumpster placed at the collection location, before 6:00 a.m. During all times other than those mentioned above, the containers shall be stored on private property.

SEC. 15-2104. PLACING CONTAINERS ON THE RIGHT-OF-WAY PROHIBITED.

No person shall place a container for collection on the improved portion of a street, alley, or sidewalk or in such a manner on any other portion of public right-of-way or on other public property so as to constitute a danger to the traveling public. (Ord. No. 3036-2007; Division 1 repealed in its entirety; new Division 1 enacted; 10/23/07)

DIVISION 2. REFUSE COLLECTION

SEC. 15-2200. PREPARATION AND COLLECTION OF RESIDENTIAL REFUSE.

The City shall collect and dispose of all residential refuse, yard waste, and miscellaneous rubbish and construction waste, provided, however, such miscellaneous rubbish and construction waste is the result of construction work done by the owner or occupant of the premises. The City's vendor shall collect curbside recyclable materials. Said refuse, waste and curbside recycling materials must be properly prepared for collection and disposal and placed for collection as provided below.

(a) **Household Garbage.**

- (1) No person shall place household garbage out for collection unless it has been properly prepared for collection in accordance with all administrative requirements governing the collection of same. Collection may be denied until all administrative requirements for the proper preparation of household garbage for collection have been met. The City shall not collect any household garbage placed for regularly scheduled collection in any container other than a City-provided automated tipper cart. Exceptions to this subsection shall be given when the director of public works or said director's designee, in said director's or designee's sole discretion, decides it is in the best interest of the City to do so.
- (2) Only household garbage contained inside of the City-provided automated tipper cart or carts will be collected.
- (3) Sharps. No person shall place refuse containing sharps such as lancets, needles, syringes, or metals with sharp corners or sides in an automated tipper cart without first properly preparing the sharps for collection. Lancets, needles, and syringes shall be placed in puncture-proof hard plastic or metal containers with corresponding lids affixed and reinforced with tape. Metal sharps shall be placed in containers or have the edges wrapped.
- (4) Household garbage including body wastes from pets shall be wrapped or placed in disposable containers before being placed into automated tipper carts for collection.

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- (5) The automated tipper cart shall be placed at the point of collection in accordance with the provisions of Section 15-2101(b) above.
- (6) In no event shall the City be responsible for collecting or cleaning up the contents of an automated tipper cart that has been improperly prepared for collection and/or that has been spilled, emptied, or has otherwise leaked, deteriorated, or disintegrated, including, without limitation, whether such spillage is caused by weather or non-weather related reasons.
- (b) **Curbside Recyclable Materials.**
 - (1) No person shall place recyclable materials out for curbside collection unless such materials have been properly prepared for collection in accordance with all administrative requirements governing collection of same. Collection may be denied until all administrative requirements for the proper preparation of curbside recyclable materials for collection have been met. The City's vendor shall not collect any recyclable materials placed for regularly scheduled collection in any container other than a designated curbside recycling cart provided by the City's vendor.
 - (2) Only recyclable materials contained inside of the curbside recycling cart provided by the City's vendor will be collected. However, the City's vendor shall be responsible for collecting and cleaning up the contents of a curbside recycling cart that has been spilled, emptied, or has otherwise leaked, deteriorated, or disintegrated, including, without limitation, whether such spillage is caused by weather or non-weather related reasons.
 - (3) The curbside recycling cart shall be placed at the point of collection in accordance with the provisions of Section 15-2102(c) above.
- (c) **Yard Waste.** Yard waste shall be collected separately from household garbage per state law and it shall be a violation of this article for any person to intentionally place, at any time, yard waste of any kind into a City-provided automated tipper cart or a curbside recycling cart.
 - (1) Leaf vacuuming. During the months of October and November of each year, it shall be permissible for City residents to rake leaves to the boulevard area or other public right-of-way near the street or avenue on which the real estate is located for pick-up by City vacuum loaders. All leaves must be placed within six (6) feet of the street or avenue, but in no event shall leaves be placed in a such a manner so as to block any public sidewalk or otherwise impede regular pedestrian traffic on such public right-of-way. No leaves will be picked up in any alley, private drive or other non-public thoroughfare, unless otherwise approved by City ordinance. It shall be a violation of this article to intentionally place, at any time, leaves and/or yard waste of any kind in any street, avenue or alley.
 - (2) With the exception of leaf vacuuming collection as provided in Section 15-2200(b)(1) and excluding brush, yard waste shall be containerized for collection in biodegradable paper trash bags of thirty (30) gallons or less in capacity. Plastic bags are not allowed for such use and will not be collected by the City. The biodegradable paper trash bags shall be placed at the curbside for collection or at the location designated by the director of public works or said director's designee to be the most suitable for collection. A sticker imprinted with either "Approved by the City of Moline" or the City of Moline logo shall be affixed to each biodegradable paper trash bag in the manner provided on the sticker. The sticker may be purchased for two dollars (\$2.00) from either the City of Moline accounts and finance department or from a retail store that offers the stickers for sale. It shall be a violation of this section for retail stores or others to sell said designed stickers unless they are purchased from the City of Moline, Illinois. (Ord. No. 3016-2008; Sec. 15-2200(c)(2) repealed; new Sec. 15-2200(c)(2) enacted; 03/04/08)
 - (3) Brush, as defined in this chapter, and other similar waste from shrubs or trees shall be bundled and tied in four (4) foot lengths and in bundles no larger than one (1) foot square. The maximum diameter of the bundled brush shall be four (4) inches. The bundled brush shall be placed at the same location

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as that designated for containerized yard waste collection and within the same time limitations as provided in Section 15-2102.

- (4) **Paid brush collection.** The administrative fee for a paid brush collection, as defined in this chapter, is eighty-five dollars (\$85.00). Said fee shall be collected by the purchase of a permit sticker from the City's accounts and finance department. It shall be a violation of this chapter to accumulate brush from any other property or with any other person for the purpose of avoiding this collection fee. (Ord. No. 3025-2008; Sec. 15-2200(c)(4) repealed; new Sec. 15-2200(c)(4) enacted; 03/25/08)
- (5) In no event shall the City be responsible for collecting or cleaning up any yard waste that has been improperly prepared for collection and that has been spilled, emptied, or has otherwise leaked, deteriorated, or disintegrated, including, without limitation, when such spillage is caused by weather or non-weather related reasons.
- (6) No yard waste created by the work of a commercial service will be collected by the City. It shall be the responsibility of the owner, occupant or tenant, or the commercial agent of the owner, occupant or tenant, to properly collect and dispose of the yard waste.
- (d) **Bulky Items.** Each calendar year, collection of one (1) free bulky item or bulky items, as defined in this chapter, will be provided to each City residence upon request to the public works department. Each additional bulky item collection will require a prepaid administrative fee of forty dollars (\$40.00) to the City's accounts and finance department. (Ord. No. 3015-2008; Sec. 15-2200(d) repealed; new Sec. 15-2200(d) enacted; 03/04/08)
- (e) **Appliances.** The City shall charge an administrative prepaid fee of twenty-five dollars (\$25.00) to the City's accounts and finance department per appliance for each pick-up of any appliance as that term is defined in this chapter. The requirements of this subsection shall not apply so long as the Rock Island County Waste Management Agency absorbs the expense of appliance collection with no charge to City of Moline residents, in which case appliance pick-up shall be as directed by the Rock Island County Waste Management Agency.
- (f) **Hazardous Waste.** No person shall place or cause to be placed in any container intended for City collection any hazardous waste as defined in this chapter. Hazardous waste disposal within the City shall be permitted only in accordance with prior administrative approval by the director of public works or said director's designee and all other administrative approvals.
- (g) Nothing herein shall be construed to limit, inhibit or diminish the City's ability to enforce its Spiller Pays Ordinance located at Chapter 11, Article III, of the Moline Code of Ordinances. (Ord. No. 3036-2007; Sec. 15-2200 repealed in its entirety; new Sec. 15-2200 enacted; 10/23/07)

SEC. 15-2201. COLLECTION OF RESIDENTIAL REFUSE NOT AUTHORIZED FOR CITY COLLECTION.

All refuse other than refuse authorized to be collected by the City or the City's vendor hereinabove shall be collected and disposed of at the expense of the occupant, tenant, owner or agent of the owner of the premises upon which the refuse is located. The collection and disposal shall be performed by a Class B scavenger, licensed pursuant to Article III of this chapter, or by equipment owned by the owner, occupant or tenant, or the agent of the owner, occupant or tenant of the premises upon which the refuse is located. Said collection and disposal shall be in accordance with this Code, all other ordinances of the City, and with state and federal laws and regulations, and shall be performed or done as often as the need requires but in no case less often than once per week. (Ord. No. 3036-2007; Sec. 15-2201 repealed in its entirety; new Sec. 15-2201 enacted; 10/23/07)

SEC. 15-2202. SPECIAL EXCEPTIONS.

Because the City has in the past allowed development of property to proceed that has no public street serving said development and because the City in the past has provided refuse collection to those developments, the City

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Council hereby finds and declares that it would cause undue and serious hardship to those developments specified herein to cease refuse collection and also finds, however, that in certain of these specified developments that refuse collection by the City in times of bad weather is itself hazardous. Therefore, the City Council shall make special exception to the curbside automated collection of residential refuse for the following areas:

- (1) Glenwood Drive: 2314, 2315, 2318, 2319, 2322, 2327, 2400, 2415, 2418, 2423, 2428, 2431, 2438, 2439, 2614, 2625, 2716, 2722, 2806, 2816, 2825, 2826, 2835, 2845, and 2854, Eighteenth Street C and 2355, 2365, 2645, and 2815, Eighteenth Street D;
- (2) Twelfth Street extended south of 2660 Twelfth Street to and including 2910 Twelfth Street;
- (3) Lots 24 through 31, inclusive, Mineral Springs Subdivision;
- (4) Hawthorne Drive: 809, 815, 815½, 817, 825, 833, and 1001 Twenty-Seventh Street and 902 Twenty-Sixth Street;
- (5) Robinswood Drive; 1115, 1135, 1137, 1139, and 1141 Twenty-Seventh Street and 2625 and 2635 Eleventh Avenue B;
- (6) Twenty-Ninth Avenue Court, Lots 1 and 2 – Heene’s Subdivision, and 2300 Twenty-Ninth Avenue Court (also known as SM-186, SM-186-1, SM-186-2, as shown on the supervisor of assessments map for the NW 1/4 of Section 9, T 17 N, R 1 W, of the 4th P.M. on Sheet 20, Supplemental 1979 for South Moline Township);
- (7) 315, 316, 318, 319, and 320 Twenty-Sixth Avenue Court Drive;
- (8) 308, 311, 324, and 325 Twenty-Ninth Avenue;
- (9) 1001, 1009, 1020, 1030 and 1036 Twenty-Fifth Avenue Court;
- (10) 3360, 3362, 3364, 3366, and 3368 Park 17th Street;
- (11) 1702, 1712, and 1740 Thirtieth Avenue Drive;
- (12) 2400 Twenty-Fourth Avenue;
- (13) 2601, 2602 and 2604 Tenth Avenue;
- (14) 1610, 1620, 1630, 1638, and 1646 Thirty-Fourth Street;
- (15) 4800 to 4838 Sixth Avenue Drive (20 condominium units);
- (16) 530, 544, 556, 559, and 560 Fifty-Third Street Drive;
- (17) 1210, 1214, 1216, 1220, and 1224 Fifty-Fourth Street Court;
- (18) 2441, 2443, 2448, 2463, 2511 and 2520 Fifty-Fourth Street;
- (19) 2431, 2435, 2439, 2440, 2443, 2444, 2447, 2449, 2451, 2452, 2455, 2456, 2459, 2530, 2531, 2630, and 2537 Fifty-Third Street A;
- (20) 2623, 2630, and 2909 Forty-Fifth Street;
- (21) 3213 Fifty-Fourth Street Court;

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- (22) 3200, 3211, and 3220 Fifty-Fifth Street Court;
- (23) 3523, 3527, 3525, and 2539 Thirty-Ninth Street Drive;
- (24) 2800 to 2826, inclusive, Thirty-Second Avenue Drive;
- (25) 950, 951, 952, 953, 954, 955, 956, 957, 1011, 1013, 1015, 1017, 1022, 1023, 1024, 1025, 1026, 1027, 1028 and 1029 Arbor Drive; and
- (26) 2730 Thirty-Sixth Street; 2801 Thirty-Seventh Street; 2805 Forty-First Street, 2825 and 2829 Thirty-Eighth Street, and such developments shall continue to have residential refuse picked up at locations currently used; however, for (3), (4), and (5), the City shall not collect residential refuse if the private streets are not free of snow and ice (as determined by the department) at the regularly scheduled collection time.

SEC. 15-2203. SPECIAL EXCEPTIONS CONDITIONS.

Special exceptions authorized by Section 15-2202 shall be conditional upon the following:

- (1) For those currently receiving City pickup service on private property, receipt by the City of a hold-harmless agreement whereby the property owner and said owner's successors, heirs, and assigns, agree to hold harmless the City from damage to the owner or said owner's occupant's property caused by or arising out of City refuse trucks going upon the owner's property other than by a willful and wanton act within sixty (60) days of passage of this section;
- (2) For any special exceptions hereafter created, receipt of a hold-harmless agreement similar to that provided for in subsection (1) above, received prior to commencement of pickup on private property; and
- (3) For all special exceptions, no pickup will occur on private property unless the private streets, roads, drives, or ways are free of snow and ice (as determined by the public works department) at the regularly scheduled collection time.

SEC. 15-2204. PENALTY.

(a) Any person who violates Section 15-2200(3) of this article, pertaining to the disposal of sharps for collection, upon conviction thereof, shall be punished by a fine of not less than two hundred dollars (\$200.00) plus court costs nor more than seven hundred fifty dollars (\$750.00) plus court costs for the first offense and not less than three hundred dollars (\$300.00) plus court costs nor more than seven hundred fifty dollars (\$750.00) for the second offense and each subsequent offense committed within any one hundred eighty (180) day period. Each day during which or on which any person violates this article shall be deemed a separate offense.

(b) Any residential refuse that is placed for collection in contravention of any of the remaining provisions of this article shall be administered as either a littering offense pursuant to Section 22-6100 et seq. of this Code or as a violation of the Health Code, as determined by the health officer. Penalties and remedies shall be as provided therein; provided, however, that any person or property violating this article shall, in addition to any other fine, penalty or requirement of this Code, pay the City no less than seventy-five dollars (\$75.00) administrative fee or the complete and actual costs, charges and expenses incurred by the City in remedying or alleviating such violation or nuisance, whichever amount is greater. (Ord. No. 3021-2006; Art. I and Art. II repealed; new Art. I and Art. II enacted; 05/09/06)

ARTICLE III. PRIVATE SCAVENGERS

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DIVISION 1. IN GENERAL

SEC. 15-3100. EQUIPMENT REQUIREMENTS.

Private scavengers shall use only equipment designed for the purpose in which it is used and complying with all necessary administrative approvals and in good and safe operating condition. In addition, Class B scavengers shall use packer-type equipment or such other design as the municipal services general manager may approve and shall carry on each piece of equipment a shovel and a broom for the purpose of cleaning up any spillage.

SEC. 15-3101. HOURS OF OPERATION.

Private scavengers may establish their hours of operation; however, the director of public works has the power to investigate complaints concerning noise from private scavenger operation disturbing the peace and quiet of a neighborhood and to prescribe the hours of operation of an offending private scavenger.

SEC. 15-3102. OVERNIGHT PARKING.

The parking of private scavenger vehicles on public property and the overnight parking of loaded private scavenger vehicles on private property is prohibited.

SEC.15-3103. COMPLIANCE WITH LAWS.

Private scavengers shall operate in accordance with this Code, other ordinances of the City, and with all requirements of any administrative approval.

SEC. 15-3104. VEHICLE AND CONTAINER MARKING.

All vehicles and dumpsters used by licensed scavengers shall be clearly marked with paint or decal showing the name of the scavenger owning or using the vehicle or dumpster, and the address and phone number of such person.

DIVISION 2. LICENSES

SEC. 15-3200. LICENSE REQUIRED.

No person, firm or corporation shall operate in the City of Moline, Illinois, as a Class A, B, or C scavenger without first having obtained an appropriate license as required by this chapter from the accounts and finance officer.

SEC. 15-3201. BOND REQUIRED.

(a) As a prerequisite to a license required by this division, the applicant therefor shall give a corporate surety bond, approved as to form by the city attorney, in the sum of seven hundred fifty dollars (\$750.00).

(b) In lieu of posting a surety bond as required by subsection (a) above, an applicant may post a cash bond in the sum of one hundred fifty dollars (\$150.00); provided, said cash bond is subject to the following conditions:

- (1) The cash bond shall be deposited in an account established for cash bonds, and the City shall be entitled to all interest earned on said deposit.

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- (2) In the event that a licensee under this division surrenders said licensee's license for a reason other than revocation, at a time when no violation of this article has been charged against the licensee, the cash bond shall be returned to said licensee.
- (3) Upon forfeiture of a licensee's cash bond, the City may remove the cash from said special account and use it for City purposes.

SEC. 15-3202. INTEREST IN VEHICLE REQUIRED.

Persons applying for a license required by this division or any renewal thereof must be able to show that the vehicle to be used in the licensed operation is owned or leased by the applicant.

SEC. 15-3203. EACH VEHICLE LICENSED; FEES; ASSIGNMENTS.

(a) The accounts and finance officer shall issue one license per truck. No person may operate more than one vehicle without first obtaining an additional license for each additional vehicle, and each vehicle to be licensed must be certified by the director of public works to be in compliance with this chapter and with any other administrative approval prior to said license being issued.

(b) The license shall be an annual license and the term thereof shall coincide with the municipal year. The license fee shall be due on or before the first day of each municipal year and shall be in accordance with the following schedule:

- (1) Class A scavenger: Fifty dollars (\$50.00) per vehicle.
- (2) Class B scavenger: Fifty dollars (\$50.00) per vehicle.
- (3) Class C scavenger: Fifty dollars (\$50.00) per vehicle.

(c) No license issued hereunder shall be assignable. Any attempted sale or assignment of a license shall render the license void.

SEC. 15-3204. VEHICLE INSPECTION.

The director of public works shall annually, and at such other times as cause may appear, notify each licensed scavenger to produce said scavenger's vehicles for inspection at the City garage at a given time. Notice shall be sent by regular mail to the address shown on the licensee's application or any amendment thereto. Failure or refusal to appear for inspection shall be grounds for revocation or suspension of the licensee's license. Failure to correct any vehicle deficiencies discovered during said inspection within ten (10) days after receipt of the inspection report shall also be grounds for suspension of the license of the deficient vehicle.

SEC. 15-3205. DISPLAY OF LICENSE.

Each scavenger vehicle shall have displayed on the windshield or some other place as is required by the director of public works so that it may easily be seen by any police officer, a certificate to be issued by the accounts and finance officer in which said officer shall certify that all terms and conditions of this article have been complied with and that a license has been issued for the operation of the scavenger vehicle.

SEC. 15-3206. LICENSE HEARINGS.

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(a) The director of public works is hereby authorized to refuse to issue a license when an applicant has failed to show interest in vehicle, failed to post proper bond, or has improper equipment. Said director is also hereby authorized to revoke or suspend a license for any violation of this article. No revocation or suspension shall be effective until the expiration of ten (10) days, or, if a request for hearing is filed, until a final decision is rendered.

(b) An applicant for a license who has been refused a license or any licensee who has been given notice of revocation or suspension of said licensee's license may request in writing a hearing before the Committee-of-the-Whole; provided, said request is submitted to the city clerk prior to the expiration of ten (10) days. (Ord. No. 2003-05-05; references to standing committees changed to "City Council" or "Committee-of-the-Whole" throughout the Code; 05/13/03)

(c) The committee may, upon hearing, affirm, modify, or reverse the director's decision. The committee's decision shall be reduced to writing setting forth its findings and decision in a written order within five (5) days of the hearing.

(d) The committee's decision shall be final, and an applicant or licensee aggrieved by said decision may seek in a court of competent jurisdiction whatever relief is permitted by law; however, no judicial review shall be provided after thirty (30) days from receipt of the committee's order.

ARTICLE IV. SANITARY LANDFILL

SEC. 15-4100. INTERGOVERNMENTAL COOPERATION.

Since the City of Moline has no available land within its corporate limits suitable for operation as a sanitary landfill and since there exists a need to provide a sanitary landfill site to dispose of the refuse generated within the corporate limits, the City of Moline may purchase and operate, either alone or in conjunction with another governmental entity, a sanitary landfill and/or a solid waste transfer station. The City may also contract with a public or private entity to provide such facilities and services.