

## HENRY COUNTY SOLID WASTE ORDINANCE

### PREAMBLE

This ordinance is established to eliminate vectors and nuisances and the transmission of disease organisms resulting from improper storage and inadequate handling of solid waste including litter, garbage, refuse, rubbish, debris, and offensive matter within the boundaries of Henry County, Illinois.

Pursuant to the powers granted to the Henry County Board by the Illinois Compiled Statutes Chapter 55, Act 5/5-Section 1113 in such case made and provided therefore, this Ordinance was created to enforce existing guidelines for storage, collection, transportation and disposal of solid waste without degrading the environment, wasting natural resources or adversely affecting the public health.

### DEFINITIONS

The following definitions shall apply to the interpretation and enforcement of this Ordinance:

- 1) AUTHORIZED WASTE DISPOSAL SITE shall mean a landfill or other site used for the proper disposal of solid waste or other wastes as permitted by the Illinois Environmental Protection Agency.
- 2) BOARD OF HEALTH shall mean the Henry County Board of Health or its authorized representative(s).
- 3) GARBAGE shall mean organic waste products resulting from the handling, storage, preparation, cooking or consumption of any food, or any matter that may decompose and become offensive or dangerous to health.
- 4) HEALTH AUTHORITY shall mean the Administrator of the Henry County Health Department or its duly authorized representative(s).
- 5) HEALTH DEPARTMENT shall mean the Henry County Health Department including its duly authorized representative(s).
- 6) PROPERTY OWNER shall mean the person in whose name legal title to the real estate is recorded.
- 7) REFUSE shall mean any discarded, used or unconsumed substance or waste material. Refuse may include, but is not limited to, any garbage, trash, debris, rubbish, sticks, brush, branches, tree limbs, grass clippings or other lawn or garden waste, newspaper, magazine, glass, metal, plastic or paper containers or other packaging construction material, inoperative, dismantled, partially dismantled, wrecked or abandoned motor vehicles or vehicle parts, discarded, dismantled, unusable, or dilapidated appliances, furniture, equipment, machinery, or parts thereof, discarded, unusable, broken, or dilapidated household articles, construction or demolition wastes or materials including but not limited to wood, metals, shingles, plastics, tile, brick, concrete, carcass of a dead animal, any nauseous or offensive matter of any kind, any object likely to injure any person or anything else which would adversely affect public health which has been discarded, abandoned or otherwise disposed of improperly. This definition specifically excludes used or antiquated farm equipment.

## SECTION 1 DISPOSAL OF GARBAGE, REFUSE AND RUBBISH

- (a) No person shall place out for collection litter, garbage, ashes, refuse or rubbish, unless properly prepared for collection. Garbage shall be wrapped and body wastes from household pets shall be wrapped or placed in disposable containers for collection. No person shall keep litter, garbage, ashes, refuse or rubbish on the premises except within such containers as stipulated within this chapter, or remove the covers from garbage or rubbish containers, except as herein authorized, or to place or disturb such containers so as their contents might be spilled or scattered.
- (b) That for public health and safety, it shall be unlawful for any person to dump or place any litter, garbage, refuse, ashes or rubbish, as herein defined in this resolution, or other offensive substances within Henry County, Illinois, on any public or private property, without first securing permission from the Health Department Administrator of the County of Henry, Illinois, except at an authorized waste disposal site operated by a municipality or privately owned authorized waste disposal site.
- (c) If as a result of an investigation, the Health Authority finds that a public health hazard exists at any building or site, the Health Authority may issue an emergency order to vacate the building, close or isolate the site. The Health Authority will promptly schedule a hearing with the property owner to facilitate the elimination of the health hazard. During other emergencies, the Board of Health and the Health Authority of the County of Henry, Illinois, may direct alternate storage and disposal methods followed by proper disposal when the emergency situation no longer exists.

## SECTION 2 UNLAWFUL DUMPING

It shall be unlawful to dump or deposit or permit to remain upon the ground within the limits of Henry County, any litter, garbage, refuse, ashes or rubbish that may attract or harbor flies, rodents, vermin or insects.

- (a) Disposal of Tires - No person shall cause or allow the open dumping of any used or waste tire, cause or allow the open burning of any used or waste tire, or abandon, leave, or dump any used or waste tire on private or public property, or knowingly mix any used or waste tire, either whole or cut, with municipal waste. It is also unlawful to arrange for the transportation of used or waste tires away from the site of generation with a person known to openly dump such tires.
- (b) Storage of Tires – It is unlawful for a person to store any new, recyclable, reprocessed, used, or waste tire not on a rim except in a manner that allows the tire to be covered.

## SECTION 3 BURNING OF GARBAGE OR REFUSE

No person shall burn garbage or refuse outside in the County of Henry, Illinois. Property owners in unincorporated areas in the County of Henry, Illinois may burn only landscape waste originating from their property. Allowances made for open burning of agricultural waste generated at individual farms are listed in Title 35 Subtitle B Part 237 Section 237.120 Exemptions.

#### SECTION 4 ACCUMULATION AND STORAGE

No person shall accumulate or store on any premises, improved or vacant, or on any open lot or roadway in the County of Henry any of the following materials:

- (a) Salvage materials - any refuse, waste, and construction or demolition debris, discarded or salvage materials, including junk autos, except in a junk yard.
- (b) Small accumulations as a result of property improvement projects are permitted. Such waste material shall be removed within thirty days of project completion.

#### SECTION 5 INFLAMMABLE OR EXPLOSIVE MATERIALS

No person shall place or cause to be placed in containers provided for collection of garbage or refuse, such materials as highly inflammable, explosive, or hazardous materials. All such materials shall be placed in separate containers and be disposed of at a facility licensed to handle these types of wastes.

#### SECTION 6 VACATED PREMISES

Any person occupying any building or structure shall be responsible for removing all garbage and refuse, before vacating the premises. In the event the refuse is not removed, all refuse shall become the responsibility of the property owner.

#### SECTION 7 CONTAINERS REQUIRED

The occupant, tenant, owner or his agent of any house, building, flat, apartment or tenement where persons reside, board or lodge, or where animal or vegetable food is prepared or served shall provide and maintain in good repair, containers for garbage collections. All containers shall be of metal or plastic with tight covers, and watertight condition of not less than ten (10) gallons nor more than twenty (20) gallons capacity, with suitable handles at the sides. The occupant, tenant, owner or his agent of a building, flat, tenement or apartment shall provide a container of not less than twenty (20) gallons capacity for each two (2) persons residing on the premises.

- (a) Containers for apartments or large businesses: A sufficient amount of total refuse storage capacity shall be provided to accommodate all refuse generated between regular collection dates. The owner or agent shall provide a minimum of one cubic yard capacity or larger. Each dumpster or similar container shall be leak proof and equipped for mechanical dumping.
- (b) Location of containers for garbage and refuse collections: The occupant, tenant, owner or his agent shall place containers at the property line on the street, township or county road system to be picked up on the agreed collection date by the owner or his agent, occupant or tenant and the private waste hauler.

## SECTION 8 REMOVAL OF COVERS AND CLEANING OF CONTAINERS

- (a) The covers of containers shall be removed only for the purpose of depositing refuse or garbage therein or for the collection thereof. Garbage containers shall be cleaned as often as necessary to minimize the attraction of vermin or other animals or the creation of unsanitary conditions or offensive odors.
1. Refuse containers may be cleaned by thoroughly scrubbing with detergent and water or pressure washing. Large containers shall be cleaned at the provider/refuse hauler's facility.
  2. Small amounts of cleaning solution may be disposed of on the property as long as no standing cleaning solution remains. Debris and residue from container cleaning shall be collected and disposed of with other household wastes.
- (b) Any bedding, clothing or other articles contaminated by infectious or contagious disease, shall be double bagged on the premises, placed in a suitable container and disposed of with other household wastes, unless otherwise directed by a healthcare provider.

## SECTION 9 VERMIN AND RODENTS

No person shall permit an infestation of vermin or rodents on any premises, improved or vacant, or on any open lot within Henry County.

## SECTION 10 COMPLAINTS AND INSPECTIONS

Upon receipt of a complaint, the Health Authority shall investigate according to Solid Waste Policies and Procedures #1. The Health Authority shall have the authority to enter any property or inspect any applicable facilities at any reasonable time for health and sanitation purposes to determine compliance with the provisions of this Ordinance.

## SECTION 11 NOTICE OF VIOLATION

Whenever the Health Department discovers any violation of any of these sections, he shall notify the owner or his agent, occupant, or tenant causing, allowing or permitting such violations, by means of written notice of inspection. In such notifications, the Health Department shall set forth such conditions found, the correction necessary to bring about the compliance with this Ordinance and a specific and reasonable time period for such correction and compliance. Each condition specified in such notification shall constitute a separate violation of this section.

## SECTION 12 SERVICE OF NOTICES

Notices provided under this section shall be deemed to have been properly served when the original of the inspection report or other notices have been delivered personally to the owner or his agent, tenant, or occupant, as the case may be, of the premises or lot concerned, or such notice has been sent by certified mail return receipt requested to the last known address of such person. Copies of certified letters will be mailed to the Henry County State's Attorney.

### SECTION 13 CLEAN-UP

In case the owner or his agent, tenant or occupant of any premise or lot fails to clean up and remove all garbage, ashes, refuse and rubbish, after due notice and time specified by the Health Department, the Health Department shall request a private hauler to remove such materials and the expense incurred shall be billed to the owner or his agent, tenant or occupant. In case the owner or his agent, tenant or occupant of any premises or lot neglects or fails to exterminate any infestation of vermin or rodents after due notice and time as specified by the Health Department, the Health Department shall cause such vermin or rodents to be exterminated and the expense incurred shall be billed to the owner, his agent, tenant or occupant. If the charge for clean-up or extermination remains unpaid, it shall be made a special lien against the property, which lien is superior to all prior existing liens and encumbrances, except taxes.

### SECTION 14 COMMERCIAL RUBBISH

Commercial rubbish shall be disposed of at the expense of the owner or his agent, tenant or occupant or firm possessing such rubbish or upon any property that such rubbish has accumulated. The collection and disposal shall be performed by a registered refuse hauler or by equipment owned by the owner or his agent, tenant, occupant or firm, possessing such commercial rubbish, under the supervision of the Health Department Administrator, in accordance with the rules and regulations of the County of Henry, Illinois.

### SECTION 15 GARBAGE AND REFUSE VEHICLES

No person shall convey or cause to be conveyed within the County of Henry, Illinois, any garbage or refuse that is putrid or offensive in odor or constitutes a health hazard, except in a leak proof, tightly closed container or an approved refuse hauling vehicle. Each refuse hauling vehicle shall be maintained in a safe clean and sanitary condition, and shall be constructed, maintained and operated to prevent spillage of solid and/or liquid waste.

All refuse haulers operating in unincorporated areas Henry County, Illinois, shall register annually on forms available at the Henry County Health Department office. Refuse hauling vehicles will be inspected annually and/or following a complaint. Registration will not be required for property owners or tenant who may personally remove refuse from their single family dwelling, or a public or municipal refuse hauling service.

### SECTION 16 PENALTIES

Any person violating any provision of this ordinance shall, upon conviction, be subject to a fine not less than one-hundred (\$100.00) nor more than five-hundred dollars (\$500.00). Each day's violation shall constitute a separate and distinct offense.

### SECTION 17 REPEAL AND DATE OF EFFECT

All resolutions and parts of resolutions in conflict with this ordinance are hereby repealed, and these rules and regulations shall be in full force and effect immediately upon its adoption and its publication as provided by law.

## SECTION 18 UNCONSTITUTIONALITY CLAUSE

Should a section, paragraph, sentence, clause or phrase of this ordinance be declared unconstitutional or invalid for any reason, the remainder of said ordinance shall not be affected thereby.

PASSED AND APPROVED BY THE COUNTY BOARD OF HENRY COUNTY, ILLINOIS  
AT THEIR REGULAR MEETING HELD ON 8/12/75.

REVISIONS PASSED AND APPROVED BY THE COUNTY BOARD OF HENRY COUNTY,  
ILLINOIS AT THEIR REGULAR MEETING HELD ON 3/11/08.

The full text and details of laws applicable to this Ordinance can be referenced at the Illinois Pollution Control Board webpage:

- 1) Title 35: Environmental Protection  
Subtitle G: Waste Disposal  
Chapter I: Pollution Control Board  
Subchapter I: Solid Waste and Special Waste Hauling  
Part 807 Solid Waste
- 2) Title 35: Environmental Protection  
Subtitle G: Waste Disposal  
Chapter I: Pollution Control Board  
Subchapter m: Used and Waste Tires  
Part 848 Management of Used and Waste Tires
- 3) Title 35: Environmental Protection  
Subtitle B: Air Pollution  
Chapter I: Pollution Control Board  
Subchapter i: Open Burning  
Part 237 Open Burning
- 4) Illinois Compiled Statutes  
Act 105. Litter Control Act  
Section 105/1 through 105/14