

Village of South Barrington

CHAPTER 11: MUNICIPAL WASTE SYSTEM

4-11-1: DEFINITIONS:

AGENCY: The Solid Waste Agency of Northern Cook County.

MUNICIPAL WASTE SYSTEM: The waste collection, transportation and disposal system of the Municipality operated under license pursuant to Section 4-11-4 of this Chapter, including all physical assets of the Municipality used for the collection, transportation and disposal of system waste, all amounts on deposit in the Municipal Waste System Fund and all amounts collected on account of rates and charges imposed by the Municipality.

MUNICIPALITY: The Village of South Barrington.

PERSON: Any natural individual, firm, trust, estate, partnership, association, joint stock company, joint venture, or corporation, or a receiver, trustee, conservator or other representative appointed by order of any court.

PROJECT USE AGREEMENT: The 1992 project use agreement by and between the Municipality and the Agency, as amended, from time to time.

SYSTEM WASTE:

- A. Garbage and general household waste,
- B. Institutional waste,
- C. Commercial and office waste,
- D. Industrial lunch room waste, and
- E. Construction and demolition waste discarded by persons located within the Municipality.
(Ord. 0-92-402, 3-12-92, eff. 5-1-95)

4-11-2: FINDINGS:

The Municipality finds as follows:

- A. It is necessary for and in the best interests of the Municipality to regulate and control the collection, transportation and disposal of Municipal waste in the exercise of its police power in order to protect the health, safety and welfare of its residents.
- B. The Municipality is authorized pursuant to article VII, section 6 of the Illinois Constitution, 65 Illinois Compiled Statutes 5/11-19-1 et seq. and Intergovernmental Corporation Act, 5 Illinois Compiled Statutes 220/3.2 to provide for the method or methods of collection, transportation and disposal of Municipal waste within its corporate limits and to provide that the method chosen may be the exclusive method to be used within the corporate limits.

- C. The Municipality acting pursuant to article VII, section 10 of the Illinois Constitution and section 3.2 of the Intergovernmental Cooperation Act has entered into an intergovernmental agreement with twenty five (25) other north and northwest suburban Cook County municipalities, thereby creating the Agency to provide an efficient and environmentally sound Municipal waste disposal system.
- D. The Municipality has entered into a project use agreement by which the Agency will acquire, construct, operate, equip and improve a Municipal solid waste project to provide for the disposal of system waste of the Municipality and other members of the Agency.
- E. Under the project use agreement, the Municipality is obligated to establish a Municipal waste disposal system, to cause system waste collected within its corporate limits to be delivered to the Agency and to make certain payments to the Agency, all as described in the project use agreement.
- F. It is necessary and in the best interests of the Municipality to provide for the environmentally sound and efficient collection, transportation and disposal of system waste by creating a Municipal waste system, by providing for the disposal of system waste by delivery to the Agency and to impose the rates and charges provided for herein. (Ord. 0-92-402, 3-12-92, eff. 5-1-95)

4-11-3: REQUIRED USE OF MUNICIPAL WASTE SYSTEM:

- A. All persons owning, or occupying real estate within the corporate limits of the Municipality shall dispose of system waste through the Municipal waste system. All system waste shall be collected by or on behalf of the Municipality pursuant to the terms of this Chapter and shall be delivered to a transfer station as directed by the Agency and the Municipality or as otherwise agreed to by the Agency and the Municipality under the project use agreement.
- B. No person shall dispose of system waste through the Municipal waste system unless the system waste complies with all rules and regulations applicable thereto and established, from time to time, by either the Municipality or the Agency.
- C. Any person disposing of system waste through the Municipal waste system shall pay the rates and charges established, from time to time, by the Municipality. (Ord. 0-92-402, 3-12-92, eff. 5-1-95)

4-11-4: PRIVATE COLLECTORS AND HAULERS:

- A. No person shall collect, transport or dispose of system waste without first having secured a license for performing such services from the Village.
- B. Application for such license shall be made, in writing, to the Village Clerk. Each application shall contain the name and business address of the applicant and such additional information as is hereafter required or is needed for the proper guidance of the Village officials in issuing the license.

- C. Every applicant shall submit adequate assurances showing the applicant and its officers and employees to have good character, morals and business reputation.
- D. The annual license fee for a license issued pursuant to this Chapter shall be three hundred dollars (\$300.00).
- E. Every applicant shall submit complete financial statements and references as to the applicant's financial responsibility.
- F. Every applicant must demonstrate that such applicant has adequate and sufficient equipment, personnel and financial responsibility and capability to render the services to be performed pursuant to the license.
- G. Any person holding a license to collect, transport or dispose of system waste shall comply with the following obligations as a condition of that license:
 - 1. Comply with all the laws, ordinances, rules and regulations pertaining to the collection, transportation and disposal of system waste as may be enacted from time to time, by any lawful authority, including the State, this Municipality and the Agency.
 - 2. Deliver all system waste to the transfer station designated by the Agency and the Municipality.
 - 3. Maintain all equipment used to collect, transport and dispose of system waste in good repair and working order and operate it efficiently and effectively.
 - 4. Collect, as agent for, and promptly pay to the Municipality all rates and charges imposed by the Municipality on persons using the Municipal waste system.
 - 5. Maintain accurate books and records and make them available to the Municipality upon demand.
- H. Nothing in this Chapter is intended to impair any license or franchise issued before the effective date of this Chapter to any person which authorizes the person to collect, transport and dispose of Municipal waste which constitutes system waste to a location other than the transfer station designated by the Agency and the Municipality. (Ord. 0-92-402, 3-12-92, eff. 5-1-95)

4-11-6: PENALTY:

Any person violating any provision of this Chapter shall be fined not less than twenty five dollars (\$25.00) nor more than five hundred dollars (\$500.00) for each offense; and a separate offense shall be deemed committed on each day during or on which such violation continues unabated after ten (10) days from receipt of notice. (Ord. No. 0-92-402, 3-12-92, eff. 5-1-95)