

**RESIDENTIAL
RECYCLING
ORDINANCE**

HEALTH DEPARTMENT

RESIDENTIAL RECYCLING ORDINANCE

WHEREAS, the Illinois Solid Waste Planning and Recycling Act, 415 ILCS 15/6 requires that each county waste management plan adopted shall include a recycling program designed to recycle twenty-five percent (25%) of its municipal waste; and

WHEREAS, counties are empowered by Statute, 415 ILCS 15/6, (5) to require residents of the county to separate recyclable materials at the time of disposal or trash pickup as a component of the county's recycling program; and

WHEREAS, the County of McHenry, Illinois, has adopted the McHenry County Solid Waste Management Plan whose "centerpiece" consists of the following measures to achieve and/or exceed both State and County recycling goals:

- A) All waste generated in McHenry County shall be separated.
- B) All waste disposed of in McHenry County shall be separated.
- C) All municipal waste haulers operating in McHenry County shall be licensed and required as a condition of licensing to demonstrate the means and methods proposed to accomplish the above.
- D) All municipal waste haulers receiving said license shall report on an annual basis the recovery results in terms of both material and respective tonnages to the McHenry County Solid Waste Coordinator.

WHEREAS, the County has adopted the Solid Waste Management Plan, as amended, which contains the additional following measure to achieve and/or exceed both State and County recycling goals:

- A) Expand the residential recycling ordinance to require residents to separate cardboard, magazines, chipboard, phone books and office paper. In addition, require residents to also separate plastics consisting of HDPE, PET and other plastic containers.

WHEREAS, the County of McHenry, Illinois desires to implement its recycling program within its adopted Solid Waste Management Plan, amendments thereto, and the recycling goals therein through the enactment of this Ordinance; and

WHEREAS, the McHenry County Board finds:

- A) The recycling of certain items, including, but not limited to, aluminum and tin cans, newspapers, corrugated cardboard, high

grade printing and writing paper, landscape waste, plastic and glass containers, and any and all recyclable materials, is vital to the conservation of America's natural resources; and

- B) The inclusion of recyclable materials in municipal waste generated by both the residents and businesses of McHenry County increases the volume of refuse which must ultimately be disposed of in sanitary landfills or by other means; and
- C) The continued disposal of recyclable materials generated by both the residents and businesses of McHenry County will decrease the capacity of area landfills; and
- D) By eliminating recyclable materials from the municipal waste stream, the capacity of existing landfills to serve the needs of McHenry County for disposal of non-recyclable municipal waste will be extended.
- E) It is desirable to encourage cities and villages within the County to enact ordinances meeting the same goals.

NOW, THEREFORE, BE IT ORDAINED that the following enacts the procedures to be followed for the separation and collection of municipal waste and recyclable materials generated from residential dwelling units in McHenry County.

**MCHENRY COUNTY, ILLINOIS
RESIDENTIAL RECYCLING ORDINANCE**

ARTICLE ONE - DEFINITIONS

101 DEFINITIONS, GENERAL

- 101.1 In construction of this Ordinance, the rules and definitions contained in this Article shall be observed and applied. In further amplification and for clarity of interpretation of the context, the following definitions of words shall apply:
1. Words in the singular shall include the plural, those in the plural number shall include the singular;
 2. Words in the present tense shall include the past and future tenses and words in the future tense shall include the present tense;
 3. Words used in the masculine gender shall include the feminine and neuter genders;
 4. The words "shall" or "must" are mandatory and not discretionary; the words "may" or "should" are permissive;
 5. Words, terms, and phrases underlined within this Ordinance are those which are defined in this Article; and
 6. Words and phrases defined herein shall be given the defined meaning. Words or phrases not defined, yet found in this Ordinance, shall have the same meaning as found in 415 ILCS 5/3. Words and phrases not defined in either this Ordinance or 415 ILCS 5/3 shall be given their usual meaning except where the context clearly indicates a different or specified meaning.

102 LISTING OF DEFINITIONS

- 102.1 *Building* Any structure designed, built, or occupied as a shelter or roofed enclosure for persons, animals, or property, which is permanently affixed to the land.
- 102.2 *Compostables* Materials from any residential dwelling unit or commercial source that are collected separately for the purpose of composting.

- 102.3 *Composting* The biological treatment process by which microorganisms decompose the organic fraction of municipal waste, producing a humus-like material that may be used as a soil conditioner.
- 102.4 *Construction or Demolition Debris* Non-hazardous, uncontaminated materials resulting from the construction, remodeling, repair, and demolition of utilities, structures, and roads, limited to the following: bricks, concrete, and other masonry materials; soil; rock; wood, including non-hazardous painted, treated, and coated wood and wood products; wall coverings; plaster; drywall; plumbing fixtures; non-asbestos insulation; roofing shingles and other roof coverings; reclaimed asphalt pavement; glass; plastics that are not sealed in a manner that conceals waste; electrical wiring and components containing no hazardous substances; and piping or metals incidental to any of those materials. General construction or demolition debris does not include uncontaminated soil generated during construction, remodeling, repair, and demolition of utilities, structures, and roads provided the uncontaminated soil is not commingled with any general construction or demolition debris or other waste.
- 102.5 *County* Both incorporated and unincorporated areas of McHenry County.
- 102.6 *Curbside Collection* Discarded materials collected from a designated area within five (5) feet of either a street curb, or from a roadway on a curbless street.
- 102.7 *Department* The McHenry County Department of Planning and Development.
- 102.8 *Discarded Materials* All putrescible and non-putrescible municipal wastes discarded from any residential dwelling unit or commercial source including municipal waste, recyclable materials, mandatory recyclable materials and compostable materials.
- 102.9 *Dwelling, Multi-Family* A building containing three (3) or more dwelling units used for residential occupancy, including apartment houses, non-transient apartment hotels, rooming houses, boarding houses, fraternities, sororities,

		dormitories and similar housing types but not including hotels, motels, hospitals and foster family homes.
102.10	<i>Dwelling, Single Family</i>	A detached <u>building</u> containing only one (1) <u>dwelling unit</u> .
102.11	<i>Dwelling, Two Family</i>	A <u>building</u> containing two (2) <u>dwelling units</u> each with completely separate entrances.
102.12	<i>Dwelling Unit</i>	One (1) or more rooms in a residential <u>building</u> which are arranged, designed or used as living quarters for one (1) family. Bathroom and kitchen facilities are permanently installed.
102.13	<i>Garbage</i>	Waste resulting from the handling, processing, preparation, cooking, and consumption of food, and wastes from the handling, processing, storage, and sale of produce.
102.14	<i>Household Waste</i>	Any solid waste (including <u>garbage</u> , trash, and sanitary waste in septic tanks) derived from households (including single and multiple residences, hotels and motels, bunkhouses, ranger stations, crew quarters, campgrounds, picnic grounds, and day-use recreation areas).
102.15	<i>Institutional Waste</i>	Waste generated at institutions, such as schools, libraries, hospitals, and prisons.
102.16	<i>Landscape Waste</i>	All accumulations of grass or shrubbery cuttings, leaves, tree limbs, and other materials accumulated as the result of the care of lawns, shrubbery, vines and trees. Christmas trees are excluded.
102.17	<i>Licensed Hauler</i>	Any <u>person</u> or <u>persons</u> duly licensed in accordance with the McHenry County Municipal Waste Hauler Licensing Ordinance and other such applicable ordinances of the <u>County</u> now or hereafter in effect.
102.18	<i>Mandated Recyclable Materials</i>	Materials that are mandated by this Ordinance to be separated from <u>discarded materials</u> for the purpose of <u>recycling</u> , including but not limited to, aluminum cans, steel cans, newsprint, corrugated cardboard, plastic containers (PET and HDPE; #1 and

#2, respectively), mixed fiber (including magazines, high grade printing and writing papers, phone books, and chipboard), and glass containers.

- 102.19 *Municipal Waste* Garbage, general household, institutional and commercial waste, industrial lunchroom or office waste, landscape waste, and construction or demolition debris.
- 102.20 *Municipal Waste Hauler* Any person or persons who engages in the business of collecting or hauling discarded materials on a continuous and regular basis, and makes multiple scheduled collections per month within the County.
- 102.21 *Occupant* Person or persons residing in residential dwelling units which have either curbside, alley or centrally located collection services.
- 102.22 *Person* Any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, legal entity or their legal representative(s), agent(s), or assign(s).
- 102.23 *Recyclable Materials* Materials that are separated from discarded materials for the purpose of recycling, including but not limited to, aluminum and tin cans, newspapers, corrugated cardboard, high grade printing and writing papers, magazines, landscape waste, plastic and glass containers.
- 102.24 *Recycling* The process by which municipal waste is collected, separated and processed for reuse as either a raw material or a product which itself is subject to recycling, but does not include the combustion of municipal waste for energy recovery or volume reduction.
- 102.25 *Recycling Center* A site or facility that accepts only segregated, non-hazardous, non-special, homogeneous, non-putrescible materials such as dry paper, glass, cans or plastics, for short term storage for the subsequent use in the secondary materials market.
- 102.26 *Recycling Containers* Any and all receptacles identified specifically for the containment of recyclable materials.

- 102.27 *Recycling Drop-Off Point* A site or facility that accepts only segregated, non-hazardous, non-special, homogeneous, non-putrescible materials such as dry paper, glass, cans or plastic for temporary storage for the subsequent use in the secondary materials market.
- 102.28 *Refuse* See Municipal Waste.
- 102.29 *Resident* A person who dwells or has a place of abode which is occupied by that person for sixty (60) days or more each calendar year.
- 102.30 *Residential Dwelling Unit* A single, two, or multi-family dwelling.
- 102.31 *Solid Waste Management Plan* The officially adopted McHenry County plan and subsequent updates pursuant to the Illinois Solid Waste Planning and Recycling Act for the management of municipal waste generated within its boundaries.
- 102.32 *Solid Waste Coordinator* The person hired by the County to oversee the implementation and management of municipal waste programs as specified within the Solid Waste Management Plan.
- 102.33 *State* State of Illinois

ARTICLE TWO – GENERAL REQUIREMENTS

201 SEPARATION AND COLLECTION OF MANDATED RECYCLABLE MATERIALS

- 201.1 It shall be the duty of every occupant having mandated recyclable materials which accumulate on the premises to separate these items from all other discarded materials and to store the mandated recyclable materials separately in recycling containers.
- 201.2 Collection of mandated recyclable materials from residential dwelling units shall be by a licensed hauler selected by the occupant(s) of such dwelling(s), or by an owner of such dwelling(s), or by a manager of such dwelling(s), or by an association governing such dwelling(s), or by franchise awarded by a municipality, village, or township.

- 201.3 As an alternative to Section 201.2, occupants may take recyclable materials to an established recycling center or recycling drop-off point.
- 201.4 Per the McHenry County Municipal Waste Hauler Licensing Ordinance, Article Four, Section 403.6, it shall be unlawful for any licensed hauler to collect discarded materials from any residential dwelling unit which contains visible signs of mandated recyclable materials.

ARTICLE THREE – SINGLE AND TWO FAMILY DWELLINGS

301 OWNERSHIP OF DISCARDED MATERIALS

- 301.1 Until the discarded materials are removed by the licensed hauler, the occupant who sets out the discarded materials is totally responsible for their proper preparation, handling and storage. Ownership and responsibility for the proper handling of the discarded materials shall be vested in the licensed hauler upon removal thereon.
- 301.2 It shall be the responsibility of the occupant whose discarded materials were not removed because they contained mandated recyclable materials, to properly segregate the uncollected discarded materials for proper recycling. Allowing such unseparated municipal waste to accumulate may be considered a violation of other McHenry County ordinances as well as local sanitary code(s), where applicable.

ARTICLE FOUR – MULTI-FAMILY DWELLINGS

401 RESPONSIBILITIES

- 401.1 A multi-family dwelling owner or the owner's representative is responsible for notifying and continually educating its occupants on recycling issues and practices through a formal and ongoing education campaign. Every owner or their representative shall distribute to every new occupant, within thirty (30) calendar days of occupancy, (and to all existing occupants at least annually), general recycling information and current program recycling guidelines.
- 401.2 It shall be the duty of every owner or the owner's representative of a multi-family dwelling to arrange for the collection of mandated recyclable materials from such dwelling units by a licensed hauler.
- 401.3 The multi-family dwelling owner or the owner's representative shall provide recycling service options which enhance convenience for occupants in order

to gain and maintain maximum participation in the program, thus reducing the volume of municipal waste being sent to area landfills.

- 401.4 It shall be the responsibility of the multi-family dwelling owner or owner's representative whose discarded material was not removed because it contained mandated recyclable materials, to properly segregate the uncollected discarded materials for proper recycling. Allowing such unseparated municipal waste to accumulate may be considered a violation of other McHenry County ordinances as well as local sanitary code(s), where applicable.
- 401.5 Every multi-family dwelling owner or the owner's representative must provide a Recycling Plan on the form provided by the Department within six (6) months of adoption of this Ordinance by the McHenry County Board.
- 401.6 The Recycling Plan shall include, but not be limited to, the following information:
1. Name of the property;
 2. Number of units;
 3. Number of tenants;
 4. Name of owner/managing company;
 5. Contact person's name and telephone number; and
 6. Materials to be recycled.
- 401.7 The Recycling Plan shall be maintained in effect regardless of any change of ownership or licensed hauler.
1. Any modifications made to the Recycling Plan must be submitted, in writing, to the Department within fifteen (15) calendar days of implementing the modifications.
- 401.8 Where a multi-family dwelling company manages multiple properties, the multi-family dwelling company shall provide the Department with one (1) Recycling Plan for each separate property.

401.9 The multi-family dwelling owner will not be held responsible for occupants' actual use of the recycling program, so long as the program itself has been properly set up and maintained. At a minimum, in order for a multi-family dwelling recycling program to be considered properly set up and maintained the following shall occur:

1. A copy of the recycling plan as submitted to the County, per Section 401.5 of this Ordinance, shall be maintained on file, on premises, and available for inspection;
2. Proof that notification and continuing education are occurring, per Section 401.1 of this Ordinance shall be required;
3. Proof that outdoor recycling containers have been provided and maintained in all communal outdoor receptacle areas shall be required; and
4. Proof of a valid contract with a licensed hauler within the County of McHenry with provisions for the collection of recyclable materials shall be required.

401.10 The licensed hauler providing the on-going recycling collection service shall furnish, maintain, and replace, when necessary, all common area recycling containers.

401.11 The licensed hauler shall be authorized and responsible for the collection, intermediate storage or transfer, transportation, and sale of recyclable materials to a processor, broker, or market desired for the reuse of the recyclable materials.

402 OWNERSHIP OF DISCARDED MATERIALS (MULTI-FAMILY DWELLINGS)

Ownership of mandated recyclable materials set out for collection shall remain with the multi-family dwelling owner until removal by the licensed hauler. However, until the mandated recyclable materials are placed in the communal municipal waste or recycling containers, the occupant who generated the material is totally responsible for their proper preparation, handling and storage. Ownership and responsibility for the proper handling of the discarded materials shall be vested in the licensed hauler upon removal thereof.

403 COLLECTION CONTAINERS

- 403.1 Communal outdoor recycling container(s) shall have adequate capacity and durability to function efficiently and meet the spatial constraints of the multi-family dwelling.
- 403.2 The communal outdoor recycling container(s) at a multi-family dwelling shall be placed in a location or locations at least as convenient to occupants as the communal outdoor municipal waste receptacles, insofar as is practical given space limitations. The multi-family dwelling owner shall maintain all communal recyclable material collection areas, including recycling containers, in a clean, sanitary and litter-free manner.

404 COLLECTION OF MANDATED RECYCLABLE MATERIALS

- 404.1 Collection of mandated recyclable materials from a multi-family dwelling shall be by a licensed hauler selected by the owner or their representative, or by the manager of such multi-family dwelling, or by an association governing the multi-family dwelling, or by franchise awarded by a municipality, village, or township.
- 404.2 Recycling collection schedules and pickup locations should be mutually agreed upon by the owner or their representative, or by the manager of the multi-family dwellings, or by an association governing said multi-family dwellings and the licensed hauler. The County shall not be responsible for any conflicts, unauthorized collections, liabilities, or any other difficulties that arise between the parties.

ARTICLE FIVE - VIOLATIONS

501 VIOLATIONS

- 501.1 The Department or any of its duly authorized representatives shall issue a warning notice to any occupant observed not complying with any provision of this Ordinance. No more than two (2) written warnings shall be issued to the same occupant.
- 501.2 The Department may issue a Notice of Violation letter as shall be necessary for the enforcement of this Ordinance. Each Notice of Violation shall state the violation, the action, and time schedule required for compliance.
- 501.3 After the issuance of two (2) written warnings or Notice of Violation letters to the same occupant, the Department, its duly authorized representative, or any

licensed peace officer shall have the power to issue a Notice to Appear citing the particular section(s) of this Ordinance alleged to have been violated. This shall not permit the Department or its representatives to physically arrest or take into custody any alleged violators.

- 501.4 The County may institute appropriate actions or proceedings, including application for injunctive relief, to compel performance or other appropriate action to prevent, restrain, correct or abate any violation or potential violation of this Ordinance.

502 PENALTIES

- 502.1 Any person who violates this Ordinance shall be subject to a fine of not less than twenty-five dollars (\$25.00) or more than one hundred dollars (\$100.00) per observed violation.
- 502.2 Any licensed hauler who violates this Ordinance shall be subject to a fine of not less than fifty dollars (\$50.00) or more than five hundred dollars (\$500.00) per observed violation.
- 502.3 Each observed violation shall constitute a separate and distinct offense.

ARTICLE SIX - SEVERABILITY

601 SEVERABILITY

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

ARTICLE SEVEN - PROVISIONS CUMULATIVE

701 PROVISIONS CUMULATIVE

The provisions of this Ordinance are cumulative and shall be additional limitations upon all other laws and ordinances covering any subject matter in this Ordinance.

ARTICLE EIGHT - EXCEPTIONS

801 EXCEPTIONS

The requirements of this Ordinance shall be waived if a township or municipality adopts a recycling ordinance or program that meets or exceeds the diversion goals of the Solid Waste Management Plan as amended, and has a written agreement with the County assuming responsibility for meeting the diversion goals of the County's plan. Such township or municipality shall annually demonstrate through reporting requirements as set forth in Article 4 of the Municipal Waste Hauler Licensing Ordinance, to the McHenry County Department of Planning and Development that the township or municipality has met or exceeded the diversion goals as set forth in the Solid Waste Management Plan and amendments, thereto.


NOW, THEREFORE, BE IT FURTHER ORDAINED that this Ordinance shall become effective on June 19, 2001.
(two weeks after passage)

DATED, at Woodstock, McHenry County, Illinois on this 5th day of June, 2001.

COUNTY OF MCHENRY, ILLINOIS

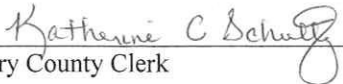
by: 
Chairman, McHenry County Board

ATTEST:

by: 
McHenry County Clerk

STATE OF ILLINOIS)
) SS
COUNTY OF MCHENRY)

I, Katherine C. Schultz, County Clerk within and for said County and State aforesaid, do hereby certify the foregoing to be a true and complete copy of Ordinance No. O-200106-10-29 Residential Recycling Ordinance. WHEREOF I have hereunto subscribed my hand and affixed the official seal of said County, at my office in Woodstock, Illinois this 10th day of February A.D, 2009.



McHenry County Clerk