

## Chapter 255

### SOLID WASTE

**[HISTORY: Adopted by the Board of Trustees of the Village of Port Byron as indicated in article histories. Amendments noted where applicable.]**

#### GENERAL REFERENCES

Nuisances — See Ch. 208.

#### ARTICLE I

##### Collection and Disposal

**[Derived from Title 5, Ch. 3, Art. 1, of the 1993 Code]**

##### **§ 255-1. Definitions.**

As used in this article, the words "ashes," "garbage" and "refuse" have the following meanings.

ASHES — Residue from fires used for cooking and for heating buildings.

GARBAGE — Wastes resulting from the handling, preparation, cooking and consumption of food; wastes from the handling, storage and sale of produce.

REFUSE — Combustible trash, including but not limited to paper, cartons, boxes, barrels, wood, excelsior, tree branches, yard trimmings, wood furniture, bedding; noncombustible trash, including but not limited to metals, tin cans, metal furniture, dirt, small quantities of rock and pieces of concrete, glass, crockery, other mineral waste; street rubbish, including but not limited to street sweepings, dirt, leaves, catch-basin dirt, contents of litter receptacles, provided "refuse" shall not include earth and wastes from building operations, nor shall it include solid wastes resulting from industrial processes and manufacturing operations such as food-processing wastes, boiler-house cinders, lumber, scraps and shavings.

##### **§ 255-2. Disposal of garbage.**

It shall be unlawful to place or permit to remain anywhere in the Village any garbage or other material subject to decay, other than leaves or grass, except in a tightly covered container.

##### **§ 255-3. Accumulation of trash.**<sup>1</sup>

It shall be unlawful to cause or permit to accumulate any dust, ashes or refuse in such a manner that it can be blown away by the wind anywhere in the Village except in a covered container.

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<sup>1</sup>. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. VI).

**§ 255-4. Garbage falling from vehicles.**

It shall be unlawful to deposit or permit to fall from any vehicle any garbage, refuse or ashes on any public street or alley in the Village, provided that this section shall not be construed to prohibit placing garbage, refuse or ashes in a container complying with the provisions of this article preparatory to having such material collected and disposed of in the manner provided herein.

**§ 255-5. Incinerator; disposal device.**

It shall be unlawful to burn any garbage or refuse anywhere in the Village. Such material not so properly disposed of shall be placed in containers for collection by the Village as herein prescribed.

**§ 255-6. Open burning.** [Added by Ord. No. 90-14-5]

This section shall be known as the "Open Burning Ordinance of the Village of Port Byron."

- A. Location. No person shall kindle or maintain any bonfire or landscape waste or leaf fire or authorize any such fire to be kindled or maintained on any street, sidewalk or alley or authorize any such fires to be maintained on any private land unless the location is not less than 25 feet from any structure and adequate provision is made to prevent the fire from spreading to within 25 feet of any structure.
- B. Attendance. Bonfires, landscape waste fires and leaf fires shall be constantly attended by a competent person until such fire is extinguished. This person shall have a garden hose connected to the water supply or other fire-extinguishing equipment readily available for use. Bonfires, landscape waste fires and leaf fires are permitted only between sunrise and sunset and must be extinguished by sunset.
- C. Fire Chief may prohibit. The Fire Chief may prohibit any or all bonfires and outdoor fires when atmospheric conditions or local circumstances make such fires hazardous, provided the Chief has notified of said prohibition, at least 12 hours in advance of said prohibition's taking effect, all news media who have a request for notification of public meetings under the Open Meetings Act on file with the Village Clerk; at any time he declares an emergency exists, he shall so prohibit without such notification.
- D. Permit. A permit to burn leaves and landscape waste is not required. Rubbish fires, including tire, roofing materials, rags, garbage, hay, straw or any material giving off an obnoxious odor, are not permitted. Bonfires and cooking fires (wiener roasts, etc.) are permitted on private property, but when on public land approval by the Fire Chief or his designee must be obtained in writing.

- E. Penalties. Any person, firm, corporation, agent, employee or contractor of such that violates any provision of this section shall be subject to a penalty as set forth in Chapter 1, General Provisions, Article II, of the Village Code.<sup>2</sup>

**§ 255-7. Owner liable.**

The owner and occupant of any lot, parcel of land or premises having need for garbage and refuse collection service as provided for herein shall be jointly and severally liable to pay for such garbage and refuse collection service, and all such collection services are furnished to the premises only upon the condition that such owner and occupant shall be jointly and severally liable therefor to the Village.

**§ 255-8. Special rates.**

Whenever the collection of garbage from any establishment or place shall exceed the normal amount for such a place so that the fee prescribed for such collection is not fair and reasonable as applied to that particular place, the Village Clerk or other person designated by the Village Board shall recommend to the Village Board the establishment of a special rate for such place.

**§ 255-9. Containers.**<sup>3</sup>

All garbage, refuse and ashes for collection by the Village shall be placed in metal or plastic containers equipped with a cover and equipped with handles so that they may be lifted and carried by one man. No such container shall have a capacity of less than 20 gallons or more than 32 gallons.

**§ 255-10. Violations and penalties.**

- A. Any person violating any provisions of this article shall be fined as provided in this Code.
- B. The fact that garbage, refuse or ashes remains on any occupant's premises in the Village in violation of this article shall be prima facie evidence that the occupant of such premises is responsible for the violation of the provisions hereof occurring.

**§ 255-11. Clerk to render bills.**

It is hereby made the duty of the Clerk of the Village to render bills for garbage and refuse collection service and all other charges in connection therewith and to collect all moneys due thereon.

ARTICLE II  
Collection Rates

[Adopted 8-11-2003 by Ord. No. 031108C (Title 5, Ch. 3, Art. 2)]

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<sup>2</sup>. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. VI).

<sup>3</sup>. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. VI).

**§ 255-12. Collection of fee.** <sup>4</sup>

There is hereby levied a fee for pickup of refuse and garbage per year as set by the Board of Trustees from time to time for each household within the residential areas of Port Byron, Illinois.

**§ 255-13. Payment terms.** [Amended 8-9-2010 by Ord. No. V100908<sup>5</sup>]

Such fee shall be collected monthly at the rate set by the Board of Trustees and be payable the first of each month.

**§ 255-14. Exclusions.**

This fee shall not apply to nor be collected from businesses and commercial establishments within the Village of Port Byron, Illinois, said businesses and commercial establishments having made other arrangements for garbage and refuse pickup.

**§ 255-15. Clarification.**

Such fee shall be in addition to the tax levy assessed for garbage pickup by the Village of Port Byron, Illinois.

**§ 255-16. Late penalty.** [Amended 8-9-2010 by Ord. No. V100908]

In the event the assessed fee hereinbefore provided for is not paid within 60 days from the date of billing, a penalty of \$1 shall be added per month to the assessed fee until the fee(s) and penalties are paid in full.

**§ 255-17. Noncompliance.**

In the event the hereinabove assessed fee shall not be paid, the Village of Port Byron, Illinois, shall have a lien against the property of those persons not paying the collection fee, and said lien shall be recorded in the office of the Recorder of Deeds, Rock Island County, Illinois, and shall be collected in like manner as any other debt due the Village of Port Byron, Illinois.

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<sup>4</sup>. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. VI).

<sup>5</sup>. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. VI).