

# Chapter 9

## HEALTH AND SANITATION



- 9.01 Disposal of Garbage -- REPEALED --
- 9.02 Mandatory Separation and Recycling
- 9.03 Deposit of Waste Materials
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### 9.01 Disposal of Garbage.

-- Section 9.01 was repealed --

### 9.02 Mandatory Separation and Recycling.

#### (1) Definitions.

- (a) *Aluminum* means aluminum can products, such as soda pop cans, made from the bluish silver-white malleable ductile light trivalent metallic element found in the earth's crust.
- (b) *Cardboard* means paperboard; it is commonly brown or grey in color, manufactured of a heavy grade of paper, corrugated on the interior layers and used for packing, storage and shipping of articles for convenience and safety.
- (c) *Combined refuse collection* means the merged or intermixed accumulation, removal and transportation of rubbish, garbage, debris, ashes, cans, metal ware, broken glass, crockery, dirt, sweeping, boxes, wood, or litter of any kind, which is acceptable for ultimate disposal in landfills.
- (d) *Construction wastes* means any materials brought to a construction site which are not used in actual construction. These include, but are not limited to, such items as boxing materials, cement and concrete debris, and other scrap materials including, but not limited to, wood, plastics, fiberglass, and metals.
- (e) *Contaminated recyclable materials* means recyclable articles unacceptable for co-mingled curbside collection, or other means of proper disposal, due to the presence of other materials (e.g. spoiled food or motor oil in recyclable plastics, paper wrappers on metal cans, newsprint co-mingled

with corrugated cardboard or mixed paper products, etc.).

- (f) *Contaminated solid waste* means solid waste intended for deposit in village or county operated landfills which contains materials required by law to be separated and disposed of through special means (e.g. curbside collection of such articles as newsprint, aluminum for recycling, diversion of construction materials to designated landfills, proper disposal of paint, waste oil, hazardous materials, infectious waste, etc. through appropriate “clean sweep” or licensed contractors.
- (g) *Delinquent penalty* means any penalty issued for a violation of this ordinance, which remains uncollected thirty days after issuance.
- (h) *Glass* means transparent or translucent bottles and jars, either clear, brown or green in color. Window glass, light bulbs, ceramics and other types of glass or crockery are not included.
- (i) *Grass clippings* means lawn remains, in either a fresh or dried state, which result from the mowing, cutting or clipping of grass or other common lawn weeds, including, but not limited to, dandelions and crab grass.
- (j) *Lead-acid batteries* means any battery containing lead and utilizing acid as an active ingredient for charging and recharging of internal combustion engines.
- (k) *Magazines* means magazines and other materials printed on similar paper.
- (l) *Major appliances* means a residential or commercial air conditioner, clothes dryer, clothes washer, dishwasher, freezer, microwave oven, oven, refrigerator, furnace, boiler, dehumidifier, water heater or stove.
- (m) *Metal cans* mean any tin and steel cans, bottle caps, and bottle and jar lids commonly found in domestic use, such as soup cans, dog and cat food cans, juice cans, etc. Paint cans are not included.
- (n) *Newsprint* means daily or weekly newspapers and publications, advertising circulars or periodicals, whether delivered separately or accompanying newspapers. "Newsprint" does not include the paper commonly used in the production of books, magazines and other physical media for written materials.
- (o) *Office paper* means high grade printing and writing papers from offices in non-residential facilities and properties. Printed white ledger and computer printouts are examples of office paper generally accepted as high grade. This term does not include industrial process waste.
- (p) *Plastics* means type number one, PETE, and type number two, high density polyethylene, HDPE, plastics. Not included are the types of plastics used to make egg cartons, cottage cheese containers, plastic wraps, any form of styrofoam, or plastic caps found on soda pop bottles.

- (q) *Private refuse hauler* means any person or non-governmental entity who engages in the business of collecting and hauling refuse from other individuals, businesses, or entities.
- (r) *Recycle* means providing a separated means of disposal which will insure the disposal of the article, material or item is suitable for reuse or reprocessing for use in another form.
- (s) *Separation* means the sorting, setting apart, keeping apart and isolation of a specified type of materials from another type.
- (t) *Solid waste* means garbage, refuse, and all other discarded or salvageable solid materials resulting from industrial, commercial, and agricultural operations, and from domestic use and public service facilities, but does not include solids or dissolved materials in waste water effluent or other water pollutants.
- (u) *Tires* means all rubber vehicular tires.
- (v) *Waste oil* means any oil after use or which is contaminated through storage or handling, before it is recycled.
- (w) *Unacceptable landfill materials* means any toxic, hazardous, noxious, unhealthy, venomous, virulent, lethal or other materials unsatisfactory for ultimate disposal in the landfill.
- (x) *Wood pallets* means any portable wooden platform used for handling, storing, or moving materials and packages in warehouses, factories, and vehicles, to construction sites, retail stores, and other commercial establishments.
- (y) *Yard waste* means leaves, yard and garden debris and brush, including clean woody vegetative material no greater than six inches in diameter. This term does not include stumps, roots or shrubs with intact root balls.

**(2) General Requirements of Section.**

- (a) *Residential and commercial owners and tenants.* All owners and tenants of residential and commercial property shall facilitate and provide for separation of recyclable and unacceptable landfill materials, hereafter identified, in a manner conducive to recycling or other acceptable disposal, as appropriate.
  1. Recycling containers required. Owners of multi-family dwellings, retail, commercial, industrial, agricultural, non-profit, governmental, and public service facilities shall place and maintain separate containers in convenient locations for use by tenants, employees, customers, and guests for the separate collection and recycling of recyclables and separate collection and appropriate disposal of unacceptable landfill materials by public or private means.

2. Notification required. Owners of multi-family dwellings, retail, commercial, industrial, agricultural, non-profit, governmental, and public service facilities shall notify all users, including tenants, employees, customers, guests, and agents, on move-in and on a regular, at least semi-annual, basis thereafter of the recycling requirements contained herein.
  - (b) *Public and private refuse haulers.* Public and private refuse haulers shall not place recyclables or unacceptable landfill materials which have been collected and presented separately into containers containing combined refuse collection materials or into containers which do not contain the same type of recyclable or unacceptable landfill materials, but shall maintain recyclables separately so as not to destroy their value for recycling.
  - (c) *Designated disposal.* Recyclables or unacceptable landfill materials disposed of, or to be disposed of, shall be deposited in containers or locations designated.
  - (d) *Notification required.* Public and private refuse haulers shall notify their constituents or customers of such use and of any special requirements for separation of recyclables and unacceptable landfill materials from combined refuse collection materials.
- (3) **Separation, preparation, and recycling of certain materials required and specified.** Any items or materials required to be separated from combined refuse collection materials shall not be placed in containers with combined refuse collection materials, and shall be separated for disposal or presented for collection separately as hereafter set forth.
  - (a) *Newsprint.*
    1. Separation and recycling of newsprint required. Every person or entity disposing or having others dispose of newsprint or newspaper for ultimate deposit in the landfills shall separate newsprint from all other solid waste materials in the manner hereafter provided.
    2. Preparation of newsprint. Newsprint shall be secured as prescribed by the village. Such bundles shall be placed, apart from combined refuse collection materials, at such place or places where solid waste is customarily collected from such person or entity disposing of refuse.
  - (b) *Cardboard.*
    1. Separation and recycling of cardboard required. All industrial, commercial, retail, agricultural, governmental, non-profit, and public service entities or businesses disposing or having others dispose of cardboard boxes or containers shall separate such

cardboard from all other solid waste materials, and shall provide for their ultimate disposal with a vendor who will recycle such cardboard.

2. Preparation and recycling of cardboard. All persons and entities required to separate cardboard shall make arrangements for such cardboard to be flattened or compacted and tied or bundled securely with heavy string or cord or metal straps in a manner suitable for transportation to a recycling facility or for presentation to, and collection by, a private refuse hauler.

**(c)** *Grass Clippings.*

1. Separation of grass clippings required. Every person or entity removing grass clippings from lawns in the village for the purpose of disposing or having others dispose of said grass clippings shall separate grass clippings from all other yard waste and solid waste materials, and shall provide for their ultimate disposal at an official yard waste collection site for grass clippings, or with a vendor who will insure said grass clippings are composted or disposed of in like manner.
2. Preparation of grass clippings. Grass clippings shall be prepared in accordance with the requirements of that person or entity providing for the collection or deposit of the grass clippings.

**(d)** *Aluminum, Metal Cans, Glass, and Plastic Products.*

1. Separation and recycling of aluminum, metal cans, glass, and plastic products required. Every person or entity disposing or having others dispose of aluminum, metals cans, glass, and plastic products shall separate aluminum, metals cans, glass, and plastic products from all other solid waste materials in the manner prescribed by the village.
2. Preparation and recycling of aluminum, metal cans, glass, and plastic products. Aluminum cans, metal cans, glass, and plastic products shall be prepared in a manner prescribed by the village, and shall be placed, apart from combined refuse collection materials bound for ultimate deposit in a landfill, at such place or places where solid waste is customarily collected.

**(e)** *Major Appliances, Waste Oil, Magazines, and Office Paper.*

1. Separation and recycling of major appliances, waste oil, magazines, and office paper required. Every person or entity disposing or having others dispose of major appliances, waste oil, magazines, and office paper shall separate major appliances, waste oil, magazines, and office paper from all other solid waste materials in the manner prescribed by the village.

2. Preparation and recycling of major appliances, waste oil, magazines, and office paper. Major appliances, waste oil, magazines, and office paper shall be prepared in a manner prescribed by the village, and shall be placed, apart from combined refuse collection materials bound for ultimate deposit in a landfill, at such place or places where solid waste is customarily collected.

**(f)** *Lead-acid Batteries and Tires.*

1. Separation and recycling of lead-acid batteries and tires. Every person or entity disposing or having others dispose of lead-acid batteries and tires shall separate said batteries and tires from all other solid waste materials in the manner prescribed by the village.
2. Generators of lead-acid batteries and tires shall separate all such products from all other solid waste materials and take all steps necessary to insure such products are properly disposed of and recycled.

**(g)** *Wood Pallets.*

1. Separation and recycling of wood pallets required. Every person or entity disposing or having others dispose of wood pallets shall separate wood pallets from all other solid waste materials, and shall provide for their ultimate disposal with a vendor who will recycle such wood pallets.

**(h)** *Construction Wastes.*

1. Separation of construction wastes required. Every person or entity disposing or having others dispose of construction wastes shall separate construction wastes from all other solid waste materials.

**(3) Education, monitoring and enforcement.**

- (a)** *Educational promotion of recycling.* The administrator is authorized and directed to actively pursue any and all recycling activities that will promote the spirit of this section. Such activities shall foster increased awareness of the benefits of recycling through educational efforts including, but not limited to: distribution of informational brochures, articles in the Village Bulletin, displays and demonstrations of recycling activities.
- (b)** *Monitoring of recycling activities.* The village administrator, or designee(s), is authorized and expressly directed to actively monitor recycling activities throughout the village and further, to enforce the provisions of this ordinance as herein provided.
- (c)** *Enforcement.* For the purpose of ascertaining compliance with the provisions of this ordinance, any authorized officer, employee or representative of the village may inspect recyclable materials separated for

recycling, post-consumer waste intended for disposal, recycling collection sites and facilities, collection vehicles, collection areas of multiple family dwellings and non-residential facilities and properties, and any records relating to recycling activities, which shall be kept confidential when necessary to protect proprietary information. No person may refuse access to any authorized officer, employee, or representative of the village who requests access for the purpose of inspection, and who presents appropriate credentials. No person may obstruct, hamper, or interfere with such inspection.

**(d)** *Violation and penalty.*

1. Any person who violates a provision of this section may be issued a citation by the village. The issuance of a citation shall not preclude proceeding under any other ordinance or law relating to the same or any other matter. Proceeding under any other ordinance or law relating to the same or any other matter shall not preclude the issuance of a citation under this paragraph.
2. Any person or entity violating the terms of this section shall be subject to a penalty as prescribed in section 31.05 of this code, together with the costs of prosecution to the extent permitted by law. Any garbage or refuse containing recyclables or unacceptable landfill materials in violation of this section shall be cause for the refuse collector to refuse to pick up such garbage or refuse in addition to subjecting the violators to the forfeiture provided herein.

**(e)** *Collection of delinquent penalties.* The village board, shall by resolution, authorize the village administrator to collect delinquent penalties as a special charge against the property on which the violation occurred, as directed and authorized by law.

### **9.03 Deposit of Waste Materials.**

- (1) Prohibition.** No person shall deposit any earth, sand, gravel, stone, concrete, brick, mortar, wood, metal, leaves, grass, or other waste materials not containing garbage or filth on any property in the village without the consent of the lawful owner of such property and without leveling and covering the same in connection with filling in the land.
- (2) Village authority.** Notwithstanding section 9.03(1) of this code, officers and employees of any municipal corporation may use land lower than the surrounding area for the deposit of earth, sand, gravel, stone, concrete, brick, mortar, wood, metal, leaves, grass, or other waste material not containing garbage or filth, provided the following regulations with respect to the maintenance of the place where such waste materials are deposited are followed:
  - (a)** The area to be filled with such materials shall be enclosed in a substantial fence within a reasonable time after the commencement of the use of any

property for such purposes.

- (b) The gates to such premises shall be kept locked at all times, except when vehicles of the municipal corporation, or others duly authorized by it, are proceeding to and from the property so used.
- (c) Combustible materials deposited, which are not immediately and thoroughly covered and surrounded with earth, shall be burned at convenient intervals and not allowed to accumulate so as to create a fire hazard, and such burning shall be done at times, in conjunction with the provisions of section 8.03 of this code, so as to cause the least annoyance to people in the adjacent neighborhood.
- (d) A regular procedure shall be followed for the extermination of any rats or other vermin that may come to the property so used through the use of vermin poisons not harmful to other animals, and by such other non-hazardous methods as may be devised. Such extermination program shall be carried out at least once in each two weeks regardless of whether any evidence of rats or other vermin have appeared upon the premises.

#### 9.04 Disposal of Rubbish and Refuse.

- (1) **Placing of Rubbish and Refuse a Nuisance.** No person, firm or corporation shall deposit or cause to be deposited in or upon any public street or grounds in the village or in any other place in said village, any rubbish or refuse that will contaminate or tend to contaminate any public waters, or that will obstruct any sidewalk, gutter or street, or that will in any manner create any bad or noisome stench, or that will endanger or tend to endanger public health or that will create an unsightly appearance to the general public; and the administrator is hereby empowered to summarily move or cause to be moved any rubbish and refuse and to charge the cost of the removal to the person, firm or corporation depositing or causing the same to be deposited in violation of this section. The deposit or causing to be deposited of any rubbish and refuse in violation of this section is hereby declared to be a nuisance.
- (2) **Enclosed container required.** It shall be the duty of any person, firm or corporation who shall accumulate any rubbish and refuse, and deposit the same outside of any building for a period in excess of twenty-four hours, to keep the same in a closed container or in an enclosure or enclosed area of sufficient height and construction so as to prevent the same from being scattered or blown about outside of said container or enclosure. The storage of any rubbish and refuse without compliance with this section of the code is hereby declared a nuisance.
- (3) **Harboring of Vermin Prohibited.** No rubbish and refuse shall be placed, left or dumped, or permitted to accumulate or remain in any building, container, place, or premises in the village so that the same shall or may afford food or a harboring or breeding place for rats or other disease-bearing vermin or insects. Dumping such rubbish and refuse so as to afford food or a harboring or breeding place for rats or other disease-bearing vermin or insects is hereby declared a nuisance.



- (4) Police and Health Regulation. Section 9.04 of the code is designed and enacted as a police and sanitary regulation for the protection of public health and to facilitate the orderly collection, storage and/or disposal of rubbish and refuse, and particularly to prevent the propagation and spread of disease through the medium of vermin or insects.

**9.05 Smoking Prohibited in Certain Public Areas.**

- (1) **Definition.** Smoking shall mean to smoke or carry a lighted pipe, cigar or cigarette or tobacco-related product in any form.
- (2) **Intent and purpose.** Smoking of tobacco-related products is hazardous to one's health and may affect the health of non-smokers when in the presence of smokers in certain public places and may be a contaminant to certain food products. This section is adopted for the purpose of protecting the public health, safety, comfort, and general welfare of the public in the village.
- (3) **Smoking prohibited.** No person shall smoke in any of the following public places in the village:
  - (a) All passenger elevators except those in single family residences.
  - (b) All regular common carriers including scheduled motor buses and school buses, except special or charter buses for private hire.
  - (c) All indoor theaters, libraries, museums, auditoriums, or concert halls which are used by or open to the public. This subsection shall not be construed to prohibit the use of cigars, cigarettes, or pipes upon the stage of such theaters when used in connection with any theatrical performance.
  - (d) All school buildings.
  - (e) All retail stores, restaurants, and bars.
  - (f) Any medical facilities, including hospitals, diagnostic and treatment centers, rehabilitation facilities and nursing homes.
  - (g) All waiting rooms of any physician, dentist, psychologist, chiropractor, optometrist or optician, and health associated facilities.

**(4) Smoking Prohibited in Places of Employment.**

- (a) Smoking shall be prohibited in all enclosed facilities within places of employment without exception. This includes common work areas, auditoriums, classrooms, conference and meeting rooms, private offices, elevators, hallways, medical facilities, cafeterias, employee lounges, stairs, restrooms, vehicles, and all other enclosed facilities.
- (b) This prohibition on smoking shall be communicated to all existing employees by the effective date of this Article and to all perspective employees upon their application for employment.

**(5) Signs Prohibiting or Permitting Smoking.**

- (a) Signs prohibiting shall be posted conspicuously at every entrance and in prominent locations throughout the premises by the owner or person in charge of each building, structure, or public place specified in subsections (3) and (4). The owner or person in charge shall be held responsible for the enforcement of the regulations of this section.
- (b) It shall be unlawful for any person to remove, deface, or destroy any legally required "No Smoking" sign, or to smoke in any place where a "No Smoking" sign is posted.

**9.06 Sale of Mercury Thermometers Prohibited.**

The sale or distribution of mercury fever or basal thermometers is prohibited. No person shall sell at retail or offer for sale at retail within the Village of Shorewood Hills any fever thermometer or basal thermometer containing mercury.

**9.07 Safety Equipment Required.**

No person under the age of seventeen shall engage in the use of inline skates or shall ride a bicycle, skateboard or non-motorized scooter without having proper head protection worn and secured. Proper shall be defined as protection meeting current Consumer Product Safety Commission standards.