

**CHAPTER 21 - REFUSE AND RECYCLABLE MATERIAL
COLLECTION AND DISPOSAL**

DIVISION 1

SEC. 21.1-1 DEFINITIONS. The following words and phrases, when used in this Chapter, shall have the meaning given to them in this Section unless the context clearly indicates otherwise:

- A. Ashes. Residue from fires used for cooking, recreational fires, or heating buildings.
- B. Brush. Trimmings from shrubs, trees or other woody plants. (Amended 12/7/76)(Amended 3/1/04 by Ord. No. 4935)
- C. Bulky Waste. Individual items of furniture, equipment or machinery or parts thereof, including as illustrative examples the following: auto parts, tires and wheels, mechanical equipment, stoves, refrigerators, furniture pieces, individual items which but for their weight would constitute rubbish, individual items of construction and demolition waste, freezers, clothes washers, clothes dryers, dishwashers, trash compactors, water heaters, furnaces, carpeting, bed mattresses, bed box springs, lawn mowers, etc. (Amended 12/7/76) (Amended 3/1/04 by Ord. No. 4935)
- D. Construction and Demolition Waste. Any lumber, plywood, paneling, plastic board, roofing scraps, sheeting scraps, plastic, glass, concrete, rubble, conduit, pipe, wire, or other wastes generated from the construction, remodeling, repair or demolition of the building, dwelling, structure, or portion thereof and includes bulky waste. (Amended 3/21/2016 by Ord. No. 5629)
- E. Garbage. Wastes resulting from the handling, packaging, preparation, cooking, or consumption of food.
- F. Other Waste. Any item not specifically other-wise enumerated in the definition section.
- G. Recyclable Material. Containers and mixed paper products identified from time to time by the City Manager or his designee as acceptable for collection and disposal pursuant to the Town of Normal single stream curbside recycling program. The City Manager or his designee shall post the list of acceptable recyclable material on the Town webpage and otherwise make the list available to residents of Normal.
- H. Refuse. Garbage, rubbish, ashes, brush, construction and demolition wastes, and other wastes. (Amended 3/21/2016 by Ord. No. 5629)
- I. Refuse Collection and Disposal Service. The combined collection and disposal of refuse and recyclable material.

- J. Refuse Collector. Town employee under the direction and supervision of the Director of Public Works, or a person, firm or corporation licensed as a refuse collector by the Town of Normal.
- K. Rubbish. Combustibles such as paper, cardboard cartons, wood, boxes, excelsior, plastic, rags, cloth, bedding, leather, rubber, or non-combustibles such as metal, tin cans, metal foil, dirt, stone, bricks, ceramics, crockery, glass, bottles, or combinations thereof. (Amended 12/7/76) (Amended 3/1/04 by Ord. No. 4935)
- L. Landscape waste. Leaves, yard trimmings and garden waste. Grass, grass clippings, turf, sod, and soil are not eligible for collection. (Added 3/1/04 by Ord. No. 4935)
- M. Single Stream Curbside Recycling Program. That program, together with all applicable rules and regulations, developed by the City Manager or his designee, for the regular curbside collection of mixed recyclable material from one and two-family dwellings within the Town.

SEC. 21.1-2 TOWN SERVICE.

- A. Service Provided. The Town of Normal shall provide by its agents, contractors or employees a refuse collection and disposal service to persons owning or residing in one and two-family dwellings within the Town of Normal, in manner and to the extent provided in this chapter. The Town shall not provide such service to any commercial, manufacturing, industrial, or business enterprise, to persons residing in residential buildings containing more than two dwelling units, or within any mobile home park, except, the Town shall provide construction and demolition waste, brush, landscape waste, and leaf collection for persons residing in residential buildings containing more than two dwelling units and mobile home parks, but only in the manner and to the extent provided in this chapter. The delivery of municipal refuse service by the Town is a mandatory service, and owners or occupants of any dwelling shall not have the right to refuse such service. From and after September 12, 2011, owners and occupants of any one and two-family dwelling shall use only a Town provided waste receptacle. From and after July 9, 2012, owners and occupants of any one- and two-family dwelling shall use only a Town provided container for recyclable material. (Amended 9/21/87)(Amended 2/15/93 by Ord. 4109) (Amended 3/1/04 by Ord. No. 4935) (Amended 3/21/2016 by Ord. No. 5629)
- B. Manager's Authority. The Municipal Manager of the Town of Normal is hereby authorized to publish schedules for collection by the Town of refuse and recyclable material and to establish and promulgate rules and regulations governing the actions of refuse collection and disposal services within the Town of Normal.
- C. Service Fee. A service fee for weekly collection of refuse collection and disposal services is imposed upon the owner and occupant in the following amounts: Before April 1, 2018, the fee is \$18 per month; On April 1, 2018 through March 31, 2019, the fee is \$24 per month; On April 1, 2019 through March 31, 2020, the fee is \$26

per month; On April 1, 2020 through March 31, 2021, the fee is \$30 per month; On and after April 1, 2021, the fee is \$32 per month. (Amended 2/4/08 by Ord. No. 5172)(Amended 4/23/2012 by Ord. No. 5437) (Amended 3/2/2015 by Ord. No. 5585) (Amended 03/05/18 by Ord. No. 5734)

There shall be a charge for weekly collection of construction and demolition waste only to the owner of the following:

1. Such fee shall be in the amount of five dollars (\$5.00) per month per dwelling with more than two units but less than five units.
2. Such fee shall be in the amount of ten dollars (\$10.00) per month per dwelling with more than four units but less than nine units.
3. Such fee shall be in the amount of fifteen dollars (\$15.00) per month per dwelling with more than eight units.

For Townhouse-style dwelling units in a Planned Unit Development not receiving Town refuse collection service, but receiving Town construction and demolition waste collection service, a fee of \$1.25 per month for each unit. (Amended 3/21/2016 by Ord. No. 5629)

The service fee shall be payable on a monthly basis. Failure to pay the fee upon billing by the Town may result, at the Town's option, in the placement of a lien against the real estate or may result in the filing of a complaint in Circuit Court seeking a personal judgment against the owner or persons interested in the property subject to such service fee, termination of refuse collection and disposal services, termination of water service, or other remedies. The election of a particular remedy shall not constitute a waiver of any other remedy available to the Town for collection of the service fee.

The owner of the dwelling unit, the occupant thereof and the user of the services shall be jointly and severally liable to pay such fee, and the services are furnished to the dwelling unit by the Town only on the condition that the owner of the dwelling unit, occupant thereof and user of the service are jointly and severally liable. The fee for such collection shall be paid in advance for which the Town of Normal shall provide collection service to the dwelling unit at least once each week. (Amended 12/7/76)(Amended 8/15/77)(Amended 3/5/79)(Amended 3/21/81, eff. 4/1/81)(Amended 2/15/93 by Ord. No. 4109) (Amended 3/1/04 by Ord. No. 4935) (Amended 03/05/18 by Ord. No. 5734)

If the service fee is not paid on or before the due date stated on the bill, a penalty of ten percent (10%) shall be added to the bill. Failure to receive a bill does not entitle an owner or occupant to remission of any penalty. Any person contesting a bill may do so by filing a written appeal with the Town pursuant to the appeal process for water bills set forth in SEC. 7.7-4 of this Code.

- D. Drop-Off Service. In addition to the refuse collection and disposal services described herein, the City Manager is authorized to provide drop box recycling services, drop-off electronic recycling services and other drop-off self-serve refuse and recycling services. The City Manager is authorized to establish and promulgate rules and regulations governing all drop-off services described herein.

SEC. 21.1-3 REQUIREMENTS FOR UTILIZATION OF TOWN'S REFUSE COLLECTION AND DISPOSAL SERVICE.

- A. Any owner or occupant of a dwelling unit in a one or two-family dwelling desiring to utilize the Town's refuse collection and disposal service shall do so in the following manner.
1. Preparation of Recyclable Material, Garbage, Rubbish, Construction and Demolition Wastes, and Ashes.
 - a. All garbage shall be thoroughly drained of all liquid and recyclable containers shall be emptied and rinsed.
 - b. Any sharp object constituting rubbish shall be securely wrapped in paper.
 - c. Ashes shall be extinguished so that no hot coal or fire remains.
 - d. No ashes shall be mixed with garbage, rubbish, construction or demolition waste, or brush.
 - e. Needles, sharps, or lancets shall be securely placed in a puncture proof container.
 2. Receptacles.
 - a. Standards. Except as provided in Paragraph 3, all garbage, rubbish, ashes, and individual items of construction and demolition waste, after being prepared in the manner required by Paragraph 1 of this Section, shall be placed in a refuse receptacle meeting the following requirements and shall be placed for collection at the time and location provided in Paragraph 3(a).
 - (1) Approved Refuse Receptacles. From and after September 12, 2011, the only refuse receptacle authorized for use shall be a Town supplied receptacle. One 95-gallon refuse receptacle shall be supplied free of charge by the Town to each single and two-family dwelling unit as of September 12, 2011. Additional refuse receptacles may be purchased from the Town. After September 12, 2011, new and replacement

refuse receptacles must be purchased from the Town. No other kind of refuse receptacle is allowed.

- (2) Approved Receptacles for Recyclable Material. From and after July 9, 2012, the only receptacle authorized for recyclable material shall be a Town supplied receptacle. A receptacle for recyclable material will be available for purchase for \$30.00 until May 25, 2012. After May 25, 2012, the fee for such receptacle shall increase to the cost paid by Town for such receptacle.
 - b. Responsibility for Maintenance. It is the joint obligation of the owner and occupant of any dwelling unit in a one or two-family dwelling utilizing the Town's refuse collection and disposal service to provide approved refuse containers and maintain same in good repair. Whenever any receptacle shall become defective, it is the responsibility of the owner or occupant to repair or replace same.
 - c. Procedure for Disposal of Defective Receptacles. The Town shall have the right to condemn any defective receptacle by placing thereon a red tag or sticker which shall be notice to the owner or occupant of its defective nature. The owner of such receptacle shall replace or repair the same before it is used again, and the Town shall have the right to dispose of the defective receptacle during any subsequent collection.
3. Placement of Receptacles and Contents for Pick-Up.
 - a. Time and Location. No later than 5:00 a.m. of the day of collection and not earlier than 6:00 p.m. of the day preceding collection, any owner, operator or occupant of any family dwelling utilizing the Town's collection service shall place or cause to be placed receptacles, individual items constituting rubbish, individual items constituting construction or demolition wastes, individual items which, if they weighed 35 pounds or more, would constitute bulky wastes, and brush on the curb line behind the curb of a public street or alley, so placed that the contents will not be scattered by the wind or animals. Receptacles shall be returned to the premises within twelve hours after having been emptied.
 - b. Quantities. The Town's weekly refuse service shall include collection of:
 - (1) The contents of receptacles meeting the requirements of SEC. 21.1-3(A)(2)(a).

- (2) Individual or combination of items from single and two-family dwellings weighing no more than five hundred (500) pounds which constitute or would otherwise constitute rubbish or construction or demolition wastes.
- (3) Individual or combination of items from occupant owners in dwellings with more than two units weighing no more than five hundred (500) pounds which constitute or would otherwise constitute rubbish or construction or demolition wastes.
- (4) Individual or combination of items from tenant occupied dwellings with more than two units weighing no more than two thousand (2000) pounds which constitute or would otherwise constitute rubbish or construction or demolition wastes.
- (5) One pile of brush not exceeding six feet in any dimension from each dwelling.
- (6) One or more flattened cardboard boxes. (Amended 12/15/75, effective 4/1/76)(Amended 6/21/76)(Amended 12/7/76)

- c. Eligibility for Brush and Bulky Waste Collection. No brush or construction or demolition wastes shall be collected which is created by any person, firm, or corporation doing work as a contractor for any other person. (Added 6/7/82 by Ord. 3102)
- d. Other Wastes. The Town of Normal's refuse disposal and collection service does not include the collection and disposal of "other wastes."

(Amended 12/7/76)(Entire SEC. 21.1-3 Amended 3/1/04 by Ord. No. 4935) (Entire SEC. 21.1-3 Amended 3/21/2016 by Ord. No. 5629)

SEC. 21.1-4 REQUIREMENTS FOR REFUSE RECEPTACLES.

- A. Owners Obligation and Specifications. The owners of business, commercial, manufacturing, industrial, mobile home parks, or residential structures other than one or two-family dwellings in which refuse is accumulated for disposal shall provide or cause to be provided refuse receptacles meeting the following requirements and shall collect said refuse at least on a weekly basis and shall further provide for private refuse collection of the contents thereof. (Amended 1/18/82)
 1. Refuse bins. (Referred to from time to time in this Chapter as "dumpsters") first placed in service after the effective date of this amendatory ordinance, shall meet or exceed the most current standards, rules and regulations of the

Consumer Product Safety Commission. All others (being refuse bins currently in service) shall be securely fastened with safety chains to permanently fixed objects to prevent them from tipping over. (Amended 3/5/79)

2. Roll-Off Boxes. Open metal attachable containers commonly known and referred to herein as “roll-off boxes,” provided, however, such roll-off boxes shall not be used for the storage or disposal of garbage, rubbish or other refuse, the accumulation of which in such an open container would constitute a nuisance, cause an offensive odor, or be difficult because the contents would be scattered by the wind.
3. Exceptions. When the use of dumpster or roll-off box would otherwise be required and where conditions exist which would make the use of such a device impossible or impractical, the Director of Public Works may permit the use of other receptacles. Any person desiring to utilize a receptacle other than a dumpster or roll-off box where the use of one would otherwise be required shall submit a written application to the Director of Public Works specifying the nature of the impossibility or impracticality and describing the proposed type of receptacle. The Director may condition his approval in writing as necessary to provide a safe and sanitary refuse disposal procedure.

B. Location.

1. One and Two-family Dwellings.
 - a. Except when lawfully set out for collection, no accumulated refuse recycling receptacle or refuse container shall be stored in the front yard or in the front or side yard of any corner lot.
 - b. Refuse and recycling material not in receptacles shall be neatly stacked and screened from view until lawfully set out for collection.
2. Other Uses or Occupancies.
 - a. Dumpsters. Dumpsters shall not be permitted in the front yard or in the front or side yard on corner lots, and in business and multiple-family zoning districts, dumpsters shall not be permitted in the front yard, corner side yard, or side yards. Dumpsters shall be screened from view at all times. (Amended by Ord. 3930, 10/15/90)
 - b. Roll-Off Boxes. Roll-off boxes shall not be permitted in a front yard or on a dedicated street right-of-way, provided, however, the Director of Public Works may issue temporary permission for a roll-off box to be located on the public right-of-way, or the Building

Commissioner may issue temporary permission for a roll-off box to be placed in a required front or side yard.

- c. Other Receptacles. Other receptacles shall be placed and stored as specified in the permit received from the Director of Public Works.
- d. Exceptions. Any person desiring to locate a dumpster or roll-off box on the dedicated public right-of-way or in a yard where the placement of such a receptacle would otherwise be prohibited, other than temporarily, may submit a request to the Director of the Department of Public Works specifying the proposed location, justifying the location, and detailing how the receptacle will be screened so as to shelter and protect surrounding properties to the same or a greater extent than if the receptacle was located in a yard where it would otherwise be permitted.
- e. Pad. Dumpsters and roll-off boxes shall be located on a concrete or asphalt pad.

SEC. 21.1-5 PRIVATE REFUSE COLLECTORS.

A. Subject to Supervision – Interference With.

- 1. No person shall engage in the business of collecting or removing refuse within the Town except as an employee of the Town under the direction of the Director of the Department of Public Works or as a private refuse collector operating in compliance with this Section.
- 2. It shall be unlawful for any person to interfere with, hinder or obstruct the removal of refuse by any person authorized to do so.

B. Operating Regulations.

- 1. Hours of Collection. Private refuse collectors may make collections only during the time specified as follows:
 - a. Collections from single-family or two-family uses during the hours of 6:00 A.M. to 6:00 P.M., prevailing time, on Monday through Saturday, inclusive;
 - b. Collections from multiple-family, business, commercial, industrial, or manufacturing uses shall be made only between the hours of 4:00 A.M. to 6:00 P.M., prevailing time.

(Sub-Paragraph B-1 Amended 9/21/87)

2. Vehicle Covers. All private refuse collectors' vehicles used in the collection of refuse shall have a tight cover for that portion of the vehicle in which such refuse is carried. Such cover may be made of metal or canvas or similar material and shall be so designed and constructed as to prevent odor or materials from escaping therefrom. Such cover shall be closed at all times while the vehicle is in transit anywhere within the limits of the Town or in route to a disposal or landfill site. (Amended 12/7/76)
3. Removal of Dumpster. No private refuse collector shall allow their dumpster or refuse receptacle to remain on a customer's property more than six days following termination of service to the customer or stoppage of service due to non-payment of charges by the customer.

SEC. 21.1-6 DEPOSITING OR STORAGE OF REFUSE.

- A. Depositing or Permitting Refuse to Remain. It shall be unlawful for any person to deposit, bury, throw, place, or cause to be deposited, buried, thrown, or placed any refuse within the corporate limits of the Town. It shall be unlawful for any property owner, lessee, or tenant to permit any refuse placed, deposited, buried, or thrown on any property owned, leased, used, occupied, or in which such person otherwise has an interest to remain on such property after such material has been placed, deposited, buried, or thrown thereon.
- B. Storage or Disposal of Refuse.
 1. Burning Prohibited. It shall be unlawful for any person, firm or corporation to burn or set fire to or cause to be burned or cause to set fire to any refuse within the Town of Normal unless such material shall be burned in an incinerator or furnace properly constructed for such purpose and approved by the Environmental Protection Agency.
 2. Requirements as to the Storage of Food. It shall be unlawful for any person, firm or corporation to store human or animal food or feed within the Town limits in other than a rat-free and rat-proof container, compartment or building.
 3. Refuse of Recyclable Material Placed out for Collection in Violation of this Chapter. It shall be unlawful for any person to place out for collection or cause to be placed out for collection any refuse or recyclable material within the corporate limits of the Town in a manner violating any provision of this chapter. (Chapter 21 – Refuse and Recyclable Material Collection and Disposal). (Added 9/21/87)
 4. Refuse or Recyclable Material Placed out for Collection on Street Medians. It shall be unlawful for any person to place out for collection or cause to be

placed out for collection any refuse or recyclable material on any street median within the Town of Normal. (Added 9/21/87)

5. Storage of Refuse and Recyclable Material Between Collection Dates. It shall be unlawful for any person, property owner, or lessee to permit refuse or recyclable material to be placed on such person's property other than in a Town approved receptacle, except bulky trash which must be neatly stacked in the rear yard in a manner not creating a nuisance to adjoining property owners or the public.
- C. Storage of Lumber, Boxes, Barrels, Etc. It shall be unlawful for any person, firm or corporation to store any lumber, boxes, barrels, bottles, cans, containers, or similar materials evenly piled or stacked on open racks that are elevated not less than 18 inches above the ground, so that such materials will not afford a harborage for rats.
- D. Disturbing Refuse or Recyclable Material of Another. It shall be unlawful for any unauthorized person to remove, disturb or damage any refuse, recyclable material or receptacle properly set out for collection; provided, however, any person may remove refuse or recyclable material set out for collection on property owned, rented, leased, or in which such person otherwise has a legal interest. (Amended 12/7/76)
- E. Demolition Refuse. All refuse resulting from the demolition of any building must be removed from the building site within seven (7) days following demolition. (Added 5/5/86)
- F. Prohibited Refuse. No person shall place out for collection nor shall the Town or any private refuse hauler collect any refuse prohibited by state or federal law from entering a landfill.

SEC. 21.1-7 PENALTY. Any person found guilty of violating, disobeying, omitting, neglecting, or refusing to comply with or resisting or opposing the enforcement of any of the provisions of this chapter, except when otherwise specifically provided, upon conviction thereof shall be fined not less than twenty-five dollars (\$25.00) nor more than five hundred dollars (\$500.00) for each offense. A separate and distinct offense shall be regarded as committed each day upon which said person shall continue any such violation or permit any such violation to exist. (Amended 12/15/75, eff. 4/1/76)

(Entire Division 1 Amended 4/16/2012 by Ord. No. 5436)

DIVISION 2 - MULTI-FAMILY RECYCLING

SEC. 21.2-1 PURPOSE. The purpose of this new Division 2 is to establish requirements for the collection and recycling of recyclable materials generated from multi-family dwellings that are not served by the Town recycling-collection services.

SEC. 21.2-5 DEFINITIONS. For the purpose of this Division 2:

Collector. A refuse collector who collects recyclable material from multiple-family dwellings and transports it to a processor.

Multi-family dwelling. A mobile home park or residential structure other than a one or two-family dwelling.

Management agent. The person required to provide refuse receptacles and collection for the multi-family dwelling under Sec. 21.1-4 of this Code.

Person. An individual or entity.

Processor. A “recycling center” as defined under Section 3.375 Of the Illinois Environmental Protection Act (415 ILCS 5/3.375).

Recyclable material. Has the definition set forth in Sec. 21.1-1 of this Code.

Recycling receptacle. A dumpster, roll-off box, or refuse tote used for the purpose of the collection of recyclable materials.

Refuse tote. A 2-wheeled mobile waste/recycle container with a capacity of at least 65 gallons and with lid able to be loaded automatically with appropriate equipment.

Storage area. Any outside area of a multi-family dwelling designated for the location of recycling receptacles for the collection and storage of recyclable material prior to removal by the Collector.

SEC. 21.2-10 RECYCLING REQUIREMENTS FOR MULTI-FAMILY DWELLINGS.

- A. On or before August 1, 2019, the management agent of a multi-family dwelling shall institute an on-site recycling program and provide a collection system for the collection of recyclable materials. The recycling program must include all of the following components: (1) recycling receptacles that are located in a storage area; and (2) a contract with a collector for collection of the recyclable materials and transport to a processor.
- B. For a multi-family dwelling other than a mobile home park, a storage area must be located at each location with a solid waste receptacle. If a mobile home park provides centralized solid waste receptacles at locations other than at each mobile

home location, then a storage area must be located at each location with a solid waste receptacle. For all other mobile home parks, a storage area must be located in a centralized location that is accessible and convenient to the residents of the mobile home park.

- C. The management agent shall provide, at the storage area, a sufficient number of recycling receptacles.
- D. Each storage area and location of any recycling receptacle must comply with all Town zoning, building, and subdivision laws, except that any requirement for the screening of recycling receptacles does not apply until August 1, 2022.
- E. The storage area must be kept clean and orderly, such that no materials are left on the ground around the recycling receptacles and shall otherwise comply with all applicable existing solid-waste ordinances.
- F. The recycling material must be collected by a collector at least once per week. The restrictions set forth in Sec. 21.1-5 apply to collectors under this Division 2. All collection must be performed on the site of the multi-family dwelling; recycling receptacles may not be placed on the curb of a public street or alley for collection unless approved by Director of Public Works.

SEC. 21.2-12 RECYCLABLES COLLECTION AND PROCESSING.

- A. Each collector may deliver the recyclable materials only to a processor. The collector shall ensure that the processor meets the provisions of this Division 2, which includes sufficient processing facility, equipment, labor, and management to perform the sorting, preparation, processing, and recovery of materials in a matter that will maximize the quality and quantity of recyclable materials.
- B. Each collector must file a report with the McLean County Solid Waste Coordinator concerning the amount of recyclable materials collected. The report must be in the form and manner as required by the McLean County Solid Waste Coordinator. The report must be filed annually and must, at a minimum, specify amount and type of material collected.

SEC. 21.2-15 NEW MULTI-FAMILY DWELLINGS.

- A. Prior to construction, the site plan for each new multi-family dwelling must provide for the exterior storage areas of the recycling receptacles.
- B. The storage area:
 - (1) must be located with the residential solid waste receptacles.
 - (2) may be located in a parking area, if the proposed use provides at least the minimum number of parking spaces required for the use after deducting the areas used for the storage area.

- (3) Must otherwise comply with all applicable zoning, subdivision, and solid-waste ordinances then in effect.
 - (4) must be accessible for collection vehicles and located so that the storage area will not obstruct pedestrian or vehicular traffic movement on the site or on public streets or sidewalks adjacent to the site.
- C. Any site plan submitted after the effective date of this Division 2 may not be approved unless it includes provisions for recycling storage areas in accordance with this Section.
- D. The management agent of a multi-family dwelling constructed after the effective date of this Division 2 must institute an on-site recycling program meeting the requirements of Sec. 21.2-10 within 30 days after the date of initial occupancy.

SEC 21.2-20 PENALTIES.

- A. A violation of this Division 2 shall subject the violator to a penalty of \$100 per day, and each day a violation continues to exist constitutes a separate violation.
- B. The Division 2 may be enforced through any remedy available at law for the enforcement of ordinances, including the institution of an appropriate action for an ordinance violation in circuit court or before the Town's administrative adjudication system. The Town may also institute any appropriate action in the circuit court for injunctive relief to restrain any actual or threatened violation of this Division 2.

SEC. 21.2-25 EXEMPTION FOR TOWN-COLLECTED DWELLINGS. The recycling requirements under this Division 2 do not apply to any multi-family dwelling for which the Town provides weekly collection of refuse and recycling.

SEC. 21.2-30 EVALUATION OF RECYCLING REQUIREMENTS. On or before April 1, 2022, Town staff shall evaluate this Division 2, including the screening requirements and any other zoning, building, and subdivision laws affecting this Division 2, and shall recommend any amendments to the Town Council to this Division 2 that it deems necessary and appropriate. But nothing in this Section requires or prohibits any amendments to this Division 2.

(Entire Division 2 Added 07/02/18 by Ord. No. 5743)

DIVISION 3 - NUISANCES

SEC. 21.3-1 INSPECTION AND INVESTIGATION. When the existence of a public nuisance is brought to the attention of the City Manager, he shall cause an inspection and investigation to be made by the appropriate agencies to determine whether removal is necessary.

SEC. 21.3-2 NOTICE TO ABATE. After inspection and investigation, under the provisions of the preceding section, The City Manager shall cause a notice in writing to be served upon the person who is responsible for the existence of the nuisance. If personal service of the notice cannot be made, then such notice shall be left at the residence or usual place of business of the person found to be responsible or on the property on which the nuisance is located.

The notice shall indicate the date of the inspection and investigation and the hours and location where the inspection was made. The notice shall set forth what the nuisance consists of and indicate the abatement or remedy required.

SEC. 21.3-3 FAILURE TO ABATE AFTER NOTICE; ABATEMENT BY TOWN; COST. After the expiration of 5 days from the time the notice is served, if the nuisance is not abated or other remedy made as required, it shall be abated pursuant to the nuisance abatement process set forth in this Division.

SEC. 21.3-4 ABATEMENT IN CASE OF EMERGENCY. If the nuisance constitutes an emergency, the time for abatement may be reduced in the notice which specifies that the emergency exists.

SEC. 21.3-5 ABATEMENT BY OWNER, AGENT OR OCCUPANT WHERE RESPONSIBLE PERSON IS UNKNOWN. When any nuisance, or anything likely to become a nuisance, may be found upon any premises, and the person causing such nuisance is unknown or cannot be found, the owner, agent or occupant of the premises shall be notified to abate the same. If such owner, agent or occupant, whose duty it is hereby made to abate such nuisance, shall not promptly comply with such notice, it shall be abated by the City Manager as provided in this Division, and the owner, agent, or occupant shall be subject to the penalty as hereinafter provided.

SEC. 21.3-6 THINGS INTERFERING WITH PEACE OR COMFORT. Sound, animals or things which interfere with the peace or comfort or disturb the quiet of any person in the Town are hereby declared to be a public nuisance.

Anything which is made, permitted, used, kept, maintained, or operated, or any building or any animal that is kept in the Town or outside of the Town, but within one-half mile of its limits, in a manner which is offensive, nauseous, dangerous to life, limb, or property or detrimental to the health of the persons residing in that area shall be a public nuisance.

Whoever shall, within the limits of the Town, establish or maintain any tallow, chandlery, tannery, bone, or soap factory, or shall steam, boil or render any tainted lard, tallow, offal, or other unwholesome animal substance shall be deemed guilty of a nuisance; and whoever shall, without

the Town limits and within one mile thereof, establish or maintain any such chandlery, factory, tannery, or rendery without first obtaining the consent of the Town Council; or whoever, having obtained such permission and consent, shall so conduct or carry on any such business so as to taint the air and render it offensive or unwholesome, or so as to affect the health or comfort of persons residing in the neighborhood thereof, shall be deemed guilty of a nuisance.

Whoever shall, within the Town, place or throw or permit to be discharged or to flow from or out of any house or premises any filthy, foul, or offensive matter or liquid of any kind into any street, alley or public place, or upon any adjacent lot or ground or shall allow or permit the same to be done by any person connected with the premises under his control, shall be deemed guilty of a nuisance.

The various nuisances described and enumerated in this section shall not be deemed to be exclusive but shall be in addition to all other nuisances described and prohibited by this Code.

SEC. 21.3-7 COMMON LAW AND STATUTORY NUISANCES. In addition to what is herein declared to be a nuisance, those offenses known to the common law or of the statutes of the state as nuisances may, in case the same exists within the Town, be treated as such and proceeded against as in this Chapter provided.

SEC. 21.3-8 NUISANCES. The following are hereby declared to be nuisances and subject to abatement as provided in this Division:

- A. **Graffiti.** Any wall or exposed surface marked with graffiti as defined herein shall constitute a public nuisance. The owner of real or personal property marked with graffiti shall completely remove or permanently cover any and all graffiti placed on such real or personal property within seven (7) days of the date the graffiti was placed upon the property. As used in this section, graffiti shall mean any drawing, inscription, writing, figure, or mark made upon a wall or other exposed surface, including but not limited to, any house, garage, rock, bridge, fence, gate, tree, monument, motor vehicle, sidewalk, street, lamppost, street sign, underpass, or retaining wall, whether publicly or privately owned with paint, chalk, dye, ink, pencil, wax, or other similar substance or by etching, scratching, cutting, burning, or carving without the express consent of the owner of said wall or other exposed surface. (Entire SEC. 21.3-8 Added by Ord. No. 4074 August 3, 1992)
- B. **Standing Water as Public Nuisance.** All stagnant water in which mosquitoes can multiply is hereby declared to be a public nuisance. All items containing stagnant water which can serve as a breeding ground for mosquitoes are hereby declared to be a public nuisance. This includes, but is not limited to, bottles, cans, buckets, swimming pools, clogged gutters, or any other places containing stagnant water. The outdoor storage of tires for more than seven (7) consecutive days is declared a public nuisance. The foregoing declarations of public nuisances shall not apply to ditches, drainage ways, detention basins, lakes, streams, and natural land formations where water may collect.

- C. Prohibited Plants. It shall be unlawful for any owner, occupant, or person in control of any lot, place, or area within the Town of Normal, or the agent of such owner or person in control of any lot, place, or area to permit the growth of any noxious weeds or to permit the growth of turf grass to a height exceeding eight (8) inches. Such growth is hereby declared to be detrimental to the public health, safety, and general welfare and to be a nuisance. "Lot, place, or area" includes all the lot and the land between the curb and sidewalk adjacent to the lot, place, or area controlled by the above designated persons or agents.

Noxious weeds means any plant now or hereafter listed by the State of Illinois as a Noxious Weed pursuant to the Illinois Noxious Weed Act, 5 ILCS 100/1 et seq., any plant now or hereafter listed as an exotic weed by the Illinois Exotic Weed Act, 525 ILCS 10/1 et seq., and poison ivy (*Toxicodendron Radicans*), poison oak (*Toxicodendron Quericifolium*), and poison sumac (*Toxicodendron Vernix*).

Turf grass means any grass except grasses being grown for food or agricultural purposes and ornamental grasses which are intentionally, occasionally, and sporadically planted as part of a landscape design.

- D. Garbage, Rubbish, Ashes, Bulky Wastes, Brush, Construction and Demolition Wastes, Fill, Excavation Dirt, and Other Wastes. The presence upon land within the corporate limits of the Town of Normal of accumulated garbage, rubbish, ashes, bulky wastes, brush, construction and demolition wastes, fill, and excavation dirt mounded above the natural terrain, and other similar wastes, is hereby declared to be detrimental to the public health, safety, and general welfare and is declared to be a nuisance.
- E. Refuse Placed Out for Collection in Violation of this Chapter. Refuse placed out for collection in violation of this Chapter, including, but not limited to, the non-timely placement of bulky waste at the curb-line for collection is hereby declared to be detrimental to the public health, safety, and general welfare and is declared to be a nuisance.
- F. Neglected Weeds, Grass, Trees, and Bushes all as Defined in 65 ILCS 5/11-20-7.
- G. Pests all as Defined in 65 ILCS 5/11-20-8.
- H. Infected Trees all as Defined in 65 ILCS 5/11-20-12.
- I. Garbage, Debris, and Graffiti all as Defined in 65 ILCS 5/11-20-13.

SEC. 21.3-9 NUISANCE ABATEMENT.

- A. In the event any of the nuisances identified in this Division exist within the Town of Normal, the City Manager or his designee shall notify, in writing, such owner, occupant, person in control, or agent to remove such public nuisance. In the event such owner, occupant, person in control, or agent cannot be located after reasonable

inquiry, posting shall be sufficient notice. The notice shall state that unless such nuisance is so abated or removed by a specified date, the Town will cause it to be abated or removed, that the cost thereof will be charged to the owner, occupant, or person causing, permitting or maintaining the nuisance, and that such cost shall be a lien upon the real property where the nuisance was abated or removed. Such notice shall also state that the failure of such owner, occupant, person in control, or agent to abate the nuisance as required by such notice shall be deemed an implied consent for the Town to abate or remove such nuisance. Such implied consent shall be deemed to form a contract between such owner, occupant, person in control, or agent and the Town. If such owner, occupant, person in control, or agent fails to abate any nuisance within the time limit specified in such notice, the Town may proceed to abate such nuisance, keeping an account of the expense of the abatement as to each particular lot or tract, and such expense shall be charged and paid by such owner, occupant, person in control, or agent.

- B. Administrative Expense. In addition to the expenses set forth in SEC. 21.3-9(A), the Town shall charge a fifty-dollar (\$50.00) fee to cover a portion of the administrative costs incurred for removal of the nuisance. Where the Town causes the removal of public nuisances from more than one lot in the same subdivision, and said lots are owned by the same persons, then the Town shall charge a fifty-dollar (\$50.00) fee for the first such lot and a five-dollar (\$5.00) fee for each additional lot.
- C. Lien or Personal Judgment. If the costs of abating or removing the nuisance remains unpaid, the Town, at its option, may file a lien upon the real property where the nuisance was abated or removed, or commence proceedings in the Circuit Court seeking a personal judgment from the owner of or persons interested in such property where the nuisance was abated or removed.
1. Lien. When the Town exercises its right to file a lien upon the real property where the nuisance was abated or removed, the Town must file a Notice of Lien in the office of the Recorder of Deeds of McLean County. Such Notice shall consist of a sworn statement setting out:
 - a. A description of the real estate sufficient for identification;
 - b. The amount of money representing the cost and expense incurred or payable for the service, and;
 - c. The date or dates when such cost or expense was incurred by the municipality. This lien shall be superior to all other liens except taxes, provided, however, it shall not be valid as to any purchaser whose right in and to such real estate have arisen subsequent to the date on which such costs were incurred and prior to the filing of such Notice, and a lien of the Town shall not be valid as to any mortgages, judgment, creditor, or other lien or whose rights in and to such real estate arise prior to the filing of such Notice. Upon payment of the

costs and expenses by the owner or any other person interested in such property after the Notice of Lien has been filed, the lien shall be released by the Town, and the release may be filed of records as in the case of filing the Notice of Lien. The lien may be enforced by proceeding to foreclosure, as provided by law.

2. Personal Judgment. When the Town exercises its right to obtain a personal judgment against an owner, occupant, person in control, or agent for the cost of abatement or removal of a nuisance, the Town shall file an action in the Circuit Court against any person or persons to whom notice was sent as authorized in SEC. 21.3-9(A).

Said action shall be based upon the implied consent by said persons to form a contract with the Town for the abatement or removal of said nuisances. The action authorized by this paragraph shall be in addition to, and without waiver, of any other remedy.

SEC. 21.3-10 PENALTY. It shall be unlawful for any property owner, lessee, tenant, or other person otherwise in control of property to allow a public nuisance as set forth in SEC. 21.3-9(A) to exist on any property owned, leased, used, occupied, or in which such person otherwise has an interest to remain on such property.

Any person found guilty of violating, disobeying, omitting, neglecting, or refusing to comply with or resisting or opposing the enforcement of any of the provisions of this chapter, except when otherwise specifically provided, upon conviction thereof shall be fined not less than twenty-five dollars (\$25.00) nor more than five hundred dollars (\$500.00) for each offense. A separate and distinct offense shall be regarded as committed each day upon which said person shall continue any such violation or permit any such violation to exist.

(SEC. 21.3-9 and SEC. 21.3-10 Added 10/7/02 by Ord. No. 4816)

DIVISION 4 - USE OF TOWN DUMP

(Deleted 10/6/80 by Ord. No. 1994)

DIVISION 5 - RAT CONTROL

SEC. 21.5-1 DEFINITIONS. For the purpose of this chapter, the following words shall have the meanings respectively ascribed to them in this section.

Business Buildings. The term business buildings shall mean any structure, whether public or private, that is adapted for occupancy for transaction of business, for rendering of professional service, for amusement, for the display, sale or storage of goods, wares or merchandise, or for the performance of work or labor.

Ratproofing. The term ratproofing applies to a form of construction to prevent the ingress of rats into business buildings from the exterior or from one business building or establishment to another. It consists, essentially, of treating all actual or potential openings in the exterior walls, ground or first floors, basements, roof, and foundations that may be reached by rats from the ground by climbing or by burrowing with material impervious to rat gnawing.

Rat Harborage. The term rat harborage shall mean any condition which provides shelter or protection for rats, thus favoring their multiplication and continued existence in, under or outside of a structure of any kind.

Rat Eradication. The term rat eradication means the elimination or extermination of rats within buildings so that the buildings are completely freed of rats, or there is no evidence of rat infestation remaining by any or all of the accepted measures, such as poisoning, fumigation, trapping, and clubbing.

Owner. The term owner shall mean the actual owner of the business building, whether individual, partnership or corporation, or the agent of the building or other person having custody of the building or to whom rent is paid. In the case of business buildings leased with a clause in the lease specifying that the lessee is responsible for maintenance and repairs, the lessee will be considered in such cases as the owner for the purpose of this division.

Occupant. The term occupant shall mean the individual, partnership or corporation that has the use of or occupies any business building or a part or fraction thereof, whether actual owner or tenant. In the case of vacant business buildings or any vacant portion of a business building, the owner, agent, or other person having custody of the building shall have the responsibility of an occupant of a building.

SEC. 21.5-2 BUSINESS BUILDINGS TO BE RATPROOFED AND FREED OF RATS WHEN DIRECTED. It is hereby provided and required that all business buildings in the Town shall be ratproofed and freed of rats when directed by the Health Inspector or as required in this Division.

SEC. 21.5-3 NOTICE TO OWNER TO RATPROOF; FAILURE TO COMPLY.

Whenever the Health Inspector notifies the owner of any business building in writing that there is evidence of the need for ratproofing of the building, such owner shall take immediate measures of ratproofing the building. Unless such work has been completed by the owner, then the owner shall be deemed guilty of an offense under the provisions of this Division.

SEC. 21.5-4 NOTICE TO OCCUPANT OF RAT INFESTATION; DUTY TO INSTITUTE RAT ERADICATION MEASURES.

Whenever the Health Inspector notifies the occupant of a business building in writing that there is evidence of rat infestation of the building, such occupant shall immediately institute rat eradication measures and shall continuously maintain such measures in a satisfactory manner until the premises are rat free.

SEC. 21.5-5 MAINTENANCE OF RATPROOFED BUILDINGS. The owner of all ratproofed business buildings is required to maintain the premises in a ratproof condition and to repair all breaks or leaks that may occur in the ratproofing without a specific order of the Health Inspector.

SEC. 21.5-6 INSPECTION OF BUILDINGS; NOTICE OF EVIDENCE OF RATS.

The Health Inspector is hereby empowered to make unannounced or announced inspections of the interior and exterior of business buildings as, in his opinion, may be necessary to determine full compliance with this Division. When any evidence is found indicating the presence of rats or openings through which rats may again enter business buildings, the Health Inspector shall serve the owners or occupants, or both, with notices or orders to abate the conditions found.

SEC. 21.5-7 FUTURE CONSTRUCTION TO BE RATPROOF. It is hereby made unlawful for any person to hereafter construct, repair or remodel any business buildings, unless such construction, repair or remodeling shall render the building ratproof, provided, that only such repairs or remodeling as affect the ratproof condition of any such building shall be considered as subject to the provisions of this section.

SEC. 21.5-8 REQUIREMENTS AS TO STORAGE OF FOOD. All human food or animal food or feed within the Town shall be stored in rat free and ratproof containers, compartments or rooms, unless stored in a ratproof building.

SEC. 21.5-9 DISPOSAL OF WASTE, GARBAGE AND REFUSE. Within the Town, all waste, garbage or refuse upon which rats may feed, and all small dead animals, shall be placed and stored until collected in covered metal containers of the type prescribed by Division 1 of Chapter 21 of this Code.

SEC. 21.5-10 REQUIREMENTS AS TO LUMBER, BOXES, BARRELS, ETC. It is hereby unlawful for any person to place, leave, dump or permit to accumulate on any private or public premises, improved or vacant, or on any open land, street or alley in the Town, any lumber, boxes, barrels, bottles, cans, containers, or similar materials unless the same shall be placed on open racks that are elevated not less than 18 inches above the ground and evenly piled or stacked so that these materials will not afford harborage for rats.

SEC. 21.5-11 PENALTY. Any person who shall violate any of the provisions of this Division or fail to comply with any notice given by the Health Inspector shall, upon conviction thereof, be fined not less than \$5.00 nor more than \$200.00. Each day that any such violation or failure continues shall be considered as a separate and distinct offense and shall be punishable as such. (Amended 6/3/02 by Ord. No. 4797)

**DIVISION 6 - RATES AND CHARGES FOR THE COLLECTION
OF GARBAGE, ASHES, REFUSE, AND RUBBISH**

(Division 6 Deleted 2/19/79 by Ord. No. 1808)

(Comprehensive Amendment to Chapter 21 – 7/6/11 by Ord. No. 5390)

DIVISION 7 - POLLUTION CONTROL FACILITY
SITING ORDINANCE

SEC. 21.7-5 DEFINITIONS.

A. As used in this Division 7.

Act. The Illinois Environmental Protection Act (415 ILCS 5/) and all Administrative rules adopted in accordance with that statute.

Agency. The Illinois Environmental Protection Agency.

Applicant. Any person, firm, or corporation who files an Application under this Div. 7.

Clerk. The Clerk of the Town of Normal.

Hearing participant. The Applicant, the Town, any person who files notice under subsection (A)(1) of Sec. 21.7-40, and any person who registers in person with the hearing officer to participate in the hearing under subsection (E) of Sec. 21.7-50.

Person. Any “person, firm, or corporation”, as that term is defined under Section 27.1-2 of the Municipal Code of the Town of Normal of 1969.

Pollution Control Board. The Illinois Pollution Control Board.

Pollution control facility. As the meaning set forth under Section 3.330 of the Act (415 ILCS 5/3.330).

Town. The Town of Normal, acting through its elected officers and authorized agents.

Town Council. The President and Board of Trustees of the Town of Normal.

B. All other terms that are used in this Division 7 and that are defined in the Act have the same definitions as set forth in the Act.

SEC. 21.7-10 TOWN SITING APPROVAL REQUIRED; HOST AGREEMENT.

A. No person may operate a pollution control facility in the Town without obtaining both (i) a permit issued under the Act and (ii) local-siting-review approval by the Town Council, as provided in the Act and in this Division 7.

- B. In addition to any federal, State, or local requirement for the siting and permitting of a pollution control facility, it is the policy of the Town to require each applicant proposing either (i) the expansion of an existing pollution control facility or (ii) the siting of a new pollution control facility to enter into a Host Agreement with the Town prior to filing a siting application. The Host Agreement may include, without limitation, any or all of the following:
1. The payment of a host fee to the Town.
 2. An indemnification agreement to indemnify the Town and its officers, agents, employees, and other appropriate parties from liability associated with any operation of the pollution control facility.
 3. A prohibition on the acceptance, for final deposit at the pollution control facility, of any regulated hazardous waste.
 4. An authorization for the Town to approve or disapprove of any transfer of controlling ownership or other interest in the pollution control facility or site, but only with the requirement that the Town may not unreasonably withhold its approval of any requested transfer.
 5. A requirement, if the pollution control facility is not publicly owned, for the establishment of an environmental contingency fund or an alternative environmental protection insurance policy. Any such fund or policy is required in addition to any financial-assurance requirement of federal or State regulations.
 6. The requirement for a property-value-protection program for existing homes within a mutually-agreed distance from the site.
 7. For waste disposal sites, the requirement for a domestic-water-well-protection-plan for existing water wells within a mutually-agreed distance from the site.
 8. A provision allowing the Town reasonable access to all non-financial records associated with the pollution control facility.
 9. A provision for enforcing the terms of the Host Agreement that includes, without limitation, specific performance and other equitable relieve without the need to pursue any remedy at law.
 10. A provision addressing the disposal of non-hazardous solid waste and non-hazardous special waste generated within the Town and handled by the Town.
 11. Any other provision mutually agreed upon by the Applicant and the Town.

SEC. 21.7-15 PRE-NOTICE OF APPLICATION REQUIRED.

- A. At least 14 days before the filing date of an application for site-location approval under Sec. 21.7-25, the Applicant must provide written notice of the application to all of the following:
1. each owner of property that is located within the subject area and that is not solely owned by the Applicant;
 2. each owner of property that is located within 250 feet of the lot line of the subject property; and
 3. each member of the General Assembly from each legislative district in which the proposed facility is to be located.
- B. In addition to the written notice required under subsection (A), the Applicant must publish notice of the application in a newspaper of general circulation in the Town.
- C. The notice required under subsections (A) and (B) must contain all of the following information:
1. the name and address of the Applicant;
 2. the location of the proposed site;
 3. the nature and size of the development;
 4. the nature of the proposed activity;
 5. the probable life of the proposed activity;
 6. the date when the application for site approval will be submitted to the Clerk; and
 7. a description of the right of persons to comment on the application.
- D. To determine notice requirements under subsection (A), the owners of property shall be determined as the persons or entities that appear on the authentic tax records of McLean County. The number of all feet occupied by public roads, streets, alleys, and other public ways are excluded in computing the 250-foot requirement, but in no event does this requirement exceed 400 feet, including public roads, streets, alleys, and other public ways.
- E. The notice required under subsection (A) must be made by personal service or by registered mail, return receipt requested.
- F. The Applicant must include, in the application, proof of compliance with all of the pre-filing notice requirements under this Section.

SEC. 21.7-20 APPLICATION FORM AND CONTENTS.

- A. To request siting approval for a pollution control facility in the Town, an Applicant must file an application with the Clerk. The Applicant must submit 20 paper copies of the application and 5 copies of the application on CD or DVD format. The application must contain the required contents set forth under this Section.
- B. The application must include a description of the proposed facility sufficient to demonstrate compliance with the Act and Pollution Control Board administrative rules. This description includes all site plans, engineering (including calculations), exhibits, and maps and all additional documents, if any, to be submitted to the Agency as of the filing of the application.
- C. The application must be consecutively paginated, and it must be accompanied by all site plans, exhibits, maps, and documents that are required by the Act and by this Division 7.
- D. The application must include all of the following information:
1. The name and address of the Applicant and of each direct and indirect owner of the Applicant with more than a 10% ownership interest and a description of the ownership interest held by each such owner.
 2. The address of the site on which the pollution control facility is proposed to be located, the name and address of each person or entity with more than a 5% ownership interest of that site, a description of the ownership interest held by each such owner, and if the site is owned in a land trust, all beneficiaries of the land trust by name and address and a description of the ownership interest held by each beneficiary.
 3. The (i) legal description of the proposed site and (ii) street address or other reasonable description of the location of the site.
 4. A narrative description of (i) the proposed pollution control facility, (ii) its expected manner of operation and useful life, and (iii) the nature and quantity of the wastes that are proposed to be accepted each day, month, and year of operation.
 5. A complete and thorough description of (i) the area to be served by the proposed pollution control facility, (ii) the waste needs in the area, and (iii) why the facility is necessary to accommodate those waste needs.
 6. A description of why the proposed pollution control facility is consistent with the Solid Waste Management Plan, adopted and in effect at the time of the application, in McLean County.

- E. The application must include site plans describing and showing, in concept, the proposed pollution control facility. The site plans must include, without limitation, all of the existing and proposed:
1. cross sections;
 2. fences, buildings, and other structures;
 3. roads, entrances, and driveways;
 4. pollution control equipment, including any (i) air pollution control equipment, (ii) solid wastewater treatment works, and (iii) storm water management improvements, including, for each of these, all compliance and monitoring points; and
 5. emergency response equipment and control systems.
- F. The application must include a topographic survey of the site of the proposed pollution control facility and surrounding area within 100 feet of the site. The survey must indicate land use, contours, and if applicable, the boundary of any 100-year flood plain.
- G. The application must include the plan of operation for the proposed pollution control facility. The plan must include all of the following comprehensive details:
1. the means, manner, and methods of waste storage, treatment, disposal, consolidation, transfer, or other processes;
 2. the proposed hours of operation;
 3. the job descriptions for all personnel;
 4. the means, manner, and method of litter, vector, dust, and odor control, along with a plan for monitoring and compliance with the plans;
 5. the management of surface and storm water drainage and discharge;
 6. the operation of the fire control system; and
 7. corrective and response actions for spills and other operational accidents.
- H. The application must include a traffic study for traffic within a two-mile radius of the proposed facility. The study must include all of the following:
1. the proposed traffic routes for entering and exiting the proposed site, along with (i) all traffic control points, (ii) the location of any school, church, medical-care facility, and residential use along those routes, and (iii) any other significant feature or characteristic of those routes;

2. the daily traffic patterns, number of vehicles, the nature of the vehicles, and the location of any regular traffic delay or slowdown or of any area of high incidents of traffic accidents;
 3. all projected changes to existing traffic patterns due to the proposed pollution control facility, including the number of vehicles, the nature of the vehicles, and the effect of the traffic patterns on the location of any regular traffic delays and slowdowns and of any areas of high incidents of traffic accidents.
- I. The application must include financial assurance or insurance with coverages, limits, and exclusions, each of which are reasonably acceptable to the Town , in amounts or limits that are sufficient to cover (i) property damage, personal injury, sudden and non-sudden accidental occurrences, and pollution impairment arising out of the operation of the pollution control facility, (ii) workers compensation in the statutorily required amount, and (iii) umbrella coverage with limits that are reasonably acceptable to the Town.
 - J. The application must include a statement describing the past operating experience of the Applicant (and any subsidiary and parent corporation) in the field of solid waste management within the preceding 10 years.
 - K. The application must include a statement describing the past record of all convictions or admission of violation of the Applicant (and any subsidiary and parent corporation) in the field of solid waste management within the preceding 10 years.
 - L. The application must include a copy of all pre-filing notices required by Section 39.2 of the Act and by Section 21.7-15 of this Division. The Applicant may submit the proof of service of the pre-filing notices on the first day of the public hearing under Section 21.7-50.
 - M. The application must include a copy of any host agreement entered into between the Applicant and the Town.
 - N. The application must include all additional pertinent documentary support for the application that the Applicant wants the Town Council to consider when making its siting decisions under this Division 7. It is intended that the Application provide a full and complete disclosure of its case to facilitate early review and analysis by all parties. The Applicant, however, is not precluded from introducing, at the public hearing under Section 21.7-50, any documentary support for the request that was not included in the application if those documents were not reasonably available at the time that the application was filed. Additionally, the Applicant is not precluded from introducing and using demonstrative exhibits at the public hearing that were not included in the application.

- O. In submitting the application, the Applicant may redact any trade secrets in accordance with Section 7.1 of the Act. If it is not reasonable to redact those trade secrets from a document, the Applicant may withhold that document. The Applicant must submit a log that reasonably identifies any document that is withheld because of trade secrets. Prior to the public hearing under Sec. 21.7-50, the Applicant must submit to the Clerk and hearing officer any additional document that was submitted to the Agency pertaining to the proposed pollution control facility.

SEC. 21.7-25 FILING THE APPLICATION.

- A. For the purpose of all-time limitations, the filing date of the application is the date on which the Applicant files, with the Clerk, a complete application in the proper form, along with the applicable filing fee and proof of escrow deposit required under Sec. 21.7-30.
- B. The Applicant may file one amended application. The amended application must be filed before any summary statement is made at the public hearing under Sec. 21.7-50. Any amended application must be filed along with the payment of all additional fees under Section 39.2 of the Act and Sec. 21.7-30 of this Division 7. If an amended application is filed, the time limitation for final action under Section 39.2 of the Act and Sec. 21.7-65 of this Division 7 is extended for an additional period of 90 days.
- C. The Applicant may not file an application that is substantially the same as an application that was disapproved by the Town Council, within the preceding two years, pursuant to a finding against an applicant for failing to meet the criteria set forth under subsection (a) of Section 39.2 of the Act.
- D. Upon receipt of the complete application, along with the required fees, the Clerk shall date stamp all copies and shall deliver two copies to the Town President, two copies to the City Manager, and one copy to each of the following:
 - 1. each member of the Town Council;
 - 2. the Public Works Director;
 - 3. the Zoning Administrator;
 - 4. the Town Engineer;
 - 5. the McLean County Health Department;
 - 6. the Community Solid Waste Coordinator; and
 - 7. the McLean County State's Attorney.

The Clerk shall retain one copy for public review. The Clerk must retain three copies for distribution to the hearing officer appointed under Sec. 21.7-35.

- E. Within 14 days after the filing date, the Clerk must notify all of the following in writing of the filing of the application:

1. each municipality within 1.5 miles of the proposed facility;
2. each township supervisor representing the area in which the proposed facility will be located;
3. each township highway commissioner representing the area in which the proposed facility will be located;
4. each fire protection district within the area in which the proposed facility will be located; and
5. each member of the Illinois General Assembly who represents the area in which the proposed facility will be located.

SEC. 21.7-30 FILING FEE.

- A. At the time of filing the application under Sec. 21.7-25, the Applicant must deposit with the Town Treasurer, a filing fee in the amount, form, and manner set forth in this Section.
- B. The amount of the initial filing fee for each type of proposed facility is as follows:
 1. For any new or expanded pollution control facility, other than a waste transfer station, handling non-hazardous waste, that accepts, handles, transfers, treats, stores, or disposes of only non-hazardous waste, including, but not limited to, a mixed municipal waste composting facility, mixed waste processing facility, organic waste composting facility, municipal waste incinerator, or sanitary landfill: \$100,000;
 2. For any new or expanded waste transfer station that accepts, handles, and transfers disposes of only non-hazardous waste: \$100,000; and
 3. For any new or expanded pollution control facility that that accepts, handles, transfers, treats, stores or disposes of hazardous waste: \$500,000.
- C. The appropriate methods for payment of filing fees include only the following: wire transfer to a Town of Normal bank account, cashier's check, negotiable money order, or certified check with "Treasurer, Town of Normal, Illinois" listed as the payee.
- D. The filing fee is intended to defray the Town Siting Costs. The Town shall use the moneys collected from the filing fee to pay the Town Siting Costs. The Applicant is required to pay all Town Siting Costs in excess of the initial filing fee set forth in subsection (B) of this Section.

- E. As security for the payment of potential Town Siting Costs that exceed the initial filing fee, the Applicant must provide proof of deposit into a joint order escrow account in a financial institution in the Town of Normal in the amount of \$100,000. If moneys are withdrawn from the escrow account to pay any Town Siting Costs, and if, at any time, the balance of the escrow account becomes less than \$50,000, then the Applicant must deposit moneys in the account to establish a balance of \$100,000 within 10 business days of the date on which the balance became less than \$50,000.
- F. If the Applicant elects to file an amended application under subsection (B) of Sec. 21.7-25, then the Applicant must pay a supplemental filing fee of \$50,000 in the same manner as set forth in subsection (C) of this Section.
- G. The Town shall refund to the Applicant any portion of the initial filing fee that was not expended to pay Town Siting Costs. This refund may not be made until the final resolution of the application process, including, but not limited to, any appeal or complaint filed with the Pollution Control Board or any State or federal court challenging the siting decision of the Town Council.
- H. For the purpose of this Division 7, the term “Town Siting Costs” means all reasonable and necessary costs of processing the application, including, but not limited to costs for: site inspection, clerical expenses, copying, space rental, hearing officer compensation, court reporter expenses, transcription costs, public notice expenses, reasonable staff review time, costs to engage Town consultants (such as qualified professional engineers, planners, appraisers, environmental counsel, etc.), tests, exhibits, and testimony, if any, provided by said consultants, and other relevant costs incident to the consideration of an application. Town Siting Costs include costs incident to preparing the record for appeal, and, other than for an appeal brought by the Applicant, the cost of representing the Town on appeal (including but not limited to all costs, fees and expenses for any and all appeals to the Illinois Pollution Control Board, Appellate Court, Illinois Supreme Court, and any complaint filed in Federal Court challenging the siting decision of the Town Council including all appeals therefrom).

SEC. 21.7-35 APPOINTMENT OF HEARING OFFICER, CONSULTANTS.

- A. Prior to the public hearing under Sec. 21.7-50, the President, with the consent of the Board of Trustees, must appoint a hearing officer to preside over the public hearing.
- B. The President may also retain consultants to advise the Town with respect to (i) the application, (ii) evidence adduced at the public hearing, and (iii) comments received by the Town. The consultants are authorized to present testimony at the public hearing and to present reports and recommendations in response to the application and to any written comments received by the Town. The consultants’ reports and recommendations concerning the application that the Town intends to

enter into the record of the public hearing must, to the extent reasonably possible, be filed with the Clerk at least 10 days before the public hearing commences.

- C. The compensation of the hearing officer and the consultants is Town Siting Costs payable as Town Siting Costs in accordance with Sec. 21.7-30.

SEC. 21.7-40 PRE-HEARING FILINGS.

- A. At least 10 days before the public hearing under Sec. 21.7-50, the following must be filed with the Clerk:
 - 1. Three copies of all reports, studies, exhibits, or other evidence, other than oral testimony, that any person other than the Town or Applicant desires to submit for the record to be used at the public hearing, along with a list of identifying witnesses to be called to testify at the public hearing;
 - 2. Three copies of all reports, studies, exhibits, or other evidence (other than oral testimony) that the Town desires to submit for the record to be used at the public hearing, along with a list identifying the witnesses to be called to testify at the public hearing; and
 - 3. Three copies of the Applicant's witness list, identifying the Applicant's witnesses to be called to testify at the public hearing in the Applicant's case in chief.
- B. The application and all reports or studies that it contains are deemed to be admitted as evidence and may be used by any person as an exhibit at the public hearing.
- C. If the 10th day prior to the date set for the public hearing falls on a day that the Clerk's Office is not open, then all submittals made pursuant to this Section must be filed on the next day that the Clerk's Office is open for regularly scheduled business hours.
- D. Upon receipt by the Clerk, all submittals under this Section must be date stamped. A copy of the submittals must be given to the hearing officer and any Town consultants. All the submittals must be available for public inspection at the office of the Clerk during regular business hours. A copy of the submittals or any part thereof must be available from the Town Clerk.

SEC. 21.7-45 PUBLIC HEARING; SCHEDULE AND NOTICE.

- A. The Town must hold at least one public hearing on the application for the pollution control facility site location approval. The hearing must be held no sooner than 90 days and no later than 120 days after the filing date established under subsection (A) of Sec. 21.7-25. The President shall determine the date,

time, and location of the public hearing. The hearing may be scheduled during the day or the evening, but it may not be held between the hours of 10:00 p.m through 8:00 a.m.

- B. The Applicant must publish notice of the public hearing in a newspaper of general circulation in the Town. The notice must be published at least 14 days before the hearing. The Applicant must also provide notice of the public hearing by public mail, return receipt requested, to: (i) all members of the Illinois General Assembly representing a district in which the proposed site is located; (ii) the County Board of McLean County; (iii) the governing authority of every municipality that is contiguous to the proposed site; and (iv) the Agency.

- C. All notices under subsection (B) must contain all of the following information:
 1. The name and address of the Applicant;
 2. The owner of the site and, if the ownership is in a land trust, the names and address of each beneficiary of the land trust;
 3. The legal description of the site;
 4. The street address of the site and, if there is no street address, a description of the site with reference to the location, ownership, or occupancy or some other reasonable identification of the property to area residents;
 5. The nature and size of the proposed development;
 6. The nature and probable life of the proposed activity;
 7. The time, date, and location of the public hearing;
 8. A statement that all documentary evidence, other than oral testimony, to be submitted at the public hearing and a list identifying witnesses must be filed with the Clerk at least 10 days before the date of the hearing;
 9. A statement that all persons, including members of the public, who intend to testify or cross examine witnesses must submit notice of their intent to the Clerk or register with the hearing officer on or before the first day of the public hearing;
 10. A statement that written comments must be received by the Clerk or postmarked no later than 30 days after the last day of the public hearing.
 11. A statement that the application is available to the public in the Clerk's Office, a description of the right of persons to comment on the application,

and a statement that copies of the application are available in accordance with the Freedom of Information Act.

SEC. 21.7-50 CONDUCTING THE PUBLIC HEARING.

- A. The hearing officer appointed under Sec. 21.7-35 shall preside at the public hearing and shall, subject to this Division 7, make any decisions concerning the admission of evidence and the manner in which the hearing is conducted. The hearing officer shall make all rulings and decisions in accordance with the principle fundamental fairness. The hearing officer may exclude irrelevant, immaterial, incompetent, or unduly repetitious testimony or other evidence. No ruling of the hearing officer concerning admissibility of evidence or procedural issues at the public hearing is appealable to the Town Council. Issues of jurisdiction shall be determined by the Town Council.
- B. Members of the Town Council may, but are not required to, attend the public hearing.
- C. The Applicant has the burden of proving, by a preponderance of the evidence, that the proposed pollution control facility meets the criteria set forth in the Act and this Division 7 for siting a pollution control facility.
- D. Any person wishing to participate at the public hearing has the rights, obligations, and opportunities that are set forth in this Division 7 and that are consistent with Section 39.2 of the Act and with the principles of fundamental fairness.
- E. Any person intending to participate in the hearing, including members of the public, must submit written notification of their intent with the Clerk at least 10 days before the first day of the public hearing or register in person with the hearing officer prior to the close or adjournment of the first day of the public hearing. Any person who has submitted a timely notification of intent to participate at the public hearing has the right to present testimony and witnesses and to orally comment on whether the proposed pollution control facility meets the requirements of the Act and this Division 7 for site approval. If the public hearing is continued past the first day, then any person not of record as of the first day is not allowed to present testimony or cross examine witnesses, except as authorized by the hearing officer for cause shown, consistent with the principles of fundamental fairness. The failure to file a notice of intent or to register in person with the hearing officer does not prevent any person from commenting orally at the conclusion of the evidence, subject to the discretion of the hearing officer.
- F. Any person testifying at the public hearing has the right to be represented by an attorney. Participants who are represented by an attorney have the right to reasonable cross examination, subject to the hearing officer's judgment and consistent with principles of fundamental fairness. Participants who are not

represented by an attorney may submit written cross-examination questions to the hearing officer, who shall exercise discretion to direct relevant and non-duplicative cross-examination questions to the applicable witness. The cross examination of witnesses is permitted only during that period immediately following each witness' testimony. If a list of cross-examination questions is extensive or it requires technical answers, the hearing officer may permit the witness to answer the questions in writing within the time period set by the hearing officer. The time period set by the officer may not be longer than 15 days after the conclusion of the witness' testimony. The witness must, within the time period, present a copy of the written answers to the person presenting the cross-examination questions. The hearing officer must enter the written answers into the record of the public hearing.

- G. Unless otherwise agreed to by all participants or otherwise directed by the hearing officer, the public hearing must be conducted in substantially the following manner:
1. Call to order.
 2. Introduction of the hearing officer.
 3. The hearing officer identifies the Applicant and the application. The hearing officer admits the application into the record.
 4. Applicant submits proof of compliance with all requirements concerning fees, notices, and filing of the application. The hearing officer admits the proper proof of this compliance into the record.
 5. The hearing officer admits into the record all of the reports, exhibits, and other evidence properly submitted to the Clerk under Sec. 21.7-20 and Sec. 21.7-40.
 6. The Applicant, the Town, and any participant who is represented by counsel may make an opening statement.
 7. The Applicant presents its case. Upon the completion of the Applicant's case, the Town may present its case. Upon the completion of the Town's case, any person who filed with the Clerk under subsection (A) of Sec. 21.7-40 may present oral testimony. The hearing officer shall decide the order of the presentation of testimony. All witnesses must testify under oath. Testimony may include the use of exhibits. Witness testimony shall be conducted in the following format: direct testimony, cross-examination, re-direct testimony, and re-cross-examination. The hearing officer may, in his or her discretion, allow rebuttal and sub-rebuttal after all parties have presented testimony.

8. After the conclusion of all testimony, each participant may make a summary statement in the order that the cases were presented under paragraph (7). After the conclusion of all of the summary statements, the Applicant may make a rebuttal statement. All summary statements and rebuttals are subject to reasonable limitations set by the hearing officer.
 9. The hearing officer establishes a schedule for the filing, with the Clerk, of briefs, any proposed findings of fact, and written public comments.
 10. The hearing officer closes the public hearing.
 11. After all documents are filed with the Clerk under paragraph (9), the hearing officer shall prepare and forward, to the Clerk, a recommended finding and order regarding the Applicant's request for siting approval. The hearing officer's recommendation must be guided by the Act, this Division 7, and all other relevant law.
- H. If any issue, fact, datum, or other evidence arises during the course of the public hearing that were not apparent or not reasonably foreseeable by a participant, then, upon request of any participant, the hearing officer may recess the public hearing for a period of time not to exceed five days.
- I. If, prior to making a final local-siting decision, the Town has entered into a host agreement with the Applicant, then the terms and conditions of that host agreement, whether oral or written, must be disclosed and make a part of the hearing record for that local siting proceeding. In the case of an oral agreement, the disclosure must be made in the form of a written summary, jointly prepared and submitted by the Town and the Applicant.

SEC. 21.7-55 PUBLIC COMMENT.

- A. Any person may file a written comment with the Clerk concerning whether the proposed pollution control facility complies with the criteria of the Act and this Division 7. The written comment must be submitted or postmarked no later than 30 days after the date that the public hearing is closed under Sec. 21.7-50. The Clerk must date stamp the written comments and the postmarked envelope, if any, in which the comment is received.
- B. All public comments submitted under subsection (A) are included in the record of the public hearing. The hearing officer must consider all public comment submitted under subsection (A), but those comments are not entitled to the same evidentiary weight as testimony that is provided under oath and subject to cross examination.

SEC. 21.7-60 PUBLIC HEARING RECORD.

- A. The Clerk is responsible for assembling and keeping the record of the public hearing. The record of the public hearing must consist of all of the following:
 - 1. The application, including proof of all required notice, that is admitted as an exhibit at the public hearing.
 - 2. Proof of all required notices admitted into evidence at the public hearing.
 - 3. All written comments properly filed under Sec. 21.7-55.
 - 4. All reports, studies, exhibits, or documents received into evidence at the public hearing.
 - 5. The transcript of the public hearing.
 - 6. The proposed findings of fact and recommendations of the hearing officer and any objections or exceptions thereto made by any party to the public hearing.
- B. The Clerk is responsible for certifying all copies of the record of the public hearing as true and correct copies of the record maintained by the Clerk.
- C. When the record is complete with all of the items set forth in subsection (B), the Clerk shall submit a copy of the record to the Town Council.

SEC. 21.7-65 SITING DECISION BY TOWN COUNCIL.

- A. After receiving the record from the Clerk under Sec. 21.7-60, the Town Council shall consider the application. First, the Town Council must determine whether the application is complete and includes all of the information and documents that are required under the Act or this Division 7. If the application is complete, the Town Council must evaluate the application to determine whether the proposed pollution control facility complies with the siting criteria set forth in the Act and in this Division 7.
- B. In making its decision on the application, the Town Council must base its decision on the record and on whether the proposed pollution control facility complies with the criteria set forth in this Section.
- C. In accordance with Section 39.2 of the Act, the Town Council may not grant local siting approval unless the proposed pollution control facility meets all of the following criteria:

1. The proposed facility is necessary to accommodate the waste needs of the area that it is intended to serve.
 2. The proposed facility is so designed, located, and proposed to be operated that the public health, safety, and welfare will be protected.
 3. The proposed facility is located so as to minimize incompatibility with the character of the surrounding area and to minimize the effect of the value of the surrounding property.
 4. For a proposed facility other than a sanitary landfill or waste disposal site, the proposed facility is located outside the boundary of the 100-year floodplain, or is flood-proofed. For a proposed facility that is a sanitary landfill or waste disposal site, the proposed facility is located outside the boundary of the 100-year floodplain or, if the proposed facility is a facility set forth in subsection (b) of Section 22.19a of the Act, the site is flood-proofed.
 5. The plan of operation for the proposed facility is designed to minimize the danger of the surrounding area from fire, spills, or other operation accidents.
 6. The traffic patterns to and from the proposed facility are so designed to minimize the impact on existing traffic flows.
 7. If the proposed facility will be treating, storing, or disposing of hazardous waste, an emergency response plan exists for the proposed facility that includes notification, containment, and evacuation procedures to be used in case of any accidental release.
 8. The proposed facility is consistent with the Solid Waste Management Plan adopted by McLean County.
 9. If the proposed facility will be located within a regulated recharge area, then the facility must meet all applicable requirements specified by the Pollution Control Board for that area.
- D. The Town Council may consider, as evidence, the previous operating experience and past record of convictions or admissions of the Applicant and any subsidiary and parent corporation in the field of solid-waste management when considering the criteria set forth in subsection (B).
- E. The Town Council must issue a final written decision within 180 days after the application filing date established under subsection (A) of Sec. 21.7-25. The

written decision must specify the reasons for the Town Council's decision, and those reasons must be in conformance with the Act and with this Division 7.

- F. The application may be conditionally approved as allowed by law.
- G. The Town Council may not reconsider its written determination.
- H. Within three days after the Town Council issues its written decision, the Clerk must send a copy of the decision to each of the participants of the public hearing and to the Agency.
- I. If the Town Council fails to issue a written decision within 180 days after the application filing date, the application is deemed to be approved.

SEC. 21.7-70 APPEAL PROCEDURE. Any appeal of the Town Council's written decision under Section 21.7-65 must be made in accordance with Section 40.1 of the Act.

SEC. 21.7-75 FEES AND COSTS. In accordance with Sec. 21.7-30, the Applicant shall pay for all Town Siting Costs that exceed the initial filing fee. The Town shall periodically submit to the Applicant a detailed accounting and summary of all Town-Siting Cost expenditures and requests for reimbursement. The Applicant shall remit payment to the Town within 30 days after the submittal of the accounting and request for reimbursement. If the Applicant fails to remit the payment, then the Town, after three-days written notice to Applicant, may deem the Application withdrawn and of no further force or effect, and the Town may discontinue any further consideration of the Application.

SEC. 21.7-80 WAIVER OF RULES. In order to insure fundamental fairness in the siting process and in order to protect the public interest, the Town Council may waive any requirement of this Division 7, but only if that waiver is not inconsistent with any provisions of the Act.

SEC. 21.7-85 PUBLIC DISCLOSURE. The application and all other documents and records submitted to the Clerk under this Division 7 are subject to the provisions of the Freedom of Information Act.

SEC. 21.7-90 SEVERABILITY. If any provision or application of this Division 7 is, for any reason, held invalid by a court of competent jurisdiction, then that invalidity does not affect any other provision or application that can be given effect without the invalid provision or application, and, to this end, the provisions of this Division 7 are severable.

(Entire Division 21.7 Added 7/6/2014 by Ord. No. 5552)