

## **TITLE 9**

### **HEALTH & SANITATION**

#### **Chapter**

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## CHAPTER 1

### NUISANCE ORDINANCE

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#### 9-1-1: NUISANCES DECLARED UNLAWFUL:

It shall be unlawful and a violation of this Division for any person to wilfully or negligently create, erect, maintain or permit a nuisance to exist anywhere within the Village.

#### 9-1-2: NUISANCE DEFINED, GENERALLY:

Each of the Following is hereby declared a nuisance. Any thing, act, commission, occupation or condition which shall exist or continue for such length of time as to:

- A. Substantially annoy, injure or endanger the health, safety, peace or welfare of the public; or
- B. In any way render the public insecure in life or property; or
- C. Greatly offend the public morals or decency; or
- D. Unlawfully and substantially interfere with, obstruct or render dangerous for passage any street, sidewalk, alley, navigable body or other public way or place.

E. Fail to properly maintain property in accordance with the Property Maintenance Code set forth herein as Chapter 4 - Property Maintenance Code.

**9-1-3: OBSTRUCTIONS:**

Every obstruction or encumbrance of any street, alley, lane, avenue, sidewalk, public way, crossing, or public square within the corporate limits of the Village, by means of firewood, lumber, barrels, boxes, manure, merchandise, vending machines, or other thing or things, is hereby declared to be a nuisance.

**9-1-4: FOUL ODORS, FILTH:**

It is hereby declared to be a nuisance and a danger to the health, safety, welfare, peace and comfort of the Village and its residents for any person:

A. Businesses. To conduct any business or to use any premises so as to create an offensive or foul odor which taints the air and renders it nauseous to persons in the vicinity; or

B. Animals. To keep or maintain any animals in an unclean or filthy manner or surroundings, or to keep or maintain any animals from which emit any particularly foul or offensive odors; or

C. Animal Carcasses. To cause or permit to be collected or to remain upon any premises or place any animal carcass or any offal, filth, excretion or other noisome or noxious animal matter of any kind which is, or is likely to become, putrid, foul or offensive; or

D. Vegetable Matter. To cause or permit to be collected or to remain upon any premises or place any slop or other vegetable matter of any kind which is, or is likely to become, putrid, foul or offensive; or

E. Cellars, Vaults, Privies. To cause or permit any cellar, vault, cistern, drain, privy, yard or other premises whatsoever to become, from any cause, foul or offensive or injurious to the public health; or

F. Stagnant Water. To permit to be collected or to stand upon any premises any foul or stagnant water of any kind; or

G. Stables and Pigsties. To locate or maintain, or permit to exist or remain, anywhere within the Village any stable or pigsty; or

H. Foul or Noxious Substances. To use, deposit or keep any property, substance or thing emitting or causing any foul, offensive, noisome, nauseous or noxious odor, effluvia or stench particularly repulsive to the physical senses and which annoys, discomforts or endangers the welfare, health or safety of any person.

**9-1-5: RUBBISH, DRY GRASS:**

It is hereby declared a menace to the public safety and health and a nuisance for any person to cause or permit:

A. Rubbish, Rags. The deposit or accumulation of any refuse, oily rags, rubbish or other materials or substances of any kind, so as to constitute a fire hazard; or

B. Dry Grass, Vegetation. The deposit, accumulation, existence or growth upon any property of any dry or dead weeds, grass, vegetation or other like substances of any kind, so as to constitute a fire hazard.

**9-1-6: WEEDS:**

It is hereby declared a menace to the public safety and health and a nuisance for any person to cause or permit:

A. Any weeds such as burdock, jimson, ragweed (giant), ragweed (common), thistle, cocklebur, blue vervain, common milkweed, wild carrot, poison ivy, wild mustard, rough pigweed, lambsquarter, wild lettuce, curled dock, smart weeds (all varieties), poison hemlock, wild hemp, horseweed, or other weeds of a like kind, to grow in any lot or tract of land in the Village.

B. Growth of the bush of the tall, common or European Barberry, further known as Berberis Vulgaris or its horticultural varieties, within the Village.

C. Any weeds, grass or plants other than trees, bushes, flowers, vegetables or other ornamental plants, to grow to a height exceeding eight (8) inches anywhere in the Village.

**9-1-6.1: DUTY OF OWNER:**

A. It is hereby declared to be illegal for the owner of real estate to refuse or neglect to cut weeds when such weeds shall have reached a height in excess of eight (8) inches.

B. Every owner of real estate within the Village shall cut weeds on his property at all such times as may be necessary so that such weeds shall not exceed eight (8) inches in height and if said owner neglects or refuses to cut weeds so that such weeds shall not exceed eight (8) inches in height the Village may cut the weeds or authorize or hire some person to cut the weeds.

**9-1-6.2: NOTICE OF LIEN:**

If weeds are cut by or on behalf of the Village, after notice to abate nuisance as provided herein, a notice of lien of the cost and expense thereof incurred by the Village shall be recorded in the following manner: The village or the person performing the service by authority of the Village, in its name, may file notice of lien in the office of the Recorder of Deeds of Bureau County. The notice of lien shall consist of a sworn statement setting out: (1) A description of the real estate sufficient for identification thereof, (2) The amount of money representing the cost and expense incurred or payable for the service, and (3) The date or dates when said cost and expense was incurred by the Village, and said notice shall be filed within sixty (60) days after the cost and expense is incurred.

**9-1-6.3: RELEASE OF LIEN:**

Upon payment of the cost and expense after notice of lien has been filed, the lien shall be released by the Village and the release may be filed on record in the same manner as filing notice of said lien.

**9-1-7: LITTER IN PUBLIC PLACES:**

To throw or deposit litter in or upon any street, sidewalk, or other public place within the Village except in public receptacles or in authorized private receptacles for collection. Litter is garbage, refuse, rubbish, and all other waste material.

**9-1-8: VENDING - DISPENSING MACHINES:**

To install any vending machine or machine or device, coin operated or otherwise, for the purpose of dispensing any soda, drink, other liquid, or any merchandise, edible or not, so that said machine, in whole or in part, encroaches upon any sidewalk along Main Street in the Village.

**9-1-9: DIKES; DAMS:**

To drive or ride any animal or motor vehicle, bicycle, or other device upon any dike, dam, or waterway located within and being maintained by the Village.

**9-1-10: BICYCLES:**

To push, ride, or park any bicycle on any sidewalk along the north side of Main Street within the business district in the Village.

**9-1-11: PETROLEUM PRODUCTS, EXPLOSIVES:**

It is hereby declared a menace to the public safety and a nuisance for any person to cause or permit:

A. Petroleum Products. The accumulation or storage, within one hundred (100) yards of any building occupied as a residence or business, other than a licensed gasoline service station, of any petroleum, naphtha, benzine, coal oil, gasoline, kerosene, turpentine or other petroleum products or inflammable substances of any kind, in quantities greater than fifty (50) gallons; or

B. Explosives. The deposit, accumulation, storage or presence, within one hundred (100) yards of any building occupied as a residence or business of any powder magazine, nitroglycerine, dynamite or other explosive substance of any kind.

**9-1-12: ACCUMULATION OR STORAGE OF JUNK:**

It is hereby declared a menace to the public safety and a nuisance for any person to cause or permit the accumulation or storage of junk on the property of said person. Junk is defined as any old or scrap copper, brass, iron, steel, and other old or scrap nonferrous material including, but not limited to, rope, rags, any receptacle allowing for standing water, batteries, glass, rubber debris (including tires), waste, trash, or any discarded, dismantled, wrecked, scrapped, or non-functioning motor vehicle, motorcycle, ATV, golf cart, tractor, lawn mower, appliance or parts thereof. Also included is any item deemed an attraction to rodents, stray/unwanted animals, or mosquitos. Any abandoned or discarded refrigerator, icebox, ice chest, deep freezer, or other airtight appliance or container of any kind, of a capacity of 1-1/2 cubic feet or more, shall have the lids, doors, and other covers removed.

**9-1-13: SCAFFOLDING LADDERS:**

It is hereby declared a menace to the public safety and a nuisance for any person:

A. To erect or use, or to cause or permit to be erected or used, any insecure or unsafe scaffold or ladder whereby the safety of persons working thereon or passing thereunder may in any way be endangered.

B. To place or leave, or to cause or permit to be placed or left, any tools or articles on any such scaffold or ladder in such manner that the same may fall into any street, sidewalk or other public way, whereby the safety of persons passing thereunder may in any way be endangered.

**9-1-14: NUISANCES NOT ENUMERATED HEREIN:**

Any nuisance declared by Statute, this Division or other provisions of this Code or ordinances of the Village shall be enforceable under the provisions of this Division as if enumerated specifically herein.

**9-1-15: ENUMERATION NOT EXCLUSIVE:**

Nuisances enumerated in this Division shall not be deemed exclusive, but are in addition to and to be construed in conjunction with any other nuisances enumerated in Statutes or other provisions of this Code or ordinances of the Village.

**9-1-16: DUTY OF VILLAGE OFFICERS TO INVESTIGATE; POWER OF ENTRY:**

A. For the purpose of discovering nuisances, it shall be the duty of police, fire, health and building officers and inspectors to investigate, confirm and report any nuisances coming to their attention.

B. In order to investigate, confirm and report nuisances, said officers and inspectors shall, upon proper identification, be permitted, at any reasonable hour and in a reasonable manner, to visit and enter into or upon any premises or property within the Village to make an examination thereof, if they shall have reasonable grounds to believe that a nuisance exists.

**9-1-17: NOTICE TO PROPER OFFICIALS:**

Whenever any nuisance shall be reported to or investigated and determined by the police, fire, health or building officers or inspectors, notice shall be given to the owner or person in control of the property or premises involved, and to the appropriate Village officials whose functions include the abatement of such nuisances.

**9-1-18: NOTICE TO ABATE NUISANCE:**

A. Whenever any health or building official or inspector, or any police or fire officer, determines that a nuisance exists on any private property or premises, except as otherwise provided herein, the proper Village official shall cause a written notice to be served upon the owner or, if the owner cannot be found, upon the occupant or

person in control of the property or premises who is causing, permitting or maintaining such nuisance, and shall cause a copy of said notice to be conspicuously posted within or upon such property or premises.

**B.** Such notice shall fairly appraise such person of the nature of the nuisance, his duty to abate or remove the nuisance within the time provided therein, the penalty for failure to abate the same, and shall state that, if said nuisance is abated by the Village, liability for necessary expenses so incurred shall accrue as provided for in Section 9-1-23 of this Division.

**9-1-19: ABATEMENT OF NUISANCES; VILLAGE TO ABATE; TIME LIMITS:**

It is hereby declared the duty of any person determined to have created, caused, erected, maintained or permitted a nuisance to exist within the Village to discontinue and abate such nuisance within forty-eight (48) hours or such other time period as may be specified therein, from the time he receives written notice thereof.

**9-1-20: FAILURE TO ABATE, SEPARATE AND RECURRING OFFENSE:**

It shall be unlawful and a violation of this Division for any person to neglect, refuse or otherwise fail to remove or abate any nuisance after expiration of the forty eight (48) hour or other specified time period provided by notice thereof; and each twenty-four (24) hours, or fraction thereof, during which such nuisance continues or exists shall be deemed a separate offense.

**9-1-21: SAME; ABATEMENT BY VILLAGE:**

Whenever any nuisance is not abated by the owner, lessee or person in control of premises or property affected within the time provided by notice, the proper Village officer shall cause the abatement or removal of such nuisance.

**9-1-22: SUMMARY ABATEMENT BY VILLAGE WHEN EMERGENCY OR ON PUBLIC PROPERTY:**

Whenever any nuisance (a) constitutes or is deemed to be an imminent or immediate danger to public health or safety, or (b) exists on public property, the proper Village officer shall cause such nuisance to be summarily and immediately abated and removed, regardless of any forty eight (48) hour or other time period specified by notice to the person responsible therefor; provided, however, that in situation (a) above, such officer shall have first applied for and obtained the written permission of the President of the Village for such summary abatement.

**9-1-23: COSTS OF ABATEMENT; DEBT OF OWNER:**

**A.** Any costs or expenses of abatement reasonably incurred by the Village pursuant to the provisions of Section 9-1-21 and 9-1-22 of this Division shall be deemed a debt to the Village by the owner, lessee or person in control of premises upon which such nuisance existed; provided, that where specifically provided in this Code or by Statute, such costs and expenses shall become a lien upon the real estate or personal property affected, superior to all other liens and encumbrances, except tax liens.

**B.** It shall be the duty of the Village Attorney to enforce by civil action any and all such debts or liens as provided in subsection A. of this Section.

**9-1-24: PENALTY:**

Any person, firm or corporation, who shall violate any provision or section of this ordinance shall, upon conviction, be fined in an amount not less than Twenty Five Dollars (\$25.00) nor more than Five Hundred Dollars (\$500.00).

**9-1-25: SEPARABILITY:**

It is the intention of the Village Board that each separate provision of this ordinance shall be deemed independent of all other provisions herein, and it is further the intention of the Village Board that if any provision of this ordinance be declared invalid, all other provisions thereof shall remain valid and enforceable.

**9-1-26: ORDINANCES REPEALED:**

All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

**9-1-27: EFFECTIVE DATE:**

This ordinance shall take effect upon its passage and publication as provided by Statute.

(Ord. No. 0-5-7-14-81)

## CHAPTER 2

### ANTI-LITTERING ORDINANCE

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#### 9-2-1: DEFINITIONS:

For the purposes of this Ordinance the following terms, phrases, words, and their derivation shall have the meaning given herein.

1. "Aircraft" is any contrivance now known or hereafter invented, used or designated for navigation or for flight in the air. The word "aircraft" shall include helicopters and lighter-than-air dirigibles and balloons.

2. "Authorized private receptacle" is a litter storage and collection receptacle as required and authorized by the Village of Tiskilwa.

3. "Village" is the Village of Tiskilwa, Illinois.

4. "Commercial Handbill" is any printed or written matter, any sample or device, dodger, circular, leaflet, pamphlet, paper, or booklet which advertises for sale any merchandise, product, commodity, or thing.

5. "Garbage" is putrescible animal and vegetable wastes resulting from the handling, preparation, cooking and consumption of food .

6. "Litter" is "garbage", "refuse", and "rubbish" as defined herein and all other waste material which, if thrown or deposited as herein prohibited, tends to create a danger to public health, safety and welfare.

7. "Newspaper" is any newspaper of general circulation as defined by general law, any newspaper duly entered with the Post Office Department of the United States in accordance with Federal statute or regulation, and any newspaper; filed and recorded with any recording officer as provided by general law;



and, in addition thereto, shall mean and include any periodical or current magazine regularly published with not less than four issues per year, and sold to the public.

8. "Non-Commercial Handbill" is any printed or written matter, any sample, or device, dodger, circular, leaflet, pamphlet, newspaper, magazine, paper or booklet not included in the aforesaid definition of a commercial handbill.

9. "Park" is a park, reservation, playground, beach, recreation center or any other area in the Village, owned or used by the Village or any other area owned or leased by or under the control of the Village, and devoted to active or passive recreation.

10. "Person" is any person, firm, partnership, association, corporation, company or organization of any kind.

11. "Private Premises" is any dwelling, house, building, or other structure, designed or used either wholly or in part for private residential purposes, whether inhabited or temporarily or continuously uninhabited or vacant, and shall include any yard, grounds, walk, driveway, porch, steps, vestibule or mailbox belonging or appurtenant to such dwelling, house, building, or other structure.

12. "Public Place" is any and all streets, sidewalks, boulevards, alleys or other public ways and any and all public parks, squares, spaces, grounds, and buildings.

13. "Refuse" is all putrescible and non putrescible solid wastes (except body wastes), including garbage, rubbish, ashes, street cleanings, dead animals, abandoned automobiles, and solid marked and industrial wastes.

14. "Rubbish" is non putrescible solid wastes consisting of both combustible and non-combustible wastes, such as paper, wrappings, cigarettes, cardboard, tin cans, yard clippings, leaves, wood, glass, bedding, crockery and similar materials.

15. "Vehicle" is every device in, upon, or by which any person or property is or may be transported or drawn upon a highway, including devices used exclusively upon stationary rails or tracks.

#### **9-2-2: LITTER IN PUBLIC PLACES:**

No person shall throw or deposit litter in or upon any street, sidewalk or other public place within the Village except in public receptacles, in authorized private receptacles for collection, or in the official Village sanitary landfill.

#### **9-2-3: PLACEMENT OF LITTER IN RECEPTACLES SO AS TO PREVENT SCATTERING:**

Persons placing litter in public receptacles or in authorized private receptacles shall do so in such a manner as to prevent it from being carried or deposited by the elements upon any street, sidewalk or other public place or upon private property.

#### **9-2-4: MERCHANTS' DUTY TO KEEP SIDEWALKS FREE OF LITTER:**

Persons owning or occupying places of business within the Village shall keep the sidewalk in front of their business premises free of litter.

#### **9-2-5: LITTER THROWN BY PERSONS IN VEHICLES:**

No person, while a driver or passenger in a vehicle, shall throw or deposit litter upon any street or other public place within the Village, or upon private property.

#### **9-2-6: TRUCK LOADS CAUSING LITTER:**

No person shall drive or move any truck or other vehicle within the Village unless such vehicle is so constructed or loaded as to prevent load, contents or litter from being blown or deposited upon any street, alley or other public place. Nor shall any person drive or move any vehicle or truck within the Village, the wheels or tires of which carry onto or deposit in any street, alley or other public place, mud, dirt, sticky substances, litter or foreign matter of any kind.

**9-2-7: LITTER IN PARKS:**

No person shall throw or deposit litter in any park except in public receptacles and in such a manner that the litter will be prevented from being carried or deposited by the elements upon any part of the park or upon any street or other public place. Where public receptacles are not provided, all such litter shall be carried away from the park by the person responsible for its presence and properly disposed of elsewhere as provided herein.

**9-2-8: LITTER IN LAKES AND FOUNTAINS:**

No person shall throw or deposit litter in any fountain, pond, lake, stream, or any other body of water in a park or elsewhere within the Village.

**9-2-9: THROWING OR DISTRIBUTING COMMERCIAL HAND BILLS IN PUBLIC PLACES:**

No person shall throw or deposit any commercial or non commercial handbill in or upon any sidewalk, street or other public place within the Village. Nor shall any person hand out or distribute or sell any commercial handbill in any public place. Provided, however, that it shall not be unlawful on any sidewalk, street, or other public place within the Village for any person to hand out or distribute, without charge to the receiver thereof, any non-commercial handbill to any person willing to accept it.

**9-2-10: PLACING COMMERCIAL AND NON-COMMERCIAL HANDBILLS ON VEHICLES:**

No person shall throw or deposit any commercial or non-commercial handbill in or upon any vehicle. Provided, however, that it shall not be unlawful in any public place for a person to hand out or distribute without charge to the receiver thereof, a non-commercial handbill to any occupant of a vehicle who is willing to accept it.

**9-2-11: DEPOSITING COMMERCIAL AND NON-COMMERCIAL HANDBILLS ON UNINHABITED OR VACANT PREMISES:**

No person shall throw or deposit any commercial or non-commercial handbill in or upon any private premises which are temporarily or continuously uninhabited or vacant.

**9-2-12: PROHIBITING DISTRIBUTION OF HANDBILLS WHERE PROPERLY POSTED:**

No person shall throw, deposit or distribute any commercial or non-commercial handbill upon any private premises, if requested by anyone thereon not to do so, or if there is placed on said premises in a conspicuous position near the entrance thereof, a sign bearing the words: "No Trespassing", "No Peddlers or Agents", "No Advertisement", or any similar notice, indicating in any matter that the occupants of said premises do not desire to be molested or have their right of privacy disturbed, or to have any such handbills left upon such premises.

**9-2-13: DISTRIBUTING COMMERCIAL AND NON-COMMERCIAL HANDBILLS AT INHABITED PRIVATE PREMISES:**

No person shall throw, deposit or distribute any commercial or non-commercial handbills in or upon private premises which are inhabited, except by handing or transmitting any such handbill directly to the owner, occupant, or other person then present in or upon such private premises. Provided, however, that in case of inhabited private premises which are not posted, as provided in this Ordinance, such person unless requested by anyone upon such premises not to do so, may place or deposit any such handbill in or upon such inhabited private premises, if such handbill is so placed or deposited as to secure or prevent such handbill from being blown or drifted about such premises or sidewalks, streets, or other public places, and except that mailboxes may not be so used when so prohibited by Federal Postal law or regulations.

**A. Exemption for Mail and Newspapers:** The provisions of this section shall not apply to the distribution of mail by the United States, nor to newspapers (as defined herein) except that newspapers shall be placed on private property in such a manner as to prevent their being carried or deposited by the elements upon any street, sidewalk or other public place or upon private property.

**9-2-14: DROPPING LITTER FROM AIRCRAFT:**

No person in an aircraft shall throw out, or deposit within the Village any litter, handbill or any other object.

**9-2-15: POSTING NOTICES PROHIBITED:**

No person shall post or affix any notice, poster or other paper or device, calculated to attract the attention of the public, to any lamp post, public utility pole or shade tree, or upon any public structure or building, except as may be authorized or required by law.

**9-2-16: LITTER ON OCCUPIED PRIVATE PROPERTY:**

No person shall throw or deposit litter on any occupied private property within the Village, whether owned by such person or not, except that the owner or person in control of private property may maintain authorized private receptacles for collection in such a manner that litter will be prevented from being carried or deposited by the elements upon any street, sidewalk or other public place or upon any private property.

**9-2-17: OWNER TO MAINTAIN PREMISES FREE OF LITTER:**

The owner or person in control of any private property shall at all times maintain the premises free of litter. Provided, however, that this Section shall not prohibit the storage of litter in authorized private receptacles for collection.

**9-2-18: LITTER ON VACANT LOTS:**

No person shall throw or deposit litter on any open or vacant private property within the Village whether owned by such person or not.

**9-2-19: CLEARING OF LITTER FROM OPEN PRIVATE PROPERTY BY VILLAGE:**

**A. Notice to Remove:** The Chief of Police or any police officer is hereby authorized and empowered to notify the owner of any open or vacant private property within the Village or the agent of such owner to properly dispose of litter located on such owner's property which is dangerous to public health, safety or welfare. Such notice shall be by Certified Mail, addressed to said owner at his last known address, return receipt requested; or by a copy being served personally upon said owner or his agent by a police officer.

**B. Action Upon Non-Compliance:** The Chief of Police is hereby authorized and empowered to pay for the disposal of litter dangerous to the public health and safety upon the failure of any owner or agent to properly dispose of said litter within ten (10) days after receipt of written notice provided in Subsection (A) above, or within ten (10) days after the date of such notice in the event it is returned as undeliverable and was properly addressed to the last known address of such owner or agent.

**C. Charge for Removal:** When the Village has caused such dangerous litter to be removed the cost of removal, plus interest at the rate of six per cent (6%) per annum accrued from the date of the completion of the work, shall be charged to the owner of such property. The Village Clerk shall send to said owner a statement of such charges by regular U.S. Mail upon completion of the work and determination of such charges. Said charges shall be deemed delinquent if not paid within ten (10) days of the date of said statement.

**D. Recorded Statement Constitutes Lien:** Where the full amount due the Village is not paid by such owner within ten (10) days after the date of said statement of charges, the Chief of Police shall cause a sworn statement (to be recorded in the office) showing the cost and expense incurred for the work, the date the work was done and the location of the property on which said work was done. The recordation of such sworn statements shall constitute a lien and privilege on the property, and shall remain in full force and effect for the amount due in principal and interest, plus court costs, if any, for collection, until final payment has been made. Said costs and expenses shall be collected in the manner provided herein and shall be subject to a delinquent penalty of ten per cent (10%) in the event payment is not made in full on or before twenty (20) days after the date of said statement of charges. Sworn statements recorded in accordance with the provisions hereof shall be PRIMA FACIE evidence that all legal

formalities have been complied with and that the work has been done properly and satisfactorily, and shall be full notice to every person concerned that the amount of the statement, plus interest, constitutes a charge against the property designated or described in the statement and that the same is due and collectible as provided by law.

**9-2-20 PENALTIES:**

Any person violating any of the provisions of this Ordinance upon conviction thereof, shall be fined in an amount not exceeding five hundred dollars (\$500.00). Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such hereunder.

**9-2-21 SEPARABILITY:**

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

**9-2-22 ORDINANCES REPEALED:**

All ordinances and parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.  
(Ord. No. 0-3-91-9-10)

## CHAPTER 3

### BURNING

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#### **9-3-1: BURNING DECLARED UNLAWFUL:**

It shall be unlawful for any person to burn any combustible material on any public property within the Village including, but not limited to, streets, alleys, rights of way or parks.

#### **9-3-2: Smoke:**

A. It shall be unlawful for any person to burn combustible material within the Village in such a manner as to cause a smudge or smoke across or upon any public street or alley within the Village of such density as to obstruct the view of persons passing on such street or alley.

B. It shall be unlawful for any person to burn any combustible material within the Village in such a manner as to cause smoke to spread in any residential area of the Village from sunset until sunrise of the following day.

#### **9-3-3: Burning Generally:**

A. Definitions. The following words, terms and phrases, when used in this Section, shall have the meanings ascribed to them in this Section, except where the context clearly indicates a different meaning:

Domicile waste means any refuse generated on single family domiciliary property as a result of domiciliary activities. The term includes landscape waste but excludes garbage and trade waste. The term means household wastes generated in the home such as junk mail, cardboard from cold cereals, soft drinks or beer containers, food wrappings, package wrappings or other similar products.

Garbage means waste resulting from the handling, processing, preparation, cooking and consumption of food, and waste from the handling, processing, storage and sale of produce.

Landscape waste means all accumulation of grass or shrubbery cuttings, leaves, trim limbs and other materials accumulated as a result of the care of lawns, shrubbery, vines and trees.

Open burning means the combustion of any matter in such a way that the products of the combustion are emitted to the open air without originating in or passing through equipment for which a permit could be issued under the Illinois Environmental Protection Act.

Trade waste means any refuse resulting from the prosecution of any trade, business, industry, commercial venture, utility or service activity and any governmental or institutional activity, whether or not for profit.

#### **B. Prohibitions.**

1. No person shall cause or allow open burning, except as provided in Subsection (c).

a. No open burning of domicile waste, garbage, or trade waste will be permitted.

(Amd. by Ord. 0-4-16-12-13)

2. No person shall cause or allow the burning of any refuse in any chamber or apparatus, unless such chamber or apparatus is designed for the purpose of disposing of the class of refuse being burned and

permitted or allowed under the Illinois Environmental Protection Act. Burn barrels will be ventilated and include an ash-retaining barrier on the top.

C. Exemptions. The following activities are allowed unless they are not permitted under the Illinois Environmental Protection Act:

1. The open burning of landscape waste and leaves, but only: (a) when fire is attended, NO fire shall be left unattended; (b) on the premises on which such waste is generated; (c) in areas other than restricted areas; (d) when atmospheric conditions will readily dissipate contaminants; and (e) if such burning does not create a visibility hazard on roadways, railroad tracks or air fields; (f) Burning is hereby permitted from April 1 through May 1 and October 1 through November 30 of each year on the designated days of Tuesday, Thursday, and Saturday. (Amd. by Ord. 0-4-16-12-13)

2. The setting of fires to combat or limit existing fires, when reasonably necessary in the judgment of responsible government officials.

3. The burning of fuels for legitimate campfire, recreational and cooking purposes, or in domestic fireplaces, in areas where such burning is consistent with other laws, provided that no garbage shall be burned in such cases.

4. Small open flames for heating tar, welding, acetylene torches, highway safety flares and the like.

**9-3-4: Penalty:**

Any resident or person in violation of this ordinance shall be fined Twenty-five Dollars (\$25.00) for the first offense. Any subsequent violation(s) of this ordinance within one (1) calendar year of the date of the first violation will carry an additional Twenty-five Dollar (\$25.00) fine, i.e., second violation, \$50.00; third violation, \$75.00, etc.

(Ord. No. 0-1-96-4-9, Approved April 9, 1996.)

## CHAPTER 4

### BUILDING MAINTENANCE CODE

	Section:
Unlawful to Refuse or Neglect to Maintain .....	9-4-1
Exterior Surfaces Kept in Sound Repair .....	9-4-2
Building Inspections .....	9-4-3
Written Notice of Violation .....	9-4-4
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#### **9-4-1: UNLAWFUL TO REFUSE OR NEGLECT TO MAINTAIN:**

It shall be unlawful for the owner of real estate or any owner or operator of a building to fail, refuse or neglect to maintain such real estate or building in accordance with the provisions of this Division.

All buildings and real estate shall be maintained in good repair and each part of a building shall perform the function for which such part was designed or intended to be used.

Facilities, utilities and equipment including, but not limited to, chimneys and heating and ventilating equipment and facilities which are part of or used in or on a building and the real estate on which such building is located shall be maintained in good repair and working order so that they function safely and effectively without threat to health and safety.

Thereby adopted by the Board of Trustees for the purpose of establishing maintenance of buildings and structures that certain maintenance code known as the Boca National Property Maintenance Code including any amendments, deletions or additions thereto. No fewer than three copies have been and now are filed in the office of the Clerk of the Village and the same are hereby adopted and incorporated as if fully set forth at length herein and shall take effect pursuant to the Illinois Municipal Code.

#### **9-4-2: EXTERIOR SURFACES KEPT IN SOUND REPAIR:**

Every foundation, exterior wall and roof of every building shall be substantially weather tight, watertight and rodent proof; shall be kept in sound condition and good repair; shall be kept free of holes or breaks and of loose or rotting boards, timbers, bricks, stones and other structural material; and shall be safe to use and capable of supporting the load which normal use may cause to be placed thereon.

All exterior surfaces or any building shall be reasonably capable of withstanding the effects of the elements and decay. Underlayments are not permitted as an exterior finish. Underlayments shall include any materials or surface not designed by its manufacture to be an exterior or finished surface. Examples include, but are not limited to, Typar, plywood, Tyvek, etc. Any exterior surface which is deteriorated, decaying, disintegrating or which has lost its capability to reasonably withstand the effects of the elements shall be repaired within thirty (30) days of the receipt by the owner or occupant of a notice to correct such deficiency.

Every window, exterior door, basement or cellar door and hatchway shall be generally weather tight and rodent proof; shall be equipped with all appropriate hardware; shall be capable of being easily opened unless designed to be fixed; all windows, exterior doors and screens shall be kept in good repair.

Every inside and outside stairway and porch and every appurtenance thereto shall be maintained in a good state of repair and free from rotting, loose or deteriorating supports.

All garages, tool sheds and all other accessory structures shall be kept in good repair so as not to be unsafe or a harbor for rodents. Fence and roadside mailboxes shall be maintained in good repair, solid and in the same condition required for other exterior surfaces. If attached to the exterior of a building, a television antenna shall be

firmly and securely fastened to the building and shall be maintained in good repair. No television antenna shall be attached to a tree located on public property.

It shall be unlawful for any person to permit the accumulation of any material on a property within the Village in such a way that the same may harbor rodents, or constitute a fire hazard or danger to the life or safety of any person. Placement of material or refuse within houses of regularly scheduled garbage pickup shall not be considered a violation of this provision.

No real estate within the Village shall have uncontrolled growths of vegetation.

All gutters and downspouts shall be maintained free of debris which might prevent their proper functioning and shall not be allowed to discharge in a manner which might create unnecessary erosion.

All buildings and the property on which the same are located shall be maintained in a rat free condition.

All plumbing fixtures and all water and waste pipes shall be properly installed and maintained in good and sanitary working condition.

#### **9-4-3: BUILDING INSPECTIONS:**

The building permit officer appointed by the President and Board of Trustees of the Village is hereby authorized to conduct inspections of buildings, accessory structures and the real estate on which they are located to enforce the provisions of this Division in response to written and signed complaints or whenever the enforcement officer has reason to believe on good cause shown or personal knowledge that a specific provision of this Division is being violated; provided, however, that such inspections must be made at reasonable times and upon reasonable notice.

Whenever the building permit officer, after presentation of proper credentials and request for authorization to inspect, is refused access to any building or the premises thereof, the enforcement officer, with the approval of the President of the Board of Trustees, is authorized to petition any court of competent jurisdiction for the issuance of a search warrant authorizing the inspection of such building or the premises thereof for the purpose of making such inspection as shall be necessary to the enforcement of the provisions of this Division.

Every occupant of a building or portion thereof shall give the owner thereof or its agents or employees access to any part of such building or its premises for the purpose of making such repairs or alterations as are necessary to effect compliance with the provisions of this Division or with any lawful rule or regulation adopted or any lawful order issued pursuant to the provisions of this Division. Entry pursuant to this provision shall be made only at reasonable times and after reasonable notice to the occupant unless any emergency requires immediate action.

#### **9-4-4: WRITTEN NOTICE OF VIOLATION:**

Whenever, in the opinion of the enforcement officer, after an inspection of a building or real estate as provided herein, any violation of the provisions of this Division is found to exist, the enforcement officer shall serve written notice of such alleged violation upon the owner, operator or occupant within ten days after discovery of such alleged violation.

Notice shall be given either by personal service or by mailing a copy thereof to the alleged violator by certified mail, return receipt requested, at his last known address or, in the event neither of these is effective to actually notify the alleged violator, then by posting a copy thereof in a conspicuous location in or about the building containing the alleged violation or by otherwise posting notice thereof on the real estate or premises concerned.

Such notice shall contain an indication of the alleged violation; the same shall demand compliance with this Division and shall specify a period of time for compliance with such remedial period to be not less than ten days.

#### **9-4-5: SUBJECT TO FINE:**

In the event the alleged violation has not been corrected following notification as hereinabove provided, the responsible owner, operator or occupant shall be subject to a fine of not less than One Hundred Dollars (\$100.00) nor more than Five Hundred Dollars (\$500.00) for each offense for each day such violation exists after expiration of



the time specified for correction in the notice given pursuant to this Division and unless the Village has granted an extension as requested in writing by the responsible owner, operator or occupant.

The building or portion thereof where the violation was found shall be subject to designation as unfit for human use or the use intended in accordance with the procedures set forth herein.

Where the alleged violations are of such a nature or extent that, in the opinion of the enforcement officer, they render all or any portion of the building unsafe or dangerous to the life, safety or the general health and welfare of the occupants or the residents of the Village or where the building or any portion thereof is uncompleted or has been abandoned, the enforcement officer, upon the approval of the President of the Board of Trustees, may declare and designate the building or portion thereof as dangerous and a public nuisance.

#### **9-4-6: COURT PROCEEDING:**

The imposition of any penalty pursuant to this Division shall not preclude the Village from instituting an appropriate action or proceeding in a court of competent jurisdiction to prevent an unlawful repair or maintenance; to restrain, correct or abate a violation; to prevent the occupancy of a building; to require compliance with the provisions of this Division or other applicable laws, ordinances, rules or regulations or the orders and determinations of the President or Board of Trustees.

#### **9-4-7: DEFINITIONS:**

For purposes of this Division, the following terms shall include and be defined as follows:

**Accessory Building or Structure:** A detached building or structure in a secondary or subordinate capacity from the main or principal building or structure on the same premises.

**An Appropriate Authority:** The person within the governmental structure of the corporate unit who is charged with the administration of the appropriate code or regulation.

**Building:** A fixed structure with walls, foundation and roof such as a house, factory, garage, apartment, etc.

**Dilapidated:** No longer adequate for the purpose or use for which it was originally intended.

**Dwelling:** Any enclosed space wholly or partly used or intended to be used for living, sleeping, cooking and eating provided that "temporary housing" shall not be classified as a dwelling.

**Enforcement Officer:** The individual designated by the President and Board of Trustees to monitor the enforcement of the terms and provisions of this Division.

**Heated Water:** Water heated to a temperature of not less than 120 degrees Fahrenheit at the outlet.

**Lavatory:** A fixed washbowl equipped with plumbing. The same shall not include kitchen sinks.

**Occupant:** Any individual living, sleeping, cooking or eating in or having possession of a dwelling unit or a rooming unit except that in a dwelling unit a guest shall not be considered an occupant.

**Operator:** Any person who has charge, care, control or management of a building or part thereof in which dwelling units or rooming units are let or offered for rent or other consideration.

**Owner:** Any person who, alone or jointly or severally with others, shall have legal title to any premises, dwelling or dwelling unit with or without accompanying actual possession thereof or shall have charge, care or control of any premises, dwelling or dwelling unit as owner or agent of the owner or an executor, administrator,

manager, trustee or guardian of the estate of the owner. Any such provisions of the Division and of the rules and regulations adopted pursuant thereto to the same extent as if he was the owner.

**Privacy:** The existence of conditions which will permit an individual or individuals to carry out an activity without interruption or interference by either the noise or sight of unwanted individuals.

**Tenant:** A person, persons or co-partnership, firm or corporation occupying or using building premises or any part of parts thereof owned by another.

(Ord. No. 0-4-16-12-13)