

CHAPTER 94: HEALTH AND SANITATION

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Statutory reference:

Authority of Village to promote health and suppress disease, see 65 ILCS 5/11-20-5

GENERAL PROVISIONS

§ 94.01 DEFINITIONS

For the purpose of this Chapter the following terms shall have the definitions herein ascribed to them:

- Garbage The term “garbage” as used in this Chapter shall be held to mean and include waste resulting from the handling, preparation, cooking and consumption of food, waste from handling, storage and sale of produce.

- Debris Refuse, as defined in this Chapter, including but not limited to combustible trash including but not limited to paper, cartons, boxes, barrels, wood, excelsior, tree branches, yard trimmings, wood furniture, noncombustible trash including but not limited to

metals, tin cans, metal furniture, dirt, small quantity of rock, pieces of concrete, glass, crockery, or metal waste, steel.

- Dumpster The term “dumpster” as used in this Chapter shall be held to mean and include a metal container, capable of being mechanically adapted to the loading equipment of a garbage truck.

- Refuse Combustible trash including but not limited to paper, cartons, boxes, barrels, wood, excelsior, tree branches, yard trimmings, wood furniture, noncombustible trash including but not limited to metals, tin cans, metal furniture, dirt, small quantity of rock, pieces of concrete, glass, crockery, or metal waste, steel.

- Rubbish Including but not limited to steel sweepings, dirt, leaves, dirt container of litter, receptacles by refuse does not mean earth and waste from building operations nor shall it include solid waste resulting from industrial premises and manufacturing operations such as food producing waste, boiler-house cinders, lumber sweepings and shavings.

- Ashes Residue from fire used for cooking and heating buildings.

§ 94.02 PLACING OF OFFENSIVE MATERIAL ON PROPERTY

No person shall deposit or place upon any lot, street, avenue, or alley with the Village, and no person owning a lot in the Village shall permit to be deposited or placed on the lot any offensive substances, old fruit, vegetables, or meat cans, boxes, old barrels, decayed fruit, manure, kitchen waste or anything that gives forth any disagreeable or noisome odor which is otherwise is otherwise prejudicial to the public health.

§ 94.03 DISCHARGE OF OFFENSIVE MATTER; OFFENSIVE CESSPOOLS

No person within the Village shall place, 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 lot or ground, or allow or permit this to be done by any person connected with the premises under his control, or shall allow or permit the contents of any vault, privy, or cesspool to rise within less than two feet of the top thereof. Penalty, see § 94.99

§ 94.04 PRIVIES.

No person shall build, maintain, or use any privy or privy vault within the Village. Penalty, see § 94.99

§ 94.05 OBSTRUCTING WATER OR DRAINAGE

It shall be unlawful for any person to stop or obstruct the passage of water in any street, gutter, or public sewer, culvert, water pipe, hydrant, or watercourse within the Village. Penalty, see § 94.99

§ 94.06 STORING NEW AND USED LUMBER

(A) All lumber, used or new, shall be stacked in piles at least one foot above the ground and each stack thereof shall not be more than six feet in width; nor shall the top thereof be more than six feet above the ground. In no case shall the stacks of lumber be closer than 30 inches.

(B) All new and used lumber shall be stacked or stored in a manner to be free of rats, mice, termites, and rodents. No lumber shall be stacked or stored in a manner as to be dangerous to anyone in the immediate vicinity thereof.

(C) No lumber to which any metal object is attached shall be stacked or stored outside a building. This shall apply only to that new or used lumber stacked or stored outside a building or warehouse.

§ 94.07 POISONOUS PLANTS

It shall be unlawful for any person to plant any poison ivy or other poisonous vine or plant within this Village so near any public sidewalk, street, or alley as to injuriously affect passersby, or to permit any poisonous vine or plant to so grow in or upon any premises owned or controlled by him. Penalty, see § 94.99

§ 94.08 PLANTING CERTAIN TREES NEAR SEWERS PROHIBITED

It shall be unlawful for any person to plant any poplar or cottonwood tree on any private property in the Village within 45 feet of any public sewer, drain, or water pipe. Penalty, see § 94.99

§ 94.09 ACCUMULATION OF GARBAGE AND DEBRIS PROHIBITED

(A) Garbage and Debris: It shall be unlawful for any person to permit the lot and premises owned or possessed by him to have accumulated thereupon garbage and debris; and the same shall be removed and such premises kept in a neat, clean and sanitary condition.

(B) Removal; Notice: It shall be the duty of the Village Clerk to serve or cause to be served notice upon the owner or occupant of any premises on which garbage and debris are permitted to accumulate in violation of the provisions of this Ordinance, and to demand the abatement of such nuisance within five (5) days.

(C) Abatement: If the person so served does not abate the nuisance within five (5) days, the Village Clerk may proceed to cause the abatement of such nuisance, keeping an account of the expense of the same, and such expense shall be charged to and paid by the owner or occupant.

(D) Lien for Costs: If the owner or occupant charged with expense of abatement shall fail to pay therefore within thirty (30) days of the date said garbage and/or debris is removed, then the Village Clerk may cause to be filed within sixty (60) days of the date said garbage and/or debris is removed, a Notice of Lien in the office of the Recorder of Deeds of Peoria County, Illinois. The notice shall consist of a sworn statement setting out (1) the description of real estate sufficient for identification thereof, (2) the amount of money representing the cost of expense incurred or payable for such abatement, and (3) the date or dates when such cost and expense was incurred by the Village. 65 ILCS 5/11-20-13

§ 94.10 ABANDONED PROPERTY PROCEDURE

In the event of a need for garbage and debris removal from “abandoned residential property” as defined in 65 ILCS 5/11-20-15.1, as amended from time to time, the provisions of that statute shall be followed.

§ 94.11 DEPOSITS IN CONTAINERS

It shall be unlawful for any person to deposit or place and garbage, within the meaning of this Chapter, in any alley, street, river or other public place within the Village, nor shall any person deposit or place any garbage upon private property whether owned by such person or not within the limits of the Village, unless the same shall be enclosed in a suitable container which is defined to be of a type described in the contract between the Village of Hanna City and Wigand Disposal.

ENFORCEMENT

§ 94.20 PUBLIC HEALTH VIOLATION TICKET

(A) The authorized Village officer shall have the authority to issue a public health violation ticket to any person who shall violate the provisions of this chapter or the provisions of Chapter 96.

(B) The public health violation ticket is a notice to the recipient of the ticket to correct the named violation.

(C) The violation shall be corrected within ten days or such lesser time as stated in the section cited by the owner or the occupant of the premises on which the violation has occurred. Where a violation constitutes an emergency health hazard, the violation shall be corrected within 24 hours by the owner or occupant of the premises on which the violation has occurred. However, in the case of an emergency health hazard, the authorized Village official may correct or have the violation corrected on its behalf without first issuing a public health violation ticket or without waiting 24 hours after the issuance of a public health violation ticket. In all cases it shall be the ultimate responsibility of the owner and occupier of the premises

on which the violation exists to correct the violation.

(D) The public health violation ticket shall contain the name and address of the violator, the location of the violation, a statement of the violation, including the specific section of the code being violated, a statement that the violation shall be corrected within the time specified in the public health violation ticket, a statement that failure to correct the violation complained of within the time stated on the ticket may result in the Village itself correcting the violation or the filing of an ordinance violation that may result, upon conviction, in a fine not exceeding \$500 each day the violation continues, or both.

(E) Service of the public health violation ticket shall be made in the following manner:

(1) The original shall be served on the violator either by personal delivery or by the regular mail. The authorized Village official shall certify that he delivered the ticket personally to the violator or mailed the ticket by regular mail to the violator.

(2) One copy shall be retained by the authorized Village official.

(F) Any person who is issued a public health violation ticket and does not correct the violation within the time limit specified therein shall be subject to the penalties provided in §94.99.

(G) In no situation shall the ticket enforcement procedure preclude the Village from enforcing public health violations through any other available remedies provided by this code, state or federal statute, or common law. Penalty, see § 94.99

§ 94.99 PENALTY

(A) Any person who shall violate any provisions of this chapter or fail to comply with any notice given by the authorized Village official as provided in § 94.20 shall, on conviction thereof, be punished by a fine not to exceed \$750 for each violation. Each day during which a violation continues beyond the specified time for correction shall constitute a separate punishable offense.

(B) If the Village corrects the violation itself or causes the violation to be corrected on its behalf, a lien for the amount of time and expense involved in correcting the violation shall be filed against the land where the violation occurred unless the owner or occupant of that land shall reimburse the Village its expenses upon request. A minimum charge of \$100 for each hour, or part of an hour, shall be levied for work performed by or on behalf of the Village in correcting a violation. The lien shall be recorded with the County Recorder of Deeds within 60 days after the work is performed by the Village or on behalf of the Village, and foreclosure suit to collect the cost of the lien shall be filed within two years after the recordation of the lien as in the case of foreclosure.

(C) If the Village corrects the violation itself or causes the violation to be corrected on its behalf, the violator shall nevertheless be subject to the above-specified fine, in addition to a lien being placed on the violator's property.

(D) See above provisions in Section 94.09 and following regarding liens for removal costs.