

CHAPTER 176: HEALTH AND SANITATION .

Section

176.01	Nuisances
176.02	Garbage and refuse
176.03	Milk
176.04	Litter control
176.05	Litter as a public nuisance

§ 176.01 NUISANCES.

(A) *Nuisances.*

(1) It is declared to be a nuisance for any person to keep, use or maintain within the Village any pen, stable, lot, place or premises in which any animals may be confined or kept in such a manner as to be nauseous, foul or offensive or in any way to be an annoyance to any community, territory or person.

(2) It shall be a nuisance for any person to permit, or cause to accumulate on any premises owned or controlled by him or her, any heap or stack of manure in the Village, in such a manner as to emit noxious, disagreeable or offensive smells to the annoyance or detriment of any person or family. Any person who shall place any manure or the contents of any privy vault in or upon any public street, alley or public place shall be guilty of causing a nuisance.

(3) It is declared a nuisance to deposit or place in or upon any premises, public or private enclosure within the Village any vegetable or animal matter, any fill of any description likely to affect the public health or to produce smells or the carcass of any dead animal which at its death belonged to him or her to be or remain in or upon any place more than 24 hours after its death.

(4) It shall constitute a nuisance for any person to cause or permit any cellar, vault, drain, pool, sewer or sink upon any premises belonging to or occupied by him to become nauseous, foul, offensive or injurious to the public health.

(B) *Abatement of nuisances.*

(1) When suit shall be commenced against any person for erecting, keeping or maintaining any nuisance, it shall be the duty of the court before which the conviction is made to order the defendant to abate and remove the nuisance. If the defendant does not abate the nuisance within 24 hours, it shall be abated and removed by the police. An order shall be entered on the docket of the court and be made a part of the judgment of the cause.

(2) Any person having been found guilty of creating, keeping or maintaining any nuisance, who shall neglect or fail to abate and remove the nuisance within 24 hours after his or her conviction, shall, for each 24 hours during which the nuisance continues, be subject to the same penalty as originally incurred for keeping, creating or maintaining the nuisance.

(3) In any case where a nuisance is to be abated by any police officer, it shall be the duty of the police officer to proceed with due care and without any unnecessary destruction of property. The officer shall in all cases be authorized to employ assistance and adopt any means necessary to effect the entire abatement of the nuisance in question.

(4) Every person creating, keeping or maintaining any nuisance shall be liable for all costs and expenses of abating the nuisance when done by the Village or under its authority and, in all cases where a police officer shall abate the nuisance, the officer shall keep an account of all expenses of the abatement and shall bring suit for the expenses in a court of competent jurisdiction in the name of the Village against the person creating, keeping or maintaining the nuisance.

§ 176.02 GARBAGE AND REFUSE.

(A) *Supervision.* All matters relating to or affecting the collection, removal or disposal of garbage, household refuse, ashes or waste material is specifically placed under the direction of the Board of Health and shall be subject to and under the supervision of that Board. The Board of Health is authorized and directed to cause all garbage, household refuse, ashes and miscellaneous waste and refuse to be collected regularly and systematically throughout the Village.

(B) *Accumulation prohibited.* The owner, occupant or lessee of any premises in the Village shall remove from the premises or otherwise dispose of all garbage, dead rodents, animals or fowls, ashes, tin cans, metal ware, broken glass, crockery, stoneware, manure and all refuse and rubbish of every description and shall keep the premises at all times free and clear of any accumulation of i garbage, dead rodents, animals or fowls, ashes, tin cans, metal ware, broken glass, crockery, stoneware, manure. and all refuse and rubbish of every description. Dumping of rubbish on vacant property or on streets, alleys or other public places is prohibited.

(C) *Definition.* Garbage is defined to include all organic, household or kitchen waste such as unused food and food residues and any paper used for wrapping. The garbage shall be removed from the premises at least once each week as nearly as practical throughout all the months of the year. Garbage receptacles must be of galvanized metal with close-fitting covers, or of other material practical for such purposes, and shall be watertight, have a capacity not to exceed 20 gallons and be kept in a sanitary condition. Ashes and other waste materials shall be placed in containers suitable for handling.

(D) *Illegal deposits.* It shall be unlawful for any person to cast, place, sweep or deposit within the limits of the Village any garbage or other waste matter or rubbish in such a manner that it may be carried or deposited by the action of the sun, wind, rain or snow into or upon any street, sidewalk, alley, sewer, parkway or other public place or into any occupied or unoccupied premises within the limits of the Village.

(E) *Offensive substances.* No pile or deposit of manure, garbage, miscellaneous waste or refuse of any kind, nor accumulation of any offensive or nauseous substance, shall be made within the limits of the Village, nor shall any person unload, discharge or put upon the right-of-way of any railroad, street, alley or public place within the Village, any manure, garbage, miscellaneous waste, refuse or offensive or nauseous substance, nor shall any vehicles loaded with or having upon them any such substance or substances be allowed to remain or stand or park on or along any railroad, street, alley or other public place within the limits of the Village.

(F) *License; fee.* It shall be unlawful for any person to engage in the business of collecting, hauling or transporting for hire for a fee, through the streets or public ways of the Village, any garbage, ashes, rubbish or waste materials without first obtaining a license to engage in that business. Application for a license shall be made to the Clerk. The applicant shall deposit the license fee with the application. Each license issued shall expire on December 31 following the date of application. Only two licenses shall be issued and in force at anyone time. The Clerk shall, before issuing a license, require the applicant to submit a written approval of the issuance from the Board of Health. The approval shall state, in addition to the statement of approval of the applicant, that the vehicle to be used for this purpose is satisfactorily constructed with garbage-tight bed and canvas or other suitable cover to prevent the littering of streets and public places. No license shall be issued except by direction of the President and the Board.

(G) *Revocation.* A license may be revoked by the Village if the licensee fails to perform his or her duties under the contract with the Village or violates any of the provisions of this section or any other provisions of this Code or the laws of the State of Illinois.

(H) *Dumping.* No garbage or waste material shall be dumped within the Village limits, but rather must be hauled to a place outside the Village limits, at a distance which will not create a nuisance to any resident within the Village limits.

(I) *Rates.* The maximum rates to be charged by the licensee for the collection of garbage and waste material in the Village shall be fixed by the Village at the time the licensee is granted the license.

(J) *Collection.* Fees for the collection of garbage and waste materials shall be paid quarterly to the licensee, or as agreed upon between the licensee and owner of the business house, tavern, restaurant or butcher shop. The licensee shall give a receipt to each person paying fees. If service charges are not paid promptly, all services shall cease and no more services shall be rendered to the delinquent until all charges are fully paid.

(K) *Scope.* All garbage and other waste materials embraced within this section will be called for and disposed of by the licensee and shall not be collected or disposed of, for hire, in any other manner, except as provided in this section. No garbage or waste material shall be allowed to accumulate on any property or premises within the Village for a period longer than the time between calls by the licensee.

§ 176.03 MILK.

The production and handling of milk and milk products sold for ultimate consumption within the Village or its jurisdiction, all inspections, the issuing and revoking of permits and the serving of milk to the public shall be regulated by the adoption of the Grade " A " Pasteurized Milk Ordinance, being the 1965 Recommendations of the United States Public Health Service, three copies of which are now on file in the office of the Clerk. The Ordinance is adopted and incorporated as if fully set forth in this Code.

§ 176.04 LITTER CONTROL.

(A) *Disposal sites.* Except as otherwise authorized by State law, it shall be unlawful for any person to dump or dispose of any garbage, trash or refuse on any site which has not been approved by the Illinois Environmental Protection Agency or the Peoria County Health Department.

(B) *Vehicles.* It shall be unlawful for any person who owns or controls any vehicle used to transport any garbage, trash or refuse to cause or permit the vehicle to be loaded or to be in defective condition, out of repair, of faulty construction or improperly driven, managed or controlled so that its contents drop or fall upon any public way or any public place. The vehicle shall be so constructed, covered, managed and controlled as to prevent any part of the contents from falling, leaking or spilling. No garbage, filth, offal or refuse should be thrown, dumped or deposited from a motor vehicle. It shall be prima facie evidence that the throwing, dumping or depositing was done by the driver of the motor vehicle and, further, that the driver was the owner of the motor vehicle. If the owner of a motor vehicle charged with violating this section states in defense that he was not operating the vehicle at the time of the offense, the owner shall provide the State's Attorney's office with a written statement of the name and address of the person operating the vehicle at the time of the offense.

§ 176.05 LITTER AS A PUBLIC NUISANCE.

(A) *Statutory authority; purpose.* This section is enacted pursuant to authority granted by 740 ILCS § 55/221 and 55 ILCS § 5/5-1052. The purpose of this section is to define and abate public nuisances in order to promote the health, safety and welfare of the people of the Village.

(B) *Definitions.* For the purposes of this section, the following words and phrases shall have the meaning ascribed to them:

LITTER. Any discarded, used or unconsumed substance or waste. **LITTER** may include, but is not limited to, any garbage, trash, refuse, debris, rubbish, glass, metal, plastic or paper containers or other packaging material, motor vehicle parts, furniture, appliances, oil, carcass of a dead animal, any nauseous or offensive matter of any kind, any object likely to injure any person or anything else of an unsightly or unsanitary nature which exists upon any private property within the jurisdiction of the Village. This definition specifically excludes used or antiquated farm equipment.

PERSON. Any individual, partnership, co-partners, firm, company, corporation, association, joint stock company, trust, estate or any other legal entity or its legal representatives, agents or assigns.

SUBSTANTIAL FINANCIAL BURDEN. The cost of removing the litter must exceed 10% of the annual, adjusted gross income of the owner or tenant in control as recorded on his previous year's federal income tax forms.

(C) *Public nuisance.* It is declared a menace to the public safety and welfare and a public nuisance if litter exists upon real property. No owner or tenant in control shall permit litter to exist on his property unless:

(1) The property has been designated as an appropriate disposal site for litter by Federal, State or local government entities; or

(2) The litter is placed in a receptacle, or other container intended by the owner or tenant in lawful possession of that property for the deposit of litter; or

(3) The person is acting under the direction of proper officials during special clean-up days; or

(4) The person is lawfully acting in or reacting to an emergency situation where health and safety is threatened and removes and properly disposes of the litter when the emergency situation no longer exists.

(D) *Possible financial assistance.* If the litter was placed on real property without the consent of the owner or tenant in control and the removal of the litter creates a substantial financial burden, the Village may, at the discretion of the Board, pay up to 50 % of the cost of the removal of the litter. Notice of the determination whether the Village will pay a portion of the cost of the removal must be sent via certified mail or registered mail to the owner or tenant in control within 30 days of the date of the decision. Appeals of any order, requirement, decision or determination of the Board shall be made to the courts in conformity with the provisions of the Administrative Review Act of the State.

(E) *Notice to abate nuisance.* Notice of any violation of the provisions of this section must be sent to the owner or tenant in control. The notice shall fairly apprise the owner or tenant in control of the nature of the nuisance, his or her duty to remove the litter and the penalty for failure to abate or remove the nuisance. Service of the notice shall be made by means of personal service of a copy of the notice or by certified or registered mail to the residence or usual place of business of the owner or tenant in control. If the notice is returned by the United States Post Office to the Village because of an inability to deliver it, the Village is authorized to remove and dispense with the litter.

(F) *Enforcement.* This section shall be administered and enforced by the Zoning Administrator appointed by the Village. The Zoning Administrator shall make or cause to be made investigations of violations of this section and shall cause any violations to be corrected. Review of any order, requirement, decision or determination of the Zoning Administrator may be appealed to the Board within 35 days from the date of the action appealed.

(G) *Penalty; abatement.* The violation of the terms of this section is punishable by a fine not to exceed \$500, with each week the violation remains uncorrected constituting a separate offense. The fine may be imposed by a court upon the prosecution of any violation of the terms of this section. In addition to any fine imposed under this section, the court may order that the person convicted remove and properly dispose of the litter. At its discretion, the court may order that the nuisance be abated by the Sheriff or other proper officer at the expense of the defendant.