

**TITLE 7: HEALTH AND SAFETY<sup>1</sup>**

Chapter

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<sup>1</sup>For statutory provisions authorizing municipalities to regulate disease, food, water, weeds, and other matters related to public health, see ILCS Ch. 65, Act 5, § 11-20-1 et seq.; for provisions related to the disposal of refuse, garbage, and ashes, see ILCS Ch. 65, Act 5, § 11-19-1 et seq.



## CHAPTER 7.08: WEED CONTROL; TREE REMOVAL<sup>1</sup>

### Section

- 7.08.010 Definition
- 7.08.020 Weeds; prohibited
- 7.08.030 Weeds; removal
- 7.08.040 Marijuana prohibited
- 7.08.050 Tree removal

#### **Cross reference:**

*Nuisance abatement relative to plants and weeds, see Ch. 9.44*

### **§ 7.08.010 DEFINITIONS.**

For the purpose of this chapter the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**WEEDS.** Includes but is not limited to the following: burdock, giant ragweed, common ragweed, thistle, cockleburr, jimson, blue vervain, common milkweed, wild carrot, poison ivy, wild mustard, rough pigweed, lambsquarter, wild lettuce, curled dock, all varieties of smartweed, poison hemlock and wild hemp.

(‘78 Code, § 7.08.010)

### **§ 7.08.020 WEEDS; PROHIBITED.**

Weeds of a height of more than six inches, or any vegetable growth which exhales unpleasant or noxious odors or any high or rank vegetable growth which may conceal filthy or decaying deposits, growing upon any lot, block, piece or parcel of land within the limits of the city is a nuisance.

(‘78 Code, § 7.08.010) (Ord. 27, passed - -61; Am. Ord. 1248, passed 6-3-02)

### **§ 7.08.030 WEEDS; REMOVAL.**

(A) It is the duty of the owner, occupant or person in charge of any lot, block, piece or parcel of land in the city to cut down and remove any such weeds or vegetable growth, as specified in § 7.08.020, upon notice to do so from the Mayor or Health Officer of the city, and any owner, occupant or person who is in charge of any lot, block or piece or parcel of land, and who fails to comply with the provisions of this chapter, within five days after being notified to do so by the Mayor or Health Officer, shall be guilty of maintaining a nuisance.

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<sup>1</sup>For statutory provisions authorizing municipalities to require the removal of weeds at owner’s expense, see ILCS Ch. 65, Art 5, §§ 11-20-6 and 11-20-7; for statutory provisions authorizing municipalities to declare and abate nuisances, see ILCS Ch. 65, Art 5, § 11-60-2.

(B) If the owner, occupant or person in charge of the real estate refuses or neglects to remove weeds in compliance with division (A) of this section, the Mayor or Health Officer may provide for the cutting of weeds in the city in accordance with the statutory provisions of ILCS Ch. 65, Act 5, § 11-20-7.

(C) (1) The Office of the City Clerk shall impose upon the record owner of the property, or upon any known occupier or renter of the property, a fee for cutting the weeds on their property. The fee shall constitute the total cost for the weed cutting that the city either pays to any private service it may employ for such purpose or otherwise incurs through the use of its own employees for such work, plus an administrative fee, both of which costs shall be posted in the office of the Director of Public Works or his/her designee and shall be on file with the City Clerk. The administrative fee charged by the city may be adjusted from time to time by a resolution adopted by the City Council. The city may impose a lien upon the property for the charges incurred by it pursuant to this section. Prior to the imposition of a lien, the city shall notify the person to whom was sent the tax bill for the general taxes on the property for the last preceding year by personally serving the same or by certified mail, the substance of the city's ordinance for weed cutting and identifying the property by common description. Such notice shall also request payment from the record owner, occupier or renter of the property. If the city does not receive payment from such owner, renter or occupier within 30 days of the date on the notice, the City Clerk or the Clerk's designated assistant shall file notice of a lien in the Office of the Will County Recorder of Deeds. The Clerk or the Clerk's designee shall further impose a fee to cover the recording expense and effort of filing the notice of lien, over and above the cost of the weed cutting. The notice of lien shall consist of a sworn statement setting forth:

- (a) A description of the real estate sufficient for identification thereof;
- (b) The amount of money representing the costs and expense incurred or payable for the service; and
- (c) The date or dates when such cost and expense was incurred by the city for such service, including the cost of filing the lien.

(2) The City Clerk's office or its designee shall maintain a record of the Recorder's document numbers pertaining to the liens for weed cutting, and shall release each lien upon payment of the cost and expenses as provided therein.

('78 Code, § 7.08.030) (Ord. 27, passed - -61; Am. Ord. 687, passed - -88; Am. Ord. 959, passed 8-7-95; Am. Ord. 1486, passed 5-18-09; Am. Ord. 1637, passed 8-5-13)

#### **§ 7.08.040 MARIJUANA PROHIBITED.**

The growth or permitting to grow of the plant commonly known as marijuana is prohibited.  
( '78 Code, § 7.08.040) (Ord. 27, passed - -61)

#### **§ 7.08.050 TREE REMOVAL.**

It is the duty of the owner, occupant or person in charge of the real estate to remove all dying, dead, diseased, or grossly damaged trees, upon order from the Mayor or Health Officer.  
( '78 Code, § 7.08.050) (Ord. 27, passed - -61)

## CHAPTER 7.10: SLUDGE ODORS

### Section

- 7.10.010 Definition of sludge
- 7.10.020 Dumping of offensive smelling sludge illegal
- 7.10.030 Violation; penalty
- 7.10.040 Violation; civil remedies

### § 7.10.010 DEFINITION OF SLUDGE.

**SLUDGE.** Any material produced as the end product from a sewage treatment plant which remains after the sewage inflow at the plant has been completely treated. Sludge can be either solid or liquid in form, and is commonly of the variety that may be spread over farmland, pasture and other vacant land for use as fill or fertilizer. It shall not be necessary for the city to specify or prove any particular biological or biochemical make up or composition of the material in order for it to be designated sludge. ('78 Code, § 7.10.010) (Ord. 847, passed - -92)

### § 7.10.020 DUMPING OF OFFENSIVE SMELLING SLUDGE ILLEGAL.

It shall be unlawful for anyone to place or cause to be placed any sludge within the city which has an offensive odor emitting from the sludge. ('78 Code, § 7.10.020) (Ord. 847, passed - -92)

### § 7.10.030 VIOLATION; PENALTY.

Any person found guilty of a violation of any of the provisions of this chapter shall be fined not less than \$150, but no more than \$750 for each offense. ('78 Code, § 7.10.030) (Ord. 847, passed - -92; Am. Ord. 998, passed 7-1-96)

### § 7.10.040 VIOLATION; CIVIL REMEDIES.

In addition to criminal sanctions to be imposed upon a violator pursuant to § 7.10.030 of this code, to the extent authorized by law, the city shall have a right to injunctive relief in state or federal court and, where applicable, money damages against the person, persons, corporations, political subdivisions, or corporate entities of any nature whatsoever to restrain or enjoin the deposit of such sludge on property within the corporate limits of the city, so long as the city can prove that the smell of the sludge or the possibility of leakage into or pollution of groundwaters renders the deposit of the sludge unpleasant, unhealthful or hazardous. The depositing and existence of the sludge, where it generates an obnoxious or offensive odor or threatens to pollute groundwaters and other properties, is hereby declared to be a nuisance. ('78 Code, § 7.10.040) (Ord. 847, passed - -92)



## **CHAPTER 7.12: GARBAGE<sup>1</sup>**

### Section

- 7.12.010 Removal of carcasses
- 7.12.020 Disposal
- 7.12.030 Garbage removal surcharge
- 7.12.040 Regular removal of garbage; requirements
- 7.12.050 Location and concealment of garbage containers
- 7.12.060 Penalties

### **§ 7.12.010 REMOVAL OF CARCASSES.**

No person shall place or deposit, or cause to be placed or deposited, at any place in the city, any dead horse, cow, hog, dog, or the carcass or remains of any animal whatever; and every person violating the provisions of this section shall, in addition to any fine hereinafter imposed, also pay all expenses of removing and burying the same, which shall be taxed and collected as costs against such persons. ('78 Code, § 7.12.010) (Ord. 27, passed - -61)

### **§ 7.12.020 DISPOSAL.**

No person shall throw or deposit, or cause to be thrown or deposited at any place in the city, any vegetables, meats, slops or other offal or filth which by putrefaction or decomposition will produce an offensive smell, or whereby the health of any portion of the community may be affected or endangered. ('78 Code, § 7.12.020) (Ord. 27, passed - -61)

### **§ 7.12.030 GARBAGE REMOVAL SURCHARGE.**

(A) Each resident or owner of a residential unit or commercial unit in the city shall pay to the City Clerk's office a monthly garbage removal surcharge as set forth in division (B) of this section.

(B) Beginning on May 1, 2015, the garbage removal surcharge for all residential, commercial and industrial units in the city shall be \$13.48 per unit. The curbside yard waste removal surcharge for all residential (if applicable), shall be \$2.13 per unit. The recycling removal surcharge for all residential (if applicable), shall be \$2.89 per unit.

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<sup>1</sup>For statutory provisions authorizing municipalities to require the removal of garbage and debris on private property at owner's expense, see ILCS Ch. 65, Act 5, § 11-20-13; for state laws relating to the dumping of garbage, see ILCS Ch. 740, Act 55, §§ 221a and 221b.

(C) After May 1, 2008, the total curbside yard waste removal surcharge for all residential (if applicable), shall be \$1.75 per unit. The recycling removal surcharge for all residential (if applicable), shall be \$2.38 per unit.

('78 Code, § 7.12.030) (Ord. 459, passed - -78; Am. Ord. 685A, passed - -88; Am. Ord. 741, passed - -90; Am. Ord. 899, passed 12-20-93; Am. Ord. 959, passed 8-7-95; Am. Ord. 1196, passed 5-7-01; Am. Ord. 1428, passed 7-16-07; Am. Ord. 1434, passed 9-4-07; Am. Ord. 1460, passed 7-21-08; Am. Ord. 1526, passed 5-3-10; Am. Ord. 3-21-11; Am. Ord. 1588, passed 2-21-12; Am. Ord. 1623, passed 3-4-13; Am. Ord. 1687, passed 4-20-15)

#### **§ 7.12.040 REGULAR REMOVAL OF GARBAGE; REQUIREMENTS.**

(A) It shall be the duty of each resident, business or industry located in the city to cause his or its garbage to be produced at the regularly appointed time designated by the city for the removal of the garbage.

(B) All garbage picked up from residences shall be set out by the residence occupant, or owner for pickup at the front curb of the residence. However, where the owner of a multi-unit apartment building or a business has, by agreement with the garbage collector, set aside a place for the storing of garbage pending pickup, the apartment dweller or business owner may deposit his garbage at that location. Garbage receptacles, including garbage cans, bags or boxes, or other containers may not be set out earlier than 4:00 p.m. the night before the garbage is to be picked up by the collector, and all such receptacles must be retrieved by the resident not later than 8:00 p.m. on the day of collection.

(C) Only nonporous closable bags or covered cans, boxes or other rigid, durable, covered containers may be used to deposit the garbage for pickup by the collector. All containers must be readily capable of closing to prevent accidental spillage of garbage or exposure of garbage to the elements.

(D) Where a resident, business or industry must dispose of loose items, such as sticks, or tree branches, that cannot be readily deposited in cans, bags or containers, such loose items may be tied together in bundles not more than four feet long, so long as the bundles can readily be lifted by one person for deposit into a garbage truck.

(E) No resident, business or industry shall set out building materials, junk motor vehicles, or large mechanical parts of motor vehicles or other mechanical equipment, for removal by the garbage collector.

(F) No person, resident, owner of real estate, tenant, corporation, partnership, other business entity or industry shall place for curbside collection by the city's municipal waste collection contractor garbage in a volume in excess of one cubic foot.

(1) If garbage in excess of the above amount is placed curbside for collection, the person, resident, owner of real estate, tenant, corporation, partnership, other business entity or industry placing said garbage for collection shall pay over to the city upon demand a sum equal to the city's actual cost for the collection of refuse per the city's contract with its waste collection and disposal contractor rounded to the amount due for the next highest number of cubic feet of garbage in excess of one cubic foot prior to or at the time of collection or said garbage shall not be collected.

(2) An affirmative duty to remove said garbage from the curbside and dispose of the same in a lawful manner shall be imposed upon the person, resident, owner of real estate, tenant, corporation, partnership, other business entity or industry who placed such excess garbage for collection, in the event that the said person, resident, owner of real estate, tenant, corporation, partnership, other business entity or industry who placed such excess garbage for collection shall fail to pay the charges set forth above for the collection of the excess refuse.



(3) If in the event that excess refuse is collected and the person, resident, owner of real estate, tenant, corporation, partnership, other business entity or industry who placed such excess garbage for collection shall fail to pay the charges imposed by division (F)(1) above within seven days of demand made upon such person, resident, owner of real estate, tenant, corporation, partnership, other business entity or industry, the same shall be a violation of this chapter, punishable by a fine of no less than \$100, but not more than \$1,000. In addition to the fine, the court shall require the person, resident, owner of real estate, tenant, corporation, partnership, other business entity or industry so fined for the violation to reimburse the city \$25 for the expense of making its demand and for its attorney's fees incurred in the prosecution of the violation.

(4) If in the event that excess refuse is not collected and the person, resident, owner of real estate, tenant, corporation, partnership, other business entity or industry who placed such excess garbage for collection shall fail remove and dispose of such garbage as required by division (F)(2) above, the same shall be a violation of this chapter, punishable by a fine of no less than \$100, but not more than \$1,000 for each day that the excess refuse is not removed and disposed of and a violation exists. In addition to the fine, the court shall require the person, resident, owner of real estate, tenant, corporation, partnership, other business entity or industry so fined for the violation to reimburse the city for its attorney's fees incurred in the prosecution of the violation.

('78 Code, § 7.12.040) (Ord. 551, passed - -82; Am. Ord. 1306, passed 10-20-03)

#### **§ 7.12.050 LOCATION AND CONCEALMENT OF GARBAGE CONTAINERS.**

(A) *Single-family residences.* No outdoor garbage containers (including garbage, recycling and yard waste containers) shall be permanently stored at any location on the property of a single-family dwelling that is clearly visible from the street abutting the front lot line of the dwelling. In cases of a corner lot, the street to which the address is assigned shall be considered the front lot line. Garbage containers shall be placed either behind the residence, or if the residence includes an enclosed garage, within the garage. Alternatively, garbage containers may be stored on the side of a permanent structure (i.e. dwelling or garage) provided the garbage containers are screened from view by an enclosure set a minimum of six feet behind the front of the adjacent permanent structure and at least equal in height to the tallest container.

(B) *Duplexes.* No outdoor garbage containers (including garbage, recycling and yard waste containers) shall be permanently stored at any location on the property of a duplex that is clearly visible from the street abutting the front lot line of the dwelling. In the case of a corner lot, the lot line directly opposite the two front entrances shall be considered the front lot line if the two entrances face the same street. If each front entrance faces a different street, the shorter lot line separating such lot from a street shall be considered the front lot line. Garbage containers shall be placed either behind the residence, or if the residence includes an enclosed garage, within the garage. Alternatively, garbage containers may be stored on the side of a permanent structure (i.e. dwelling or garage) provided the garbage containers are screened from view by an enclosure set a minimum of six feet behind the front of the adjacent permanent structure and at least equal in height to the tallest container.

(C) *Multi-family dwelling structures.* Where each unit of a multi-family dwelling structure is required to have its own outdoor garbage containers (including garbage, recycling and yard waste containers), said containers shall not be located on any side of the structure that directly faces a public street unless they are screened from view by an enclosure set a minimum of six feet behind the front of the adjacent permanent structure (i.e. dwelling or garage) and at least equal in height to the tallest container. Otherwise, said containers must be located to the rear of the structure. Where the structure is on a corner lot, the street to which the address is assigned shall be considered the front lot line. Where at least three

sides of the structure face a street, the location of garbage containers shall comply with the provisions of division (D) of this section.

(D) *Manufacturing, commercial and certain multi-family structures.* For all manufacturing and commercial structures, as well as for all multi-family structures where outdoor garbage containers are designated for more than one dwelling unit (i.e. communal and/or private containers), the garbage cans, dumpsters, or other containers shall be enclosed on three sides (or four sides if visible from the highway) by a solid fence or wall not less than six feet in height. Provided that the fence or wall must be at least as high as the dumpster if the dumpster exceeds six feet in height. If the dumpster is less than six feet in height, the height of the fence or wall may be reduced to the height of the dumpster or other container. The fence or wall shall be constructed of permanent masonry, all wood, galvanized metal with vinyl slats, or plastic construction anchored in concrete of sufficient depth to prevent dislocation or heaving by frost, and of a design or style that is aesthetically consistent with or complimentary to the main structure. There shall be no covering or roof over the enclosure.

(E) *Impossibility of performance.* If it is impossible to locate communal containers such as dumpsters in areas allowed under this section (where, for instance, a garbage truck would not be able to off-load a dumpster at the rear of the structure), then the owner or occupier shall employ garbage cans or other containers that may be dumped by hand. If the owner or occupier requires relief from the operation of this section, appeal may be had to the City Council, which will conduct a hearing to determine if relief should be afforded from operation of this section. The City Council may take testimony from the owner, residents, the Director of Public Works or his/her designee, the Code Enforcement Officer, or any other public officials who might have information relevant to the making of a decision. Hearing shall be had after notice is published in a newspaper of general circulation in the County of Will at least seven days in advance of the hearing date. After such a hearing, the Council shall issue written findings as to whether it is impossible for the owner or occupier to comply with the code section, and shall state in writing what relief shall be granted to the owner or occupier.

(Ord. 1338, passed 1-18-05; Am. Ord. 1343, passed 2-2-05; Am. Ord. 1637, passed 8-5-13; Am. Ord. 1691, passed 6-15-15)

#### **§ 7.12.060 PENALTIES.**

In addition to the fine of up to \$750 provided for in § 1.12.010, the following penalty provisions shall apply to this chapter:

(A) For single-family residences or duplexes, and multi-family residences where each dwelling unit has both its own outdoor garbage container and its own separate city water and sewer service reflected by a separate city bill, where a violation occurs for four consecutive days after notice has been given in writing by the Director of Public Works or his/her designee or the Code Enforcement Officer to the owner or occupier of the residence or residences, the Director of Public Works or his/her designee or Code Enforcement Officer may impose an administrative penalty of \$100 upon the owner or occupier. If, within seven days after imposition of the penalty, the offender either has not paid the \$100 penalty or has failed to bring the garbage container location into compliance with this code, the Director of Public Works or his/her designee and the Code Enforcement Officer shall notify the City Water Department, which shall forthwith shut off the offender's water supply until such time as the offender brings into compliance with this code the garbage container location. Provided, however, that the city shall comply with the notice provisions contained in § 13.24.140 of this code before shut off is performed. Once the occupant has removed the garbage containers to a location that complies with this code, the water service will be restored by the City Water Department upon compliance by the occupant with the provisions for fees and penalties under § 13.24.140 of this code.

(B) For manufacturing and commercial structures, and for multi-family structures where outdoor garbage containers are designated for more than one dwelling unit (i.e. communal and/or private containers), where a violation occurs for four consecutive days after notice has been given in writing by the Director of Public Works or his/her designee or the Code Enforcement Officer to the owner or occupier of the residence or residences, the Director of Public Works or his/her designee or Code Enforcement Officer may impose an administrative penalty of \$100 upon the owner or occupier. If, within seven days after imposition of the penalty, the offender has either not paid the \$100 penalty or has failed to bring the garbage container location into compliance with this code, the Director of Public Works or his/her designee and Code Enforcement Officer shall notify the City Water Department, which shall forthwith shut off the offender's water supply until such time as the offender brings into compliance with the requirements of § 7.12.040(D). Provided, however, that the city shall comply with the notice provisions contained in § 13.24.140 of this code with respect to all users before shut off is performed. Once the garbage containers have been enclosed properly under § 7.12.040(D), the water service will be restored by the City Water Department upon payment of the fees and penalties under § 13.24.140 of this code. Where individual tenants have individual water services, each tenant will be required to pay the fees and penalties. The owner or manager of the structure may avoid shut off of the individual water services by posting a surety bond or letter of credit with the Water Department in the amount of \$25,000 to secure the obligation of the owner or manager to install a proper enclosure within no later than one year from the date that notice was originally served by the city. If the enclosure or enclosures are not erected by the end of said one year period of time, the city shall have the right to forfeit the bond or letter of credit to secure funds to install the enclosures.

(C) The Director of Public Works or his/her designee and the Code Enforcement Officer shall each have authority to declare violations of the provisions of this chapter to notify the City Water Department of any violations, and to secure from the Police Department criminal complaints for local ordinance violation prosecution, or for administrative citations, as the case may be.

(D) If an owner or occupier of a manufacturing, commercial or multi-family structure must build or install a fence or wall under § 7.12.050(D), a building permit must be obtained from the Director of Public Works or his/her designee for purposes of inspection only. No fee shall be charged for acquisition of the building permit.

(Ord. 1338, passed 1-18-05; Am. Ord. 1343, passed 2-2-05; Am. Ord. 1637, passed 8-5-13)



## CHAPTER 7.14: TARPED VEHICLES

### Section

- 7.14.010 Definitions
- 7.14.020 Declaration of nuisance
- 7.14.030 Tarped vehicles prohibited on streets
- 7.14.040 Penalty

### § 7.14.010 DEFINITIONS.

For the purpose of this chapter the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**TARPED VEHICLE.** A vehicle covered by a tarpaulin or other cover, whether or not manufactured specifically for a vehicle.

**VEHICLE.** Every device, in, upon or by which any person or property is or may be transported or requiring a certificate of title under Ch. 625, Act 5 § 3-101(d) of the Illinois Vehicle Code, except devices moved by human power.  
(Ord. 1649, passed 11-18-13)

### § 7.14.020 DECLARATION OF NUISANCE.

Tarped vehicles are hereby declared to be a nuisance due to safety concerns and the negative impact upon beautification efforts within the city.  
(Ord. 1649, passed 11-18-13)

### § 7.14.030 TARPED VEHICLES PROHIBITED ON STREETS.

No tarped vehicles shall be permitted upon any street, highway or right-of-way within the city.  
(Ord. 1649, passed 11-18-13)

### § 7.14.040 PENALTY.

Any person, firm or corporation that violates any of the provisions of Chapter 7.14 shall be fined not less than \$50 nor more than \$750 for each offense. Each day that the violation continues shall constitute a separate offense.  
(Ord. 1649, passed 11-18-13)



## CHAPTER 7.16: NUISANCES

### Section

- 7.16.010 Definitions
- 7.16.020 Summary abatement
- 7.16.030 Abatement in non-emergency cases
- 7.16.040 Abatement by owner
- 7.16.050 Appeal procedures; hearing
- 7.16.060 Abatement by city
- 7.16.070 Notice of assessment; appeal of charges
- 7.16.080 Personal liability of owner
- 7.16.090 Costs of abatement; low income, elderly persons
- 7.16.100 Overhead charge, civil penalties

### § 7.16.010 DEFINITIONS.

**ABATEMENT.** The removal, stoppage, prostration, or destruction of that which causes or constitutes a nuisance, whether by breaking or pulling it down, or otherwise destroying, or effacing it.

**OWNER.** The owner of record based on the County Treasurer's record or any person with legal, financial or equitable interest in the property on which the alleged public nuisance exists at the time of the violation.

**PROPERTY.** Any real property, premises, structure or location on which a public nuisance is alleged to exist.

**PUBLIC NUISANCE.** Any fence, wall, shed, deck, house, garage, building, structure or any part of any of the aforesaid; or any tree, pole, smokestack; or any excavation, hole, pit, basement, cellar, sidewalk subspace, dock, wharf or landing dock; or any lot, land, yard, premises or location which in its entirety, or in any part thereof, by reason of the condition in which the same is found or permitted to be or remain, shall or may endanger the health, safety, life, limb or property, or cause any hurt, harm, inconvenience, discomfort, damage or injury to any one or more individuals in the city, in any one or more of the following particulars:

- (1) By reason of being a menace, threat and/or hazard to the general health and safety of the community.
- (2) By reason of being a fire hazard.
- (3) By reason of being unsafe for occupancy, or use on, in, upon, about or around the aforesaid property.

- (4) By reason of lack of sufficient or adequate maintenance of the property, and/or being vacant, any of which depreciate the enjoyment and use of the property in the immediate vicinity to such an extent that it is harmful to the community in which such property is situated or such condition exists.
- (5) Suffering any premises where any animal is kept to become nauseous, foul or offensive to any neighborhood, family or person.
- (6) Throwing or depositing any offal or other offensive matter or the carcass of any animal in any watercourse, lake, pond, spring, well or street, alley, public highway or park.
- (7) Depositing or permitting to remain upon any premises, or public street or alley, slops, animal or vegetable matter of any kind which is, or is likely to become, putrid or offensive.
- (8) Permitting foul or stagnant water to stand upon any premises.
- (9) Locating or maintaining a stable, pigsty or privy within the city.
- (10) Locating or maintaining at any place within the city, or within the city's facility planning area, any slaughterhouse, packing house, rendering establishment or bone factory, or suffering or permitting any premises at any place within the limits aforesaid used for the purposes aforesaid to become foul or offensive.
- (11) Establishing any powder magazine or storing any gunpowder, dynamite or other explosive substance within 20 rods of any building occupied for business or residence purposes; provided, however, that not to exceed 50 kegs of powder and not to exceed 100 pounds of dynamite, such dynamite to be not stronger than 40% nitroglycerine, may be stored in iron canisters to be mounted on rollers and kept outside of building.
- (12) Encroaching upon or obstructing any street, alley or public ground with any building, fence or structure of any kind.
- (13) To keep or maintain hogs or pigs within the city.
- (14) To construct or maintain any sign, earth embankment, fence, hedge, tree or shrub obstructing a clear view at any corner of a road or street intersection between points 20 feet back from the intersection of the roadways, and to the corner thereof, and four feet above the crown of each intersecting roadway.
- (15) Keeping any animal, bird or fowl, including pets of any kind, which cause frequent or long-continued noise or which create odors or unsightly appearance of surroundings which disturb the comfort or repose of an person in the vicinity.
- (16) Using any automobile, motorcycle or other motor-powered vehicle which does not have a muffler or which has a faulty, or otherwise insufficient muffler, or which is disrepair as to cause loud and unnecessary grating, grinding, rattling or other noise which disturbs persons in the surrounding vicinity.
- (17) Causing or permitting the emission of any industrial fallout or odors which are offensive to persons or damaging to property or persons in the area.



(18) Building, maintaining or moving any outdoor closet, toilet or privy.

(19) Making or permitting the continuance of any excavation which may constitute a hazard to any child or other person, unless that excavation is properly maintained and in compliance with all current OSHA standards.

**SUMMARY ABATEMENT.** Abatement of the nuisance by the city, or a contractor employed by the city, by removal, repair, or other acts without notice to the owner, agent, or occupant of the property except for the notice required by this chapter.

(Ord. 1033, passed 7-21-97)

#### **§ 7.16.020 SUMMARY ABATEMENT.**

(A) Whenever a complaint is made to any city official of the existence of a public nuisance, as defined in § 7.16.010, the Director of Public Works or his/her designee shall properly inspect the property that is the subject of the complaint. Should a public nuisance be found to exist and that the public health, welfare or safety may be in immediate danger, then summary abatement procedures shall be implemented and the city may cause the nuisance to be removed or abated.

(B) Where summary abatement is authorized, notice to the owner, agent or occupant of the property is not required. Following summary abatement, the city shall post on the property liable for the abatement a notice describing the action taken to abate the nuisance.

(Ord. 1033, passed 7-21-97; Am. Ord. 1637, passed 8-5-13)

#### **§ 7.16.030 ABATEMENT IN NON-EMERGENCY CASES.**

(A) If, after inspecting the property on which the nuisance is reported, the Director of Public Works or his/her designee declares the existence of a public nuisance, but the nature thereof is not such as to require the summary abatement of such nuisance, then, regular abatement procedures shall be followed. Photographs and reports of the findings and inspections shall be made and kept.

(B) The City Attorney shall determine the individual, firm or corporation who, from the records in the Recorder's office, appears to be the owner of the aforesaid property and cause a written notice to be served on such individual, firm or corporation by personal service or by leaving a copy of the notice at the usual place of residence or business of such owner, or address of such owner shown in the Recorder's records, or by copy mailed to such owner at such place and address by United States certified mail return receipt. If service of such written notice is unable to be perfected by any of the methods described above, the City Attorney shall cause a copy of the aforesaid notice to be published in a newspaper of general circulation in the city, once a week for two consecutive weeks, and shall further cause a copy of the aforesaid notice to be left with the individual, if any, in possession of such property on which it is alleged such public nuisance exists, or if there is no individual in possession thereof, the City Attorney shall cause a copy of the notice to be posted at such structure, location or premises. The City Attorney shall also determine from the Recorder's office who the lienholder of the property, if any, as documented therein, is and cause a written notice to be served on such lienholder by United States mail return receipt.

(C) The aforesaid notice to the owner, and lienholder, if any, of the property shall state clearly and concisely the findings of the Director of Public Works or his/her designee with respect to the existence of a public nuisance. The notice shall further state that unless the owner thereof shall cause the abatement of the public nuisance, pursuant to the orders contained in the Director of Public Works or his/her designee's notice, the public nuisance shall be abated by the city at the expense of the owner.

(D) Any person who is the owner of the premises, location or structure at the time an order pursuant to this chapter is issued and served upon him, shall be responsible for complying with that order, and liable for any costs incurred by the city therewith, notwithstanding the fact that he conveys his interests in the property to another after such order was issued and served.

(E) It shall not be a defense to the determination that a public nuisance exists that the property is boarded up or otherwise enclosed.

(Ord. 1033, passed 7-21-97; Am. Ord. 1637, passed 8-5-13)

#### **§ 7.16.040 ABATEMENT BY OWNER.**

(A) Within 30 days after the posting and mailing of a notice to abate a nuisance, the owner, agent of the owner, or individual in possession of the affected property shall remove and abate such nuisance or show that no nuisance in fact exists. Such showing shall be made by filing a written statement that no nuisance exists. The statement shall be filed with the Director of Public Works or his/her designee.

(B) The Director of Public Works or his/her designee, upon written application by the owner within the 30 day period after the notice has been served, may grant additional time for the owner to effect the abatement of the public nuisance, provided that such extension is limited to a specific time period.

(Ord. 1033, passed 7-21-97; Am. Ord. 1637, passed 8-5-13)

#### **§ 7.16.050 APPEAL PROCEDURES; HEARING.**

(A) The owner or occupant of the property who has been served with a notice pursuant to this chapter that a public nuisance exists and that it must be abated within 30 days, may, within seven calendar days after receipt of such notice, make a written demand to the City Clerk for a hearing on the question of whether a public nuisance in fact exists. The hearing shall be held within seven calendar days following receipt by the City Clerk of the written demand and at least two days' notice of the hearing shall be given to the individual who made the written demand for the hearing.

(B) The hearing shall be conducted by the Nuisance Appeals Board. Such Board may amend or modify the notice and/or order, or extend the time for compliance with the City Clerk's order by the owner by such date as the majority of the Board may determine. The Nuisance Appeal Board shall consist of the Mayor, an Alderman and a member of the Plan Commission. The City Attorney shall be legal counsel to the Appeal Board.

(C) The owner, agent of the owner, occupant and lienholder, if any, of the subject property shall be given the opportunity to present evidence to the Board in the course of the hearing.

(D) In those instances where the nuisance has been abated by the city, the Board shall have discretion to waive the cost of abating a nuisance, in whole or in part, if, in the course of the hearing reviewing the decision, the Board finds that any of the following did not conform to the provisions of this chapter:

- (1) The notice to remove the nuisance;
- (2) The work performed in abating the nuisance; or
- (3) The computation of charges.

(Ord. 1033, passed 7-21-97)

#### **§ 7.16.060 ABATEMENT BY CITY.**

(A) Should any public nuisance not be abated at the expiration of time stated in the notice/order or within such additional time as the Director of Public Works or his/her designee may grant, the city shall have the authority to enter upon the property and abate the public nuisance found thereon. In abating such nuisance, the city may go to whatever extent may be necessary to complete the abatement of the public nuisance and should it be practicable to salvage any material derived in the aforesaid abatement, the city may sell the salvaged material at private or public sale at the best price obtainable and shall keep an accounting of the proceeds thereof.

(B) The proceeds, if any, obtained from the sale of any material salvaged as a result of an abatement of a public nuisance by the city shall be deposited to the General Fund of the city and any deficit between the amount so received and the cost of the abatement may be levied as an assessment against the property in question by the City Council and collected as any other assessment by the city; however, any other alternative collection method may be utilized by the city to recoup any deficiency. Should the proceeds of the sale of such salvaged material exceed the cost of abatement, the surplus, if any, shall be paid to the owner of the property from which the public nuisance was abated when a proper claim to the excess is established. If no such claim is established, then excess shall remain in the General Fund for use by the city.

(C) In abating a public nuisance, the Director of Public Works or his/her designee may call upon any of the city departments or divisions for whatever assistance shall be deemed necessary or may by private contract cause the abatement of the public nuisance.

(D) The Director of Public Works or his/her designee shall, after completing the removal and abatement, file a statement of costs with the City Clerk.  
(Ord. 1033, passed 7-21-97; Am. Ord. 1637, passed 8-5-13)

#### **§ 7.16.070 NOTICE OF ASSESSMENT; APPEAL OF CHARGES.**

(A) Upon receipt of the statement of costs from the City Clerk, the City Attorney shall mail to the owner of the property upon which the public nuisance has been abated a notice of the amounts set forth in the statement plus an additional amount sufficient to defray the costs of the notice and stating that the city proposes to file a lien against the property the amount set forth in the notice and that objections to

the proposed assessment must be made in writing and received by the City Clerk within 20 days from the date of mailing such notice. Upon the expiration of the 20 day period, if no objections have been received by the City Clerk, the City Attorney shall prepare and record a lien against the property.

(B) If objections of either the property owner or their representative are received by the City Clerk prior to the expiration of the 20 day period, the City Clerk shall refer the matter to the Director of Public Works or his/her designee for administrative review.

(C) Upon conclusion of administrative review, the Director of Public Works or his/her designee shall make a written determination that the amount of the charges shall be canceled, reduced, or remain in same. A copy of this determination shall be furnished to the person making the objections together with a notice of such person's right to appeal to the Nuisance Appeals Board.

(D) If no appeal of determination by the Director of Public Works or his/her designee is filed within the time period allowed, a copy of the determination will be furnished to the City Attorney who shall then record a lien in the amount determined by the Director of Public Works or his/her designee as provided in division (A).

(E) If a timely appeal is received by the Appeals Board, a hearing shall be scheduled and held on the matter. If, after the hearing, the Appeals Board determines that the proposed assessment does not comply with division (G) herein, the Appeals Board shall so certify to the City Attorney and the proposed assessment shall be canceled. If, after the hearing, it is determined that the proposed assessment or any part of it is proper and authorized, the Appeals Board shall so certify to the City Attorney who shall record a lien in such amount as determined appropriate by the Appeals Board as provided in division (A).

(F) The determination of the Appeals Board is a final administrative decision and is not appealable to the City Council.

(G) (1) The Director of Public Works or his/her designee, in administrative review, or the Appeals Board, on appeal, may reduce or cancel a proposed assessment if it is determined that:

(a) Any of the following did not conform to the provisions of this chapter:

1. The notice to remove the nuisance; or
2. The work performed in abating the nuisance; or
3. The computation of charges; or

(b) The owner of the property was eligible for a waiver of costs under § 7.16.090.

(2) The Director of Public Works or his/her designee, in administrative review, or the Appeals Board on appeal, may reduce a proposed assessment by eliminating the civil penalty portion thereof if it is determined that:

(a) The current owner was not in possession of the property at the time the notice required in § 7.16.030 was posted; or

(b) The owner did not receive the notice to remove the nuisance, did not have knowledge of the nuisance and could not, with the exercise of reasonable diligence, have had such knowledge.

(H) If, after a lien has been recorded, there is a written request of an owner who alleges that the owner did not receive notice of the proposed assessment, the City Clerk shall refer to the matter for review pursuant to division (B).

(I) The lien may be canceled or reduced in administrative review, or by the Appeals Board, on appeal, if it is determined that the owner did not receive notice of the proposed assessment, did not previously have knowledge of the lien or of the nuisance abatement work constituting the basis of the lien, could not, in the exercise of reasonable care or diligence, have had such knowledge, and in addition, that the circumstances are such that a reduction or cancellation of the charges would have been appropriate had the matter been reviewed pursuant to this section prior to assessment. Upon receipt of a certification from the Appeals Board, pursuant to division (G), the city shall cancel or reduce the lien if required. (Ord. 1033, passed 7-21-97; Am. Ord. 1637, passed 8-5-13)

#### **§ 7.16.080 PERSONAL LIABILITY OF OWNER.**

The person who is the owner of the property at the time at which the notice required under § 7.16.030 of this chapter is posted shall be personally liable for the amount of the assessment including all interest, civil penalties, and other charges. (Ord. 1033, passed 7-21-97)

#### **§ 7.16.090 COSTS OF ABATEMENT; LOW INCOME, ELDERLY PERSONS.**

(A) Notwithstanding the other provisions of this chapter, the cost of abating a nuisance shall be waived for low income and elderly persons, if upon application it appears to the City Council that the conditions set forth in division (B) are met.

(B) To be eligible for waiver of nuisance abatement costs a person must be classified as "low income" as defined as follows:

(1) Be more than 65 years of age and;

(2) A person living alone, whose total income for the preceding calendar year did not exceed one and one-half times the maximum amount a Social Security recipient at age 65 may have earned in that year without having any benefits withheld; or

(3) The head of a household which household received a total income for the preceding calendar year that did not exceed two and one quarter times the maximum amount a Social Security recipient at age 65 may have earned in that year without having any benefits withheld.

(C) Additionally, all persons wishing to qualify for waiver of nuisance abatement costs must:

(1) Furnish proof of the age and/or income requirements as set forth above in the manner and form designated by the City Clerk;

(2) Must own, or be in the process of purchasing the property from which the nuisance is abated; and

(3) Be living on the property from which the nuisance is abated.

(D) The removal of the nuisance in question must have been required by city and the person requesting the waiver of costs must have been officially notified by the city to remove the nuisance.

(E) Applications for waiver of nuisance abatement costs shall be filed with the City Clerk, on forms supplied by the city, within ten days after receipt of a notice to remove a nuisance or a work order notice unless the Director of Public Works or his/her designee extends the time for good cause shown. All information required to be given on such form shall be supplied and verified by the applicant.

(F) The maximum amount that may be waived under this section for any one parcel of real property or any one person shall be \$500 per calendar year.

(G) No overhead charge or civil penalty shall be imposed for any real property for which a waiver, pursuant to this section, shall have been approved.

(Ord. 1033, passed 7-21-97; Am. Ord. 1637, passed 8-5-13)

#### **§ 7.16.100 OVERHEAD CHARGE, CIVIL PENALTIES.**

(A) Whenever a nuisance is abated by the city, the City Clerk shall keep an accurate account of all expenses incurred, including an overhead charge of 25% for administration and a civil penalty of \$300 for each nuisance abated.

(B) When the city has abated a nuisance maintained by any owner of real property, for each subsequent nuisance that is abated by the city within two consecutive calendar years concerning real property, owned by the same person, an additional civil penalty of 50%, with a minimum charge of \$50, of the costs of abatement shall be added to the costs, charges and civil penalties provided for in division (A). The civil penalty shall be imposed without regard to whether the nuisances abated by the city involve the same real property or are of the same character.

(Ord. 1033, passed 7-21-97)

**CHAPTER 7.18: RESERVED**





## **CHAPTER 7.20: WATER POLLUTION; SEWAGE<sup>1</sup>**

### Section

7.20.010 Permitting premises to become nauseous unlawful

7.20.020 Defiling of watercourses unlawful

### **§ 7.20.010 PERMITTING PREMISES TO BECOME NAUSEOUS UNLAWFUL.**

No person shall suffer or permit any cellar, vault, private drain, culvert, pool, privy, sewer or ground upon any premises belonging to, or occupied, by him to become nauseous, foul, offensive, or injurious to the public health.

('78 Code, § 7.20.010) (Ord. 27, passed - -61)

### **§ 7.20.020 DEFILING OF WATERCOURSES UNLAWFUL.**

(A) No person, firm or corporation shall dump, deposit, discharge, throw, or cause to be dumped, deposited, discharged or thrown into the Desplaines River, Chicago Sanitary and Ship Canal or any other waterway, watercourse, pond or quarry within the city limits of the city, any dead animal, or animals, offensive substance, liquid, matter or thing which may or shall produce an offensive or nauseous smell or which might affect the purity of the water, or endanger the health of any portion of the citizens of the city.

(B) It shall be the duty of the chief of police to cause any such dead animal or animals to be removed immediately, if practicable, and charge the expense thereof to the offenders, and sue and collect the same by legal action in the name of the city.

('78 Code, § 7.20.020) (Ord. 27, passed - -61)

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<sup>1</sup>For statutory provisions authorizing municipalities to provide for the cleansing and purification of water and watercourses, and to regulate the use of cesspools, cisterns, culverts, drains, and sewers, see ILCS Ch. 65, Act 5, §§ 11-20-4 and 11-20-10; for the state water pollution statutes, see ILCS Ch. 415, Act 5, § 11 et seq.



## CHAPTER 7.22: HAZARDOUS MATERIALS

### Section

- 7.22.010 Definitions
- 7.22.020 General state of liability for payment of expenses
- 7.22.030 Hazardous materials incident expense recovery
- 7.22.040 Limitation of liability

### § 7.22.010 DEFINITIONS.

For the purpose of this chapter the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**HAZARDOUS MATERIAL.** Any substance, material or mixture of substances which is toxic, corrosive, an irritant, strong sensitizer, radioactive, flammable, combustible or which generates pressure through decomposition, heat or other means, which may cause injury or illness to humans, domestic livestock or wildlife, or other material defined as hazardous by the Illinois Environmental Protection Act or any state or federal law.

**THIRD PARTY.** Any person, persons, company, corporation or business entity specifically brought in to investigate or mitigate an incident. Such persons shall not be or included employees or officers of the city.  
(Ord. 1671, passed 7-21-14)

### § 7.22.020 GENERAL STATE OF LIABILITY FOR PAYMENT OF EXPENSES.

The recipients, benefactors, administrators, personal representatives, executors, successors, heirs or assigns thereof (“persons”), who are determined by either the Chief of Police or the Director of Public Works to be recipients of emergency assistance or emergency services as a result of an incident involving known or potentially hazardous materials shall reimburse the city for any extraordinary expenses or supplies and equipment expended as a result of services or assistance provided. In addition, the parties set forth above shall reimburse any third parties for services rendered or supplies and equipment expended as a result of their involvement in the incident.  
(Ord. 1671, passed 7-21-14)

### § 7.22.030 HAZARDOUS MATERIALS INCIDENT EXPENSE RECOVERY.

(A) A person causing or permitting a hazardous materials incident shall be responsible jointly or severally, for all of the following:

(1) Reimbursement in full for any and all costs incurred by the city in responding to such hazardous materials incidents at the rate of \$150 per hour per vehicle (or any fraction of an hour) and the hourly pay, including overhead costs, and the prorated cost of employee benefits for each employee who participates in such response to a hazardous materials incident, and administrative expenses.

(2) Reimbursement in full for any and all costs incurred by the city for equipment and materials damaged, lost, spent, destroyed, or rendered irreparable in connection with a hazardous materials incident, including costs of time of employees spent in replacing the equipment and materials.

(3) Reimbursement of and full liability for any and all costs of cleanup and removal resulting from a hazardous material incident, including, but not limited to, expenses charged by any third party as defined in § 7.22.010 hereof, which may be necessitated by the hazardous materials incident.

(4) Reimbursement shall include, but is not limited to, the cost of all related medical monitoring or medical treatment of any representatives, who as a part of their association with the incident, may have come in contact with known or potentially hazardous materials, firefighting, emergency rescue, emergency medical, hazardous materials response, civil defense, technical rescue and/or police.

(B) The city shall prepare and forward to the person or persons causing or permitting a hazardous materials incident a bill for the total costs and expenses incurred for which the person or persons are responsible pursuant to this section; provided, however, any costs in connection with any third party may be billed directly by such third party. The city shall have the right to pursue any and all remedies as may be provided by law for the recovery of monies payable to the city. Payment of the total bill shall be made within 60 days of receipt. Any bill or portion of a bill remaining unpaid after 60 days of receipt shall accrue interest on the unpaid balance at the rate of 5% per month, or fraction of a month.  
(Ord. 1671, passed 7-21-14)

#### **§ 7.22.040 LIMITATIONS OF LIABILITY.**

The City of Crest Hill, its agents, its officers or employees shall have no liability or responsibility for any claim, injury or damage of any kind resulting from a potentially hazardous materials incident to which the city or any of its departments, officers, agents or employees respond.  
(Ord. 1671, passed 7-21-14)

## **CHAPTER 7.24: BURNING REGULATIONS<sup>1</sup>**

### Section

- 7.24.010 Burning garbage
- 7.24.020 Residential use fire pits/barbeques
- 7.24.030 Bonfires prohibited
- 7.24.040 Penalties

### **§ 7.24.010 BURNING GARBAGE.**

No person, persons or corporation shall ignite, burn or cause to be burned, within any area zoned for residential, business or light industrial use, any garbage, leaves, yard waste materials, tires, or other waste or scrap material.

('78 Code, § 7.24.010) (Ord. 27, passed - -61; Am. Ord. 930, passed 9-6-94; Am. Ord. 1288, passed 5-19-03)

### **§ 7.24.020 RESIDENTIAL USE FIRE PITS/BARBEQUES.**

The provisions of § 7.24.010 are not intended to and shall not be interpreted to be a prohibition upon the use of charcoal barbeque grills, charcoal smokers, chimenea and outdoor mobile metal (Weber and Coleman type) fire pits; the burning of natural charcoal, charcoal briquettes, and wood smoking chips in barbeque grills and charcoal smokers; and the burning of seasoned firewood and commercially prepared "firelogs" in chimenea and outdoor mobile metal fire pits. Notwithstanding the aforesaid, if in the opinion of any local building, police or fire official that the then prevailing atmospheric conditions are such that the use of any of the aforesaid items is inappropriate, upon the direction of said official, said use shall be immediately extinguished.

(Ord. 1288, passed 5-19-03)

### **§ 7.24.030 BONFIRES PROHIBITED.**

No person, persons, corporation or other entity, at law or otherwise, shall assemble, ignite, burn or sponsor any bonfire in the city, except upon application to the City Council for permission to allow such bonfire at a specified time and location. The City Council shall require the applicant to provide proof of

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<sup>1</sup>For statutory provisions authorizing municipalities to regulate the discharge of air contaminants, see ILCS Ch. 65, Act 5, § 11-19.1-11; for state statutes relating to air pollution, see ILCS Ch. 415, Act 5, § 8 et seq.

notification to the appropriate Fire Protection District of the applicant's desire to conduct such bonfire, and the City Council will consider any objection of such Fire District in determining whether such application to conduct a bonfire will be approved.  
(Ord. 1288, passed 5-19-03)

**§ 7.24.040 PENALTIES.**

Any person who is guilty of violating any provision of this chapter shall be fined a sum not less than \$100, but not in excess of \$1,000, for each violation.  
(Ord. 1288, passed 5-19-03)

**CHAPTER 7.26: RESERVED**





## **CHAPTER 7.28: DANGEROUS OPENINGS**

### Section

#### 7.28.010 Prohibited

#### **§ 7.28.010 PROHIBITED.**

No person shall keep or leave open any cellar door, or trapdoor, or the grating of any vault on any highway or sidewalk, or suffer the same to be left or kept open; shall make, keep or maintain any uncovered opening in any sidewalk or passageway; or shall suffer any sidewalk in front of his premises to become or continue so broken as to endanger life or property.

('78 Code, § 7.28.010) (Ord. 27, passed - -61)



## CHAPTER 7.32: FIREWORKS<sup>1</sup>

### Section

- 7.32.010 Definition
- 7.32.020 Sale, use, or explosion prohibited; exception for public display
- 7.32.030 Violations; searches and seizures
- 7.32.040 Exemption

### § 7.32.010 DEFINITION.

For the purpose of this chapter the following definition shall apply unless the context clearly indicates or requires a different meaning.

**FIREWORKS.** Any explosive composition, any substance or combination of substances, or item manufactured or prepared for the purpose of producing a visible or audible effect of a temporary exhibitional nature by explosion, combustion, or detonation, and shall include blank cartridges, toy cannons in which explosives are used, balloons which require fire to propel the same, firecrackers, torpedoes, skyrockets, bottle rockets, Roman candles, bombs, or other fireworks of similar type, or any tablets or other device containing any explosive substances or containing combustible substances producing visual effects.

(ILCS Ch. 425, Act 35, § 1)

**FIREWORK NOVELTIES.** Include snakes, glow worms, smoke bombs, sparklers, trick noisemakers known as “party poppers,” “booby traps,” “snappers,” “trick matches,” “cigarette loads,” toy pistols, toy canes, toy guns, or other devices in which paper or plastic caps containing .25 grain or less of explosive compound are used, provided that the caps are so constructed that the hand cannot come in contact with the cap when in place for the explosion.

(Am. Ord. 1085, passed 3-1-99)

### § 7.32.020 SALE, USE, OR EXPLOSION PROHIBITED; EXCEPTION FOR PUBLIC DISPLAY.

(A) Except as hereinafter provided it shall be unlawful for any person, firm, co-partnership, or corporation to knowingly possess, offer for sale, expose for sale, sell at retail, or use or explode any fireworks; provided that the Mayor and City Council shall have power to adopt reasonable rules and regulations for the granting of permits for supervised public displays of fireworks. Every such display shall be handled by a competent individual designated by the Mayor and City Council and shall be of

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<sup>1</sup>For statutory provisions authorizing municipalities to regulate and prevent the use of firecrackers and fireworks, see ILCS Ch. 65, Act 5, § 11-8-4; for state statutes pertaining to fireworks, see ILCS Ch. 425, Act 30, § 1 et seq. and Ch. 425, Act 35, § 1 et seq.

such a character and so located, discharged, or fired, as not to be hazardous to property or endanger any person or persons. Application for permits shall be made in writing at least 15 days in advance of the date of the display and action shall be taken on such application within 48 hours after such application is made. After such privilege shall have been granted, sales, possession, use, and distribution of fireworks for such display shall be lawful for that purpose only. No permit granted hereunder shall be transferable.

(B) Permits may be granted hereunder to any groups of three or more adult individuals applying therefor. No permit shall be required, under the provisions of this section, for supervised public displays by state or county fair associations.

(C) The City Council shall require a bond from a licensee in the sum of \$10,000 conditioned on compliance with the provisions of this section and the regulations of the state Fire Marshal; however, the city shall not be required to file such bond.

(D) Such permit shall be issued only after inspection of the display site by the Mayor or other authorized city official, to determine that such display shall not be hazardous to property or endanger any person or persons. Forms for such application and permit may be obtained from the office of the state Fire Marshal. One copy of such permit shall be on file with the Mayor, and one copy forwarded to the office of the state Fire Marshal. The Mayor shall consult with local fire protection authorities before issuing such permit.

(E) Possession by any party holding a certificate of registration under ILCS Ch. 425, Act 30, §§ 1 et seq. or by any employee or agent of such party or by any person transporting fireworks for such party, shall not be a violation, provided such possession is within the scope of business of the fireworks plant registered under those statutes.  
(ILCS Ch. 425, Act 35, § 2)

(F) It shall be unlawful for any person to sell, or display for sale, firework novelties outside of a permanent building or structure.  
(Am. Ord. 1085, passed 3-1-99) Penalty, see § 93.99

**Statutory reference:**

*Power of city to regulate fireworks, see ILCS Ch. 65, Act 5, § 11-8-4*

**§ 7.32.030 VIOLATIONS; SEARCHES AND SEIZURES.**

Whenever the Mayor or any member of the City Council has reason to believe that any violation of this chapter has occurred within the city and that the person so violating this chapter has in his possession fireworks or combustibles, the Mayor or Council member may file a complaint in writing, verified by affidavit, with any circuit court within whose jurisdiction the premises to be searched are situated, stating the facts upon which such belief is founded, the premises to be searched, and the property to be seized, and procure a search warrant and execute the same. Upon the execution of such search warrant, the person executing the same shall make due return thereof to the court issuing the same, together with an inventory of the property taken thereunder. The court shall thereupon issue process against the owner of such property if he be known, otherwise against the party in whose possession the property so taken was found, if known. In case of inability to serve such process upon the owner or the person in possession of the property at the time of its seizure, as hereinbefore provided, notice of the proceedings before the court shall be given as required by the statutes of the state

governing cases of attachment. Upon the return of the process duly served or upon the posting or publishing of notice made, as hereinabove provided, the court or jury, if a jury shall be demanded, shall proceed to determine whether or not such property so seized was held or possessed in violation of this chapter. In case of a finding that the fireworks or combustibles seized were possessed in violation of this chapter, judgment shall be entered confiscating and forfeiting the property and ordering its destruction. (ILCS Ch. 425, Act 35, § 4)

**§ 7.32.040 EXEMPTION.**

Nothing in this chapter shall be construed as applying to the transportation of any article or thing shipped in conformity with the regulations prescribed by the Interstate Commerce Commission, nor as applying to the military or naval forces of the United States, nor to the duly authorized militia of the state, nor to the use of signals necessary for the safe operation of railroads, steamboats, trucks, or aircraft. (ILCS Ch. 425, Act 30, § 23)



## CHAPTER 7.36: LITTERING<sup>1</sup>

### Section

- 7.36.010 Prohibited actions; exceptions
- 7.36.020 Prohibited locations
- 7.36.030 Disposal of yard waste and vegetative matter

### § 7.36.010 PROHIBITED ACTIONS; EXCEPTIONS.

#### (A) *Violations.*

(1) It is unlawful for any person, firm or corporation to obstruct any alley or street in the city in such a manner as to restrict the free movement of vehicular traffic.

(2) It is unlawful for any person, firm or corporation to litter or place debris of any kind on any street or alley within the corporate limits of the city.

(3) No person or persons shall place or cause to be placed upon any street or avenue of the city any glass, barb wire, nails, tacks, broken pieces of chinaware, or any other pointed or sharp material or instrument whatsoever that may cause a puncture or cut in the tire of any rubber-tired vehicle; provided, that the placing of any broken stone, gravel or other material used for the improvement of the streets shall not be construed to be a violation of this section.

(4) No person or persons shall place, leave, throw, or scatter wastepaper, bills, posters, lithographs, advertising matter, refuse, sweeping or materials of like substance, in or upon the streets, alleys, or public grounds of the city.

(5) Any or all persons engaged either as owner or employee in drawing or transporting paper, or wastepaper or materials of like substance through or upon any of the streets or alleys or public grounds of the city shall convey or carry the same in tight wagons or boxes so constructed that such paper or wastepaper or materials of like substance cannot fall or be scattered in or upon the streets, alleys, or public grounds of the city. However, in case any such paper, or wastepaper or materials of like substance, for any reason, falls or is scattered upon any of the streets, alleys or public grounds, the same shall be forthwith removed by the person or persons at such time in charge of the vehicle or conveyance from which the paper or wastepaper was scattered.

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<sup>1</sup>For state laws prohibiting littering, see ILCS Ch. 415, Act 105, § 1 et seq.; for statutory provisions authorizing a municipality to regulate and prohibit the use of public property for posting handbills, see ILCS Ch. 65, Act 5, § 11-80-14.

(B) *Exceptions.* Violations mentioned in this chapter shall not apply to obstructions or littering caused by emergencies, accidents, or acts of God. However, it shall be the duty of the person responsible to remove any obstruction or litter as soon as is practicable.

('78 Code, § 7.36.010) (Ord. 27, passed - -61; Am. Ord. 75, passed - -62)

#### **§ 7.36.020 PROHIBITED LOCATIONS.**

No person or persons shall place any billboard, showboard, or show or display bill, or other advertising matter upon any bridges or retaining walls abutting a highway or upon any telephone, telegraph or public service poles or ornamental street light standards on any of the streets or alleys in the city or in or upon any motor vehicle while the same is parked upon any public streets, alley or highway in the city, without the consent of the owner of such motor vehicle expressly given therefor, nor shall any person or persons distribute, circulate, hand out, or dispose of any handbill, circular, pamphlet or dodger, by leaving or depositing the same in any public place or upon any public street, alley, park or parkway, or to throw or cast the same upon any porch or sidewalk, so as likely to blow about the streets of the city. ('78 Code, § 7.36.020) (Ord. 27, passed - -61)

#### **§ 7.36.030 DISPOSAL OF YARD WASTE AND VEGETATIVE MATTER.**

(A) No person, firm, or corporation shall deposit any yard waste or other vegetative matter, including but not limited to grass clippings, flowers, weeds, vegetable stems and vines, tree trunks, stems, or branches, leaves, seeds, or the products of any of these items, in any garbage container, bag, can or other receptacle, which is intended or used, in part or in its entirety, for the disposal of household, commercial or industrial trash. All such yard waste or other vegetative matter shall be stored separately and kept for separate disposal by any qualified commercial garbage hauler, whether the hauler is hired by the city or individually by the property owner or occupier. As an alternative to separate disposal, the property owner or occupier may compost yard waste and vegetative matter in a bin specially constructed for that purpose, so long as the composting complies with all laws or regulations promulgated by the state, the federal government, the county, or any subdivisions thereof, including the state and federal environmental protection agencies, and further so long as the composting does not become a nuisance in the area in which it occurs by virtue of its smell or appearance.

(B) No owner or occupant of a residence or business shall allow disposal or deposit of any yard waste or other vegetative matter set out in division (A) above at any location in the city limits other than the owner's or occupier's property (in a compost bin erected and designated as such).

(C) (1) The general penalty provision of Chapter 1.12 of this code shall apply to violations of this section. Further, the provisions of this code for issuance of administrative tickets to the offender shall apply to violations. The Public Works Director and the Code Enforcement Officer are hereby designated and authorized to assist the Police Department in the enforcement of this section and issuance of administrative tickets.

(2) Further, no such owner or occupant shall cause or allow the raking, blowing, carrying or otherwise depositing onto any public street, or upon any private street upon which members of the general public may reasonably be expected to travel, any leaves, grass clippings, sod, weeds, branches, sticks, or any other vegetative matter of any size or weight whatsoever.

('78 Code, § 7.36.030) (Ord. 771, passed - -90; Am. Ord. 998, passed 7-1-96; Am. Ord. 1336, passed 12-20-04)



## **CHAPTER 7.40: SPITTING IN PUBLIC PLACES**

### Section

7.40.010 Prohibited in public places.

### **§ 7.40.010 PROHIBITED IN PUBLIC PLACES.**

No person shall spit upon any public sidewalks, or in any public store, shop, saloon, hall, theater, opera house or church, or in any other such public place in the city except in receptacles provided for that purpose.

('78 Code, § 7.40.010) (Ord. 27, passed - -61)



## **CHAPTER 7.44: SPECIAL ENFORCEMENT PROVISIONS**

### Section

#### 7.44.010 Imposition of special assessments

### **§ 7.44.010 IMPOSITION OF SPECIAL ASSESSMENTS.**

Whenever a real property owner is in violation of any section of this Title 7, or is in violation of any other section of this municipal code dealing with the public health and safety, the City Treasurer or his authorized employee designate may impose upon the property owner a special assessment covering the city's cost for abating any nuisance, cutting grass and weeds, removing garbage and debris, removing inoperable motor vehicles, eliminating rodents, or correcting any harmful physical condition on real property that may adversely impact the health and safety of the general public, or private real or personal property of adjoining owners. Before the assessments may be imposed, the following steps shall be taken by the Director of Public Works or his/her designee, the Code Enforcement Officer, or their employee designate:

(A) The real property will be inspected. The owner will be advised in writing of the manner in which the condition is in noncompliance with the municipal code and a specific date will be assigned by which the owner must abate the condition to the satisfaction of the Director of Public Works or his/her designee or the Code Enforcement Officer

(B) Upon expiration of the above assigned date, the property will be reinspected by the Director of Public Works or his/her designee or the Code Enforcement Officer. If the condition has not been abated, the inspector shall issue a written certificate of noncompliance, and may take whatever steps are necessary to abate the condition, upon instruction from the City Council. He shall keep a complete record of all expenditures required to abate it.

(C) The certificate of noncompliance and the record of expenditures shall be transmitted to the City Treasurer or his employee designate, who shall prepare and file a lien for the cost of the expenditures as a special assessment with the Will County Recorder of Deeds, setting out in the lien the legal description and the property tax index number of the property. Notice of filing of the lien shall be served upon the property owner by certified mail at the address where the county tax bill is sent.

(D) The City Clerk shall keep a record of all liens filed with the County Recorder under this chapter, including the address of the property, the property tax index number, the Recorder's document number of the lien and the owner's name and address where the county tax bill is sent.  
(Ord. 1360, passed 6-6-05; Am. Ord. 1637, passed 8-5-13)

