

Title 4 HEALTH, SANITATION AND ENVIRONMENT

Chapter 1 WASTE DISPOSAL

4-1-1: DEFINITIONS:

COMPOST PILE: A pile or collection of organic materials maintained for noncommercial, private, or home gardening use, expressly constructed for the purpose of obtaining decomposed organic matter and consisting of one or more of the following materials: leaves, grass clippings, and garden debris, excluding branches, shrubs and manure.

WASTE: Garbage, refuse, rubbish, litter, and recyclables, including, but not limited to, the following general and specific items:

- A. Items subject to decay, including, without limitation, putrescible animal and vegetable wastes resulting from handling, preparing, cooking and consumption of food; waste that attracts insects or rodents and vermin; dead animals; and any items subject to rapid decay, putrefaction and generation of noxious gases or odors; however, this definition expressly excludes compost piles.
- B. Paper products, including, without limitation, paper, newspapers, magazines, books, cartons, wrappings and cigarettes.
- C. Wood products, including, without limitation, boxes, barrels, excelsior and straw; however, neatly stacked firewood limited in amount to one and one-half ($1\frac{1}{2}$) cords is permitted.
- D. Metal products and household items, including, without limitation, nails, metal scraps and shavings, cans, machinery, abandoned or inoperable vehicles, used pipes and fittings, appliances, refrigerators, furniture, television and electronics, furnishings, fixtures and bedding.
- E. Yard waste, including, without limitation, downed trees, downed shrubs, loose branches, leaves, grass, weeds, and other plant and foliage material.
- F. Construction material, including, without limitation, concrete, bricks, blocks, shingles, siding, aluminum trim and mud and debris on public or private streets, sidewalks or pathways created by construction traffic; provided, however, that construction material shall not include any such material left on private property where current and active

construction activity is occurring.

G. Textile products, including, without limitation, rags, shoes, and articles of clothing.

H. Anything creating a danger or nuisance to the public health, safety and welfare, including, without limitation, ashes and cinders, and any of the items mentioned in this definition. (Ord., 10-27-2003; amd. Ord. 15-22, 11-9-2015)

4-1-2: PROHIBITED ACTS:

It shall be unlawful and shall constitute a nuisance to:

- A. Burn, bury or accumulate waste within the village, or to permit waste to accumulate in any manner so as to create a nuisance, and to attract flies, vermin or rats, or to permit any waste to accumulate for more than seven (7) days; provided, however that nothing in this subsection shall apply to items contained within the definition of "compost pile" in section [4-1-1](#) of this chapter; or (Ord., 10-27-2003)
- B. Abandon, leave, deposit, discard, or dump any garbage, trash or refuse on or along any public roadway, highway, street, or alley within the village. This subsection shall not apply to such garbage, trash or refuse that is properly contained and placed to be collected by a commercial garbage/waste hauler. (Ord. 12-21, 8-13-2012)
- C. Deposit in or upon one's own property any waste that is not otherwise placed for temporary storage, and which waste is wrapped in tightly closed and tied plastic bags or placed in a garbage can, maintained in good order and in an inconspicuous place, in a manner that will prevent such waste from being blown or scattered by the wind, so as not to create a nuisance to neighbors, and placed for pick up by a scavenger or waste hauling service; or
- D. Knowingly deposit in or upon the property of another, including the property of any public entity, any waste; provided, however, that such waste may be deposited with the express written consent of the owner of any such property; and provided further, that any such waste shall be wrapped in tightly closed and tied plastic bags or placed in a garbage can, maintained in good order and in an inconspicuous place, in a manner that will prevent such waste from being blown or scattered by the wind, so as not to create a nuisance to neighbors, and placed for pick up by a scavenger or waste hauling service. (Ord., 10-27-2003)

4-1-3: REMOVAL OF WASTE BY VILLAGE; LIEN PROVISIONS:

A. Removal By Village: Any owner of any property who, after reasonable written notice from the village, knowingly or unknowingly allows waste to accumulate or continue to accumulate in violation of the provisions set forth in section [4-1-2](#) of this chapter and refuses or neglects to remove such waste, the village may remove or cause to be removed such waste, and the costs of said removal shall be assessed to and collected from the owner of the property.

B. Lien Provisions:

1. The cost of removal of waste shall be a lien upon the property, and such lien shall be superior to all subsequent liens and encumbrances, except tax liens, if the village, or the person performing the service for the village, in his or its own name, files notice of lien in the office of the county recorder of deeds. The notice of lien shall consist of a sworn statement setting out:
 - a. The legal identification of the property;
 - b. The amount of lien representing the costs and expenses incurred or payable for the removal of the waste; and
 - c. The date or dates when such costs and expenses were incurred by the village.
2. Notwithstanding anything to the contrary in this subsection, the lien of the village shall not be valid as to any purchaser whose rights in and to such real estate have arisen subsequent to removal of waste and prior to the filing of such notice, and the lien of the village shall not be valid as to any mortgagee, judgment creditor, or other lienor whose rights in and to such real estate arise prior to the filing of such notice. The lien may be enforced by proceedings to foreclose as in case of mortgages or mechanics' liens. An action to foreclose this lien shall be commenced within two (2) years after the date of filing notice of lien. (Ord., 10-27-2003)
3. The removal cost is not a lien on the underlying parcel unless a notice is personally served on, or sent by certified mail to, the person to whom was sent the tax bill for the general taxes on the property for the taxable year immediately preceding the removal activities. The notice must be delivered or sent after the removal activities have been performed, and it must: a) state the substance of this subsection and the substance of this chapter; b) identify the underlying parcel, by common description; and c) describe the removal activity. (2013 Code)

4-1-4: PRESUMPTION OF RESPONSIBILITY; PENALTY:

A. Whenever any waste has been deposited in violation of this chapter, the person whose name appears on or is identified with such waste shall be prima facie responsible for such

violation and subject to the penalties provided in subsection B of this section. (Ord., 10-27-2003)

- B. Any person violating any provision of this chapter shall be fined as provided in section [1-4-1](#) of this code for each offense, and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues. (Ord., 10-27-2003; amd. 2013 Code)

4-1-5: PLACEMENT OF SOLID WASTE FOR COLLECTION; TIME RESTRICTIONS:

It shall be unlawful and is hereby declared a public nuisance for any person or business to place for collection any "waste", as defined in section [4-1-1](#) of this chapter, if any such waste is placed on any portion of the public road, street, alley or public alley. Notwithstanding the foregoing, waste placed for collection shall be permitted to be placed along the curb or edge of the road, street, alley or public alley adjacent to the property from which such waste is generated.

Waste shall not be permitted to be placed for collection more than twenty four (24) hours prior to the scheduled time and date for collection of the waste. It shall be unlawful and is hereby declared a public nuisance for any person or business to place any waste for collection earlier than as aforesaid. Additionally, it shall be unlawful and is hereby declared a public nuisance for any person or business to allow or permit any garbage can, cart, container for refuse, recycling bin/container, and/or container for yard waste to remain along the curb or edge of the road or on any public road, street, alley or public alley for a period longer than twenty four (24) hours after the designated day of collection.

To the extent the waste hauling contractor does not pick up an item(s) of "bulk" waste, including, but not limited to, appliances, refrigerators, stoves, washers, dryers, water heaters, furniture, televisions and electronics, on collection day, such item(s) shall not be permitted to remain along the curb or edge of the road or on any public road, street, alley or public alley for a period longer than twenty four (24) hours after the designated day of collection and such item(s) must be moved within an enclosed structure.

The nuisances set forth in this section may be abated by the village code enforcement officer and the abatement of these nuisances shall be at the expense of the owners and residents of the property, who shall be jointly and severally liable, unless such owners and residents supply reasonable evidence that the garbage cans, carts, containers for refuse, recycling bins/containers and/or containers for yard waste were not placed by them or their agent or some other persons under the direction or control of the owner or resident. (Ord. 15-22, 11-9-2015)

Chapter 2

OPEN BURNING AND FIRES

4-2-1: PROHIBITIONS:

Open, outdoor burning and/or fires shall be prohibited within the corporate jurisdiction of the village, and it shall be unlawful to burn any paper; cardboard; garbage of any kind; recyclable material; wood; and yard waste including, but not limited to, leaves, weeds and grass. (Ord. 12-21, 8-13-2012)

4-2-2: EXCEPTIONS:

Notwithstanding the provisions of section [4-2-1](#) of this chapter:

- A. The term "fire" shall not be construed to mean or include any fire within a furnace, stove, boiler or fireplace located within a building or structure. The term "fire" shall not be construed to apply to any fire set by or at the direction of any official of the village or the fire protection district in the performance of an official duty.
- B. Charcoal or propane cooking grills/burners are exempt from the burning/fire prohibition set forth in section [4-2-1](#) of this chapter, however, grills/burners must be operated at least ten feet (10') from any structure.
- C. Recreational fires located at a single-family or multi-family residence (such as campfires or cooking fires for the purpose of recreation and personal enjoyment) are exempt from the burning/fire prohibition set forth in section [4-2-1](#) of this chapter; provided, that the following conditions are met: (Ord. 12-21, 8-13-2012)
 1. Recreational fires shall be at least twenty feet (20') from any building or structure including, but not limited to, sheds, garages, trees, shrubs, bushes, fences, wood/brush piles, utility poles, any combustible material and/or any property line/easement line. (Ord. 14-14, 11-10-2014)
 2. Recreational fires shall be contained in a belowground firepit with a minimum depth of four inches (4") and a maximum diameter of four feet (4') or in a commercially produced portable firepit that is placed upon a secure, noncombustible surface.
 3. Only untreated lumber, seasoned dry firewood or charcoal may be burned in a recreational fire. No rubbish, garbage, recyclable items, yard waste (i.e., leaves, grass, weeds, green wood), materials made of or treated with rubber, plastic, leather, or petroleum based materials, or any combustible or flammable liquids shall be burned in a recreational fire. For the purposes of this subsection C3, "untreated lumber/wood" shall not include any pressure treated, painted, stained, lacquered, varnished or water

repellant treated lumber/wood.

4. Belowground firepits shall be surrounded on all sides by a noncombustible material that is situated aboveground.
5. Recreational fires shall not be started or operated when the wind speeds exceed seven (7) miles per hour or when the wind is likely to cause combustibles, flames, embers, or other materials to be carried by the wind.
6. Smoke from recreational fires shall not create a nuisance for neighboring property owners/occupants.
7. Adequate fire suppression equipment such as shovels, fire extinguishers, or water hoses or containers shall be present to extinguish or control recreational fires at all times.
8. Recreational fires shall be attended at all times by at least one responsible person of age eighteen (18) or older.
9. It is the duty and obligation of any renter/lessee to notify and obtain, in writing, permission from the property owner prior to initiating any recreational fire. (Ord. 12-21, 8-13-2012)

4-2-3: NUISANCE CONDITIONS:

It shall be unlawful for any person to operate a charcoal/propane grill/burner or any recreational fire in a manner that constitutes an immediate danger to the health, safety and welfare of any person, property or structure within the village. The village president or local fire marshal, or authorized agents, shall be entitled to declare any such fire a public nuisance and may require the fire be immediately extinguished in his/her sole discretion or may have such fire extinguished. (Ord. 12-21, 8-13-2012)

4-2-4: PENALTIES:

A. Any violations of this chapter are punishable by a fine in accordance with the following schedule:

1. First offense: Fifty dollars (\$50.00).
2. Second offense: One hundred dollars (\$100.00).
3. Third offense: Two hundred dollars (\$200.00).
4. Thereafter, up to seven hundred fifty dollars (\$750.00) for each offense, with each day that a violation exists constituting a separate offense.

- B. Citations may be issued by the village for any violation of this chapter, and any and all costs incurred by the village associated with enforcing this chapter shall be charged to the violator. (Ord. 12-21, 8-13-2012)

ARTICLE A. BURNING REED BEDS

4-2A-1: ANNUAL BURNING PERMITTED:

The maintenance company of the wastewater treatment plant shall be allowed to burn the reed beds annually in January of each year. (Ord. 07-04, 1-8-2007)

Chapter 3 VEGETATION

4-3-1: PURPOSE:

It is important to recognize that a variety of landscapes adds diversity and richness to the quality of life in the village. There are, nonetheless, reasonable expectations regarding the village landscapes which, if not met, may decrease the value of nearby properties, degrade the natural environment, or threaten the public health and safety. It is, therefore, in the public interest and within the purview of this chapter to provide standards for the development and maintenance of the village landscapes, whether corporate, private, or public. (1997 Code § 20-1)

4-3-2: DEFINITIONS:

The following terms shall have the stated meanings:

LANDOWNER: One who owns or controls land within the village, and the village itself, as caretaker of all municipal properties such as parks, recreation areas, municipal building sites, and rights of way.

PRESERVATION OR RESTORATION AREA: A biologically diverse area managed to preserve or restore native Illinois grasses and forbs, native trees, shrubs, wildflowers and aquatic plants; and old field succession of native and nonnative plants; or a combination of these.

STABILITY: Used in an ecological sense, it suggests a state of good health and vigor, as

opposed to one of impairment and decline.

TURF GRASS: Grass commonly used in regularly cut lawns or play areas, such as, but not limited to, bluegrass, fescue, and rye grass blends.

WEEDS: The following plant species are defined as "noxious weeds": Cannabis sativa, L. (marijuana); Ambrosia trifida, L. (giant ragweed); Ambrosia artemisifolia, L. (common ragweed); Cirsium arvense (Canada thistle); Sonchus arvensis (perennial member of the sorghum genus) including Sorghum halepense (johnsongrass), sorghum alnum and other johnsongrass X sorghum crosses with rhizomes. (1997 Code § 20-2)

4-3-3: LANDOWNER RIGHTS AND RESPONSIBILITIES:

- A. This chapter shall apply equally to all landowners, including the village.
- B. Every landowner shall be responsible for creating and sustaining a condition of stability of the landscape on every parcel of land which he/she shall own or control, whether this is accomplished by traditional means (feeding, watering, cutting), or by the preservation or restoration and management of native plant communities.
- C. This chapter recognizes the fundamental right of every landowner to develop and manage his/her landscape in the manner of his/her choosing, insofar as it does not present a hazard to the public health or safety, or the agricultural environment.
- D. Every landowner possessing lawns of the conventional turf grass type shall be responsible for managing the turf grass at a height not to exceed eight inches (8").
- E. Every landowner shall be responsible for the destruction of all noxious weeds on every parcel of land which he/she shall own or control. The term "destruction" means the complete killing of plants, or effectually preventing such plants from maturing to the bloom or flower stage.
- F. No person shall permit plants of any sort, whether they be traditional, exotic or ornamental varieties, noxious or nuisance weeds, or forbs, grasses, or woody plants growing on that person's property to grow into adjoining properties.
- G. It shall be lawful to grow native plants, including, but not limited to, ferns, grasses, forbs,

aquatic plants, trees, and shrubs in a landscape when these plants were obtained not in violation of local, state or federal laws. (1997 Code § 20-3)

4-3-4: ENFORCEMENT AND PENALTIES:

- A. Notice Of Violation: The village president or the village clerk shall serve notice upon any person or entity who is in violation of this chapter stating the type of violation and that there must be compliance with this chapter on a date certain not less than seven (7) days from the date the notice is signed and sent by the village president or the village clerk. The notice shall be served by regular or certified mail. The proof of mailing only to the address listed upon the property tax rolls shall be deemed sufficient service. Proof of actual service is not necessary. (Ord. 15-05, 6-8-2015)
- B. Abatement By Village; Costs A Lien: In the event that a nuisance is not abated by the date specified in the notice sent to the private property owner, the village president is authorized to cause the abatement of said nuisance. The reasonable cost of such abatement shall be filed as a lien against the property on which the nuisance was located. The lien shall be in favor of the village. In addition, the owner of the property upon which the nuisance is located shall be subject to prosecution. (1997 Code § 20-4)
- C. Penalties: Any person who violates any provision of this chapter or who fails to comply with any notice issued pursuant to the provisions of this chapter, upon being found guilty of a violation, shall be subject to a fine as provided in section [1-4-1](#) of this code for each separate offense. Each day during which any violation of the provisions of this chapter shall occur or continue shall be considered a separate offense. If, as a result of the violation of any provision of this chapter, the injury, mutilation or death of a tree, shrub or other plant located on the village owned property is caused, the cost of repair or replacement of such tree, shrub or other plant shall also be borne by the party in violation. The value of trees and shrubs shall be determined in accordance with the latest version of a "Guide To The Professional Evaluation Of Landscape Trees, Specimen Shrubs And Evergreens", as published by the International Society Of Arboriculture. (1997 Code § 20-4; amd. 2013 Code)

Chapter 4 NOISE CONTROL

4-4-1: FINDINGS:

It is recognized that the making, creation or maintenance of loud, unnecessary, unusual or

unnatural noises which are prolonged, unusual and unnatural in their time, place and use affect and are a detriment to the public health, comfort, convenience, safety, welfare and prosperity of the residents of the village. The necessity in the public interest for the provisions and prohibitions contained in this chapter is declared as a matter of legislative determination and public policy, and it is further declared that the provisions and prohibitions contained and enacted in this chapter are in pursuance of and for the purpose of securing and promoting the public health, comfort, convenience, safety, welfare and prosperity and the peace and quiet of the village and its inhabitants. (Ord. 11-26, 11-14-2011)

4-4-2: STATE REGULATIONS ADOPTED:

Chapter 8 of the Illinois pollution control board rules and regulations pertaining to noise from stationary sources is hereby adopted by the village. (Ord. 11-26, 11-14-2011)

4-4-3: NUISANCE NOISE CONDITIONS ENUMERATED:

It shall be unlawful and is hereby declared a nuisance for any person to make, continue or cause to be made any excessive, unnecessary, or unusually loud sound or noise within the village. The following acts, among others, are declared to be in violation of this chapter:

- A. Radios, Phonographs, Sound Producing Or Reproducing Machines And Devices: The playing, using, operating or permitting to be played, used or operated any radio receiving set, musical instrument, phonograph or other machine or device for the producing or reproducing of sound in such a manner as to disturb the peace, quiet and comfort of the neighboring inhabitants or at any time with louder volume than is necessary for the convenient hearing for the persons who are in the room or chamber in which such machine or device is operated and who are voluntary listeners thereto. The operation of any such set, instrument, phonograph, machine or device between the hours of ten thirty o'clock (10:30) P.M. and seven o'clock (7:00) A.M. in such a manner as to be plainly audible at a distance of fifty feet (50') from the building or structure in which it is located shall be prima facie evidence of a violation of this chapter.

- B. Loudspeakers And Sound Amplifiers For Advertising: The playing, using, operating or permitting to be played, used or operated any radio receiving set, musical instrument, phonograph, loudspeaker, sound amplifier, or other machine or device for producing or reproducing of sound which is cast upon the public street for the purpose of commercial advertising or attracting the attention of the public to any building, structure or vehicle, except with the permission of the village via sound permit.

- C. Yelling, Shouting, Whistling Or Singing: Yelling, shouting, hooting, whistling, or singing on

the public streets, particularly between the hours of ten thirty o'clock (10:30) P.M. and seven o'clock (7:00) A.M. or at any other time or place so as to annoy or disturb the quiet, comfort or repose of persons in any office, dwelling, hotel or other type of residence or of any persons in the vicinity.

- D. Animals: The keeping, harboring or having in possession of any dog, bird or other animal which, by frequent or habitual howling, yelping, barking, squawking, crowing or otherwise, causes loud noises that disturb the comfort or repose of any person in the vicinity.
- E. Motor Vehicles:
1. No person shall sound any horn or audible signal device of any motor vehicle including, but not limited to, any automobile, motorcycle, or boat of any kind on any public or private property except as a danger warning.
 2. No person, owner and/or operator of any motor vehicle shall make unnecessary and annoying noises with such motor vehicle including, but not limited to, use of audio equipment, sound amplification equipment, squealing tires, excessive acceleration of an engine, or by emitting unnecessary and loud muffler noises so that they annoy, injure or endanger the comfort, health or safety of others or that such noises can be heard from a distance of fifty feet (50') or more from the motor vehicle.
 3. No garbage collection vehicles shall be permitted to operate between the hours of ten thirty o'clock (10:30) P.M. and six o'clock (6:00) A.M.
- F. Construction Operations: The erection (including excavating), demolition, alteration or repair of any building or use of any hammer or power operated tools for repair or construction purposes or use of any heavy construction equipment including, but not limited to, dump trucks, tractors, loaders, bulldozers, scrapers, graders, backhoes, compactors, crawlers or clam buckets other than between the hours of seven o'clock (7:00) A.M. and nine o'clock (9:00) P.M., except in case of urgent necessity in the interest of public health and safety and then only by first obtaining the permission of the village via sound permit.
- G. Ground Maintenance Equipment: The use of any mechanical, electrical or gasoline motor driven tools/equipment including, but not limited to, lawn mowers, weed trimmers, chain saws, snowblowers, tractors, leaf blowers, compressors, or power washers other than between the hours of seven o'clock (7:00) A.M. and nine o'clock (9:00) P.M. (Ord. 11-26, 11-14-2011)

4-4-4: PERMIT REQUIRED; CONDITIONS:

In order to produce, create or maintain a noise in contravention to this chapter, a village sound

permit must first be obtained. Such permit shall be subject to the following conditions:

- A. The permit shall only be in effect during the times specifically prescribed by the village and on the calendar day(s) prescribed by the village.
- B. No sound shall be heard from a distance of three hundred feet (300') or more from the location of the noise.
- C. No permit shall allow loud noise to be heard within fifty feet (50') of a school or church while either is in session. (Ord. 11-26, 11-14-2011)

4-4-5: EXEMPTIONS FROM PROVISIONS:

The following are exempt from the provisions of this chapter:

- A. Sirens and bells on emergency vehicles.
- B. Fire and burglar alarms.
- C. Civil defense and weather warning systems.
- D. Train whistles and horns.
- E. Village authorized fireworks displays.
- F. Village authorized concerts, circuses, carnivals and parades.
- G. Noise created by an employee or agent of the village or any other unit of government during his/its official duty.

H. A person or entity that has been issued a village sound permit.

I. Any aircraft operating in accordance with federal, state and local laws.

J. Any person operating equipment in conjunction with an emergency that threatens the public health, safety and welfare. (Ord. 11-26, 11-14-2011)

4-4-6: PENALTIES:

Any person or entity found guilty of violating, disobeying, omitting, neglecting or refusing to comply with any provision of this chapter, upon conviction thereof, shall be punishable by a fine of not less than twenty five dollars (\$25.00) nor more than three hundred dollars (\$300.00) for the first offense and not less than fifty dollars (\$50.00) nor more than seven hundred fifty dollars (\$750.00) for the second and each subsequent offense, plus reasonable attorney fees and costs incurred by the village. A separate and distinct offense shall be deemed committed for each day on which such violation occurs or continues to exist. (Ord. 11-26, 11-14-2011; amd. 2013 Code)