

TITLE 4

HEALTH AND SANITATION

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CHAPTER 1

NUISANCES

SECTION:

- 4-1-1: Nuisances Enumerated
4-1-2: Abatement Procedures

4-1-1: NUISANCES ENUMERATED: No person, firm, or corporation shall do or cause to be done any of the following acts, which are hereby declared to be acts of nuisance, subject to abatement as hereinafter provided:

A. Offensive Conditions Generally:

1. To negligently conduct any business or use any premises so as to create such an offensive smell as may taint the air and render it unwholesome or disagreeable to other persons.
2. To cause or suffer the carcass of any animal or any offal, filth, or noisome substance to be collected, deposited or remain in any place to the prejudice of other persons.
3. To establish, maintain and carry on any offensive or unwholesome business within the limits of the village, or within one mile of the limits thereof.
4. To keep or suffer to be kept in a foul, offensive, nauseous or filthy condition, any railroad car, building, yard, cellar, barn, sewer, pigpen or sty.
5. To suffer or permit any barn, stable, livery stable, cow yard, shed, hog pen, sty, cellar, vault, private drain or sewer to be or become in such condition that the smell or effluvia therefrom shall become nauseous, foul or offensive to any portion of the citizens or injurious or dangerous to public health.

6. To erect, continue, or use any building or other place for the exercise of any trade, employment or manufacture which, by occasioning noxious exhalations, offensive smells, or otherwise, is offensive or dangerous to the health of individuals or of the public.

B. Deposits Of Offensive Substances:

1. To throw or deposit any offal or other offensive matter or the carcass of any animal in any watercourse, pond, spring or well.

2. To deposit any nightsoil, dead animal or other filthy, offensive or noisome substance upon any lot, street, alley, highway, park or other place.

C. Water Pollution: To corrupt or render unwholesome or impure the water of any spring, stream, pond or well, to the injury or prejudice of others.

D. Obstructing Gutters, Sewers And Drainageways: To obstruct or impede without legal authority the passage of any gutter, conduit, sewer or the natural drainage of any public or private property¹.

E. Obstructing Public And Private Ways: To obstruct or encroach upon public highways, private ways, streets, alleys or commons².

F. Cemeteries: To establish a cemetery within the corporate limits of the village or within one mile of the limits without having obtained permission so to do under an ordinance of the village board.

G. Garbage And Refuse Accumulations³: To permit or suffer any offal, filth, refuse, animal or vegetable matter, which is liable to become putrid or offensive, or injurious to health, to remain on any premises used or occupied by him, for a longer period than four (4) hours at any one time.

H. Offensive Animal Houses: To own, keep or use any railroad car, yard, pen, place or premises, in or upon which cattle or swine shall be confined or kept, so as to be offensive to persons residing in the vicinity of the same.

1. See also subsection 7-1-11B of this code.

2. See also subsection 7-1-11A of this code.

3. See also title 8, chapter 3 of this code.

I. Animal Related Businesses:

1. To locate and use, without first having obtained permission of the village board so to do, any packing house, rendery, tallow chandlery, bone factory, soap factory, tannery, distillery, livery stable, blacksmith shop or foundry.

2. To erect or use habitually any house or lot for the purpose of butchering or slaughtering cattle, calves, sheep or swine without permission granted by the board of trustees.

3. To boil or render tainted lard or other animal substance so as to taint the air or render it unwholesome or offensive.

J. Dangerous Buildings: For the owner or keeper of any lot or premises to suffer to remain thereon, to the annoyance and detriment of other persons, a dilapidated building, liable to fall or take fire, and which, by reason of its proximity to the contiguous or adjacent buildings and premises of other persons, does endanger their life or property.

K. Inadequate Scaffolds: To use in the erection of any building, a scaffold or scaffolds not wide enough to ensure the safety of persons working thereon or persons passing under or near the same.

L. Stagnant Water: For the owner or keeper of any lot or premises to suffer to stand, or remain thereon, water which is or which may become stagnant, foul, and offensive, as well as detrimental to the health and comfort of persons residing in the neighborhood thereof.
(2007 Code)

4-1-2: ABATEMENT PROCEDURES: The following are the prescribed means of abating public nuisances under this chapter:

A. Timely Abatement: Any public nuisance under this chapter which is located on privately owned property shall be removed or otherwise treated by the property owner or his/her agent in whatever fashion is required to cause the abatement of the nuisance within a reasonable time after its discovery.

B. Notice Requirements: Any public nuisance under this chapter which is located on privately owned property shall be removed or otherwise treated by the property owner or his/her agent in whatever fashion is required to cause the abatement of the nuisance. No property owner

may be found guilty of violating this subsection unless and until the following requirements of notice have been satisfied:

1. The village shall cause a written notice to be personally served or sent, by registered mail, to the person to whom was sent the tax bill for the general taxes for the last preceding year.
 2. Such notice shall describe the nuisance, its location on the property and the reason for declaring it a nuisance.
 3. Such notice shall describe by legal description or by common description the premises.
 4. Such notice shall state the actions that the property owner may undertake to abate the nuisance.
 5. Such notice will require the elimination of the nuisance in no less than thirty (30) days after the notice is delivered or sent to the person to whom was sent the tax bill for the general taxes for the last preceding year.
- C. Summary Abatement: The village is empowered to cause the immediate abatement of any public nuisance; provided, that the nuisance is determined to be an immediate threat to any person or property. (2007 Code)

CHAPTER 2

PROPERTY MAINTENANCE**SECTION:**

- 4-2-1: Responsibility To Keep Property Clean
- 4-2-2: Weed Control Standards
- 4-2-3: Inspections
- 4-2-4: Notice And Abatement Procedures

4-2-1: RESPONSIBILITY TO KEEP PROPERTY CLEAN: It is unlawful for any person, corporation, partnership or legal entity owning or occupying real property in the village to let the height of weeds on such property grow beyond such height as would constitute a health hazard, or to fail to remove from the property any such weeds or refuse, unsightly or deleterious objects or structures, after having been given written notice from the village. (2007 Code)

4-2-2: WEED CONTROL STANDARDS: Weeds shall not be permitted to reach such a height as to constitute a health hazard. In order to decide what constitutes a health hazard, the village shall consider such factors as height, density, the area where the weeds are located, the potential for hazard, and any other factor that might aid the village in its determination. Weeds found to be a health hazard shall be cleared from the property where they are located. The cuttings shall also be cleared and removed from the premises. (2007 Code)

4-2-3: INSPECTIONS: The authorized village official shall make examination and investigation of all real property in the village to determine whether owners of such property are complying with the provisions of this chapter. (2007 Code)

4-2-4: NOTICE AND ABATEMENT PROCEDURES: Notice of a violation of the provisions of this chapter and abatement thereof shall be as provided in chapter 1 of this title. (2007 Code)

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CHAPTER 3

TOBACCO PRODUCTS

SECTION:

- 4-3-1: Findings And Declaration
- 4-3-2: Definitions
- 4-3-3: Prohibitions Regarding Minors
- 4-3-4: Sign Requirements
- 4-3-5: Proximity To Certain Institutions
- 4-3-6: Free Distribution Prohibited
- 4-3-7: Locking Devices Required On Vending Machines
- 4-3-8: Responsibility For Agents And Employees
- 4-3-9: Penalties

4-3-1: FINDINGS AND DECLARATION:

- A. The president and board of trustees expressly find and declare that:
1. Cigarette smoking is dangerous to human health;
 2. There exists substantial scientific evidence that the use of tobacco products causes cancer, heart disease, and various other medical disorders;
 3. The surgeon general of the United States has declared that nicotine addiction from tobacco is similar to addiction to cocaine and is the most widespread example of drug dependence in the country;
 4. The director of the national institute on drug abuse concluded that the majority of the three hundred twenty thousand (320,000) Americans who die each year from cigarette smoking became addicted to nicotine as adolescents before the age of legal consent;
 5. The national institute on drug abuse found that cigarette smoking precedes and may be predictive of adolescent illicit drug use; and

6. The present legislative scheme of prohibiting sales of tobacco products to persons under the age of eighteen (18) has proven ineffective in preventing such persons from using tobacco products.

- B. The president and board of trustees expressly find and declare that the enactment of this chapter directly pertains to and is furthermore for the health, welfare and safety of the residents of the village, particularly those residents under eighteen (18) years of age. (Ord. 2000-2001-5, 8-7-2000)

4-3-2: **DEFINITIONS:** For the purpose of this chapter, the following words and phrases shall have the meanings respectively ascribed to them in this section:

TOBACCO PRODUCTS: Any substance containing tobacco leaf, including, but not limited to, cigarettes, pipe tobacco, snuff, chewing tobacco or dipping tobacco.

VENDING MACHINE: Any mechanical, electric or electronic, self-service device which, upon insertion of money, tokens or any other form of payment, dispenses tobacco products. (Ord. 2000-2001-5, 8-7-2000)

4-3-3: **PROHIBITIONS REGARDING MINORS:**

- A. It shall be unlawful for any person to sell, offer for sale, give away or deliver tobacco products to any person under the age of eighteen (18) years.
- B. It shall be unlawful for any vendor, or officer, associate, member, representative, agent or employee of such vendor, to engage or permit any person under eighteen (18) years of age to sell tobacco products in any vendor's premises.
- C. It shall be unlawful for any person under the age of eighteen (18) years to purchase tobacco products, or to misrepresent his age, or to use any false or altered identification for the purpose of purchasing tobacco products.
- D. It shall be unlawful for any person under the age of eighteen (18) years to possess any tobacco products; provided, that the

possession by a person under the age of eighteen (18) years under the direct supervision of the parent or guardian of such person in the privacy of the parent's or guardian's home shall not be prohibited. (Ord. 2000-2001-5, 8-7-2000)

4-3-4: SIGN REQUIREMENTS:

- A. Signs informing the public of the age restrictions provided herein shall be posted by every vendor at or near every display of tobacco products and on or upon every vending machine which offers tobacco products for sale. Each such sign shall be plainly visible and shall state:

*THE SALE OF TOBACCO PRODUCTS TO PERSONS
UNDER 18 YEARS OF AGE IS PROHIBITED BY LAW*

- B. The text of such signs shall be in red letters on a white background, and said letters shall be at least one inch (1") high. (Ord. 2000-2001-5, 8-7-2000)

4-3-5: PROXIMITY TO CERTAIN INSTITUTIONS: It shall be unlawful for any person to sell, offer for sale, give away or deliver tobacco products within one hundred feet (100') of any school, childcare facility or other building used for education or recreational programs for persons under the age of eighteen (18) years. (Ord. 2000-2001-5, 8-7-2000)

4-3-6: FREE DISTRIBUTION PROHIBITED: It shall be unlawful for any vendor or any person in the business of selling or otherwise distributing, promoting or advertising tobacco products, or any employee or agent of any such vendor or person, in the course of the vendor's business, to distribute, give away or deliver tobacco products free of charge to any person on any right of way, park, playground or other property owned by the village, any school district, any park district or any public library. (Ord. 2000-2001-5, 8-7-2000)

4-3-7: LOCKING DEVICES REQUIRED ON VENDING MACHINES:

- A. It shall be unlawful for any vendor to sell or offer for sale, give away, deliver or to keep with the intention of selling, giving away or

delivering, tobacco products by use of a vending machine unless such vending machine is equipped with a manual, electric or electronic locking device controlled by the vendor so as to prevent its operation by persons under eighteen (18) years of age.

- B. Any premises where access by persons under the age of eighteen (18) years is prohibited by law and premises where the public is generally not permitted and where vending machines are strictly for the use of employees of the business located at such premises shall be exempt from the requirements of subsection A of this section. (Ord. 2000-2001-5, 8-7-2000)

4-3-8: **RESPONSIBILITY FOR AGENTS AND EMPLOYEES:** Every act or omission of whatsoever nature constituting a violation of any of the provisions of this chapter by any officer, director, manager or other agent or employee of any vendor and such vendor shall be deemed and held to be the act of such vendor, and such vendor shall be punishable in the same manner as if such act or omission had been done or omitted by the vendor personally. (Ord. 2000-2001-5, 8-7-2000)

4-3-9: **PENALTIES:** Any person, firm or corporation violating the provisions of this chapter shall, upon conviction thereof, be fined not less than fifty dollars (\$50.00) nor more than the amount provided in section 1-4-1 of this code. In lieu thereof or in addition thereto, those convicted of violating this chapter may be sentenced to public service work of not greater than one hundred (100) hours. Each day a violation continues shall constitute a separate offense. (Ord. 2000-2001-5, 8-7-2000; amd. 2007 Code)

CHAPTER 4

ABANDONED, JUNKED VEHICLES**SECTION:**

- 4-4-1: Definitions
- 4-4-2: Abandonment Of Vehicles
- 4-4-3: Leaving Wrecked, Nonoperating Vehicle On Street
- 4-4-4: Time Constraints
- 4-4-5: Impoundment Of Vehicles
- 4-4-6: Violation; Penalty

- 4-4-1: **DEFINITIONS:** The following definitions shall apply in the interpretation and enforcement of this chapter:

PERSON: Any person, firm, partnership, association, corporation, company, or organization of any kind.

PROPERTY: Property in the village which is not a street.

STREET OR HIGHWAY: The entire width between the boundary line of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel.

VEHICLE: A machine propelled by power, other than human power, designed to travel along the ground by use of wheels, treads, runners, or slides and transport persons or property or pull machinery and shall include, without limitation, automobiles, trucks, trailers, motorcycles, tractors, buggies, and wagons. (Ord. 1967-1, 3-6-1967)

- 4-4-2: **ABANDONMENT OF VEHICLES:** No person shall abandon any vehicle within the village, and no person shall leave any

vehicle at any place within the village for such time and under such circumstances as to cause such vehicle reasonably to appear to have been abandoned. (Ord. 1967-1, 3-6-1967)

4-4-3: **LEAVING WRECKED, NONOPERATING VEHICLE ON STREET:** No person shall leave any partially dismantled, nonoperable, wrecked, or junked vehicle on any street or highway within the village. (Ord. 1967-1, 3-6-1967)

4-4-4: **TIME CONSTRAINTS:** No person in charge or control of any property within the village, whether as owner, tenant, occupant, lessee, or otherwise, shall allow any partially dismantled, nonoperating, wrecked, junked, or discarded vehicle to remain on such property longer than seventy two (72) hours, and no person shall leave any such vehicle on any property within the village for longer time than seventy two (72) hours; except, that this chapter shall not apply with regard to a vehicle in an enclosed building, a vehicle on the premises of a business enterprise operated in a lawful place and manner, when necessary to the operation of such business enterprise, or a vehicle in an appropriate storage place or depository maintained in a lawful place or manner by the village. (Ord. 1967-1, 3-6-1967)

4-4-5: **IMPOUNDMENT OF VEHICLES:** The chief of police or any member of the police department designated by the chief is hereby authorized to remove or have removed any vehicle left at any place within the village which reasonably appears to be in violation of this chapter or lost, stolen, or unclaimed. Such vehicle shall be impounded until lawfully claimed or disposed of in accordance with the Illinois vehicle code, 625 Illinois Compiled Statutes. (Ord. 1967-1, 3-6-1967; amd. 2007 Code)

4-4-6: **VIOLATION; PENALTY:** Any person violating any of the provisions of this chapter shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be fined as provided in section 1-4-1 of this code. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable provided herein. (Ord. 1967-1, 3-6-1967; amd. 2007 Code)