

**Title 5
HEALTH AND SANITATION**

CHAPTER 1

NUISANCES

ARTICLE A. AIR POLLUTION; NOISE CONTROL

5-1A-1 PROHIBITED ACTS

It shall be unlawful for any person to make, create, cause to be made or maintain, any excessive or unnecessary noise, exhaust, smoke or dust which either annoys, disturbs, injures or endangers the comfort, health, peace or safety of others within the Village.

The word "person" as used herein shall include the singular and the plural and shall also mean and include any person, firm, corporation, association, club, partnership, society or any form of association.

5-1A-2 VIOLATIONS ENUMERATED

Except where inconsistent with IEPA, Illinois Pollution Control Board, or other state noise laws or regulations, the following acts, among others, when done so as to annoy or disturb another or cause a breach of the peace shall be deemed a violation of this article:

- A. The operation of any minibike, dirt bike, automobile, motorcycle or other motor driven vehicle on public or private property in such a manner as to cause an excessive amount of noise, exhaust, smoke or dust, at any time or place so as to annoy or disturb the quiet, comfort or peace of any person in the vicinity.
- B. Yelling, shouting, hooting, whistling or singing in the public streets, particularly between the hours of eleven o'clock (11:00) P.M. and seven o'clock (7:00) A.M. or at any time or place so as to annoy or disturb the quiet, comfort or peace of persons in any office, or in any dwelling, or other type of residence, or of any persons in the vicinity.
- C. The discharge into the open air of the exhaust of any engine, motor or motor vehicle except through a muffler or other device which will effectively prevent loud or explosive noises therefrom.
- D. The use of any automobile, motorcycle or vehicle so out of repair, so loaded or in such a manner as to create loud and unnecessary grating, rattling or other noise.
- E. The erection (including excavation), demolition, alteration or repair of any building other than between the hours of seven o'clock (7:00) A.M. and six o'clock (6:00) P.M., except in case of urgent necessity in the interest of public health and safety, and then only with a permit from the building commissioner, which permit may be

granted for a period not to exceed three (3) days or less while the emergency period continues and which permit may be renewed for a period of three (3) days or less while the emergency continues. If the building commissioner should determine that the public health and safety will not be impaired by the erection, demolition, alteration or repair of any building or the excavation of streets and highways within the hours of six o'clock (6:00) P.M. and seven o'clock (7:00) A.M. and if he shall further determine that loss or inconvenience would result to any party in interest, he may grant permission for such work to be done within the hours of six o'clock (6:00) P.M. and seven o'clock (7:00) A.M. upon application being made at the time the permit for the work is awarded or during the progress of the work.

- F. The creation of any excessive noise on any street adjacent to any school, institution of learning, church or village hall while the same are in use which unduly disturbs or annoys the occupants.
- G. The operation between the hours of ten o'clock (10:00) P.M. and seven o'clock (7:00) A.M. of any pile driver, pneumatic hammer, derrick or crane, hoist, tractor, excavating or grading machinery or other construction related equipment, the use of which is attended by loud or unusual noise.
- H. The operation of any noise creating blower or power fan or any internal combustion engine, the operation of which causes noise due to the explosion of operating gases or fluids, unless the noise from such blower or fan is muffled and such engine is equipped with a muffler device sufficient to deaden such noise.
- I. The operation of any radio, television, stereo, phonograph, tape or disc player or any other device or mechanism for the intensification or magnification of the human voice, musical instruments, music, or any other sounds as to cause an excessive amount of noise at any time or place so as to annoy or disturb the quiet, comfort or peace of another.
- J. The use or operation of any device, including a sound amplifying device, so that the device produces any sound which exceeds sixty (60) dBA when measured from any point beyond the property line of the property on which such sound amplifying device is located unless one has obtained a permit to do so from the chief of police or his designee(s).

The word "sound amplifying device" as used in this subsection as well as subsection K of this section shall include any device utilizing electric current which amplifies a musical instrument, tuner, phonograph record, magnetic tape, any electronically synthesized sound, or the human voice.

The word "device" as used in this subsection as well as subsection K of this section shall include any physical object capable of producing sound.

- K. The use or operation of any device, including a sound amplifying device (as defined in subsection J of this section) from eleven o'clock (11:00) P.M. to ten o'clock (10:00) A.M. in or about any multi-family dwelling unit if the sound

produced from such device exceeds fifty five (55) dBA when measured from any point outside the dwelling unit.

5-1A-3 VARIANCE PERMITS FOR NOISE

Variance permits may be issued by the chief of police or his designee(s) to exceed the noise standards set forth in subsections [5-1A-2J](#) and K of this article as follows:

- A. **Temporary Variance Permit:** A temporary variance permit may be issued upon request provided that the production of such noise is necessary to promote the public health and/or welfare and reasonable steps are taken to keep such noise at the lowest possible practical level.
- B. **Long Term Variance Permit:** A long term variance permit may be issued upon request, following an investigation into the source of the noise, including what, if any, measures can be taken to reduce or eliminate the noise; the cost of any such measure; and an overall evaluation of the request including the severity of the problem weighted against the cost of remedial measures; the benefit of the public, and the impact on the noise source.
- C. **Long Term Variance Permit Revocation:** Any long term variance may be revoked by the chief of police or his designee(s) if there is a significant change in the facts from the time the original variance was granted and if, following the same procedures involved in issuing the original permit, the chief of police or his designee(s) conclude that it is in the best interest of the public to revoke the permit.
- D. **Exemptions:** The following activities and events shall be exempt from the permit requirements stated in this section:
 1. **Emergency Operations:** Emergency short term operations which are necessary to protect the health and welfare of the citizens such as emergency utility and street repair, fallen tree removal, or emergency fuel oil delivery shall be exempt, provided that reasonable steps shall be taken by those in charge of such operations to minimize noise emanating from the same.
 2. **Noises Required by Law:** The provisions of this section shall not apply to any noise required specifically by law for the protection or safety of people or property.
 3. **Powered Equipment:** Powered equipment such as lawn mowers, small lawn and garden tools, riding tractors and snow removal equipment which is necessary for the maintenance of property, is kept in good repair and maintenance, and which equipment, when new, would not comply with the standards set forth in this section, shall be exempted.
 4. **Community Events:** Community events as defined in this subsection D4 shall be exempted. For purposes of this subsection, the term "community events" shall include such things as parades, festivals, drum corps shows, sports events, 4th of July celebrations, sanctioned or sponsored in whole or in part by local governments, schools, or charitable or service organizations.

5-1A-4 DENSE SMOKE

- A. It shall be unlawful to cause or permit the emission of dense smoke from any fire, chimney, engine, oil burner or any other agency in the Village so as to cause annoyance or discomfort to the residents thereof.
- B. Testing and grading of smoke shall be in compliance with current EPA standards.

ARTICLE B. OPEN BURNING

5-1B-1 PROHIBITION

Except for those activities expressly exempt under section 5-1B-2, the open burning of any materials or substances shall be prohibited within the corporate limits of the Village.

5-1B-2 EXEMPTIONS

The following activities are not in violation of this article:

- A. The setting of fires to combat or limit existing fires, when reasonably necessary in the judgment of an official of the fire protection district or police department
- B. The burning of fuels for legitimate cooking purposes, or in domestic fireplaces or fire pits as described in subsection D, but only in areas where such burning is consistent with other laws and provided that no garbage shall be burned in such cases.
- C. Small open flames for heating tar, for welding, acetylene torches, highway safety flares and the like.
- D. Use of fire pits (defined as belowground pits, freestanding or domestic fireplaces, and portable devices intended to contain and control outdoor fires), subject to the following restrictions:
 - 1. All belowground fire pits shall be at least four inches in depth and shall be surrounded on the outside, aboveground, by a non-combustible material such as steel, brick, or masonry.
 - 2. The fire pit cannot exceed three feet in diameter, nor may the fire pile exceed two feet in height.
 - 3. Fire pits must be used in accordance with the manufacturer's specifications and these regulations:
 - a. Only natural firewood/commercial logs may be burned.
 - b. Burning of lumber, pallets, scrap wood, tree trimmings, leaves, yard waste, paper, cardboard, garbage and similar items is not permitted.

- c. All fire pits must be located away from any structure or combustible material. Belowground fire pits and freestanding fireplaces must be located a minimum of 25 feet away from any structure or combustible material. Portable fire pits must be located a minimum of 15 feet away from any structure or combustible material.
 - d. The fire must be constantly attended and supervised until the fire has been completely extinguished.
 - e. A portable fire extinguisher or other approved extinguishing equipment, such as a garden hose, must be readily available.
- E. The ceremonial burning of United States flags by not-for-profit organizations upon special permit issued by the Mayor.

5-1B-3 ENFORCEMENT

It shall be the duty of the chief of police and the fire protection district chief, with the cooperation of the building inspector, to see to the enforcement of the provisions of this article.

5-1B-4 PENALTY

Any person(s) violating any of the provisions of this article shall be fined in the amount set forth in the annual fee ordinance schedule contained in section 1-16-3 of this code.

ARTICLE C. GENERALLY

5-1C-1 ABATEMENT OF NUISANCES

It shall be unlawful for any person to permit or maintain the existence of any nuisance or any property under his or its control. The chief of police or authorized village official are each hereby authorized to abate any such nuisance existing in the Village, whether such nuisance is specifically recognized by ordinance or not.

5-1C-2 ACTS PROHIBITED

It shall be unlawful to commit or do any act which endangers the health of the public or results in annoyance or disturbance to the public.

5-1C-3 CEMETERIES

It shall be unlawful for any person to establish a cemetery or bury any person within the Village limits, or within a one mile radius of the Village limits.

5-1C-4 DONATION BOXES

The placement of donation boxes or similar receptacles intended for the collection of clothing or other articles within the Village is prohibited. Special permission may be

granted by the board of trustees which may restrict the placement and duration of said use. Permission may be rescinded at any time.

5-1C-5 DISPLAY OF VEHICLES FOR SALE

- A. It shall be unlawful to park a vehicle on any street, parkway, sidewalk, or public property for the purpose of displaying it for sale.
- B. It shall be unlawful to park a vehicle on private property belonging to another for the principal purpose of displaying the vehicle for sale. It shall also be unlawful for the owner of the property to allow vehicles owned by others to be parked on the owner's property for the principal purpose of being offered for sale. This subsection shall not apply to property zoned to permit the commercial sale of vehicles.

CHAPTER 2

GARBAGE AND REFUSE

5-2-1 DISPOSAL REGULATIONS

It shall be the duty of every owner or his agent or occupant of any house, building, flat, apartment, store or other business establishment, or any person who shall regularly accumulate refuse and garbage within the Village, to provide for such disposal of garbage and refuse as shall be necessary to keep the place and premises in a clean and sanitary condition as shall be required by the health and welfare committee of the Village.

5-2-2 STORING OF REFUSE

- A. Public Places: No person shall place any refuse in any street, alley or other public place, or other public or private property, whether owned by such person or not, within the Village, except in proper containers for collection or under express approval granted by the health officer. No person shall throw or deposit any refuse in any stream or other body of water.
 - 1. Enclosing And Screening: Any multi-family dwelling units, business-commercial and/or industrial district property refuse collection areas and facilities shall be enclosed or effectively screened so that such areas or facilities cannot be seen from the outside. They shall be enclosed or screened on three (3) sides; however, the fourth side may remain open or may be enclosed with a gate; provided however, no open side shall face any residential dwelling buildings except those buildings served by the collection areas or facilities which are to be enclosed.
 - 2. Construction of Enclosure or Screening: The enclosure or screening shall be not less than six feet (6') and not more than eight feet (8') in height. The walls or sides shall be masonry or wood construction complementing the aesthetics of the principal structure.
- B. Unauthorized Accumulation: Any unauthorized accumulation of refuse on any premises is hereby declared to be a nuisance and is prohibited. Failure to remove any existing accumulation of refuse within fifteen (15) days after notice by the health officer or police officer shall be deemed a violation of this chapter.
- C. Scattering Of Refuse: No person shall cast, place, sweep or deposit anywhere within the Village any refuse in such a manner that it will be carried or deposited by the elements upon any street, sidewalk, alley, sewer, parkway or other public place, or into any other occupied premises within the Village.

5-2-3 REFUSE CONTAINERS

- A. Duty to Provide and Maintain in Sanitary Condition: Refuse containers shall be provided by the owner, tenant, lessee or occupant of the premises. Refuse containers shall be maintained in good condition and any container which does not conform with the provisions of this chapter, or that may have ragged or sharp edges or any other defect liable to injure the person collecting the contents thereof, shall be promptly replaced upon notice.
- B. Sanitation: Garbage containers shall be of the type approved by the authorized village official and shall be kept in a clean, neat and sanitary condition at all times.
- C. Hours for Removal of Containers:
 - 1. All garbage or refuse containers shall be removed from the public right of way pick up position not later than eleven fifty five o'clock (11:55) P.M. on the day of garbage removal. Said garbage or refuse containers may not be placed on the public right of way pick up position earlier than four o'clock (4:00) P.M. of the day preceding the day of garbage removal.
 - 2. It shall be the duty of the police department to enforce this subsection.

5-2-4 COLLECTION

- A. The collection, transportation and disposal of garbage, refuse or similar waste material shall be effected only in a watertight vehicle; provided with a tight cover, and so operated as to prevent offensive odors escaping therefrom, and refuse from being blown, dropped or spilled.
- B. Materials to be collected shall include the following:
 - 1. All kitchen waste, including cans, bottles, household food, accumulation of animal food and vegetable matter attendant to the preparation, use, cooking and serving of foods.
 - 2. General household trash and refuse, including ashes, empty cartons, crates, boxes, wrapping materials, newspapers and magazines when accurately and neatly bound in convenient size bundles, cloth materials, empty cans, discarded toys, discarded clothing and similar materials.
 - 3. Discarded furniture, including beds, springs, mattresses, overstuffed furniture and other furniture, appliances, bicycles, sleds, swing sets (disassembled), tools and other comparable items.
 - 4. Yard refuse materials, including leaves, grass, clippings, weeds, Christmas trees, bushes, brush clippings and branch clippings (when securely bound in bundles not exceeding 4 feet in length).

5. Materials to be collected will not include earth, sod, rocks, concrete, refuse from remodeling or construction of homes and trees or parts thereof (with the exception of small branches bundled as provided in subsection B4 of this section). This does not exclude small amounts of earth, sod and building materials resulting from "do it yourself" projects, if such are placed in garbage cans.
6. Containers used by residents of the Village to dispose of refuse and trash shall be of a size no larger than thirty (30) gallon capacity and shall be of a standard waterproof construction, with handles and tightfitting lids.
7. No paper bags shall be used alone for garbage, but plastic garbage bags may be used for leaves and/or food items.

5-2-5 PENALTY

Any person(s) violating any of the provisions of this Article shall be fined in accordance with the general penalty provisions contained in section 1-4-1 of this code.

5-2-6 SERVICE CHARGES; NONPAYMENT OF CHARGES

- A. The Village, in accordance with 65 ILCS 5/11-19-4, shall establish and maintain by contract or by direct provision for the collection and disposal of garbage, refuse and ashes in the Village limits.
- B. The garbage collection service charge to be paid quarterly by each dwelling unit or residence within the corporate limits of the Village shall be in the amount set forth in the annual fee ordinance schedule contained in section 1-16-3 of this code.
- C. Senior citizens shall be entitled to a twenty percent (20%) reduced service charge per quarter upon their providing the following:
 1. Proof of age;
 2. Proof that the premises is occupied for which the discount is being taken; and
 3. Proof that the request for the discount is made by the head of the household.

Application for the reduced service charge shall be made on forms promulgated by the Village made available through the village clerk's office. The senior citizen discount shall take effect on the quarterly payment period following the date on which the applicant reaches sixty five (65) years of age or older.

- D. If payment of the entire amount of said bill is not received by the Village on or before the fifteenth day after the billing date a second notice shall be mailed within seven (7) days after the due date showing the amount due plus a late penalty of ten percent (10%) of the unpaid balance.

If payment has not been made within twenty one (21) days after mailing the second notice, a third notice of potential interruption of service shall be mailed. If payment has not been made within twenty one (21) days after mailing the third notice, a

fourth notice of suspended service shall be mailed and forwarded to the current waste hauler and garbage service shall be immediately suspended.

In the event garbage service has been suspended, it shall be unlawful for any person to leave garbage outside of any residence or enclosed building. Any person in violation shall be subject to a penalty in accordance with the general penalty provisions contained in section 1-4-1 of this code. Each day the violation continues shall be construed as a separate offense.

If the account's unpaid balance remains delinquent, the Village may proceed with a third party collections service or shall file a lien claim on the property with the recorder of deeds.

- E. Any person, firm, corporation, association or agent or legal representative violating any of the terms and provisions of this section shall be subject to a penalty in accordance with the general penalty provisions contained in section 1-4-1 of this code for each said violation. Each day the violation continues shall be construed as a separate offense. In the event there is a failure to make any payments due and owing under the terms and conditions of this section, the Village shall send written notice of demand for payment. The written notice of demand for payment shall include an assessed interest rate on all sums due and owing in the amount of ten percent (10%) per annum.
- F. A copy of this section, properly certified by the village clerk, shall be filed in the office of the recorder of deeds in Lake and McHenry Counties, Illinois, and shall be deemed notice to all owners of or parties interested in real estate of the liability for garbage and refuse service supplied to any user of the service, and it shall be the duty of the village clerk and such other officers as the Village directs to take all action necessary to file all claims for money due to the Village and to prosecute and enforce such claims in the manner, form, and time as permitted by the laws of the state of Illinois and this section. If the Village files a claim for money due to the Village for unpaid garbage and refuse collection, the owner or parties interested in the real estate shall be responsible for the amounts due the Village and the cost and expenses incurred by the Village in litigating the claim including all reasonable attorney fees.
- G. The owner(s) and occupants of the property and/or the user of the garbage and refuse collection service shall be jointly and severally liable to the Village for the collection service charges. "Owners" includes those holding a beneficial interest in any land trust holding title to real estate.
- H. In the event service charges are not paid within thirty (30) days after the date of billing for such charges and/or penalties, the Village shall have the right to file a statement of lien claim with the county recorder of deeds. The statement of lien claim shall include the legal description of the property and the amount due. The Village shall cause notice to be served upon any occupant of the property and to the owner of the property's last known address. The failure of the Village to record the lien with the county recorder of deeds or to mail the notice of delinquency and lien to the owner of the property or the failure of the owner to receive such notice shall not affect the right of the Village to foreclose the lien for unpaid bills.

- I. Property subject to the lien shall be sold for nonpayment of the same, and the proceeds shall be applied to pay for the amounts due the Village and the cost and expenses incurred in the foreclosure including all reasonable attorney fees. The foreclosure shall be by a bill in equity in the name of the Village and the Village's attorney is authorized and directed to institute such proceedings in the name of the Village in any court having jurisdiction of such matters against any property for which the bill has remained unpaid for a period of ninety (90) days.

5-2-7 LIEN ENFORCEMENT

- A. The Village may arrange for the removal of refuse from private property if the owner of such property fails or refuses to remove such refuse within twenty one (21) days after being served with notice to do so. Notice by personal service or by certified mail to the last owner of record shall be deemed proper notice for the purposes of this section.
- B. Failure to pay the rendered bill for this work shall result in a lien being filed against the property in accordance with the procedures set forth in section 8-1-12H3 or 8-1-12H4 of this code.

5-2-8 DEFINITIONS

The terms "garbage" and "refuse" used throughout this chapter shall include and be interpreted to include the definitions of garbage, refuse and rubbish as defined by village ordinance.

CHAPTER 3

WEED CONTROL

5-3-1 HEIGHT LIMITATION

It shall be unlawful for anyone to permit weeds, grass or plants, other than trees, bushes, flowers or other ornamental plants, to grow to a height exceeding eight inches (8") anywhere in the Village. Any such plants, weeds or grass exceeding such height are hereby declared to be a nuisance. It is further declared to be illegal for anyone to refuse or neglect to cut weeds, grass or plants when such weeds, grass or plants have reached a height in excess of eight inches (8").

5-3-2: REMOVAL NOTICE

All such nuisance weeds, grass or plants on premises must be cut or destroyed as needed to be and remain in compliance with section [5-3-1](#) of this chapter. It shall be the duty of the building official to serve or cause to be served a notice upon the occupant and/or owner of the premises on which weeds, grass or plants are permitted to grow in violation of the provisions of this chapter and to demand the abatement of the nuisance within seven (7) days.

5-3-3 FINE

Following seven (7) days' notice by the Village, the owner of such property shall be assessed a fine in the amount set forth in the annual fee ordinance schedule contained in section 1-16-3 of this code for each violation and any subsequent violations. Each day that the nuisance, weeds, grass or plants remain on the premises shall be deemed a separate offense of this chapter.

5-3-4 ABATEMENT BY VILLAGE

If the person so served or notified does not abate the nuisance within seven (7) days after such notice, the building official may proceed to abate such nuisance and authorize the municipality to cut the weeds, grass or plants on behalf of the municipality. Such expenses shall be charged to and paid by such owner and/or occupant.

5-3-5 NOTICE OF LIEN

If weeds, grass or plants are cut by this municipality or by someone directed to cut them on behalf of the municipality, and the owner and/or occupant does not pay the expense thus incurred, a notice of lien of the cost and expense thereof incurred by this municipality shall be filed against the property in accordance with the procedures set forth in section 8-1-12H3 or 8-1-12H4 of this code.