

ORDINANCE 1156

AN ORDINANCE TO CONTROL, REGULATE, CORRECT AND ABATE NUISANCES IN THE VILLAGE OF PEORIA HEIGHTS, ILLINOIS

WHEREAS, the Village of Peoria Heights is a home-rule municipality; and

WHEREAS, the State of Illinois and General Assembly has passed legislation authorizing municipalities to adjudicate Village Ordinances by administrative hearings;

BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF PEORIA HEIGHTS, ILLINOIS.

SECTION ONE: INSPECTION AND INVESTIGATION.

When an existence of a public nuisance is brought to the attention of the Ordinance Officer, he/she shall cause an inspection and investigation to be made and to determine whether removal is necessary.

SECTION TWO: NOTICE TO ABATE.

The Ordinance Officer shall, after inspection and investigating under the provisions of the preceding section, cause a notice in writing to be served upon the person, corporation or entity found to be responsible for the existence of the nuisance. The notice shall require the person, entity, corporation responsible to abate the nuisance within five (5) days from the receipt of the notice. If personal service of the notice cannot be made, then such notice shall be left at the residence or usual place of business of the person found to be responsible.

The notice shall indicate the date of the inspection and investigation, and the hours and location where the inspection was made. The notice shall set forth what the nuisance consists of and indicate the abatement or remedy required.

SECTION THREE: FAILURE TO ABATE AFTER NOTICE; ABATEMENT BY VILLAGE; COST.

After the expiration of five (5) days from the time the notice is served, if the nuisance is not abated or other remedy made as required, it shall be done under the direction of the Chief of Police or the Building Inspector of the Village, and all cost of so doing to remedy the abatement shall be collected from the person, corporation or entity who is responsible for the nuisance with a penalty of ten (10) percent of such cost.

SECTION FOUR: ABATEMENT IN CASE OF EMERGENCY.

If a nuisance constitutes an emergency, the time for abatement may be reduced by the Chief of Police /and or the Building Inspector in the notices which specifies that the emergency exists.

SECTION FIVE: ABATEMENT BY OWNER, AGENT OR OCCUPANT WHERE RESPONSIBLE PERSON IS UNKNOWN.

When any nuisance, or anything likely to become a nuisance, may be found upon any premises, and the person, corporation or entity causing such nuisance is unknown or cannot be found, the owner, agent or occupant of the premises shall be notified by the Chief of Police /and or the Building Inspector to abate the same. If such owner, agent or occupant, whose duty it is hereby made to abate such nuisance shall not promptly comply with such notice, he shall be subject to the penalty provided in Section 8 of this Ordinance.

SECTION SIX: ENUMERATION OF PARTICULAR NUISANCES; ENUMERATION NOT EXCLUSIVE.

Things interfering with peace or comfort. Sound, animals, or things which interfere with the peace or comfort or disturb the quiet of any person in the Village constitutes a public nuisance. These may also include: rodents, cock roaches, termites, loud music, and woodworking.

Offensive, nauseous or dangerous things. Anything which is made, permitted, used, kept, maintained or operated, or any building or any animal that is kept in the Village, in a manner that is offensive, nauseous, dangerous to life, limb or property or detrimental to the health or welfare of any person or persons residing in the area or having the rights to use the area shall be a public nuisance.

Discharge of offensive matter. Whoever shall, within the Village, place or throw, or permit to be discharged, or to flow from or out of any house or premises, any filthy, foul or offensive matter or liquid of any kind, into any street, alley or public place, or upon any adjacent lot or ground, or shall allow or permit the same to be done by any person connected with the premises of the Village, under his control, shall be deemed to be a nuisance.

Garbage, refuse, landscape waste, rubbish and litter. Any person or persons, entity or corporation who allows any garbage, refuse, landscape waste, rubbish or litter to accumulate in any premises or public place as herein provided in this Ordinance resulting from the handling process, preparation, cooking or consumption of food products, or allows refuse being any discarded matter or any matter which is to be reduced in volume or otherwise changed in chemical or physical appearances or physical properties, including but not limited to deteriorating railroad tie walls, junk refrigerators and appliances which are left on a premises or property or on public property within the Village in order to facilitate its discard or removal or disposal and any landscape waste are deemed to be a nuisance.

Enumeration not exclusive. The various nuisances described and enumerated in this section shall not be deemed to be exclusive, but shall be in addition to all other nuisances described and prohibited by this code.

SECTION SEVEN: DEFINITIONS.

- (A) Garbage: As defined herein and including refuse resulting from the handling, processing, preparation, cooking and consumption of food or food products.
- (B) Refuse: Any discarded matter, or any matter which is to be reduced in volume or otherwise changed in chemical or physical properties in order to facilitate its discard, removal or disposal.
- (C) Landscape Waste: Any vegetable or plant refuse, except garbage and refuse. The term includes, trees, tree trimmings, branches, stumps, brush, weeds, leaves, grass, shrubbery, yard trimmings, railroad tie walls that have deteriorated.
- (D) Rubbish: Nonputrescible solid wastes consisting of both combustible and noncombustible wastes, including but not limited to paper, wrappings, cigarettes or other tobacco products, cardboard, plastics, tin cans, glass, wood, bedding, crockery, iron, brass, automobiles, tin, appliance parts and other similar materials.
- (E) Litter: Garbage, refuse, landscape waste and rubbish as herein defined which, if thrown, deposited or deteriorated as defined by this Ordinance which tends to create a nuisance and/or danger to the public health, safety and welfare.
- (F) Public Place: Any and all streets, sidewalks, boulevards, alleys or other public ways and any and all public squares, space, grounds and buildings.

SECTION EIGHT: COMMON LAW AND STATUTORY NUISANCES.

In addition to what is hereby declared to be a nuisance, those offenses known to the common law or of the statutes of the state as nuisances may, in case the same exists within the city, be treated as such as proceeded against as provided in this chapter.

SECTION EIGHT. ONE: ABANDONMENT AND STORAGE OF REFRIGERATORS OR ICEBOXES IN PLACES ACCESSIBLE TO CHILDREN.

No person may leave or permit to remain outside of any dwelling, building or other structure, or within any unoccupied or abandoned building, dwelling or other structure under his or its control, any abandoned, unattended or discarded icebox, refrigerator or other similar appliance or container, of a capacity of one and one-half (1 ½) cubic feet or more and which has an airtight door or lid, snaplock or other locking device which may not be released from the inside, without first removing the door or lid or snaplock or other locking device from the icebox, refrigerator, container or appliance.

Any authorized Village Personnel charged with enforcement of this section may order, in writing or orally, any person in violation of this section to comply with the requirements of this section promptly. In the event the person fails to comply with this section within twenty-four (24) hours of the order, or in the event the identity of whereabouts of such person cannot be ascertained, then the door or lid, snaplock or other locking device shall be removed from the icebox, refrigerator or container or be otherwise secured by the Chief of Police and the cost thereof shall be charged to that person.

This Ordinance may be enforced by members of the Police Department of the Village of Peoria Heights or the Peoria Heights Village Inspector, the City of Peoria Health Department, City of Peoria Public Services Department, City of Peoria Fire Department and City of Peoria Police Department.

In Addition to the charge for the cost of securing the ice box, refrigerator, other similar appliance, or container, or the cost of removal of the door or lid, snaplock or other locking device, any violation of this ordinance shall be punishable by fines as allowed.

Each day that a violation of this section is committed or permitted to continue shall constitute a separate offense.

SECTION NINE:

- (A) No person, firm or corporation shall throw or deposit litter in or upon any public place within the Village, except in public receptacles or in private receptacles for collection.
- (B) No person, firm or corporation placing litter in public receptacles or in private receptacles shall do so in such a manner as to prevent it from being carried or deposited by the elements upon any street, sidewalk or other public place.
- (C) No person, firm or corporation shall sweep or deposit in any gutter, street or other public place within the Village the accumulation of litter from any building or lot or from any public or private sidewalk or driveway. Persons owning or occupying property shall keep the sidewalk in front of their premises free of litter.
- (D) No person, firm or corporation owning or occupying a place of business shall sweep into or deposit in any gutter, street or other public place within the Village the accumulation of litter from any building or lot or from any public or private sidewalk or driveway. Persons owning or occupying places of business within the Village shall keep the sidewalk in front of their business premises free of litter.
- (E) No person, while a driver or passenger in a vehicle, shall throw or deposit litter upon any street, other public place or private property within the Village.
- (F) No person shall drive or move any truck or other vehicle within the Village unless such vehicle is so constructed or loaded as to prevent any load or contents of litter from being blown or deposited upon any street, alley or other public place. Nor shall any person drive or move any vehicle or truck within the Village, the wheels or tires of which carry onto or deposit in any street, alley or other public place, mud, dirt, sticky substances or foreign matter of any kind.
- (G) No person, firm or corporation shall cause the spilling of any turpentine, kerosene, gasoline, benzine, naphtha, coal, oil or any product thereof or any oil used for lubricating, illuminating or fuel purposes or allow any of such fluids to escape to or upon any asphalt pavement of the Village or operate or permit to be operated any tank, wagon or other vehicles from which any of such fluids are permitted to escape.
- (H) All persons, firms or corporations hauling or causing to be hauled any dirt, sand, gravel, cinders or other materials or any waste matter on streets or alleys shall so construct and maintain their vehicles at all times to prevent the spilling of such material or matter from the same.
- (I) No person, firm or corporation shall throw or deposit litter on any open or vacant private property within the Village, whether owned by such person or not.
- (J) No person, firm or corporation shall throw or deposit litter on any occupied private premises within the Village, whether owned by such person or not, except in private receptacles for collection.
- (K) The owner or person in control of any private premises or vacant property shall at all times maintain the private premises or vacant property free of litter; provided, however, that this section shall not prohibit the storage of litter in private receptacles for collection.
- (L) The Chief of the Peoria Heights Police Department or Official Designee shall serve first written notice upon the owner of any private property within the Village or the agent of such owner to demand within five (5) days of the receipt of first written notice the proper disposal of litter located on such owner's property. Said notice shall be by personal service, registered or certified mail, or sent or delivered to the last known address of said owner or agent of owner.
- (M) Upon the expiration of five (5) days from the receipt of the first written notice, if the person, firm or corporation has failed, neglected or refused to comply with the directions of said first written notice, the Chief of the Peoria Heights Police Department or Official Designee shall issue in the same manner as the first written notice, a notice to appear in court citing the violation of this Ordinance.

SECTION TEN: PENALTY.

Whoever refuses to comply with a notice of compliance as provided in this Ordinance, and upon conviction for any violation of this Ordinance may be fined as herein provided and each day such refusal continues shall constitute a separate offense. The penalty as specified in this section which may be imposed upon a violation or conviction shall be in addition to all costs and penalties provided for late and /or abatement of nuisances as provided in this ordinance.

That any person, firm, corporation or entity violating any provision of this Ordinance shall, upon conviction thereof be punished by a fine of not less than \$60.00, no more than \$500.00 for each offense and each day a violation continues, shall constitute a separate offense.

After receipt of a complaint regarding the alleged violation of this Ordinance, the person so cited may settle the violation by making a payment of \$60.00 to the Village of Peoria Heights Police Department for each violation of this Ordinance at least fourteen (14) calendar days prior to the court appearance so indicated on the complaint. Such settlement options shall not apply to the second and subsequent violation within any twelve (12) month period.

The receipt of \$60.00 for each and every violation of this Ordinance so indicated in such complaint no late than fourteen (14) calendar days prior to the court appearance shall terminate the ordinance violation action and resolve all Village claims for fines against the alleged violator on the current complaint only.

SECTION ELEVEN: HEARING OF VIOLATIONS BY ADMINISTRATIVE ADJUDICATION.

There has been established by the Village of Peoria Heights, Illinois that Peoria Heights Ordinance Hearing Department for the purpose of expeditiously processing Ordinance violations by Administrative Adjudication and providing a form for same in the process and procedures for hearings as set out in Ordinance Number 1138 entitled, "An Ordinance Established System for the Administration Adjudication of Violations of Village Ordinances". Said Ordinance Number 1138 and the procedures contained therein is hereby adopted for the purposes of processing all of the violations of this Ordinance and is therefore incorporated and made a part of this Ordinance. The Village may, at its option, use any other means of enforcement of this Ordinance as available by law.

Any and all fines imposed by this Ordinance shall bear interest at a rate of one (1) percent per month on the unpaid balance from the date of fine imposition.

THIS ORDINANCE SHALL BE IN FULL FORCE AND EFFECT FROM AND AFTER ITS PASSAGE, APPROVAL, AND PUBLICATION IN PAMPHLET FORM AS PROVIDED BY LAW.


PASSED AND APPROVED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF PEORIA HEIGHTS, ILLINOIS THIS 14th DAY OF Nov 1999.



Village President

SEAL

ATTEST:



Village Clerk