

ORDINANCE 2006-1271

**AN ORDINANCE TO REGULATE THE DISPOSAL OF LITTER IN THE
VILLAGE OF PEORIA HEIGHTS, ILLINOIS**

**BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE
VILLAGE OF PEORIA HEIGHTS, ILLINOIS, A MUNICIPAL CORPORATION,**

SECTION ONE: The following definitions shall apply to this Ordinance:

- (a) Garbage: 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 and yard trimmings.
- (d) Rubbish: Non-putrescible solid wastes consisting of both combustible and non-combustible wastes, including but not limited to paper, wrappings, cigarettes or other tobacco products, cardboard, plastics, tin cans, glass, wood, bedding, crockery, iron, brass, tin, appliance parts and other similar materials.
- (e) Litter: Garbage, refuse, landscape waste and rubbish as herein defined which, if thrown or deposited as prohibited by this Ordinance, tends to create a danger to public health, safety and/or 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.
- (g) Rat Proof Container: A garbage can or other container, regardless of size, mobile or stationery, which shall be incapable of being penetrated by and is impervious to rats.

SECTION TWO:

1. 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 rat proof containers for collection.
2. 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.
3. 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.
4. 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.

5. 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.
6. 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.
7. No person, firm or corporation shall cause the spilling of any turpentine, kerosene, gasoline, benzene, 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.
8. 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.
9. 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.
10. 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 rat proof containers for collection.
11. 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 rat proof containers for collection, as hereinafter provided:
 - A. Responsibility for providing garbage/litter rat proof containers.
 1. The occupants of any single-family dwelling or townhouse shall provide, maintain and keep tightly covered or sealed, a rat proof and watertight container for all garbage/litter.
 2. The owner, tenant or occupant of a two-family or multiple-family dwelling of less than five (5) units shall provide, maintain and keep tightly covered or sealed, a rat proof and watertight container for all garbage/litter.
 3. The owner of a multi-family dwelling consisting of five (5) or more dwelling units or a commercial building shall provide and maintain a rat proof, watertight and tightly covered or sealed rat proof dumpster for all garbage/litter. However, if this requirement cannot be met because the nature or size of the property does not permit the placement or removal of a dumpster, the owner may petition the Village Administrator or his designee for an exception, provided that such exception can be granted without substantial detriment to the public good and without impairing the general purpose and intent of this Ordinance.

B. Placement of garbage/litter.

It is the responsibility of all persons occupying or controlling any single-family dwelling to place rat proof containers for garbage/litter at least three (3) feet from the property line or public right-of-way. Containers shall not be stored in the front yard or on a front porch. If containers are stored outside, they shall be secured and maintained in a stationary manner. Containers shall not be set out for garbage pickup earlier than 3:00 p.m. on the day preceding garbage pickup. Containers shall be retrieved and returned to the premises within twenty-four (24) hours after garbage pickup. In two-family or multiple-family dwellings of less than five (5) units, it is the responsibility of the owner, tenant and occupant to place and retrieve containers within the same guidelines provided for single-family dwellings. The owner of a multi-family dwelling consisting of five (5) or more dwelling units or a commercial building shall provide and maintain a rat proof, watertight and tightly covered or sealed dumpster for all garbage/litter. Exceptions to this requirement can be granted through the Village Administrator or his designee the Code Enforcement Office.

SECTION THREE:

1. The Chief of Police of the Peoria Heights Police Department or his official designee and/or the Building Inspector may serve a written or oral notification upon the owner, occupant or tenant who owns or resides in or upon any private property or building on private property within the Village or any such agents of such owner, to demand within five days of an oral or written notification that they must correct and abate the violation of this Ordinance. Said notice shall be orally or by personal service, registered or certified mail, or sent or delivered to the owner, tenant, occupant or person in control or residing in any single family dwelling or townhouse, or owner, tenant or occupant of a two-family or multiple family dwelling of less than five (5) units or the owner or manager of a multiple family dwelling consisting of five (5) or more dwelling units or a commercial building or agent of owner.
2. Upon a violation of this Ordinance or the expiration of five days from the receipt of the first oral or written notice, if the person, owner, tenant, occupant, firm, corporation or other entity who has been served with a notice to correct and abate the violation has failed, neglected or refused to comply with the directions of the notice, the Chief of Police of the Peoria Heights Police Department or his official designee may issue a citation for the violation of this Ordinance.
3. Nothing in this Ordinance shall preclude the Chief of Police or his official designee from issuing a citation for any violation of this Ordinance without providing any prior notification.

SECTION FOUR: Any person, firm, owner, occupant, tenant or corporation violating any of the provisions of this Ordinance shall, upon conviction thereof, be punished by a fine of not less than Sixty Dollars (\$60.00) nor more than Five Hundred Dollars (\$500.00) for each offense and each day any such violation shall continue shall constitute a separate offense.

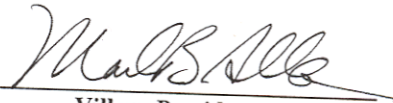
SECTION FIVE: Upon default in payment by any defendant who has been found guilty of a violation of this Ordinance by a judgment of guilty in the Circuit Court of Peoria County and assessed a fine and costs and said defendant defaults in the payment of any fine, court cost or interest, a Petition for a Rule to Show Cause shall be filed with the Circuit Court of Peoria County, Illinois and said defendant shall be served by personal service or certified mail, return receipt requested, to show cause why the violator should not be held in contempt of court and attorney fees and costs assigned.

SECTION SIX: Ordinance Nos. 1054 and 1086 are repealed.

SECTION SEVEN: This Ordinance shall be in full force and effect from and after its passage, approval and publication as provided by law.

PASSED AND APPROVED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF PEORIA HEIGHTS, ILLINOIS THIS 17th DAY OF November, 2006.

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Village President

SEAL:

ATTEST: Shauna Musselman

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