

ORDINANCE NO. 88-23

AN ORDINANCE IN RELATION TO PUBLIC HEALTH AND SAFETY

WHEREAS, one of the most fundamental duties and obligations of any municipality is the protection of the general public health and safety of its citizens, and for that purpose the Board of Trustees and President of the Village of Chatham passed and approved Ordinance No. 75-9 on October 15, 1975 entitled "An Ordinance in Relation To Public Health and Safety".

WHEREAS, while all of the terms and provisions of 75-9 are yet reasonable and proper and none need be deleted, additional restrictions on burning during certain hours, at certain places, and of certain materials is needed, clarification of certain terminology is desirable, more precise designation of the officials of the Village charged with administering and enforcing the Ordinance is required, and the minimum penalty needs to be adjusted to take into account the increased costs of implementing, administering, and enforcing said Ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF CHATHAM, SANGAMON COUNTY, ILLINOIS, AS FOLLOWS:

Ordinance No. 75-9 entitled "An Ordinance in Relation to Public Health and Safety" is hereby repealed and rescinded in full.

The following, readopting and renewing the substantive provisions of said Ordinance No. 75-9, but with clarification of implementation, enforcement, penalty provisions, additional provisions relating to burning, and an increase in the minimum penalty is hereby adopted and entitled "An Ordinance in Relation to Public Health and Safety" in place and stead of said Ordinance No. 75-9:

Section 1. Garbage Receptacle. It shall be the duty of every owner or his agent or occupant of any house, building or apartment in the Village where people reside, board or lodge, or where animal or vegetable matter is prepared or served, to at all times maintain in good order a can or cans with secure covers, in a sufficient number to accommodate all garbage, cans, bottles, ashes, and other refuse and debris produced and discarded from the premises.

Section 2. Deposit in Street. No garbage or refuse of any kind shall be deposited in any street or alley or public way, excepting as provided in this Ordinance; and no refuse shall be so placed that it can be blown about or scattered by the wind.

Section 3. Water Courses. It shall be unlawful and a nuisance for any person, firm or corporation to obstruct or pollute any water course or source of water supply in the Village.

Section 4. Pools. Any stagnant pool of water in the Village is hereby declared to be a nuisance. It shall be unlawful for any person, firm or corporation to permit any such nuisance to remain or exist on any property under his or its control.

Section 5. Brush, etc. Nuisance. The presence upon lands lying within the corporate limits of the Village of brush, weeds, dead and dying trees, stumps, roots, obnoxious growth, filth, refuse, garbage, offal, carcasses of dead animals, trash, abandoned or unused motor vehicles and debris, be and is hereby declared to be detrimental to public health and safety, and is declared to be a nuisance, and any person found guilty of causing such nuisance shall be punished as provided in Section 17.

Section 6. Brush, etc. -- Notice to Remove. The owner or tenant of lands lying within the corporate limits of the Village are hereby required to remove or cause to be removed from such lands any brush, weeds, dead and dying trees, stumps, roots, obnoxious growth, filth, garbage, trash and debris within 10 days after receipt by such owner or tenant of written notice from the President, Chief of Police, or Zoning Administrator of the Village.

Section 7. Brush, etc. -- Service and Contents of Notice. Notice to the owner or tenant, to cause the removal of the substances referred to in the preceding section, shall be given by the Police Department, and may be served upon any such owner or tenant either personally or by registered mail; and if by the latter method, the 10 day period within which such removal shall be accomplished shall be deemed to have commenced to run from the date of the return receipt of such registered mail obtained by the postal authority for the delivery of such registered notice. Every such notice shall, in addition to requiring the removal aforesaid, warn the owner or tenant of the lands to which such notice refers that failure to accomplish such removal within the time stated therein will result in removal by or under the direction of the Superintendents of Streets and Public Works; and the cost of such removal by the Village shall be charged to the owner or tenant of such lands and shall be payable to the Village within 30 days after the date of submission of the charges. Such notice shall also inform the owner or tenant of such lands that such cost of removal is a lien on the real estate affected under the provisions of Section 11-20-7 and 11-20-13 of the Illinois Municipal Code in effect from time to time (Chap. 24, Illinois Revised Statutes, 1987).

Section 8. Brush, etc. -- Failure to Obey Notice -- Lien. Whenever the owner or tenant of such lands within the Village, receiving the notice provided for by the preceding section to remove from such lands any of the substances hereinbefore mentioned, shall fail and neglect, within the time prescribed in the notice, to effect removal of such substances, such removal shall be accomplished by or under the direction of the Superintendents of Streets and Public Works. An accurate record of the cost of such removal to the Village shall be determined by the Superintendents of Streets and Public Works, who shall certify the cost thereof to the Village Board, which shall examine the certificate, and if found correct shall cause the cost as shown thereon to be charged against the owner or tenant. The Village Board thereupon shall cause a Notice of Lien to be filed with the Recorder of Deeds of Sangamon County in accordance with the provisions of Section 11-20-7 and 11-20-13 of the Illinois Municipal Code in effect from time to time (Chap. 24, Illinois Revised Statutes, 1987).

Section 9. Premises. It shall be unlawful to permit any building, structure or place, to remain in such a condition as to be dangerous to the public health in any way. Any such structure, building or place is hereby declared to be a nuisance.

Section 10. Acts. It shall be unlawful to commit or do any act which endangers the public health or results in annoyance or discomfort to the public.

Section 11. Nuisances -- Abatement. It shall be unlawful for any person, firm or corporation to permit or maintain the existence of any nuisance on any property under his, her or its control. The Village Police Department is authorized to abate any such nuisance existing in the Village, whether such nuisance is specifically recognized by ordinance or not.

Section 12. Sewage. It shall be unlawful for any person to maintain, permit, cause, create, or contribute to, in any way, an open drain, sewer, or cesspool, and it shall also be unlawful for any person to permit, create, cause or contribute to any unsightly nauseous or unhealthful condition by failing to properly dispose of sewage or refuse, both within the limits of the Village and at any point within one mile of the Village limits.

Section 13. Combustible Refuse. It shall be unlawful to permit or store any combustible refuse in such a way as to create a fire hazard or to store or throw away any refuse of any kind in any alley, street, or other public way in the Village.

It shall be unlawful to dump, leave or deposit any refuse anywhere in the Village, with or without the consent of the owner of the premises, which is or may be thrown about by the wind, which consists of garbage or any vegetable matter subject to decay, or which consists of flammable material so as to form a fire hazard; and it shall be unlawful to leave or deposit or abandon any cases, cartons, car bodies or similar articles anywhere in the Village.

Section 14. Fires. It shall be unlawful for any person to burn or cause to be burned, any refuse or garbage within the Village; refuse or garbage shall include, but not be limited to, paper products, plastic products, petroleum based products, vegetable matter, and used building materials.

Section 15. Permissible Fires. Grass, leaves, and tree limbs may be burned on private property within the Village between the hours of 7 a.m. and 7 p.m. No such burning shall be permitted between the hours of 7 p.m. and 7 a.m. of any day. "Bonfires" for recreational events and fires for outdoor cooking, when supervised by adults, shall be permitted past the hour of 7 p.m., but all fires must be extinguished when not continually supervised. It shall be unlawful to build or light any permitted fire: (a) so close to any building or other structure as to endanger such building or structure; (b) on any public street or sidewalk pavement; (c) at such time as high winds might cause the fire to constitute a danger to any building or structure. Either a fire extinguisher or a hose connected to the public water supply shall be maintained close at hand when any burning is conducted out of doors within the Village, and all fires shall be fully extinguished when they are no longer attended by a responsible adult or when the use or purpose of the fire is completed.

Section 16. Extraordinary Exception Burning Permit. The Village Police Department shall have the authority, upon application by any person, when circumstances and conditions are such that the public health and safety will not be jeopardized and no significant public or private nuisance will be created, to issue a permit allowing exceptions to the prohibitions contained hereinabove as to burning prior to 7 a.m. or after 7 p.m. and the prohibition against burning on public streets or sidewalk pavement. Further, in the case of a location reasonably remote from any dwelling house, and when circumstances are such that there is little risk to public health and safety or to any building or structure, the Police Department may issue a permit authorizing the burning of used building material in connection with a demolition or construction project within the Village.

Section 17. Deposit of Grass and Rubbish Prohibited in Public Streets. It shall be unlawful for any person, firm or corporation to dump or deposit or cause to be dumped or deposited any grass, leaves, branches, or any other things in the roadway or gutter of any public street in the Village.

Section 18. Penalty. Any person, firm or corporation violating any provision of this Ordinance shall be fined not less than \$25.00 nor more than \$500.00 for each offense; and a separate offense shall be deemed committed on each and every day during or on which a violation occurs or is permitted to continue.

Section 19. Effective Date. This Ordinance shall take effect and be in full force from and after its passage and publication as provided by law.

Section 20. Severability. If any section, paragraph, clause, or provision of this Ordinance or the application thereof to any person or circumstance is held invalid, the remainder of this Ordinance or the application of such section, paragraph, clause, or provision to persons or circumstances other than those to which it is held invalid shall not be affected thereby.


The Village Clerk is hereby directed to cause this Ordinance to be published in a newspaper of general circulation in the Village and also to publish this Ordinance in pamphlet form.

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

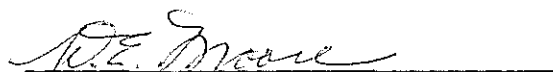
PASSED by the President and Board of Trustees of the Village of Chatham, Illinois on the 22nd day of ~~October~~, 1988.

AYE: 6

NAY: 0

  
Village Clerk of the Village  
of Chatham, Illinois

APPROVED by the President of the Village of Chatham, Illinois this 22nd day of ~~October~~, 1988.

  
President of the Village of  
Chatham, Illinois.