

**AN ORDINANCE AMENDING CHAPTERS TEN AND ELEVEN  
OF THE CODE OF ORDINANCES, CITY OF URBANA, ILLINOIS,  
REGULATING NUISANCES AND HEALTH AND SANITATION**

WHEREAS, the Illinois Municipal Code (65 ILCS 5/11-60-2) states that the corporate authorities of each municipality may define, prevent, and abate nuisances; and

WHEREAS, the City Council finds that it is in the best interests of the health, safety, and welfare of the citizens of Urbana to amend the regulations concerning nuisances.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF URBANA, ILLINOIS, as follows:

Section 1. That Chapter 10, "Solid Waste Management", of the Code of Ordinances, City of Urbana, Illinois, is hereby amended by repealing Article I, "In General", in it's entirety and by adding a new Article I, "In General", to read as follows:

**ARTICLE I. IN GENERAL**

**Section 10-1. Definitions.**

As used in Chapter 10 of this Code, the following terms shall have the meaning ascribed to each such term as set forth below:

**Approving authority** means the director of public works or designee.

**City** means the City of Urbana, Illinois.

**Commercial/industrial hauler** means any person who collects and transports municipal waste, landscape waste or recyclable materials solely from multifamily dwellings of seven (7) or more dwelling units, commercial business enterprises, or industrial enterprises.

**Construction and demolition debris** means non-hazardous, uncontaminated materials resulting from the construction, remodeling,

repair and demolition of utilities, structures and roads including, but not limited to the following: bricks, concrete, and other masonry materials, soil, rock, wood, including non-hazardous painted, treated, and coated wood and wood products, wall coverings, plaster, drywall, plumbing fixtures, electrical fixtures, non-asbestos insulation, roofing shingles and other roof coverings, asphalt and similar materials.

**County** means Champaign County, Illinois.  
**Curbside** means that portion of the right-of-way adjacent to and within five (5) feet of paved or traveled roadways, including alleys.

**Debris** means the scattered remains of something broken or destroyed, apparently abandoned to the elements.

**Dwelling** means any building, but not a travel trailer, which is exclusively designed for or used for one (1) or more dwelling units.

**Dwelling units** means one (1) room or suite of two (2) or more rooms in a building, designed for and used by one (1) family for living and sleeping purposes, containing its own kitchen and bathroom facilities, and having its own independent entry/access from the exterior of the structure or from a common interior hallway.

**Front yard** means a yard extending across the full width of a lot, and measured between a lot line abutting a street and the nearest line of a structure located on a lot.

**Garbage** means wastes resulting from the handling, processing, preparation, cooking and consumption of food, and wastes from the handling, processing, storage, and sale of produce.

**Generator** means any person whose act or process produces or accumulates municipal waste, landscape waste, or recyclable materials.

**Hauler** means any person who collects and transports municipal waste, landscape waste, or recyclable materials.

**Hazardous waste** means a waste, or combination of waste, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause or

significantly contribute to an increase in mortality or an increase in serious, irreversible, or incapacitating reversible, illness; or pose a substantial present or potential hazard to human health or the environment when improperly managed, and which has been identified, by characteristics or listing, as hazardous pursuant to Section 3001 of the Resource Conservation and Recovery Act of 1976, (P.L. 94-580), as amended, or pursuant to Illinois Pollution Control Board regulations.

**Junk** means items of no practical or functional utility.

**Landscape waste** means all accumulations of grass, shrubbery cuttings, leaves, tree limbs and other materials accumulated as the result of the care of lawns, shrubbery, vines, and trees (415 ILCS 5/3.20). "Live" Christmas trees and greenery from wreaths or garlands, which are free of ornamentation and metal wire, shall also be considered landscape waste.

**Landscape company** means a company that provides, for property other than its own, maintenance or removal of lawns, shrubbery, trees, or any ornamental plant, and transports only landscape waste produced directly as a result of landscape care activities of its own employees, and no other landscape or municipal waste.

**Litter** means any discarded used or unconsumed substance or waste.

**Multifamily dwellings** means a building or structure of seven (7) or more dwelling units, dormitories, college residence halls, fraternal chapters and cooperatives.

**Municipal waste** means any garbage, refuse, rubbish, debris, or litter but does not include special waste, landscape waste, or construction and demolition debris.

**Person** means any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, political subdivision, state agency, or any other legal entity, or their legal representative, agent or assigns.

**Recyclable materials** means nonhazardous, nonputrescible materials, that would otherwise be considered or become municipal waste if not

for the existence of viable secondary markets for such materials, including but not limited to categories of metals, glass, papers, or plastics that are processed and returned to the economic mainstream in the form of raw material feedstock or products. Specific recyclable materials accepted and collected in the city's authorized recycling programs, shall be as designated by the city.

**Refuse** means all putrescible and nonputrescible wastes including garbage and rubbish.

**Rubbish** means nonputrescible wastes consisting of both combustible and noncombustible material and residuals, including but not limited to paper products, cardboard, glass, plastic or metal products, discarded or non-functional automotive parts and tires, discarded furniture or furniture not designed for or modified to withstand the elements and outdoor use, abandoned or non-functional appliances, construction materials that have been exposed to outdoor elements for such a period of time that such material has substantially deteriorated, junk, debris and similar materials.

**Residential dwelling** means any single or multifamily dwelling of six (6) or fewer units within the corporate limits of the city.

**Residential hauler** means any person who collects and transports municipal waste, landscape waste or recyclable materials from a residential dwelling.

**Right-of-way** or **ROW** means the entire dedicated tract or strip of land that is legally used by the public for circulation or service.

**Special waste** means any industrial process waste, pollution control waste, hazardous waste or potentially infectious medical waste.

**Sections 10-3 - 10-19 Reserved.**

Section 2. That Article II, "Hauler License", of Chapter 10, "Solid Waste Management", of the Code of Ordinances, City of Urbana, Illinois, is hereby amended by adding new Section 10-39, to read as follows:

**Section. 10-39. General penalty.**

(A) Any person who violates any provision of article II or IV of this chapter shall be subject to a fine of not less than one hundred dollars (\$100.00) nor more than two hundred dollars (\$200.00) for a first offense and a fine of not less than two hundred dollars (\$200.00) nor more than five hundred dollars (\$500.00) for any subsequent offense.

(B) Every act or omission constituting a violation of any of the provisions of article II or IV by any officer, director, manager, agent, or employee of any hauler shall be imputed to such hauler. The hauler may be punishable as if the act or omission had been done by the hauler personally.

(C) The suspension or revocation of a business license by the city shall not be considered a recovery or penalty so as to bar any court imposed fine from being enforced.

Section 3. That new Article IV, "Nuisances", Sections 11-40 through 11-60, is hereby added to Chapter 11, "Health and Sanitation", of the Code of Ordinances, City of Urbana, Illinois, to read as follows:

**ARTICLE IV. NUISANCES**

**DIVISION 1. GENERALLY**

**Section 11-40. Definitions.**

As used in this Article, the following terms shall have the meaning ascribed to each term as set forth below:

**Abatement** means the removal, stoppage, or action that mitigates that which causes or constitutes a public nuisance.

**Approving authority** means the director of public works or designee.

**City** means the City of Urbana, Illinois.

**County** means Champaign County, Illinois.

**Construction and demolition debris** means non-hazardous, uncontaminated materials resulting from the construction, remodeling, repair and demolition of utilities, structures and roads including, but not limited to the following: bricks, concrete, and other masonry materials, soil, rock, wood, including non-hazardous painted, treated, and coated wood and wood products, wall coverings, plaster,

drywall, plumbing fixtures, electrical fixtures, non-asbestos insulation, roofing shingles and other roof coverings, asphalt and similar materials.

**Debris** means the scattered remains of something broken or destroyed, apparently abandoned to the elements.

**Dwelling** means any building, but not a travel trailer, which is exclusively designed for or used for one (1) or more dwelling units.

**Dwelling units** means one (1) room or suite of two (2) or more rooms in a building, designed for and used by one (1) family for living and sleeping purposes, containing its own kitchen and bathroom facilities, and having its own independent entry/access from the exterior of the structure or from a common interior hallway.

**Front yard** means a yard extending across the full width of a lot, and measured between a lot line abutting a street and the nearest line of a structure located on a lot.

**Garbage** means putrescible animal and vegetable wastes resulting from the handling, processing, preparation, cooking and consumption of food, and wastes from the handling, processing, storage, and sale of produce.

**Generator** means any person whose act or process produces or accumulates municipal waste, landscape waste, or recyclable materials.

**Hauler** means any person who is duly licensed by the city to collect and transport municipal waste, landscape waste, or recyclable materials.

**Hazardous waste** means a waste, or combination of waste, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause or significantly contribute to an increase in mortality or an increase in serious, irreversible, or incapacitating reversible, illness; or pose a substantial present or potential hazard to human health or the environment when improperly managed, and which has been identified, by characteristics or listing, as hazardous pursuant to Section 3001 of the Resource Conservation and Recovery Act

of 1976, (P.L. 94-580), as amended, or pursuant to Illinois Pollution Control Board regulations.

**Imminent hazard** means a situation or condition, located on private or public property or right-of-way, that is determined to pose a threat of harm to the health or safety of any person, property or thing for which abatement action shall be taken within twenty-four (24) hours and shall be considered to be a public nuisance.

**Junk** means items of no practical or functional utility.

**Landscape waste** means all accumulations of grass, shrubbery cuttings, leaves, tree limbs and other materials accumulated as the result of the care of lawns, shrubbery, vines, and trees (415 ILCS 5/3.20). "Live" Christmas trees and greenery from wreaths or garlands, which are free of ornamentation and metal wire, shall also be considered landscape waste.

**Landscape company** means a company that provides, for property other than its own, maintenance or removal of lawns, shrubbery, trees, or any ornamental plant, and transports only landscape waste produced directly as a result of landscape care activities of its own employees, and no other landscape or municipal waste.

**Litter** means any discarded used or unconsumed substance or waste.

**Multifamily dwellings** means a building or structure of seven (7) or more dwelling units, dormitories, college residence halls, fraternal chapters and cooperatives.

**Municipal waste** means any garbage, refuse, rubbish, debris, or litter but does not include special waste, landscape waste, or construction and demolition debris.

**Nuisance** means public nuisance as defined in this article and shall be construed to have the same meaning.

**Property** means a lot, plot or parcel of land.

**Property owner** means the owner of record or purchaser under contract or deed based upon official records of the county.

**Person** means any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, political subdivision, state agency, or any other legal entity, or their legal representative, agent or assigns.

**Premise** means property including adjoining street right-of-way or legal easement located between the property line of the lot, plot or parcel and the roadway surface or pavement of an adjoining street or road inclusive of all parkways, sidewalks and waterways found therein.

**Recyclable material** means nonhazardous, nonputrescible materials, that would otherwise be considered or become municipal waste if not for the existence of viable secondary markets for such materials, including but not limited to categories of metals, glass, papers, or plastics that are processed and returned to the economic mainstream in the form of raw material feedstock or products. Specific recyclable materials accepted and collected in the city's authorized recycling programs, shall be as designated by the city.

**Residential dwelling** means any single or multifamily dwelling of six (6) or fewer units within the corporate limits of the city.

**Right-of-way or ROW** means the entire dedicated tract or strip of land that is legally used by the public for circulation or service.

**Refuse** means all putrescible and nonputrescible wastes including garbage and rubbish.

**Rubbish** means nonputrescible wastes consisting of both combustible and noncombustible material and residuals, including but not limited to paper products, cardboard, glass, plastic or metal products, discarded or non-functional automotive parts and tires, discarded furniture or furniture not designed for or modified to withstand the elements and outdoor use, abandoned or non-functional appliances, construction materials that have been exposed to outdoor elements for such a period of time that such material has substantially deteriorated, junk, debris and similar materials.



**Special waste** means any industrial process waste, pollution control waste, hazardous waste or potentially infectious medical waste.

**Summary abatement** means abatement of the nuisance by the city, or a contractor employed by the city, by removal or other action, acts without prior notice to the property owner except as provided herein.

**Vehicle owner** means, except as defined in Division 4, a person who holds legal title as recorded in the official records of the state.

**Section 11-41. Public nuisance: declared generally.**

Public nuisance means any lot, land, yard, premises or location which in its entirety, or in any part thereof, by reason of the condition in which the same is found or permitted to be or remain, shall or may endanger the health, safety, life, limb or property, or cause any hurt, harm, blight, substantial inconvenience or discomfort, damage or injury to any person, in any one or more of the following particulars:

(A) By reason of being a menace, threat, and /or hazard to the general health and safety of the public;

(B) By reason of lack of maintenance or adequate maintenance of the property, and/or being vacant, any of which depreciates the enjoyment, esthetic appearance and use of properties in the immediate vicinity or neighborhood, to such an extent, that is detrimental to the city at large;

(C) By reason of the manner, location, or condition of storage of any materials or articles, regardless of whether such materials or articles are functional or have value, where such manner, location, or conditions of storage result in visual or other blight.

(D) All acts, conduct, omissions, conditions or things hereinafter specifically prohibited by the provisions of this article.

**Section 11-42. Enumeration not exclusive.**

The various public nuisances described and enumerated in this article shall not be deemed to be exclusive, but shall be in addition to all other public nuisances or nuisances described and prohibited by this Code.

**Section 11-43. Violation.**

It shall be unlawful for any person to cause, permit or maintain the existence of a public nuisance.

**Section 11-44. Inspection.**

All complaints received alleging the existence of a public nuisance shall be inspected by authorized city employees to determine existence of a nuisance and to determine whether a nuisance has been abated.

**Section 11-45. Notice.**

(A) Upon determining that a public nuisance exists, the Public Works Director or Director's designee shall cause written notice of violation to be served to at least one of the property owner(s) upon which the public nuisance exists, except as provided for vehicles in Division 4 of this Article.

(B) Such notice shall specifically describe the public nuisance and shall direct the property owner to abate such nuisance as specified herein. The notice shall state that unless the nuisance is so abated by the property owner the city will cause it to be abated and that such costs, including administrative costs and / or fines will be charged to the property owner, and a description of the appeal process.

(C) Notice shall be deemed to be properly served by:

(1) depositing the notice in U.S. mail, prepaid first class postage regardless of whether the addressee accepts or refuses delivery; or

(2) personal service; or

(3) posting of notice upon property.

**Section 11-46. Abatement.**

(A) ***Responsibility to abate.***

In all cases, except as provided for in this Article, it shall be the ultimate responsibility of the property owner to abate the nuisance violation existing on premises.

(B) ***Normal abatement time.***

The property owner shall have seven (7) days from the date of service of the notice to abate the nuisance.

(C) **Failure to abate.**

If a public nuisance is not abated pursuant to this article, the city may cause the abatement of such nuisance.

(D) **Summary abatement.**

When the following conditions arise, the city may proceed with summary abatement:

(1) Whenever an imminent hazard is determined to exist, prior written notice to the property owner shall not be required in order to abate. When practicable, an attempt to contact the property owner by telephone may be made. Following summary abatement, a written notice shall be served upon the property owner describing the situation, actions taken, and penalty and costs incurred.

(2) Whenever a property has been issued three previous written notices to abate a nuisance within in any twelve (12) month timeframe following the adoption of this article, and the property owner has failed to abate the same, the city may proceed with summary abatement.

(E) **Abatement by city.**

Should any nuisance not be abated within the normal abatement time or within such additional time as may be granted under the appeal process, the city shall have the authority to enter upon the premise and abate the nuisance. In abating the nuisance, the city may go to whatever extent may be necessary to complete the abatement.

**Section 11-47. Penalty; fines for violations.**

(A) Fines shall be automatically assessed and levied against property owners as penalty for the existence of a public nuisance violation as indicated herein. The penalty levied shall be commensurate with the consecutive number of violations that have occurred within any twelve (12) month period, beginning with the date of the first violation, regardless of whether any prior violations were abated by the property owner within the normal abatement time.

(B) Fines for the first violation of a Class 1 and Class 2 offenses will be waived if the nuisance is abated within the normal abatement time.

(C) Class 1 Offense Fine Schedule:

First violation: Twenty-five (\$25) dollars

Second violation: Fifty (\$50) dollars

Third violation: One hundred (\$100) dollars

Fourth violation: Two hundred fifty (\$250) dollars

Fifth violation and subsequent violations: Five hundred (\$500) dollars

(D) Class 2 Offense Fine Schedule:

First violation: Fifty (\$50) dollars

Second violation: One hundred (\$100) dollars

Third violation: Two Hundred Fifty (\$250) dollars

Fourth violation: Five Hundred (\$500) dollars

Fifth violation and subsequent violations: One thousand (\$1000) dollars

(E) Class 3 Offense Fine Schedule:

First violation: Two Hundred Fifty (\$250) dollars

Second violation: Five Hundred (\$500) dollars

Third violation and subsequent violations: One thousand (\$1000) dollars

(F) Whenever in this code a public nuisance is not classified, a violation shall be considered to be a Class 2 penalty.

(G) Any such fines shall be paid to the city within thirty (30) days of the date of billing. Failure to pay such fines shall subject the property owner to be summoned to court.

(H) Nothing in this code or the ordinance adopting this code shall affect any violation or act accruing before the effective date of this ordinance.

**Section 11-48. Appeal.**

(A) The owner of the property who has been served with a notice pursuant to Section 11-45, may within three (3) calendar days after receipt of such notice, make a written request to the Chief Administrative Officer or designee for a hearing on the question of whether the alleged public nuisance in fact exists. Such request shall be delivered to the Public Works Department, 706 S. Glover Av., or if offices are closed, deposited into a drop box at

the same location. The hearing shall be held within seven (7) calendar days following receipt of the written request and at least two (2) days notice of the hearing shall be given to the individual who made the written request for the hearing either by telephone or other means.

(B) The hearing shall be conducted by the Chief Administrative Officer or designee. The hearing officer may amend or modify the notice and/or order, or extend the time for compliance.

(C) The owner, agent of the owner, occupant and lien holder if any of the subject property shall be given the opportunity to present evidence to the hearing officer.

(D) In those instances where the nuisance has been abated by the city, the hearing officer shall have the discretion to waive the cost of abating the nuisance, in whole or in part, if in the course of hearing and reviewing the decision, the hearing officer finds that any of the following did not conform to the provisions of this article:

- (1) The notice to abate the nuisance;
- (2) The work performed in abating the nuisance; or
- (3) The computation of charges.

**Section 11-49. Cost of abatement and fines as a lien.**

(A) Whenever a bill for the costs and expenses incurred by the city for the abatement of a nuisance remains unpaid for thirty (30) days after it has been sent to the property owner, the city may file a notice of lien upon the property so affected. Such lien shall be superior to all other liens and encumbrances, except tax liens, provided that the notice of lien is filed with the county recorder within sixty (60) days after such cost and expense is incurred.

(B) The notice shall consist of a sworn statement setting out the following:

- (1) A description of the property sufficient for identification thereof;
- (2) The amount of money representing the costs and expenses incurred or payable for the abatement; and
- (3) The date or dates when such costs and expenses were incurred by the city.

(B) Cost and expenses include, but are not limited to, the costs and expenses in time of city employees or

city authorized contractors concerning the actual abatement of the nuisance, administrative fees, title searches or certifications, and reasonable attorney expenses.

(C) Upon payment of the costs and expenses by the owner after notice of lien has been filed, the lien shall be released by the city or person whose name the lien has been filed and the release shall be filed of record as in the case of filing notice of lien.

**Section 11-50. Reserved.**

## **DIVISION 2. MUNICIPAL WASTE**

**Section 11-51. Municipal waste generation.**

The occupancy of any dwelling or the operation of any business activity within the city shall be prima facie evidence that municipal waste is being generated and accumulated on such premises. The director of public works or designee may, after review, grant exemption to this section if the level of municipal waste generated or the alternative arrangements for disposal of municipal waste does not reasonably warrant once-a-week collection. The person requesting the exemption shall have the burden of establishing the grounds for the exemption to the satisfaction of the director of public works or designee.

**Section 11-52. Collection required.**

(A) It shall be the duty of every owner or occupant of any dwelling unit or any business structure or premises located within the city to have all accumulations of municipal waste from such dwellings, structures or premises regularly collected and disposed of at least once every seven (7) days by a person possessing a valid city hauler license.

(B) It shall be the duty of every owner, occupant or construction contractor to have accumulations of all construction and demolition debris generated from premises placed into an appropriately sized container or dumpster and when full, regularly collected and disposed of during demolition, construction or remodeling activities. Such dumpsters are not required to have lids, however, provisions must be made so as to prevent such materials from being scattered by natural elements onto any premise. All dumpsters shall be promptly removed following completion of such activities. No person is exempt from Section 11-52(A) regardless of whether a dumpster may be located on a property as required under this subsection or other circumstance.

(C) All dwellings, buildings or premises, shall remove accumulations of recyclable materials periodically from such locations so as to not constitute a nuisance.

(D) A violation of this section is declared to be a public nuisance, class 2 offense.

**Section 11-53. Containers.**

(A) **Required.**

Waste containers are required to be used during the occupancy of all dwellings and businesses and the property owner shall be ultimately responsible to provide containers in accordance with this article.

(B) **Specifications.**

Each waste container shall be constructed of rust resistant metal or durable plastic and have a solid water tight bottom, handles, together with covers or lids tightly affixed so as to adequately prevent water, insects, or animals from entry and to minimize odors. "Fifty-five (55) gallon drum" containers shall not be considered an acceptable container. All containers shall be maintained to be sound and kept in sanitary condition.

(C) **Capacity.**

All waste containers shall be of sufficient size and number to adequately store and hold all accumulations of municipal wastes, except for the occasional disposal of bulky or oversized wastes such as furniture, mattresses, or appliances which cannot be placed into containers, generated between weekly collection periods from all dwellings or businesses. Frequency of collection shall also be sufficient so as to provide adequate waste disposal capacity.

(1) Single family dwellings are prohibited from using a container or dumpster having a capacity of larger than one (1) cubic yard for the storage of wastes accumulated between required weekly collection periods.

(D) **Location; allowance for curbside collection.**

No person shall permit a container(s) used for the collection of municipal waste or recyclable materials to be placed or remain upon city-owned or controlled right-of-way or a front yard, except for the forty (40) hour period commencing at 6:00 p.m. on the day preceding and ending at 10:00 a.m. on the day following the day of the week designated in this code allowing curbside collection for a given location.

(E) **Placement following collection.**

Containers used for curbside collection of municipal waste or recyclable materials shall be returned

and placed back by haulers in an orderly manner so as to not obstruct any street, sidewalk or driveway.

(F) A violation of this section is declared to be a public nuisance, class 1 offense.

**Section 11-54. Curbside collection; schedule.**

(A) Curbside collection will be allowed to occur within the city for:

(1) Municipal waste generated only from residential dwellings provided such waste is in compliance with section 11-53; and

(2) Recyclable materials generated only from residential dwellings provided such material is in containers pursuant to section 10-77; and

(3) Recyclable materials generated only from multifamily dwellings provided:

a. Such material is in containers pursuant to section 10-77; and

b. The containers used in such program shall be those customarily used for residential dwellings unless approval for other containers is granted by the director of public works in circumstances where the nature of the recyclables or the volume would make the use of another container more efficient or would provide a neater or more uniform appearance.

(B) Except for persons collecting recyclable materials pursuant to a contract with the city, the schedule allowing curbside collection to occur shall be in the following areas within the city only on the designated days as provided herein:

(1) **Monday:** The geographical area which is located south of and including both sides of Illinois Street and the extension thereof, and west of and including both sides of Anderson Street and the extension thereof; and

(2) **Tuesday:** The geographical area which is located south of and including both sides of Illinois Street and the extension thereof, and east of Anderson Street and the extension thereof; and

(3) **Wednesday:** The geographical area which is located north of Illinois Street and the extension thereof.



If a city-observed holiday should occur on one (1) of the designated days, haulers will be allowed to provide curbside collection on the day following the holiday for that geographical area. The occurrence of such holiday may impact subsequent designated curbside collection days; therefore, if such holiday should occur on Monday, that geographical area will be allowed to be collected on Tuesday; if Tuesday, that geographical area will be allowed to be collected on Wednesday; if Wednesday, that geographical area will be allowed to be collected on Thursday; for the remainder of such week.

(C) Curbside collection of recyclable materials by a person operating pursuant to a contract with the city may occur as provided in such contract.

(D) A violation of this section is declared to be a public nuisance, class 1 offense.

**Sections 11-55 - 11-56. Reserved.**

**Section 11-57. Nuisances, specifically defined.**

Under this division, public nuisances shall include, but not be limited to, the following acts, conduct, omissions, conditions or things:

**(A) Class 1 Offenses:**

(1) No person, except the owner, occupant, or owner's agent shall interfere, disturb, or collect containers or their contents of municipal waste, recyclable materials, or landscape waste unless such person is employed by a hauler possessing a valid city license, or is a duly authorized city contractor, or is a city employee in the performance of duty.

(2) No person shall intentionally rake and leave or deposit municipal waste, landscape waste or other debris into the streets, gutters or drainage ditches of the city.

(3) No person shall accumulate materials that are intended and appropriate for on-site use in residential fireplaces or wood burning stoves unless such materials are cut to appropriate dimensions and are stacked in a neat and organized manner that does not create a habitat for vermin, create visual blight, constitute any other nuisance, nor pose a fire hazard as may be determined by city officials.

(B) **Class 2 Offenses:**

(1) No person shall allow or cause the accumulation of municipal waste except as provided in section 11-53.

(2) No person shall collect or transport municipal waste, construction and demolition debris, dirt, sand, gravel or other similar materials in such a manner so as to cause such to be scattered or blown onto any premise or street.

(3) No person shall burn municipal waste, construction and demolition debris, landscape waste, or special waste within the city limits, except in incinerators approved by the Illinois Environmental Protection Agency, provided, however, no medical waste, as defined in section 11-21 of this code, may be burned in an incinerator. This section shall not apply to logs or non-treated dimensional lumber that are cut or split into appropriate dimensions for use in residential fireplaces or wood burning stoves.

(4) No person shall throw or discard municipal waste from any vehicle. Whenever this action occurs, the presumption is created that the vehicle owner is the violator.

(5) All special wastes shall be disposed of in accordance with applicable federal and state laws.

(C) **Class 3 Offenses:**

(1) No person shall deposit or dump, or cause to be deposited or dumped municipal waste, construction and demolition debris, landscape waste, or special waste on the property or into containers of another, or into any stream or body of water except, as allowed under by the Illinois Environmental Protection Act. Whenever this action occurs, the violator to be held responsible may be determined:

(a) By any items found bearing the name of a person which shall create the presumption that such waste was deposited by the person whose name appears on the item, but this presumption may be rebutted by presenting proof otherwise, or

(b) To be the operator of the vehicle used to dump such materials, or

(c) To be the person who received compensation from an unknowing customer, or

(d) If the vehicle owner can be determined, the vehicle owner shall be presumed to be the violator without rebuttal.

**Sections 11-58 - 11-60 Reserved.**

PASSED by the City Council this 5<sup>th</sup> day of March,  
2001 .

AYES: Hayes, Kearns, Patt, Taylor, Whelan, Wyman

NAYS:

ABSTAINS:



APPROVED by the Mayor this 15<sup>th</sup> day of March,  
2001 .

Tal Satterthwaite  
Tod Satterthwaite, Mayor