

AN ORDINANCE PROVIDING FOR THE COLLECTION AND DISPOSITION OF
GARBAGE, REFUSE, ETC., AND FOR THE ABATEMENT OF CERTAIN NUISANCES IN PIATT
COUNTY

WHEREAS, the statutes of the State of Illinois provide that a board of health of a county health department may recommend to the County Board the adoption of such ordinances and resolutions as may be deemed necessary and property for the promotion and protection of the public health and the control of disease; and

WHEREAS, the County Board, pursuant to the recommendations of the DeWitt-Piatt County Board of Health, has previously adopted an ordinance entitled "Nuisance and Solid Waste Ordinance for Piatt County, Illinois," on March 13, 1997; and

WHEREAS, the said Board of Health has deemed it necessary to amend and modify said Ordinance in order to better regulate garbage and refuse disposal for health purposes and to protect the public health, and accordingly has recommended the adoption of the following ordinance.

NOW, THEREFORE, BE IT ORDAINED AND RESOLVED by the County Board of Piatt County, Illinois, duly assembled in regular monthly sessions this 12th day of July, A.D., 1983, that the ordinance adopted by this Board on March 13, 1979, entitled "Nuisance and Solid Waste Ordinance for Piatt County, Illinois," be and the same is hereby repealed and declared to be of no further force and effect of and from the effective date of the Ordinance hereinafter adopted.

BE IT FURTHER ORDAINED AND RESOLVED that the following ordinance is hereby adopted in lieu thereof:

ARTICLE I
Definitions

ASHES shall mean the residue resulting from the burning of wood, coal, coke or other combustible materials.

BOARD OF HEALTH shall mean the DeWitt-Piatt County Board of Health of the County of Piatt, Illinois or its authorized representatives.

EXTERMINATION shall mean the control and elimination of insects, rodents, or other pests by eliminating their harborage places and removing or making inaccessible materials which may serve as their food, by poisoning, spraying, trapping or by any other recognized and legal method of pest control.

GARBAGE shall mean all putrescible animal, vegetable or mineral waste products resulting from the handling, storage, preparation, cooking or consumption of any food or any matter that may decompose and become offensive or dangerous to health.

HAZARDOUS shall mean any condition, act or thing causing risk or danger to the public.

JUNK shall mean old or scrap copper, brass, rope, rags, batteries, paper, rubber debris, waste; junked dismantled or wrecked automobiles, or parts thereof; iron steel, and other old or scape ferrous or nonferrous material.

NUISANCE shall mean any act, condition or thing causing harm, danger, injury or resulting in the creation of a hazardous situation.

PERSON shall mean any natural person, firm, club, corporation, association, partnership, company, organization, trustee or any public or private entity.

PREMISES shall mean public and/or private real property, either improved

or vacant, inhabited or uninhabited, including buildings and other structures, vehicles, water crafts, and/or parts thereof.

REFUSE shall mean all putrescible and nonputrescible solid wastes, including garbage, rubbish, ashes, street cleaning, tree wastes, dead animals, abandoned automobiles, discarded household appliances and junk.

RODENTS shall mean rats and mice.

RUBBISH shall mean nonputrescible solid waste consisting of both combustible and noncombustible wastes such as paper, cardboard, tin cans, yard clippings, wood, glass, bedding, crockery, and similar materials.

SCAVENGER shall mean any person, company, or corporation who is engaged in the business either public or private, or collecting and disposing or garbage, refuse, and ashes, etc.

STORAGE SITE shall mean public and/or private real property, either improved or vacant, including the buildings or structures thereon, vehicles, water crafts, or parts thereof, upon or in which refuse is stored for collection prior to final disposal.

VERMIN shall mean roaches, bad bugs, fleas, lice or similar noxious animals of small size.

WEEDS shall mean any naturally-occurring, non-cultivated growth of wild vegetation, whether or not such constitute "noxious weeds" as defined by County Ordinance or State statute, exclusive of trees and other wood-stemmed plants, which harbor rodents, reptiles, and/or vermin to an extent which causes risk to the public health.

ARTICLE II

REFUSE STORAGE AND HANDLING

SECTION I GENERAL

All refuse shall be disposed of at a site licensed and approved by the Illinois Environmental Protection Agency. The location and methods of operation for final disposal of refuse shall conform with the requirements of the Illinois Refuse Disposal Law and the Piatt County Refuse Disposal Ordinance, copies of which shall be on file at the Piatt County Clerk's Office. No person shall deposit or permit to remain in any waterway, drainage ditch, or confined waters within Piatt County any garbage, rubbish, junk, ashes, refuse or similar matter that may attract or harbor flies, rodents, vermin or mosquitoes; create offensive odors or unsightliness; or otherwise create a health hazard or results in the existence of a nuisance condition.

SECTION II REFUSE STORAGE

1. Garbage shall be drained and stored in durable, nonabsorbent water tight and easily cleanable containers, which shall have close fitting covers, including durable plastic garbage bags.
2. Ashes shall be stored in durable, fire resistant containers with close fitting lids. Ashes containing hot embers shall not be placed in a container for collection.
3. Rubbish shall be stored in durable containers with close fitting covers except that bulky rubbish such as trees, weeds and large cardboard boxes may be bundled as not to be scatted by winds.

ARTICLE III

INFECTED REFUSE

No person shall place or cause to be placed in containers provided for garbage or refuse, any bedding, clothing or other articles contaminated by infectious or contagious disease. All such refuse shall be burned on the premises and the ashes shall be placed in water tight containers for disposal in a manner prescribed by the applicable State Statue.

ARTICLE IV

DANGEROUS AND HAZARDOUS MATERIALS

All dangerous and hazardous materials or substances such as poisons, acids, caustics, pesticides, infested materials, explosives and solid wastes resulting from industrial processes shall not be mixed and/ or stored with or collected with refuse as defined in this Ordinance. Such dangerous and hazardous materials or substances shall be stored, collected and disposed of in a manner prescribed by the applicable State Statute.

ARTICLE V

VACATED PREMISES

Any person(s) occupying or controlling any lot, building or structure shall cause to be removed therefrom all garbage and refuse, before vacating the premises.

ARTICLE IV

GARBAGE AND REFUSE VEHICLES

No person(s) shall convey or cause to be conveyed within Piatt County any garbage or refuse that is putrid or offensive or constitutes a health hazard, except in a tightly closed container or specially constructed conveyance approved by the Board of Health and in accordance with the Ordinance of Piatt County. This article shall not be constructed to include farmer operated manure spreaders used in the disposition of animal wastes for fertilizing.

ARTICLE VII

PERFORMANCE STANDARDS FOR SCAVENGERS

1. All equipment used for the collection of garbage and refuse by scavengers must be of the packer type or such other design suitable for the sanitary and healthful transportation of such refuse and garbage as the Board of Health may approve.
2. Equipment shall be maintained so that it is operating properly and safely so that no garbage, refuse or rubbish can blow or fall off the vehicle.
3. Garbage, refuse and rubbish that is allowed to blow from or drop off any garbage vehicle is the responsibility of such vehicle owner to retrieve immediately.
4. Overnight parking of loaded garbage collection vehicles on public or private property is prohibited.

ARTICLE VIII

NUISANCES

- A. No person shall create or cause the continuance of a nuisance in Piatt County, Illinois. All nuisances as defined hereafter, and as recognized by the common law and the statutes of the State of Illinois may be treated as such and proceeded against in accordance with the recognized remedies for abating and enjoining nuisances and/or in accordance with Article IX of this Ordinance.
- B. Declared nuisances prejudicial to the public health: It is hereby declared that the following are nuisances, but are not inclusive of all conditions or acts which may give rise to the creation or continuance of a nuisance.
 1. To allow the carcasses of dead animals or any part of decaying animal matter to remain not buried, destroyed or collected, within 24 hours after death or dismemberment.
 2. To throw or deposit any offal, refuse, junk, or the carcass of any dead animal, in any water course, lake, pond, spring, well or common sewer, street or public roadway.

- 3.To corrupt or render unwholesome or impure the water of any spring, river, stream, pond or lake.
- 4.To allow a diseased animal to run at large.
- 5.To allow excessive amounts of manure, refuse, human or noxious or offensive waste to accumulate. This excludes the normal storage of manure on a farm.
- 6.To allow any discharge of raw or insufficiently treated human waste or sewage onto the surface of the ground or into any water course, spring, lake, pond, or well through either direct or indirect means.
- 7.To allow any waste from commercial or industrial facilities to accumulate or to become foul, offensive or to otherwise become a health hazard.
- 8.To allow any wells or cisterns to remain open.
- 9.To allow an abandoned refrigerator to remain on any premises that does not have the doors, lock, or latches removed.
- 10.To allow any building, mobile home, shed, fence, or other manmade structure to exist which is dangerous to public health because of its condition, construction, or lack of proper repair and which may cause or aid in the spread of disease or injury to the health of the occupants and/or neighboring structures and occupants.
- 11.To allow the spillage, scatter or loss of refuse from any vehicle that is used to transport garbage or refuse.
- 12.Any place harboring vermin **and/or rodents**
- 13.To cause or to allow any ashes, garbage, junk, refuse, rubbish, vermin, or weeds to be stored, handled, disposed, or to collect or accumulate upon any public or private property contrary to the provisions of this Ordinance, and to do or to cause or to allow the occurrence or continuance of any other act of things contrary to the provisions of this Ordinance.
- 14.All other acts, practices, conduct, business, occupants, callings, trades, uses of property and all other things detrimental or certain to be detrimental to the health of the inhabitants of Piatt County, Illinois.

ARTICLE IX

ENFORCEMENT PROVISIONS

A.INSPECTION. The DeWitt-Piatt Bi-County Health Department is hereby authorized and directed to make such inspections as are necessary to determine satisfactory compliance with this Ordinance.

The authorized representative of the DeWitt-Piatt Bi-County Health Department, after proper identification and statement of the reason(s) for the visit shall be permitted by the owner or occupants of the property to have access to the property at any reasonable time for the purpose of making an inspection to determine compliance with the requirements of this Ordinance.

B.ABATEMENT OF DECLARED NUISANCE. When an authorized representative of the health department discovers any violation of Article VIII of this Ordinance, the person, firm, or corporation causing or allowing such violation shall be notified by the DeWitt-Piatt Bi-County Health Department by means of a written notice of inspection and request to abate the violation sent to the last known address. Such notice and request shall describe the

specific conditions found, the correction necessary to bring about compliance, and a specific and reasonable period of time for such correction. Each condition specified in such notification shall constitute a separate violation of this Ordinance.

C.FINES AND PENALTIES. Any person, firm, or corporation who maintains a nuisance as defined herein, or who fails to comply with an order of the Board of Health issued under the provisions hereof, or who violates any provision of this Ordinance shall be guilty of a misdemeanor, and shall be subject, upon conviction, to a fine of not less than \$25.00 and not more than \$500.00. Each day that such nuisance, condition, or violation occurs or continues shall be deemed to be a separate offense. In addition, such person, firm or corporation may be enjoined from continuing such violation. The State's Attorney of Piatt County, Illinois, shall prosecute all violations of this Ordinance.

D.The remedies provided for in the Ordinance to abate and prosecute nuisances and violations hereof shall not be deemed to be mutually exclusive, and election to pursue one remedy shall not bar the simultaneous pursuit of any other remedy.

ARTICLE X

INTERPRETATION, PURPOSE, AND CONFLICT

The provisions of this Ordinance shall be held to be the minimum requirements for the promotion of the public health, safety, morals, comfort, and general welfare.

It is not intended by this Ordinance to interfere with, abrogate, annul, or repeal any ordinance, resolution, rule, or regulation heretofore adopted which does not conflict with the provisions of this Ordinance.

ARTICLE XI

SEVERABILITY

Should any section, clause, provision, or application of this Ordinance be declared by any court of competent jurisdiction to be invalid, such declaration shall not affect the validity of any other section, clause, provision, or application hereof, other than the part or application so declared to be invalid.

ARTICLE XII

DATE OF EFFECT

This Ordinance shall be in full force and effect thirty (30) days after its enactment.

PRESENTED, ADOPTED, APPROVED AND RECORDED this _____
day of _____, A.D., 1999.

Chairman, Piatt County Board

Attest:

County Clerk and ex-official
Clerk of the County Board