

Chapter 4

PUBLIC HEALTH REGULATIONS

Article I. Nuisance Abatement

Sec. 1. PREMISES CAUSING NUISANCE

Any store, house, factory, building, or structure of any kind, on any grounds or premises kept, permitted or suffered to remain for twenty-four (24) hours in such condition as to be offensive to the neighborhood, dangerous or prejudicial to the health or safety of the occupants, or other persons, is hereby declared a “Nuisance”. Additionally, for purposes of this Chapter 4, a Nuisance shall include but not be limited to “...any substance or matter of any kind or nature whatsoever, which shall be deemed dangerous or detrimental to the health or safety of any or all constituent(s) of the Village.

Sec. 2. ABATEMENT OF NUISANCE

When judgment shall be rendered against any person for erecting, keeping or maintaining any Nuisance, it shall be the duty of the Court before whom such conviction is had, to order the Defendant in such suit to forthwith abate and remove such Nuisance, and if the same is not done by such Defendant within twenty-four (24) hours, then the Nuisance shall be abated and removed by the Chief of Police or any duly sworn officer of the Police Department of the Village of Downs. Said order shall be entered upon the docket of the Court and be made a part of the judgment of the cause.

Sec. 3. MAINTAINING NUISANCE AFTER NOTICE TO ABATE

Any person having been found guilty of creating, keeping or maintaining any Nuisance, who shall neglect, or fail to abate and remove such Nuisance within twenty-four (24) hours after notice of entry of a judgment issued in accordance with Section 2 of this Chapter shall, thereafter, while such Nuisance remains, be subject to a like penalty as that originally incurred for keeping, creating, or maintaining the same.

Sec. 4. LIABLE FOR COSTS OF ABATEMENT

Every person creating, keeping or maintaining any Nuisance shall be liable for all costs and expenses of abating the same, when done by the Village or under its authority; and in such cases where the Chief of Police or other duly sworn officer of the Police Department of the Village of Downs shall abate any such Nuisance, the Village shall keep an account of all expenses attending such abatement, and shall forthwith bring suit for the same in some competent court, against the person creating, keeping or maintaining the nuisance so abated.

Sec. 5. PENALTIES

That any person, firm or corporation, who violates, disobeys, neglects, omits, or refuses to comply with or who resists any of the provisions of this Article when no other penalty is provided, shall upon conviction, be subject to a fine as designated in accordance to Chapter 1, Article 1, Section 3D.

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Article II. Garbage and Refuse

Sec. 1. DEPOSITING GARBAGE

It shall be unlawful for any person to throw or deposit, or cause to be thrown or deposited, at any place in the Village, any vegetables, meats, animal matter, garbage, or offal of any kind, which will produce an offensive smell, or whereby the health of any portion of the Village or its constituents may be affected or endangered.

Sec. 2. RECEPTACLE REQUIRED

It shall be the duty of every owner or his agent or occupant of any building in the Village where people reside, board, or lodge, or where animal or vegetable matter is prepared or served, to maintain in good order and repair, a container or containers for refuse.

- a. Refuse containers shall not be set out for collection more than eighteen (18) hours before the regular collection time, and empty containers must be removed not more than eighteen (18) hours following collection.
- b. Dumpsters may be required for commercial and multi-family dwellings.

Sec. 3. DEPOSIT IN STREET

No garbage or refuse of any kind shall be deposited in any street, alley or public way of the Village; and no such refuse shall be so placed that it can be blown about or scattered by the wind.

Sec. 4. RESPONSIBILITIES AND PENALTIES

- a. The owner, occupant or lessee of any premises in the Village shall remove from his premises or otherwise dispose of all garbage, ashes, debris, rubbish, refuse and trash, and shall keep the premises free and clear of any accumulation of such garbage and debris. Should any owner, occupant or lessee of any premises in the Village fail to remove garbage and debris from such premise from time to time, and after reasonable notice by the Village, refuses or neglects to remove such garbage and debris, then the Village may affect the removal of such garbage and debris and may collect from the owner of the premises the reasonable cost of the removal of said garbage and debris and such cost shall be a lien upon the real property of the owner or any premises in the Village owned by the owner.
- b. There shall be a charge for pick-up and disposal of ashes, garbage, refuse and trash. The rates for said service to each user (including residential and commercial premises) shall be as established by the Village Board. Schools, commercial operations, and any other establishments that require "dumpster" type containers shall be charged for the use of the container in addition to the monthly use charge. The Board of Trustees shall determine when a dumpster is required.

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- c. Charges shall be due and payable the first day of each calendar month. Payments for garbage pick-up and disposal services shall be made monthly. Payments shall be delinquent after the 15th day of the month, and, in the event of failure to make payment within the said fifteen (15) days, a delinquency charge determined by the Village Board shall be added. Failure to receive a monthly bill shall not be deemed excuse for non-payment.
- d. In the event charges for such garbage pick-up and disposal are not paid by the fifteenth (15) day of the month for said service, such charges shall be deemed and are hereby declared delinquent and thereafter such charge as well as all applicable delinquency charges shall constitute a lien upon the real estate for which garbage pick-up and removal services are supplied.
- e. Any occupied residence and/or place of business shall be required to use the refuse collection provided by the Village.
- f. Water and Garbage service may be offered at the Board's discretion to entities outside the Village limits.
- g. Fees may be waived and/or modified by the Village Board.

Sec. 5. PENALTY

Any person, firm or corporation violating any of the provisions of this Article, shall be fined as designated in accordance to Chapter 1, Article 1, Section 3D.

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Article III. Other Regulations

Sec. 1. 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.

Sec. 2. 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 their control.

Sec. 3. CEMETERIES

It shall be unlawful for any person, firm, or corporation to establish a cemetery or to bury any person within the Village limits, except in an established cemetery.

Sec. 4. OPEN BURNING

It shall be unlawful to cause or permit open burning within the Village, provided however, grass, leaves, brush, tree limbs, other natural products, and clean paper products may be burned on private property under the supervision of the owner or lawful occupant thereof. Notwithstanding the foregoing, it shall be unlawful to build or light any fire so close to a building or structure as to endanger such building or structure or to build or light any fire on any public street or sidewalk. Residents are allowed to burn in the Village right-of-way so long as such burning does not impede or obstruct water flow or otherwise block any culvert or storm drain.

Sec. 5. WOODPILES

It shall be unlawful for any person, firm or corporation to deposit, or permit to remain after ten (10) days knowledge, any accumulation of any and all untreated wood except under the following conditions:

- a. That the pile shall be neatly stacked and arranged; and
- b. That the base of the pile shall not be less than eight (8) inches off of the surface of the ground, separated from the ground by concrete blocks, brick or other material impervious to termite activity.

Sec. 6. NUISANCE KEEPING PROHIBITED

That no person shall bring into said Village or keep therein, for sale or otherwise, either for food or for any other purpose and purposes whatever, any animal, dead, or alive, matter, substance or thing

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which shall be, or which shall occasion a Nuisance in said Village which may be or shall be dangerous or detrimental to health.

Sec. 7. PENALTY

Any person, firm, or corporation violating any provision of this Article shall be fined as designated in accordance to Chapter 1, Article 1, Section 3D.

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Article IV. Prohibiting Connection of Sanitary or Waste Sewers to Storm Drainage Systems

Sec. 1. SANITARY SEWER

It shall be unlawful for any person, firm, corporation, or institution, public or private, to connect or cause to be connected, any drain carrying, or to carry, any toilet, sink, basement, septic tank, cesspool, industrial waste, or any fixture or device discharging polluting substances to any open ditch, drain, or drainage structure installed solely for street or highway drainage purposes in the Village of Downs, Illinois.

Sec. 2. FINES

Any person, firm, or corporation violating the provisions of this Chapter 4 shall be fined not less than \$100.00 nor more than \$10,000.00 for each offense. A separate offense shall be deemed committed for each and every day during which a violation continues or exists.

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