

ORDINANCE 14-34

AN ORDINANCE ADOPTING TITLE FOUR CHAPTER ONE GENERAL HEALTH REGULATIONS CODE OF THE VILLAGE OF WEST DUNDEE

WHEREAS, the Village of West Dundee, Kane County, Illinois, is a home rule municipality as contemplated under Article VII, Section 6 of the Constitution of the State of Illinois, and the passage of this Ordinance constitutes an exercise of the Village's home rule powers and functions as granted in the Constitution of the State of Illinois; and

WHEREAS, the Village of West Dundee is committed to protecting the public health and safety; and

WHEREAS, the Village of West Dundee is committed to maintaining a functional built environment and safe neighborhoods while securing property values and quality of life by the efficient administrative of building code regulations; and

WHEREAS, the Village Board has recently reviewed new code provisions and is desirous of updating codes regulating the built environment to meet internationally accepted code standards; and

NOW THEREFORE BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES, VILLAGE OF WEST DUNDEE, KANE COUNTY, ILLINOIS, as follows:

Section 1: Title 4 Chapter 1 of the Village Code of the Village of West Dundee is hereby amended to read as follows:

Chapter 1 GENERAL HEALTH REGULATIONS

4-1-1- ACTS ENDANGERING PUBLIC HEALTH:

It is unlawful to commit or do any act which endangers the public health.

- A. Matters not provided for: Requirements that are essential for the public safety of an existing or proposed activity, building or structure, or for the safety of the occupants thereof, which are not specifically provided for by this code shall be determined by the fire or police official.

4-1-2- BUILDINGS AND STRUCTURES

- A. It is 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 declared to be a nuisance.
- B. All premises used as hotels, motels, tourist homes, or for lodging house and boarding house purposes shall be kept in a clean and sanitary condition. Water closets and lavatories shall be available to all using any hotel, motel, tourist home, lodging house and boarding house. (Ord. 89-04,4-3-1989)

4-1-3- FOOD AND BEVERAGE REGULATIONS:

- A. Sale Of Unwholesome Food Prohibited: It is unlawful to sell or offer for sale any unwholesome or polluted food or drink of any kind in the village.
- B. Sanitary Regulation Of Premises Used For Food Storage: All premises used in the sale or storage of food intended for human consumption shall be kept in a clean and sanitary condition. It is unlawful to permit any person who is afflicted with an infectious disease to handle any food or drink intended for human consumption. Premises shall be kept free from flies and vermin of all kinds. (Ord. 89-04, 4-3-1989)
- C. Drinking Cups In Public Places: It is unlawful to maintain any common drinking cup, or cups, dipper or other similar utensil for the use of more than one person in any public hall, theater, store or other place frequented by the public. Churches and other religious places of worship are exempt from this subsection. (Ord. 89-04, 4-3- 1989)
- D. Sanitization Of Utensils Used For Serving Food To Public: Utensils for personal use in all places serving food or drink to the public shall be thoroughly cleaned and sanitized after each such usage. (Ord. 89-04, 4-3-1989)

4-1-4 NOXIOUS ODORS:

It is unlawful to cause or permit the emission of noxious odors from any fire, chimney, waste disposal system, or any other agency in the village so as to cause annoyance or discomfort to the residents thereof. (89-04, 4-3-1989)

4-1-5- DENSE SMOKE:

It is unlawful to cause or permit the emission of dense smoke from any fire, chimney, engine, oil burner or any other agency in the village so as to cause annoyance and discomfort to the residents thereof. For the purpose of testing and grading the density of smoke, the Ringelmann smoke chart, as published and used by the United States geological survey, shall be and is adopted as a standard for such grading; and smoke shall be and is defined as and declared to be "dense" when it is of a degree of density of number three of said chart, or greater, for more than six (6) minutes in any one hour, whether such period of time is consecutive or not. (Ord. 89-04, 4-3-1989)

4-1-6- AIR POLLUTION CONTROL:

- A. Adoption Of Environmental Control Act: All applicable rules, regulations and standards of the state environmental control act, 415 Illinois Compiled Statutes 5/1 et seq., pertaining to air pollution are hereby adopted generally.
- B. Open Fires Restricted: It shall be unlawful for any person to cause, suffer, allow or permit open burning of rubbish, refuse of any kind, grass, leaves, wood, garbage, metal salvage or any other material in open fires:
 - 1. Exceptions: Exterior fires on residential properties in approved devices made specifically for burning wood, manufactured logs, or charcoal, for which purpose is to cook food or for recreational use.

- a. Materials burned in this exterior fireplace shall not include landscape waste, such as grass clippings, leaves, weeds and/or other yard waste debris, and/or garbage, and/or refuse including cardboard, treated lumber, excessive paper or other household waste.
 - b. The fire is to be attended by a responsible person over the age of fourteen (14) years, who shall have a garden hose connected to a water supply or other fire extinguishing equipment readily available for use.
 - c. The portable fireplace location is not less than twenty feet (20') from any structure, including houses, sheds, decks, fences, vehicles or combustible, located in the rear yard only and adequate provisions are made to prevent fire from spreading within twenty feet (20') of any structure.
 - d. A portable fireplace shall be used only in accordance with the manufacturers specifications and guidelines including the use of both protective screens and covers to limit the size of the fire source.
 - e. The fires fuel area cannot be more than three feet in diameter and must be two feet or less in height.
 - f. Burning is prohibited when winds are greater then 10 mph.
 - g. All fires must be extinguished when no longer in use.
 - h. Any fire considered to be a nuisance as determined by a police or fire official shall be extinguished.
 - i. No fires shall be in the parking lot.
2. Exception: Exterior fires on commercial properties in approved devices made specifically for burning clean wood or natural gas.
- a. Commercial recreational fires shall not be conducted within 20' of a structure or combustible material. There shall be 20' clearance from all vehicles or any other hazards.
 - b. The container shall be used only in accordance with the manufacturers specifications and guidelines.
 - c. The fire shall be contained within the fire place or burn container, and a flames maximum height of 2 ½ feet above the top of the burn container.
 - d. Burning is prohibited when winds are greater then 10 mph.
 - d. All fires must be extinguished when no longer in use.
 - e. Any fire considered to be a nuisance as determined by a police or fire official shall be extinguished.
 - f. A Special Permit is required and requires approval by the fire chief or his designee.

4-1-7- WATER POLLUTION

- A. Water Sources: It is unlawful and a nuisance for any person, firm or corporation to obstruct or pollute any watercourse or source of water supply in the village.
- B. Stagnant Pools Of Water: Any stagnant pool of water in the village is declared to be a nuisance. It is unlawful for any person, firm or corporation to permit any such nuisance to remain or exist on any property under his or its control. (Ord. 89-04, 4-3-1989)

4-1-8- REFUSE DISPOSAL

It is unlawful for any person, firm or corporation to deposit anywhere in the village any uncovered piles of refuse, garbage, offal or carcasses of dead animals. Any uncovered pile of refuse is declared to be a nuisance. (Ord. 89-04, 4-3-1989)

4-1-9: CEMETERIES:

It is unlawful for any person, firm or corporation to establish a cemetery or to bury any person within the village limits, or within three-fourths ($\frac{3}{4}$) of a mile thereof except in an established cemetery. (Ord. 89-04, 4-3-1989)

4-1-10: NOTIFICATION OF TREATMENT OF CERTAIN INJURIES:

A. It shall be the duty of any person, firm or corporation conducting or operating a medical facility or any physician, nurse or employee thereof, as soon as time permits giving due consideration to the treatment for any injury hereinafter specified, to notify the village police department when any person seeking treatment from the injuries specified in this section who is not accompanied by a village police officer or an officer from another police agency, when it reasonably appears the person requesting treatment has received:

1. An injury resulting from the discharge of a firearm;
2. Any injury or wound apparently inflicted by any object used as a weapon;
3. An injury sustained in the commission of or as a victim of a criminal offense;
4. Any animal or human bite;
5. Any poisoning;
6. Any injury sustained on public property;
7. Any injury in which a moving motor vehicle was involved;
8. Any injury of any cause where it is evident that death will probably ensue as a direct result thereof, or when death has resulted;
9. Any child that has suffered injury or disability from physical abuse, or neglect inflicted upon him or her or shows evidence of malnutrition, other than by accidental means.
10. Any hospital, physician, nurse, or employee thereof, shall be held harmless for their reasonable compliance with this section, and shall not be held responsible for inaccurate information being given by the patient or those accompanying the patient.
(Ord. 89-04,4-3-1989)

4-1-11- JUNK, TRASH AND REFUSE:

- A. Definitions: For the purposes of this section, "junk", "trash" and "refuse" are defined to include any and all waste matter, whether reusable or not, which is offensive to the public health, safety or to the aesthetics of the neighborhood, and are specifically intended to include, but not be limited to, old iceboxes, refrigerators and stoves. (Ord. 98-19,8-17-1998)
- B. Storage On Private Property: The storing of junk, trash and refuse on private property within the village so as to endanger the public health, safety and welfare, and in any manner not permitted by title 10, "Zoning Regulations", of this code is declared a nuisance. (Ord. 89-04, 4-3-1989)
- C. Notice Of Nuisance:
 - 1. Village Officials: Any official of the village upon observing any violation of subsection B of this section shall issue a notice in writing directed to the owner of record of the property on which said nuisance occurs, as shown in the records of the recorder of deeds of Kane County, or to the occupant of said property, or to both, which said notice shall describe the violation and shall establish a reasonable time limit for the abatement thereof by such owner or occupant which time shall be not less than two (2) days nor more than ten (10) days after service of such notice.
 - 2. Citizen's Affidavit: Any citizen of the village who observes a violation of subsection B of this section may file his affidavit setting forth in detail the violation, its location and the name of the owner and occupant of the property on which such nuisance is alleged, and may file said affidavit with the village manager, who shall assign to an official of the village the duty to investigate such charge and, if such nuisance exists, to issue a notice in writing to the owner or occupant of the property as provided in subsection C1 of this section.
- D. Service Procedure: Any official of the village shall serve the notice in writing provided for in subsection C of this section upon the owner or occupant of the property which such nuisance exists, or upon both of them, and shall upon his return make a copy of such notice, showing the time of service, the person upon whom it was served, or the manner in which it was served.
- E. Nuisance Abatement; Investigation: Immediately upon the termination of the time allowed in any such notice for the abatement of such nuisance, the official of the village who served such notice, or any other police officer or inspector who shall be assigned by the village manager shall investigate to determine whether or not such nuisance has been abated.
- F. Complaint Procedure Upon Failure To Comply With Abatement Notice: In the event the owner or occupant of the property which such nuisance exists has failed within the prescribed time to abate such nuisance, then the official of the village, who filed an affidavit with the village manager, who investigated whether such nuisance has been abated, shall file a complaint charging violation of subsection B of this section with the sixteenth judicial circuit court. (Ord. 89-04, 4-3-1989; amd. 2004 Code)

4-1-13-PENALTY:

Unless otherwise provided herein, any person violating any of the provisions of this chapter shall be fined as provided in the general penalty in section 1-4-1 of this code for each offense, and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues. (Ord. 89-04, 4-3-1989 amd. 2004 Code)

Section 3: All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 4: That this Ordinance shall be in full force and effect upon its passage and approval, as provided by law.

AYES:	Trustees Price, Yuscka, Pflanz, Wilbrandt and Kembitzky
NAYS:	None
ABSENT:	Trustee Hanley
ABSTAIN:	None

ATTEST:

Barbara Traver
Barbara Traver
Village Clerk

Christopher Nelson
Christopher Nelson
Village President

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