

## CHAPTER 9

### VILLAGE PUBLIC HEALTH CODES

#### ARTICLE I: GENERAL

##### Sec. 9-0. GENERAL - APPLICABILITY.

The provisions of this Chapter shall apply to all persons residing in or visiting the Village of Orangeville, present and future, who have any stated, implied or incurred jurisdiction, liability or responsibility regarding the implementation, enforcement, and compliance with any and all of the articles of this Chapter.

##### Sec. 9-1. GENERAL - PURPOSE.

A. The purpose of this Chapter is to establish reasonable, comprehensive, and functional public health Codes and policies for the Village regarding protective policies, fire prevention, litter, and fireworks.

B. It is intended that these Codes shall help protect and preserve the character of the Village with a consideration toward conserving the community's public health, safety, and welfare, while providing the best possible wholesome community environment.

##### Sec. 9-2. GENERAL - TERMS and DEFINITIONS.

For the purposes of this Chapter, the following definitions shall apply to the terminologies indicated whenever they are used in this Chapter, unless the context clearly indicates or requires a different meaning:

**BUSINESS PROPERTY.** The term "Business Property," when used herein, shall mean any property held out to the public for the transaction of business. This shall include, but is not limited to, commercially operated parks, campgrounds, drive-in restaurants, automobile service stations, business parking lots, car washes, shopping centers, industrial parking lots; and property held out to the public for assemblage, recreation, or as a public way.

**COMMERCIAL WASTE.** The term "Commercial Waste," when used herein, shall mean any waste whatsoever, including, but not limited to, otherwise acceptable organic yard waste which is generated by a person or entity, other than the owner of the property on which the waste is being disposed, who is conducting any for-profit services in any way related to the creation of the waste.

**LITTER.** The term "Litter," when used herein, shall mean any discarded, used, or

unconsumed substance or waste. Litter may include, but is not limited to, garbage, trash, refuse, debris, rubbish, grass clippings, or other lawn or garden waste; newspaper, magazines, glass, metal, plastic or paper containers, or other packaging, construction material, abandoned vehicle, motor vehicle parts, furniture, oil, carcass of a dead animal, any nauseous or offensive matter of any kind; any object likely to injure any person or create a traffic hazard; potentially infectious medical waste; or anything else of an unsightly or unsanitary nature, which has been discarded, abandoned, or otherwise disposed of improperly.

**MOTOR VEHICLE.** The term “Motor Vehicle,” when used herein, shall mean any motor vehicle as defined in the Illinois Motor Vehicle Code.

**ORGANIC YARD WASTE.** The term “Organic Yard Waste,” when used herein, shall mean any grass clippings, small tree branches, garden waste, leaves, or other by-products of regular lawn or garden maintenance. Said term shall specifically exclude tree limbs in excess of two (2) inches in diameter and brush plants.

**RECREATIONAL BURNING.** The term “Recreational Burning,” when used herein, shall mean the act of burning either a small amount of charcoal or wood in a either an outdoor grill, barbecue, or portable fireplace commonly known as a chiminea, which have been designed for the purpose of cooking food or provided a controlled flame.

**UNAUTHORIZED WASTE.** The term “Unauthorized Waste,” when used herein, shall mean any non-organic materials, garbage, or refuse, and tree limbs in excess of two (2) inches in diameter.

Sec. 9-3. GENERAL - SEVERABILITY.

The articles, paragraphs, sentences, clauses and phrases of this Chapter are severable, and if any phrase, clause, sentence, paragraph or section of this Chapter shall be declared unconstitutional, invalid, or unenforceable by the valid judgment or decree of a court of competent jurisdiction, such unconstitutionality, invalidity, or unenforceability shall not affect any of the remaining phrases, clauses, sentences, paragraphs, and sections of this Chapter.

Sec. 9-4 through 9-10. RESERVED.

## **ARTICLE II: PROTECTIVE POLICIES**

Sec. 9-11. POLICIES - UNWHOLESOME FOOD.

It shall be unlawful to sell or offer for sale any unwholesome or polluted food or drink of any kind in the Village.

Sec. 9-12. POLICIES - SANITARY REGULATIONS.

A. All premises used for the sale or storage of food or drink intended for human consumption shall be kept in a clean and sanitary condition. It shall be unlawful to knowingly permit any person who is afflicted with a public health contagious disease to handle any food or drink intended for human sale. Premises shall be kept free from flies and vermin of all kinds.

B. All premises used for the sale or storage of food or drink intended for human consumption are subject to the Stephenson County Health Department's health and sanitation Codes. All owners/managers/operators of such premises/facility's shall acquire and publically post a current health certificate attesting that said premises/facilities' physical structure and operational procedures are in compliance with the County's health and sanitation Codes.

Sec. 9-13. POLICIES - 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. 9-14. POLICIES - POOLS OF WATER.

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.

Sec. 9-15. POLICIES - REFUSE.

It shall be 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.

Sec. 9-16. POLICIES - BURIAL OF DEAD HUMAN BODIES.

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

Sec. 9-17. POLICIES - ACTS ENDANGERING PUBLIC HEALTH.

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

Sec. 9-18 POLICIES - UNUSED OR ABANDONED REFRIGERATORS.

It shall be unlawful to permit any unused or abandoned refrigerator, icebox or deep freeze or other freezers to remain in any place accessible to any child.

Sec. 9-19 POLICIES - DRUG-FREE ZONE.

All school property with the Village of Orangeville, together with a zone one-thousand (1,000) feet from the exterior boundaries of any school property shall be and is hereby designated as a drug-free zone. The Village Public Works Department shall erect appropriate signage on all streets leading to said schools at the one-thousand (1,000) foot perimeter of the drug-free zone in an approved design and language.

Sec. 9-20 through 9-25. RESERVED.

**ARTICLE III: FIRE PREVENTION**

Sec. 9-26. FIRE PREVENTION - FALSE ALARMS.

It shall be unlawful for any person to knowingly start or spread any false fire alarm within the Village.

Sec. 9-27. FIRE PREVENTION - 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 any refuse of any kind on any alley, street or other public place within the Village.

Sec. 9-28. FIRE PREVENTION - INSTALLATION AND MAINTENANCE OF FUEL TANKS.

It shall be unlawful to install or maintain any fuel oil, gas or liquid gas tanks within the Village unless such tank and all equipment connected therewith are installed and maintained in accordance with the rules of the State Fire Marshal or of any other state or county agency having jurisdiction thereof.

Sec. 9-29. FIRE PREVENTION - OPEN BURNING PROHIBITED.

It shall be unlawful to burn any garbage, solid waste, commercial solid waste, household waste, junk, refuse, rubbish, hazardous waste, or any combustible material of any kind anywhere within the Village, whether within or without an incinerator, burn barrel, fire pit, or any receptacle, and regardless of whether such burning is conducted on public or private property.

Sec. 9-30. FIRE PREVENTION - LEAF BURNING REGULATIONS.

Leaves and yard waste may not be burned within the Village in any type of burning apparatus or on the ground.

Sec. 9-31. FIRE PREVENTION - OUTDOOR FIREPLACES OR BARBECUE PITS.

This Chapter should not be construed as to prohibit the use of outdoor grills, fireplaces, or barbecue pits for food preparation, provided that such fire receptacles use charcoal, natural gas, LP gas or commercially available wood or wood chips as their fuel and do not create a fire hazard within the Village. Such fire receptacles shall not be used to dispose of refuse, rubbish, leaves, or other waste materials.

Sec. 9-32. FIRE PREVENTION - INDOOR FIREPLACES.

The use of an indoor or a household fireplace within the Village is permitted. Care should be taken to ensure proper ventilation during use. If woods containing creosote are burnt, a plan for cleaning and maintenance of the chimney should be followed. Waste materials and rubbish shall not be disposed of in a household fireplace. Woods coated with or containing harmful chemicals shall not be used as fuel. An active fireplace shall have a protective spark or live coal screen or shield in place properly during use. A fireplace containing an active fire shall not be left unattended.

Sec. 9-33. FIRE PREVENTION - COMMERCIAL WOOD BURNERS.

A. The use of outside commercial wood burners designed and intended to provide heat to a structure, building or home is prohibited within the Village.

B. Grandfathered commercial wood burner units within the Village shall be restricted to burning hard woods only. The burning of any other combustible materials in such a unit is prohibited. The use of any fuels that produce excessive smoke and/or offensive odors greater than that produced by a typical home fireplace, when in normal use, shall also be prohibited.

C. Chimneys for grandfathered wood burners within the Village shall be at least as tall as the average height of home fireplace chimneys within the Village. This will help facilitate the dispersal of smoke and other combustion by-products that may cause annoyance, discomfort, or health issues to Village residents at ground level.

D. If the Village Board receives three or more complaints during any one wood burning season regarding excessive smoke, offensive odors, and/or documented health issues, or any combination of complaints thereof, resulting from the operation of a commercial wood burning device, the Village Board shall have an air quality control evaluation performed to determine if the: **(1)** operation of the suspected wood burner is the source of the purported

air quality control problem; **(2)** discharged smoke and other combustion by-products are within the safe limits of air quality as defined by the IEPA; and **(3)** discontinued operation of said suspected source of air pollution will rectify the problem.

E. If the IEPA air quality control report indicates that the investigated source of the air pollution problem is in fact the source, and if the discharged smoke and other combustion by-products exceed the IEPA's safe limits and standards, then the owner of such wood burning device shall be ordered to cease operations immediately. From that time on the stipulations of Subsection "A" above will be applicable.

Sec. 9-34. FIRE PREVENTION - CONSTRUCTION WASTE.

It shall be unlawful during the construction, renovation, or demolition of buildings or other structures to dispose of waste materials or rubbish by burning on or about the premises within the Village, except by means of a variance granted by the Orangeville Fire Protection District and which is consistent with the provisions of state law.

Sec. 9-35. FIRE PREVENTION - DENSE SMOKE.

It shall be unlawful to cause or permit the emission of dense smoke from any fire, chimney, engine, oil burner or any other device within the Village that may cause annoyance or discomfort to the residents thereof.

Sec. 9-36. FIRE PREVENTION - RECREATIONAL BURNING.

Recreational burning is permitted within the Village limits. Said type of activity shall be confined to the following devices and conducted:

A. An above-ground container no larger than forty-two-inches in (42") diameter, nor more than forty-eight-inches (48") in height, and located eight-foot (8') or more from any structure.

B. An on or below ground container (fire pit) no larger than forty-two-inches (42") in diameter, nor deeper than thirty-six-inches (36"), and located twenty-five-feet (25') or more from any structure.

C. Only dry hardwoods or charcoal may be burnt for recreational purposes, and all recreational fires shall be continually attended until such fire is extinguished. A minimum of one portable fire extinguisher with a 4-A rating or a functional water hose shall be available for immediate use at the burn site.

Sec. 9-37. FIRE PREVENTION - VARIANCES.

A. Any person, firm or corporation may apply to the Orangeville Fire Protection District for

a variance from the provisions of this Chapter where the literal enforcement of its provisions would result in exceptional difficulty or unusual hardship. The Orangeville Fire Protection District at its own discretion is hereby authorized to grant a variance to any proper applicant, provided that the issuance of such a variance is not in violation of the provisions of the Illinois Environmental Protection Act or any regulations promulgated by the Illinois Pollution Control Board.

B. All such variances shall be reported to the Committee Chairperson responsible for oversight of this Chapter and Article.

Sec. 9-38 through 9-40. RESERVED.

#### **ARTICLE IV: LITTER**

Sec. 9-41. LITTER - DUMPING OR DEPOSITING PROHIBITED; EXEMPTIONS.

No person shall dump, deposit, drop, throw, discard, leave, cause, or permit the dumping, depositing, dropping, throwing, discarding, or leaving of litter upon any public or private property in this Village, or upon or into any river, lake, pond, or other stream or body of water in this Village unless:

A. The property has been designated by the Village or any of its agencies for the disposal of litter, and the litter is disposed of on that property in accordance with the applicable rules and regulations of the state Pollution Control Board;

B. The litter is placed into a receptacle or other container intended by the owner or tenant in lawful possession of that property for the deposit of litter;

C. The person is the owner or tenant in lawful possession of the property or has first obtained the consent of the owner or tenant in lawful possession, or unless the act is done under the personal direction of the owner or tenant and does not create a public health or safety hazard, a public nuisance, or a fire hazard;

D. The person is acting under the direction of proper public officials during special cleanup days; and/or

E. The person is lawfully acting in or reacting to an emergency situation where health and safety is threatened, and removes and properly disposes of any litter, including, but not limited to, potentially infectious medical waste when the emergency situation no longer exists.

Sec. 9-42. LITTER - ACCUMULATION PROHIBITED.

No person shall allow litter to accumulate upon real property, of which the person charged

is the owner or tenant in control, in such a manner as to constitute a public nuisance or in such a manner that the litter may be blown or otherwise carried by the natural elements on to the real property of another person.

Sec. 9-43. LITTER - RECEPTACLES REQUIRED IN PUBLIC AREAS.

A. In order to assist the public in complying with this Chapter, the owner or person in control of any property which is held out to the public as a place for assemblage, the transaction of business, recreation, or as a public way shall cause to be placed and maintained receptacles for the deposit of litter of sufficient volume and in sufficient numbers to meet the needs of the numbers of people customarily coming on or using the property.

B. If no litter receptacles are placed on property described in this Section, the owner or person in control of the property shall be fined for violating this Section. If the owner or person in control of the property has placed litter receptacles on his property but the number or size of the receptacles has proved inadequate to meet the needs of the numbers of people coming on or using his property as indicated by the condition and appearance of that property, and the owner or person in control has failed to provide sufficient or adequate receptacles within ten (10) days after being made aware of that fact by written notice from the police, he shall be fined for each receptacle not so provided and maintained.

Sec. 9-44 through 9-50. RESERVED.

**ARTICLE V: FIREWORKS**

Sec. 9-51. FIREWORKS - USE AND PERMITTING.

A. It shall be unlawful for any person, firm, or organization to sell, display, or offer for sale, store, discharge or cause to be discharged any fireworks or pyrotechnics in the Village with the exception of "B" below.

B. Public exhibitions of fireworks and pyrotechnics within the Village may be given only pursuant to resolution adopted by the President and Board of Trustees, and according to such terms and conditions as determined by the President and Board of Trustees. Only State-licensed organizations shall be permitted to provide a public exhibition of fireworks or pyrotechnics within the Village. All State rules and guidelines for the safe use and discharge of fireworks shall be complied with when a public exhibition of fireworks is conducted within the Village.

C. Village permits for public display of fireworks/pyrotechnics shall be issued in accordance with the provisions of Chapter 4, Article II.

D. Organizations permitted to provide a public fireworks/pyrotechnics display in the Village shall coordinate their efforts and production with the Orangeville Fire District.

Sec. 9-52 through Sec. 9-98. RESERVED.

### **ARTICLE VII: PENALTIES**

Sec. 9-99. PENALTY - AS INDICATED BY ARTICLE.

A. All penalties addressed by this article are applicable only upon conviction of the referenced violation in the appropriate legal forum. Upon conviction, the Village shall also be entitled to reasonable fees and costs for its part in the adjudication.

B. Whenever in this Chapter or in any Section of this Chapter an act is prohibited or is made or declared to be unlawful or a misdemeanor or a violation of this Chapter, or whenever in such statute the doing of any act is required or the failure to do any act is declared to be unlawful or a misdemeanor or a violation therefor, the violation of any such provision of this Chapter or any statute herein shall be punishable by a fine of not less than ten-dollars (\$10.00), nor more than seven-hundred, fifty-dollars (\$750.00). Each day any violation of any provision of the Chapter or any statute of the Chapter continues, consecutive or not, shall constitute a separate offense. Regardless of the number of total days of violation, any fine shall not exceed three-thousand-dollars (\$3,000.00).