

## **TITLE 4: SAFETY**

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## TITLE 4 SAFETY

### CHAPTER 1 GARBAGE, WEEDS AND DEBRIS

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#### SECTION 4-1-1 EXCLUSIVE METHOD FOR THE DISPOSITION OF GARBAGE, REFUSE, AND ASHES TO BE ALLOWED WITHIN THE CITY OF WEST PEORIA

The City of West Peoria hereby provides that the exclusive method for the disposition of garbage, refuse, and ashes to be allowed within the City of West Peoria shall be through the services of Waste Management of Illinois, Inc. The terms and conditions of such exclusive method for the disposition of garbage, refuse and ashes shall be as stated in the contract for the collection, transportation and disposal of residential waste by and between the City of West Peoria and Waste Management of Illinois, Inc., a copy of said contract being on file at the West Peoria City Hall. (Ord. 2002-15)

#### SECTION 4-1-2 DEFINITIONS

The following phrases, terms, and words shall have the meaning ascribed to them in this Section, except where the context clearly indicates a different meaning:

**Approved Container:** shall mean as follows:

##### A. For Household Waste:

1. **Bundle:** An accumulation of securely tied (if appropriate) Household Waste not exceeding four (4) feet in length nor fifty (50) pounds in weight.
2. **Can:** A durable and reusable metal or plastic container, commonly referred to as a “garbage can”, that has a capacity of not less than four (4) gallons, not more than thirty-two (32) gallons and a weight of not more than fifty (50) pounds and that is animal proof, watertight, and equipped with handles so that it may be lifted by one (1) person and a tight-fitting cover or lid.
3. **Dumpster:** a metal container, commonly referred to as a “dumpster”, that has a volume of one (1) cubic yard or more and that is animal proof, watertight, equipped with an attached and tight-fitting cover or lid, designed for handling by mechanical means, and compatible with the equipment of the Contractor engaged by the City to provide Residential Waste collection, transportation, and disposal services.
4. **Toter:** A wheeled cart, commonly referred to as a “toter”, that has a capacity of ninety-six (96) gallons or sixty-four (64) gallons and that is animal proof, watertight, equipped with an attached and tight fitting cover or lid, and compatible with the equipment of the Contractor engaged by the City to provide Residential Waste collection, transportation, and disposal services. (Ord. 2012-21)

B. For Landscape Waste:

1. A two (2) ply, fifty (50) pound wet strength, self-opening, flat-bottom, compostable paper bag for the collection of Landscape Waste with a capacity of not more than thirty-two (32) gallons.
2. A bundle not exceeding four (4) feet in length nor fifty (50) pounds in weight of limbs, branches, and/or brush not exceeding six (6) inches in diameter securely tied using biodegradable cord, rope, string, or twine;

C. For Recyclable Waste:

1. An approved, durable, reusable, hard-walled plastic bin or container with a capacity of not more than eighteen (18) gallons designed and intended solely for the containment of Recyclable Waste.
2. A bundle not exceeding four (4) feet in length nor fifty (50) pounds in weight of broken down-corrugated cardboard securely tied using biodegradable cord, rope, string, or twine.

(Ord. 1996-14)

**Ashes:** shall mean the residue from fires used for cooking and for heating buildings.

**Bulky Waste:** shall mean any item otherwise defined as Household Waste but whose weight is greater than fifty (50) pounds or whose shape and/or size is such that it cannot be readily lifted by one (1) adult.

**Dwelling Unit:** shall mean a living space designed and intended to accommodate a single family.

**Garbage and debris:** shall mean the following:

- A. Wastes resulting from the handling, preparation, cooking and consumption of food; wastes from the handling, storage and sale of produce.
- B. Ashes, Litter, Refuse, or Residential Waste, as defined herein.
- C. Dirt, animal feces or any other offensive or nauseous substance, discarded newspaper, paper products, food, wood, discarded items, any motor vehicle parts, and any type of debris or refuse, unless necessary for the operation of a business enterprise lawfully conducted.
- D. Garbage and debris shall not include wood, which is appropriately stacked and stored for use as fuel.

**Household Construction and Demolition Waste:** shall mean waste materials resulting from the construction, exterior and interior rehabilitation, remodeling, and repair; and, demolition of Dwelling Units.

**Household Waste:** shall mean any and all accumulations of waste material resulting from the operation of a Dwelling Unit.

**Landscape Waste:** (also known as “Yard Waste”) shall mean all accumulations of grass or shrubbery cuttings, leaves, tree limbs, and other materials accumulated as the result of the care of lawns, shrubbery, vines, and trees, but shall not include sod.

**Litter:** shall mean any discarded, used, or unconsumed substance or waste. “Litter” may include, but is not limited to any 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 (as defined in Section 4-100 of the Illinois Vehicle Code), motor vehicle parts, furniture, oil, carcass of a dead animal, nauseous or offensive matter of any kind, any object likely to injure any person or create a traffic hazard, potentially infectious medical waste as defined in Section 3.84 of the Environmental Protection Act, or anything else of an unsightly or unsanitary nature, which has been discarded, abandoned, or otherwise disposed of improperly.

**Person:** shall mean the owner, lessee, or occupant of any premises, including any association, company, co-partnership, corporation, estate, firm, individual, joint stock company, organization, partnership, trust, or any other legal entity, or their legal representative, agent, or assigns.

**Premises:** shall mean any real property owned, leased, or occupied by any person, including any applicable yard or common area.

**Properly contained:** shall mean contained in Approved Container.

**Property owner:** shall mean any person, including any association, company, co-partnership, corporation, estate, firm, individual, joint stock company, organization, partnership, trust, or any other legal entity, who alone, jointly, or severally with others has a legal or equitable interest in a property, except those with merely a leasehold interest.

**Public place or Public way:** shall mean any and all alleys, boulevards, public buildings, public grounds, sidewalks, and streets.

**Public right-of-way:** shall mean any and all public property dedicated for a public purpose, such as vehicular traffic.

**Recyclable Waste:** shall mean the following:

- A. Corrugated cardboard
- B. Clear and colored glass bottles/containers.
- C. Aluminum, bi-metal, steel, and tin cans.
- D. Newspapers.
- E. All high-density polyethylene (H.D.P.E.), low-density polyethylene (L.D.P.E.), and polyethylene terephthalate (P.E.T.) plastics.
- F. Any other items that the City and the Contractor engaged by the City to provide Residential Waste collection, transportation, and disposal services may agree to recycle in the future.

**Refuse:** shall mean combustible trash, including, but not limited to, paper, cartons, boxes, barrels, wood, excelsior, tree branches, yard trimmings, wood furniture, bedding; noncombustible trash, including, but not limited to, metals, tin cans, metal furniture, dirt, small quantities of rock and pieces of concrete, glass, crockery, other mineral waste; street rubbish, including, but not limited to, street sweepings, dirt, leaves, catch-basin dirt, contents of litter receptacles, but refuse does not mean earth and wastes from building operations, nor shall it include solid wastes resulting from industrial processes and manufacturing operations such as food processing wastes, boiler-house cinders, lumber, scraps and shavings.

**Residential Unit:** shall mean a residential building with four (4) or fewer Dwelling Units.

**Residential Waste:** shall mean Bulky Waste, Household Construction and Demolition Waste, Household Waste, Landscape Waste, Recyclable Waste, and White Goods, however, to the extent State law does not require the aforesaid requisite exclusive method for any of these categories, the exclusive method shall be optional.

**Tenant:** shall mean a person with a leasehold interest in a Dwelling Unit or a Residential Unit.

**Vegetation:** shall mean any plant life.

**Weeds:** shall mean all noxious vegetation and all grasses, annual plants, and other vegetation which exceed a height or length of **(9) inches**; provided, however, this term shall not include bushes, cultivated flowers, cultivated gardens, ornamental plants, shrubs, trees, or vegetables. (Ord. 2005-06)

**White Goods:** shall mean white goods as defined in the Illinois Environmental Protection Act, 415 ILCS 5/1 et seq; as amended, or in rules promulgated thereunder. (Ord. 1996-14)

- A. All Garbage and Debris accumulated, buried, deposited, dumped, placed, stored, swept, or thrown in any structure or upon any private or public real property, improved or vacant, or upon any public place, public right-of-way, except as provided herein, is hereby declared to constitute a public nuisance.
- B. All Garbage and Debris, not including Landscape Waste, burned in any structure or upon any private or public real property, improved or vacant, or upon any public place, public right-of-way, or public way, except as provided herein, is hereby declared to constitute a public nuisance.

(Ord. 1996-14)

#### SECTION 4-1-4 REGULATION OF GARBAGE, WEEDS AND DEBRIS GENERALLY

- A. No person shall cause or permit the accumulation, burying, depositing, dumping, placement, storage, or throwing of any Garbage and Debris in any structure or upon any private or public real property, improved or vacant, or upon any public place, public right-of-way, or public way within the City, except as otherwise permitted by this Title.
- B. No person shall cause or permit the burning of any Garbage or Debris, not including Landscape waste, in any structure or upon any private or public real property; improved or vacant, or upon any public place, public right-of-way, or public way within the City.
- C. Every property owner shall have the Household Waste removed from their premises by the Contractor engaged by the City to provide Residential Waste collection, transportation, and disposal services at least once weekly
- D. Every person shall keep their premises and the sidewalk and any public right-of-way bordering their premises free and clean from Garbage and Debris at all times.
- E. No person, except the Contractor engaged by the City to provide Residential Waste collection, transportation, and disposal services, shall remove any Recyclable Waste placed for collection upon any private or public real property or upon any public place, public right-of-way, or public way.

(Ord. 1996-14)

#### SECTION 4-1-5 REGULATION OF CONTAINERS FOR GARBAGE, WEEDS AND DEBRIS

- A. Every person shall cause all Household Waste, Landscape Waste, and Recyclable Waste accumulated and produced in or on the premises to be placed in an Approved Container as soon as practicable after such Household Waste, Landscape Waste, or Recyclable Waste is produced.
- B. Every person shall ensure that their Approved Containers are tightly sealed at all times, except when adding to or emptying the contents therein and during the period of time containers are allowed to be placed out for pickup, so that no Garbage and Debris protrudes from any container at any time and that their containers are maintained in good order and repair at all times.
- C. Every property owner shall provide Approved Containers of a sufficient number and capacity to accommodate and contain all Garbage and Debris accumulated and produced in or on the premises.
- D. All Approved Containers shall be stored in a garage or other suitable structure or alongside such structure, provided that the containers are placed inside the boundaries of the property at all times, except as otherwise provided herein, and so as not to cause a nuisance to adjacent residents.
- E. Every person subscribing to any curbside collection service shall be responsible for placing Approved Containers for Garbage and Debris for collection, Approved Containers for Garbage and Debris shall not be placed in the public right-of-way prior to 6:00 PM of the day before the scheduled pickup day and shall be removed from the public right-of-way prior to 10:00 PM of the scheduled pickup day.

(Ord. 1996-14, 2012-21)

#### SECTION 4-1-6 DECLARATION OF WEEDS AS A NUISANCE

All weeds and grass in excess of **nine (9) inches** in height are hereby declared to constitute a public nuisance. (Ord. 1996-14,2005-06)

#### SECTION 4-1-7 REGULATION OF VEGETATION

- A. No person shall cause or permit weeds to grow or remain upon their premises, including all parkways, sidewalks, and waterways found thereon. When a parcel or public right-of-way, because of dangerously steep gradient or for other similar reasons, has growth in a natural state and has not been previously graded, improved, or otherwise maintained, enforcement of the height requirement shall be waived, unless noxious growths which adversely affect health or obstruction to traffic safety are present.
- B. No person shall cause or permit the encroachment of vegetation to encumber any public place, public right-of-way, or public way. (Ord. 1996-14)

#### SECTION 4-1-8 ENFORCEMENT

It shall be the duty of the Code Enforcement Officer to enforce the provisions of this Title. (Ord. 1996-14)

#### SECTION 4-1-9 DETERMINATION OF VIOLATION

The Code Enforcement Officer, the Mayor, or the City Council by a majority vote of the members present are hereby authorized to make a determination of whether or not a violation of this Title exists. (Ord. 1996-14)

#### SECTION 4-1-10 NOTICE OF VIOLATION

When it has been determined that a violation of this Title exists, the Code Enforcement Officer or the City Attorney shall send written notice by certified mail with a return receipt requested commanding compliance within five (5) days from the date of the mailing of the notice of violation to the property owner and any tenant, if applicable, found to be in violation of this Title. (Ord. 1996-14)

#### SECTION 4-1-11 REMOVAL OF VIOLATION

After five (5) days from the date of the mailing of the notice of violation, if the property owner(s) refuse(s) or neglect(s) to comply with the provisions of this Title, the City may provide for the removal of garbage and debris or the cutting of the weeds and collect from the owner(s) the reasonable cost thereof, including attorneys' fees and court costs. The cost is a lien upon the real estate affected superior to all subsequent liens and encumbrances, except tax liens. The City shall have the right to file a notice of lien in the County Recorder's Office and place a lien on the property involved for all costs and expenses incurred, including attorney's fees and court costs. After the cutting of said Weeds, but before the filing of the Notice of Lien, the Code Enforcement Officer or the City Attorney shall send a Notice by Certified Mail to the person who was sent the tax bill for the general taxes on the property for the last preceding tax year describing state law on the subject and this Title in identifying the property by common description and the location of the weeds to be cut. (Ord. 1996-14, 2013-08)

#### SECTION 4-1-12 PENALTY FOR VIOLATION

- A. Every person convicted of a violation of any of the provisions of this Title shall be punished by a fine of not less than fifty dollars (\$50.00) nor more than five hundred dollars (\$500.00) for each

offense, plus attorneys' fees and court costs. Each day such a violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such hereunder.

- B. Every person convicted of three (3) or more violations of any of the provisions of this Title within a twelve (12) month period of time shall be punishable by a fine of not less than two hundred fifty dollars (\$250.00) nor more than five hundred dollars (\$500.00), plus attorneys' fees and courts costs.

(Ord. 1996-14)

## TITLE 4 SAFETY

### CHAPTER 2 INOPERABLE MOTOR VEHICLES

- 4-2-1 Definitions
- 4-2-2 Declaration of Nuisance
- 4-2-3 Abandonment of Vehicles
- 4-2-4 Inoperable Motor Vehicles
- 4-2-5 Removal of Inoperable Motor Vehicles
- 4-2-6 Impounding
- 4-2-7 Penalties for Violations and Towing

#### SECTION 4-2-1 DEFINITIONS

**Person:** shall mean any person, firm, partnership, association, corporation, company, or organization of any kind.

**Vehicle:** shall mean a machine propelled by power designed to travel along the ground by use of wheels, treads, runners, or slides, and transport persons or property or pull machinery and shall include, without limitation, automobile, truck, trailer, motorcycle, tractor, buggy, and wagon.

**Street or highway:** shall mean the entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel.

**Property:** shall mean any real property within the Village which is not a street or highway.

**Inoperable motor vehicle:** shall mean any motor vehicle from which, for a period of at least seven (7) days, any part including but not limited to the engine wheels, or frame have been removed, altered, damaged, or otherwise so treated that the vehicle is incapable of being driven under its own motor power. It shall also include any vehicle that is unlicensed or has been under repair for a period of seven (7) days.

**Inoperable motor vehicle:** shall not include a motor vehicle which has been rendered temporarily incapable of being driven under its own power in order to perform ordinary service or repair operations nor to any motor vehicles that are kept within a building when not in use, to historic vehicles over twenty-five (25) years age, which are licensed pursuant to Section 3-804 of the Illinois Vehicle Code (625 ILCS 5/3-804).

**Abandoned Vehicle:** shall mean any vehicle which is left at any place for such time and under such circumstances as to cause such vehicle reasonably to appear to have been abandoned.

#### SECTION 4-2-2 DECLARATION OF NUISANCE

It is hereby declared a menace to the public safety and welfare and a public nuisance for any person to cause, permit, or allow to remain in the open in view of the general public or on any City street or any publicly or privately-owned premises or land any abandoned vehicle or any inoperable motor vehicle.

#### SECTION 4-2-3 ABANDONMENT OF VEHICLES

It shall be unlawful for any person to leave an abandoned vehicle anywhere within the City for such time and under such circumstances as to cause such vehicle reasonably to appear to have been abandoned.



#### SECTION 4-2-4 INOPERABLE MOTOR VEHICLES

It shall be unlawful for any person to permit or allow any damaged or inoperable motor vehicle to be stored or parked in the open and in the view of the general public upon the owner's property within the City. It shall also be unlawful for any owner of any damaged or inoperable motor vehicle to permit or allow said motor vehicle to be stored or parked in the open anywhere within the City, including all streets, highways and other public ways.

#### SECTION 4-2-5 REMOVAL OF INOPERABLE MOTOR VEHICLES

All persons found to be in violation of this Section are required to dispose of any abandoned or inoperable motor vehicles under their control or on their property within seven (7) days upon written notice received from the City Council commanding such disposition of said vehicles.

#### SECTION 4-2-6 IMPOUNDING

The corporate authorities are hereby authorized to remove or have removed any vehicle left at any place within the City which reasonably appears to be in violation of this Section or which reasonably appears to be lost, stolen or unclaimed, or which is an inoperable motor vehicle as defined herein. Such vehicle shall be impounded until lawfully claimed or disposed of in accordance with applicable law. Such vehicles shall be impounded as follows: Inoperable motor vehicles may be removed by a towing service authorized by the City Council seven (7) days after issuance of municipal notice to the owner of the vehicle and the owner of the property. If the owner of the vehicle cannot be determined, notice shall be given in the form of a sticker placed on the vehicle. The notice provided for shall include the right to a hearing and shall be substantially as follows:

##### Notice of Inoperable Motor Vehicle

Description of vehicle \_\_\_\_\_

Location of vehicle \_\_\_\_\_

You are hereby notified that the City of West Peoria has determined that the above-described motor vehicle is an inoperable vehicle in violation of Section \_\_\_\_\_. You have seven (7) days from the date of this Notice to remove the vehicle or it shall be subject to towing. You may also be subject to a fine.

If you so desire, you are entitled to a hearing on this matter before the West Peoria City Council. Your written request for a hearing must be delivered to the City Clerk prior to seven (7) days from the date of this Notice.

By Order of the Mayor of the City of West Peoria

#### SECTION 4-2-7 PENALTIES FOR VIOLATIONS AND TOWING

- A. Every person violating any of the provisions of this Section shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in an amount not less than Fifty Dollars (\$50.00) and not more than Five Hundred Dollars (\$500.00), plus attorneys' fees and Court costs and also towing and storage fees. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such hereunder.
- B. Abandoned vehicles may be removed by a towing service authorized by the City Council as follows:
  1. When an abandoned vehicle may be removed by a towing service authorized by the City Council as follows:

2. An abandoned vehicle on private property may be removed after seven (7) days' notice as provided above in Section 6 or, if a hearing is requested, seven (7) days after the hearing if the City Council determines the vehicle is abandoned or inoperable. (Ord. 1994-03)

## **TITLE 4     SAFETY**

### **CHAPTER 3            UNSAFE, DANGEROUS AND ABANDONED BUILDINGS**

- 4-3-1    Dangerous Buildings Generally
- 4-3-2    Definition of Unsafe, Dangerous, or Abandoned Buildings
- 4-3-3    Enforcements Powers
- 4-3-4    Notice of Unsafe Condition of Buildings
- 4-3-5    Lis Pendens
- 4-3-6    Placarding of Building or Structure
- 4-3-7    Demolition Lien; Personal Judgment
- 4-3-8    Nuisance Structures
- 4-3-9    Sanitation
- 4-3-10   Maintenance
- 4-3-11   Basic Equipment and Facilities

#### **SECTION 4-3-1            DANGEROUS BUILDINGS GENERALLY**

It shall be unlawful for an owner or agent thereof to keep or maintain any building or structure or part thereof in any unsafe, abandoned, or dangerous condition. The word “building” as used in this article, shall describe any walled or roofed structure including mobile homes, commercial establishments, dwellings, and any accessory structures. (Ord. 1994-13)

#### **SECTION 4-3-2            DEFINITIONS OF UNSAFE, DANGEROUS, OR ABANDONED BUILDINGS**

For the purpose of this article, any building or structure which has any of the following defects or is in any of the conditions hereinafter described shall be deemed a “dangerous building” and any conditions hereinafter described shall be deemed unsafe:

- A. Whenever any door, aisle, passageway, stairway, or other means of exit is not of sufficient width or size or is not so arranged as to provide safe and adequate means of exit in case of fire or panic for all persons housed or assembled therein who would be required to or might use such door, aisle, passageway, stairway or other means of exit.
- B. Whenever any portion thereof has been damaged by wind, flood, fire, or by any other cause in such a manner that the structural strength or stability thereof is appreciably less than it was before the catastrophe and is less than the minimum requirements of this article.
- C. Whenever any portion or member or appurtenance thereof is likely to fail or to become detached or dislodged or to collapse and thereby injure persons or damage property.
- D. Whenever any portion thereof settled to such an extent that walls or other structural portions have materially less resistance to winds that is required in the case of new construction.
- E. Whenever any building or structure or any part thereof, because of dilapidation, deterioration, decay, faulty construction, or because of the removal or movement of some portion of the ground necessary for the purpose of supporting such building or portion thereof, or for other reason, is likely to partially or completely collapse; or some portion of the foundation or underpinning is likely to fall or give away.
- F. Whenever, for any reason whatsoever, the building or structure or any portion thereof is manifestly unsafe for the purpose for which it is used.

- G. Whenever the building or structure has been so damaged by fire, wind or flood, or has become so dilapidated or deteriorated as to become an attractive nuisance to children who might play in or about the building structure to their danger.
- H. Whenever the building or structure has been so damaged by fire, wind or flood, or has become so dilapidated or deteriorated as to afford a harbor for trespassers, or as to enable persons to resort thereto for the purpose of committing a nuisance or unlawful acts.
- I. Whenever a building or structure used or intended to be used for dwelling purposes because of dilapidation, decay, damage, or faulty construction or arrangement is unsanitary or unfit for human habitation and is likely to work injury to the health, safety, or general welfare of those living within.
- J. Whenever a building or structure is infested with rodents, insects, pests, or other vermin; or is likely to cause sickness or disease when so determined by the health inspector of the Peoria County Health Department.
- K. Whenever any building shall become vacant, dilapidated, or open at door or window, leaving the interior of the building exposed to the elements or accessible to entrance by trespassers.
- L. Whenever any unoccupied building or structure is deemed a nuisance and the structure or building has been secured by the owner or his agents by covering up the windows and exits with lumber or materials other than glazing materials for a period of thirty (30) days or more, thereby causing a blighting influence on a neighborhood. (Ord. 1994-13)

#### SECTION 4-3-3 ENFORCEMENT POWERS

- A. The Corporate Authorities shall have full power to pass any question arising under the provisions of this Article, subject to the conditions, modifications, and limitations contained in this chapter.
- B. The Corporate Authorities are hereby authorized to demolish or repair or cause the demolition or repair of dangerous buildings or uncompleted buildings or abandoned buildings within the territorial limits of the City.
- C. The Corporate Authorities are further authorized, when removing or causing the demolition of a dangerous building, uncompleted building or abandoned building from a lot, to remove all private sidewalks, fences, concrete foundations and driveways located on the lot with such building. (Ord. 1994-13)

#### SECTION 4-3-4 NOTICE OF UNSAFE CONDITION OF BUILDINGS; MEANS OF SERVICE

- A. When a building or structure within the City is found to be a “dangerous building” or contains an unsafe condition, the Corporate Authorities shall issue and mail a notice thereof upon all owners of record or persons having an interest therein as shown by documents recorded in the office of the County Recorder of Deeds and upon the persons in apparent possession of the premises.
- B. The notice shall briefly and concisely specify the conditions and factors of the building or structure which render it dangerous and unsafe. The notice shall further specify that the owners make the building safe (by complete elimination of any unsafe conditions) or commence demolition at owner’s costs within fifteen (15) days of such notice. The notice shall further specify that:
  - 1. Repairs or demolition shall commence no later than fifteen (15) days of such notice, and
  - 2. A date for completion of demolition or repairs.
 The date for completion shall be reasonably set in light of the nature of the building, weather conditions, and other related factors. The fifteen (15) day time period shall commence upon receipt of the notice.

- C. The notice authorized by this section shall be served by either personal service or by certified mail with return receipt.
- D. When, upon diligent search, the identity or whereabouts of the owner or owners of any such building, including the lien-holders of record is not ascertainable, notice mailed to the person or persons in whose name such real estate was last assessed for general real estate taxes is sufficient notice under this section.
- E. In the event the owner fails to comply with any time period set forth in the notice, the City Attorney is authorized to commence a civil action in the Circuit Court of the County seeking a court order authorizing demolition or repair of the building or structure subject to the notice provided by this section and to create the lien described in Section 6. It shall not be a defense to this cause of action that the building is boarded up or otherwise enclosed. It further shall not be a defense that the building is put in a safe condition during the pendency of the civil action. (Ord. 1994-13)

#### SECTION 4-3-5 LIS PENDENS

Upon the commencement of the civil action set forth in Section 3, a lis pendens designating the property upon which the subject building is located shall be filed with the Recorder of Deeds. Failure to file or the improper filing of the lis pendens does not, however, effect the civil action for demolition. Any person obtaining or recording in such office an interest in the property after such filing may become party to the civil action only if he intervenes by order of the Court. (Ord. 1994-13)

#### SECTION 4-3-6 PLACARDING OF BUILDING OR STRUCTURE

- A. Whenever any dwelling or building has been designated a dangerous building or contains unsafe conditions, the Corporate Authorities shall placard the building indicating that the condition is dangerous and unsafe. It shall be unlawful for any person to rent, to cause to rent, to occupy or allow another to occupy any premises, knowing that such premises has been designated a dangerous building.
- B. It shall be unlawful for any person to remove, cause to remove or cover up in any way any placard designating a building or structure a “dangerous building.” A violation of this section shall be punishable by a fine not less than one hundred dollars (\$100.00) and not more than five hundred dollars (\$500.00).

(Ord. 1994-13)

#### SECTION 4-3-7 DEMOLITION LIEN; PERSONAL JUDGMENT

- A. The cost of demolition or repair incurred by the City, including court costs, attorney’s fees, and other costs related to the enforcement of this article is recoverable from the owner or owners of the real estate and is a lien thereon, which lien shall be superior to all prior existing liens and encumbrances, except taxes; provided, however, that within sixty (60) days after completion of the demolition or repair, the City Attorney shall file a notice of lien for the cost and expense incurred by the City, in the office of the Recorder of Deeds of the County. Upon payment of such cost of demolition by the owner or any person who has an interest in the property, the lien shall be released by the City Attorney. The City shall have the right, but not the duty, to waive such lien where the cost of demolition is an extreme financial hardship to the owner and where demolition is agreed to by the owner.
- B. The lien may be enforced by proceedings to foreclose as in case of mortgages or mechanics liens. Suit to foreclose this lien shall be commenced by the corporation counsel within three (3) years after the date of filing of Notice of Lien.

- C. If payment of the City's cost of demolition is not paid to the City within fifteen (15) days of the filing of the Notice of Lien, the City Attorney may commence proceedings in the Circuit Court seeking a personal judgment from the owner of the subject property at the time the complaint for demolition was filed with the Circuit Clerk in the amount of such costs. The action authorized by this subsection shall be in addition to, and without waiver of, any other remedies.

(Ord. 1994-13)

#### SECTION 4-3-8 NUISANCE STRUCTURES

- A. Any unsafe, dilapidated, or abandoned building, house, barn, or other structure situated within the limits of the City is, and the same is hereby declared to be, a nuisance.
- B. The penalty for maintaining a nuisance shall be a fine not to exceed five hundred dollars (\$500.00) for each offense, and each and every day that such nuisance remains unabated shall constitute a new and separate offense.

(Ord. 1994-13)

#### SECTION 4-3-9 SANITATION

No dwelling or dwelling unit not in compliance with any subsection of this Section will be considered safe and may be construed, ipso facto, to be unsafe and/or dangerous to human habitation

- A. No owner or other person shall occupy or let to another person any dwelling unit unless it and the premises are clean, sanitary, fit for human occupancy, and comply with all applicable legal requirements of the state, county, and this Title.
- B. Every owner of a dwelling unit containing two (2) or more dwelling units shall maintain in a clean and sanitary condition the shared or public areas of the dwelling and premises thereof.
- C. Every occupant of a dwelling or dwelling unit shall maintain in a clean and sanitary condition that part or those parts of the dwelling, dwelling unit and premises thereof that he occupies and controls.
- D. Every occupant of a dwelling or dwelling unit shall store and dispose of all his rubbish, garbage, and any other organic waste in a clean, sanitary, and safe manner consistent with City Title 96-14 and subsequent additions and amendments to same.
- E. Every owner and occupant, with equal liability, of a dwelling shall provide facilities appropriate for the implementation of item 10-A-4.
- F. Every occupant of a single dwelling or the occupant of a dwelling unit shall be responsible for extermination of rats and/or insects infesting said unit and premises. The owner of a multi-dwelling unit shall be responsible for such in common and public areas of a multiple unit dwelling and, if multiple units are infested simultaneously, all units infested. No occupant or owner of any dwelling unit shall store, place, or allow to accumulate any materials that may serve as food for rats in a site accessible to rats.
- G. No owner or occupant of a dwelling unit shall accumulate, or allow to accumulate rubbish, boxes, lumber, scrap metal, or any other materials in such a manner that may provide a rat harborage in or about any dwelling unit. Stored materials, including firewood, shall be stacked neatly in piles elevated at least eighteen (18) inches above the ground or floor.

(Ord. 2000-05)

#### SECTION 4-3-10 MAINTENANCE

- A. The owner of a dwelling or dwelling unit shall be responsible for providing and hanging all screens and double or storm doors and windows whenever the same are required under the provisions of this Title. The maintenance of such shall become the responsibility of the occupant unless agreed to in writing by the owner and occupant.

- B. At all times when the temperature outside of the building has dropped to sixty-five (65) degrees Fahrenheit, and at all times when below such temperature, in every dwelling unit and/or rooming unit when the control of the supplied heat is the responsibility of a person other than the occupant, a temperature of at least sixty-eight (68) degrees Fahrenheit shall be maintained in all habitable rooms, bathrooms, and water closet compartments at a distance of eighteen (18) inches above the floor level, and in all other areas a temperature of at least sixty (60) degrees.
- C. No owner, operator, or occupant shall cause any service, facility, equipment, or utility which is required under this Title to be removed or shut off from or discontinued for any occupied dwelling or dwelling unit let or occupied by him; except for such temporary interruptions as may be necessary while actual repairs or alterations are in process, or during temporary emergencies when discontinuance of service is approved by the appropriate authority.

(Ord. 2000-05)
- D. Every owner of a dwelling unit containing two (2) or more dwelling units shall maintain in a clean and sanitary condition the shared or public areas of the dwelling and premises thereof.

#### SECTION 4-3-11      BASIC EQUIPMENT AND FACILITIES

- A. In order to be considered safe and habitable, a dwelling or dwelling unit shall have working facilities for cooking, including at least a stove, storage areas appropriate for foodstuffs, a refrigerator and a kitchen sink; bathing, including at least a working flush water closet, a bathroom sink, and a bathtub or shower; dual means of egress with a minimum headroom of at least six (6) feet and six (6) inches leading to safe and open space at ground level; handrails on all stairways of more than five (5) steps or rising over three (3) feet; working locks on all outside doors at least one (1) of which shall not pass through any other dwelling unit; and a safe place appropriate for storing medicinal drugs and household poisons. All these shall be provided by the owner and maintained in working order by the occupant unless there is a written agreement between owner and occupant stating otherwise.

(Ord. 2000-05)

## **TITLE 4      SAFETY**

### **CHAPTER 4      ANIMALS-REGULATION OF DOGS, CATS, AND OTHER ANIMALS**

- 4-4-1 Definitions
- 4-4-2 Prohibition of animals running at large
- 4-4-3 Prohibition of keeping wild animals
- 4-4-4 Prohibition of farm animals
- 4-4-5 Rabbit restrictions
- 4-4-6 Humane care of animals
- 4-4-7 Prohibition of abandonment
- 4-4-8 Prohibition of acts of cruelty to animals
- 4-4-9 Impoundment of victimized animals
- 4-4-10 Diseased and injured animals
- 4-4-11 Dead animals prohibited
- 4-4-12 Required reporting of animal bites
- 4-4-13 Disposal of wild animals which have bitten persons
- 4-4-14 Harboring stray animal restrictions
- 4-4-15 Liberation of owned animals prohibited
- 4-4-16 Liberation of impounded or captured animals prohibited
- 4-4-17 Interference with personnel
- 4-4-18 Trapping prohibited
- 4-4-19 Provoking animals prohibited
- 4-4-20 Removal of waste
- 4-4-21 Animal considered a nuisance
- 4-4-22 Dangerous animals
- 4-4-23 Impoundment of animals running at large
- 4-4-24 Penalties
- 4-4-25 Liability of animal owners
- 4-4-26 Keeping certain animals in dwelling units prohibited
- 4-4-27 Inoculation required
- 4-4-28 Registration required
- 4-4-29 Collar required
- 4-4-30 Attachment of registration tags
- 4-4-31 Removal of collar or tags restricted
- 4-4-32 Disposition of dog or cat suspected of having rabies
- 4-4-33 Confinement of female dog or cat in heat
- 4-4-34 Duties of driver of motor vehicle striking animal
- 4-4-35 Multiple-pet license
- 4-4-36 Multiple-pet owner licensee requirements
- 4-4-37 Revocation of multiple-pet license
- 4-4-38 Impoundment of multiple pets
- 4-4-39 Beekeeping

#### **SECTION 4-4-1      DEFINITIONS**

The following words, terms, and phrases, when used in this Title, shall have the meanings ascribed to them in this Section, except where the context clearly indicates a different meaning:



**Animal:** shall mean every nonhuman species of animal, both domestic and wild.

**At large:** shall mean any animal when it is off the premises of its owner's real property and not restrained by a competent person.

**Cat:** shall mean all domestic members of the feline family *Felis Catus*.

**City:** shall mean the City of West Peoria, Illinois.

**Competent person:** shall mean a person eleven (11) years of age or older capable of physically controlling the animal in question and to whose command the animal is obedient.

**Confine:** shall mean the physical restraint of an animal by a fence, structure, chain, rope, or other means of a sufficient strength or construction to restrain the animal in question.

**County:** shall mean the County of Peoria, Illinois.

**Dog:** shall mean all domestic members of the canine family *Canis Familiaris*.

**Domestic animal:** shall mean the following:

- A. Dogs (not including hybrids of dogs).
- B. Cats (not including hybrids of cats).
- C. Domestic rodents (guinea pigs, hamsters, white rats, white mice, and gerbils).
- D. Farm animals (any member of the swine family (with the exception of pot-bellied pigs), ovine, caprine, bovine, or equine families, poultry, or rabbit).
- E. Non-life-threatening, nonpoisonous reptiles or amphibians.
- F. Nonpoisonous, non-life-threatening fish.
- G. All birds, except those protected as wild birds by State or Federal Statutes.

**Dwelling unit:** shall mean a single unit providing complete, independent living facilities for one (1) or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation.

**Exotic animal:** shall mean any nondomestic animal not native to the State.

**Multiple-pet owner:** shall mean any person who harbors more than four (4) dogs or cats, or any combination thereof, over four (4) months of age in a dwelling unit.

**Owner:** shall mean any person seventeen (17) years of age or older, or parent or guardian of any person under the age of seventeen (17) years, or parent or guardian of an incapacitated person having a right of property in an animal, or who acts as custodian, cares for, keeps, feeds, or knowingly permits an animal to remain on or about any premises occupied by such person, or a person who registers an inoculation certificate for an animal with the County.

**Poultry:** shall mean domesticated birds raised for show, eggs, or meat.

**Restraint:** shall mean any animal that is not found on the property of its owner when it is:

- A. Controlled by a line or leash not more than six (6) feet in length when such line or leash is held by a competent person.
- B. Controlled by a leash of fifty (50) feet or less during a training session conducted by a competent person.
- C. Confined within a motor vehicle.
- D. Confined in a cage or other animal carrier.

**Secure enclosure:** shall mean a structure of sufficient height and construction that does not allow contact between the animal confined and other animals or persons.

**State:** shall mean the State of Illinois.

**Wild animal:** shall mean any living member of the animal kingdom (including exotic animals) other than a domestic animal.

(Ord. 1998-15)

#### SECTION 4-4-2 ANIMALS RUNNING AT LARGE PROHIBITED

The owner of any animal shall keep such animal confined or under restraint at all times when it is off the premises of the owner's real property and shall not permit such animal to be at large. Dogs trained for law enforcement under the control of a peace officer in the performance of duty shall not be required to be confined or under restraint.

(Ord. 1998-15)

#### SECTION 4-4-3 KEEPING WILD ANIMALS PROHIBITED

No person shall keep, harbor, possess, act as custodian, or have a right of property in a wild animal except zoos, veterinary hospitals, animal shelters, pet shops, or individuals, all of which must be legally licensed by Federal and/or State statutes. Individuals owning or fostering animals trained, or to be trained, for service to persons with disabilities are excepted. Any individual keeping a service animal must provide documentation of fostering and training from a certified training organization.

(Ord. 1998-15)

#### SECTION 4-4-4 FARM ANIMALS PROHIBITED

Except as provided in Section 4-4-5, all farm animals, including, but not limited to, members of the swine, ovine, bovine, caprine, or equine families, poultry, and rabbits, shall be prohibited.

(Ord. 1998-15, 2015-24)

#### SECTION 4-4-5 RABBITS RESTRICTED

A. Possession of rabbits within the City is a violation of the law except under the following conditions:

1. The owner shall provide a cage of at least eight (8) cubic feet, with no dimension less than one (1) foot for each animal.
2. Each cage or structure shall be placed at least ten (10) feet from all property lines.
3. The total number of rabbits shall be no more than five (5).

B. For the purpose of this Section, any rabbit over six (6) weeks old shall be counted.

(Ord. 1998-15)

#### SECTION 4-4-6 HUMANE CARE OF ANIMALS

No owner shall fail to provide his animal with sufficient food, water, clean proper shelter, protection from the weather, and sufficient veterinary care when needed to prevent suffering and/or maintain health.

(Ord. 1998-15)

#### SECTION 4-4-7 ABANDONMENT PROHIBITED

It shall be unlawful for any person to abandon any animal within the City.

(Ord. 1998-15)

#### SECTION 4-4-8 ACTS OF CRUELTY TO ANIMALS PROHIBITED

No person shall:

- A. Kill, wound, or attempt to kill or wound any domestic animal.
- B. Put to death any domestic animal except by euthanasia under the supervision of a licensed veterinarian of the State.
- C. Beat, cruelly ill-treat, torment, overload, overwork, or otherwise abuse a domestic animal.
- D. Cause, instigate, permit, or attend any dogfight, cockfight, bullfight, or other combat between animals and between animals and humans.
- E. Crop an animal's ears, dock an animal's tail, or perform similar surgeries, except a licensed veterinarian of the State.
- F. Allow any animal to remain unattended by a competent person in a motor vehicle when the animal's life, health, or safety is threatened.

(Ord. 1998-15)

#### SECTION 4-4-9 IMPOUNDMENT OF VICTIMIZED ANIMALS

In the event that the City or its authorized agent finds a domestic animal to be a victim of cruelty, neglect, or abandonment as defined by Sections Eight, Nine, and Ten of this Title, the City or its authorized agent shall have the right to forthwith remove or cause to have removed any such animal to a safe place for care or to euthanize such animal when necessary to prevent further suffering, all at the owner's expense. Return to the owner may be denied or withheld until the owner shall have made full payment for all expenses incurred. Treatment of an animal by any method specified in this Section does not relieve the owner of liability for violations and for any accrued charges.

(Ord. 1998-15)

#### SECTION 4-4-10 DISEASED AND INJURED ANIMALS

- A. No diseased or sickly horse, cow, hog, dog, cat, or other animal, nor any that has been exposed to any disease that is contagious among such animals, shall be brought into the City unless under veterinary care.
- B. Any animal, being in any street or public place within the City, appearing, in the estimation of the City or its authorized agent or any inspector of the County health Department within one (1) hour after being found or left in such condition, may be deprived of life by the City or its authorized agent or such inspector of the County Health Department or as directed by same.
- C. No person, other than personnel of the City or its authorized agent, inspectors or officers of the County Health Department, law enforcement officers, or persons authorized by contract or otherwise, shall in any way interfere with the removal of such dead, sick, or injured animal in such street or public place. No person shall skin or wound such animal in any street or public place, unless to terminate its life as herein authorized; except that the owner or person having control of such animal may terminate the life thereof in the presence and by the consent of a law enforcement officer, an inspector of the county health Department, or personnel of the city or its authorized agent.

(Ord. 1998-15)

#### SECTION 4-4-11 DEAD ANIMALS PROHIBITED

No person shall:

- A. Allow the body, or any part thereof, of any dead animal to decompose and putrefy by remaining on his property.
- B. Skin, dismember, butcher, dress, or exhibit any dead animals in view of the public in residentially used areas of the City.

(Ord. 1998-15)

- C. The owner of an animal shall be responsible for the disposal of such animal's remains on its death from whatever cause and regardless of the location of such animal's remains. (Ord. 1998-15)

#### SECTION 4-4-12 REQUIRED REPORTING OF ANIMAL BITES

Persons having knowledge of someone being bitten by an animal must report such information to the City or its authorized agent or the Peoria County Sheriff's Department within twenty-four (24) hours. (Ord. 1998-15)

#### SECTION 4-4-13 DISPOSAL OF WILD ANIMALS WHICH HAVE BITTEN PERSONS

Every wild animal which has bitten a person shall be humanely destroyed immediately and a necropsy performed. (Ord. 1998-15)

#### SECTION 4-4-14 HARBORING STRAY ANIMAL RESTRICTED

No person shall harbor, keep, care for, feed, or allow to remain on their property any stray domestic animal without notifying the City or its authorized agent within forty-eight (48) hours. (Ord. 1998-15)

#### SECTION 4-4-15 LIBERATION OF OWNED ANIMALS PROHIBITED

No person shall remove from restraint or release from confinement any animal belonging to another person, unless in an emergency or with the consent of the owner. (Ord. 1998-15)

#### SECTION 4-4-16 LIBERATION OF IMPOUNDED OR CAPTURED ANIMALS PROHIBITED

It shall be unlawful for any person to liberate or to attempt to liberate any animal impounded under the provisions of this Title from a place of confinement or from within a vehicle used for confinement and conveyance. (Ord. 1998-15)

#### SECTION 4-4-17 INTERFERENCE WITH PERSONNEL

It shall be unlawful for any person to obstruct, impede, or interfere with the personnel of the City or its authorized agent or the Peoria County Sheriff's Department in the performance of their duties, or to prevent or attempt to prevent the personnel of the City or its authorized agent or the Peoria County Sheriff's Department from capturing or impounding any animal within the City. (Ord. 1998-15)

#### SECTION 4-4-18 TRAPPING PROHIBITED

No person shall set any trap to catch any animal, permit any trap owned by him or in his control to be set to catch any animal, or allow a trap to be set to catch an animal in his property, unless approved by the City or its authorized agent. The indoor trapping of rats and mice is permitted. Live traps, which do not injure any animal, will be permitted, unless there is a designated trapping season which prevents them. (Ord. 1998-15)

#### SECTION 4-4-19 PROVOKING ANIMALS PROHIBITED

It shall be unlawful for any person to intentionally provoke any animal so as to create a nuisance to the neighborhood or cause a violation of any provisions of this Title. (Ord. 1998-15)

#### SECTION 4-4-20 REMOVAL OF WASTE

The owner of any animal shall promptly remove an accumulation of such animal's waste wherever it may exist in the City. (Ord. 1998-15)

#### SECTION 4-4-21 ANIMAL CONSIDERED A NUISANCE

- A. No person owning, possessing, or harboring any animal within the City shall permit such animal to become a nuisance, except a person whose such animal has been provoked under Section Twenty-one of this Title. An animal, other than a dog trained for law enforcement in the performance of its duty, shall be considered a nuisance if such animal:
  - 1. Substantially damages property other than the owner's.
  - 2. Causes unsanitary, dangerous, or unreasonably offensive conditions.
  - 3. Causes a disturbance by excessive barking, caterwauling, or other noisemaking.
  - 4. Chases vehicles.
  - 5. Chases, molests, attacks, bites, or interferes with any person while on or off the premises of the owner.
  - 6. Chases, molests, attacks, bites, or interferes with other animals while off the premises of the owner.
- B. The City or its authorized agent, upon reasonable grounds, shall impound any animal creating a nuisance by being in violation of Subsection (A)(5) of this Section and not restrained by a competent person.

(Ord. 1998-15)

#### SECTION 4-4-22 DANGEROUS ANIMALS

- A. Any dog, cat, or other animal running at large within the City which endangers the safety of any person or animal may be slain by the City or its authorized agent or a law enforcement officer.
- B. The City or its authorized agent may impound any cat, dog, or other animal found within the City limits upon determining that the City or its authorized agent has probable cause through reliable information or reports that it is a dangerous animal.
- C. It shall be unlawful for any person to own, act as a custodian for, care for, or keep a dangerous animal for another.
- D. It shall be unlawful for any person to knowingly sell, trade, give away, or otherwise dispose of a dangerous animal except by humane destruction by a licensed veterinarian or at an animal shelter.
- E. A dog trained for law enforcement while in the performance of its duty shall be exempt from the requirements of this Section.
- F. Before any animal is disposed of under paragraph (D) above, an administrative hearing to determine if the animal is dangerous should be held. The notice of the administrative hearing to determine if the animal is dangerous shall be in writing and inform the owner of the nature of the charge. Service of this notice shall be made upon the alleged dangerous animal's owner by certified mail delivered to the address of the owner of the animal, or hand-delivered to the address of the animal shelter manager or delegate personally, at least three days prior to the hearing date. The hearing officer shall not proceed to an administrative hearing to determine whether the animal is a dangerous animal, unless the hearing officer determines that proper notice was given, or that the owner is

avoiding service despite good-faith efforts to serve the notice by the animal shelter manager or delegate.

(Ord. 1998-15)

#### SECTION 4-4-23 IMPOUNDMENT OF ANIMALS RUNNING AT LARGE

Every animal running at large or stray animal within the City may be impounded by the City or its authorized agent, the Peoria County Sheriff's Department, or private citizen.

(Ord. 1998-15)

#### SECTION 4-4-24 PENALTIES

Anyone convicted in a court of law of a violation of any act prohibited or declared to be unlawful by this Title shall be punished by a fine of not more than seven hundred-fifty dollars (\$750.00) for each offense. Each day an offense is committed shall constitute a separate offense.

(Ord. 1998-15)

#### SECTION 4-4-25 LIABILITY OF ANIMAL OWNERS

Owners of animals shall be liable for any damage done by their animals to persons, other domestic animals, or other person's property.

(Ord. 1998-15)

#### SECTION 4-4-26 KEEPING CERTAIN ANIMALS IN DWELLING UNITS PROHIBITED

No person shall keep, harbor, possess, or act as custodian of any of the animals described below, within a dwelling unit, or within the yard or accessory structure of a dwelling unit:

Any member of the family Felidae (except the species *Felis Catus*, domestic cat), all members of the family Ursidae, all members of the family Hyaenidae, any member of the family Canidae (except the species *Canis Familiaris*, domestic dog), all members of the Family Elephantidae, any non-human primate, or any hybrids thereof.

Individuals owning or fostering animals to be trained for service to persons with disabilities are excepted. Any individual keeping a service animal must provide documentation of fostering and training from a certified training organization.

(Ord. 1998-15)

#### SECTION 4-4-27 INOCULATION REQUIRED

- A. No person shall own, possess, keep, maintain, or harbor any dog or cat over the age of four (4) months of age without causing such dog or cat to be inoculated against rabies as required by the Code of Peoria County. Such inoculation shall be required, regardless of whether the dog or cat is confined at all times to an enclosed area.
- B. If an animal is not inoculated against rabies after its owner has been found to be in violation of this Section two (2) times within a twelve (12) month period, such animal shall be impounded by the City or its authorized agent.

(Ord. 1998-15)

#### SECTION 4-4-28 REGISTRATION REQUIRED

No person shall own, possess, keep, maintain, or harbor any dog or cat over the age of four (4) months without registering such certificate of the inoculation with the office of the administrator of the county

rabies control program, as prescribed by the Code of Peoria county. The registration of the rabies vaccination certificate may be transferred from one owner to another, but not from one animal to another.  
(Ord. 1998-15)

#### SECTION 4-4-29 COLLAR REQUIRED

No person shall own, possess, keep, maintain, or harbor any dog or cat over four (4) months of age within the City without providing such dog or cat with a collar to be worn when said animal is outside a secure enclosure. Collars for dogs shall be of sufficient strength to control and restrain the animal without injury to the animal. Animals restrained by rope or chains must have collars.  
(Ord. 1998-15)

#### SECTION 4-4-30 ATTACHMENT OF REGISTRATION TAGS

The registration tag, issued pursuant to the Code of Peoria County requiring inoculation by a licensed veterinarian, shall be attached to the collar as required by Section Thirty-one of this Title.  
(Ord. 1998-15)

#### SECTION 4-4-31 REMOVAL OF COLLAR OR TAGS RESTRICTED

No person shall, without the consent of the owner or keeper of any dog or cat, take away or otherwise remove the registration tag, identification tag, or collar from any dog or cat.  
(Ord. 1998-15)

#### SECTION 4-4-32 DISPOSITION OF DOG OR CAT SUSPECTED OF HAVING RABIES

Any dog or cat suspected of being afflicted with rabies may be slain by the City or its authorized agent or a law enforcement officer if it is deemed essential to the safety of any person or necessary to prevent its escape. The head of such animal shall be preserved and delivered to the County veterinarian or delegate in order that a necropsy can be conducted to determine if such animal was rabid.  
(Ord. 1998-15)

#### SECTION 4-4-33 CONFINEMENT OF FEMALE DOG OR CAT IN HEAT

The owner of any female dog or cat in heat shall confine such animal in a building or secure enclosure. The failure to do so is a violation of law and will allow the City or its authorized agent to impound such animal.  
(Ord. 1998-15)

#### SECTION 4-4-34 DUTIES OF DRIVER OF MOTOR VEHICLE STRIKING ANIMAL

Any person whose motor vehicle strikes a dog or cat within the City shall promptly report such occurrence to the City or its authorized agent or Peoria County Sheriff's Department with a description of the animal struck, condition of the animal, and the location of the striking.  
(Ord. 1998-15)

#### SECTION 4-4-35 MULTIPLE-PET LICENSE

Multiple-pet owners shall obtain an annual license from the City or its authorized agent upon payment of a fee of twenty-five dollars (\$25.00). Such license shall be obtained no later than thirty (30) days after assuming ownership of a fifth animal and must be renewed annually by January 1. The annual renewal fee shall be ten dollars (\$10.00) if the owner receives an inspection rating of excellent. Payment by a multiple-pet owner shall not exempt such licensee from payment of County registration fees for each dog or cat owned by him.  
(Ord. 1998-15)

#### SECTION 4-4-36 MULTIPLE-PET OWNER LICENSEE REQUIREMENTS

An applicant for a multiple-pet license shall consent to the inspection of the premises where his animals are kept or maintained. Such inspection shall be performed before issuance of the license or upon receipt of a complaint. Annual inspections may be required for multiple-pet owners with marginally acceptable standards. Such inspection may be performed by the City or its authorized agent. Failure to comply with a request for inspection is a violation of this Title. Holders of multiple-pet owner licenses shall conform to the following requirements:

- A. All dogs and/or cats over four (4) months of age must be inoculated against rabies and registered pursuant to this Title.
- B. All dogs and/or cats must be provided with a continuous supply of fresh water, sufficient food to maintain acceptable body weight, proper shelter, protection from weather, and sufficient veterinary care to prevent suffering.
- C. If dogs and/or cats are kept or maintained within a structure or building, such structure or building shall:
  - 1. Meet County and City health standards.
  - 2. Be kept clean, free of feces and urine.
  - 3. Not constitute a nuisance or danger to the health and welfare of its inhabitants nor surrounding residents.
- D. If the dogs and/or cats are maintained outside a building during a substantial portion of the day and/or night:
  - 1. A shelter of sufficient height and width to permit such animal to stand up and turn around inside when fully grown shall be provided.
  - 2. The shelter provided shall provide shade from the sun and shall be located a distance equal to one and one-half (1 ½) times the width of the shelter from any residence located on lots or parcels of and contiguous to the property occupied by the shelter.
- E. The dogs and/or cats shall be prevented from running at large.
- F. The dogs and/or cats shall be prevented from causing a nuisance pursuant to Section Twenty-three of this Title.
- G. The owner's property shall be kept free of all feces and urine to prevent its accumulation from constituting a health hazard or an odorous nuisance.

(Ord. 1998-15)

#### SECTION 4-4-37 REVOCATION OF MULTIPLE-PET LICENSE

- A. Upon conviction of a second violation of the requirements pursuant to this Title, the City or its authorized agent shall revoke the multiple—et license for a period of not less than three (3) months nor more than two (2) years, the length of such revocation period to be determined by the number and severity of the violations. After expiration of the revocation period, the license shall not automatically be reinstated. The former licensee must reapply for the license and show an ability to conform to the existing Titles before he may be issued a multiple-pet license.
- B. During the revocation period, the owner shall either relinquish ownership of his animals to the City or its authorized agent or place his animals in the care of another person after that person's facility for such animals has been inspected and approved by the City or its authorized agent.

(Ord. 1998-15)

#### SECTION 4-4-38 IMPOUNDMENT OF MULTIPLE PETS



The City or its authorized agent may impound the dogs and cats of any multiple-pet owner if such owner does not hold a multiple-pet license.

(Ord. 1998-15, 2015-24 (4-1-1 to 4-1-38))

#### SECTION 4-4-39 BEEKEEPING

No person shall keep, harbor, possess, act as custodian, or have as a right of property to maintain an apiary or to keep any colony of domestic honey bee (*Apis Mellifera* species) on any property within the City of West Peoria city limits.

(Ord. No. 2016-10)

(Re-adding of Chapter 4 Animals and deleting of Peoria County's Chapter 5 (Animals) per Ord. 2015-24)

## TITLE 4 SAFETY

### CHAPTER 5 SWIMMING POOLS- RULES AND REGULATION

- 4-5-1 General Provisions
- 4-5-2 Definitions
- 4-5-3 Location and Setbacks
- 4-5-4 Permits, Plans and Fees
- 4-5-5 Fences
- 4-5-6 Inspections and Enforcements
- 4-5-7 Exemptions
- 4-5-8 Variances
- 4-5-9 Existing Private Swimming Pools
- 4-5-10 Validity of Permit
- 4-5-11 Penalty

#### SECTION 4-5-1 GENERAL PROVISIONS

The purpose of this Title is to prescribe rules and regulations controlling the construction, maintenance, and operation of private swimming pools located within the corporate limits of the City of West Peoria to protect the public health, safety, and welfare from the dangers, which are often associated with a private swimming pool. It shall be the duty of the owner of a private swimming pool to comply with the provisions set forth in this Title as such provisions now exist or may hereinafter be amended.

#### SECTION 4-5-2 DEFINITIONS

The following phrases, terms, words, and their derivations shall have the meaning ascribed to them in this Section, except where the context clearly indicates a different meaning:

**Building:** shall mean any structure designed or intended for the support, enclosure, shelter, or protection of persons, animals, or property.

**City:** shall mean the City of West Peoria, Illinois.

**Diagonal setback:** indicates a measurement for setback that is calculated by measuring from the water surface at the private swimming pool's edge to the lowest overhead electrical service line.

**Dwelling:** shall mean any building, structure, or improvement consisting of not more than four (4) dwelling units.

**Dwelling unit:** shall mean a building, structure, or improvement used or designed for occupancy by one (1) family.

**Family:** shall mean an individual person or two (2) or more persons who are related by blood, marriage, or adoption or who maintain a common household in a dwelling unit.

**Fence:** shall mean an artificially constructed barrier of any material or combination of materials erected to enclose a private swimming pool.

**Linear:** shall mean a straight and horizontal measurement between points.

**Private swimming pool:** shall mean a body of water in an artificial or partly artificial receptacle or other container whether installed or constructed above or below ground elevation with a minimum depth of two (2) feet and a minimum surface area of one hundred twenty-five (125) square feet to be used for swimming, wading, diving, or recreational bathing and located on private residential property for the use of the property's owner and guests.

(Ord. 1996-10)

**Temporary Pools:** shall mean any pool which is not constructed of concrete, tile, or steel that could contain water over eighteen (18) inches and does not otherwise qualify as a private “swimming pool” as defined above.

**Private residential property:** shall mean any real property, building, or portions thereof used for dwelling purposes.

**Zoning Title:** shall mean the Zoning Title for the City of West Peoria, Illinois, as it presently exists or as it may hereinafter be amended.

#### SECTION 4-5-3 LOCATION AND SETBACKS

- A. The owner of the proposed private swimming pool or his representative or agent shall install the same in conformance with the applicable requirements set forth in the Zoning Title as well as setback from appurtenances, lot lines, buildings, walks, fences, and overhead electrical service lines. If a conflict arises between the requirements of the Zoning Title and the provisions of this Section, the more restrictive requirements shall apply.
- B. The location of the private swimming pool shall adhere to the following minimum setbacks:
  - 1. Five (5) feet from walls, landscaping elements or structures, trees, and other appurtenances.
  - 2. Ten (10) feet linear and eighteen (18) feet diagonally from overhead electrical service lines (it is recommended that such electrical service lines be placed underground to provide additional safety).
  - 3. Ten (10) feet from principle or accessory structures, excluding decks.
  - 4. Property and building line setbacks as stipulated in the Zoning Title.

#### SECTION 4-5-4 PERMITS, PLANS, AND FEES

- A. Prior to the commencement of the construction, alteration, addition, remodeling, or improvement of or to a private swimming pool, the owner of the proposed or existing private swimming pool or his representative or agent shall submit an application for a permit to the Zoning Officer. The application shall be in duplicate and include two (2) copies of the plans and specifications. No construction shall begin until the Zoning Officer has granted approval of the proposed plans and specifications. The issuance of a permit by the Zoning Officer to the applicant shall be evidence of approval of the proposal plans and specifications.

The owner shall obtain such a permit from the Zoning Officer prior to obtaining any other permit. In addition to such a permit issued by the Zoning Officer, the owner of a proposed private swimming pool shall be responsible for obtaining any and all other permits required by the City or other regulatory agencies. The applicant shall not commence construction until all the required permits are issued.

The owner of a private swimming pool shall notify the Zoning Officer upon completion of the construction, alteration, addition, or improvement and prior to filling the private swimming pool and upon completion of the construction of the fence. The owner shall not fill the private swimming pool until the private swimming pool and fence are inspected by the Zoning Officer and found to be in compliance with the terms of this Title.

- B. The plans and specifications required by paragraph A of this Section shall include the following information, plus such other data as may be reasonably requested by the Zoning Officer:
  - 1. A site plan drawn to scale which indicates the location of the proposed private swimming pool in relation to the following items, and which meets or exceeds the established minimum setbacks:

2. Property lines, building(s) lines, fences, walls, landscaping elements or structures, trees, and other appurtenances.
  3. Overhead electrical service lines.
  4. Principle or accessory structures, excluding decks.
  5. The site plan shall also include a diagram of the fence drawn to scale that includes a cross section of the proposed fence indicating:
  6. Type of materials to be used in the fence constructions.
  7. Dimensions of members and other structural elements, including spaces between members and other structural information.
  8. Type and location of gates and latches, including the vertical distance from grade to the location of handles and other latch components.
- C. The applicant for a permit required by Paragraph A of this Section shall accompany the application for a permit with payment of the appropriate fee, which shall be set by the City Council by resolution as it shall deem necessary from time to time. See Title 11, Fee Schedule.

#### SECTION 4-5-5 FENCES

- A. It shall be the duty of the owner of a private swimming pool to either:
1. Install a fence not less than forty-two (42") inches in height which shall completely surround the private swimming pool except for those portions of the enclosure where there is a building that would serve as a five-foot (5') barrier; or (Ord. 2006-06)
  2. Install a barrier, which may include the sides of the private swimming pool structure of aboveground private swimming pools, not less than forty-two (42") inches in height which shall completely surround the private swimming pool except for those portions of the enclosure where there is a building that would serve as a forty-two (42") inches barrier. (Ord. 2006-06)
- B. The following requirements shall apply to all private swimming pools owners:
1. Each fence shall be equipped with a gate with self-closing and self-latching devices placed at the top of the gate. Such self-closing and self-latching devices shall be installed at such a height so as to be inaccessible to small children, but in no case shall such devices be installed at a height lower than forty-two (42") inches as measured from grade.
  2. All private swimming pool fence gates shall be closed and locked when the private swimming pool is not in use.
  3. There shall be no fixed objects, tree limbs, etc., within five (5) feet adjacent or extending over the fence that may be used to climb over the fence top, unless such limbs or other objects are five (5) feet above the top of the fence and which are not closer to grade than ten (10) feet, as measured vertically from grade.
  4. The maximum vertical clearance between grade and the bottom of the barrier shall be two (2) inches.
  5. Openings in the barrier shall not allow passage of a four (4) inch diameter sphere.
  6. Solid barriers which do not have openings, such as a masonry or stone wall, shall not contain indentations or protrusions except for normal construction tolerances and tooled masonry joints.
  7. Where the barrier is composed of horizontal and vertical members and the distance between the tops of the horizontal members is less than forty-five (45) inches, the horizontal members shall be located on the private swimming pool side of the fence. Spacing between vertical members shall not exceed one and seven-eighths (1 7/8) inches in width. Where there are decorative cutouts within vertical members, spacing within the cutouts shall not exceed one and three-fourths (1 3/4) inches in width.
  8. Where the barrier is composed of horizontal and vertical members and the distance between the tops of the horizontal members is forty-five (45) inches or more, spacing between

vertical members shall not exceed four (4) inches. Where there are decorative cutouts within vertical members, spacing within the cutouts shall not exceed one and three-fourths (1  $\frac{3}{4}$ ) inches in width.

9. Where a chain-link fence is provided, the openings between the links shall not exceed two and three-eighths (2  $\frac{3}{8}$ ) inches.
  10. Where the barrier is composed of diagonal members, such as a lattice fence, the maximum opening formed by the diagonal members shall be no more than one and three-fourths (1  $\frac{3}{4}$ ) inches.
  11. All fencing shall comply with setback requirements as established in the Zoning Title.
- C. Once construction of the private swimming pool is complete it shall be the responsibility of the property owner or tenant in control to ensure that a temporary barrier be placed around the private swimming pool until all permit requirements have been met and approved by the Zoning Officer, and such temporary barrier shall adhere to the following minimum standards:
1. Forty-two (42") inches in height, as measured vertically from grade.
  2. Supporting poles or members shall be placed at intervals which maintain the barrier in a vertically upright position; however, such poles or supporting members shall not be placed less than every ten (10) feet.
- D. Once construction of the temporary swimming pool is complete it shall be the responsibility of the property owner or tenant in control to ensure that a temporary barrier be placed around the temporary swimming pool until all permit requirements have been met and approved by the Zoning Officer, and such temporary barrier shall adhere to the following minimum standards:
1. Install a fence or temporary fence not less than forty-two (42") inches in height which shall completely surround the Temporary Swimming Pools except for those portions of the enclosure where there is a building that would serve as a five (5) foot barrier; or (Ord. 2006-06)
  2. Install a barrier, which may include the sides of the Temporary Swimming Pools structure of above Temporary Swimming Pools, not less than forty-two (42") inches in height which shall completely surround the Temporary Swimming Pools except for those portions of the enclosure where there is a building that would serve as a five-foot barrier. (Ord. 2006-06)
  3. Temporary Fences see Section 2-2-10 Fence Requirements in Residential Districts.

#### SECTION 4-5-6 INSPECTIONS AND ENFORCEMENTS

- A. The Zoning Officer shall inspect or cause to be inspected all private swimming pools within the City at such times as the Zoning Officer may deem necessary to carry out the intent of this Title. The Zoning Officer is hereby authorized to enter upon any premise to perform such inspections during reasonable hours.
- B. In the event the Zoning Officer determines that a violation of this Title has occurred, the Zoning Officer shall give written notice to the owner that such a violation exists. Whenever such private swimming pool, by violating the terms of this Title, constitutes a menace to public safety, the Zoning Officer shall have the power to require that such private swimming pool be drained to a level not to exceed eighteen (18) inches until such time as the same is in the opinion of the Zoning Officer no longer a menace or hazard to the health or safety of the public

#### SECTION 4-5-7 EXEMPTIONS

The provisions of this Title shall apply only to owners of private swimming pools where such owner's property is in a platted subdivision or located within six hundred (600) feet measured from the swimming pool to the nearest property line from another private residential property on which a dwelling is located.

#### SECTION 4-5-8 VARIANCES

- A. Whenever in a specified case the strict application of the regulations of this Title would result in practical difficulties or particular hardship in carrying out the strict letter of such regulations, the City Council shall have the power to vary their applications in harmony with their general purpose and intent.
- B. The procedure for variance shall be the same as for variances under the Zoning Title.
- C. The applicant for a variance under this Section shall accompany the application for variation with payment of the appropriate fee, which shall be the same fee as for an application for variation under the Zoning Title, which shall be set by the City Council by resolution as it shall deem necessary from time to time.

#### SECTION 4-5-9 EXISTING PRIVATE SWIMMING POOLS

- A. The owner of an existing unfenced private swimming pool constructed and located in the City prior to the effective date of this Title shall be required to adhere to the requirements set forth in Section Five of this Title. Each such owner shall obtain a permit to construct a fence around the private swimming pool area in order to bring the private swimming pool into compliance with this Title prior to December 31, 1996.
- B. Any owner of an existing fenced private swimming pool constructed and located in the City prior to the effective date of this Title shall not be required to adhere to the requirements set forth in Section Five of this Title unless said owner replaces the fence or at least fifty percent (50%) thereof subsequent to the effective date of this Title, at which time the entire reconstructed fence shall adhere to the requirements as set forth in Section Five of this Title.
- C. Any owner of an existing private swimming pool constructed and located in the City prior to the effective date of this Title shall not be required to adhere to the requirements set forth in Section Three of this Title.

#### SECTION 4-5-10 VALIDITY OF PERMIT

Once the permit is obtained by the property owner to construct a fence as required by Section Five and/or Section Nine of this Title, the construction shall be completed to the satisfaction of the Zoning Officer no later than six (6) months after the permit's date of issuance.

#### SECTION 4-5-11 PENALTY

- A. Any person who shall violate any of the provisions of this Title shall be fined not less than twenty-five dollars (\$25.00) nor more than five hundred dollars (\$500.00) for each offense. Each week upon which such a violation occurs shall constitute a separate violation.
- B. In addition, such persons may be enjoined from continuing such violations.

(Ord. 1996-10)

## TITLE 4 SAFETY

## CHAPTER 6                    NUISANCE NOISES

- 4-6-1    Musical Instruments Generally
- 4-6-2    Radios, Phonographs, Amplifiers, etc.
- 4-6-3    Sound Advertising Devices
- 4-6-4    Sound Amplifying Equipment, Devices
- 4-6-5    Steam Whistles
- 4-6-6    Horns or Signaling Devices on Vehicles
- 4-6-7    Engine Exhaust
- 4-6-8    Motor Vehicle Mufflers
- 4-6-9    Blowers, Power Fans, Electric Motors, or Internal Combustion Engines
- 4-6-10   Yelling, Shouting, Singing on Streets, etc.
- 4-6-11   Noise on Streets in Vicinity of Schools, Hospitals, etc.
- 4-6-12   Noise on Property Adjacent to School
- 4-6-13   Disturbing a School Gathering or Function
- 4-6-14   Transportation of Rails, Pillars, Columns of Iron, Steel, etc.
- 4-6-15   Race Track
- 4-6-16   Exclusions
- 4-6-17   Penalties

### SECTION 4-6-1                MUSICAL INSTRUMENTS GENERALLY

No person shall use or perform with any hand organ or other musical instrument or device for pay or in expectation of payment, in any of the streets or public places in the City before 9:00 a.m. or after 9:00 p.m. of each day.

### SECTION 4-6-2                RADIOS, PHONOGRAPHS, AMPLIFIERS, ETC.

No person shall allow or cause to be used or operated any radio receiving unit, musical instrument, phonograph, loudspeaker, or other machine or device for the production or reproducing of sound in such a manner as to disturb the peace, quiet, and comfort of the neighboring inhabitants or at any time with louder volume than necessary for convenient hearing for the person who is in the room, vehicle, or chamber in which such machine or device is operated and who is a voluntary listener thereto. The operation of any such set, instrument, phonograph, loud speaker, machine or device between the hours of 10:00 p.m. and 6:00 a.m. in such a manner as to be plainly audible at a distance of fifty (50) feet from the building, structure, or vehicle in which it is located shall be prima facie evidence of a violation of this section.

### SECTION 4-6-3                SOUND ADVERTISING DEVICES

- A. No person shall make or cause, permit or allow to be made any noise of any kind, by means of radio, musical instrument, phonograph, loud speaker, sound amplifier or other machine or device for the producing or reproducing of sound, for the purpose of commercial advertising or attracting the attention of the public to any building or structure.
- B. No person shall operate or cause to be operated any motor vehicle or horse drawn vehicle having mounted thereon or attached thereto any machine or device for the amplification of the human voice, music, or any other sound for commercial sound advertising purposes in the City with such sound-amplifying equipment in operation.

### SECTION 4-6-4                SOUND AMPLIFYING EQUIPMENT, DEVICES

- A. No person shall operate or cause to be operated any contrivance now known or hereafter invented, used, or designated for navigation or for flight in the air, having attached thereto or emitted therefrom any machine or device for the amplification of music, the human voice or any other noise or sound, with such machine or device in operation.
- B. It shall be unlawful to use any sound amplification devices at such a volume as to cause annoyance to the residents of the city thereby tending to disturb the peace of said residents between the hours of 9:00 p.m. to 8:00 a.m.

#### SECTION 4-6-5 STEAM WHISTLES

- A. No person shall allow or cause to be blown within the City, the steam whistle of any stationary steam plant as signal for commencing or suspending work, or for any other purpose.
- B. This section shall not be construed as forbidding the use of steam whistles as alarm signals in case of fire or collision, or other imminent danger; nor for the necessary signals by the trucks of the fire department.

#### SECTION 4-6-6 HORNS OR SIGNALING DEVICES ON VEHICLES

No person shall allow or cause to be blown any horn or signaling device on any automobile, motorcycle, bus or other vehicle on any street or public place of the city, except as a danger warning; the creation by means of any such signaling device of any unreasonably loud signaling device of any unreasonably loud or harsh sound; the sounding of any such device for an unnecessary and unreasonable period of time; the use of any signaling device except one operated by hand or electricity; the use of any horn, whistle or other device operated by engine exhaust; the use of any such signaling device when traffic is for any reason held up.

#### SECTION 4-6-7 ENGINE EXHAUST

No person shall allow or cause the discharge into the open air of the exhaust of any steam engine, stationary internal combustion engine, motorboat or motor vehicle, except through a muffler or other device which will effectively prevent loud or explosive noises therefrom.

#### SECTION 4-6-8 MOTOR VEHICLE MUFFLERS

- A. For the purposes of this Section, the following words and phrases shall have the meanings respectively ascribed to them in this subsection:

**Decibel:** means any unit of measurement of the intensity (loudness) of sound. Sound level meters which are employed to measure the intensity of sound are calibrated in decibels.

**Muffler:** means any device used upon a motor vehicle, whose purpose is the deadening of combustion noises of any engine thereon or the deadening of any other motor noises, including but not limited to the noise of exhaust gases or any other mechanical device for the deadening of the noise and intake of gases upon a motor vehicle.

**Sound level meter:** means an instrument standardized by the American Standards Association for measurement of intensity of sound; namely Z24.3-1944.

**Sound limits:** means all sound emanating from any motor vehicle, measured upon the “a” weighing scale of a second level meter, in excess of the decibels measured at the distances specified shown below. The distances shall be measured from the right rear wheel of the propelling unit of the vehicle in motion as it passes the sound level meter:



<u>Distance in Feet</u>	<u>Maximum Permitted Sound Level in dB</u>
50	85
45	86
40	87
35	88
30	89.5
25	91
20	93
15	95.5

- B. No person shall operate or cause to be operated any motor vehicle upon a public street or highway within the City unless such motor vehicle is equipped with a muffler in good working order and in constant operation to prevent excessive or unusual noise or annoying smoke. For the purposes of this Section, if sound in excess of the sound limit set forth in this Section shall emanate from vehicle, such evidence shall constitute and be admitted as prima facie evidence that it was producing excessive or unusual noises. Evidence that a vehicle was emanating sound of less than the sound limit shall be relevant evidence, but not given prima facie effect, in determining whether or not such vehicle was emanating excessive or unusual noises.

#### SECTION 4-6-9 BLOWERS, POWER FANS, ELECTRIC MOTORS, OR INTERNAL COMBUSTION ENGINES

No person shall operate or cause to the operation of any noise creating blower, power fan, electric motor, or internal combustion engine in such a manner as to disturb the peace, quiet and comfort of the neighboring inhabitants. The operation of any such blower, power fan, electric motor, or internal combustion engine between the hours of 10:00 p.m. and 6:00 a.m. in such a manner as to be more from such blower, power fan, electric motor, or internal combustion engine shall be prima facie evidence of a violation of this section.

#### SECTION 4-6-10 YELLING, SHOUTING, SINGING ON STREETS, ETC.

No person shall yell, shout, hoot, whistle or sing on the public streets, particularly between the hours of 10:00 p.m. and 6:00 a.m. or at any time or place so as to annoy or disturb the quiet, comfort or repose of persons in any office, or in any dwelling, hotel, or other type of residence, or of any persons in the vicinity.

#### SECTION 4-6-11 NOISE ON STREETS IN VICINITY OF SCHOOLS, HOSPITALS, ETC.

No person shall create or cause to be created any excessive noise on any street adjacent to any school, institution of learning, or church while the same are in use, or adjacent to any hospital, which unreasonably interferes with the workings of such institution, or which disturbs or unduly annoys patients in the hospital; provided there are conspicuous signs displayed in such streets indicating the same is a school or hospital.

#### SECTION 4-6-12 NOISE ON PROPERTY ADJACENT TO SCHOOL

No person, while on public or private grounds adjacent to any building in which a school or any class thereof is in session or in any building owned, occupied or otherwise used by a school, shall willfully make or assist in the making of any noise or diversion which disturbs or tends to disturb the peace, quiet, or good order of such school session or class thereof.

#### SECTION 4-6-13 DISTURBING A SCHOOL GATHERING OR FUNCTION

No person, while on public or private grounds adjacent to any building or land owned, occupied or otherwise used by a school, or in any building owned, occupied or otherwise used by a school, in progress, whether in the daytime or nighttime, shall willfully make or assist in the making of any noise or diversion which disturbs or tends to disturb the peace, quiet or good order of such gathering or function.

SECTION 4-6-14           TRANSPORTATION OF RAILS, PILLARS, COLUMNS OF IRON, STEEL, ETC.

All rails, pillars, and columns of iron, steel, or other metal, which are being transported over and along the streets of the City upon carts, drays, cars, or other vehicles or in any other manner, shall be so loaded to avoid load noises or disturbing the peace and quiet of such streets.

SECTION 4-6-15           RACE TRACK

No race track shall be permitted to allow vehicles or loud speaker systems to be operated in such a manner as to disturb the peace, quiet, and comfort of neighboring inhabitants. The operation of any vehicles or loud speakers between the hours of 10:00 p.m. and 6:00 a.m. in such a manner as to be plainly audible from the property line shall be prima facie evidence of a violation of this Section. See Title 11, Fee Schedule.

SECTION 4-6-16           EXCLUSIONS

- A. None of the above provisions shall prohibit operation of the fire department warning siren or civil defense warning devices.
- B. None of the above provisions shall prohibit any emergency situation necessitating removal of fallen limbs, trees, snow, and maintenance equipment operation.

SECTION 4-6-17           PENALTY

Whoever violates any provision of this Chapter shall be subject to a fine not exceeding five hundred dollars (\$500.00). Each day any violation of this Chapter shall continue shall constitute a separate offense.

(Ord. 1994-16)

## **TITLE 4     SAFETY**

### **CHAPTER 7           FIREWORKS**

#### **4-7-1    Terms and Provisions**

##### **SECTION 4-7-1           TERMS AND PROVISIONS**

The terms and provisions of Section 2 of the Fireworks Act (425 ILCS 35/2) are hereby adopted as the law of the City of West Peoria, and henceforth it shall be unlawful for any person, firm, co-partnership, or corporation to knowingly possess, offer for sale, expose for sale, sell at retail, or use or explode any display fireworks, flame effects, or consumer fireworks in the City of West Peoria. Any violation continues shall constitute a separate offense. (Ord. 2010-25)

To the extent allowed by state and federal law, this section shall not be considered violated by the use of a property by an itinerant merchant for the sale of consumer fireworks, as defined by state law, where the property so used was annexed to the City of West Peoria within the six months preceding the enactment of this ordinance or hereafter annexed, if the said annexed property has been used by an itinerant merchant for the sale of consumer fireworks, as defined by state law, at least once annually for each of the last five (5) years. (Ord. 2010-25)

For license fee for fireworks vendor, see Title 11, Fee Schedule.

## TITLE 4 SAFETY

### CHAPTER 8 TREES

- 4-8-1 Title
- 4-8-2 Definitions
- 4-8-3 Obstruction; Trees to be Pruned
- 4-8-4 Placing Materials on Public Property
- 4-8-5 Dead Trees as a Nuisance
- 4-8-6 Nuisance Trees are Unlawful
- 4-8-7 Enforcement
- 4-8-8 Penalties

#### SECTION 4-8-1 TITLE

This Chapter shall be known and may be cited as the “Tree Ordinance of the City of West Peoria”.

#### SECTION 4-8-2 DEFINITIONS

The following words, terms and phrases, when used in this Chapter, shall have the meanings ascribed to them in this Section, except where the context clearly indicates a different meaning:

**Certificate of license:** means a State department of registration and education certification granted upon satisfactory completion of an examination on arboriculture.

**City Designated Person:** means the designated employee of the City assigned to carry out the enforcement of this Chapter.

**Large trees:** mean those trees attaining a height of fifty (50) feet or more.

**Licensed tree expert:** means one duly recognized and licensed by the State Department of Registration and Education, to perform arboricultural services.

**Medium trees:** mean those trees attaining a height of thirty (30) feet to fifty (50) feet.

**Parkway:** means that public area between the sidewalk and curb, or that public area within the dedicated right-of-way, not used for vehicular or pedestrian traffic.

**Property owner:** means the person owning such property as shown by the office of the County Recorder of Deeds.

**Public trees:** means all shade and ornamental trees now or hereafter growing on any street or any public land.

**Right-of-way:** is a general term denoting land, property or interest therein, usually in a strip, acquired for, or devoted to, transportation purposes.

**Small trees:** means those trees attaining a height of thirty (30) feet or less.

**Street or highway:** means the entire width of every public right-of-way when any part thereof is open to the use of the public, as a matter of right, for purposes of vehicular or pedestrian traffic.

#### SECTION 4-8-3 OBSTRUCTION; TREES TO BE PRUNED

It shall be the duty of any person owning or occupying real property bordering on any street upon which property there may be trees, to prune such trees in such manner that they will not obstruct or shade the streetlights, obstruct the passage of pedestrians on sidewalks, obstruct vision of traffic signs, traffic signals,

or obstruct view of any street or alley intersection. The minimum clearance of any overhanging portion thereof shall be seven (7) feet over sidewalks and sixteen (16) feet over all streets.

- A. NOTICE TO PRUNE. Should any person or persons owning real property bordering on any street fail to prune trees as hereinabove provided, the City Staff shall order such person or persons to so prune such trees within fifteen (15) days after receipt of written notice by certified mail.
- B. CERTIFIED MAIL AND POSTING. The notice shall specify that the owners shall remove the tree at the owner's cost within fifteen (15) days of receipt of such notice. The notice shall be personally served or sent by certified mail to the last known address of the property owner, return receipt requested. If delivery cannot be obtained and the owner not found within thirty (30) days, notice can be served by posting a notice on the property.
- C. FAILURE TO COMPLY; CITY ACTION. When a person to whom an order is directed shall fail to comply within the specified time, it shall be lawful for the City to prune such trees, and the cost thereof shall be payable by the owner and collected as a debt owed to the City.

#### SECTION 4-8-4 PLACING MATERIALS ON PUBLIC PROPERTY

No person shall deposit, place, store, or maintain upon any public place of the City any stone, brick, sand, concrete, or other materials which may impede the free passage of water, air, and fertilizer to the roots of any tree growing therein, except by written permit of the City.

(Ord. 2018-11)

#### SECTION 4-8-5 DEAD TREES AS A NUISANCE

Trees which are dead and which are of sufficient size or are so located that the dead tree could fall on neighboring property or on the public right of way are hereby declared a nuisance.

#### SECTION 4-8-6 NUISANCE TREES ARE UNLAWFUL

It shall be unlawful for any owner of property to keep or allow to remain on his/her property any dead tree which is a nuisance, as defined in Section 5 above.

#### SECTION 4-8-7 ENFORCEMENT

- A. Whenever the Corporate Authorities determine that any property owner is keeping, or allowing to remain, any dead tree which is a nuisance, the Corporate Authorities shall issue and mail a notice thereof upon all owners of record or persons having an interest therein as shown by documents recorded in the office of the County Recorder of Deeds and upon persons in possession of the premises. The Notice shall be personally served or sent by certified mail, return receipt requested. If delivery cannot be obtained and the owner not found within thirty (30) days, notice can be served by posting a notice on the property.
- B. The Notice shall specify that the owners shall remove the tree at the owner's cost within fifteen (15) days of receipt of such notice.

#### SECTION 4-8-8 PENALTIES

In the event the owner fails to comply within the time period, the City shall have the right to compel removal and to levy a fine of not less than fifty dollars (\$50.00), not to exceed five hundred dollars (\$500.00) for each offense, plus attorney's fees and costs. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such hereunder.

(Ord. 1994-28)

## TITLE 4 SAFETY

### CHAPTER 9 CURFEW

#### 4-9-1 General Curfew

#### SECTION 4-9-1 GENERAL CURFEW

- A. It is unlawful for a person less than 17 years of age to be present at or upon any public assembly, building, business, street, highway or other public place or way at the following times:
1. Between one minute after eleven o'clock (11:01) p.m. Friday and six o'clock (6:00) a.m. Saturday.
  2. Between one minute after eleven o'clock (11:01) p.m. Saturday and six o'clock (6:00) a.m. Sunday.
  3. Between ten o'clock (10:00) p.m. Sunday and six o'clock (6:00) a.m. Monday.
  4. Between ten o'clock (10:00) p.m. Monday and six o'clock (6:00) a.m. Tuesday.
  5. Between ten o'clock (10:00) p.m. Tuesday and six o'clock (6:00) a.m. Wednesday.
  6. Between ten o'clock (10:00) p.m. Wednesday and six o'clock (6:00) a.m. Thursday.
  7. Between ten o'clock (10:00) p.m. Thursday and six o'clock (6:00) a.m. Friday.
- (Ord. 2007-09)
- B. It is a defense to a violation under this Chapter that the child engaged in the prohibited conduct while:
1. Accompanied by the child's parent, legal guardian, custodian, sibling, stepbrother, or stepsister at least eighteen (18) years of age;
  2. Accompanied by an adult at least twenty-one (21) years of age approved by the child's parent, guardian, or custodian;
  3. Participating in, going to, or returning from:
  4. Employment which the laws of this state authorize a person less than seventeen (17) years of age to perform;
  5. A school recreational activity;
  6. A religious event;
  7. An emergency involving the protection of a person or property from an imminent threat of serious bodily injury or substantial damage;
  8. An activity involving the exercise of the child's rights protected under the First Amendment to the United States Constitution or Article 1, Sections 3, 4 and 5 of the Constitution of the State of Illinois, or both;
- An activity conducted by a non-profit or governmental entity that provides recreation, education, training, or other care under supervision of one (1) or more adult.
- (Ord. 2007-09)

A citation for violation of Subsection A of this Section may be issued by a Police Officer only if he reasonably believes that a violation has occurred and none of the defenses enumerated in Subsection B apply. The officer shall not issue a citation without first investigating the possibility that such a defense exists.

(Ord. 2007-09)

- C. Penalty: Any person violating the provisions of this Section shall be subject to arrest and, upon conviction, shall be fined not less than seventy-five dollars (\$75.00) nor more than seven hundred-fifty dollars (\$750.00), except where said person has been convicted of this offense or received supervision for this offense at any prior time, the fine for any subsequent offense shall be not less than one hundred-fifty dollars (\$150.00) nor more than seven hundred-fifty dollars (\$750.00).
- (Ord. 2007-09)

## TITLE 4 SAFETY

### CHAPTER 10 OPEN BURNING POLICY

4-10-1 Definitions

4-10-2 General Provisions

4-10-3 Permits Required

4-10-4 Construction Site Burns

4-10-5 Bonfires

4-10-6 Recreational Burns

4-10-7 Prescribed Burns

Appendix A Approved burn containers

Appendix B Air Curtain Destructor (Recommended Operating Instructions)

Appendix C Prescribed burn

#### SECTION 4-10-1 DEFINITIONS

**Air Curtain Destructor:** is defined as a portable combustion device that directs a plane of high velocity forced draft air through a manifold head into a pit with vertical walls in such a manner as to maintain a curtain of air over the surface of the pit and a recirculating motion of air under the curtain.

**Bonfire:** is defined as a large outdoor fire utilized for ceremonial purposes, as an expression of public joy and exultation, or for amusement.

**City:** means the City of West Peoria.

**City Staff:** means any employee of the City of West Peoria or the Peoria County Sheriff's Department or representatives of any other governmental agency acting under an intergovernmental agreement with the City of West Peoria.

**Commercial Enterprise:** is defined as one which is undertaken for a business purpose, rather than hobby, recreational, educational, or other purposes. Such uses are usually attributed to a for-profit entity, rather than an individual, university or other educational institutions, or non-profit organizations (such as public libraries, charities, and other organizations created for the promotion of social welfare).

**Construction Site Burn:** is defined as a permit required controlled application of fire operation utilized to remove land clearing debris.

**Garbage:** is defined as refuse resulting from the handling, processing, preparation, cooking and consumption of food or food products.

**Land Clearing Operation:** is defined as the uprooting or clearing of vegetation in connection with construction of buildings and rights-of-way, residential, or industrial development, or mining activities; or initial clearing of vegetation to enhance property value; but does not include routine maintenance or property cleanup activities.

**Open burning:** is defined as the burning of any material or substance in such a manner that products of combustion resulting from the burning are emitted directly into the ambient (surrounding outside) air without passing through an adequate stack, duct or chimney.

**Prescribed Burning:** is defined as the controlled application of fire, to vegetative fuels, under specified environmental conditions, and following appropriate precautionary measures, which causes the fire to be confined to a predetermined area and accomplish planned fire or land management objectives. Also referred to as prairie grass burn, wildland burn, and ecology burns.

**Recreational Fire:** is defined as a small outdoor fire, not to exceed three (3) feet in diameter, for the purpose of viewing, warming, cooking food for human consumption, or for ceremonial purposes, using only seasoned dry firewood or commercially available charcoal briquettes.

**Rubbish:** is defined as items such as paper, plastic, rubber, food products, metal, glass, and combustible liquids.

**Yard Waste:** means vegetative matter resulting from landscaping and yard maintenance operations and includes materials such as tree and shrub trimmings, vegetables, flowers, grass clippings, trees and tree stumps.

## SECTION 4-10-2 GENERAL PROVISIONS

Open burning that is hazardous due to smoke or odor emissions when atmospheric conditions or local circumstances make such fires hazardous are prohibited. The City staff is authorized to order the immediate extinguishment of any open burning which creates or adds to a hazardous situation.

Open burning of any material or substance that emits hazardous emissions or pollutants is strictly prohibited. This includes, but is not limited to, electrical insulation, treated lumber, plastics, pesticides, construction and/or demolition materials, asbestos-containing materials, oils, asphalt materials, explosive materials, chemical wastes, synthetic materials, or rubber.

Open burning of rubbish, garbage, and yard waste is prohibited.

Open burning of any material or substance on sidewalks, public streets, alleys, rights-of-way, or highways is prohibited.

The use of burn barrels is prohibited. *Exception:* Burn barrels may be allowed, at the discretion of the City staff, as a warming station for outdoor workers and strikers.

Only those containers approved by the City staff may be used for the purpose of open burning. (see appendix A)

Permits or other authorizations to burn will be denied or revoked for any permit holder or person who violates established rules and regulations. The denial or revocation remains in effect, based on the degree of the offense, at the discretion of City staff.

Open burning by a commercial enterprise located and/or operating within the City of West Peoria is prohibited under any circumstance other than those addressed in Sections 4 or 7.

Open burning shall be allowed without prior notification to the City for highway safety flares, cutting and welding torches, tar pots and similar occupational needs.

Open burning shall be allowed for the instruction and training of firefighting personnel.

Violations of this ordinance are subject to a fine of up to seven hundred-fifty dollars (\$750.00) per offense.

This Section, and all provisions within, is effective 1 October, 2007 until amended or repealed by the City Council of West Peoria.

## SECTION 4-10-3 PERMITS REQUIRED

A permit is required for each of the following burn operations:

- A. Construction site burn
- B. Bonfires
- C. Prescribed burns



**Note:** Commercially manufactured grills, smokers, and outside fireplaces do not require permits, yet they are subject to the restrictions outlined in Section 6.

#### SECTION 4-10-4 CONSTRUCTION SITE BURNS

The burning of land-clearing debris at construction sites only under the following conditions:

All land-clearing debris to be burned must be from the site specified on the burn permit(s) and must not be transported to the site from another location.

All land-clearing debris that is to be disposed of on-site must be incinerated using an air curtain destructor (refer to appendix B)

Authorization to conduct a construction site burn using the air curtain destructor must first be obtained from the Illinois Environmental Protection Agency and an I.E.P.A. permit issued to the contractor or developer responsible for the project prior to local authorization.

The contractor or developer responsible for the project must present a validated copy of the I.E.P.A. permit, plus a site map of the area, to the City for review.

The contractor or developer responsible for the project must obtain a burn permit (\$100.00 – see Title 11, Fee Schedule) from the City at least seven (7) days prior to the start of burning operations. An appointment must be made with a fire inspector to inspect the site for permit approval.

The contractor or developer responsible for the project must ensure the following is adhered to throughout the duration of the burning operation:

The air curtain destructor meets the manufacturer's specifications for operation and upkeep to ensure complete burning of material charged into the pit.

Manufacturers specifications shall be kept on site and be available for inspection by City personnel.

The air curtain destructor operator is fully trained in the correct operation and maintenance of the unit.

The burn pit width, length, and depth are the proper dimensions, in accordance with manufacturers specifications.

The moisture content and composition of the materials to be burned shall be favorable to good burning to minimize air pollution. The amount of dirt in the piles shall be minimized to enhance combustion and reduce emissions.

The location of the burn pit must be at least one thousand (1,000) feet from any occupied structure(s).

A temporary fire apparatus access road, capable of supporting the imposed load of fire apparatus weighing seventy-five thousand (75,000) lbs., must be constructed and in place, easily accessible to within one hundred feet (100) of the burn pit, prior to the start of the operation

Prevailing winds at the time of the burn must be away from any area, including public roads within two hundred-fifty (250) feet of the burning as measured from the edge of the pavement or other roadway surface, which may be significantly affected by smoke, ash or other air pollutants from the burning.

No land clearing debris or waste will be burned above the level of the air curtain in the pit.

The operator of the air curtain must not allow ash to build up in the pit to a depth higher than one-third (1/3) of the depth of the pit or to the point where the ash begins to impede combustion, whichever occurs first.

The initiation of the pit burn shall commence no earlier than 7:30 a.m. daily. Burning shall be completed each day by 4:00 p.m. Operators must stop filling the burn pit with additional land-clearing debris at least one (1) hour prior to the end of each work day to allow the debris in the pit to burn down. In cases where

residual fires and/or smoldering objects continue to emit smoke, such areas shall be fully extinguished. The site must not be abandoned or left unattended until all fires and embers are extinguished.

Access to the burn pit must be restricted to prevent public access at all times to prevent accidents. Barriers must be placed around the open burn pit to prevent accidental entry, specifically after hours.

#### SECTION 4-10-5 BONFIRES – BONFIRES ARE NOT APPROVED FOR THE GENERAL PUBLIC

Bonfires are allowed subject to the following conditions:

- A. The organization requesting the bonfire must submit a map of the burn site to the City for review. The site map must show emergency access points to the site (i.e. roads, parking lots, alleys, etc.), burn sites proximity to buildings/structures, available water source (i.e. fire hydrants), and approximate number and location of crowd.
- B. The organization requesting the bonfire must obtain a burn permit (\$150.00 – see Title 11, Fee Schedule) from the City at least seven (7) days prior to the start of burning operations. An appointment must be made with a fire inspector to inspect the site the day of the burn.
- C. The location of the bonfire shall be no closer than one hundred (100) feet to any structure, tree, shrub or combustible material, and provisions shall be made to prevent the fire spreading to within one hundred (100) feet of any structure or combustible material.
- D. The organization requesting the bonfire will appoint and identify at least four (4) adults (bonfire supervisors) to supervise the event throughout its entirety.
- E. The fuel for the bonfire shall consist only of clean, dry, non-treated lumber or firewood stacked no more than ten (10) feet in height with a diameter not to exceed ten (10) feet at the base of the pile.
- F. Small amounts of paper and kindling may be used to kindle the fire. The use of flammable or combustible liquids to start the bonfire is strictly prohibited. Only the dedicated bonfire supervisor(s) will initiate the fire.
- G. No one, except the bonfire supervisor(s) and/or emergency personnel, shall be allowed within twenty (20) feet of the bonfire throughout the duration of the event. Adequate security measures must be in place to prevent the audience from encroaching on the pile.
- H. The bonfire shall not be lit prior to 12:00 p.m. All bonfires have a maximum time limit of four (4) hours and shall be properly extinguished at the end of the activities, but in any event, not later than 10:00 p.m.
- I. A fully staffed West Peoria Fire Department fire engine must be on-site, located in an easily accessible location near the bonfire at least thirty (30) minutes prior to the start of the fire. The fire crews will monitor the bonfire throughout its entirety and will remain afterwards to ensure that it is extinguished. It is the responsibility of the organization requesting the bonfire to ensure that this has been arranged.

The bonfire will be suspended or cancelled by the on-site fire crew anytime throughout the event if wind conditions become strong or if the wind begins to carry brands or embers creating a potential for fire extension.

- J. Bonfires identified as hazardous due to excessive smoke or odor emissions may be extinguished based on the opinion of the fire officer in charge of the fire crews on-site.

#### SECTION 4-10-6 RECREATIONAL FIRES

Recreational fires (campfires or cookouts) for pleasure, religious, ceremonial, cooking, warmth or similar purposes only under the following conditions:

- A. The location of the fire shall be no closer than twenty-five (25) feet from any structure and provisions shall be made to prevent the fire spreading to within twenty-five (25) feet of any structure.
- B. Recreational fires are strictly prohibited on sidewalks, public streets, alleys, rights-of-way, or highways.
- C. Recreational fires shall be contained in an outdoor fireplace, fire/barbecue pit, campfire ring or other container approved by City staff, and shall be limited in size to a total fuel area of three (3) feet or less in diameter and two (2) feet or less in height. The use of devices made of earth, stone, or metal designed for the purpose of containing a fire shall also be permitted provided the area containing the fire is no more than three (3) feet wide by three (3) feet long. The pieces of wood contained in permissible fires shall be no more than three (3) feet in length.
- D. All recreational fires have a maximum time limit of four (4) hours and shall be properly extinguished at the end of the activities. Regardless of when the fire was initiated it is not allowed to extend later than 10:00 p.m.
- E. The fuel for recreational fires shall consist of seasoned dry firewood or charcoal briquettes. Construction materials or yard waste are strictly prohibited. Small amounts of paper and kindling may be used to kindle the fire. The use of flammable or combustible liquids, other than commercially produced charcoal lighter fluid, to start the fire is strictly prohibited.
- F. A responsible adult shall enforce attendance and supervision of children at all times the fire is kindled. An approved on-site extinguishing agent, such as sand, water container, or garden hose shall be available for immediate use.
- G. The fire shall be immediately extinguished anytime the wind conditions become strong or if the wind begins to carry brands or embers creating a potential for fire extension. It is the responsibility of the property owner/tenant to ensure the safety of those enjoying the fire and therefore must extinguish the fire when the winds are too high.
- H. Recreational fires identified as hazardous due to excessive smoke or odor emissions are prohibited. The City may order the extinguishment of any recreational fire that creates or adds to a hazardous situation.

Note: Commercially manufactured grills, smokers, and outside fireplaces do not require permits, however, their use is subject to the time and wind restrictions outlined in this section

#### SECTION 4-10-7 PRESCRIBED BURNS

Prescribed burns that accomplish planned fire or land management objectives are allowed. They are permitted only under the following conditions:

- A. Authorization to conduct a prescribed burn must first be obtained from the Illinois Environmental Protection Agency and an I.E.P.A. permit issued to the contractor responsible for the project prior to local authorization.
- B. The contractor responsible for the project must present a validated copy of the I.E.P.A. permit, and a copy of the prescription for the burn must be submitted for review. The prescription will contain, as a minimum, the following:

1. Site Description
  2. Map of the area to be burned
  3. Personnel and equipment to be used on the prescribed burn
  4. Training level of personnel conducting burn
- C. Personnel conducting the prescribed burn must be in compliance with:
1. NFPA 1051 - Standard for Wildland Fire Fighter Professional Qualifications
  2. NFPA 1143 - Standard for Wildland Fire Management
  3. Desired outcome
- D. The contractor responsible for the project must obtain a burn permit (\$100.00 – see Title 11, Fee Schedule) from the City at least seven (7) days prior to the start of the fire. Rain date(s) will be considered at the time of application.
- E. Burning shall be conducted only when wind direction and other meteorological conditions are such that smoke and other pollutants will not cause adverse effects to any public road, or off-site structure. Refer to appendix C.
- F. The initiation of burning shall commence no earlier than one 7:30 a.m. Burning shall be completed on the same day by 4:00 p.m. In cases where residual fires and / or smoldering objects continue to emit smoke after this time, such areas shall be extinguished.
- G. The responsible agent of the organization conducting the burn must notify the fire dispatcher and the West Peoria Fire Chief of the time the fire is started and when it is concluded.
- H. In any R-2 zoning classification, the owner of any zoning lot the borders of which are not less than five hundred (500) feet from any single family or multi-family residence and which zoning lot is at least three (3) acres (130,680 square feet) in size and which is subject to a special use permit issued by the City of West Peoria, shall be entitled to the issuance of two (2) prescribed burns per twelve (12) month period, provided that the provisions of this section are complied with.

## APPENDIX A: APPROVED BURN CONTAINERS

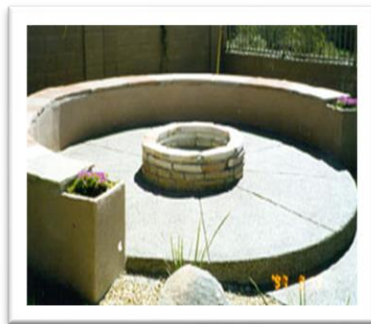
### A. Outdoor Fireplaces

1. Must be at least twenty-five (25) feet from structures and other combustible surfaces
2. Not allowed on combustible decks
3. Burn only dry, seasoned firewood or charcoal briquettes
4. Specifically designed for this purpose
5. Has spark arrestor or ember screen
6. Examples:



### B. Outdoor fire/barbecue pits

1. Must be at least twenty-five (25) feet from structures and other combustible surfaces
2. Burn only dry, seasoned firewood or charcoal briquettes
3. Specifically designed for this purpose
4. Examples:



### C. Campfire rings

1. Must be at least twenty-five (25) feet from structures and other combustible surfaces
2. Not allowed on combustible decks
3. Burn only dry, seasoned firewood or charcoal briquettes
4. Specifically designed for this purpose
5. Extinguishing agent on hand (i.e. water hose, sand, fire extinguisher etc.)
6. Examples:



Note: The use of earth, concrete, or stone for the purpose of containing a campfire or cooking fire is permitted provided the area is free of combustibles and the diameter of the containment area is not greater than three (3) feet.

Burn barrels are prohibited with exceptions approved by City staff under Section 2, paragraph 5 of this Section





## APPENDIX B: AIR CURTAIN DESTRUCTOR



### Recommended Operating Instructions

#### Operating Procedure for Air Curtain destructor

##### **Step 1** - Site Select and Preparation

Select a site, which will likely have a low water table, can be easily excavated, and is not less than 1000 feet from any occupied structure.

##### **Step 2** - Pit Preparation

Excavate the pit using either a front-end loader or backhoe.

##### Pit Dimensions:

The depth, width, and length of each pit must conform to the specifications prescribed by the Air Curtain manufacturer. Each pit must be excavated with at least three (3) vertical sides, in soil capable of maintaining the vertical walls without failure.

Note 1: The length of the pit is dependent upon the length of the air curtain destructor manifold.

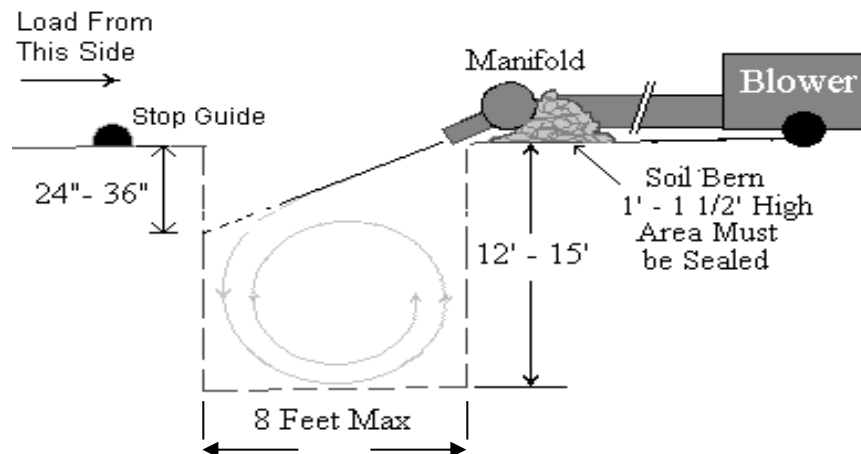
Note 2: Caution must be exercised to ensure that walls are not undercut during excavation. If a front-end loader is used for excavation, the end used for travel must be filled in with dirt beginning at the end of the manifold and filling up the ramp.

##### **Step 3** - Air Curtain Destructor Set Up

Using a small berm of soil (1 to 1 1/2 feet high), place the manifold (plenum & nozzles), such that the manifold is properly supported, and the space between the manifold and the ground is sealed. Rotate the manifold until the air curtain will be directed at an imaginary horizontal line 24 to 36 inches below the top of the opposite wall. Slide the skid containing the blower and motor into place and connect the manifold. A "stop guide" or restraint must be provided at the loading side of the pit in order to keep the loader from

getting to close to the edge of the pit during charging operations. *Note: A fence or barrier must be erected around the pit to protect the public.*

Example of Air Curtain Destructor set up for proper operation (refer to mfg. specifications)



#### Step 4 - Ignition Procedure

Load the pit half full with homogeneous mixture of trees, logs, and large brush. Douse the wood with 1/2 gallon of fuel oil or kerosene. The majority of the fuel oil or kerosene should be put on the wood at the front center side of the pit. Allow sufficient time for the fire to take hold before introducing any air from the air curtain destructor. As the fire grows in intensity, gradually bring the blower up to optimum speed (refer to manufacturer's recommendation)

**CAUTION: Do Not Use Tires or Highly Volatile Solvents Such as Gasoline, Mineral Spirits, Etc., for Ignition.**

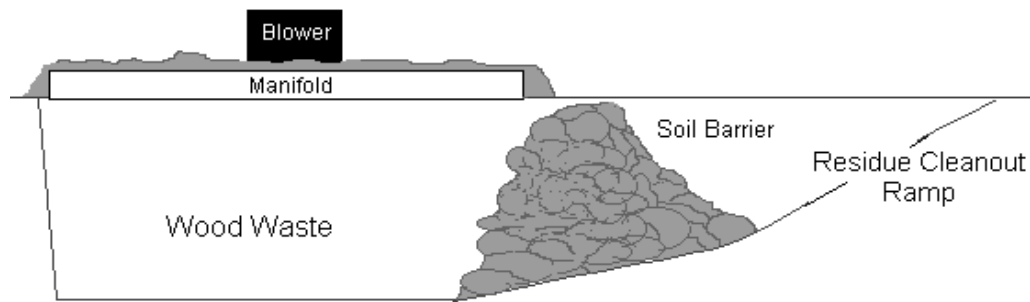
Note 1: Only wood waste consisting of trees, logs, large brush, stumps, relatively free of soil and lumber may be burned.

Note 2: Leaves, sawdust, other densely packed wood wastes, paper (any type), or chemically treated, coated, or impregnated wood **CANNOT** be burned.

#### Step 5 - Loading Procedures

Once the fire reaches full intensity, additional wood waste may be added. The intervals between pit refill may be determined by observing the burning rate. Generally, if the fire is kept at its maximum intensity, it will keep one (1) man, operating a front-end loader, constantly busy. Also, the material should be loaded toward the rear of the pit under the air curtain. The pit should not be overloaded; that is, the material should not be piled up so high that it would protrude above the air curtain. Also, no material should extend outside the boundaries of the pit and air curtain.



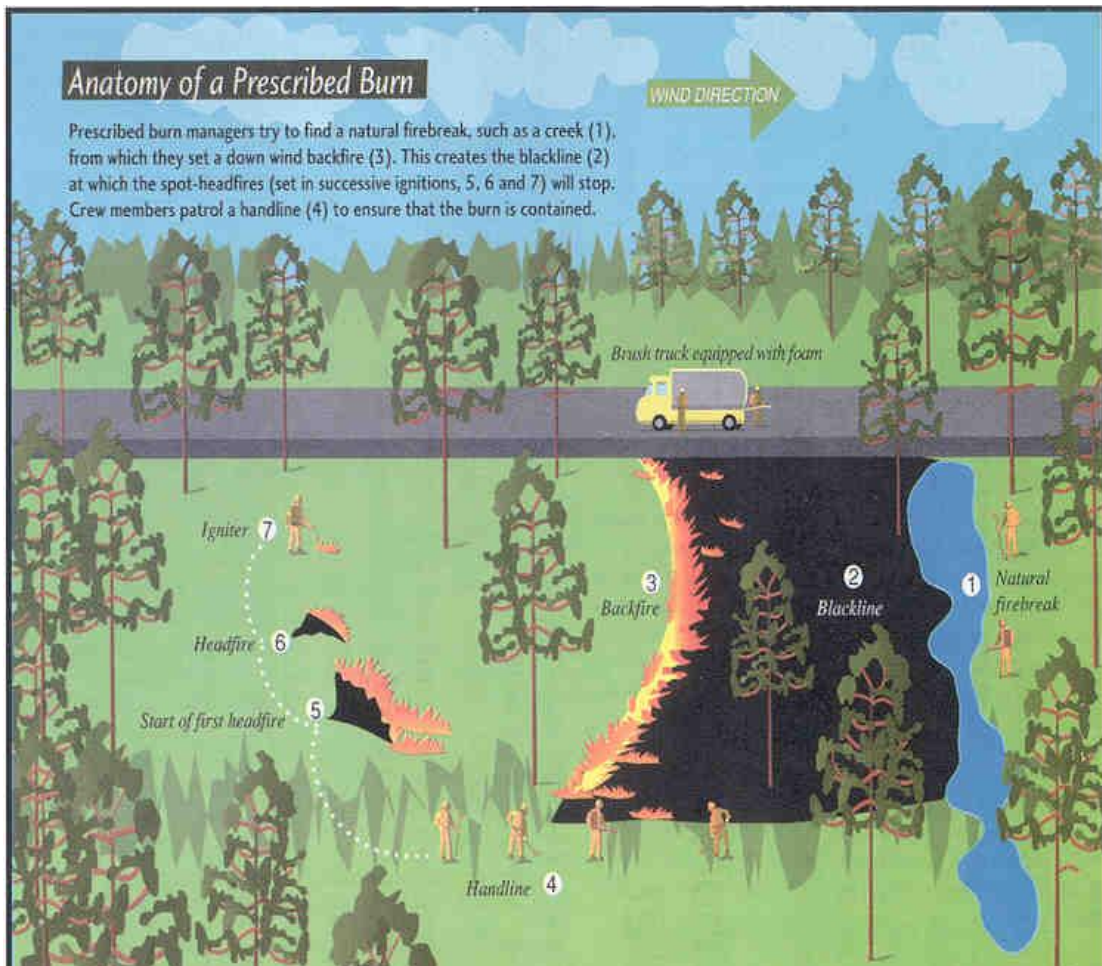


#### **Step 6 - Maintenance and Safety Requirements**

Ash removal is required in order to maintain efficient and proper combustion. Ashes should not be allowed to build up higher than  $\frac{1}{3}$  the pit depth, or below the point where they begin to impede combustion and are blown out of the pit. If spalling, "cave off", of the pit walls occurs during operations, a new pit must be constructed and the existing pit filled with soil.

## APPENDIX C: PRESCRIBED BURNS

(Ord. 2007-10)



## **TITLE 4     SAFETY**

### **CHAPTER 11            PROPERTY MAINTENANCE & OCCUPANCY CODE**

- 4-11-1 General Provisions
- 4-11-2 Definitions
- 4-11-3 Exterior Premises Conditions
- 4-11-4 Exterior Structure
- 4-11-5 Interior Structure
- 4-11-6 Space Requirements
- 4-11-7 Required Equipment and Facilities
- 4-11-8 Enforcement
- 4-11-9 Condemnation – Unfit/Unsafe Structures
- 4-11-10 Demolition, Repair and Maintenance of Buildings and Structures
- 4-11-11 Nuisances
- 4-11-12 Abandoned Structures
- 4-11-13 Assistance of Legal Counsel
- 4-11-14 Exclusivity of Remedies
- 4-11-15 Conflict
- 4-11-16 Violation-Penalty
- Appendix Q - 2018 International Residential Code to Accommodate Tiny Houses

#### **SECTION 4-11-1           GENERAL PROVISIONS**

- A. Title. This Chapter shall be known as the City of West Peoria Property Maintenance and Occupancy Code.
- B. Scope. The provisions of this Chapter shall apply to all existing residential and nonresidential buildings, structures, dwellings or parts thereof, as herein defined, and shall constitute the minimum requirements for premises, structures, equipment and facilities for light, ventilation, space, heating, sanitation, and protection from elements.

The provisions of this Chapter shall constitute minimum standards to all existing residential and nonresidential buildings, structures, dwellings or parts thereof, as herein defined, so as to eliminate conditions hazardous to the public health, safety and welfare within the City, as defined herein; and shall constitute minimum responsibilities of owners, operators and occupants concerning the occupancy of existing structures and premises.

The provisions of this Chapter shall apply uniformly to the construction, maintenance, use and occupancy of all buildings, structures and dwellings, and shall apply uniformly to all alteration, repair, equipment, use, occupancy and maintenance of all existing buildings, structures and dwellings within the City, irrespective of when or under what code or codes such buildings, structures or dwellings were originally constructed, rehabilitated or renovated.

- C. Declaration of Legislative Purposes. In recognition that the physical condition of a person's property has consequences beyond the lot upon which the property is located, this Chapter is adopted for the following purposes:
  - 1. To promote the public health, safety, morals, comfort and general welfare of the citizens of the City;
  - 2. To enhance the values of the property throughout the City;
  - 3. To protect and stabilize the general appearance of buildings, structures, dwellings, landscaping and open areas in the City;
  - 4. To ensure adequate light, air and privacy for property in the City;

5. To encourage and promote acceptability, attractiveness, cohesiveness and compatibility of buildings, structures and dwellings so as to maintain and improve the established property values within the City;
6. To preserve and promote the physical and mental health and social well-being of the people, to prevent and control incidence of communicable diseases, to reduce environmental hazards and to ensure safety from fire and accidents;
7. To prevent and control blight;
8. To determine the responsibilities of owners, operators and occupants of buildings, structures and dwellings within the City;
9. To provide for the administration and enforcement thereof.

## SECTION 4-11-2 DEFINITIONS

For the purpose of this Chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**Accessory building:** means a detached building which is secondary or subordinate to a principal building; and is subordinate in area, extent or purpose to the principal building; and contributes to the comfort, convenience or necessity of occupants of the principal building; and is temporarily or permanently located in the same zoning lot as the principal building served.

**Apartment:** means a dwelling unit having both bathroom and kitchen facilities.

**Appropriate authority:** means that person within the governmental structure of the corporate unit who is charged with the administration of the appropriate code.

**Approved:** means approved by the local, state or federal authority having such administration authority.

**Ashes:** means all ashes of wood, coal, coke, charcoal and/or residue resulting from the combustion of any material or substance.

**Attic:** means any story situated wholly or partly within the roof, and so designed, arranged or built as to be used for storage or habitation.

**Attractive nuisance:** means any building, structure or dwelling or part thereof and/or the exterior property surrounding such building, structure or dwelling or any vacant/abandoned building, structure or dwelling or property left in an unsightly, dilapidated, deteriorated or neglected condition, such building, structure or dwelling or premises is an attractive nuisance if it is detrimental to the public health, safety and welfare.

**Basement/cellar:** means a portion of a building, structure or dwelling having at least one-half (1/2) or more of its height below the finished lot grade level.

**Building:** means any structure built for the support, shelter or enclosure of persons, animals, chattels, or personal property of any kind, such as a house, factory, garage or shed and including temporary housing as defined herein.

**Bulk container or dumpster:** means any metal garbage, rubbish and/or refuse container having a capacity of two (2) cubic yards or greater and that which is equipped with fittings for hydraulic and/or mechanical emptying, unloading and/ or removal.

**Central heating system:** means a single system supplying heat to one (1) or more dwelling units or more than one (1) rooming unit.

**Chimney:** means a vertical shaft of reinforced concrete or other approved noncombustible, heat resisting material enclosing one (1) or more flues, for the purpose of removing products of combustion from solid, liquid or gaseous fuel; must be in conformance with existing City fire codes.

**Code Enforcement Officer:** means any employee(s) of the City designated by ordinance for the enforcement of this Code.

**Dangerous buildings:** for purposes of this maintenance code, means all buildings or structures which have any or all of the following defects shall be deemed dangerous buildings:

- A. Those whose interior walls or other vertical structural members list, lean or buckle to such an extent that a plumb line passing through the center of gravity falls outside of the middle third of its base;
- B. Those which, exclusive of the foundation, show thirty-three (33) percent or more of damage or deterioration of the supporting members, or thirty-three (33) percent of damage or deterioration of the nonsupporting enclosing or outside walls or covering;
- C. Those which have improperly distributed loads upon the floors or roofs or in which the same are overloaded, or which have insufficient strength to be reasonably safe for the purpose used;
- D. Those which have been damaged by fire, wind or other causes so as to have become dangerous to life, safety, morals or the general health and welfare of the occupants or the people of the City;
- E. Those which have become or are so dilapidated, decayed, unsafe, unsanitary or which so utterly fail to provide the amenities essential to decent living that they are unfit for human habitation, or are likely to cause sickness or disease, so as to work injury to the health, morals, safety or general welfare of those living therein;
- F. Those having light, air and sanitation facilities which are inadequate to protect the health, morals, safety or general welfare of human beings who live or may live therein;
- G. Those having inadequate facilities for egress in case of fire or panic or those having insufficient stairways, elevators, fire escapes or other means of departure;
- H. Those which have parts thereof which are so attached that they may fall and injure members of the public or property;
- I. Those which, because of their condition, are unsafe, unsanitary or dangerous to the health, morals, safety or general welfare of the people of the City;

**Deterioration:** means the condition or appearance of a building, structure or dwelling characterized by holes, breaks, rock crumbling, cracking, rusting, peeling paint or other evidence of physical decay or neglect, excessive use or lack of maintenance.

**Dilapidated:** means a building, structure or dwelling or part thereof which is in a state of ruin or shabbiness resulting from neglect. The term implies a hazard to life or property or no longer adequate for the purpose or use for which it was originally intended.

**Dormitory:** means a building or group of rooms in a building used for institutional living and sleeping purposes by four (4) or more persons.

**Dwelling:** means any enclosed space wholly or partly used or intended to be used for living and sleeping, cooking and eating; provided that temporary housing as hereinafter defined shall not be classified as a dwelling.

- A. **One (1) family dwelling:** means a building containing one (1) dwelling unit.
- B. **(2) family dwelling:** means a building containing two (2) dwelling units.
- C. **Multifamily apartment:** means a building or a portion thereof containing more than two (2) dwelling units.
- D. **Boarding house or tourist house:** means a building arranged or used for lodging with or without meals for compensation, by more than five (5) but not more than twenty (20) individuals.

- E. **Rooming house:** means a building or part thereof, in which sleeping quarters (but not meals or cooking facilities) are provided by prearrangement for compensation on a weekly or longer basis for three (3) or more persons.
- F. **Hotel:** means any building containing six (6) or more guest rooms intended or designed to be used, or which are occupied for sleeping purposes by guests.
- G. **Motel:** means any building containing guest rooms in which the rooms are usually accessible from an outdoor parking area and the rooms are intended or designed to be used, or which are occupied for, sleeping purposes by guests.

**Dwelling unit:** means a room or group of rooms located within a dwelling forming a single habitable unit with facilities used, or intended to be used, by a single-family for living, sleeping, cooking and eating purposes.

**Egress:** means an arrangement of exit facilities to assure a safe means of exit from buildings, structures and dwellings.

**Existing buildings:** means a building, structure or dwelling, or part thereof which has been completed and is ready for occupancy.

**Extermination:** means the control and elimination of insects, rodents or other vermin or pests, by eliminating their harborage places; by removing or making inaccessible the materials that may serve as their food; by poisoning, spraying, fumigating, trapping or by any other recognized and legal pest elimination methods.

**Fair market value:** means a price at which both buyers and sellers are willing to do business.

**Family:** either:

- A. Two (2) or more persons, each related to the other by blood, marriage, or adoption, together with usual domestic servants and not more than one (1) bona fide guest, all living together as a single housekeeping unit and using common kitchen facilities (that is, a related family); or
- B. Five (5) or fewer persons, all of whom are not necessarily related to each of the others by blood, marriage, or adoption, all living together as a single housekeeping unit and using common kitchen facilities (that is, an unrelated family).

**Flush water closet:** means a toilet bowl which is flushed with water which has been supplied under pressure and equipped with a water sealed trap above the floor level.

**Garbage:** means any rejected or waste household food, offal, swill land carrion and every accumulation of animal, fruit or vegetable matter that attends the preparation, use, cooking and dealing in, or storage of meats, fish, fowl, fruits or vegetables, and any other matter which is subject to decay, putrefaction or the generation of noxious or offensive gasses or odors, or which during or after decay may serve as breeding or feeding materials for insects, rodents or other vermin. "Garbage" also includes compostable materials, manure, miscellaneous waste and yard waste.

**Grade:** means the established grade of the street or sidewalk. Where no such grade has been established, the grade shall be the elevation of the sidewalk at the property line or the crown of the street adjacent to the property line, whichever is higher. However, in cases of unusual topographic conditions as determined by the building inspector, grade shall be the average elevation of the finished surface of the ground adjoining the exterior walls of a building at the base of a structure.

**Graffiti:** means an unattractive or scribbled motto or writing on any building, structure, dwelling, garage, driveway or walkway on the premises.

**Guest:** means a person received and entertained at the house of another for a period no longer than thirty (30) days.

**Habitable room:** means a room or enclosed floor space used or intended to be used for living or sleeping purposes, excluding kitchens, bathrooms, water closet, compartments, laundries, furnace rooms of less than seventy (70) square feet of floor space, foyers or communicating corridors, stairways, closets, storage spaces and workshops, hobby and recreation areas.

**Heated water:** means water heated to a temperature of not less than one hundred twenty (120) degrees Fahrenheit at the outlet.

**Heating device:** means all furnaces, unit heaters, domestic incinerators, cooking and heating stoves and ranges and other similar devices.

**Household:** means one (1) or more individuals living together in a single-family dwelling unit and sharing common living, sleeping, cooking and eating facilities. (See also "Family").

**Impervious to water/pests:** (as to floors) means a clean, smooth floor, without cracks or holes, and made of terrazzo, ceramic, wood, asphalt vinyl or rubber tile, smooth concrete, linoleum or other similar material that is completely sealed so as to be water-resistant and impervious to pests.

**Infestation:** means the presence within or around a dwelling of any insects, rodents or other pests.

**Inoperable motor vehicle:** means a motor vehicle from which, for a period of seven (7) days, the engine wheels or other parts thereof are damaged or otherwise so treated that the vehicle is incapable of being driven under its own motor power.

**Junk vehicle:** means any vehicle which is without a current valid license plate and/or City vehicle sticker, and/or is in a rusted, wrecked, dismantled, partly dismantled, inoperative or abandoned condition for a period of forty-eight (48) consecutive hours.

**Kitchen:** means any room used for the storage of foods, preparation of foods and containing the following equipment; sink and/or device for dishwashing, stove or other device for cooking, refrigerator or other device for cool storage of food, cabinets and/or shelves for storage of equipment and utensils, and counter or table for food preparation.

**Kitchenette:** means a small kitchen or an alcove containing cooking facilities.

**Lavatory:** means a fixed wash bowl equipped with plumbing. Kitchen sinks do not meet this definition.

**Lead based paint:** means any paint containing more lead than the level established by U.S. Consumer Product Safety Commission as being a "safe" level of lead in residential paint and paint products.

**Lease:** means the transfer of occupancy rights of real property for consideration even if there is no written agreement entered into.

**Maintenance:** means conformance of a building, structure or dwelling and its facilities to the code under which the building was constructed.

**Motor vehicle:** means as defined by the Illinois Motor Vehicle Code and as amended from time to time, and any parts thereof.

**Multiple dwelling:** means any dwelling containing more than one (1) dwelling unit.

**Occupant:** means any person living in, sleeping in, or having actual possession of, a building, structure or dwelling, or portion thereof.

**Operator/owner:** means:

- A. Any person having charge, care, management or control of any building, structure, dwelling, property or part thereof; or

- B. Any person who alone or jointly or severally with others has legal or equitable title to a building, structure or dwelling, the agent of the person, any person having management or control of the building, structure or dwelling, including but not limited to a purchaser, mortgagee, receiver or lessee in possession of any building, structure or dwelling.

**Permissible occupancy:** means the maximum number of individuals permitted to reside in a dwelling unit, rooming unit or dormitory.

**Person:** means any natural person, firm, partnership, trust, cooperative or association. Whenever used with respect to any penalty, the term "person," as applied to partnerships, firms or associations, means the partners or members thereof.

**Pest:** means a destructive or injurious insect or animal, which is harmful to humans.

**Plumbing:** means and includes all of the following: gas pipes, gas burning equipment, water heating equipment, water pipes, water pipe wall plates, garbage disposal units, waste pipes, water closets, sinks, installed dishwashers, lavatories, bathtubs, shower baths, installed clothes washing machines, wells, septic tanks, catch basins, drains, vents and any other similarly supplied fixtures, and the installation thereof, together with all connections to water sewer, or gas lines, and as further defined in the plumbing code.

**Pre-ordinance building:** means every existing building, structure or dwelling, or part thereof which was completed, or for the construction of which a permit was issued prior to the effective date of this chapter.

**Premises:** means a lot, plot or parcel of land, including all buildings, structures and dwellings thereon.

**Privacy:** means the existence of conditions which will permit an individual or individuals to carry out an activity without interference by either the noise or sight of unwanted individuals.

**Properly connected:** means connected in accordance with all applicable codes and ordinances of the City as are in force from time-to-time; provided, however, that the application of this definition shall not require the alteration or replacement of any connection in good working order and not constituting a hazard to life or health.

**Public nuisance:** means:

- A. Any act, thing, physical condition, use or occupancy of any premises or its appurtenances which shall continue for such length of time as to substantially annoy, injure or endanger the comfort, health, physical senses, repose or safety of the public or persons of ordinary sensibilities.
- B. Any act, thing, physical condition, use or occupancy of any premises or its appurtenances which shall continue for such length of time as to substantially interfere with, obstruct or tend to obstruct or render dangerous for passage any street, alley, highway, or other public way.
- C. Any act, thing, physical condition, use or occupancy or any premises or its appurtenances considered an attractive nuisance to children, including but not limited to abandoned wells, shafts, basements, excavations, unsafe fences or structures;
- D. Any premises which have unsanitary sewerage or plumbing facilities;
- E. Any premises designated as unsafe for human habitation or use;
- F. Any premises which are manifestly capable of being a fire hazard, or are manifestly unsafe or unsecured as to endanger life, limb or property;
- G. Any premises from which the plumbing, heating and/or facilities required by the Code have been removed or from which utilities have been disconnected, destroyed, removed or rendered ineffective, or the required precautions against trespassers have not been provided;



- H. Any premises which are unsanitary, or which are littered with rubbish or garbage, or which have an uncontrolled growth of weeds; or
- I. Any structure, building or dwelling that is in a state of dilapidation, deterioration or decay, faulty construction; overcrowded, open, vacant or abandoned, damaged by fire to the extent as not to provide shelter, in danger of collapse or failure and is dangerous to anyone on or near the premises.

**Rat harborage:** means any condition or place where rats can live, nest or seek shelter.

**Rat proofing:** means a form of construction which will prevent the ingress or egress of rats to or from a given space, building, structure or dwelling, or from gaining access to food, water or harborage. It consists of the closing and keeping closed of every opening in foundations, basements, cellars, exterior and interior walls around first floors, roofs, sidewalk openings, and other places that may be reached and entered by rats by climbing, burrowing or other methods by the use of materials impervious to rat gnawing and other methods approved by the appropriate authority.

**Refuse:** means all solids subject to decay or putrefaction (except body wastes) including garbage, rubbish, ashes and dead animals.

**Refuse container:** means a water-tight container that is constructed of metal or rigid plastic or other durable material impervious to rodents, that is capable of being serviced without creating unsanitary conditions or such other containers that have been approved by the appropriate authority. Openings into the container such as covers and doors shall be tight-fitting and made of metal or rigid plastic.

**Rehabilitation:** means:

- A. Repairs to, or replacement of, present elements of any existing building, structure or dwelling, such as windows, stairs, flooring, etc.;
- B. Rearrangement of rooms, by the relocation of partitions or walls; or by the installation of new bathrooms or kitchens; or
- C. The general replacement of the interior or portions of the interior of a building; structure or dwelling which may or may not include changes to structural elements such as floor systems, roof systems, columns or load bearing interior or exterior walls.

**Renovation:** means a building, structure or dwelling and its facilities made to conform to present day minimum standards of sanitation, fire and life safety.

**Rodents:** means rats, mice, raccoons, possums and other similar animals.

**Rooming house:** means any dwelling other than a hotel or motel or that part of any dwelling containing one (1) or more rooming units, and/or one (1) or more dormitory rooms and in which persons either individually or as families are housed with or without meals being provided.

**Rooming unit:** means any room or group of rooms forming a single habitable unit used, or intended to be used, for living and sleeping, but not for cooking or eating purposes.

**Rubbish:** means combustible and noncombustible waste materials, except garbage; the term shall include ashes, paper, rags, cartons, boxes, wood excelsior, rubber, leather, wrappings, cans, metals, mineral matter, glass, crockery and dust; any object that is worthless or unsuitable for use.

**Safety:** means the condition of being reasonably free from danger and hazards which may cause accidents or disease.

**Sale:** means the transfer for consideration of the title to real estate and includes the purchase of a condominium unit or the shares on a cooperative apartment association or a corporation, or a sale of land contract, contract for deed in trust, or trust deed.

**Servant:** means one who performs various duties about the dwelling unit of a personal employer.

**Service facilities:** means those facilities and fixtures necessary for the supply of such required basic services as heat, electricity, hot and cold water and sewage disposal.

**Short term:** means a period of time of a short duration such as a visitor visiting for a week, but not to exceed thirty (30) days.

**Space heater:** means a self-contained heating appliance of either the convection type or the radiant type and intended primarily to heat only a limited space or area such as one (1) room or two (2) adjoining rooms.

**Structure:** means that which is built or constructed, including without limitation because of enumeration, buildings or dwellings for any occupancy or use whatsoever, fences, signs, billboards, fire escapes/stairways, chute escapes railings, water tanks, towers, open grade steps, sidewalks or stairways, tents or anything erected and framed of component parts which is fastened, anchored or rests on a permanent foundation or on the ground.

**Supplied:** means paid for, furnished by, provided by, or under the control of the owner, operator or agent.

**Temporary housing:** means any tent, trailer, mobile home or any other structure used for human habitation which is designed to be transportable and which is not attached to the ground, to another structure, or to any utility system on the same premises for more than thirty (30) days.

**Tenant:** means a person, persons, co-partnership, firm or corporation occupying or using a building, structure, dwelling or premises or any part or parts thereof owned by another.

**Toxic substance:** means any chemical product applied on the surface of, or incorporated into, any structural or decorative material which constitutes a potential hazard to human health at acute or chronic exposure levels, as defined by the Illinois Environmental Protection Agency or the United States Environmental Protection Agency, which is modified as new substances are developed.

**Trash:** means the same definition as "Rubbish" defined herein.

**Unsanitary conditions:** means a condition constituting a danger or hazard to the health of a person or persons occupying or frequenting a building, structure, dwelling or premises, or to the general public.

**Variance:** means a difference between that which is required or specified and that which is a grant of relief from what is required or specified by the appropriate authorities.

**Ventilation:** means the process of supplying and removing air by natural or mechanical means to or from any space.

**Yard:** means an open space, on the same zoning lot with a building, structure or dwelling unoccupied and unobstructed from its lowest level to the sky, except as may otherwise be permitted in the City zoning ordinance. A yard extends along a lot line and to a depth or width specified in the yard requirements of the zoning ordinance.

#### SECTION 4-11-3 EXTERIOR PREMISES CONDITIONS

The owner of the premises shall be responsible for maintaining such premises in compliance with the requirements of this Section. No person shall occupy as owner-occupant or let to another for occupancy use any such premises which do not comply with the following requirements:

- A. Vacant Structures and Land. All vacant buildings, structures, dwellings and premises and/or vacant land, shall be maintained in a clean, safe, secure and sanitary condition as provided herein so as not to cause blight or adversely affect the public health, safety and welfare.
- B. Litter/Sanitation. All vacant land, exterior property areas and premises shall be maintained in a clean, safe and sanitary condition free from any accumulation of rubbish, litter, garbage, building

materials, abandoned and/or inoperative vehicles, tall weeds, grasses, brush or tree trimming and other similar materials.

- C. Refuse Containers. All garbage/rubbish shall be stored in containers. The owner of any building with more than three (3) dwelling units shall provide bulk refuse containers with close fitting covers of an adequate capacity to meet the needs of the occupants of such building and shall arrange for ample pick-up to control any overflow of refuse.
- D. Grading and Drainage. All premises shall be graded and maintained so as to prevent the accumulation of stagnant water thereon, or within any building, structure or dwelling located thereon. This shall not apply to City approved detention ponds, retention ponds or drainage swales.
- E. Downspout/Gutter/Sump Pump Discharge. All gutters and downspouts shall be securely and firmly fastened to the building, structure or dwelling and shall be free of debris. Gutter, downspout and sump pump discharge shall be retained upon the premises and directed away from adjacent properties.
- F. Insect/Rodent Control. An owner of a building, structure, dwelling or property shall be responsible for the extermination of insects, rats, vermin, rodents or other pests in all exterior areas of the premises of a single-family dwelling. Whenever infestation exists in the shared or public parts of the premises of other than a single-family dwelling, extermination shall be the responsibility of the owner. Every owner/operator shall maintain the premises in a "pest proof" fashion by preventing the presence of insects, rodents and other vermin. This maintenance shall include construction which will prevent the ingress or egress of such animals or insects to or from the premises, or from gaining access to food, water or harborage. Such maintenance shall consist of the closing of openings in the foundation, rooms, walls, sidewalk gratings and other places that may be reached by such animals or insects by climbing, flying, or burrowing, and by the use of materials impervious to rat gnawing.
- G. Sidewalks/Driveways/Public Areas. All sidewalks, steps, driveways, parking spaces and similar paved areas for public use shall be kept in a proper state of repair and free of all mud and other debris. If any sidewalk or driveway or portion thereof by virtue of its state of repair shall constitute a danger to public health and safety, the sidewalk or driveway or portion thereof shall be replaced or repaired.
- H. Landscaping.
  - 1. No premises shall contain an uncontrolled growth of weeds and/or grasses. All premises shall be frequently mowed. It is unlawful for any owner/operator of any premises, lot or tract of land within the City to:
    - a) Permit weeds, grass or undergrowth to grow over a height of nine (9) inches or more from the ground;
    - b) Permit dead trees to remain on the premises, lot or tract of land;
    - c) Permit the growth upon any premises, lot or tract of land of any noxious weeds, such as jimson, burdock, ragweed, chokeweed, cocklebur and barberry bushes.
  - 2. Every owner/operator shall:
    - a) Maintain any plant growth in a pruned and fertilized fashion;
    - b) Remove and discard fallen limbs, stumps, roots, obnoxious growth and branches within five (5) business days;
    - c) Remove and discard dead and dying trees or other unnatural growth which have rotted or are in a deteriorating condition within five (5) business days;
    - d) Trim all trees, hedges, shrubs and other plantings so as to avoid interference with, or obstruction to, persons or vehicles passing on public ways, easements or adjoining private property.

- I. Exhaust Vents. A person shall not construct, maintain or operate pipes, ducts, conductors, fans or blowers discharging gases, steam vapor, hot air, grease, smoke odors or other gaseous or particulate wastes so as to discharge directly upon abutting or adjacent public and private property or that of another tenant.
- J. Accessory Structures, Fences and Sheds.
  - 1. All accessory structures, including detached garages, fences, sheds and walls, shall be maintained in a structurally sound condition and kept in compliance with the Code. All garages must have doors installed and maintained in good working order.
  - 2. All exterior surface materials, including wood, vinyl, composition or metal siding, shall be maintained in a weatherproof condition, properly surface coated and kept free of peeling paint and graffiti. Such structures shall be kept in good repair so as not to become a harborage for rats, rodents or insects.
  - 3. It is unlawful for any owner or operator to place a temporary or snow fence on the property, except for short periods of time attendant to construction on the side for which a City building permit has been issued. Every owner/operator shall maintain all fences in good repair and keep them free from rips or missing members. All fences shall be constructed of sturdy, permanent material and be supported by rigid permanent supports, as per City code specifications. The owner/operator shall protect all metal or wood fence materials, except decay-resistant woods, against decay by using paint or other preservative materials.
- K. Graffiti. The owner of the premises shall be responsible for the removal of any and all graffiti placed upon any building, structure, dwelling, garage, driveway, fence or walkway on such premises within forty-eight (48) hours of being notified.
- L. Litter. Throwing or depositing garbage or refuse of any kind, including, but not limited to, cans, bottles, paper and plastic in any street, alley, park or public way within the City is unlawful.

#### SECTION 4-11-4 EXTERIOR STRUCTURE

The operator, owner or occupant of the premises shall be responsible for maintaining the exterior of the building, structure or dwelling on such premises in accordance with the requirements of this Section. No person shall occupy as owner-occupant or let to another for occupancy use any such premises which do not comply with the requirements of this section. The exterior of a building, structure or dwelling shall be maintained in a structurally sound and sanitary condition so as not to pose a threat to the health and safety of the occupants and so as to protect the occupants from the outer environment.

- A. Structural Members. All supporting structural members of all buildings, structures and dwellings shall be kept in a structurally sound condition, free of deterioration and capable of safely bearing the loads that normal use may cause to be placed thereon.
- B. Exterior Surfaces (Foundations, Walls, Roof).
  - 1. Every foundation, exterior wall, roof and all other exterior surfaces shall be maintained in a workmanlike state of maintenance and repair and shall be kept in such condition as to exclude rats, birds, insects and rodents.
  - 2. All exterior surfaces shall be maintained free of broken glass, loose shingles, crumbling stone or brick, peeling paint, holes, breaks, loose or rotting boards or timbers, and any other conditions which might admit rain or dampness to the interior portions of the walls/ceiling and/or reflect deterioration or inadequate maintenance of the building, structure or dwelling.
- C. Foundation Walls. All foundation walls shall be maintained so as to carry the safe design and operating loads of the building, structure or dwelling; said walls shall be maintained plumb and free from open cracks and breaks so as not to be detrimental to the public safety and welfare.

- D. Exterior Walls. Every exterior wall shall be free of holes, breaks, loose or rotting boards or timbers, paint and any other conditions which might admit rain or dampness to the interior portions of the walls or to the occupied spaces of the building, structure or dwelling. All exterior surface materials, including wood, vinyl, composition or metal siding, shall be maintained in a weather-proof condition and shall be properly surface coated/painted when required to prevent deterioration.
- E. Roofs, Soffits, Facia, Cornice, Eaves, Gutters and Downspouts. The roof, soffits, facia, cornice and eaves shall be structurally sound, tight and not have defects which admit rain; roof drainage shall be adequate to prevent rain water from causing dampness in the walls, ceilings or interior portions of the building, structure or dwelling. Tarps or other plastic covering do not serve as an adequate alternative and will only be permitted as a temporary covering for up to seven (7) business days. Gutters and downspouts shall be installed and maintained as specified in the City codes. All gutters and downspouts shall be securely and firmly fastened to the building, structure or dwelling and shall be free of debris or leaves. The discharge of gutters and downspouts shall be retained upon the premises and directed away from adjacent properties in a manner that does not create a public nuisance.
- F. Decorative Features. All cornices, entablatures, belt courses, corbels, terracotta trim, wall facings and similar decorative features shall be maintained in good repair with proper anchorage and in a safe condition.
- G. Signs, Marquees, Fire Escapes, Awnings and Overhead Extensions. All canopies, marquees, signs, awnings, stairways, fire escapes, standpipes, exhaust ducts and similar overhead extensions shall be maintained in good repair and be properly anchored so as to be kept in a safe and sound condition. They shall be protected from the elements and against decay and rust by the periodic application of weather-coating material such as paint or other protective treatments.
- H. Chimneys. All chimneys, cooling towers, smoke stacks and similar appurtenances shall be maintained in a structurally safe, sound condition and in good repair and shall not have any loose or missing mortar or materials. All exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating material such as paint or similar surface treatments.
- I. Stairs, Porches and Balconies. Every exterior stair, steps, porch, balcony and all appurtenances attached thereto shall be so constructed as to be safe to use and capable of supporting the loads to which it is subjected and shall be kept in sound condition and good repair. Exterior steps or stairs shall have uniform risers and uniform treads. Exterior stairs and every porch, which are more than two risers high, shall have handrails so located and of such design as to be safe to use and capable of supporting the loads to which it is subjected. Every handrail or railing shall be firmly fastened and must be maintained in good condition. Properly balustrade railings no less than thirty (30) inches in height and spaced no more than five (5) inches apart, vertically or horizontal, and capable of bearing normally imposed loads as required, shall be placed on the open portions of stairs, balconies, landings and stairwells.
- J. Weather tight Windows/Doors. Every window sash shall be fully supplied with glass window panes or an approved substitute which contain no open cracks or holes. Every window and door shall be fitted reasonably in its frame and be weather tight and rodent and insect proof. Weather stripping shall be used to exclude wind or rain from entering the building, dwelling or structure. Every door hinge, door latch, door and window shall be maintained in good working condition.
- K. Window, Skylight and Door Frames. Every window, skylight, door and frame shall be constructed and maintained in such relation to the adjacent wall construction so as to exclude rain as completely as possible and substantially exclude wind from entering the building, dwelling or structure. Every window, skylight and door shall be fitted reasonably in its frame and be weather tight. Windows,

skylights, doors and frames shall not be boarded up except temporarily in the event of a fire or other emergency and then only for a period not to exceed sixty (60) days.

- L. Glazing. Every required window sash shall be fully supplied with glazing materials which are without open cracks or holes.
- M. Openable Windows. Every window, other than a fixed window, shall be capable of being easily opened and shall be held in position by window hardware.
- N. Door Hardware. Every exterior door, door hinge and door latch shall be maintained in good condition. Door locks in dwelling units shall be in good repair and be capable of rightly securing the door. No person shall let to another for occupancy any dwelling or dwelling unit unless all exterior doors of the dwelling are equipped with functioning locking devices. Locks which can be secured from the exterior of the dwelling or dwelling unit which cannot be unlocked from the interior are expressly prohibited.
- O. Insect Screens--Storm Doors/Windows. Every door and window or other outside opening used for ventilation purposes shall be supplied with approved sixteen (16) mesh screening and storm door/storm windows; every swinging screen door or storm door shall have a self-closing device in good working condition. Windows located at or near ground level shall be supplied with adequate screens to prevent entry of rats or rodents into the building, structure or dwelling. Screens shall not be required in any dwelling units or rooms above the fifth floor.
- P. Basement Hatchways. Every basement or cellar hatch-way shall be so constructed and maintained as to prevent the entrance of rodents, rain, rats, insects and surface water drainage into the building, structure or dwelling.
- Q. Guards for Basement Windows. Every basement or cellar window which is openable shall be supplied with rodent-proof shields or storm windows or other material affording protection against the entry of rats, rodents, or insects.
- R. Matching Exterior Repairs. Whenever repair, replacement or maintenance of exterior walls or roofs is required, such repair, replacement or maintenance shall be undertaken so as to match, conform and be consistent with the existing exterior.
- S. Exterior Accessories. Mailboxes, television antennas, doorbells, coachlights, entrance lights, etc., shall be securely and firmly fastened to the dwelling and maintained in good repair and working condition.
- T. Sump Pump Discharge. Sump pump discharge shall be directed away from adjacent properties and retained on the premises. Tying of sump pump discharge directly into the sewer system is prohibited.
- U. Exterior Maintenance. The exterior finish of all buildings, structures and dwellings shall be maintained; chipped and peeling paint shall be removed and replaced with new materials, damaged and deteriorated walls shall be removed, replaced or resurfaced, failing mortar shall be reconditioned and tuck-pointed. Damaged or deteriorated roof; doors and windows shall be repaired and/or replaced to a structurally sound condition. Fences, porches, stairways, balconies and entrances shall be maintained in good condition and repair and protected by weather resistant materials.
- V. Lead-Based Paint. Lead-based paint with a lead content of more than one-half (1/2) of one (1) percent shall not be applied to any interior or exterior surface of a building, structure, dwelling, dwelling unit or child care facility, including fences and outbuildings at these locations. Existing interior and exterior painted surfaces of buildings, structures, dwelling units and child care facilities that contain an excess of one-half of one percent lead shall be removed or covered with paneling or other suitable covering approved by the code enforcement officer.

## SECTION 4-11-5 INTERIOR STRUCTURE

The operator, owner or occupant of the premises shall be responsible for maintaining the interior of the building, structure or dwelling of such premises in accordance with the requirements of this section. No person shall occupy as owner-occupant or let to another for occupancy use any such premises which do not comply with the requirements of this Section. The owner of a building, structure or dwelling shall maintain the interior and its equipment, in a structurally sound and sanitary condition so as not to pose a threat to the health, welfare and safety of the occupants and shall protect the occupants from the environment.

- A. Structural Members. The supporting structural members of every building, structure or dwelling shall be maintained in a structurally sound condition, not showing any evidence of deterioration which would render them incapable of carrying the imposed loads which they were intended to carry.
- B. Interior Surface. All floors, walls, ceilings, windows, doors and other interior surfaces shall be maintained in good, clean, sanitary, working condition and shall be substantially rodent proof; free of holes, free of large cracks in wallboard, paneling or other material.
- C. Safe Condition. Every interior floor, interior wall, ceiling, inside stair, every enclosed porch and every appurtenance thereto shall be safe to use and capable of supporting the loads that normal use may cause to be placed thereon and shall be kept in sound condition and good repair. Every inside stair or step shall have uniform risers, uniform treads, and handrails for two (2) or more steps.
- D. Lead-Based Paint. Lead-based paint with a lead content of more than one-half (1/2) of one (1) percent shall not be applied to any interior or exterior surface of a building, structure, dwelling, dwelling unit or child care facility, including fences and outbuildings at these locations. Existing interior and exterior painted surfaces of buildings, structures, dwelling units and child care facilities that contain an excess of one-half of one percent lead shall be removed or covered with paneling or other suitable covering approved by the Code Enforcement Officer.
- E. Bathroom, Kitchen and Other Floors. Every water closet compartment, bathroom and kitchen floor surface shall be constructed and maintained so as to be substantially impervious to water; to prevent leaking into adjacent rooms and so as to permit such floor to be easily kept in a clean and sanitary condition. All other floors shall be constructed and maintained in a structurally sound condition and capable of supporting anticipated loads.
- F. Plumbing Fixtures. Every plumbing fixture and all water and waste pipes shall be properly installed and maintained in good sanitary working condition, free from defects, leaks and obstruction.
- G. Facilities Equipment--Utilities. Every supplied facility, piece of equipment or utility which is required under this Code shall be maintained in satisfactory working condition so that it will function safely and effectively.
- H. Free From Dampness. Cellars, basements and crawl spaces, in every building, structure or dwelling shall be maintained reasonably free from damp conditions likely to lead to decay, mold or deterioration of the structure.
- I. Sanitation. The interior of every building, structure or dwelling shall be maintained in a clean and sanitary condition free from any accumulation of rubbish, refuse or garbage. Rubbish, garbage and other refuse shall be properly kept inside temporary storage facilities as required by this Code. Garbage or refuse shall not be allowed to accumulate or be stored in public hallways or stairways.
- J. Rat proofing. Every building, structure, dwelling, multiple dwelling or accessory structure and the premises on which it is located, shall be maintained in a rat-free and rat-proof condition. All openings in the exterior walls, foundations, basements, ground or first floors and roofs which have a one-half (1/2) inch diameter or more opening shall be rat proofed in an approved manner if they

are within forty-eight (48) inches of the existing exterior ground level, or if they may be reached by rats from the ground by climbing unguarded pipes, wires, cornices, stairs, roofs and other items such as trees or vines or by burrowing. All sewers, pipes, drains or conduits and openings around such pipes and conduits shall be constructed to prevent the ingress and egress of rats to or from a building, structure, dwelling, multiple dwelling or accessory structure.

- K. Exit Facilities. All interior stairs and railings and other exit facilities of every building, structure dwelling shall be maintained in sound condition and good repair by replacing treads and risers that evidence excessive wear or are broken, warped or loose. Every inside stair shall be so constructed and maintained as to be safe to use and be capable of supporting the anticipated loads.
- L. Stairs, Porches and Railings. Adequate interior stairs, porches, railings and/or other exit facilities shall be provided in every structure and shall be maintained in a structurally sound and safe condition.
- M. Handrails. Every interior stairwell and every interior flight of stairs, which is more than two (2) risers high, shall have handrails and every open portion of a stair, porch, landing and balcony which is more than thirty (30) inches above the floor or grade below shall have guardrails. Every handrail, railing and guardrail shall be firmly fastened and capable of bearing normally imposed loads and shall be maintained in good condition. Properly balustrade railings, spaced no more than five (5) inches apart, capable of bearing normally imposed loads as required, shall be placed on the open portions of stairs, balconies, landings and stairwells.
- N. Storage of Drugs/Poisons. Each dwelling unit shall have facilities for the safe storage of drugs and household poisons.
- O. Fire/Smoke Detectors. All buildings of residential or mixed occupancy shall be equipped with approved smoke detectors in the manner prescribed as follows: smoke detectors shall be installed outside of each separate sleeping area in the immediate vicinity of the bedrooms and on each additional story of the family living unit including basements but excluding crawl spaces and unfinished attics. The approved smoke detector shall be installed on the ceiling and at least six (6) inches from any wall and thirty-six (36) inches from any cold air return or warm air vent. The approved smoke detector may be installed on a wall, located from six (6) inches to twelve (12) inches from the ceiling and thirty-six (36) inches from any cold air return or warm air supply vent, and within fifteen (15) feet of all rooms used for sleeping purposes, with not less than one (1) detector per living level. All multiple dwellings and buildings of mixed occupancy having any residential units shall contain not less than one (1) approved smoke detector at the uppermost ceiling of all interior stairwells. All approved smoke detectors herein required shall be placed and installed per the National Fire Protection Association Life Safety Code and maintained in working condition.
- P. Carbon Monoxide Detectors. All buildings of residential or mixed occupancy shall be equipped with approved carbon monoxide detectors in accordance with State of Illinois law.

#### SECTION 4-11-6 SPACE REQUIREMENTS

No person shall occupy, or let to be occupied, any dwelling or dwelling unit, for the purpose of living therein, which does not comply with the following requirements; the owner shall be responsible for maintaining such building, structure or dwelling in compliance with these requirements:

- A. Dwelling Units. The maximum occupancy of any dwelling unit shall not exceed the lesser value of the following two (2) requirements:
  - 1. For the first occupancy of a dwelling unit there shall be at least two hundred (200) square feet of floor area and there shall be at least one hundred fifty (150) square feet of floor area



for every additional occupancy thereof; the floor area to be calculated on the basis of total habitable room area.

- a) For Tiny dwelling each dwelling unit shall have a minimum floor area of not less than 170 square feet for the first occupant and not less than 100 square feet for each additional planned occupant. Total floor must be smaller than 400 square feet and a height no greater than 20 feet. (Ord. 2021-41)

2. No more than one (1) family or two (2) occupants shall occupy a dwelling unit. For purposes of this property maintenance code, "family" shall be defined as one or more persons related by blood, marriage or adoption; or five (5) or fewer persons, all of whom are not necessarily related to each of the others by blood, marriage or adoption, all living together as a single housekeeping unit and using common kitchen facilities (that is, an unrelated family).

B. Sleeping Area. Every room occupied for sleeping purposes by one (1) occupant shall contain at least seventy (70) square feet of floor area and every room occupied for sleeping purposes by more than one (1) person shall contain at least fifty (50) square feet of floor area for each additional occupant thereof.

C. Access.

1. No dwelling or dwelling unit containing two (2) or more sleeping rooms shall have room arrangements such that access to a bathroom or water closet compartment intended for use by occupants of more than one (1) sleeping room can be had only by going through another sleeping room; nor shall room arrangements be such that access to a sleeping room can be had only by going through another sleeping room. A bathroom or water closet compartment shall not be used as the only passageway to any habitable room, hall, basement or cellar or to the exterior of the dwelling unit.
2. Every dwelling unit shall be arranged in such a manner that each room is accessible from every other room, rooms or other areas not exclusively a part of such dwelling unit except through a doorway equipped with a door and a lock.

D. Overcrowding. If any dwelling unit is overcrowded, the Code Enforcement Officer may order the number of persons sleeping or occupying the room to be so reduced that it shall not exceed the maximum occupancy permitted in Subsection A of this Section.

E. Ceiling Height.

1. At least one-half (1/2) of the floor area of every habitable room shall have a clear ceiling height of at least seven and one-half (7 ½) feet; the floor area of that part of any room which is less than five (5) feet shall not be considered as part of the floor area in computing the total floor area of the room for the purpose of determining the maximum permissible occupancy thereof.
2. All public corridors and hallways shall have a ceiling height of not less than seven and one-half (7 ½) feet. Hallways within dwelling units shall have a ceiling clearance of not less than seven (7) feet.
3. Bathroom/toilet compartments and utility non-habitable basement rooms shall have a ceiling clearance of not less than seven (7) feet.

F. Closet Space. Every dwelling unit shall have at least four (4) square feet of floor-to-ceiling height closet space for the personal effects of each permissible occupant; if it is lacking in whole or in part, an amount of space equal in square footage to the deficiency shall be subtracted from the area of habitable room space used in determining permissible occupancy.

No person shall occupy or let to be occupied any dwelling or dwelling unit, for the purpose of living therein, which does not comply with the following requirements:

- A. Bathroom. Within every dwelling unit there shall be a non-habitable room which affords privacy to a person within the room and which is equipped with a flush water closet in good working condition. The flush water closet shall be equipped with easily cleanable surfaces, be properly connected to a water system that at all times provides an adequate amount of running water under pressure to cause the water closet to be operated properly and shall be properly connected to a sewer system or septic system.
  - 1. Such room shall be equipped with a solid door that can be locked for privacy.
  - 2. The floors, walls and fixtures in the room shall be grouted, caulked or sealed to prevent the escape of moisture and entry of insects into adjoining sections of the dwelling or dwelling unit.
- B. Lavatory/Water Closet. Within every dwelling unit there shall be a lavatory sink. The lavatory sink may be in the same room as the flush water closet, or, if located in another room, the lavatory sink shall be located in close proximity to the door leading directly into the room and properly connected to a water supply system which meets appropriate City codes and provides at all times an adequate amount of heated and unheated running water under pressure, and which is properly connected to a sewer system or septic system. Water inlets for lavatory sinks shall be located above the overflow rim of these facilities. Such room shall be equipped with a solid door that can be locked for privacy.
- C. Direct Access to Lavatory and Water Closet. No dwelling or dwelling unit containing two (2) or more sleeping rooms shall have room arrangements so that access to a bathroom or water closet compartment, intended for use by occupants of more than one (1) sleeping room, can be had only by going through another sleeping room; nor shall room arrangements be such that access to a sleeping room can be had only by going through another sleeping room or a bathroom or water closet compartment. Such room shall be equipped with a solid door that can be locked for privacy.
- D. Bathtub and Shower. Within every dwelling unit there shall be a room which affords privacy to a person within the room and that which is equipped with a bathtub or shower in good working condition. The bathtub or shower may be in the same room as the flush water closet or in another room and shall be properly connected to a water supply system and provides at all times an adequate amount of heated water at a temperature of one hundred twenty (120) degrees Fahrenheit and unheated water under pressure, and which is connected to a sewer system or septic system. Water inlets for bathtubs shall be located above the overflow rim of these facilities. Such room shall be equipped with a solid door that can be locked for privacy.
- E. Kitchen/Food Preparation Room. Every dwelling unit shall have a room or portion of a room in which food may be prepared and/or cooked, which shall be equipped with the following:
  - 1. Kitchen Sink. A kitchen sink in good working condition and properly connected to a water supply system and which provides at all times an adequate amount of heated and unheated running water under pressure, and which is connected to a sewer system or septic system.
  - 2. Cabinets/Shelves. Cabinet and/or shelves for the storage of eating, drinking and cooking equipment and utensils, and for food that does not under ordinary summer conditions require refrigeration for safe keeping; and a counter or table shall be of sound construction and furnished with surfaces that are easily cleanable and that will not import any toxic or harmful effect to food.
  - 3. Refrigeration and Cooking Equipment. A stove, or similar device for cooking food, and a refrigerator or similar device, for the safe storage of food at temperatures less than forty-five (45) degrees Fahrenheit, but more than thirty-two (32) degrees Fahrenheit, under ordinary maximum summer conditions, which are properly installed with all necessary

connections for safe, sanitary and efficient operation; provided that such stove, refrigerator and/or similar devices need not be installed when a dwelling unit is not occupied and when the occupant is expected to provide same upon occupancy, and also provided that sufficient space and adequate connections for the safe and efficient installation and operation of the stove, refrigerator and/or similar devices are provided. Every piece of such equipment shall be so constructed and installed so that it will function safely and effectively and shall be maintained in sound working condition. Portable cooking equipment employing flame, and cooking equipment using gasoline or kerosene as fuel for cooking are prohibited; provided, however, that this subsection shall not apply to fondue dishes, chafing dishes or other similar portable cooking equipment.

- F. Electrical Outlets. Every kitchen shall be equipped with not less than three (3) duplex outlets. Toilet Rooms. No person shall occupy or let to be occupied any dwelling or dwelling unit, for the purpose of living therein, which does not comply with the following requirements. The owner of the dwelling or dwelling unit shall maintain such dwelling or dwelling unit in compliance with the following requirements:
1. Privacy. Toilet rooms and bathrooms shall be designed and arranged for privacy. Such rooms shall be equipped with solid doors that can be locked for privacy and such doors and locks shall be maintained in good working condition.
  2. Direct Access. Toilet rooms shall not be used as a passageway to a hall or other space, or to the exterior. A toilet room or bathroom in a dwelling unit shall be accessible from any sleeping room without passing through another sleeping room.
- G. Floors. Bathrooms and toilet rooms shall be provided with floors of moisture resistant material. Such floors shall be structurally sound, in good repair, safe to use and capable of supporting the loads of normal use. All floors shall be rodent proof; free of holes, wide cracks and loose, protruding, warped or rotting floor boards which might possibly constitute an accident hazard. Such floor shall be easily kept clean and sanitary. Plumbing Fixtures. No person shall occupy, or let to be occupied, any dwelling or dwelling unit, for the purpose living therein, which does not comply with the following requirements. The owner of the dwelling or dwelling unit shall maintain such dwelling or dwelling unit in compliance with the following requirements:
1. Connections. Water supply lines, plumbing fixtures, vents and drains shall be properly installed, connected and maintained in good working order and shall be kept free from obstructions, leaks and defects, and be capable of performing the function for which they were originally designed.
  2. Maintained Clean and Sanitary. All plumbing facilities shall be maintained in a clean and sanitary condition by the occupant of the dwelling or dwelling unit so as not to breed insects and rats or produce dangerous or offensive gases, odors or mold.
  3. Access for Cleaning. Plumbing fixtures shall be so installed so as to permit easy access for cleaning both the fixture and the area about it.
- H. Water Systems. No person shall occupy, or let to another for occupancy, or use any building, structure, dwelling or portion thereof; or premises, which does not comply with the requirements of this Section.
1. Connections. Every sink lavatory, bathtub, shower, drinking fountain, water closet or other facility shall be properly connected to either a public water system or an approved private water system. All sinks, lavatories, bathtubs and showers shall be supplied with hot and cold running water.
  2. Contamination. The water supply shall be maintained free from contamination and all water inlets for plumbing fixtures shall be located above the overflow rim of the fixture.
  3. Supply. The water supply system shall be installed and maintained to provide, at all times, a supply of water to plumbing fixtures, devices and appurtenances, in sufficient volume and at pressures adequate to enable them to function satisfactorily.

4. Water Heating Facilities. Where hot water is provided, water heating facilities shall be installed in an approved manner, properly maintained in a safe working condition and properly connected with hot water lines to the fixture required to be supplied with the hot water. Water heating facilities shall be capable of heating water to such a temperature as to permit an adequate amount of water to be drawn at every required kitchen sink, lavatory, bathtub, shower or laundry facility, at a temperature of not less than one hundred twenty (120) degrees Fahrenheit.
  5. Venting. No owner or occupant shall install, operate, or use a heating device, including hot water heating units, which employs the combustion of carbonaceous fuel, which is not vented to the outside of the building, structure or dwelling, in an approved manner and which is not supplied with sufficient air to continuously support the combustion of the fuel. All heating devices shall be constructed, installed and operated in such a manner so as to minimize accidental burns.
- I. Sewage Systems. Every sink, lavatory, bathtub, shower, drinking fountain, water closet or other such facility, in a building, structure or dwelling, shall be connected to a public sewer system or septic system. The owner shall provide and maintain such sewer system in compliance with the requirements of this Section. No person shall occupy or let to another for occupancy or use any building, structure, dwelling or portion thereof which does not comply with the following requirements:
1. Maintenance. Every plumbing stack, waste and water line shall be so installed and maintained as to function properly and shall be kept free from obstruction, leaks, and defects to prevent structural deterioration or health hazards.
  2. Storm Drainage. An approved system of storm water disposal shall be provided and maintained by the owner of the building, structure or dwelling, for the safe and efficient drainage of roofs and paved areas; yards, courts and other open areas on the premises.
- J. Heating Facilities. No person shall occupy as owner, occupant or let to another for occupancy any dwelling or dwelling unit, for the purpose of living therein, which does not comply with the following requirements.
1. Heating Equipment. Every dwelling unit, or rooming unit shall have heating facilities which are properly installed, are maintained in safe and good working condition, and are capable of safely and adequately heating all habitable rooms, bathrooms, toilet rooms and water closet compartments as provided in this Section. Heating plants designed or intended to serve one or more dwelling units shall not be located in a habitable room.
  2. Cooking and Heating Equipment. All cooking and heating equipment, components and accessories in every heating, cooking and water-heating device shall be maintained free from leaks and obstructions and kept functioning properly so as to be free from fire, health and accident hazards. Portable equipment employing flame is prohibited except for approved residential-type food trays or salvers which are heated by a candle or alcohol lamp.
  3. Installation. All mechanical equipment shall be properly installed and safely maintained in good working condition and be capable of performing the function for which it was designed and intended.
  4. Venting. No owner or occupant shall install, operate, or use a heating device, including hot water heating units, which employs the combustion of carbonaceous fuel, which is not vented to the outside of the dwelling or dwelling unit in an approved manner, and which is not supplied with sufficient air to continuously support the combustion of the fuel. All heating devices shall be constructed, installed and operated in such a manner so as to minimize accidental burns.
  5. Maintenance. All fuel burning equipment shall be connected to an approved chimney, flue or vent; such flue, chimney or vent shall be structurally sound and functional.

6. Clearance. All required clearances to combustible materials shall be maintained.
  7. Safety Control. All safety controls for fuel burning equipment shall be maintained in effective operation.
  8. Combustion Air. A supply of air for complete combustion of the fuel and for ventilation of the space shall be provided for the fuel burning equipment.
  9. Fireplace. Fireplaces and other construction and devices intended for use similar to a fireplace shall be stable and structurally safe and connected to approved chimneys.
  10. Climate Control. When facilities for interior climate control (heating, cooling and/or humidity) are integral functions of buildings, structures or dwellings containing dwelling units, such facilities shall be maintained and operated in a continuous manner in accordance with the designed capacity of the installed equipment. During instances when the integral equipment is inoperative because of power or mechanical failure, alternative provisions for fresh air, ventilation of each dwelling shall be provided.
- K. Electrical Facilities. No person shall occupy as owner, occupant or let to another for occupancy, any dwelling or dwelling unit for the purpose of living therein, which does not comply with the following requirements:
1. Outlets. Every habitable room shall contain at least two (2) separate wall type electric convenience outlets or one (1) such convenience outlet and one (1) supplied electric light fixture, and every water closet compartment, bathroom, furnace room or laundry room shall contain at least one (1) wall or ceiling type electric light fixture. Every kitchen shall have an additional grounded duplex electric convenience outlet in addition, to the requirements for a habitable room and this extra outlet shall be a minimum of six (6) feet from any other required outlet for the purpose of refrigeration.
  2. Installation. All electrical equipment, wiring, appliances, and electrical outlets and fixtures shall be properly installed and maintained in good and safe working condition and shall be connected to the source of electric power in a safe manner.
  3. Temporary Wiring. Temporary wiring or extension cords shall not be used as permanent wiring.
  4. Defective System. Where it is found, in the opinion of the Code Enforcement Officer, that the electrical system in a building, structure or dwelling constitutes a hazard to the occupants by reason of inadequate service, improper fusing, insufficient outlets, improper wiring or installation, deterioration or damage, or for similar reasons, the Code Enforcement Officer shall require the defects to be corrected to eliminate the hazard within five (5) business days.
  5. Maintenance. All outlets, fixtures and connecting electrical lines required by this Section shall be maintained, by the owner of the dwelling or dwelling unit, in a good, safe and workable condition.
- L. Ingress/Egress. No person shall occupy as owner, occupant or let to another for occupancy, any dwelling or dwelling unit for the purpose of living therein, which does not comply with the following requirements:
1. Safe Ingress/Egress. A safe, continuous and unobstructed means of ingress/egress shall be provided from the interior of a building, structure or dwelling to the exterior at a street, or to a yard, court, or passageway leading to a public open area at grade, and not limited to an elevator.
  2. Direct Exit. Every dwelling unit shall have access directly to the outside or to a public corridor.
  3. Fire Escapes. All fire escapes shall be maintained working condition and be structurally sound.
  4. Exit Routes. Exits from dwelling units shall not lead through other such units, or through water closet compartments or bathrooms.

5. Exit Signs. All exit signs shall be maintained and in a visible condition.
  6. Dwelling Unit Security. No dwelling unit shall be accessible from any hallway, room or other area not exclusively a part of such dwelling unit except through a doorway equipped with a door and a lock.
- M. Accumulations and Storage. No person shall occupy as owner-occupant or let to another for occupancy, any dwelling or dwelling unit, for the purpose of living therein, which does not comply with the following requirements:
1. Accumulations. Waste, refuse or other materials shall not be allowed to accumulate in stairways, passageways, doors, windows, fire escapes or other means of ingress/egress.
  2. Flammable Matter. Highly flammable or explosive matter, such as paints, volatile oils and cleaning fluids, or combustible refuse, such as waste paper, boxes and rags, shall not be accumulated or stored on residential premises except in reasonable quantities consistent with normal usage.
  3. Residential Unit. A dwelling unit shall not be located within a building or structure containing an establishment handling, dispensing or storing flammable liquids with a flash point of one hundred ten (110) degrees Fahrenheit or lower, except as provided for in the City Code.

#### SECTION 4-11-8 ENFORCEMENT

- A. Enforcement Authority. The following persons shall be responsible for the enforcement of the property maintenance standards set forth in this chapter:
1. Supervisor of the Code Enforcement Officer or the Code Enforcement Officer.
- B. Collection and Settlement.
1. City Attorney. The City Attorney may take any steps necessary to prosecute violators of property maintenance codes in court, or to collect money owed relating to the property maintenance code. The City Attorney is authorized to negotiate settlements of any such enforcement or collection action.
- C. Official Record. An official record shall be kept of the Zoning and Code Enforcement Department business and activities with regard to this chapter and its provisions.
- D. Inspections.
1. The Code Enforcement Department and/or the Code Enforcement Officer may make regular inspections to determine the condition of the buildings, structures, dwellings and premises located within the City for the purposes of safeguarding the health and safety of all occupants and of the general public. The Code supervisor or the Code Enforcement Officer may make such inspections whenever he or she shall deem such an inspection necessary; provided, however, that such inspections of the interior of the premises must be made at reasonable times and upon reasonable notice to, and with the consent of the owner or operator and the occupant, except when an existing emergency requires immediate action. Inspections shall also be made by the Code supervisor and/or the Code Enforcement Officer, subject to the following conditions:
    - a) If an inspection is requested in writing by the owner or occupant;
    - b) If a building permit has been applied for by the owner or occupant; or
    - c) If an individual files a court complaint against the owner or occupant and that individual acts as a complaining witness in court, and the court directs the supervisor of the Code Enforcement Officer or the Code Enforcement Officer to inspect the building, structure or dwelling.
- E. Credentials. The Code Enforcement Department and/or the Code Enforcement Officer, shall, upon request, disclose proper credentials of his or her respective office for the purpose of inspecting any

and all buildings, structures, dwellings and premises in the performance of his or her duties under this Code.

- F. **Inspection Upon Warrant--Right of Entry.** Whenever the Code Enforcement Officer, after presentation of proper credentials and request for entry to inspect is refused access to any building, structure or dwelling, by any owner, occupant or other person in charge subject to the provisions of this Code, the Code Enforcement Officer is authorized to petition any judge, through the City Attorney, for the issuance of a warrant authorizing the inspection of such building, structure or dwelling for the purpose of making such inspections as are necessary for the enforcement of the provisions of this Code and/or all other City codes.
- G. **Owner's Right of Entry.** Every occupant of a building, structure or dwelling shall give the owner thereof, or his or her agent or employee access to any part of such building, structure or dwelling, for the purpose of making such repairs or alterations as are necessary to effect compliance with the provisions of this Chapter or with any lawful rule or regulation adopted or any lawful order issued pursuant to the provisions of this Chapter. Entry pursuant to this subsection shall be made only at reasonable times and after reasonable notice to the occupant, unless an existing emergency requires immediate action.
- H. **Right of Refusal to Access--Owner Occupied Single-Family Residence.** The owner of a single-family residence in which he or she is the occupant, has a right of refusal to the City's Code Enforcement/Zoning Department without prior showing of a petition for right of entry, warrant or for cause.

#### SECTION 4-11-9 CONDEMNATION – UNFIT/UNSAFE STRUCTURES

- A. **Structure Unfit for Human Habitation.** When a building, structure or dwelling, or part thereof is found by the Code Enforcement Officer to be unsafe, unlawful or because of the degree in which it lacks maintenance it is in disrepair, unsanitary, vermin or rat infested, contains filth and contamination, or lacks ventilation, illumination, sanitary facilities, heating facilities or other essential equipment required by this Code, or because of its location constitutes a hazard to its occupants or to the public, it may be condemned pursuant to the provisions of this Code and may be placarded and vacated. Any such condemned building, structure or dwelling shall not be re-occupied without the approval of the Code Enforcement Officer. Unsafe equipment shall be placarded and placed out of service and repaired or replaced within five (5) business days.
- B. **Unsafe Structure.** Any building, structure or dwelling shall be designated as unfit for human habitation when any aforesaid and following defects or conditions are found and when in the judgment of the Code Enforcement Officer such defects create a hazard to the health, safety or welfare of the occupants or of the public.
- C. **Unsafe Equipment.** Unsafe equipment includes any boiler, heating equipment, elevator, moving stairway, electrical wiring or device, flammable liquid container or other equipment on the premises or within the building, structure or dwelling, which is in such disrepair or condition that it is found to be a hazard to life, health, property or safety of the public or occupants of the premises and/or building, structure or dwelling. Unsafe equipment may contribute to the finding that the building, structure or dwelling is unsafe or unfit for human habitation or use until repaired.
- D. **Closing of Vacant Structure.** If a building, structure or dwelling, or part thereof is vacant and designated unfit for human habitation, occupancy of use; and is not in danger of structural collapse, the Code Enforcement Officer may post a placard of condemnation on the premises and order the building, structure or dwelling closed up so as to not be an attractive nuisance to children. Upon failure of the owner to close up the building, structure or dwelling within the time specified in the order, the Code Supervisor or Code Enforcement Officer shall cause the building, structure or

dwelling to be closed through any available public agency, or by contract or arrangement by private persons, and the cost thereof shall be charged against the real estate upon which the building, structure or dwelling is located and a lien shall be placed upon such real estate.

E. Vacation of Premises--Closing of Occupied Structures.

1. If a building, structure or dwelling, or part thereof is unfit for human habitation, and occupied, the Code Enforcement Officer shall post the building, structure or dwelling, as unfit for habitation and use and shall order the building, structure or dwelling vacated within a reasonable period of time; such period of time shall not be less than one (1), nor more than three (3) days.
2. No building, structure or dwelling which has been designated as unfit for human habitation, posted as such and vacated, shall be used again for human habitation until written approval is secured from the Code Enforcement Officer and the notice is removed.

F. Unfit Designation Rescinded. The Code Enforcement Officer shall rescind the designation of unfit for human habitation, and the notice shall be removed when the defect or condition upon which such designation and posting was based has been corrected or eliminated and such building, structure or dwelling is deemed by the Code Enforcement Officer to be safe, sanitary and fit for human habitation.

G. Removal of Notice of Unfit Structure. No person shall deface or remove the notice from any building, structure or dwelling which has been designated as unfit for human habitation and has been posted as such, other than the Code Enforcement Officer.

H. Unfit Structure--One (1) Year Vacant. Any building, structure or dwelling having been designated as unfit for human habitation and/or having been left vacant or abandoned for a period of one (1) year or longer, shall be returned to full code compliance as per this Chapter, the City Zoning Ordinance and other applicable City codes or ordinances before human habitation can resume.

I. Hearing--Unfit Structure. Any person affected by any decision of the Code Enforcement Officer, or by any designation or posting of a building, structure or dwelling as unfit for human habitation, may be granted a hearing on the matter before the Code Supervisor, Code Enforcement Officer, and/or City Council under the procedures set forth herein.

SECTION 4-11-10 DEMOLITION, REPAIR AND MAINTENANCE OF BUILDINGS AND STRUCTURES

A. Application for a Permit.

1. A permit is required for the partial or the complete demolition of any structure within the City of West Peoria.
2. Demolition Permit fee for residential and commercial properties is \$100.00. Demolition Permit fee for garage or accessory structure is \$25.00 (See West Peoria Permit Fee Schedule, Title 11)
3. A site plan of the property showing the dimensions of the building(s) to be demolished must be included with the application.
4. Applications are available at [www.cityofwestpeoria.com](http://www.cityofwestpeoria.com) or at City Hall.
5. The Code Enforcement Officers will review the application and issue a permit within five (5) days of the review (Ord. 2009-6)

B. Bonds.

1. All demolitions must be done by a licensed, insured and bonded demolition contractor or by the property owner.
2. If done by a contractor, a fifteen thousand dollar (\$15,000) performance bond must be on file at City Hall.



3. If done by the property owner, a cash bond of fifty cents (\$.50) per square foot of the first floor building area is required. The cash bond will be returned following completion of the final inspection.

C. Disconnect All Utilities.

1. All sewer, water, electrical and gas lines must be disconnected, capped and secured before beginning demolition work. Begin by calling JULIE – 811 or [www.illinois1call.com](http://www.illinois1call.com). They will mark existing utilities.
2. You will need to notify the West Peoria Code Enforcement Officer to arrange for an inspection of utility disconnection.

D. Demolition.

1. All foundations and footings must be removed to a minimum of two (2) feet below finish grade.
2. All subterranean walls, floors, and footings must be removed. All depressions, cavities, cisterns or wells must be filled with approved granular material, such as sand, to within six (6) inches of final grade. Final grading must be done so that no depression or cavity exists and storm water cannot stand on the demolition site. Six (6) inches of earth is required over any depression, cavity, and cistern or well filled with fill material. All debris must be removed from site. Debris cannot be used for fill.
3. The finished grade shall have six inches (6”) of top soil and be sodded or sowed with grass seed and straw.
4. Burning any material or debris is strictly prohibited within City limits.
5. All asbestos, lead, and other toxic or hazardous materials shall be removed and disposed of in compliance with all State and Federal regulations.

E. Inspection:

Upon completion of demolition, please call the Code Enforcement Officer for the required onsite inspection to insure compliance. Inspections can be arranged by calling (309) 674-1993 Monday through Friday, 8:00 a.m. to 5:00 p.m. No inspections will be done on holidays or weekends. These inspections are part of the permit fee and are no additional charge.

## SECTION 4-11-11 NUISANCES

- A. Public Nuisance. When a building, structure or dwelling or part thereof, and/or exterior property surrounding such building, structure or dwelling or any vacant/abandoned building, structure or dwelling or property is determined by the Supervisor or Code Enforcement Officer or the Code Enforcement Officer to be unsafe or unfit for human occupancy including, but not limited to one (1) or more of the following conditions; such building, structure, dwelling or premises, whether occupied, vacant or abandoned, shall be declared a public nuisance dangerous to the public health and safety:

1. Any act, thing, physical condition, use or occupancy of any premises or its appurtenances which shall continue for such length of time as to substantially annoy, injure or endanger the comfort, health, physical senses, repose or safety of the public or persons of ordinary sensibilities.
2. Any act, thing, physical condition, use or occupancy of any premises or its appurtenances which shall continue for such length of time as to substantially interfere with, obstruct or tend to obstruct or render dangerous for passage any street, alley, highway, or other public way.
3. Any act, thing, physical condition, use or occupancy of any premises or its appurtenances considered an attractive nuisance to children, including but not limited to abandoned cars, wells, shafts, basements, excavations and unsafe fences or structures;
4. Any premises which have unsanitary sewerage or plumbing facilities;

5. Any premises designated as unsafe for human habitation or use;
  6. Any premises which are manifestly capable of being a fire hazard, or are manifestly unsafe or unsecured as to endanger life, limb or property;
  7. Any premises from which the plumbing, heating and/or facilities required by this Chapter have been removed, or from which utilities have been disconnected, destroyed, removed or rendered ineffective, or the required precautions against trespassers have not been provided;
  8. Any premises which are unsanitary, or which are littered with rubbish or garbage, or which have an uncontrolled growth of weeds and grasses;
  9. Any premises which are unsanitary due to rat, rodent or insect infestation; or
  10. Any structure, building or dwelling that is in a state of dilapidation, deterioration or decay; faulty construction, overcrowded, open, vacant or abandoned; damaged by fire to the extent as not to provide shelter; in danger of collapse or failure and is dangerous to anyone on or near the premises.
- B. Attractive Nuisance. When a building, structure or dwelling, or part thereof and/or the exterior property surrounding such building, structure or dwelling or any vacant/abandoned building, structure or dwelling or property, is found by the supervisor of Code Enforcement Officer or the Code Enforcement Officer to be in an unsightly, dilapidated, deteriorated or neglected condition, such building, structure, dwelling or premises shall be declared an attractive nuisance detrimental to the public health, safety and welfare.
- C. Nuisances Declared. It is declared to be unlawful and a nuisance for any owner, operator, occupant or lien holder(s) of record of any building, structure, dwelling or property within the limits of the City to violate any of the following provisions of this subsection:
1. General Condition of Premises. The owner, occupant or operator of any building, structure, dwelling or property within the City shall maintain the exterior portions thereof in a safe, sanitary condition, clear and free from any accumulation of rubbish, garbage, building materials, litter, junk, abandoned or inoperative vehicles or parts thereof, or similar materials.
  2. Litter. It is unlawful to leave, throw, scatter or accumulate wastepaper, foodstuff containers, advertising matter, refuse, sweepings or materials of like substance upon any premises.
  3. Downspout/Gutter/Sump Pump Discharge Flow. All gutters and downspouts shall be securely and firmly fastened to the building, structure or dwelling and shall be free of leaves and debris. Gutter, downspout and sump pump discharge shall be retained upon the premises and directed away from adjacent properties or to storm sewers.
  4. Graffiti. The owner/operator of the premises shall be responsible for the removal, within forty-eight (48) hours of being notified of any and all graffiti, as defined herein, placed upon any building, structure, dwelling, garage, driveway or walkway on the premises.
  5. Vacant Properties--Structures. All vacant properties and vacant buildings, structures and dwellings shall be maintained in a clean, litter free, safe and sanitary condition.
  6. Debris Accumulation. The interior or exterior areas of buildings, structures, dwellings and dwelling units, including basements, attics, other storage areas, and the surrounding premises and accessory buildings associated therewith, shall be maintained free of any debris, object, material or condition which does or may create a hazard to the health or safety of persons, and that which is conducive to rat/rodent or insect infestation, presents a fire hazard or constitutes a deteriorating influence on the neighborhood.
  7. Trash.
    - a) It is unlawful for any owner/operator to permit accumulations of filth, garbage, animal waste, trash, broken glass, refuse or debris to exist on the premises.

- b) Every owner/operator shall package garbage for pick-up in such a manner as to ensure that no windblown debris is created. The packaging shall also be done in conformity with the City's garbage and yard waste regulations.
  - 8. Water Accumulation. It is unlawful for any owner/operator to:
    - a) Permit the existence of depressions, excavations or any other conditions on the premises wherein water may accumulate. This shall not include City approved detention ponds, retention ponds or drainage swales.
    - b) Permit stagnant water susceptible to promulgation of mosquitoes or other noxious insects therein to exist on the premises.
  - 9. Smoke/Pollutants. It is unlawful for any owner/operator to allow the escape of soot, cinders, noxious acids, fumes, gases, flay ash or industrial dust within the City limits in such quantities as to endanger the health of persons with ordinary sensibilities or to threaten or cause substantial injury to property but excluding smoke emanating from residential fireplaces.
  - 10. Odors/Noise. It is unlawful for any owner/operator to use any property, substance or thing within the City or within one (1) mile thereof, to emit or cause any foul, offensive, noisome, nauseous, noxious or disagreeable odors, effluvia or stenches extremely repulsive to the physical senses of ordinary persons which annoy, discomfort, injure or inconvenience the health of any appreciable number of persons within the City.
- D. Aggravated Public Nuisances. The repeated commission of criminal offenses and violations of the City's Municipal Code substantially annoys and injures the health, comfort, repose and safety of the public.

The failure of owners or managers of certain real property to control the activity occurring on their property causes the repeated and substantial expenditures of public funds in order to enforce State, Federal and City laws upon or near their property.

Among the property management practices that contribute to the existence of activities which disturb neighborhoods are the failure of owners of real property to require tenants to obey laws as a condition of leases, the failure to enforce existing provisions of leases, the failure of the owners to respond to or take affirmative steps to address complaints by adjoining property owners, and the overall tolerance by owners of criminal activity on property by tenants or their guests, all of which substantially annoys and injures the health, comfort, repose and safety of the public.

The decline in or depression of surrounding property values and the expenditure of public funds results in part from the facts that certain property owners fail to adequately manage and control their property.

- 1. Definition. An Aggravated Public Nuisance is a dwelling, where the owners or occupants of the dwelling conduct or commit the following activities within the dwelling unit, on the premises of the dwelling unit, or within one hundred (100) feet of the property line of the premises of the dwelling of which the owner or occupant has control within a three hundred sixty-five (365) day period.
  - a) Two (2) or more forcible felonies (as defined by the Illinois Criminal Code).
  - b) Two (2) or more State or Federal criminal offenses related to the illegal sale, possession or manufacture of controlled substances, cannabis or drug paraphernalia.
  - c) Five (5) or more of any combination of the following (as defined in the Illinois Criminal Code):
    - (i) Disorderly Conduct, Battery, Assault, Aggravated Assault, Criminal Damage to Property, Domestic Battery, Mob Action, Unlawful Use of Weapon.

2. Violation. No owner of real property shall recklessly, knowingly, or negligently allow or permit an aggravated public nuisance or allow or permit an aggravated public nuisance to exist upon real property of part thereof, including dwelling units, owned by that person.
3. Penalties. In addition to prosecution of the offense or pursuing any other remedies available under this Code, the City Attorney, upon receipt of reliable information that any real property within the City is being maintained as an aggravated public nuisance, may prosecute an action for equitable relief in the name of the City, to abate the nuisance and to enjoin any person who shall own, rent, or occupy the real property or dwelling in question from using or permitting its use as set forth herein.
  - a) The Court shall, upon a finding of guilt in an action filed in the name of the City, fine the defendant a sum of no less than fifty dollars (\$50.00) and no more than seven hundred and fifty dollars (\$750.00) per day that the nuisance existed.
  - b) Upon finding of guilt, the Court may, in addition to other remedies permitted by this Code, impose other terms, including but not limited to:
    - (i) The completion of improvements upon the property which have the impact of mitigating crime, including but not limited to the erection of fences, installation of security devices upon the entrances or increased lighting;
    - (ii) Require a written lease for occupants which includes provisions requiring eviction for criminal activity;
    - (iii) Any other condition reasonably related to the objective of abating the aggravated public nuisance.

#### SECTION 4-11-12 ABANDONED STRUCTURES

- A. General. Whenever a building, structure or dwelling has been unoccupied for a period of one hundred twenty (120) days, the Code Enforcement Officer shall serve written notice upon the owner or operator, lessee, or mortgagee that the building, structure or dwelling may be designated as abandoned within thirty (30) days after service of a notice.
- B. Method of Service. Notice shall be given by personal service or by mailing a copy thereof to the owner or operator, lessee or mortgagee of the suspected abandoned building, structure or dwelling, by certified mail, return receipt requested, at his or her last known address. In the event that notice by mail is ineffective, a copy of the notice required by this section shall be posted in a conspicuous place on or about the suspected abandoned building, structure or dwelling.
- C. Required Contents. Such notice shall inform the owner or operator, lessee or mortgagee of the suspected abandoned building, structure or dwelling that, unless the dwelling unit is reoccupied within thirty (30) days after service of the notice required by this Section, the building, structure or dwelling shall be designated as abandoned, be posted as such, and be subject to reinspection and the issuance of an occupancy permit in the manner provided herein.
- D. Effect of Notice. If a suspected abandoned building structure, or dwelling is not reoccupied within thirty (30) days after service of the notice required by Subsection C of this section, the building, structure or dwelling shall be designated as abandoned.
- E. Designation of Abandoned. Whenever any building, structure or dwelling is subject to designation as abandoned, the Code Enforcement Officer shall carry out such designation in compliance with the following procedures:
  1. Notice and Placarding. The Code Enforcement Officer shall serve notice of the design of the building, structure or dwelling as abandoned upon the last owner, operator, lessee or mortgagee. Service shall be by certified mail, return receipt requested, and by posting a placard at each entrance of the affected building, structure or dwelling. Where the identity

or whereabouts of the owner, operator, lessee or mortgagee cannot be ascertained, notice shall be mailed to the person or persons to whom the last tax bill was mailed.

2. Contents. The notices and placards required in Subsection (E)(1) of this Section, shall state that the affected building, structure or dwelling is by such placard declared to be abandoned within the meaning of this Chapter, and shall further state that the inspection of the abandoned building, structure or dwelling by the Code Enforcement Officer shall be required prior to occupancy by an owner, operator or lessee and that it is unlawful to re-occupy an abandoned building, structure or dwelling.
3. Placard Removal. It is unlawful to remove or deface the placard required by Subsection (E)(1) of this Section, from any building, structure or dwelling which has been designated as abandoned, except as provided in Subsection F of this section.

F. Effect of Designation--Abandoned Building, Structure or Dwelling.

1. Any building, structure or dwelling designated as abandoned shall be subject to inspection by the Code Enforcement Officer, prior to occupancy of the building, structure or dwelling.
2. No building, structure or dwelling which has been designated as abandoned in accordance with Subsection E of this Section, shall again be used for any purpose until and unless written approval is secured from, and the placard so designating the building, structure or dwelling as abandoned is removed by the Code Enforcement Officer who shall remove such placard only after the building, structure or dwelling has been inspected.
3. The Code Enforcement Officer shall not issue an occupancy permit for the abandoned building, structure or dwelling until it has been inspected and is found to comply in all respects with the requirements of this Chapter.

G. Fee for Inspection of Abandoned Building, Structure or Dwelling. The fee for inspection of an abandoned building, structure or dwelling shall be fifty dollars (\$50.00) per inspection, paid to the City of West Peoria.

H. Rehabitable Buildings. The Code Enforcement Officer may declare a building, structure or dwelling rehabitable based upon a written inspection report, which includes the following:

1. The building, structure or dwelling under consideration does not conform to the present requirements of the City codes but can be made to conform to the requirements of these codes through rehabilitation.
2. The primary structural elements are basically sound and will require a minimum amount of repair or replacement to meet the requirements of the City Code.
3. The building, structure or dwelling can be made to meet the requirements of the City Code without continuing an existing hazardous condition.
  - a) Any repair, alteration or replacement of structural elements or equipment in a building, structure or dwelling which may be required by the provisions of this Chapter, shall be done in accordance with the applicable sections of the maintenance code and all other applicable City codes and ordinances.

#### SECTION 4-11-13 ASSISTANCE OF LEGAL COUNSEL

The Code Enforcement Officer and any other affected City official may secure the assistance of the City Attorney in the interpretation or enforcement of this Chapter.

#### SECTION 4-11-14 EXCLUSIVITY OF REMEDIES

The imposition of any penalty pursuant to this Chapter shall not preclude the City from instituting an appropriate action or proceeding in a court of proper jurisdiction to prevent an unlawful repair or maintenance, to restrain, correct or abate a violation, to prevent the occupancy of a building; to require compliance with the provisions of this chapter or other applicable laws, ordinances, rules or regulations or

the orders and determinations of the Code Enforcement Officer. To that end, the remedies provided by this Chapter and similar ordinances or statutes shall be cumulative.

#### SECTION 4-11-15 CONFLICT

- A. If the provisions of this Code impose a higher standard than as set forth in other ordinances of the City, then the standard set forth here shall prevail. If the provisions of this Code impose a lower standard than other ordinances of the City then the higher standard contained in such other ordinance shall prevail. If any section, division, paragraph, sentence, clause or phrase of this Chapter is declared invalid, such invalidity shall not affect the remaining portion of this Chapter, which shall remain in full force and effect; and to this end the provisions of this Chapter are declared to be severable.
- B. Whenever words are used in this Chapter, they shall be construed to include the plurals of such words and/or if they are followed by the words "or any part thereof." The word "shall" shall be applied retroactively as well as prospectively.

#### SECTION 4-11-16 VIOLATION-PENALTY

Any person found guilty of violating, disobeying or opposing the enforcement of any of the provisions of this Chapter, upon conviction thereof, shall be fined not less than fifty dollars (\$50.00) nor more than seven hundred and fifty dollars (\$750.00) per violation. Each day that a violation is permitted to exist shall constitute a separate offense.

## APPENDIX Q - 2018 INTERNATIONAL RESIDENTIAL CODE TO ACCOMMODATE TINY HOUSES

### TINY DWELLINGS

(The provisions contained in this appendix are not mandatory unless specifically referenced in the adopting ordinance.)

#### SECTION AQ101 GENERAL

**AQ101.1 Scope.** This appendix shall be applicable to *Tiny dwellings* used as single *dwelling units*. *Tiny dwellings* shall comply with the 2012 International Residential Code except as otherwise stated in this appendix.

#### SECTION AQ102 DEFINITIONS

**AQ102.1 General.** The following words and terms shall, for the purposes of this appendix, have the meanings shown herein. Refer to Chapter 2 of the 2012 International Residential Code for general definitions.

**EGRESS ROOF ACCESS WINDOW.** A *skylight* or roof window designed and installed to satisfy the emergency escape and rescue opening requirements in Section R310.

**LANDING PLATFORM.** A landing provided as the top step of a stairway accessing a *loft*.

**LOFT.** Any floor level located more than 30 inches (762 mm) above the main floor, open to the main floor on one or more sides with a ceiling height of less than 6 feet 8 inches (2032 mm) and used as a living or sleeping space.

**TINY DWELLING.** A *dwelling* which is 400 or less square feet (37 m<sup>2</sup>) in floor area excluding *lofts*.

#### SECTION AQ103 CEILING HEIGHT

**AQ103.1 Minimum ceiling height.** *Habitable space* and hallways in *Tiny dwellings* shall have a ceiling height not less than 6 feet 8 inches (2032 mm). Bathrooms, toilet rooms, and kitchens shall have a ceiling height not less than 6 feet 4 inches (1930 mm). Obstructions including, but not limited to, beams, girders, ducts, and lighting, shall not extend below these minimum ceiling heights.

**Exception:** Ceiling heights in *lofts* are permitted to be less than 6 foot 8 inches (2032 mm).

## SECTION AQ104 LOFTS

**AQ104.1 Minimum loft area and dimensions.** *Lofts* used as a sleeping or living space shall meet the minimum area and dimension requirements of Sections AQ104.1.1 through AQ104.1.3.

**AQ104.1.1 Minimum area.** *Lofts* shall have a floor area of not less than 35 square feet (3.25 m<sup>2</sup>).

**AQ104.1.2 Minimum dimensions.** *Lofts* shall be not less than 5 feet (1524 mm) in any horizontal dimension.

**AQ104.1.3 Height effect on loft area.** Portions of a *loft* with a sloped ceiling measuring less than 3 feet (914 mm) from the finished floor to the finished ceiling shall not be considered as contributing to the minimum required area for the *loft*.

**Exception:** Under gable roofs with a minimum slope of 6 units vertical in 12 horizontal (50-percent slope), portions of a *loft* with a sloping ceiling measuring less than 16 inches (406 mm) from the finished floor to the finished ceiling shall not be considered as contributing to the minimum required area for the *loft*.

**AQ104.2 Loft access.** The access to and primary egress from *lofts* shall be of any type described in Sections AQ104.2.1 through AQ104.2.2

**AQ104.2.1 Stairways.** Stairways accessing *lofts* shall comply with this code or with Sections AQ104.2.1.1 through AQ104.2.1.6

**AQ104.2.1.1 Width.** Stairways accessing a *loft* shall not be less than 17 inches (432 mm) in clear width at or above the handrail. The width below the handrail shall not be less than 20 inches (508 mm).

**AQ104.2.1.2 Headroom.** The headroom in stairways accessing a *loft* shall not be less than 6 feet 2 inches (1880 mm), as measured vertically, from a sloped line connecting the tread or landing platform nosing in the middle of their width.

**AQ.104.2.1.3 Treads and Risers.** Risers for stairs accessing a *loft* shall be a minimum of 7 inches (178 mm) and not more than 12 inches (305 mm) in height. Tread depth and riser height shall be calculated in accordance with one of the following formulas:

1. The tread depth shall be 20 inches (508 mm) minus four-thirds of the riser height.
2. The riser height shall be 15 inches (381 mm) minus three-fourths of the tread depth.

**AQ104.2.1.4 Landing Platforms.** The top tread and riser of stairways accessing *lofts* shall be constructed as a *landing platform* where the *loft* ceiling height is less than 6 feet 2 inches (1880 mm) where the stairway meets the *loft*. The *landing platform* shall be 18 inches to 22 inches (457 to 559 mm) in depth measured from the nosing of the landing platform to the edge of the loft, and 16 to 18 inches (406 to 457 mm) in height measured from the *landing platform* to the *loft* floor.

**AQ104.2.1.5 Handrails.** Handrails shall comply with Section R311.7.8.



**AQ104.2.1.6 Stairway guards.** Guards at open sides of stairways shall comply with Section R312.1.

**AQ104.2.2 Ladders.** Ladders accessing *lofts* shall comply with Sections AQ104.2.2.1 and AQ104.2.2.2

**AQ104.2.2.1 Size and capacity.** Ladders accessing *lofts* shall have a rung width of not less than 12 inches (305 mm), and 10-inch (254 mm) to 14-inch (356 mm) spacing between rungs. Ladders shall be capable of supporting a 200-pound (75 kg) load on any rung. Rung spacing shall be uniform within 3/8-inch (9.5 mm).

**AQ104.2.2.2 Incline.** Ladders shall be installed at 70 to 80 degrees from horizontal.

**AQ104.3 Loft guards.** *Loft* guards shall be located along the open side of *lofts*. *Loft* guards shall not be less than 36 inches (914 mm) in height or one-half of the clear height to the ceiling, whichever is less.

## SECTION AQ105 EMERGENCY ESCAPE AND RESCUE OPENINGS

**AQ105.1 General.** *Tiny dwellings* shall meet the requirements of Section R310 for emergency escape and rescue openings.

**Exception:** *Egress roof access windows* in *lofts* used as sleeping rooms shall be deemed to meet the requirements of Section R310 where installed such that the bottom of the opening is not more than 44 inches (1118 mm) above the *loft* floor, provided the *egress roof access window* complies with the minimum opening area requirements of Section R310.1.

(Ord. 2021-43)

## **TITLE 4     SAFETY**

### **CHAPTER 12         DISCHARGE OF WEAPONS**

4-12-1   Discharging, etc., Prohibited; Exception

4-12-2   Exception to Provisions of Section 4-12-1

4-12-3   Confiscation

#### **SECTION 4-12-1         DISCHARGING, ETC., PROHIBITED; EXCEPTION**

- A. No person shall fire or discharge any gun, pistol or other firearm within the City, except on premises used by a duly licensed shooting gallery, gun club or rifle club.
- B. No person shall be permitted to fire or discharge upon any public way within the City any air gun, spring gun or other similar device which is calculated or intended to propel or project a bullet, arrow or similar projectile; provided, however, that nothing in this Article shall prevent the use of such weapons in shooting galleries or in any private grounds or residence, where the projectile fired or discharged from any such gun or device will not traverse any space used as a public way.

(Ord. 2016-09)

#### **SECTION 4-12-2         EXCEPTION TO PROVISIONS OF SECTION 4-12-1**

- A. The provisions of this Section shall not apply to sheriffs, coroners, constables, members of the police department, military or other peace officers engaged in the discharge of their official duties; or to any person summoned by any such officers to assist in making arrests or preserving the peace, while such person so summoned is engaged in assisting such officer. (Ord. 2016-09)

#### **SECTION 4-12-3         CONFISCATION**

Weapons used in violation of this article shall be forfeited to and confiscated by the City at the expense of the owner.

(Ord. 2016-09)

## TITLE 4 SAFETY

### CHAPTER 13 CONTROLLED SUBSTANCES

4-13-1 Definitions

4-13-2 Possession

4-13-3 Sale

4-13-4 Drug Paraphernalia

4-13-5 Medical Use Cardholder

#### SECTION 4-13-1 DEFINITIONS

**A. Adequate supply:** means

1. 2.5 ounces of usable cannabis during a period of fourteen (14) days and that is derived solely from an intrastate source.
2. Subject to the rules of the Department of Public Health, a patient may apply for a waiver where a physician provides a substantial medical basis in a signed, written statement asserting that, based on the patient's medical history, in the physician's professional judgment, 2.5 ounces is an insufficient adequate supply for a fourteen (14) day period to properly alleviate the patient's debilitating medical condition or symptoms associated with the debilitating medical condition.
3. This Subsection may not be construed to authorize the possession of more than 2.5 ounces at any time without authority from the Department of Public Health.

**B. Cannabis:** includes marijuana, hashish and other substances which are identified as including any parts of the plant Cannabis Sativa, whether growing or not; the seeds thereof, the resin extracted from any part of such plant; and any compound, manufacture, salt, derivative, mixture, or preparation of such plant, its seeds, or resin, including tetrahydrocannabinol (THC) and all other cannabinol derivatives, including its naturally occurring or synthetically produced ingredients, whether produced directly or indirectly by extraction, or independently by means of chemical synthesis or by a combination of extraction and chemical synthesis; but shall not include the mature stalks of such plant, fiber produced from such stalks, oil or cake made from the seeds of such plant, any other compound, manufacture, salt, derivative, mixture, or preparation of such mature stalks (except the resin extracted therefrom), fiber, oil or cake, or the sterilized seed of such plant which is incapable of germination.

**C. Cardholder:** means a qualifying patient or a designated caregiver who has been issued and possesses a valid registry identification card by the Department of Public Health.

**D. Casual delivery:** means the delivery of not more than ten (10) grams of any substance containing cannabis without consideration.

**E. Controlled Substance:** means (i) a drug, substance, immediate precursor, or synthetic drug in the Schedules of Article II of this Act or (ii) a drug or other substance, or immediate precursor, designated as a controlled substance by the Department through administrative rule. The term does not include distilled spirits, wine, malt beverages, or tobacco, as those terms are defined or used in the Liquor Control Act of 1934 and the Tobacco Products Tax Act of 1995.

**F. Deliver or Delivery:** means the actual, constructive or attempted transfer of possession of cannabis, with or without consideration, whether or not there is an agency relationship.

**G. Drug paraphernalia:** means all the equipment, products and materials of any kind, other than methamphetamine manufacturing materials as defined in Section 10 of the Methamphetamine

Control and Community Protection Act, which are intended to be used unlawfully in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling or otherwise introducing into the human body cannabis or a controlled substance in violation of the Cannabis Control Act, the Illinois Controlled Substance Act, or the Methamphetamine Control and Community Protection Act or a synthetic drug product or misbranded drug in violation of the Illinois Food, Drug and Cosmetic Act. It includes, but is not limited to:

1. Kits intended to be used unlawfully in manufacturing, compounding, converting, producing, processing or preparing cannabis or a controlled substance;
  2. Isomerization devices intended to be used unlawfully in increasing the potency of any species of plant which is cannabis or a controlled substance;
  3. Testing equipment intended to be used unlawfully in a private home for identifying or in analyzing the strength, effectiveness or purity of cannabis or controlled substances;
  4. Diluents and adulterants intended to be used unlawfully for cutting cannabis or a controlled substance by private persons;
  5. Objects intended to be used unlawfully in ingesting, inhaling, or otherwise introducing cannabis, cocaine, hashish, hashish oil, or a synthetic drug product or misbranded drug in violation of the Illinois food, drug and cosmetic act into the human body including, where applicable, the following items:
    - a) Water pipes;
    - b) Carburetion tubes and devices;
    - c) Smoking and carburetion masks;
    - d) Miniature cocaine spoons and cocaine vials;
    - e) Carburetor pipes;
    - f) Electric pipes;
    - g) Air-driven pipes;
    - h) Chillums;
    - i) Bongs;
    - j) Ice pipes or chillers;
  6. Any item whose purpose, as announced or described by the seller, is for use in violation of this Act.
- H. **Medical use:** means the acquisition; administration; delivery; possession; transfer; transportation; or use of cannabis to treat or alleviate a registered qualifying patient's debilitating medical condition or symptoms associated with the patient's debilitating medical condition.
- I. **Person:** means any individual, corporation, mail-order pharmacy, government or governmental subdivision or agency, business trust, estate, trust, partnership or association, or any other entity.
- J. **Subsequent offense:** means an offense under this Act, the offender of which, prior to his conviction of the offense, has at any time been convicted under this Act or under any laws of the United States or of any state relating to cannabis, or any controlled substance as defined in the Illinois Controlled Substances Act.

## SECTION 4-13-2 POSSESSION

It is unlawful for any person knowingly to possess cannabis. Any person who violated this section with respect to:

- A. Not more than ten (10) grams of any substance containing cannabis is guilty of a civil law violation punishable by a minimum fine of one hundred dollars (\$100) and a maximum fine of two hundred dollars (\$200).

- B. More than ten (10) grams but not more than thirty (30) grams of any substance containing cannabis is guilty of a Class B misdemeanor;
- C. More than thirty (30) grams but not more than one hundred (100) grams of any substance containing cannabis is guilty of a Class A misdemeanor; provided, that if any offense under this subsection (c) is a subsequent offense, the offender shall be guilty of a Class 4 felony;
- D. More than one hundred (100) grams but not more than five hundred (500) grams of any substance containing cannabis is guilty of a Class 4 felony; provided, that if any offense under this subsection (d) is a subsequent offense, the offender shall be guilty of a Class 3 felony;
- E. More than five hundred (500) grams but not more than two thousand (2,000) grams of any substance containing cannabis is guilty of a Class 3 Felony;
- F. More than two thousand (2,000) grams but not more than five thousand (5,000) grams of any substance containing cannabis is guilty of a Class 2 felony;
- G. More than five thousand (5,000) grams of any substance containing cannabis is guilty of a Class 1 felony.

#### SECTION 4-13-3 SALE

It is unlawful for any person knowingly to manufacture, deliver, or possess with intent to deliver, or manufacture, cannabis. Any person who violates this section with respect to:

- A. Not more than 2.5 grams of any substance containing cannabis is guilty of a Class B misdemeanor;
- B. More than 2.5 grams but not more than ten (10) grams of any substance containing cannabis is guilty of a Class A misdemeanor;
- C. More than ten (10) grams but not more than thirty (30) grams of any substance containing cannabis is guilty of a Class 4 felony;
- D. More than thirty (30) grams but not more than five hundred (500) grams of any substance containing cannabis is guilty of a Class 3 felony for which a fine not to exceed fifty thousand dollars (\$50,000) may be imposed;
- E. More than five hundred (500) grams but not more than two thousand (2,000) grams of any substance containing cannabis is guilty of a Class 2 felony for which a fine not to exceed one hundred thousand (\$100,000) may be imposed;
- F. More than two thousand (2,000) grams but not more than five thousand (5,000) grams of any substance containing cannabis is guilty of a Class 1 felony for which a fine not to exceed one hundred fifty thousand (\$150,000) may be imposed;
- G. More than five thousand (5,000) grams of any substance containing cannabis is guilty of a Class X felony for which a fine not to exceed two hundred thousand (\$200,000) may be imposed.

#### SECTION 4-13-4 DRUG PARAPHERNALIA

- A. A person who knowingly possesses an item of drug paraphernalia with the intent to use it in ingesting, inhaling, or otherwise introducing cannabis or a controlled substance into the human body, or in preparing cannabis or a controlled substance for that use, is guilty of a Class A misdemeanor for which the court shall impose a minimum fine of seven hundred fifty dollars (\$750) in addition to any other penalty prescribed for a Class A misdemeanor.

- B. In determining intent under Subsection A, the trier of fact may take into consideration the proximity of the cannabis or controlled substances to drug paraphernalia or the presence of cannabis or a controlled substance on the drug paraphernalia.
- C. If any person violates Subsection A of Section 2 of this Section, the penalty for possession of any drug paraphernalia seized during the violation for that offense shall be a civil law violation punishable by a minimum fine of one hundred dollars (\$100) and a maximum fine of two hundred dollars (\$200).

Section 4-13-5 This Section shall allow a cardholder to possess an adequate supply of cannabis for medical use only pursuant to 410 ILCS 130, Compassionate Use of Medical Cannabis Pilot Program Act.

(Ord. 2017-22)

## TITLE 4 SAFETY

### CHAPTER 14 VACANT AND FORECLOSED PROPERTY REGISTRATION

- 4-14-1 Purpose and intent
- 4-14-2 Definitions
- 4-14-3 Registry
- 4-14-4 Registration of property subject to foreclosure
- 4-14-5 Registration of vacant property
- 4-14-6 Registration fee
- 4-14-7 Changes in registration information
- 4-14-8 Transfer of registerable property
- 4-14-9 Notice of determination of registerable property
- 4-14-10 Maintenance of registerable property
- 4-14-11 Inspection; enforcement
- 4-14-12 Records and reports
- 4-14-13 Violations; penalties
- 4-14-14 Appeals

#### SECTION 4-14-1 PURPOSE AND INTENT

The purpose of this Chapter is to enable the City to develop a comprehensive list of properties located in the City that are vacant or foreclosed in order to reduce the amount of properties within the City that are not adequately maintained and contribute to blight and nuisance conditions within the City. Additionally, the City wants to ensure that all such properties within the City comply with all rules and regulations adopted by the City pertaining to nuisances in order to protect the health, safety and welfare of the residents of the City of West Peoria.

#### SECTION 4-14-2 DEFINITIONS

For the purposes of this Chapter:

**Enforcement officer** means any building inspector, code enforcement officer, law enforcement officer, fire inspector, or other person authorized by the City to enforce the City Code or the laws and regulations of the State of Illinois.

**Evidence of vacancy** means any condition that on its own, or combined with other conditions, would lead a reasonable person to believe that the property is vacant or unoccupied by persons legally in possession thereof. Such conditions include, but are not limited to, overgrown or dead vegetation; past due utility notices or bills; disconnected utilities; accumulation of trash junk or debris; abandoned vehicles or parts thereof; the absence of furnishings or personal items consistent with habitation or occupancy; the presence of an unsanitary, stagnant swimming pool; the accumulation of newspapers, circulars, flyers or mail; statements by neighbors, passers-by, delivery agents or government agents that the property is vacant or unoccupied; or the presence of boards over doors, windows or other openings.

**Foreclosure or foreclosure action** means the legal process by which a mortgagee terminates a property owner's interest in the real property pledged as security for a debt. This definition includes, but is not limited to, public notice of default, a deed-in-lieu of foreclosure, sale to the mortgagee, certificate of title, and all other processes, activities and actions, by whatever name, associated with the described process. The process is not concluded until the property obtained by the mortgagee, or their designee, by certificate of title, or any other means, is sold to a non-related bona fide purchaser in an arm's length transaction to satisfy the debt or lien.

**Mortgagee** means a mortgage creditor, including, but not limited to, trustees; mortgage service companies; lenders in a mortgage agreement; any agent, servant, or employee of the creditor; any successor in interest; or any assignee of the creditor's rights, interests or obligations under a mortgage agreement.

**Owner** means an individual(s), legal entity, partnership, limited liability company, corporation, or governmental or private agency in whom legal title to the property is vested or purchased under a recorded land contract.

**Property manager** means an individual (including the owner, if applicable), or property maintenance company or other similar entity responsible for the maintenance of registerable properties.

**Property or real property** means any residential or commercial land, building, leasehold improvements and anything affixed to the land, or portion thereof identified by a property parcel identification number, located within the corporate limits of the City.

**Registerable property** means:

- A. Any real property that is vacant or subject to any cancellation of utilities to the property for a period of ninety (90) consecutive days or more; or
- B. Any real property located within the City, whether vacant or occupied, that is encumbered by a mortgage that is subject to a foreclosure action by the mortgagee, is subject to a judgment of foreclosure by the mortgagee, is subject to an application for a tax deed or a pending tax assessor's lien sale, or has been the subject of a foreclosure sale where the title was transferred to the beneficiary of a mortgage involved in the foreclosure and any property transferred under a deed in lieu of foreclosure.

**Registry** shall mean a database of real property records maintained by the City regarding the mortgagees and owners of real property governed by this Chapter, which may include a searchable web-based, electronic database maintained by the City or a contract administrator on behalf of the City.

**Semi-Annual Registration** shall mean six (6) months from the date of the first action that requires registration, as determined by the City or its designee, and every subsequent six (6) months. The date of the initial registration may be different than the date of the first action that required registration.

**Utilities** shall mean any utility that is essential for a building or structure to be habitable, including, but not limited to, electrical, gas, water, and sewer.

**Vacant** means any property in the City that is improved by a building or structure that is not occupied by persons legally entitled to possession thereof and that exhibits evidence of vacancy as that term is defined herein. Vacant property does not mean property that is temporarily unoccupied while the persons legally entitled to possession thereof are away on vacation, personal matters or business, or is not intended by such persons to be left vacant for a period of more than ninety (90) days.

#### SECTION 4-14-3        REGISTRY

The City, or its designee, shall establish and create a registry identifying each registerable property within the City and containing all of the information required by this Chapter.

#### SECTION 4-14-4        REGISTRATION OF PROPERTY SUBJECT TO FORECLOSURE

- A. A mortgagee that initiated a foreclosure action against a property within the corporate limits of the City of West Peoria prior to the effective date of this Chapter, or its agent, shall register each property as provided in this Chapter within ten (10) days.
- B. After the effective date of this Chapter, a mortgagee or its agent shall, within ten (10) days of the date of its initiation of a foreclosure action against a property within the corporate limits of the City



of West Peoria, register the property as provided in this Chapter. Registration shall include the following:

1. Mortgagee's name, address, phone number, and e-mail address. If the mortgagee is a legal entity, partnership, limited liability company, corporation, the name, address, phone number, and e-mail address of each officer, director, individual, or entity having more than a 5% interest in such entity;
  2. When applicable, the name, address, phone number, and e-mail address of the mortgagee's agent, property manager, other person responsible for the maintenance of the registerable property and whom is designated to receive any and all notices with respect to the property;
  3. Address and property tax index number of the registerable property;
  4. Type of property (commercial, single-family, duplex, multi-unit, apartment complex, etc.);
  5. Whether the property is vacant or occupied;
  6. Plan and timeline to abate existing nuisances or code violations (if applicable); and
  7. Other information as the City may require from time to time.
- C. Any property that has previously registered in accordance with this Section, and which later becomes vacant, shall not be required to re-register pursuant to Section 4-14-5; provided, however, that such registration information shall be updated in accordance with this Chapter to reflect the change in occupancy status.
- D. A designation as a registerable property under this Section shall remain until such time as the property is sold to a bona fide purchaser in an arm's length transaction or the foreclosure action has been dismissed.

#### SECTION 4-14-5      REGISTRATION OF VACANT PROPERTY

- A. The owner of a property that was vacant within the corporate limits of the City of West Peoria prior to the effective date of this Chapter, or his agent, shall register each property as provided in this Chapter within ten (10) days.
- B. After the effective date of this Chapter, an owner or his agent shall, within ten (10) days after a property becomes vacant, register the property as provided in this Chapter. Registration shall include the following:
1. Owner's name, address, phone number, and e-mail address. If the owner is a legal entity, partnership, limited liability company, corporation, the name, address, phone number, and e-mail address of each officer, director, individual, or entity having more than a 5% interest in such entity;
  2. When applicable, the name, address, phone number, and e-mail address of the owner's agent, property manager, other person responsible for the maintenance of the registerable property and whom is designated to receive any and all notices with respect to the property;
  3. Address and property tax index number of the registerable property;
  4. Type of property (commercial, single-family, duplex, multi-unit, apartment complex, etc.);
  5. When the property became vacant;
  6. Plan and timeline to abate existing nuisances or code violations (if applicable); and
  7. Other information as the City may require from time to time.

- C. Any property that has previously registered in accordance with this Section, and which later becomes subject to foreclosure, shall not be required to re-register pursuant to Section 4-14-4; provided, however, that such registration information shall be updated in accordance with this Chapter to reflect the change in status of the property.
- D. A designation as a registerable property under this Section shall remain until such time as the property is occupied for a period of thirty (30) consecutive days or sold to a bona fide purchaser in an arm's length transaction with the intent to permanently occupy the property.

#### SECTION 4-14-6            REGISTRATION FEE

- A. At the time of initial registration each mortgagee or owner, whichever is applicable, shall pay a non-refundable Semi-Annual Registration fee of \$300.00 for each registerable property. Subsequent Semi- Annual Registration fees in the amount of \$300.00 are due within ten (10) days of the expiration of the previous registration.
- B. If a registerable property is not registered, or the registration fee is not paid within thirty (30) days of when the initial registration or renewal is required pursuant to this Chapter, a late fee equivalent to ten percent (10%) of the Semi-Annual Registration fee shall be charged for every thirty (30) day period or portion thereof in which the property is not registered, and shall be due and payable with the Semi-Annual Registration.

#### SECTION 4-14-7            CHANGES IN REGISTRATION INFORMATION

Any and all changes in the registration information as required by this Chapter shall be provided in writing to the City within fifteen (15) days of the change in information. No additional fee shall be assessed for submitting the change in registration information.

#### SECTION 4-14-8            TRANSFER OF REGISTERABLE PROPERTY

- A. If a registerable property or property that has been registered pursuant to this Chapter is sold or transferred, including, but not limited to, a transfer to a mortgagee under a foreclosure sale, deed in lieu of foreclosure, or any other legal means, the new owner shall be subject to all the terms of this Chapter. Within fifteen (15) days of the sale of the sale or transfer, the new owner shall register the property or update the existing registration. The previous owner shall not be released from the responsibility of paying all unpaid fees, fines, and penalties that accrued during that owner's interest in the registerable property.
- B. If a registerable property or property that is encumbered by a mortgage has been registered by the mortgagee pursuant to this Chapter, and such mortgage is sold, assigned, or otherwise transferred, the new mortgagee shall be subject to all the terms of this Chapter. Within fifteen (15) days of the sale, assignment, or transfer, the new mortgagee shall register the property or update the existing registration. The previous mortgagee shall not be released from the responsibility of paying all unpaid fees, fines, and penalties that accrued during that mortgagee's interest in the registerable property.

#### SECTION 4-14-9            NOTICE OF DETERMINATION OF REGISTERABLE PROPERTY

After the effective date of this Chapter, the City or its designee shall continually evaluate all properties within City and make a determination for each as to whether the property is a registerable property. For each property determination to be a registerable property, the City or its designee shall send a written notice of its determination by certified mail to the mortgagee or owner, whichever is applicable, to the address listed in the mortgage, or in the case of the owner to the address where the last property tax bill was sent,

according to the official records of Tazewell County, Illinois. If the mortgagee or owner cannot be found after diligent inquiry, service may be made by posting a notice in or on the registerable property or by publication in a newspaper of general circulation in Tazewell County for a period of three (3) consecutive days. The notice shall contain the following:

- A. A statement to register the property in accordance with this Chapter within fifteen (15) calendar days of the date of the notice;
- B. A statement of the obligations as a mortgagee or owner of registerable property;
- C. The registry link or a copy of the registration form to be completed by the owner;
- D. The penalties for failure to register the property; and
- E. A notice of the right to appeal the determination.

#### SECTION 4-14-10 MAINTENANCE OF REGISTERABLE PROPERTY

- A. Each registerable property or property that has been registered pursuant to this Chapter shall be maintained in accordance with all applicable provisions of the City Code and free of any nuisance, including, but not limited to, nuisance greenery, garbage, rubbish, refuse, graffiti, stagnant water, foul odors, and dilapidated or unsafe buildings or structures.
- B. Each registerable property or property that has been registered pursuant to this Chapter shall be maintained in a secure manner so as to be inaccessible by unauthorized persons, including, but not limited to, boarding up, closing off, locking windows and entrances, or enclosing the exterior of the property with an appropriate fence or wall.

#### SECTION 4-14-11 INSPECTION; ENFORCEMENT

- A. Enforcement officers are authorized and empowered to inspect or cause the inspection of each registerable property within the City at any reasonable hour to determine compliance with this Chapter and any other applicable provision of the City Code.
- B. Compliance with this Chapter does not relieve the mortgagee or owner of a registerable property from any other obligations set forth in the City Code, which may apply to the property. Failure of the mortgagee or owner to properly maintain a registerable property in accordance with all applicable provisions of the City Code may result in a violation of the City Code and issuance of a citation in accordance therewith. Registration under this Chapter shall not preclude the City from taking any other action against the property pursuant to other applicable provisions of the City Code or the Illinois Municipal Code or other applicable laws, including, but not limited to, the right of the City to secure, demolish, or take remedial action with respect to the property or buildings or structures located thereon when it is in the best interest of the public safety and welfare. The City may also pursue other legal or equitable remedies including, but not limited to, injunctive relief, application to a court of competent jurisdiction for a receiver, demolition or condemnation, contracting for the repair or purchase of the premises, or foreclosure of any lien the City may have on the property.

#### SECTION 4-14-12 RECORDS AND REPORTS

- A. The City shall be responsible for maintaining all vacant and foreclosed property registration information and provide an annual report to the Director of Buildings and Inspections of the number of vacant and foreclosed properties in the City, and the number of properties added to or deleted from the previous registration report.

- B. The Department of Buildings and Inspections shall keep records of all complaints, inspections, reports, and actions taken with respect to each registerable property.

#### SECTION 4-14-13 VIOLATIONS; PENALTIES

- A. Every mortgagee or owner, whichever is applicable, who fails to register or renew the registration of a registerable property within the applicable time period prescribed in this Chapter shall, upon conviction thereof, be subject to a fine of not less than one hundred fifty dollars (\$150.00), nor more than seven hundred fifty dollars (\$750.00) per unregistered property. A separate offense shall be deemed committed for each day upon which said violation shall continue or exist.
- B. Every mortgagee, owner, or agent thereof, whichever is applicable, who submits false information on the applicable registration form shall, upon conviction thereof, be subject to a fine of not less than one hundred fifty dollars (\$150.00), nor more than seven hundred fifty dollars (\$750.00).
- C. Except as otherwise provided herein, any person who violates any provision of this Chapter shall, upon conviction thereof, be subject to a fine of not less than one hundred fifty dollars (\$150.00), nor more than seven hundred fifty dollars (\$750.00) for each offense. A separate offense shall be deemed committed for each day upon which said violation(s) shall continue or exist.
- D. The fines provided in this Section shall not be construed to abridge or in any manner interfere with the right and power of the City to enforce any other action provided in this Chapter or other applicable provision of the City Code, or to seek injunctive relief or other appropriate legal remedy provided by law for a violation of this Chapter or other applicable provision of the City Code.

#### SECTION 4-14-14 APPEALS

A mortgagee, owner, or agent thereof, whichever is applicable, may appeal the determination of an enforcement officer that a property has been determined to be a registerable property or is in violation of this Chapter to the Board of Appeals pursuant to the provisions of Title 2, Chapter 11.

(Ord. 2019-21)

## TITLE 4 SAFETY

### CHAPTER 15 EMERGENCY SERVICES DISASTER AGENCY AND OPERATIONS PLAN

- 4-15-1 Establishment
- 4-15-2 Definitions
- 4-15-3 Coordinator; assistant coordinator
- 4-15-4 Functions
- 4-15-5 Agreements with other political subdivisions
- 4-15-6 Emergency action
- 4-15-7 Compensation
- 4-15-8 Reimbursement by state
- 4-15-9 Purchases and expenditures
- 4-15-10 Oath
- 4-15-11 Emergency operations plan approval
- 4-15-12 Emergency powers of the mayor
- 4-15-13 Emergency interim executive succession

#### SECTION 4-15-1 ESTABLISHMENT

There is hereby created the City of West Peoria Emergency Services and Disaster Agency ("ESDA"), the duties of which agency shall be to respond to any declared "state of emergency", as hereinafter defined, and to prevent, minimize, repair and/or alleviate injury or damage resulting from disaster caused by enemy attack, sabotage, or other hostile action, or from natural or man-made disaster, in accordance with the "Illinois Emergency Services and Disaster Act"<sup>1</sup>. The City ESDA shall consist of the Coordinator, the Assistant Coordinator, and such additional members as may be selected by the Coordinator.

#### SECTION 4-15-2 DEFINITIONS

As used in this Chapter, unless the context clearly indicates otherwise, the words and terms used in this Chapter have the respective meanings ascribed to them in the State Act and/or in the Illinois Emergency Interim Executive Session Act<sup>2</sup>, provided, however, whenever any of the following terms are used in this Chapter, they shall have the meaning indicated.

**Attack:** Any attack or series of attacks by an enemy of the United States causing, or which may cause, substantial damage or injury to civilian property or persons in the United States in any manner by sabotage or by the use of bombs, missiles, shellfire, or atomic, radiological, chemical, bacteriological or biological means or other weapons or processes.

**Curfew:** Curfew shall mean that period of time during which any person or persons are prohibited from being present at or upon any public assembly, including but not limited to any public building, place, street, highway, right-of-way, and/or waterway, including the prohibition of any vehicle movement, with the exception of fire, police, hospital services, utilities vehicles and physicians on emergency cases and/or any officials of any governmental unit and persons officially designated to duty with reference to a state of emergency duly declared by written executive order pursuant to this Chapter.

**Disaster:** An occurrence or threat of catastrophic and widespread injury or loss of life or property resulting from any natural or manmade cause, including, but not limited to, fire, flood, earthquake, epidemic and explosion.

**Emergency Interim Successor:** A person designated pursuant to this Chapter, in the event the officer is unavailable, to exercise the powers and discharge the duties of an office until a successor is appointed or elected and qualified as may be provided by the applicable statutes and/or City ordinances or until the lawful incumbent is able to resume the exercise of the powers and discharge the duties of the office.

**Office:** Includes all City offices, the powers and duties of which are defined by the applicable statutes and/or City ordinances.

**State of Emergency:** State of emergency shall mean circumstances requiring immediate action as duly declared by written executive order of the Governor or Mayor due to an occurrence or threat of widespread or severe damage, where extraordinary measures must be taken to protect the public health, safety and welfare from injury or loss of life or property resulting from any natural or technological cause, including but not limited to fire, flood, earthquake, wind, storm, hazardous material spill or water contamination requiring emergency action to avert danger or damage, epidemic, air contamination, blight, extended periods of inclement weather, drought, infestation, critical shortages of essential fuels and energy, explosion, riot or hostile enemy, military or paramilitary action.

**Unavailable:** Either a vacancy in office exists and there is no deputy authorized to exercise all of the powers and discharge the duties of the office, or the lawful incumbent of the office (including any deputy exercising the powers and discharging the duties of an office because of a vacancy) and his duly- authorized deputy are absent or unable to exercise the powers and discharge the duties of the office.

#### SECTION 4-15-3            COORDINATOR; ASSISTANT COORDINATOR

The City Administrator shall be the Coordinator of the City ESDA and shall serve as such Coordinator until and unless a different Coordinator is appointed by the Mayor with the consent of the City Council. The Coordinator shall have direct responsibility for the organization, administration, training and operation of the City's ESDA, subject to the direction and control of the Mayor as provided by statute, including but not limited to the coordination of damage assessments within the City. In the event of the absence, resignation, death or inability to serve as the Coordinator, the Mayor or any person designated by him or her, shall be and act as Coordinator until a new Coordinator is appointed by the Mayor as provided in this Chapter. The Public Safety Committee shall appoint a person from the Committee to serve as the Assistant ESDA Coordinator and shall perform such duties as specified in the Emergency Operations Plan, and/or as assigned by the ESDA Coordinator.

#### SECTION 4-15-4            FUNCTIONS

The City ESDA shall perform such ESDA functions within the City as shall be prescribed in the City Emergency Operations Plan and by the State of Illinois ESDA plan and program prepared by the Governor of the State of Illinois ("Governor"), and such orders, rules and regulations as may be promulgated by the Governor, and in addition, shall perform such duties outside the corporate limits of the City as may be required pursuant to any mutual aid agreement with other political subdivision, municipality or quasi-municipality entered into as provided by the State Act.

#### SECTION 4-15-5            AGREEMENTS WITH OTHER POLITICAL SUBDIVISIONS

The Coordinator and Public Works Manager may negotiate mutual aid agreements with other municipalities or political subdivisions of the State, but no such agreement shall be effective until it has been approved by the City Council and by the Director of the Illinois Emergency Management Agency.

#### SECTION 4-15-6 EMERGENCY ACTION

If the Governor or the Mayor declares that a state of emergency exists in the event of actual enemy attack upon the United States or the occurrence within the State of Illinois of a major disaster resulting from enemy sabotage or other hostile action, or from man-made or natural disaster, it shall be the duty of the City ESDA to cooperate fully with the Illinois Emergency Management Agency, with the applicable responding agencies, and with the Governor in the exercise of emergency powers as provided by law.

#### SECTION 4-15-7 COMPENSATION

Members of the City ESDA who are paid employees or officers of the City, if called for training by the Director of the Illinois Emergency Management Agency, shall receive for the time spent in such training the same rate of pay as is attached to the position held; members who are not such City employees or officers shall receive for such training time such compensation as may be established by the City Council.

#### SECTION 4-15-8 REIMBURSEMENT BY STATE

The City Treasurer or Finance Committee Chairman may receive and allocate to the appropriate fund, any reimbursement by the State to the City for expenses incident to training members of the City ESDA prescribed by the Director of the Illinois Emergency Management Agency, compensation for services and expenses of members of a mobile support team while serving outside the City in response to a call by the Governor or Director of the Illinois Emergency Management Agency, as provided by law, and any other reimbursement made by the State incident to ESDA activities as provided by law.

#### SECTION 4-15-9 PURCHASES AND EXPENDITURES

The City Council, on recommendation of the Coordinator, may authorize any purchase or contracts necessary to place the City in a position to combat effectively any state of emergency, and to protect the public health and safety, protect property and provide emergency assistance to victims in the case of such disaster, provided, however, if not possible, practical, or convenient for City Council to meet for this purpose, the City Treasurer or the Finance Committee Chairperson shall authorize disbursement of funds upon implementation of the Emergency Operations Plan in the event a state of emergency has been declared in the City.

In the event of a state of emergency, enemy caused or other disaster, the Coordinator is authorized, on behalf of the City, to procure such services, supplies, equipment or material as may be necessary for the purpose of effectively combating such disaster, in view of the exigency without regard to the statutory procedures or formalities normally prescribed by law pertaining to City contracts or obligations, as authorized by the State Act; provided, that if the Council meets at such time, the Coordinator shall act subject to the directions and restrictions imposed by that body.

#### SECTION 4-15-10 OATH

Every person appointed to serve in any capacity in the City ESDA shall, before entering upon his duties, subscribe on oath, as required by statute, which oath shall be filed with the City Clerk.

#### SECTION 4-15-11 EMERGENCY OPERATIONS PLAN APPROVAL

That Emergency Operations Plan dated March 26, 2020, which is on file with the City Clerk and hereby incorporated by reference into this Code as if fully set forth herein is hereby approved as a guideline for the City to respond to a state of emergency and to prevent, minimize, repair, and alleviate injury or damage resulting from any such disasters caused by enemy action, sabotage, or other hostile action, or from natural

or man-made disaster. To the extent the provisions of this Code and the aforesaid Emergency Operations Plan are inconsistent, the less restrictive provisions shall prevail and control.

#### SECTION 4-15-12 EMERGENCY POWERS OF THE MAYOR

##### A. State of Emergency:

1. Whenever a "state of emergency", as defined in this Chapter exists, all circumstances shall be reported to the Mayor. The report shall include the nature of the emergency, the geographic area or areas involved, and the specific remedies requested.
2. The Mayor may declare a state of emergency by written executive order containing a statement signed by the Mayor, under oath setting forth the following:
  - a) One or more of the conditions which have been met for the determination of a state of emergency.
3. Facts to substantiate such findings.
4. A description of the nature of the emergency; and
5. Declaration that the state of emergency exists.

This statement must be filed with the City Clerk as soon as practicable.
6. The Mayor may exercise the extraordinary power and authority granted in this Chapter when such a state of emergency exists but not until after signing, under oath, the executive order.

##### B. Power and Authority Granted:

Upon declaring a state of emergency, the Mayor may:

1. Activate the City of West Peoria Emergency Operations Plan and designate appropriate emergency operations center(s) as identified in the Emergency Operations Plan.
2. Order a general curfew applicable to such geographical areas of the City or to the City as a whole, as the Mayor, with the advice of the first responders, deems reasonably necessary to respond to the emergency, and applicable during such hours of the day or night as the Mayor deems necessary in the interests of the public safety and welfare;
3. Prohibit the sale of any firearms of any size or description and the sale of ammunition, explosive or other destructive device.
4. Prohibit the intentional possession in public view of any firearm by any person except a duly authorized law enforcement officer or military person active in the official performance of his/her duty.
5. Order the establishment of curfews, including vehicle movement except fire, police, hospital services, utilities vehicles and physicians on emergency cases.
6. Prohibit the sale or distribution of alcoholic beverages, with or without payment, or the possession of any portable container containing any alcoholic beverage by any person in a public place.
7. Order the closing of places of public assemblage.
8. Prohibit the sale or transfer or possession of gasoline or other combustion liquid except for the delivery directly into the tank of a motor vehicle, boat, or other combustion-propelled vehicle.
9. Prohibit the possession in a public place any portable container containing liquid.
10. Issue such other orders as are imminently necessary for the protection of life and property.



C. Notification:

Upon issuance of the executive order declaring a state of emergency, the appropriate public official shall notify the news media situated within the City and shall cause two (2) copies of the executive order declaring the existence of the state of emergency to be posted at the West Peoria City Hall and City Garage.

D. Duration:

A declaration of a state of emergency shall expire not later than the adjournment of the first regular meeting of the Corporate Authorities after the state of emergency is declared, unless sooner terminated by proclamation of the Mayor indicating that the state of emergency no longer exists.

E. Line of Succession:

Notwithstanding anything contained in this Chapter to the contrary, if the Mayor is not available to declare a "state of emergency" and authorize the implementation of this plan, assume command of, or to direct the emergency response operations, those responsibilities will fall to the next person in the following line of succession:

1. Acting Mayor Pro Tem;
2. ESDA Coordinator (City Administrator);
3. Assistant ESDA Coordinator

#### SECTION 4-15-13 EMERGENCY INTERIM EXECUTIVE SUCCESSION

A. Short Title

This Section shall be known and may be cited as the *EMERGENCY INTERIM EXECUTIVE SUCCESSION ORDINANCE*, and this Section is enacted pursuant to the authority of the "Emergency Interim Executive Succession Act"<sup>3</sup>.

B. Statement of Policy

Because of the threats of attack upon the United States of unprecedented size and destructiveness, and in order to, in the event of such an attack, assure continuity of government through legally constituted leadership, authority and responsibility in the offices of the government of this City, to provide for the effective operation of this City government during an emergency, to assure the continuity of this City government in the event of other natural or manmade disasters, and to facilitate the early resumption of functions temporarily suspended, it is found and declared to be necessary to provide for additional officers who can exercise the powers and discharge the duties of the incumbents thereof (and their deputies, assistants or other subordinate officers authorized, pursuant to law, to exercise all of the powers and discharge the duties of such offices, hereinafter referred to as deputies) are unavailable to perform the duties and functions of such offices.

C. Enabling Authority for Emergency Interim Successors For City Offices:

With respect to City offices for which the Council of the City may hereafter enact such additional resolutions or ordinances relative to the manner in which vacancies will be filled or temporary appointments to office made from time to time as it deems appropriate in order to provide for emergency interim successors to offices of the City, but such resolutions and ordinances shall not be inconsistent with the provision of this Section.

D. Emergency Interim Successors for City Officers:

Such officers, subject to such regulations as the Mayor may issue from time to time, shall designate by title (if feasible) or by named person, emergency interim successors and specify their order of succession. The officer shall review and revise, as necessary from time to time, designations made pursuant to this Section to ensure their current status. The officer will designate a sufficient number of persons so that there will be not less than three (3), nor more than seven (7), deputies or emergency interim successors or any combination thereof, at any time. In the event that any officer

of the City, or his deputy provided for pursuant to law, is unavailable, the powers of the office shall be exercised and duties shall be discharged by the designated emergency interim successors in the order specified. The emergency interim successor shall exercise the powers and discharge the duties of the office to which designated until such time as a vacancy which may exist shall be filled in accordance with the Constitution or applicable statutes or ordinances, or until the officer, or his deputy or a preceding emergency interim successor, again becomes available to exercise the powers and discharge the duties of his office.

E. Emergency Interim Successors for the Office of Mayor:

Except as otherwise designated in writing by the Mayor, the designated emergency interim successors for the Office of Mayor shall be that Councilperson who has been filing in as Mayor Pro Tem and who is present in the City and available to serve as such an emergency interim successor.

F. Formalities of Taking Office:

At the time of their designation, emergency interim successors for any City office shall take such oath as may be required for them to exercise the powers and discharge the duties of the office to which they may succeed. Notwithstanding any other provision of law, no person, as a prerequisite to the exercise of the powers or discharge of the duties of an office to which he succeeds, shall be required to comply with any other provision of law relative to taking office.

G. Period in Which Authority May Be Exercised:

Officials authorized to act pursuant to this Section as emergency interim successors are empowered to exercise the offices, powers, and discharge the duties of an office as herein authorized only after an attack upon the United States and during a disaster within the City. The City Council may at any time terminate the authority of such emergency interim successors to exercise the powers and discharge the duties of office as herein provided.

H. Removal of Designees:

Until such time as the persons designated as emergency interim successors are authorized to exercise the powers and discharge the duties of an office in accordance with this Section, such persons shall serve in their existing designated capacities at the pleasure of the designating authority and may be removed or replaced by said designating authority at any time, with consent of the City Council.

(Ord. 2020-06)