

TITLE IX: GENERAL REGULATIONS

Chapter

- 90. ANIMAL CONTROL
- 91. HEALTH AND SAFETY
- 92. NUISANCES
- 93. PARKS AND PLAYGROUNDS
- 94. STREETS AND SIDEWALKS
- 95. PUBLIC NUISANCE - NOISE
- 96. PUBLIC NUISANCE - LITTER CONTROL

Section

General Provisions

90.01 Title and purpose
 90.02 Definitions
 90.03 Animal control officer
 90.04 Village Pound
 90.05 Responsible animal care
 90.06 Tags
 90.07 Limitation
 90.08 Boarding kennels, pet shops and breeders
 90.09 Expense liability
 90.10 Nuisance injunction

Rabies

90.21 Inoculation required
 90.22 Inoculation recommended
 90.23 Control
 90.24 Procedure

Animals

90.31 Diseased animals
 90.32 Cruelty to animals
 90.33 Nuisance prohibited
 90.34 Wild creatures
 90.35 Animal exhibitions
 90.36 Female animals in heat
 90.37 Biting animals
 90.38 Bite procedure
 90.39 Face bite procedure
 90.40 Stray animals

Dogs

90.51 Vicious dogs
 90.52 Harboring or return of vicious dogs prohibited
 90.53 Dangerous dogs
 90.54 Registration of dangerous dogs
 90.55 Requirements of dangerous dogs
 90.56 Removal of dog pending litigation
 90.99 Penalties

GENERAL PROVISIONS

§ 90.01 TITLE AND PURPOSE.

(A) This chapter may be cited as the Animal Control Code.

(B) This chapter shall be liberally construed, to the end that the health and safety of the public shall be protected, with the express purpose of this chapter to:

(1) Protect animals from improper use, abuse, neglect, exploitation, inhumane treatment and health hazards;

(2) Delineate the animal owner's or harboring's responsibility for the acts and behavior of his animal at all times;

(3) Provide security to residents from annoyance, intimidation, injury and health hazards by animals;

2000 S-18

(4) Encourage responsible pet ownership; and

(5) Provide standards for any and all persons and agencies, public or private, engaged in confinement, buying, selling, harboring or dealing in animals in any manner whatsoever.
 (Ord. 529, passed 9-7-99)

§ 90.02 DEFINITIONS.

As used in this chapter:

"ANIMAL." Any mammal, domestic or wild, other than man, which may be affected by rabies.

"ANIMAL CONTROL OFFICER." That person educated in the care, seizure, custody and confinement of animals or an agent, as appointed by the Mayor and supervised by the Chief of Police.

"ANIMAL NUISANCE." When an animal:

- (1) Runs uncontrolled;
- (2) Molests or disturbs persons or vehicles by chasing, barking or biting;
- (3) Attacks other animals;
- (4) Damages property other than that of the owner or harboring;
- (5) Barks, whines, howls, honks, brays, cries or makes other noises excessively;
- (6) Creates noxious or offensive odors;
- (7) Defecates upon any public place or upon premises not owned or controlled by the owner or harboring unless promptly removed by the animal owner or harboring; or
- (8) Creates an insect breeding and/or attraction site due to an accumulation of excreta.

"ANIMAL SHELTER." A licensed facility, public or private, used to confine and house animals seized, lost, abandoned or given over by owners.

"BITE." To be seized with the teeth or jaws so that a person or animal has been nipped, gripped, wounded, pierced, or has resulted in a break or abrasion of the skin.

"BOARDING KENNEL." A licensed facility other than an animal hospital or an animal shelter where animals, normally dogs and cats not owned by the proprietor, are temporarily sheltered, fed, watered and exercised in return for a fee.

"BREEDER." Any person who harbors five or more animals, normally dogs or cats, or who breeds animals, producing at least two litters in any one calendar year.

"CAT." Any member of the animal species *Felis Catus* six months or more in age.

"CONTROL." An animal is under control if it is on a leash not more than eight feet in length; is under voice control in the presence of a competent person; is on or within a vehicle being driven or parked; or is within the property limits of its owner or harborer or upon the premises of another person with the consent of that person.

"DANGEROUS DOG."

(1) Any dog which, because of its aggressive nature, training or characteristic behavior, is capable of inflicting serious physical harm or death to humans, and which would constitute a danger to human life or property if it were not kept in the manner required by this chapter; or

(2) Any dog which, when unprovoked, chases or approaches a person in a menacing fashion or apparent attitude of attack on public or private property.

"DOG." Any member of the animal species *Canis Familiaris* six months or more in age.

"DOMESTIC ANIMAL." Includes dogs, cats, domesticated sheep, horses, cattle, goats, swine, fowl, ducks, geese, turkeys, confined domestic hares and rabbits, pheasants and other birds and animals raised and/or maintained in confinement.

"EUTHANASIA." A death brought about by any method which produces rapid loss of consciousness to a painless death.

"EXHIBITOR." A person who exhibits animals, normally dogs and cats, for compensation or improvement of the breed.

"FACE BITE." A bite anywhere above the shoulders of a human.

"GROOMER." A person who performs the service of trimming, bathing or pedicure of animals, normally dogs and cats.

"HARBORER." Any person who provides food and shelter for any domesticated animal on other than a periodic or temporary basis.

"OWNER." Any person having right of property in any animal; who keeps an animal; who has an animal in his or her care or custody; or who knowingly permits an animal to remain on or about any premises occupied by him or her.

"PERSON." Any individual, firm, corporation, partnership, association, trust, estate or other legal entity.

"PET SHOP." An establishment operated by a person which acquires animals, birds, reptiles and fish bred by others, whether an owner, agent or by consignment sells, offers

to sell, exchanges or offers for adoption with or without charge such animals, birds, reptiles and fish as domestic pets to the general public at wholesale or retail.

"POUND." That facility as designated by the village council used to temporarily confine and house animals that have been seized.

"TRAINER." A person qualified by training and experience in various facets of animal life, normally dogs.

"VACCINATION." The administration of antirabic vaccine by a licensed veterinarian at such intervals as required by state statutes and the State Department of Agriculture.

"WORK DOG." Any member of the animal species *Canis Familiaris* trained for and actively engaged in rescue, law enforcement or as a guide for the blind or deaf.

"VICIOUS DOG." Any dog with a propensity, tendency or disposition to attack unprovoked, to cause injury to or otherwise threaten the safety of human beings or domestic animals; or any dog, which without provocation, attacks or bites, or has attacked or bitten, a human being or domestic animal; or any dog owned or harbored primarily, or in part, for the purpose of dog fighting or trained for dog fighting, or which has been found to be vicious by a court of competent jurisdiction in a trial or hearing upon a charge of harboring a vicious animal.

"VOICE CONTROL." An animal under control:

(1) Is physically capable of hearing normal commands;

(2) Is, at the time under consideration, within reasonable proximity to the controller so that shouting or excessively loud commands are not necessary;

(3) Has been adequately trained in obedience so as to be capable of understanding control commands; and

(4) Either continually demonstrates, or is able to demonstrate on demand, response to a command that will cause the animal to immediately come into close proximity to the controller and cease any kind of aggressive behavior or action that would be offensive to other persons or animals.
(Ord. 529, passed 9-7-99)

§ 90.03 ANIMAL CONTROL OFFICER.

(A) There is hereby created the position of Animal Control Officer, who shall be appointed and commissioned by the Village Council.

(B) The Animal Control Officer or his agent, or any officer of the law:

(1) May enter upon private premises to apprehend a stray animal, a vicious animal, a dangerous animal, a wild creature or an animal suspected of being infected with rabies;

(2) May enter upon private premises to investigate complaints of irresponsibility or inhumane animal care; and

(3) May seize, impound or dispose of any vicious animal of any kind when necessary for the protection of any person or animal. (Ord. 529, passed 9-7-99)

§ 90.04 VILLAGE POUND.

A facility for proper impoundment of animals on a temporary basis shall be designated from time to time by the Village Council. (Ord. 529, passed 9-7-99)

§ 90.05 RESPONSIBLE ANIMAL CARE.

It shall be unlawful for any owner or harbinger of a domestic animal not to provide for his or her animal:

(A) Sufficient quantity of good and wholesome food and water;

(B) Proper protection and shelter from the weather;

(C) Veterinary care when needed to prevent suffering;

(D) Humane treatment; and

(E) Prompt removal and sanitary disposal of all excreta deposited by his or her animal anywhere in the village. (Ord. 529, passed 9-7-99)

§ 90.06 TAGS.

It shall be unlawful for any person owning or having custody of any dog or cat to cause or allow the same to be in any public place anywhere in the village unless such dog or cat shall be wearing a collar to which a tag is securely fastened, upon which is inscribed the name, address and telephone number, if any, of the owner or harbinger of the animal; further, each such animal shall have affixed to its collar a tag evidencing inoculation against rabies for the current year. Any dog or cat found in any public place not wearing a collar and tags for the current year shall be deemed a stray animal and shall be seized. (Ord. 529, passed 9-7-99)

§ 90.07 LIMITATION.

It shall be unlawful for any person to own, keep, care for, have custody of or knowingly permit at any time more than four dogs or cats, in any combination thereof excluding work dogs, to be upon any property in the village, excluding properly licensed animal shelters; animal hospitals and clinics; grooming parlors; animal training schools and boarding kennels; and the premises of breeders granted a permit. (Ord. 529, passed 9-7-99)

§ 90.08 BOARDING KENNELS, PET SHOPS AND BREEDERS.

(A) License required. It shall be unlawful for any person to maintain or operate a boarding kennel or pet shop or be a breeder as defined by this chapter without having first obtained a license therefor. Application for such license shall be made on forms provided by the village. Such application shall specify existing district zoning of the premises and the precise location upon the premises of the kennels or pens in which animals are to be kept. No such kennels or pens shall be located less than ten feet from the nearest public place or lot line bounding the premises.

(B) Investigation. Upon receipt of such application, the Commissioner of Public Health shall cause an investigation to be made as in his judgment is necessary for making proper recommendations to the full village counsel. The Village Council may in its sole discretion, cause a license to be issued to the applicant upon payment of the license fee.

(C) License fees. The license for any boarding kennel, pet shop or breeder shall expire on the 31st day of December following its issuance. The annual fees for such licenses shall be as follows:

- (1) Pet Shop: \$50.00
- (2) Kennel with a capacity of 10 animals or fewer: \$150.00
- (3) Kennel with a capacity of 25 animals or fewer: \$250.00
- (4) Kennel with a capacity of over 25 animals: \$500.00
- (5) Breeder: \$250.00

Should the business of buying, selling or dealing in birds, dogs or other small animals as household pets or for domestic purposes be conducted, operated, managed or carried on in connection with a boarding kennel on the same premises by the same person, only one license

need be obtained. The amount of such license shall be the highest license fee applicable to a kennel. The licensee of any kennel or pet shop shall be held responsible for the proper licensing of each dog and cat which may be owned, kept or harbored at such kennel or pet shop in the village.

(D) Sanitation requirements. Every kennel, pet shop and breeding premises shall be kept in a sanitary condition and shall be free and clear from decaying food and filth of any kind. All kennels and pens shall be cleaned and disinfected on a regular schedule, and shall be kept in a sanitary condition satisfactory to the Commissioner of Public Health, who shall have the right to cause an inspection of the premises to be made from time to time.

(E) Revocation of license. If a report of the Commissioner of Public Health consistently indicates that the person conducting such kennel, pet shop or breeding operation has not complied with the provisions of this chapter and with village ordinances regulating health, safety and sanitation, the Village Council may revoke any license granted hereunder. (Ord. 529, passed 9-7-99)

§ 90.09 EXPENSE LIABILITY.

(A) The owner or harbored of any dog or cat requiring veterinary, impounding, licensing, destruction or disposition services as a result of any violations of this chapter shall be responsible for all such expenses. Failure to assume such expenses shall be deemed an act of disclaiming and the dog or cat involved shall be considered a stray animal.

(B) The village may apply to any court of competent jurisdiction to recover costs not assumed by any owner or harbored, including the attorney fees and costs incurred in such application. (Ord. 529, passed 9-7-99)

§ 90.10 NUISANCE INJUNCTION.

Any violation of this chapter is hereby declared to be a nuisance. In addition to any other relief provided by this chapter, the village attorney may apply to a court of competent jurisdiction for an injunction to prohibit the continuation of any violation of this chapter. Such application for relief may include seeking a temporary restraining order, temporary injunction and permanent injunction and may include a judgment against the offending person for the costs of such action, including reasonable attorney fees.

RABIES

§ 90.21 INOCULATION REQUIRED.

It shall be the duty of every owner of a dog or cat harbored in the village to have such dog or cat inoculated against rabies. The owner or harbored of such dog or cat shall at all times keep in his or her possession evidence of rabies inoculation consisting of a certificate signed by the licensed veterinarian administering the vaccine. (Ord. 529, passed 9-7-99)

§ 90.22 INOCULATION RECOMMENDED.

All warm-blooded animals, domestic and wild, are susceptible to rabies. Once affected by rabies, the disease is fatal to uninoculated animals and untreated humans. The inoculation of dogs and cats as required by this chapter is recommended for all other domestic animals. (Ord. 529, passed 9-7-99)

§ 90.23 CONTROL.

All cases of rabies occurring within the village shall be reported by the Animal Control Officer to the County Department of Animal Control. If, in the opinion of the Commissioner of Public Health, danger of a rabies epidemic exists, legal notice shall be used to inform all owners and harborers of animals to confine or securely muzzle their animals for such period of time as shall be designated in the published notice. (Ord. 529, passed 9-7-99)

§ 90.24 PROCEDURE.

It shall be unlawful for the owner or harbored of any animal to refuse or fail to promptly surrender any animal suspected of being affected by rabies. Any animal suspected of being affected by rabies shall be seized by the Animal Control Officer and impounded with a licensed veterinarian for observation, examination and testing as necessary for positive diagnosis. Upon declaration by a licensed veterinarian that an animal is affected by rabies, the Animal Control Officer shall cause immediate destruction of the affected animal. Disposition of the animal's body shall be controlled by the Animal Control Officer. (Ord. 529, passed 9-7-99)

ANIMALS

§ 90.31 DISEASED ANIMALS.

It shall be unlawful for the owner of any domestic animal to knowingly cause or allow the same to run at large or be exposed in any public place anywhere in the village, or to ship or remove the animal from the owner's

premises when it is afflicted with a contagious or infectious disease, except under the supervision of the Commissioner of Public Health. This provision shall not prevent taking a diseased animal to a licensed veterinarian at the request of the veterinarian. It shall be the duty of the Commissioner of Public Health to order the disposition of such diseased animal and treatment of the affected premises to prevent the communication and spread of contagion or infection, except in cases where the state veterinarian is empowered to act and does act.

(Ord. 529, passed 9-7-99)

§ 90.32 CRUELTY TO ANIMALS.

It shall be unlawful for any person to:

(A) Beat, underfeed, overload, overwork, torment, abandon or otherwise inhumanely treat any domestic animal anywhere in the village; or

(B) Knowingly poison or cause to be poisoned any domestic animal, except that common rat poison mixed only with vegetable or grain substances may be exposed for the protection of property.

(Ord. 529, passed 9-7-99)

§ 90.33 NUISANCE PROHIBITED.

(A) It shall be unlawful for the owner or harbinger of any dog, cat or other domestic animal to cause or permit such animal to perform, create or engage in any nuisance as defined by this chapter. Any animal found acting in any way forbidden by this chapter, shall hereby be declared a nuisance and its owner or harbinger shall be subject to citation and the animal subject to impoundment as otherwise provided in this chapter.

(B) Whenever any person shall complain to the police department that a dog, cat or other domestic animal constituting a nuisance is being kept by any person in the village, the Chief of Police shall notify the owner or harbinger of the animal that a complaint has been received and that the person should take whatever steps are necessary to alleviate the nuisance.

(C) If the warning given to the person alleged to be keeping the animal alleged to be a nuisance is ineffective, the Chief of Police shall cite the owner of the animal for the violation.

(D) Any person having custody or control of any domestic animal shall have the responsibility for cleaning up any feces of the animal and disposing of such feces in a sanitary manner. The provisions of this paragraph shall not apply to a guide dog accompanying a blind person or to a service

dog accompanying a disabled person or to a dog when used in police or rescue activities.

(Ord. 529, passed 9-7-99)

§ 90.34 WILD CREATURES.

It shall be unlawful for any person to keep, permit or have custody of any of the following anywhere in the village:

(A) Any wild creature contrary to federal, state or local laws or regulations, except that such a creature too young to survive without the presence of specie adults native to the area may be temporarily kept, cared for and protected in the same manner as domestic animals; or

(B) An imported creature as is subject to special permit and licensing by the State Department of Agriculture.

(Ord. 529, passed 9-7-99)

§ 90.35 ANIMAL EXHIBITIONS.

Exhibitions or parades involving ferae naturae or domestic animals or both may be conducted only upon the issuance of a permit therefor by the Village Council. Performing exhibits, circuses and parades must be investigated in advance by the Commissioner of Public Health as to purpose, intent, animal care procedures and assurances for human health and safety.

(Ord. 529, passed 9-7-99)

§ 90.36 FEMALE ANIMALS IN HEAT.

All female animals in heat shall be confined in a building or secure enclosure or upon a leash in such a manner that the animal cannot come into contact with a male animal except for planned breeding.

(Ord. 529, passed 9-7-99)

§ 90.37 BITING ANIMAL.

It shall be unlawful for the owner or harbinger of an animal involved in a biting incident to euthanize, sell, give away or otherwise dispose of such animal until a full release on the incident has been issued by the Commissioner of Public Health. Animals, other than dogs and cats, must be examined by a veterinarian on the first and tenth day following a bite.

(Ord. 529, passed 9-7-99)

§ 90.38 BITE PROCEDURE.

All incidents of bites by a dog or cat suffered by a human shall be reported to the Commissioner of Public Health or an agent within 24 hours. The Commissioner of Public Health shall report all bite incidents to the County Department of Animal Control on forms

and in the time sequence required by that agency. Depending upon circumstances in each case, the following procedure shall apply:

(A) Licensed dog or cat.

(1) The owner or harbinger of a properly vaccinated biting dog or cat shall have the dog or cat examined by a licensed veterinarian who shall submit a report to the Commissioner of Public Health within 24 hours of the incident.

(2) The biting dog or cat may be impounded upon the owner's or harbinger's premises. Impoundment shall mean within a structure or secure enclosure or upon leash only upon the premises of the owner or harbinger. The period of impoundment shall be ten days.

(3) The owner or harbinger of a properly vaccinated biting dog or cat shall have the dog or cat examined by a licensed veterinarian again on the tenth day of impoundment. A written report by the veterinarian that the biting dog or cat is not affected by rabies, filed with the Commissioner of Public Health shall terminate the impoundment.

(B) Unvaccinated dog or cat.

(1) The owner or harbinger of a biting dog or cat which has not been vaccinated shall have it examined immediately by a licensed veterinarian who shall submit a report to the Commissioner of Public Health within 24 hours of the incident.

(2) The owner or harbinger will then impound the biting dog or cat in a licensed animal hospital for the required ten-day confinement period.
(Ord. 529, passed 9-7-99)

§ 90.39 FACE BITE PROCEDURE.

(A) Impoundment. Regardless of animal age or license status, the owner or harbinger of an animal inflicting a face bite shall impound the animal within 24 hours with a licensed veterinarian if the animal species allows or with a humane organization where proper facilities are available. Such impoundment shall be for a period of ten days.

(B) Impoundment exception. When the bitten person is a member of the same household as the owner or harbinger of the animal inflicting the face bite, the impoundment may be upon the premises. Impoundment shall mean within a structure or secure enclosure or upon a leash only upon the premises of the owner or harbinger. The animal inflicting the face bite shall be examined by a licensed veterinarian on the first and tenth day of such confinement.

(C) Reporting. All incidents of face bite shall be reported immediately to the Commissioner of Public Health or his agent. The Commissioner of Public Health shall report all such incidents to the County Department of Animal Control on forms and in the time sequence required by that agency.

(D) Disposition of animal. It shall be unlawful for the owner or harbinger of an animal which has inflicted a face bite for the second time to dispose of such animal by sale, exchange, barter or give away without full disclosure of the animal's history.
(Ord. 529, passed 9-7-99)

§ 90.40 STRAY ANIMALS.

It shall be unlawful for the owner or harbinger of any domestic animal to cause or allow the same to run at large in the village or be picketed or tied in any public place for the purpose of grazing or feeding. It shall be the duty of the Animal Control Officer or his agent to apprehend and impound any animal not under control. In the event any such animal cannot be safely taken up and the animal is deemed to be a threat to any person or property, the Animal Control Officer is hereby empowered to eliminate the animal. Depending upon circumstances, impounding shall be in the village pound as follows:

(1) Known ownership.

(a) When the owner or harbinger of a stray animal is known through licensing, collar identification or other immediate means, the Animal Control Officer shall notify such person of the impounding in the most expeditious manner available.

(b) The release of an impounded animal shall not be made by the Animal Control officer until all expenses of apprehension, notification and impounding have been paid by the owner or harbinger.

(c) If the impounded animal is one requiring a license and/or rabies vaccination, the owner or harbinger shall have 48 hours in which to present proof of licensing and/or rabies vaccination to the Animal Control Officer.

(d) The known owner or harbinger of the stray animal shall have seven days from the time of notification in which to claim the animal. Failure by the known owner or harbinger to obtain release of the impounded animal within this time period shall be deemed an act of disclaiming and the Animal Control Officer shall consign the animal to a recognized animal humane society or licensed animal shelter.

(2) Unknown ownership.

(a) When the owner or harbinger of a stray animal cannot be ascertained, the animal shall be impounded for no less than 72 hours.

(b) If unclaimed beyond this time period, the Animal Control Officer shall consign said animal to a recognized humane society or licensed animal shelter. If, in the opinion of a licensed veterinarian, such animal is not suitable as a pet, it shall be euthanized.

(3) Disclaimed animals.

(a) If, for any reason, the owner or harbinger of any stray animal chooses to disclaim ownership of same upon receipt of the impounding notification, the Animal Control Officer shall proceed to consign the disclaimed animal as provided herein, without regard to the time periods cited above.

(b) If, for any reason, the owner or harbinger of an animal chooses to disclaim ownership of same or voluntarily delivers the animal to be disclaimed to the Animal Control Officer; executes formal acknowledgment of such disclaimer; and pays the impoundment and consignment fees involved, the Animal Control officer shall process the consignment of the animal to a recognized humane society or licensed animal shelter.
(Ord. 529, passed 9-7-99)

DOGS

§ 90.51 VICIOUS DOGS.

No person shall harbor, keep or maintain within the village limits any vicious dog. Any dog alleged to be vicious by virtue of an attack upon a human being or domestic animal shall be impounded as directed by the Chief of Police until disposition of the charge issued by citation. Moreover, the owner of any dog found to be vicious in the trial of a charge of harboring a vicious dog, or by plea to such a charge, shall be prohibited from returning that dog to the village or keeping that dog in the village.
(Ord. 529, passed 9-7-99)

§ 90.52 HARBORING OR RETURN OF VICIOUS DOGS PROHIBITED.

(A) No person shall return to or harbor within the village limits a dog previously determined by any court of competent jurisdiction to be vicious dog. The disposition of such a dog shall be in accordance with this chapter.

(B) No dog shall be declared to be a vicious dog if the injury or damage was sustained by a person who, at the time, was teasing, tormenting, abusing or assaulting the dog, or which dog was protecting a human being from attack by another animal or by a human being.
(Ord. 529, passed 9-7-99)

§ 90.53 DANGEROUS DOGS.

Any person having knowledge which he or she believes constitutes probable cause to believe that another is harboring, keeping or maintaining a dangerous dog shall file with the Chief of Police a sworn affidavit setting forth the basis on which they believe the animal to be a dangerous dog, the name and address of the owner of the dog, and a description of the dog. The Chief of Police shall serve notice upon the owner of the alleged dangerous dog, which notice shall include the requirement that the owner shall bring the alleged dangerous dog to the Animal Control Officer for inspection to determine whether this dog is a dangerous dog by definition as set forth in this chapter. The Animal Control Officer's determination that the dog is dangerous shall be conclusive and shall require the dog to be registered pursuant to this chapter.
(Ord. 529, passed 9-7-99)

§ 90.54 REGISTRATION OF DANGEROUS DOGS.

(A) All owners of dangerous dogs shall, on or before 30 days following the determination by the Animal Control Officer of its status as dangerous, and annually thereafter on or before April 15th of each year, register their dog, provide a current color photograph of the dog to the Village Clerk's office and pay a registration fee of \$100. Upon payment of the fee, the Village Clerk shall issue a current dangerous dog certificate of registration.

(B) An owner of a dangerous dog who fails to so register the dog is subject to the impoundment and forfeiture of the animal and a fine of not less than \$250 per day.

(C) An owner of a dangerous dog who registers but neglects to have the dangerous dog signs required by this chapter displayed at all times is subject to the impoundment and forfeiture of the animal and a fine of not less than \$150 per day.

(D) In addition to any fine imposed hereunder, an offender shall be ordered to pay all of the costs and fees incurred by the village in the impoundment and forfeiture of the animal and all of the costs and fees incurred by the village in prosecuting the violation, which shall include, but not be limited to the costs associated with an administrative adjudication proceeding or court proceeding, including reasonable attorney's fees.
(Ord. 529, passed 9-7-99; Am. Ord. 696, passed 8-21-12)

§ 90.55 REQUIREMENTS OF DANGEROUS DOGS.

(A) While on the owner's property, a dangerous dog must be securely confined

indoors or in a securely enclosed and locked pen or structure, suitable to prevent the entry of young children, and designed to prevent the animal from escaping. Such pen or structure must have a minimum dimension of five feet by ten feet and must have secure sides and a secure top. If it has no bottom secured to the sides, the sides must be imbedded into the ground no less than two feet. The enclosure must also provide protection from the elements for the dog.

(B) The owner or keeper shall display a sign on his or her premises facing out from all sides of the premises warning that there is a dangerous dog on the property. This sign should be visible and capable of being read from a public highway or thoroughfare or within 20 feet of its placement. In addition, the owner shall conspicuously display a sign with a symbol warning children who cannot read of the presence of a dangerous dog.

(C) A dangerous dog may be off the owner's premises if it is muzzled and restrained by an approved lead or chain not exceeding three feet in length and is under the control of an adult, able-bodied person. The muzzle must be made in a manner that will not cause injury to the dog or interfere with its vision or respiration, but must prevent it from biting any person or animal.

(D) The provisions of this chapter regarding dangerous dogs shall not apply to animals owned by law enforcement agencies and used for law enforcement purposes. (Ord. 529, passed 9-7-99)

§ 90.56 REMOVAL OF DOG PENDING LITIGATION.

Whenever any person is charged with harboring a vicious dog or unregistered dangerous dog as defined in this chapter, that person shall, to the satisfaction of the court, remove the dog from the village until the trial on the citation. If the owner fails to remove the dog within 48 hours of the service of the citation, the Chief of Police shall impound the dog until the trial on the citation. If the dog is determined by plea or trial to be a vicious or unregistered dog as defined by this chapter, it shall not be returned to or kept in the village. Any dog returned to or kept in the village after being determined to be a vicious or unregistered dog constitutes a public nuisance. (Ord. 529, passed 9-7-99)

§ 90.99 PENALTIES.

(A) Nuisance violation. Any person found guilty of permitting a nuisance to exist as defined by and in violation of this chapter shall be fined:

(1) Not less than \$5.00 nor more than \$100.00 for the first offense;

(2) Not less than \$15.00 nor more than \$500.00 for the second offense within a consecutive 12-month period;

(3) Not less than \$50.00 nor more than \$500.00 for the third offense within a consecutive 12-month period;

(4) Not less than \$150.00 nor more than \$500.00 for the fourth offense within a consecutive 12-month period; and/or

(5) Ordered to remove such animal permanently from the village within 24 hours of such order.

(B) Vicious dog violation. Any person found guilty of keeping or maintaining a vicious dog, as defined by this chapter, in violation of this chapter may be:

(1) Fined not less than \$500; and/or

(2) Ordered to remove such dog from the village within 24 hours of such order or within 24 hours after the rabies observation period has expired, if applicable. Where an owner of a vicious dog who fails to so remove the dog from the village, the dog is subject to the impoundment and forfeiture, and the owner subject to a fine of not less than \$250 per day.

(3) In addition to any fine imposed hereunder, an offender shall be ordered to pay all of the costs and fees incurred by the village in the impoundment and forfeiture of the animal and all of the costs and fees incurred by the village in prosecuting the violation, which shall include, but not be limited to the costs associated with an administrative adjudication proceeding or court proceeding, including reasonable attorney's fees.

(C) Other violations. Any person found guilty of violating any other provision of this chapter, excluding those sections providing for specific penalties, shall be fined not less than \$25 for each offense. A separate offense shall be held to have been committed each day that such violation shall occur or continue. (Ord. 529, passed 9-7-99; Am. Ord. 696, passed 8-21-12)

Section

General Provisions

91.01 Compressed or bottled gas tanks

Garbage, Rubbish, and Waste

91.05 Unlawful accumulations
 91.06 Permits for garbage collection
 91.07 Permit fee
 91.08 Hauling of garbage

Open Burning

91.15 Definitions
 91.16 Prohibitions
 91.17 Burning of cooking fuel; use of outdoor grills
 91.18 Exemptions
 91.19 Enforcement
 91.99 Penalty

Cross-reference:

Public health requirements in trailer parks, see § 152.05

GENERAL PROVISIONS

§ 91.01 COMPRESSED OR BOTTLED GAS TANKS.

It shall be unlawful to locate, place, install, use, or maintain any compressed gas or bottled gas tank having a capacity of 100 lbs. or more, within the corporate limits of the village, without first having obtained a permit designating and fixing the location thereof, issued by the Mayor and countersigned by the Village Clerk. The permit shall be applied for in writing, stating the applicant's name, the proposed place of location of the tank, the size, capacity, and proposed contents of the tank, the use for which the tank is planned, and the ownership of the proposed place of location. The application shall be filed with the Village Clerk together with a fee of \$25. The permit herein referred to shall be issued for the life of the particular tank mentioned in the application. The permit shall not be issued without the approval of the Village Building Official, who shall inspect the proposed location and advise the Village Council that the location is such that the safety of persons and property shall not thereby be endangered.
 (Ord. 183, passed 7-16-56) Penalty, see § 91.99

GARBAGE, RUBBISH, AND WASTE

§ 91.05 UNLAWFUL ACCUMULATIONS.

(A) It shall be unlawful to permit the accumulation of garbage, ashes, refuse, waste, and other noxious, offensive, and

unwholesome substances within the limits of the village, in a manner and to an extent contrary to public welfare. The Commissioner of Public Health and Safety of the village is invested with exclusive authority to determine the existence of the condition. All residents of the village shall dispose of garbage, ashes, refuse, waste, and other noxious and unwholesome substances accumulated by them, at their own expense and in a sanitary manner.

(B) Any person who fails to remove and dispose of such an accumulation within 24 hours after receiving notice to do so from the Commissioner of Public Health and Safety of the village, shall be deemed guilty of violating this section and shall be subject to the payment of a fine.
 (Ord. 224, passed 11-9-64) Penalty, see § 91.99

Cross-reference:

Commissioner of Public Health and Safety, see § 30.05

§ 91.06 PERMITS FOR GARBAGE COLLECTION.

The collection, hauling, or disposal of garbage, refuse, and other waste for hire within the limits of the village, without a permit issued by the village, is declared to be unlawful. An annual permit to collect and haul such material for hire shall be issued by the Village Clerk at the direction of the Commissioner of Public Health and Safety upon written application. The applicant shall include a description of the equipment proposed for use in the collection and hauling, a schedule of rates to be charged for proposed services to be rendered, and a description of the proposed disposition of the garbage, refuse, and other materials so collected.
 (Ord. 109, passed 7-8-35; Am. Ord. 224, passed 11-9-64)

§ 91.07 PERMIT FEE.

A fee of \$25, payable to the Village Clerk, shall accompany the application for a permit for the collection, hauling, or disposal of garbage, refuse, and other waste for hire. Each permit may be renewed for an additional calendar year upon a written application for renewal and payment of a like fee.
 (Ord. 109, passed 7-8-35; Am. Ord. 224, passed 11-9-64)

§ 91.08 HAULING OF GARBAGE.

The collection and hauling of garbage, refuse, and waste materials for hire, within the village limits, shall be done only in a manner as shall provide a covering for all the materials, adequate to prevent escape thereof by falling, leaking, dripping,

blowing, or otherwise, from the collecting vehicle.
(Ord. 109, passed 7-8-35; Am. Ord 224, passed 11-9-64)

OPEN BURNING

§ 91.15 DEFINITIONS.

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

"DOMICILE WASTE." Any refuse generated on single-family domiciliary property as a result of domiciliary activities. This term shall be deemed to exclude landscape waste, garbage and trade waste.

"GARBAGE." Refuse resulting from the handling, processing, preparation, cooking and consumption of food or food products.

"LANDSCAPE WASTE." Any vegetable or plant refuse, except garbage and agricultural waste. This term can be deemed to include trees, tree trimmings, branches, stumps, brush, weeds, leaves, grass, shrubbery and yard trimmings.

"OPEN BURNING." The combustion of any matter in such a way that the products of the combustion are emitted into the open air without originating in or passing through equipment for which a permit could be issued under ILCS Ch. 415, Act 5, § 9(b).

"REFUSE." Any discarded matter or any matter which is to be reduced in volume or otherwise changed in chemical or physical properties, in order to facilitate its discard, removal or disposal.

"RESTRICTED AREAS." The area within the boundaries of the village.

"TRADE WASTE." Any refuse resulting from the prosecution of any trade, business, industry, commercial venture, utility or service activity, and any government or institutional activity, whether or not for profit. This term can be deemed to include landscape waste, but excludes agricultural waste.
(Ord. 439, passed 10-22-90)

§ 91.16 PROHIBITIONS.

(A) No person shall cause or allow the burning of any refuse, domicile waste or trade waste in the village, except in a chamber or apparatus having a design approved by the village for the purpose of disposing of the class of refuse and waste being burned.

(B) Open burning shall be prohibited within the corporate limits of the village except as permitted by this section.
(Ord. 439, passed 10-22-90)

§ 91.17 BURNING OF COOKING FUEL; USE OF OUTDOOR GRILLS.

The terms of this subchapter shall not be construed to prohibit the burning of fuels for cooking purposes in a domestic fireplace in areas where such burning is consistent with other ordinances and regulations, provided no garbage shall be burned in any case. Outside grills, either permanent or portable, shall be considered as domestic fireplaces.
(Ord. 439, passed 10-22-90)

§ 91.18 EXEMPTIONS.

The open burning of landscape waste shall be deemed not in violation of this subchapter when conducted to conform with the following conditions:

(A) On the premises on which such waste is generated.

(B) When atmospheric conditions will readily dissipate contaminants.

(C) If such burning does not create a visibility hazard on roadways or railroad tracks within the village.

(D) Except as where otherwise herein restricted, when such burning does not become a nuisance, annoyance or discomfort by reason of smoke, fumes, fly ash, dust, soot or noxious odor.

(E) When such burning is constantly attended by a competent person until completely extinguished. Such person shall have the means for extinguishing any fire readily available for use as required.

(F) When the location of such burning is at a safe distance from any structure and adequate provisions are made to prevent fire from spreading to any structure.

(G) When burning is conducted by or at the direction of village officials.

(H) When specific permission is given by a duly authorized village official in certain cases upon finding that no harm will result from such burning, or that any alternative method of disposing of such refuse would create a safety hazard so extreme as to justify the pollution that would result from such burning.

(I) When conducted between the hours of 8:00 a.m. and 8:00 p.m. local time.
(Ord. 439, passed 10-22-90; Am. Ord. 547, passed 11-20-01)

§ 91.19 ENFORCEMENT.

The Commissioner of Public Health and Safety shall have the responsibility to enforce by appropriate means the prohibitions contained in this subchapter and rules and regulations promulgated by the Illinois Pollution Control Board, Title 35, Environmental Protection Subtitle B, Air Pollution, Part 237, Open Burning. (Ord. 439, passed 10-22-90)

§ 91.99 PENALTY.

(A) Whoever violates any provision of this chapter shall be fined not more than \$25 for each and every violation. Every day a violation continues shall constitute a separate offense. (Ord. 224, passed 11-9-64)

(B) (1) Any individual who violates any provision of §§ 91.15 through 91.19 shall be subject to a fine of not less than \$25 for the first offense and not less than \$100 for each subsequent offense.

(2) The owner, lessee or occupant of any premises or person in charge of the burning therein or thereupon, who causes, permits or allows the violation of §§ 91.15 through 91.19 on said premises, is guilty of creating a nuisance and subject to penalty as herein provided. (Ord. 439, passed 10-22-90)

Section

92.01	Public nuisance defined
92.02	Prohibition
92.03	Filing complaints; inspections; notice to abate; failure to abate; abatement by village; appeal
92.04	Cost of abatement as a lien
92.05	Delegation of employees of the village
92.99	Penalty

(4) Accumulations of refuse in which disease-carrying insects, rodents, or other vermin may breed or may reasonably be expected to breed. (For purposes of this chapter, "REFUSE" means all putrescible and nonputrescible solid wastes, including garbage, rubbish, debris, ashes, street cleanings, dead animals, abandoned or inoperable automobiles or other vehicles, abandoned or inoperable household appliances, moveable furniture not designed for or modified to withstand the elements and outdoor use, solid market wastes and industrial wastes);

§ 92.01 PUBLIC NUISANCE DEFINED.

(A) As used in this chapter, a "PUBLIC NUISANCE" shall mean any act, thing, occupation, condition or use of property which shall be of such a nature and shall continue for such length of time as to do any of the following:

(1) Substantially annoy, injure or endanger the comfort, health, repose or safety of the public;

(2) Greatly offend the public morals or decency;

(3) Substantially interfere with, obstruct or tend to obstruct, or render dangerous for passage any street, alley, highway, or other public way; or

(4) Have an adverse effect upon neighborhood or village property values, health, safety or general welfare.

(B) Public nuisances shall include but not be limited to the following acts, conduct, omissions, conditions or things occurring within the limits of the village, or within one mile thereof which substantially annoy, injure or endanger the comfort, health, repose or safety of any persons within the village:

(1) All decayed, harmfully adulterated or unwholesome food or drink sold or offered for sale to the public;

(2) Carcasses of household pets or other animals not buried or otherwise disposed of in a sanitary manner within 24 hours after death;

(3) Accumulations of garbage in a manner in which flies, mosquitoes, disease-carrying insects, rodents, or other vermin may breed or may reasonably be expected to breed. (For purposes of this chapter, "GARBAGE" means animal and vegetable waste resulting from the handling, preparation, cooking, storage or consumption of food);

(5) All stagnant water in which mosquitoes, flies or other insects can multiply;

(6) Containers with garbage or refuse which are not covered by solid, tight fitting lids or which have any uncovered holes or for which at least weekly removal of garbage and refuse is not provided;

(7) Vegetation which:

(a) Harbors or aids in harboring rats, snakes, or vermin;

(b) Harbors or hosts diseases or insects which may reasonably be expected to injure other forms of life (except the harboring of insects used for pest control);

(c) Are prohibited by law or ordinance, including but not limited to noxious weeds;

(d) By reason of its location or condition constitutes an imminent danger to any person or property;

(e) Hinders the removal of accumulations of junk, garbage and debris;

(f) Is unmanaged and in excess of eight inches, provided cultivated flowers, ornamentals, or food plants shall be presumed to be managed vegetation; provided further that vegetation in excess of eight inches shall be presumed unmanaged (unless predominantly composed of cultivated flowers, ornamentals, cultivated wild flowers or food plants), including vegetation which interferes with or obstructs the view or passage on any street, alley or other public way;

(8) The escape of smoke, soot, cinders, noxious acids, fumes, gases, fly ash or industrial dust in such quantities as to endanger the health of persons or to threaten or cause substantial injury to property, but excluding smoke emanating from residential fireplaces;

(9) The pollution of any public well or cistern, stream, lake, canal or body of water by sewage, creamery or industrial wastes or other substances;

(10) Any use of property, substances or things emitting or causing any foul, offensive, noisome, nauseating, noxious or disagreeable odors or stenches repulsive to the physical senses of ordinary persons which annoy, discomfort, injure or inconvenience the health of any persons within the village;

(11) Any structure or building that is in a state of dilapidation, deterioration or decay, is of faulty construction, is open to intrusion, abandoned, damaged by fire to the extent of not providing shelter, is extremely unsound, in danger of collapse or failure, and endangers the health and safety of the public;

(12) Any inoperable, unlicensed or abandoned vehicle which is stored outside, except at a place of business licensed to store junk vehicles. For purposes of this chapter, "INOPERABLE VEHICLE" shall mean any motor vehicle, truck body, tractor or trailer not in working order or lacking current legal registration;

(13) Any vehicle parked on private property except on a weed-free surface made of gravel, crushed stone, asphalt or portland cement concrete;

(14) Any junk, which is stored outside, except at a place of business licensed to store junk. For purposes of this chapter, "JUNK" shall mean any worn out or discarded material of little or no value including, but not limited to, household appliances or parts thereof, tools, mechanical equipment or parts thereof, motor vehicle parts, tires, discarded building materials or any other unsightly debris, the accumulation of which has an adverse effect upon neighborhood or village property values, health, safety, or general welfare;

(15) Dumpsters, trash containers, or trash container stands located on a public right of way, unless the dumpster is owned, leased or under the control of the village; provided further that trash containers may be placed on the publicly owned area adjacent to the pavement on the day the trash in the container is scheduled for removal by a trash hauler;

(16) The keeping or maintaining of rabbits, chickens or other fowl, hogs, pigs or other swine, cattle or horses, within the limits of the village; or

(17) Such other actions, conduct, omissions, conditions or things defined or specified in the Municipal Code of the village as nuisances or as public nuisances. (Ord. 522, passed 5-24-99; Am. Ord. 599, passed 12-6-05)

§ 92.02 PROHIBITION.

(A) No person shall erect, contrive, cause, continue, maintain or permit to exist any public nuisance within the village, or within one mile thereof.

(B) The procedures and remedies set forth in §§ 92.03 and 92.04 may be used in the alternative or in consonance with or in lieu of any other remedy or procedure authorized by law or ordinance for the removal of violations or nuisances. (Ord. 522, passed 5-24-99)

§ 92.03 FILING COMPLAINTS; INSPECTIONS; NOTICE TO ABATE; FAILURE TO ABATE; ABATEMENT BY VILLAGE; APPEAL.

(A) All complaints alleging the existence of a public nuisance shall be filed with the Village Clerk.

(B) The Commissioner of Public Health and Safety shall promptly inspect the premises or cause them to be inspected and shall make a written report of the findings of the inspection. Whenever practical, photographs of the premises shall be attached to the written report.

(C) Upon determining that a public nuisance exists on private property and that there is danger to the public health, safety, peace, morals or decency, the Commissioner of Public Health and Safety shall cause a notice to be delivered to the owner and the occupant of the private property where the public nuisance exists or upon the person causing, permitting or maintaining such nuisance, if such owner, occupant or person causing the nuisance can be found, and shall post a copy of the notice on the premises where the public nuisance exists, if such owner, occupant or person cannot be found.

(D) Such notice shall specifically describe the public nuisance and, if the nuisance constitutes an immediate danger to the public health, safety or welfare, shall direct the owner and the occupant of the private property where the public nuisance exists, or the person causing, permitting or maintaining such nuisance, to abate or remove such nuisance within 24 hours of service or posting of the notice. Such notice shall contain a telephone number and a name of the village officer or

employee who made the inspection resulting in the notice, and shall state that telephone inquiries may be made. If the owner, occupant or person cannot be located after reasonable inquiry, posting shall be sufficient notice. The notice shall state that, unless such nuisance is so abated or removed, the village will cause it to be abated or removed; that the cost thereof will be charged to the owner, occupant or person causing, permitting or maintaining the nuisance; and that such cost shall be a lien on the real property where the nuisance was abated or removed. Such notice shall also state that the failure of such owner, occupant or person to abate the nuisance as required by such notice shall be deemed an implied consent for the village to abate or remove such nuisance. Such implied consent shall be deemed to form a contract between such owner, occupant or person and the village. If the public nuisance does not constitute an immediate danger to the public health, safety or welfare, the commissioner may serve the owner or occupant of such premises, or the person in whose name such real estate was last billed for property tax purposes, a notice demanding the abatement or removal of the violation within a period of three to 15 days. Service may be had by certified mail or personal service; or by posting the notice on the property and mailing notice by first class mail.

(E) If a nuisance is not abated or removed after notice pursuant to this section and within the time specified in the notice, the commissioner may cause the abatement or removal of such public nuisance. The reasonable cost thereof shall be a lien on the real property where the nuisance was abated or removed.

(F) The owner or occupant of the private property where the public nuisance exists who fails to abate or to remove the nuisance required by this section, thereby consents, under the terms of this section, to have the village abate or remove the nuisance at the expense of the owner or occupant.

(G) The person upon whom a notice to abate a nuisance is served, the property owner, tenant or other affected person may appeal the determination of nuisance in writing to the Village Council. The written appeal must be made within the time period given in the notice. The Village Council shall meet with the appellant within five working days of the receipt of the written appeal. The Village Council may extend the time in which the nuisance must be abated, determine that a nuisance does not or no longer exists, or that the nuisance must be abated within the

time period set out in the notice or immediately if the period set out in the notice has run. Provided, however, that if the nuisance was determined to be an emergency and that the opportunity for an appeal was not available due to the short period of time to abate the nuisance, an appeal may be heard after the abatement of the nuisance by the village. In that event, the Village Council may determine that the appellant is liable for the costs, or that, upon good cause shown, the appellant is not liable for the costs and that a lien shall not be filed by the village upon the property. The notice to abate shall contain a statement as to right of appeal.

(H) The Commissioner of Public Health and Safety, or his or her designee, shall obtain authority to enter any private part of any building or other premises by one of the following:

- (1) The permission of the owner, occupant or person in charge; or
- (2) A valid court order permitting such entrance; or
- (3) The written consent provided below.

Nothing in this section shall be interpreted to prohibit any inspector from entering any premises with the consent of one or more of the occupants, and nothing in this section shall be deemed to prohibit entry by an inspector into areas open to the public.

Applications for village permits for building and remodeling of all kinds, for business licenses and permits of all kinds, and any other application for anything for which inspection shall be necessary to enforce village ordinances, shall be accompanied by a written consent of the owner, occupant or person in charge for entrance to any part of any building or premises related to the license or permit sought. Such consent shall be in the following form, unless the Village Attorney orders the use of a different form:

I, the undersigned, do hereby state that I am the _____ [owner, occupant, manager and the like] of _____ [address].

I hereby authorize any person working for or on behalf of the Village of Catlin to enter the premises at the address shown above, at reasonable hours, for the purpose of making inspections.

(Ord. 522, passed 5-24-99; Am. Ord. 599, passed 12-6-05)

§ 92.04 COST OF ABATEMENT AS A LIEN.

(A) Whenever a bill for the reasonable costs of abatement or removal of a nuisance pursuant to this chapter remains unpaid for 60 days after it has been sent, the Village Clerk may file a notice of lien with the County Recorder. The notice shall consist of a sworn statement setting out:

(1) A description of the real estate sufficient for identification thereof;

(2) The amount of money representing the cost and expense incurred or payable by the village; and

(3) The date or dates when such cost and expense were incurred by the village. However, any purchaser whose rights in such real estate have arisen subsequent to removal of the public nuisance and prior to the filing of such notice shall not be held liable for the costs of abatement or removal, and the lien of the village shall not have priority as to any mortgage, judgement creditor or other lienor whose rights in and to such real estate arise prior to the filing of such notice.

(B) Costs and expenses under this chapter include, but are not limited to, the actual costs and expenses in time of village employees or village authorized contractors and in materials concerning the actual actions of abatement of the nuisance pursuant to this chapter, transportation to and from the property, title searches or certifications, preparation of lien documents, foreclosures and other related expenses, including but not limited to reasonable attorney's expenses.

(C) A copy of the notice of lien shall be mailed by the Village Clerk to the owner of the property or to the occupant, or to the person or persons in whose name such real estate was last billed for property tax purposes.

(D) The real estate subject to a lien for such an unpaid assessment of such costs and expenses may be sold for nonpayment thereof, and the proceeds of the sale applied to pay the charges, after deducting costs.

(E) The Village Attorney may institute proceedings in the name of the village in any court having jurisdiction over such matters against any property for which such costs and expenses have remained unpaid 60 days after a statement of such costs and expenses have been mailed to the property owner, to the occupant, or to the person or persons in whose name the property was last billed for

property tax purposes. The costs of such proceedings, including reasonable attorney fees, shall be additional costs and expenses recoverable by the village in any such proceeding.

(F) Upon payment of the costs and expenses, plus interest at the rate of 9% per annum from the date 60 days after the bill for such costs and expenses was first sent, the Village Clerk shall file with the County Recorder a release of the lien.

(G) If the payment of the village's costs of removal or abatement of the nuisance is not paid to the village within 60 days of filing of the notice of lien, the Village Attorney is empowered to commence proceedings in court seeking a judgment from the owner or occupant of such property. The action authorized by this subsection shall be in addition to, and without waiver of, any other remedy. The costs of such proceedings, including reasonable attorney fees, shall be additional costs and expenses recoverable by the village in any such proceeding.

(Ord. 522, passed 5-24-99)

§ 92.05 DELEGATION OF EMPLOYEES OF THE VILLAGE.

Whenever in this chapter duties are given to village officers, such duties may be performed by an employee of the village assigned to such duty by the village officer. (Ord. 522, passed 5-24-99)

§ 92.99 PENALTY.

(A) A separate offense shall be deemed committed on each day during or on which a violation of this chapter continues unabated after the service of any notice pursuant to § 92.03. Any person violating this chapter shall be fined not less than \$50 nor more than \$1,000 for each offense.

(B) In addition to any fine imposed hereunder, the offender shall be ordered to pay all of the costs and fees incurred by the village in prosecuting the violation, which shall include, but not be limited to, the costs associated with an administrative adjudication proceeding or court proceeding, and all reasonable attorney fees incurred therein.

(C) The provisions for remedying violations of this chapter are in addition to other applicable remedies, including but not limited to an action in court for an injunction. (Ord. 522, passed 5-24-99; Am. Ord. 599, passed 12-6-05)

Section

- 93.01 Park hours
- 93.02 Prohibited acts
- 93.03 Alcoholic beverages
- 93.04 Damaging park property

- 93.99 Penalty

§ 93.01 PARK HOURS.

The park grounds shall be closed to all persons from 9:00 p.m. until 7:00 a.m. each day unless prior written permission is secured by application to the Village Council.

(Ord. 274, passed 8-31-70)

§ 93.02 PROHIBITED ACTS.

The following acts are prohibited in the park.

(A) Bicycle riding within the confines of the pavilion on the park grounds.

(B) The use of any motorized vehicle within the park grounds.

(C) Horseback riding within the park grounds.

(D) Games involving the use of either a softball or a baseball in team play, within the park grounds.

(Ord. 274, passed 8-31-70) Penalty, see § 93.99

§ 93.03 ALCOHOLIC BEVERAGES.

No alcoholic beverage shall be permitted within the park grounds.

(Ord. 274, passed 8-31-70) Penalty, see § 93.99

§ 93.04 DAMAGING PARK PROPERTY.

No public property on park grounds shall be damaged, defaced, mutilated, or abused.

(Ord. 274, passed 8-31-70) Penalty, see § 93.99

§ 93.99 PENALTY.

Any person who shall violate a provision of this chapter shall, upon conviction, be subject to a fine not to exceed \$300 and not less than \$20, in addition to the cost of repair or replacement of any public property damaged or abused.

(Ord. 274, passed 8-31-70)

Section

- 94.01 Street and house numbering
- 94.02 Excavations
- 94.03 Excavation repair and replacement
- 94.04 Backfill materials
- 94.05 Temporary patches

- 94.99 Penalty

Cross-reference:

- Posting of bills on trees or poles, see § 131.01
- Damaging public utility poles or other property, see § 131.02
- Damaging public streets, see § 131.05

§ 94.01 STREET AND HOUSE NUMBERING.

(A) All lots, buildings, and structures in the village shall be numbered in accordance with the following plan.

(1) The base line for streets running north and south shall be Vermilion Street, and numbers lying north or south thereof shall be designated north or south, as the case may be. The base line for streets running east and west shall be Sandusky Street, and numbers lying east or west of this line shall be designated east or west, as the case may be. Numbering shall begin with the base lines with the number 100, and one unit shall be allowed for each standard or average-size lot. The numbers at each block shall begin with 100 or a multiple thereof. Odd numbers shall be on the north and east sides of the streets.

(2) It shall be the duty of the owner and occupant of every building in the village to have placed thereon in a place visible from the street, figures at least two and one-half inches high showing the number of the building.

(3) The Village Clerk shall keep a chart showing the proper street number of every lot in the village, which shall be open to inspection by anyone interested.

(B) House numbers of proper size will be furnished by the village for all presently existing buildings and will be installed wherever permissible without charge. Future building owners will be required to furnish and put up matching numbers at their own expense.
(Ord. 203, passed 10-22-59) Penalty, see § 10.99

§ 94.02 EXCAVATIONS.

No excavation or trench shall be made in any street, alley, sidewalk or public ground for any sewer, drain, water, gas, steam or

heating pipe, electricity, telephone, or for any other purpose without the approval of either the Commissioner of Streets and Public Improvements, or his delegate, or the Village Engineer.
(Ord. 630, passed 2-5-08)

§ 94.03 EXCAVATION REPAIR AND REPLACEMENT.

All work within a street right-of-way shall be governed by the current standard specifications for water and sewer main construction in Illinois.
(Ord. 630, passed 2-5-08)

§ 94.04 BACKFILL MATERIALS.

Backfill for all trenching in any street or alley for pipe culverts, storm sewers, structure excavation, or other excavations shall be with controlled low-strength material, also known as "flowable fill".
(Ord. 630, passed 2-5-08)

§ 94.05 TEMPORARY PATCHES.

All excavations located in any street or improved alley, while awaiting permanent patching, shall be temporarily patched with a minimum of eight inches of CA-6 stone and two inches of asphaltic "cold patch" material. All excavations in streets or improved alleys shall be temporarily patched within 24 hours of backfilling the excavation. This material shall be compacted in place and maintained by the contractor until a permanent patch is installed.
(Ord. 630, passed 2-5-08)

§ 94.99 PENALTY.

Whoever violates any provision of §§ 94.02 through 94.05 shall be fined not less than \$50, nor more than \$1,000. In addition to any fined imposed hereunder, the offender shall be ordered to pay all of the costs of restoring the excavation site to compliance with the provisions of this chapter and shall further be ordered to pay all of the costs and attorney fees incurred by the village in prosecution of the violation, which shall include but not be limited to the costs associated with an administrative adjudication proceeding or court proceeding. Each day in which any violation shall continue shall be deemed a separate offense.
(Ord. 630, passed 2-5-08)

Section

- 95.01 Definitions
95.02 Prohibited acts

§ 95.01 DEFINITIONS.

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

"BUILDING OFFICIAL." The officer appointed and acting under Municipal Code § 150.16, as amended from time to time.

"CONSTRUCTION." Any site preparation, assembly, erection, substantial repair, alteration, demolition or similar action.

"DAYTIME." Unless otherwise specifically noted, means the hours from 7:00 a.m. to 10:00 p.m.

"NIGHTTIME." Unless otherwise specifically noted, means the hours from 10:00 p.m. to 7:00 a.m.
(Ord. 649, passed 4-20-10)

§ 95.02 PROHIBITED ACTS.

(A) It shall be unlawful and declared a public nuisance for any person to make, cause, create or permit to continue any unreasonably loud, disturbing or unnecessary noise in the village, or any noise of such character, intensity or duration as to be detrimental to the life, health or welfare of any individual, or any noise which either steadily or intermittently annoys, disturbs, injures or endangers the comfort, repose, peace or safety of any individual.

(B) (1) The following acts, among others, are declared to be loud, disturbing, and unnecessary noises and in violation of this section. This enumeration shall not be deemed to be exclusive.

(a) Blowing horns.

1. The sounding of any horn or signal device on any automobile, motorcycle, or bus, while not in motion, except as a danger signal if another vehicle is approaching apparently out of control, or if in motion only as a danger signal after or as brakes are being applied and deceleration of the vehicle is intended; and

2. The creation by means of any signal device of any unreasonably loud or harsh sound and the sounding of that device for an unnecessary and unreasonable period of time.

(b) Musical instruments and other sound devices.

1. Playing, using or operating, or permitting to be played, used or operated, any musical instrument or other machine or device for producing or reproducing sound in such a manner as to create a noise disturbance across a real property boundary. The operation of any such musical instrument, machine or device at nighttime in such a manner as to be plainly audible at a distance of 50 feet shall be prima facie evidence of a violation of this section.

2. Playing, using or operating or permitting to be played, used or operated, any musical instrument or other machine or device for producing or reproducing sound within a vehicle in such a manner as to cause a noise disturbance when operated in or on a motor vehicle on a public right-of-way or public space or at any time with louder volume than is necessary for the convenience hearing of the person or persons inside the vehicle. The operation of any such musical instrument, machine or device within a vehicle in such a manner as to be plainly audible at a distance of 50 feet shall be prima facie evidence of a violation of this section.

(c) Yelling, shouting, hooting, whistling, or singing on the public streets, particularly at nighttime, or at any time or place so as to annoy or disturb the quiet, comfort, or repose of any persons in any dwelling or any other type of residence or of any persons in the vicinity.

(d) Pets. The keeping of any animal, bird, or fowl which by causing frequent or continued noise shall create a noise disturbance across a residential real property boundary.

(e) Use of vehicle. The use of any automobile or motorcycle so out of repair, or so loaded or in such manner as to cause loud, disturbing and unnecessary noises, including grating, grinding, rattling, squealing, or other noise.

(f) Exhaust discharge. To discharge into the open air the exhaust of any motor vehicle except through a muffler or other device which will effectively prevent loud, disturbing or unnecessary noises.

(g) Building operations. The erection (including excavation), demolition, alteration, or repair of any building in any residential district, the excavation of streets and highways in any residential district, other than during daytime on week days, except in case of necessity in the interest of public health and safety, and then only with a permit from the Building Official. The permit may be granted, for a period not to exceed 30 days, while the emergency continues. If the Building Official determines that the public health and safety will not be impaired

by the erection, demolition, alteration, or repair of any building or the excavation of streets and highways during nighttime and if he determines that loss or inconvenience would result to any party in interest, he may grant permission for the work to be done during nighttime on application being made at the time the permit for the work is awarded or during the progress of the work.

(h) Noises near schools, churches or funeral homes. The creation of any loud, disturbing, or unreasonable noise on any street or public place adjacent to any school, institution of learning, or church while the same are in session, or adjacent to any funeral home, which unreasonably interferes with the workings or sessions.

(i) Loading and unloading operations. The creation of a loud, disturbing, and unreasonable noise in connection with loading or unloading any vehicle or the opening and destruction of bales, boxes, crates, and containers.

(j) Noises to attract attention. The use of any drum, loudspeaker, or other instrument or device creating a loud, disturbing, and unreasonable noise for the purpose of attracting attention to any performance, show, or sale or display of merchandise.

(k) Loudspeaker or amplifiers.

1. Using or operating, for any noncommercial purpose, any loudspeakers, public address system or similar device during the nighttime so that the sound therefrom creates a noise disturbance across a residential real property boundary.

2. Using or operating, for any commercial purpose, any loudspeaker, public address system or similar device so that the sound therefrom creates a noise disturbance across a real property boundary; or during the nighttime; or on a public right-of-way or public space.

(l) Vehicle repairs and testing. Repairing, rebuilding, modifying or testing any motor vehicle or motorcycle in such a manner as to cause a noise disturbance across a residential real property boundary.

(m) Places of public entertainment. Operating, playing or permitting the operation or playing of any radio, television, phonograph, drum, musical instrument, sound amplifier or similar device which produces, reproduces or amplifies sound in any place of public entertainment at a sound level greater than 100 dB(A) as read by the slow response of a sound-level meter at any point that is normally occupied by a customer, unless a conspicuous and legible sign is located outside such place near each public entrance, stating: "Warning: Sound

Levels Within May Cause Permanent Hearing Impairment."

(n) Explosives, firearms and similar devices. The use or firing of explosives, fireworks, firearms, or similar devices during the nighttime which create a disturbance sound across a real property boundary or in a public space or right-of-way.

(o) Domestic power tools, toys and sports equipment. Operating or permitting the operation of any mechanically powered saw, drill, sander, grinder, lawn or garden tool, snow blower or similar device, toys and sports equipment used outdoors in residential areas during the nighttime so as to cause a noise disturbance across a residential real property boundary, except in an emergency.

(2) Exceptions. None of the terms of this section nor the prohibitions of this chapter shall apply to or be enforced against:

(a) City vehicles. Any vehicle of the village while engaged in necessary public business.

(b) Repair of bridges and streets. Excavations or repairs of bridges, streets, or highways by or on behalf of the village, the county, or the state, during the nighttime when the public welfare and convenience renders it impossible to perform the work during the day

(c) The emission of sound for the purpose of alerting persons to the existence of an emergency.

(d) The emission of sound in the performance of emergency work.

(e) Government workers (and their subcontractors) while performing necessary routine and emergency public service.

(f) Community events such as parades, festivals, sports events, and other events sanctioned in whole or part by local governments, schools, charitable organizations or service organizations.

(g) Warning devices necessary for public safety, such as police, fire and ambulance sirens and horns and backup alarms.

(h) Aircraft.

(i) Church bells and related sound producing equipment.

(j) The erection (including excavating), demolition, alteration or repair of any building during the daytime.

(k) The operation of domestic tools, such as lawn mowers, snowblowers, edgers, etc., when such tools are properly maintained and operated in a manner and

frequency that is normal and customary in the community.

(C) (1) Any violation of this section is declared to be a nuisance.

(2) In addition to any other relief provided in this section, the village may apply to a court of competent jurisdiction for an injunction to prohibit the continuation of any violation of this section. The application for relief may include seeking a temporary restraining order, preliminary injunction, and recovery of all costs and reasonable attorney's fees incurred by the village in the action.

(3) In addition to any other relief provided in this section, a motor vehicle which is used in the commission of or in conjunction with the commission of any of the offenses described in this section shall be declared a public nuisance and shall be subject to seizure and impoundment pursuant to Chapter 76 of the Municipal Code, as amended from time to time.

(4) Whoever violates any provision of this section shall be fined not less than \$50, nor more than \$1,000. In addition to any fine imposed hereunder, the offender shall be ordered to pay all of the costs and attorney fees incurred by the village in prosecution of the violation, which shall include but not be limited to the costs associated with an administrative adjudication proceeding or court proceeding. (Ord. 649, passed 4-20-10)

Section

96.01	Purpose
96.02	Definitions
96.03	Prohibited conduct
96.04	Property owner's duty to keep premises litter-free
96.05	Placement in litter receptacles
96.06	Placement in dumpsters and drop boxes; dumpster standards
96.07	Newspapers
96.08	Responsibility to procure and place receptacles
96.09	Litter receptacles; prohibited acts
96.10	Presumption of responsibility
96.99	Penalty

political or nonpolitical, for profit or nonprofit, for commercial or noncommercial purposes not included in the definitions of "NEWSPAPER;" except "HANDBILL" shall not include any notice or any document relating to legal proceedings, court proceedings or action of any government agency including the village.

"LITTER." Garbage, refuse, rubbish, as defined in this section, animal excrement, and in addition, all other waste material which, if thrown or deposited as prohibited in this chapter, tends to create a public nuisance.

"LITTER RECEPTACLE." A container for the disposal of litter of not more than 60-gallon capacity; provided, that garbage containers or other waste containers serving single-family or multi-family residences are not included in this definition.

§ 96.01 PURPOSE.

The purpose of this chapter is to accomplish litter control in the village. This chapter is intended to place upon all persons within the village, the duty of contributing to the public cleanliness and appearance of the village in order to promote the public health, safety and welfare and to protect the interests of the residents of the village against unsanitary and unsightly conditions. It is further the intent of this chapter to protect the residents against the public expense caused by littering. (Ord. 677, passed 5-17-11)

"NEWSPAPER." Any newspaper of general circulation, any newspaper duly entered with the U.S. Postal Service Department of the United States in accordance with federal statute or regulation, and, in addition thereto, means and includes any periodical or magazine regularly published with not less than four issues per year and sold or distributed to the public.

"PARK." A park, playground, recreation center, or any other public area in the village and devoted to active or passive recreation.

§ 96.02 DEFINITIONS.

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

"AUTHORIZED LITTER RECEPTACLE." A litter storage and/or collection receptacle as defined or required by this chapter as now enacted or hereafter amended.

"COMPOST." Plant debris, soil and other putrescible wastes stacked so as to encourage rapid decomposition for the ultimate use as plant fertilizer.

"DROP BOX." A container for the disposal of litter of a capacity of at least ten cubic yards and not more than 30 cubic yards.

"DUMPSTER." A container for the disposal of litter of a capacity of at least one and one-quarter cubic yards and not more than eight cubic yards.

"HANDBILL." Any printed or written matter, any sample, device, dodger, circular, leaflet, sampler, magazine, paper, booklet, or any other printed or otherwise reproduced original or copy of any matter of literature,

"PRIVATE PROPERTY." Any realty not held out for the use by the public, whether owned or operated by public or private interests, whether inhabited or temporarily or continuously uninhabited or vacant, and shall include any dwelling, house, building or other structure, any walk, driveway, porch, steps, vestibule, or mailbox located on such realty.

"PUBLIC PLACE." Any area that is used or held out for use by the public whether owned or operated by public or private interests. "PUBLIC PLACE," for purposes of compliance with the provisions of this chapter regarding placement of litter receptacles in the number specified, shall not include indoor areas. An indoor area shall be construed to mean any enclosed area covered with a roof and protected from moisture and wind.

"REFUSE." All putrescible and nonputrescible solid wastes, except body wastes, including garbage, rubbish, ashes, residue from street cleaning, and solid market and industrial wastes.

"RUBBISH." Nonputrescible solid wastes consisting of both combustible and noncombustible wastes such as paper, wrapping, cigarettes, cardboard, tin cans, wood, glass, plastic, cloth, bedding, crockery, and similar materials.

"VEHICLE." Every device, in, upon, or by which any person or property is or may be transported or drawn upon a highway, including devices used exclusively upon stationary rails or tracks.
(Ord. 677, passed 5-17-11)

§ 96.03 PROHIBITED CONDUCT.

(A) Deposit in public places. No person shall throw, deposit, drop, dump, discard or leave litter in or upon any street, sidewalk, or other public place within the village except in litter receptacles or in official transfer stations.

(B) Deposit on private property. No person shall throw, deposit, drop, dump, discard or leave litter on any private property within the village, whether owned by such person or not, except that the owner or person in control of the private property may maintain private receptacles for collection in such a manner that litter will be prevented from being carried or deposited by the elements onto any street, sidewalk or other public place or onto any other private property.

(C) Deposit in parks. No person shall throw, deposit, drop, dump, discard or leave litter in any park within the village except in litter receptacles and in such a manner that the litter will be prevented from being carried or deposited by the elements onto any part of the park or onto any street or other public place. Where litter receptacles are not provided, all such litter shall be carried away and properly disposed of elsewhere as provided in this chapter.

(D) Deposit in water. No person shall deposit, dump, drop, discard or leave litter in any fountain, pond, stream, or any other body of water in a park or elsewhere within the village.

(E) Throwing from vehicles.

(1) No person, while a driver or passenger in a vehicle, shall throw, deposit, drop or dump litter upon any street or other public place or upon private property within the village.

(2) Whenever litter is thrown, deposited, dropped or dumped from any vehicle not carrying passengers for hire, the presumption is created that the operator of that motor vehicle has violated this division (F), but that presumption may be rebutted.

(F) Litter from vehicle. No person shall drive or move any vehicle within the village unless such vehicle is so constructed or loaded as to prevent any load, contents or litter from being blown or deposited upon any street, alley or other public place or private property. Any person owning or

operating a vehicle from which any litter has fallen or escaped, which would constitute an obstruction or damage to a vehicle or otherwise endanger travel upon such public street, shall immediately cause such public street to be cleaned of all such litter or other objects and shall pay any cost thereof.

(G) Litter from construction sites.

(1) No individual or person in charge of a construction site in the village shall cause or allow any litter from the site to be deposited by the elements or otherwise upon any adjacent public or private property. During such time as the construction site is not actually being used, all litter shall be stored or deposited in containers or receptacles in such a manner as to prevent the litter from being deposited upon adjacent property by the elements or otherwise.

(2) No person in charge of any construction site in the village shall cause or allow any mud, dirt, sticky substances, road surfacing materials, or other litter from the construction site to be deposited by any vehicles, the wheels or tires of any vehicles, the elements, or otherwise upon any street, alley or other public place; provided, however, if a construction site and adjacent public streets and sidewalks are maintained under a cleanup program approved by the Department of Public Works, then this division (G)(2) shall not apply.

(H) Sweeping into gutters. No person shall sweep into or deposit in any gutter, stormwater drain, street, or other public place within the village, an accumulation of litter from any building or lot or from any public or private sidewalk or driveway. Persons owning or occupying any real property within the village shall keep the sidewalk in front of or adjacent to the property free of litter.

(I) Handbills; prohibited placement.

(1) Deposit on vacant property. No person shall throw, deposit, post, or distribute any commercial or noncommercial handbill in or upon any private property which is temporarily or continuously uninhabited or vacant.

(2) Distribution on posted premises. No person shall throw, deposit, post, or distribute any handbill upon any private property if requested by the owner or person in control of such property to refrain from doing so or if there is placed on the property in a conspicuous position near the entrance thereof a sign bearing the words "No Trespassing," "No Peddlers or Agents," "No Advertisement," or any similar notice indicating in any manner that the occupants of the premises do not desire to have any such

handbills left upon such premises; provided, however, that in case of inhabited private premises which are not posted as provided in this section, such person, unless requested by anyone upon such premises not to do so, may place or deposit any such handbill in or upon such inhabited private premises, in such a manner as to prevent such handbill from being blown or drifted about such premises or sidewalks, streets or other public places, and except that mailboxes may not be so used when so prohibited by federal postal law or regulations.

(J) The prohibitions of this section shall not apply where:

(1) The property has been designated by the state or any of its agencies, political subdivisions, units of local government or school districts for the disposal of litter, and the litter is disposed of on that property in accordance with the applicable rules and regulations of the Illinois Pollution Control Board;

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

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

(4) The person is acting under the direction of proper public officials during special clean-up days; or

(5) The person is lawfully acting in or reacting to an emergency situation where health and safety is threatened, and removes and properly disposes of such litter, including but not limited to, potentially infectious medical waste as defined by the Environmental Protection Act when the emergency situation no longer exists. (Ord. 677, passed 5-17-11) Penalty, see § 96.99

§ 96.04 PROPERTY OWNER'S DUTY TO KEEP PREMISES LITTER-FREE.

The owner, occupant or person in control of any private property or public place shall at all times maintain the premises free of litter; provided, however, that this section shall not prohibit: the storage of litter in private litter receptacles for collection or disposal; the maintenance of compost piles contained within a physical structure; and the temporary storage of building,

construction, landscaping, and similar materials. (Ord. 677, passed 5-17-11) Penalty, see § 96.99

§ 96.05 PLACEMENT IN LITTER RECEPTACLES.

Persons placing litter in litter receptacles shall do so in such a manner as to prevent it from being carried or deposited by the elements upon any street, sidewalk or other public place or upon private property. (Ord. 677, passed 5-17-11)

§ 96.06 PLACEMENT IN DUMPSTERS AND DROP BOXES; DUMPSTER STANDARDS.

(A) Persons placing litter in dumpsters or drop boxes shall do so in such a manner as to prevent the litter from being carried or deposited by the elements onto any street, sidewalk or other public property or onto any other private property.

(B) No person shall deposit litter in any dumpster or drop box designated for the sole use by a business or multi-family residence unless that person or individual is licensed to do so by that business or multi-family residence.

(C) All dumpsters are to be equipped with a lid to prevent the contents from being carried or deposited by the elements and to prevent the entrance of dogs or other animals. Lids shall remain closed at all times unless other means of protection are provided to prevent the contents from being scattered by animals or the elements. (Ord. 677, passed 5-17-11) Penalty, see § 96.99

§ 96.07 NEWSPAPERS.

Newspapers shall be placed on private property in such a manner as to prevent their being carried or deposited by the elements upon any street, sidewalk or other public place or upon private property. (Ord. 677, passed 5-17-11) Penalty, see § 96.99

§ 96.08 RESPONSIBILITY TO PROCURE AND PLACE RECEPTACLES.

Any person owning or operating any private property or public place, in which litter receptacles are required by this chapter, shall procure, place and maintain such receptacles on the premises at his or her own expense in accordance with the provisions of this chapter. (Ord. 677, passed 5-17-11) Penalty, see § 96.99

§ 96.09 LITTER RECEPTACLES; PROHIBITED ACTS.

(A) No person shall damage, deface, abuse, or misuse any litter receptacle not owned by such person so as to interfere with its proper function or to detract from its proper appearance.

(B) No person shall deposit leaves, clippings, prunings, or gardening refuse in any litter receptacle not owned by such person.

(C) No person shall deposit household garbage in any litter receptacle; provided, that this division shall not be construed to mean that wastes of food consumed on the premises at any public place may not be deposited in litter receptacles.
(Ord. 677, passed 5-17-11) Penalty, see § 96.99

§ 96.10 PRESUMPTION OF RESPONSIBILITY.

A person is presumed to be responsible for illegally depositing litter by the discovery of three or more pieces of litter within such illegally deposited litter which are identifiable to such person by means of a name, address or other mark of identification contained on such items.
(Ord. 677, passed 5-17-11) Penalty, see § 96.99

§ 96.99 PENALTY.

(A) The violation of or failure to comply with any provision of this chapter is declared to be unlawful.

(B) Any person violating this chapter shall be fined not less than \$50, nor more than \$1,000 for each offense.

(C) In addition to any fine imposed hereunder, an order of abatement may be issued or the offender may be assessed the reasonable costs of abatement or removal of the offending material.

(D) In addition to any fine imposed hereunder, the offender shall be ordered to pay all of the costs and fees incurred by the village in prosecuting the violation, which shall include, but not be limited to, the costs associated with an administrative adjudication proceeding or court proceeding, and all reasonable attorney fees incurred therein.

(E) The provisions for remedying violations of this chapter are in addition to other applicable remedies, including but not limited to an action in court for an injunction.
(Ord. 677, passed 5-17-11)