

CHAPTER 16

HEALTH REGULATIONS

ARTICLE I – BOARD OF HEALTH

16-1-1 **BOARD OF HEALTH, HOW CONSTITUTED.** The Mayor, the Commissioner of the Department of Public Health and Safety, and the City Health Officer, shall constitute the Board of health for the City. The City Clerk shall be the Secretary of the Board, and shall keep a record of any and all proceedings of the Board, but shall not have a vote in the proceedings of the Board. The Commissioner of the Department of Public Health and Safety shall be Chairman of the Board of Health.

16-1-2 **POWERS AND DUTIES.** The Board of Health shall have general charge of the sanitary condition of the City and it shall be its duty to diligently examine into the condition of the City, and to make thorough inquiry into all causes and conditions which may be obnoxious, or prejudicial to the health of the inhabitants, to report the same to the State Department of Public Health, or any district public health officer, appointed pursuant to State Statutes, and all such causes and conditions found by the Board of Health to be such, are hereby declared to be nuisances and upon notification of the action of the Board of Health, the Chief of Police shall order the removal or abatement of the same by giving reasonable notice, and any person or corporation causing such nuisances or upon whose premises, whether as owner or occupant, such nuisances shall exist, who shall refuse or neglect to remove or abate the same within a reasonable time after being notified to do so by the Chief of Police, shall be fined not less than **Seventy-Five Dollars (\$75.00)** nor more than **Seven Hundred Fifty Dollars (\$750.00)** for each refusal or neglect, and each day that such person or corporation shall continue to refuse or neglect to remove or abate such nuisance, shall be considered under the provisions of this Chapter as a separate offense.

16-1-3 **REMOVAL OF NUISANCES.** It shall be the further duty of the Board of Health to examine into all nuisances and sources of filth in the City, promptly after such conditions come under observation, or when notified of the same, and to cause the same to be removed without delay.

16-1-4 **ESTABLISHED REGULATIONS.** The Board of Health shall have power to make such regulations, other than those especially provided for in this Article, for the Public Health and Safety, respecting nuisances, sources of filth, and causes of sickness, as may be consistent with the lawful exercise of their powers, and such regulations, when adopted by the board of Health, and published as City Ordinances are required to be published, shall have the effect of Ordinances.

16-1-5 PREVENTION OF CONTAGIOUS DISEASE. The Board of Health shall have power, whenever they may deem it necessary for the health of the City, to make regulations and to issue orders and notices relative to closing of public schools, churches, theatres, and prohibiting other public gatherings, during emergencies created by threatened epidemics, and to take the most prompt and efficient measures to prevent the introduction of, or probable epidemics of contagious, malignant, and infectious disease in the City, and for the immediate and safe removal of any person or persons who may be found therein infected with any such disease. The police force is hereby required to aid the Board of Health in enforcing all regulations adopted by said Board of Health, for such purpose.

16-1-6 ESTABLISHMENT OF EMERGENCY HOSPITAL FACILITIES. The Board of Health shall select and establish, during the prevalence of, or in anticipation of any malignant, infectious or contagious disease, such temporary hospitals as the emergency may require, and make all necessary provision for the reception, care and treatment of patients therein, and make immediate recommendations to the City Council relative to any expense required in connection therewith.

16-1-7 REPORT CONDITIONS TO STATE DEPARTMENT OF HEALTH. The Board of Health of the City shall investigate and report to the State Department of Public Health all places within **one (1) mile** of the City limits suspected of being nuisances, or unsafe or unsanitary, for the purpose of enforcing the provisions of the Statutes on Public Health.

16-1-8 JURISDICTION IN PUBLIC SCHOOLS. The Board of Health of the City shall have jurisdiction in all matters pertaining to the preservation of health of those in attendance upon the public or private schools of the City, to which end it is hereby made the duty of the Board of Health: First, to require that all persons attending said schools, either as teachers or as pupils, comply with the rules of the State Board of Health concerning vaccination. Second, to exclude from school any person suffering from any contagious or infectious disease, or liable to convey such disease to or spread such disease among those in attendance.

16-1-9 INSPECT UNSANITARY PREMISES AND CONDITIONS AND PROVIDE REMEDY. The Board may make, or require regular inspections of all lodging houses, hotels, schools, and public buildings, stores, or other premises where unsafe or unsanitary conditions may exist, once each month, as to their hygienic conditions, and require report of the result of such inspections to the City Council, and to those having charge and control of such premises, and to issue recommendations and instructions as to the remedies required to be adopted. In event of failure or refusal of those having such charge and control

of such premises to remedy such faulty conditions, then the Board of Health shall cause such faulty conditions to be remedied, at the proper cost and expense of those having charge and control thereof.

16-1-10 MAY PROHIBIT UNSANITARY KEEPING OF ANIMALS. The owner or keeper of any kennel or place where any animals may be kept shall cause the same to be kept at all times in a clean wholesome condition and prevent the accumulation of filth or stench and shall not allow any animal infected with contagious disease to remain therein, and the Board of Health shall have the power to cause the removal of any unsanitary condition in and about the keeping of such animals.

16-1-11 ENFORCE REGULATIONS CONCERNING QUARANTINE FOR CONTAGIOUS DISEASES. It shall be the duty of the attending physician in all cases of contagious or infectious diseases within the City, immediately to report the same to some member of the Board of Health, and the officer shall, in such cases as required, report same to the State Department of Public Health. The Health Officer may direct the removal of any person suffering from any of the diseases previously enumerated in this Section to a hospital or other proper place.

16-1-12 REQUIRE PERMIT FOR REMOVAL OF INFECTED PATIENT. No person or thing liable to propagate any contagious or infectious disease shall be brought within the limits of the City without the special permit and direction of the Board of Health, and whenever it shall come to the knowledge of any person that such person or thing has been brought within said limits, he shall immediately give notice thereof to the Health Officer, together with the location thereof. Nor shall any person afflicted with such contagious disease, or liable to communicate or spread the contagion thereof, be shipped or removed from the City to any other place, except under the charge of the Board of Health, and with proper precaution taken against the spread of the contagion.

16-1-13 REQUIRE DISINFECTION OF PREMISES FOLLOWING CONTAGIOUS DISEASE. Any physician, nurse, or other person attending or being about any person having any contagious disease, who shall not change or purify his wearing apparel before going upon the street or into any public place, or shall so conduct himself as to make spread of the disease possible, shall be subject to the penalty hereinafter provided. During the illness of any person suffering from any contagious disease, the nurse or other person or persons in attendance upon the case, shall strictly obey the rules and regulations of the State Department of Public Health. After recovery or death of the patient, the premises and contents shall be disinfected by the Health Officer or under his direction in the manner prescribed by the State Board of Health. It shall be unlawful for any person to interfere with the Health Officer in such performance of his duties.

ARTICLE II – GARBAGE REGULATIONS

16-2-1 **DEFINITIONS.** As used in this Code, the following definitions shall apply:

“GARBAGE” shall mean wastes resulting from the handling, preparation, cooking and consumption of food; wastes from the handling, storage, and sale of produce.

“RUBBISH” shall mean combustible trash, including, but not limited to paper, cartons, boxes, barrels, wood, excelsior, wood furniture, bedding; non-combustible 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, catch-basin dirt, contents of litter receptacles, provided, however, that refuse shall not include 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.

“YARD WASTE” shall mean material such as tree branches, yard trimmings, leaves and grass, which will be picked up by the Street Department.

16-2-2 **CONTAINERS.** Every householder or occupant of any dwelling house, boarding house, restaurant, store or other place of business having garbage to dispose of, who does not otherwise provide for the disposal of such garbage in a sanitary manner shall provide himself with **one (1)** or more fly-tight metal or plastic cans, sufficient to receive all garbage which may accumulate between the times of collection. Each can shall have a capacity of not to exceed **thirty-three (33) gallons** and shall be provided with a bail or handles and a tight-fitting cover.

16-2-3 **USE OF SERVICE.** It shall be unlawful for any person, firm or corporation to fail to dispose of garbage and rubbish which may be or may accumulate upon property owned or occupied by him or them in a sanitary manner at least as often as provided in **Section 16-2-10** hereof. Persons desiring to make use of the services of the licensed garbage and rubbish collector, for the purpose of removing such garbage and rubbish, may do so by notifying such collector and paying fees provided for herein.

16-2-4 **GARBAGE CANS.** All garbage and rubbish accumulating between times of collection shall be placed in the cans provided for in **Section 16-2-2** hereof and it shall be unlawful for any person to deposit any rubbish or any substance other than garbage or rubbish in such cans. All surplus water shall be drained off the garbage before it is placed in

the can. Garbage and rubbish cans shall be kept at or near the back door of the buildings using the same or at the rear of the property if there is an alley, and shall be accessible to collectors at all reasonable times.

16-2-5 **LICENSE REQUIRED.** It shall be unlawful for any person, firm or corporation to collect garbage within the City without having first secured from the Council a license so to do. See **Appendix "J"** for license application form.

16-2-6 **PROCURING LICENSE PROCEDURE.** Any person, firm or corporation desiring a license to collect garbage shall make application for the same to the Clerk, upon a form prescribed by the Council. The application shall set forth (1) the name and address of the applicant; (2) a list of the equipment which he proposes to use in such collection; (3) the place or places to which the garbage is to be hauled; (4) the manner in which said garbage is to be disposed of; (5) the portion of the City in which collections are to be made. The application shall be submitted to the Commissioner of Public Health and Safety for his investigation and report. If the Commissioner advises that the applicant is responsible and has proper equipment for such collection and that no nuisance is liable to be created by the granting of such license, he shall endorse his approval upon the application.

16-2-7 **BOND.** Before any license may be issued the applicant shall, if his application is approved by the Council, deposit with the Clerk a surety bond in the penal sum of **Five Hundred Dollars (\$500.00)** conditioned that he will faithfully and continuously provide the garbage collection services specified on his application as modified by the Council, and under the conditions imposed by the ordinances of this City, and the lawful orders, rules and regulations of the local Board of Health. If the surety bond is approved by the Council, the Clerk shall issue and deliver the license.

16-2-8 **INSURANCE.** No applicant shall be granted a license unless such applicant shall furnish to the City evidence of financial responsibility in the form of a liability insurance policy for the protection of persons who may suffer damages as a result of the operations of the applicant. The minimum amount of insurance required shall be as follows:

- (A) **Three Hundred Thousand Dollars (\$300,000.00)** bodily injury (per person);
- (B) **Five Hundred Thousand Dollars (\$500,000.00)** bodily injury (per accident);
- (C) **Three Hundred Thousand Dollars (\$300,000.00)** property damage;
- (D) **One Million Dollars (\$1,000,000.00)** business umbrella policy;

The insurance coverage in said policy limits shall continue so long as the applicant engages in business in that category for which his license is issued. The policy of insurance shall provide that the insurer shall be required to notify the City at least **thirty (30) days** prior to the cancellation of the insurance coverage. A copy of the policy shall be furnished to the City Clerk before a license shall be issued to the applicant.

16-2-9 **FEE, TERM.** A license fee of **One Thousand Dollars (\$1,000.00)** shall accompany the application and upon granting the license, the fee shall be deposited in the general fund. The annual license fee shall be **One Thousand Dollars (\$1,000.00)** and shall be paid annually in advance on **May 1st** of each year. No license issued hereunder shall be for a longer period than **one (1) year** and all licenses shall expire on **May 1st** of each year. No licensee shall enter into a contract to provide services to a person, firm, or corporation within the City which shall extend beyond the term of the license issued to the licensee. (**Ord. No. 14-4; 02-24-14**)

16-2-10 **LICENSED COLLECTOR'S EQUIPMENT.** Each licensed garbage collector shall provide a covered tank or receptacle so constructed that the contents will not leak or spill therefrom, in which all garbage collected by him shall be conveyed to the place designated in his application. The wagon or conveyance and the containers shall be kept clean and as free from offensive odors as possible, and shall not be allowed to stand at any street, alley, or public place longer than is reasonably necessary to collect garbage.

16-2-11 **FEES FOR COLLECTIONS.** The expenses of garbage and rubbish collection shall be paid to the Collector monthly by the owner, agent, occupant or tenant of the premises from which such garbage is collected and such fees shall be in full compensation for his services in such collection. The Collector shall notify the Health Officer and the Chief of Police of the discontinuance of the service to any premises within **two (2) days** after service is discontinued.

16-2-12 **TIMES FOR COLLECTION.** Each licensed garbage collector shall make garbage and rubbish collections in that portion of the City in which he is licensed to collect, semi-weekly.

16-2-13 **UNATTENDED VEHICLES.** No vehicles used in garbage collection shall remain unattended or unoccupied in the City for a period in excess of **two (2) hours**.

16-2-14 **THROWING GARBAGE ON STREETS.** No person shall dispose of any garbage or rubbish by throwing same upon any public street or alley in the City.

16-2-15 BURNING GARBAGE. No person, firm or corporation shall dispose of any garbage or rubbish by burning same in the City.

16-2-16 TRUCK REQUIREMENT - CLEANLINESS. The firm that handles the collection of trash shall be of good character and give evidence that the equipment used by him is adequate for the purposes intended. The successful firm shall have a truck or trucks which shall be so designed that garbage and rubbish that is collected will be covered at all times except in the loading of garbage or rubbish, so that offensive odors are not permitted to permeate the air and cause a nuisance within the City. The trucks and all containers in which garbage is collected and transported shall be cleaned daily and the collector shall not collect any garbage on any day without having a clean truck and hand containers if containers are used.

16-2-17 PARKED GARBAGE TRUCKS. No truck carrying garbage or rubbish, or both, shall be parked or be permitted to stand anywhere in the City except as provided for in **Section 16-2-21** any longer than is necessary to pick up containers; however, providing that the standing of such vehicle was made necessary by mechanical trouble, traffic conditions, accident or obedience to the direction of policemen or traffic signals, shall not be considered a violation of this Code.

16-2-18 TRUCK WASTEWATERS. A garbage truck or other equipment shall not be washed on City streets or public property and will not be washed where the wastewaters will cause any offensive odors to adjoining property owners.

16-2-19 WINDBLOWN GARBAGE UNLAWFUL. It shall be unlawful to place garbage or rubbish in such a manner as to allow the same to be blown by the wind onto the property of other residents.

16-2-20 GARBAGE FALLING FROM TRUCK. It shall be unlawful to deposit or permit to fall from any vehicle any garbage, refuse or ashes on any public street or alley in the City, provided that this Code shall not be construed to prohibit placing garbage, refuse, or ashes in a container complying with the provisions of this Code, preparatory to having such material collected and disposed of in the manner provided herein.

16-2-21 LOCATION OF YARDS FOR EQUIPMENT. A licensee shall designate the location of the yards on which his equipment will be parked while not in use and the equipment shall not be parked within the City limits unless the designated location shall not, in the opinion of the Code Enforcement Officer, create any nuisance for adjoining property owners.

The licensee shall have as additional equipment a truck for the disposal of large or unusual items of rubbish which cannot be placed in the designated containers and shall have available for such pickups such equipment at least **one (1) day** each week or on such additional days as may be necessary to satisfy the needs of the public.

16-2-22 INDUSTRY, CONSTRUCTION, ETC. Nothing in this Code shall be deemed to prevent or regulate the hauling of rubbish or refuse from industrial processes, from construction projects or other matter not normally collected on a regular schedule and haulers of rubbish not normally collected in regular collections shall be excused from the requirements of obtaining a collector's license as provided in this Chapter.

16-2-23 REVOCAION OF PERMIT. If the licensee fails to perform any services according to his application and rate schedule, the Mayor may revoke his permit.

(See 65 ILCS Sec. 5/11-19-1, et seq.)

ARTICLE III - RUBBISH DUMP USAGE REGULATIONS

16-3-1 **DEFINITIONS.** As used in this Code the following definitions shall apply:

"Yard Waste" shall mean material such as tree branches, yard trimmings, leaves, grass, bushes, paper yard bags, lumber not containing nails, flowers, and wood chips.

"Pay for Hire Contractor" shall mean anyone who operates a lawn mowing or landscaping business as a profession or occupation. Said definition is not intended to include persons enrolled in a public or private school and who are engaged in mowing lawns as summer work while school is not in session.

16-3-2 **USE OF CITY RUBBISH DUMP.** With the exception of Pay for Hire Contractors, only persons who are residents of the City shall have the right to dispose of yard waste only from their own property at the City rubbish dump only between the hours specified by the Commissioner of the Department of Streets and Public Improvements or the Street Foreman and posted at the dump grounds. **(Ord. No. 21-12; 09-27-21)**

16-3-3 **LICENSE REQUIRED.** Pay for Hire Contractors shall be required to obtain an annual license from the City in order to dump yard waste at the City rubbish dump. The annual fee for such license shall be the sum of **Two Hundred Fifty Dollars (\$250.00)**. See **Appendix "LL"** for license application form. A sticker shall be furnished to each licensee and must be displayed on the front windshield of each of licensee's vehicles delivering yard waste to the dump. If duplicate stickers are needed for additional vehicles owned by licensee the fee shall be **Ten Dollars (\$10.00)** for each additional sticker. Said stickers cannot be shared among other pay for hire contractors. Should a pay for hire contractor have been found to have shared said stickers with any other pay for hire contractor said action will be considered to be a violation of the terms and conditions of this Article. A penalty shall be imposed hereunder and said contractor shall lose his dump privileges for a term of **one (1) year** from the date of such offense.

16-3-4 **REGULATIONS.**

(A) The following material shall not be placed in the City rubbish dump:

- (1) dirt
- (2) snow and/or ice
- (3) household garbage
- (4) furniture

- (5) televisions and appliances
- (6) plastic bags
- (7) flower pots
- (8) galvanized metal, steel or aluminum
- (9) concrete, brick, decorative rock, or raw rock
- (10) demolition materials, drywall, paneling, insulation, roofing
- (11) pallets

16-3-5 **PENALTY.** Any person convicted of a violation of this Article shall be fined not less than **Two Hundred Fifty Dollars (\$250.00)** for any one offense. A fine of **Five Hundred Dollars (\$500.00)** shall be assessed for a second or any subsequent offense hereunder. In addition thereto, all court costs, which shall include all costs incurred by the City in prosecuting any said case, to also include the fees of the prosecuting attorney of the City, shall be recoverable from anyone convicted of a violation under this Article. In addition to said fine, the City may revoke the permit of the person convicted of a violation of the provisions of this Article.

(Ord. No. 11-08; 06-13-11)

ARTICLE IV

SMOKE-FREE MUNICIPAL FACILITIES

16-4-1 **SMOKING PROHIBITED.** No person shall at any time smoke any tobacco, tobacco related product, filler, so called "e-cigarette", or other plant or weed inside any City building or enclosed City-owned facility.

(Ord. No. 14-6; 04-14-14)

ARTICLE V

OUTDOOR WOOD-FIRED BOILERS, STOVES, OR FURNACES

16-5-1 **APPLICABILITY.** This Article applies to all outdoor wood-fired boilers, stoves or furnaces within the City.

(A) This Article does not apply to grilling or cooking food using charcoal, wood, propane, or natural gas in cooking or grilling appliances.

(B) This Article does not apply to burning for the purpose of generating heat in a stove, furnace, fireplace, or other heating device within a building used for human or animal habitation.

(C) This Article does not apply to the use of propane, acetylene, natural gas, gasoline, or kerosene in a device intended for heating, construction, or maintenance activities.

16-5-2 **DEFINITIONS.** Outdoor wood-fired boiler, stove, or furnace means a structure that (a) is designed, intended, or used to provide heat and/or hot water to any residence or other structure; (b) operates by the burning of wood or other solid fuel; and, (c) is not located within a structure used for human or animal habitation.

16-5-3 **FUEL USED.** Hardwood or softwood pallets that have been split up and coal may be used. The following may not be used in outdoor wood-fired boiler, stoves, or furnaces:

- (A) driftwood;
- (B) painted, stained, or pressure/chemically treated wood;
- (C) trash;
- (D) plastics;
- (E) gasoline;
- (F) rubber;
- (G) naphtha;
- (H) household garbage;
- (I) material treated with petroleum products (particle board, railroad ties, pressure treated wood);
- (J) leaves;
- (K) paper products; or
- (L) cardboard.

16-5-4 **REGULATIONS.**

(A) An outdoor wood-fired boiler, stove, or furnace may not be installed without the issuance of a permit prior to installation.

(B) An outdoor wood-fired boiler, stove, or furnace shall not be used to burn refuse, leaves, vegetative matter, or noxious plants.

(C) Lighter fluids, naphtha, gasoline, or chemicals may not be used to start a fire in an outdoor wood-fired boiler, stove, or furnace.

(D) The outdoor wood-fired boiler, stove, or furnace shall be located at a distance of at least **one hundred (100) feet** from any other residence not served by the furnace and the stack must be at least **two (2) feet** higher than the eave line of said residence.

(E) If said outdoor wood-fired boiler, stove, or furnace is located more than **one hundred (100) feet** but no more than **one hundred fifty (150) feet** from any residence not served by the outdoor wood-fired boiler, stove, or furnace the stack must be at least **fifty percent (50%)** above the eave line of said residence plus an additional **two (2) feet**.

(F) If said outdoor wood-fired boiler, stove, or furnace is located more than **one hundred fifty (150) feet** but no more than **two hundred (200) feet** to any residence not served by said outdoor wood-fired boiler, stove, or furnace the stack must be at least **twenty-five percent (25%)** above the height of the eave line of that residence plus an additional **two (2) feet**.

(G) The outdoor wood-fired boiler, stove, or furnace shall be located at least **one hundred (100) feet** from the side and rear lot lines of the property on which it is located and shall not be located within the front yard.

(H) Outdoor wood-fired boiler, stove, or furnace shall comply with the manufacturer's recommendations or the regulations prescribed by this Article, whichever are more restrictive.

(I) Only products designed and manufactured to be utilized in the outdoor wood-fired boiler, stove, or furnace may be used in the unit.

(J) Outdoor wood-fired boiler, stove, or furnaces existing at the time of the adoption of this Article but which are not in compliance with the provisions of this Article may continue but cannot be relocated, attached to new buildings, expanded or replaced with a new unit unless they are brought into compliance with the provisions of this Article.

(K) Outdoor wood-fired boiler, stove, or furnaces and any electrical plumbing or mechanical apparatus or device in connection with an outdoor wood-fired boiler, stove, or furnace shall be installed, operated, and maintained in conformity with the manufacturer's specifications and recommendations and all local, state, and federal codes, laws, rules, and regulations.

16-5-5 **RIGHT OF ENTRY AND INSPECTION.** Upon receipt of a report or complaint that there has been a violation of this Article any authorized officer, agent, employee, or representative of the City who presents credentials may inspect any property for the purpose of ascertaining compliance with the provisions of this Article.

(Ord. No. 14-7; 04-14-14)

ARTICLE VI

PENALTY

16-6-1 **PENALTY.** The City may prosecute violators of this Chapter under the provisions of **Section 1-1-20 “General Penalty”** of the Municipal Code, or under the provisions designated in the particular article of this Chapter.

[NOTE: The Cafeteria Court provisions in Section 1-1-26 in Chapter 1 shall apply to this Chapter.]

(Ord. No. 11-08; 06-13-11)