

## TITLE 4 SAFETY

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### CHAPTER 1 GARBAGE, WEEDS AND DEBRIS

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

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

SOURCE 02-15

SECTION 4-1-2 DEFINITIONS

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

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

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

- d. Toter-A wheeled cart, commonly referred to as a “toter”, that has a capacity of ninety (90) gallons and that is animal proof, watertight, equipped with an attached and tight fitting cover or lid, and compatible with the equipment of the Contractor engaged by the City to provide Residential Waste collection, transportation, and disposal services.
2. For Landscape Waste:
    - a. A two (2) ply, fifty (50 pound wet strength, self-opening, flat-bottom, compostable paper bag for the collection of Landscape Waste with a capacity of not more than thirty-two (32) gallons.
    - b. A bundle not exceeding four (4) feet in length nor fifty (50) pounds in weight of limbs, branches, and/or brush not exceeding six (6) inches in diameter securely tied using biodegradable cord, rope, string, or twine;
  3. For Recyclable Waste:
    - a. An approved, durable, reusable, hard-walled plastic bin or container with a capacity of not more than eighteen (18) gallons designed and intended solely for the containment of Recyclable Waste.
    - b. A bundle not exceeding four (4) feet in length nor fifty (50) pounds in weight of broken down-corrugated cardboard securely tied using biodegradable cord, rope, string, or twine.
- **“Ashes”** shall mean the residue from fires used for cooking and for heating buildings.
  - **“Bulky Waste”** shall mean any item otherwise defined as Household Waste but whose weight is greater than fifty (50) pounds or whose shape and/or size is such that it cannot be readily lifted by one (1) adult.
  - **“Dwelling Unit”** shall mean a living space designed and intended to accommodate a single family.
  - **“Garbage and debris”** shall mean the following:
    1. Wastes resulting from the handling, preparation, cooking and consumption of food; wastes from the handling, storage and sale of produce.
    2. Ashes, Litter, Refuse, or Residential Waste, as defined herein.
    3. Dirt, animal feces or any other offensive or nauseous substance, discarded newspaper, paper products, food, wood, discarded items, any motor vehicle parts, and any type of debris or refuse, unless necessary for the operation of a business enterprise lawfully conducted.
    4. Garbage and debris shall not include wood, which is appropriately stacked and stored for use as fuel.
  - **“Household Construction and Demolition Waste”** shall mean waste materials resulting from the construction, exterior and interior rehabilitation, remodeling, and repair; and, demolition of Dwelling Units.
  - **“Household Waste”** shall mean any and all accumulations of waste material resulting from the operation of a Dwelling Unit.
  - **“Landscape Waste”** (also known as “Yard Waste”) shall mean all accumulations of grass or shrubbery cuttings, leaves, tree limbs, and other materials accumulated as the result of the care of lawns, shrubbery, vines, and trees, but shall not include soil.
  - **“Litter”** shall mean any discarded, uses, or unconsumed substance or waste. “Litter” may include, but is not limited to any garbage, trash, refuse, debris, rubbish, grass clippings or other lawn or garden waste, newspaper, magazines, glass, metal, plastic or paper containers or other packaging construction material, abandoned vehicle (as defined in Section 4-100 of the Illinois Vehicle Code), motor vehicle parts, furniture, oil, carcass of a dead animal, nauseous or offensive matter of any kind, any object likely to injure any person or create a traffic hazard, potentially infectious medical waste as defined in Section 3.84 of the Environmental Protection Act, or anything else of an unsightly or unsanitary

nature, which has been discarded, abandoned, or otherwise disposed of improperly.

- **“Person”** shall mean the owner, lessee, or occupant of any premises, including any association, company, co-partnership, corporation, estate, firm, individual, joint stock company, organization, partnership, trust, or any other legal entity, or their legal representative, agent, or assigns.
- **“Premises”** shall mean any real property owned, leased, or occupied by any person, including any applicable yard or common area.
- **“Properly contained”** shall mean contained in Approved Container.
- **“Property owner”** shall mean any person, including any association, company, co-partnership, corporation, estate, firm, individual, joint stock company, organization, partnership, trust, or any other legal entity, who alone, jointly, or severally with others has a legal or equitable interest in a property, except those with merely a leasehold interest.
- **“Public place” or “Public way”** shall mean any and all alleys, boulevards, public buildings, public grounds, sidewalks, and streets.
- **“Public right-of-way”** shall mean any and all public property dedicated for a public purpose, such as vehicular traffic.
- **“Recyclable Waste”** shall mean the following:
  1. Corrugated cardboard
  2. Clear and colored glass bottles/containers.
  3. Aluminum, bi-metal, steel, and tin cans.
  4. Newspapers.
  5. All high-density polyethylene (H.D.P.E.), low-density polyethylene (L.D.P.E.), and polyethylene terephthalate (P.E.T.) plastics.
  6. Any other items that the City and the Contractor engaged by the City to provide Residential Waste collection, transportation, and disposal services may agree to recycle in the future.
- **“Refuse”** shall mean combustible trash, including, but not limited to, paper, cartons, boxes, barrels, wood, excelsior, tree branches, yard trimmings, wood furniture, bedding; noncombustible trash, including, but not limited to, metals, tin cans, metal furniture, dirt, small quantities of rock and pieces of concrete, glass, crockery, other mineral waste; street rubbish, including, but not limited to, street sweepings, dirt, leaves, catch-basin dirt, contents of litter receptacles, but refuse does not mean earth and wastes from building operations, nor shall it include solid wastes resulting from industrial processes and manufacturing operations such as food processing wastes, boiler-house cinders, lumber, scraps and shavings.
- **“Residential Unit”** shall mean a residential building with four (4) or fewer Dwelling Units.
- **“Residential Waste”** shall mean Bulky Waste, Household Construction and Demolition Waste, Household Waste, Landscape Waste, Recyclable Waste, and White Goods.
- **“Tenant”** shall mean a person with a leasehold interest in a Dwelling Unit or a Residential Unit.
- **“Vegetation”** shall mean any plant life.
- **“Weeds”** shall mean all noxious vegetation and all grasses, annual plants, and other vegetation which exceed a height or length of **(9) inches**; provided, however, this term shall not include bushes, cultivated flowers, cultivated gardens, ornamental plants, shrubs, trees, or vegetables.
- **“White Goods”** shall mean white goods as defined in the Illinois Environmental Protection Act, 415 ILCS 5/1 et seq; as amended, or in rules promulgated thereunder.

SECTION 4-1-3 GARBAGE AND DEBRIS AS NUISANCE

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

SOURCE 96-14

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

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

SOURCE 96-14

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

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

(E) Every person subscribing to any curbside collection service shall be responsible for placing Approved Containers for Garbage and Debris for collection, Approved Containers for Garbage and Debris shall not be placed in the public right-of-way prior to 6:00 P.M. of the day before the scheduled pickup day and shall be removed from the public right-of-way prior to 10:00 P.M. of the scheduled pickup day.

SOURCE 96-14

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

All weeds and grass in excess of **nine (9) inches** in height are hereby declared to constitute a public nuisance.

SOURCE 96-14

SECTION 4-1-7 REGULATION OF VEGETATION

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

(B) No person shall cause or permit the encroachment of vegetation to encumber any public place, public right-of-way, or public way.

SOURCE 96-14

SECTION 4-1-8 ENFORCEMENT

It shall be the duty of the Code Enforcement Officer to enforce the provisions of this Title.

SOURCE 96-14

SECTION 4-1-9 DETERMINATION OF VIOLATION

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

SOURCE 96-14

SECTION 4-1-10 NOTICE OF VIOLATION

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

SOURCE 96-14

SECTION 4-1-11 REMOVAL OF VIOLATION

After five (5) days from the date of the mailing of the notice of violation, if the property owner(s) refuse(s) or neglect(s) to comply with the provisions of this Title, the City may provide for the removal of garbage and debris or the cutting of the weeds and collect from the owner(s) the reasonable cost thereof, including attorneys' fees and court costs. The cost is a lien upon the real estate affected superior to all subsequent liens and encumbrances, except tax liens. Within sixty (60) days after such costs and expenses are incurred, the City shall have the right to file a notice of lien in the County Recorder's Office and place a lien on the property involved for all costs and expenses incurred, including attorneys' fees and court costs. Written demand for payment shall be made prior to recording a lien. Demand for payment shall be deemed made upon the mailing of the demand for payment by certified mail. After the cutting of said Weeds, but before the filing of the Notice of lien, the Code Enforcement Officer or the City attorney shall send a Notice by Certified Mail to the person whom was sent the tax bill for the general taxes on the property for the last preceding tax year describing state law on the subject and this Title in identifying the property by common description and the location of the Weeds to be cut.

SOURCE 96-14

SECTION 4-1-12 PENALTY FOR VIOLATION

- (A) Every person convicted of a violation of any of the provisions of this Title shall be punished by a fine of not less than fifty dollars (\$50.00) nor more than five hundred dollars (\$500.00) for each offense, plus attorneys' fees and court costs. Each day such a violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such hereunder.
- (B) Every person convicted of three (3) or more violations of any of the provisions of this Title within a twelve (12) month period of time shall be punishable by a fine of not less than two hundred fifty dollars (\$250.00) nor more than five hundred dollars (\$500.00), plus attorneys' fees and courts costs.

SOURCE 96-14