# TITLE 6
# HEALTH AND SANITATION

## CHAPTER 1
## NUISANCES

### 6-1-1: NUISANCES DECLARED:

In cases where no provision is herein made defining what shall constitute a nuisance, and how the same may be removed, abated or prevented, those offenses which are known to the common law of the land and the Statutes of the State as nuisances may, in case the same exist, be treated as such and proceeded against as is in this Chapter provided, or in accordance with any other law which shall give the officer trying the same jurisdiction.

It is hereby declared a nuisance for any person within the limits of the Village to: (Ord., 2-11-1897)

A. Accumulations:

1. Accumulate or store litter, trash, refuse, rubbish or debris, including animal and vegetable matter, building materials and nonfunctional automobiles, appliances and machinery, or parts thereof, or the growth of weeds in excess of six inches (6") in height, or for any person owning, leasing, occupying or controlling any real estate within the Village to permit a nuisance as defined herein to exist upon such real estate. (Ord. 71-14, 10-28-71)

2. To cause or permit the carcass of any animal, or any filth or noisome substance to be collected, deposited or remain in any place to the prejudice of other persons.

3. To permit any matter which is liable to become putrid or offensive or injurious to health to remain on any premises for a longer period than four (4) hours at any one time.

B. Offensive Premises:

1. To keep or permit to be kept in a foul, offensive, nauseous or filthy condition, any railroad car, building, yard, cellar, barn, sewer, pig sty or privy.

2. To own, keep or use any railroad car, yard, pen, place or premises in or upon which cattle or swine may be confined or kept, so as to be offensive to persons residing within the vicinity of the same.

C. Offensive Businesses:

1. To erect, continue or use any place for the exercise of any trade, employment or manufacture, which, by occasioning noxious exhalations, offensive smells or otherwise, is offensive or dangerous to the health of individuals, or of the public.

2. To locate or use without first having obtained permission of the Board of Trustees to do so, any packing house, rendery, tallow chandlery, bone factory, soap factory, tannery, brewery or distillery within the distance of one mile of the Village limits.

3. To boil or render tainted lard or other animal substances so as to taint the air or render it unwholesome or offensive.

4. To establish, maintain and carry on any offensive or unwholesome business within one mile of the limits of the Village.

D. Offensive Odors: To so negligently conduct any business or use any premises as to create an offensive smell as may render the air unwholesome or disagreeable to other persons.

E. Water Pollution:

1. To throw or deposit any offensive matter in any watercourse, pond, spring or well.

2. To corrupt or render unwholesome or impure the water of any spring, stream, pond, cistern or well.

3. To permit to stand or remain on any lot or premises water which is or which may become stagnant, foul or offensive or detrimental to the health and comfort of persons residing in the neighborhood thereof.

F. Unlawful Deposits: To deposit any filthy or offensive substance upon any lot, street, alley, highway or other place.

G. Obstructions:

1. To obstruct or impede, without legal authority, the passage of any gutter, sewer or the natural drainage of any public or private property.

2. To obstruct or encroach upon any public thoroughfare or private ways, streets, alleys or commons.

H. Cemetery: To establish a cemetery within the corporate limits or within one mile of the limits of the Village, without first having obtained permission so to do under provisions of an ordinance of the Board of Trustees.

I. Dangerous Buildings: To permit to remain on any premises to the annoyance and detriment of other persons, a dilapidated building liable to fall or take fire, and which,

by reason of its proximity to the contiguous or adjacent buildings and premises of other persons, does endanger their life or property.

J. Unsafe Scaffolding: To use in the erection or repairing of any building a scaffold not wide enough to insure the safety of persons passing under or near the same. (Ord., 2-11-1897)

**6-1-2: NOTICE:**

The Village Clerk, Village Health Officer or such other person as the governing body may designate, shall serve or cause to be served a notice in writing upon any person owning, leasing, occupying or controlling any real estate within the Village upon which a nuisance as defined herein is found to exist, requiring them or any of them to remove or cut down the condition constituting such nuisance within seven (7) days from the date of depositing such notice in the United States mail, postage prepaid. Said notice shall be addressed to the last known person owning, leasing, occupying or controlling said real estate and as to the owner, the notice may be addressed to the address shown on the most recent tax bill for said premises. (Ord. 71-14, 10-28-71)

**6-1-3: CONTINUANCE OF NUISANCE:**

Whoever makes or continues any nuisance or who, after being notified in writing by the Health Officer that such nuisance exists, refuses or neglects, within the time specified in such notice, to remove the same, shall be deemed guilty of a misdemeanor, and if any person shall continue a nuisance after being fined for the same a new cause of action shall immediately accrue against such person, subjecting the offender to a like penalty aforesaid; and so on, after the rendition of each fine, the continuance of such nuisance shall be deemed a new cause of action, subjecting the offender to a like penalty. (Ord., 2-11-1897; amd. 1983 Code)

**6-1-4: REFUSAL TO COMPLY; ABATEMENT:**

In the event any person so notified shall fail or refuse to comply with said notice, it shall be lawful for the Village to cause such nuisance to be removed or cut down in any manner it shall designate, and to charge the costs of such removal to any person owning, leasing, occupying or controlling such real estate. (Ord. 71-14, 10-28-71)

Whenever any nuisance whatever shall be found on any premises contrary to any provision of this Code, the President or any Health Officer is hereby respectively authorized to cause the same to be summarily abated in such manner as he may direct. (Ord., 2-11-1897)

**6-1-5: LIEN:**

The cost and expense incurred by the Village, or by the person performing the service by authority of the Village, in the removal or cutting down of such nuisance following the

refusal or neglect of the responsible party to remove or cut down such nuisance shall constitute a lien upon the real estate affected, which lien shall be enforced as provided by Statute.

**6-1-6: ADMINISTRATION APPEAL; HEARING:**

In the event any person disputes the existence of a condition constituting a public nuisance, such person may file an appeal from the decision of the person sending out the notice provided for herein, within the time required for compliance with such notice, with the Board of Trustees of the Village. The Board of Trustees shall cause a hearing to be held upon such appeal, and shall make a decision, which shall be final, as to whether the condition which exists is or is not in fact a public nuisance as defined herein. Failure to file any such administration appeal within the time required shall constitute an admission of the existence of a nuisance as defined herein; provided however, that such failure shall not be used as an admission of a violation of this Code for purposes of imposing a penalty as provided.

**6-1-7: PENALTY:**

Whether or not the Village shall have removed, or caused to be removed such nuisance, any person who shall violate any of the provisions of this Chapter, or who shall neglect or refuse to remove such nuisance when so notified, or who regardless of notice, shall permit any such nuisance on any parcel of land within the Village shall be punished by a fine of not more than five hundred dollars ($500.00) for each offense. Each day that any such violation persists shall be considered a separate offense. (Ord. 71-14, 10-28-71)

**6-1-8: IMPOUNDMENT OF MOTOR VEHICLES USED IN CONNECTION WITH ILLEGAL ACTIVITIES**

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

1. The term "Hearing Officer" means a licensed attorney who is not an officer or employee of the Village.

2. The term "Owner of Record" means the record titleholder to a motor vehicle as registered with the Secretary of State of the state of Illinois.

3. The term “motor vehicles” will include First and Second Division vehicles as defined in Chapter 625 ILCS 5/1-146. (Ord. 2014-O-20)

B) Violations Authorizing Impoundment: A motor vehicle, operated with the permission, express or implied, of the owner of record, that is used in connection with the following violations, shall be subject to tow and impoundment by the Village, and the owner of record of said vehicle shall be liable to the Village for an administrative fee in addition to any towing and storage fees, as hereinafter provided. It shall not be

necessary for criminal charges to be filed, prosecuted, and/or proven in order to demonstrate that one of the following violations has been committed:

1. Operation or use of a motor vehicle in the commission or attempted commission of any offense for which a motor vehicle may be seized and forfeited pursuant to 720 Illinois Compiled Statutes 5/36-1 et seq., shall subject the owner to an administrative fee of five hundred dollars ($500.00).

2. Driving under the influence of alcohol, other drug or drugs, intoxicating compounds, in violation of 625 Illinois Compiled Statutes 5/11-501, shall subject the owner to an administrative fee of five hundred dollars ($500.00).

3. Operation or use of a motor vehicle in connection with the commission or attempted commission of any felony offense in violation of the provisions of the Illinois Cannabis Control Act, 720 Illinois Compiled Statutes 550/1, shall subject the owner to an administrative fee of five hundred dollars ($500.00).

4. Operation or use of a motor vehicle in connection with the commission or attempted commission of any offense in violation of the Illinois Controlled Substances Act, 720 Illinois Compiled Statutes 570/100 shall subject the owner to an administrative fee of five hundred dollars ($500.00).

5. Operation or use of a motor vehicle in connection with the commission or attempted commission of the offense of Unlawful Use of a Weapon in violation of 720 Illinois Compiled Statutes 5/24-1; aggravated discharge of a firearm in violation of 720 Illinois Compiled Statutes 5/24-1.5; and unlawful possession of a firearm and firearm ammunition, in violation of 720 Illinois Compiled Statutes 5/24-3.1, shall subject the owner to an administrative fee of five hundred dollars ($500.00).

6. Driving while a driver's license, permit, or privilege to operate a motor vehicle is suspended or revoked pursuant to section 6-303 of the Illinois vehicle code shall subject the owner to an administrative fee of five hundred dollars ($500.00); except that vehicles shall not be subjected to seizure or impoundment if the suspension is for an unpaid citation (parking or moving) or due to failure to comply with emission testing.

7. Operation or use of a motor vehicle while soliciting, possessing or attempting to solicit or possess cannabis or a controlled substance, as defined by the cannabis control act or the Illinois controlled substances act, shall subject the owner to an administrative fee of five hundred dollars ($500.00).

8. Operation or use of a motor vehicle with an expired driver's license, in violation of section 6-101of the Illinois vehicle code, if the period of expiration is greater than one year, shall subject the owner to an administrative fee of five hundred dollars ($500.00).

9. Operation or use of a motor vehicle without ever having been issued a driver's license or permit, in violation of section 6-101 of the Illinois vehicle code, or operation of a motor vehicle without ever having been issued a driver's license or permit due to a person's age, shall subject the owner to an administrative fee of five hundred dollars ($500.00).

10. Operation or use of a motor vehicle by a person against whom a warrant has been issued by a circuit clerk in Illinois for failing to answer charges that the driver violated section 6-101(Drivers must have licenses or permits), 6-303(Driving while driver's license or permit is suspended or revoked), or 11-501(Driving under the Influence of Alcohol or Drugs) of the Illinois vehicle code, shall subject the owner to an administrative fee of five hundred dollars ($500.00).

11. Operation or use of a motor vehicle in the commission of, or in the attempt to commit, an offense in violation of article 16 (Theft and Related Offenses) of the criminal code of 2012, shall subject the owner to an administrative fee of five hundred dollars ($500.00).

12. Operation or use of a motor vehicle in the commission of, or in the attempt to commit, any other misdemeanor or felony offense in violation of the criminal code of 1961 or the criminal code of 2012, shall subject the owner to an administrative fee of five hundred dollars ($500.00).

13. Operation or use of a motor vehicle in violation of Illinois Vehicle Code Section 11-503 (Reckless Driving), while the vehicle is part of a funeral procession; or in a manner that interferes with a funeral procession, shall subject the owner to an administrative fee of five hundred dollars ($500.00). (Ord. 2014-O-20)

C) General Regulations:

1. This chapter shall not replace or otherwise abrogate any existing laws pertaining to vehicle seizure, towing and impoundment, and the owner shall be subject to these penalties in addition to any penalties that may be assessed by a court for any criminal charges.

2. This Section shall not apply if the vehicle used in the violation was stolen at the time and the theft was reported to the appropriate police authorities within twenty four (24) hours after the theft was discovered.

3. Fees for towing and storage of a vehicle under this Section shall be those approved by the chief of police for all tow companies authorized to tow for the police department.

4. All forms and administrative paperwork shall be maintained by the Willow Springs Police Department and may be amended as needed.

**6-1-8A: SEIZURE AND IMPOUNDMENT**

A. Whenever a police officer has probable cause to believe that a motor vehicle is subject to seizure and impoundment pursuant to this Section, the police officer shall cause the motor vehicle to be towed to a facility controlled by the Village or its agents.

B. When the vehicle is towed, the police officer shall notify any person identifying himself or herself as the owner of the vehicle or any person who is found to be in control of the vehicle at the time of the alleged violation, if there is such a person, of the fact of the seizure and of the vehicle owner's right to request a preliminary hearing as provided in this Section.

C. Said motor vehicle shall be impounded pending the completion of the hearings provided for in this Section, unless the owner of the motor vehicle posts with the Village a bond equal to the administrative fee as provided by this ordinance and pays for all towing and storage charges. All bond money posted pursuant to this Section shall be held by the Village until the hearing officer issues a decision, or, if there is a judicial review, until a reviewing court issues a final decision.

D. The administrative fees established by this Section are to be paid by the owner of record/interested person, or the agents of the owner or record/interested person, of the vehicle involved in the incident leading to custodial arrest regardless of whether that person was operating the vehicle at the time of the incident.

E. The person purporting to be the owner of record/interested person, or the agents of the owner of record/interested person must present proof of ownership, current proof of insurance and possess a valid driver's license prior to release.

F. A police officer who has probable cause to believe that a motor vehicle is subject to seizure and impoundment pursuant to this chapter shall first ascertain whether the seizure and impoundment is necessary and reasonable under the circumstances. If the motor vehicle is capable of being removed from the scene by an individual who is present on the scene, and who has permission from the owner of the motor vehicle to drive the motor vehicle, and the individual is otherwise fully capable of lawfully operating a motor vehicle in the State of Illinois, the police officer shall allow that individual to remove the motor vehicle without it being subject to seizure and impoundment if seizure and impoundment of the motor vehicle is discretionary pursuant to section (b)(1) above or seizure and impoundment of the motor vehicle is contemplated pursuant to sections (b)(8)-(9) above.

G. Similarly, if the motor vehicle is parked legally and will not present a hazard to the public safety or otherwise jeopardize the efficient movement of vehicular traffic at its location, the police officer shall permit the motor vehicle to remain at its location without it being seized and impounded if seizure and impoundment of the motor

vehicle is discretionary pursuant to section (b)(1) above or seizure and impoundment of the motor vehicle is contemplated pursuant to sections (b)(8)-(9) above.

H. The determination required by this section is not required to be made when a motor vehicle is required to be seized and impounded due to investigative measures or when a motor vehicle is seized and impounded pursuant to another lawful purpose. (Ord. 2014-O-20)

**6-1-8b: Preliminary Hearing:**

A. Where the owner of a motor vehicle towed and impounded pursuant to this Section desires to appeal said seizure, said owner shall request a preliminary hearing within forty-eight (48) hours of the seizure of the motor vehicle. Such notice shall be in writing and shall be filed with the chief of police or the chief of police's designee who shall conduct said preliminary hearing within forty-eight (48) hours after the request for a preliminary hearing is received, excluding Saturdays, Sundays or Village holidays. For purposes of this section, the following shall apply:

1. All interested persons shall be given a reasonable opportunity to be heard at the preliminary hearing.

2. The formal rules of evidence shall not apply at the hearing, and hearsay testimony shall be allowed, and shall be admissible.

B. If, after the conclusion of the hearing, the chief of police or the chief of police's designee determines that there is probable cause to believe that the vehicle is subject to impoundment pursuant to this Section, he or she shall order the continued impoundment of the vehicle, unless the owner of the vehicle posts a cash bond with the village in the amount of five hundred dollars ($500.00), plus the towing and storage costs.

1. At the conclusion of the preliminary hearing, the vehicle owner may appeal the outcome of the preliminary hearing or file a request for a final hearing. The chief of police or his designee shall serve the owner of record immediate notice of the date and time of the final hearing.

C. If the chief of police or the chief of police's designee determines that there is not probable cause to believe that the vehicle is subject to impoundment pursuant to this Section, the motor vehicle shall be returned to the owner of record of the vehicle without any fees or other costs, but the owner of record shall be responsible for any towing or storage charges. (Ord. 2014-O-20)

**6-1-8c: Administrative Hearing**

A. Unless the owner of the motor vehicle prevails at a preliminary hearing, or the owner affirmatively requests or waives his or her right to a final administrative hearing, the Village shall notify the owner of record within ten (10) business days after the vehicle is towed and impounded, by personal service or certified mail, return receipt requested, of the date, time and location of a hearing being conducted pursuant to this Section. Said notice shall state the fees that may be imposed by the Village, and shall further state that a motor vehicle not released by cash bond or other form of acceptable payment may be sold or disposed of by the Village in accordance with applicable law.

B. A person whose vehicle is seized pursuant to this section may apply for a hearing to assert that he or she or the person driving the vehicle was not in violation of this section at the time the vehicle was seized. The application for hearing shall be made no later than five (5) days after notice has been given either personally or by certified mail, whichever is applicable in the given circumstance. The application to request a hearing shall be provided by the village at the time notice is given. The bond shall be forfeited in the event a hearing is not requested as provided for in this section. After an application for hearing is received by the village, a subsequent notice shall be sent to the person that requested the hearing notifying that person of the date, time and location of the hearing.

C. For purposes of this section, the following shall apply at an owner's final hearing:

1. The hearing shall be conducted by a hearing officer licensed to practice law in the state of Illinois for a least three (3) years designated by the village administrator.

2. Unless continued by order of the hearing officer, the hearing shall he held within forty-five (45) days after the motor vehicle was seized.

3. All interested persons shall be given a reasonable opportunity to be heard at the hearing. The formal rules of evidence shall not apply at the hearing, and hearsay testimony shall be allowed, and shall be admissible.

4. The violation citation shall be prima facie evidence that the violation was committed as provided in the citation, and the burden of proof shall be upon the defendant to prove that the violation was not committed.

5. If, after the conclusion of the hearing, the hearing officer determines by a preponderance of the evidence that the vehicle was used in connection with a violation set forth in section 6-1-8(B) above, the hearing officer shall enter an order finding the owner of record of the motor vehicle civilly liable to the Village for the applicable administrative fee, and order the continued impoundment of the vehicle until the owner of the vehicle pays to the Village a fee in the amount of

five hundred dollars ($500.00), plus the towing and storage costs. The fee and costs shall be a debt due to the village.

6. If, after the hearing, the hearing officer determines, by a preponderance of the evidence, that the vehicle was not used in connection with a violation set forth in section 6-1-8(B) above, the hearing officer shall enter an order finding for the owner and the motor vehicle shall be returned to the owner of record of the vehicle without any administrative fees or other costs, or, if a cash bond had previously been posted, the cash bond shall be returned, but the owner of record shall be responsible for any towing or storage charges.

7. If the owner of record fails to appear at the hearing, the hearing officer shall enter an order of default in favor of the village, which order shall require the payment to the village of an administrative fee of five hundred dollars ($500.00).

D. All decisions of the hearing officer shall be subject to review under the provisions of the Illinois Administrative Review Law.

E. Unless stayed by a court of competent jurisdiction any administrative fee imposed under this Section which remains unpaid in whole or in part after the expiration of the deadline for seeking judicial review under the Administrative Review Law may be enforced in the same manner as a judgment entered by a court of competent jurisdiction. (Ord. 2014-O-20)

**6-1-8d: Disposition of Unclaimed Vehicles**

A. If the administrative fee and any other applicable fees are not paid within thirty-five (35) days after said fees are imposed against an owner of record who has defaulted by failing to appear at the hearing, the vehicle shall be deemed unclaimed and shall be disposed of in the manner provided by law for the disposition of unclaimed vehicles under the Illinois Vehicle Code (625 ILCS 5/1 *et seq*.), as may be amended from time to time.

B. In all other cases, if the administrative fee and any other applicable fees are not paid within thirty (30) days after the expiration of time in which judicial review of the hearing officer's determination may be sought, or within thirty (30) days after an action seeking judicial review has been resolved in favor of the Village, whichever is applicable, the vehicle shall be deemed unclaimed and shall be disposed of in the manner provided by law for the disposition of unclaimed vehicles under the Illinois Vehicle Code (625 ILCS 5/1 et seq.), as may be amended from time to time. (Ord. 2014-O-20)

**6-1-8e: Applicability of Other Laws:**

This section is in addition to and shall not replace or otherwise abrogate any existing state or federal laws or any ordinance that relates to the seizure impoundment of motor

vehicles, and any fee in this section shall be in addition to any and all penalties that may be assessed or imposed by a court for any criminal charges. This section shall not apply: (1) if the motor vehicle used in the violation was stolen at the time of the violation and the theft was reported to the appropriate police authorities within twenty-four (24) hours after the theft was discovered; (2) if the motor vehicle is operated as a common carrier as defined by applicable law and the violation occurs without the knowledge of the person in control of the motor vehicle; or (3) if the motor vehicle is subject to successful forfeiture proceedings under 725 ILCS 150/1 et seq., as amended ("Drug Asset Forfeiture Procedure Act"), 720 ILCS 5/36-1 et seq., as amended ("Seizure and Forfeiture of Vessels, Vehicles and Aircraft"), or state or federal forfeiture laws. (Ord. 2014-O-20)

## CHAPTER 1A: VACANT PROPERTIES

### Section 6-1A-1: Intent

It is in the intent of this Chapter to protect the public health, safety, and welfare by establishing a registration process for vacant buildings and requiring responsible parties to implement a maintenance plan for such buildings to remedy any public nuisance, prevent deterioration, unsightly blight and consequent adverse impact on the value of nearby property.

This Chapter shall not be construed to prevent the enforcement of other applicable laws, ordinances, codes and regulations which prescribe standards other than are provided herein, and in the event of conflict, the most restrictive shall apply.

This Chapter shall be construed liberally and justly to effect its purposes.

### Section 6-1A-2: Declaration of Policy

The purpose of this Chapter is to protect the public health, safety and welfare of the residents of the Village by:

A. Establishing a program for the identification, registration and regulation of buildings which are or become vacant on and after the effective date of this Chapter.

B. Determining the responsibilities of owners of vacant buildings; and

C. Providing for the administration, enforcement, including abatement of public nuisances and imposition of penalties.

### Section 6-1A-3: Definitions

For the purpose of this Chapter, and the interpretation and application thereof, the following terms, phrases, words and their derivations shall have the meanings given herein, unless the context in which they are used shall indicate otherwise. When not

inconsistent with the context, words used in the present tense include the future, words in the singular number include the plural number and words **in** the plural number include the singular number. Words or phrases not defined shall be given their common and ordinary meaning unless the context clearly indicates or requires a different meaning.

*"Building"* shall mean any structure occupied or intended for supporting or sheltering any occupancy or activity.

*"Building Official"* shall mean the lead building official, as designated by the Village Administrator for purposes of this Chapter.

*"Village Administrator"* shall mean the Village Administrator, or his or her designee.

*"Owner'* shall mean any person, agent, operator, firm or corporation having a legal or equitable interest in the property; or recorded in the official records of the state, county, or Village as holding title to the property; or otherwise having control of the property, including the guardian of the estate of any such person, and the executor or administrator of the estate of such person if ordered to take possession of real property by a court; or any such entity maintaining, operating or collecting rent for any building.

*"Person"* shall mean a corporation, a partnership, or other entity as well as an individual.

*"Premises"* shall mean a lot, plot or parcel of land including any structure thereon.

*"Public Nuisance"* shall mean and includes the following:

1. The physical condition, or uses of any building regarded as a public nuisance at common law, under the Illinois Complied Statutes, or under the Village Code;

2. Any physical condition, use or occupancy or any building or its appurtenances considered an attractive nuisance to children, including, but not limited to, abandoned wells, pools, shafts, basements, excavations, and unsafe fences or structures;

3. Any building which has unsanitary sewerage or plumbing facilities;

4. Any building designated by the Village as unsafe for human habitation or use;

5. Any building which is manifestly capable of being a fire hazard, or manifestly unsafe or insecure as to endanger life, limb or property;

6. Any building which is unsanitary, or which is littered with rubbish or garbage, or which has an uncontrolled growth of weeds;

7. Any building that is dangerous, in a state of dilapidation, deterioration or decay; faulty construction; open or vacant doors or windows, or other openings are boarded up or secured, by any means other than conventional methods used in design of the building or permitted for new construction of similar type; damaged by fire to the extent as not to provide shelter, in danger of collapse or failure and dangerous to anyone on or near the premises; or

8. Any building defined or determined as dangerous or unsafe by any section of the Village Code, as may from time to time be supplemented and amended.

*"Vacant Building"* shall mean a building or portion thereof which lacks the habitual presence of human beings who have a legal right to be on the premises, or at which substantially all lawful business or construction operations or residential occupancy has ceased or which is substantially devoid of content, including buildings ordered vacated by the Village pursuant to authority granted by the Village Code, state law or a court of competent jurisdiction. In determining whether a building is "Vacant," the Building Official may consider these factors, among others:

1. A building at which substantially all lawful residential or business activity has ceased, or the building is unoccupied and secured by boarding, or other similar means, or is unoccupied and unsecured;

2. The percentage of the overall square footage of occupied to unoccupied space or the overall number of occupied or unoccupied units shall be considered;

3. The building is substantially devoid of contents. The condition and value of fixtures or personal property in the building are relevant to this determination;

4. The building lacks utility services, *i.e.* water, sewer, electric or natural gas;

5. The building is the subject of a foreclosure action;

6. The building is not actively for sale as part of a contractual agreement to sell the building, the building lacks "for sale," "for rent" or similar signage;

7. The building is unoccupied and the presence or recurrence of uncorrected Code violations exist;

8. The building is unoccupied and has been the site of unlawful activity within the previous six (6) months;

9. The building is unlawfully occupied; or

10. The building is unoccupied and during such time the Village has issued an order to correct a public nuisance condition and said has not been corrected in a code-compliant manner.

But not including:

Vacant buildings which are undergoing construction, renovation, or rehabilitation and which are in compliance with all applicable ordinances, codes, legislation and regulations, and for which construction, renovation or rehabilitation is proceeding diligently to completion.

*"Village"* shall mean the Village of Willow Springs, Cook County, Illinois.

*"Village Code"* shall mean the Village Code of the Village of Willow Springs.

**Section 6-1A-4: Vacant Building Determination; Notice of Vacancy**

Within ninety (90) days after the effective date of this Chapter, the Building Official shall evaluate all buildings in the Village the Building Official believes to be unoccupied on the effective date of this Chapter and make a determination for each as to whether the building is a Vacant Building within the meaning of Section 6-1A-3. The Building Official may determine that a building which meets any of the criteria set forth in Section 6-1A-3 is not to be regulated under this Chapter for a stated period, if upon consideration of the building under this Chapter would not serve the public health, welfare and safety and makes written finding in support of the decision that state the factual basis for the determination.

For buildings the Building Official determines to be Vacant Buildings, the Building Official shall, within thirty (30) days of making that determination, send notice of such to the last taxpayer of record listed on the most recent Cook County tax roll requesting the registration of the building and submission of a Vacant Building plan with the Building Official. In the event any public nuisance exists in connection with the building or premises thereto then the Building Official shall specify in the notice the existence of such nuisances. Said notice of determination shall be sent first-class United States Mail, with proper postage prepaid. Failure of delivery shall not excuse a person from complying with the Chapter. The Building Official may personally serve or cause personal service of the notice of determination. Any person making such service shall execute an affidavit attesting to the facts of service. The Building Official shall maintain an affidavit of such mailing for each notice of determination sent.

The notice shall contain a statement of the obligations of the Owner of a building determined to be a Vacant Building, a copy of the registration from the Owner is required to file pursuant to this Chapter and a notice of the Owner's right to appeal the Building Official's determination.

**Section 6-1A-5: Appeal of Building Official's Determination of Vacant Building**

A. An Owner of a building determined by the Building Official to be a Vacant Building may appeal that determination to the Village Administrator. Such appeal shall be in writing and shall be filed with the Village Administrator within fifteen (15) days of the date of mailing of the notice of determination. The filing of an appeal stays the Owner's obligation to register the building as required by this Chapter. The appeal shall contain a complete statement of the reasons the Owner disputes the Building Official's determination, shall set forth specific facts in support thereof, and shall include all evidence the Owner relies upon to support the appeal. The Village Administrator shall decide the appeal on the basis of facts presented by the Owner in the written appeal and the Building Official's written determination.

B. The burden is upon the Owner to present sufficient evidence to persuade the Village Administrator that had the evidence been known to the Building Official at the time the Building Official made the determination, the Building Official would more likely than not have determined that the subject building was not a Vacant Building.

C. The Village Administrator shall send written notice of the decision to the Owner within fifteen (15) days of receipt of the appeal. The Village Administrator may, but is not required to, seek additional information from the Owner. The Village Administrator may, upon written notice thereof to the Owner, take no more than thirty (30) additional days, to decide the appeal if it is determined that such additional time is required for consideration of the appeal. The decision of the Village Administrator shall be final.

D. An Owner who wishes to challenge the applicability of the Chapter to their building without the Building Official's determination having been made, shall set forth specific facts to support non-applicability in writing to the Building Official. In the event the Building Official determines that the subject building is a Vacant Building, the Owner shall have the right to appeal the Building Official's determination as provided for herein.

**Section 6-1A-6: Obligation to Register Vacant Building**

A. Except as provided in this Chapter, whenever any building in the Village is vacant or the Owner of a building who knows, or from all the facts and

circumstances should know, that their building is or has become a Vacant Building, or the Owner of a building, which the Building Official determines at any time to be a Vacant Building, or the Owner of a building whose appeal from the Building Official's determination has been denied shall register such building as a Vacant Building and submit a Vacant Building plan within thirty (30) after either the date of the Building Official's notice of determination or occurrence of the facts that would cause a reasonable person to believe that the building was a Vacant Building, or denial of the appeal, whichever is applicable.

B. Registration does not exonerate the Owner from compliance with all applicable Village Code requirements, including this Chapter, nor does it preclude any of the actions the Village is authorized to take pursuant to this Chapter or elsewhere in the Village Code. Registration shall be deemed as prima facia proof of the statements therein contained in any administrative enforcement proceeding or court proceeding instituted by the Village against the Owner of a building.

**Section 6-1A-7: Registration of Vacant Building; Annual Fee**

The Owner registering a Vacant Building must be either the Owner or designated by the Owner, as the authorized agent, and shall supply the following information:

A. Name, address, and telephone number of Owner, a post office box address is not an acceptable address.

B. Name, address, and telephone number of any local agent or representative, a post office box address is not an acceptable address.

C. Name, address and telephone number of all persons with any legal interest in the property, building, and premises, a post office box address is not an acceptable address.

D. Legal description and permanent index number of the premises on which the building is situated.

E. The common address of the building.

F. Date on which building became vacant.

G. Vacant Building plan.

H. The form shall require the Owner to indicate his or her "Acceptance of Notice" consenting to service of notices sent or required to be sent, pursuant to this Chapter, by any designated local agent or representative. Any Owner who fails to register or fail to renew registration or fails to

maintain as current with the Building Official the information required regarding the Person designated to accept notice and service of process of a Vacant Building under this Chapter shall be deemed to consent to receive, by posting at the building, any and all notices of violations and all process in an administrative proceeding brought to enforce code provisions concerning the building.

The Vacant Building registration shall be filed with the Building Official accompanied with a one hundred and fifty-dollar ($150.00) annual non-prorated filing fee for a residential structure or a two hundred and fifty-dollar ($250.00) annual non-prorated filing fee for a commercial structure or a three hundred and fifty-dollar ($350.00) annual non-prorated filing fee for an industrial structure. All eleemosynary, religious, education, government and benevolent property are exempt from the payment of the annual registration fee, but shall otherwise comply with the requirements of this Chapter.

Registration of a Vacant Building shall be valid for a period of one (1) year. If the building is vacant at the expiration of any registration period, then the Owner shall re-register such building and pay such annual filing fee, as herein required.

**Section 6-1A-8: Vacant Building Plan**

When a building is registered as required herein, the Owner or agent shall submit a Vacant Building plan. The plan shall contain the following:

A. A plan of action to repair any doors, windows, or other openings which are boarded up or otherwise secured by any means other than conventional methods used in the design of the building or permitted for new construction of similar type. Boarding shall be accomplished with materials and methods described by the Village. The proposed repairs shall result in openings secured by conventional methods used in the design of the building or by methods permitted for new construction of similar type.

B. For buildings and premises thereof which are identified as being or containing public nuisances, then the Vacant Building plan shall contain a plan of action to remedy such public nuisance(s}.

C. For each required plan, a time schedule shall be submitted identifying a date of commencement of repair and date of completion of repair for each improperly secured opening and identified nuisance.

D. When the Owner proposes to demolish the Vacant Building, then the Owner shall submit a plan and time schedule for such demolition.

E. A plan of action to maintain the building and premises thereof in conformance with this Chapter and the Village Code.

**Section 6-1A-9: Approval of Plan**

A. The Building Official shall review the proposed Vacant Building plan in accordance with the standards below. The Building Official shall send notice to the Owner of the Vacant Building of such determination.

B. Standards for plan approval. In considering appropriateness of a Vacant Building plan, the Building Official shall include the following in his or her consideration and shall make written findings as to each:

1. The purposes of this Chapter and intent of the Corporate Authorities to minimize the time a building is boarded or otherwise vacant.

2. The effect of the building and the proposed plan on adjoining property.

3. The length of time the building has been vacant.

4. The presence of any public nuisances on the property.

5. The likelihood that the plan or portion(s) thereof will present or ameliorate the condition it is designed to address.

**Section 6-1A-10: Authority to Modify Vacant Building Plan, Right of Appeal**

The Building Official shall, upon notice to the Vacant Building Owner, have the right to modify the Vacant Building plan by modifying the dates of performance, the proposed methods of action, or by imposing additional requirements consistent with this Chapter, if the Building Official deems necessary to protect the public health, safety, or welfare. If the Owner or agent of the Vacant Building objects to the modifications made by the Building Official, such Owner shall have the right of appeal to the Village Administrator for final determination. Such appeal shall be filed with the Village Administrator within fifteen (15) days of the date of mailing of the Building Official's notice of modification. The appeal shall contain a complete statement of the reasons the Owner disputes the Building Official's determination, shall set forth specific facts in support thereof, and shall include all evidence the Owner relies upon to support the appeal. The Village Administrator shall decide the appeal on the basis of facts presented by the Owner in the written appeal and the Building Official's written determination. The Village Administrator shall send written notice of the decision to the Owner within fifteen (15) days of receipt of the appeal. The Village Administrator may, upon written notice thereof to the Owner, take no more than

thirty (30) additional days, to decide the appeal if it is determined that such additional time is required for consideration of the appeal. The decision of the Village Administrator shall be final.

**Section 6-1A-11: Failure to Comply with Plan**

Failure to have an approved plan within thirty (30) days of filing the registration form or failure to comply with the approved plan, at any time, shall constitute a violation of this Chapter subjecting the Owner of the building to penalties as provided in this Chapter and to any remedies the Village may avail itself of as provided for herein and elsewhere in the Village Code, including but limited to, an action to compel correction of property maintenance violations.

**Section 6-1A-12: Other Enforcement**

The registration of a Vacant Building shall not preclude action by the Village to demolish or to take other action against the building pursuant to other provisions of this Chapter, the Village Code, or other applicable legislation.

**Section 6-1A-13: Change of Ownership**

The Vacant Building plan shall remain in effect notwithstanding a change in ownership. The new Owner is required to file a new registration with the Building Official. The new registration shall be in the same form as the original registration, however, any remaining annual filing fee paid shall be prorated and credited to the new Owner for such time remaining on the original registration.

**Section 6-1A-14: Promulgation of Rules and Regulations**

The Village Administrator may issue rules and regulations for the administration of this Chapter. These rules may designate materials and methods which must be used to secure a building or property.

**Section 6-1A-15: Enforcement and Penalties**

A. Any person found to have violated any provision of this Chapter shall be subject to a minimum fine of $100.00 per day per violation to a maximum of $750.00 per day per violation, in addition to any other legal or equitable remedies available to the Village. Such other remedies include, but are not limited to, injunctive relief, application to a court of competent jurisdiction for a receiver, demolition, or condemnation, contracting for the repair or purchase of the premises, or foreclosure of any lien the Village may have thereon.

B. A separate and distinct offense shall be committed each day on which such person or persons shall violate the provisions of this Chapter.

C. The Village may enforce this Chapter in its Administrative Adjudication System or through the Circuit Court of Cook County, Illinois.

D. Nothing herein contained shall prohibit the Village from immediately condemning as provided by law or the Village Code a building or taking other immediate action upon a determination that the building is a public nuisance or poses an imminent danger to the occupants of the building, or the public, health, safety and welfare.

**Section 6-1A-16: Severability**

In the event any Section of this Chapter or any part of any Section of this Chapter is declared to be unconstitutional, such decision shall in no way affect the operation of any other Section or part thereof the remainder of this Chapter shall remain in full force and effect.

## CHAPTER 2
## SEWER AND SEWERAGE REGULATIONS

**6-2-1: PURPOSE:**

The purpose of this Chapter is to ensure that the public sewer system is maintained to properly serve the community while minimizing pollution of the air, land and watercourses.

This Chapter is intended to meet the current requirements of the United States Environmental Protection Agency for Federal Grants for construction of treatment works. (Ord. 93-0-2, 1-28-93)

**6-2-2: DEFINITIONS:**

Unless the context specifically indicates otherwise, the meaning of terms used in this Chapter shall be as follows:

ADMINISTRATOR: The Administrator of the United States Environmental Protection agency.

APPROVING AUTHORITY: The Village of Willow Springs.

BASIC USER CHARGE: The basic assessment levied on all users of the Wastewater Collection System for the cost of operation and maintenance plus replacement.

BIOCHEMICAL OXYGEN DEMAND (BOD): The quantity of oxygen utilized in the biochemical oxidation of organic matter under standards laboratory procedure in five (5) days at twenty degrees (20°) Celsius, expressed in milligrams per liter.

BUILDING DRAIN: That part of the lowest piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer or other approved point of discharge, beginning five feet (5') (1.5 meters) outside the inner face of the building wall.

BUILDING SEWER: The extension from the building drain to the public sewer or other place of disposal.

COMBINED SEWER: A sewer which is designed and intended to receive wastewater, storm, surface, and groundwater drainage.

COMMERCIAL USER: A user of the wastewater collection system including transit lodging, retail and wholesale establishments or places engaged in selling merchandise, or rendering services.

CONTROL MANHOLE: A structure located on a site from which industrial wastes are discharged. The purpose of a control manhole is to provide access in order to measure and/or sample discharge.

DEBT SERVICE CHARGE: The amount to be paid each billing period for payment of interest, principal and coverage of loans, bonds, etc. outstanding, which are applicable to the sanitary sewer system. This charge shall be computed by dividing the annual debt service by the number of users connected to the wastewater collection system.

DIRECTOR: The Director of the Illinois Environmental Protection Agency.

EASEMENT: An acquired legal right for the specific use of land owned by others.

EFFLUENT CRITERIA: Defined in applicable NPDES Permit.

FEDERAL ACT: The Federal Water Pollution Control Act (33 U.S.C. 1251, et. seq.) as amended by the Federal Water Pollution Control Act Amendments of 1972 (Pub. L. 92-500) and (Pub. L. 3-243).

FEDERAL GRANT: The U.S. Government participation in the financing of the construction of treatment works as provided by Title II - Grants for Construction of Treatment Works of the Act and Implementing Regulations.

FLOATABLE OIL: Oil, fat, or grease in a physical state such that it will separate by gravity from wastewater by treatment in an approved pretreatment facility. A wastewater shall be considered free of floatable fat if it is properly pretreated and the wastewater does not interfere with the collection system.

GARBAGE: Solid wastes from the domestic and commercial preparation, cooking, and dispensing of food, and from the handling, storage and sale of produce.

INDUSTRIAL USER: A user of the wastewater collection system including establishments engaged in manufacturing activities involving the mechanical or chemical transformation of materials of substance into products.

INDUSTRIAL WASTE: Any solid, liquid or gaseous substance discharged, permitted to flow or escaping from any industrial, manufacturing, commercial or business establishment or process or from the development, recovery or processing of any natural resource as distinct from sanitary sewage.

INSTITUTIONAL/ GOVERNMENTAL USER: A user of the wastewater collection system including schools, churches, penal institutions, and users associated with Federal, State, and local governments.

MAJOR CONTRIBUTING INDUSTRY: An industrial user of the publicly owned treatment works that:

A. Has a flow of fifty thousand (50,000) gallons or more per average work day; or

B. Has flow more than ten percent (10%) of the flow carried by the Municipal system receiving the waste; or

C. Has in its waste a toxic pollutant in toxic amounts as defined in standards issued under section 307(a) of the Federal Act; or

D. Is found by the permit issuing authority, in connection with the issuance of the NPDES Permit to the publicly owned treatment works receiving the waste, to have significant impact, either singly or in combination with other contributing industries, on that treatment works, or upon the quality of effluent from that treatment works.

MAY: Permissible.

MWRDGC: Metropolitan Water Reclamation District of Greater Chicago.

MILLIGRAMS PER LITER: A unit of the concentration of water or wastewater constituent. It is 0.001 g of the constituent in one thousand (1,000) ml of water. It has replaced the unit formerly used commonly, parts per million, to which it is approximately equivalent, in reporting the results of water and wastewater analysis.

NATURAL OUTLET: Any outlet into a watercourse, pond, ditch, lake or other body of surface or groundwater.

NPDES PERMIT: Any permit or equivalent document or requirements issued by the Administrator, or where appropriated by the Director, after enactment of the Federal Water Pollution Control Amendments of 1972, to regulate the discharge of pollutants pursuant to section 402 of the Federal Act.

ORDINANCE: This Ordinance.

PERSON: Any and all persons, natural or artificial including any individual, firm, company, municipal or private corporation, association, society, institution, enterprise, governmental agency or other entity.

pH: The logarithm (Base 10) of the reciprocal of the hydrogen-ion concentration expressed by one of the procedures outlined in "Standard Methods".

POPULATION EQUIVALENT: A term used to evaluate the impact of industrial or other waste on a treatment works or stream.

ppm: Parts per million by weight.

PRETREATMENT: The treatment of wastewaters from sources before introduction into the wastewater treatment works.

PROPERLY SHREDDED GARBAGE: Wastes from the preparation, cooking, and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle bigger than one-half inch (1/2") (1.27 centimeters) in any dimension.

PUBLIC SEWER: A sewer provided by or subject to the jurisdiction of the Village. It shall also include sewers within or outside the Village boundaries that service one or more persons and ultimately discharge into the Village sanitary (or combined) sewer system, even though those sewers may not have been constructed with Village funds.

REPLACEMENT: Expenditures for obtaining and installing equipment, accessories or appurtenances which are necessary during the useful life of the wastewater collection system to maintain the capacity and performance for which the system was designed and constructed.

RESIDENTIAL USER: A user of the wastewater collection system including all dwelling units such as houses, mobile homes, apartments, and permanent multi-family dwellings.

SANITARY SEWER: A sewer that conveys sewage or industrial wastes or a combination of both, and into which storm, surface, and groundwaters or polluted industrial wastes are not intentionally admitted.

SEWAGE: Used interchangeably with "wastewater".

SEWER: A pipe or conduit for conveying sewage or any other waste liquids, including storm, surface and groundwater drainage.

SEWERAGE: The system of sewers and appurtenances for the collection, transportation, and pumping of sewage.

SEWERAGE FUND: The principal accounting designation for all revenues received in the operation of the wastewater collection system.

SHALL: Mandatory.

SLUG: Any discharge of water, sewage or industrial waste which in concentration of any given constituent or in quantity of flow, exceeds for any period of duration longer than fifteen (15) minutes more than five (5) times the average twenty four (24) hour concentration for flows during normal operation.

STANDARD METHODS: The examination and analytical procedures set forth in the most recent addition of "Standard Methods for the Examination of Water and Wastewater" published jointly by the American Public Health Association, the American Waterworks Association and the Water Pollution Control Federation.

STATE ACT: The Illinois Anti-Pollution Bond Act of 1970.

STATE GRANT: The State of Illinois participation in the financing of the construction of treatment works as provided for by the Illinois Anti-Pollution Bond Act and for making such grants as filed with the Secretary of State of the State of Illinois.

STORM SEWER: A sewer that carries storm, surface and groundwater drainage but excludes sewage and industrial wastes other than unpolluted cooling water.

STORMWATER RUNOFF: That portion of the precipitation that is drained into the sewers.

SURCHARGE: An assessment in addition to the basic user charge and debt service charge which is levied on those persons whose wastes are greater in strength than normal concentration values.

SUSPENDED SOLIDS: Solids that either float on the surface of, or are in suspension in water, sewage or industrial waste, and which are removable by a laboratory filtration device. Quantitative determination of suspended solids shall be made in accordance with procedures set forth in "Standard Methods".

UNPOLLUTED WATER: Water of quality equal to or better than the effluent criteria in effect, or water that would not cause violation of receiving water quality standards and would not be benefited by discharge to the sanitary sewers and wastewater treatment facilities.

USEFUL LIFE: The estimated period during which the wastewater collection system will be operated.

USER CLASS: The type of user of the wastewater collection system; "residential", "commercial", "industrial" or "institutional/governmental" as defined in this section.

VILLAGE: The Village of Willow Springs.

WASTEWATER: The spent water of a community. It may be a combination of the liquid and water-carried wastes from residences, commercial buildings, industrial plants, and institutions, together with any groundwater, surface water, and storm water that may be present.

WASTEWATER COLLECTION SYSTEM: The structures, equipment, and processes required to collect and transport wastes to the interceptor sewers of the Metropolitan Water Reclamation District of Greater Chicago.

WASTEWATER FACILITIES: The structures, equipment, and processes required to collect, carry away, and treat domestic and industrial wastes and transport effluent to a water course.

WASTEWATER SERVICE CHARGE: The charge per billing period levied on all users of the wastewater collection system. The service charge shall be computed as outlined in Section 6-2-9.

WASTEWATER TREATMENT WORKS: An arrangement of devices and structures for treating wastewater, industrial wastes and sludge.

WATER QUALITY STANDARDS: Defined in the Water Pollution Regulations of Illinois.

WATERCOURSE: A channel in which a flow of water occurs, either continuously or intermittently. (Ord. 93-0-2, 1-28-93)

**6-2-3: USE OF PUBLIC SEWERS REQUIRED:**

A. It shall be unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner on public or private property within the Village in any area under the jurisdiction of said Village, any human or animal excrement, garbage or other objectionable waste.

B. It shall be unlawful to discharge to any natural outlet within the Village or in any area under the jurisdiction of said Village, any sewage or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this Chapter.

C. Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of sewage.

D. The owner of all houses, buildings or properties used for human occupancy, employment, recreation, or other purposes situated within the Village and abutting on any street, alley, or right of way in which there is now located or may in the future be located any public sanitary sewer of the Village, is hereby required at his expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this Chapter, within ninety (90) days after date of official notice to do so, provided that said public sewer is within one hundred feet (100') (30.5 meters) of the property line. (Ord. 93-0-2, 1-28-93)

**6-2-4: BUILDING SEWERS AND CONNECTIONS:**

A. No unauthorized person shall uncover, make any connections with or into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the Village.

B. All disposal by any person into the sewer system is unlawful except those discharges in compliance with Federal Standards promulgated pursuant to the Federal Act and more stringent State and local standards.

C. Building Sewer Permits.

1. There shall be two classes of building sewer permits:

i) For residential and commercial service, and

ii) For service to an industrial user

iii) For service to a non-resident of Willow Springs (Ord. 2019-O-36)

2. In either case, the owner or his agent shall make application on a permit form furnished by the building department. The permit application shall be supplemented by plans, specifications or other information considered pertinent in the judgment of the Village Engineer or Building Commissioner. A permit and inspection fee of $2,000.00 dollars for a residential single-family unit and an additional fee of $100.00 for each additional living unit including motels shall be charged. A commercial building sewer permit fee shall be the same as residential (two thousand dollars $2,000.00) per sewer also. For properties not located within the corporate limits of the Village of Willow Springs (non-resident), a permit and inspection fee of four thousand dollars ($4,000.00) shall be charged. An additional non-resident fee of $200.00 for each housing unit in a multi-family dwelling, commercial property or hotel/motel, shall be charged. (Ord. 2019-O-36)

All fees shall be paid to the Village Clerk at the time of application.

All costs and expenses incident to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the Village from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer. (Ord. 26-O-2009)

D. A building sewer permit will only be issued and a sewer connection shall only be allowed if it can be demonstrated that the downstream sewerage facilities, including sewers, pump stations and wastewater treatment facilities have sufficient reserve capacity to adequately and efficiently handle the additional anticipated waste load.

E. All costs and expense incident to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the Village from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

F. A separate and independent building sewer shall be provided for every building.

G. Old building sewers may be used in connection with new buildings only when they are found to meet all requirements of this Chapter. This determination will be made upon examination and tests by the Village, all costs to be borne by the applicant.

H. The size, slope, alignment, materials of construction of a building sewer, placing of the pipe, jointing and testing shall all conform to the requirements of the building and plumbing code or other applicable rules and regulations of the Village. In the absence of code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the American Society of Testing Materials, Water Pollution Control Federation Manual of Practice No. 9, and Standard Specifications for Water and Sewer Main Construction in Illinois shall apply.

I. The building sewer shall be brought to the building in accordance with Village Ordinances and subsection B of this Section.

J. No person(s) shall make connection of roof downspouts, exterior foundation drains, areaway drains, or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer.

K. The connection of the building sewer into the public sewer shall conform to the requirements of the building and plumbing code, or other applicable rules and regulations of the Village and MWRDGC, or the procedures set forth in appropriate specifications of the American Society of Testing Materials, Water Pollution Control Federation Manual of Practice No. 9, and Standard Specifications for Water and Sewer Main Construction in Illinois. All such connections shall be made gas tight and water tight. Any deviation from the prescribed procedures and materials must be approved by the Village and/or other governmental authorities having jurisdiction over the proposed deviation before installation.

L. The applicant for the building sewer permit shall notify the Village when the building sewer is ready for inspection and connection to the public sewer and prior to backfilling. No connection shall be made unless said connection is observed by the appropriate Village Inspector.

M. All excavations for building sewer installation shall be adequately guarded with barricades and lights in order to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the Village. (Ord. 93-0-2, 1-28-93)

**6-2-5: USE OF THE PUBLIC SEWERS:**

A. No person shall discharge, or cause to be discharged, any stormwater, surface water, groundwater roof runoff, subsurface drainage, uncontaminated cooling water, or unpolluted industrial process waters to any sanitary sewer.

B. Stormwater and all other unpolluted drainage shall be discharged to storm sewers, or to a natural outlet approved by the Village. Industrial cooling water or unpolluted process waters may be discharged on approval of the Village to a storm sewer or natural outlet.

C. No person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewer:

1. Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid or gas.

2. Any waters or wastes containing toxic or poisonous solids, liquids or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance or create any hazard in the receiving waters of the sewage treatment plant.

3. Any waters or wastes having a pH lower than five and one-half (5.5) or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the sewage works.

4. Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the sewage works such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, underground garbage, whole blood, paunch manure, hair and fleshings, entrails and paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders.

D. No person shall discharge or cause to be discharged the following described substances, materials, waters, or wastes if it appears likely in the opinion of the

Village and MWRDGC that such wastes can harm either the sewers, sewage treatment process, or equipment; have an adverse effect on the receiving stream; or can otherwise endanger life, limb, public property, or constitute a nuisance. In forming his opinion as to the acceptability of these wastes, the Village and MWRDGC representatives will give consideration to such factors as the quantities of subject wastes in relation to flows and velocities in the sewers, materials of construction of the sewers, nature of the sewage treatment process, capacity of the sewage treatment plant, and maximum limits established by regulatory agencies. The substances prohibited are:

1. Any liquid or vapor having a temperature higher than one hundred fifty degrees (150°) Fahrenheit (65° Centigrade).

2. Any waters or wastes containing toxic or poisonous materials; or oils, whether emulsified or not, in excess of one hundred (100) mg/l or containing substances which may solidify or become viscous at temperatures between thirty two degrees (32°) and one hundred fifty degrees (150°) Fahrenheit, (0° and 65° Centigrade).

3. Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of three-fourths (3/4) horsepower (0.76 hp metric) or greater shall be subject to the review and approval of the Village.

4. Any waters or wastes containing strong acid, iron pickling wastes, or concentrated plating solutions whether neutralized or not.

5. Any waters or wastes containing iron, chromium, copper, zinc, or similar objectionable or toxic substances; or wastes exerting an excessive chlorine requirement, to such degree that any such material received in the composite sewage at the sewage treatment works exceeds the limits established by the Village for such materials.

6. Any waters or wastes containing phenyls or other taste or odor-producing substances, in such concentrations exceeding limits which may be established by the Village as necessary after treatment of the composite sewage, to meet the requirements of the State, Federal or other public agencies of jurisdiction for such discharge to the receiving waters.

7. Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Village in compliance with applicable State or Federal regulations.

8. Any waters or wastes having a pH in excess of nine and one-half (9.5).

9. Any mercury or any of its compounds in excess of 0.0005 mg/l as Hg at any time except as permitted by the Village in compliance with applicable State and Federal regulations.

10. Any cyanide in excess of twenty five one-thousandths (0.025) mg/l at any time except as permitted by the Village in compliance with applicable State and Federal regulations.

11. Materials which exert or cause:

a) Unusual concentrations of inert suspended solids (such as, but not limited to, Fullers earth, lime slurries, and lime residues) or of dissolved solids (such as, but not limited to, sodium chloride and sodium sulfate);

b) Excessive discoloration (such as, but not limited to, dye wastes and vegetable tanning solutions);

c) Unusual BOD, chemical oxygen demand, or chlorine requirements in such quantities as to constitute a significant load on the sewage treatment works;

d) Unusual volume of flow or concentrations of wastes constituting "slugs" as defined herein.

12. Waters or wastes containing substances which are not amendable to treatment or reduction by the sewage treatment processes employed, or are amenable to treatment only to such degree that the sewage treatment plant effluent cannot meet the requirements of agencies having jurisdiction over discharge to the receiving waters.

E. If any waters or wastes are discharged or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in subsection 6-2-5D and/or which are in violation of the standards for pretreatment provided in Chapter 1 EPA Rules and Regulations, subchapter D., Water Programs Part 128 - Pretreatment Standards, Federal Register Volume 38, No. 215, Thursday, November 8, 1973 and any amendments thereto, and which in the judgment of the Village and/or MWRDGC may have a deleterious effect upon the sewage works, processes, equipment, or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the Village and/or MWRDGC may:

1. Reject the wastes;

2. Require pretreatment to an acceptable condition for discharge to the public sewers;

3. Require control over the quantities and rates of discharge; and/or

4. Require payment to cover the added costs of handling and treating the wastes not covered by existing taxes or sewer charges, under the provisions of subsection 6-2-5J.

If the Village and MWRDGC permit the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the Village and MWRDGC, and subject to the requirements of all applicable codes, ordinances, and laws.

F. Grease, oil, and sand interceptors shall be provided when, in the opinion of the Village and/or MWRDGC they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand, or other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the Village and MWRDGC and shall be located as to be readily and easily accessible for cleaning and inspection.

G. Where preliminary treatment or flow-equalizing facilities are provided, they shall be maintained continuously in satisfactory and effective operation by the owner at his expense.

H. Each industry shall be required to install a control manhole and, when required by the Village and/or MWRDGC, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable control manhole together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling, and measurement of the wastes. Such manhole, when required, shall be accessibly and safely located, and shall be constructed in accordance with plans approved by the Village and MWRDGC. The manhole shall be installed by the owner at his expense, and shall be maintained by him so as to be safe and accessible at all times.

I. The owner of any property serviced by a building sewer carrying industrial wastes shall provide laboratory measurements, tests, and analyses of waters and wastes to illustrate compliance with this Chapter and any special conditions for discharge established by the Village, MWRDGC and/or other regulatory agencies or entities which have regulatory authority over the discharge.

The number, type, and frequency of laboratory analysis to be performed by the owner shall be as stipulated by the Village and/or MWRDGC but no less than once per year the industry must supply a complete analysis of the constituents of the wastewater discharge to assure that compliance with the Federal, State, and local standards are being met. The owner shall report the results of measurements and laboratory analysis to the Village and MWRDGC at such times and in such manner as prescribed by the Village. The owner shall bear the expense of all measurements, analysis, and reporting required by the Village and/or MWRDGC. At such times as deemed

necessary, the Village and/or MWRDGC reserve the right to take measurements and samples for analysis by an outside laboratory service.

J. All measurements, tests, and analysis of the characteristics of waters and wastes to which reference is made in this Chapter shall be determined in accordance with the latest edition of "Standard Methods for the Examination of Water and Wastewater", published by the American Public Health Association, and shall be determined at the control manhole provided, or upon suitable samples taken at said control manhole. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewage works and to determine the existence of hazards to life, limb, and property. (The particular analysis involved will determine whether a twenty four (24) hour composite of all outfalls of a premise is appropriate or whether a grab sample or samples should be taken. Normally, but not always, BOD and suspended solids analysis are obtained from twenty four (24) hour composites of all outfalls, whereas pH's are determined from periodic grab samples.)

K. No statement contained in this Section shall be construed as preventing any special agreement or arrangement between the Village, MWRDGC, and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the Village for transmission, and MWRDGC for treatment, subject to payment, therefore, in accordance with Section 6-2-9, by the industrial concern, provided such payments are in accordance with Federal and State guidelines for user charge system. (Ord. 93-0-2, 1-28-93)

**6-2-6: PROTECTION OF SEWAGE WORKS FROM DAMAGE:**

No unauthorized person shall maliciously, wilfully, or negligently break, damage, destroy, or tamper with any structure, appurtenance, or equipment which is a part of the sewage works. Any person violating this provision shall be subject to immediate arrest under charge of disorderly conduct. (Ord. 93-0-2, 1-28-93)

**6-2-7: POWERS AND AUTHORITY OF INSPECTORS:**

A. The duly authorized employees of the Village, the MWRDGC, the Illinois EPA and the U.S. EPA, bearing property credentials and identification, shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling, and testing in accordance with the provisions of this Chapter. The Village representative shall have no authority to inquire into any processes, including metallurgical, chemical, oil refining, ceramic, paper, or other industries beyond that point having a direct bearing on the kind and source of discharge to the sewers or waterway or facilities for waste treatment.

B. While performing the necessary work in private properties referred to in subsection 6-2-7A, the duly authorized employees of the Village, the MWRDGC, the Illinois EPA, and the U.S. EPA shall observe all safety rules applicable to the premises established by the company and the company shall be held harmless for injury or death to the Village employees and the Village shall indemnify the company against loss or damage to its property by employees and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions as required in subsection 6-2-5H.

C. The duly authorized employees of the Village bearing proper credential and identification shall be permitted to enter all private properties through which the Village holds a duly negotiated easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair, and maintenance of any portion of the sewage works lying within said easement. All entry and subsequent work, if any, on said easement, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved. (Ord., 93-0-2, 1-28-93)

**6-2-8: REVOCATION OF SEWER PERMIT:**

Any person found to be violating any provision of this Chapter except Section 6-2-6, shall be served by the Village with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations. The Village may revoke any permit for sewage disposal as a result of any violation of any provision of this Chapter. (Ord. 93-0-2, 1-28-93)

**6-2-9: WASTEWATER SERVICE CHARGE:**

A. Basis for Wastewater Service Charges: The wastewater service charges for the use of and for service supplied by the wastewater collection system of the Village shall consist of a user charge for operation and maintenance plus replacement.

B. Minimum Basic Service Charge and Sewer Reconstruction Fee: There shall be and there is hereby established a monthly minimum basic service charge of six dollars and forty five cents ($6.45), a debt service charge as of the adoption of this Chapter of zero dollars zero cents ($0.00) per month and a sewer reconstruction fee of two dollars and zero cents ($2.00) to each user (or real estate owner in the case of vacant real estate) for the use of or benefit of and for service supplied by the wastewater collection system of the Village.

C. Basic User Rate: There shall be and there is hereby established a monthly basic user rate of one dollar sixty nine cents ($1.69) per one thousand (1,000) gallons of metered water consumption to each user for the use of and for service supplied by the wastewater collection system of the Village. (Ord. 13A-O-2009)

D. All nonmetered users (i.e. well user property owners) of the wastewater facilities shall pay a "flat rate charge" of twelve dollars nine cents ($12.09) per month. The flat rate charge consists of four dollars thirty eight cents ($4.38) for minimum basic sewer charges and a basic user rate based on a maximum six thousand seven hundred (6,700) gallons per month.

In the event use of the wastewater facilities by any nonmetered user is determined by the Village to be in excess of six thousand seven hundred (6,700) gallons per month, the Village may require such nonmetered user to install metering devices on the water supply or sewer main to measure the amount of service supplied.

E. All non-resident users (properties located outside the geographic boundaries of the Village of Willow Springs) shall pay a “flat rate charge” of fifty dollars ($50.00) per month for wastewater sewer services. (Ord. 2019-O-36)

F. The wastewater service charge set out as subsection C above shall be computed by the following formula:

Where $C = Cm + Cd + (Cr \times W)$

$W$ = Gallons of water used per month/1,000

$Cm$ = Minimum Basic Service Charge (Fixed)

$Cd$ = Debt Service Charge

$Cr$ = Basic User Rate for Operation, Maintenance and Replacement

G. A surcharge will be levied to all users whose waters exceed the normal domestic concentrations of BOD two hundred fifty (250) mg/l and SS three hundred fifty (350) mg/l. The surcharge will be based on water usage as recorded by water meters or sewage meters for all wastes which exceed the two hundred fifty (250) mg/l and three hundred fifty (350) mg/l concentrations for BOD and SS respectively.

The concentration of wastes used for computing surcharges shall be established by waste sampling. Waste sampling shall be performed as often as may be deemed necessary by the Village and shall be binding as a basis for surcharges.

H. The adequacy of the wastewater service charges as aforesaid, shall be reviewed, not less often than annually, by certified public accountants for the Village in their annual audit report. The wastewater service charges shall be revised periodically to reflect a change in local capital costs and operating maintenance and replacement costs.

I. The users of the wastewater treatment services will be notified annually, in conjunction with a regular bill, of the rate and that portion of the user charges which are attributable to the wastewater operation, maintenance and replacement. (Ord. 93-0-2, 1-28-93)

**6-2-10: GENERAL PROVISIONS:**

A. Bills: Said rates or charges for residential (except multi-family residential users), vacant and non-metered users shall be payable bimonthly. Commercial users, industrial users, multi-family residential users and institutional governmental users shall be billed monthly. Responsibility for payment for service rests with the property owner of record, whether or not such owner is the customer. Accordingly, payment of current and past due Village billing is the responsibility of such owner.

   All sewer bills are due and payable within fifteen (15) days after being sent out.

B. Service Shut Off: Water service may be terminated by the West Suburban Water Commission when any bill for sewer service is more than sixty (60) days past due to the Village. The Village shall send written notification of the reason for the shut off, via certified mail, to such user of the water service as identified in the village records. The user has ten (10) days to request a hearing before the Village Administrator. If no hearing is requested, ten (10) days after such notification is mailed, service shall be terminated. Where service is terminated, the user may obtain water service by the payment of the past due sewer bill, including interest and penalties, and any required reconnection charge assessed by the West Suburban Water Commission. (Ord. 2016-O-20)

C. Lien-Notice of Delinquency: Whenever a bill for sewer service remains unpaid for (2) two billing cycles for bimonthly / monthly service after it has been rendered, such charges shall be deemed delinquent and thereafter such delinquencies shall constitute liens upon the real estate for which such service is provided. The Village is hereby authorized to file with the County Recorder of Deeds a statement of lien claim. This statement shall contain the legal description of the premises served, the amount of the unpaid bill, and a notice that the Village claims a lien for this amount as well as for all charges subsequent to the period covered by the bill. Notice will be given to the property owner of record.

   The failure of the Village to record such lien or to make such notice or the failure of the owner to receive such notice shall not affect the right to foreclose the lien for unpaid bills as mentioned in the foregoing section.

D. Foreclosure of Lien: Property subject to a lien for unpaid charges shall be sold for nonpayment of the same, and the proceeds of the sale shall be applied to pay the charges, after deducting costs, as is the case in the foreclosure of statutory liens. Such foreclosure shall be by bill-in-equity in the name of the Village. The Village attorney is hereby authorized and directed to institute such proceedings in the name of the Village in any court having jurisdiction over such matters against any property for which the bill has remained unpaid ninety (90) days in the case of a bimonthly / monthly bill after it has been rendered. (Ord. 18-O-2010)

E. Whenever the village treasurer or village administrator determines that a given customer's sewer account is in arrears, the village treasurer or village administrator is hereby authorized to enter into an agreement with such customer to avoid termination of service.

Payment plans designed to allow the customer to pay over time the past due amounts for service maybe received. At a minimum, the agreement must provide that all bills for future service will be paid in full on time and that the arrearage will be paid in full.

In the event a customer fails to abide by the terms of the payment plan agreement, the outstanding balance and all late fees and penalties become due and the village comptroller or village administrator shall terminate service following the fifth day after the village posts notice of termination at the premises and mails written notice of termination to the customer by certified mail at the customer's billing address. (Ord. 2016-O-20)

F. Revenues: All revenues and moneys derived from the operation of the wastewater collection system shall be deposited in the sewerage account of the sewerage fund. All such revenues and moneys shall be held by the Village separate and apart from private funds and separate and apart from all other funds of the Village and all of said sum, without any deductions whatever, shall be delivered to the Village not more than ten (10) days after receipt of the same, or at such more frequent intervals as may from time to time be directed by the President and Board of Trustees.

The Village shall receive all such revenues from the wastewater collection system and all other funds and moneys incident to the operation of such system as the same may be delivered to him and deposit the same in the account of the fund designated as the "Sewerage Fund of the Village". Such fund shall be administered in every respect in the manner provided by statute of the "Revised Cities and Villages Act," effective January, 1942.

G. Accounts: The Village shall establish a proper system of accounts and shall keep proper books, records, and accounts in which complete and correct entries shall be made of all transactions relative to the sewerage system, and at regular annual intervals he shall cause to be made an audit by an independent auditing concern of the books to show the receipts and disbursements of the wastewater collection system.

In addition to the customary operating statements, the annual audit report shall also reflect the revenues and operating expenses of the wastewater collection system, including a replacement cost, to indicate that sewer service charges under the waste cost recovery system do in fact meet these regulations. In this regard, the financial information to be shown in the audit report shall also include the following:

1. Billing data to show total number of gallons billed.

2. Debt service for the next succeeding fiscal year.

3. Number of users connected to the system.

4. Number of nonmetered users.

H. Access to Records: The Illinois EPA or authorized representative shall have access to any books, documents, papers and records of the Village which are applicable to the Village system of user charges for the purpose of making audit, examination, excerpts and transcriptions thereof to insure compliance with the terms of the special and general conditions to any State grant. (Ord. 93-0-2, 1-28-93)

**6-2-11: EFFECTIVE DATES OF RATES:**

The rates and service charges established for user charges in Section 6-2-9 shall be effective immediately upon passage, approval and publication as provided by law. (Ord 93-0-2, 1-28-93)

**6-2-12: APPEALS:**

The method of computation of rates and service charges established for user charges in Section 6-2-9 shall be made available to a user within five (5) days of receipt of a written request for such. A formal written appeal may be filed with the Village outlining any discrepancies regarding service charges. A resolution of such discrepancies shall be made by the Village within seven (7) days after receipt of a written appeal. (Ord. 93-0-2, 1-28-93)

## CHAPTER 3
## GARBAGE REGULATIONS

**6-3-1: EXCLUSIVE AUTHORITY:**

A. Except as specifically provided in subsection 6-3-2B of this chapter, the village has the sole and exclusive authority to remove and/or to contract for the removal from all single-family and multi-family residences located within the village of Willow Springs all garbage, refuse, yard waste and materials intended for recycling or collected for recycling. (Ord. 26-O-2004, 11-23-2004)

1. No person, firm, corporation or entity, as a business operation shall remove garbage, refuse, yard waste and materials intended for recycling from any residence in the village without express authority from the village president and board of trustees by a written contract to perform such services, which contract shall include the sole recycling program for village residences. (Ord. 92-0-14, 6-2-1992)

2. Any said contract(s) by the village shall be, at the option of the village, either: a) awarded to the lowest responsible bidder subsequent to competitive bidding based upon specifications prepared by the village; or b) awarded to a contractor pursuant to a request for proposals.

The village specifications whether based upon competitive bidding or a request for proposals shall include, but not be limited to:

a. A short concise history of the company, including such matters as company longevity, and continuity of company officers;

b. An inventory by type and amount of equipment on hand immediately available for use in performance of the contract being bid upon;

c. The number of current employees available for performance of the contract;

d. A list of equipment which bidder proposes to purchase to perform the contract, including any special containers;

e. References from three (3) communities in which the bidder is currently performing refuse and recycling pick up operations;

f. Audited financial statements of the bidder for the last three (3) audit periods;

g. Locations and addresses of the site(s) for deposit of yard waste;

h. The availability and cost of special programs, including, but not limited to Christmas tree pick up and village cleanup days with the size and number of containers to be made available;

i. Curbside recycling program(s), including, but not limited to:

(1) Revenue sharing with the village;

(2) Manner in which material is identified and picked up from residences;

(3) Location of any proposed storage subsequent to pick up prior to disposition;

(4) Any and all health and safety measures utilized prior to, during and subsequent to pick up; and

(5) Type, manner and location of special recycling equipment;

j. The insurance requirement is: general liability coverage of not less than five million dollars ($5,000,000.00) aggregate inclusive of underlying commercial vehicle liability coverage and workers' compensation in the amount required by the

state. Certificates of insurance will be included with each bid. The village shall be listed as an additional insured for purposes of the contract on the successful bidder's certificate of insurance;

k. Financial protection for the village, including, but not limited to:

(1) A performance bond in the amount of one year's cost under the contract or a letter of credit or cash acceptable to the village in lieu of the performance bond;

(2) An agreement from the contractor to hold harmless, defend and indemnify the village from and against any and all liabilities or claims as a result of the contractor's work in the village and against any village liability which may arise from any environmental, including superfund claims, prior to or after the expiration of the contract;

(3) A pricing schedule for refuse pick up and recycling pick up for the current year and the following year; and

(4) Any other information which indicates financial protection for the village; and

l. The location of any tipping and transfer station proposed to be used by the bidder during performance of the contract. (Ord. 92-0-26, 8-27-1992)

3. The village's reservation of exclusive authority does not extend to the removal of garbage, refuse and yard waste for commercial and industrial enterprises. Such enterprises shall contract for their removal services with the refuse company of their choice.

B.As part of the village's reservation of authority as aforesaid, the village retains the right to direct the specific location the refuse/garbage company contracting with the village shall use for the disposal of all such garbage, refuse, yard waste and materials to be recycled, as aforesaid. (Ord. 92-0-14, 6-2-1992)

**6-3-2: COLLECTION BY VILLAGE:**

A. Definitions: For the purposes of this chapter:

HAZARDOUS WASTE: Means and refers to a waste or combination of wastes which, because of its quantity, concentration, or physical, chemical, or infectious characteristics, may cause or significantly contribute to an increase in mortality or an increase in serious, irreversible or incapacitating reversible illness; or pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, or disposed of, or otherwise managed or which has been identified, by characteristics or listing, as hazardous pursuant to section 3001 of the resource conservation and recovery act of 1976 (PL 94-580), or

which is designated as special, hazardous or toxic pursuant to other applicable law, ordinance or regulation.

MUNICIPAL SOLID WASTE: Means and refers to refuse, garbage or other discarded material generated by those residing in residential structures within the village of Willow Springs. Municipal solid waste does not include "hazardous waste" or waste which any of the facilities to which it is sent is not permitted to receive.

PLACED FOR COLLECTION: Placed at the curb, parkway, or other area immediately in front of the residence or residential building for collection by the village. (Ord. 97-0-7, 3-25-1997)

B. Collection: The village shall provide, or shall contract for, municipal solid waste, yard waste and recycling materials pick up service at least once a week for all single-family and multi-family residential buildings within the village. The terms and manner of such pick up service shall be as per the contract entered into by the village for such service or as may be from time to time determined by the president and board of trustees. Provided, however, that the village may, at its sole and absolute discretion, allow a lawfully formed and operating homeowners' association which is in good standing with the Illinois secretary of state of a multi-family residential development consisting of one hundred twenty (120) or more units and having centralized garbage collection points, to contract directly with a refuse hauler for the development's solid waste, yard waste and recycling material pick up. (Ord. 26-O-2004, 11-23-2004)

C. Title To Waste: Title to municipal solid waste which is placed for collection shall pass to the village when it is collected by the village or by a contractor retained by the village for the purpose of collecting municipal solid waste. (Ord. 97-0-7, 3-25-1997)

**6-3-3: RECEPTACLES, LOCATION:**

A. All garbage stored for collection shall be kept in receptacles. Receptacles for garbage shall be watertight with close fitting covers. Each receptacle shall have handles, be in good order and repair, and for residential garbage collection shall not exceed thirty two (32) gallons in capacity. Commercial or business establishments may use larger receptacles as may be required by their business and the garbage collection service they use. In addition to the use of receptacles, all obnoxious or offensive matter shall be wrapped in plastic bags and securely tied or double wrapped in paper bags which shall be securely closed.

B. On the designated collection day, all garbage receptacles and other garbage to be collected shall be placed at the curb, parkway or other area immediately in the front of the residence or residential building for collection. Provided, however, that garbage shall not be placed at the curb before six o'clock (6:00) P.M. of the evening preceding the specified pick up day. (Ord. 82-0-7, 5-13-1982)

C. Owners and residents of multi-family residences within the village will be required to deposit said garbage, refuse, yard waste and materials to be recycled in common dumpsters in conformance with regulations set forth by the village president and board of trustees. (Ord. 92-0-14, 6-2-1992)

**6-3-4: LAWN DEBRIS REMOVAL:**

The village shall provide all residences a regular removal service for leaves, lawn, tree and shrub clippings. Yard waste must be placed in brown lawn waste bags with the refuse hauler sticker attached. All materials to be removed shall be placed at the curb, parkway, easement or other area immediately in front of the residence or residential building.

Yard Waste and branches cannot be mixed. Branches should be no more than three (3) inches in diameter and no longer than six (6) feet. Branches must be placed at the curb, parkway, easement or other area immediately in front of the residence or residential building, with the stump end of the branch facing the street. (Ord. 12A-O-2009)

**6-3-5: LIEN FOR REMOVAL:**

Refuse or waste, of any kind whatsoever not covered by the garbage collection provisions of this chapter, shall not be allowed to accumulate on any premises within the village, and each owner, occupant, tenant or person in possession of said premises shall be responsible for the removal of same at his own expense. If, after ten (10) days from receipt of notice from the village clerk, any owner, occupant, tenant or person in possession of real property refuses or neglects to cause any refuse or waste to be removed from such property, the village shall have the right to enter such property and remove the refuse or waste at the owner's expense. The costs incurred by the village in removing the refuse or waste shall be a lien upon the real property affected in accordance with the provisions of 65 Illinois Compiled Statutes 5/11-20-13, as amended, and in accordance with any further amendments thereto. (Ord. 82-0-7, 5-13-1982)

**6-3-6: COLLECTION RATES:**

The President and Board of Trustees shall from time to time establish the collection rates and schedule of payments for the garbage service collection outlined herein. Any increase in collection rates may be tied to any accelerator, CPI, caps, ceilings, etc. that may be negotiated in any new or existing contract with the garbage collector. Responsibility for payment for collection services rests with the property owner of record, whether or not such owner is the customer. Accordingly, payment of current and past due collection service bills is the responsibility of such owner. (Ord. 13A-O-2009, 18-O-2010, 2010-O18, 08/12/2010)

**6-3-7: DELINQUENT BILLS:**

A. In the event the charges for services are not paid within fifteen (15) days after rendition of the bill for such service, such charges shall be deemed and are hereby

declared to be delinquent and thereafter such delinquencies shall constitute liens upon the real estate for which service is supplied, and the village clerk is hereby authorized and directed to file a notice of such lien in the office of the recorder of deeds of Cook County, Illinois, or in the office of the registrar of titles of Cook County, Illinois, if the property affected is registered under the Torrens system, which notice of such lien shall consist of a sworn statement setting out a description of the real estate upon or for which service was supplied, the amounts of monies due and the date or dates when such amount or amounts became delinquent, and the filing of such statements in the pertinent offices shall be deemed notice for the payment of such charges for such service.

B. In addition to the amount owed for services, all expenses incurred by the village in filing said lien, including attorney fees, shall be added to such lien. (Ord. 85-0-16, 11-23-1985)

**6-3-8: PROHIBITED ACTIONS:**

A. No transfer stations, collection points or other such activities, business or operation relating to the collection, dumping, transfer, drop off or processing of garbage, waste, refuse, yard waste, materials for recycling, contaminants, hazardous waste or other similar materials shall be allowed within the village.

B. No vehicle containing any garbage, waste, refuse, yard waste, materials for recycling, contaminants, hazardous waste or other similar materials shall be stored, kept or parked overnight within the village.

C. The storage of garbage, waste, refuse, yard waste, materials for recycling, contaminants or other similar materials shall only occur at the premises of the waste generator and shall only be stored until the regular refuse/garbage pick up for said premises removes same. Provided, however, that in no event shall the storage of garbage, waste, refuse, yard waste, materials for recycling, contaminants or other similar materials at the location of the waste generator exceed seven (7) days.

D. No vehicle used for, or intended to be used for, the transportation, hauling or collection of garbage, waste, refuse, yard waste, materials for recycling, contaminants or other similar materials shall be parked, kept or stored in any manner within the village limits, except that a scavenger/garbage truck servicing residences or businesses within the village may make short stops during the course of regularly scheduled pick up routes.

E. No vehicle transporting hazardous waste shall be parked, stored or kept within the village limits.

F. Any person violating this section shall be subject to the penalty provisions as set forth in this code as well as any other equitable action which the village may institute to enforce the provisions of this section. (Ord. 92-0-14, 6-2-1992)

## CHAPTER 4
## SWIMMING POOL REGULATIONS

### 6-4-1: DEFINITIONS:

PRIVATE POOL: A receptacle for water, or an artificial pool of water having a depth at any point of more than two feet (2'), intended for the purpose of immersion or partial immersion therein of human beings, and including all appurtenant equipment constructed, installed and maintained in or above the ground. (Ord., 6-27-63)

PUBLIC POOL: An artificial basin of water constructed primarily for the purpose of public swimming and auxiliary structures including dressing and locker rooms, toilets, showers, and other areas and enclosures that are intended for the use of persons using the pool, but shall not include pools and auxiliary structures and equipment for private residences intended only for the use of the owner and friends. (Ord. 79-25, 11-27-79)

### 6-4-2: STATE REGULATIONS, COMPLIANCE:

The construction, operation and maintenance of public swimming pools within the Village shall comply with all requirements of the rules of the State of Illinois Department of Public Health as filed with the Secretary of State of the State of Illinois.

### 6-4-3: LICENSE AND PERMIT PROVISIONS:

A. Construction Permits:

1. Village Permit: No swimming pool shall be constructed within the Village on and after the effective date of this Chapter until a permit from the Village shall have first been obtained and the requirements of this Chapter have been fulfilled. A permit fee for the construction of a public swimming pool shall be established by the Village Board from time to time. (Ord., 6-27-63)

It shall be unlawful to proceed with the construction, installation, enlargement or alteration of any private residential swimming pool "Class B, C, or D" and appurtenances within the Village unless permits therefor shall have first been obtained from the Building Inspector.

a. All drawings and plans for the construction, installation, enlargement or alteration of any "Class B, C, or D" private residential swimming pool and

appurtenances shall first be presented to the Building Inspector for examination and approval as to proper location and construction.

b. All plans and drawings for "Class B, C, or D" private residential swimming pools shall be drawn to scale of not less than one-eighth of one inch to the foot (1/8" = 1'), on paper or cloth, in ink, or by some process that will not fade or obliterate. All distances and dimensions shall be accurately figured and drawings made explicit and complete, showing the lot line, and including information pertaining to the pool, walk, and fence construction, water supply system, drainage and water disposal systems, and all appurtenances pertaining to the swimming pool. Detail plans and vertical elevations shall also be provided.

c. All "Class B, C, or D" private residential swimming pools, appurtenances, water supply and drainage systems shall be constructed in conformity with the approved plans. (Ord. 79-25, 11-27-79)

2. State Permit: No permit shall be issued for the construction of a public swimming pool until a permit has first been obtained from the State of Illinois Department of Public Health as required by the Statutes of the State. (Ord., 6-27-63)

3. Permit Fees: The fee for a permit for the erection or construction of any "Class C or D" swimming pool shall be ten dollars ($10.00) for each thousand cubic feet or fraction thereof to be contained within the proposed pool as determined by the plans and specifications submitted with the application for permit.

The fee for enlargement or alteration of any "Class C or D" private residential swimming pool shall be five dollars ($5.00) (Ord. 79-25, 11-27-79)

B. Annual License; Fee: Any person operating or maintaining a public swimming pool within the Village shall pay an annual license fee in the amount of seventy five dollars ($75.00) to the Village for the operation and maintenance of same.

**6-4-4: INSPECTIONS:**

A. Public Pools: The Village Board may from time to time, through a qualified representative of the Village, inspect public swimming pools and make reports and recommendations with respect to the operation and maintenance thereof for the purpose of keeping the same sanitary and protecting the health and safety of persons using same. (Ord., 6-27-63)

B. Private Pools: The Building Inspector shall inspect all private residential swimming pools to determine whether or not the provisions of this Code regarding health, sanitation and safety applicable thereto are being complied with. Upon discovery of any violation of this Chapter it shall be the duty of the Building Inspector to issue a written order requiring correction of the defect or violation, and, if necessary, terminate the use of the pool until the defect or violation is corrected. Whenever this

Chapter provides for alternative standards for construction or operation or approval, the Building Commissioner shall approve or disapprove the proposal or alternative after first determining if it conforms with the general standards of this Chapter and properly provides for health, safety and sanitation in the use and operation of private residential swimming pools.

**6-4-5: CLASSIFICATION OF POOLS:**

A. A "Class A" private residential swimming pool is hereby defined as any above-the-ground pool which has a total capacity for water of not more than one thousand five hundred (1,500) U.S. gallons.

B. A "Class B" private residential swimming pool is hereby defined as any above-the-ground pool which has a total capacity for water in excess of one thousand five hundred (1,500) U.S. gallons.

C. A "Class C" private residential swimming pool is hereby defined as any above-the-ground pool which has a total capacity for water in excess of one thousand five hundred (1,500) U.S. gallons and is so designed and constructed to be a permanent year-round structure. An attached walkway or platform located six feet (6') above the ground and equipped with an ingress ladder capable of being locked in a raised position six feet (6') above ground is hereby declared an acceptable substitution for yard or pool fences required by this or other Municipal Code provisions.

D. A "Class D" private residential swimming pool is hereby defined as any below-the-ground pool.

**6-4-6: LOCATION REGULATIONS:**

No portion of a swimming pool or appurtenances outside a building shall be located closer than eight feet (8') to any side or rear property line, or building line.

A. No portion of a "Class C or D" private residential pool, including any appurtenances thereto, shall be located closer than eight feet (8') to any building or property line. No "Class C or D" private residential swimming pool or equipment appurtenant thereto shall be permitted in that part of any side yard between buildings.

B. All "Class B, C, and D" private residential swimming pools must be located to the rear of the building line.

**6-4-7: CONSTRUCTION SPECIFICATIONS:**

A. Recirculation Pools: All swimming pools "Class B, C, and D" shall be of the recirculation class in which circulation of the water is maintained through the pool by

pumps, the water drawn from the pool being clarified and disinfected before being returned to the pool.

B. Materials: "Class B, C, and D" swimming pool walls and floor shall be constructed of any impervious material which will provide a tight tank with white or light colored finish and easily cleaned surfaces. The floor and bottom surface of the pool shall have a nonslip finish as smooth as possible. The side and end walls of a pool shall present a smooth finish and shall be a vertical to a depth of at least six feet (6') or shall have a slope or curvature meeting one of the following conditions:

1. The pool wall may be vertical for thirty inches (30") from the water level, below which the wall may be curved to the bottom with a radius at any point equal to the difference between the depth at that point and thirty inches (30").

2. To a depth of six feet (6'), except as in this subsection, the wall's slope shall not be less than one foot (1') horizontal in six feet (6') vertical.

3. All "Class C" private residential swimming pools with elevated walkways or platforms shall be constructed in accordance with accepted engineering standards and the construction thereof shall be subject to the approval of the Village Engineer.

C. Structures Design: "Class C or D" swimming pools shall be designed to withstand the water pressure from within and to resist the pressure of the earth when the pool is empty, to a pressure of two thousand two hundred (2,200) pounds per square foot. The slope of the bottom of any part of a pool in which the water is less than five feet (5') in depth shall not be more than one foot (1') in each ten feet (10'). The maximum slope where water is five feet (5') or more in depth shall not exceed one foot (1') in two feet (2').

D. Walk Areas: Unobstructed walk areas not less than thirty six inches (36") wide shall be provided to extend entirely around the pool. The walk area around "Class D" pools shall be constructed of impervious material, and the surfaces shall be of such as to be smooth and easily cleaned and of nonslip construction. The slope of the walks shall have a pitch of at least one-fourth inch to the foot (1/4" = 1') designed so as to prevent back drainage from entering the pool.

E. Fences:

1. All "Class A, B, or C" private residential swimming pools in excess of thirty inches (30") in depth shall be prohibited unless they are constructed, installed, maintained, operated and used within an area, not to exceed the yard area of one single family residence, enclosed by a fence four feet (4') in height above the ground level with suitable gates and self-closing mechanism and self-latching devices. Fences shall be constructed of materials not less than fifty percent (50%) open and designed to prevent access to the yard and pool by children other than members of the household.

2. All "Class D" private residential swimming pools shall be prohibited unless the required walk area around the perimeter of the pool is completely surrounded by a fence of the class required in this Section.

F. Steps or Ladders:

1. Steps, ladders, slides, or other devices designed for entry into "Class A, B, or C" private residential swimming pools thirty inches (30") or less in depth are hereby prohibited.

2. All "Class D" private residential swimming pools, in excess of thirty six inches (36") in depth, shall be provided with two (2) or more means of egress in form of steps or ladders. At least one such means of egress shall be floated on a side of the pool at both the deep end and shallow end of the pool. The treads of steps shall be constructed of nonslip material and at least three inches (3") wide for their full length, and the steps and ladders shall have handrails on both sides.

3. All "Class B and C" type swimming pools shall be provided with at least one means of ingress in the form of steps or ladders.

**6-4-8: SAFETY REQUIREMENTS:**

A. A skilled swimmer shall be present at all times while any private residential swimming pool in excess of forty eight inches (48") in depth is in use.

B. Every private swimming pool in excess of forty eight inches (48") in depth shall be equipped with one or more throwing ring buoys not more than fifteen inches (15") in diameter and having a three-sixteenths of one inch (3/16") manila line, nylon or dacron line attached which is equal in length to the most distant point across the swimming area of the pool, and equipped with one or more lights, at least two (2) strong poles with blunted ends not less than twelve feet (12') in length for making reach assists or rescues.

C. No private residential swimming pool less than forty eight inches (48") in depth shall be equipped with any diving board or platform which extends over the edge of the pool over the water or exceeds the height of the sides of the pool, and no private residential swimming pool in excess of forty eight inches (48") in depth shall have any diving board or platform more than three feet (3') above the water level of the pool.

**6-4-9: SANITATION AND MAINTENANCE:**

A. Skimmers:

1. Every "Class B" private residential pool shall be required to be equipped with at least one hand skimmer, and each said pool shall be skimmed each day prior to use for swimming or bathing.

2. Every "Class C or D" private residential swimming pool shall be equipped with skimmer or skimmers as described in the following subsections of this Section.

In each swimming pool, at least one skimming device shall be provided for each eight hundred (800) square feet of surface area or fraction thereof. Skimmers shall be located at least thirty feet (30') apart. Handholds shall be provided and consist of a bull-nosed coping not over two and one-half inches (2 1/2") thick for the two inches (2") or an equivalent approved handhold.

The handhold must be no more than nine inches (9") above the water line. Skimming devices shall be built into the pool wall, shall adequately remove floated oils and waste and shall meet the following general specifications:

a. Each skimmer shall be designed for a flow-through rate of at least thirty (30) gallons per minute and a total capacity of all skimmers on any pool shall be at least fifty percent (50%) of the required filter flow of the recirculation system.

b. They shall be automatically adjustable to variations in water level over a range of at least three inches (3").

c. An easily removable and cleanable basket or screen through which all overflow must pass shall be provided to trap large solids.

d. The skimmer shall be provided with a device to prevent airlock in the suction line. If an equalizer pipe is used, it shall provide an adequate amount of makeup water for pump suction should the water of the pool drop below the weir level. This pipe shall be at least two inches (2") in diameter and shall be located at least one foot (1') below the lowest overflow level of the skimmer.

e. An equalizer line shall be provided with a valve that will remain tightly closed under normal operating conditions, but will automatically open at a differential of not more than four inches (4") between the pool level and the level of the overflow tank.

f. The overflow weir shall be of sufficient length to maintain a rate of flow of at least twenty (20) gallons per minute per lineal foot of weir lip.

B. Water Supply: No source of water other than that secured from the Village water works distribution system or private wells shall be used in swimming pools.

C. Inlets:

1. Swimming pool water recirculation system inlets shall be located so as to produce so far as possible uniform circulation of water throughout the pool without the existence of dead spots and to carry pool bottom deposits to the outlets, and shall discharge at a minimum depth of ten inches (10") below the pool overflow level. A minimum of one recirculation system inlet shall be provided for every six hundred fifteen (615) square feet of surface area of the pool.

2. "Class B, C, and D" pools shall be equipped with suitable facilities for adding make-up water as needed. There shall be no physical connection between the water supply line and the pool system. If the make-up water is added directly to the pool, the outlet shall be at least six inches (6") above the upper rim of the pool. If the make-up water line discharges to a surge or balancing tank, the point of discharge shall be at least six inches (6") above the rim of the tank. If a hose connection from a sill cock or other plumbing fixture is to be used for supplying make-up water, then an approved vacuum breaker shall be installed between the sill cock or control valve at the fixture and hose connection. The vacuum breaker shall be installed at a height not less than seven feet six inches (7'6") above the floor, platform or ground upon which a person would stand when operating the sill cock or control valve. Maximum size of the fill pipe to be two inches (2").

3. The systems supplying recirculated water and make-up water to the pool shall be constructed in conformance with the ordinances regulating plumbing.

D. Outlets:

1. In swimming pools "Class B, C, and D", thirty feet (30') in width or less, water circulation system outlets shall be located so as to provide at least one outlet at the deepest point in the pool. If the pool width is more than thirty feet (30'), multiple outlets shall be provided and spaced not more than thirty feet (30') apart, nor closer than four feet (4') to any wall. All pool drain outlets shall be equipped with gratings having an area of openings not less than four (4) times the cross-sectional area of the outlet pipe. The gratings shall be of such design so they cannot be readily removable by bathers and will not injure bathers' fingers. One outlet shall be provided in "Class C and D" pools for each eight hundred (800) square feet of surface area.

2. Pools shall be equipped with facilities for completely emptying the pool and the discharge of the pool water to the sewer shall be at a rate not exceeding two hundred (200) gallons per minute. No direct connections shall be made to the sewer.

3. Water drained from the pool shall not be discharged to the sewer system during periods of rain storms. At no time shall the rate of drain water discharge exceed a flow of two hundred (200) gallons per minute.

E. Recirculation System and Appurtenances:

1. All "Class B, C, and D" private residential swimming pools shall have systems for the recirculation and purification of water in the pools, and all such systems shall be maintained so that they meet the requirements of the subsections below, and they shall be subject to the approval of the Building Commissioner and the Health Officer both in design and maintenance.

2. The recirculation systems required shall consist of pumping equipment, a hair and lint catcher, filters, together with the necessary pipe connections to the inlets and outlets, facilities and pipe connections necessary for back-washing filters, and facilities and equipment for disinfecting the pool water.

3. Every swimming pool shall have a recirculating system with an hourly capacity equal to the pool volume divided by eight (8).

4. The recirculation system pump shall have sufficient capacity to discharge the volume of water required for an eight (8) hour turnover of the pool against the maximum head in the recirculating system.

5. The pump used for backwashing filters shall have sufficient capacity to provide a filter backwash rate of at least twelve (12) gallons per minute per square foot of filter area.

6. A hair and lint catcher or strainer shall be installed on the suction side of the circulation pump to prevent hair, lint and other extraneous matter from reaching the pump and filters. Hair and lint catcher shall be so designed that they can be easily dismantled for the cleaning and inspection and shall be so located as to be easily accessible for cleaning. The design features shall be as follows: Water passed through the strainer from the outside; the strainer is made of noncorrosive material; the width or diameter of strainer openings is not more than one-eighth inch (1/8"); the area of the strainer openings shall be at least five (5) times the cross-sectional area of the inlet pipe to the strainer.

7. Recirculation systems shall contain rapid pressure filters. Sufficient filter area shall be provided to filter the entire contents of the pool in eighteen (18) hours at the rate of not more than three (3) gallons per square foot of filter area per minute. The filter backwashing facilities shall be sufficient to backwash at a rate of twelve (12) gallons per minute per square foot of filter area. All backwash water and effluents shall be discharged to the sewer through an indirect connection. Pressure filters shall be equipped with readily accessible air relief valves, loss of head or pressure gauges on the inlet and outlet pipes, and an access head or hole large enough to permit inspection, maintenance and repair work. Sight glasses that can be easily removed for cleaning shall be provided in the effluent line from the filter units.

8. Equipment shall be provided for the disinfection of all pool water. Any disinfection method using materials other than chlorine compounds shall be subject to the approval of the Building Commissioner. Disinfection equipment installed for the use

of chlorine compounds shall have sufficient capacity to maintain a minimum free chlorine residual of not less than four-tenths (0.4) parts per million or more than six-tenths (0.6) parts per million. The disinfectant shall be introduced into the recirculation system ahead of the filters.

9. Gaseous chlorination systems shall not be made use of as a disinfection method for pool water.

**6-4-10: ELECTRICAL REQUIREMENTS:**

A. Conformance Required: All electrical installations provided for, installed, and used in conjunction with private residential swimming pools, shall be in conformance with the latest Village Electrical Code.

B. Conductors: No current-carrying electrical conductors shall cross private residential swimming pools, either overhead or underground or within fifteen feet (15') of such pools.

C. Grounding: All metal fences, enclosures or railings, near or adjacent to swimming pools, which might become electrically alive as a result of contact with broken overhead conductors or from any other cause, shall be effectively grounded.

**6-4-11: GENERAL OPERATION AND MAINTENANCE REGULATIONS:**

A. A substantial protective cover shall be provided and installed over all private residential swimming pools which are not dismantled and stored in some storage facility during the non-swimming season.

B. All private residential swimming pools shall be maintained in a clean and sanitary condition, and all equipment appurtenant thereto shall be maintained in satisfactory operating condition during the periods that the pool is in use.

C. No private residential swimming pool shall be used, kept, maintained, or operated in the Village if such use, keeping, maintaining or operating shall be the occasion of any nuisance or shall be dangerous to life or limb or detrimental to health.

D. Inspection: The Building Inspector shall inspect all private residential swimming pools to determine whether or not the provisions of this Code regarding health, sanitation and safety applicable thereto are being complied with. Upon discovery of any violation of this Chapter it shall be the duty of the Building Inspector to issue a written order requiring correction of the defect or violation, and, if necessary, terminate the use of the pool until the defect or violation is corrected. Whenever this Chapter provides for alternative standards for construction or operation or approval, the Building and Zoning Officer shall approve or disapprove the proposal or alternative after first determining if it conforms with the general standards of this

Chapter and properly provides for health, safety and sanitation in the use and operation of private residential swimming pools. (Ord. 79-25, 11-27-79)

## CHAPTER 5
## NUCLEAR FREE ZONE

### 6-5-1: DEFINITIONS:

For the purpose of this Chapter, the following definitions shall apply:

DIRECT ACTIVITIES OF THE FEDERAL GOVERNMENT: Actions of the Federal government or any agency thereof created by statute, but does not include actions of independent contractors.

NUCLEAR WEAPON: Any device, the purpose of which is use as a weapon, a weapon prototype, or a weapon test device, the intended detonation of which results from the energy released by fission and/or fusion reactions involving atomic nuclear. "Nuclear weapon" includes the weapon's guidance and propulsion system and triggering mechanism, i.e., the means of transporting, guiding, propelling, triggering, or detonating the weapon, provided that such means is destroyed or rendered useless in the normal transporting, guiding, propelling, triggering, or detonation of the weapon.

PERSON: A natural person, as well as a corporation, institution, or other entity.

RADIOACTIVE MATERIALS: Any radioactive waste products or materials generated, refined or made radioactive by any government agency or pursuant to Federal or State government contract or license, and including that which the United States Nuclear Regulatory Commission classified as low-level radioactive waste as of January 1, 1989, but which may be classified as below regulatory waste after that date. (Ord. 93-0-8, 4-29-93)

### 6-5-2: PROHIBITION OF STORAGE, USE, TRANSPORT OR DISPOSAL OF RADIOACTIVE MATERIALS:

Except as specifically exempted in this Chapter, no person shall import, store, incinerate, treat, process, transport within or through, or dispose of radioactive materials, for any purpose, within the Village. (Ord. 93-0-8, 4-29-93)

### 6-5-3: PROHIBITION OF NUCLEAR WEAPONS WORK:

Except for the direct activities of the Federal government, or its employees, or as specifically exempted in this Chapter, no person shall knowingly, within the Village, design, test, produce, deploy, launch, maintain, or store nuclear weapons or components of nuclear weapons. (Ord. 93-0-8, 4-29-93)

**6-5-4: PROHIBITION OF NUCLEAR REACTORS:**

Except as specifically exempted in this Chapter, no person shall construct, or operate, a nuclear reactor within the Village. (Ord. 93-0-8, 4-29-93)

**6-5-5: EXCLUSIONS:**

Nothing in this Chapter shall be construed to prohibit:

A. Any activity not specifically described in this Chapter;

B. Basic research and/or any writing or speech devoted to public commentary or debate or other speech protected by the First Amendment of the United States Constitution;

C. The research, application, or temporary storage of radioactive materials used in medicine;

D. Consumer uses of radioactive material for smoke detectors, light emitting watches or clocks, and other similar incidental applications; and

E. Industrial radiography and tracer processes, including radioactive material used in construction and/or engineering testing equipment. (Ord. 93-0-8, 4-29-93)

**6-5-6: NUCLEAR FREE ZONE SIGNS:**

The Village shall post and maintain appropriate signs at recognized entrances to the Village and at the Village Hall proclaiming the Village's status as a nuclear free zone. Such signs shall conform to the standards set forth in the Federal Highway Administration's Manual on Uniform Traffic Control Devices for Streets and Highways. (Ord. 93-0-8, 4-29-93)

## CHAPTER 6
## OPEN BURNING PROHIBITED

**6-6-1: DEFINITIONS:**

Unless the context specifically indicates otherwise, the meaning of terms used in this Chapter shall be as follows:

GARBAGE: Waste resulting from the handling, processing, preparation, cooking and consumption of food, and the waste from the handling, processing, storage and sale of produce.

LANDSCAPE MATTER: Leaves, grass clippings, weeds, yard trimmings and yard debris of any kind, including, but not limited to twigs, branches and/or logs.

OPEN BURNING: The combustion of any matter in the open or in an open dump.

REFUSE: Any garbage or other discarded material, including solid, liquid, semi-solid or containing gaseous material. (Ord. 95-0-1, 1-12-95)

**6-6-2: OPEN BURNING PROHIBITED:**

The open burning of garbage, landscape matter and refuse within the corporate limits of the Village is prohibited. (Ord. 95-0-1, 1-12-95)

**6-6-3: EXCLUSIONS:**

The following activities are excluded from the Section 6-6-2 "Open Burning Prohibition":

A. The burning of wood, logs or branches, charcoal, natural or other clean fuel in a fireplace, grill or the like for cooking and/or in a backyard campfire setting; and

B. Fires, such as bon fires, in conjunction with holidays and festive celebrations or other special occasions set and attended by personnel capable in fire fighting techniques, fire containment, and the use of fire-fighting equipment. This type of fire when to be ignited in the presence of large crowds (i.e., 15 or more persons) shall be allowed only by special permit issued by the Fire Chief of the Village; and

C. The burning of wood or fuels for legitimate campfires or recreational activities by organizations such as the Boy Scouts, Girl Scouts, Indian Princesses and the like, in such areas where such burning is consistent with other laws, provided that garbage or refuse should not be burned in such cases. (Ord. 95-0-1, 1-12-95)

## CHAPTER 7
## USE OF GROUND WATER AS A POTABLE WATER SUPPLY PROHIBITED

**6-7-1: DEFINITIONS:**

Unless the context specifically indicates otherwise, the meaning of terms used in this Chapter shall be as follows:

PERSON: Any individual, partnership, firm, institution, corporation, limited liability company, association, trust, estate, political subdivision, governmental entity or any other legal entity person or persons.

POTABLE WATER: Any water used, or intended to be used, for human or domestic consumption, including, but not limited to, water for drinking, bathing, swimming, washing dishes or preparing foods. (Ord. 99-0-11, 3-11-1999)

**6-7-2: PROHIBITED:**

Except for such uses or methods in existence before the effective date hereof, no person within the corporate limits of the Village shall use, or attempt to use, as a potable water supply ground water whether by the installation or drilling of wells or by any other method of drawing ground water. (Ord. 99-0-11, 3-11-1999)