

ORDINANCES EFFECTING CHAPTER 20
HEALTH REGULATIONS

<u>ORDINANCE</u>		<u>DATE PASSED</u>
17	Garbage Collection	03.23.66
18	Storage of Garbage	03.23.66
22	Amended Ordinance 17 - (Word change from "specification" to "regulations")	03.30.66
43	Amendment to Ordinance 18	10.26.66
46	Amending Ordinance 17	11.09.66
71	Regulations and Standards governing the Collection of Garbage	08.09.67
72	Storage and Disposal of Garbage	08.16.67
125	Amending Service Charge & Penalties	01.08.67
272	Service Charge and Penalty	05.26.71
326	Amended in its Entirety	04.05.72
73-47	Construction site rubbish	07.18.73
74-64	Scavenger Contract	06.04.74
74-105	Storage and Disposal of Garbage	09.17.74
79-34	Disposal of Garbage	06.05.79
81-4	Amending with regard to fines (Health Regulations violations)	02.10.81
82-13	Amending by repealing Section 203 - Contracts	04.20.82
82-25	Amending with regard to Health Regulations	05.11.82
84-26	Amending with regard to Health Regulations	06.26.84
85-28	Amending with regard to Unsecured Building	05.14.85
86-69	Amending with regard to Abandoned Vehicles	12.09.86
89-54	Amending Bulk Containers	05.09.89
89-74	Providing for a Curbside Recycling Program (Adding Section 20-314)	07.25.89
89-107	Amending with Respect to Municipal Code Violations	10.24.89

ORDINANCES EFFECTING CHAPTER 20
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<u>ORDINANCE</u>		<u>DATE PASSED</u>
90-11	Amending with Respect to Municipal Code Violations	01.23.90
90-21	Adding Article 7 Re. Smoking in Public Places	02.27.90
90-99	Amending Article 3 Re. Disposal of Landscape Waste	07.24.90
93-135	Hazardous Substance Incident Expense Recovery - New Article 8	10.26.93
93-136	Amending Article 8	11.09.93
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97-027	Administrative Fees for Release of Liens	04.22.97
98-052	Disposal of Landscape Waste	05.26.98
00-076	Fees and Fines	04.25.00
01-003	Disposal of Solid Waste	01.23.01
04-010	Re Disposal of Solid Waste	01.13.04
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CHAPTER 20 -- HEALTH REGULATIONS

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CHAPTER 20 - HEALTH REGULATIONS

ARTICLE 1 -- GENERAL NUISANCES

Section 20-101. NUISANCES DECLARED - PROHIBITED. The following acts, conduct and conditions are hereby declared and defined to be nuisances, and when committed, performed or permitted to exist by any individual, firm, association or corporation within the territorial limits of the Village are hereby declared to be unlawful and prohibited.

(A) Any act or offense which is a nuisance according to the Common Law of the State of Illinois, or declared or defined to be a nuisance by the ordinances of the Village of Bolingbrook. In addition, the officials of the municipality shall be authorized to abate any nuisance which while not specifically defined within this ordinance shall constitute the unreasonable, unwarrantable, or unlawful use by a person of property, real or personal, or from his own improper, indecent or unlawful personal conduct which works an obstruction or injury to a right of another, or of the public, and produces such material annoyance, inconvenience, discomfort, or hurt that the law will presume an actionable nuisance. Nuisances may be abated which are public or which are both public and private in nature.

(B) Obstructing any water course or source of water supply in the Village.

(C) Pollution of any course, pool or source of water supply in the Village.

(D) Any stagnant pool of water.

(E) Any uncovered piles of garbage or refuse of any kind.

(F) Any garbage or refuse of any kind buried within the Village.

(G) Any building or structure in such a condition as to be dangerous to the public in any way.

(H) Spitting or expectorating on any public sidewalk or other public place, or on the floor or walls of any store, theatre, hall, public vehicle or other place frequented by the public or to which the public is invited.

(I) Any infestation of rats and vermin.

(J) Any accumulation on any property of debris, objects, materials or condition which may create a health, accident or fire hazard or which constitutes a blighting or deteriorating influence on the neighborhood.

(K) The emission of dense smoke or particulate matter containing more than 10% by weight of particles having a particulate diameter of more than 44 microns.

- (L) Dust and other types of air pollution borne by the wind from such sources as storage areas, yards, roads and the like, which pollution exceeds the particulate matter weight standards above.
- (M) The emission of objectionable or hazardous odors in such quantities as to be readily detectable to an average observer at any point on the boundary line of any premises or beyond.
- (N) Any abandoned, unattended, discarded ice box, refrigerator or other locking device which may not be released from the inside. In the absence of immediate abatement by the responsible party, the Director of Community Development or his designated representatives shall abate said nuisance by removing the door.
- (O) Any other nuisances as described by Chapter 100 1/2 of Illinois Revised State Statutes.

Section 20-102. DEFINITIONS. For the purpose of this Article, the following terms and phrases shall have the meanings given therein:

- (A) **NUISANCE.** Whenever the word "nuisance" is used in this Article, it shall mean any act which the common law classifies as a nuisance, or any act declared a nuisance by this Code or by statute of the State of Illinois.
- (B) **DENSE SMOKE.** Whenever the words "dense smoke" are used in this Article, it shall mean the concentration of smoke to a degree of density of number three or greater on the Riggelman Smoke Chart issued by the United States Bureau of Mines, or an equivalent number on some other chart, for more than six minutes in any hour, whether such period is consecutive or not.
- (C) **PARTICULATE MATTER.** Materials other than water which is suspended or discharged into the atmosphere in a finely divided form as a liquid or a solid.
- (D) **OWNER.** Any person, agent, firm or corporation having a legal equitable interest in the property.

Section 20-103. FURTHER RESTRICTIONS. Nothing contained herein shall be construed as limiting those requirements of Federal or State laws, nor shall this conflict with any other provisions of the Bolingbrook Municipal Code which regulates more strictly any of the subjects of this Article.

Section 20-104. ABATEMENT BY RESPONSIBLE OWNER OR OCCUPANT. Whenever any nuisance exists as stated in this Article, it shall be the responsibility of the owner or occupant of the property where said nuisance exists to abate such nuisance.

Section 20-105. NOTICE OF NUISANCE. It shall be the duty of the Director of Community Development or his designated representatives to investigate any nuisance as defined in this Article and to serve notices to the owners or occupants of the property, on which said nuisance exists, to have same abated within six (6) days from the time said notice of nuisance has been given, except as otherwise stated in this Article. (If said nuisance shall cause immediate hazard to the health, safety and welfare of the community, the Director of Community Development or his designated representative shall have same abated, immediately, upon failure to contact responsible party, or upon notification to responsible party, and their failure to abate said nuisance immediately). (Ordinance No. 84-26, 06.26.84)

Section 20-106. ABATEMENT OF NUISANCE BY THE VILLAGE. Whenever an owner or occupant of property where any aforementioned nuisance shall occur does not abate such nuisance as mentioned in this Article in the allotted time period, the Director of Community Development or his designated representative may have same abated.

Section 20-107. BILLING FOR REMOVAL EXPENSE. Whenever the Village of Bolingbrook abates any nuisance occurring on said property of owner or occupant, the Village shall levy a fee for such expense, which shall be a charge against the owner so failing, and which may be recovered in an appropriate action of law.

Section 20-108. LIEN FOR REMOVAL EXPENSE. In addition to all other remedies provided by law, the Village may place a lien on the parcel of record where said nuisance exists. Such lien shall be superior to all other liens or encumbrances, except tax liens and except that such lien shall not be valid as to any mortgagee, judgment creditor or other lienor whose rights in and to such real estate exist prior to the filing of such notice.

Section 20-109. NOTICE OF LIENS. The Village shall file a notice of lien in the office of the Recorder of Deeds of the County in which such lot or plot is located within sixty (60) days after such expense has incurred, which notice shall consist of:

- (A) A description of the real estate sufficient for the identification thereof;
- (B) The amount of money representing the cost and expense incurred by the Village.
- (C) The date or dates when such cost and expense was incurred by the Village.

Section 20-110. RELEASE OF LIEN. Upon payment of the cost and expense by the owner of, or persons interested in the property, of the outstanding lien balance, any costs incurred by the Village in filing or releasing said lien, and the administrative fees of the Village associated therewith, the Village shall issue a release of such lien for filing in the Office of the Recorder of Deeds. (Ordinance 97-027, 04.22.97)

Section 20-111. PENALTY. Any person, firm or corporation violating any of the provisions of this Article shall be fined not less than Seventy-Five Dollars (\$75) nor more than Five Hundred Dollars (\$500) for each offense, and a separate offense shall be deemed to have been committed on each day during or on which a violation occurs or continues. (Ordinance No. 00-076, 04.25.00)

ARTICLE 2 -- WEED CONTROL

Section 20-201. NUISANCE DECLARED. The growth of noxious weeds is hereby declared a nuisance to the health, safety and welfare of the citizens of Bolingbrook. It shall be unlawful for any person, firm or corporation to cause or permit this nuisance to continue under his control.

Section 20-202. DEFINITIONS. For the purpose of this Article, the following terms and phrases shall have the meanings given therein:

(A) **NOXIOUS WEEDS.** weeds are defined as Canada Thistles (Cirsium Arvense) and all its varieties, Perennial Snow Thistles (Sonchus Arvensis), European Bindweed (Convolvulus Arvensis), Leafy Spurge (Tithymalus Esula), Russian Knapweed (Centaurea Repens), Hoary Cress (Lepidium Dra ba), Ragweed (Ambrosia), Dandelion Weed, Jimson Weed, Burdock, Cockleburrs and like weeds, as well as any other wild, uncultivated or uncontrolled growth of vegetation or any weed as specified by the Illinois Revised State Statutes.

(B) **IMPROVED LAND.** Any parcel of record with partial or completed buildings or structures.

(C) **VACANT LAND.** Any parcel of record without partial or completed buildings or structures.

(D) **OWNER.** Any person, agent, firm or corporation having a legal or equitable interest in the property.

Section 20-203. FURTHER RESTRICTIONS. Nothing contained herein shall be construed as limiting those requirements of Federal or State laws, nor shall this conflict with any other provisions of the Bolingbrook Municipal Code which regulates more strictly any of the subjects of this Article.

Section 20-204. ABATEMENT BY RESPONSIBLE PARTY. It shall be the responsibility of owners or occupants of a parcel of record to control the growth of noxious weeds. It shall be unlawful for any person, firm or corporation owning or controlling any improved land to permit the growth of weeds to exceed six (6) inches in height. It shall also be unlawful for any person, firm or corporation owning or controlling any vacant land to permit the growth of weeds to exceed twelve (12) inches in height within 300 feet from any improved land, and 100 feet from any street right-of-way. All such weeds shall be destroyed by pulling, cutting to a maximum height of two (2) inches, or spraying with efficient chemical weed killers which have been approved by the Illinois Department of Public Health for such use. Failure to comply with said provisions shall constitute a violation of this Article.

Section 20-205. NOTICE OF NUISANCE. It shall be the duty of the Director of Community Development or his designated representatives to investigate said specific nuisance as defined in this Article and to serve to the owners or occupants of the property, on which said nuisance exists, to have said removed within three (3) days from the time the notice of said nuisance has been given. (Ordinance No. 84-26, 06.26.84)

Section 20-206. ABATEMENT OF NUISANCE BY THE VILLAGE. Whenever an owner or occupant of property where an aforementioned nuisance shall exist does not abate such nuisance as mentioned in this Article in the allotted time period, the Director of Community Development or his designated representatives may have same abated.

Section 20-207. BILLING FOR REMOVAL EXPENSE. Whenever the Village of Bolingbrook abates the aforementioned nuisance occurring on said property of owner or occupant, the Village shall levy a fee for such expense, which shall be a charge against the owner so failing, and which may be recovered in an appropriate action of law.

Section 20-208. LIEN FOR REMOVAL EXPENSE. In addition to all other remedies provided by law, the Village may place a lien on the parcel of record where said nuisance exists, pursuant to Section 11-20-7 of Chapter 24 of the Illinois Revised State Statutes. Such lien shall be superior to all other liens or encumbrances, except tax liens and except that such lien shall not be valid as to any mortgagee, judgment creditor or other lienor whose rights in and to such real estate exist prior to the filing of such notice.

Section 20-209. NOTICE OF LIENS. The Village shall file a notice of lien in the Office of the Recorder of Deeds of the County in which said parcel of record is located within sixty (60) days after such expense has been incurred, which notice shall consist of:

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

(B) The amount of money representing the cost and expense incurred by the Village.

(C) The date or dates when such cost and expense was incurred by the Village.

Section 20-210. RELEASE OF LIEN. Upon payment of the cost and expense by the owner of, or persons interested in, said real estate after the Notice of Lien has been filed, the Village shall issue a release on such lien filed on record in said Recorder's Office.

Section 20-211. **PENALTY.** The penalty for violation of any provision of this Article, unless otherwise provided, shall be not less than fifty dollars (\$50) nor more than five hundred dollars (\$500), and a separate offense shall be deemed to have been committed on each day during or on which a violation occurs or continues. (Ordinance No. 94-087, 07.26.94).

ARTICLE 3 -- SOLID WASTE

Section 20-301. NUISANCE DECLARED. The improper storage of disposable waste and recyclable material is hereby declared as a specific nuisance and an infringement to the health, safety and welfare of the citizens of Bolingbrook. Any one or more of the following shall contribute to said condition causing the specific nuisance:

(A) **GENERAL STORAGE.** It shall be unlawful for any person, firm or corporation to store any garbage, rubbish or combustible refuse, or recyclable material except for the express purpose of having it collected by a duly authorized collector within a period not to exceed seven (7) days. (Ordinance 04-010, 01.13.04)

(B) **ONE-WAY GARBAGE CONTAINERS CONTENT.** It shall be unlawful for any person to deposit, in any garbage container for disposal, anything other than garbage, rubbish or combustible refuse as defined in Section 302 of this Article.

(C) **DISCARDED MATERIAL OR JUNK.** The piling of junk or discarded material on any premises for a period of more than two (2) weeks shall be in violation of this Article. It shall be unlawful for any owner, contractor or other person to deposit within the Village limits any building material, plastics, trees, stumps, branches, brush or other wind-blowable material except for immediate removal at depositor's expense.

(D) **STORAGE AND COLLECTION IN RESIDENTIAL AREAS.**

(1) **WITH CURB PICK UP.** It shall be unlawful for receptacles for residential waste or recyclable material, whether containing items or empty, to be stored in any outdoor location. In no event shall garbage or recyclable material be stored in streets or parkways or outside of any dwelling. It shall be unlawful for any occupant of a residential dwelling to have garbage, rubbish or combustible refuse for collection in any container other than a one-way garbage container as defined in Section 302 of this Article. Any container placed at the curb that does not meet the definitions of a one-way garbage container will be picked up and not returned. When a one-way garbage container is placed at a curb for collection, said container shall be securely fastened, by means of stapling or twist-tying, and shall be watertight. At no time shall garage cans be placed at the curb, unless the can itself is intended as refuse. One-way garbage containers may be placed at the curb no earlier than 6:00 P.M. on the day prior to the scheduled garbage pick-up during the period from May 1 through October 31 and no earlier than 3:00 P.M. on the day prior to the scheduled garbage pick-up during the period from November 1 through April 30. (Ordinance 04-010, 01.13.04)

EXEMPTION: With respect to this Subsection 20-301(D)(1), residential properties having no attached or detached garage of any size are exempt from this provision, provided that on such properties receptacles for residential waste or recyclable material, whether empty or full, shall be stored behind the physical residential structure, out of view from any public right-of-way. (Ordinance 04-023, 03.09.04)

(2) BULK CONTAINERS. When bulk garbage containers are used in lieu of individual garbage cans, they shall be maintained in a clean and sanitary condition, have tight fitting lids, and be kept tightly shut. Refuse or rubbish being deposited in bulk containers must be contained within a one-way garbage container, and said container shall be tightly closed by means of stapling or twist-tying. It shall be unlawful for any person to deposit refuse or rubbish in said bulk containers without it being contained within a one-way container as defined in Section 302 of this Article. Sanitation of containers shall be done in accordance with the current contract between the scavenger service and the Village. It shall be the responsibility of the residents and the association/management of the development using said containers to keep the containers in a sanitary condition. (Ordinance No. 89-54, 05.09.89)

(E) STORAGE AND COLLECTION OF COMMERCIAL/CONSTRUCTION SITE RUBBISH AND COMBUSTIBLE REFUSE.

(1) COMMERCIAL WASTE. The occupant of every institutional, commercial, business, industrial or agricultural establishment producing solid waste within the corporate limits of the Village shall provide sufficient and adequate containers for the storage of all solid waste, except bulky rubbish and demolition and construction waste, to serve each such establishment. The containers shall be waterproof, leak-proof and shall be covered at all times, except when depositing waste therein or removing the contents thereof; the said containers shall be stable. Garbage shall be collected, for a period not to exceed seven (7) days. In no event shall garbage or containers be allowed in streets, parkways, or in front of the building line of such premises.

(2) CONSTRUCTION SITE RUBBISH AND COMBUSTIBLE REFUSE. It shall be unlawful for any person, firm or corporation to store any rubbish or combustible refuse on a construction site unless such rubbish or combustible refuse is stored in approved methods as listed below:

(a) Rubbish Containers. Rubbish containers for the purpose of collection shall be no smaller than 15 cubic yards capacity, shall be constructed of heavy gauge metal, and shall be of type commonly used in the refuse collection industry for the storage and collection of large quantities of construction debris. The containers shall be kept in good and sanitary condition. A sufficient number of such containers shall be maintained on each construction site to accommodate all rubbish and combustible refuse therefrom.
(Ordinance 04-010, 01.13.04)

(b) Frequency of Collection. Within twenty-four (24) hours of the time when any required container is full to capacity, the rubbish and combustible refuse therein shall be collected and removed from the construction site.

(F) IMPROPER DISPOSAL OF LANDSCAPE WASTE. The improper disposal of landscape waste is hereby prohibited. Landscape waste shall not be deposited in containers used for refuse or garbage. Landscape waste may only be properly disposed of in the following manner:

(1) IN PAPER BAGS. For landscape wastes other than tree branches, brush or twigs, the landscape waste shall be placed in a kraft or similar paper bag. The paper bag shall contain only landscape waste and no other materials and shall be closed either by folding it over at the top or by tying the bag with string, rope or twine which is made of natural fibers. No other material, including but not limited to wire, plastic or staples, shall be used to close the paper bag. The landscape waste shall fit completely within the paper bag except for tree trimmings which may protrude no more than twelve (12) inches from the top of the bag. The paper bag shall be capable of being lifted by one man. (Ordinance 98-052, 05.26.98)

(2) TIED AND BUNDLED. For tree branches, brush and twigs, the landscape waste shall be tied and bundled with string, rope or twine into a manageable size, not exceeding thirty five (35) pounds in weight. No one bundle shall exceed four (4) feet in length. (Ordinance 98-052, 05.26.98)

(G) IMPROPER STORAGE OF LANDSCAPE WASTE. (Added in its entirety by Ordinance 04-010, 01.13.04)

(1) Landscape waste may be managed on any property in a compost pile, but only where such compost pile is placed in such a way as not to allow materials to be windblown, and which does not emit odorous matter in such quantities as to be readily detectable at any point along lot lines, or so as to produce a public nuisance or hazard beyond lot lines.

(a) General regulations for compost piles. Compost piles shall not be located within any required front yard, as defined in the Zoning Ordinance of the Village of Bolingbrook. In no event shall a compost pile be located in any side or rear yard drainage or utility easement. The combined total ground or base area of any compost pile shall not exceed one hundred (100) square feet at any time.

(b) Compost pile regulations. Compostable materials may be placed in a compost pile; provided, that such materials are placed in such a way as not to allow them to be windblown. The depositing of garbage, pet waste, meat scraps or other materials that may attract animals or vermin to the compost pile or which may provide an obnoxious odor shall be prohibited. A compost pile shall not be located less than twenty-five feet (25') from any neighboring dwelling unit and not less than two and one-half feet (2 1/2') from any rear or

side lot line. A compost pile shall not exceed six feet (6') in height and fifteen feet (15') in side length.

(2) It shall be unlawful for landscape waste intended for collection, whether bundled or contained in approved kraft paper bage, to be stored outside of a residential dwelling. In no event shall landscape waste be stored in streets, parkways, or outside of any residential dwelling, unless stored in accordance with the requirements for a compost pile.

EXEMPTION: With respect to this Subsection 20-301(G)(2), residential properties having no attached or detached garage of any size are exempt from this provision, provided that on such properties receptacles for residential waste or recyclable material, whether empty or full, shall be stored behind the physical residential structure, out of view from any public right-of-way. (Ordinance 04-023, 03.09.04)

Section 20-302. DEFINITIONS. For the purpose of this Article, the following terms and phrases shall have the meanings given therein:

(A) **COMBUSTIBLE REFUSE:** Includes newspapers and other paper and cardboard products, straw, trimmings from vegetables or vegetation, and in general readily combustible materials of a nonexplosive nature.

(B) **CONSTRUCTION SITE:** Any site upon which ten (10) or more dwelling units are being developed in conjunction with each other by the same developer.

(C) **DEMOLITION AND CONSTRUCTION WASTE:** Waste materials from the construction or destruction of residential, industrial and commercial structures.

(D) **GARBAGE:** The waste materials from the kitchens of residences, hotels, institutions and restaurants and the vegetable and animal waste resulting from the handling, preparation, cooking and consumption of food.

(E) **HAZARDOUS WASTES:** Including but not limited to pathological wastes, explosive wastes, pesticides, pesticide containers, toxic or radioactive materials.

(F) **JUNK:** Any discarded material, such as stoves, refrigerators, furniture, toys or appliances and excessive amounts of materials other than garbage, rubbish or combustible refuse.

(G) **ONE-WAY GARBAGE CONTAINER:** A disposable garbage-container bag constructed of paper or plastic having a gauge of 1.5 to 3 mil., but no less than 1.5 mil., capable of being tightly closed by means of crumpling, rolling, stapling or twist-tying and having a capacity of no less than twenty (20) gallons and no more than thirty (30) gallons.

(H) OWNER: Any person, agent, firm or corporation having a legal or equitable interest in the property.

(I) REFUSE: Solid waste material, excluding landscape waste. (Ordinance No. 90-99, 07.24.90)

(J) RUBBISH: Includes ashes, cans, glass and building materials.

(K) SCAVENGER: A person who cleans or removes solid wastes.

(L) LANDSCAPE WASTE: All accumulations of grass or shrubbery cuttings, leaves, tree limbs and other materials accumulated as the result of the care of lawns, shrubbery, vines and trees. (Ordinance No. 90-99, 07.24.90)

Section 20-303. FURTHER RESTRICTIONS. Nothing contained herein shall be construed as limiting those requirements of Federal or State Laws, nor shall this conflict with any other provisions of the Bolingbrook Municipal Code which regulates more strictly any of the subjects of this Article.

Section 20-304. ABATEMENT BY RESPONSIBLE OWNER OR OCCUPANT Whenever the specific nuisance exists as stated in this Article, it shall be the responsibility of the owner or occupant of the property where said nuisance exists to abate such nuisance.

Section 20-305. RESPONSIBILITY FOR CLEAN-UP. In the interest of public health and safety, the principal owner or occupant shall be responsible for cleaning his premises, or easement thereto, of strewn garbage, rubbish or combustible refuse.

Section 20-306. NOTICE OF NUISANCE VIOLATION. It shall be the duty of the Director of Community Development, or his designated representatives to investigate any nuisance violation as defined in this Article and to serve notices to the owners or occupants of the property, on which said nuisance of violation exists, to have same removed within six (6) days after notification by the Director of Community Development or his designated representatives, except as otherwise stated in this Article. (Ordinance No. 84-26, 06.26.84)

Section 20-307. ABATEMENT OF NUISANCE BY THE VILLAGE. Whenever an owner or occupant of property where any aforementioned nuisance shall occur does not abate such nuisance as mentioned in this Article in the allotted time period, the Director of Community Development or his designated representatives may have same abated.

Section 20-308. BILLING FOR REMOVAL EXPENSE. Whenever the Village of Bolingbrook abates any nuisance occurring on said property of owner or occupant, the Village shall levy a fee for such expense, which shall be a charge against the owner so failing, and which may be recovered in an appropriate action of law.

Section 20-309. LIEN FOR REMOVAL EXPENSE. In addition to all other remedies provided by law, the Village may place a lien on the parcel of record where said nuisance exists, pursuant to Section 11-20-13 of Chapter 24 of the Illinois Revised State Statutes. Such lien shall be superior to all other liens or encumbrances, except tax liens and except that such lien shall not be valid as to any mortgagee, judgment creditor or other lienor whose rights in and to such real estate exist prior to the filing of such notice.

Section 20-310. NOTICE OF LIEN. The Village shall file a Notice of Lien in the Office of the Recorder of Deeds of the County in which such lot or plot is located within sixty (60) days after such expense has been incurred, which notice shall consist of:

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

(B) The amount of money representing the cost and expense incurred by the Village.

(C) The date or dates when such cost and expense was incurred by the Village.

Section 20-311. RELEASE OF LIEN. Upon payment of the cost and expense by the owner of, or persons interested in, said real estate, after the Notice of Lien has been filed, the Village shall issue a release on such lien which may be filed on record in said Recorder's Office.

Section 20-312. PENALTY. The penalty for violation of any provision of this Article, unless otherwise provided, shall be not less than Seventy-Five Dollars (\$75) nor more than Five Hundred Dollars (\$500) for each offense, and a separate offense shall be deemed to have been committed on each day during or on which a violation occurs or continues. (Ordinance No. 00-076, 04.25.00).

Section 20-313. CONTRACT AND REGULATION. Garbage collection work performed for the Village under this Article may be arranged through a licensed private scavenger contracted by the Village President, with the advice and consent of the Board of Trustees under such terms as stated below:

(A) **CONTRACTS.**

(1) **Term; Bond.** Contracts shall be for a minimum of one (1) year but not exceed four (4) years. In all cases the contract shall require collection vehicles which meet or exceed Will County Health Department standards and shall require the successful bidder to file with the Village Clerk a bond in the amount of \$10,000, or such additional sum as may be prescribed in the specifications, and this bond shall be conditioned to indemnify the Village for any loss or liability from the conduct of business by the Scavenger.

(2) **Letting of Contracts.** Contracts for scavenger services may be awarded by negotiation or by competitive sealed bids as the Board of Trustees shall from time to time determine. If competitive sealed bids are requested, such bids shall be solicited by written invitation or by public notice in a newspaper of general circulation in the Village no less than fifteen (15) days prior to bid opening. Said notice

shall contain all information necessary for prospective bidders to submit acceptable bids. Bids shall be marked "Refuse Collection Bid" and shall be in a sealed envelope.

(3) Successful Bids. When competitive sealed bids are requested, a contract shall be awarded to the lowest responsible bidder who meets the approval of the President and Board of Trustees. Any and all bids may be rejected, and new bids solicited, if the Village Board by a two-thirds majority vote believes the public interest may be served thereby. Each bidder and his bid shall be open to public inspection after the award of contract to the successful bidder. Said contract shall be filed with the Village Clerk.

(4) Negotiated Contracts. A contract for scavenger services may be awarded by the Board of Trustees without requiring the submission of competitive sealed bids, but no contract shall be awarded unless it is approved by the vote of two-thirds of the corporate authorities of the Village of Bolingbrook. (Ordinance No. 74-64. 6.04.74)

(B) REGULATIONS.

(1) Vehicle Used by Scavenger. Any vehicle used by a scavenger shall be completely enclosed and watertight. The weight of said vehicle shall not exceed 8,000 pounds empty weight. Any vehicle over 8,000 pounds must obtain an overweight permit from the Department of Public Works. It shall be unlawful for any such vehicle to be driven through or over any Village street on a Sunday or a legal holiday unless authorized by the Director of Public Works.

(2) Parking of Scavenger Vehicle. It shall be unlawful for any scavenger vehicle without necessity to park before any building, place of business, or other premises for any reasonable length of time in loading or unloading or in passing along any street or through any inhabited place or ground.

(3) Cleaning of Scavenger Vehicle. All scavenger vehicles shall be cleaned and disinfected when not in use, in order that their vehicles do not become offensive. Any laxity on the part of the driver or owner in keeping said vehicle will be considered a violation of this Chapter.

(4) Disposal of Refuse of Scavenger Vehicle. It shall be unlawful for any scavenger to dispose of or store any refuse, or park overnight any scavenger vehicle, in any place within the Village limits. All garbage, rubbish and combustible material shall be disposed of in an approved manner. The garbage collector is responsible for cleaning up any garbage rubbish or combustible material which is scattered in the process of conveying the material to his truck. (Entire Article Adopted - Ordinance No. 326, 4.05.72)

Section 20-314. RECYCLING PROGRAM ESTABLISHED. There is hereby established a Villagewide curbside recycling program to be operated by the Village and the Village's contract waste hauler to provide for the separation of certain designated recyclable materials from normal household refuse for placement in specially designed containers. The special recycling containers will be used only for the purpose of storing recyclable materials on site and for the placement of those materials curbside or in the designated trash collection pickup point on the designated collection day.

- (A) DEFINITIONS. For purposes of this section, the following terms shall have the definitions hereinafter set forth:

Curbside recycling. An organized program sponsored by the Village resulting in residents and/or businesses within the Village's corporate limits separating recyclable materials and placing them curbside or at the designated trash collection point to be collected by the Village or the Village's designated contract hauler.

Recycling container. The container provided by the Village to residents or businesses for the specific purpose of storing recyclable materials on site and for placing those materials curbside for collection. Exact size, shape and color of said container may vary from time to time; however, recycling containers shall be clearly marked for use as a recycling container only.

Recyclable materials. Recyclable materials include, but are not limited to newsprint, aluminum cans, metal, plastic and glass and may from time to time include other household refuse items designated by the Village as recyclable materials based upon market conditions and available recycling technology.

- (B) Recycling Container Ownership/Use/Theft. The Village will provide specially labeled recycling containers to each household participating in the recycling program. The Village will maintain ownership of the containers. However, each household shall be responsible for the normal and reasonable care of the container entrusted to the homeowner's care. The Village will provide replacement containers to households when it is determined by the Village that replacement is warranted. Abuse, theft or misuse of the containers is prohibited and shall be deemed a violation of this section subject to the penalties provided in Subsection E hereof.
- (C) Placement and Storage of Recycling Containers. Recycling containers shall be stored on the residential premises and may be placed at the curbside recycling location for collection only during the times specified in Section 20-301.

- (D) Recyclable Materials Defined; Removal for Scavenging Prohibited. The initial curbside recycling program will provide for the separation of metal, glass, newsprint and plastic from normal household refuse for placement in the recycling container and collection from the normal collection point on the regular designated pickup day. The Village may, from time to time, alter the kinds of materials to be separated from the household waste stream and include those materials in the recycling program. Residents will be notified of any change in the recyclable materials to be separated from household refuse. Once recyclable materials have been placed in or alongside the container and set at the curbside recycling location, recyclable materials become the property of the Village and the contract hauler, and it shall be unlawful for persons, firms or corporations to remove any recyclable materials.
- (E) Penalty. The penalty for violation of this Section 20-314 shall be not less than one hundred dollars (\$100.00) nor more than five hundred dollars (\$500), and each day during or on which a violation occurs or continues shall constitute a separate offense. (Ordinance 94-087, 07.26.94).

(Ordinance No. 89-74, 07.25.89)

ARTICLE 4 -- UNSECURED BUILDINGS

Section 20-401. NUISANCE DECLARED. Empty buildings which have doors, windows, or openings which provide access to its interior which may invite vandalism, vermin or create a health or safety hazard or contribute to the blighting condition of the neighborhood are hereby declared a nuisance. It shall be unlawful for any person to cause a nuisance as stated in the Article or to permit this nuisance to continue under his control or to fail to abate this nuisance after notification of recognition of its existence.

Section 20-402. DEFINITIONS. For the purpose of this Article, the following terms and phrases shall have the meanings therein;

(A) **EMPTY BUILDINGS.** Any residential, commercial or industrial building or structure which may or may not contain interior furnishings, which has been abandoned, vacated or left in an unattended condition.

(B) **SECURE.** To render entry impossible into any building or structure by unauthorized persons.

(C) **OWNER.** Any person, agent, firm or corporation having a legal or equitable interest in the property.

Section 20-403. FURTHER RESTRICTIONS. Nothing contained herein shall be construed as limiting those requirements of Federal or State laws, nor shall this conflict with any other provisions of the Bolingbrook Municipal Code which regulates more strictly any of the subjects of this Article.

Section 20-404. SECURING UNSECURED BUILDINGS. It shall be the responsibility of any owner, occupant, mortgagee, lessee or leasing agent of an unsecured building to secure it in a neat, workmanlike manner. This securing shall provide protection from the elements and prevent entry of people, insects, birds, animals, and shall provide security to contents of the building. Securing may be done by: replacing broken glass in doors and windows, installing locking devices, replacing damaged components, and/or covering openings with heavy-duty wire mesh, or plexiglass. All wire mesh shall be galvanized-coated and shall consist of 19 gauge wire minimum with grid space not to exceed 1/2". An equivalent wire mesh meeting or exceeding the foregoing specifications or other covering may be substituted upon approval of the Building Commissioner or his designated representative. (Ordinance No. 85-28, 5.14.85)

Section 20-405. NOTICE OF NUISANCE. It shall be the duty of the Director of Community Development or his designated representative to investigate any nuisance as defined in this Article and to serve notices

to the owners or occupants of the property, on which said nuisance exists to have said nuisance removed within twenty-four (24) hours from the time the notice of said nuisance has been given.

Section 20-406. ABATEMENT OF NUISANCE BY VILLAGE. Whenever an owner or occupant of property, where any aforementioned nuisance shall occur, fails to abate such nuisance as mentioned in this Article within twenty-four (24) hours after notification, the Director of Community Development or his designated representative may have same abated.

Section 20-407. BILLING FOR REMOVAL EXPENSE. Whenever the Village of Bolingbrook abates any nuisance occurring on said property of owner or occupant, the Village shall levy a fee for such expense, which shall be a charge against the owner so failing, and which may be recovered in an appropriate action of law.

Section 20-408. LIEN FOR REMOVAL EXPENSE. In addition to all other remedies provided by law, the Village may place a lien on the parcel of record where said nuisance exists. Such lien shall be superior to all other liens or encumbrances, except tax liens and except that such lien shall not be valid as to any mortgagee, judgment creditor or other lienor whose rights in and to such real estate exist prior to the filing of such notice.

Section 20-409. NOTICE OF LIENS. The Village shall file a notice of lien in the office of the Recorder of Deeds of the County in which such a lot or plot is located within sixty (60) days after such expense has incurred, which notice shall consist of:

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

(B) The amount of money representing the cost of expense incurred by the Village.

(C) The date or dates when such cost and expense was incurred by the Village.

Section 20-410. **RELEASE OF LIEN.** Upon payment of the cost and expense by the owner of, or persons interested in, said real estate after the Notice of Lien has been filed, the Village shall issue a release on such lien, filed on record in said Recorder's Office.

Section 20-411. **PENALTY.** The penalty for violation of any provision of this Article, unless otherwise provided, shall be not less than fifty dollars (\$50) nor more than five hundred dollars (\$500), and a separate offense shall be deemed to have been committed on each day during or on which a violation occurs or continues. (Ordinance No. 94-087, 07.26.94).

ARTICLE 5 -- JUNK OR ABANDONED MOTOR VEHICLES

Section 20-501. NUISANCES DECLARED - PROHIBITED. The following acts, conduct and conditions are hereby declared and defined to be nuisances, and when committed, performed or permitted to exist by any individual, firm, association or corporation within the territorial limits of the Village are hereby declared to be unlawful and prohibited.

(A) Any vehicle that has been left abandoned and unattended which may invite vandalism, vermin or create a health or safety hazard or contribute to the blighted condition of the neighborhood.

(B) The abandonment, parking, storage, or leaving of any licensed or unlicensed junk motor vehicle upon any private property or public property, within the Village of Bolingbrook, for a period in excess of five (5) days, unless such vehicle or part thereof, is completely enclosed within a building or garage in a lawful manner, where it is not plainly visible from the street or other public or private properties, or unless such vehicle is stored or parked in a lawful manner on private property in connection with the business of a licensed dismantler, licensed vehicle dealer or a junk yard. (Ordinance No. 86-69, 12.09.86)

Section 20-502. DEFINITIONS. The following definitions shall apply in the interpretation and enforcement of this Article:

(A) PERSON. Any person, firm, partnership, association, corporation, company or organization of any kind.

(B) VEHICLE. A machine propelled by power other than human power, designed to travel along the ground by use of wheels, treads, runners or slides and transport persons or property, or pull machinery and shall include, without limitations, automobiles, truck trailers, motorcycles, tractors and wagons.

(C) JUNK OR ABANDONED MOTOR VEHICLE. Any vehicle or part thereof, which is in an abandoned, wrecked, dismantled or unoperative condition.

(D) STREET OR HIGHWAY. The entire width between the boundary lines of every way publicly maintained when any part thereof is open to use of the public for purpose of vehicular travel.

(E) PROPERTY. Any real property within the Village of Bolingbrook or any Village property within or without the corporate limits which is not a street or highway.

(F) OWNER. Any person, agent, firm or corporation having a legal or equitable interest in the property.

Section 20-503. FURTHER RESTRICTIONS. Nothing contained herein shall be construed as limiting those requirements of Federal or State laws, nor shall this conflict with any other provisions of the Bolingbrook Municipal Code which regulates more strictly any of the subjects of this Article.

Section 20-504. ABATEMENT OF NUISANCE BY RESPONSIBLE OWNER. When any vehicle has been left unattended which may cause nuisance, it is the responsibility of the owner to remove such vehicle, cause to be towed, or enclosed in a garage of said owner.

Section 20-505. NOTICE OF IMPOUNDING. It shall be the duty of the Chief of Police or his designated representative to give notice of the intent to remove a vehicle causing said nuisance within five (5) days from the date of such notice. Such notice shall be given by: (Ordinance No. 86-69, 12.09.86)

- (1) Affixing notice on such vehicle; or
- (2) Sending notice by mail to the owner of such vehicle at his last known address, if the owner is reasonably ascertainable; or
- (3) Sending notice by mail to the person owning or controlling the property on which such vehicle is located.

Section 20-506. ABATEMENT OF NUISANCES BY VILLAGE - IMPOUNDMENT OF VEHICLES AND DISPOSAL OF UNCLAIMED VEHICLES.

(A) IMPOUNDMENT OF VEHICLES. In abating the aforementioned nuisances, it may be necessary to impound such vehicle causing said nuisance.

- (1) AUTHORIZATION TO IMPOUND. The Chief of Police or his designee is authorized to remove or have removed any vehicle left at any place within the Village or on any Village property within or without the corporate limits which reasonably appears to be in violation of this Article, or to be lost, stolen, or unclaimed. Such vehicle shall be impounded until lawfully claimed or disposed of in accordance with the statutes of the State of Illinois and the provisions of this Article.

(2) ENTERING ON PRIVATE PROPERTY. The Chief of Police or his designee, may enter upon private property at all reasonable hours for the purpose of inspecting such vehicle, posting notice thereon, and removing and impounding such vehicle, and it shall be unlawful for any person to prevent the Chief of Police or his designated representative from entering on private property for the purpose of carrying out his duties hereunder or to interfere with him in the lawful performance of his duties under the provisions of this Article.

(3) AUTHORIZATION TO TOW AND STORE. The Chief of Police or his designated representative may tow, or cause to be towed, any vehicle abandoned, parked, or otherwise kept in violation of the provisions of this Article, to a suitable storage area.

(B) DISPOSAL OF UNCLAIMED VEHICLES. In abating the aforementioned nuisance, it may be necessary for the Village to dispose of such vehicle causing said nuisance.

(1) RECORD SEARCHES. When the Police Department does not know the identity of the registered owner or other legally entitled person, the Chief of Police will cause the vehicle registration records of the State of Illinois to be searched by the Secretary of State for the purpose of obtaining the required ownership information. The Chief of Police will cause the stolen motor vehicle files of the State Police to be searched by a directed communication to the State Police for stolen or wanted information on the vehicle. When the State Police files are searched with negative results, the information contained in the National Crime Information Center (NCIC) files will be searched by the State Police. The information determined from these record searches will be returned to the Police Department for the Department's use in sending a notification by certified mail to the owner or legally entitled person advising where the vehicle is held, requesting a disposition be made and setting forth public sale information. Exceptions to a notification by certified mail to the registered owner or other legally entitled person are set forth in Paragraph (5) of this Section.

(2) IDENTIFYING AND TRACING OF VEHICLE OWNERSHIP BY ILLINOIS STATE POLICE. When the registered owner or other person legally entitled to the possession of a vehicle cannot be identified from the registration files of this State or from the registration files of a foreign state, if applicable, the Police Department shall notify the State Police, for the purpose of identifying the vehicle owner or other person legally entitled to the possession of the vehicle. The information obtained by the State Police will be immediately forwarded to the Police Department for notification of owner purposes as set forth in Paragraph A of this Section.

(3) RECLAIMED VEHICLES - EXPENSES. Any time before a vehicle is sold at public sale or disposed of as provided in Paragraph C, the owner or other person legally entitled to this possession may reclaim the vehicle by presenting to the Police Department proof of

ownership or proof of the right of possession of the vehicle. No vehicle shall be released to the owner or other person under this Section until all towing and storage charges have been paid.

(4) DISPOSAL OF UNCLAIMED VEHICLES. When an abandoned, lost, stolen or unclaimed vehicle seven (7) years of age or newer remains unclaimed by the registered owner or other person legally entitled to its possession for a period of thirty (30) days after notice has been given as provided in Paragraph 1 and 2 of this Section, the Police Department or towing service having possession of the vehicle shall cause it to be sold at public sale to the highest bidder. Notice of the time and place of the sale shall be posted in a conspicuous place for at least ten (10) days prior to the sale on the premises where the vehicle is impounded. At least 10 days prior to the sale, the Police Department or the towing service where the vehicle is impounded, shall cause to notice of the time and place of the sale to be sent by certified mail to the registered owner or other person known by the Police Department or towing service to be legally entitled to the possession of the vehicle. Such notice shall contain a complete description of the vehicle to be sold and what steps must be taken by the legally entitled person to reclaim the vehicle.

In those instances where the certified notification specified in Paragraph 1 and 2 of this Section has been returned by the postal authorities to the law enforcement agency or towing service due the addressee having moved, or being unknown at the address obtained from the registration records of this State, the sending of a second certified notice will not be required.

(5) DISPOSAL OF UNCLAIMED VEHICLES WITHOUT NOTICE.

(a) When the identity of the registered owner or other person legally entitled to the possession of an abandoned, lost, or unclaimed vehicle of four (4) years of age or newer cannot be determined by any means provided for in this Section, the vehicle may be sold as provided in Paragraph 4 without notice to the registered owner or other person legally entitled to the possession of the vehicle.

(b) When an abandoned vehicle of more than seven (7) years of age is impounded as specified by this Section, it will be kept in custody for a minimum of ten (10) days for the purpose of determining ownership, the contacting of registered owner by

the U.S. Mail, public service or in person for a determination of disposition; and, an examination of the State Police stolen vehicle files for theft and wanted information. At the expiration of the ten (10) day period, without the benefit of disposition information being received from the registered owner, the Police Department will authorize the disposal of the vehicle as junk only.

(c) A vehicle classified as an antique vehicle may however be sold to a person desiring to restore it.

(6) POLICE REPORTS AFTER VEHICLE IS RECLAIMED OR DISPOSED OF.

When a vehicle in the custody of the Police Department is reclaimed by the registered owner or other legally entitled person, or when the vehicle is sold at public sale or otherwise disposed of as provided in this Section, a report of the transaction will be maintained by the Police Department for a period of one (1) year from the date of the sale or disposal.

(7) DISPOSITION OF PROCEEDS OF SALE OF UNCLAIMED VEHICLES. When a vehicle located within the corporate limits of the Village is authorized to be towed away by the Police Department and disposed of as set forth in this Section, the proceeds of the public sale or disposition after the deduction of towing, storage and processing charges shall be deposited in the treasury of the Village. A law enforcement officer or the Police Department, towing service owner, operator or employee shall not be held to answer or be liable for damages in any action brought by the registered owner, former registered owner or his legal representative, or any other person legally entitled to the possession of a vehicle when the vehicle was processed and sold or disposed of as provided by this Section.

Section 20-507. PAYMENT OF EXPENSES OF IMPOUNDMENT. The owner of, or person abandoning, parking, or otherwise keeping a vehicle in violation of the provisions of this Article, which is impounded under the provisions of this Article, shall be charged a fee in a sum sufficient to cover the charges and expenses of impoundment.

Section 20-508. LIEN FOR REMOVAL EXPENSE. In addition to all other remedies provided by law, the Village may place a lien on the parcel of record where said nuisance exists. Such lien shall be superior to all other liens or encumbrances, except tax lien and except that such lien shall not be valid as to any mortgagee, judgment creditor or other lienor whose rights in and to such real estate exist prior to the filing of such notice.

Section 20-509. NOTICE OF LIENS. The Village shall file a notice of lien in the office of the Recorder of Deeds of the County in which such lot or plot is located within sixty (60) days after such expense has incurred which notice shall consist of:

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

(B) The amount of money representing the cost and expense incurred by the Village.

(C) The date or dates when such cost and expense was incurred by the Village.

Section 20-510. RELEASE OF LIEN. Upon payment of the cost and expense by the owner of, or persons interested in, said real estate after the Notice of Lien has been filed, the Village shall issue a release on such lien, which may be filed on record in said Recorder's Office.

Section 20-511. PENALTY. Any person, firm, or corporation violating any of the provisions of this Article shall be fined not less than Fifty Dollars (\$50) nor more than Five Hundred Dollars (\$500) for each offense, and a separate offense shall be deemed to have been committed on each day during or on which a violation occurs or continues.

ARTICLE 6 -- DEPOSIT OF FECAL MATTER

Section 20-601. NUISANCES DECLARED. The deposit of fecal matter as mentioned in this Article is hereby declared a nuisance to the health, safety and welfare of the citizens of Bolingbrook. It shall be unlawful for any person to cause a nuisance as stated in this Article or to permit the following nuisances to continue under his control or to fail to abate this nuisance after notification or recognition of its existence as stated herein:

(A) DEFECATION IN PUBLIC PLACES. No person who owns, possesses or controls an animal shall permit such animal to defecate in any public place, including, but not limited to any street, alley, sidewalk, park, parkway, school premises, office building or common ground areas of condominiums and townhouse unit which is used in common by the tenants thereof; or upon the fences, lawns, grounds, or parkways of any premises, or the walls or stairways of any building abutting on a public way; or upon the floor of any theater, store, factory or school, or any public rooms or places therewith connected, or upon any school grounds or public park grounds, or the public grounds of any hotel, motel or lodging house which is used in common by the guests thereof, unless such person shall immediately thereafter remove the fecal matter resulting from such defecation and place such matter in an enclosed container, such as, but not limited to, a plastic or paper bag, and remove it.

(B) DEFECATION IN PRIVATE PLACES. No person who owns, possesses or controls an animal shall permit such animal to defecate in a private place as may cause harm, injury, or health hazard to persons visiting or residing on such property.

(C) DEPOSIT OF FECAL MATTER. No person shall leave or deposit fecal matter, whether or not it is in an enclosed container, in any basket or other public receptacle, sewer or drain; and no person shall leave or deposit fecal matter in any metal can or other receptacle provided and maintained by the owner or tenant of any property unless the fecal matter is in an enclosed container and such person is so authorized by the owner of such receptacle.

Section 20-602. DEFINITION. For the purpose of this Article, the following terms and phrases shall have the meanings given therein:

(A) Animal Feces or Fecal Matter - Any waste matter expelled from the bowels of any animal; animal excrement.

(B) Owner. Any person, agent, firm or corporation having a legal or equitable interest in the property.

Section 20-603. FURTHER RESTRICTIONS. Nothing contained herein shall be construed as limiting those requirements of Federal or State laws, nor shall this conflict with any other provisions of the Bolingbrook Municipal Code which regulates more strictly any of the subjects of this Article.

Section 20-604. ABATEMENT BY RESPONSIBLE OWNER OR OCCUPANT. Whenever any nuisance exists as stated in this Article, it shall be the responsibility of the owner or occupant of the property where said nuisance exists to abate such nuisance.

Section 20-605. NOTICE OF NUISANCE. It shall be the duty of the Animal Control Officer to investigate any nuisance as defined in this Article and to serve notices to the owners or occupants of the property on which said nuisance exists.

Section 20-606. ABATEMENT OF NUISANCES BY VILLAGE. Whenever an owner or occupant of property where aforementioned nuisance shall occur fails to abate such nuisance as mentioned in this Article within 24 hours after notification by the Animal Control Officer, the Village may have same abated.

Section 20-607. BILLING FOR REMOVAL EXPENSE. Whenever the Village of Bolingbrook may abate a specific nuisance as stated in this Article occurring on said property of owner or occupant, the Village shall levy a fee for such expense, which shall be a charge against the owner so failing, and which may be recorded in an appropriate action of law.

Section 20-608. LIEN FOR REMOVAL EXPENSE. In addition to all other remedies provided by law, the Village may place a lien on the parcel of record where said nuisance exists. Such lien shall be superior to all other liens or encumbrances, except tax liens and except that such lien shall not be valid as to any mortgagee, judgment creditor or other lienor whose rights in and to such real estate exist prior to the filing of such notice.

Section 20-609. NOTICE OF LIENS. The Village shall file a notice of lien in the office of the Recorder of Deeds of the County in which said parcel of record is located within sixty (60) days after such expense has incurred consisting of:

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

(B) The amount of money representing the cost and expense incurred by the Village.

(C) The date or dates when such cost and expense was incurred by the Village.

Section 20-610. **RELEASE OF LIENS.** Upon payment of the cost and expense by the owner of, or persons interested in, said real estate after the Notice of Lien has been filed, the Village shall issue a release on such lien, which may be filed on record in said Recorder's Office.

Section 20-611. **PENALTY.** Any person convicted of a violation of this Article shall be fined not less than Fifty Dollars (\$50) nor more than Five Hundred Dollars (\$500) for each offense, and a separate offense shall be deemed to have been committed on each day during or on which a violation occurs or continues.

ARTICLE 7 --SMOKING IN PUBLIC PLACES

(Entire Article 7 originally adopted by Ordinance 90-21, 02.27.90)

(Changed in its entirety by Ordinance 07-139, 12.18.07)

Section 20-701. SMOKING PROHIBITED IN PUBLIC PLACES PROHIBITED.

- (A) In accordance with the terms and provisions of the Smoke Free Illinois Act (410 ILCS 82.1 *et seq.*), as now existing or hereafter amended, which Act is adopted by reference herein, smoking in public places or places of employment within the Village is hereby prohibited.

- (B) A person who smokes in an area where smoking is prohibited under this Section shall be fined in an amount that is not less than one hundred dollars (\$100.00) nor more than two hundred fifty dollars (\$250.00). A person who owns, operates or otherwise controls a public place or place of employment that violates the provisions of this Section shall be fined not less than two hundred fifty dollars (\$250.00) nor more than five hundred dollars (\$500.00) for the first offense, not less than five hundred dollars (\$500.00) for a second offense, and not less than two thousand five hundred dollars (\$2,500.00) for each subsequent offense occurring within one (1) year from the date of the first offense.

ARTICLE 8 -- HAZARDOUS SUBSTANCE INCIDENT EXPENSE RECOVERY

(Ordinance 93-135, 10.26.93)

Section 20-801. DEFINITIONS. For the purposes of this Article, the following definitions shall apply:

- (A) "Combustible" means any substance having a flashpoint between 100 and 200 degrees Fahrenheit.
- (B) "Corrosive" means any substance that causes visible destruction of, or irreversible alterations to, living tissue by chemical action at the point of contact.
- (C) "Discharge" means the release of any hazardous substance into the air, onto the ground, or into water without an appropriate state and/or federal permit which would permit such discharge.
- (D) "Flammable" means any substance having a flashpoint below 100 degrees Fahrenheit.
- (E) "Hazardous substance" means any substance or mixture of substances which is toxic, corrosive, an irritant, strong sensitizer, flammable, combustible, or which generates pressure through decomposition, heat or other means, and which may cause substantial personal injury or illness during or as a proximate result of any customary or reasonably anticipated handling or use, including reasonably foreseeable ingestion, including radioactive materials.
- (F) "Irritant" means any substance, not corrosive, which, on immediate, prolonged, or repeated contact with living tissue, will induce local inflammatory reaction.
- (G) "Radioactive material" means any substance which emits ionizing radiation.
- (H) "Responsible parties" means (1) the owner of the hazardous substance; (2) the owner of the containment vessel in which the hazardous substance was stored; and (3) the lessees, agents or assigns of the persons listed in (H) (1) and (2) who had custody or control of the hazardous substance or its containment vessel.
- (I) "Strong sensitizer" means any substance which will cause, on normal living tissue through an allergic or photodynamic process, a hypersensitivity which becomes evident.

- (J) "Toxic" means any substance which has the capacity to produce bodily injury or illness to humans through ingestion, inhalation, or absorption through any body surface.
- (K) "Unrecovered costs" means the total cost incurred by the Village for operation, maintenance, and additional staffing necessitated by a hazardous substance discharge incident, including, but not limited to, replacement of specialized equipment or supplies required to mitigate the emergency, and may include any extraordinary damage to equipment caused by the incident, which costs are not otherwise recoverable through federal or state agencies. In addition, unrecovered costs shall include any costs incurred for the use of equipment or manpower through existing or future mutual aid agreements, any and all legal expenses resulting from the discharge, and any other related costs incurred by the Village.

Section 20-802. VIOLATION. It shall be a nuisance and a violation of this Article for any person, corporation or other entity using, storing, transporting, or causing to be used, stored, or transported any hazardous substance to, in any manner, discharge or allow to be discharged any hazardous substance into the surrounding environment.

Section 20-803. REMOVAL OF HAZARD/COST RECOVERY.

- (A) It shall be the obligation of the responsible parties to secure a licensed hazardous cleanup contractor to remove and dispose of hazardous material which has been discharged. Said contractor shall respond not later than four hours after the occurrence of the discharge of such hazardous substance. If a cleanup contractor is not secured within said four-hour period, the Village may (1) secure such contractor at the expense of the responsible parties or (2) utilize Village personnel and equipment for the cleanup at the expense of the responsible parties; or (3) utilize a combination of (A) (1) and (A) (2) at the expense of the responsible parties.
- (B) The costs shall be repayed at the actual replacement costs of materials and services in effect at the time of the incident. The Village or its Fire Department shall prepare and forward to the responsible parties a bill for the total costs and expenses incurred. Payment of the total bill shall be made within thirty (30) days of receipt. Any bill or portion of a bill remaining unpaid after thirty (30) days of receipt shall accrue interest on the unpaid balance at the rate of one and one half percent (1-1/2%) per month, or fraction of a month. The Village shall retain the right to bill for additional costs not yet realized at the time of the initial billing, including but not limited to any legal expenses incurred by the Village in defense of litigation resulting from the incident.

Section 20-804. RECOVERED COSTS. All sums recovered and paid over to the Village shall be deposited in a separate fund to be used solely by the Bolingbrook Fire Department for repayment of incurred costs, repair or replacement of hazardous materials cleanup equipment, and hazardous materials incident training.

Section 20-805. VILLAGE LIABILITY. The Village, its officers, agents or employees shall not have any liability or responsibility for any claim, injury, or damage of any kind resulting from a hazardous material incident to which the Village or any of its departments, officers, agents, or employees respond.

Section 20-806. PENALTY. Any person violating any of the provisions of this Article upon conviction thereof shall be punished by a fine of not less than five hundred dollars (\$500.00) nor more than five thousand dollars (\$5,000.00), and each day on which such violation occurs or continues shall constitute a separate and distinct offense. (Ordinance 93-136, 11.09.93)