

Title 8

HEALTH AND SAFETY

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Chapter 8.04

ALARM SYSTEMS

Sections:

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Section 8.04.010 **Definitions.**

For the purpose of this chapter, unless context clearly indicates otherwise, the following words and terms are defined as follows:

"Alarm signal panel" means the panel in the Police Department or Fire Department wherein alarm systems terminate for transmitting alarms to City personnel.

"Alarm system" means the assembly of equipment and devices or a single device, such as a solid-state unit, which uses electrical energy to signal the presence of a hazard requiring urgent attention and to which the Police Department or Fire Department is expected to respond.

"Automatic dialing device" means an alarm system which automatically sends over regular telephone lines a prerecorded voice message to a telephone number selected in advance indicating the existence of the emergency situation that the alarm system is designed to detect. (Ord. 86-41 § 1)

Section 8.04.020 **Alarm systems transmitted to an alarm signal panel.**

A. No alarm system shall be installed, maintained or operated so as to directly transmit an alarm to an alarm signal panel at the Police Department or Fire Department without the approval of the Police Chief or Fire Chief, respectively.

B. Any alarm system so installed or operated as to communicate an alarm to an alarm signal panel shall be maintained in good working order. It shall be the responsibility of the alarm system owner to notify the necessary alarm system installer or repair service for the necessary inspections and maintenance.

C. Every alarm user of an alarm system so installed and operated shall provide the Police Department or Fire Department, as the case may be, and keep currently up-to-date names and telephone numbers of persons who are authorized and readily available to assist at the premises or facility at any time an alarm is transmitted therefrom.

D. The premises or facility containing an alarm system transmitting to an alarm signal panel at the Police Department must be located within the corporate limits of the City of Olney.

E. The premises or facility containing an alarm system transmitting to an alarm signal panel at the Fire Department must be located within the corporate limits of the City of Olney or the Olney Township Fire Protection District. (Ord. 86-41 § 2)

Section 8.04.030 **Automatic dialing devices and prerecorded systems.**

A. Any telephone device or telephone attachment or mechanical device using telephone lines that automatically selects a public primary telephone trunk line of the City or its Police or Fire Department

and then reproduces any prerecorded message to report any burglary, fire or other emergency shall be permitted if all of the following conditions are met:

1. The premises or facility to which the prerecorded message concerns must be within the corporate limits of the City of Olney if the Police Department receives the telephone call and must be within the corporate limits of the City of Olney or the Olney Township Fire Protection District if the Fire Department receives the telephone call.

2. The system must cancel its transmission after the Police Department or Fire Department receives the emergency message.

3. The Police Department or Fire Department, as the case may be, must be provided up-to-date names and telephone numbers of persons who are authorized and readily available to assist at the premises or facility at any time an alarm is transmitted therefrom.

4. The system must automatically dial a business telephone number of the Police Department or Fire Department, as the case may be, and shall not automatically dial any emergency telephone number of said departments.

B. Any automatic dialing device and prerecorded system which satisfies the foregoing requirements shall be subject to the response charges provided in Section 8.04.050.

C. Failure to comply with any one or more of subsections (A)(2), (3) and (4) of this section within fifteen (15) days after receiving written notice of said deficiency shall result in termination of fire and/or police responses to the premises or facility when notified by said system. No fire or police response will be made to any premises or facility not complying with subsection (A)(1) of this section.

D. Automatic dialing devices and other electronic communications devices shall not be permitted to access any 9-1-1 emergency number implemented by the Richland County Emergency Telephone System Board without the written consent of the Board. (Ord. 98-130 § 8; Ord. 89-14 § 1; Ord. 86-41 § 3)

Section 8.04.040 Testing.

No alarm system designed to transmit emergency messages directly to an alarm signal panel or automatic dialing device using prerecorded systems shall be tested or demonstrated without first notifying the Police Department and/or Fire Department, as the case may be. (Ord. 86-41 § 4)

Section 8.04.050 Response charges.

A. Response Charges for Police Response to Alarms. There shall be no fee for the first six police responses to alarms received by the Police Department through the alarm signal panel or an automatic dialing device. A response charge of thirty dollars (\$30.00) shall be charged for each additional police response to alarms received through the alarm signal panel or an automatic dialing device in any calendar year.

B. Response Charges for Fire Response to Alarms. There shall be no fee for the first three fire responses to alarms received by the Fire Department through the alarm signal panel or an automatic dialing device. A response charge of one hundred dollars (\$100.00) shall be charged for each additional fire response to alarms received through the alarm signal panel or an automatic dialing device in any calendar year.

C. A response is deemed made when a vehicle is dispatched to the location of the alarm and the vehicle proceeds toward its destination.

D. Only one response charge shall be made in any twenty-four (24) hour period.

E. No charge is imposed by this chapter when the choice is made to notify the Police and/or Fire Department of any situation directly by person. The charge imposed by this chapter is imposed solely when the choice is made to employ an alarm system or automatic dialing device. If the Police Chief or Fire Chief is notified of the date of installation of a new alarm system or automatic dialing device, the charge imposed by this section is waived for a thirty (30) day period beginning with the date of installation. (Ord. 86-41 § 5)

Section 8.04.060 Termination of direct connection.

If any alarm user fails to reasonably and promptly pay a response charge within thirty (30) days after being billed for the same, all alarm systems of the alarm user shall be disconnected from the alarm signal panel after receiving fifteen (15) days' written notice of disconnection. After receiving fifteen (15) days' written notice, fire or police response to the premises when notified by an automatic dialing device may be terminated. In addition thereto, said charge may be recovered by appropriate legal action. (Ord. 86-41 § 6)

Section 8.04.070 Administration.

The City Manager is authorized to promulgate and publish such reasonable rules and regulations, not in conflict with the provisions hereof, as may be deemed by him or her to be necessary or desirable to administer said provisions and to carry out the purposes thereof. The City Manager is authorized to waive any response charges imposed herein when, in his or her discretion, sufficient evidence indicates that an act of God or interference or interruption with telephone lines caused the alarm. (Ord. 86-41 § 7)

Chapter 8.08

FIRE CODE

Sections:

- 8.08.010 Adoption of fire code.
- 8.08.020 Additions, insertions, deletions and changes.
- 8.08.030 Establishment of limits.
- 8.08.040 Violation--Penalty.
- 8.08.050 Copy for inspection.
- 8.08.060 Savings clause.
- 8.08.070 Open burning.

Section 8.08.010 Adoption of fire code.

A certain document, one (1) copy of which is on file in the Office of the City Clerk of the City of Olney, being marked and designated as the *International Fire Code*, 2006 edition, as published by the International Code Council, be and is hereby adopted as the Fire Code of the City of Olney, in the State of Illinois, pursuant to Illinois Compiled Statutes, Chapter 65, Section 5/1-3-2, for regulating and governing the safeguarding of life and property from fire and explosion hazards arising from the storage, handling and use of hazardous substances, materials and devices, and from conditions hazardous to life or property in the occupancy of buildings and premises as herein provided; providing for the issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, penalties, conditions and terms of said Fire Code on file in the Office of the City Clerk of the City of Olney are hereby referred to, adopted, and made a part hereof, as if fully set out in this Chapter, with the additions, insertions, deletions and changes, if any, prescribed in Section 8.08.020. (Ord. 06-38 § 2: 98-145 § 1)

Section 8.08.020 Additions, insertions, deletions and changes.

The *International Fire Code*, 2006 edition, is hereby revised as follows:

A. Insertions.

1. Section 101.1. Insert: the City of Olney

B. Deletions.

1. Delete Sections 109.3 and 111.4.
2. Delete Section 105 (Permits), including Sections 105.1 through 105.7.13.
3. Delete Sections 3404.2.9.1 through 3404.2.9.6.10.

C. Changes.

1. Section 102.6 (Referenced codes and standards) is amended to read as follows:

102.6 Referenced codes and standards. The codes and standards referenced in this code shall be those that are listed in Chapter 45 and such codes and standards shall be considered as part of the requirements of this code to the prescribed extent of each such reference. Where differences occur between the provisions of this code and the referenced standards, the provisions of this code shall apply.

1. The provisions of the *NFPA 70, National Electrical Code*, 2005 edition, shall apply to the installation of electrical systems, including alterations, repairs, replacement, equipment, appliances, fixtures, fittings and appurtenances thereto. Whenever the *ICC Electrical Code* is referenced, insert: “the *NFPA 70, National Electrical Code*, 2005 edition, published by the National Fire Protection Association,” in its place and stead.

2. The provisions of the *Illinois Plumbing Code*, February 2004 edition, shall apply to the installation, alteration, repair and replacement of plumbing systems, including equipment, appliances, fixtures, fittings and appurtenances, and where connected to a water or sewage system and all aspects of a

medical gas system. The provisions of the *Illinois Private Sewage Disposal Code* shall apply to private sewage disposal systems. Whenever the *International Plumbing Code* is referenced, insert: “the *Illinois Plumbing Code*, February 2004 edition, published by the Illinois Department of Public Health, as amended from time to time,” in its place and stead.

2. Section 3308.11 (Retail display and sale) is amended to read as follows:

3308.11 Retail display and sale. Fireworks displayed for retail sale shall not be made readily accessible to the public. A minimum of one pressurized-water portable fire extinguisher complying with Section 906 shall be located not more than 15 feet (4572 mm) and not less than 10 feet (3048 mm) from the hazard. “No Smoking” signs complying with Section 310 shall be conspicuously posted in areas where fireworks are stored or displayed for retail sale. Fireworks shall be sold only from permanent buildings or structures.

3. Section 3404.2.9 (Above-ground tanks) is amended to read as follows:

3404.2.9 Above-ground tanks. Above-ground storage tanks for storage of combustible or flammable liquid shall be prohibited except as specifically permitted by rules and regulations promulgated by the Office of the State Fire Marshal in Title 41 (Fire Protection) of the Illinois Administrative Code, Chapter I (Office of the State Fire Marshal), Part 160 (Storage, Transportation, Sale, and Use of Gasoline and Volatile Oils: Rules and Regulations Relating to General Storage) and Part 180 (Storage, Transportation, Sale and Use of Gasoline and Volatile Oils), as amended from time to time. (06-38 § 3: Ord. 98-145 § 2)

Section 8.08.030 Establishment of limits.

The geographic limits referred to in Sections 3204.3.1.1, 3404.2.9.5.1, 3406.2.4.4, and 3804.2 of the 2006 *International Fire Code* are hereby established as follows: All zoning districts in which the storage of the respective cryogenic fluids, flammable and combustible liquids, and liquefied petroleum gases are prohibited pursuant to Title 17 (Zoning) of the City of Olney Municipal Code, as amended from time to time. (Ord. 06-38 § 4: Ord. 98-145 § 3)

Section 8.08.040 Violation--Penalty.

1. Violation Penalties. Any person who shall violate a provision of the *International Fire Code*, 2006 edition, as incorporated herein, or shall fail to comply with any of the requirements thereof or who shall erect, install, alter, repair, or do work in violation of the approved construction documents or directive of the Code Official, or of a permit or certificate used under provisions of the *International Fire Code*, 2006 edition, as incorporated herein, shall, upon conviction thereof, be subject to a fine of not less than Seventy-Five Dollars (\$75.00) nor more than Seven Hundred Fifty Dollars (\$750.00), plus costs. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

2. Failure to Comply. Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable for a fine of not less than Seventy-Five Dollars (\$75.00) nor more than Seven Hundred Fifty Dollars (\$750.00), plus costs. (Editorially amended pursuant to Ord. 2014-20 & § 1.08.030: Ord. 06-38 § 5: Ord. 98-145 § 4)

Section 8.08.050 Copy for inspection.

The City Clerk of the City of Olney is hereby directed to keep at least one (1) copy of the adopted *International Fire Code*, 2006 edition, on file in the Office of the City Clerk for public use, inspection, and examination. (Ord. 06-38 § 6: Ord. 98-145 § 5)

Section 8.08.060 Savings clause.

Nothing in this Chapter or in the *International Fire Code*, 2006 edition, hereby adopted shall be construed to affect any suit or proceeding pending in any court, or any rights acquired, or liability

incurred, or any cause or causes of action acquired or existing, under this Chapter prior to the effective date of the ordinance codified in this Chapter, nor shall any just or legal right or remedy of any character be lost, impaired, or affected by this Chapter. (Ord. 06-38 § 7: Ord. 98-145 § 7)

Section 8.08.070 Open burning.

A. It is unlawful to burn waste paper, garbage, grass, leaves, wood, construction or demolition debris, or other materials of a combustible nature in the open within the City, except as expressly permitted in this Section.

B. (Reserved.)

C. It shall be unlawful to burn wood within the City, except under the following conditions:

1. Wood fires in fireplaces, stoves, heaters, furnaces, and incinerators safely designed, constructed and installed for such purposes and complying with all applicable laws, ordinances, regulations, and building codes shall be permitted.

2. Recreational fires (i.e., fires used to entertain or cook) shall be permitted within the City, subject to the following conditions:

a. Only sticks, limbs, logs, or charcoal shall be burned in recreational fires. No grass or leaves shall be permitted.

b. No recreational fires shall be burned during periods of high wind or extreme drought.

c. Recreational fires may not exceed an area dimension of six (6) feet by six (6) feet. The height of the flames shall not exceed five (5) feet above the ground.

d. Recreational fires must be attended by a responsible party at all times during the course of the burning. A water source must be readily available.

e. Recreational fires must be fully extinguished prior to leaving the site of the fire and by the end of the time period provided to the fire department. Recreational fires shall also be extinguished immediately upon direction of police or fire personnel.

3. It is not the intent of this Section to prohibit the use of outdoor fireplaces, barbecue pits, or grills, provided such use creates no fire hazard.

D. Notwithstanding any provisions in this Section, it shall be unlawful for any person to burn any combustible materials of any kind in the open during any burn ban imposed by the Mayor or Fire Chief of the City of Olney.

E. Whoever violates any provision of this section shall be fined not less than seventy-five dollars (\$75.00) nor more than seven hundred fifty dollars (\$750.00) for each offense. A separate offense shall be deemed committed on each day during which a violation occurs or continues. (Editorially amended pursuant to Ord. 2014-20 & § 1.08.030: Ord. 12-47 § 1: Ord. 12-35 § 1: Ord. 11-28 § 1: Ord. 00-49 § 1: Editorially amended during 1999 codification; Ord. 77-43 §§ 3, 4: prior code §§ 92.05, 92.99 (part))

Chapter 8.12

FIRE PROTECTION SPRINKLER SYSTEMS

Sections:

8.12.010 Sprinkler system connected to City water system.

8.12.020 Violation--Penalty.

Section 8.12.010 Sprinkler system connected to City water system.

Each sprinkler system installed for fire protection shall be connected with the City water system and be unmetered. No connection shall be made to the sprinkler system. (Prior code § 92.10)

Section 8.12.020 Violation--Penalty.

Whoever violates any provision of Section 8.12.010 shall be fined not less than seventy-five dollars (\$75.00) nor more than seven hundred fifty dollars (\$750.00) for each offense. A separate offense shall be deemed committed on each day during or on which a violation occurs or continues. (Editorially amended pursuant to Ord. 2014-20 & § 1.08.030: Editorially amended during 1999 codification; prior code § 92.99 (part))

Chapter 8.16

GARBAGE COLLECTION AND DISPOSAL

Sections:

8.16.010	Definitions.
8.16.020	Keeping refuse and garbage prohibited--Nuisance.
8.16.030	Wind-blown refuse prohibited.
8.16.040	Notice of violation.
8.16.050	Abatement of nuisance.
8.16.060	Garbage collection service.
8.16.070	Garbage disposal required.
8.16.080	Collection containers.
8.16.090	Wet garbage.
8.16.100	Collection conditions.
8.16.110	Rates for garbage collection.
8.16.120	Repealed by Ord. 2006-08A, Sec. 11
8.16.130	Violation--Penalty.
8.16.140	Landscape Waste Facility.
8.16.150	Curbside Recycling Program.

Section 8.16.010 Definitions.

As used in this chapter the following words shall have the meanings ascribed to them:

"Ashes" means residue from fires used for cooking and for heating buildings.

"Garbage" means wastes resulting from the handling, preparation, cooking and consumption of food; wastes from the handling, storage and sale of produce.

"Manure" means all excrement of all domestic animals and fowls, stable bedding and all hay, straw, shavings, grass, weeds or leaves which have been used for stable bedding.

"Refuse" means combustible trash, including, but not limited to, paper, cartons, boxes, barrels, wood, excelsior, tree branches, yard trimmings, wood furniture, bedding; noncombustible trash, including, but not limited to, metals, tin cans, metal furniture, dirt, small quantities of rock and pieces of concrete, glass, crockery, other mineral waste; street rubbish, including, but not limited to, street sweepings, dirt, leaves, catch-basin dirt, contents of litter receptacles; but refuse does not mean earth and wastes from building operations, nor shall it include solid wastes resulting from industrial processes and manufacturing operations such as food processing wastes, boiler-house cinders, lumber, scraps and shavings. (Ord. 98-34 § 1: prior code § 94.01)

Section 8.16.020 Keeping refuse and garbage prohibited--Nuisance.

A. It is unlawful for any person, or corporation to place, or permit to remain anywhere in the City, any refuse.

B. It is also unlawful for any person, firm or corporation to place, or permit to remain anywhere in the City, any garbage or other material subject to decay other than leaves or grass, excepting in a tightly covered metal container.

C. Any such refuse, garbage or manure in the City is declared to be a nuisance.

D. It is unlawful for any person to place, cause to be placed or in any manner put leaves, grass, garbage, refuse or other debris in any drainage ditch, except as otherwise expressly permitted for burning when burning is permitted, opening to the storm sewer, or in any public street. (Ord. 80-14 § 1; prior code § 94.02)

Section 8.16.030 Wind-blown refuse prohibited.

It is unlawful for any person, firm or corporation to cause or permit to accumulate any dust, ashes or trash of such a material that it can be blown away by the wind anywhere in the City excepting in a covered container. (Prior code § 94.03)

Section 8.16.040 Notice of violation.

It shall be the duty of the Code Enforcement Officer of the City serve, or cause to be served, a notice upon the owner or occupant of any premises on which such garbage or refuse is located in violation of the provisions of this chapter and to demand the abatement of such nuisance within seven days. (Ord. 98-26 § 1 (part): prior code § 94.04)

Section 8.16.050 Abatement of nuisance.

If the person, firm or corporation so served does not abate the nuisance within seven days, the Code Enforcement Officer of the City is authorized to abate any such nuisance existing in the City, keeping an account of the expense of the abatement, and such expense shall be charged and paid by such owner or occupant. (Ord. 98-26 § 1 (part): prior code § 94.05)

Section 8.16.060 Garbage collection service.

A. License Required. No person, firm, partnership, corporation or association shall for hire or reward collect or transport any garbage, refuse, or commercial or industrial waste within the City limits of the City of Olney without first having obtained a license therefor as hereafter provided.

B. Application. Application for such license shall be made in writing to the Clerk and shall include the address from which such business shall be conducted and shall be signed by the owner of said business. The application shall state the make, model and year, and license number for each motor vehicle to be used by the applicant hereunder. The application shall also include a copy of a contract or other document assuring the City that the garbage, refuse, and commercial and industrial waste will be disposed of in accordance with the rules and regulations of the Illinois Environmental Protection Agency. No license shall be granted until the applicant shall pay the fee and present a certificate or policy of liability insurance as hereafter required to the Clerk.

C. Permit Fees. Every person who shall for hire or reward engage in the business of collecting or transporting garbage, refuse, or commercial or industrial waste or shall offer such service to the public shall pay a license fee of thirty dollars (\$30.00) per year or any fractional part thereof for each truck operated in such business. The license year shall commence on April 1st and end on March 31st of each year. No license issued pursuant to this section shall be transferable.

D. Approval. Upon filing with the Clerk of such application with the required documentation, the said application shall be considered by the City Council. If the application complies with this section and it does not appear that any City ordinance or state law will be violated by the operation, the City Clerk shall authorize the issuance of the license.

E. Copies. The Clerk shall provide a copy of the license for each truck to be used. A copy shall be carried in each truck and securely fastened in a conspicuous place so as to be readily seen at all times.

F. Insurance. It is unlawful to operate a vehicle hereunder or permit the same to be operated unless the permit holder shall first have deposited with the Clerk a policy or a certificate of liability insurance covering all vehicles of all kinds used hereunder, said policy to be issued by an insurance company licensed to do business in the state in the minimum amount of one million dollars (\$1,000,000.00).

G. Requirements. Any licensed waste collection and disposal services shall comply with the following requirements:

1. No alleys shall be used for the collection and transportation of solid waste except when approved by the City Manager of the City of Olney.

2. Each vehicle used to collect and transport solid waste shall be operated in accordance with the gross vehicle weight of each vehicle and the weight limits established by the Illinois Vehicle Code. In order to insure compliance with the gross vehicle weight for each vehicle and the weight limits established by the Illinois Vehicle Code, the City reserves the right to (a) require any vehicle operated by any licensed waste collection and disposal service within the corporate limits of the City to be weighed at any time; and (b) to require the licensed waste collection and disposal service to submit copies of weight tickets or receipts from landfills receiving solid waste from the City.

3. Vehicles operated by any licensed waste collection and disposal service within the corporate limits of the City shall not be operated on any residential streets except as necessary to provide waste collection and disposal services (a) pursuant to residential units pursuant to the franchise in effect from time to time; or (b) to specific businesses, industries, institutions, other nonresidential properties, or residential units of more than six units on one tract of land having a separate sanitary hauling agreement with a licensed waste collection and disposal contractor.

H. Suspension, Revocation. Licenses granted under this section may be suspended or revoked at any time by the City Council for any substantial violation of this section. No license shall be suspended for more than fourteen (14) days or revoked without an opportunity for a hearing. (Ord. 06-08A § 10; Ord. 03-9 § 2; Ord. 99-15 § 3; Ord. 98-34 § 8; Ord. 94-15 §§ 1--7)

Section 8.16.070 Garbage disposal required.

A. All refuse, garbage and ashes accumulated by residents in residential units in the City shall be collected, transported and disposed of pursuant to the franchise for residential waste collection and disposal services in effect from time to time. Residential units of more than six units on one tract of land may be exempted from the provisions of the franchise for residential waste collection and disposal services by providing to the City evidence of a separate sanitary hauling agreement with a licensed waste collection and disposal contractor.

B. All refuse, garbage, ashes, and commercial and industrial waste accumulated by businesses, industries, institutions and other nonresidential properties, and residential units of more than six units on one tract of land having a separate sanitary hauling agreement with a licensed waste collection and disposal contractor, shall be collected, transported, and disposed of by a waste collection and disposal contractor licensed to do business in the City. (Ord. 98-34 § 2; prior code § 94.10)

Section 8.16.080 Collection containers.

A. Duty to Provide and Maintain in Sanitary Condition. Collection containers shall be provided by the owner, tenant, lessee or occupant of the premises. Collection containers shall be maintained in good condition. Any container that does not conform to the specifications for collection containers in subsection B of this section or that may have ragged or sharp edges or any other defect liable to hamper or injure the person collecting the contents thereof shall be promptly replaced upon notice.

B. Collection Container Specifications. Collection containers shall be sealed plastic bags (designed as refuse containers), with a mil thickness of at least 1.5 and a maximum capacity of thirty-three (33) gallons or metal or plastics cans or barrels designed and manufactured specifically for containing solid waste, with two handles and a tightly fitting lid. All containers shall be no larger than thirty-three (33) gallons and shall weigh no more than fifty (50) pounds.

C. Cardboard boxes will be acceptable containers for bulky or loose material other than garbage; however, they may be refused if they are overloaded or become wet. (Ord. 98-34 § 3; prior code § 94.11)

Section 8.16.090 Wet garbage.

All wet garbage shall have the liquid drained off and be wrapped in paper or other combustible matter before it is placed in the garbage cans, thus preventing smell, breeding of flies in the summer, freezing or adhesion to the can in the winter. (Prior code § 94.12)

Section 8.16.100 Collection conditions.

A. Street or Curbside. Residential waste collection under the existing franchise shall be at the street or curb, unless the residential customer receives approval for a different location in order to accommodate a disability. Collection containers shall not be placed at the street or curb for a period in excess of twenty-four (24) hours.

B. Residential waste collection under the existing franchise shall be limited to once a week pickup with a maximum of four containers per pickup.

C. Solid waste collection for businesses, industries, institutions and other nonresidential properties, and residential units of more than six units on one tract of land having a separate sanitary hauling agreement with a licensed waste collection and disposal contractor, shall be collected not less than once a week. (Ord. 98-34 § 4: prior code § 94.13)

Section 8.16.110 Rates for garbage collection.

A. The owner, tenant, lessee or occupant of the premises shall be charged the base monthly rate the City of Olney pays to the provider plus \$.25 per month for administrative costs for each residential unit subject to the residential waste collection and disposal services franchise in effect from time to time to cover the cost of waste collection and disposal services pursuant to the franchise. The monthly charge may be adjusted pursuant to the terms of the franchise. The monthly charge shall be included on the monthly utility bill to the owner, tenant, lessee or occupant for each residential unit subject to the franchise for waste collection and disposal services received for the period covered by the monthly utility bill. The monthly charge will not be assessed on the initial monthly utility bill to a customer covering ten days or less; however, the monthly charge shall apply to the final utility bill to a customer regardless of the number of days covered by the bill. Landlords shall be responsible for any unpaid monthly charges pursuant to the terms of Chapter 13.12, as amended, Residential Utility Service Termination.

B. The owner, tenant, lessee or occupant of the premises subject to the residential waste collection and disposal services franchise in effect from time to time shall pay an additional one dollar (\$1.00) for each collection container in excess of the four maximum number of containers permitted for the base monthly charge provided for in subsection A of this section. The charge for additional containers may be adjusted pursuant to the terms of the franchise. The charge for additional containers shall be paid in advance. The City will issue a receipt or sticker to the customer as evidence of the payment of the additional charge.

C. The charge for the collection and disposal of landscape waste from residential units subject to the residential and disposal service franchise in effect from time to time shall be two dollars and seventy-six cents (\$2.76) per container, which shall be paid directly to the waste collection and disposal contractor having the franchise. This charge may be adjusted pursuant to the terms of the franchise.

D. All businesses, industries, institutions, and other nonresidential properties, and residential units of more than six units on one tract of land having a separate sanitary hauling agreement with a licensed waste collection and disposal contractor, shall pay all charges for solid waste collection and disposal directly to the licensed waste collection and disposal contractor providing the service. (Ord. 2018-16 § 1: Ord. 11-26 § 1: Ord. 08-10 § 1: Ord. 03-4 § 1: Ord. 02-9 § 1: Ord. 01-8 § 1: Ord. 00-41 § 1: Ord. 99-9 § 1: Ord. 98-34 § 5: prior code § 94.14)

Section 8.16.130 Violation--Penalty.

Whoever violates any provisions of this chapter shall be fined not less than seventy-five (\$75.00) nor more than seven hundred fifty dollars (\$750.00) for each offense. A separate offense shall be deemed committed on each day during or on which a violation occurs or continues. (Editorially amended pursuant to Ord. 2014-20 & § 1.08.030: Editorially amended during 1999 codification; prior code § 94.99(A), (B) and (C))

Section 8.16.140 Landscape Waste Facility.

A. A portion of the City-owned property located on the northeast corner of the intersection of Seven Hills Lane and Fox Road is hereby designated the City of Olney Landscape Waste Facility and such area shall be clearly marked as such facility.

B. Definition. "Landscape Waste" means all accumulations of grass or shrubbery cuttings, leaves, tree limbs and other material accumulated as the result of the care of lawns, shrubbery, vines and trees.

C. Dumping Prohibited. No person shall dump, deposit, drop, throw, discard, leave, cause or permit the dumping, depositing, dropping, throwing, discarding or leaving of any garbage, refuse, or any other material other than landscape waste as defined in paragraph B above at the City of Olney Landscape Waste Facility.

D. Landscape Waste Facility Fees and Procedures. Fees for the disposal of landscape waste in the Landscape Waste Facility, regardless of the hauling capacity of the vehicle, shall be as follows:

City resident or City property owner	No charge
Non-resident	\$5.00
Landscape contractor	\$10.00

All customers (except landscape contractors) will be required to provide evidence of residency or ownership of property inside the City limits; otherwise a fee will apply. Staff at the Landscape Waste Facility will have information (either a utility listing by address/name or a listing of City streets and address number ranges to reference) to determine residency. City Hall will be available if there are any questions, except on Saturdays.

Non-residents and landscape contractors may pay in cash. Exact change will be requested. The staff at the Landscape Waste Facility will also be authorized to accept checks or money orders in the correct amount. In the event a check is returned as "insufficient funds", the customer will have to pay the cost of the returned check and the appropriate landscape waste facility fee and, thereafter, the customer will have to pay the appropriate fee in advance at City Hall or in cash at the Landscape Waste Facility.

Non-residents and landscape contractors may pay the appropriate fee at City Hall and receive a duplicate receipt. The customer will then surrender the duplicate receipt at the Landscape Waste Facility prior to unloading. The person or entity may purchase multiple receipts to facilitate direct trips to the Landscape Waste Facility. Other arrangements for payment may be made as approved by the City Manager.

E. Penalty. Any person violating paragraph C of this Section shall be fined Seven Hundred Fifty Dollars (\$750.00) for each offense. A separate offense shall be deemed committed on each day during or on which a violation occurs or continues. (Ord. 2014-31 § 1: Ord. 07-19 § 1)

Section 8.16.150 Curbside Recycling Program.

A. Establishment of curbside recycling program. The City Council of the City of Olney does hereby establish a curbside recycling program as set forth in this Section.

B. Eligibility for participation in curbside recycling program. Any residential customer receiving solid waste collection services through the City's franchise agreement (i.e., any person, family or business maintaining one or more residential units or no more than six units on one tract of land) shall be automatically included in the curbside recycling program unless the residential customer opts out of the program in accordance with Paragraph C below.

C. Opt out procedures. Residential customers may elect to participate in or opt out of the curbside recycling program at any time by submitting a written request to Olney City Hall on a form that is available from Olney City Hall.

D. Recyclable materials. The City of Olney shall accept the following recyclable materials: all newspaper, office paper, magazines, cardboard, aluminum cans, tin cans, all plastics (numbers 1 through 7). The type of recyclable materials may be changed from time to time after notice being given to the public by newspaper, radio, and utility bills. Glass and scrap metal will not be accepted.

E. Collection conditions. Recyclable materials shall be picked up weekly. Recyclable materials shall be picked up on the on the same day of the week that the residential customer has residential solid waste picked up by the franchise contractor. All residential customers shall place recyclable materials in a recycle bin provided by the City. Additional recyclable materials that do not fit in the bin provided by the City or materials that have the possibility of blowing out of the bin can be placed in clear recyclable plastic bags. Clear recyclable plastic bags shall not be closed with metal ties. The recycle bins, together with any clear recyclable plastic bags containing recyclable materials, shall be placed at curbside on the day scheduled for pickup. Recycle bins and clear recyclable plastic bags shall be placed not less than three (3) feet from any container for solid waste pickup. Cardboard may be placed under the recycle bin.

F. Rate for curbside recycling program. The owner, tenant, lessee or occupant which has not opted out of the curbside recycling program in accordance with Paragraph C above shall be charged three dollars and fifty cents (\$3.50) per month for each residential unit participating in the curbside recycling program to cover the cost of the recycling program. The monthly charge shall be included on the monthly utility bill to the owner, tenant, lessee or occupant for each residential unit for the period covered by the monthly utility bill.

G. Enterprise fund. The curbside recycling program shall be operated as an enterprise fund through a separate fund established by the City Treasurer.

H. Violation - Penalty. Any person who violates a provision of this Section shall be subject to a fine of not less than seventy-five dollars (\$75.00) nor more than seven hundred fifty dollars (\$750.00) for each offense. Each occurrence of a violation, or, in the case of continuous violations, each day a violation occurs or continues, constitutes a separate offense and may be punished separately. (Editorially amended pursuant to Ord. 2014-20 & § 1.08.030: Ord. 13-14 § 1: Ord. 11-33 § 1: Ord. 10-38 § 1)

Chapter 8.20

PROPERTY NUISANCES

Sections:

- 8.20.010** **Definitions.**
- 8.20.020** **Accumulation of junk prohibited.**
- 8.20.030** **When junk is not a nuisance.**
- 8.20.035** **When byproducts, waste, or scraps from the operation of a business are a nuisance.**
- 8.20.040** **Inoperable motor vehicles.**
- 8.20.050** **Violation--Penalty.**

Section 8.20.010 **Definitions.**

The following definitions shall apply in the interpretation and enforcement of this chapter.

"Inoperable motor vehicle" means any motor vehicle from which, for a period of at least seven days, the engine, wheels or other parts have been removed, or on which the engine, wheels or other parts have been altered, damaged, or otherwise so treated that the vehicle is incapable of being driven under its own motor power, or a vehicle that is used for racing or demolition derby exhibition, or a vehicle which is incapable of being driven upon the public highways in a legal fashion and manner pursuant to the Illinois Vehicle Code, Chapter 625 of the Illinois Compiled Statutes. "Inoperable motor vehicle" shall not include a motor vehicle which has been rendered temporarily incapable of being driven under its own power in order to perform ordinary service or repair operations, such service or repair operations to be ongoing and completed within sixty (60) days, nor to any motor vehicles that are kept within a building when not in use, to operable historic vehicles over twenty-five (25) years of age, or to a motor vehicle on the premises of a place of business engaged in the wrecking or junking of motor vehicles.

"Junk" means any old iron, steel, brass, copper, tin, lead or other base metals; old cordage, ropes, rags, fibers or fabrics; old rubber; old bottles or other glass; bones; waste paper and other waste or discarded material which might be prepared to be used again in some form; old furniture, refrigerators, freezers, all other appliances, and parts thereof; old building materials, boards or other lumbars, cement blocks, bricks, or other secondhand building materials; but junk shall not include materials or objects accumulated by a person as by-products, waste or scraps from the operation of his or her own business (unless deemed a nuisance pursuant to Section 8.20.035 below) or materials or objects held and used by a manufacturer as an integral part of his or her own manufacturing processes.

"Property" means any real property within the City which is not a street or highway.

"Vehicle" means a machine propelled by power other than human power designated 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 limitation, automobile, truck, trailer, motorcycle, tractor, buggy and wagon. (Ord. 2014-22 § 1: Ord. 97-34 § 1; Ord. 94-12 § 1 (part); Ord. 94-11 (part): Ord. 78-31 (part): prior code §§ 96.51, 96.53 (part))

Section 8.20.020 **Accumulation of junk prohibited.**

It is unlawful for any owner or resident of any property in the City, other than a person who is a licensed junk dealer, to permit to accumulate on such property any junk as such term is herein defined. (Ord. 94-11 (part): Ord. 78-31 (part): prior code § 96.50)

Section 8.20.030 **When junk is not a nuisance.**

The keeping, storage or collection of junk shall not be deemed a nuisance if said junk is kept, stored or collected in completely enclosed buildings suitable for such storage and not otherwise in violation of this code. (Ord. 94-11 (part): Ord. 78-31 (part): prior code § 96.52)

Section 8.20.035 When byproducts, waste, or scraps from the operation of a business are a nuisance.

The keeping, storage or collection of byproducts, waste or scraps from the operation of a business is deemed a nuisance and a violation of this code unless such byproducts, waste or scraps are kept, stored or collected in a completely enclosed building or within a completely enclosed fence. Any fence enclosing byproducts, waste or scraps from the operation of a business must satisfy the following requirements: (1) the fence must not be less than six (6) feet in height; (2) the fence must be constructed of commercial fencing material that prevents the visibility of the stored material by the public and is uniform in style and color and aesthetically consistent with the neighborhood; (3) the fenced area used for the keeping, storage or collection of byproducts, waste or scraps from the operation of a business must not be more than thirty percent (30%) of the area of the property on which the business is located and not located within the required front yard setback for the property; (4) the fenced area must have a hard surface of aggregate, asphalt, concrete or similar construction; and (5) the fence must be properly maintained. The City Clerk shall serve, or cause to be served, a notice upon the owner or occupant of any premises on which byproducts, waste or scraps from the operation of a business are a nuisance in violation of the provisions of this chapter of such violation and a demand that the nuisance be abated within fourteen (14) days. (Ord. 2014-22 § 2)

Section 8.20.040 Inoperable motor vehicles.

A. Inoperable Motor Vehicles Declared to be a Nuisance. Inoperable motor vehicles, as defined in this chapter, whether on public or private property, are declared to be a nuisance.

B. Disposition of Inoperable Motor Vehicles. All persons are required to dispose of any inoperable motor vehicle or parts thereof under their control upon written notice received from the corporate authorities or any Police officer of the City commanding such disposition. Such notice shall specify required disposition of the inoperable motor vehicle or abandoned motor vehicle within a period of not less than seven days.

C. Impounding. The corporate authorities or any City officer designated by them is authorized to remove or have removed any vehicle left at any place within the City which is an inoperable motor vehicle as defined in this chapter and has not been removed as required by a written notice served upon the owner of the car or the owner of the property upon which the car is located pursuant to subsection B of this section. Such vehicle shall be impounded until lawfully claimed or disposed of in accordance with 625 ILCS 5/4-200 through 5/4-214. (Ord. 94-12 § 1 (part); Ord. 78-31 (part); prior code § 96.53 (part))

Section 8.20.050 Violation--Penalty.

A. Whoever causes, erects or continues any nuisance enumerated in the provisions of this chapter shall, for the first offense, be fined seventy-five dollars (\$75.00), and for a subsequent offense shall be subject to a fine of not less than one hundred dollars (\$100.00) and not more than seven hundred fifty dollars (\$750.00).

B. Every such nuisance herein enumerated may be removed as provided in 65 ILCS 5/11-20-13 which provides for the removal of garbage and debris from private property when the owner of such property, after reasonable notice, refuses or neglects to remove such garbage and debris; and the City may collect from such owner the reasonable cost of said removal. This cost is a lien upon the real estate affected, superior to all subsequent liens and encumbrances, except tax liens, if within sixty (60) days after such costs and expenses incurred the City or person performing the service by authority of the city, in his or her or its own name, files notice of the lien in the office of the Recorder of Deeds of Richland County. The notice shall consist of a sworn statement setting out:

1. A description of the real estate sufficient for the identification thereof;
 2. The amount of money representing the cost and expense incurred or payable for the service; and
 3. The date or dates when such costs and expense were incurred by the municipality.
- C. Upon payment of the cost and expense by the owner of or persons interested in such property

after notice of lien has been filed, the lien shall be released by the City or person in whose name the lien has been filed and the release may be filed of record as in the case of filing notice of lien. (Editorially amended pursuant to Ord. 2014-20 & § 1.08.030: Editorially amended during 1999 codification: Ord. 94-11 (part): Ord. 78-31 (part): prior code § 96.99(C) and (D))

Chapter 8.24

SMOKE EMISSIONS

Sections:

- 8.24.010** **Definition.**
- 8.24.020** **Discharge prohibited.**
- 8.24.030** **Violation--Penalty.**

Section 8.24.010 **Definition.**

For the purposes of this chapter "air contaminant" means and includes but is not limited to the following: dust, soot, mist, smoke, fumes, fly ash, vapor, corrosive gas or other discharge and any other air-borne material or substance that is offensive, nauseous, irritating or noxious to humans or other animal life. (Ord. 75-15 § 1)

Section 8.24.020 **Discharge prohibited.**

No person shall discharge air contaminants within the City of Olney. (Ord. 75-15 § 2)

Section 8.24.030 **Violation--Penalty.**

Whoever violates this chapter shall be subject to a fine of not less than seventy-five dollars (\$75.00) nor more than seven hundred fifty dollars (\$750.00) for each offense. Each day's violation shall constitute a separate offense. (Editorially amended pursuant to Ord. 2014-20 & § 1.08.030: Editorially amended during 1999 codification; Ord. 75-15 § 3)

Chapter 8.28

WEEDS

Sections:

8.28.010	Weeds declared a nuisance.
8.28.015	Height Restrictions.
8.28.020	Notice of violation.
8.28.030	Abatement.
8.28.040	Lien.
8.28.050	Release of lien.
8.28.060	Foreclosure of lien.
8.28.070	Violation--Penalty.

Section 8.28.010 Weeds declared a nuisance.

Any weeds such as jimson, burdock, ragweed, thistle, cocklebur or other weeds of a like kind or any other noxious or dangerous weeds found growing in any lot or tract of land in the City are declared to be a nuisance. It is unlawful to permit any such weeds to grow or remain in any such place. (Ord. 99-39, Sec. 1: Prior code § 96.01)

Section 8.28.015 Height Restrictions.

It shall be unlawful for anyone to permit any weeds, grass or plants or underbrush other than trees, bushes, flowers or other ornamental plants to grow to a height exceeding twelve (12) inches anywhere in the City. Any such grass, plants, underbrush, or weeds exceeding such height are hereby declared to be a nuisance. (Ord. 99-39, Sec.2)

Section 8.28.020 Notice of violation.

It shall be the duty of the City Clerk to serve, or cause to be served, a notice upon the owner or occupant of any premises on which weeds or plants are permitted to grow in violation of the provisions of this chapter and to demand the abatement of the nuisance within ten days. (Ord. 99-39, Sec. 3: Prior code § 96.02)

Section 8.28.030 Abatement.

If the person so served does not abate the nuisance within ten days, the City may proceed to abate such nuisance, keeping an account of the expense of the abatement, and such expense shall be charged and paid by such owner or occupant. The expense of abatement shall include an administrative fee of seventy-five dollars (\$75.00). (Ord. 08-24 § 1: Prior code § 96.03)

Section 8.28.040 Lien.

Charges for such weed removal shall be a lien upon the premises. Whenever a bill for such charges remains unpaid for thirty (30) days after it has been rendered, the Clerk may file with the Recorder of Deeds for Richland County a statement of lien claim. This statement shall consist of a sworn statement setting out a description of the real estate sufficient for identification thereof, the amount of money representing the cost and expense incurred or payable for the service, and the date or dates when such cost and expense was incurred by the municipality.

A notice shall be personally served on, or sent by certified mail to, the person to whom was sent the tax bill for the general taxes on the property for the last preceding year. The notice shall be delivered or

sent after the cutting of weeds on the property. The notice shall state the substance of 65 ILCS 5/11-20-7 and the substance of Chapter 8.28 of the City of Olney Municipal Code implementing 65 ILCS 5/11-20-7 and shall identify the property, by common description, and the location of the weeds to be cut. (Ord. 99-39, Sec. 4: Prior code § 96.04)

Section 8.28.050 Release of lien.

Upon the payment of the cost and expense by the owner of, or persons interested in, such property after notice of lien has been filed, the lien shall be released by the municipality or person in whose name the lien has been filed. The release may be filed of record as in the case of filing notice of lien. (Ord. 99-39, Sec. 5: Prior code § 96.05)

Section 8.28.060 Foreclosure of lien.

A. Property subject to a lien for unpaid weed cutting charges shall be sold for nonpayment of the same and the proceeds of such 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 in equity in the name of the City.

B. The City Attorney is authorized to institute such proceedings, in the name of the City, in any court having jurisdiction over such matter against any property for which such bill has remained unpaid thirty (30) days after it has been rendered. (Prior code § 96.06)

Section 8.28.070 Violation--Penalty.

Whoever violates any of the provisions of this chapter shall be fined not less than seventy-five dollars (\$75.00) nor more than seven hundred fifty dollars (\$750.00) for each offense. Each day such violation continues shall constitute a separate offense. (Editorially amended pursuant to Ord. 2014-20 & § 1.08.030: Ord. 98-130 § 9: prior code § 96.99(A))