

VILLAGE OF SAN JOSE

ORDINANCE NO. 24-001

AN ORDINANCE AMENDING TITLE 4 HEALTH, SANITATION AND ENVIRONMENT, CHAPTER 1 NUISANCES; PROPERTY MAINTENANCE; LITTER CONTROL, 4-1-2 DEFINITIONS FOR THE VILLAGE OF SAN JOSE, MASON AND LOGAN COUNTY, ILLINOIS.

PUBLISHED IN PAMPHLET FORM BY AUTHORITY OF THE VILLAGE BOARD OF THE VILLAGE OF SAN JOSE, MASON AND LOGAN COUNTIES, ILLINOIS THIS 15th DAY OF JANUARY 15, 2024.

PASSED BY THE BOARD OF TRUSTEES


THE VILLAGE OF SAN JOSE

JANUARY 15, 2024

EFFECTIVE JANUARY 22, 2024

APPROVED: VOTE: AYES: 6

NAYES: 0



DUANE WORLOW PRESIDENT OF THE BOARD OF TRUSTEES OF THE VILLAGE OF SAN JOSE, ILLINOIS

ATTEST:



PATRICIA SHELLEY

VILLAGE CLERK

1/15/2024

4-1-2: DEFINITIONS:

Whenever any words or phrases used in this chapter are not defined in this section, such words shall be given their usual, customary meanings.

AGENT: A person, firm, corporation, association or organization that acts for or in place of another person or authority for an owner or his or her representative or employee. The term "agent" shall also mean any person, firm, corporation or organization that has the immediate responsibility for the maintenance of property but does not own the property.

AIRCRAFT: Any contrivance now known or hereby invented, used or designated for navigation or for flight in the air. The word "aircraft" shall include helicopters and lighter than air dirigibles and balloons.

AUTHORIZED PRIVATE RECEPTACLE: A litter storage and collection receptacle as required and authorized by this chapter.

DUMPSTER: A metal refuse container of one cubic yard or more in volume with an attached lid designed for handling by mechanical means.

GARBAGE: Shall include and mean all accumulation of animal, fruit or vegetable matter that attends the preparation, use, cooking and dealing in, or storage of, meats, fish, fowl, fruit, vegetables and any other matter, of any nature whatsoever, which is subject to decay and which may be a food source for rodents and putrefaction and the generation of noxious and offensive smells or odors, or which, during and after decay, may serve as breeding or feeding material for flies and/or other germ carrying insects; bottles, cans or other food containers which, due to their ability to retain water, can serve as a breeding place for mosquitoes, other water breeding insects and rodents. The term includes rejected household food waste, offal, pet feces, swill and carrion.

HANDBILL: Any printed or written matter, any sample or device, dodger, circular, leaflet, pamphlet, paper, booklet or any other printed or otherwise reproduced original or copies of any matter of literature advertising for sale any merchandise, product, commodity or thing; anything which directs attention or promotes interest in a business, activity or the like; or anything that directs the attention to a meeting, theatrical performance, exhibition or event of any kind; or anything that is predominantly an advertisement and is distributed or circulated for advertising purposes.

INOPERABLE MOTOR VEHICLE:

A. Any of the following:

1. Any vehicle, including trailers, from which, for at least seven (7) 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.

2. Any vehicle which cannot be legally operated on the streets or highways of this State or Village because one or more of the following have been removed or are not in proper condition, and adjustment as required by the Illinois Compiled Statutes, as now

in effect or hereinafter amended: front bumper, rear bumper, windshield, steering wheel, door, hood or headlight; or

3. Any vehicle without a current registration.

B. An inoperable motor vehicle shall not include a motor vehicle which has been rendered temporarily incapable of being driven under its own motor power in order to perform ordinary service or repair operations.

~~LITTER: Any discarded, used or unconsumed substances or waste. "Litter" may include, but is not limited to, any garbage; trash; refuse; debris; rubbish; pieces of corrugated metal not attached to a building; discarded scrap metal; motor vehicle bodies, parts, equipment, or motors; ashes; tin cans; metal ware; crockery; stoneware; manure; metal storage tanks; unused or discarded telephone poles; portions of buildings or sides of buildings not permanently attached to a building; pieces of wood or lumber haphazardly strewn about; grass clippings or other lawn or garden waste; newspaper, magazine, glass, metal, plastic or paper containers or other packaging construction material; oil; carcasses of a dead animal; discarded or unused objects or equipment such as stoves, refrigerators and freezers; any nauseous or offensive matter of any kind; or anything else of an unsightly or unsanitary nature which has been discarded, abandoned or otherwise disposed of improperly. It is hereby declared a nuisance to throw deposit, keep or scatter litter on public property or private property that is not enclosed in a building. The word "Litter" means any discarded, used or unconsumed substances or waste. "Litter" includes, but is not limited to, any garbage, tires, trash, refuse, debris, pieces of corrugated metal not attached to a building, discarded scrap metal, motor vehicle bodies, parts, equipment, or motors, ashes, tin cans, metalware, crockery, stoneware, manure, metal, storage tanks, unused or discarded hot water heaters, parts of appliances, pieces of pipe, parts of furnaces, window frames not permanently attached to a building, household furniture, discarded telephone poles, portions of buildings or side of buildings not permanently attached to a building, pieces of wood or lumber haphazardly strewn about, grass clippings or other lawn or garden waste newspaper, magazines, glass, metal, plastic or paper containers of other packaging construction material, furniture, oil, discarded or unused objects or equipment such as scrap wiring, non-motorized RV campers, fiberglass, lawn equipment, including but not limited to lawn mowers or tractors and trailers that could be pulled behind motorized vehicles, trees that have fallen, toys, burn barrels, any nauseous or offensive matter of any kind, materials that shelter or encourage the growth of insects, rodents or snakes or anything else of an unsightly or unsanitary nature, which has been discarded, abandoned or otherwise disposed of improperly. However, no person shall be held liable for littering if the litter is placed in a covered receptacle or other covered container intended by the owner or tenant in lawful possession of for the disposal of litter, the person is acting under the direction of public officials of the village during any special cleanup days or the person is lawfully acting in or reacting to an emergency situation where health and safety is threatened and thereafter properly disposes of such litter when the emergency situation no longer exists.~~

MULTI-FAMILY DWELLING: A residence, other than a townhouse, designed for and/or occupied by two (2) or more families, each living independently of each other in a separate dwelling unit.

NEWSPAPER: Any newspaper of general circulation as defined by general law; in addition, thereto, any periodical or current magazine regularly published with not less than four (4) issues per year and sold to the public.

NUISANCE: Any condition or use of premises or of building exteriors which is detrimental to the property of others, or which causes or tends to cause substantial diminution in the value of other property in the neighborhood in which such premises is located. This includes, but is not limited to, the keeping or the depositing on or the scattering over the premises of litter.

OPEN: Not completely enclosed or encased in a garage, shed or other structure which has intact four (4) complete, not partial, walls and a roof. Such walls and roof shall be adequate to prevent the viewing of the contents of the structure from the outside of the structure, excepting therefrom the viewing through windowpanes. An inoperable motor vehicle covered only by a tarpaulin or other similar cover shall be deemed open for the purpose of this chapter.

OWNER: Any person who, alone, jointly or severally with another:

A. Has legal or equitable title to any premises, dwelling unit or building (residential or nonresidential), with or without actual possession thereof; or

B. Has charge, care or control of any premises, dwelling, dwelling unit or business building as agent of the owner or as executor, administrator, trustee or guardian of the estate of the beneficial owner.

PERSON: Any individual, partnership, copartnership, firm, company, corporation, association, joint stock company, trust, estate, or any other legal entity, or its legal representative, agent or assigns, and "person" shall mean both the lawful owner and tenant of any premises subject to this chapter.

PRIVATE PREMISES: Any dwelling, house, building or other structure designated or used, either wholly or in part, for private residential or commercial purposes, whether inhabited or vacant, and any yard, grounds, walk, driveway, porch, steps, vestibule or mailbox belonging or appurtenant to such dwelling, house, building or other structure.

PUBLIC PLACE: Any and all streets, sidewalks, boulevards, alleys or other public ways and any and all public spaces, grounds and buildings.

RATPROOF: A form of construction which will prevent the entrance and exit of rats, mice and other rodents to and from a given space or building.

REFUSE: All putrescible and nonputrescible solid wastes (except body wastes), including garbage, rubbish, ashes, street cleanings and solid market and industrial wastes.

RUBBISH: Nonputrescible solid wastes consisting of both combustible and noncombustible wastes, such as paper, wrappings, cigarettes, cardboard, tin cans, yard clippings, wood, glass, bedding, crockery and similar material.

STAGNANT: Not flowing or moving, and often foul-smelling or stale; showing little or no activity or vitality; inactive or sluggish.

VEHICLE: Every device in, upon or by which any person or property is or may be transported or drawn upon a highway. (2016 Code; amd. Ord. 17-513, 11-20-2017, eff. 11-30-2017; Ord. 19-527, 6-17-2019, eff. 6-27-2019)