

TITLE IX: GENERAL REGULATIONS

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DOGS AND CATS

§ 90.01 LICENSE REQUIRED.

No person shall own, keep, or harbor any dog or cat over the age of four months in the village unless the dog or cat is licensed as herein provided.

('71 Code, Ch. 3 § 1-1) (Ord. 272, passed 1-2-69; Am. Ord. 996-87, passed 5-20-87; Am. Ord.

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and address of the owner, and the name, breed, sex, and age of the dog or cat. All applications for licenses must be accompanied by evidence that the dog or cat has received a rabies inoculation by a licensed veterinarian within 12 months prior to the filing of the application for license. ('71 Code, Ch. 3 § 1-2) (Ord. 272, passed 1-2-69; Am. Ord. 891, passed 6-6-84; Am. Ord. 996-87, passed 5-20-87; Am. Ord. 1013-87, passed 9-2-87)

appropriate restraint held by the owner, possessor, custodian, or other person having control or in charge of the dog in question; or, when it is on premises owned, leased or lawfully occupied by the owner, possessor, custodian, or other person having control or in charge of the dog in question but not securely confined by a fence, cage, grates, bars or other structure, enclosure or other physical barrier of

§ 90.021 FEES.

(A) The license fee for a male or female dog or cat shall be \$4.

(B) A 50% discount to the above fee will be granted by the Village Clerk to persons who are 62 years of age or older, to legally blind persons who use a seeing eye dog, or to any other handicapped person who owns a dog that has been specifically trained to provide assistance in everyday functions. All fees collected under this chapter shall be deposited in the general fund of the village. (Ord. 1013-87, passed 9-2-87)

§ 90.03 LICENSE TAGS.

(A) The Village Clerk shall keep a record of all dog and cat licenses and fees paid and shall furnish to each person filing an application for a license and paying the license fee, a metal tag stamped with numbers indicating the year for which the license is issued. A duplicate to replace a lost or destroyed tag shall be issued by the Clerk on payment of a fee of \$1. License tags shall be securely attached around the dog's or cat's neck and kept there at all times during the license period by any person who owns or has custody of the dog or cat.

(B) License tags shall be obtained for each dog or cat on or before June 30 of each year and valid until June 30 the following year. Any dog or cat without a current license after June 30 of each year is deemed unlicensed and the owner or person having custody of the dog or cat is in violation of this chapter. No person may transfer license tags from one dog or cat to another. ('71 Code, Ch. 3 §§ 1-3 and 1-4) (Ord. 272, passed 1-2-69; Am. Ord. 891, passed 6-6-84; Am. Ord. 996-87, passed 5-20-87) Penalty, see § 90.99(A)

§ 90.04 RUNNING AT LARGE PROHIBITED; ENCLOSURES, LEASHES OR RESTRAINTS REQUIRED.

It shall hereby be unlawful and a violation of this code for any owner, possessor, custodian, or other person having control or in charge of any dog within the corporate limits of the village to permit such dog to run at large under any circumstances whatsoever. A dog shall be deemed to be running at large at any time when it is not on premises owned, leased or lawfully occupied by the owner, possessor, custodian, or other person having control or in charge of the dog in question and not controlled or restrained by means of a leash, chain, cable, strap or other

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the owner on payment of a release fee plus a boarding fee for each day the dog or cat has been impounded, and the purchase of license tags if

sufficient strength and size to prevent the dog in question from escaping or leaving therefrom, or from obtaining access to any public property, sidewalk, street, right of way, or any property owned, leased or occupied by any person other than the owner, possessor, custodian, or other person having control or in charge of the dog in question, or not controlled or restrained by means of a leash, chain, cable, strap or other appropriate restraint held by the owner, possessor, custodian, or other person having control or in charge of the dog in question. "Securely confined," as used in the foregoing sentence, shall not include the use of any type of electronic, sonic, photoelectric, chemical or other form of confinement not involving the use of a physical barrier, and no use of any such methods to confine any dog shall be deemed to constitute compliance with the provisions of this section. The provisions of this section shall be enforced by the Animal Warden in accordance with the applicable provisions of this chapter, and may be enforced by any sworn law enforcement officers of the village. Notwithstanding any contrary provisions of this section, the provisions of this section shall not apply with respect to any dogs actively engaged in the assistance of visually impaired or physically disabled persons, any dogs owned, possessed or used by sworn law enforcement officers of the village or such other agencies as may lawfully have jurisdiction.

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('71 Code, Ch. 3 § 2-1) (Ord. 272, passed 1-2-69; Am. Ord. 996-87, passed 5-20-87; Am. Ord. 0066-02, passed 9-18-02) Penalty, see § 90.99(A)

§ 90.05 FEMALE DOGS AND CATS IN HEAT TO BE CONFINED.

Any female dog or cat in heat shall be confined in a secure enclosure by its owner or person having custody of it.

('71 Code, Ch. 3 § 2-4) (Ord. 272, passed 1-2-69; Am. Ord. 996-87, passed 5-20-87) Penalty, see § 90.99(A)

§ 90.06 IMPOUNDING DOGS AND CATS.

Any dog or cat found running at large, or any dog or cat to which a current license is not attached, shall be impounded by the Police Department or Animal Warden. Any dog or cat which cannot be impounded without danger to the Police Department or Animal Warden, or which is vicious, dangerous, or ferocious, or is sick with or likely to communicate rabies or other contagious diseases, may be destroyed forthwith by the Police Department or Animal Warden after reasonable efforts to impound the dog or cat unharmed have failed. Dogs or cats taken by the Police Department or Animal Warden shall be impounded in a shelter or veterinary hospital designated by the Police Board as an official shelter.

('71 Code, Ch. 3 § 2-2) (Ord. 272, passed 1-2-69; Am. Ord. 891, passed 6-6-84; Am. Ord. 996-87, passed 5-20-87)

§ 90.07 REDEEMING IMPOUNDED DOGS OR CATS.

Any dog or cat impounded may be redeemed by

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current tags have not previously been obtained. The fees shall be paid to the Village Clerk. If the dog or cat is not redeemed within seven days after being impounded, it may be disposed of in a humane manner at the discretion of the Police Department or Animal Warden.

('71 Code, Ch. 3 § 2-3) (Ord. 272, passed 1-2-69; Am. Ord. 891, passed 6-6-84; Am. Ord. 996-87, passed 5-20-87; Am. Ord. 2671-99, passed 6-21-99)

DANGEROUS ANIMALS; RABIES CONTROL

§ 90.15 CONFINEMENT REQUIRED.

Any vicious, dangerous, ferocious animal, or animal sick with or likely to communicate rabies or other contagious diseases shall be confined in a secure enclosure by its owner or person having custody of it. The animal shall not be taken out of the enclosure except if securely leashed and muzzled.

('71 Code, Ch. 3 § 2-4) (Ord. 272, passed 1-2-69) Penalty, see § 90.99(A)

§ 90.16 INFECTED ANIMALS BITING PERSONS.

Every animal which may be infected by rabies and which bites a person shall promptly be reported to the Police Department. The Department shall investigate to determine whether the animal has had a rabies shot within one year of the bite. If there is proof of adequate inoculation, the owner or person having custody of the animal shall keep it quarantined for 15 days. If there is no proof of adequate inoculation or the owner or person having custody cannot be found, the animal shall be quarantined by the Police Department in any veterinary hospital or approved animal shelter. The confinement fee shall be paid by the owner. Animals shall be released from quarantine only after a written certificate of a qualified licensed veterinarian has been presented to the Police Department to the effect that the animal is free of rabies.

('71 Code, Ch. 3 § 2-5) (Ord. 272, passed 1-2-69)

§ 90.17 ANIMALS UNDER QUARANTINE.

When an animal under quarantine dies, the head of the animal shall be surrendered to the Police Department which shall send it to the State Health Department for pathological examination. The proper public health officials shall be notified of reports of human contacts and the diagnosis of the suspected animal. Any animal bitten by an animal adjudged to be rabid shall be immediately destroyed or, at the owner's option and expense, shall be treated for rabies infection by a licensed veterinarian and held under quarantine for 30 days.

('71 Code, Ch. 3 § 2-6) (Ord. 272, passed 1-2-69) Penalty, see § 90.99(A)

§ 90.18 KILLING RABID ANIMALS; REMOVING ANIMALS FROM VILLAGE LIMITS.

No person shall kill or cause to be killed any rabid animal, any animal suspected of having been exposed to rabies, or any animal biting a

4 human, except as herein provided, nor remove the animal from the village limits without the written permission of the Police Department. The carcass of any dead animal exposed to rabies shall, on demand, be surrendered to the proper village officials.

('71 Code, Ch. 3 § 2-7) (Ord. 272, passed 1-2-69) Penalty, see § 90.99(A)

§ 90.19 PHYSICIAN'S AND VETERINARIAN'S REPORTS.

Every physician or other practitioner shall report to the Police Department the names and addresses of persons treated for bites inflicted by animals, together with such other information as will be helpful in rabies control. Every licensed veterinarian shall report to the Police Department the diagnosis of any animal observed by him as a rabies suspect.

('71 Code, Ch. 3 § 2-8) (Ord. 272, passed 1-2-69) Penalty, see § 90.99(A)

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ANIMAL CONTROL

§ 90.25 ANIMALS DISTURBING NEIGHBORHOOD.

It is unlawful for any person who owns or has custody of any animal to permit or allow the animal to disturb the peace and quiet of the neighborhood by barking, howling, or making any other loud or unusual noises or by running through or across cultivated gardens or fields. ('71 Code, Ch. 3 § 2-9) (Ord. 272, passed 1-2-69) Penalty, see § 90.99(A)

§ 90.26 ANIMALS PROHIBITED FROM VILLAGE.

No person shall keep any cattle, horses, mules, goats, sheep, swine, barn fowl, pea fowl, rabbits, mink, ferrets, or other animal yards, pens, or premises in which animals are confined or kept in any residential area of the village. (Ord. 387, passed 1-16-74; Am. Ord. 891, passed 6-6-84; Am. Ord. 1013-87, passed 9-2-87) Penalty, see § 90.99(B)

§ 90.27 LIMITATION OF ANIMALS.

No person shall own, shelter, or permit in any way in or about any residential area or dwelling unit more than four dogs or cats, or any combination thereof, nor more than two species of animals not prohibited in § 90.26 and further provided that such limitation shall not apply for a period of 90 days from the date of birth of offspring in such dwelling units or residential area.

(Ord. 1013-87, passed 9-2-87) Penalty, see § 90.99(B)

§ 90.271 EXCEPTIONS TO LIMITATIONS.

Any person who, at the time of adoption of this section, possesses a number of dogs or cats or combination thereof that is in excess of the limitations prescribed in § 90.27 shall be exempt from the provisions of this chapter provided that they are in compliance with §§ 90.01 and 90.02 of this chapter within 30 days of the passage of this section.

(Ord. 1013-87, passed 9-2-87)

§ 90.28 ANIMALS RUNNING AT LARGE.

No cattle, horses, mules, goats, sheep, swine, or domestic fowl of the species of geese, ducks, turkeys, hens, barn fowl, peacocks, or other fowl shall run or fly at large within the limits of the village.

(d) Any individual dog that attacks a human being or domestic animal without provocation; or

§ 90.29 (RESERVED).

(e) Any individual dog that has, on three or more separate occasions, qualified as a dangerous dog.

§ 90.290 DEFINITIONS.

For the purpose of this chapter the following definitions shall apply unless the context clearly indicates or requires a different meaning.

"DANGEROUS DOG." As used in this chapter, shall mean and include any individual dog which, when either unmuzzled, unleashed or unrestrained by its owner or custodian, approaches or has approached any person in an apparent attitude of attack upon any street, sidewalk, public ground or public place. Determinations of whether or not a dog is dangerous may be made by the Animal Control Warden of the village or by sworn law enforcement personnel, in writing, after an investigation of the dog in question, and shall be transmitted by mail to the owner of such dog. Such a determination may be appealed to the Village Manager within seven days from the date on which the same is transmitted to the owner of the dog. A dog may also be declared to be dangerous in an action to enforce any of the provisions of this chapter brought in the Circuit Court for the Twelfth Judicial Circuit.

"LIABILITY INSURANCE." As used herein, shall mean and include any policy of liability insurance, issued by an insurer licensed and otherwise legally authorized to do business and insure risks within the State of Illinois, that provides coverage for property damage, personal injuries and death in an amount not less than \$100,000 per occurrence, where such property damage, personal injury or death results from or is in any way caused by the actions or behaviors of a dog.

"MUZZLE." As used herein, shall mean and include any type of restraining device capable of preventing and which actually prevents a given dog from opening its mouth in such a manner as to bite or otherwise inflict injury on a human being.

"VICIOUS DOG."

(1) As used herein, shall mean and include:

(a) Any individual dog that, when unprovoked, bites or attacks a human being or another animal on either public or private property;

(b) Any individual dog with a known propensity, tendency or disposition to attack without provocation, to cause injury or otherwise endanger the safety of human beings or domestic animals;

(c) Any individual dog that has a trait or characteristic and a generally known reputation for viciousness, dangerousness or unprovoked attacks upon humans or other animals, unless handled in a particular manner or with special equipment;

(b) When it is on premises owned or leased by the owner, possessor, custodian, or other person having control or in charge of the dog in question but not:

(2) Vicious dogs shall not include any trained dog used lawfully or when performing duties as expected for law enforcement or guard purposes, or any dog that bites, attacks or otherwise harms a trespasser on the property of its owner, or that bites, attacks or otherwise harms any person that torments, abuses or tortures such dog. Determinations of whether or not a dog is vicious may be made by the Animal Control Warden of the village or by sworn law enforcement personnel, in writing, after an investigation of the dog in question, and shall be transmitted by mail to the owner of such dog. Such a determination may be appealed to the Village Manager within seven days from the date on which the same is transmitted to the owner of the dog. A dog may also be declared to be vicious in an action to enforce any of the provisions of this chapter brought in the Circuit Court for the Twelfth Judicial Circuit.
(Ord. 03-0052, passed 1-21-04)

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§ 90.291 PROHIBITIONS.

(A) No person shall keep or maintain upon any premises in the village any dog that has been determined by the Circuit Court for the 12th Judicial Circuit to constitute a vicious dog within the meaning of this chapter in a proceeding brought for such purpose or for the purpose of enforcing other provisions of this chapter or either of such purposes, or that has been determined to constitute a vicious dog as otherwise set forth in this chapter without obtaining liability insurance conforming to the requirements of this chapter covering such vicious dog.

(B) No person shall sell, give, barter or in any way transfer the ownership, possession or control of any dog that has been determined by the Circuit Court for the 12th Judicial Circuit to constitute a vicious dog within the meaning of this chapter in a proceeding brought for such purpose or for the purpose of enforcing other provisions of this chapter, or that has been determined to constitute a vicious dog as otherwise set forth in this chapter.

(C) (1) It shall hereby be unlawful and a violation of this Code of Ordinances for any owner, possessor, custodian, or other person having control or in charge of any dangerous or vicious dog within the corporate limits of the village to permit such dangerous or vicious dog to run at large under any circumstances whatsoever. A dangerous or vicious dog shall be deemed to be running at large for the purposes of this chapter (and without regard to any conflicting provisions elsewhere within this chapter) at any time:

(a) When it is not on premises owned or leased by the owner, possessor, custodian, or other person having control or in charge of the dog in question and not controlled or restrained by means of a leash, chain, cable, strap or other appropriate restraint held by the owner, possessor, custodian, or other person having control or in charge of the dog in question; or

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1. Securely confined by a fence, cage, grates, bars or other structure, enclosure or other physical barrier of sufficient strength and size to prevent the dog in question from escaping or leaving therefrom, or from obtaining access to any public property, sidewalk, street, right-of-way, or any property owned, leased or occupied by any person other than the owner, possessor, custodian, or other person having control or in charge of the dog in question; or

2. Not controlled or restrained by means of a leash, chain, cable, strap or other appropriate restraint held by the owner, possessor, custodian, or other person having control or in charge of the dog in question.

(2) "SECURELY CONFINED," as used in subdivision (C)(1)(b)2., shall not include the use of any type of electronic, sonic, photoelectric, chemical or other form of confinement not involving the use of a physical barrier, and no use of any such methods to confine any dog shall be deemed to constitute compliance with the provisions of this section.

(3) The provisions of this chapter shall be enforced by the Village Animal Warden in accordance with the applicable provisions of this chapter, and may be enforced by any sworn law enforcement officers of the village.

(4) Vicious dogs found running at large by the Village Animal Warden or law enforcement personnel of the village shall hereby be deemed to constitute a public nuisance and shall be captured or impounded and may thereafter be destroyed by the village. Notwithstanding any contrary provisions of this chapter, the provisions of this section shall not apply with respect to any dogs actively engaged in the assistance of visually impaired or physically disabled persons, any dogs owned, possessed or used by sworn law enforcement officers of the village or such other agencies as may lawfully have jurisdiction.

(D) It shall hereby be unlawful and a violation of this Code of Ordinances for any owner, possessor, custodian, or other person having control or in charge of any vicious dog within the corporate limits of the village to permit such vicious dog to be present on any premises within the village without placing a muzzle on such dog conforming to the requirements of this chapter, provided, however, that the foregoing requirement shall not apply to:

(1) Any dogs owned, possessed or used by sworn law enforcement officers of the village or such other agencies as may lawfully have jurisdiction;

(2) Any dogs present on premises owned or leased by the owner, possessor, custodian, or other person having control or in charge of the dog in question, except that a vicious dog shall be muzzled notwithstanding its presence on premises owned or leased by the owner, possessor,

6 custodian, or other person having control or in charge of the dog in question at all times when persons who do not reside at or otherwise generally and continuously occupy such premises are present on such premises; or

(3) Any dogs actively engaged in the assistance of visually impaired or physically disabled persons.
(Ord. 03-0052, passed 1-21-04)

§ 90.292 ENFORCEMENT.

(A) Any violation of the provisions of § 90.291 shall be subject to the fines set forth in § 90.99.

(B) In connection with the prosecution of any violation of this chapter, or in an independent ordinance enforcement proceeding, the village shall be entitled to seek declaratory relief establishing that a given dog is either dangerous or vicious, as the case may be, to seek injunctive relief affirmatively and expressly requiring the owner of the dangerous or vicious dog in question to comply with the requirements set forth in this chapter with respect to dangerous or vicious dogs, as the case may be, or to seek injunctive relief requiring the humane destruction of dogs determined in such proceedings to be vicious, where such determination arises out of or is founded in whole or in part upon the infliction of physical injury by the dog in question upon a human being. (Ord. 03-0052, passed 1-21-04)

§ 90.30 OBSTRUCTING IMPOUNDMENT.

No person shall obstruct, hinder, or otherwise delay any person engaged in apprehending and transporting to any village pound any animal liable to be impounded. (Ord. 387, passed 1-16-74) Penalty, see § 90.99(B)

§ 90.31 UNLAWFUL ENTRY INTO THE POUND.

No person shall break open or in any manner directly or indirectly aid, assist in, counsel, or advise breaking open any village pound for an impounded animal or fowl found running at large. (Ord. 387, passed 1-16-74) Penalty, see § 90.99(B)

§ 90.32 ANIMAL WASTE.

(A) It shall be unlawful for an owner or person having care, custody, or control of an animal to permit the animal to defecate fecal matter upon public property, public rights-of-way, or the private property of another person without immediately removing the fecal matter and placing it in a container for the deposit of trash.

(B) The terms and provisions of this section shall not be applicable to guide dogs accompanying blind persons. (Ord. 834, passed 10-6-8) Penalty, see § 90.99(D)

CRUELTY TO ANIMALS

§ 90.40 CRUELTY TO ANIMALS PROHIBITED.

It shall be unlawful to commit cruelty to any animal. If the owner allows his animal to become a public charge by failing to pick up such animal after being duly notified, the animal may be destroyed at its owner's expense. (Ord. 571, passed 10-19-77; Am. Ord. 891, passed

§ 90.41 DEFINITION.

For the purpose of this subchapter, cruelty to an animal shall be considered one or more of the following acts:

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(A) Overloading, overdriving, overworking, cruelly beating, torturing, tormenting, mutilating, or cruelly killing any animal or knowingly allowing the same to be done;

(B) Cruelly working an old, maim, infirm, sick, or disabled animal or causing or knowingly allowing the same to be done;

(C) Knowingly failing to provide any animal in a person's charge or custody, as owner or otherwise, with proper food, drink, and shelter;

(D) Abandoning any old, maim, infirm, sick, or disabled animal or by abandoning any animal on any highway or public way or in any other place where it may suffer injury, hunger, or exposure, or become public charge;

(E) Failure on the part of the driver or any passenger in any motorized vehicle which strikes a domesticated animal to report the incident to the Police Department;

(F) Carrying or driving or causing to be carried or driven or kept, any animal, in an unnecessarily cruel manner.
(Ord. 571, passed 10-19-77)

§ 90.42 POISONING DOMESTIC ANIMALS.

Except on the consent of the owner of any dog, or other domestic animal to destroy the animal for cause, no person shall knowingly poison or cause to be poisoned any dog or other domestic animal except under written permit from the Department of Agriculture for the purpose of controlling diseases transmissible to humans or other animals.

(Ord. 571, passed 10-19-77) Penalty, see § 90.99(C)

VILLAGE ANIMAL WARDEN

§ 90.50 CREATION OF OFFICE; APPOINTMENT.

The office of the Village Animal Warden is created. The Village Animal Warden shall be appointed by the Village President with the advice and consent of the Board of Trustees.
(Ord. 357, passed 4-18-73)

§ 90.51 POWERS AND DUTIES.

(A) It shall be the duty of the Village Animal Warden to impound all dogs or cats running at large in violation of the provisions of this chapter. The Village Animal Warden shall be responsible for impounding any dog or cat in the village that is found by a court of competent jurisdiction to be dangerous to the health, safety, and welfare of the residents of the village. After the Animal Warden finds any dog or cat, whether licensed or not, running at large in the village, he shall, in addition to impounding the animal, attempt to find the owner. If he finds the owner or if the dog or cat is licensed, he shall have the authority to issue a notice to the owner or person listed as the licensed owner in a manner provided in this chapter.

(B) The Animal Warden shall be under the direct supervision and control of the Chief of Police, although he shall not be considered a member of the Village Police Department.

(C) This section shall not be interpreted so as to limit the Animal Warden from impounding other animals illegally running at large within the corporate limits of the village.
(Ord. 357, passed 4-18-73; Am. Ord. 829, passed 6-6-84; Am. Ord. 996-87, passed 5-20-87)

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§ 90.52 ENFORCEMENT.

(A) The Village Animal Warden shall give the party violating any provision of this chapter a notice which shall state the following:

- (1) The gender of the dog or cat;
- (2) That the animal is believed to be owned by the individual to whom this notice is addressed;
- (3) That the individual named above is believed to be the registered owner of the dog or cat;
- (4) That the animal has been impounded by the Village Animal Warden because the animal was found to be running at large in violation of the village code;
- (5) That the animal found to be running at large was with or without a proper license issued by the village.

(B) If the owner fails to redeem the animal as provided in this chapter, the Village Animal Warden at his discretion may dispose of the animal in a humane manner. The Village Animal Warden shall also file a complaint against the owner of the animal with the Village Police Department.

(C) The Department of Inspectional Services shall be responsible for enforcing §§ 90.26, 90.27, and 90.271.
(Ord. 357, passed 4-18-73; Am. Ord. 996-87, passed 5-20-87; Am. Ord. 996-87, passed 5-20-87; Am. Ord. 1013-87, passed 9-2-87)

§ 90.53 RECORDS AND REPORTS.

The Village Animal Warden shall maintain complete yearly records of all animals impounded under this subchapter. The records shall specify the name of the animal owner, the location of the violation, the date of the violation, name of the registered owner, if any, and any further action the Village Animal Warden was compelled to exercise to remedy the offending condition. Two years after the date a yearly file is opened, the Village Animal Warden may destroy it provided that any action still pending in a file eligible for destruction shall be placed in a special file until the disposition of the matter.
(Ord. 357, passed 4-18-73)

§ 90.54 INCITING ANIMAL FIGHTS.

No person shall promote, stage, hold, manage, conduct, or carry on any animal fight or any other type of contest or game of a similar nature, nor any simulated version of the same, that involves baiting or inciting an animal to

§ 90.55 HUNTING WITHIN VILLAGE LIMITS.

No person shall hunt, shoot, pursue, lure, trap, kill, destroy, capture, gig, or spear and snare, or harass any bird or mammal within the village.

(Ord. 891, passed 6-6-84) Penalty, see § 90.99

§ 90.99 PENALTY.

Any person, firm, or corporation that violates any of the provisions of this title or chapter, unless otherwise specified, shall be fined not less than \$50 nor more than \$750 for each offense.

(Ord. 2410-96, passed 3-20-96)

Section

The 2003 Editions Of the International Building Code, International Fire Code, Existing

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ADOPTION OF CODES AND STANDARDS BY REFERENCE

§ 91.00 ADOPTION OF INTERNATIONAL BUILDING,

FIRE PREVENTION

Building Code, all appendixes, annual supplements thereto, and all referenced standards and codes therein and NFPA 101 Life Safety Code, 2003 Edition, unless deleted, modified or amended by this chapter or other ordinances adopted by the village, is hereby adopted for the purpose of establishing minimum standards, rules and regulations required for Life Safety and Fire Protection in buildings or structures within the jurisdiction of the village, and the provisions thereof shall apply with the same force and effect as if fully set forth in this chapter. Copies of all said International Codes, and all annual supplements thereto and all referenced standards and codes therein shall be kept on file with the Fire Prevention Bureau, Village Clerk and Building Inspector and available for public inspection.

(Ord. 05-0251, passed 3-16-05)

§ 91.01 PURPOSE.

This subchapter provides for the Village of Romeoville rules and regulations to improve the safety of the public by promoting the control of fire hazards, regulating the installation, use and maintenance of equipment and the use of structures, premises and open areas, all so as to provide for the abatement of fire hazards and the establishment of standards for compliance to achieve these objectives. In the event of a conflict between any code, law, ordinance or standard, the more stringent shall apply in the interest of public safety and protection of property.

(Ord. 05-0251, passed 3-16-05)

§ 91.02 ADOPTION OF NFPA STANDARDS BY REFERENCE.

Unless specifically provided for elsewhere by the village, and without otherwise limiting or construing any other provision of this chapter, the standards for the National Fire Protection Association, as published by the National Fire Protection Association, as incorporated within the International Codes adopted by the village pursuant to § 91.00 of this Code shall apply (the "Standards"), and are hereby incorporated into this chapter by and the same shall apply with the same force and effect as if fully set forth in this chapter. Copies of the Standards shall be kept on file with the Fire Prevention Bureau, Village Clerk and Building Inspector and available for public inspection.

(Ord. 05-0251, passed 3-16-05)

§ 91.03 COMPLIANCE REQUIRED.

It shall be unlawful for any person to violate this chapter, to permit or maintain a violation thereof, to refuse to obey any provision thereof, or to fail or refuse to comply with any provision or regulation or standard thereof except as a variation may be allowed by action of the Fire Chief in writing and pursuant to § 91.08 of this Code.

(Ord. 05-0251, passed 3-16-05)

§ 91.04 ADMINISTRATION.

The Fire Chief, Fire Marshal, or any of the

Assistant Fire Marshals of the Fire Prevention Bureau shall administer the provisions of this chapter.

(Ord. 05-0251, passed 3-16-05)

(B) Be used, continued, occupied or reestablished without compliance with the provisions of this chapter after being discontinued, vacated or otherwise left idle or unused for a period of six consecutive months; or

§ 91.05 CONSTRUCTION.

(A) This chapter shall be construed in accordance with the laws and regulations covering fire prevention of the State of Illinois and the United States of America.

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(B) This chapter shall be deemed an exercise of the police powers of the village for the preservation and protection, of the public health, peace, safety and welfare, and all its provisions shall be liberally construed for that purpose.

(Ord. 05-0251, passed 3-16-05)

§ 91.06 APPLICATION.

The provisions of this chapter shall apply equally to uses, activities, buildings and structures on both public and private property. Furthermore, the provisions of this chapter shall apply to all new buildings and structures and the uses and occupancies thereof, including all systems and equipment therein, constructed after the effective date of the ordinance adopting this chapter, and, except as otherwise specified in this chapter, the provisions of this chapter shall also be applied to all existing buildings and structures and the uses and occupancies thereof, including all systems and equipment therein, where any of the foregoing constitute a clear and present fire related danger or hazard to life or to property.

(Ord. 05-0251, passed 3-16-05)

§ 91.07 EXISTING BUILDINGS AND STRUCTURES.

All buildings and structures, and the uses and occupancies thereof, in existence or under construction as of the effective date of the ordinance adopting this chapter and which do not strictly comply with the provisions of this chapter may continue to be used (or, if under construction, be placed into use or occupancy) provided that such buildings, structures, uses or occupancies, as the case may be, do not present or constitute clear and present fire related dangers or hazards to life or property within the village, and provided further that any person desiring to continue the use of or to place into use any such building, structure, use or occupancy shall be required to demonstrate that such building, structure, use or occupancy complies in full with those ordinances of the village in force and effect as of the construction of such building or structure or the commencement of such use or occupancy. Notwithstanding the foregoing, any buildings and structures, and the uses and occupancies thereof, in existence or under construction as of the effective date of the ordinance adopting this chapter and which do not strictly comply with the provisions of this chapter shall not:

(A) Be enlarged, expanded, or increased in size or intensity without compliance with the provisions of this chapter, excluding routine maintenance of a building or structure not intended to expand or intensify or aggravate the noncompliance with the provisions of this chapter;

(C) In the case of a building or structure that is wholly destroyed or damaged to an amount in excess of 50% of the reasonably estimated cost to replace the building or structure, be rebuilt, repaired or restored without compliance with the provisions of this chapter.
(Ord. 05-0251, passed 3-16-05)

§ 91.08 VARIANCES.

(A) The Village Fire Chief shall have the power to grant exemptions from the application of specific requirements of this chapter upon his receipt of a written request for such an exemption when the request demonstrates either that:

(1) The enforcement of the specific requirement in question will cause unnecessary hardship to the requesting party based upon circumstances unique to the requesting party that are not generally applicable to similarly situated parties elsewhere in the village, where such circumstances have not been created or caused by action of the requesting party; or

(2) The request demonstrates an intent to utilize new, innovative or alternate methods, materials, processes or systems other than those provided for by this chapter, where such methods, materials, processes or systems can be objectively shown to provide an equivalent or better level of fire safety and prevention when applied to the circumstances of the requesting party than the methods, materials, processes or systems otherwise required by the provisions of this chapter.

(B) Such requests shall be approved or denied in writing within 60 days of the receipt thereof by the Fire Chief, unless the Fire Chief and the requesting party shall agree to a different time in writing. The written determination to approve or deny a request made hereunder shall specify the grounds for the approval or the denial thereof, and shall be transmitted to the requesting party.
(Ord. 05-0251, passed 3-16-05)

BUREAU OF FIRE PREVENTION

§ 91.15 ESTABLISHMENT.

(A) A Bureau of Fire Prevention is hereby established in and for the Village Fire Department, and shall be operated under the supervision of the Chief of the Department.

(B) The Chief of the Fire Department shall designate an officer of the Fire Department as Fire Marshal of the Bureau of Fire Prevention, who shall hold this office at the pleasure of the Chief of the Fire Department.

(C) The Chief of the Fire Department may also designate any number of assistant Fire Marshals or Inspectors who shall serve as officers of the Bureau of Fire Prevention under the supervision of the Fire Chief and Fire Marshal.
(Ord. 05-0251, passed 3-16-05)

(A) It shall be the duty of all officers of the Bureau of Fire Prevention to enforce all laws, ordinances, rules, standards and regulations of the State of Illinois, County of Will, and Village of Romeoville, covering the following:

(1) Prevention of fires;

(2) The storage and use of explosives and flammable and combustible materials;

(3) The installation and maintenance of automatic and other fire alarm systems and fire extinguishing equipment;

(4) The maintenance and regulation of fire escapes;

(5) The means and adequacy of exit in case of fire from factories, schools, hotels, lodging houses, asylums, hospitals, churches, halls, theaters, amphitheaters, and all other places in which numbers of people work, live, or congregate, from time to time, for any purpose;

(6) The investigation of the cause, origin, and circumstances of fires;

(7) All other ordinances now in effect, and those which may be conferred and imposed from time to time by law, which would fall into the jurisdiction of the Bureau of Fire Prevention as hereinabove set forth, or as otherwise provided by this chapter.

(B) For these purposes alone, the Fire Chief, the Fire Marshal, and any of his assistants that are officers of the Bureau of Fire Prevention are vested with the usual powers and authority of the police officers of the village, and shall also have such other powers and perform such other duties as are set forth in other sections of this chapter, and as may be conferred and imposed from time to time by law, or as conservators of the peace as provided by the statutes of this state. Notwithstanding the foregoing, no member of the Bureau of Fire Prevention shall be permitted by the provisions of this chapter to carry firearms unless the member has successfully completed all training required by the State of Illinois and is certified to carry such firearm in the course of his duties. Upon completion of all such training, members of the Bureau of Fire Prevention may carry firearms in accordance with the provisions of this chapter and applicable law while actively engaged in the performance of their duties to investigate the cause and origin of fires within their jurisdiction.

(C) The Chief of the Fire Department may delegate any of his powers or duties under this chapter to the Fire Marshal or to any Assistant Fire Marshal who is a member of the Bureau of Fire Prevention.
(Ord. 05-0251, passed 3-16-05)

§ 91.17 DUTIES OF THE FIRE CHIEF.

(A) It shall be the duty of the Fire Chief to investigate and to recommend to the President and Board of Trustees, such additional ordinances, or amendments to existing ordinances, as he may deem necessary from time to time for safeguarding life and property against fire.

(B) The Fire Chief shall prepare instructions for the Fire Marshal and his assistants, and forms for their use in the reports required by this chapter.
(Ord. 05-0251, passed 3-16-05)

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prevention appliances as the Fire Chief or his designee shall require, and shall make such orders as may be necessary for the enforcement of the laws and ordinances governing the same and for safeguarding life and property from fire.
(Ord. 05-0251, passed 3-16-05)

§ 91.18 INVESTIGATION OF FIRES; REPORTS.

(A) The Bureau of Fire Prevention shall investigate the cause, origin, and circumstances of every fire occurring in the village by which property has been destroyed or damaged and, so far as possible, shall determine whether the fire is the result of carelessness or design. The investigations shall begin immediately on occurrence of a fire, by the assistant in whose district the fire occurs. If it appears to the officer making the investigation that the fire is of suspicious origin, the Fire Chief or Fire Marshal shall be immediately notified of the fact. He shall take charge immediately of the physical evidence, shall notify the proper authorities designated by law to pursue the investigation of such matters, and shall further cooperate with the authorities in the collection of evidence and prosecution of the case.

(B) Every fire shall be reported in writing to the Bureau of Fire Prevention within two days after the occurrence of the same, by the Officer in whose jurisdiction the fire has occurred. The report shall be in such forms as shall be prescribed by the Fire Chief and shall contain a statement of all facts relating to the cause, origin and circumstances of the fire, the extent of the damage, and the insurance on the property, and any other information as may be required.
(Ord. 05-0251, passed 3-16-05)

§ 91.19 INSPECTION REQUIREMENT FOR DANGEROUS, EXPLOSIVE MATERIALS.

Before licenses may be issued by the village for the keeping, storage, use, manufacture, sale, handling, transportation, or other disposition of highly flammable materials and rubbish, crude petroleum or any of its products, gun or blasting powder, dynamite, or explosives of any kind, including fireworks, fire crackers, and signaling explosives, the Fire Chief, the Fire Marshal, or his assistant shall inspect and approve the receptacles, vehicles, buildings, or storage places to be used for these purposes. None of the materials or substances set forth in this section shall be stored, kept, used, manufactured, sold, handled, transported or otherwise disposed of without the aforementioned inspection and approval and the issuance of a license, except that the Fire Chief or an authorized officer of the Fire Prevention Bureau may accept in lieu thereof a license, permit or other approval from a federal, state or county authority having jurisdiction thereof.
(Ord. 05-0251, passed 3-16-05)

§ 91.20 INSPECTION OF DANGEROUS MANUFACTURING PROCESSES AND THEIR SAFETY SYSTEMS.

The Fire Chief, Fire Marshal, or a specifically designated assistant shall inspect, as often as may be necessary, but not less than two times a year, all especially hazardous manufacturing processes, storage or installations of acetylene or other gases, chemicals, oils, explosives and flammable materials, all interior fire alarms and automatic sprinkler systems, and such other hazards and fire safety or fire

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The order shall be complied with immediately by the owner or occupant of the premises or building. If an order is made by the Chief Inspector or any of his assistant inspectors, the owner or occupant may within 24 hours appeal to

§ 91.21 GENERAL INSPECTIONS.

(A) It shall be the duty of the Fire Chief or the Fire Marshal to inspect, or cause to be inspected by the Bureau of Fire Prevention, or by the Fire Department officers and members, as often as necessary, but not more than four times per year, all buildings, premises, and public thoroughfares except the interiors of private dwellings, for the purposes of ascertaining and causing to be corrected any conditions liable to cause fire, or for discovering any violations of the provisions or intent of any ordinance of the village affecting fire hazards, fire safety, or fire prevention.

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(B) Whenever any inspector shall find in any building, or on any premises or other place, combustible or explosive matter or dangerous accumulations of rubbish or unnecessary accumulation of waste paper, boxes, shavings, or any highly flammable materials especially liable to fire, and which is so situated obstructions to or on fire escapes, stairs, passageways, doors, or windows, liable to interfere with the operations of the Fire Department or egress of occupants in case of fire, he shall order the same to be removed or remedied. This order shall be complied with immediately by the owner or occupant of the premises or building, subject to appeal within 24 hours to the Fire Marshal, as provided in § 91.22.

(C) Any owner or occupant failing to comply with the order within a reasonable period after the service of the order shall be prosecuted for a violation of this chapter.

(D) The service of any such order may be made on the owner or occupant of the premises in which the violation in question has been found, either by delivering a copy to the owner or occupant personally or by delivering a copy to and leaving it with any person in charge of the premises. In case no person is found on the premises, by affixing a copy in a conspicuous place on the door to the entrance of the premises. Alternatively, such notices may be served by certified mail, return receipt requested. (Ord. 05-0251, passed 3-16-05)

§ 91.22 INSPECTION ON COMPLAINT OR OBVIOUS FIRE HAZARD.

The Fire Chief, Fire Marshal, or the inspectors of the Bureau of Fire Prevention shall inspect all buildings and premises within their jurisdiction on the complaint of any person or whenever any of the officers find any building or other structure which, for want of repairs, lack of or insufficient fire escapes, automatic or other fire alarm apparatus or fire extinguishing equipment, or by reason of age or dilapidated condition, or from any other cause, is especially liable to fire, and is so situated as to endanger the occupants or other property. Whenever the officer finds in any building, combustible or explosive matter or flammable conditions dangerous to the safety of the building or the occupants he shall order the dangerous conditions or materials to be removed or otherwise remedied.

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the Fire Chief, who shall, within five days, review the order and file his decision thereon. Unless by his authority the order is revoked or modified, it shall remain in full force and be complied with within the time fixed in the order or within a decision of the Fire Chief on appeal of the order.
(Ord. 05-0251, passed 3-16-05)

§ 91.23 RIGHT OF ENTRY.

The Fire Chief, the Fire Marshal, or any assistant inspector belonging to the Bureau of Fire Prevention may, at all, reasonable hours, enter any building or premises within his jurisdiction for the purpose of making any inspection or investigation which, under the provisions of this subchapter, he may deem necessary to be made.
(Ord. 05-0251, passed 3-16-05)

§ 91.24 VILLAGE ATTORNEY TO ASSIST INVESTIGATIONS.

The Village Attorney, on request of the Bureau of Fire Prevention, shall assist the inspectors in the investigation of any fire that, in their opinion, is of suspicious origin.
(Ord. 05-0251, passed 3-16-05)

§ 91.25 SCHOOL FIRE DRILLS.

Unless otherwise provided by law, it shall be the duty of the Fire Chief and or Fire Marshal to require teachers of public, private and parochial schools and educational institutions to have one fire drill each month.
(Ord. 05-0251, passed 3-16-05)

§ 91.26 RECORDS.

The Fire Chief or Fire Marshal shall keep, in the office of the Bureau of Fire Prevention, a record of all fires and of all the facts concerning them, including statistics as to the extent of the fires and the damage caused, and whether the losses were covered by insurance and if so, in what amount. The record shall be made daily from the reports made by the inspectors under the provisions of this chapter. All records shall be made public.
(Ord. 05-0251, passed 3-16-05)

§ 91.27 BUREAU ANNUAL REPORT.

The annual report of the Bureau of Fire Prevention shall be made on or before March 30 and transmitted to the Village President and the Board of Trustees. It shall contain all proceedings under this chapter, with such statistics as the Fire Chief may wish to include. The Fire Chief shall also recommend any amendments to this chapter that, in his judgment, shall be desirable.
(Ord. 05-0251, passed 3-16-05)

OPEN BURNING PROHIBITED

§ 91.35 OPEN BURNING PROHIBITED.

Unless otherwise lawfully authorized by the

10 Illinois Environmental Protection Agency, the Village Fire Department, or the Village Code of Ordinances, no person, firm, partnership, corporation, association or other entity shall cause or permit the open burning of any waste, garbage, landscape waste, municipal waste or organic matter within the corporate limits of the Village of Romeoville. As used herein, "waste" shall have the meaning set forth therefor in ILCS Ch. 415, Act 5, § 3.55 as amended from time to

time, "garbage" shall have the meaning set forth therefor in ILCS Ch. 415, Act 5, § 3.11 as amended from time to time, "landscape waste" shall have the meaning set forth therefor in ILCS Ch. 415, Act 5, § 3.20 as amended from time to time, and "open burning" shall have the meaning set forth therefor in ILCS Ch. 415, Act 5, § 3.23, as amended from time to time.
(Ord. 05-0251, passed 3-16-05)

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§ 91.36 EXCEPTIONS TO OPEN BURNING PROHIBITION.

Notwithstanding the provisions of § 91.35 of this Code, it shall not be unlawful for any person, corporation, partnership, association or other entity to burn aged logs in a free standing outdoor fireplace which employs screens and a lid to completely enclose the fire and burning logs contained therein, subject, however, to the following conditions:

(A) Only aged logs shall be burned in the above-described type of outdoor fireplace;

(B) Any outdoor fireplace used pursuant to this § 91.36 shall be located not less than ten feet from the nearest portion of any structure, tree or building, and shall in no case be located underneath any overhanging portion of any structure, tree or building, regardless of the distance between the overhang and the outdoor fireplace in question and shall not be placed on a combustible deck or flooring.

(C) No outdoor fireplace shall be utilized for the purpose permitted by this § 91.36 at any time when the wind speed within the corporate limits of the village, as determined by the anemometer at the Joliet Regional Port District/Lewis University Airport, exceeds 15 miles per hour;

(D) All outdoor fireplace use permitted by this § 91.36 shall adhere strictly to all manufacturer guidelines and specifications issued with respect to the make and model of outdoor fireplace in question;

(E) Once a fire is started in an outdoor fireplace in conformity with this § 91.36, the lid and side screens therefor shall be secured to the outdoor fireplace and not removed therefrom until the fire is out or extinguished, and no object whatsoever shall be permitted to protrude outside said lid and screens while a fire is burning in the outdoor fireplace.
(Ord. 05-0251, passed 3-16-05)

FIRE PREVENTION AND PROTECTION IN BUILDINGS

§ 91.45 GENERAL REGULATIONS.

No person, firm, partnership, association, or corporation shall construct or cause to be constructed any buildings within the territorial limits of the village until the plans and specifications of the building or structure have been reviewed by the Department of Community Development and Fire Department, and until such plans and specifications have been determined to be in compliance with the regulations and

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shall require such fire lane or lanes as may be necessary. Where the approved fire lane(s) cannot be provided, approved fire protection systems(s) shall be provided as required and approved by the officer of the Bureau of Fire Prevention. All required emergency access roads and lanes shall be maintained and free of obstructions including but not limited to snow. It shall be unlawful for any person to block or obstruct a posted fire lane.

§ 91.46 PROVISION FOR WATER AND FIRE HYDRANTS.

(A) No building shall be constructed until such time the Village Fire Chief or Fire Marshal has approved the location and type of fire hydrants. Each hydrant shall meet ANSI/AWWA C502, UL246 AND FM 1510 STANDARDS. Fire hydrants located in residential areas shall have a 4-1/2" NST pumper nozzle with two 2-1/2" NST hose nozzles. Fire hydrants located in Industrial and Commercial parks shall have a 'Harrington' 5" Storz pumper nozzle with two 2-1/2" NST hose nozzles.

(B) Fire hydrants shall be spaced at 300 feet maximum. Where required by Fire Marshal, water mains shall be looped around buildings/complexes and hydrants spaced 300 feet apart. All private hydrants shall be painted yellow to identify them.

(C) Dead end mains shall not be allowed in residential subdivisions or commercial and industrial parks.
(Ord. 05-0251, passed 3-16-05)

§ 91.47 EXIT CONSTRUCTION AND SIGNAGE IN BUILDINGS.

(A) In each building, all stairways and stairwells and exit corridors shall be of approved two hour construction and shall be of the smoke-proof tower type. The Fire Chief or Fire Marshal shall approve the number and location of the stairwells.

(B) In buildings three stories or more in height, all stairways and stairwells shall be constructed of masonry.

(C) Floor proximity exit signs shall be installed in the following use groups as outlined in chapter 3 of the International Building Code, 2003 Edition: A-1, A-2,A-3, I-1, I-2,1-3, R-1 and R-2. The bottom of the signs shall be located no less than six inches or more than eight inches above the floor. For exit doors, the sign shall be placed on the door or no more than four inches from the door frame. These signs shall be in addition to all other required signage by any code or standard.

(D) In warehouses with rack storage, exit signs may be placed in the main aisle(s) in rack storage areas of the building providing the Fire Prevention Bureau has determined the rack aisle layout makes it apparent that it leads to an exit way. Signage shall then be placed according to NFPA 101, 2003 Edition, Section 7.10 to direct the occupants to the nearest exit upon entering the main aisle(s).
(Ord. 05-0251, passed 3-16-05)

§ 91.48 FIRE LANES/EMERGENCY VEHICLE ACCESS.

(A) Location. Whenever an officer of the Bureau of Fire Prevention finds that a fire lane is required to provide access to buildings, structures or fire hydrants for firefighting vehicles or equipment in order to prevent or eliminate a dangerous or hazardous condition, he

Bureau of Fire Prevention. The recall control shall be located on the ground floor. The override control in each elevator shall override

(B) Posting of fire lanes. All fire lanes shall be designated with all weather signs "No Parking Fire Lane" identifying their location.

(C) Minimum width and construction of fire lanes. All fire lanes required by this code shall be a minimum of 24 feet width, and constructed of hard surfaced material capable of supporting the imposed load of the heaviest fire apparatus. (Currently 75,000 lbs.) The type of construction and material shall be approved by the Fire Marshal. Where hydrants are located on fire lanes, the width of the lane shall be increased to 30 feet to allow passage of other emergency vehicles. Turning radii for all fire lanes shall conform to (D) below. Without otherwise limiting or restricting the authority of the Bureau of Fire Prevention or its officers under § 91.48(A) to require other or further amounts of fire lanes in response to particular hazards or conditions, all buildings less than 30,000 square feet in total area shall have a fire lane around at least 25% of the perimeter of the building, all buildings 30,000 square feet or more in total area but less than 80,000 square feet in total area shall have a fire lane around at least 50% of the perimeter of the building, and all buildings 80,000 square feet or more in total area shall have a fire lane around 100% of the perimeter of the building.

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(D) Access to and around all buildings to include residential housing complexes/ subdivisions shall be designed to allow unimpeded access to all areas. The corner turning radiuses shall be designed to accommodate AASHTO B40 design vehicles. All access roads and fire lane dead ends shall comply with Appendix D of The International Fire Code, 2003 Edition, if not otherwise specified in this chapter. The type of dead end shall be approved by the Fire Chief, Fire Marshal or Assistant Fire Marshal.

(E) Canopies, overhangs, or any other type of protrusions into Fire Department access routes shall be a minimum 15 feet clear height.

(F) All gates, powered or manual, shall have padlocks or bypass opening devices approved and used by the Fire Department. The clear opening through the gate shall be 2 feet wider than the travel way and shall open inward. Any islands constructed for gates shall not impede the turning radius for emergency vehicle access. (Ord. 05-0251, passed 3-16-05)

§ 91.49 ACCUMULATION OF TRASH AND GARBAGE.

The owner of any building or the manager, agents, employees or servants thereof shall not permit any accumulation of garbage, trash or other stored objects in, around, or on any exit, entryway, corridor, stairway, stairwell, or other public areas unless approved by the Village and Fire Prevention Bureau. (Ord. 05-0251, passed 3-16-05)

§ 91.50 ELEVATORS.

(A) All elevators shall have key operated override and recall controls, as approved by the

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all elevator call devices. No elevator call device shall be sensitive to heat, water, light or smoke.

(B) One elevator shall be designed to allow access to and hold an ambulance crew of two and a cot of not less than 24 inches by 86 inches in size with a patient in horizontal position.

(C) Emergency door access and emergency access keys for elevators shall be provided on all floors of the building.
(Ord. 05-0251, passed 3-16-05)

§ 91.51 FIRE ALARM SYSTEMS.

(A) Where required. An automatic fire alarm system shall be installed in all buildings regardless of the use group or other protection systems specified for such a building by any standard or code incorporated herein by reference. The automatic fire alarm system shall be approved for the particular application and shall be used only for fire detection and signaling.

(B) Requirements.

(1) Installation, testing and maintenance of All fire alarm systems shall be done by qualified and experienced personnel as outlined in NFPA 72, Chapter 7.

(2) All systems shall be powered by the most reliable source obtainable at the building and have a minimum 60 hour power back-up supply. All fire alarm systems shall be of the closed circuit type and be electrically or mechanically supervised.

(3) All automatic fire alarm systems shall be tested at least one time per year at the cost of owner. An alarm system shall not be out of service for a period exceeding seven calendar days. All maintenance and testing shall be done by individuals certified and qualified to do so.

(4) All alarms shall be directly connected to the Romeoville Fire Department dispatch center via radio transceiver approved by the Fire Prevention Bureau.

(C) Detecting devices. All automatic fire alarm systems shall include detecting devices. The automatic detecting devices shall be approved smoke detectors and/or heat detectors according to NFPA recommendations and according to the recommendations of the Bureau of Fire Prevention or its authorized designee.

(D) Manual pull stations. Manual pull stations shall be installed at all exits leading to the outside of building. All pull boxes shall be between 3.5 to 5 feet from the floor.

(E) Alarms,; audio and visual devices. Approved audible and visual alarms shall be required. All audible alarms will be of the horn variety and will be accompanied with strobe lights. The operation of any detection device

12 shall cause all audible and visual alarms to operate alarms. Exterior visual devices shall be placed outside each alarm room and outside each tenant space. Door to alarm panel location shall be marked 'FACP' in minimum 3 inch letters. Alarms shall comply with all ADA requirements and standards.

(F) Zones. Each floor shall be zoned separately. No zone shall exceed 20,000 sq. ft. or 200 feet in any direction. Zoning indicator panels and controls shall be approved and located by the Bureau of Fire Prevention. Annunciators shall lock in until the Fire Department resets the alarm system.

(G) Alarm control panel. The Fire alarm control panel shall be an addressable type and capable to monitor all devices and zones within the building. The panel shall not require the use of codes for operation by Fire Department personnel.

(H) Residential smoke alarms. Residential smoke alarms shall be in compliance with chapter 24 of NFPA 101, Life Safety Code, 2003 Edition. (Ord. 05-0251, passed 3-16-05)

§ 91.52 WATER SPRINKLER SYSTEMS.

(A) Fire sprinkler systems shall be of an approved type and shall be installed per this section, in the following use groups as outlined in Chapter 3, of the 2003 Edition of the International Building Code.

(1) In all buildings where any portions thereof are in use group (A-1) and (E) regardless of size/square footage.

(2) In all buildings where any portions thereof are in use group (A-2) regardless of size/square footage.

(3) In all buildings where any portions thereof are in use group (A-3), (A-4) when such building is 5000 sq. ft. or more in gross area or has the capability to have an occupant load of 50 or greater.

(4) In all buildings where any portions thereof are in use group (B) when such building is 5000 sq. ft. or greater in gross area or two stories or 25 feet or more to lowest roof line.

(5) In all buildings where any portions thereof are in use group (H).

(6) In all buildings where any portions thereof are in use group (I).

(7) In all buildings where any portions thereof are in use groups (M), (S), or (F) (Factory /Industrial) when such building is either 5000 sq. ft. or greater in gross area or is two stories, or 25 ft. or more in height to lowest roof line.

(8) In all buildings in use groups (R-1), (R-2), (R-3) and (R-4) as outlined in Section 310 of the International Building Code, 2003 Edition.

(9) In all buildings that are or any portions of which constitute an unlimited area building as defined by the International Building Code.

(10) In all multiple tenant and

(B) Compliance with the provisions of this § 91.52 shall not relieve any person from

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compliance with any applicable provisions of this chapter concerning smoke or heat detection devices.

(Ord. 05-0251, passed 3-16-05)

§ 91.53 SPRINKLER ALARMS.

(A) Approved audible and visual alarm devices shall be connected to every system and must activate when sprinkler is activated.

(B) In buildings with more than one sprinkler riser bank, each individual riser bank shall have an approved visual device on exterior wall to activate upon water flow of any riser in that bank.

(Ord. 05-0251, passed 3-16-05)

§ 91.54 SPRINKLER SYSTEM SUPERVISION AND PROTECTION.

Valves controlling fire sprinkler systems shall be supervised open by the following:

(A) Chained and locked in open position;

(B) Local audible alarm with transmission to Fire Department dispatch center;

(C) Sprinkler risers and banks located in open areas shall be protected from damage to include possible collision with vehicles.

(Ord. 05-0251, passed 3-16-05)

§ 91.55 FIRE DEPARTMENT CONNECTIONS.

All sprinkler and standpipe systems shall be provided with at least one, 5" Storz Fire Department connection with a 22.5 degree elbow toward grade. The single connection shall be capable to supply the entire system.

(Ord. 05-0251, passed 3-16-05)

§ 91.56 LOCATION AND HEIGHT OF FIRE DEPARTMENT CONNECTIONS.

The FDC shall be located and visible on a street front or location approved by the Fire Department. The FDC shall not be less than 2 feet and not more than 3-1/2 inches in elevation, measured from grade to centerline on FDC inlet. There shall be a clearance of 5 feet on either side with no obstructions to the front of the FDC. Any obstructions shall be removed immediately. A remote FDC shall be required if the distance from the apparatus to the FDC is greater than 75 feet.

(Ord. 05-0251, passed 3-16-05)

§ 91.57 STANDPIPE SYSTEMS.

(A) Class I Standpipe Systems shall be required in the following structures:

(1) In all buildings two stories or greater in height

(2) In all building when the total area is 25,000 square feet or greater.

(3) Any other buildings or structures

(B) Each standpipe shall have a 2-1/2 inch (NST) Fire Department connection with a removable 2-1/2 inch to 1-1/2 inch adapter. Standpipe valves shall be located at all entry/exit doors and elsewhere throughout the building as required by code or at the request and approval of the Fire

of the provisions of the subchapter, Bureau of Fire Prevention, or neglecting to comply with any order issued pursuant to any section thereof, shall be guilty of a misdemeanor and on

Marshal. All valves shall be designed to run perpendicular to the floor. All standpipe piping shall be minimum of four inches in diameter including any and all other locations described in any other referenced code or standard as a "hose station". Any reference in any such code or standard to a "hose station" shall be deemed to refer to the standpipe requirements of this chapter. All doors behind which any standpipe is located shall be marked with letters not less than three inches in height reading "FIRE DEPARTMENT HOSE VALVE" or other terminology as approved by the Fire Marshal. All columns where standpipes are located shall be painted red from ceiling level to floor. Areas where standpipes are attached to walls shall have a red stripe two feet wide from ceiling level to floor. All standpipe systems shall be designed to deliver the required GPM and pressures as set forth in NFPA 14, Chapter 5.
(Ord. 05-0251, passed 3-16-05)

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§ 91.58 RAPID ENTRY KEY BOX.

All new businesses shall have a rapid entry key box. The type to be used is the type currently used by the Romeoville Fire Department. The location of the key box shall be determined by the Fire Department with a height not to exceed 6 feet from ground level. All keys required to gain entry to any area will be provided in the box. Any information on special hazards will also be provided in the box. If changes are made to the locks the Fire Department shall be notified immediately to change the keys located in the box.
(Ord. 05-0251, passed 3-16-05)

§ 91.59 FIRE LOSS PREVENTION/FIRE WATCH.

(A) Where a required fire alarm or sprinkler system is out of service for more than four hours, the authority having jurisdiction shall be notified and the building shall be evacuated or an approved fire watch that conforms to the requirements of NFPA 601, Fire Loss Prevention, shall be provided until the system is back in service. The individuals assigned to fire watch shall be trained in fire prevention principles, occupant and fire department notification techniques as required by NFPA 601 and documentation of training shall be submitted to the authority having jurisdiction.

(B) Village firefighters from time to time may be available to provide fire watch service for the premises, but only if no other service or trained personnel are available and the service of off-duty firefighters is requested by the building owner or occupant.

(C) If off-duty firefighters are requested by management to provide the fire watch service, the off-duty firefighters shall be compensated according to the fee-schedule outlined in Chapter 43 of the Village Code of Ordinances.
(Ord. 05-0251, passed 3-16-05)

§ 91.99 PENALTY.

Any person, firm or corporation violating any

conviction shall forfeit and pay a fine of not less than \$20 daily for each offense and in addition thereto, pay a fine of \$750 if violation(s) exist beyond a reasonable amount of time. The Fire Chief, Fire Marshal or Bureau Inspector shall retain the right to cease, without prior warning, all activity of an occupancy if the Inspector determines violations exist that are immediately dangerous to the life and health of the occupants.
(Ord. 05-0251, passed 3-16-05)

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- 92.02 Definition
- 92.03 Accumulation of refuse prohibited
- 92.04 Refuse storage; containers required
- 92.05 Location of containers
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Curbside Recycling Program

- 92.20 Establishment
- 92.21 Definitions
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- 92.25 Separation of recyclables and placement for removal
- 92.26 Collection by unauthorized person
- 92.27 Recycling Committee

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GENERAL PROVISIONS

§ 92.01 PURPOSE.

The purpose of this chapter shall be to regulate and control the accumulation, removal, and disposal of refuse and to eliminate unhealthy, unsanitary, and unsightly conditions in the village.
('71 Code, Ch. 7 § 3-1) (Ord. 245, passed 11-9-66)

§ 92.02 DEFINITION.

For the purposes of this chapter the following definition shall apply unless the context clearly indicates or requires a different meaning.

"REFUSE." Includes garbage, such as all animal debris, fruit or vegetable matter and all other substances capable of decay, fermentation or putrefaction, leaves, grass, paper, waste paper, rags, floor sweepings, tin cans, glassware, crockery, bottles, ashes, cinders, clinkers, and other household waste with the exception of stone, dirt, or waste material resulting from landscaping and the remodeling of old or construction of new buildings. The illustrative inclusions above are by way of example rather than limitation.
('71 Code, Ch. 7 § 3-2) (Ord. 245, passed 11-9-66)

GARBAGE AND REFUSE

§ 92.03 ACCUMULATION OF REFUSE PROHIBITED.

No occupant, person, owner, owner's agent, or tenant of any private or public premise shall permit refuse to accumulate on the premises, except in covered containers, or as provided hereinafter. All refuse should be removed once every seven days and more often if necessary to protect the health of the inhabitants of the village.

('71 Code, Ch. 7 § 3-3) (Ord. 245, passed 11-9-66) Penalty, see § 92.99

§ 92.04 REFUSE STORAGE; CONTAINERS REQUIRED.

(A) Every occupant, person, owner, owner's agent, or tenant in possession of any house, building, flat, or apartment in the village shall at all times maintain in good order and repair a container or containers for garbage, refuse, and ashes. Filthy, leaking, or defective receptacles should be cleaned, repaired, or replaced as directed by the appropriate village representative. A container shall be a can of galvanized iron of noncorrodible material, rodent-proof, watertight, a type commonly sold as a garbage can, of a suitable gauge and construction to insure durability and so constructed that the opening at the top shall be larger than the bottom with a capacity of not less than 10 gallons or more than 30 gallons.

(B) All household garbage or refuse shall be drained and wrapped in paper to facilitate collection, and prevent freezing especially during winter months.

(C) All commercial, industrial, and apartment buildings, and religious, political, social and nonprofit organization's refuse and ashes shall be stored in durable, rust-resistant, nonabsorbent, totally enclosed metal containers.

('71 Code, Ch. 7 § 3-4) (Ord. 245, passed 11-9-66) Penalty, see § 92.99

§ 92.05 LOCATION OF CONTAINERS.

With the exception of those days for which containers are placed at curbside for refuse collection, containers shall not be located beyond the front building line of any building, structure or residence.

(Ord. 2025-89, passed 9-20-89) Penalty, see § 92.99

§ 92.06 REFUSE COLLECTION.

(A) Any owner, occupant, tenant or party in possession of any building, structure, premises, facility or property within the village which generates refuse shall be required to have accumulations of the refuse removed from the location where generated no less frequently than once each week. The village shall arrange for the removal and disposal of refuse from single family residential dwelling units within the village

as set forth more fully in division (B) below. The owners, occupants, tenants or parties in possession of any buildings, structures, premises, facilities or properties other than single family residential dwelling units as specified in division (B) shall be responsible at their own cost and expense to arrange for the removal and disposal of accumulations of refuse generated therefrom, in conformance with this chapter and other applicable provisions of this code.

(B) Single family residential refuse collection and fees.

(1) The village shall, by means of an appropriate contract or agreement entered into with a person or entity lawfully authorized to provide refuse collection and disposal services in the state, provide refuse collection and disposal to each single family residential dwelling unit to which individually metered water service and sanitary sewer service is provided by the village. The owners, occupants, tenants or other parties in possession of such a single family residential dwelling unit shall be required to receive and utilize such refuse collection and disposal services as the village may arrange for from time to time by means of such contracts or agreements, and shall further be jointly and severally liable for and required to pay the monthly or other periodic fee which is established from time to time by such contracts or agreements. The fee may be duly modified by the village from time to time, which monthly or other periodic fee shall be included with and made a part of the monthly bill for water and sanitary sewer service provided to each such single family residential dwelling unit. In the event that any owner, occupant, tenant or other party in possession of a single family residential unit which is required to receive refuse collection and disposal service and to pay the fee therefor as set forth above fails or refuses to pay such fee in connection with the other charges set forth on the monthly water, sanitary sewer and garbage bill, the refusal or failure to pay the refuse collection fee shall be deemed a failure to pay the complete amount of the charges set forth on the monthly water, sanitary sewer and garbage bill, which shall be subject to the remedies, penalties and procedures prescribed by Chapters 50 and 51 for failures or refusals to pay water and sanitary sewer service charges, in addition to such remedies, penalties and procedures as may be provided in this chapter.

(2) Notwithstanding anything in this chapter to the contrary, the village shall have no obligation whatsoever, whether in connection with the single family residential collection program established by division (B)(1) above or otherwise, to collect, remove or dispose of any matter, material, substance or thing of any nature or kind which is included within the

definition, as set forth in ILCS Ch. 415, Act 5, §§ 1 et seq., as amended, of any of the following terms:

- (a) Hazardous waste;
- (b) Hazardous substance;
- (c) Industrial process waste;
- (d) Pollution control waste;
- (e) Special waste; or
- (f) Potentially infectious medical waste.

(3) The method of collection, removal and disposal of refuse generated by or from single family residential dwelling units outlined within this division (B) shall be the sole and exclusive method for collection, removal and disposal of such refuse.

(4) Pursuant and subject to the village's refuse collection and disposal contract with Banner-Western Disposal, as it has been modified by Resolution 1093-94, the monthly fee for refuse collection and disposal payable by the owners, occupants, tenants or other parties in possession of each single family dwelling unit to which the village provides individually metered water service and sanitary sewer service and the village's abatement of a portion thereof for the period from December 1, 1994 through November 30, 2001 shall be as set forth below:

	Monthly Contract Amount	Monthly Village Abatement	Monthly Fee
12/01/94-11/30/95	\$8.68	\$1.95	\$6.73
12/01/95-12/30/96	\$9.11	\$1.95	\$7.16
12/10/96-11/30/97	\$9.57	\$1.95	\$7.62
12/11/97-11/30/98	\$10.05	\$1.95	\$8.10
12/01/98-11/30/99	\$10.55	\$1.95	\$8.60
12/01/99-11/30/00	\$11.09	\$1.95	\$9.14
12/01/00-11/30/01	\$11.64	\$1.95	\$9.69

(C) All refuse shall be collected from alleys whenever possible. Wherever a person desiring to dispose of refuse owns or inhabits property abutting a passable alley, the refuse shall be deposited at the alley for collection. When no alley abuts the premises where the refuse is to be collected, collections shall be made from the curb immediately in front of the premises.

(D) Brush, shrubs, and limbs of trees, not to exceed one cubic yard, shall be collected, provided that the latter shall be bound in lengths not to exceed five feet and that no single piece within the bundle shall exceed three inches in diameter. Brush, shrubs, and limbs of trees shall be placed for collection on regular collection days.

(E) This shall not be construed to obligate the village, to collect materials created by the demolition, remodeling, or constructing any buildings or structures.

(F) In addition, business and commercial collections shall be as often as may be necessary in the opinion of the Trustees. An annual collection in the spring of discarded furniture and appliances or trees, branches, roots, stumps, brush, and shrubs not exceeding the three cubic yards, shall be made with no additional charge. ('71 Code, Ch. 7 § 3-6) (Ord. 245, passed 11-9-66; Am. Ord. 334, passed 5-3-72; Am. Res. 455-86, passed 6-4-86; Am. Ord. 2749-00, passed 4-5-00)

§ 92.07 TIME OF COLLECTION.

Subdividing or apportioning the village into various zones or areas for the collection of refuse by the contractor performing the work and the specific dates or days of the week on which collection is to be made from each zone, shall be subject to the decision of the Director of Public Works. No refuse deposited for collection at any curb shall be placed there more than 24 hours prior to the collection day, and no container shall remain at the curb or alley 24 hours after collection. ('71 Code, Ch. 7 § 3-7) (Ord. 245, passed 11-9-66) Penalty, see § 92.99

§ 92.08 REFUSE COLLECTOR.

No person, firm, or corporation, except as herein provided, acting as a private refuse disposal collector, shall for compensation or hire remove refuse from any premise in the village, or transport refuse through the streets or alleys or public ways of the village, or dump, incinerate, or in any manner dispose of refuse, or contract for removal, transportation, or disposal of refuse without first securing a license for services from the village. ('71 Code, Ch. 7 § 3-8) (Ord. 245, passed 11-9-66) Penalty, see § 92.99

Cross-reference:

Refuse disposal contractors,
see Ch. 120

§ 92.09 BURNING REFUSE.

It shall be unlawful to burn any garbage or refuse except dry paper, within the village limits. ('71 Code, Ch. 4 § 3-9) (Ord. 245, passed 11-9-66) Penalty, see § 92.99

§ 92.10 REFUSE ON PUBLIC WAY PROHIBITED.

It shall be unlawful to pile, place, deposit, or sweep refuse on any sidewalk, parkway, street, alley, or curb contrary to the manner described in this chapter. ('71 Code, Ch. 7 § 3-10) (Ord. 245, passed 11-9-66) Penalty, see § 92.99

CURBSIDE RECYCLING PROGRAM

§ 92.20 ESTABLISHMENT.

There is hereby established a village-wide recycling program to be operated by the village and the village's contract recycling hauler to provide for the separation of certain designated recyclable materials from normal household refuse for placement in specially designated containers. The special recycling containers will be used for the purpose of storing recyclable materials on site and for the placement of those materials curbside or in the designated trash pickup point on the designated collection day. (Ord. 2070-90, passed 11-21-90)

§ 92.21 DEFINITIONS.

For the purpose of this subchapter the following definitions shall apply unless the context clearly indicates or requires a different meaning.

"CURBSIDE RECYCLING PROGRAM" The initial curbside recycling program will provide for the separation of aluminum, glass and newsprint 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 items in the recycling program. Residents will be notified of any change in the recyclable materials to be separated from household refuse.

"RECYCLABLES." Materials having an economic value in the secondary materials market. The following materials have such economic value: aluminum cans and articles, bi-metal cans, glass containers, corrugated paper (cardboard and paper boxes), magazines, computer printout paper, computer tab cards, office paper, steel cans, newspaper paper products not chemically coated and plastic bottles and containers. (Ord. 2070-90, passed 11-21-90; Am. Ord. 2024-89, passed 9-20-89)

§ 92.22 OWNERSHIP AND MISUSE OF RECYCLING CONTAINERS.

The village will provide free of cost specially labeled recycling containers to each household located within the corporate limits of the village as of the date of this section. After the date of this section, recycling containers will be provided to new households or householders for a deposit of

§8 which deposit will be returned upon return of the bin in acceptable condition. 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 free replacement containers to households when it is determined by the village that replacement is warranted. However, abuse, negligence, or misuse of the containers will require a replacement cost of \$8 to be paid by the resident before a new container is issued. If the container is not returned at the time of the final water meter reading, a replacement cost of \$8 will be added to the final water bill. (Ord. 2070-90, passed 11-21-90)

§ 92.23 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 not more than 24 hours prior to collection. (Ord. 2070-90, passed 11-21-90)

§ 92.24 COST OF RECYCLING PROGRAM.

The cost of the recycling program will be based upon the agreement between the village and the hauler. The contracted pickup cost, less any subsidy as provided for by the village, less any revenues that are received through the sale of recyclable materials, will be added to the residential water bills each month. (Ord. 2070-90, passed 11-21-90)

§ 92.25 SEPARATION OF RECYCLABLES AND PLACEMENT FOR REMOVAL.

Recyclables shall be prepared and separated from other refuse as required and shall be collected by the village or under subcontract by its designated agent. Recyclables shall be placed either at the curbside to be collected at times designated by the village or shall be taken to a recycling facility. Recyclables shall be disposed in an approved container provided for that purpose by the village. (Ord. 2024-89, passed 9-20-89)

§ 92.26 COLLECTION BY UNAUTHORIZED PERSON.

From the time of replacement of recyclables at the curb or in recycling containers for collection in accordance with the terms hereof, items shall be and become the property of the village or its authorized agent. It shall be a violation of this section for any person unauthorized by the village to collect or pick-up or cause to be collected or picked-up any such items. Any and each such collection in violation hereof from one or more locations shall constitute a separate and distinct offense punishable hereinafter provided. (Ord. 2024-89, passed 9-20-89) Penalty, see § 92.99

§ 92.27 RECYCLING COMMITTEE.

(A) The village Recycling Committee is hereby established.

(B) The Committee shall consist of five members who shall be appointed by the Village President with the advice and consent of the Board of Trustees. One of the five appointed Committee members shall be a Trustee of the Village Board.

(C) All members of the Committee shall reside within the corporate limits of the village.

(D) The term of office for every Commission member shall be one year.

(E) The Village President shall appoint from among the Committee members a Chair Person to preside over Committee meetings. The Committee shall choose a Vice-Chair to serve as Committee Chair in the absence of the appointed Chair Person.

(F) A majority of the Committee shall constitute a quorum for the purpose of transacting any business. The Chair Person shall vote in such matters only in the event of a tie vote. The Vice-Chair shall be allowed to vote on matters, when acting as Vice-Chair.

(G) The Committee may have the use and assistance of the village staff as allowed, required or assigned by the Village Manager.

(H) The responsibilities of the Committee shall be as follows:

(1) Advise and recommend to the Village Board revisions and additions to the village's recycling programs, efforts and activities;

(2) In conjunction with the overall village budget, the preparation and submittal of an annual budget addressing planned recycling efforts for the fiscal year;

(3) Assist or advise other citizen commissions and committees on matters relating to recycling;

(4) Monitor changes relating to the recycling industry, determine effects on the community and advise the Village Board accordingly;

(5) Serve as main liaison to the public and business community in matters relating to recycling; and

(6) Review, suggest and approve promotional efforts related to recycling. (Ord. 2068-90, passed 9-19-90; Am. Ord. 2396-96, passed 2-7-96)

Any person, firm, or corporation that violates any of the provisions of this title or chapter, unless otherwise specified, shall be fined not less than \$50 nor more than \$750 for each offense.
(Ord. 2410-96, passed 3-20-96)

GARBAGE AND REFUSE

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GENERAL PROVISIONS

§ 93.01 PUBLIC NUISANCES.

Any one or more of the following acts shall constitute a public nuisance:

(A) To permit any cellar, drain, sewer or grounds on any premises to emit foul odors or become injurious to the public health;

(B) To cause or suffer the carcass of any animal or any offal, filth, or noisome substance to be collected, deposited, or to remain in any place to the prejudice of others;

(C) To throw or deposit any offal or other offensive matter or the carcass of any dead animal in any watercourse, lake, pond, spring, well, or common sewer, street, or public way or on any other premises located within the corporate limits of the village;

(D) To corrupt or render unwholesome or impure the water of any spring, river, stream, pond, or lake to the injury or prejudice of others;

(E) To permit any weeds, grass, plants, or other vegetation other than trees, bushes, flowers, or other ornamental plants to grow to a height exceeding 6 inches anywhere within the corporate limits of the village, as provided in §§ 93.60 through 93.64.

(F) To make or maintain any uncovered opening in any sidewalk or passageway or allow any sidewalk in front of a person's premises to become or continue to remain in a condition to the injury or prejudice of others.

(Ord. 562, passed 9-21-77; Am. Ord. 04-0227, passed 2-2-05) Penalty, see § 93.99

§ 93.010 STANDING WATER PUBLIC NUISANCE.

(A) The presence of standing water from any source (including but not limited to sump pump discharge) that remains for more than 72 hours after the cessation of a rainfall event on any lot within a residential zoning district that is improved with one or more residential dwelling units so as to cause or reasonably threaten to cause property damage shall constitute a standing water public nuisance. As used herein, the term

"property damage" shall specifically exclude any and all damage to landscaping, planted vegetation, lawns, seeded areas or sodded areas.

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(B) No person shall own or occupy any property whatsoever within the village in such a manner as to cause, create, permit or allow the creation of a standing water public nuisance upon any lot within a residential zoning district that is improved with one or more residential dwelling units.

(C) Upon the discovery and observation of a standing water public nuisance, the village shall cause written notice of the existence thereof to the owners and/or occupants of any and all properties that are or have been owned or occupied in such a manner as to cause, create, permit or allow the creation of a standing water public nuisance upon any lot within a residential zoning district that is improved with one or more residential dwelling units. The notice shall describe the location of the properties in question and the conditions existing thereon that have caused the existence of the standing water public nuisance, and shall direct the owners and/or occupants thereof to abate the standing water public nuisance within 15 days of the date of such notice.

(D) In the event that the owners or occupants of the properties in question to whom the notice set forth above was directed shall fail or refuse to abate the standing water public nuisance as set forth in such notice, the village shall have the right, but not the obligation, to cause the abatement of the standing water public nuisance by such remedial means as are necessary, including but not limited to the removal of any and all obstructions located within village drainage easements, all at the expense of the owners or occupants of the properties in question. The costs and expenses incurred by the village in abating any such standing water public nuisance shall be itemized in a statement prepared by the village, and mailed to the owners or occupants of the properties in question. Failure of such owners or occupants to pay to the village the amount of the costs and expenses set forth in such statement within 15 days of the date thereof shall entitle the village to record a lien against the properties in question substantially in the manner set forth in § 93.64 of the Code of Ordinances, and to commence an action to collect the unpaid costs and expenses in the Circuit Court for the 12th Judicial Circuit, or to foreclose said lien as provided by law.

(E) In addition to any other remedies provided to the village by law or the provisions of this chapter, upon the failure of any owner or occupant of property to abate a standing water public nuisance in accordance with a notice given in accordance with the provisions of this section, the village may commence an action in the Circuit Court for the 12th Judicial Circuit to cause such nuisance to be abated and to impose the fines and penalties provided for in this chapter.
(Ord. 05-0286, passed 6-15-05)

§ 93.02 UNLAWFUL TO SUFFER OR MAINTAIN A NUISANCE.

(A) Any person who allows, suffers, maintains, or permits a public nuisance as defined herein shall be in violation of this

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subchapter and on conviction shall be subject to the penalties contained in § 93.99(A).

(B) For the purpose of this subchapter, a person shall be defined as any individual, firm, partnership, corporation, or association. (Ord. 562, passed 9-21-77) Penalty, see § 93.99

§ 93.03 NOTICE; SEPARATE OFFENSES.

In addition to filing a complaint, any policeman or the Building Inspector observing any public nuisance shall issue a notice describing the violation and direct it to the owners of record of the property on which the nuisance occurs, as shown in the records of the Recorder of Deeds or to the occupant of the property or to both. Any person who shall neglect to abate and remove a nuisance subject to this subchapter after notice thereof, shall be guilty of a separate offense for each 24 hours thereafter during which the nuisance continues. (Ord. 562, passed 9-21-77) Penalty, see § 93.99

§ 93.04 LIEN ON PROPERTY FOR EXPENSE TO ABATE NUISANCE.

In all cases where a nuisance shall be found in any building or on any grounds or other premises which can be charged by assessment with the expense of removal and the village or its authorized agents incur such expenses, the procedures for filing a claim for lien as provided for in state statute, as amended, shall be complied with in order to collect the sums. The collection of the expenses shall be in addition to any fine or penalty. (Ord. 562, passed 9-21-77) Penalty, see § 93.99

Statutory reference:

Weed cutting, lien, see ILCS Ch. 65, Act 5, § 11-20-7
Rat extermination, lien, see ILCS Ch. 65, Act 5, § 11-20-8
Dutch Elm Disease, removal of trees, lien, see ILCS Ch. 65, Act 5, § 11-20-12
Garbage and debris removal, lien, see ILCS Ch. 65, Act 5, § 11-20-13

HEALTH NUISANCES

§ 93.10 ABATEMENT OF HEALTH NUISANCES GENERALLY.

Whenever the existence of any nuisance or cause of disease shall come to the knowledge of the County Board of Health or its enforcement officer, the enforcement officer shall first inspect the nuisance and determine the best and most economical method by which the nuisance or cause of disease may be abated or removed. The enforcement officer shall then serve or cause to be served a written notice on the owner, occupant, or agent of the premises or building whereon or wherein is the nuisance or cause of disease is located, giving notice and directions for its abatement or removal in the most economical and sanitary manner. The owner, occupant, or agent

shall abate or remove the cause of disease or nuisance in the manner specified in the notice within not less than one nor more than five days from the date of service of the notice, as the enforcement officer shall elect. Any owner, occupant, or agent refusing or neglecting to strictly comply with the requirements

or directions specified in the notice shall be guilty of an offense, and every day the nuisance or cause of disease shall remain or continue after the expiration of the time specified in the notice for its removal or abatement shall be deemed and held to be a separate offense. (Ord. 328, passed 10-6-71) Penalty, see § 93.99

§ 93.11 SANITARY SURVEYS; RIGHT OF ENTRY.

The County Board of Health shall make or cause to be made a sanitary survey of all buildings and premises in the village, including the drainage, sewerage, and other methods of sewage disposal and of public buildings, including school buildings. It shall keep a record of all sanitary surveys and shall direct and compel any sanitary changes in buildings and premises relating to ventilation, water supply, sewage disposal, drainage, or other sanitary changes consistent with health and economy and the well-being of the public, such as each case may demand. The Board and its authorized agents shall have the power and authority to enter any building, premises, or boat for the purpose of making a sanitary survey and regulations, after giving due and formal notice at any time during the daytime. Any person who shall obstruct or resist these duties of the County Board of Health or fail to comply with the other requirements of this section, shall be guilty of an offense. (Ord. 328, passed 10-6-71) Penalty, see § 93.99

§ 93.12 USE OF TOWELS IN PUBLIC LAVATORY OR WASHROOM.

No person, owning or in charge or in control of any public lavatory or washroom shall maintain in or about the lavatory or washroom any towel for common use. The term "common use" as used in this section shall be construed for use by more than one person. (Ord. 328, passed 10-6-71) Penalty, see § 93.99

ABANDONED HOMES AND UNSAFE BUILDINGS

§ 93.20 DEFINITIONS.

"ABANDONED HOME OR BUILDING." Any building that is deserted or vacated and visually manifests an attempt by the owner or tenant thereof not to return to the premises. A home or building will be presumed to be abandoned if it has been deserted or vacated for more than two months.

"UNSAFE HOME OR BUILDING." Any building which does not comply with the village building codes or otherwise creates a danger to the health, safety, and welfare of the residents of the village. (Ord. 344, passed 6-21-72) Penalty, see § 93.99

§ 93.21 COMPLAINTS.

(A) Any resident of the village may file a signed complaint with the Village Building Inspector when the resident, on his own investigation and inspection, believes that a home or building, within the corporate limits of the village, is either abandoned or is in an unsafe

condition. The complaint shall be in writing and shall state with particularity his

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exact reasons why he believes that the premises is abandoned or in an unsafe condition.

(B) When the Village Building Inspector receives a written complaint from a resident of the village, he shall, within 15 days, inspect the premises to determine if the premises violates applicable building codes or creates a danger to the health, safety, or welfare of the residents of the village. If the Village Building Inspector believes the premises violates village ordinances or otherwise creates a danger to the health, safety, or welfare to the residents of the village, he shall notify in writing the corporate authorities of the village.
(Ord. 344, passed 6-21-72) Penalty, see § 93.99

§ 93.22 BUILDING INSPECTOR TO NOTIFY CORPORATE AUTHORITIES.

The Village Building Inspector may notify the corporate authorities in writing on investigation of any home he believes to be abandoned or in an unsafe condition. He shall state with particularity why he believes the premises to be abandoned or unsafe.
(Ord. 344, passed 6-21-72) Penalty, see § 93.99

§ 93.23 NOTICE TO OWNER.

The Board of Trustees shall instruct the Village Building Inspector to send by mail to the owner of record a written notice informing the owner of the violation of the building code or the unsafe condition of the premises. The notice shall describe the premises and state with particularity the unsafe conditions. The record owner shall have 15 days within which to correct the conditions on the premises or to state the reasons why the home is abandoned or why the conditions cannot be repaired. Where, on diligent search, the identity or whereabouts of the owner or owners of any home or building, including the lien holders of record, are not ascertainable, notice mailed to the person or persons in whose name the real estate was last assessed is sufficient.
(Ord. 344, passed 6-21-72) Penalty, see § 93.99

§ 93.24 APPLICATION TO COURT TO REMOVE OR REPAIR BUILDINGS.

If the owners of record refuse or fail to act on the notice by correcting the unsafe condition on the premises, the Board of Trustees shall apply to the Circuit Court of Will County for an order authorizing them to demolish or repair dangerous and unsafe buildings or uncompleted and abandoned buildings within the corporate limits of the village.
(Ord. 344, passed 6-21-72)

§ 93.25 COST OF REPAIR OR DEMOLITION.

(A) Pursuant to state statute, the village may recover from the owner or owners of record the cost of any demolition or repair incurred. The cost shall be a lien on the premises and shall be superior to all prior existing liens or

encumbrances except taxes, provided that the village shall, within 60 days after the repair or demolition, file notice of lien of the costs and expenses in the office of the Recorder of Deeds for Will County. The notice of lien must consist of a sworn statement setting out:

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

(2) The amount of money representing the cost and expense incurred;

(3) The date or dates when the cost and expense was incurred.

(B) On payment by the owner or owners of record, the village shall release the lien. (Ord. 344, passed 6-21-72)

Statutory reference:

Unsafe buildings, demolition or repair, lien, see ILCS Ch. 65, Act 5, § 11-31-1

§ 93.26 SECURING/BOARDING-UP OF UNSAFE BUILDINGS AND STRUCTURES.

(A) Every owner or occupant of a building shall maintain all doors and windows therein with glass or such other glazing materials as are permitted by the village building code.

(B) No owner or occupant of a building shall enclose, nor permit the enclosure, of any door or window by enclosing or covering any door or window with plywood, masonite, particle board or other similar lumber product (so-called boarding up).

(C) Boarding-up or effective securing of premises shall be in the form of a wire mesh, securely attached to the framework of either the doors or windows so as to restrict or prohibit access to the premises. This method shall be done in a way to create an appearance of occupancy to the premises and reduce neighborhood blight.

(1) Wire mesh shall not be less than 23 gauge with 1/4" holes.

(2) Wire mesh shall be installed as one continuous piece.

(D) These provisions contained herein shall apply to any buildings and/or structures, which was previously boarded-up on the effective date of these amendments. It shall further be required within 45 days from the date of adoption of these regulations for each building and/or structure to conform with the installation of the wire mesh.

(E) Nothing in this section shall prohibit:

(1) The boarding-up of buildings damaged by fire, tornado or other catastrophe for a period not to exceed eight weeks, provided, however, the period of such permitted board-up may be extended by the Building Inspector.

(2) The boarding-up of the doors and windows of a new building, by the builder thereof, until such time as construction is complete and the building is ready for occupancy.

(3) The Chief of Police, Fire Chief, Building Inspector and/or Code Enforcement

Officials shall cause a building to be boarded up when it is otherwise authorized by law or ordinance for such official to do so, or when the

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public health, safety and welfare are endangered by the condition of any such building.
(Ord. 2422-96, passed 5-15-96)

ABANDONED GASOLINE STATIONS

§ 93.30 ABANDONED GASOLINE STATION.

Every owner or lessee of an automobile or truck gasoline service station who has either abandoned or left the station in an inoperative condition for a period of 60 days shall be required at his expense to secure the building by boarding it up with a material approved by the Village Building Inspector.
(Ord. 363, passed 6-20-73) Penalty, see § 93.99

§ 93.31 DISPOSAL OF WASTE AND TRASH.

Every owner or lessee of an abandoned gasoline service station shall dispose of all waste and trash whether inflammable or nonflammable in suitable receptacles so as not to create a danger to the health, safety, and welfare of the residents of the village.
(Ord. 363, passed 6-20-73) Penalty, see § 93.99

§ 93.32 STORAGE TANKS.

Every owner or lessee of an abandoned gasoline service station shall drain all tanks or other containers that hold or store inflammable liquids within 14 days after the station has been vacated.
(Ord. 363, passed 6-20-73) Penalty, see § 93.99

§ 93.33 BUILDING INSPECTOR.

The Village Building Inspector shall notify by registered mail, the owner or lessee prior to filing complaint against the person that his building has been abandoned for a period exceeding 60 days and is in violation of this subchapter.
(Ord. 363, passed 6-20-73)

ABANDONED REFRIGERATORS

§ 93.40 ABANDONED REFRIGERATORS.

Any person, firm, partnership, or corporation who abandons or discards in any place accessible to children any refrigerator, ice box, or ice chest of 1-1/2 cubic feet capacity or more having an attached lid or door which may be opened or fastened shut by means of an attached latch, or who being the owner, lessee, or manager of such place knowingly permits an abandoned or discarded refrigerator, ice box, or ice chest to remain there, shall be subject to penalty under the provisions of this subchapter.
(Ord. 381, passed 11-7-73) Penalty, see § 93.99

INTERNAL COMBUSTION ENGINES

§ 93.45 UNREASONABLE OPERATION PROHIBITED.

(A) No internal combustion engine may be operated by any person, firm, partner-ship, or corporation outside of any residential dwelling unit located within the corporate limits of the

village for either an unreasonable length of time or at an unreasonable hour of the day or night.

(B) Unreasonableness shall be defined as a period of operation of an internal combustion

engine exceeding 1/2 hour in length. This subchapter shall not be avoided by the act of shutting off the internal combustion engine within the confines of a 1/2 hour period and the restarting of the engine within another 1/2 hour period during the same six hour period of any day. (Ord. 442, passed 1-15-75) Penalty, see § 93.99

INOPERABLE MOTOR VEHICLES

§ 93.50 INSPECTION OF VILLAGE.

Any police officer or enforcement official of the village shall periodically inspect the village to determine if any inoperable or abandoned motor vehicle exists on either private or public property within the corporate limits. (Ord. 445, passed 2-19-75; Am. Ord. 1021-87, passed 11-24-87; Am. Ord. 2032-89, passed 10-18-89; Am Ord. 0009-03, passed 2-19-03)

Cross-reference:

Motor vehicle towing, Ch. 81

WEEDS AND PLANTS

§ 93.60 WEEDS PROHIBITED.

Any weeds such as jimson, burdock, ragweed, thistle, cocklebur, or other weeds, plants, or rank vegetation of like kind, growing in any lot or tract of land within the village are declared a nuisance. It is unlawful for any owner or occupant to permit such weeds, plants, or vegetation to grow or remain upon their lot owned or occupied by them or upon the public parkway immediately adjacent to said lot. ('71 Code, Ch. 9 § 2-1) (Ord. 264, passed 9-18-68; Am. Ord. 04-0227, passed 2-2-05) Penalty, see § 93.99

§ 93.61 HEIGHT OF GRASS AND WEEDS LIMITED.

It is unlawful for any owner or occupant to permit any weeds, grass, plants or vegetation of any kind (excluding trees, shrubs, or intentionally cultivated and maintained flower, vegetable or ornamental gardens) to grow to a height exceeding 6 inches upon any lot owned or occupied by them or upon the public parkway immediately adjacent to said lot. Any such weeds, grasses or other vegetation in excess of such height are hereby declared to be a nuisance. ('71 Code, Ch. 9 § 2-2) (Ord. 264, passed 9-18-68; Am. Ord. 0043-02, passed 6-19-02; Am. Ord. 04-0227, passed 2-2-05) Penalty, see § 93.99

§ 93.62 NOTICE TO ABATE NUISANCE.

The Code Enforcement Department shall issue a notice to the owner, occupant or other person responsible for the maintenance and upkeep of any parcel of property on which any condition violating §§ 93.60 or 93.61 is found to exist, which notices shall demand the abatement of the violations in question within five days from the date of the notice. Such a notice shall be in writing, shall describe the violation in question, and shall be sent by certified mail,

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return receipt requested, or served personally on the intended recipient.

('71 Code, Ch. 9 § 2-3) (Ord. 264, passed 9-18-68; Am. Ord. 0043-02, passed 6-19-02)

§ 93.63 ABATEMENT OF NUISANCES BY VILLAGE.

If any nuisance or violation of §§ 93.60 or 93.61 described in any notice issued and served in accordance with § 93.62 is not abated within the time set forth in such notice, the village, through its Code Enforcement Department, shall abate the nuisance or violation in question by destroying, cutting or otherwise removing the same. Thereafter, the village, through its Code Enforcement Department, shall secure a lien against the parcel of property where the nuisance or violation in question was located by serving and filing appropriate notices of lien in accordance with the provisions of ILCS Chapter 65, Act 5, § 11-20-7.

('71 Code, Ch. 9 § 2-4) (Ord. 264, passed 9-18-68; Am. Ord. 0043-02, passed 6-19-02)

§ 93.64 LIENS AND PROCEDURES.

(A) Costs and expenses for the abatement of nuisances under this subchapter shall be a lien on the premises. If the owner or occupant fails to pay the costs and expenses incurred within ten days of service, the Village Clerk shall file with the Recorder of Deeds of Will County, Illinois, a statement of lien claim. The statement shall be filed within 60 days after the costs and expenses are incurred and shall contain the following:

- (1) A description of the premises sufficient for identification;
- (2) The costs and expenses incurred or payable for abating the nuisance;
- (3) The dates the costs and expenses were incurred;
- (4) A notice that the village claims a lien for the costs.

(B) Notice of the lien claim shall be served by certified mail to the owner of the premises at his or her last known address. However, failure of the Village Clerk to record the notice of lien claim or to mail the notice, or the failure of the owner to receive the notice, shall not affect the right to foreclose the lien for the costs.

(C) On payment of the costs and expenses incurred or payable under this subchapter, after notice of lien has been filed with the Recorder of Deeds, the lien shall be released by the village and the release may be filed of record as in the case of filing notice of lien.

(D) Property subject to a lien for costs and expenses incurred in abating the nuisance shall be sold for nonpayment of the lien, and the proceeds of the sale shall be applied to pay the amount of the lien after deducting costs, as in the case of foreclosure of statutory liens. The foreclosure

shall be in equity in the name of the village. The Village Attorney is authorized and directed to institute the foreclosure procedures, in the name of the village, against any property for which the costs and expenses remain unpaid. ('71 Code, Ch. 9 § 2-7) (Ord. 264, passed 9-18-68)

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§ 93.65 DEAD, DISEASED, DAMAGED OR DYING TREES.

The existence of any dead, diseased, damaged, or dying tree in such a location and in such a condition that creates a hazard or danger to the safety and health of persons and property shall be and hereby is declared to be a nuisance, and the village shall have the right to cause the removal and abatement of the same in accordance with the provisions of this chapter, including but not limited to §§ 93.62 and 93.63. (Ord. 0033-03, passed 4-16-03)

§ 93.66 LANDSCAPE WASTE DISPOSAL; PROHIBITION ON DUMPING ON PUBLIC RIGHTS-OF-WAY OR PROPERTY.

It is hereby declared to be unlawful and to constitute a public nuisance for any person or entity whatsoever to cause, allow or permit the dumping, depositing or placement of any and all forms of landscape waste upon any public rights-of-way or other public property. As used herein, "landscape waste" shall mean and included, without limitation, grass clippings, compost, leaves, branches, stems, dirt, stones, rocks, uprooted plants, weeds or vegetation of any kind, all or any parts of any trees, shrubs, bushes, plants or other vegetation resulting from the pruning, clipping, trimming or removal thereof, mulch, bark, stumps or wood chips, together with any and all other vegetation, plant matter or other material generated from landscaping or landscape maintenance activities. (Ord. 04-0141, passed 4-21-04)

CRIMINAL PUBLIC NUISANCES

§ 93.70 PROHIBITION OF CRIMINAL PUBLIC NUISANCES; ABATEMENT THEREOF.

No person shall intentionally, knowingly, recklessly or negligently permit any property within the corporate limits of the village to become, exist as or be used as a Criminal Public Nuisance, and any Criminal Public Nuisance found to exist within the village shall be subject to abatement in accordance with the applicable provisions of this chapter. (Ord. 2690-99, passed 9-1-99)

§ 93.71 DEFINITIONS.

The following terms, when used in this chapter, shall have the meanings set forth below:

"CRIMINAL PUBLIC NUISANCE." Any real property within the corporate limits of the village, together with the buildings, structures, fixtures or improvements located thereon, at, in or on which any three or more of the criminal offenses set forth below have occurred within any given one-year period, as determined by authorized sworn personnel of the Village Police Department or by any authorized members of other law enforcement agencies lawfully exercising jurisdiction within the village, shall constitute a Criminal Public Nuisance. The criminal offenses which may be considered in determining whether or not a

Criminal Public Nuisance exists shall be as follows:

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(1) Any offense defined and prohibited by Article 9 (Homicide) of the Criminal Code of 1961, ILCS Ch. 720, Act 5, §§ 9-1 et. seq.;

(2) Any offense defined and prohibited by Article 10 (Kidnaping and Related Offenses) of the Criminal Code of 1961, ILCS Ch. 720, Act 5, §§ 10-1 et. seq.;

(3) Any offense defined and prohibited by Section 11-14 (Prostitution), Section 11-15 (Soliciting for a Prostitute), Section 11-16 (Pandering), Section 11-17 (Keeping a Place of Prostitution), Section 11-20 (Obscenity), Section 11-20.1 (Child Pornography), or Section 11-21 (Harmful Material to Minors) of the Criminal Code of 1961, ILCS Ch. 720, Act 5, §§ 11-14 through 11-17, 11-20, 11-20.1 and 11-21;

(4) Any offense defined and prohibited by Article 12 (Bodily Harm) of the Criminal Code of 1961, ILCS Ch. 720, Act 5, §§ 12-1 et. seq.;

(5) Any offense defined and prohibited by Article 16 (Theft and Related Offenses) of the Criminal Code of 1961, ILCS Ch. 720, Act 5, §§ 16-1 et. seq.;

(6) Any offense defined and prohibited by Section 20-2 (Possession of Explosives or Incendiary Devices) of the Criminal Code of 1961, ILCS Ch. 720, Act 5, §§ 20-2 et. seq.;

(7) Any offense defined and prohibited by Article 24 (Deadly Weapons) of the Criminal Code of 1961, ILCS Ch. 720, Act 5, §§ 24-1 et. seq., together with any violation of § 137.08 of this Code (Discharge of Firearms within Corporate Limits of the Village of Romeoville);

(8) Any offense defined and prohibited by Article 25 (Mob Action) of the Criminal Code of 1961, ILCS Ch. 720, Act 5, §§ 25-1 et. seq.;

(9) Any offense defined and prohibited by Section 26-1 (Disorderly Conduct) of the Criminal Code of 1961, ILCS Ch. 720, Act 5, §§ 26-1.

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(10) Any offense defined and prohibited by Article 28 (Gambling) of the Criminal Code of 1961, ILCS Ch. 720, Act 5, §§ 28-1 et. seq.;

(11) Any offense defined and prohibited by Article 31 (Interference with Public Officers) of the Criminal Code of 1961, ILCS Ch. 720, Act 5, §§ 31-1 et. seq.;

(12) Any offense defined and prohibited by Section 6-16 (Prohibited Sales and Possession) or Section 6-20 (Purchase or Acceptance of Gift of Liquor by Persons Under Age 21) of the Liquor Control Act of 1934, ILCS Ch. 235, Act 5, §§ 6-16 and 6-20.

(13) Any offense defined and prohibited by the Illinois Controlled Substances Act, ILCS Ch. 720, Act 570, §§ 100 et. seq.;

(14) Any offense defined and prohibited by the Cannabis Control Act, ILCS Ch. 720, Act 550, §§ 1 et. seq.;

(15) Any inchoate offense defined and prohibited by Article 8 (Inchoate Offenses) of the Criminal Code of 1961, ILCS Ch. 720, Act 5, §§ 8-1 et. seq., which is relative to the commission of any of the aforesaid principal offenses.

"OCCUPANT." Any person in actual or constructive possession of any real property within the corporate limits of the village, or any of the buildings, structures, fixtures or improvements located thereon.

"OWNER." Any person having any legal or equitable interest whatsoever in any real property within the corporate limits of the village, together with the buildings, structures, fixtures or improvements located thereon, or who, by any means whatsoever, has the ability, authority or right to regulate, restrain, control, direct or affect the conduct of persons present on any such property.

"PERMIT." To allow, approve, consent to, acquiesce in, agree to, suffer, or failure to prevent through inaction.

"PERSON." Any natural individual, corporation, firm, partnership, limited liability company, unincorporated association or any other group, enterprise or entity capable of owning, using or occupying property.

"PROPERTY." Any real property, together with any buildings, structures, improvements or fixtures located thereon or affixed thereto. (Ord. 2690-99, passed 9-1-99)

§ 93.72 PRE-ABATEMENT PROCEDURE.

Whenever the Chief of the village Police Department shall receive two or more police reports generated in the ordinary course of the business of the Department, or any reports from sworn personnel of any other law enforcement agency lawfully exercising jurisdiction in the village, which reports describe the commission of any acts or conduct within the same one year period at, in or on the same property which could constitute any two or more of the offenses set forth in the definition of Criminal Public Nuisance at § 93.71, the Chief shall review said reports and determine whether or not the such acts or conduct in fact constitute any of said offenses. In the event that the Chief determines that said reports in fact describe the commission of acts or conduct which constitute any two or more of said offenses, the Chief may take the following action:

(A) Notify by registered mail, return receipt requested, or by personal service, the owners and the occupants of the property in question that said property may be in danger of becoming a Criminal Public Nuisance under the provisions of this chapter, which notice shall identify the property in question by either street address, PIN number or legal description, describe the acts or conduct which have occurred on the property that could serve as part of the basis for determining that the property constitutes a Criminal Public Nuisance, and request that the owners and occupants contact the Chief within 14 days of the date of the letter to discuss potential courses of action which will prevent and deter the property in question from becoming a Criminal Public Nuisance.

(B) After complying with the notification procedure set forth in the subsection above, if the Chief of Police receives an additional police report describing the commission of acts or conduct within the same one year period as the acts or conduct with respect to which a notification was issued in accordance with this section, which acts or conduct were committed at the same property described in said notice and which could constitute the commission of one or more of the offenses set forth in the definition of Criminal Public Nuisance in § 93.71, then the Chief shall review such report and determine whether or not such acts or conduct in fact constitute one or more of the said offenses, and, in the event that the Chief determines that such acts or conduct do constitute one or more of the said offenses, then the Chief shall, by registered mail, return receipt requested, or by personal service, and, in addition to either of the foregoing, by posting on the property itself, provide the owners and occupants of the property in question with a second notice, which notice shall inform the owners and occupants that the property in question has become and is in fact a Criminal Public Nuisance under this chapter,

describe all of the acts and conduct forming the basis for the determination that the property in question is a Criminal Public Nuisance, and request that the owners and occupants of the property contact the Chief within 14 days of the date of the notice to determine and implement a course of action which will result in the abatement of the property as a Criminal Public Nuisance.

(C) Proof that the notices required under this chapter were sent or given in the manner required hereunder shall be deemed proof that the owners or occupants of the property to which the notices related received such notices.
(Ord. 2690-99, passed 9-1-99)

§ 93.73 JUDICIAL ABATEMENT PROCEDURE.

In the event that a course of conduct agreed to by the Chief of Police and the owners and occupants of the property to which a notice has been directed pursuant to § 93.72(B) has not been implemented within 30 days of the date of said notice to voluntarily abate the Criminal Public Nuisance in question, then the Chief of Police shall so notify the Village Attorney to initiate judicial proceedings in the Circuit Court of the 12th Judicial Circuit, Will County, Illinois, to abate the Criminal Public Nuisance, and to seek the penalties and remedies provided with respect thereto by the provisions of this chapter.
(Ord. 2690-99, passed 9-1-99)

§ 93.74 ABATEMENT REMEDY; PENALTY.

In the event that the village establishes in any judicial action instituted in accordance with § 93.73 that a property within the corporate limits of the village constitutes a Criminal Public Nuisance, the court shall, in addition to any other powers granted by the provisions of the village Code of Ordinances or applicable law, have the power to enter an order restraining the owners and occupants from using the property for any purpose for a period of up to one year, which order shall further provide that the owners and occupants shall have the right to use the property during the period of time specified in the order if any of them shall post a bond or other security payable to the village and approved by the court in an amount between \$1,000 and \$5,000, which bond or security shall be forfeited and paid over to the village by the obligor thereof in the event that any offense set forth above at § 93.71 (A) in the definition of Criminal Public Nuisance is committed upon such property within the period of time set forth in the court order. Any person who is an owner or occupant of any property determined in any such judicial action to constitute a Criminal Public Nuisance who intentionally, knowingly, recklessly or negligently permitted such property to become, be used as or exist as a Criminal Public Nuisance

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shall be liable to a fine of not less than \$100 nor more than \$750 per day for each day on which such property was used as or existed as a Criminal Public Nuisance.
(Ord. 2690-99, passed 9-1-99)

NUISANCE WILDLIFE CONTROL

§ 93.80 ASSESSMENT.

Contact will be made with a resident within 24 hours of receiving a nuisance wildlife control complaint in order to make an assessment of the situation.
(Ord. 2687-99, passed 9-1-99)

§ 93.81 FEE.

(A) If the assessment determines the resident has a nuisance wildlife control problem, the village may pay, depending on the availability of funds and the discretion of the Village Manager or his/her designee, a maximum of \$150 for the following:

- (1) Trap Setting;
- (2) Five consecutive days of follow-up with re-baiting if necessary;
- (3) Trapping of the equivalent of two nuisance wildlife animals and disposal of same pursuant to Illinois Department of Conservation Guidelines. Nuisance wildlife is defined as opossums, skunks, and raccoons. The trapping agency, in its sole discretion, may determine that a wildlife litter is equivalent to one animal;
- (4) All expenses for services over and above those referred to in subsections (1) through (3) are the responsibility of the homeowner.

(B) The village will provide the nuisance wildlife control service for a household no more than once a year.
(Ord. 3687-99, passed 9-1-99; Am. Ord. 03-0078, passed 11-19-03)

§ 96.82 FEES AND SERVICES NOT COVERED BY VILLAGE.

(A) Disposal of any nuisance wildlife over and above the expenses paid for by the village is to be paid by the homeowner.

(B) All trapping services provided by the village shall take place outside the resident's home. Any problem a homeowner may have inside his/her residence with wildlife is the responsibility of the homeowner.
(Ord. 2687-99, passed 9-1-99)

§ 93.83 CONSENT.

The trapping agency will require a homeowner to give written consent before trapping may take place on his/her property.
(Ord. 2687-99, passed 9-1-99)

§ 93.84 INSURANCE.

Romeoville shall be named as co-insured on the trapping agency policy. A copy of the insurance policy will be provided to the village. (Ord. 2687-99, passed 9-1-99)

§ 93.85 NUISANCE WILDLIFE CONTROL PERMIT.

A copy of the trapper's Nuisance Wildlife Control Permit will be provided to the village. (Ord. 2687-99, passed 9-1-99)

§ 93.86 STATE AND FEDERAL LAWS.

Trappers will comply with all State and Federal laws. (Ord. 2687-99, passed 9-1-99)

§ 93.87 ADMINISTRATION.

The Village Manager or the Village Manager's designee shall administer this subchapter. (Ord. 2687-99, passed 9-1-99)

§ 93.99 PENALTY.

Any person, firm, or corporation that violates any of the provisions of this title or chapter, unless otherwise specified, shall be fined not less than \$50 nor more than \$750 for each offense. (Ord. 2410-96, passed 3-20-96)

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Section

Hours for Using Municipal Parks

- 94.01 Hours for John F. O'Hara Woods
- 94.02 Municipal park hours
- 94.03 Permit required to use park after hours

Age Limit for Use of Recreational Apparatus

- 94.10 Age limit for use of recreational apparatus in tot park
- 94.11 Responsibility of parent or guardian
- 94.12 Restriction of age and equipment usage at Atchley Park

Fire Regulations for Municipal Parks

- 94.15 Fires controlled and prohibited
- 94.16 Outdoor cooking stoves
- 94.17 Fire to be under care of competent person
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Operation of Motor Vehicles in Park

- 94.25 Operation of motor vehicles in park
- 94.26 Exceptions

Recreation Fee Structure Policy

- 94.35 Fee policy
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Neighborhood Park Watch Program

- 94.45 Citizens' component
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Waterways

- 94.60 Swimming; bathing prohibited
- 94.61 Water crafts prohibited
- 94.62 Special use permits

- 94.99 Penalty

Cross-reference:

Administrative warning tickets, see Ch. 42

HOURS FOR USING MUNICIPAL PARKS

§ 94.01 HOURS FOR JOHN F. O'HARA WOODS.

No person, firm, partnership, corporation, group or association shall be present on the premises of John F. O'Hara Woods from sunset to sunrise. For the

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purpose of this subchapter the times of sunset and sunrise shall be such time as set forth on the Sunrise and Sunset Table at Joliet, Illinois, as published by the Director of the Almanac Office, United States Naval Observatory, which table shall be on file with the Secretary of the Romeoville Recreation Department, and, as published in the Joliet Herald News, being a newspaper of general circulation within the village of Romeoville, Will County, Illinois.

(Ord. 455, passed 6-4-75) Penalty, see § 94.99(A)

§ 94.02 MUNICIPAL PARK HOURS.

No person, firm, partnership, corporation, group, or association shall be present on the premises in any other park within the municipal park system during the following hours and dates:

(A) October 15 to April 15 6:00 p.m. to

9:00 a.m.

(B) April 15 to October 15 8:00 p.m. to

9:00 a.m.

(Ord. 455, passed 6-4-75) Penalty, see § 94.99(A)

§ 94.03 PERMIT REQUIRED TO USE PARK AFTER HOURS.

Any person, firm, partnership, corporation, group, or association which desires to be or remain in any municipal park after the time that the park has closed shall file an application for a permit with the Director of Recreation on a form prescribed by him. The authority to grant the permit shall be vested solely with the Director or his designated agent. The permit shall clearly set forth the time limitations within which the person or organization may remain on the municipal park premises and shall be in the possession of the person or representative of the organization making the application. In no event shall a group participating in an activity under the direction and control of the Romeoville Recreation Department be required to secure a permit.

(Ord. 455, passed 6-4-75) Penalty, see § 94.99(A)

AGE LIMIT FOR USE OF
RECREATIONAL APPARATUS

§ 94.10 AGE LIMIT FOR USE OF RECREATIONAL APPARATUS IN TOT PARK.

No person shall play on, sit on, or use any of the recreational apparatus located on the premises of any tot park, as designated by the Director of Recreation, who is in excess of the established age set by the Director of Recreation.

(Ord. 521, passed 6-4-75) Penalty, see § 94.99(B)

§ 94.11 RESPONSIBILITY OF PARENT OR GUARDIAN.

It shall be unlawful for an individual or a parent or legal guardian of a minor to knowingly violate or permit a minor in his/her custody or control to violate a park usage or age restriction. Any person who shall violate this section, upon conviction, shall be fined not less than \$25 nor more than \$500.

(Ord. 521, passed 6-4-75; Am. Ord. 2242-93, passed 9-15-93) Penalty, see § 94.99(B)

§ 94.12 RESTRICTION OF AGE AND EQUIPMENT USAGE AT ATCHLEY PARK.

(A) Anyone ages 12 and under in unorganized youth teams use any type of ball. Hard ball, 11" and 12" softball or 16" softball at Atchley Park.

(B) Anyone ages 13 and over in unorganized youth teams must use a 11", 12" or 16" softball when using Atchley Park.

(C) Any youth organized team ages up to 17 can use any type of ball, hard ball, 11" softball, 12" softball or 16" softball at Atchley Park. This includes coaches taking infield/outfield practice. These teams must be sponsored by the Recreation Department or a village community organization.

(D) Organized youth team is defined as a village sponsored youth organization such as: Little League; pony League; Girl's softball; T-Ball; AYSO Soccer; 4-H; Boy Scouts, Girl Scouts, and so forth.

(E) An unorganized youth team is defined as individuals playing pick up games that is not sponsored by the Recreation Department or a village community youth organization.

(F) Divisions (A), (B) and (C) will not stop balls or individuals from intruding on residents property, however, it will limit the intrusions or possible damage to residents property.

(G) Violators will be subject to fines established in § 94.11.
(Ord. 2243-93, passed 9-15-93)

FIRE REGULATIONS FOR MUNICIPAL PARKS

§ 94.15 FIRES CONTROLLED AND PROHIBITED.

(A) No person shall ignite, light, or make use of any fire in the John F. O'Hara Woods, except at such places and facilities as have been established for such purposes by the Director of Recreation.

(B) There shall be no fires permitted on the premises of the following parks in the municipal park system:

Neal Murphy Park
 Ridge View School Park
 Ron Atchley Memorial Park
 Jaycees Park
 St. Andrews Park
 Good Shepherd Lutheran Church Park
 Valley View School Park
 Lake Shirley Park
 Romeoville Community Park and
 Recreation Center

(Ord. 459, passed 7-16-75) Penalty, see § 94.99(A)

§ 94.16 OUTDOOR COOKING STOVES.

Any person may utilize stoves or other manufactured devices designated for outdoor cooking in the areas designated for such use. The person shall be responsible for extinguishing the fires and disposing of the ashes so as not to create a danger, hazard, or nuisance to other persons. If a marked receptacle is provided, the container shall be utilized for the extinguishment of fires and disposition of ashes. (Ord. 459, passed 7-16-75) Penalty, see § 94.99(A)

§ 94.17 FIRE TO BE UNDER CARE OF COMPETENT PERSON.

Every fire permitted under this subchapter shall be continuously under the care, supervision, and direction of a competent person from the time it is ignited until the time it is completely extinguished. A competent person for the purposes of this section shall be defined as anyone 18 years of age or older. (Ord. 459, passed 7-16-75) Penalty, see § 94.99(A)

§ 94.18 FIRES ON GROUND OR DIGGING FIRE PITS PROHIBITED.

It shall be unlawful for any person to ignite a fire on the ground within the premises of any park under the jurisdiction of the village, nor shall it be permissible for any person to dig a pit for such purposes within any park. (Ord. 459, passed 7-16-75) Penalty, see § 94.99(A)

OPERATION OF MOTOR VEHICLES

§ 94.25 OPERATION OF MOTOR VEHICLES IN PARK.

No person shall operate a motor vehicle on any premises within the village municipal park system except on parking lots and designated roadways. For the purpose of this subchapter a motor vehicle shall be every vehicle which is self-propelled. (Ord. 460, passed 6-18-75) Penalty, see § 94.99(A)

§ 94.26 EXCEPTIONS.

This subchapter shall not be applicable to the duly authorized operation of village-owned motor vehicles or such other motor vehicles that may be on park premises at the request of the village. (Ord. 460, passed 6-18-75) Penalty, see § 94.99(A)

RECREATION FEE STRUCTURE POLICY

§ 94.35 FEE POLICY.

(A) This section will authorize the Village Manager and the Director of Recreation to recommend and determine the fees for the recreation programs.

(B) The fees for Recreation Department programs will be established and/or amended time to time by the Village Board of Trustees. (Ord. 2581-98, passed 6-17-98)

§ 94.36 YOUTH RATIO POLICY.

The Recreation Department, in order to provide quality instruction and insure safety for all participants, has established a policy on the ratio of participants per instructor.

(A) Youth classes - one instructor for every eight participants.

(B) Pre-School Gymnastics - one instructor for every six participants.

(C) Adult classes have no instructor ratio. (Res. 1101-95, passed 1-18-95)

§ 94.37 RULES OF CONDUCT FOR MUNICIPAL PARKS.

(A) This section applies to all parks and recreation areas under the jurisdiction of the village where prohibition of the conduct described in this section is posted with signs in a conspicuous place within each such park or recreation area, unless such posting is otherwise expressly exempted in this section.

(B) Skateboarding defined: As used in this section 94.37, the term SKATEBOARD means a platform supported by wheels intended to carry and support a human foot and to be propelled by human foot power. The term includes similar devices containing a handle bar (which are sometimes commonly referred to as SCOOTERS).

(C) Rules of conduct. It shall be unlawful for any person in a public park or recreation area within the village to:

(1) Remain in any park or recreation area during the hours that such park or recreation area is closed. All park and

recreation areas are open from sunrise to sunset unless otherwise specified by other posting at the park or recreation area.

(2) Skateboard on, upon or within the public park or recreation area.

(3) Engage in insulting or indecent language or disorderly conduct or behavior tending to breach the public peace.

(D) Enforcement. The Village Police Department shall, in connection with duties imposed by law, enforce the provisions of this section. Further, the Village Police Department shall have the authority to order any person or persons acting in violation of the section to leave the park or recreation area. (Ord. 2492-97, passed 9-3-97)

NEIGHBORHOOD PARK WATCH PROGRAM

§ 94.45 CITIZENS' COMPONENT.

Involving nearby community organizations, PTO's of neighboring schools, park users and picnic area reservation groups to assist the parks staff in identifying problem areas, reporting crime incidents and suspects, and isolating and eliminating vandalism and other criminal activities in our parks. (Res. 2249-98, passed 5-6-98)

§ 94.46 PARKS' COMPONENT.

Recreation Department staff would be trained by law enforcement officials to recognize, report and keep a record of criminal incidents and security problems, and receive and record citizen complaints from Park Watch participants and park users. (Res. 2249-98, passed 5-6-98)

§ 94.47 LAW ENFORCEMENT PERSONNEL.

Police personnel who are trained in crime prevention, D.A.R.E. and drug prevention programs, and Environmental Security Assessments shall be utilized to reduce the opportunity for crime and provide orientation and training for park users and Park Watch participants. (Res. 2249-98, passed 5-6-98)

§ 94.48 ADMINISTRATIVE STAFF.

Park Administrators will develop Park Watch Program guidelines, and produce promotional and educational materials for the program, design and purchase Neighborhood Park Watch signs, and establish a Park Watch Program. (Res. 2249-98, passed 5-6-98)

§ 94.49 TRAINING MATERIALS AND SUPPORT.

Park administrative staff, assisted by law enforcement personnel, shall prepare program materials and provide periodic reports to Park Watch members. Program

materials shall include Park Watch training brochures procedural guidelines of the program design as developed by the parks and law enforcement agencies.

(Res. 2249-98, passed 5-6-98)

§ 94.50 SIGNS.

Park Watch signs shall be for posting in the parks that have a viable Neighborhood Park Watch Program that meets the following guidelines; (1) includes the active and ongoing participation from each of the above listed citizen, parks staff and law enforcement components on its Park Watch Coordinating Committee; and (2) follows the guidelines of the program design as developed by the parks and law enforcement agencies. (Res. 2249-98, passed 5-6-98)

WATERWAYS

§ 94.60 SWIMMING; BATHING PROHIBITED.

Swimming, wading, or bathing at any time in any lakes, ponds, streams, sloughs, or watercourses is prohibited.

(Ord. 2757-00, passed 4-19-00) Penalty, see § 90.99

§ 94.61 WATER CRAFTS PROHIBITED.

(A) The bringing of any water craft into, or the attempt to launch any water craft, or use or navigate any boat, yacht, canoe, raft or other water craft upon the waters of any water course, lagoon, lake, pond, or slough is prohibited.

(B) Any engine-powered models or toys that use any fuel-powered engine or jet type or electric-powered engine such as model aircraft, boats, rockets or like-powered toys or models are prohibited in all village parks, facilities and waterways.

(Ord. 2757-00, passed 4-19-00) Penalty, see § 90.99

§ 94.62 SPECIAL USE PERMITS.

(A) A special use permit may be obtained upon a request through the Recreation Department. Awarding of the special use permit will be at the sole discretion of the Director of Parks and Recreation.

(B) Special use permits can only be obtained for the following events:

- (1) Training by emergency rescue agencies;
 - (2) Special events sponsored by the Recreation Department; or
 - (3) Church events such as baptisms.
- (Ord. 2757-00, passed 4-19-00)

§ 94.99 PENALTY.

Any person, firm, or corporation that violates any of the provisions of this title or chapter, unless otherwise specified, shall be fined not less than \$50 nor more than \$750 for each offense. (Ord. 2410-96, passed 3-20-96)

Section

Encroachments on Public Right-of-Way

- 95.01 Definitions
- 95.02 Applicability
- 95.03 Encroachments prohibited

- 95.99 Penalty

ENCROACHMENTS ON PUBLIC RIGHT-OF-WAY

§ 95.01 DEFINITIONS.

For the purposes of this subchapter the following definitions shall apply unless the context clearly indicates or requires a different meaning.

"CONSTRUCTION EASEMENT AREA." That area lying between the project right-of-way limits and the platted street limits within which the village, by concurrence in the establishment of the project right-of-way lines, will permit the state to enter to perform all necessary construction operations.

"ENCROACHMENT." Any buildings, fence, sign, or any other structure or object of any kind, with the exception of utilities and public road signs, which is placed, located, or maintained in, on, under, or over any portion of the project right-of-way or the roadway right-of-way where no project right-of-way line has been established.

"PERMISSIBLE ENCROACHMENT." Any existing awning, marquee, advertising sign, or similar overhanging structure supported from a building immediately adjacent to the limits of the platted street where there is a sidewalk extending to the building line and which does not impair the free and safe flow of traffic on the highway. The permissive retention of overhanging signs is not to be construed as being applicable to those signs supported from poles constructed outside the project right-of-way line and not confined by adjacent buildings.

"PROJECT RIGHT-OF-WAY." Those areas within the project right-of-way lines established jointly by the village, state, and the federal highway administration which will be free of encroachments except as herein defined.

"ROADWAY RIGHT-OF-WAY." Those areas existing or acquired by dedication or by fee simple for highway purposes; also, the areas acquired by temporary easement during the time the easement is in effect.

('71 Code, Ch. 8 § 5-9-8) (Ord. 283, passed 10-1-69; Am. Ord. 545, passed 7-20-77; Am. Ord. 548, passed 8-3-77)

§ 95.02 APPLICABILITY.

(A) The provisions of §§ 95.01 through 95.03 shall apply to the improvement of Illinois Route 53, F.A. Route 98, State Section 29 Y-N (Joliet Road) within the village limits.

(1) Project right-of-way lines have been established as indicated on the road plans for the proposed improvement.

(B) The provisions of §§ 95.01 through 95.03 shall apply to the improvement of Illinois Route 53, FAP Route 112, State Section 28 Y-N-1, Village Section 76-00012-00-TL, from a point 770 lineal feet north of 135th Street to a point 770 feet south of 135th Street.

(1) Project right-of-way lines have been established at the following locations:

(a) Along the _____ side of Street, _____ feet from the centerline of the proposed improvement from _____ to _____.

(2) Revocable permits have been issued by the village for the temporary retention of the following permissible encroachments:

(a) None.
(Ord. 545, passed 7-20-77) Penalty, see § 95.99(B)

(C) The provisions of §§ 95.01 through 95.03 shall apply to the improvement of Illinois Route 53 beginning at a point 780 feet north of Belmont Drive and extending south to a point 780 feet south of Murphy Drive.

(1) Project right-of-way lines have been established at the back of curb or shoulder line.

(2) Revocable permits have been issued by the village for the temporary retention of the following permissible encroachments:

(a) None.
(Ord. 548, passed 8-3-77) Penalty, see § 95.99(C)

§ 95.03 ENCROACHMENTS PROHIBITED.

It shall be unlawful for any person, firm, or corporation to erect or cause to be erected, to retain or cause to be retained, any encroachment, except as provided in § 95.02, within the limits of the project right-of-way or roadway right-of-way where no project right-of-way lines have been established.

('71 Code, Ch. 8 § 5-9-8) (Ord. 283, passed 10-1-69; Am. Ord. 545, passed 7-20-77; Am. Ord. 548, passed 8-3-77) Penalty, see § 95.99

§ 95.99

ROMEDEVILLE

§ 95.99 PENALTY.

Any person, firm, or corporation that violates any of the provisions of this title or chapter, unless otherwise specified, shall be fined not less than \$50 nor more than \$750 for each offense.
(Ord. 2410-96, passed 3-20-96)

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Section

96.01	Definitions
96.02	Registration of alarm system required
96.03	Issuance; term of registration
96.04	Updating registration application
96.05	Alarm systems operation and maintenance
96.06	False alarm prohibited
96.07	Response to alarms
96.08	Liability of village limited
96.09	Excessive false alarms; fee assessment
96.10	Appeal of false alarm
96.11	Alarm revocation
96.12	Grace period for false alarm
96.13	Compliance
96.99	Penalty

§ 96.01 DEFINITIONS

For the purpose of this chapter the following definitions shall apply unless the context clearly indicates or requires a different meaning.

"ALARM COORDINATORS." The Chiefs of the Police Department and Fire Department or their designees.

"ALARM SUBSCRIBER." The person, firm, corporation, partnership, organization or association of any kind in control of any building, structure, facility, premises or property or portion thereof, wherein an alarm system is maintained.

"ALARM SYSTEM." Any device, mechanical, electrical, or combination thereof which is connected directly or indirectly to the Police or Fire Department which is used to signal an unauthorized entry, other illegal act or a fire or medical emergency in which immediate response is expected. Alarm system also includes any device which is audible, commonly referred to as outside ringers, automatic dialers or systems which are monitored by any third party which in turn notifies the Police and/or Fire Department, or any device so visible or in other ways perceptible outside a protected building, structure or facility as to notify persons in the area to notify the Police or Fire Department of any emergency or immediate response situation. This definition does not apply to motor vehicles which are alarmed.

"ALARM SYSTEM BUSINESS." Any business, corporation, firm or person which in whole or part sells, leases, maintains, services, repairs, alters, replaces, moves or installs alarm systems.

"FALSE ALARM."

(A) A signal from any alarm system eliciting a response by the Police or Fire

Department when a situation requiring such a response does not in fact exist. A false alarm may be caused by, but shall not be limited to:

- (1) Mechanical failure;
- (2) Malfunction of the alarm system;
- (3) Improper installation, maintenance or servicing of the alarm system;
- (4) Negligent act of a person under the control, direction or employ of the alarm subscriber; or
- (5) Any other cause not related to actual or attempted unauthorized entry of the premises, the commission of an unlawful act, or a fire or medical emergency.

(B) Alarms resulting from the following conditions shall not be considered false alarms:

- (1) Criminal activity, or a fire or medical emergency;
- (2) Earthquakes, unusually high winds, flooding, lightning or other acts of God which could affect the alarm system;
- (3) Telephone line malfunction verified in writing to the Alarm Coordinators by at least a first line telephone company supervisor;
- (4) Electrical service interruption verified in writing to the Alarm Coordinator by the local power company unless it is completely obvious to the responding officers that indeed a power interruption has occurred; or
- (5) Notification made to the Police Department and/or Fire Department prior to any maintenance or testing.

"MALICIOUS FALSE ALARM." An activation of an alarm system through the intentional action of any person having direct knowledge that no actual emergency situation requiring assistance from the Police or Fire Department exists at the time and location of said alarm activation. This shall not include those situations in which the person activating the alarm shall be in error due to information related by a third party, or shall act in response to a perceived emergency that on further examination may not in fact be of an emergency nature.

"TRUNK LINE" A telephone line leading into the communications center of the Police Department or Fire Department that is for the primary purpose of receiving emergency messages that originate from automatic protection devices and are transmitted directly or through an alarm monitoring company.

(Ord. 2062-90, passed 9-5-90)

§ 96.02 REGISTRATION OF ALARM SYSTEM REQUIRED.

(A) It shall be unlawful for any person, firm, corporation, partnership, organization or association to lease, control, or own an alarm system or be in control of any premises including single family and multi-family dwellings and business places wherein an alarm system is operated or maintained without first obtaining and filing an alarm subscriber registration with the village, except no registration shall be required for alarm systems contained in or on vehicles or for alarm users registered under an agency as provided herein.

(B) Premises which utilize alarm systems with multiple devices may be issued more than one alarm subscriber registration under the following circumstances: where heat, smoke, or other fire alerting devices are located in adjacent businesses or housing units which transmit signals into a shared control panel located on the combined premises. A single registration may be issued to the property owner or his agent or to a property owner association as long as such person or organization has legal control and accountability for the entire alarm system and information required under the application for registration is completed for each business entity in which a part of the alarm system is contained.

(C) An application for an alarm subscriber registration shall be filed with the Village Clerk and copies sent to the Police and Fire Departments to be reviewed by the Alarm Coordinator. The application shall contain the following information:

- (1) Name, address and telephone number of the applicant.
- (2) Name, address and telephone number of the premises where the alarm system is located.
- (3) General description of the alarm system which classifies it as burglary, safe, holdup, fire, medical or other; also, the type of alarm - silent, audible, visual, third party monitoring, or other, including any combination thereof. Any alarms classified as other shall include a brief description as to category and type.
- (4) Any third party monitoring alarm system must include the name and telephone number of the monitoring service.
- (5) A listing of names, addresses and telephone numbers of at least three persons responsible for the premises where the alarm system is located and who should be contacted to de-activate the alarm system and respond to the premises.

(6) The name, address and telephone number of the person, firm, or corporation

that installed the alarm system and of the person, firm, or corporation responsible for any maintenance or repair of the alarm system.

(7) The name and telephone number of an emergency board-up service which has been authorized in advance by the alarm subscriber to respond if so needed.

(D) An agency doing business as an alarm agent may register any or all of its contracted alarm subscribers with the village under its own name provided the agency:

(1) Completes a registration form as provided by the Village Clerk. The registration form shall include the agency's name, address and telephone number as well as the agency's license number if registered under the Illinois Private Detective and Private Security Act of 1983;

(2) Delivers once a month to the Alarm Coordinator a current alphabetized list of all alarm users registered under the agency's name; and

(3) Promptly pays all fees and fines resulting from false alarms on the property or premises of an alarm user registered under the agency's name.

(Ord. 2062-90, passed 9-5-90)

§ 96.03 ISSUANCE OF REGISTRATION.

(A) The village shall issue an alarm user or agency registration within 15 days after a completed application or application renewal is filed and after each application has been approved by the Alarm Coordinators. Following receipt and acceptance of an application, the Village Clerk shall issue the applicant a registration number. Prior to the issuance of an alarm user registration, the Alarm Coordinators may cause an inspection of the alarm system(s) if deemed necessary.

(B) All registrations shall expire three years after date of issuance, and shall be prominently displayed.

(Ord. 2062-90, passed 9-5-90)

§ 96.04 UPDATING REGISTRATION APPLICATION.

It shall be unlawful for any registrant to fail or refuse to amend a registration application within ten days after any of the information required becomes outdated or inaccurate. Failure to comply with this provision of the chapter shall subject the alarm user or agency to a \$10 charge, payable within 30 days of notification.

(Ord. 2062-90, passed 9-5-90)

§ 96.05 ALARM SYSTEMS OPERATION AND MAINTENANCE.

(A) An alarm subscriber or person in control of an alarm system shall:

(1) Maintain the premises and the

alarm system in a manner that will minimize or eliminate false alarm notifications;

(2) Respond or cause his representative to appear at the systems location within a reasonable period of time when notified by the village to deactivate a malfunctioning alarm system, to provide access to the premises, or to provide security for the premises; and

(3) Not manually activate an alarm for any reason other than an occurrence of an event that the alarm system was intended to report.

(B) A person in control of a local alarm shall adjust the mechanism or cause the mechanism to be adjusted so that an alarm signal will sound for no longer than ten minutes after being activated.

(Ord. 2062-90, passed 9-5-90)

§ 96.06 FALSE ALARM PROHIBITED.

It shall be unlawful for any person, firm, corporation, partnership, association or organization to activate, or cause to be activated, a false alarm in the village. Each alarm subscriber shall be responsible for any false alarms transmitted by the alarm system which they operate, provided however, the malicious false alarms transmitted without their knowledge or consent shall be the responsibility of the person activating such alarm.

(Ord. 2062-90, passed 9-5-90)

§ 96.07 RESPONSE TO ALARMS.

(A) Whenever an alarm is activated in the village thereby requiring an emergency response to the location by the Police or Fire Department, and the Police or Fire Department does respond, the Police or Fire Department personnel on the scene of the activated alarm system shall inspect the area protected by the system and shall determine whether the emergency response was in fact required as indicated by the alarm system or whether the alarm signal was a false alarm.

(B) If the Police or Fire Department personnel at the scene of the activated alarm system determines the alarm to be false, said officers shall make a report of the false alarm, a notification of which shall be mailed or delivered to the alarm subscriber at the address of said alarm system installation location, advising the alarm subscriber of the false alarm.

(C) The Chief of the Police or Fire Department or his designee shall have the right to inspect any alarm system on the premises to which a response has been made, and he may cause an inspection of such system to be made at any reasonable time thereafter.

(Ord. 2062-90, passed 9-5-90)

§ 96.08 LIABILITY OF VILLAGE LIMITED.

The village shall take every reasonable precaution to assure that alarms received by the Police or Fire Departments are given appropriate attention and are acted upon with dispatch. Nevertheless, the village shall not be liable for any defects in operation of devices, for any failure or neglect to respond appropriately upon receipt of an alarm for such source, nor failure or neglect of any person in connection with the installation and operation of equipment, the transmission of alarm signals or the relaying of such signals and messages. The village shall incur no liability for its actions, in the event it finds it necessary to disconnect a device or revoke or suspend a permit. No special relationship is entered into, or implied, between village and alarm subscriber when a premise is found unsecured and the alarm subscriber cannot be contacted or subscriber refuses to respond when contacted and the officers leave the scene of the premises unsecured, the village or officers shall incur no liability by such action. (Ord. 2062-90, passed 9-5-90)

§ 96.09 EXCESSIVE FALSE ALARMS; FEE ASSESSMENT.

(A) If any alarm system produces three false alarms, the Chief of the involved department shall provide written notice of the fact, which shall be given by certified mail or delivery to the subscriber, asking the subscriber to take corrective action in regard to false alarms and informing subscriber of the false alarm fee schedule provided herein.

(B) Subscribers installing a new system or making substantial modifications to an existing system shall be entitled to a grace period during which alarms generated by such system shall be deemed non-false alarms. The grace period shall cease 30 days after installation of or modification to an alarm system. The Police and Fire Departments shall be notified of any modifications to any existing alarm system.

(C) Upon any alarm system producing a fourth, fifth or sixth false alarm within a calendar year, a fee of \$50 per false alarm shall be charged to the subscriber; a system producing a seventh, eighth or ninth false alarm within the same calendar year, a fee of \$75 per false alarm shall be charged to the subscriber; any alarm system producing ten or more false alarms within a calendar year, a fee of \$100 per false alarm shall be charged to the subscriber.

(D) All fees assessed must be paid to the Village Clerk. A written appeal must be submitted to the Alarm Coordinator within three business days of fee assessment. (Ord. 2062-90, passed 9-5-90; Am. Ord. 2174-92, passed 6-17-92)

§ 96.10 APPEAL OF FALSE ALARM.

(A) Any subscriber who has been notified of a false alarm or assessed a false alarm fee may

giving written notice and posting a bond equal to the amount of fee, if applicable, within three business days of the invoice assessing such fee. Upon receipt of the appeal notice and bond, if applicable, a time certain shall be set for a hearing.

(B) The appellant shall be given reasonable notice of such hearing; failure of the appellant to appear at such hearing shall, if applicable, result in forfeiture of the appeal bond, and application of such bond toward the false alarm fee assessed by the village.

(C) The Alarm Coordinator or his designee shall serve as hearing officer, the burden of proof shall be upon the appellant to show by a preponderance of the evidence that the alarm signal in question was not a false alarm as defined in § 96.03.

(D) After receipt of all relevant evidence, the hearing officer shall within three days, render his decision. If the hearing officer determines that the appellant has met the burden of proof, then he shall order the appeal bond released to the appellant and/or rescind the false alarm determination. If the hearing officer determines that the appellant has not met the burden of proof, then he shall order the appeal bond be forfeited and applied toward the alarm fee as assessed by the village and/or enter such alarm as a false alarm.

(E) For the purpose of this section, fee shall mean any and all outstanding false alarm fees owed up to and including the date of the written appeal.

(Ord. 2062-90, passed 9-5-90)

§ 96.11 ALARM REVOCATION.

(A) No alarm system will be allowed to transmit or in any other way connect to an alarm board or other receiving equipment located on village property or monitored by village employees unless said alarm system is registered in accordance with the provisions contained herein and said alarm system is working in a manner that is determined to be satisfactory by the Alarm Coordinators.

(B) In the event an alarm system is not registered as required by this chapter, or is not working in a satisfactory manner as determined by the Alarm Coordinators or any fees payable to the village are 30 days overdue, said alarm system shall at the direction of the Alarm Coordinator be disconnected from direct monitoring at the Public Safety answering point.

(C) An alarm subscriber or agency whose registration has been revoked may apply for a revoked user's registration subject to the term thereof. The Alarm Coordinator may impose reasonable restrictions and conditions upon the alarm subscriber or agency before issuing a revoked user's registration, which restrictions and conditions shall be written on the

registration. A revoked user's registration shall be issued for the remainder of the regular calendar year and the fee of such revoked user's registration shall be \$250. In addition to the registration fee, the holder of a revoked user's registration shall be assessed an additional charge of \$100 for each false alarm thereafter, in addition to any other fee or charge contained in the provision of this chapter.
(Ord. 2062-90, passed 9-5-90)

§ 96.12 GRACE PERIOD FOR FALSE ALARM.

Whenever a new alarm system is installed, the alarm user shall be given 30 days from the date of the installation before alarms from the premises shall be deemed to be false alarms.
(Ord. 2062-90, passed 9-5-90)

§ 96.13 COMPLIANCE.

Any person, firm or corporation with an existing alarm system shall have 90 days after the effective date of this chapter to file an application for an alarm user or agency registration.
(Ord. 2062-90, passed 9-5-90)

§ 96.99 PENALTY.

Any person, firm, or corporation that violates any of the provisions of this title or chapter, unless otherwise specified, shall be fined not less than \$50 nor more than \$750 for each offense.
(Ord. 2410-96, passed 3-20-96)

