

ORDINANCE NO. SP 00-08-30

An Ordinance on Garbage, Weeds, and Certain Motor Vehicles

WHEREAS, the health, safety, and welfare of the inhabitants of Algonquin Township suffers as a result of the accumulation of garbage, weeds, and certain motor vehicles;

WHEREAS, the Illinois Township Code, 60 ILCS 1/1-1 et seq. [hereinafter Code] authorizes and otherwise enables townships to regulate the accumulation of garbage, weeds, and certain motor vehicles; and

WHEREAS, the Algonquin Township Board believes that the regulation of the accumulation of garbage, weeds, and certain motor vehicles is in the best interest of the inhabitants of Algonquin Township;

NOW, THEREFORE, BE IT ORDAINED as follows:

Section 1. **Purpose.** The purpose of this Ordinance is to protect within the unincorporated area of Algonquin Township, the health, safety and welfare of the inhabitants of Algonquin Township through the regulation of the accumulation of garbage, weeds, and certain motor vehicles in the Township.

Section 2. **Definitions.** For purpose of this Ordinance, the following words and terms shall have the following meaning:

BUILDING: Any structure which is located on a lot which is used for any purpose including, but not limited to, commercial or residential purposes.

ENFORCEMENT OFFICER: The person designated by the Algonquin Township Board pursuant to Section 100-5 of the Code as the enforcement officer who is empowered to enforce the provisions of this Ordinance.

GARBAGE: Any rejected or waste household food, offal, swill, or carrion, and every accumulation of animal, fruit, or vegetable matter that attends the preparation, use, cooking and dealing in, or storage of, meats, fish, fowl, fruits or vegetables, and any other matter of any nature which are subject to decay, putrefaction and the generation of noxious or offensive gases or odor, or which during or after decay may serve as breeding or feeding material for flies or other germ-carrying pests or animals and any other matter which is abandoned or no longer used for its intended purpose and potentially endangers the public health, safety and welfare of the residents of the Township, including but not be limited to, any trash, rubbish, yard waste, newspapers, magazines, glass, metal, plastic, paper containers, wood, motor vehicles parts, furniture, oil, carcass of dead

animals, animal or human excrete, nauseous or offensive material or liquid of any kind, residue from the burning of wood, coal, coke, and other material which is not being composted paper, rags, cartons, boxes, wood excelsior, rubber, leather, tree branches, cans, and glass crockery.

INOPERABLE MOTOR VEHICLE: Any motor vehicle from which, for a period of at least 14 days, the engine, wheels, or other parts have been removed, or on which the engine, wheels, or other parts have been altered, damaged, or otherwise treated so that the vehicle is incapable of being driven under its own motor power. "Inoperable motor vehicle" does not include a motor vehicle that has been rendered temporarily incapable of being driven under its own motor power in order to perform ordinary service or repair operations, and also does not include recreational vehicles.

IN PUBLIC VIEW: Areas of private property which can be seen from public rights of way.

NIGHT SOIL: Excrement removed from a cesspool and used as fertilizer.

NOT IN PUBLIC VIEW: Areas of private property which cannot be seen from public rights of way.

OCCUPANT: Any person living in, sleeping in or having actual possession of a building or portion thereof.

OPERATOR: Any person having charge, care, management or control of any building or part thereof.

OWNER: Any person who alone or jointly or severally with others shall have legal or equitable title to any building, the agent of said person or any person having management or control of the building or the portion thereof, including, but not limited to, a purchaser, mortgagee, receiver, or lessee in possession of any building or portion thereof.

PARK: The standing of a vehicle, whether occupied or not, otherwise than when temporarily and actually engaged in loading or unloading merchandise or passengers, as defined in 625 ILCS 5/1-56.

PERSON: Any natural person, partnership, trust, corporation, company, association or other entity existing and or recognized under law. Whenever used with respect to any penalty, the term "person" as applied to partnerships or associations shall mean the partners or members thereof, and as applied to trusts or corporations shall mean the trustees or officers thereof.

PROPERTY: A lot, plot or parcel of land, including the buildings and structures thereon.

RECREATIONAL VEHICLE: Any camping trailer, motor home, mini motor home, travel trailer, truck camper or van camper used primarily for recreational purposes and not used commercially nor owned by a commercial business.

Section 3. Garbage Storage and Disposal. Every owner, operator and/or occupant of a dwelling unit shall store and dispose of garbage in accordance with this Ordinance. All cans and containers used for outside storage of garbage shall be water tight, structurally sound to withstand handling stress, and easily filled, emptied and cleaned, and shall be provided with tight-fitting covers or similar closures, and shall be maintained at all times in a clean, condition. The owner, operator or occupant shall not permit the accumulation of garbage, and shall provide for its collection. No person shall deposit any night soil, or other offensive substance within the township except for approved disposal at facilities regulated by the Illinois and/or McHenry County departments of health.

Section 4. Noxious Weeds.

- A. Ordinance No. 98-SP2, An Ordinance on the Control of Weeds, is hereby repealed. The terms of this ordinance shall replace it.
- B. Nuisance Declared: All weeds determined to be noxious weeds under the Illinois Noxious Weed Law (505 ILCS 100/1 et seq.), and applicable rules and regulations thereunder [hereinafter the Law], and vegetation not covered by the Law but which serves as a breeding place for mosquitos and rodents, are a menace to health and are hereby declared to be a public nuisance. Vegetation on farms for conservation purposes is exempt, and landscape, shrubbery and ornamental plants are exempt when properly maintained.
- C. Notice of Violations: In addition to the Enforcement procedure set forth in Section 6 of this ordinance, the Enforcement Officer, after determining that there has been a violation of any provision of this Section, may give notice of such alleged violation to the owner of the subject property, to the person who last received the real estate tax bill on the subject property or to any occupant of the property. Such notice shall (a) be in writing, (b) include a statement of the reasons for its issuance, (c) indicate that if the nuisance is not abated within fourteen (14) days in accordance with the provisions of the Ordinance, the Enforcement Officer may proceed to abate the nuisance at the owner's or occupant's expense, (d) indicate that notwithstanding the notice, the Enforcement Officer may also issue a Citation as provided in Section 6 of this Ordinance. Any such notice shall be deemed received three days after it was mailed in first class U.S. Mail and certified mail.

- D. Abatement of Nuisances: If the nuisance is not abated within 14 days of issuance of the notice pursuant to subsection C above or the Citation pursuant to Section 6 of this ordinance, the Enforcement Officer may abate the nuisance at the owner's or occupant's expense. The owner or occupant of the property will be jointly and severally liable for the cost of said abatement including but not limited to any reasonable costs of court and reasonable attorney's fees.

Section 5. Inoperable Motor Vehicles. Any inoperable motor vehicle on public property, or on private property in public view, is hereby declared to be a nuisance.

- A. Ordinance No. 98-SP1, An Ordinance Regulating Inoperable Motor Vehicles, is hereby repealed. The terms of this ordinance shall replace it.
- B. All persons are required to dispose of any inoperable motor vehicle under their control within 14 days of written notice from the Enforcement Officer.
- i. For purposes of this section, the owner, driver or person whose property an inoperable motor vehicle is located, shall be presumed to be in control of the vehicle.
 - ii. The notice required under this section may be given by affixing a sticker to a window of the vehicle directing the owner, driver or person with possession or control of the vehicle, that the vehicle must be removed from the public view or the township within 14 days of the date of affixing the sticker, or the vehicle may be removed from the township by the Sheriff of McHenry County or his designee. The owner or person with control of the vehicle shall be fined \$25.00 for each offense. Every 24-hour period that a violation of this ordinance exists constitutes a separate offense. No fine shall be levied if the violation of the ordinance is fully abated within 14 days of the notice of the violation given in accordance with Section 4, paragraph C of this ordinance.
 - iii. The notice required under this section may, in addition to, or instead of, the procedure set forth immediately above in Section 5.A.ii., be accomplished by mailing via regular first class mail and certified mail, a notice to the registered owner of the vehicle, in a form substantially the same as above. In the event notice is mailed to the registered owner, notice shall be presumed given on the second day after mailing said notice.
- C. The Enforcement Officer may direct a law enforcement agency, as set forth below, to remove any operable motor vehicle which has not been removed within 14 days of the notice required in this section.

- D. If any person fails to remove an inoperable motor vehicle, within 14 days of the notice required in this section, the Enforcement Officer or his designee may swear out a Complaint or cause legal proceedings to be commenced to enforce the terms of this ordinance.
- E. Algonquin Township is hereby empowered to enter to enter into agreements with any law enforcement agency with applicable jurisdiction to enforce the terms of this ordinance, including but not limited to removal of inoperable motor vehicles and notification pursuant to Section 5 and the issuance of the appropriate notice to appear or ordinance violation ticket.
- F. This ordinance shall not apply to any motor vehicle that is not in the public view when not in use, to an operable historic vehicle over 25 years of age, or to a motor vehicle on the premises of a place of business properly engaged in the wrecking or junking of motor vehicles.

Section 6. Enforcement. If any violation is discovered by the Enforcement Officer, a citation shall be issued to the party responsible for the violation, setting forth the provision or the provisions of this ordinance deemed to be violated. Any person violating this ordinance shall be subject to a fine of \$25.00 for each offense. Every 24 hours period that a violation exists shall constitute a separate offense. Any fine paid to the Township within fourteen (14) days of the issuance of the citation shall be reduced by one-half (½). Notwithstanding the foregoing, this Section 6 shall not apply to Section 5 (Inoperable Motor Vehicles). Any such violation shall be prosecuted in the Circuit Court of McHenry County by the Township Attorney at the direction of the Township Board. The Township Board shall adopt such forms as are necessary to enforce the provisions of this ordinance, including those sections excepted from this section.

Section 7. Remedies Cumulative. The provisions of this ordinance shall not in any way be deemed to prevent Algonquin Township from exercising any and all remedies available to it under statute to enforce or obtain compliance with any statute as it relates to property maintenance within the unincorporated area of Algonquin Township.

Section 8. Severability. The unenforceability or invalidity of any provision of this ordinance shall not affect the enforceability or validity of the remaining provisions of this ordinance.

Section 9. Repeal: All other ordinances or parts of ordinances of Algonquin Township, McHenry County, Illinois, inconsistent or conflicting with this ordinance, are hereby repealed to the extent of the inconsistency.

Section 10. This ordinance entitled Ordinance on Garbage, Weeds, and Certain Motor Vehicles, shall be effective beginning October 1, 2000 after publication on September 1, 2000.

Dated this 30th day of August, 2000.

APPROVED:

ALGONQUIN TOWNSHIP

By: The Electors at the Special Meeting of August 30, 2000

By: 
Moderator

ATTEST:

Marc J. Munaretto, Clerk,
Algonquin Township