

Chapter 13

HEALTH AND SANITATION

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Section 13.5DIV. Division 2. Nuisances

NOTE: For authority of village to define, prevent and abate nuisances, see Ill. Comp. Stat., ch. 56, § 5/11-60-2.

Section 13.6. Prohibited.

It shall be unlawful for any person to cause, permit or maintain the existence of any nuisance as enumerated in Section 13-7 on any property located within the corporate limits of the Village. The penalty for violating any provision of Section 13-7 shall be a fine of not less than seventy-five dollars (\$75.00) nor more than seven hundred fifty dollars (\$750.00). (Ord. No. 1840, § 1.)
(4443, Amended, 08/20/2002; 4000, Amended, 01/19/1998)

Section 13.7. Enumeration.

The following shall constitute nuisances:

(a) To permit any premises where any animal is kept to become offensive or detrimental to any adjoining or adjacent property or neighborhood. For the purposes of this subsection, the offensive or detrimental quality of such a premises shall be determined on the basis of the following factors:

- (1) The area of the premises in terms of square feet;
- (2) The number of animals on the premises;
- (3) The type or types of animal on the premises;
- (4) The location of the animal or animals on the premises and the proximity of such location to adjoining properties;
- (5) The type and adequacy of any shelter, if any, for such animal;
- (6) The noise created by the presence of the animal;
- (7) The odor created, directly or indirectly, by the presence of the animal;
- (8) The presence, or lack thereof of facilities for proper collection and removal of refuse or waste materials resulting, directly or indirectly, from the presence of the animal;
- (9) The presence of rats or other vermin as a result of the presence of the animal;
- (10) The zoning district in which the premises is located.

(b) To intentionally feed any wild animals within the Village such that as a natural and predictable result of the amount and type of food given a wild animal or animals, and/or the repetitive nature of the feedings made, the wild animal or animals does any of the following:

- (1) Creates a habitat on occupied property which becomes offensive or detrimental to the neighborhood;
- (2) Causes substantial damage to a neighboring or adjacent property owner's tangible personal property or real property; or
- (3) On more than one occasion, leaves feces on real or personal property.

For the purposes of this section, wild animals include, but are not limited to, raccoons, deer, skunks, coyotes, squirrels, possum and fox.

(c) To throw, deposit or allow the accumulation of any garbage, refuse, waste or similar material on any public or private property unless such material is contained in a receptacle of proper size and design so as to prevent the dissemination or release of such material to adjacent properties.

(d) To interfere with the natural flow of stormwater or surface water in any of the following ways:

- (1) By obstructing any floodway or floodplain, as defined in Section 26-05 of this Code, so as to interfere with runoff or temporary storage of surface water through or upon the premises.
- (2) By causing, suffering or permitting any obstruction to the flow of storm or surface water within any drainageway.
- (3) By depositing, maintaining, suffering or permitting the deposit of any object or material within or adjacent to any drainageway so as to create a reasonable likelihood of an obstruction of the drainageway. The likelihood of an obstruction shall be determined on the basis of the following factors: the nature of the particular object or material, including without limitation, its size, density, and structure; the topography of the site; the distance from the drainageway and the measures taken to prevent dislocation of the object or material.

For purposes of this subsection, the term "drainageway" shall mean the entire width of any open channel, either natural or manmade, which collects and transports surface water and storm water runoff from dominant to servient lands.

(e) To keep or deposit, or to cause, suffer or permit to be kept or deposited, whether on public or private property, any inoperable automobile, watercraft, or other motor vehicle of the type which would be required under applicable state statute to be registered for operation on any public highway or waterway, or any part or parts intended for use in any such vehicle or watercraft or any inoperable accessory apparatus for use in connection with any such vehicle or watercraft, unless:

- (1) Such vehicle or watercraft or part or parts therefor shall be wholly enclosed within a building; or

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(2) Such vehicle or watercraft or part or parts therefor shall be located within the premises of any business for wrecking or junking vehicles maintained and operated in accordance with applicable provisions of this Code and other ordinances of the Village; or

(3) Such vehicle shall be an antique or historic vehicle registered or eligible for registration under Section 3-804 of the Illinois Motor Vehicle Code, as amended.

For the purposes of this subsection (e), the phrase "inoperable automobile, watercraft, or other motor vehicle" shall mean any motor vehicle or watercraft from which, for a period of at least ten consecutive days, the engine, wheels or other functional parts have been removed, altered, damaged or otherwise affected so that the vehicle or watercraft is incapable of being driven under its own motor power or otherwise used as intended.*

For the purposes of this subsection (e), the phrase "inoperable accessory apparatus" shall mean, but is not limited to, semi-trailers and trailers as defined in the Illinois Vehicle Code,** and other similar vehicle or watercraft accessories which are not roadworthy. An accessory apparatus is not roadworthy if any one or more of the following exists:

(1) Wheels or other functional parts which make the semi-trailer, trailer, or other similar vehicle accessory roadworthy have been removed, altered, damaged, or otherwise affected so that the semi-trailer, trailer, or other similar vehicle accessory is, for a period of at least ten (10) consecutive days, incapable of being drawn by a motor vehicle; or

(2) The semi-trailer, trailer, or other accessory apparatus, is not registered with the state as required by the Illinois Vehicle Code*** and has not been moved from the property for a period of at least ten (10) consecutive days.

(f) To discharge sump pumps in any of the following manners or locations:

(1) In a location which does not provide at least five feet of pervious surface between the point of discharge and any property line, unless such discharge is

(i) Into any open drainage ditch located within the site or on public right-of-way; or

(ii) Into a storm sewer, provided that adequate capacity exists in the system and that the hydraulic grade of the system will not cause a backup into buildings on the premises or other premises.

(2) In any manner and in any location that results in standing water of a depth of three inches or more or formation of ice of any thickness on sidewalks or the paved portion of the roadway within the public right-of-way.

(g) To allow graffiti to remain on any property owned or controlled by such person for a period of three (3) days or more. It shall be the responsibility of the property owner(s) or person(s) in control of the premises to remove any graffiti on any structure or building within the Village of Downers Grove.

For the purpose of this paragraph, "graffiti" shall mean any unauthorized inscription, word, figure, or design or collection thereof, which is marked, etched, scratched, painted, drawn or printed on any structural component of any building, structure, fence, or other similar type of property.

(h) To permit any dumpster or other garbage container exceeding four (4) cubic yards in capacity to be placed on any residential property for more than ten (10) consecutive days; provided this section shall not prohibit the placement and use of such dumpsters and containers during the term of a valid building permit issued for the property on which the dumpster or container is located, nor prohibit dumpsters or containers placed in a Village street or parkway pursuant to a valid permit issued under Section 19-22. (R.O. 1925, § 266; Ord. No. 1840, § 1; Ord. No. 1847, § 1; Ord. No. 2798, § 1; Ord. No. 2802, § 1; Ord. No. 3264, § 1.)

*For state law authorizing village to require disposal of unenclosed inoperable vehicles, see Ill. Rev. Stat., ch. 24 § 11-40-3.

**Ill. Rev. Stat., Ch. 95-1/2, Secs. 1-187, 1-209.

***Ill. Rev. Stat., Ch. 95-1/2, Secs. 3-400 et al.

(4443, Amended, 08/20/2002; 3857, Amended, 05/20/1996; 3848, Amended, 04/15/1996; 3671, Amended, 08/23/1994; 3627, Amended, 02/07/1994; 3501, Amended, 08/10/1992; 3495, Amended, 07/27/1992; 3464, Amended, 05/18/1992; 3430,

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Amended, 01/27/1992)

Section 13.8. Nuisance--Notice to abate; abatement by Village; Community Maintenance Board.

When the owner or person in control of any property causes, permits or maintains any nuisance as enumerated in Section 13-7 in any building or upon any premises within the Village, notice to remove such nuisance shall be given in writing by the Community Development Officer by personal service or by certified mail, return receipt requested, to the person to whom was sent the tax bill for general taxes for the last preceding year on the property. In addition to any fine or penalty which may be imposed, if the owner fails to abate such nuisance within ten (10) days of receipt of such notice, the Community Development Officer may cause the removal of such nuisance and any reasonable expense incurred by the Village shall be as set forth in Administrative Regulation entitled "User-Fee, License and Fine Schedule" to abate the nuisance, including any administrative costs incurred in causing the removal and in billing the owner for the cost, shall be a charge against the owner which may be recovered in an appropriate action at law. As an alternative to instituting proceedings to impose a fine or other penalty for a violation of any provision of Division 2, the Community Development Officer may refer the matter to the Community Maintenance Board established in Section 2-67 of this Code for their review.

For the purposes of enforcing this Article, the Community Development Officer may, at all reasonable times, enter in and upon any premises within his/her jurisdiction. (R.O. 1925, § 267; Ord. No. 1840, § 1; Ord. No. 2406, § 2.)

(Ord. 5132, Amended, 04/20/2010; Ord. 4852, Amended, 02/20/2007, his to his/her(s); 4801, Amended, 08/01/2006, "code services" to "community development"; Ord. 4533, Amended, 09/16/2003; 3890, Amended, 10/28/1996)

Section 13.8.1. Lien for expenses incurred by Village in abating nuisances.

In addition to all other remedies provided by law, the Village shall have a lien on the lot or plot of real estate on which said nuisance was found, for the reasonable cost of the abatement of such nuisance. Such lien shall be superior to all other liens and encumbrances except tax liens. Within sixty (60) days after such cost is incurred, the Village shall cause to be filed a notice of lien in the office of the Recorder of Deeds of DuPage County. Such notice shall include the following information: (a) A description of the real estate sufficient for identification thereof; (b) the amount of money representing the cost and expense incurred or payable to abate the nuisance, including any administrative costs incurred in abating the nuisance and in billing the owner for the cost; (c) the date or dates on which such cost and expense was incurred; and (d) a statement that the amount owed shall accrue interest at ten percent (10%) a year for each year the amount remains unpaid. Upon payment of the cost and expense by the owner of, or persons interested in, said real estate, after the notice of lien has been filed, the Village shall issue a release of such lien, which may be filed of record in said Recorder's office. (Ord. No. 2291, § 3; Ord. No. 2406, § 3.)

(3890, Amended, 10/28/1996)

Section 13.8ART. Article II. Mosquito Control

Section 13.9. Stagnant pools to be treated to prevent breeding.

It shall be unlawful for any person to keep, maintain or permit any body or collection of water to stand on or flow across their property within the Village in which mosquitos breed or are likely to breed, unless such collection of water is treated so as to effectively prevent such breeding. Treatment fees for mosquito abatement shall be as set forth in Administrative Regulation entitled "User-Fee, License and Fine Schedule". (Ord. No. 117, § 1.)

(Ord. 5132, Amended, 04/20/2010)

Section 13.10. Applicability of article to certain types of water collections.

Any collection of water defined by Section 13-9 shall be held to be that contained in ditches, pools, ponds, excavations, holes, depressions, open cesspools, privy vaults, fountains, cisterns, tanks, shallow wells, barrels, troughs, urns, cans, boxes, bottles, tubs, buckets, defective house roof gutters, tanks or flush closets, or other similar water containers. (Ord. No. 117, § 2.)

Section 13.11. Method of treatment of water.

The method of treatment of any collections of water that are specified in Section 13-10 directed towards the prevention of breeding of mosquitoes shall be approved by the Community Development Officer and may be any one or more of the following:

- (a) Screening with wire netting of at least sixteen meshes to the inch each way or with any other material which will effectually prevent the ingress or egress of mosquitoes.
- (b) Complete emptying every seven days of unscreened containers, together with their thorough drying or cleaning.
- (c) Using a larvicide approved and applied under the direction of the health officer.
- (d) Covering completely the surface of the water with kerosene, petroleum or paraffin oil once every seven days.
- (e) Cleaning and keeping sufficiently free of vegetable growth and other obstructions, and stocking with mosquito destroying fish.
- (f) Filling or draining to the satisfaction of the Community Development Officer.
- (g) Proper disposal, by removal or destruction, of tin cans, tin boxes, broken or empty bottles and similar articles, likely to hold water. (Ord. No. 117, § 3; Ord. No. 3275, § 2; Ord. No. 3346, § 3.) (4801, Amended, 08/01/2006, "code services" to "community development"; Ord. 4533, Amended, 09/16/2003)

Section 13.12. Presence of mosquito larvae evidence of breeding.

The natural presence of mosquito larvae in standing or running water shall be evidence that mosquitoes are breeding there. (Ord. No. 117, § 4; Ord. No. 2291, § 1.) (3890, Amended, 10/28/1996)

Section 13.13. Treatment by Village when owner fails to prevent breeding of mosquitoes.

When the owner or person in control of any property upon which any body or collection of water stands or flows fails to prevent the breeding of mosquitoes therein by proper treatment of the water as herein required, the Community Development Officer shall notify the owner of the property that the failure to prevent the breeding of mosquitoes in the water on said property is in violation of this Article. If the owner fails to treat such water within three (3) days from receipt of the notice, the Community Development Officer shall cause the treatment of the water to be done and any reasonable expense incurred by the Village in treating the water, including any administrative costs incurred in treating the water and in billing the owner for the cost, shall be a charge against the owner which may be recovered in an appropriate action at law.

For the purpose of enforcing the provisions of this Article, the Community Development Officer may at all reasonable times enter in and upon any premises within his/her jurisdiction. (Ord. No. 117, § 5; Ord. No. 2291, § 2.)

(Ord. 4852, Amended, 02/20/2007, his to his/her(s); 4801, Amended, 08/01/2006, "code services" to "community development"; Ord. 4533, Amended, 09/16/2003; 3890, Amended, 10/28/1996)

Section 13.14. Lien for expenses incurred by Village for treatment of water to prevent breeding of mosquitoes.

In addition to all other remedies provided by law, the Village shall have a lien on the lot or plot of real estate on which said breeding of mosquitoes occurred for the reasonable cost of the treating of the water thereon. Such lien shall be superior to all other liens and encumbrances except tax liens. Within sixty (60) days after such cost is incurred, the Village shall cause to be filed a notice of lien in the office of the Recorder of Deeds of DuPage County. Such notice shall include the following information: (a) a description of the real estate sufficient for identification thereof; (b) the amount of money representing the cost and expense incurred or payable for the treatment of water, including any administrative costs incurred in treating the water and in billing the owner for the cost; (c) the date or dates on which such cost and expense was incurred; and (d) a statement that the amount owed shall accrue interest at ten percent (10%) a year for each year the amount remains unpaid. Upon payment of the cost and expense by the owner of, or persons interested in, said real estate, after the notice of lien has been filed, the Village shall issue a release of such lien, which may be filed of record in said Recorder's office. (Ord. No. 117, § 6; Ord. No. 2291, § 2.) (3890, Amended, 10/28/1996)

Section 13.14ART. Article III. Control of Plant Growth

Section 13.15. Certain plant growth--declared a nuisance.

(a) Uncut plant growth on vacant, undeveloped or uncultivated lots, except as otherwise specified herein, is a menace to the public health, safety and welfare and is hereby declared to be a public nuisance. For purposes of this article, plant growth shall not include shrubs, trees, or evergreen plants.

(b) Growth of noxious weeds is a menace to public health and welfare and is hereby declared to be a public nuisance. For purposes of this article, noxious weeds are defined as common ragweed, giant ragweed, musk thistle, Canada thistle, Johnson grass, sow thistle and sorghum alnum. (Ord. No. 2097, § 1; Ord. No. 2633, § 1.)

(3848, Amended, 04/15/1996)

Section 13.16. Same--exceptions.

(a) Uncut plant growth, other than noxious weeds, on vacant, undeveloped or uncultivated lots contiguous to and used in conjunction with a developed lot for which the owner of record is the same, shall not be deemed a public nuisance for purposes of this Article and shall be exempt from the requirements thereof.

(b) Uncut plant growth, other than noxious weeds, in certain areas specifically designated as natural or environmental areas by the Village Manager, upon recommendation by the Community Development Officer or upon written request of the property owner, shall not be deemed a public nuisance for purposes of this Article and shall be exempt from the requirements hereof. (Ord. No. 2097, § 1; Ord. No. 2633, § 1.)

(4801, Amended, 08/01/2006, "code services" to "community development"; Ord. 4533, Amended, 09/16/2003)

Section 13.17. Same--destruction required.

(a) Except as provided in Section 13-16 hereof, it shall be unlawful for any person owning or controlling any vacant, undeveloped or uncultivated lot or plot of ground to permit uncut plant growth thereon.

(b) It shall be unlawful for any person owning or controlling any lot or plot of ground to permit the growth of noxious weeds thereon.

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(c) Except as provided in Section 13-16 hereof, all plant growth on vacant, undeveloped, or uncultivated lots shall be cut and all noxious weeds shall be destroyed by cutting, pulling, plowing under or spraying with an Environmental Protection Agency registered general use herbicide, by the owner or person in control of said lot or plot, at least three times a year, once between June 1 and June 15, once between July 15 and August 1, and once between September 1 and September 15, in each year. The failure to cut such plant growth or destroy such noxious weeds within the designated periods shall constitute a violation of this ordinance. (Ord. No. 2097, § 1; Ord. No. 2633, § 1; Ord. No. 3379, § 3.)

Section 13.18. Certain Plant Growth - Destruction by Village when owner fails to destroy; notice; expenses to be charged owner.

When the person or owner in control of any lot or plot of ground fails to cut plant growth or destroy noxious weeds growing thereon, as herein required, the Community Development Officer shall notify the owner of the property that the uncut plant growth or growth of noxious weeds on said property is in violation of this Chapter. If the owner fails to cut the plant growth or destroy the noxious weeds within a reasonable time, the Community Development Officer shall cause the plant growth or noxious weeds to be destroyed and any reasonable expense incurred by the Village in cutting the plant growth or noxious weeds, including any administrative costs incurred shall be as set forth in Administrative Regulation entitled "User-Fee, License and Fine Schedule" in cutting the growth or noxious weeds and in billing the owner for the cost, shall be a charge against the owner which may be recovered in an appropriate action at law. (Ord. No. 2097, § 1; Ord. No. 2291, § 5; Ord. No. 2633, § 1.)

(Ord. 5132, Amended, 04/20/2010; 4801, Amended, 08/01/2006, "code services" to "community development"; Ord. 4533, Amended, 09/16/2003; 3890, Amended, 10/28/1996)

Section 13.19. Same--Lien for cutting expenses incurred by Village.

In addition to all other remedies provided by law, the Village shall have a lien on the lot or plot of real estate on which said uncut plant growth or noxious weeds are growing, for the reasonable cost of the cutting, removal or destruction thereof. Such lien shall be superior to all other liens and encumbrances except tax liens. Within sixty (60) days after such cost is incurred, the Village shall cause to be filed a notice of lien in the office of the Recorder of Deeds of DuPage County. Such notice shall include the following information: (a) a description of the real estate sufficient for identification thereof; (b) the amount of money representing the cost and expense incurred or payable for the cutting or removal, including any administrative costs incurred in causing the cutting or removal and in billing the owner for the cost; (c) the date or dates which such cost and expense was incurred; and (d) a statement that the amount owed shall accrue interest at ten percent (10%) a year for each year the amount remains unpaid. Upon payment of the cost and expense by the owner of, or persons interested in, said real estate, after the notice of lien has been filed, the Village shall issue a release of such lien, which may be filed of record in said Recorder's office. (Ord. No. 2097, § 1; Ord. No. 2291, § 4; Ord. No. 2633, § 1.)

(3890, Amended, 10/28/1996)

Section 13.19ART. Article IV. Environmental Quality Control Ordinance

Section 13.19DIV. Division 1. Generally

Section 13.20. Declaration of policy.

The existence of excessive or preventable environmental pollutants, including substances which

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when released into the open atmosphere or into lakes, streams or other bodies of water may have a harmful and deleterious effect upon the public health, safety and welfare, is hereby found and declared to be contrary to the policy of the Village. The Village Council further finds that control of the release of such substances by means of a comprehensive environmental quality control program, as set forth in the provisions of this Article, is necessary and desirable in order to promote and protect the health, safety and welfare of the residents of the Village and of other persons residing in the vicinity of the Village. The Village Council further declares that it is the policy of the Village to cooperate with and utilize to the fullest extent all applicable environmental quality control services of the County of DuPage, State of Illinois, the United States, and any and all other regional environmental quality control authorities having jurisdiction in the Village. (Ord. No. 1509, § 1; Ord. No. 2857, § 9.)

Section 13.21. Short title.

This Article may be cited and referred to for all purposes as the "Downers Grove Environmental Quality Control Ordinance." (Ord. No. 1509, §1.)

Section 13.22. Preservation of common law rights.

Nothing in this article shall be construed so as to impair any cause of action, or legal or equitable remedy therefor, of any person or the public, or the Village, for injury or damage arising from the discharge, emission or release from any source whatsoever of such quantities of any material in such place, manner or concentration as to constitute a nuisance under applicable law. (Ord. No. 1509, § 1; Ord. No. 2434, § 8.)

Section 13.23. through 13-33. Reserved.

(3951, Amended, 06/30/1997)

Section 13.33DIV. Division 2. Air Pollution Control

Section 13.34. Short title.

This Division may be cited and referred to for all purposes as the "Downers Grove Air Pollution Control Ordinance." (Ord. No. 1509, § 1.)

Section 13.35. Open burning prohibited; exceptions.

It shall be unlawful to burn or cause the burning at any location within the Village of any paper, cardboard, leaves, twigs, branches, wood, grass, grass clippings or other refuse from farming or gardening, or other combustible materials of any nature whatsoever, except as follows:

(a) Burning any combustible materials wholly within a building in a fireplace or other equipment or facility designed and constructed for such purpose; provided, that any refuse-burning incinerator installed in any residence building shall comply with the rules and regulations of the state air pollution control board as the same may from time to time be in effect;*

(b) Burning charcoal briquettes, natural gas, propane, approved wood, or commercially prepared seasoned wood chips in conjunction with any of the foregoing for cooking purposes, provided, however that the following restriction shall apply to multi-family buildings (excluding Townhomes):

1. Charcoal burners and other uncovered open flame cooking devices shall not be operated;
2. Burning of charcoal briquettes, approved wood or commercially prepared seasoned

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woodchips shall not be allowed.

(c) Burning combustible materials in a high temperature incinerator providing complete combustion and complying with the rules and regulations of the state air pollution control board as the same may from time to time be in effect;

(d) Burning approved wood, as defined in paragraph (g), in an outdoor bonfire at a gathering conducted by religious, educational or other not-for-profit organization; provided, that a permit therefor is previously issued by the Fire Prevention Bureau and that such bonfire is attended by adult supervision and adequate safety equipment as approved by the Fire Prevention Bureau; and

(e) Burning any combustible material other than those listed in the first paragraph herein for recognized silvicultural or range or wildlife management practices or prevention or control of disease or pests; provided, (1) that the Fire Prevention Bureau shall find that the burning thereof will not constitute a danger to the health, safety and welfare of the citizens and residents of the Village or of other communities surrounding the Village, or constitute a danger of air pollution in any other respect, (2) that the Fire Prevention Bureau shall issue a permit therefor, and (3) that any such burning shall be attended by adequate personnel and safety equipment as approved by the Fire Prevention Bureau.

(f) Burning approved wood in an approved container for recreational campfires, as defined in paragraph (g) in a safe and controlled manner. Provided that;

(1) Such fire shall be under the control of and attended at all times by a person 18 years of age or older.

(2) A portable fire extinguisher having a minimum rating of 4-A or other approved extinguishing agent such as sand, dirt or water in sufficient quantity shall be available for immediate use.

(3) Such fire shall at all times be safely managed and shall not be permitted to create excessive flames, flying cinders or smoke.

(4) Such fire shall be located in an area separated from any structure by not less than fifteen (15) feet.

(5) Such fire shall not be used in such a manner as to emit offensive or objectional smoke or odors or when other circumstances make such fires hazardous.

(6) At no time shall such fire be utilized for waste disposal purposes.

(g) For purposes of this Section the following definitions apply:

Approved Container. A commercially manufactured device specifically designed, intended, advertised, and utilized for the purpose of recreational campfires, such as chimneas and outdoor fireplaces. Such container must be located above ground and in no event shall be built into the ground or located below grade.

Approved Wood. Seasoned dry firewood of dimensions appropriate to safely fit within the container. In particular, but without limitations, approved wood shall not include any green or fresh vegetation materials; nor shall it include any leaves, grass, bushes, roots or other similar materials, nor shall it include any construction materials, such as treated woods, plywood or pressure-treated wood, or any other materials which produce excessive smoke, cinders or other emissions characteristic of non-seasoned wood.

Bonfire. A safely conducted and controlled outdoor fire utilized for ceremonial purposes.

Recreational Campfire. A safely conducted and controlled outdoor fire utilized for comfort or relaxation. (Ord. No. 1509, § 1; Ord. No. 2434, § 9; Ord. No. 2857, § 9.)

*See State of Illinois Air Pollution Control Requirements Technical Release No. 140-2, dated October, 1969, and subsequent releases.

(Ord. 4728, Amended, 12/06/2005; Ord. 4696, Amended, 07/05/2005; Ord. 4662, Amended, 04/05/2005; 4465, Amended, 12/17/2002; 3429, Amended, 01/27/1992)

Section 13.36. Emissions of smoke and particulate matter restricted.

(a) For the purpose of this section, (1) the term "Ringelmann number" shall mean and refer to the method of determining density of smoke described in United States Bureau of Mines Circular No. 8333, a copy of which is on file and available for public inspection in the office of the Village Clerk, and (2) the

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term "smoke unit" shall mean the Ringelmann number of the density of the smoke being emitted from a particular source (or the next lower number if such smoke is of a density which falls between two Ringelmann numbers) multiplied by the number of minutes, or fractions thereof, of emission of such smoke.

(b) It shall be unlawful for any person owning or operating any fuel-burning combustion or process equipment at any location in the Village to cause or permit such equipment to discharge into the atmosphere during any period of sixty consecutive minutes more than ten smoke units having a density in excess of the density designated as Ringelmann Number 2; except, that:

(1) During fire-cleaning periods, smoke having a density of not in excess of the density designated as Ringelmann Number 3 shall be permitted for a period or periods not in excess of an aggregate of four minutes during any period of sixty consecutive minutes; and

(2) Smoke having a density in excess of the density designated as Ringelmann Number 2 may be emitted under and in accordance with a written permit issued by the bureau of fire prevention upon written application, for temporary periods not exceeding thirty days (subject to renewal); provided, that the bureau of fire prevention shall find that special or unusual circumstances exist which justify the issuance of such permit, and that the issuance of such permit will not violate applicable federal, state or county air pollution control laws, ordinances, regulations or standards. (Ord. No. 1509, § 1; Ord. No. 2434, § 9; Ord. No. 2857, § 9)

Section 13.37. Air pollution prohibited.

It shall be unlawful for any person directly or indirectly to cause the release into the atmosphere at any place within the corporate limits of the Village any odorous matter, toxic matter, particulate matter, fumes, vapors, dust or other similar airborne matter or gas in violation of any applicable laws, ordinances, rules or regulations of the United States of America or any department or agency thereof, or of the state or any department or agency thereof (including the state air pollution control board), or of the county or any department or agency thereof, as the same may from time to time be in force and effect. (Ord. No. 1509, § 1.)

Section 13.37ART. Article V. Smoke Free Illinois Act

(Ord. 4927, Amended, 11/20/2007)

Section 13.38. Smoke Free Illinois Act, Adopted.

The regulations of the Smoke Free Illinois Act, 410 ILCS 82/1 et seq., effective January 1, 2008, as amended, are hereby incorporated and adopted by reference. (Ord. No. 1886, § 1.)

(Ord. 4927, Amended, 11/20/2007, Effective January 1, 2008 (Smoking Bar))

Section 13.39. Reserved.

(Ord. No. 1886, § 1; Ord. No. 2098, §§ 1, 2; Ord. No. 2322, §§ 2, 3; Ord. No. 3329, § 1.)

(Ord. 4927, Amended, 11/20/2007, Effective January 1, 2008 (Smoking Ban); Ord. 4852, Amended, 02/20/2007, his to his/her(s))

Section 13.40. Reserved.

(Ord. No. 1886, § 1; Ord. No. 2322, § 4.)

(Ord. 4927, Amended, 11/20/2007, Effective January 1, 2008 (Smoking Ban); Ord. 4852, Amended, 02/20/2007, his to his/her(s))

Section 13.40ART. Article VI. Garbage, Landscape Waste, Recycling, and Firewood Piles
(3848, Renumbered, 04/15/1996)

Section 13.41. Definitions.

For the purposes of this Article, the following words and phrases shall have the meanings respectively ascribed to them by this section:

Compostable material. Grass, sod, earth, garden debris, leaves, brush and tree clippings that are 1/2 inch in diameter or less, and other materials accumulated as the result of the maintenance of lawns, shrubbery, and vines; fruits, vegetables, eggshells, coffee grounds, houseplant materials and cut flowers.

Garbage, rubbish, refuse or junk. All household and kitchen wastes, such as discarded food or food residues and items necessarily used for wrapping same (though some food or food residues may also be considered compostable material as set forth above), aluminum or tin cans, bottles and glass, books, paper and newspapers, boxes, cartons, barrels, wood, bedding, metals, ashes, packing materials, furniture, appliances (including but not limited to ranges, televisions, microwaves, refrigerators, dishwashers, washing machines, dryers, room air conditioners, freezers, hot water heaters), automobile parts, tires and wheels, small amounts of sod, earth and rocks (though sod and earth may also be considered compostable material as set forth above), home remodeling and repair construction materials.

Recyclables. Recyclable materials include, but are not limited to, aluminum and steel cans, formed containers, PET and HDPE plastic containers, newspaper, magazines and catalogs, mixed papers including chipboard and corrugated cardboard, glass bottles and containers, and polystyrene packaging. The Village may from time to time designate other household refuse items as recyclable materials based upon market conditions and available recycling technology. (Ord. No. 3297, § 4.)
(3848, Renumbered, 04/15/1996; 3735, Amended, 04/10/1995)

Section 13.42. Burying garbage prohibited.

It shall be unlawful to bury garbage or rubbish at any time within the Village. (Ord. No. 2167, § 7.)

Section 13.43. Storage of refuse.

Except for burning of materials as permitted under Section 13-35, all refuse materials shall be placed in containers and hauled away to be deposited in accordance with regulations of the Village; provided, that food cans and food cartons or any other material which is likely to attract flies or other insects shall be placed in closed containers. (Ord. No. 2167, § 7.)

Section 13.43.1. Recycling capacity for multi-family structures.

(a) Owners of multi-family structures shall maintain a recycling area for residents located within a common area in or near the building and consisting of bins or other containers for the purpose of collecting and recycling the following items:

PAPER NON-PAPER

newspaper clear/colored HDPE bottles
chipboard (or paperboard) clear/colored PET bottles
corrugated cardboard/
kraftbags clear/colored glass bottles/jars

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magazines and catalogs aluminum foil/formed containers
telephone directories metal food and beverage cans
junk mail

The owner shall maintain the recycling area including the containers and/or bins in a clean, sanitary, and litter-free manner.

(b) The minimum gallon amount of weekly recycling capacity (base capacity) an owner shall provide weekly for each multi-family structure is nine (9) gallons for every dwelling unit.

The weekly base capacity may be met by any combination of container sizes and number of pickups such as containers of only one-half the base capacity but picked up by the scavenger twice a week, or containers twice the base capacity and picked up biweekly. The owner of a multi-family structure shall either contract with a scavenger for the collection of the recyclables or independently deliver the items to a recycling center.

(c) "Owner" is defined for purposes of this section as any person or entity such as a condominium or homeowners association, jointly and severally having an ownership interest in the property or being otherwise responsible for refuse or garbage collection.

"Multi-family structure" is defined for purposes of this section as a building with more than one residential living unit which does not participate in the Downers Grove curbside refuse, recyclables and landscape waste collection and disposal services. (Ord. 3373, § 1.)
(3663, Amended, 08/01/1994)

Section 13.44. Storage of combustible refuse regulated.

It shall be unlawful to permit or store any combustible refuse in such a way as to create a fire hazard. (Ord. No. 2167, § 7.)

Section 13.45. Accumulation of garbage, rubbish, etc., prohibited; exception and location restriction as to compost pile.

It shall be unlawful for any person to deposit within the village any piles of garbage, rubbish, junk, manure, compostable materials or combustible materials with the exception of that which may be placed in a compost pile, subject to the regulations of Section 13-45.1, unless such person intends to remove the material immediately. (Ord. No. 2167, § 7; Ord. No. 3297, § 5.)

Section 13.45.1. Composting and compost piles; brush piles; firewood piles.

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

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

(c) *Brush pile regulations.* Only brush may be placed in a brush pile; provided, that such materials are placed in such a way as not to allow them to be windblown. A brush pile shall not be located less than thirty-five feet from any neighboring dwelling unit and not less than ten feet from any rear or side

lot line. A brush pile shall not exceed four feet in height, eight feet in side length, and shall not exceed thirty-two square feet in total ground or base area; provided, this size restriction shall not apply from December 1 through April 30.

(d) *Firewood pile regulations.* A firewood pile shall not be located within any required front yard, as defined in the Comprehensive Zoning Ordinance of the Village of Downers Grove, or in any side or rear yard drainage or utility easement. A firewood pile shall not exceed four feet in height, eight feet in side length, and shall not exceed thirty-two square feet in total ground or base area. The firewood shall be neatly stacked in the firewood pile. (Ord. No. 3297, § 6.)

(3735, Amended, 04/10/1995)

Section 13.46. Permanent dumping prohibited; exception.

Unless written permission is obtained from the Village Manager by written request to him, it shall be unlawful for any owner, contractor or other person to permanently deposit within the Village, any brick, pieces of concrete, plaster, discarded building material, soil, trees, stumps, branches, brush, paper or other windblown material, except for immediate removal at the depositor's expense or except that which may be placed in a compost pile subject to the regulations of Section 13-45.1. (Ord. No. 2167, § 7.)

(3735, Amended, 04/10/1995)

Section 13.47. Dumping on vacant lots prohibited without permit; dumping on streets prohibited.

The depositing of any garbage, rubbish, compostable material, combustible material or junk on any vacant lot within the Village without written permission from the owner and written permission from the Village Manager obtained by written request to him, is unlawful. The dumping or spreading of any garbage, rubbish, compostable material, combustible material, or junk on any street, parkway or public-owned property is prohibited. (Ord. No. 2167, § 7.)

Section 13.48. Duty of person vacating premises to remove garbage, rubbish, etc.

It shall be the duty of every person occupying any lot, building or structure, or portion thereof, to remove, or cause to be removed therefrom, before vacating the same, all garbage, ashes, rubbish or miscellaneous waste. Any failure on the part of anyone vacating such premises is unlawful. (Ord. No. 2167, § 7.)

(3735, Amended, 04/10/1995)

Section 13.49. Sweepings from sidewalks not to be swept into street.

It shall be unlawful for any person to sweep or deposit any sweepings from any sidewalk or building into any public or private street, alley or parkway. (Ord. No. 2167, § 7.)

Section 13.49.1. Storing or placing garbage, refuse, recyclables, compostable materials, etc., on the parkway for scavenger removal.

Notwithstanding any other provision of this Code, garbage, refuse, recyclables, compostable materials and similar items may be placed on parkways in the Village only to facilitate their removal by scavengers, and only if the following provisions are observed by the person placing or causing to be placed on the parkways items of refuse or compostable materials:

(a) Any refuse or compostable materials placed on the parkway shall either be marked or contained in the manner designated by the licensed scavenger to facilitate its collection of scavenger fees, in one of the following ways:

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(1) An appropriate refuse or yard waste sticker, as defined in Section 13-49.4 hereof, shall be affixed to the bag or container in which the refuse or compostable materials are contained, in such manner that the sticker is readily visible and can be readily removed by the scavenger; or

(2) A container obtained from the scavenger service shall be utilized to hold the refuse or compostable materials, upon an agreement with the scavenger for periodic billing for services to collect from such container.

(b) Any refuse, recyclables or compostable materials placed on the parkway shall be stored in containers or otherwise appropriately secured to ensure that debris or refuse is not scattered by weather, animals or other causes; and

(c) Refuse, recyclables or compostable materials stored in containers or otherwise appropriately secured, may be placed on the parkway after 12:00 noon the day preceding scavenger service. Refuse, recyclables, compostable materials and containers used to store these items shall be removed from the parkway by 12:00 midnight of the day of scavenger service. (Ord. No. 3297, § 7; Ord. No. 3320, § 1.)
(Ord. 4729, Amended, 12/06/2005)

Section 13.49.2. Discarding refuse and compostable materials in streets, etc., prohibited.

Except as provided in Section 13-49.1 of this Code, it shall be unlawful for any person to discard or leave or cause to be discarded or left in or on any street, sewer, sidewalk, alley or public land owned by the Village any materials, object or refuse of any kind, including without limitation dirt, grass, leaves and brush. (Ord. No. 3297, § 8.)

Section 13.49.3. Depositing refuse, garbage, junk or compostable materials on property of another.

No person shall deposit or cause to be deposited refuse, garbage, junk or compostable materials on the property of another, including deposit inside containers, dumpsters, trash cans or barrels intended for the deposit of those items by occupants of the property. (Ord. No. 3297, § 9.)

Section 13.49.4. Theft or damage of recycling containers, refuse stickers and yard waste tags or stickers; removal of items from recycling containers.

(a) For the purposes of this section, the following words and phrases shall have the meanings respectively ascribed to them by this section:

Owner. A Village resident to whom a Village recycling container has been issued by the Village, or a Village resident who has purchased a preprinted refuse sticker or yard waste tag or sticker.

Refuse sticker. A preprinted sticker which evidences advance payment for the collection and disposal of garbage, rubbish, refuse and junk.

Village recycling containers. Eighteen-gallon green plastic containers, stamped with the Village name and issued by the Village to its residents for the purpose of holding recyclable items.

Yard waste tag or sticker. A preprinted tag or sticker which evidences advance payment for the collection and disposal of compostable materials.

(b) It shall be unlawful for any person, other than a scavenger licensed under Article XV of Chapter 8 of the Downers Grove Municipal Code to remove any items in or adjacent to Village recycling containers or recycling containers provided by scavengers or owners of multi-family structures, including but not limited to, newspapers, aluminum cans, plastic jugs, and glass bottles or containers.

(c) The theft of any Village recycling container, refuse sticker or yard waste tag or sticker shall be unlawful, and any person, other than the owner, commits theft when he knowingly:

(1) Obtains or exerts unauthorized control over a Village recycling container, refuse sticker or yard waste tag or sticker; or

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(2) Obtains, by deception, control over a Village recycling container, refuse sticker or yard waste tag or sticker; or

(3) Obtains, by threat, control over a Village recycling container, refuse sticker or yard waste tag or sticker; or

(4) Obtains control of a stolen Village recycling container, refuse sticker or yard waste tag or sticker knowing the Village recycling container, refuse sticker or yard waste tag or sticker to have been stolen by another under such circumstances as would reasonably induce such person to believe that the property was stolen; and,

a. Intends to permanently deprive the owner of the use or benefit of the Village recycling container, refuse sticker or yard waste tag or sticker; or

b. Knowingly uses, conceals or abandons the Village recycling container, refuse sticker or yard waste tag or sticker in such manner as to permanently deprive the owner of such use or benefit; or

c. Uses, conceals or abandons the Village recycling container, refuse sticker or yard waste tag or sticker knowing such use, concealment or abandonment will probably permanently deprive the owner of such use or benefit.

(d) No person shall damage, by any means, a Village recycling container, without the consent of the Village.

(e) Recycling bins can be obtained by showing proof of residency. The cost for obtaining such a bin shall be as set forth in Administrative Regulation entitled "User-Fee, License and Fine Schedule". (Ord. No. 3297, § 10; Ord. No 3373, § 1.)
(Ord. 5132, Amended, 04/20/2010)

Section 13.49.5. Penalties.

Any person found guilty of a violation or violations of Sections 13-45, 13-46, 13-47, 13-49.2, 13-49.3 or 13-49.4 shall be fined in an amount of not less than one hundred dollars. Any second or subsequent finding of guilty for any of these offenses shall result in a fine of not less than two hundred dollars. (Ord. No. 3297, § 11.)

Section 13.49ART. Article VII. Storm Drains and Sewers

Section 13.50. Storm drains and sewers; defined.

For the purposes of this article, a storm drain and sewer is defined as any conduit or sewer, whether surface or underground, which carries storm and surface waters and drainage. (Ord. No. 2386, § 1.)

Section 13.51. Same--Discharge of sanitary and industrial wastewater prohibited.

It shall be unlawful for any person to discharge or permit or cause to be discharged sanitary or industrial waste water into any storm drain or sewer, as defined in Section 13-50 herein, within the corporate limits of the Village of Downers Grove. (Ord. No. 2386, § 1.)

Section 13.51ART. Article VIII. Swimming Pools and Hot Tubs

Section 13.52. Drainage of pools and hot tubs.

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Wastewater from a temporary or permanent swimming pool or hot tub discharged in a natural drainage area or to the ground surface shall be discharged in a location on the property which provides at least fifteen feet of pervious surface between the point of discharge and any property line. Such discharge shall also comply with any and all state and federal regulations concerning the discharge of wastewater from swimming pools and hot tubs.

(3647, Enacted, 04/18/1994)