

CHAPTER 10
HEALTH
ARTICLE I
GENERAL PROVISIONS

SECTION 10-1: UNWHOLESOME FOOD

It shall be unlawful to sell or offer for sale any unwholesome or polluted food or drink of any kind in the Village.

SECTION 10-2: SANITARY REGULATIONS

All premises used for the sale or storage of food or drink intended for human consumption shall be kept in a clean and sanitary condition. It shall be unlawful to permit any person who is afflicted with a contagious disease to handle any food intended for human consumption. Measures shall be taken to ensure that the premises are kept as free from flies and vermin of all kinds as reasonably possible.
(Amended 02/13/06)

SECTION 10-3: WATER COURSES

It shall be unlawful and a nuisance for any person, firm or corporation to obstruct or pollute any water course or source of water supply in the Village.

SECTION 10-4: POOLS OF WATER

Any stagnant pool of water in the Village is hereby declared to be a nuisance. It shall be unlawful for any person, firm or corporation to permit any such nuisance to remain or exist on any property under his or its control.

SECTION 10-5: REFUSE

It shall be unlawful for any person, firm or corporation to deposit anywhere in the Village any uncovered piles of refuse, garbage, offal or carcasses of dead animals.

SECTION 10-6: CEMETERIES

It shall be unlawful for any person, firm or corporation to establish a cemetery or to bury any person within the Village limits, or within a mile thereof except in an established cemetery.

SECTION 10-7: ACTS ENDANGERING PUBLIC HEALTH

It shall be unlawful to commit or do any act which endangers the public health or results in annoyance or discomfort to the public.

SECTION 10-8: DENSE SMOKE

It shall be unlawful to cause or permit the emission of dense smoke from any fire, chimney, engine, oil burner or any other agency in the Village so as to cause annoyance or discomfort to the residents thereof.

**ARTICLE II
REFUSE AND FIRE PREVENTION**

SECTION 10-9: FALSE ALARMS

It shall be unlawful for any person to knowingly start or spread any false alarm in the Village.

SECTION 10-10: COMBUSTIBLE REFUSE

It shall be unlawful to permit or store any combustible refuse in such a way as to create a fire hazard, or to store or throw any brush or refuse of any kind in any alley, street or other public place in the Village, except at curbside in time for regular pick up. (Amended 2/13/06)

SECTION 10-11: INSTALLATION AND MAINTENANCE OF FUEL TANKS

It shall be unlawful to install or maintain any fuel oil, gas or liquid gas tanks in the Village unless such tank and all equipment connected therewith is installed and maintained in accordance with the rules of the State Fire Marshal or of any other state agency having jurisdiction thereof.

SECTION 10-12: UNUSED OR ABANDONED REFRIGERATORS

It shall be unlawful to permit any unused or abandoned refrigerator, icebox or deep freeze or other freezers to remain in any place such as to create a public nuisance or in any place accessible to any child unless doors are removed and the appliances are placed or laid down so as to be as stable as possible. In any event, the item (s) must be removed from the premises within one week of being placed outdoors. (Amended 02/13/06)

**ARTICLE III
LITTER**

SECTION 10-13: DEFINITIONS

For the purposes of this Article and Article IV the following definitions shall apply: (Amended 07/11/05)

“GARBAGE” All animal and vegetable matter from handling, preparation, cooking, consumption, storage, decay or decomposition of food (meats, fish, fowl, fruits, grains) and/or any other animal or vegetable matter whatsoever, subject to decay which may putrefy or generate noxious or offensive odors.

“DEBRIS” Debris shall be defined as materials which are placed outside in a haphazard manner, which may create rodent and pest harborage or items which are not intended or customarily stored outdoors and which, if left exposed and unprotected from the elements, have or potentially will deteriorate by reason of vandalism, moisture and exposure. Such materials can include rubbish and items which might otherwise be considered unusable such as furniture, appliances, boards, cardboard boxes of items, clothing, dishes, machinery and so forth.

“TRASH” Trash shall be defined as worn out, broken up or worthless things and refuse.

“RUBBISH” All nonputrescible solid wastes consisting of both combustible and noncombustible waste, including but not limited to paper, plastics, bottles, glass, cardboard, metal, cans, bricks, ashes, sod, dirt, rocks, cement, trees, wood, leather, and any other like materials small enough for one man to handle. RUBBISH does not include yard waste, bulky household waste, dead animals, garbage, stable matter and hazardous wastes.

“MOTOR VEHICLE” As defined in the Illinois Motor Vehicle Code.

SECTION 10-14: DUMPING OR DEPOSITING OF LITTER PROHIBITED; EXEMPTIONS

(A) No person shall dump, deposit, drop, throw, discard, leave, cause, or permit the dumping, depositing, dropping, throwing, discarding, or leaving of litter upon any public or private property in this village, or upon or into any river, lake, pond, or other stream or body of water in this Village unless:

(1) The property has been designated by the Village or any of its agencies for the disposal of litter, and the litter is disposed of on that property in accordance with the applicable rules and regulations of the state Pollution Control Board;

(2) The litter is placed into a receptacle or other container intended by the owner or tenant in lawful possession of that property for the deposit of litter;

(3) The person is the owner or tenant in lawful possession of the property or has first obtained the consent of the owner or tenant in lawful possession, or unless the act is done under the personal direction of the owner or tenant and does not create a public health or safety hazard, a public nuisance, or a fire hazard;

(4) The person is acting under the direction of proper public officials during special cleanup days; and/or

(5) The person is lawfully acting in or reacting to an emergency situation where health and safety is threatened, and removes and properly disposes of any litter, including but not limited to potentially infectious medical waste as defined in ILCS Ch. 415, Act 5, Section 3.84, when the emergency situation no longer exists.

(B) Any person convicted of a violation of this section shall be fined not less than \$10.00 nor more than \$500.00.

SECTION 10-15: ACCUMULATION OF LITTER PROHIBITED (Amended 07/11/05)

(A) It shall be unlawful for any person, firm or corporation to allow garbage, debris, trash or rubbish, except that which is accumulated for weekly collection, to be located outdoors upon his, her or its property. Any violation of this Section shall be deemed a public nuisance.

(B) Any owner or tenant who is given a ten (10) day notice, in writing, from the Village to remove garbage, debris, trash or rubbish, shall remove said garbage, debris, trash or rubbish within said ten (10) day period. In the event the owner or tenant, after receipt of said notice refuses or neglects to remove such garbage, debris, trash or rubbish, the Village may remove the same and collect from the owner of the premises the reasonable cost thereof. Within sixty (60) days after such cost and expense is incurred by the Village, the Village President shall cause a notice to be filed in the office of the Recorder of Deeds of Stephenson County consisting of a sworn statement setting out: (1) a description of the real estate sufficient for identification thereof. (2) the amount of money representing the cost and expense incurred or payable for the service, and (3) the date or dates when such cost and expenses was incurred by the

municipality. Said notice shall be addressed to the owner of said real estate. The notice shall be a lien upon the real estate affected superior to all-subsequent liens and encumbrances except tax liens.

(C) However, the lien of the Village shall not be valid as to any purchaser whose rights in and to such real estate have arisen subsequent to removal of the garbage, debris, trash or rubbish and prior to the filling of such notice, and the lien of such municipality shall not be valid as to any mortgage, judgment creditor or other lien or whose rights in and to such real estate arose prior to the filling of such notice.

(D) The lien may be enforced by proceedings to foreclose as in case of mortgages or mechanics liens. Suit to foreclose this lien shall be commenced within two (2) years after the date of filing notice of such lien as set forth in Illinois Revised Statutes, Chapter 24, Section 11-20-13. (Amended 07/11/05)

SECTION 10-16: RECEPTACLES REQUIRED IN PUBLIC AREAS

(A) In order to assist the public in complying with this chapter, the owner or person in control of any property which is held out to the public as a place for assemblage, the transaction of business, recreation, or as a public way shall cause to be placed and maintained receptacles for the deposit of litter of sufficient volume and in sufficient numbers to meet the needs of the numbers of people customarily coming on or using the property.

(B) For purposes of this section, ***PROPERTY HELD OUT TO THE PUBLIC FOR THE TRANSACTION OF BUSINESS*** includes, but is not limited to commercially operated parks, campgrounds, drive-in restaurants, automobile service stations, business parking lots, car washes, shopping centers, marinas, boat launching areas, industrial parking lots, boat moorage and fueling stations, piers, beaches and bathing areas, airports, roadside rest stops, drive-in movies, and shopping malls; and ***PROPERTY HELD OUT TO THE PUBLIC FOR ASSEMBLAGE, RECREATION, OR AS A PUBLIC WAY*** includes, but is not limited to any property that is publicly owned or operated for any of the purposes stated in the definition in this division for ***PROPERTY HELD OUT TO THE PUBLIC FOR THE TRANSACTION OF BUSINESS*** but excludes state highway rights-of-way and rest areas located thereon.

ARTICLE IV BONFIRES OR RUBBISH FIRES

SECTION 10-17: OPEN BURNING PROHIBITED

It shall be unlawful to burn refuse, rubbish or any combustible material of any kind anywhere within the Village, whether within or without an incinerator, burn barrel, fire pit, or any receptacle, and regardless of whether such burning is conducted on public or private property.

SECTION 10-18: LEAF BURNING REGULATIONS

Leaves and yard waste may not be burned in the Village.

SECTION 10-19: OUTDOOR FIREPLACES OR BARBECUE PITS (Amended 11/10/14)

(A) This chapter does not prohibit the use of outdoor fireplaces, commercially available fire pits or barbecue pits for food preparation, provided that such fire receptacles use charcoal, natural gas, liquid propane gas, commercially available wood chips, or wood as their fuel, and do not create a fire hazard.

(B) Non-contained recreational fires shall not be conducted within 25 feet of a structure or combustible material, including wooden fencing or utility structures. Any condition that would cause a

recreational fire to spread within 25 feet of any combustible material shall be eliminated prior to such fire being kindled.

(C) Recreational fires contained within a commercially manufactured device, i.e. portable fireplace, shall not be conducted within 15 feet of a structure or combustible material, including wooden fencing or utility structures, or placed on wooden decks.

(D) Recreational fire pits made of earth, stone, or metal designed for the purpose of containing a fire shall be permitted provided that the area containing the fire is no more than 3 feet in diameter and 2 feet high.

(E) Fire fuel shall be limited to dry wood, kindling, sticks, small logs, or commercially produced fire logs. The burning of garbage, refuse, leaves, landscape waste or any other combustible material is strictly prohibited.

(F) Recreational fires shall be constantly attended to until the fire is completely extinguished. A minimum of one portable fire extinguisher with a minimum of 4-A rating, or other approved on-site fire-extinguishing equipment such as dirt, sand, water barrel, garden hose, or water truck shall be available for immediate utilization.

(G) Open burning that is offensive or objectionable because of smoke or odor emissions when atmospheric conditions or local circumstances make such recreational fires hazardous shall be prohibited.

(H) When wind speeds or other weather conditions carry smoke or embers within 25 feet of combustible materials, towards neighboring properties or some other complainant, the fire must be immediately extinguished.

(I) The Village President or his agent may prohibit any or all recreational fires when atmospheric conditions or local circumstances make such fires hazardous.

SECTION 10-20: CONSTRUCTION WASTE

It shall be unlawful during the construction, renovation, or demolition of buildings or other structures to dispose of waste materials or rubbish by burning on or off the premises, except by means of a variance granted by the Village President and which is consistent with the provisions of state law. (Amended 08/10/09)

SECTION 10-21: VARIANCES

Any person, firm or corporation may apply to the Village of Lena for a variance from the provisions of this subchapter where the literal enforcement of its provisions would result in exceptional difficulty or unusual hardship. The Village President at his or her own discretion is hereby authorized to grant a variance to any proper applicant, provided that the issuance of such a variance is not in violation of the provisions of the Illinois Environmental Protection Act (ILCS Ch. 415, Act 5, Sections 1 *et seq.*) or any regulations promulgated by the Illinois Pollution Control Board. The cost of a permit shall be \$25.00 and shall be paid to the Village Clerk, prior to the issuance of a permit. (Amended 08/10/09)

**ARTICLE V
FIREWORKS AND EXPLOSIVES**

SECTION 10-22: FIREWORKS

(A) It shall be unlawful to store, discharge or cause to be discharged any fireworks or pyrotechnics in the Village.

(B) It shall be unlawful to sell or offer for sale any fireworks or pyrotechnics in the Village. Public exhibitions of fireworks and pyrotechnics may be given only pursuant to resolution adopted by the President and Board of Trustees, and according to such terms and conditions as determined by the President and Board of Trustees.

**ARTICLE VI
FIRE PREVENTION AND SAFETY REQUIREMENTS FOR
BED AND BREAKFAST ESTABLISHMENTS**

SECTION 10-23: COMPLIANCE REQUIRED

No person shall operate a guest house or a bed and breakfast establishment (hereinafter called "guest house"), as defined under the zoning code, unless the guest house complies with the fire prevention and safety requirements set out in this subchapter. Notwithstanding the foregoing, the owner of a guesthouse for which a conditional use permit is in effect as of the effective date hereof shall have until May 1, 1989 to comply with all of the requirements of this subchapter.

SECTION 10-24: MINIMUM REQUIREMENTS

A guesthouse shall meet the requirements for one and two-family dwellings set out in Chapter 22 of the NFPA 101 Life Safety Code, and the additional requirements set forth in this subchapter.

SECTION 10-25: SMOKE DETECTORS

(A) Smoke detectors must be permanently wired into the guest house structure's AC power line, with battery back-up. Multi-station units shall be wired so that the activation of one detector will activate all of the detectors in the guesthouse. Smoke detectors shall be installed as follows: one in each guest room used for sleeping purposes; one in each hallway or corridor on each floor; one in each living room or lounge area; one in each dining room; one in basement and in each workshop area. There shall be at least one smoke detector on each floor of the guesthouse, but excluding unoccupied attics.

(B) The guest house owner shall provide such periodic written reports relating to smoke detector testing and maintenance as shall be required by the Fire Prevention Bureau.

SECTION 10-26: GUEST ROOMS ABOVE SECOND FLOOR OR IN BASEMENT

(A) All guest rooms located above the second floor or in the basement must have two exits approved by the Fire Prevention Bureau. All vertical openings to any such floor or basement in which a guest room is located shall be enclosed with enclosures continuous from floor to floor, which enclosures shall be by fire barriers such as walls or partition assemblies. Any such fire barrier shall have a minimum of one hour fire resistance rating.

(B) Passageways used for exiting from any such floor or basement and stairways used for exiting from any such floor or basement shall be enclosed by materials that have a minimum of one-hour fire resistance rating.

(C) Self-closing doors approved by the Fire Prevention Bureau shall be used in any such stairway used for exiting from any such floor or basement.

SECTION 10-27: WORKSHOP AREAS

Any workshop or other area determined by the Fire Prevention Bureau to contain equipment or materials constituting a potential fire hazard shall be enclosed with fire resistant materials.

SECTION 10-28: INTERIOR FINISHES

All interior finishes and floor coverings in the guesthouse shall meet Life Safety Code regulations so as to restrict the spread of fire. Cellular, foam, plastic and other similar materials shall not be used for interior finishes.

SECTION 10-29: EXIT REGULATIONS AND FLOOR PLAN

(A) All hallways, corridors and stairways used as exits shall be adequately lighted at all times. Emergency lighting shall meet Section 5-9 of the NFPA 101 Life Safety Code.

(B) A kitchen exit shall not be considered as an approved fire exit in a guesthouse where breakfast is served.

(C) All interior and exterior exits shall open from the inside without the use of a key or special knowledge. All such exits shall be the width of a normal door and shall not be blocked or obstructed at any time.

(D) A floor plan of the guesthouse shall be maintained in each guest room, which plan shall show the location of each such guest room and the exit locations to be used for such guest room in the event of fire.

SECTION 10-30: FIRE CODES

There is hereby adopted by the village for the purpose of prescribing regulations governing conditions hazardous to life and property from fire and explosion, those certain codes known as the Fire Prevention Code, American Insurance Association, as amended, and NFPA 101 Life Safety Code, National Fire Protection Association, Code for Safety to Life and Fire in Buildings and Structures, as amended.

ARTICLE VII OUTDOOR FURNANCES (Amended 07/11/11)

SECTION 10-31: DEFINITIONS

“OUTDOOR WOODBURNING FURNANCE” Is defined as an accessory structure, designed and intended, through the burning of wood, for the purpose of heating the principal structure or any other site, building or structure on the premises.

“FIREWOOD” Is defined as trunks and branches of trees and bushes, not including leaves, needles, vines or brush smaller than three (3) inches in diameter.

“UNTREATED LUMBER” Is defined to mean dry wood which has been milled and dried, but which has not been treated or combined with any petroleum product, chemical, preservative, glue, adhesive, stain, paint or other substance.

SECTION 10-32: SPECIFIC REQUIREMENTS

(A) Permitted fuel. Only firewood and untreated lumber are permitted to be burned in any outdoor furnace. Burning of any and all other materials in an outdoor furnace, including, but not limited to, trash, plastics, gasoline, rubber, naphtha, household garbage, material treated with petroleum products (particle board, railroad ties and pressure-treated wood), leaves, paper products and cardboard, is prohibited.

(B) Minimum lot size. Outdoor furnaces shall be permitted only on lots of three (3) acres or more.

(C) Setbacks. Outdoor furnaces shall be set back not less than one hundred (100) feet from the nearest lot line.

(D) Months of operation. Outdoor furnaces shall be operated only between September 1 and May 31.

(E) Spark arrestors. All outdoor furnaces shall be equipped with properly functioning spark arrestors.

(F) Starters. The use of lighter fluids, gasoline or chemicals to start outdoor furnaces is prohibited.

(G) Manufacturer’s instructions. The installation, maintenance and use of all outdoor furnaces, including loading times and amounts, shall comply with the manufacturer’s instructions.

SECTION 10-33: COMPLIANCE WITH OTHER REGULATIONS

Outdoor furnaces shall comply with any and all state and federal laws, rules and regulations with regards to installation, maintenance and operation of same.

SECTION 10-34: EFFECT ON OTHER REGULATIONS

Nothing contained herein shall authorize or allow burning which is prohibited by codes, laws, rules or regulations promulgated by the United States Environmental Protection Agency, the Illinois Environmental Protection Agency, or any other federal, state, regional or local agency.

SECTION 10-35: PENALTY

Any person found to be in violation of any provision of this Chapter, shall be fined \$100.00 - \$500.00.

Each day a continuing violation exists may be deemed a separate offense.

SECTION 10-36 through 10-98. RESERVED