Title 8

HEALTH AND SAFETY

Chapters:

8.04 General Health Regulations
8.08 Aircraft Landings
8.12 Contagious Diseases
8.16 Dutch Elm Disease
8.20 Fireworks and Explosives
8.24 Garbage and Refuse
8.28 Plants and Weeds
8.30 Tree Preservation on Private Property
8.32 Public Toilet Facilities
8.34 Tobacco Regulation
8.36 Repealed (Smoking in Public Places)

Chapter 8.04

GENERAL HEALTH REGULATIONS[1]

Sections:

8.04.010	Sale of unwholesome food prohibited.
8.04.020	Sanitary regulation of premises used for food storage.
8.04.030	Pollution of water source prohibited.
8.04.040	Stagnant pools of water prohibited.
8.04.050	Refuse disposal.
8.04.060	Cemeteries.
8.04.070	Sanitary condition of buildings and structures.
8.04.080	Acts endangering public health prohibited.
8.04.090	Drinking cups in public places.
8.04.100	Sterilization of utensils used for serving food to public.
8.04.110	Spitting prohibited.
8.04.120	Noxious odors.
8.04.130	Dense smoke.
8.04.140	Penalty for violation of Sections 8.04.010 through 8.04.130.
8.04.150	Notification of treatment of certain injuries.
8.04.160	Penalty for violation of Section 8.04.150.
8.04.170	Junk, trash and refuse defined.
8.04.180	Storage of junk or refuse on private property declared nuisance.
8.04.190	Penalty for violation of Section 8.04.180.
8.04.200	Observance of violation by policeman or building department inspector - Notice issuance.
8.04.210	Citizen's affidavit charging violation - Investigation procedure.
8.04.220	Notice of violation - Service procedure.
8.04.230	Nuisance abatement - Investigation.
8.04.240	Complaint procedure upon failure to comply with abatement notice.
8.04.250	Prosecution of complaints of violation.

8.04.010 Sale of unwholesome food prohibited.

It is unlawful to sell or offer for sale any unwholesome or polluted food or drink of any kind in the city. (Prior code § 19.501.)

8.04.020 Sanitary regulation of premises used for food storage.

All premises used in the sale or storage of food intended for human consumption shall be kept in a clean and sanitary condition. It is unlawful to permit any person who is afflicted with a contagious disease to handle any food or drink intended for human consumption. Premises shall be kept free from flies and vermin of all kinds. (Prior code § 19.502.)

8.04.030 Pollution of water source prohibited.

It is unlawful and a nuisance for any person, firm or corporation to obstruct or pollute any watercourse or source of water supply in the city. (Prior code § 19.503.)

8.04.040 Stagnant pools of water prohibited.

Any stagnant pool of water in the city is declared to be a nuisance. It is unlawful for any person, firm or corporation to permit any such nuisance to remain or exist on any property under his or its control. (Prior code § 19.504.)

8.04.050 Refuse disposal.

It is unlawful for any person, firm or corporation to deposit anywhere in the city any uncovered piles of refuse, garbage, offal or carcasses of dead animals. Such refuse must be buried in properly constructed incinerators or otherwise properly disposed of. Any uncovered pile of refuse is declared to be a nuisance. (Prior code § 19.505.)

8.04.060 Cemeteries.

It is unlawful for any person, firm or corporation to establish a cemetery or to bury any person within the city limits, or within three-quarters of a mile thereof except in an established cemetery. (Prior code § 19.506.)

8.04.070 Sanitary condition of buildings and structures.

A. It is unlawful to permit any building, structure or place, to remain in such a condition as to be dangerous to the public health in any way. Any such structure, building or place, is declared to be a nuisance.

B. All premises used as hotels, motels, tourist homes, or for lodginghouse and boarding house purposes shall be kept in a clean and sanitary condition. Water closets and lavatories shall be available to all guests using any hotel, motel, tourist home, lodginghouse and boardinghouse.

C. Nursing homes shall be kept in a clean and sanitary condition and must comply with the state requirements for operation of a nursing home.

(Prior code § 19.507.)

8.04.080 Acts endangering public health prohibited.

It is unlawful to commit or do any act which endangers the public health. (Ord. 1978-M-40 § 1: prior code § 19.508.)

8.04.090 Drinking cups in public places.

It is unlawful to maintain any common drinking cup, or cups, dipper or other similar utensil for the use of more than one person in any public hall, theater, store or other place frequented by the public. (Prior code § 19.509.)

8.04.100 Sterilization of utensils used for serving food to public.

Utensils for personal use in all places serving food or drink to the public shall be thoroughly cleaned and sterilized after each such usage. (Prior code § 19.510.)

8.04.110 Spitting prohibited.

It is unlawful to spit or expectorate on any public sidewalk or other public place, or on the floor or walls of any store, theater, hall, public vehicle, or other place frequented by the public or to which the public is invited. (Prior code § 19.512.)

8.04.120 Noxious odors.

It is unlawful to cause or permit the emission of noxious odors from any fir, chimney, waste disposal system, or any other agency in the city so as to cause annoyance or discomfort to the residents thereof. (prior code § 19.513.)

8.04.130 Dense smoke.

It is unlawful to cause or permit the emission of dense smoke from any fire, chimney, engine, oil burner or any other agency in the city so as to cause annoyance and discomfort to the residents thereof. For the purpose of testing and grading the density of smoke, the Ringlemann Smoke Chart, as published and used by the United States Geological Survey, shall be and is adopted as a standard for such grading; and smoke shall be and is defined as and declared to be "dense" when it is of a degree of density of number three of said chart, or greater, for more than six minutes in any one hour, whether such period of time is consecutive or not. (Prior code § 19.514.)

8.04.140 Penalty for violation of Sections 8.04.010 through 8.04.130.

Any person, firm or corporation violating any of the provisions of Sections 8.04.010 through 8.04.130 shall be fined not less than five dollars nor more than five hundred dollars for each offense, and a separate offense shall be deemed committed on each day during or on which a violation occurs or is permitted to continue. (Prior code § 19.515.)

8.04.150 Notification of treatment of certain injuries.

A. It shall be the duty of any person, firm or corporation conducting or operating a medical facility or any physician, nurse or employee thereof, as soon as time permits giving due consideration to the treatment for any injury hereinafter specified, to notify the city police department when any person seeking treatment from injuries specified in this section who is not accompanied by a city police officer or an officer from another police agency, when it reasonably appears the person requesting treatment has received:

1. An injury resulting from the discharge of a firearm;
2. Any injury or wound apparently inflicted by any object used as a weapon;
3. An injury sustained in the commission of ar as a victim of a criminal offense;
4. Any animal or human bite;
5. Any poisoning;
6. Any injury sustained on public property;
7. Any injury in which a moving motor vehicle was involved.
8. Any injury of any cause where it is evident that death will probably ensue as a direct result thereof, or when death has resulted;
9. Any child that has suffered injury or disability from physical abuse, or neglect inflicted upon him or her or shows evidence of malnutrition, other than by accidental means.

B. Any hospital, physician, nurse, or employee thereof, shall be held harmless for their reasonable compliance with this section, and shall not be held responsible for inaccurate information being given by the patient or those accompanying the patient.

(Ord. 1976-M-8 (part): prior code § 19.517 (part).)

8.04.160 Penalty for violation of Section 8.04.150.

Any person, firm, or corporation violating Section 8.04.150 shall be fined not less than one dollar nor more than five hundred dollars for each offense. (Ord. 1976-M-8 (part): prior code § 19.517 (part).)

8.04.170 Junk, trash and refuse defined.

For the purposes of Sections 8.04.180 through 8.04.250, junk, trash and refuse are defined to include any and all waste matter, whether reusable or not, which is offensive to the public health, safety or to the esthetics of the neighborhood, and are specifically intended to include, but not be limited to, worn out, wrecked and/or abandoned automobiles, trucks, tractors, machinery of any kind, any parts thereof, old iceboxes, refrigerators and stoves. (Ord. 1966-21 (part): prior code § 27.1002.)

8.04.180 Storage of junk or refuse on private property declared nuisance.

The storage of junk, trash and refuse on private property within the city, where such storage is nor authorized under the terms of Title 17, and in any manner not permitted by said zoning title is declared a nuisance. (Ord. 1966-21 (part): prior code § 27.1001.)

8.04.190 Penalty for violation of Section 8.04.180.

Any property owner or any occupant of property who allows such storage as provided in Section 8.04.180 on the property owned or occupied by him shall be guilty of a misdemeanor punishable by a fine of not less than ten dollars nor more than five hundred dollars, and any person who neglects to abate and remove such nuisance after notice thereof shall for each twenty-four hours thereafter during which said nuisance continues be subject to a like penalty as that originally incurred. (Ord. 1966-21 (part): prior code § 27.1003.)

8.04.200 Observance of violation by policeman or building department inspector - Notice issuance.

Any policeman or inspector of the building or health department of the city upon observing any violation of Section 8.04.180 shall issue a notice directed to the owner of record of the property on which said nuisance occurs, as shown in the records of the recorder of deeds of Kane County, or to the occupant of said property, or to both, which said notice shall describe the violation and shall establish a reasonable time limit for the abatement thereof by such owner or occupant which time shall be not less than two days after service of such notice. (Ord. 1966-21 (part): prior code § 27.1004.)

8.04.210 Citizen's affidavit charging violation - Investigation procedure.

Any citizen of the city who observes a violation of Section 8.04.180 may file his affidavit setting forth in detail the violation, its location and the name of the owner and occupant of the property on which such nuisance is alleged, and may file said affidavit with the city sanitarian, who shall assign to an inspector of the health department the duty to investigate such charge and, if such nuisance exists, to issue a notice to the owner or occupant of the property as provided in Section 8.04.200. (Ord. 1966-21 (part): prior code § 27.1005.)

8.04.220 Notice of violation - Service procedure.

Any policeman or inspector of the building department or health department of the city shall serve the notice provided for in Sections 8.04.200 and 8.04.210 upon the owner or occupant of the property which such nuisance exists, or upon both of them, and shall upon his return make a copy of such notice, showing the time of service, the person upon whom it was served, or the manner in which it was served. (Ord. 1966-21 (part): prior code § 27.1006.)

8.04.230 Nuisance abatement - Investigation.

Immediately upon the termination of the time allowed in any such notice for the abatement of such nuisance, the policeman or inspector of the building department or health department of the city who served such notice, or any other policeman or inspector who shall be assigned by the city sanitarian, shall investigate to determine whether or not such nuisance has been abated. (Ord. 1966-21 (part): prior code § 27.1007.)

8.04.240 Complaint procedure upon failure to comply with abatement notice.

In the event the owner or occupant of the property where such nuisance exists has failed within the prescribed time to abate nuisance, then the policeman or inspector of the building department or of the health department of the city, who filed an affidavit with the city sanitarian, or the inspector of the health department who investigated whether such nuisance has been abated, shall file a complaint charging violation of Section 8.04.180 with the circuit court for the Sixteenth Judicial Circuit, charging violation of Section 8.04.180 and demanding that the owner of the property or the occupant thereof, or both, be punished as provided in Section 8.04.190. (Ord. 1966-21 (part): prior code § 27.1008.)

8.04.250 Prosecution of complaints of violation.

The city shall prosecute all complaints of violation of Section 8.04.180. (Ord. 1966-21 (part): prior code § 27.1009.)

Chapter 8.08

AIRCRAFT LANDINGS[2]

Sections:

8.08.010 Definitions.
8.08.020 Restrictions on landing.
8.08.030 Exemptions.
8.08.040 Violation - Penalty.
8.08.050 Severability.

8.08.010 Definitions.

For the purposes of this Chapter, the following words shall have the meanings ascribed hereto:

A. "Aircraft" means any contrivance now known or hereafter invented, used or designed for navigation of, or flight in the air including, but not limited to, airplanes, helicopters, gliders, hot air balloons and dirigibles.

B. "Person" means any individual, firm, partnership, corporation, company or any other organization that operates, causes the operation or otherwise authorizes the operation of an Aircraft.

(Ord. 2009-M-13 § 1; Ord. 1978-M-49 § 1; Ord. 1976-M-54 § 1; prior code § 28.017a (I).)

8.08.020 Restriction on landing.

It is unlawful for any Person to cause or permit Aircraft to land or otherwise make any physical touching with the ground or navigable waters: (a) within the corporate limits of the City; and (b) within three (3) miles of the corporate limits of the City, provided that said ground or navigable waters is not within the corporate limits of another municipality.

(Ord. 2009-M-13 § 1; Ord. 1976-M-54 § 2; prior code § 28.017a (II).)

8.08.030 Exemptions.

A. The prohibition set forth herein shall not apply to any Person with a valid permit issued pursuant to the Illinois Aeronautics Act or similar statute.

B. The prohibition set forth herein shall not apply to any public entity, including, but not limited to, the government of any state, the United States of America and any department, agency or subdivision thereof.

C. The prohibition set forth herein shall not apply to any Aircraft primarily used for responding to emergency incidents.

D. In addition to the foregoing, the prohibition set forth herein shall not apply to any Person operating an Aircraft with the written approval of the City. Said approval shall be granted only upon the following:

1. The Person shall notify the City in writing of the proposed landing or other physical touching no less than thirty (30) days prior to the same. Said notice shall include the date and time, the location and the amount of time necessary; and,
2. The Person shall secure and maintain liability insurance by a carrier that is legally able to conduct business in the State of Illinois and is rated “A-” or better and of a class size “X” or higher by the A.M. Best Company. Said insurance shall name the City, its elected and appointed officers, officials, employees and agents as additional insured parties and shall otherwise be deemed satisfactory by the City Administrator and the City Attorney; and,

3. The Person shall execute an agreement indemnifying the City, its elected and appointed officers, officials, employees and agents, in a form deemed satisfactory by the City Administrator and the City Attorney.

The requirements of this Section 8.08.030(C) shall be in addition to any other Requirements imposed by the City code or any other statute or law.
(Ord. 2009-M-13 § 1; Ord. 1984-M-17 § 1; Ord. 1982-M-11 § 1; Ord. 1980-M-36 § 1; Ord. 1978-M-49 § 3; Ord. 1976-M-54 § 3; Ord. 1985-M-58; prior code § 28.017a (III).)

8.08.040 Violation - Penalty.

Any Person who violates this Chapter shall be fined not less than fifty dollars ($50) nor more than seven hundred fifty dollars ($750) for each offense with each landing or physical touching constituting a separate offense.
(Ord. 2009-M-13 § 1; Ord. 1978-M-49 § 4; Ord. 1976-M-54 § 4; prior code § 28.017a (IV).)

8.08.050 Severability.

If any section, subsection, sentence, clause, phrase or portion of this Chapter is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions hereof.
(Ord. 2009-M-13 § 1; Ord. 1978-M-49 § 5; Ord. 1976-M-54 § 5; prior code § 28.017a (V).)

Chapter 8.12

CONTAGIOUS DISEASES[3]

Sections:

8.12.010 Report required.
8.12.020 Quarantine.
8.12.030 Spreading contagion.
8.12.040 Deliveries to quarantined premises.
8.12.050 Violation - Penalty.

8.12.010 Report required.

Every physician called in to care for or treat a person afflicted with a contagious disease or any epidemic disease shall make a report of the same within twenty-four hours after being called in to the health officer. In case no physician is in attendance, it shall be the duty of the person in charge or having the care of such person to make a report within twenty-four hours from the time the disease is recognized. (Prior code § 19.101.)

8.12.020 Quarantine.

The board of health shall have the power and the authority to place any premises within which a contagious disease or an epidemic occurs under quarantine, and it shall determine the time when quarantine ends. (Prior code § 19.102.)

8.12.030 Spreading contagion.

It is unlawful for any person to spread willfully or carelessly any contagious disease or to so cause the spread of the same. (Prior code § 12.103.)

8.12.040 Deliveries to quarantined premises.

No person engaged in the delivery of food or drink intended for human consumption shall enter any premises which are quarantined because of the existence of a contagious or epidemic disease. No containers or bottles shall be removed from any such premises until the termination of the quarantine and no such container which has been so removed shall be again placed in use for the carrying of food or drink until the same has been thoroughly sterilized. (Prior code § 19.104.)

8.12.050 Violation - Penalty.

Any person, firm or corporation violating any of the provisions of this chapter shall be fined not less than two dollars nor more than twenty-five dollars for each offense. (Prior code § 19.105.)

Chapter 8.16

DUTCH ELM DISEASE[4]

Sections:

8.16.010	Diseased trees - Declared nuisance - Owner's responsibility to remove.
8.16.020	Inspections authorized.
8.16.030	Abatement notice - Service.
8.16.040	Abatement by city - Cost assessment.
8.16.050	Abatement on city owned property.
8.16.060	Violation - Penalty.

8.16.010 Diseased trees - Declared nuisance - Owner's responsibility to remove.

A. All species and varieties of elm trees that are dead or substantially dead, and all dead elmwood to which the bark is still attached, which, because of their condition, may serve as a breeding place for the european elm bark beetle (Scolytus multisriatus), and the native elm bark beetle (Hylurgopinus refipes), or any other carrier of said disease, are declared to be a nuisance.

B. It is unlawful for any owner of any lot or parcel of land in the city to permit or maintain on any such lot or parcel of land, any such elm tree or dead elmwood, and it shall be the duty of any such owner promptly to remove and burn any such elm tree or dead elmwood under the supervision and direction of the director of special services.

(Prior code § 27.201.)

8.16.020 Inspections authorized.

The City Engineer is authorized and empowered to enter upon any lot or parcel of land in the city at any reasonable hour for the purpose of inspecting any elm trees or dead elmwood situated thereon, and the director of special services may remove such specimens from any such tree, because it is dead or substantially dead, may serve as a breeding place for any carrier of dutch elm disease. It is unlawful for any person, firm, or corporation, to take any action to prevent the director of special services from entering on any lot or parcel of land in the city for the purpose of such inspection, or to interfere with him in the performance of any of his duties provided for under the provisions of this chapter. (Ord. 1986-M-63 § 4: prior code § 27.202.)

8.16.030 Abatement notice - Service.

A. If the City Engineer determines that any dead or substantially dead elm tree, or dead elmwood, is a public nuisance, then he shall serve or cause to be served upon the owner of record of the lot or parcel of land on which such tree or dead elmwood is located, a written notice requiring such owner to comply with the provisions of this chapter.

B. Service of such notice shall be by personal service, if the owner of the lot or parcel of land on which a dead or dying elm tree is located is a resident of the city. If such owner cannot be found in the city, or is a nonresident of said city, written notice shall be served by registered mail, addressed to said owner at his last known address, and by publication at least once in a newspaper of general circulation in the city, a copy of the provisions of this chapter shall be enclosed with notice. (Ord. 1986-M-63 § 4: prior code § 27.203.)

8.16.040 Abatement by city - Cost assessment.

A. If any person, firm or corporation, upon whom such notice is served, fails, neglects or refuses to remove and destroy, by burning, such elm tree or dead elmwood within ten days after service of

such notice, the director of special services may proceed to remove and burn such tree, or dead elmwood, and assess the cost thereof against the owner of such lot or parcel of land, and the amount of such cost shall be paid by such owner to the city.

B. If the city removes any such dead or substantially dead elm tree, or dead elmwood, the assessment of the cost of the work done by the city against the owner of the lot or parcel of land involved shall be in addition to the penalties imposed in Section 8.16.060 for any violation or noncompliance with any provision of this chapter.

(Prior code § 27.204.)

8.16.050 Abatement on city owned property.

Any such elm tree, or dead elmwood, on property owned by the city shall promptly be removed and burned under the supervision of the director of special services, at the expense of the city. (Prior code § 27.205.)

8.16.060 Violation - Penalty.

Any person, firm or corporation, violating any of the provisions of this chapter by failing, neglecting or refusing to comply with the provisions of any notice herein provided for, within ten days after the service thereof, or who shall resist or obstruct the director of special services in carrying out the provisions of this chapter, shall be fined not less than twenty-five dollars nor more than five hundred dollars for each offense and a separate offense, shall be deemed committed on each day during or on which such violation occurs or continues. (Prior code § 27.206.)

Chapter 8.20

FIREWORKS AND EXPLOSIVES[5]

Sections:

8.20.010	Requirements generally.
8.20.020	Smoking prohibited.
8.20.030	Manufacturing prohibited.
8.20.040	Bond requirement.
8.20.050	Storage of nitroglycerine and TNT prohibited.
8.20.060	Storage regulations
8.20.070	Violation - Penalty.

8.20.010 Requirements generally.

A. It is unlawful to sell, store, discharge or set off any fireworks or to give any pyrotechnic display in the city, except in connection with public exhibitions as is herein provided.

B. No public exhibition of fireworks or pyrotechnics shall be given unless a permit therefor is first secured from the mayor and city council thirty days before the time of such display. All such public displays shall be under the supervision of a competent person, and shall be superintended by the chief of the fire department or some other member of the fire department assigned to this duty by him.

C. It is unlawful for any person, firm or corporation to sell, offer for sale, or keep for the purpose of selling, any fireworks in the city at any time.

(Prior code § 27.301.)

8.20.020 Smoking prohibited.

It is unlawful for any person in charge of such public displays to smoke any lighted pipe, cigarette or cigar at any time during such public display is going on or in the vicinity of materials to be used for such displays. (Prior code § 27.302.)

8.20.030 Manufacturing prohibited.

It is unlawful for any person, firm or corporation to manufacture any fireworks in the city. (Prior code § 27.303.)

8.20.040 Bond requirement.

No permit, as required in Section 8.20.010, shall be issued unless the applicant therefor has filed with the city clerk a public liability bond or policy bond in the sum of fifty thousand dollars conditioned to pay any damage to property or injury to persons that may result or accrue from the storage, handling or display of such pyrotechnics. (Prior code § 27.304.)

8.20.050 Storage of nitroglycerine and T.N.T. prohibited.

It is unlawful to keep or store any nitroglycerine or the explosive commonly known as T.N.T. in the city in any quantities, excepting for medicinal or laboratory purposes and for such purposes no more than one quarter ounce shall be stored in any one building or premises. (Prior code § 27.305.)

8.20.060 Storage regulations.

All explosives must be stored or kept in accordance with the provisions of the statutes related thereto. (Prior code § 27.306.)

8.20.070 Violation - Penalty.

Any person, firm or corporation violating any provision of this chapter shall be fined not less than ten dollars nor more than five hundred dollars for each offense, and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues. (Prior code § 27.307.)

Chapter 8.24

GARBAGE AND REFUSE[6]

Sections:

8.24.010	Definitions.
8.24.020	Approved containers.
8.24.025	Collection required.
8.24.026	Non-residential collection.
8.24.027	Multiple-use collection.
8.24.030	Collection services.
8.24.031	Construction debris.
8.24.040	Charges and bills.
8.24.050	Uncovered garbage.
8.24.055	Depositing garbage or refuse on another's property.
8.24.060	Wind-blown dust, ashes or trash.
8.24.070	Deposits on streets.
8.24.080	Consent of owner.
8.24.090	Title to wastes.
8.24.095	Unlawful removal of recyclable materials.
8.24.096	Unlawful damage to city recycling containers.
8.24.097	Disposal of compostable materials.
8.24.098	Removal of pre-paid bags or stickers.
8.24.099	Enforcement.
8.24.100	Penalty for violation of Chapter 8.24.
8.24.110	Effective date.
8.24.115	Disconnect Notice Fee.
8.24.120	Right of cut-off for nonpayment – Reconnection.

8.24.010 Definitions.

As used in this chapter, the following words shall have the meanings ascribed to them as follows:

A. "Refuse" shall mean all discarded and unwanted putrescible and non-putrescible household and kitchen wastes, including, but not limited to, food, food residues, and materials necessarily used for packaging, storing, preparing, and consuming same, usually defined as "garbage"; and all combustible and non-combustible waste materials resulting from the usual routine of domestic housekeeping, including, but not limited to, aluminum and steel cans; glass containers; plastic containers; crockery and other containers; metal; paper of all types, including newspapers, books, magazines, and catalogs; boxes and cartons; cold ashes; furniture, furnishings, and fixtures; household appliances of all kinds; tires, textiles and leather; dead animals and animal waste; toys and recreational equipment; and similar items. "Live" Christmas trees shall not be considered refuse.

For the purposes of this chapter the terms "garbage", "refuse", "rubbish", "solid waste", "trash", and "waste" shall be synonymous unless otherwise more specifically defined (for example, "yard waste"). (Ord. 1995-M-26 § 1.)

B. "Recyclables" or "Recyclable Material(s)" shall mean at a minimum newsprint (ONP); aluminum cans; steel cans (tin and bi-metal), empty aerosol cans, paint cans, oversize cans; glass bottles and jars (flint, amber and green); all plastic items no larger than 3' x 2' will be collected in the curbside bin (the items do not require an identification number); no plastic containers that held motor oil, driveway sealant or other petroleum products accepted; plastic films and wraps (i.e. plastic grocery bags, baggies or food wraps) cannot be collected; all chipboard (boxboard); all corrugated cardboard (OCC and kraft paper); coated paper (magazines and catalogs); mixed paper (white ledger, color ledger, computer paper, phone books and junk mail); gable-top cartons (coated milk and juice containers); multi-layered juice boxes.
(Ord. 1995-M-26 § 1.)

C. "Yard waste" (also known as "landscape waste" or "compostable material") shall mean grass clippings; leaves; branches and brush; other yard and garden trimmings; vines, garden plants and flowers; weeds; tree droppings (for example, pine cones and crabapples); and other similar organic waste materials accumulated as the result of the cultivation and maintenance of lawns, shrubbery, vines, trees, and gardens. "Live" Christmas trees shall also be considered yard waste. Sod and greenery from wreaths and garlands shall not be considered yard waste and shall be disposed of as refuse, unless the composting facility will accept it.
(Ord. 1995-M-26 § 1.)

D. "Household Construction and Demolition Debris" or "Debris" shall mean waste materials from "do it yourself"-scale interior and exterior household construction, remodeling and repair projects, including, but not limited to, drywall, plywood, and paneling pieces, lumber, and other building materials; windows and doors; cabinets; carpeting; disassembled bathroom and kitchen fixtures; and small amounts of sod, earth, clay, sand, concrete, rocks, and similar materials. Such debris shall conform to the following: loose small items shall be placed in suitable disposable containers not exceeding seventy-five (75) pounds in weight, or in bundles not exceeding two (2) feet in diameter, four (4) feet in length, and seventy-five (75) pounds in weight. Materials not conforming to these requirements shall not be considered as household construction and demolition debris, and shall be disposed by the owner or generator of such materials.
(Ord. 1995-M-26 § 1.)

E. "Curbside" shall mean adjacent to the street pavement, alley pavement and gutter and within five feet thereof.
(Ord. 1995-M-26 § 1.)

F. "Large Household Item" (also known as "bulk item",) shall mean any discarded and unwanted large household appliances and furnishings, including, but not limited to: refrigerators, freezers, stoves, trash compactors, washers, dryers, dishwashers, furnaces, hot water heaters, air conditioners, furnaces, humidifiers, dehumidifiers, microwaves, water softeners, televisions, pianos, organs, tables, chairs, mattresses, box springs, bookcases, sofas, and similar furniture. "White goods," include those containing CFCs (chlorofluorocarbons), switches containing mercury, and PCBs (polychlorinated biphenyls).
(Ord. 1995-M-26 § 1.)

G. "Disposal Unit" shall have the following meanings, as the context requires:

1. For the purposes of refuse collection, a "disposal unit" shall mean: one (1) water-tight non-corrodible reusable container with handles, no larger than thirty-two (32) gallons in capacity or fifty (50) pounds in weight; one (1) plastic or paper bag, box, carton, or other disposable container not to exceed thirty-two (32) gallons in capacity or fifty (50) pounds in weight and containing refuse or household construction and demolition debris as defined above, securely tied or closed in such a fashion so as to prevent the littering, leaking, or scattering of refuse or debris; or one (1) securely tied bundle of refuse or debris which is not placed in a container

that does not exceed two (2) feet in diameter, four (4) feet in length, or fifty (50) pounds in weight. A large household item as defined above is to be considered a disposal unit.

2. For the purposes of yard waste collection, a disposal unit shall mean one (1) biodegradable two-ply, fifty (50) pound wet-strength kraft paper bag designed for yard waste collection not to exceed thirty-three (33) gallons in capacity or fifty (50) pounds in weight and containing yard waste as defined above.

H. Utility Services – Electric, water, sewer, yard waste, and refuse services that are provided by the City or its designated provider.
(Ord. 2010-M-8 § 1.)

(Ord. 2002-M-59 § 1; Ord. 1999-M-44 § 1; Ord. 1995-M-26 § 1; Ord. 1994-M-34 § 1; Ord. 1993-M-13 § 1.)

8.24.020 Approved containers.

A. Types of approved containers.

1. Containers to be used for the collection of refuse shall be:
   a. Pre-paid disposable refuse bags, exclusively supplied by the City's residential refuse hauler, bearing a logo as depicted in Exhibit A, not less than 1.4 mil gauge plastic, and not exceeding a total weight when filled of fifty (50) pounds; or
   b. Tightly covered containers made of non-corrodible materials which are water-tight, do not exceed thirty-two (32) gallons in capacity and do not exceed a total weight when filled of fifty (50) pounds must be lined with a pre-paid refuse bag or have a prepaid refuse sticker or bag looped through the handle of the container. Said containers shall have secure handles for lifting and carrying; or
   c. Ninety (90) or sixty (60) gallon mobile toters provided exclusively by the City's contracted residential refuse hauler, clearly marked "Refuse Only."
2. Containers to be used for the collection of yardwaste shall be:
   a. Generic disposable yardwaste bags, constructed of natural Kraft paper, with one (1) refuse sticker securely affixed; or
   b. Ninety (90) or sixty (60) gallon mobile toters, clearly marked for “Yardwaste Only” provided exclusively by the City’s contracted refuse hauler.

   (Ord. 2013-M-42 § 1.)
3. Containers to be used for the collection of recyclable materials (“Recycle Bins”) shall be made of non-corrodible, recycled materials, and shall be made available through the City at cost, and through the City’s contracted residential refuse hauler, one per newly constructed household, at no charge to the resident.

B. Disposal in containers required
For single-family dwellings and multi-family dwelling units, it is unlawful to dispose of any recyclable material, garbage and rubbish or compostable material anywhere in the city except through placement of such material in the types of approved containers described in Sec. 8.24.020(A), and placed for collection as herein prescribed. The fee for such collection at single-family and multi-family dwelling units shall be such as is set from time to time by the city council. For commercial, industrial, school and other nonresidential establishments, it is unlawful to dispose of any garbage, refuse, compostable material, or recyclable material anywhere in the city except in an incinerator or disposal device, properly constructed and operated by a lawfully established garbage or refuse pickup service.

C. Commingling prohibited
No compostable material or garbage and rubbish (other than recyclable material) shall be placed in any recycling bin. No garbage and rubbish or recyclable material shall be placed in any containers designated for compostable materials (as defined in Section 8.24.020(2).

D. Replacement of recycling bins
Any damage to or loss of recycling bins shall be reported to the St. Charles Police Department by the primary user of the recycling bins or by the person responsible for the damage or loss within 24 hours of the damage or loss. The cost to repair or replace recycling bins damaged or lost due to negligence shall be borne by the person responsible for the damage or loss.

E. Title to containers
All recycling bins and toters shall remain the property of the City and the City's refuse contractor, respectively, and shall not be removed from the property on which the dwelling unit is located without the written consent of the Director of Public Works or his designee.

(Ord, 2002-M-59 § 2; Ord. 1999-M-44 § 1; Ord. 1995-M-25 § 1; Ord. 1994-M-34 § 2; Ord. 1993-M-13 § 1 & 2.)

8.24.025 Collection required.

Every person owning or in possession of any dwelling or occupied structure in the city shall collect and dispose of garbage and refuse and recyclable material regularly and systematically at least once every fourteen days in the manner provided in this chapter.
(Ord. 1990-M-10 § 1)

8.24.026 Non-residential collection.

A. General requirements. All owners and occupiers of non-residential structures in the City shall collect and dispose accumulations of garbage and refuse, recyclable material and compostable material regularly and systematically, at least once every fourteen days, by a refuse collector licensed by the City pursuant to Chapter 5.32.011 of the St. Charles Municipal Code. Containers to be used for the collection of garbage and refuse from non-residential premises shall be tightly covered metal or other non-corrodible, watertight containers. All hotels, motels, restaurants, industrial categories, hospitals, food take-out and catering kitchens, food stands, schools, churches, convents, grocery and meat markets, and all other establishments having disposable garbage, refuse and recyclables shall store such garbage, refuse and recyclables in containers with covers of suitable size until the designated pickup days. Mobile garbage and refuse containers required to be left at curbside shall be placed at curbside no earlier than 5:00 p.m. on the day preceding the day on which collection is scheduled, and shall be removed from curbside no later than 5:00 p.m. on the day of collection.

B. Grease. Property owners and tenants in the service area shown in Exhibit C and generally described as Lot 3 and Lot 13 in Phase 2 of First Street Redevelopment Subdivision, and including Lots 1, 2, and 5, in Block 39 of the Original Town of St. Charles, and including Lots 3 and 4 in said Block 39 lying north of the northerly line of said Lot 13, and including Lot 6 in said Block 39 lying west of the westerly line of said Lot 13, except those portions of said Lots 1 and 4 dedicated for right of way purposes, in the City of St. Charles, Kane County Illinois, shall deposit all grease in approved containers designated by the City. Property owners and tenants shall pay to the City the scavenger’s pickup fee in accordance with terms and conditions of the City contract with the licensed scavenger. Deposit of grease materials on the ground or in unapproved containers is expressly prohibited.

C. Refuse. Property owners and tenants in the service area shown in Exhibit D and generally described as Lots 1, 2, 3, 4, and 5, in Block 39 of the Original Town of St. Charles; except the southerly 12 feet of the easterly 21 feet of said Lot 2; and except the southerly 22 feet of said Lot 4; and except that portion of said Lot 3 described as follows: Commencing at the southwest corner of said Lot 3, thence easterly along the south line of said Lot 3, 22 feet for a Point of Beginning; thence northerly parallel with the west line of said Lot 3, 28 feet; thence easterly parallel with the said south line, 22 feet; thence southerly parallel with the said west line, 8 feet; thence easterly

parallel with the said south line, 22 feet to the east line of said Lot 3, thence southerly along the said east line, 22 feet to the southeast corner of said Lot 3; thence westerly along the said south line to the Point of Beginning; and except those portions of said Lots 1 and 4 dedicated for right of way purposes, in the City of St. Charles, Kane County Illinois, shall deposit all garbage, refuse, and recyclables in approved containers designated by the City. Property owners and tenants shall pay to the City the scavenger's pickup fee in accordance with terms and conditions of the City contract with the licensed scavenger. Deposit of garbage, refuse or recyclable materials on the ground or in unapproved containers is expressly prohibited. In addition, the following sections shall apply to all non-residential premises: Section 8.24.010 ("Definitions"); Section 8.24.050 ("Uncovered garbage"); Section 8.24.055 ("Depositing garbage and refuse on another's property"); Section 8.24.060 ("Windblown dust, ashes, or trash"); Section 8.24.070 ("Deposit on streets"); Section 8.24.080 ("Consent of owner"); Section 8.24.090 ("Title of wastes"); Section 8.24.099 ("Enforcement"); Section 8.24.100 ("Penalty for violation of Chapter 8.24").

(Ord. 2008-M-36 § 2; Ord. 2002-M-94 § 1; Ord. 1990-M-10 § 1.)

8.24.027 Multiple-use collection.

A. General requirements. For the purposes of this Chapter, the term "Multiple-Use Structure" shall mean all structures containing a mixture of residential and another zoning use or uses. All property owners and occupiers of Multiple-Use Structures in the City shall collect and dispose of all accumulations of garbage and refuse, recyclable material and compostable material regularly and systematically, at least once every fourteen (14) days and otherwise in accordance with this Section 8.24.027. Containers to be used for the collection of garbage and refuse from Multiple-Use Structures shall be tightly covered metal or other non-corrodible, watertight containers.

B. Service areas. For the purposes of this Chapter, the term "Service Area" or "Service Areas" shall mean:

1. Generally located at Milestone Row – North, as shown in Exhibit E and generally described as Lot 16 in Brownstone Subdivision according to the plat thereof recorded as Document Number 2001K000149, excluding that part of said Lot 16 dedicated for right of way purposes by Document Number 2005K115547 and including that part of Limestone Drive vacated by Document Number 2005K093278, in the City of St. Charles, Kane County, Illinois.
2. Generally located at S. 1st Street and Cobblestone Drive, as shown in Exhibit F and generally described as Lot 8 in Phase 1 of First Street Redevelopment Subdivision according to the plat thereof recorded as Document Number 2007K035551, in the City of St. Charles, Kane County, Illinois.
3. Generally located in the area of Illinois Avenue, 6th Avenue, Indiana Avenue and 4th Avenue, as shown in Exhibit G and generally described as Lot 1 of Heritage Square, being a re-subdivision of Block 10 according to the plat thereof recorded as Document Number 2002K021991 and Lot 1 of Heritage Square 2 being a re-subdivision of Block 19 recorded as Document 2006K123358 in the City of St. Charles, Kane County, Illinois.

(Ord. 2010-M-37 § 1.)

C. Grease. Property owners and occupiers of Multiple-Use Structures within the Service Areas shall deposit all grease in approved containers designated by the City. Said Property owners and occupiers shall pay to the City the scavenger's pickup fee in accordance with the terms and conditions of the City contract with the licensed scavenger. Deposit of grease materials on the ground or in unapproved containers is expressly prohibited.

D. Refuse. Property owners and occupiers of Multiple-Use Structures within the Service Areas shall deposit all garbage, refuse, and recyclables in approved containers designated by the City. Said owners and occupiers shall pay to the City the scavenger's pickup fee in accordance with terms and

conditions of the City contract with the licensed scavenger. Deposit of garbage, refuse and recyclable materials on the ground or in unapproved containers is expressly prohibited.
(Ord. 2010-M-37 § 1; Ord. 2008-M-64 § 1.)

8.24.030 Collection services.

A. Location for pickup

1. Dwellings of 6 or less units:

a. All single-family dwellings and multi-family dwellings comprised of six (6) or less units (not in a complex of more than six units) shall be picked up at the curbside, unless otherwise requested by building owner and authorized by the Director of Public Works or his designee.
(Ord. 2009-M-44 § 1.)

b. All containers shall be placed in a manner readily accessible for collection immediately behind the curb (i.e., on the parkway) at the street or at the alley lot line, no earlier than 7:00 p.m. on the day preceding the day on which collection is scheduled. Empty containers shall be removed from the curb no later than 7:00 p.m. on the day of collection.

2. Dwellings of more than six (6) units:
All multi-family dwellings comprised of more than six (6) units shall be provided a common garbage refuse container, and a recyclable materials container (dumpster, toter or recycling bin as designated by the Director of Public Works or his designee).
(Ord. 2009-M-44 § 2.)

B. Routes and schedules
The routes and schedules for collection of refuse and recyclable materials shall be depicted in Exhibit B, dated July 1, 2013.
(Ord. 2013-M-42 § 1.)

(Ord. 2003-M-36 § 1; Ord. 1999-M-44 § 1; Ord. 1994-M-34 § 3; Ord. 1993-M-26 § 1; Ord. 1993-M-13 § 3.)

8.24.031 Construction debris.

Home remodeling, construction and/or repair materials which comprise more than two cubic yards by volume shall be disposed of by the property owner or occupant of the premises making arrangements with any scavenger service licensed by the City, with the costs borne by the property owner or occupant as the case may be.
(Ord. 1990-M-10 § 1.)

8.24.040 Charges and bills.

A. The charge for collection of each disposal unit or large household item for a non-multifamily dwelling, as defined herein, shall be assessed upon the purchase of a designated bag or sticker, or rental of designated toter. Said designated bags or stickers may be purchased from various retail outlets throughout the City, and designated toters may be rented directly from the contractor at the prices set forth in Section 8.24.040(B) hereof.

B. The charges for garbage and rubbish, yardwaste and recyclable material collection service within the corporate limits of the City shall be as follows:

SINGLE-FAMILY

Service	2013-2014	2014-2015	2015-2016	2016-2017	2017-2018

Refuse Sticker	**$2.85 ea.**	**$2.98 ea.**	**$3.11 ea.**	**$3.25 ea.**	**$3.40 ea.**
Yard Waste Sticker	**$2.85 ea.**	**$2.98 ea.**	**$3.11 ea.**	**$3.25 ea.**	**$3.40 ea.**
Refuse Bag	**$3.07 ea.**	**N/A**	**N/A**	**N/A**	**N/A**
Half-size Refuse Bag	**$1.54 ea.**	**$1.59 ea.**	**$2.02 ea.**	**$2.11 ea.**	**$2.21 ea.**
65 Gallon Recycling Toter	**NC**	**NC**	**NC**	**NC**	**NC**
35 Gallon Refuse Toter*	**$19.00/mo.**	**$19.86/mo.**	**$20.75/mo.**	**$21.68/mo.**	**$22.66/mo.**
65 Gallon Refuse Toter*	**$16.50/mo.**	**$17.00/mo.**	**$17.50/mo.**	**$18.03/mo.**	**$18.57/mo.**
95 Gallon Refuse Toter*	**$19.50/mo.**	**$20.09/mo.**	**$20.69/mo.**	**$21.31/mo.**	**$21.95/mo.**
White Goods (per item)	**$30.00**	**$30.00**	**$35.00**	**$35.00**	**$40.00**
Optional Toters					
35 Gallon Recycling Toter	**$1.20/mo.**	**$1.20/mo.**	**$1.20/mo.**	**$1.20/mo.**	**$1.20/mo.**
65 Gallon Recycling Toter	**$1.20/mo.**	**$1.20/mo.**	**$1.20/mo.**	**$1.20/mo.**	**$1.20/mo.**
95 Gallon Recycling Toter	**$1.20/mo.**	**$1.20/mo.**	**$1.20/mo.**	**$1.20/mo.**	**$1.20/mo.**
65 Gallon Yard Waste Toter	**$25.00**	**$26.13**	**$27.30**	**$28.53**	**$29.81**

**Toters do not require the use of refuse bags or stickers.*
N/A – Not Available NC – No Charge
(Ord. 2013-M-42 § 1.)

MULTI-FAMILY

	2013-2014	2014-2015	2015-2016	2016-2017	2017-2018
1X Per Week	**$7.11/mo.**	**$7.11/mo.**	**$7.11/mo.**	**$7.11/mo.**	**$7.11/mo.**

(Ord. 2013-M-42 § 1; Ord. 2010-M-57 § 1; Ord. 2009-M-37 § 1.)

C. One pre-paid sticker or bag shall be securely and visibly attached to each large household item placed out for collection.
   1. Multi-family Units: Beginning July 1, 2011 bills for the collection of garbage and rubbish and recyclable material to multi-family dwellings being serviced by a dumpster shall be sent out monthly by the contracted hauler to the owners of the multi-family buildings.
   2. Multi-family complexes with twice a week service will be billed by the contracted hauler for the service per week based on number of occupied units.

   (Ord. 2013-M-42 § 1.)

D. 1. Multi-family Units: Bills for the collection of garbage and rubbish and recyclable material to multi-family dwellings being serviced by a dumpster shall be sent out monthly until July 1, 2011 by the City to the tenants of the building. The due date of bills shall be at least eighteen (18) days from the date of the billing.
   2. Multi-family Units: Bills for collection of garbage and rubbish and recyclable material to multi-family dwellings being serviced by a dumpster for the months of July and August 2010 will be billed on the December 2010 bill and shall be sent out by the City to the tenants. The due date of bills shall be at least eighteen (18) days from the date of the billing.

   (Ord. 2013-M-42 § 1.)

E. Late payments shall include an additional ten (10%) percent charge.

(Ord. 2010-M-63 § 1; Ord. 2010-M-57 § 57; Ord. 2010-M-41 § 1; Ord. 2005-M-33 § 1; Ord. 2003-M-36 § 2; Ord. 2002-M-59 § 3; Ord. 1999-M-44 § 1; Ord. 1998-M-77 § 1; Ord. 1997-M-39 § 1; Ord. 1997-M-

39 § 1; Ord. 1996-M-42 § 1; Ord. 1995-M-29 § 1; Ord. 1994-M-34 § 4; Ord. 1994-M-20 § 1; Ord. 1993-M-26 § 2; Ord. 1993-M-13 § 4; Ord. 1992-M-28 § 1; Ord. 1991-M-50 § 1; Ord. 1991-M-42 § 1; Ord. 1991-M-23 § 1; Ord. 1989-M-86 § 1.)

8.24.050 Uncovered garbage.

It is unlawful to place or permit to remain anywhere in the city any garbage, or other material subject to decay other than leaves or grass, and other than recyclable material placed in a recycling bin, excepting in a tightly covered container.
(Ord. 1989-M-86 § 1.)

8.24.055 Depositing garbage or refuse on another's property.

It shall be unlawful for any person to deposit his garbage or refuse, compostable materials or recyclable materials, or his garbage containers, upon the property of another, or on public rights of way or public property, without the consent of the owner, for the purposes of having such garbage or refuse picked up by a scavenger.
(Ord. 1990-M-10 § 1; Ord. 1989-M-86 § 1.)

8.24.060 Wind-blown dust, ashes or trash.

It is unlawful to cause or permit to accumulate, except in a covered container, any dust, ashes, or trash or such material that can be blown away by the wind anywhere in the city.
(1989-M-86 § 1.)

8.24.070 Deposits on streets.

It is unlawful to deposit or permit to fall from any vehicle any garbage, refuse compostable material or ashes on any public street or alley in the city; provided that this section shall not be construed to prohibit placing garbage and rubbish, recyclable material and compostable material as herein defined in a container complying with the provisions of this chapter preparatory to having such garbage, rubbish, recyclable material and compostable material collected and disposed of in the manner provided in Section 8.24.030.
(Ord. 1989-M-86 § 1.)

8.24.080 Consent of owner.

It is unlawful to dump or place any garbage, refuse compostable material or ashes on any premises in the city without the consent of the owner of such premises.
(Ord. 1989-M-86 § 1.)

8.24.090 Title to wastes.

All garbage, rubbish, compostable and recyclable materials collected in accordance with the terms hereof shall become and be the property of the contractor as soon as the same is picked up or otherwise placed in the contractor's vehicle.
(Ord. 1989-M-86 § 1.)

8.24.095 Unlawful removal of recyclable material.

It shall be unlawful for any person, firm or corporation, except a refuse collector contracting with the city, to remove any item of recyclable material including newspaper, aluminum or bimetal cans, glass bottles or plastic milk containers placed in or adjacent to city recycling containers.
(Ord. 1989-M-86 § 1.)

8.24.096 Unlawful damage to city recycling containers.

Except as authorized by the City Council, it shall be unlawful for any person, firm or corporation to remove from a residential premises at which it is located, or to damage any city recycling container.
(Ord. 1989-M-86 § 1.)

8.24.097 Disposal of compostable materials.

Compostable materials shall not be commingled with garbage and refuse or with recyclable materials, but shall be disposed of in compliance with state law.
(Ord. 1989-M-86 § 1.)

8.24.098 Removal of pre-paid bags or stickers.

Any person other than the city's contracted refuse hauler who takes furniture, appliances or other items left for collection from curbside shall remove any pre-paid bags or stickers from said items, and leave the bags or stickers at the dwelling unit from which the items were left for collection.
(Ord. 1989-M-86 § 1.)

8.24.099 Enforcement.

Any garbage and rubbish, compostable material or recyclable material left on private or public property in violation of any of the provisions of this chapter is deemed a potential public health and safety hazard. City may remove, or cause to be removed, any such garbage and rubbish, compostable material or recyclable material, and recover the reasonable costs of removal from the owner of the real estate or other responsible party in accordance with 65 ILCS 5/11-20-13.
(Ord. 1996-M-53 § 18; Ord. 1990-M-10 § 1; Ord. 1989-M-86 § 1.)

8.24.100 Penalty for violation of Chapter 8.24.

The person, firm or corporation violating any provision of this chapter shall be fined not less than One Hundred Dollars ($100.00) nor more than Five Hundred Dollars ($500.00) for each offense, and a separate offense shall be deemed committed on each day during or on which the violation occurs or continues.
(Ord. 1989-M-86 § 1.)

8.24.110 Effective date.

This ordinance shall become effective no sooner than October 1, 1989.
(Ord. 1989-M-86 § 1.)

8.24.115 Disconnect Notice Fee

If it is determined that a notice of disconnection of service shall be issued to a customer due to utility charges being over 30 days past due, a payment being returned unpaid by a bank, a deposit not being paid by the due date, and/or a violation of the terms of this Code, an additional fee (a disconnect notice fee) will be charged. This fee will escalate based on the number of disconnect notices previously issued to the customer in the last twelve months. The disconnect notice fee schedule is $20.00 for the first notice, $35.00 for the second notice, and $50.00 for any subsequent notices.
(Ord. 2011-M-29 § 1.)

8.24.120 Right of cut-off for nonpayment – Reconnection.

A. The City shall have the right to discontinue any utility service provided to the customer on due notice and to remove its property from the customer’s premises whenever monthly City bills, or a portion thereof, remain unpaid for 30 days after the due date specified, or in case the customer fails to comply with, or perform, any of the conditions or obligations of this chapter.

B. A customer's service so discontinued shall be connected after the customer has made settlement for City utility bills in arrears, plus any current amount outstanding at the City Clerk's office, or has, to the City's satisfaction, complied with or performed such other conditions or obligations which were in default, as the case may be. A minimum fee shall be charged equal to two times one and one-half the midpoint of the wage rate for a meter technician at the time of reconnection. In the event the City incurs expense for labor in excess of the average cost of reconnection, the City may charge that additional cost for disconnection and reconnection to the customer.

(Ord. 2010-M-3 § 1.)

Exhibit A

St. Charles Refuse Disposal Options

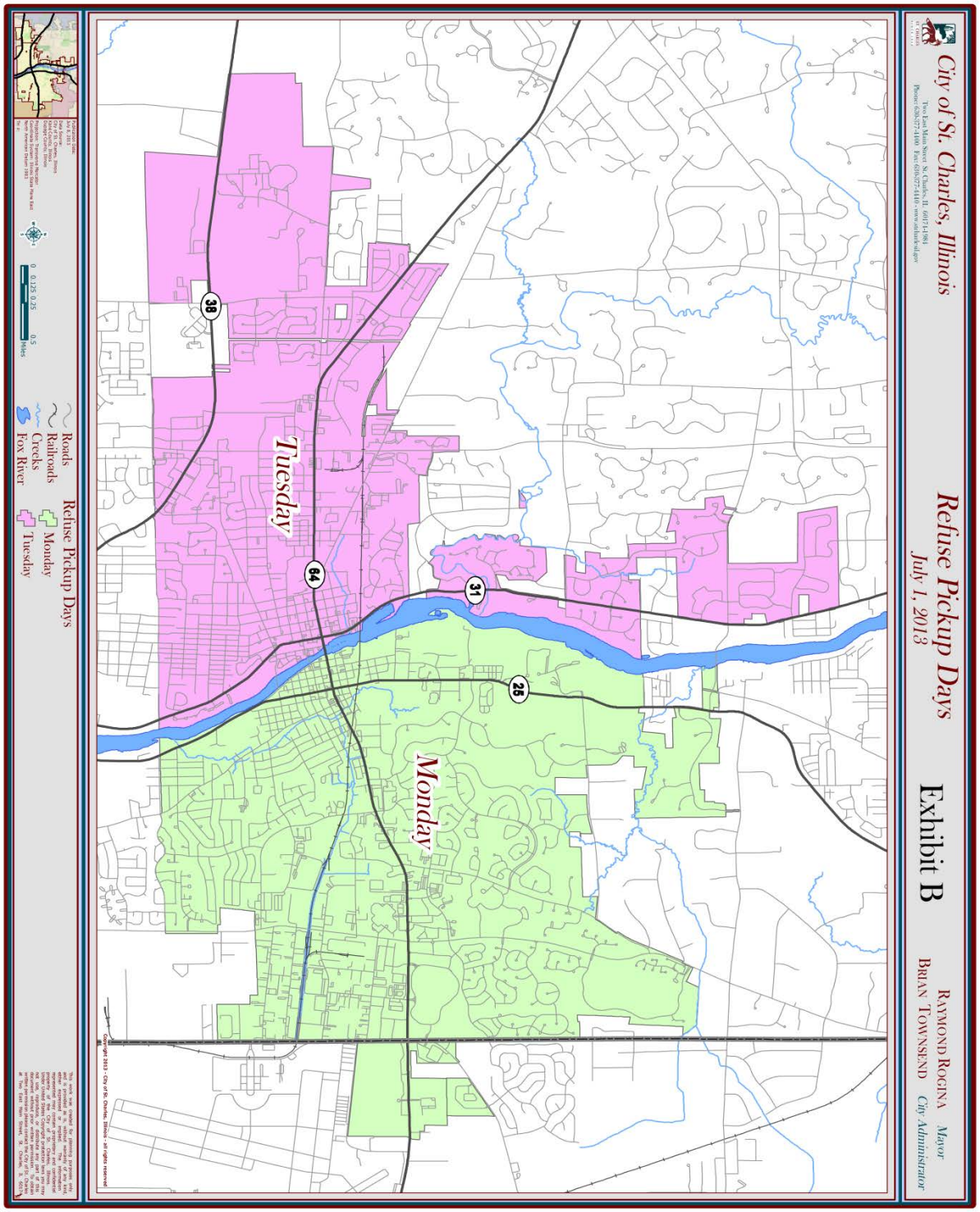
Use on store brand bags
or your trash can

Use if you do not
have a trash can

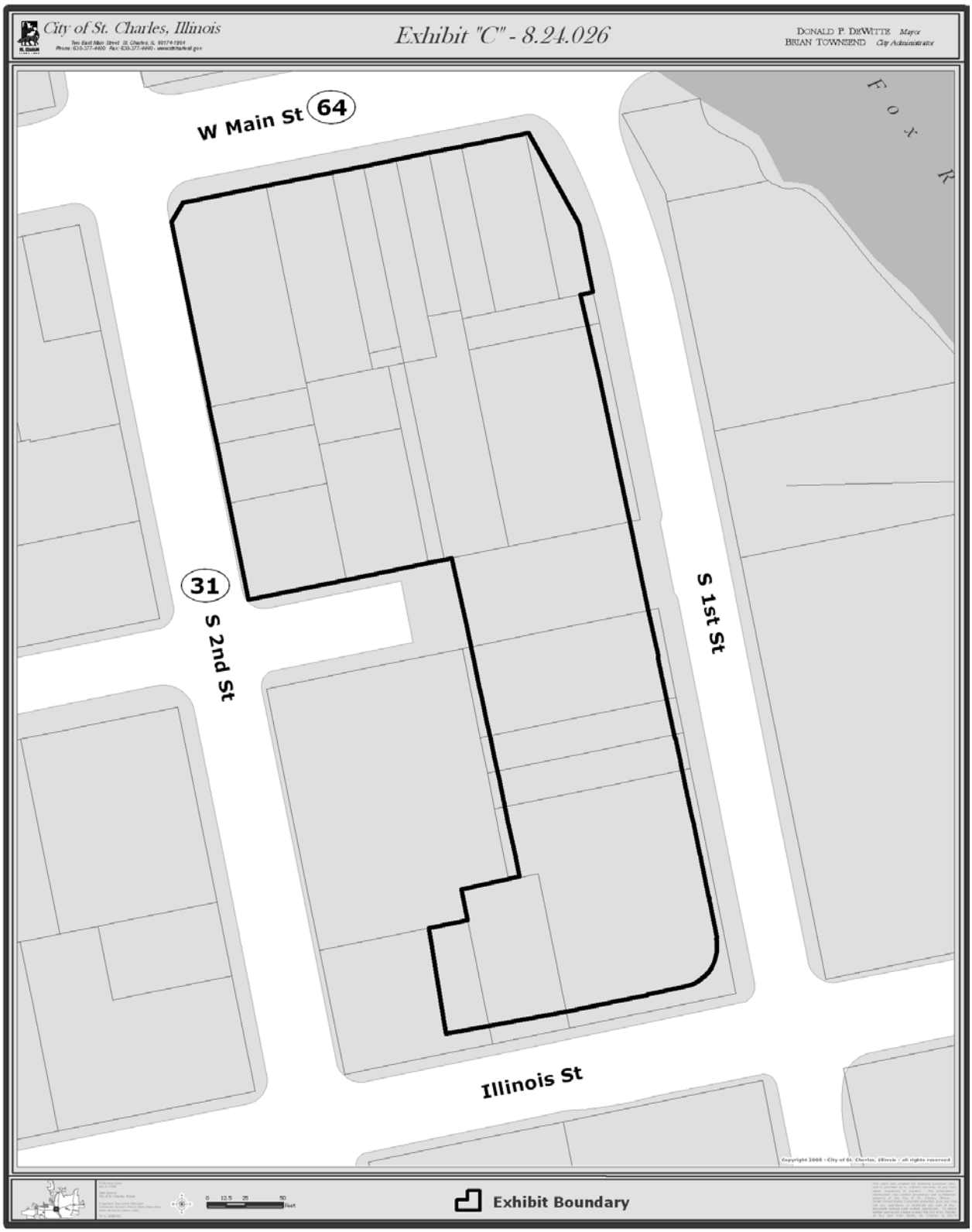
Use if you do not
have a trash can

(Ord. 2002-M-59 § 1; Ord. 2000-M-42 § 1.)

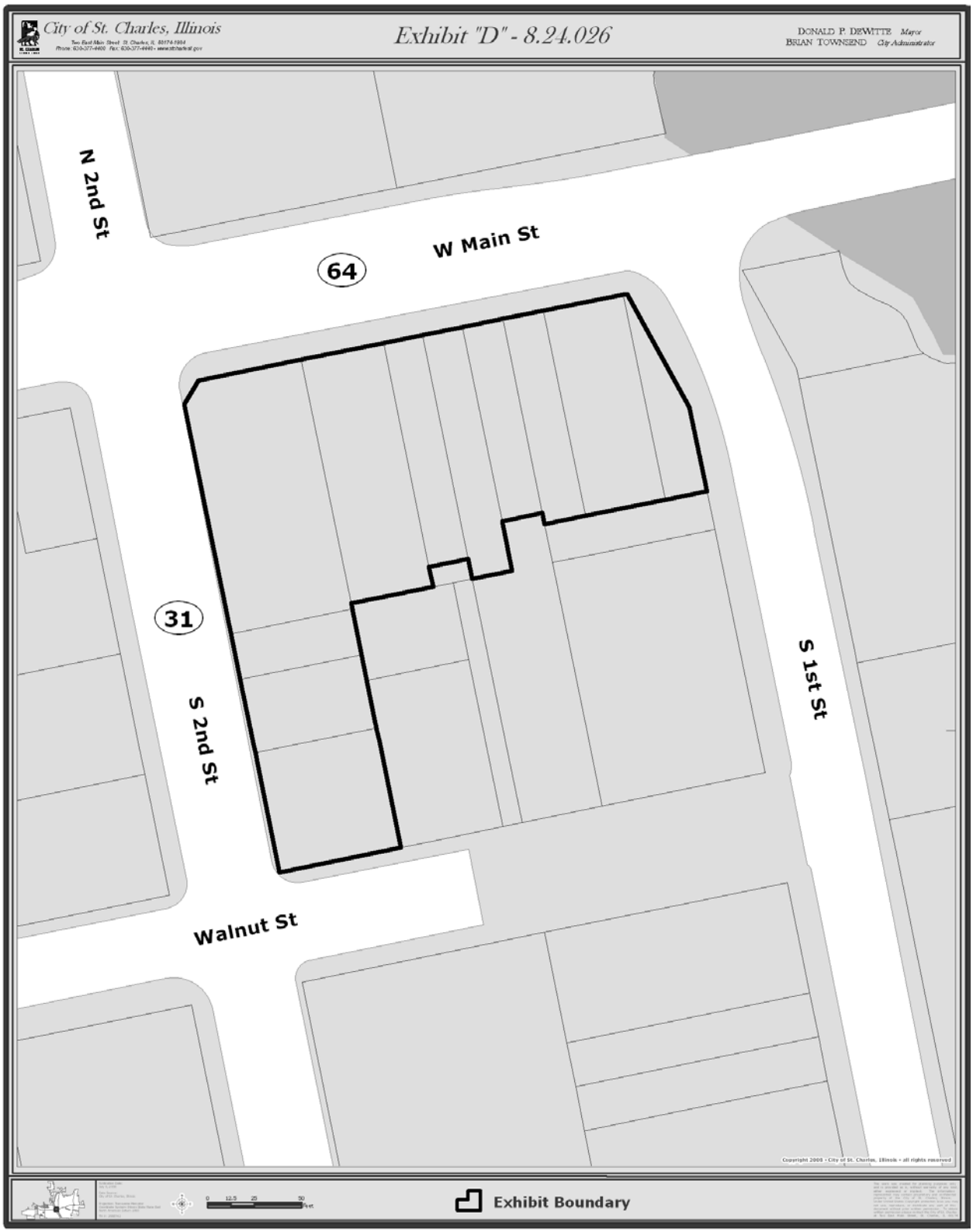
Exhibit B



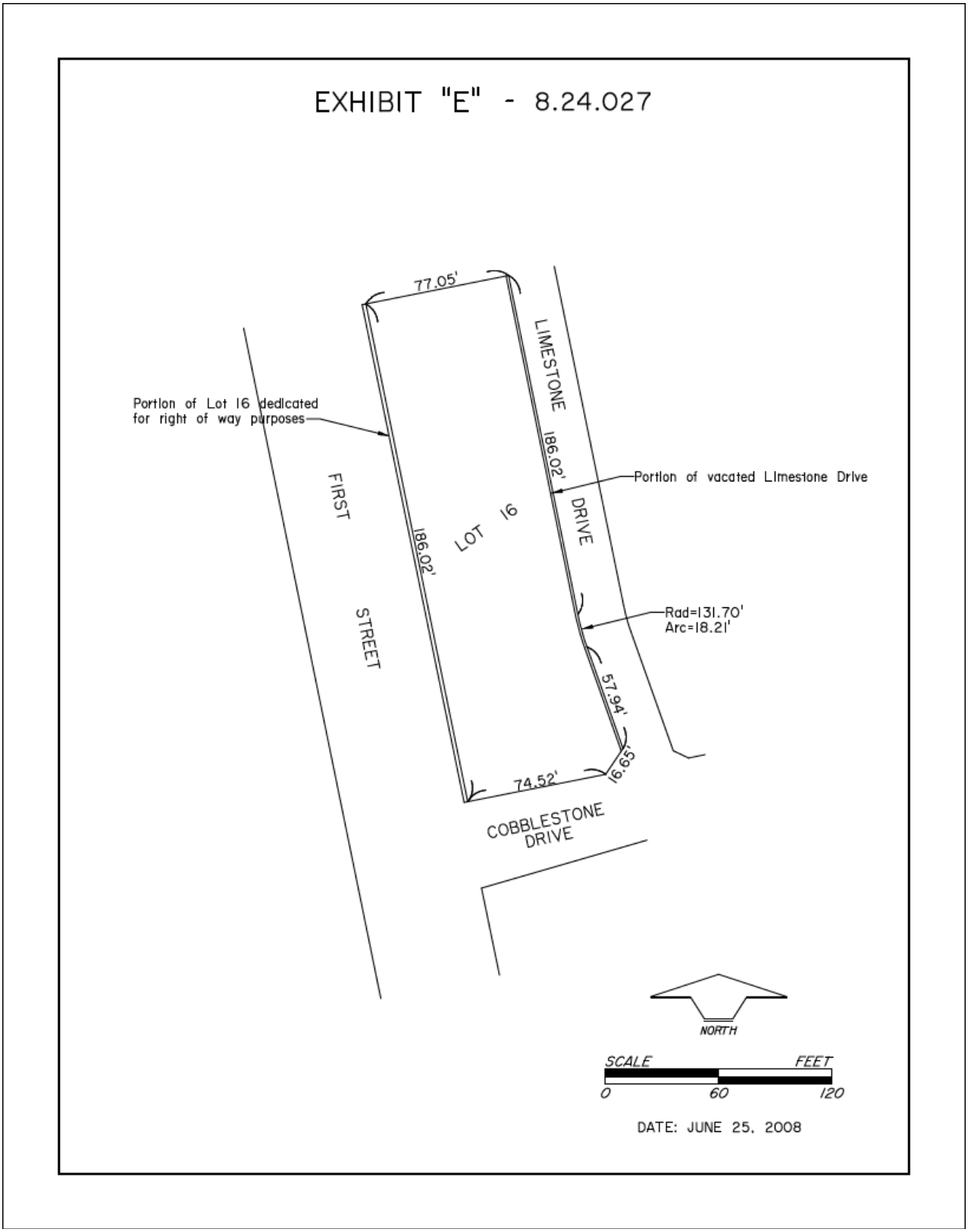
(Ord. 203-M-42 § 1; Ord. 2003-M-36 § 1; Ord. 2000-M-42 § 1.)



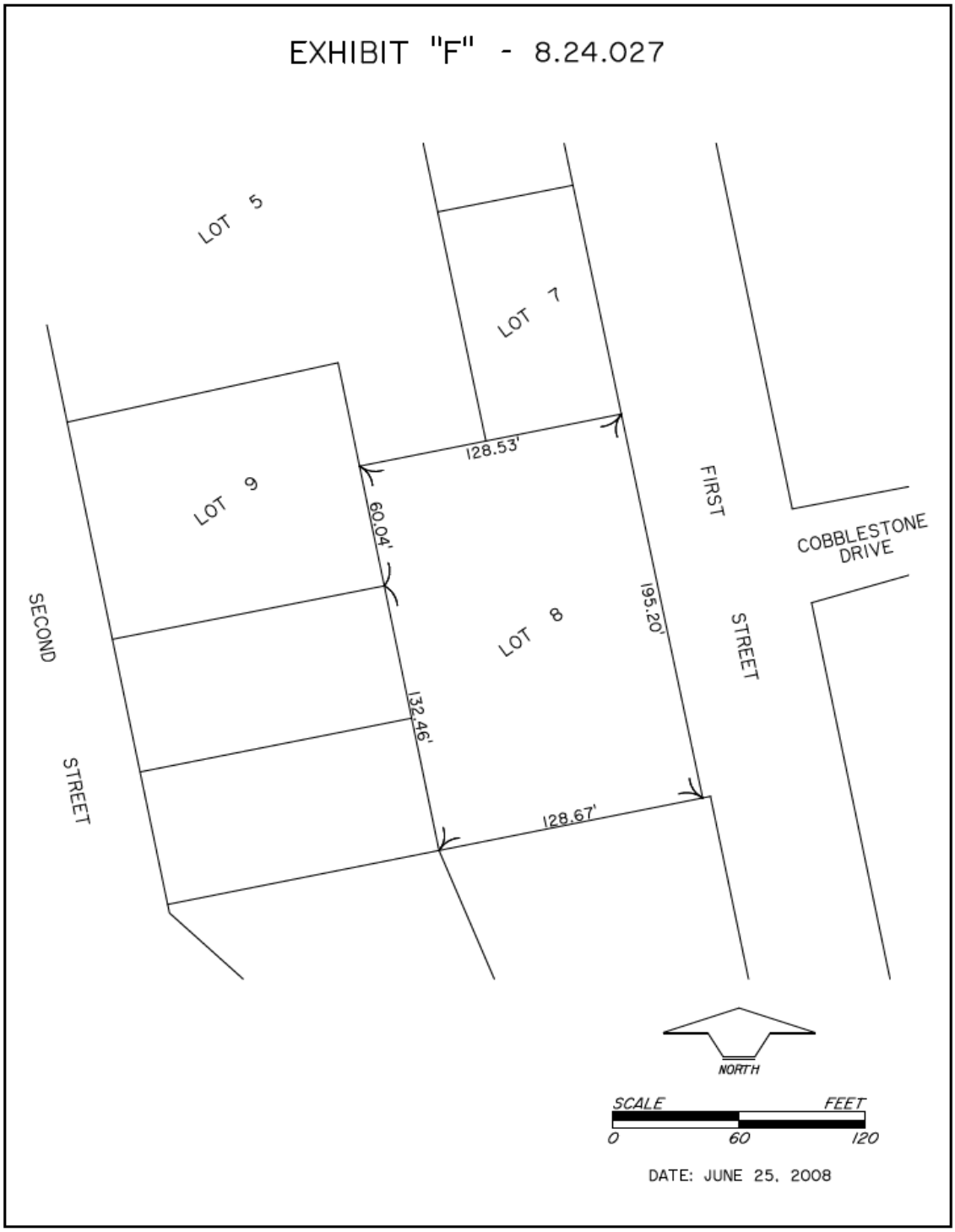
(Ord. 2008-M-36 § 2.)



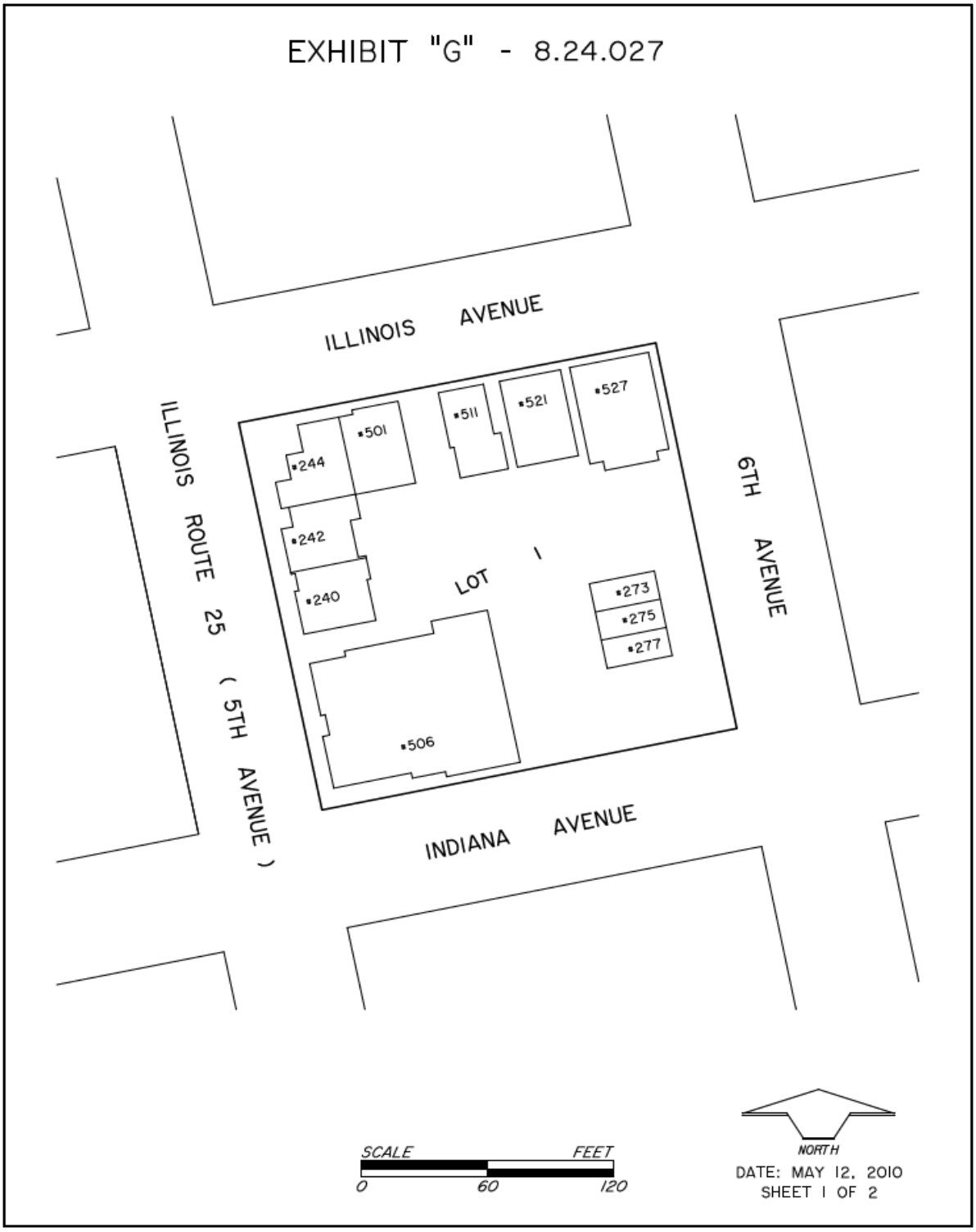
(Ord. 2008-M-36 § 2.)



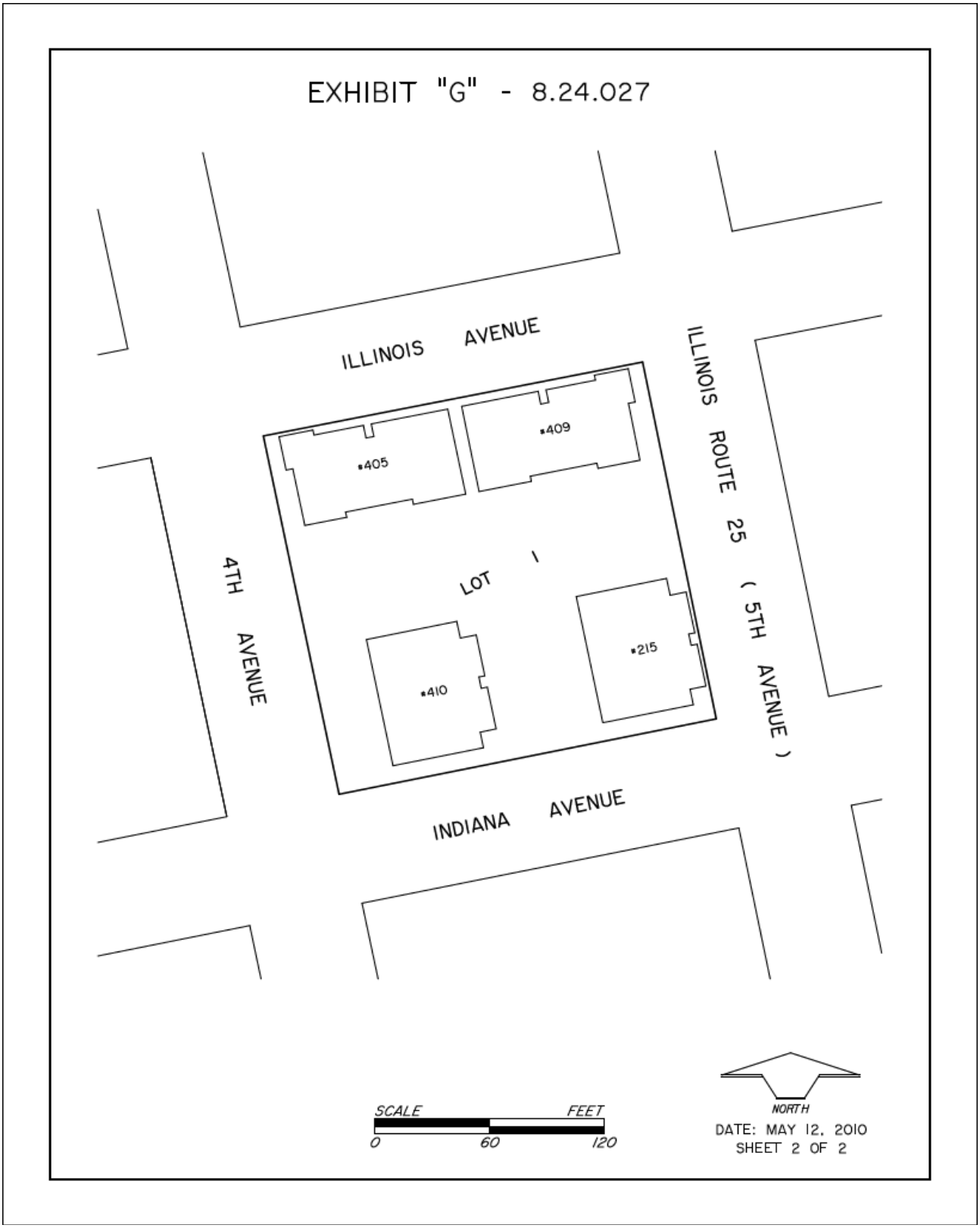
(Ord. 2008-M-64 § 1.)



(Ord. 2008-M-64 § 1.)



(Ord. 2010-M-37 § 1.)



(Ord. 2010-M-37 § 1.)

Chapter 8.28

PLANTS AND WEEDS[7]

Sections:

8.28.010	Nuisance declared.
8.28.020	Height limit.
8.28.030	Barberry bushes prohibited.
8.28.040	Abatement notice - Service.
8.28.050	Abatement by city - Cost assessment.
8.28.060	Lien - Claim filed by city clerk - Notice to owner.
8.28.070	Lien - Foreclosure.
8.28.080	Violation - Penalty.

8.28.010 Nuisance declared.

Any weed such as jimson, burdock, ragweed, thistle, cockleburr, or other weeds of a like kind found growing in any lot or tract of land in the city, are declared to be a nuisance, and it is unlawful to permit any such weeds to grow or remain in any such place. (Prior code § 27.401.)

8.28.020 Height limit.

It is unlawful for anyone to permit any weeds, grass or plants, other than trees, bushes, flowers, or other ornamental plants to grow to a height exceeding eight inches anywhere in the city; any such plants or weeds exceeding such height are declared to be a nuisance. (Prior code § 27.402.)

8.28.030 Barberry bushes prohibited.

It is a nuisance and unlawful to plant or permit the growth or the bush of the species of tall, common or european barberry, further known as Barberis vulgaris or its horticultural varieties within the city. (Prior code § 27.403.)

8.28.040 Abatement notice - Service.

It shall be the duty of the director of public works to serve or cause to be served a notice upon the owner or occupant of any premises on which weeds are permitted to grow in violation of the provisions of this chapter and to demand the abatement of the nuisance within three days. (Ord. 1981-M-11 § 1 (part).)

8.28.050 Abatement by city - Cost assessment.

If the person so served does not abate the nuisance within three days, the director of public works may proceed to abate such nuisance, keeping an account of the expense of the abatement at the rate of seventy-five dollars per hour with a minimum charge of seventy-five dollars, and the expense shall be charged and paid by such owner or occupant. Before January 1, 1992, the rate shall be fifty dollars per hour with a minimum charge of fifty dollars. (Ord. 1991-M-64 § 1; Ord. 1981-M-11 § 1 (part).)

8.28.060 Lien - Claim filed by city clerk - Notice to owner.

Charges for such weed removal shall be a lien upon the premises. Whenever a bill for such charges remains unpaid for sixty days after it has been rendered, the clerk may file with the recorder of deeds of Kane County a statement of liens claims. This statement shall contain a legal description of the premises, the expenses and cost incurred and the date the weeds were cut, and a notice that the city claims a lien for this amount. Notice of such lien claims shall be mailed to the owner of the premises if his address is known; provided, however, that failure of the clerk to record such lien claim or to mail such notice, or the failure of

the owner to receive such notice, shall not affect the right to foreclose the lien for such charges as provided in the following section. (Prior code § 27.406.)

8.28.070 Lien - Foreclosure.

A. Property subject to a lien for unpaid weed cutting charges shall be sold for nonpayment of the same and the proceeds of such sale shall be applied to pay the charges after deducting costs, as is the case in the foreclosure of statutory liens. Such foreclosure shall be in equity in the name of the city.

B. The city attorney is authorized and directed to institute such proceedings, in the name of the city, in any court having jurisdiction over such matter, against any property for which such bill has remained unpaid sixty days after it has been rendered.

(Prior code § 27.407.)

8.28.080 Violation - Penalty.

Any person, firm or corporation violating any of the provisions of this chapter shall be fined not less than five dollars nor more than five hundred dollars for each offense, and a separate offense shall be deemed committed on each day during or on which such nuisance continues unabated after ten days from receipt of notice. (Prior code § 27.408.)

Chapter 8.30

TREE PRESERVATION ON PRIVATE PROPERTY

Sections:

8.30.010	Purpose
8.30.020	Definitions
8.30.030	Tree Preservation Requirements for Land Development
8.30.040	Tree Preservation Requirements for Building Lots
8.30.050	Tree Conservation Areas
8.30.060	Emergency Removal
8.30.070	Requirements for Tree Preservation Plans
8.30.080	Practices During Construction
8.30.090	Penalties

8.30.010 Purpose

The purpose of this Chapter is to maintain existing trees within the City to the greatest extent possible, while allowing for reasonable development of private property. Trees are assets to the community in many ways, including contributing to its character and scenic beauty, clean air, reducing noise, preventing erosion of topsoil, reducing the rate of stormwater runoff, providing nesting areas for birds and habitat for other wildlife, conserving energy, and providing shade and windbreaks. The health and general welfare of the community, as well as its tax base, are enhanced when trees are preserved.
(Ord. 2001-M-73 § 1.)

8.30.020 Definitions

1. Approved Trees: Approved trees are those species described in Chapter 12.20 of this Code as being suitable street trees in the City of St. Charles, and shall not include restricted species listed in Chapter 12.20.
2. Building Lot: A lot for which application has been made for a building permit to construct a new building or structure, or to demolish or move an existing building or structure.
3. Construction Zone: The area of a site where construction of buildings and other site improvements may occur.
4. DBH (diameter at breast height): The diameter of a tree measured at a height of four and a half feet above the ground.
5. Land Development: The process of developing a parcel of land, starting with the submittal of a preliminary plan of subdivision or Planned Unit Development and concluding with the completion and acceptance of site improvements. Land development may involve unimproved vacant land, or land improved with buildings and/or site improvements that is proposed to be redeveloped, but does not include review and issuance of a building permit.
6. Lot: A parcel of land which is designated by its owner at the time of application for a building permit as a tract all of which is to be developed and used as one parcel under single ownership. A lot may consist of (a) a single lot of record or (b) a combination of contiguous lots of record.
7. Remove or removal: The actual physical removal of a tree, or the effective removal through damaging, cutting, poisoning, or other direct or indirect action resulting in, or likely to result in, the death of a tree.
8. Tree Preservation Plan: A plan identifying existing trees, designating areas where trees will be preserved and removed, and detailing the location and type of tree protection measures to be undertaken during and/or after construction. An easement for tree and/or natural area preservation established in a subdivision or Planned Unit Development approved prior to November 19, 2001, including but not limited to the Tree Conservation Areas listed in Section 8.30.050 § 1 hereof, shall constitute an approved

Tree Preservation Plan where the Tree Preservation Zone is the area within the easement, and the Construction Zone is all areas outside the easement.

9. Tree Preservation Zone: The area of a site that is not necessary for construction of buildings and other site improvements and within which trees shall be preserved.

(Ord. 2001-M-73 § 1.)

8.30.030 Tree Preservation Requirements for Land Development

1. No live tree(s) with a trunk size of six inches (6") or more DBH shall be removed from any parcel undergoing Land Development except as permitted by an approved Tree Preservation Plan.
2. In addition to the other requirements of this Chapter, where a Site Development Permit is required by Title 18 of the St. Charles Municipal Code no trees shall be removed from a site undergoing Land Development unless a Site Development Permit has been issued and remains valid.
3. Where trees six inches (6") or more DBH exist on the property to be developed or redeveloped, a Tree Preservation Plan shall be submitted with the preliminary plan of subdivision or planned unit development. If the preliminary plan stage is omitted or is combined with final engineering plans, the Tree Preservation Plan shall be submitted with the final engineering plans, and shall be subject to approval of the City Council at the time of approval of the Final Plat.
4. The removal of trees six inches (6") or more DBH proposed as part of a Tree Preservation Plan shall be permitted only to the extent necessary to accommodate the construction of public and private site improvements, buildings and structures in conformance with the standards of 8.30.070 § 2 hereof. Submittal of a separate Tree Preservation Plan for each Building Lot shall not be required for Building Lots within a subdivision or Planned Unit Development if all areas where trees are to be removed are identified in the approved Tree Preservation Plan.
5. Where an easement for tree and/or natural area preservation has been established in a subdivision or Planned Unit Development approved prior to November 19, 2001, including but not limited to the Tree Conservation Areas listed in Section 8.30.050 § 1 hereof, no additional Tree Preservation Plan approval shall be required to remove existing trees located outside of the established easement areas.

(Ord. 2001-M-73 § 1.)

8.30.040 Tree Preservation Requirements for Building Lots

1. No live tree(s) of six inches (6") or more DBH shall be removed from any Building Lot except as permitted by an approved Tree Preservation Plan.
2. A proposed Tree Preservation Plan shall be submitted with the application for a building permit where trees six inches (6") or more DBH exist on the Building Lot if (a) no Tree Preservation Plan has been approved for the property or (b) the applicant proposes to alter the approved Tree Preservation Plan.
3. Where a Site Development Permit is required (refer to Section 18.36.040 of this Code), a Tree Preservation Plan for a Building Lot shall be approved only if a Site Development Permit has been issued and remains valid.
4. The City Administrator or his designee shall approve a Tree Preservation Plan (or amendment thereto) for a Building Lot if the application complies with the provisions of this Chapter and in particular the standards of Section 8.30.070 § 1.
5. Appeals: A property owner may appeal the denial of a Tree Preservation Plan to the City Council by submitting a written request. If the City Council finds that the standards of Section 8.30.070 § 2 have been met, it may approve the Tree Preservation Plan and may include conditions it deems necessary to ensure compliance with this Chapter.

(Ord. 2001-M-73 § 1.)

8.30.050 Tree Conservation Areas

1. The Tree Conservation Areas listed in this section are hereby found to be unique community assets that, if protected, will enhance the value of the property encumbered by said covenants and easements as well as other property within the community. These Tree Conservation Areas shall be maintained in conformance with the provisions of their respective covenants and easements, and in conformance with the Tree Conservation Area Guidelines set forth in Exhibit "A" hereto (the "TCA Guidelines").

   Tree Conservation Areas:
   Red Gate Units 4, 5 and 7: Tree Preservation Area
   Red Gate Units 2 and 8: Natural Area Easement
   Tradition of St. Charles: Tree Conservation Easement
   Woods of Crane Road: Natural Area Easement
   Kingswood, and Kingswood Unit II and III: Tree Conservation Zone, Natural Area Easement
   Majestic Oaks: Tree Conservation Easement
   Willowgate: Drainage and Conservation Easement
   Woods of Delnor: Conservation Area
   Woods of Fox Glen Units 1 and 2: Natural Area Easement
   The Royal Fox: Natural Area Easement

2. A property owner who proposes to make changes within a Tree Conservation Area shall submit a written request to the City. Such request shall clearly describe the type of work to be undertaken, the locations, quantities, and specifications of materials and equipment, and the name and licensing of any contractor performing the work. Written approval from the City must be received before proceeding with any alterations, even if such alterations are allowed by the TCA Guidelines.
3. When active restorative measures such as planting or vegetation removal are necessary to bring a property into compliance with the TCA Guidelines, the owner shall submit a restoration plan within 60 days of written notification that the property is in violation of the TCA Guidelines. If the City Administrator or his designee determines the following the proposed restoration plan will restore the area to a condition that conforms with the TCA Guidelines, he shall approve it. The owner shall restore the disturbed area in conformance with the approved restoration plan within twelve months following its approval.

(Ord. 2001-M-73 § 1.)

8.30.060 Emergency Removal

Notwithstanding other provisions of this Chapter, a Tree Preservation Plan or other approval is not required when removal of a tree is necessary due to an emergency situation posing an immediate danger to a person, property or the community, and where such emergency renders compliance with the permit process unreasonable. The individual who proposes to remove the tree(s) shall contact the City Administrator or his designee to receive permission for emergency removal of the tree(s). If the contact is not during business hours, the individual shall leave a voicemail message indicating name, time, tree location, and phone number, and may then proceed with emergency removal.
(Ord. 2001-M-73 § 1.)

8.30.070 Requirements for Tree Preservation Plans

1. A proposed Tree Preservation Plan shall include the following written and graphic information:
   1.1 A survey of existing trees six inches (6") or more DBH within the entire site or lot, identifying their locations, size and species, and a plan overlaid on the survey or at the same scale showing proposed Construction Zones and Tree Preservation Zones.
   1.2 The proposed Tree Preservation Zone shall encompass all of the property having six inch (6") DBH or larger trees that will not be disturbed by construction activities. All buildings, structures, parking areas, driveways, stormwater management facilities, utilities, and other site improvements shall be

located to minimize tree damage and removal; preference shall be given to tree preservation when reasonable alternatives are available for the location of buildings and other site improvements.

1.3 The proposed Construction Zone shall include only the areas to be directly affected by buildings, site improvements and grading activities related to the approved construction. The Construction Zone shall be as small as possible, considering factors such as the depth of excavation, necessary spoil areas, and space required for access to construction activity.

1.4 The location and description of protective fencing, root pruning, canopy pruning and other protective and conservation measures necessary to protect the trees within the Tree Conservation Zone shall be indicated.

2. Standards: Removal of trees shall be authorized by Tree Preservation Plans only when one or more of the following conditions exist, as determined by the City:

2.1 The tree is diseased, dead or dying.

2.2 The tree is damaged or injured to the extent that it is likely to die or become diseased, or such that it becomes a hazard.

2.3 Removal of the tree is consistent with good forestry practices, that is, consideration is given to the species of the tree, location, conditions, age, safety, and the historic and aesthetic value of the tree to be removed.

2.4 Removal of the tree will enhance the health of remaining trees within the immediate vicinity.

2.5 Removal of the tree is required to repair a sewer line or water main, or excavation for such repair will damage the tree to the extent that it is likely to die or become diseased.

2.6 All reasonable efforts have been undertaken in the land planning, architectural and engineering design of the proposed building, building addition, development or site improvement to minimize tree damage and/or removal, and the tree or trees must be removed to provide adequate space for the permitted construction.

(Ord. 2001-M-73 § 1.)

8.30.080 Practices During Construction

1. All Tree Preservation Zones shall be maintained free of all construction activity, construction equipment, material or spoils storage, compaction, fill, and debris.
2. Crushed limestone, hydrocarbons, or other materials detrimental to trees shall not be dumped within the root zone of any tree to be preserved nor at any higher elevation where drainage toward the tree could affect its health.
3. No attachments, signs, fences, or wires, other than those approved for bracing, guying or wrapping trees, shall be attached to trees during the construction period.
4. Unless otherwise authorized by an approved Tree Preservation Plan, no soil shall be removed or added within the root zone of any tree to be preserved.
5. The boundary between the Construction Zone and the Tree Preservation Zone shall be fenced during the course of construction in a manner that clearly identifies where construction activity is prohibited. The Building and Zoning Commissioner and City Engineer shall have the authority to issue a stop work order until adequate fencing is provided or repaired.

(Ord. 2001-M-73 § 1.)

8.30.090 Penalties

1. Any violation of this Chapter shall be punishable by a fine of not more than $500.00 for each violation.
2. Replacement Trees. In addition to any fine that may be assessed, each tree of six inches or more DBH which is removed in violation of this Chapter shall be replaced with trees of at least a three inch (3”) caliper selected from the list of Approved Trees according to the following schedule. The diameter of removed trees shall be determined by the average stump diameter where cut at six inches (6”) from surrounding ground level.

Existing Tree's Stump Diameter	Number of replacement trees
36 inches or more	One for each inch of stump diameter
More than 30 but less than 36 inches	11
More than 24 but less than 30 inches	9
More than 18 but less than 24 inches	7
More than 12 but less than 18 inches	5
At least 6 but less than 12 inches	3

3. Location of replacement trees. The location of replacement trees shall be as determined by the City Administrator or his designee. If it is determined that an insufficient onsite area exists to support some or all of the replacement trees, then prior to issuance of any building permit, site development permit or approval of a plat of subdivision or planned unit development the property owner shall pay the cost of the replacement trees that cannot be accommodated onsite to the City. The funds collected from such payments shall be used for the sole purpose of planting trees at other locations determined by the City.
4. Financial Guarantee for onsite replacement trees. Prior to issuance of a building permit, site development permit, or approval of a plat of subdivision or planned unit development the property owner shall submit a financial guarantee subject to the approval of the City Administrator or his designee in the amount of 115% of the estimated cost to install the required onsite replacement trees. If replacement trees are not installed within the next planting season (spring or fall) after the prohibited tree removal, the City may use the proceeds of the financial guarantee to plant the replacement trees. If the property owner does not permit planting of the replacement trees onsite, the City may plant trees at other locations as determined by the City.
5. Suspension of Permits: The Building and Zoning Commissioner may suspend any and all building permits issued by the City and issue stop work orders with respect to any parcel of land where he determines that the provisions of this ordinance are not being complied with.
6. Removal of undesirable trees: If a tree is removed prior to approval of a Tree Preservation Plan or other approval, and the City Administrator or his designee determines the removed tree was of a species or condition that would have justified approval of a Tree Preservation Plan or other approval to remove it if application had been made, the penalties hereof shall not apply.

(Ord. 2001-M-73 § 1.)

Exhibit A
Tree Conservation Area Guidelines

Intent

The intent of these Guidelines is to protect and enhance the diversity, health and vigor of the tree, shrub, herbaceous plant, forb and grass species within the designated Tree Conservation Areas in order to protect wildlife habitat as well as enhance the aesthetic qualities and value of the properties adjacent to them.

The conservation of existing plant material is to be achieved primarily through restricting access to and limiting activities within the Tree Conservation Areas. However, intervention to perform maintenance and corrective measures is appropriate in the following circumstances:

1. The presence of invasive plant species including noxious weed or alien plant species that may threaten the health of indigenous plants in the Tree Conservation Areas.
2. The presence of damaged, diseased or dead trees which may constitute a hazard to persons or property.
3. Where the City has approved a plan to re-establish trees, shrubs, and other plants that are indigenous to the Tree Conservation Zone.

Definitions

1. Alien : a plant native to one region but brought to another as a result of human activity.
2. Forb: a non-grassy herbaceous plant, primarily referring to broad-leaved plants of prairies and savannas.
3. Herbaceous: pertaining to or characteristic of a plant that has a fleshy stem, as distinguished from a woody plant.
4. Indigenous: occurring or living naturally in an area, not introduced; native.
5. Noxious weed: a weed specified by law as being especially undesirable, troublesome, and difficult to control.
6. Other plants: all vegetation, woody or otherwise, except lawn grass and flowers less than 24 inches in height.
7. Overstory trees: deciduous trees that generally grow to a height in excess of 30 feet.
8. Shrub: a woody perennial smaller than a tree, usually having permanent stems branching from or near the ground.
9. Savanna: a transitional zone between grasslands and forests, on which there are scattered individual trees and/or clumps of trees and shrubs.
10. Transitional Border: a strip of land within a Tree Conservation Area along its edge which has been disturbed and which may provide a visual and functional transition between the Tree Conservation Area and the remainder of the lot.

Guidelines

A. Removal of vegetation: The following activities are permitted within the Tree Conservation Zone, but only with the specific approval of the City.
   1. No healthy woody vegetation shall be removed except for the restricted species listed in Chapter 12.20 of the City Code.
   2. Where permission has been granted to remove woody vegetation, it shall be sawed or cut down to existing grade. No removal or disturbance shall occur below grade.
   3. If the City has approved a plan to re-establish the growth of indigenous plants, noxious weeds and alien herbaceous vegetation may be removed by: (a) applying a three (3) inch layer of organic hardwood mulch, or (b) herbicide application by a licensed professional.

4. Dead or fallen trees and limbs shall remain, except where a standing dead tree is located so that it could fall upon a building or structure.

B. Planting: The following plantings are permitted within the Tree Conservation Zone, but only with the specific approval of the City. Appendix I lists some native, non-native and weedy plants as a reference. Additional lists and guides to native plants are found in references such as Swink and Wilhelm's *Plants of the Chicago Region*, and Dick Young's *Kane County Wild Plants and Natural Areas, 2nd Edition*.

1. Indigenous grasses, flowers and other herbaceous plants may be planted by hand installation of plugs or by seeding. Prairie forbs and grasses shall be restricted to those areas/lots with limited scattered trees. Commercial prairie mixes may contain non-native and non-hardy species, so consulting a native plant supplier or prairie restoration specialist is recommended.
2. Planting common turf grass such as Kentucky bluegrass, ryegrass, and fescue is not permitted except in transitional borders. The soil preparation typically required damages the root system of trees, and the nutrient and pH requirements for mowed turf grasses are not optimally compatible with those of most woody plants.
3. Non-native plant material is not permitted. Some non-native plants reseed aggressively and become invasive, crowding out indigenous species.
4. Indigenous container perennials, woody shrubs, and trees are permitted if planted in compliance with the following guidelines:
    a. All digging and planting shall be performed by hand. No vehicles, augurs or rototillers are permitted.
    b. Only minimal digging shall be allowed within the tree's critical root zone, i.e., the area equivalent to one foot of radius per inch of the tree's trunk caliper, measured out from the center of the tree. Plant type and size should be limited within this area to minimize damage to tree roots.
    c. No overstory tree shall be planted directly under the dripline of an existing tree.
    d. Areas disturbed by planting must be thoroughly watered immediately after planting and periodically for one month following planting to reduce stress to existing trees. Do not overwater.
    e. A three (3) inch layer of organic hardwood mulch in a dish or saucer pattern may be used around the base of newly planted trees and shrubs during the first growing season to conserve moisture in the soil.
    f. If proper installation methods are used, additional plant material can reduce or control access into Tree Conservation Areas and will provide wildlife food and habitat.

C. Transitional Border:

1. A transitional border may be delineated at the common boundary of the Tree Conservation Area and the remainder of the lot. The transitional border may extend into the Tree Conservation Area a maximum of three (3) feet, or within one (1) foot of existing trees within the Tree Conservation Area, whichever dimension is less. (See Appendix II)
2. Due to disturbances caused by utility installation, restoration of the transitional border may include turf grasses and non-indigenous plant materials. However, restoration with indigenous plant materials is strongly encouraged.
3. Yard accessories are permitted in the transitional border area as described below in D-1.
4. Organic hardwood mulch is permitted to minimize the encroachment of indigenous plants into an adjoining managed plant material area such as turf or perennials.

5. In order to preserve the health and vigor of the Tree Conservation Area, invasive plants or vegetation that is difficult to control shall not be permitted in the transitional border. (Refer to Appendix I for a list of invasive and difficult to control plants.)

D. Installation of Yard Accessories:
1. Small yard accessories such as benches, bird baths, bat houses, butterfly houses, and bird feeders are permitted within the transitional border, only. Yard accessories shall be limited to not more than one (1) per fifty (50) square feet of transitional border. No yard accessories are permitted in the balance of the Tree Conservation Area.
2. Permanent or temporary structures, play equipment, paths, paving, structures attached to trees such as tree houses, and any items requiring footings are prohibited.

E. Prohibited Activities: The following activities and uses are specifically prohibited within Tree Conservation Areas:
1. Composting or dumping of lawn waste, Christmas trees, potted plants, or similar organic waste.
2. Stacking or firewood.
3. Dumping of any materials.
4. Mowing.
5. Fire pits and barbecues.
6. Tree swings.
7. Dog waste.
8. Vegetable or flower gardens.
9. Lawn irrigation systems.
10. Yard accessories.
11. Fences.
12. Any other similar uses determined by the City to be detrimental to the protection of the Tree Conservation Area.

F. Miscellaneous: The following activities are not permitted unless approved by the City in conjunction with a plan to remove and/or restore plant material in accordance with these guidelines:
1. The use of motorized vehicles such as garden tractors and mowers.
2. The use of fertilizers, herbicides and pesticides.
3. Alteration of existing grade elevation.

Appendix I
Representative Species of Plant Material

Indigenous (native) plants:

Overstory Trees

Acer nigrum	Black maple
Acer saccharum	Sugar maple
Carya cordiformis	Bitternut hickory
Carya ovata	Shagbark hickory
Fraxinus americana	White ash
Juglans cinerea	Butternut
Juglans nigra	Black walnut
Quercus alba	White oak
Quercus macrocarpa	Bur oak
Quercus muhlenbergii	Chinquapin oak
Quercus rubra	Northern red oak
Tilia americana	American linden

Understory Trees

Amelanchier arborea	Serviceberry; shadbush
Amelanchier laevis	Allegheny shadblow serviceberry
Cercis canadensis	Redbud
Cornus alternifolia	Alternate-leaved dogwood
Cornus florida	Flowering dogwood
Corylus americana	Hazelnut
Dirca palustris	Leatherwood
Hamamelis virginiana	Witch hazel
Ostrya virginiana	Hop hornbeam
Prunus americana	American plum
Prunus virginiana	Chokecherry

Shrubs

Euonymus atropurpureus	Eastern wahoo
Lindera benzoin	Spicebush
Ribes cynosbati	Prickly wild gooseberry
Ribes missouriense	Wild gooseberry
Sambucus canadensis	Elderberry
Viburnum acerifolium	Mapleleaf viburnum
Viburnum lentago	Nannyberry viburnum
Viburnum prunifolium	Blackhaw viburnum
Viburnum rafinesquianum	Downy arrowwood viburnum

Ground Layer

Common Plants

Allium tricoccum	Wild leek
Anemonella thalictroides	Rue anemone
Arisaema triphyllum	Jack-in-the-pulpit
Carex plantaginea	Plaintain-leaved sedge
Carex rosea	Sedge
Caulophyllum thalictroides	Blue cohosh
Claytonia virginica	Spring beauty
Dentaria laciniata	Cut-leaved toothwort
Desmodium glutinosum	Tick trefoil
Dryopteris spinulosa	Spinulose wood fern
Erythronium albidum	White trout lily
Galium aparine	Shining bedstraw
Geranium maculatum	Wild geranium
Osmorhiza claytoni	Hairy sweet cicely
Parthenocissus quinquefolia	Virginia creeper
Podophyllum peltatum	Mayapple
Prenanthes alba	Lion’s foot
Sanicula gregaria	Clustered black snakeroot
Smilacina racemosa	False Solomon’s seal
Uvularia grandflora	Large-flowered bellwort
Viola eriocarpa	Smooth yellow violet

Others

Actaea pachypoda	White baneberry
Adiantum pedatum	Maidenhair fern
Allium tricoccum	Wild leek
Anemone cylindrica	Thimbleweed
Anemone quinquefolia	Wood anemone
Apocynum androsaemifolium	Spreading dogbane
Aralia racemosa	Spikenard
Arisaema draconitum	Green dragon
Asarum canadense	Wild ginger
Aster sagittifolius	Arrowleaf aster
Aster shortii	Short’s aster
Athyrium filix-femina	Lady fern
Blephilia hirsuta	Wood mint
Botrychium virginianum	Rattlesnake fern
Cardamine douglassii	Purple cress
Carex hirtifolia	Hairy sedge
Carex pensylvanica	Pennsylvania sedge
Celastrus scandens	Bittersweet
Dicentra cucullaria	Dutchman’s breeches
Eupatorium rugosum	White snakeroot
Eupatorium purpureum	Purple Joe-Pye weed
Euphorbia corollata	Flowering spurge
Fragaria virginiana	Wild strawberry

Galium circaezans	Wild licorice
Geum canadense	Wood avens
Helianthus strumosus	Pale-leaved sunflower
Hepatica acutiloba	Hepatica
Hydrophyllum appendiculatum	Great waterleaf
Hydrophyllum virginianum	Virginia waterleaf
Hystrix patula	Bottlebrush grass
Impatiens pallida	Pale touch-me-not
Isopyrum biternatum	False rue anemone
Jeffersonia diphylla	Twinleaf
Lactuca biennis	Tall blue lettuce
Lonicera prolifera	Yellow honeysuckle
Menispermum canadense	Moonseed
Mitella diphylla	Bishop’s cap
Monarda fistulosa	Bergamot
Osmorhiza longistylis	Sweet cicely
Panicum latifolium	Broad-leaved panic grass
Phlox divaricata	Woodland phlox
Phryma leptostachya	Lopseed
Pilea pumila	Clearweed
Polygonatum canaliculatum	Large Solomon’s seal
Potentilla simplex	Common cinquefoil
Prenanthes altissima	Tall white lettuce
Rosa spp.	Rose
Sanguinaria canadensis	Bloodroot
Smilacina stellata	Starry Solomon’s plume
Smilax ecirrhata	Upright carrion flower
Smilax taminoides	Bristly greenbrier
Solidago flexicaulis	Broad-leaved goldenrod
Solidago ulmifolia	Elm-leaved goldenrod
Thalictrum dioicum	Early meadow rue
Trillium grandiflorum	Large-flowered trillium
Trillium recurvatum	Prairie trillium
Trillium sessile	Toad trillium
Veronicastrum virginicum	Culver’s root

Aggressive non-native species that should be removed such as:

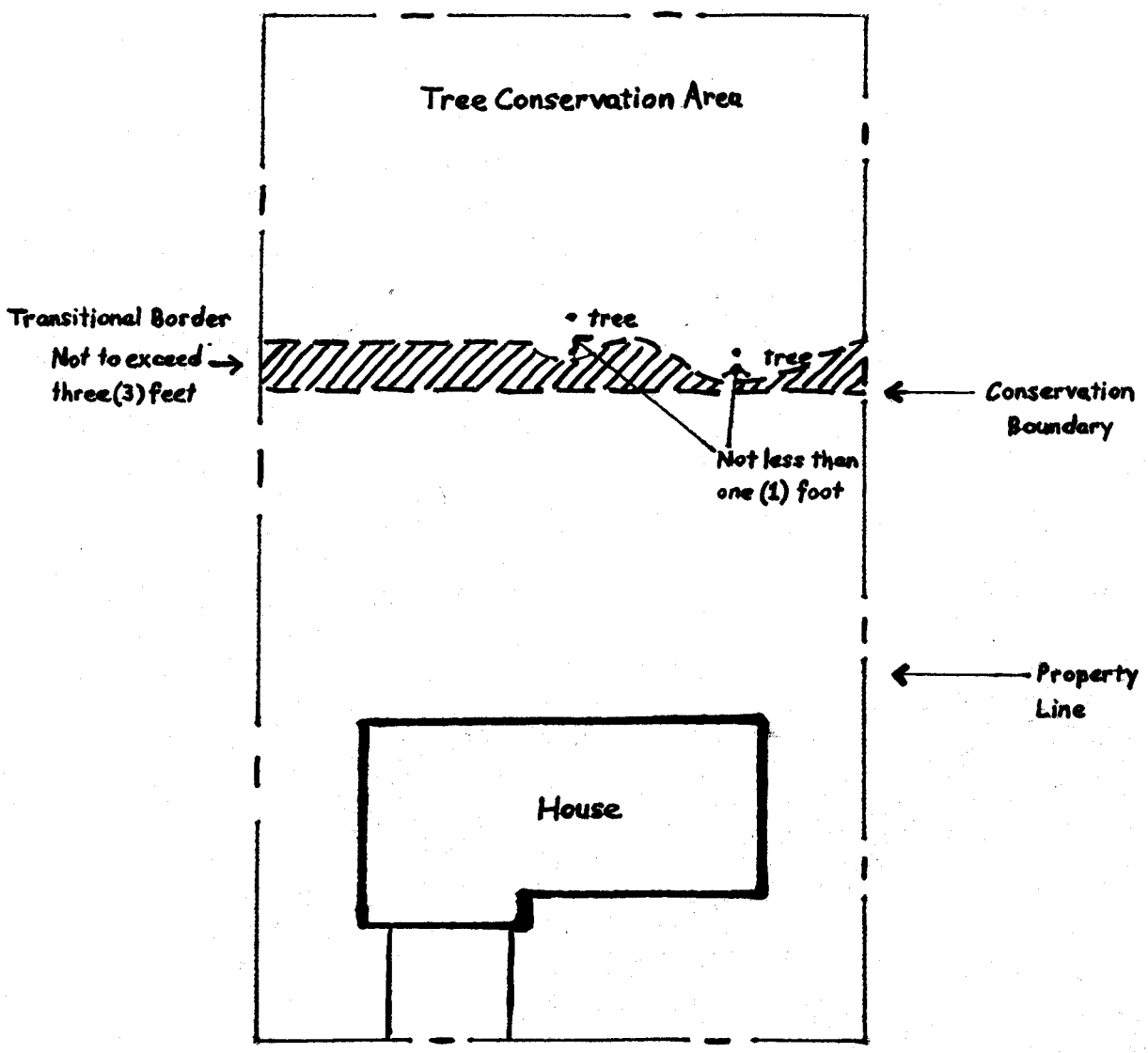
Alliaria officinalis	Garlic mustard
Berberis vulgaris	European barberry
Celastrus orbiculatus	Oriental bittersweet
Elaeagnus umbellate	Olive bush
Lonicera maackii	Amur honeysuckle
Lonicera tatarica	Tatarian honeysuckle
Morus alba	White mulberry
Populus alba	White poplar
Rhamnus cathartica	Common buckthorn
Rhamnus frangula	Glossy buckthorn
Solanum dulcamara	Nightshade bittersweet
Viburnum opulus	European cranberrybush viburnum

Native weedy species that should be controlled such as:

Acer negundo	Boxelder
Parthenocissus quinquefolia	Virginia creeper
Rhus radicans	Poison ivy
Robinia pseudo-acacia	Black locust
Rubus occidentalis	Black raspberry
Vitis riparia	Riverbank grape

Appendix I

LOCATION OF TRANSITIONAL BORDER



(Ord. 2001-M-73 § 1.)

Chapter 8.32

PUBLIC TOILET FACILITIES

Sections:

8.32.020 Sanitation requirement.
8.32.030 Installation.
8.32.040 Violation - Penalty.

8.32.020 Sanitation requirement.

Any business establishment, firm or association providing toilet facilities for the general public shall maintain said facilities in a clean and sanitary condition, in good repair, well lighted and ventilated by means of a mechanical fan or openable screened window, and the door to such facility shall be self-closing. Adequate handwashing facilities, including running water, soap and sanitary towels or drying devices, shall be provided. (Ord. 1978-M-31 § 1: prior code § 19.401.)

8.32.030 Installation.

Installation of such facilities shall comply with the provisions relating to plumbing in this code. (Ord. 1978-M-31 § 1: prior code § 19.403.)

8.32.040 Violation - Penalty.

Any person, firm or corporation violating any of the provisions of this chapter shall be fined not less than one dollar nor more than five hundred dollars for each offense, and a separate offense shall be deemed committed on each day during or on which a violation occurs or is permitted to continue. (Ord. 1978-M-31 § 1: prior code § 19.404.)

Chapter 8.34

TOBACCO REGULATION

Sections:

8.34.010 Possession by minors prohibited.
8.34.020 Penalties.

8.34.010 Possession by minors prohibited.

It shall be unlawful for any person under the age of eighteen (18) years to possess any tobacco products. To the extent, if at all, that this section is construed to be in violation of 410 ILCS 80/11, it shall be disregarded, but only to such extent it is so construed. (Ord. 1995-M-1 § 1; Ord. 1991-M-37 § 2.)

8.34.020 Penalties.

Any person violating any provision of this chapter 8.34 shall, upon conviction, be fined fifty dollars ($50.00) for the first offense, one hundred dollars ($100.00) for the second offense and five hundred dollars ($500.00) for each subsequent offense. In the alternative, any person violating any provision of this chapter 8.34 shall, upon conviction, complete twelve (12) hours of community service for the first offense, twenty-four (24) hours of community service for the second offense, and one-hundred twenty (120) hours of community service for each subsequent offense. All community service shall be completed within one (1) year from the date of conviction.
(Ord. 2008-M-46 § 1; Ord. 1991-M-37 § 2.)

(REPEALED)

8.36 Smoking in Public Places
(Ord. 2007-M-21 § 2; Ord. 2007-M-9 § 2.)

TITLE 8 FOOTNOTES

1. For statutory provisions on municipal authority to regulate food for human consumption, see 65 ILCS 5/11-20-2; for provisions on municipal regulation of junk dealers, see 65 ILCS 5/11-42-3; for provisions on municipal abatement of nuisances, see 65 ILCS 5/11-60-2; for provisions on municipal disposal of garbage and refuse, see 65 ILCS 5/11-19-1 et seq. (Ord. 1996-M-53 § 17.)

2. For statutory provisions on municipal jurisdiction over waters, see 65 ILCS 5/7-4-4. (Ord. 1996-M-53 § 17.)

3. For statutory provisions on the authority of cities to promote health and suppress disease, see 65 ILCS 5/11-20-5. (Ord. 1996-M-53 § 17.)

4. For statutory provisions on municipal control and eradication of dutch elm disease, see 65 ILCS 5/11-20-11 and 5/11-20-12. (Ord. 1996-M-53 § 17.)

5. For statutory provisions authorizing municipal regulation and prohibition of fireworks and pyrotechnic displays, see 425 ILCS 30/24. (Ord. 1996-M-53 § 17.)

6. For statutory provisions on municipal disposal of garbage and refuse, see 65 ILCS 5/11-19-1. (Ord. 1996-M-53 § 17.)

7. For statutory provisions on weed control, see 65 ILCS 5/11-20-6 and 11-20-7. (Ord. 1996-M-53 § 17.)