

WHEELING TOWNSHIP

ORDINANCE NO. 1998-01

**AN ORDINANCE
TO PREVENT THE ACCUMULATION OF GARBAGE, LITTER OR RUBBISH
WITHIN THE UNINCORPORATED AREA
OF WHEELING TOWNSHIP, COOK COUNTY, ILLINOIS**

SECTION 1: This Ordinance shall be entitled the Property Maintenance Code and may be referred to herein as the Code.

SECTION 2: The purpose of this Code is to promote public health and safety within the unincorporated areas of Wheeling Township by prohibiting the accumulation of garbage, litter or rubbish.

SECTION 3: Definitions. For purpose of this Ordinance, the following words and terms shall have the following meaning:

A. **ENFORCEMENT OFFICER:** The person designated by the Wheeling Township Board of Trustees as the code enforcement officer empowered to enforce the provisions of the Ordinance.

B. **GARBAGE:** Any rejected or waste household food, offal, swill, or carrion, and every accumulation of animal, fruit, or vegetable matter that attends the preparation, use, cooking and dealing in, or storage of meats, fish, fowl, fruits or vegetables, and any other matter of any nature which are subject to decay, putrefaction and the generation of noxious or offensive gasses or odor, or which during or after decay may serve as breeding or feeding material for flies or other germ-carrying insects.

C. **LITTER:** Any discarded, used or consumed substance or waste. Litter includes, but is not limited to any garbage, trash, refuse, debris, rubbish, grass clippings, or other lawn or garden waste, newspaper, magazine, glass, metal, plastic, or paper containers, wood, motor vehicle parts, furniture, oil, carcass of dead animal, animal or human excrete, any nauseous or offensive material or liquid of any kind, any object which creates a public health or safety hazard, public nuisance or fire

hazard or anything else of unsightly or unsanitary nature which has been discarded, abandoned or otherwise disposed of improperly.

D. PERSON: Person shall include:

- 1) The owner, or owners (who alone or jointly have legal or equitable title to any property);
- 2) Any individual, firm, corporation, trust, partnership, association or other legal entity operating or managing the property in question;
- 3) Any individual, firm, corporation, trust, partnership, association or other legal entity acting as receiver trustee, contract purchaser or mortgagee in possession of the property in question;
- 4) Any individual living in, or having actual possession of the property in question;
- 5) The term “person” as applied to partnerships or associations shall mean the partners or members thereof, and as applied to trusts or corporations shall mean the trustees or officers thereof.

E. PROPERTY: A lot, plot or parcel of land, including the buildings and structures thereon located in the unincorporated area or Wheeling Township.

F. RUBBISH: Combustible and noncombustible waste materials, except garbage; and the term shall include the residue from the burning of wood, coal, coke, and other combustible material, paper, rags, cartons, boxes, wood excelsior, rubber, leather, tree branches, yard trimming, tin cans, metals, mineral matter, glass crockery, dust, or any object that is removed from the things that are presently worthless or unsuitable for immediate purpose.

SECTION 4:

Maintenance. It shall be unlawful for any person who owns, operates, manages or is control or possession or property located in the unincorporated area of Wheeling Township to fail, neglect or refuse to maintain such property in accordance with the provisions of this Ordinance.

SECTION 5: Enforcement. The Township, by its duly authorized Enforcement Officer, shall have the power to enforce the provisions of this Property Maintenance Code. If any violation is discovered by the Enforcement Officer, a citation shall be issued to the party responsible for the abatement of the violation setting forth the provision or the provisions of this Ordinance deemed to be violated.

SECTION 6: Penalties for Violation. The fine for the first violation shall be \$200. The fine for the second violation shall be \$400. The fine for the third and each successive violation shall be \$500.

A. Every day that a violation continues shall constitute a separate violation.

B. If the person issued the citation pays the Township the amount due within ten days from the date of issuance of the citation, the amount set forth as due and owing in the citation shall be reduced by one-half (50%).

SECTION 7: Vehicle Storage. No person shall park, store, leave or permit the parking, storing or leaving of any motor vehicle, trailer, or other method of conveyance of any kind which is in abandoned, wrecked, dismantled, inoperative, junked or in a partially dismantled condition, whether attended or not, upon any public or private property within the unincorporated area of the Township for a period of time in excess of twenty-four (24) hours. This section shall not apply to any vehicle entirely enclosed within a building on private property or to any vehicle held in connection with a business enterprise, lawfully licensed and properly operated in the appropriate business zone, pursuant to the zoning laws of Cook County. Any operable and/or licensed vehicles shall be parked only on areas of hard surface pavement and/or gravel driveways legally installed.

SECTION 8: Garbage Storage and Disposal. Every person who owns, operates, manages, or controls, or who is in possession of property shall store and dispose of garbage, refuse, and any other matter or any nature which is subject to decay, putrefaction and the generation of noxious or offensive gases or odor, or which during or after decay may serve as breeding or feeding material for flies or other insects, rodents, or other pests, in a clean, sanitary and safe manner.

SECTION 9: Exterior Maintenance. All exterior property areas shall be maintained in a clear and sanitary condition, free from any accumulation of rubbish, litter or garbage.

SECTION 10: Vegetation. No grass or weeds shall be allowed to grow uncontrolled, which for purposes of this ordinance shall mean more than six inches (6") on occupied property and more than twelve inches (12") on vacant property.

SECTION 11: Remedies Cumulative. The provisions of this Ordinance shall be not in any way be deemed to prevent Wheeling Township from exercising any and all remedies available to it under statute to enforce or obtain compliance with any statute as it relates to property maintenance within the unincorporated area or Wheeling Township.

SECTION 12: Severability. The unenforceability or invalidity or any provision of this Ordinance shall not affect the enforceability or validity of the remaining provisions of this Ordinance.

SECTION 13: Effective Date. This Ordinance shall become effective upon adoption by the Wheeling Township Board of Trustees and publication in a newspaper of general circulation within the Township.

Adopted this 10th day of February, 1998.

Attest:

Paula L. Ulreich
Clerk

Jerry D. Sadler
Supervisor

John Gilmore
Trustee

Mary C. Schlott
Trustee

Martin S. Mulkerrin
Trustee

Georgie Wiltse
Trustee