

## Garbage & Debris Ordinances

WHEREAS, the Village Board of the Village of Franklin has determined that an accumulation of garbage and debris on private property are unsightly and may possibly present a health hazard; and

WHEREAS, the Village Board has determined that it would be in the best interest of the residents of the Village to enact an ordinance providing for the removal of garbage and debris from private property in the event of the failure of the or occupant to do so.

NOW THEREFORE, BE IT ORDAINED, by the Village Board of the Village of Franklin, Morgan County, Illinois as follows:

### Section 1. Definitions

(A) Garbage shall be construed to mean rejected food wastes and to include every refuse accumulation of animal, fruit or vegetable matter used or intended for food, or that attends the preparation, use, cooking, dealing in, or storing of meat, fish, fowl, fruit or vegetables.

(B) Occupant shall mean head of family, proprietor of hotel, restaurant, or store, or other person, living on, conducting business on, or otherwise occupying premises.

(C) Owner shall mean person or persons holding actual title to premises.

(D) Debris shall be construed to mean ashes, tin cans, broken crockery, glassware, bottles, rubbish, junk, liquid waste, waste paper and inoperable equipment or unused equipment or parts thereof.

(E) Trees shall mean any tree or limb measuring on (1) inch or more in diameter.

### Section 2. Throwing, Placing or Depositing on Public or Private Property Restricted.

It shall be unlawful for any person to throw, place or deposit, or for

the occupant of any premises within the Village to permit or cause to be thrown, placed or deposited, any garbage or refuse on any public or private property within the Village except in containers located on premises occupied by him which meet the requirements of section 3.

### Section 3. Requirements for Containers

(A) It shall be unlawful for the occupant or owner of any premises within the Village to permit garbage or refuse to be placed or remain thereon, except in containers meeting the requirements of this section.

(B) The occupant or owner for any premises in the Village shall provide a watertight container for garbage which shall be equipped with a lid. The lid shall be kept on the can at all times when any garbage is contained therein.

### Section 4. Accumulations Restricted

No owner or occupant shall allow garbage, debris or trees, after severance, to accumulate or remain on any premises in such manner as to be unsightly, objectionable, or offensive.

### Section 5. Declaration of Accumulations as Nuisance; Abatement Procedure.

Any garbage, debris or trees, after severance, which shall be allowed to remain on any premises in violation of any provisions of this ordinance is hereby declared to be a nuisance. The garbage, debris or trees may be removed by the Village if not removed within ten (10) days after written notice to remove the same has been given to the owner or occupant of the premises. Written notice may be delivered by ordinary mail or may be hand delivered by the Village President, a member of the Village Board or a Village employee. The expense attending such removal by the Village shall be paid to the Village within thirty (30) days from the date of removal and notice to the owner or occupant of said expense. In the event of failure to pay said expense within the thirty (30) days prescribed, the amount due shall be sued for by the Village against the owner or occupant and the suit for such expense may be joined with a suit to recover the penalty provided for section 7.

### Section 6. Lien For Cost of Removal

If the Village is required to remove garbage, debris or trees, the Village may file a lien against real estates provided for in 65 ILCS 5/11-20-13 and the provision of that statute are hereby incorporated by reference.

### Section 7. Penalty

In addition to recovering the cost of removal as provided in Section 5, any person found to have violated the provisions of this ordinance shall be fined a sum of \$50.00 Each day any violations of this ordinance shall constitute a separate offense.