CHAPTER 9

HEALTH REGULATIONS

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Revised 06/22/16,1/20/10
Revised 12/19/07
Revised 03/07/2007

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HEALTH REGULATIONS

ARTICLE 5 SMOKING

SECTION:

9-5-1 Smoking Restrictions
9-5-2 Smoking Prohibited

9-5-1 SMOKING RESTRICTIONS: It shall be unlawful to own, operate or maintain a retail tobacco store (as defined in the Smoke Free Illinois Act and the Smoke Free Illinois Code) which permits smoking therein.

9-5-2 SMOKING PROHIBITED: It shall be unlawful for any person to smoke within a retail tobacco store (as defined in the Smoke Free Illinois Act and the Smoke Free Illinois Code) or in any other place where smoking is prohibited by the Smoke Free Illinois Act.

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ARTICLE 1 GARBAGE AND REFUSE

SECTION

9-1-1: Definitions
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9-1-13: Accumulation of Refuse
9-1-14: Deposit on Streets
9-1-15: Open Burning Prohibited
9-1-16: Nuisance Declared

9-1-1: DEFINITIONS: The following definitions shall apply in the interpretation and enforcement of this article:

a. Non-combustible Refuse: Including, but not limited to metals, tin cans, metal furniture, dirt, small quantities of rock and pieces of concrete, glass, crockery, other mineral waste; street rubbish, including but not limited to, street sweepings, dirt, leaves, catch-basin dirt, content of litter receptacles and ashes.

b. Combustible Refuse: Including, but not limited to paper, cartons, boxes, barrels, wood, excelsior, tree branches, yard trimmings, wood furniture and bedding.

c. Non-combustible and Combustible Refuse: Shall not include wastes from building operations, nor shall it include solid wastes resulting from industrial processes and manufacturing operations such as food processing wastes, boiler house cinders, lumber, scraps and shavings.

d.. Garbage: Wastes resulting from the handling, preparation, cooking and consumption of food; wastes from the handling, storage and sale of produce.

e. Ashes: Residue from fires used for cooking and for heating buildings.

f. Incinerators: Incinerators shall be the type as specified by the Building Code and shall be within a closed building, installed and maintained in accordance with the ordinances relating to home incinerators. Incinerators shall be operated in such a manner as to create no noxious odors, smoke or other nuisance.

9-1-2 : CONTAINERS: All garbage and refuse shall be placed in a garbage container supplied by the Village or the scavenger company contracted thereby; except that garbage and refuse may be placed in a galvanized metal or plastic container with a tight fitting cover with a capacity not exceeding 30 gallons. All containers shall have a cover thereon at any time when there is garbage or refuse therein. Plastic bags are not acceptable containers for garbage and refuse.

Items (such as appliances and furniture) which do not fit within the garbage container supplied by the Village may be placed outside of a container for collection and disposal.

Items to be recycled shall be placed in recycling containers supplied by the Village or the scavenger company contracted thereby.

9-1-3: DISPOSAL OF GARBAGE: All garbage shall be securely wrapped in paper and placed in containers as specified herein for collection by private scavengers or the municipality in accordance with the provisions of this article. Garbage may also be disposed of by incineration in an approved gas incinerator or other similar approved equipment when properly installed and inspected, or by finely grinding and shredding in a garbage disposal unit leading through pipes to a public sanitary sewer.

9-1-4: DISPOSAL OF REFUSE:

a. Non-combustible Refuse. Non-combustible refuse shall be disposed of by placing such refuse in containers as specified herein for collection by private scavengers or the municipality in accordance with the provisions of this article.

b. Combustible Refuse. Combustible refuse shall be disposed of as provided in sub-section (a) above or by incineration in an approved gas incinerator or other similar approved equipment when properly installed and inspected.

c. Tree branches, etc. Tree branches up to four inches thick in diameter may be placed for collection by the municipality in accordance with Section 9-1-8 and subject to the following regulations:

(1.) Branches must be stacked at the curb line with cut ends facing the street and should be stacked no higher than four feet.

(2.) Branches should not be tied together.

(3.) Branches should not be more than six feet in length.

(4.) The municipality will not accept bushes with roots, lawn rakings, grass clippings or debris. The foregoing may be placed for collection by the scavenger duly authorized by the municipality provided such items are placed into containers as provided for in Section 9-1-2 of this Code.

9-1-5: MULTI-FAMILY, COMMERCIAL, BUSINESS AND INDUSTRIAL COLLECTIONS: There shall be no collection of garbage refuse or ashes from residential family dwellings in excess of two units, commercial, business or industrial establishments shall be required to make private arrangements for the collection and disposal of all garbage, refuse or waste in a prompt and sanitary manner. Every owner of such properties shall be required to provide suitable containers for garbage, refuse and ashes which shall be large enough to hold, in a sightly manner, an amount of garbage, refuse and ashes reasonably expected to accumulate in a seven (7) day period.

9-1-6: RESIDENTIAL COLLECTIONS: Collections shall be made by the Public Works Department from singe-family and two-family dwellings in areas and on days specified by the Department and by private scavengers at least once in every seven day period.

9-1-7: SCAVENGER SERVICE CHARGE:

(a) There are hereby established the following monthly rates per dwelling unit (a two-flat is two dwelling units) to be paid by the occupant and owner of any single-family residence (including townhouse) and two-unit residences for collection and disposal of garbage, recyclables, and landscape waste:

Residents (age 65 or older) who purchased their dwelling unit prior to January 1, 2007	$11.15
Residents who purchased their dwelling unit prior To January, 2007	$17.93

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Revised 2/21/07, 9/6/00

Residents who purchased their dwelling unit on January 1, 2007 and thereafter	$22.33
Duplex or 2-unit housing	$35.51

Proof of eligibility for age 65 or older shall be determined by the existence of the senior citizen exemption on the applicable tax bill. Once the property no longer receives a senior citizen exemption, the residents shall not be entitled to the age 65 or older rate.

9-1-8: DELINQUENT ACCOUNTS; LIEN CLAIMS: Whenever a bill for refuse and garbage collection remains unpaid twelve (12) months after it has been rendered, such bill shall be deemed delinquent, and the Clerk shall file with the Recorder of Deeds of cook County a Notice of Lien claim in accordance with the form established by statute. This Notice shall consist of a sworn statement setting out at least: (1) a description of the premises served, (2) the amount of the unpaid bill, (3) the date when such amount became delinquent, and (4) a notice that the municipality claims a lien for the amount of the unpaid bill as well as for all charges for refuse and garbage collection rendered subsequent to the period covered by the bill.

The Clerk shall mail a copy of such Notice of Lien claim to all persons, firms or corporations signing the application for refuse and garbage collection service to said premises and to the owner of the premises if such owner did not join in the application.

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The 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 unpaid refuse and garbage collection bills as provided herein.

9-1-9: FORECLOSURE OF LIEN: The property subject to a lien for unpaid refuse and garbage collection charges shall be sold for nonpayment of the same, and the proceeds of the 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 by bill in equity in the name of the Village.

The Village Attorney is hereby authorized and directed to institute such proceedings, in the name of the Village, in a court having jurisdiction over such matters, against any property for which the bill for refuse and garbage collection service remains unpaid for twelve (12) months after it has been rendered.

9-1-10 : RELEASE OF LIEN: Whenever the property owner or any person pays the outstanding costs, charges and expenses, including recording fees, the Clerk shall prepare and execute a Release of Lien, duly acknowledging the payment of the debt. Said Release of Lien shall be mailed to the property owner for recording by said property owner with the Recorder of Deeds of Cook County.

9-1-11: PLACEMENT OF CONTAINERS: All containers for garbage and refuse shall be placed as follows:

(a) For alley collections, containers shall be placed at the alley lot line on the premises served so as to be immediately accessible to refuse collection vehicles. It shall be the duty of the owner or his agent to provide suitable space at the alley line for such container or cause all garbage, refuse and ashes, produced therein, to be removed at his own cost and expense.

(b) For curb collections, containers shall be placed at the curb line not earlier than the evening preceding the designated day of collection, and removed not later than the evening of such day. Thereafter, containers shall be situated or located so as to be hidden from view from the street. In case of a holiday falling on a regularly scheduled collection day, this section shall apply on the following day.

(c) No container used for the storage, collection, and removal of garbage, refuse, or ashes shall be placed so as to constitute a nuisance to adjacent property of the occupants thereof.

9-1-12: UNCOVERED GARBAGE: It shall be unlawful to place or permit to remain anywhere in the municipality any garbage or other material subject to decay other than leaves or grass, except in a tightly covered, waterproof container.

(b) For curb collections, containers shall be placed at the curb line not earlier than the evening preceding the designated day of collection, and removed not later than the evening of such day. Thereafter, containers shall be situated or located so as to be hidden from view from the street. In case of a holiday falling on a regularly scheduled collection day, this section shall apply on the following day.

(c) No container used for the storage, collection, and removal of garbage, refuse, or ashes shall be placed so as to constitute a nuisance to adjacent property of the occupants thereof.

9-1-12: UNCOVERED GARBAGE: It shall be unlawful to place or permit to remain anywhere in the municipality any garbage or other material subject to decay other than leaves or grass, except in a tightly covered, waterproof container.

9-1-13: ACCUMULATION OF REFUSE: It shall be unlawful to cause or permit to accumulate any dust, ashes, or trash or any material anywhere in the municipality excepting in a covered container so that it cannot be blown away by the wind.

9-1-14: DEPOSIT ON STREETS: It shall be unlawful to deposit or permit any garbage, or ashes to fall from any vehicle on any public street, alley or public place in the municipality; provided, that this section shall not be construed to prohibit placing garbage or refuse in a container complying with the provisions of this article preparatory to having such material collected and disposed of in the manner provided herein.

9-1-15 : OPEN BURNING PROHIBITED: No person, firm or corporation shall burn or set fire to, or allow to be burned or set fire to, any garage, hay, grass, leaves or any combustible material whatsoever within the municipality. This provision shall apply only to open outdoor burning.

9-1-16: NUISANCE DECLARED: It shall be unlawful for any person to burn or bury garbage within the municipality or to permit same to accumulate in any manner within the municipality so as to create a nuisance or attract flies, vermin or rats.

Revised 9/6/00

CHAPTER 9

HEALTH REGULATIONS

ARTICLE 2. WEED AND DEBRIS LIENS

SECTION

9-2-1: Nuisance Declared
9-2-2: Abatement of Nuisance
9-2-3: Notice of Lien
9-2-4: Interest

9-2-1: NUISANCE DECLARED:

(a) It is hereby declared to be a public nuisance and it shall be unlawful for any person who owns or occupies any property to permit the growth of weeds thereon to a height in excess of 6 inches.

(b) It is hereby declared to be a public nuisance and it shall be unlawful for any person who owns or occupies any property to permit the accumulation of garbage or debris thereon.

9-2-2: ABATEMENT OF NUISANCE:

Whenever any condition which is declared to be a nuisance in Section 9-2-1 shall exist for more than 3 days, the owner and occupant of the property shall be deemed to have refused or neglected to abate such nuisance and shall be liable for the reasonable cost of abatement. The Village shall have the right to enter upon any property where such nuisance has existed for more than 3 days and cut the weeds and remove garbage and debris.

9-2-3: NOTICE OF LIEN:

The cost incurred by the Village in abating the nuisance shall be a lien upon the real estate affected provided that the lien is filed within 60 days after such cost and expense is incurred. The notice of lien shall consist of a sworn statement setting out the legal description of the property, the cost and expense incurred by the municipality and the date or dates such cost and expense was incurred. The cost and expense incurred by the municipality shall include the sum of $100 for legal services in preparing and filing the notice of lien, recording costs, and preparing any release of lien. A copy of the notice of lien shall be sent by certified mail to the taxpayer of record.

9-2-4: INTEREST:

Any lien filed under this Article shall bear interest at the rate of 1% per month or any portion thereof..

CHAPTER 9.

HEALTH REGULATIONS

ARTICLE 3. REGULATION OF DOGS AND ANIMALS

SECTION

9-3-1: License Required
9-3-2: Rabies Inoculation Required
9-3-3: Registration; License Fee
9-3-4: License Issued
9-3-5: Tag and Collar
9-3-6: Licenses Not Transferable or Refundable
9-3-7: Records
9-3-8: Dogs or Cats at Large
9-3-9: Impounding; Redemption
9-3-10: Animal Bites
9-3-11: Dangerous Dogs or Animals
9-3-12: Limitation of Number of Dogs and Cats
9-3-13: Nuisances
9-3-14: Provisions not Applicable
9-3-15: Humane Treatment of Birds and Animals
9-3-16: Birds
9-3-17: Prohibitions; Exceptions
9-3-18: Horses, Riding of
9-3-19: Interference; Animal Warden
9-3-20: Life Trapping
9-3-21: Feeding of Animals, Birds, Insects and Vectors
9-3-22 Excessive Animal Noise-Prohibited
9-3-23 Preemption of Cook County Code Section 10-13

9-3-1: LICENSE REQUIRED: It shall be unlawful for any person within the municipality to own, keep, harbor or have custody of any dog or cat over six (6) months of age without first obtaining a license from the municipality as herein provided.

9-3-2: RABIES INOCULATION REQUIRED: Every owner or keeper of a dog or cat within the corporate limits shall cause such dog or cat to be inoculated by the County Rabies Inspector, or by his deputy, or a licensed veterinarian, with a prophylactic serum to prevent rabies either annually or triennially depending upon the type of serum used.

9-3-3: REGISTRATION; LICENSE FEE: All dogs or cats kept in the municipality shall be registered with the Village Clerk as to sex, breed, color, name, and name and address of the owner of said dog or cat. A Certificate of Inoculation against rabies, issued by the County Rabies Inspector, or by his deputy, or by a licensed veterinarian, shall be submitted to the Village Clerk for inspection at the time registration is made.

The annual license fee for a dog or cat shall be Two-Dollars ($2.00). Each license shall expire on December 31, following the year for which such license is issued.

9-3-4: LICENSE ISSUED: Upon payment of the license fee and evidence of a Certificate of Inoculation as required in Section 9-3-3, the Village Clerk shall issue to the owner a metallic tag bearing the legend 'BRIDGEVIEW, ILLINOIS DOG/CAT TAG,' as well as the license number and the year issued marked thereon. Any owner of a licensed dog or cat whose license tag has been lost may obtain a replacement tag upon the payment of fifty cents ($0.50) to the Village Clerk.

9-3-5: TAG AND COLLAR: Every owner of a dog or cat within the municipality shall keep such license tag securely attached to a collar or harness fastened around the neck or body of such dog or cat at all times when the dog or cat is off the premises of the licensed owner.

It shall be unlawful for any person, other than the owner, his agent or a member of the Police Department, to remove a license tag from a dog or cat.

9-3-6: LICENSES NOT TRANSFERABLE OR REFUNDABLE: Dog or cat licenses shall not be transferable from one dog or cat to another and no refunds shall be made on any dog or cat license fee because of death of the dog or cat or the owner's leaving the municipality before expiration of the license period.

9-3-7: RECORDS: The Village Clerk shall forward to the Chief of the Police Department copy of all dog and cat licenses issued. The Chief of Police shall keep, or cause to be kept, a careful record of each registration and license issued for identifying lost, stolen or impounded dogs or cats.

9-3-8: DOGS OR CATS AT LARGE: No person shall cause or permit any dog or cat owned or kept by him to be at large at any place within the municipality, other than on the property of such owner or keeper, unless such dog or cat is securely fastened and restrained by a leash. Any dog or cat not upon the owner's or keeper's property which is not fastened and restrained by a leash shall be deemed as being at large. All dogs or cats found being at large, whether or not currently licensed by the municipality shall promptly be impounded.

9-3-9: IMPOUNDING; REDEMPTION:

a. Licensed Dogs or Cats.

1. When any licensed dog or cat shall be impounded, the Animal Warden or his agent shall cause notice to be given in person or by telephone upon the registered owner of any licensed dog or cat impounded.

2. If such dog or cat is without a collar or harness with the current license attached, it shall be deemed a licensed dog or cat, for the purpose of this section, if satisfactory proof is given to the Animal Warden or his agent by the owner or keeper that such dog or cat is licensed and that a collar, or harness with a current license tag attached thereto, was placed on such dog or cat, but had subsequently been lost or taken from such animal.

3. A licensed dog or cat may be redeemed by the registered owner or agent upon payment of the sum of Ten Dollars ($10.00) to the Village of Bridgeview, plus the actual costs of keeping such animal while impounded. If at the expiration of five (5) days from the date of impounding, such animal shall not have been redeemed by the owner or agent, such animal shall be turned over to the Animal Welfare League to be done with as the League sees fit.

b. Unlicensed Dogs or Cats. When any unlicensed dog or cat shall be impounded, the Animal Warden or his agent shall cause public notice of the impounding of such dog or cat to be given, immediately posting a description of such dog or cat and the date of impounding at the place of impoundment or at the Village Hall.

1. An unlicensed dog or cat may be redeemed by the owner or agent upon payment of the sum of Ten Dollars ($10.00) to the Village of Bridgeview, plus the actual costs of keeping said animal while impounded. If, after seventy-two (72) hours such animal shall not have been redeemed by the owner, such dog or cat shall be automatically relinquished to the Animal Welfare League to be done with as the League sees fit.

c. If the licensed owner of any dog or cat does not redeem his animal the Animal Warden shall send the bill for the cost of keeping and impounding such animal incurred by the Village of Bridgeview to said owner.

9-3-10: ANIMAL BITES: It shall be unlawful for the owner or keeper of any dog or other animal when notified that such dog or animal has bitten or scratched any person or has otherwise injured any person so as to cause an abrasion of the skin, or any dog or other animal suspected of having rabies, to sell or give away such dog or animal or to permit or allow such dog or animal to be taken away beyond the limits of the county, but it shall be the duty of such owner, upon receiving notice of the character aforesaid, to immediately place such dog or animal in a duly licensed veterinary hospital where such dog or animal shall be confined for a period of at least ten (10) days for observation, or deliver, or cause to be delivered, any such dog or animal to the Animal Warden, or his agent, for such placement. In case such dog or animal is delivered to a veterinary hospital, notice of the name and location of such hospital shall be immediately furnished to the Animal Warden, or his agent, by the owner of such dog or animal, and upon receipt of such dog or animal, the veterinary hospital shall submit to the Animal Warden, or his agent, a certificate stating that such dog or animal either shows no symptoms of rabies or does show symptoms of rabies. If, at the expiration of the ten (10) days of confinement in such veterinary hospital, the veterinary hospital shall submit to the Animal Warden, or his agent, a second certificate stating that the dog or animal does not have rabies, the dog or animal may then be released by the Animal Warden, or his agent.

If such dog or animal should die during the interval of observation, the intact brain shall forthwith be delivered to the laboratory of the state Department of Public Health.

If, however, evidence is presented that such dog or animal has been inoculated against rabies within the time prescribed by law prior to the biting, such dog or animal shall be confined in the house of its owner or in a manner that will prohibit such dog or animal from biting any person for a period of ten (10) days, unless in the judgment of the Animal Warden, or his agent, or a licensed veterinarian, circumstances are such that the dog or animal should be confined elsewhere. Such dog or animal so confined shall be examined by a licensed veterinarian on the first, fifth, and tenth day during confinement. If, at the expiration of the ten (10) day confinement, the veterinarian shall submit a certificate stating that the dog or animal does not have rabies, the dog or animal may then be released by the Animal Warden, or his agent.

Any expense incurred in the handling of any dog or other animal under this section shall be borne by the owner.

9-3-11 : DANGEROUS DOGS OR ANIMALS: The owner of a dangerous, vicious or ferocious dog or animal which may cause annoyance or reasonable fear of bodily injury to a person by attacking such person, shall keep the same confined I a secure enclosure or on a leash controlled by the owner or keep of such dog or animal at all times, and shall not permit such dog or animal to be at large within the municipality.

Any animal which has previously bitten any animal or person shall be considered a dangerous animal.

If any dangerous dog or animal, cannot safely be taken up and impounded, when it is necessary for the protection of any person or property, such dog or animal may be slain by any police officer of the municipality; provided, however, that in all cases where any dog or animal so slain has bitten any person or caused an abrasion of the skin of any such person, it shall be the duty of the Animal Warden, or his agent, slaying such dog or animal to immediately deliver the carcass and brain of such dog or animal to the State Department of Public Health.

9-3-12 : LIMITATION OF NUMBER OF DOGS AND CATS:

a. It shall be unlawful for any person to house, keep, maintain or own on any premises within the Village more than two dogs, provided that the limit for a dwelling unit in a multi-family residential structure (whether apartment or condominium) shall be one dog.

b. It shall be unlawful for any person to house, keep, maintain or own on any premises within the Village more than four cats, provided that the limit for a dwelling unit in a multi-family residential structure (whether apartment or condominium) shall be one cat.

c. It shall be unlawful for any person to operate a feral cat colony within the Village.

d. Exempted from the limitation on the maximum number of dogs and cats are any dogs and cats which are less than three months in age which were born to dogs or cats legally on the premises. To use this exemption, a person must notify the Village Clerk within seven days after the birth of the dogs and cats.

e. The provisions of this Section shall not apply to licensed veterinary hospitals, pet shops, kennels or dog pounds.

f. The payment of a license fee for a dog or cat shall not be construed to allow the keeping of dogs or cats in excess of the maximum number provided in this Section.

9-3-13: NUISANCES: It is hereby prohibited and it shall be deemed to be a public nuisance for any person to cause or permit any dog or cat owned or kept by him to do the following:

a. To be at large as provided in this article:

b. To suffer or permit such dog or cat to disturb the peace and quiet of the neighborhood by barking, making other loud or unusual noises, or by running through or across cultivated gardens or fields;

c. To defecate or urinate upon any public place, or upon any premises not owned or controlled by the person owning or keeping the dog or cat, provided, however, that shall any such defecation be completely and promptly removed by the owner or keeper of said dog or cat, the terms of this section shall not be found applicable;

d. To use property under such person's ownership or control in a manner to allow defecation to accumulate so as to constitute a nuisance in fact;

e. To go or be upon any school premises, public swimming pool or public park or playground within the municipality or upon a path or sidewalk extending through or within any school premises, public park or playground within the municipality, even though on a leash;

f. To bring or cause to be brought into any shop, store, or retail place of business wherein the public is invited to do business with the management thereof, during such hours as the public is invited, or to bring or cause to be brought into any public building at any time any dog or cat, unless said dog or cat is under control and is brought for the purposes of conducting business or inquiry wherein the physical presence of the dog or cat is required.

The provisions of e. and f. shall not apply to blind persons lead by guide dog.

9-3-14 : PROVISIONS NOT APPLICABLE: The provisions of this article relating to registration and licensing of dogs or cats shall not apply to dogs or cats on non-residents remaining temporarily in or passing through the municipality, provided that such dogs or cats are licensed by some other jurisdiction and provided the owner or keeper of the dog or cat complies with all other provisions of this article.

9-3-15: HUMANE TREATMENT OF BIRDS AND ANIMALS: Owners or keepers of dogs, birds and other animals shall provide same with sufficient good and wholesome food and water, proper shelter and protection from weather, veterinary care when needed to prevent suffering and with humane care and treatment. No person shall beat, cruelly ill treat, torment, overload, overwork, or otherwise abuse or abandon any dog, bird or other animal.

9-3-16: BIRDS: No person shall kill or wound, or attempt to kill or wound, any game or songbird, or take or destroy the eggs or young of any such bird.

9-3-17: PROHIBITIONS; EXCEPTIONS: No animal, with the exception of domesticated cats, dogs, hamsters, gerbils, rabbits, tropical fish and small birds of a domesticated nature commonly found within and about the home, shall be kept within the corporate limits of the Village. It is unlawful to keep, raise, maintain, sell or offer for sale or barter pigeons, including, but not limited to homing pigeons, carrier pigeons, hobby/show pigeons and racing pigeons, chickens, ducks, geese, turkeys, fowl or other poultry, domestic or otherwise, anywhere in the Village, except in stores or other commercial establishments specifically engaged in the business of selling such pigeons, chickens, ducks, geese, turkeys, fowl or other poultry. Additionally, it shall be unlawful to keep any live swine, pigs, horses, ponies, mules, donkeys, cows, sheep, lambs, goats, poisonous reptiles or dangerous snakes, including, but not limited to boa constrictors, crocodiles, alligators, baboons, chimpanzees, gorillas, monkeys, bears, lions, tigers, wolves, raccoons, leopards, jaguars and similar dangerous animals. The list of prohibited animals is not exhaustive, and any animal not otherwise provided for within the exceptions in the first sentence of this Section is strictly prohibited.

9-3-18 : HORSES, RIDING OF: It shall be unlawful to ride a horse, or other animal within the municipality on any public property other than dedicated street pavements within the municipality.

9-3-19: INTERFERENCE; ANIMAL WARDEN: No person shall interfere with the Animal Warden while in the process of live-trapping nuisance problem animals.

9-3-20: LIVE TRAPPING: It shall be unlawful for any person to live trap anywhere in the Village, without first obtaining the proper permits from the Department of Conservation, and notifying the Animal Warden.

9-3-21: FEEDING OF ANIMALS, BIRDS, INSECTS AND VECTORS:

No person shall:

(a) Conduct an activity or create a condition (including feeding) that attracts animals, birds, insects or vectors in a manner or in numbers that causes damage to other property or creates a hazard to the health of others; or

(b) Feed food scraps or any material (other than bird feed or animal feed purchased at a store, grain or seeds) to any animal, bird, insect or vector other than to a licensed pet residing at the property; or

(c) Throw or place any type of food or food scraps on the ground or any surface (other than in a feeder) for the purpose of feeding any animal, bird, insect or vector; or

(d) Maintain feeders for animals, birds, insects or vectors with a total surface area of more than one square foot, regardless of the number of feeders.

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9-3-22 EXCESSIVE ANIMAL NOISE-PROHIBITED

It shall be unlawful for any person who owns, controls, has possession of or is charged with the responsibility for caring for any dog or other animal to allow such animal to make excessive noise in a manner that disturbs the comfort, quiet, peace or repose of any other person in the vicinity, at any time of the day or night.

A citation for a violation of this section may be issued based on either: (1) personal observation of a violation by a Village officer or employee charged with enforcement of this section; or (2) a complaint alleging a violation of this section, signed and sworn to by residents of three different dwelling units, and specifying the date and time of the violation.

For purposes of this section, the term "excessive noise" means any continued, intermittent, repeated or habitual barking, whining, crying, howling, whimpering, crowing, or loud noise for a period of not less than ten consecutive minutes in duration or which occurs intermittently for a significant portion of the day or night, and that is louder than average conversational level at a distance of 100 feet or more.

The penalty clause for this ordinance shall be Section 1-1-11 of the Municipal Code of Bridgeview.

9-3-23 PREEMPTION OF COOK COUNTY CODE SECTION 10-13

Section 10-13 of the Cook County Code shall be inapplicable and of no effect in the Village of Bridgeview.

CHAPTER 9

HEALTH REGULATIONS

ARTICLE 4. WASTE-STORAGE, WASTE-TREATMENT, WASTE-DISPOSAL AND RECYCLING OPERATIONS

SECTION:

9-4-1: Dumping of Waste
9-4-2: IEPA Permit Required
9-4-3: Transfer Station
9-4-4: Recycling Center
9-4-5: Bulk Storage of Combustible Materials
9-4-6: Outdoor Storage of Noncombustible Materials
9-4-7: Definitions
9-4-8: Waste Disposal and Storage Prohibited
9-4-9: Use of Waste Materials

9-4-1: DUMPING OF WASTE: No person shall cause or allow the dumping of any waste except in a facility permitted by the Illinois Environmental Protection Agency for such operation or in a recycling facility licensed by the Village. All dumping of waste must be made inside of a building under roof with at least 3 sides. No dumping of waste is permitted outside of a building.

9-4-2: IEPA PERMIT REQUIRED: No person shall conduct any waste storage, waste treatment or waste disposal operation except in a facility permitted by the Illinois Environmental Protection Agency for such operation.

9-4-3: TRANSFER STATION: No person shall operate a transfer station except in a facility permitted by the Illinois Environmental Protection Agency for such operation. For the purposes of this Article "transfer station" means a site or facility that accepts waste (including but not limited to clean construction and demolition debris and landscape waste) for temporary storage or consolidation and further transfer to a waste disposal, treatment or storage facility. If a facility is not permitted as a transfer station by the Illinois Environmental Protection Agency, then such facility cannot operate within the Village even if a permit from the IEPA is not required. The definition of transfer station by the Village is broader than that of the IEPA. No transfer stations are allowed in the Village except those permitted by the IEPA.

9-4-4: RECYCLING CENTER: No person shall operate a recycling center except in a facility licensed by the Village. For the purposes of this Article, "recycling center" means a site that accepts segregated or unsegregated waste or materials for subsequent use in the secondary materials market and which is not permitted by the IEPA. All operations at a recycling center must be

performed in a building under roof with at least 3 sides, except that concrete recycling and asphalt recycling may be performed outdoors.

9-4-5: BULK STORAGE OF COMBUSTIBLE MATERIALS: The outdoor storage of bulk combustible materials or explosive materials is hereby prohibited. For purposes of this Article "combustible materials" include paper, lumber, wood, boxes, waste, refuse, auto fluff, auto shredder residue, timber, firewood, and similar materials that are burnable at ordinary incinerator temperatures. Notwithstanding the foregoing, this section shall not prohibit the outdoor storage of firewood for consumption on the premises provided that the amount of firewood does not exceed 10 cubic yards and 8 feet in height and does not prohibit the outdoor storage of coal and petroleum coke for consumption on the premises.

9-4-6: OUTDOOR STORAGE OF NONCOMBUSTIBLE MATERIALS: The outdoor storage of segregated, nonhazardous, nonspecial, homogeneous, nonputrescible materials (such as dry paper, glass, cans or plastics) is permitted provided that such materials are bundled or otherwise contained so as to prevent blowing and littering and provided that such storage is on a impervious surface of concrete or asphalt pavement. Outdoor storage and processing of minerals (such as rock, sand, and stone) or the products of such minerals (such as concrete, crushed concrete, and asphalt grindings) is permitted on any type of surface.

9-4-7: DEFINITIONS: For purposes of this Article, the definitions of words shall be as ascribed in the Illinois Environmental Protection Act except as modified herein. In cases of conflict the modified definitions shall prevail.

9-4-8: WASTE DISPOSAL AND STORAGE PROHIBITED: No person shall cause or allow the disposal, or storage for more than 6 months, of any of the following: waste, construction debris, demolition debris, street sweepings, concrete, earth materials, road construction debris, solid or dissolved material in domestic sewage, solid or dissolved material in irrigation return flows, coal combustion by-products, coal combustion fly ash, industrial discharges, special nuclear or by-product materials, or any solid or dissolved material from any mining facility (all of the above materials being defined as "waste" for the purposes of this Article) except in a pollution control facility permitted by the Illinois Environmental Protection Agency for such operation. Nothing herein shall prohibit the disposal of by-products from the processing of minerals, such as rock, fly ash, kiln by-products, sand and stone, on the property where such minerals are processed.

9-4-9: USE OF WASTE MATERIALS, PERMIT REQUIRED:

(a) No person shall use any waste for the construction of any roadway, ramp, hill, berm or other structure, including as backfill, except as permitted in this section.

(b) Clean construction or demolition debris (as defined by the Illinois Environmental Protection Act), recycled concrete, mineral processing by-products generated on site, and asphalt

grindings may be used upon the issuance of a building permit by the Village. A building permit will be issued by the Village after review and approval of plans only for a bona fide construction project and not for a project which is a subterfuge for the disposal of such materials.

(c) All material which is used pursuant to a building permit must not be contaminated. It is the responsibility of the permittee to inspect materials and when deemed appropriate, test such material to determine that they are not contaminated. The permittee shall allow the Village to test such materials where the Village has probable cause to suspect contamination. All contaminated materials must be removed when ordered by the Village.

(d) Any person using any clean construction or demolition debris (as defined by the Illinois Environmental Protection Act), recycled concrete, and asphalt grindings pursuant to a building permit shall maintain records containing the following information: name of the generator of the material and where generated, name of the transporter of the material, and date of delivery. The permittee shall maintain permanent records at the job site which records are available for inspection by the Village. Not less often than once a week, the permittee shall provide a record to the Village showing the customers dumping material at the site and the number of loads dumped.

(e) The building permit fee for use of clean construction or demolition debris (as defined by the Illinois Environmental Protection Act), recycled concrete, and asphalt grindings shall be $250.00 for the initial review of plans and $1.00 per truck of materials dumped at the site. The $1.00 fee shall be determined on a monthly basis and shall be paid to the Village by the 15th day of the following month. The permit fee shall be accompanied by documentation showing how the total fee was calculated. In addition, the permittee shall be required to reimburse the Village for any testing costs if the test determines that contaminated materials have been dumped at the site

(f) It shall be unlawful for any person to transport any waste for dumping or disposal in the Village except in compliance with the provisions of this section.

(g) It shall be unlawful for any person to transport any waste for dumping or disposal in the Village except at a site which has received a permit in compliance with the provisions of Section 9-4-9.

(h) It shall be unlawful for any person to accept any waste for dumping or disposal in the Village except in compliance with the provisions of this section.

CHAPTER 9

HEALTH REGULATIONS

ARTICLE 5 SMOKING

SECTION:

9-5-1: Definitions
9-5-2: Smoking Prohibited
9-5-3: Entrances, Exits, Windows and Ventilation
9-5-4: Postings of Signs; Removal of Ashtrays
9-5-5: Smoking in Student Dormitories
9-5-6: Smoking Prohibited in Retail Tobacco Stores
9-5-7: Designation of Other Non-Smoking Areas
9-5-8: Exemptions
9-5-9: Enforcement; Complaints
9-5-10: Violations
9-5-11: Injunctions
9-5-12: Discrimination Prohibited
9-5-13: Rules

9-5-1: DEFINITIONS: For purposes of this article the following terms, phrases, words and their derivations shall have the meanings ascribed herein. When not inconsistent within the context, words used in the present tense include the future, words in the plural number include the singular and words in the singular include the plural. The word "shall" is always mandatory and not merely directory. To the extent a word is not defined herein, the meanings attached to those words in the Smoke Free Illinois Act (410 ILCS 82/1, *et seq.*), or rules or regulations enacted by the Department for the administration thereof, shall apply. Other words not defined in this article shall be given their plain and ordinary meaning.

Bar means an establishment that is devoted to the serving of alcoholic beverages for consumption by guests on the premises and that derives no more than 10% of its gross revenue from the sale of food consumed on the premises. *Bar* includes, but is not limited to, taverns, nightclubs, cocktail lounges, adult entertainment facilities, and cabarets.

Department means the Illinois Department of Public Health.

Employee means a person who is employed by an employer in consideration for direct or indirect monetary wages or profits or a person who volunteers his or her services for a non-profit entity.

Employer means a person, business, partnership, association, or incorporation including a municipal corporation, trust, or non-profit entity, which employs the services of one or more individual persons.

Enclosed area means all space between a floor and a ceiling that is enclosed or partially enclosed with (i) solid walls or windows, exclusive of doorways, or (ii) solid walls with partitions and no windows, exclusive of doorways, that extend from the floor to the ceiling, including, without limitation, lobbies and corridors.

Enclosed or partially enclosed sports arena means any sports pavilion, stadium, gymnasium, health spa, boxing arena, swimming pool, roller rink, ice rink, bowling alley, or other similar place where members of the general public assemble to engage in physical exercise or participate in athletic competitions or recreational activities or to witness sports, cultural, recreational, or other events.

Gaming equipment or supplies means gaming equipment/supplies as defined in the Illinois Gaming Board Rules of the Illinois Administrative Code.

Gaming facility means an establishment utilized primarily for the purpose of gaming and where gaming equipment or supplies are operated for the purposes of accruing business revenue.

Healthcare facility means an office or institution providing care or treatment of diseases, whether physical, mental, or emotional, or other medical, physiological, or psychological conditions, including, but not limited to, hospitals, rehabilitation hospitals, weight control clinics, nursing homes, homes for the aging or chronically ill, laboratories, and offices of surgeons, chiropractors, physical therapists, physicians, dentists, and all specialists within these professions. *Healthcare facility* includes all waiting rooms, hallways, private rooms, semiprivate rooms and wards within healthcare facilities.

Place of employment means any area under the control of a public or private employer that employees are required to enter, leave, or pass through during the course of employment, including, but not limited to entrances and exits to places of employment, including a minimum distance of 15 feet from entrances, exits, windows that open, and ventilation intakes that serve an enclosed area where smoking is prohibited; offices and work areas; restrooms; conference and classrooms; break rooms and cafeterias; and other common areas. A private residence of home-based business, unless united to provide licensed child care, foster care, adult care, or other similar social service care on the premises, is not a *place of employment,* nor are enclosed laboratories not open to the public, in an accredited university or government facility where the activity of smoking is exclusively conducted for the purpose of medical or scientific health related research.

Private club means as not-for-profit association that (1) has been in active and continuous existence for at least 3 years prior to January 1, 2008, whether incorporated or not; (2) is the owner, lessee, or occupant of a building or portion thereof used exclusively for club purposes at all times; (3) is operated solely for a recreational, fraternal, social, patriotic, political, benevolent, or athletic purpose, but not for pecuniary gain; and (4) only sells alcoholic beverages incidental to its operation. For purposes of this definition, *private club* means an organization that is managed by a board of directors, executive committee, or similar body chosen by the members at an annual meeting, has established bylaws, a constitution, or both to govern its activities, and has been granted an exemption from the payment of federal income tax as a club under 26 U.S.C.501.

Private residence means the part of a structure used as a dwelling, including, without limitation: a private home, townhouse, condominium, apartment, mobile home, vacation home, cabin, or cottage. For the purposes of this definition, a hotel, motel, inn, resort, lodge, bed and breakfast or other similar public accommodation, hospital, nursing home, or assisted living facility shall not be considered a private residence.

Public place means that portion of any building or vehicle used by and open to the public, regardless of whether the building or vehicle is owned in whole or in part by private persons or entities, the State of Illinois, or any other public entity and regardless of whether a fee is charged for admission, including a minimum distance of 15 feet from entrances, exits, windows that open, and ventilation intakes that serve an enclosed area, where smoking is prohibited. A *public place* does not include a private residence unless the private residence is used to provide licensed child care, foster care, or other similar social service care on the premises. A *public place* includes, but is not limited to, hospitals, restaurants, retail stores, offices, commercial establishments, elevators, indoor theaters, libraries, museums, concert halls, public conveyances, educational facilities, nursing homes, auditoriums, enclosed or partially enclosed sports arenas, meeting rooms, schools, exhibition halls, convention facilities, polling places, private clubs, gaming facilities, all government owned vehicles and facilities including buildings and vehicles owned, leased or operated by the State or State subcontract, healthcare facilities or clinics, enclosed shopping centers, retail service establishments, financial institutions, ticket areas, public hearing facilities, public restrooms, waiting areas, lobbies, bars, taverns, bowling alleys, skating rinks, reception areas, and no less than 75% of the sleeping quarters within a hotel, motel, resort, inn, lodge, bed and breakfast, or other similar public accommodation that are rented to guests, but excludes private residences.

Restaurant means (i) an eating establishment, including, but not limited to, coffee shops, cafeterias, sandwich stands, and private and public school cafeterias, that gives or offers for sale food to the public, guests, or employees, and (ii) a kitchen or catering facility in which food is prepared on the premises for serving elsewhere. *Restaurant* includes a bar area within the restaurant.

Retail tobacco store means a retail establishment that derives more than 80% of its gross revenue from the sale of loose tobacco, plants, or herbs and cigars, cigarettes, pipes, and other smoking devices for burning tobacco and related smoking accessories and in which the sale of other products is merely incidental. *Retail tobacco store* includes an enclosed workplace that manufactures, imports, or distributes tobacco or tobacco products, when, as a necessary and integral part of the process of making, manufacturing, importing, or distributing a tobacco product for the eventual retail sale of that tobacco or tobacco product, tobacco is heated, burned, or smoked, or a lighted tobacco product is tested, provided that the involved business entity: (1) maintains a specifically designated area or areas within the workplace for the purpose of the heating, burning, smoking, or lighting activities, and does not create a facility that permits smoking throughout; (2) satisfies the 80% requirement related to gross sales; and (3) delivers tobacco products to consumers, retail establishments, or other whole establishments as a part of its business. *Retail tobacco store* does not include a tobacco department or section of a larger commercial establishment or any establishment with any type of liquor, food, or restaurant license.

Smoke or smoking means the carrying, smoking, burning, inhaling, or exhaling of any kind of lighted pipe, cigar, cigarette, hookah, weed, herbs, or any other lighted smoking equipment. *Smoke* or *smoking* does not include smoking that is associated with a native recognized religious ceremony, ritual, or activity by American Indians that is in accordance with the federal American Indian Religious Freedom Act.

State agency has the meaning formerly ascribed to it in subsection (a) of Section 3 of the Illinois Purchasing Act (now repealed).

Unit of local government has the meaning ascribed to it in Section 1 of Article VII of the Illinois Constitution of 1970.

9-5-2: SMOKING PROHIBITED: No person shall smoke in a public place, in any place of employment, in areas designated as smoking prohibited, or within 15 feet of any entrance to a public place or place of employment. No person may smoke in any vehicle owned, leased, or operated by the State or a political subdivision of the State. An owner shall reasonably ensure that smoking is prohibited in indoor public places and places of employment unless specifically exempted by this article.

9-5-3: ENTRANCES, EXITS, WINDOWS AND VENTILATION: Smoking is prohibited within a minimum distance of 15 feet from entrances, exits, windows that open, and ventilation intakes that serve an enclosed area where smoking is prohibited by this article so as to ensure that tobacco smoke does not enter the area through entrances, exits, open windows, or other means.

9-5-4 POSTING OF SIGNS; REMOVAL OF ASHTRAYS:

a. "No Smoking" signs or the international "No Smoking" symbol, consisting of a pictorial representation of a burning cigarette enclosed in a red circle with a red bar across it, shall be clearly and conspicuously posted in each public place and place of employment where smoking is prohibited by this article by the owner, operator, manager, or other person in control of that place.

b. Each public place and place of employment where smoking is prohibited by this article shall have posted at every entrance a conspicuous sign clearly stating that smoking is prohibited.

c. All ashtrays shall be removed from any area where smoking is prohibited by this article by the owner, operator, manager, or other person having control of the area.

9-5-5: SMOKING PROHIBITED IN STUDENT DORMITORIES: Notwithstanding any other provision of this article, smoking is prohibited in any portion of the living quarters, including, but not limited to, sleeping rooms, dining areas, restrooms, laundry areas, lobbies, and hallways, or a building used in whole or in part as a student dormitory that is owned and operated or otherwise utilized by a public or private institution of higher education.

9-5-6 SMOKING PROHIBITED IN RETAIL TOBACCO STORES: Notwithstanding any other provision of this article or the Smoke Free Illinois Act, smoking is prohibited in retail tobacco stores, and it shall be unlawful to own, operate or maintain a retail tobacco store which permits smoking therein.

9-5-7 DESIGNATION OF OTHER NON-SMOKING AREAS: Notwithstanding any other provision of this article any employer, owner, occupant, lessee, operator, manager, or other person in control of any public place or place of employment may designate a non-enclosed area of a public place or place of employment, including outdoor areas, as an area where smoking is also prohibited provided that such employer, owner, lessee or occupant shall conspicuously post signs prohibiting smoking in the manner described in this article.

9-5-8: EXEMPTIONS: Notwithstanding any other provision of this article smoking is allowed in the following areas:

a. Private residences or dwelling places, except when used as a child care, adult day care, or healthcare facility or any other home-based business open to the public.

b. Hotel and motel sleeping rooms that are rented to guests and are designated as smoking rooms, provided that all smoking rooms on the same floor must be contiguous and smoke from these rooms must not infiltrate into nonsmoking rooms or other areas where smoking is prohibited. Not more than 25% of the rooms rented to guests in a hotel or motel may be designated as rooms where smoking is allowed. The status of rooms as smoking or nonsmoking may not be changed, except to permanently add additional nonsmoking rooms.

c. Enclosed laboratories that are excluded from the definition of place of employment.

d. Common smoking rooms in long-term care facilities operated under the authority of the Illinois Department of Veterans' Affairs or licensed under the Nursing Home Care Act that are accessible only to residents who are smokers and have requested in writing to have access to the common smoking room where smoking is permitted and the smoke shall not infiltrate other areas of the long term care facility.

9-5-9: ENFORCEMENT; COMPLAINTS:

a. Any person may register a complaint with the Village of Bridgeview for a violation of this article.

b. The provisions of this article may be enforced through Chapter 15, Miscellaneous Regulations, Article 8, Administrative Adjudication of Non-vehicular Regulations Violations.

9-5-10: VIOLATIONS:

a. A person, corporation, partnership, association or other entity who violates this article shall be fined pursuant to this section. Each offense or day the offense is allowed to continue shall constitute a separate violation.

b. A person who smokes in an area where smoking is prohibited under this article shall be fined $100 for the first offense and $250 for each subsequent offense.

c. A person who owns, operates, or otherwise controls a public place or place of employment that violates this article shall be fined (i) $250 for the first violation, (ii) $500 for the second violation within one year after the first violation, and a (iii) $2,500 for each additional violation within one year after the first violation.

9-5-11: INJUNCTIONS: In addition to any other sanction or remedy, the Village of Bridgeview may institute, in the Circuit Court of Cook County, an action to enjoin violations of this article.

9-5-12: DISCRIMINATION PROHIBITED: No individual may be discriminated against in any manner because of the exercise of any rights afforded by this article.

9-5-13: RULES: To the extent relevant and applicable, and not otherwise superseded by this article, the intent and application of this article shall be construed in accordance with and any rules or regulations adopted the Department under the Smoke Free Illinois Act.

CHAPTER 9

HEALTH REGULATIONS

ARTICLE 6 RAIN BARRELS

SECTION:

9-6-1: Policy and Purpose
9-6-2: Supply and Registration
9-6-3: Location
9-6-4: Appurtenances
9-6-5: Alterations
9-6-6: Maintenance
9-6-7: Disposal
9-6-8: Volunteer Program
9-6-9: Penalty

9-6-1: POLICY AND PURPOSE: The Village has entered into an intergovernmental agreement with the Metropolitan Water Reclamation District of Greater Chicago ("MWRDGC") whereby the latter has agreed to supply at no cost to the village for its residents rain barrels that are intended to "catch" rainwater. The rain barrel program is designed to: (i) alleviate storm water capacity issues by deferring run-off to non-event times; and (ii) allow for use of rainwater, as an alternative to the potable water supply, to engage in common domestic tasks.

9-6-2: SUPPLY AND REGISTRATION: Rain barrels supplied to the Village by the MWRDGC will be made available for use by registered residents. Rain barrels will be supplied to residents on a first-come first-serve basis. Residents requesting a rain barrel will be required to register with the Village Clerk. Use of rain barrels, or other devices or similar purpose and design, that are not supplied by and registered with the Village are prohibited.

9-6-3: LOCATION: No more than one (1) rain barrel shall be placed on each registered residential lot. No rain barrels shall be placed in the front or side yard of a residential lot. Rain barrels shall be placed under a downspout, in a location that will not obstruct ingress and egress to the residence, and in such a manner that will prevent overflow to adjoining property or in the direction of a resident's foundation. All rain barrels shall be placed on or above a pervious surface to prevent the accumulation of standing water during an overflow. Use or relocation of a rain barrel at or to locations other than a registered residence is prohibited.

9-6-4: APPURTENANCES: Rain barrels shall be installed with supplied appurtenances such as the rain barrel lid, rain barrel water intake screen, and rain barrel mosquito screen. Residents may attach a hose to the overflow fitting to direct an overflow of water away from the residence on to a pervious surface. Should the rain barrel be placed on a platform, the platform shall not exceed 1.5 feet in height and be constructed of such materials that will support weight between 500 and 600 pounds.

9-6-5: ALTERATIONS: Alterations of rain barrels and supplies appurtenances are prohibited. Notwithstanding the preceding sentence, residents may make cosmetic alterations to personalize rain barrels such as painting the exterior. Use of rain barrels for any purpose other than as intended by this section shall be prohibited.

9-6-6: MAINTENANCE: All rain barrels and supplied appurtenances shall be installed and maintained in a safe and good working order. Rain barrels shall be emptied within 7 days of the last rain event or prior to any likely overflow, in the absence of an attached overflow hose, from a subsequent rain event, whichever is earlier. Any accumulated water on top of a rain barrel lid shall be removed every 3 days. Emptying of rain barrels directly into the storm water system is prohibited. Rain barrels and appurtenances, including platforms, shall be inspected by users prior to installation, every 30 days thereafter, and prior to being placed in service after winterization, to ensure the same exists in safe working order. All rain barrels shall be placed in a winterized state from December 1 of a calendar year through April 1 of the following calendar year, which at a minimum shall require the rain barrel spigot to be remain opened on a continuous basis.

9-6-7: DISPOSAL: Residents no longer desiring to participate in the rain barrel program, or in need of a replacement rain barrel or other appurtenance, shall contact the Village to make arrangements to have the same retrieved and/or replaced, as the case may be. Disposal of rain barrels or supplied appurtenances by a resident shall be prohibited unless through the Village.

9-6-8: VOLUNTEER PROGRAM: The rain barrel program is a volunteer program and participation in the same is neither required nor encouraged by the Village. Every resident participating in the rain barrel program shall be required to sign a document releasing the Village and MWRDGC to and from any and all liability that may arise due to a resident's participation in the same.

9-6-9: PENALTY: Owners/occupiers violating the terms and provisions of this section shall be fined no more less than one hundred ($100.00) dollars nor more than seven hundred fifty ($750.00) for each violation. Each violation or day a violation is permitted to continue shall constitute a separate offense. The Village reserves the right to disqualify and prevent owners/occupiers from participation in the rain barrel program upon a finding of liability for 2 or more violations of this section within a calendar year, or in the event resident's participation constitutes an immediate hazard to the health and safety persons or property. In such instances, supplied rain barrels and appurtenances shall be recalled by and returned to the Village.