

## CHAPTER 1

### HEALTH REGULATIONS, NUISANCES

#### SECTION:

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#### **7-1-1: DENSE SMOKE:**

(A) Emission Prohibited: No person shall cause or permit the emission of dense smoke from any fire, chimney, vent, stack or engine, oil burner or any other agency in the Village so as to cause annoyance or discomfort to the residents thereof.

(B) Ringlemann Scale: For the purposes of testing and grading the density of smoke the Ringlemann Scale for Grading the Density of Smoke, as published by the United States Department of the Interior, Bureau of Mines, is hereby declared to be dense when its degree of density exceeds number three (3) of said chart for more than two (2) minutes in any one hour, whether such period of time is consecutive or not. (1963 Code, \*11.02)

**7-1-2: OFFENSIVE MATTER IN PUBLIC PLACES:** Any person who shall place, throw or permit to be discharged, or to flow from or out of any house, building, structure or premises, any filth, foul or offensive matter, or liquid of any kind into or upon any street, sidewalk, alley, public place or upon or into any adjacent lot or ground; or shall or permit the same to be done by any person connected with the premises under his control, shall be guilty of maintaining a nuisance. (1963 Code, 12.01)

**7-1-3: DRAINAGE OBSTRUCTIONS:** Any person who shall throw, place or deposit in any gutter or sewer, or on or along the boundary line of any street, alley, public place or sidewalk, any ashes, dirt, chips, debris, trash, garbage, matter or materials of any kind, that may have a tendency to obstruct the free and natural flow of water in and along any gutter or boundary line; or that may result in preventing the free and ready drainage of any such street or alley,

from the Center portion, towards the boundary line or lines thereof; or that may retard or obstruct the natural drainage of any public place, or of any private lot or premises, shall be guilty of maintaining a nuisance. (1963 Code, 12.02)

**7-1-4(A): MATERIALS ON STREETS:** Any person who shall place, unloaded, pile or deposit any substance or material in or upon any street, alley, sidewalk or public place, and suffer it to remain thereon more than forth eight (48) hours shall be guilty of maintaining a nuisance. This section does not apply to anyone who may have previously procured the necessary permission and consent of the Village to store or deposit building materials, machinery and supplies in connection with the necessary installation thereof in a building or structure in the course of construction or repair. (1963 Code, 12.03)

**7-1-4(B):** It shall be unlawful for any person to deposit or allow any refuse or waste material, including leaves and other organic matter, upon any street, alley, lane, or public property or right-of-way located in the Village of East Alton.

It shall also be the responsibility of the owner of record of adjacent property to maintain compliance with this ordinance.

**7-1-5: OFFENSIVE ODORS:** Any person who shall erect, construct, keep, maintain, use or suffer to be kept, used or maintained any building, structure or other place, or any premises for the carrying on of any trade, avocation, employment, manufacture or other business which, by occasioning noxious, noisome or offensive smells or exhalations, which may be offensive or disagreeable to any person or family residing near the same; or to persons passing along any street or alley near thereto; or which may be in such condition as to detrimental or injurious to the public health and comfort, shall be guilty of maintaining a nuisance. (1963 Code, 12.04)

**7-1-6: STAGNANT WATER:** Any person who shall cause or suffer to be placed or to stand or remain, upon any lot, ground or premises, any stagnant water or other liquid so as to become, or be likely to become foul, putrid or offensive, detrimental to the health and comfort of persons residing in the vicinity thereof; or any person who may deposit, place, keep or maintain, or suffer or permit to be placed, kept or maintained, in or upon any premises any putrid or decaying carcass of any animal, or any fowl or reptile, or any offal, filth, garbage or any thing prejudicial or injurious, or that may become prejudicial or injurious, or that might become prejudicial or injurious to the public health, shall be guilty of maintaining a nuisance. (1963 Code, 12.05)

**7-1-7(a): FARM ANIMALS;** No person shall raise or keep within the Village of East Alton any cattle, sheep, goats, swine, horse, mule, ass or livestock. Nor shall any person raise or keep within the Village of East Alton any canine which is the offspring of the mating of a domestic canine with a wolf or coyote. The raising of such animals is hereby declared to be a public nuisance. Notwithstanding the foregoing, the above specified animals may be raised or kept within biological laboratories, hospitals, or an itinerant or temporary show.

**7-1-7(b): KEEPING OF FOWL LIVESTOCK;** No person shall raise or keep chickens, ducks, geese, turkeys, guineas, peafowl, pigeons, doves or rabbits within the Village, and the raising or keeping thereof is hereby declared a public nuisance; except that such animals may be raised or kept within biological laboratories, hospitals, pet shops, or itinerant or temporary shows.

**7-1-7(c): KEEPING OF OFFENSIVE ANIMALS:** Any person, within the village, or within one-quarter (1/4) mile of the limits thereof, who shall own, keep, maintain, or suffer or permit to be kept and maintained or operated any pen, shed, stable, house, building, structure, yard or enclosure of any kind or character, wherein any pig, cow, horse, mule, ass, goat, sheep, dog, rabbit or other animal, or fowl of any kind, are kept or harbored, which may be offensive or nauseous to any person residing in the vicinity of the same, or to persons passing along the street or alley or vicinity near thereto, shall be guilty of a violation of a municipal ordinance. (1963 Code, 12.07; Amd 1975 Code)

**7-1-8: FILTH AND DEAD ANIMALS IN PUBLIC PLACES:** Any person who shall cast, throw, or deposit, or cause to be cast, thrown or deposited any dead animal, filth or any offensive substance or liquid of any kind, into any street, alley, sidewalk or other public place within the Village shall be guilty of maintaining a nuisance. (1963 Code, 12.07)

**7-1-9: BURIAL OF CARCASSES:** Any person being the owner of or in charge or possession of any animal which may have died within the Village, who shall fail to properly bury the carcass thereof, shall be guilty of maintaining a nuisance. (1963 Code, 12.08)

**7-1-10: MANURE AND FILTH:** Any person who shall cast, dump, place or deposit any animal excrement, manure, offal, filth from privies, or any carrion within Village limits shall be guilty of creating a nuisance. (1963 Code, 12.09)

**7-1-11: SLAUGHTERHOUSE:** Any person who without first having obtained consent and permission of the President and the Board of Trustees, shall butcher or slaughter any cattle, sheep, swine or other animal, or any fowl, or use any building or premises for such purpose shall be guilty of creating a nuisance; or who shall, within the distance of one mile beyond the limits of the Village, establish any slaughter or packing house, or carry on the business of slaughtering and butchering stock, or fowl, or shall conduct any rendering works, without having first obtained consent and permission of the President and the Board of Trustees, shall be guilty of maintaining a nuisance; or whoever, having obtained such permission to carry on the same in such manner as to taint the air, so that the same shall become offensive, annoying or unwholesome to persons residing in the neighborhood thereof, or to persons passing along the street or alley thereto, shall be guilty of maintaining a nuisance. (1963 Code, 12.10)

**7-1-12: FIRES:** Any person who shall willfully or negligently make, use or leave any fire; or deposit or leave any ashes, or other combustible or inflammable material, liquid or substance, or shall use or leave any lighted fire, lamp, gas or electric light at such time or in such manner as to endanger any building or other property, or so as to cause any damage or injury.

**7-1-13: ENCROACHMENTS:** The owner of any building, shed, fence or other structure constructed, kept or maintained in or upon any street, alley, sidewalk or other public grounds or property; or the owner, or person possessed of or being in control of any tree, shrub or other plant or flower, so near the property line of any premises, that any branch, limb, or portion thereof, so overhangs any street, alley, sidewalk, or other public property or premises, as to obstruct or interfere with the passage of travel of any person or vehicle, shall in case of any such building, shed, fence or structure, so erected or maintained, after thirty (30) days written notice by the President to remove the same; or in the case of such trees, shrubs or flowers, after ten (10) days in such notice to do so, in either instance failing and neglecting to comply with such notice, and remove and abate the same, shall be guilty of maintaining a nuisance. (1963 Code, 12.12)

**7-1-14: ABATEMENT OF NUISANCE:**

(A) If a person maintains a nuisance after the required notice to remove it, the President shall cause its removal. The cost and expense thereof may be recovered from the owner or person guilty of maintaining the nuisance in a civil action. If the owner or person maintaining the nuisance is beyond the reach of process of the court, attachment proceedings against his property shall be instituted.

(B) Any notice to be served for the abatement of a nuisance shall, if practicable, be personally served upon the person who created or maintains the nuisance. If such person cannot be located with reasonable diligence, the notice may be left with any person of suitable age and discretion in charge of or in possession of the premises involved in the commission or maintenance of the nuisance by informing such person of the contents and purport of the notice. If the premises are vacant, the notice may be served by securely tacking it to the door of any building thereon or to a board securely fastened in the ground of such premises. (1963 Code, 12.14)

**7-1-15: VIOLATION:**

(A) Every person who maintains any nuisance described in Section 7-1-3, 7-1-4, 7-1-6, 7-1-7, or 7-1-9 after ten (10) days notice in writing by the Chief of Police or any member of the Police Department to abate the nuisance, shall, upon neglect and failure to comply with such notice, be subject to the penalties provided for violation of this Code.

(B) Any person who creates or maintains any other nuisance described in this Chapter shall, with or without any notice to abate the nuisance, be subject to the penalties provided for violation of this Code. (1963 Code, 12.15)

(C) Each day of violation is maintained or caused to be maintained shall constitute a separate violation of this Code.

**7-1-15-1: SEVERABILITY CLAUSE:** If any term, condition, or provision of this Ordinance shall, to any extent, be held to be invalid or unenforceable, the remainder hereof shall be valid in all other respects and continue to be effective and each and every remaining provision

hereof shall be valid and shall be enforced to the fullest extent permitted by law, it being the intent of the Board of Trustees that it would have enacted this Ordinance without the invalid or unenforceable provisions. In the event of a subsequent change in applicable law so that the provision which has been invalid is no longer invalid, said provision shall thereupon return to full force and effect without further action by the Village and shall thereafter be binding.