

**AN ORDINANCE AMENDING CHAPTER 13 OF THE CODE OF THE CITY OF PEORIA
PERTAINING TO ENVIRONMENTAL ENFORCEMENT AND PROPERTY MAINTENANCE
STANDARDS**

WHEREAS, the City Council is a home rule unit of government pursuant to Article VII, Section 6 of the Constitution of the State of Illinois 1970, and may exercise any power and perform any function pertaining to its government and affairs; and

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PEORIA, ILLINOIS, as follows:

SECTION 1. Chapter 13 of the Code of the City of Peoria is hereby amended by deleting the following stricken words and by adding the following underlined words:

Chapter 13 - GARBAGE, LITTER, VEGETATION AND INOPERABLE MOTOR VEHICLES¹¹

Footnotes:

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Cross reference— Buildings and building regulations, ch. 5; emergency services and disaster agency, ch. 7; flood damage prevention and control, ch. 12; pollution control facilities and economic development projects, § 10-226 et seq.; health and sanitation, ch. 15; parks and public grounds, ch. 21; planning, ch. 23; streets, sidewalks and other public places, ch. 26; water, sewers and sewage disposal, ch. 31.

ARTICLE I. - IN GENERAL

Sec. 13-0. - Adoption of codes.

The 2003 International Property Maintenance Code, First Edition as published by the International Code Council, Inc. is hereby adopted as the Property Maintenance Code of the City of Peoria.

(Ord. No. 14473, § 1, 3-24-98; Ord. No. 15812, § 2, 7-19-05)

Sec. 13-1. - Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Agent means any person who shall have the responsibility for the care, control or maintenance of any property for an owner.

Dumpster means a metal container of one cubic yard or more in volume with an attached lid designed for handling by mechanical means.

Dwelling means a building or portion thereof, designed or used exclusively for residential occupancy, including single-family dwellings, two-family dwellings or multiple-family dwellings but not including hotels or motels.

Garbage includes and means all accumulation of animal, fruit or vegetable matter that attends the preparation, use, cooking and dealing in, or storage of meats, fish, fowl, fruit, vegetable and any other matter, of any nature whatsoever, which is subject to decay, putrefaction, and the generation of noxious and offensive smells or odors, of which, during and after decay, may be a food source for rodents and may serve as breeding or feeding materials for flies and/or other germ carrying insects; bottles, cans, or other food containers which due to their ability to retain water can serve as a breeding place for mosquitoes, or other water breeding insects. It includes rejected household food waste, offal, pet feces, swill and carrion.

Handbill means any printed or written matter, including any sample, device, or any otherwise reproduced literature that is distributed.

- (1) Commercial handbill means any handbill which advertises for sale any merchandise, commodity, or thing; directs attention to or advertises any business establishment, theatrical performance, exhibition or event of any kind in which an admission fee is charged for purpose of gain or profit; or is predominantly and essentially an advertisement for benefit or gain.
- (2) Noncommercial handbill means any handbill not described in the definition of a commercial handbill.

Highway means the entire width between the boundary lines of every way publicly or privately maintained, which is open to the public for vehicular travel such as a road, street, avenue or alley.

Litter includes garbage, illegal temporary signs, illegally stored items as defined by Sec 13-37 and rubbish.

Motor vehicle means every self-propelled device in, upon, or by which any person or property may be transported or drawn upon a highway, including automobiles, motorcycles, motor homes, boats, buses, trucks, trailers and other motor-driven and motor-drawn devices similarly used.

- (1) Inoperable motor vehicle means a motor vehicle that cannot be physically driven on the highway or does not display a current, valid license plate.
- (2) Damaged motor vehicle means a motor vehicle which is substantially wrecked, dismantled or is in an abandoned and deteriorated condition.

Multiple family dwelling means a building of three or more dwelling units.

Newspaper means any paper of general circulation which is regularly published and sold or distributed to the public.

Portable Storage Device means a reusable cargo container of a rigid construction and rectangular configuration; fitted with devices permitting its ready handling; so designed to be readily filled and emptied; intended to contain one (1) or more articles of cargo or commodities for transportation by one (1) or more transport modes. The term includes completely enclosed units, open top units, fractional height units and other variations fitting into the container system. This definition shall include but not be limited to the following: Portable On Demand Storage Units and Intermodal Storage Containers.

Public place or public way means any and all streets, sidewalks, boulevards, alleys, public grounds, or public buildings.

Ratproof means a form of construction which will prevent the entrance and exit of rats, mice and other rodents.

Right-of-way means public property dedicated for a public purpose such as vehicular traffic.

Roadway means that portion of a highway improved, designed or ordinarily used for vehicular traffic.

Stacked condominium means a group of five or more single-family dwelling units attached through the ceiling or floor, or at least partially attached through the ceiling or floor, physically located on top of one another and each unit being under separate ownership, or platted as separate units.

Townhouses means a group or row of two or more attached single-family dwelling units under separate ownership, extending from the basement to the roof.

Trailer means every vehicle without motor power designed for carrying persons or property and for being drawn by a motor vehicle.

Vegetation means any plant life.

Weeds means all noxious vegetation and all grasses, annual plants and vegetation other than trees or shrubs which exceed a height or length of ten inches; provided, however, this term shall not include cultivated flowers and gardens.

(Code 1957, § 14-1; Ord. No. 14473, § 1, 3-24-98; Ord. No. 16772, § 2, 11-22-11, eff. 1-1-12)

Cross reference— Definitions and rules of construction generally, § 1-2.

Sec. 13-2. - Enforcement.

It shall be the duty of the department of ~~inspections~~ **community development**, the police department and the fire department to enforce the provisions of this chapter.

(Code 1957, § 14-2; Ord. No. 14473, § 1, 3-24-98)

Sec. 13-3. - Notice to abate weeds, litter, and motor vehicle parts from lots with occupied structures.

- (a) Notice to abate a violation of weeds, litter, and motor vehicle parts on lots with occupied structures shall be given by personal service, by certified mail which is addressed to the residence or usual place of business of the owner or person in control of the property or by posting a sign regarding the violation on the premises of the property in violation. Personal service may also be obtained through delivery of the complaint by a city employee or any person authorized by law to make personal service.
- (b) The city may give notice to abate a violation by posting a sign in a conspicuous place near the main entrance of a structure. ~~The posted sign shall be at least 14 inches in height and eight inches in width and at the top thereof in large letters shall state the words, "Notice to Abate."~~ The text of the notice shall contain a reference to the provision of this Code violated and may contain such other information respecting the nature of the violation as the department of ~~inspections~~ **community development** deems advisable. It shall be unlawful for anyone to deface, tamper with, or remove the "Notice to Abate" sign from the property where it is posted unless authorized by the department of ~~inspections~~ **community development**.
- (c) If the notice to abate sent by certified mail is returned to the city by the United States post office because of its inability to make delivery thereof, the city is authorized to cut the weeds or to spray the weeds with chemical weed killers, or remove the litter and the motor vehicle parts.
- (d) Upon the failure of the owner or persons in control to comply with a notice to cut weeds or remove illegal storage or remove temporary signs or remove litter and motor vehicle parts from lots with occupied structures within five days from the date of the service of the notice to abate by personal service, certified mail or posting, the designated officials shall cut any weeds or spray any weeds with chemical weed killers or remove any litter and motor vehicle parts located thereon.

(Code 1957, § 14-3; Ord. No. 14473, § 1, 3-24-98; Ord. No. 16836, § 1, 6-26-12)

Sec. 13-4. - Notice to abate weeds, litter, and motor vehicle parts on vacant lots and on lots with unoccupied structures.

The city shall cause to be published in a newspaper of general circulation within the city limits once a week for two consecutive weeks during the spring and summer months of each year a notice informing all owners and persons in control of any vacant lot or any lot with an unoccupied structure that the growth of weeds and the existence of litter, or motor vehicle parts on any such lot is contrary to the ordinances of the city. The notice shall further inform the public that should the weeds ever grow to more than ten inches in height, or should litter accumulate, illegal storage is present or motor vehicle parts exist, the city may cut or spray the weeds or remove the litter, illegal storage and motor vehicle parts located thereon without further notice and the owner or person in control shall be liable to the city for its costs. This notice shall be a display advertisement.

(Code 1957, § 14-4; Ord. No. 16836, § 1, 6-26-12)

Sec. 13-5. - Reserved.

Editor's note— Ord. No. 13890, § 1, adopted Feb. 28, 1995, repealed § 13-5, which pertained to notice to abate inoperable and damaged vehicles on lots with occupied structures. See the Code Comparative Table.

Sec. 13-6. - Notice to remove inoperable, illegally parked on an unpaved surface, and damaged vehicles on vacant lots or lots with occupied or unoccupied structures.

Notice to remove an inoperable, illegally parked on an unpaved surface or damaged vehicle shall be given to the owner of the inoperable, illegally parked on an unpaved surface or damaged vehicle and to the owner or person in control of the vacant lot or lot with an occupied or unoccupied structure where such vehicle is parked or stored by adhering a self-sticking notice in a visible place upon such vehicle. This notice shall inform the public that the motor vehicle it is attached to shall be removed within five days from the date of the placement of the notice. This notice will further inform the public that the owner of such motor vehicle or owner or person in control of the vacant lot or lot with an occupied or unoccupied structure may stay the removal of such vehicle by filing a written request for an administrative hearing with the code official within five days from the date of the placement of the notice. The failure to remove the inoperable or damaged vehicle or request a hearing within five days from the date of placement of the notice, will constitute as a consent for the city to enter the lot and cause the removal of the vehicle by the city.

(Code 1957, § 14-6; Ord. No. 13890, § 2, 2-28-95; Ord. No. 14473, § 1, 3-24-98; Ord. No. 15268, § 1, 1-29-02)

Sec. 13-37. - Storage or accumulation of litter and motor vehicle parts.

(a) No person shall store or permit the accumulation of any litter in any structure, upon any improved or vacant property, or any public place or public way in the city, unless necessary for the operation of a business enterprise lawfully conducted thereon. No person shall permit motor vehicle parts to be stored in the open on any improved or vacant property unless necessary for the operation of a business enterprise lawfully conducted thereon. The owner or occupant of a single-family structure shall have the responsibility to maintain private premises free from litter. This section shall not prohibit the storage of litter in private containers and shall not prohibit the stacking and storage of wood that is used for fuel.

(b) Temporary outdoor storage of materials in residential districts is limited to temporary storage of building materials and equipment for on-site construction for a period not to exceed the duration of such

construction. Building materials must be maintained when during construction activity. All other outdoor storage and display is illegal in residential districts.

- (c) Portable storage units in a residential area are limited to two weeks. Failure to remove the units will be considered illegal storage. An extension may be granted if the property owner submits a written request to the Director of Community Development or his or her designee. An extension will be up to the discretion of the City of Peoria. One (1) portable storage device not exceeding outside dimensions of sixteen (16) feet in length, eight (8) feet in width, and nine (9) feet in height per zoning lot provided they are placed on a driveway and meet all yard requirements of the prescribed zoning district. One (1) portable storage device not exceeding outside dimensions of sixteen (16) feet in length, eight (8) feet in width, and nine (9) feet in height per zoning lot shall be permitted in all industrial and commercial zoning districts provided they are placed on an impervious surface and meet all bulk regulations of the prescribed zoning district. The device shall not be located in an area that hinders access to parking spaces and/or access aisles. There shall be no stacking of units.
- (d) No litter, rubbish, debris, or construction materials can extend beyond the height and width of the dumpster; all items must be contained within the dumpster. Dumpsters in a residential area are limited to two weeks unless required per Chapter 13 of the City of Peoria code. An extension may be granted if the property owner submits a written request to the Director of Community Development or his or her designee. An extension will be up to the discretion of the City of Peoria.

(Code 1957, § 14-21; Ord. No. 14473, § 1, 3-24-98)

Sec. 13-40. - Placement of litter containers.

- (a) It is the responsibility of all persons occupying or controlling any single-family dwelling to place containers for litter at least three feet from the property line or public right-of-way. Containers shall not be stored in the front yard or on a front porch. If containers are stored outside, they shall be secured and maintained in a stationary manner. Containers shall not be set out for garbage pick up earlier than 3:00 p.m. on the day preceding garbage pickup. Litter containers shall be retrieved and returned to the premises within 24 hours after garbage pickup. In two-family or multiple-family dwellings of less than five units, it is the responsibility of the owner to place and retrieve containers within the same guidelines provided for single family dwellings. The owner of a multifamily dwelling consisting of five or more dwelling units or a commercial building shall provide and maintain a rat proof, watertight and tightly covered or sealed dumpster for all litter except rubbish. Exceptions to this requirement can be granted through the director of ~~inspections~~ Community Development.
- (b) All properties required to have a dumpster must provide proper screening. Material must be wood, brick, vinyl or masonry. All dumpsters must be placed on a paved surface. Refuse containers shall be screened on all sides, with an enclosure that has a minimum height of six feet and a maximum height of 7 feet, and fully screens the refuse area from view. Enforcement of Sec. 13-40(b) will follow the process defined in Chapter 5 Article VI Housing Property Maintenance Code of the City of Peoria. Dumpster screening must also adhere to all applicable fencing, building and zoning requirements as defined in the City of Peoria code.

(Code 1957, § 14-24; Ord. No. 13891, § 1, 2-28-95; Ord. No. 14473, § 1, 3-24-98)

Sec. 13-77. - Growth of weeds prohibited.

- (a) It shall be unlawful for any owner or person in control of any real property to permit the growth of weeds thereon.
- (b) It shall also be unlawful for an owner or person in control of any real property to permit the growth of weeds on any right-of-way located between the property line of the property and the roadway portion

of an adjoining highway inclusive of all parkways, sidewalks and waterways found therein. When a parcel or right-of-way because of dangerously steep gradient, or for other similar reasons, has growth in a natural state and has not been previously graded, improved or otherwise maintained, enforcement of the height requirement shall be waived, unless noxious growths adversely affect health or obstructions to traffic safety are present.

- (c) It shall be unlawful for an owner or person in control of any real property to permit the encroachment of vegetation including all weeds, flowers, bushes, hedges, trees or any other plant growth to encumber any public place or public way.

(d) All yards must be sodded or seeded. Other low growing plants (evergreen or broadleaf evergreen plants with a mature height of one foot or less) may also be utilized, upon the discretion of the Director of Community Development. Dead or dying landscaping is not allowed. Landscaping must be replaced per the approved site plan on record. If no site plan exists, landscaping must be replaced or removed per applicable code requirements.

(Code 1957, § 14-46)

Secs. 13-78—13-100. - Reserved.

ARTICLE IV. - INOPERABLE AND DAMAGED MOTOR VEHICLES

Sec. 13-101. - Declared nuisance.

The parking or storing of any damaged or inoperable motor vehicle or any motor vehicle body in the open on any property, unless necessary for the operation of a business enterprise lawfully conducted thereon, is hereby declared to be a public nuisance. In addition, parking on an unpaved surface on a residential lot shall be declared a public nuisance.

(Code 1957, § 14-50)

Sec. 13-102. - Damaged or inoperable motor vehicle prohibited.

- (a) It shall be unlawful for any owner or person in control of any real property to permit or allow any damaged or inoperable motor vehicle to be stored or parked in the open upon the owner's property. It shall also be unlawful for any owner of any damaged or inoperable motor vehicle to permit or allow a motor vehicle to be stored or parked in the open on any property.
- (b) The owner or person in control of any private property and the owner of any damaged or inoperable motor vehicle shall move such motor vehicle or any motor vehicle body to an enclosed location on the property or otherwise remove the same from the property.

(c) All vehicles must be parked on a legally paved/hard surface. Gravel driveways are not permitted in the City of Peoria on residential lots. Parking on existing driveways that are not maintained per Chapter 5 of the City of Peoria code is prohibited.

(Code 1957, § 14-51)

Sec. 13-103. - Amendments to the 2003 International Property Maintenance Code.

The 2003 International Property Maintenance Code as adopted in section 13-0, is amended as follows:

- (1) 101.1 Title, shall read:

101.1 "Title" This regulation article shall be known as the Property Maintenance Code of the City of Peoria hereinafter referred to as "this code."

- (2) Section 106.3, Prosecution of violation, shall be deleted in its entirety.
- (3) Section 106.4, Violation Penalties, shall be deleted in its entirety.
- (4) Section 111.0, Means of Appeals, shall be deleted in its entirety.
- (5) Section 202.0, Definitions; Rubbish, shall read as follows:

Rubbish: Combustible and noncombustible waste materials, except garbage; the term shall include the residue from the burning of wood, coal, coke and other combustible materials, paper, rags, cartons, boxes, household furniture such as sofas, stuffed chairs and mattresses when found on the exterior of the property, wood, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass, crockery and dust and other similar materials.

- (6) Section-301.2, Responsibility, shall read:

"Responsibility. The Owner of the premises shall maintain the structures and exterior property in compliance with these requirements, except as otherwise provided for in Section 307.0 and 308.0 and in Sections 13-37 and 13-39 of the Property Maintenance Code of the City of Peoria.

- (7) Section 302.1 Sanitation, shall be deleted in its entirety.

- (8) Section 302.5 Rodent Harborage, shall read as follows:

"Rodent Harborage." All structures and exterior property shall be kept free from rodent harborage and infestation. All exterior wood, construction materials or other stored items shall be stored in a rodent proof manner such as elevating the materials 12 inches above the earth, enclosing the materials in rodent proof containers, utilizing an extermination process or other approved methods. Where rats are found, they shall be properly exterminated by approved processes, which will not be injurious to human health. After extermination, proper precautions shall be taken to eliminate rodent harborage and prevent reinfestation. Firewood is prohibited from being stored in the front or side yard. The amount of firewood permitted to be stored on a residential property is limited to one cord (4 feet by 4 feet by 8 feet). An additional cord of storage may be granted per the discretion of community development upon written request of the property owner.

- (9) Section 307.1 Accumulation of rubbish and garbage, shall read as follows:

"Accumulation of rubbish and garbage." All exterior property and premises, and the interior of every structure shall be free from any accumulation of rubbish and garbage. The owner and/or occupant of a single-family structure shall have the responsibility to maintain the premises free from litter.

- (10) Section 307.2.1 Rubbish Storage Facilities, shall read as follows:

"Rubbish Storage Facilities." The owner of every two-family and multiple-family premises shall supply approved covered containers for rubbish, and the owner of the premises shall be responsible for the removal of rubbish.

- (11) Section 307.3.1 Garbage Facilities, shall read as follows:

"Garbage Facilities." The owner of every two-family and multiple family dwelling shall supply one of the following: an approved mechanical waste grinder in each dwelling unit; an approved incinerator unit in the structure available to the occupants in each dwelling unit or an approved leakproof, covered, outside garbage container.

(Ord. No. 14473, § 1, 3-24-98; Ord. No. 15812, § 2 7-19-05)

PASSED BY THE CITY COUNCIL OF THE CITY OF PEORIA, ILLINOIS this _____ day
of _____, 2016.

APPROVED:

Mayor

ATTEST:

City Clerk

EXAMINED AND APPROVED:

Corporation Counsel