

TITLE 6

HEALTH AND SAFETY

Chapters:

- 6.01 Weeds, Rubbish and Litter
- 6.02 Special Flood Hazard Areas
- 6.03 Unsafe Buildings
- 6.04 Open Burning

Chapter 6.01

Weeds, Rubbish and Litter

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§6.01.01 Definitions. The following definitions shall apply in the interpretation and enforcement of this Ordinance:

- (1) "Rubbish" shall include dirt, garbage, animal feces, or any other offensive or nauseous substance.
- (2) "Litter" shall include among other things, newspapers, paper products, wood, discarded items, any motor vehicle parts, or otherwise any type of debris or refuse, unless necessary for the operation of a business enterprise lawfully conducted, that shall not include which is appropriately stacked and stored for fuel or heating purposes.

(Ord. No. 93-11, 10-13-93)

§6.01.02 Declaration of Nuisance - Litter and Rubbish. All litter or rubbish stored, placed or accumulated, except in lawful containers as provided herein, in any structure or upon any public or private property within the Village is hereby declared a nuisance. (Ord. No. 93-11, 10-13-93)

§6.01.03 Restrictions on Accumulation of Rubbish and Litter. No person shall store or permit the accumulation of any litter or rubbish in any structure or upon any public or private property in the Village, except in lawful containers as provided herein. (Ord. No. 93-11, 10-13-93)

§6.01.04 Containers. All structures within the Village must have a sufficient number of containers with the proper capacity to accommodate and contain all litter and rubbish accumulated by occupants of the structure. Said containers shall always be tightly

covered or sealed and waterproof and shall be stored in a garage or other suitable structure or alongside of said structure at all times except for the evening prior to and day of normal garbage pickup provided that said container shall be placed no closer than two (2) feet from the curb or edge of any public street. (Ord. No. 93-11, 10-13-93)

§6.01.05 Declaration of Nuisance - Weeds. All weeds and grass in excess of one foot in height are hereby declared to be a public nuisance.

§6.01.06 Obligation for Weeds/Grass. Any tenant or occupant of any leased or occupied premises and the person, firm or corporation owning any premises within the Village shall not permit weeds or grass over one foot in height to grow or stand on said premises. It shall be unlawful for said tenant, occupant or owner thereof to permit the growth of weeds or grass in violation of this ordinance on any right of way located between the property line and the roadway portion of an adjoining public street or way including all parkways, sidewalks and waterways found therein. (Ord. No. 93-11, 10-13-93)

§6.01.07 Disposing of Weeds, Grass Clippings, Rubbish and Litter. No person shall dispose of weeds, grass clippings, rubber and/or litter by dumping in any ditches on public or private property within the Village. (Ord. No. 04-04, 06-09.04)

§6.01.08 Notice. All persons found to be in violation of this Ordinance shall comply with the provisions hereof within ten (10) days after receipt of written notice from the Village Board of Trustees commanding such compliance. After said ten (10) days have passed, the Village may remedy the situation and place a lien on the property involved for all costs incurred, including attorneys' fees and court costs. (Ord. No. 93-11, 10-13-93)

§6.01.09 Penalties for Violations. Every person convicted of a violation of any of the provisions of this ordinance shall be punished by a fine of not less than One Hundred Dollars (\$100.00) nor more than Seven Hundred Fifty Dollars (\$750.00) for each offense, plus attorneys' fees and court costs. Each day each violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such hereunder. (Ord. No. 93-11, 10-13-93; Ord. No. 09-3, 6-10-09 §10)

Chapter 6.02

Special Flood Hazard Areas

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6.02.03	Definitions
6.02.04	Lands to Which this Ordinance Applies
6.02.05	Basis for Establishing Flood Prone Areas
6.02.06	Compliance
6.02.07	Abrogation and Greater Restrictions
6.02.08	Interpretation
6.02.09	Warning and Disclaimer of Liability
6.02.10	Violations and Penalties
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6.02.13	Designation of the Flood Damage Prevention Ordinance Administrator
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6.02.15	General Standards for Flood Hazard Reduction
6.02.16	Effective Date

§6.02.01 Purpose. It is the purpose of this Ordinance to promote the public health, safety and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

- (a) protect human life and health;
- (b) minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- (c) minimize prolonged business interruptions;
- (d) minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in flood-prone areas;
- (e) help maintain a stable tax base by providing for the proper use and development of flood-prone areas so as to minimize future flood blight areas.

(Ord. No. 92-5, 10-14-92)

§6.02.02 Methods of Reducing Flood Loss. In order to accomplish its purposes, this ordinance includes methods and provisions for:

- (a) regulating uses which are dangerous to health, safety, and property due to water hazards, or which result in damaging increases in flood heights or velocities;
- (b) requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction.

(Ord. No. 92-5, 10-14-92)

§6.02.03 Definitions.

"Development" means any man-made change to improved or unimproved real estate, including but not limited to any buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

"Federal Emergency Management Agency" (FEMA) means the agency with the overall responsibility for administering the National Flood Insurance Program.

"Flood" or "flooding" means a general and temporary condition of partial or complete inundation of normally dry land areas from:

- (1) the overflow of inland or tidal waters, and/or
- (2) the unusual and rapid accumulation or runoff of surface waters from any source.

"Historic Structure" means any structure that is:

- (1) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listings on the National Register;
- (2) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- (3) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or

- (4) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 - (a) By an approved state program as determined by the Secretary of the Interior or
 - (b) Directly by the Secretary of the Interior in states without approved programs.

"Manufactured home" means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. The term "manufactured home" does not include a "recreational vehicle".

"Manufactured home park or subdivision" means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

"New construction" means structures for which the "start of construction" commenced on or after the effective date of this ordinance, and includes any subsequent improvements to such structures.

"Recreational Vehicle" means a vehicle which is (1) built on a single chassis, (2) 400 square feet or less when measured at the largest horizontal projection, (3) designed to be self-propelled or permanently towable by a light duty truck, and (4) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

"Start of construction" means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab of footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory building, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of a building.

"Structure" means a walled and roofed building, manufactured home, or gas or liquid storage tank that is principally above ground.

"Substantial damage" means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged conditions would equal or exceed 50 percent of the market value of the structure before the damage occurred.

"Substantial improvement" means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage", regardless of the actual repair work performed. The term does not, however, include either:

- (1) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement officials and which are the minimum necessary to assure safe living conditions or
- (2) Any alteration of a "historic structure", provided that the alteration will not preclude the structure's continued designation as a "historic structure".

(Ord. No. 92-5, 10-14-92 and as amended by Ord. No. 97-6, 10-08-97)

§6.02.04 Lands to Which this Ordinance Applies. This ordinance shall apply to all flood prone areas within the jurisdiction of the Village of Dunlap. (Ord. No. 92-5, 10-14-92)

§6.02.05 Basis for Establishing Flood Prone Areas. The Village President shall determine the flood prone areas based on past flood experiences within the Village of Dunlap or on expected flood heights as determined from engineering calculations. (Ord. No. 92-5, 10-14-92)

§6.02.06 Compliance. Unless specifically exempted from filing for a development permit as stated in Article IV, Section 2, no structure or land shall hereafter be located, erected, constructed, repaired, extended, converted, enlarged or altered without full compliance with the terms of this ordinance and all other applicable regulations which apply to uses within the jurisdiction of this ordinance. (Ord. No. 92-5, 10-14-92)

§6.02.07 Abrogation and Greater Restrictions. This ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance and another ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail. (Ord. No. 92-5, 10-14-92)

§6.02.08 Interpretation. In the interpretation and application of this ordinance, all provisions shall be:

- (a) considered as minimum requirements;
- (b) liberally construed in favor of the governing body; and,

- (c) deemed neither to limit nor repeal any other powers granted under State statutes. Where a provision of this ordinance may be in conflict with a State law, such State law shall take precedence over the ordinance.

(Ord. No. 92-5, 10-14-92)

§6.02.09 Warning and Disclaimer of Liability. The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This ordinance does not imply that uses permitted by this ordinance will be free from flooding or flood damages. This ordinance shall not create liability on the part of Village of Dunlap, any officer or employee thereof, or the Federal Emergency Management Agency, for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made thereunder. (Ord. No. 92-5, 10-14-92)

§6.02.10 Violations and Penalties. Violation of the provisions of this ordinance or failure to comply with any of its requirements shall be considered a violation subject to a fine of not less than Two Hundred Fifty Dollars (\$250.00) nor more than Seven Hundred Fifty Dollars (\$750.00) or may be prosecuted by Village Officials as a misdemeanor. As provided herein, any person who violates this ordinance or fails to comply with any of its requirements (including violations of conditions of and safeguards established in connection with conditions) shall upon conviction thereof be fined or imprisoned as provided by laws. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent the Village of Dunlap from taking such other lawful action as is necessary to prevent or remedy any violations. (Ord. No. 92-5, 10-14-92; Ord. No. 09-3, 6-10-09 §11)

§6.02.11 Establishment of Development Permit. A Development Permit shall be obtained before construction or development begins within the jurisdiction of Village of Dunlap. Application for a Development Permit shall be made on forms furnished by the Village President and may include, but not be limited to: plans in duplicate drawn to scale showing the nature, locations, dimensions, and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities, and the location of the foregoing; and, a description of the extent to which any watercourse will be altered or relocated as a result of proposed development. (Ord. No. 92-5, 10-14-92)

§6.02.12 Exemption from Filing a Development Permit. An application for a Development Permit shall not be required for maintenance work such as roofing, painting, and basement sealing, or for small development activities (except for filling and grading) valued at less than \$1,000.00. (Ord. No. 92-5, 10-14-92)

§6.02.13 Designation of the Flood Damage Prevention Ordinance Administrator. The Village President is hereby appointed to administer and implement this ordinance by granting or denying development permit applications in accordance with its provisions. (Ord. No. 92-5, 10-14-92)

§6.02.14 Duties and Responsibilities of the Village President. The duties and responsibilities of the Village President shall include but are not limited to:

- (1) Permit Review
 - (a) Review all development permits to determine that the permit requirements of this ordinance have been satisfied.
 - (b) Review all development permits to assure that all necessary permits have been received from those federal, state or local governmental agencies from which prior approval is required. The applicant shall be responsible for obtaining such permits as required.

(Ord. No. 92-5, 10-14-92)

§6.02.15 General Standards for Flood Hazard Reduction. In all areas determined by the Village President to be prone to flooding the following standards are required:

1. Anchoring

All new construction and substantial improvements shall be designed and adequately anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.
2. Construction Materials and Methods
 - (a) All new construction and substantial improvements shall be constructed with materials resistant to flood damage.
 - (b) All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.
 - (c) All new construction and substantial improvements shall be constructed with electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
3. Utilities
 - (a) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the systems.

- (b) New and replacement sanitary sewerage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters.
- (c) Individual waste water treatment systems shall be located to avoid impairment to them or contamination from them during flooding.

4. Subdivision Proposals

- (a) All subdivision proposals, including manufactured home subdivisions, shall be consistent with the need to minimize flood damage.
- (b) All subdivision proposals, including manufactured home subdivisions, shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage.
- (c) All subdivision proposals, including manufactured home subdivisions, shall have adequate drainage provided to reduce exposure to flood damage.

(Ord. No. 92-5, 10-14-92)

§6.02.16. Effective Date. This ordinance shall be in full force and effect from and after its passage and approval as provided by law. (Ord. No. 92-5, 10-14-92)

Chapter 6.03

Unsafe Buildings

Sections:

6.03.01	Definitions
6.03.02	Declaration of Nuisance
6.03.03	Notice of Unsafe Condition
6.03.04	Designation of Unsafe Condition
6.03.05	Penalties for Violations

§6.03.01 Definitions.

- (1) An "unsafe building" shall include a building or any part thereof, including doors, aisles, passageways, stairways and the like, which has decayed or been damaged by wind, flood, fire or any other cause, either natural or manmade, so that the whole or portions thereof is likely to collapse, dislodge or otherwise detach so as to possibly injure persons on or near the property or to damage other nearby property. An unsafe building shall also include:
 - (a) Any building or structure which is so infested with rodents, insects, pests or other vermin so as to constitute a health hazard;
 - (b) Any building which has become vacant, dilapidated or has open doors or windows leaving the interior of the building exposed to the elements or accessible to trespassers; and
 - (c) Any building with doors, stairways or exitways not of sufficient width or size so as to provide safe and adequate means of exit in case of fire or other panic for occupants thereof.
- (2) "Building" shall include any walled or roofed structure including commercial establishments, dwellings, mobile homes, barns, garages and any other accessory structures.

(Ord. No. 93-10, 10-13-93)

§6.03.02 Declaration of Nuisance. Any unsafe or abandoned building situated within the limits of the Village is declared to be a nuisance. It shall be unlawful for any owner or occupier of any building within the Village to keep or maintain said building in any unsafe or dangerous condition. (Ord. No. 93-10, 10-13-93)

§6.03.03 Notice of Unsafe Condition. When a building within the Village is found to be unsafe as described in this Ordinance, the Board of Trustees of the Village shall issue and serve notice thereof upon the owner of record and all occupants thereof of the conditions of the building which render it unsafe. The notice shall specify that the owners and/or occupiers shall have twenty (20) days upon receipt of such notice to either make the building safe or commence to eliminate the unsafe conditions or demolish the building. The time for completion of repairs or demolition shall be reasonably set in view of the size of the building, weather conditions and other related factors. (Ord. No. 93-10, 10-13-93)

§6.03.04 Designation of Unsafe Conditions. Whenever any building has been designated as unsafe, it shall be unlawful for any person to rent, to occupy or to allow another to occupy said building. (Ord. No. 93-10, 10-13-93)

§6.03.05 Penalties for Violation. Every person convicted of a violation of any of the provisions of this Ordinance shall be punished by a fine of not less than One Hundred Dollars (\$100.00) nor more than Seven Hundred Fifty Dollars (\$750.00) for each offense, plus attorneys' fees and court costs. Each day a violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such hereunder. All costs incurred by the Village, including the cost to demolish or repair an unsafe building, shall be recoverable against the owner of said building. (Ord. No. 93-10, 10-13-93; Ord. No. 09-3, 6-10-09 §12)

Chapter 6.04

Open Burning

Sections:

6.04.01	Unlawful Burning
6.04.02	Leaf Burning and Bonfire/Recreational Fires
6.04.03	Location for Burning
6.04.04	Attendance by Responsible Adult
6.04.05	Hours Allowed for Leaf Burning
6.04.06	Fire Extinguishing Equipment
6.04.07	Restrictions for Bonfire/Recreational Fires
6.04.08	Penalties for Violations

§6.04.01 Unlawful Burning. Except as otherwise provided in this Ordinance, it shall be unlawful for any person to set fire to, or cause or permit to be burned, in any yard, lot, street or alley, any rubbish, any garbage, paper, tires, rubbers, oils, plastics, chemicals, flammables or hazardous materials, or to burn any materials for the purpose of waste disposal. (Ord. No. 98-1, 03-11-98)

§6.04.02 Leaf Burning and Bonfire/Recreational Fires. Leaf burning and bonfire/recreational fires shall be allowed only as provided for in this Ordinance. (Ord. No. 98-1, 03-11-98)

§6.04.03 Location for Burning. The location for any leaf burning or bonfire/recreational fire shall be not less than fifty feet (50) from any structure and provision shall be made to prevent the fire from spreading to within fifty (50) feet of any structure. No burning shall occur on any street. (Ord. No. 98-1, 03-11-98)

§6.04.04 Attendance by Responsible Adult. Any leaf burning or bonfire/recreational fire shall be constantly attended by a responsible adult until the fire is completely extinguished. (Ord. No. 98-1, 03-11-98)

§6.04.05 Hours Allowed for Leaf Burning. Leaf burning fires shall be allowed only between the hours of sunrise and sunset. (Ord. No. 98-1, 03-11-98)

§6.04.06 Fire Extinguishing Equipment. Fire extinguishing equipment (including but not limited to garden hoses, buckets of waters, rakes, and shovels) shall be available for immediate use at the location of all leaf burning fires and bonfire/recreational fires. (Ord. No. 98-1, 03-11-98)

§6.04.07 Restrictions for Bonfire/Recreational Fires. A bonfire/recreational fire shall be no more than five feet by five feet (5' X 5') in dimension. Fuel for a bonfire/recreational fire shall consist only of seasoned dry firewood to be ignited with a small quantity of paper. The fire shall not be used for waste disposal purposes and the fuel shall be chosen to minimize the generation of air contaminants. (Ord. No. 98-1, 03-11-98)

§6.04.08 Penalties for Violations. Every person convicted of a violation of any of the provisions of this Ordinance shall be punished by a fine of not less than One Hundred Dollars (\$100.00) nor more than Seven Hundred Fifty Dollars (\$750.00) for each offense, plus attorneys' fees and court costs. (Ord. No. 09-3, 6-10-09 §13)