ORDINANCE NO. 17,507

AN ORDINANCE AMENDING CHAPTER 13 OF THE CODE OF THE CITY OF PEORIA PERTAINING TO GARBAGE, LITTER, VEGETATION AND INOPERABLE MOTOR VEHICLES

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:

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 VEHICLES[1]

ARTICLE II. - LITTER

Sec. 13-36. - Declared nuisance.

All litter which has been stored, dumped or accumulated in any structure or on any public place or upon any real property improved or vacant, and any motor vehicle parts, or similar parts, stored or allowed to exist in the open on any property, unless necessary for the operation of a business enterprise lawfully conducted thereon, is hereby declared to constitute a nuisance.

(Code 1957, § 14-20; Ord. No. 14473, § 1, 3-24-98)

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 portable storage device not exceeding outside dimensions of 16 feet in length, eight feet in width, and nine feet in height per zoning lot provided they are placed on a driveway and meet all yard requirements

of the prescribed zoning district. One portable storage device not exceeding outside dimensions of 16 feet in length, eight feet in width, and nine 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 this 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.

(e) All property owners are responsible for litter and debris on all right-of-way adjacent to their property. This includes public sidewalks, curbs, curb lines, alleys and streets. When public right-of-way exists between two properties, property owners are responsible for half the distance of the public right-of-way adjacent to their property and the other property owner is responsible for the other half adjacent to their property. This responsibility of litter and debris ends after ten feet of public right-of-way. All commercial property owners are responsible for sweeping their sidewalks and curbs on a daily basis. Sweeping debris and litter into public right-of-way is not permitted. Failure to keep property free of litter is punishable by a fine of $100 for the first offense. Second and subsequent offenses are defined in Sec. 13-10 of this code.

(Code 1957, § 14-21; Ord. No. 14473, § 1, 3-24-98; Ord. No. 17360 , § 1, 4-26-16)

Sec. 13-38. - Reserved.

Editor's note— Ord. No. 14473, § 1, adopted March 24, 1998, repealed § 13-38 which pertained to number and capacity of litter containers. See the Code Comparative Table.

Sec. 13-39. - Responsibility for provision of litter containers.

(a) The occupants of any single-family dwelling or townhouse shall provide, maintain and keep tightly covered or sealed, a ratproof and watertight container for all litter, except rubbish. Rubbish, if not stored in ratproof and watertight containers, may be stored in other types of containers provided it is not mixed with garbage.

(b) The owner of a two-family or multiple-family dwelling of less than five units shall provide, maintain and keep tightly covered or sealed, a ratproof and watertight container for all litter, except rubbish. Rubbish, if not stored in ratproof and watertight containers, may be stored in other types of containers provided it is not mixed with garbage.

(c) The owner of a multifamily dwelling consisting of five or more dwelling units or a commercial building shall provide and maintain a ratproof, watertight and tightly covered or sealed dumpster for all litter except rubbish. However, if this requirement cannot be met because the nature or size of the property does not permit the placement or removal of a dumpster, the owner may petition the city manager or his designee for an exception, provided that such exception can be granted without substantial detriment to the public good and without impairing the general purpose and intent of this article.

(d) All commercial establishments that sell food, packaged food, or beverages are required to have a litter container located within ten feet of every public entrance and exit. The litter container must meet all other applicable City codes. Failure to provide a litter container will be punishable by a fine of not less than $200. Each day the litter container is not present is a separate violation.

(Code 1957, § 14-23; Ord. No. 14473, § 1, 3-24-98)

Secs. 13-62—13-75. - Reserved.

ARTICLE III. - VEGETATION[2]

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. Property owners are responsible for all vegetation growing in the curb, curbline, and gutter immediately adjacent to their property. Vegetation in the curb, curbline, and gutter is prohibited regardless of height or type.

(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; Ord. No. 17360 , § 1, 4-26-16)

Secs. 13-78—13-100. - Reserved.

PASSED BY THE CITY COUNCIL OF THE CITY OF PEORIA, ILLINOIS this 10th day of October, 2017.

APPROVED:

/s/ James E. Ardis, III
Mayor

ATTEST:

/s/ Beth Ball
City Clerk

EXAMINED AND APPROVED:

/s/ Donald B. Leist
Corporation Counsel