

## FULTON COUNTY HEALTH ORDINANCE PART VI

### SOLID WASTE ORDINANCE

#### SECTION A, SCOPE:

An Ordinance regulating the accumulation, collection, hauling, and disposal of solid waste including litter, garbage, refuse, rubbish, debris, and offensive matter within the boundaries of Fulton County, Illinois.

Pursuant to the powers granted to the Fulton County Board by the Illinois Compiled Statutes Chapter 55, Act 5, Section 1113 in such case made and provided therefore, and WHEREAS, the accumulation and improper disposal of solid waste is a menace to the public health: THEREFORE BE IT RESOLVED by the County Board of Fulton County, Illinois that the following Ordinance is hereby made and adopted.

#### SECTION B, ADOPTION BY REFERENCE:

In addition to the provisions set forth in the Fulton County Health Ordinance Part VI, Solid Waste Ordinance, this Ordinance adopts, by reference, the provisions set forth in the Illinois Compiled Statutes Chapter 415, Act 105/1 et. seq. Litter Control Act.

#### SECTION C, ENFORCEMENT PROVISIONS:

##### 1) Inspections/Investigations

- a. The Health Officer is hereby authorized and directed to make such inspections/investigations as are necessary to determine compliance with this Ordinance.
- b. The Health Officer shall have the authority to inspect/investigate any site to determine the potential risk to the public health due to the accumulation, collection, hauling, and disposal of solid waste.
- c. The owner, or tenant in control shall give the Health Officer access to the property for the purpose of making inspections/investigations as are necessary to determine compliance with the provisions of this Ordinance, and any Codes and Regulations as established by the Board of Health.

2) Dumping Garbage Or Offensive Matter:

It is unlawful for any person to dump or place any garbage, refuse, rubbish, debris, trash, or offensive matter within the boundaries of Fulton County except when disposal is in compliance with the requirements of the Illinois Environmental Protection Agency.

3) Dumping Depositing Of Litter Prohibited:

No person shall dump, deposit, drop, throw, discard, leave, cause, or permit the dumping, depositing, dropping, throwing, discarding or leaving of litter upon real property in Fulton County, or upon or into any river, lake, pond, or other stream or body of water in Fulton County unless;

- a. The property has been designated by the State or any of its agencies, political subdivisions, units of local government or school districts for the disposal of litter, and the litter is disposed of on that property in accordance with the applicable rules and regulations of the Pollution Control Board.
- b. The litter is placed into a receptacle or other container intended by the owner or tenant in lawful possession of that property for the deposit of litter.
- c. The person is the owner or tenant in lawful possession of the property or has first obtained the consent of the owner or tenant in lawful possession, or unless the act is done under the personal direction of the owner or tenant and does not create a public health or safety hazard, a public nuisance, or a fire hazard.
- d. The person is acting under the direction of proper public officials during special cleanup days; or
- e. The person is lawfully acting or reacting to an emergency situation where health and safety is threatened and removes and properly disposes of such litter, including, but not limited to, potentially infectious medical waste as defined in Section 3.84 of the Illinois Environmental Protection Act when the emergency situation no longer exists.

4) Accumulation or Storage of Solid Waste and Litter Prohibited:

No person shall allow solid waste or litter to accumulate upon real property, of which the person charged is the owner or tenant in control in such a manner as to constitute a public nuisance, contribute to insect, rodent, or animal pest populations or in such a manner that the solid waste or litter may be blown or otherwise carried by the natural elements onto the real property of another person.

5) Burning Garbage:

No person shall burn garbage within Fulton County except in a device approved by the Pollution Control Board. A copy of the permit received from the Pollution Control Board or the Illinois Environmental Protection Agency.

6) Storage of Tires:

It is unlawful for a person to store any new, recyclable, reprocessed, used, or waste tire not on a rim except in a manner that allows the tire to be covered.

7) Disposal of Tires

No person shall cause or allow the open dumping of any used or waste tire, cause or allow the open burning of any used or waste tire, or abandon, leave, or dump any used or waste tire on private or public property, or knowingly mix any used or waste tire, either whole or cut, with municipal waste. It is also unlawful to arrange for the transportation of used or waste tires away from the site of generation with a person known to openly dump such tires.

8) Notification of Violation:

- a. Any violation of this Ordinance will result in the Health Officer providing written notification of the violator, property owner, or tenant in control stating the violation(s) of the provisions of this Ordinance and the corrective action to be taken. A specific time period for correction will be established by the Health Officer for the corrective action to be completed and the penalty that could be assessed. The written notification may be sent by Registered or Certified Mail, or may be served as determined by the Fulton County States Attorney.
- b. The failure of the violator, property owner, or tenant in control to comply with the provisions of this Ordinance will result in the information regarding this violation(s) be forwarded to the Fulton County States Attorney's Office for his enforcement consideration under the Penalty Clause as stated in the Fulton County Health Ordinances.

9) Emergency Order:

If as the result of an investigation, the Health Officer determines that a public health hazard exists at the site, the Health Officer may issue an emergency order incorporating a finding to that effect, such order may require closure or isolation of the site, pending a hearing or other action which shall be promptly instituted and determined.

