

8.04 – General Health Regulations

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8.04.010 – Sale of unwholesome food prohibited

It is unlawful to sell or offer for sale any unwholesome or polluted food or drink of any kind in the city.

(Prior code : § 19.501)

8.04.020 – Sanitary regulation of premises used for food storage

All premises used in the sale or storage of food intended for human consumption shall be kept in a clean and sanitary condition. It is unlawful to permit any person who is afflicted with a contagious disease to handle any food or drink intended for human consumption. Premises shall be kept free from flies and vermin of all kinds.

(Prior code : § 19.502)

8.04.030 – Pollution of water source prohibited

It is unlawful and a nuisance for any person, firm or corporation to obstruct or pollute any watercourse or source of water supply in the city.

(Prior code : § 19.503)

8.04.040 – Stagnant pools of water prohibited

Any stagnant pool of water in the city is declared to be a nuisance. It is unlawful for any person, firm or corporation to permit any such nuisance to remain or exist on any property under his or its control.

(Prior code : § 19.504)

8.04.050 – Refuse disposal

It is unlawful for any person, firm or corporation to deposit anywhere in the city any uncovered piles of refuse, garbage, offal or carcasses of dead animals. Such refuse must be buried in properly constructed incinerators or otherwise properly disposed of. Any uncovered pile of refuse is declared to be a nuisance.

(Prior code : § 19.505)

8.04.060 – Cemeteries

It is unlawful for any person, firm or corporation to establish a cemetery or to bury any person within the city limits, or within three-quarters of a mile thereof except in an established cemetery.

(Prior code : § 19.506)

8.04.070 – Sanitary condition of buildings and structures

- A. It is unlawful to permit any building, structure or place, to remain in such a condition as to be dangerous to the public health in any way. Any such structure, building or place, is declared to be a nuisance.
- B. All premises used as hotels, motels, tourist homes, or for lodginghouse and boarding house purposes shall be kept in a clean and sanitary condition. Water closets and lavatories shall be available to all guests using any hotel, motel, tourist home, lodginghouse and boardinghouse.
- C. Nursing homes shall be kept in a clean and sanitary condition and must comply with the state requirements for operation of a nursing home.

(Prior code : § 19.507)

8.04.080 – Acts endangering public health prohibited

It is unlawful to commit or do any act which endangers the public health.

(1978-M-40 : § 1; Prior code : § 19.508)

8.04.090 – Drinking cups in public places

It is unlawful to maintain any common drinking cup, or cups, dipper or other similar utensil for the use of more than one person in any public hall, theater, store or other place frequented by the public.

(Prior code : § 19.509)

8.04.100 – Sterilization of utensils used for serving food to public

Utensils for personal use in all places serving food or drink to the public shall be thoroughly cleaned and sterilized after each such usage.

(Prior code : § 19.510)

8.04.110 – Spitting prohibited

It is unlawful to spit or expectorate on any public sidewalk or other public place, or on the floor or walls of any store, theater, hall, public vehicle, or other place frequented by the public or to which the public is invited.

(Prior code : § 19.512)

8.04.120 – Noxious odors

It is unlawful to cause or permit the emission of noxious odors from any fir, chimney, waste disposal system, or any other agency in the city so as to cause annoyance or discomfort to the residents thereof.

(Prior code : § 19.513)

8.04.130 – Dense smoke

It is unlawful to cause or permit the emission of dense smoke from any fire, chimney, engine, oil burner or any other agency in the city so as to cause annoyance and discomfort to the residents thereof. For the purpose of testing and grading the density of smoke, the Ringlemann Smoke Chart, as published and used by the United States Geological Survey, shall be and is adopted as a standard for such grading; and smoke shall be and is defined as and declared to be "dense" when it is of a degree of density of number three of said chart, or greater, for more than six minutes in any one hour, whether such period of time is consecutive or not.

(Prior code : § 19.514)

8.04.140 – Penalty for violation of Sections 8.04.010 through 8.04.130

Any person, firm or corporation violating any of the provisions of Sections 8.04.010 through 8.04.130 shall be fined not less than five dollars nor more than five hundred dollars for each offense, and a separate offense shall be deemed committed on each day during or on which a violation occurs or is permitted to continue.

(Prior code : § 19.515)

8.04.150 – Notification of treatment of certain injuries

- A. It shall be the duty of any person, firm or corporation conducting or operating a medical facility or any physician, nurse or employee thereof, as soon as time permits giving due consideration to the treatment for any injury hereinafter specified, to notify the city police department when any person seeking treatment from injuries specified in this section who is not accompanied by a city police officer or an officer from another police agency, when it reasonably appears the person requesting treatment has received:
1. An injury resulting from the discharge of a firearm;
 2. Any injury or wound apparently inflicted by any object used as a weapon;
 3. An injury sustained in the commission of or as a victim of a criminal offense;
 4. Any animal or human bite;
 5. Any poisoning;
 6. Any injury sustained on public property;
 7. Any injury in which a moving motor vehicle was involved.
 8. Any injury of any cause where it is evident that death will probably ensue as a direct result thereof, or when death has resulted;
 9. Any child that has suffered injury or disability from physical abuse, or neglect inflicted upon him or her or shows evidence of malnutrition, other than by accidental means.
- B. Any hospital, physician, nurse, or employee thereof, shall be held harmless for their reasonable compliance with this section, and shall not be held responsible for inaccurate information being given by the patient or those accompanying the patient.

(Prior code : § 19.517 (part).; 1976-M-8 : (part))

8.04.160 – Penalty for violation of Section 8.04.150

Any person, firm, or corporation violating Section 8.04.150 shall be fined not less than one dollar nor more than five hundred dollars for each offense.

(1976-M-8 : (part); Prior code : § 19.517 (part))

8.04.170 – Junk, trash and refuse defined

For the purposes of Sections 8.04.180 through 8.04.250, junk, trash and refuse are defined to include any and all waste matter, whether reusable or not, which is offensive to the public health, safety or to the esthetics of the neighborhood, and are specifically intended to include, but not be limited to, worn out, wrecked and/or abandoned automobiles, trucks, tractors, aircraft and any parts thereof, railroad rolling stock and any parts thereof, machinery of any kind, any parts thereof, old iceboxes, refrigerators and stoves.

(2020-M-34 : § 1; 1966-21 : (part); Prior code : § 27.1002)

8.04.180 – Storage of junk or refuse on private property declared nuisance

The storage of junk, trash and refuse on private property within the city, where such storage is not authorized under the terms of Title 17, and in any manner not permitted by said zoning title is declared a nuisance.

(1966-21 : (part); Prior code : § 27.1001)

8.04.190 – Penalty for violation of Section 8.04.180

Any property owner or any occupant of property who allows such storage as provided in Section 8.04.180 on the property owned or occupied by him shall be guilty of a misdemeanor punishable by a fine of not less than ten dollars nor more than five hundred dollars, and any person who neglects to abate and remove such nuisance after notice thereof shall for each twenty-four hours thereafter during which said nuisance continues be subject to a like penalty as that originally incurred.

(1966-21 : (part); Prior code : § 27.1003)

8.04.200 – Observance of violation by policeman or building department inspector - Notice issuance

Any policeman or inspector of the building or health department of the city upon observing any violation of Section 8.04.180 shall issue a notice directed to the owner of record of the property on which said nuisance occurs, as shown in the records of the recorder of deeds of Kane County, or to the occupant of said property, or to both, which said notice shall describe the violation and shall establish a reasonable time limit for the abatement thereof by such owner or occupant which time shall be not less than two days after service of such notice.

(1966-21 : (part); Prior code : § 27.1004)

8.04.210 – Citizen's affidavit charging violation - Investigation procedure

Any citizen of the city who observes a violation of Section 8.04.180 may file his affidavit setting forth in detail the violation, its location and the name of the owner and occupant of the property on which such nuisance is alleged, and may file said affidavit with the city sanitarian, who shall assign to an inspector of the health department the duty to investigate such charge and, if such nuisance exists, to issue a notice to the owner or occupant of the property as provided in Section 8.04.200.

(1966-21 : (part); Prior code : § 27.1005)

8.04.220 – Notice of violation - Service procedure

Any policeman or inspector of the building department or health department of the city shall serve the notice provided for in Sections 8.04.200 and 8.04.210 upon the owner or occupant of the property which such nuisance exists, or upon both of them, and shall upon his return make a copy of such notice, showing the time of service, the person upon whom it was served, or the manner in which it was served.

(1966-21 : (part); Prior code : § 27.1006)

8.04.230 – Nuisance abatement - Investigation

Immediately upon the termination of the time allowed in any such notice for the abatement of such nuisance, the policeman or inspector of the building department or health department of the city who served such notice, or any other policeman or inspector who shall be assigned by the city sanitarian, shall investigate to determine whether or not such nuisance has been abated.

(1966-21 : (part); Prior code : § 27.1007)

8.04.240 – Complaint procedure upon failure to comply with abatement notice

In the event the owner or occupant of the property where such nuisance exists has failed within the prescribed time to abate nuisance, then the policeman or inspector of the building department or of the health department of the city, who filed an affidavit with the city sanitarian, or the inspector of the health department who investigated whether such nuisance has been abated, shall file a complaint charging violation of Section 8.04.180 with the circuit court for the Sixteenth Judicial Circuit, charging violation of Section 8.04.180 and demanding that the owner of the property or the occupant thereof, or both, be punished as provided in Section 8.04.190.

(1966-21 : (part); Prior code : § 27.1008)

8.04.250 – Prosecution of complaints of violation

The city shall prosecute all complaints of violation of Section 8.04.180.

(1966-21 : (part); Prior code : § 27.1009)