

ORDINANCE NO. 2019- 12

AN ORDINANCE AMENDING CHAPTER 42, ARTICLE V OF THE MUNICIPAL CODE, VILLAGE OF STICKNEY, ILLINOIS REGARDING RAT CONTROL AND ABATEMENT

WHEREAS, the Village of Stickney (the "Village") is a home rule municipal corporation in accordance with Article VII, Section 6(a) of the Constitution of the State of Illinois of 1970; and

WHEREAS, the Village has the authority to adopt ordinances and to promulgate rules and regulations that pertain to its government and affairs, and to review, interpret and amend its ordinances, rules and regulations; and

WHEREAS, the Village President (the "President") and the Board of Trustees of the Village (the "Village Board" and with the President, the "Corporate Authorities") are committed to ensuring the health, safety and welfare of individuals residing in, working in and visiting the Village; and

WHEREAS, the Municipal Code, Village of Stickney, Illinois (the "Village Code") currently sets forth certain regulations for the control and abatement of rats within the Village (the "Existing Regulations"); and

WHEREAS, the Corporate Authorities recognize the need to amend, update and clarify the Existing Regulations from time to time; and

WHEREAS, the Corporate Authorities find the control and abatement of rats in the Village is a serious health issue and public nuisance and the Village desires to amend its ordinances related to rat control and abatement within the Village; and

WHEREAS, the Corporate Authorities recognize this nuisance and threat to the health, safety and welfare of the community; and

WHEREAS, based upon the foregoing, the Corporate Authorities have determined that it is in the best interests of the Village and its residents to amend Chapter 42, Article V of the Village Code as set forth below;

NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF STICKNEY, COOK COUNTY, ILLINOIS, as follows:

**ARTICLE I.
IN GENERAL**

SECTION 1. INCORPORATION CLAUSE.

The Corporate Authorities hereby find that all of the recitals hereinbefore stated as contained in the preambles to this Ordinance are full, true and correct and do hereby, by reference, incorporate and make them part of this Ordinance as legislative findings.

SECTION 2. PURPOSE.

The purpose of this Ordinance is to amend Chapter 42, Article V of the Village Code to update, amend, and clarify the Village's Existing Regulations, and to authorize the President or his designee to take all actions necessary to carry out the intent of this Ordinance.

ARTICLE II.

AMENDMENT OF CHAPTER 42, ARTICLE V OF THE MUNICIPAL CODE, VILLAGE OF STICKNEY, ILLINOIS

SECTION 3.0 AMENDMENT OF CHAPTER 42, ARTICLE V

That the Village Code is hereby amended, notwithstanding any provision, ordinance, resolution or Village Code section to the contrary, by amending Chapter 42, Article V by striking out any language to be removed or repealed and underlining new language as follows:

ARTICLE V. - RAT CONTROL AND ABATEMENT

Sec. 42-361. - Definitions.

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

Building means houses, apartment buildings, garages, sheds, commercial buildings and any other structure located within the corporate limits.

Garbage means any waste or refuse discarded and shall include but is not limited to any and all waste food, offal, swill and animal or vegetable refuse.

Garbage container means any watertight, flyproof and ratproof portable container and constructed of metal or lined with metal or other material that is impervious to rats and flies, with all openings into the container, such as doors and covers, fitted to prevent the entrance of rats or flies.

Hardware cloth means wire screen of such thickness and spacings as to afford reasonable protection against the entrance of rats.

Health officer means the duly appointed Village health officer or his or her duly authorized representatives.

Multiunit building means any building capable of being occupied as the residence of three or more families (of one or more persons) residing in separate living quarters. This shall include condominiums and apartment buildings.

Owner means any person or group of persons or their agents or representatives who shall have legal or equitable title to property, the lessee or agent of a lessee, or any other person having the care, management or control of property.

Rat harborage means any condition which provides shelter or protection for rats, thus favoring their multiplication and continued existence in, under, or outside a structure of any kind.

Rat stoppage means a form of ratproofing to prevent the ingress of rats into or under buildings or other structures from the exterior or from one building or structure to another. It consists essentially of the closing of all openings in the exterior walls, ground or first floors, basements and foundations, that may be reached by rats from the ground by climbing or by burrowing, with concrete, sheet iron, hardware cloth, or other types of ratproofing material impervious to rat gnawing, approved by the building official.

Ratproofing means the closing of all unnecessary openings with concrete, sheet iron, or other materials impervious to rats in building foundations and under and around doors, windows, vents and other places that could provide means of entry for rats.

Rental unit means houses for rent, hotels, motels, boarding houses, and short-term rentals.

Rubbish means all combustible and noncombustible waste materials, except garbage, and includes but is not limited to the residue from the burning of wood, coal, coke and other combustible material; paper; rags; cartons; boxes; wood; excelsior; rubber; leather; tree branches; grass trimmings; tin cans; mineral matter; glass; crockery; and dust.

Section 42-362. – Public Nuisance

All rats are a nuisance to health and are otherwise injurious to the public health and welfare and are hereby declared to be a public nuisance.

Sec. 42-362363. - Rat stoppage required.

Every building or structure within the village shall be ~~rate~~ rat stopped, freed of rats and maintained in a rat stopped and rat-free condition by the owner, agent or occupant thereof.

Sec. 42-363364. - Maintenance.

The owner, agent, or occupant in charge of all rat stopped buildings or structures shall maintain them in a rat stopped condition and repair all breaks or leaks that may occur in the rat stoppage.

Sec. 42-364365. - New buildings and major repairs to existing buildings.

All buildings to be constructed and buildings undergoing major repairs shall be made rat stopped. To ensure compliance with this section, the owner of a property on which a structure is being newly built or undergoing major repair shall obtain approval, from the building official, of specifications for such structure or repair as they relate to rat stopping.

Sec. 42-365366. - Unlawful to remove rat stoppage.

It shall be unlawful for the owner, occupant, contractor, public utility company, plumber, or any other person, to remove the rat stoppage from any building or structure for any purpose and fail to restore the rat stoppage in satisfactory condition, or to make any new openings that are not closed or sealed against the entrance of rats.

Sec. 42-366367. - Structural changes.

Whenever conditions inside or under any building or structure provide such extensive harborage for rats that the building official deems it necessary to eliminate such harborage, he or she may require the owner or occupant in charge of any such building or structure to install suitable cement floors and basements, or to require such owner or

occupant to correct such rat harborage as may be necessary in order to facilitate the eradication of rats.

Sec. 42-367368. - Overgrown and uncut weeds and foliage.

It shall be unlawful under this article for any owner, agent or occupant of any building to allow any weeds or other underbrush to grow to a height of six inches pursuant to chapter 90, article II of this Code (section 90-31, *et seq.*) and any other applicable Village Codes.

Sec. 42-368369. - Storage of refuse and rubbish; elimination of harborage.

All real property, whether improved or unimproved, and all areaways, streets, sidewalks and alleys shall be kept clear of all rubbish and/or material that might serve as harborage for rats. All lumber, boxes, barrels, loose iron, scrap metal, auto bodies, or other material that may be permitted to remain thereon, which may result in harborage of rats, shall be placed on supports and elevated from the ground at least 18 inches.

It shall further be unlawful under this article for any owner, agent or occupant of any building to store any refuse in any container other than one approved or provided by the village under section 70-63 or otherwise approved under this Code, as amended. All refuse shall be stored in covered containers until collected by a scavenger service or village refuse service.

Sec. 42-369370. - Dumping.

It shall be unlawful for any person to place, leave, dump or permit to accumulate any garbage, trash, or refuse in any building, structure or premises so that the same shall afford food or harborage for rats, or to dump or place on any premises, land or waterway any dead animals or waste vegetable or animal matter of any kind.

Sec. 42-370371. - Storage of animal food.

Unless it is kept in a rat stopped building, all food and feed kept in the village for the purpose of feeding birds and other domestic animals shall be kept and stored in rat-free and rat-proof containers, compartments, or rat stopped rooms.

Sec. 42-371372. - Accumulations of materials or junk.

It shall be unlawful for any person to accumulate or permit the accumulation on any open lot or other premises, any lumber, boxes, barrels, bricks, stones, scrap metal, motor vehicle bodies or parts or similar materials, rubbish or any articles of junk which provide rat harborage, unless the same shall be placed on open racks that are elevated not less than 18 inches above the ground, evenly piled or stacked.

Sec. 42-372373. - Inspection and notice.

(a) It shall be the duty of the building official to cause inspections of the interior and exterior of buildings or other structures to determine evidence of rat infestation and the existence of new breaks or leaks in the rat stoppage, and when any evidence is found indicating the presence of rats or openings through which rats may enter such buildings or structures, to serve, or cause to be served, the owner, agent, or occupant of such building or structure with written notice to abate the conditions found.

(b) Upon receipt of notice in writing from the building official, the owner, agent, or occupant in charge of any building, structure or premises specified in such notice shall take immediate measures for the rat stoppage of such building or structure and for freeing the premises of all rats and shall continue such measures until the building is free of all rats, and unless such work is completed in the specified time in the notice, in no event to be less than ~~ten~~ seven (7) calendar days, or any written extension thereof that may be granted by the building official, then the owner, agent, or occupant in charge of such building, structure or premises shall be deemed guilty of an offense. If re-infestation occurs, the owner, agent, or occupant in charge of the building shall take immediate measures to eradicate the infestation again.

Sec. 42-373374. - Right of village to do work.

Whenever the owner, agent, or occupant in charge of any building, structure, or premises, after being served with notices provided in this section has failed within the time fixed in the notice, to perform all work necessary to prevent the ingress of rats to such building or structure and/or to exterminate rats from the premises described in such notice, the building official or person duly authorized by him or her may order such building quarantined, and prohibit any person from entering such building by posting a placard signed by the building official at the entrance of the building to provide notice of the quarantine. The building official may also provide for the extermination of rats and do such work as is necessary to free such premises from rats and to maintain such premises in a rat stopped condition. The building official may charge to and collect from the owner, agent or occupant in charge of any building, structure or premises the reasonable cost and expense of preventing such ingress of rats to their property and of rat extermination therein, after notice to such owner or persons as provided by this article and failure of such owner or persons to comply.

Sec. 42-374375. - Lien.

(a) The cost and expense of rat stoppage and extermination is a lien upon the real estate affected, superior to all other liens and encumbrances, except tax liens, if within 60 days after such cost and expense is incurred by the village, or person performing the service by authority of the village, a notice of lien is filed in the office of the county recorder of deeds or in the office of the county registrar of titles if the real estate affected is registered under the Torrens System. The building official may cause such notice of lien to be filed, and such notice shall consist of a sworn statement setting out:

- (1) A description of the real estate sufficient for identification thereof;
- (2) The amount of money representing the cost and expense incurred or payable for the service; and
- (3) The dates when such cost and expense were incurred by the village in whose name the lien has been filed and the release may be filed of record as in the case of filing notice of lien.

Upon payment of the cost and expense by the owner of or person interested in the property after notice of lien has been filed, release of the lien shall be furnished by the

village trustees, and such release may be filed of record as in the case of filing notice of lien.

(b) The lien may be enforced by proceedings to foreclose as in the case of mortgages or mechanics' liens as is provided by statute. Suit to foreclose this lien shall be commenced within one year after the date of filing notice of lien.

Sec. 42-375376. - Penalty.

Failure to comply with any of the sections of this article may result in a fine not to exceed \$750.00 per occurrence. Each day that a building or building owner, agent, or occupant fails to comply with the sections of this article may count as a separate occurrence.

Sec. 42-377. - Rodent abatement by businesses.

As a prerequisite to the issuance of any new or renewed business license, each applicant shall submit to the Village a certificate of rodent abatement issued by a licensed exterminator or pest control company and a copy of a contract with a licensed exterminator showing that the bait boxes will be re-baited at least two (2) times per year. A copy of the current rodent abatement certificate shall be kept on file with the Village at all times during the effectiveness of any license.

Sec. 42-378. - Rodent abatement by multiunit dwellings and rental units.

All rental units and multiunit dwellings shall be inspected annually. Copies of all contracts with and/or certificates from licensed exterminator or pest control companies must be presented to the Village, must evidence that the annual inspection has occurred and must detail whether any evidence of rat harborage or infestation is present, or any other conditions which could reasonably lead to rat harborage or infestation. Any such conditions noted must be abated within seven (7) business days of the date of the discovery of the rat harborage or infestation, or a condition that could reasonably lead to rat harborage or infestation. The contract with a licensed exterminator must also provide that the bait boxes will be re-baited at least two (2) times per year.

Sec. 42-379. Sewers.

The owner or person responsible for the maintenance of a sewer system or any portion thereof shall maintain to the greatest extent possible said system in a rat-tight, rat-free condition at all times. Whenever the owner or responsible person is notified by the Village that there is evidence of rat infestation in the sewer, the person shall institute rat eradication measures immediately and shall maintain the eradication measure in a satisfactory manner until the rates are abated.

All new sewer lines and existing ones being maintained must prevent the exit of rats. Whenever the owner or responsible person is notified by the Village that there is

evidence of rat burrowing or otherwise exiting from the sewer, the person shall institute reasonably necessary repairs to the sewer line to prevent the exit of rats.

Secs. ~~42-376380~~—42-400. - Reserved.

SECTION 3.1. OTHER ACTIONS AUTHORIZED.

The officers, employees and/or agents of the Village shall take all action necessary or reasonably required to carry out, give effect to and consummate the amendments contemplated by this Ordinance and shall take all action necessary in conformity therewith. The officers, employees and/or agents of the Village are specifically authorized and directed to draft and disseminate any and all necessary forms or notices to be utilized in connection with the intent of this Ordinance.

**ARTICLE III.
HEADINGS, SAVINGS CLAUSES, PUBLICATION,
EFFECTIVE DATE**

SECTION 4. HEADINGS.

The headings of the articles, sections, paragraphs and subparagraphs of this Ordinance are inserted solely for the convenience of reference and form no substantive part of this Ordinance nor should they be used in any interpretation or construction of any substantive provision of this Ordinance.

SECTION 5. SEVERABILITY.

The provisions of this Ordinance are hereby declared to be severable and should any provision of this Ordinance be determined to be in conflict with any law, statute or regulation by a court of competent jurisdiction, said provision shall be excluded and deemed inoperative, unenforceable and as though not provided for herein and all other provisions shall remain unaffected, unimpaired, valid and in full force and effect.

SECTION 6. SUPERSEDER.

All code provisions, ordinances, resolutions, rules and orders, or parts thereof, in conflict herewith are, to the extent of such conflict, hereby superseded.

SECTION 7. PUBLICATION.

A full, true and complete copy of this Ordinance shall be published in pamphlet form or in a newspaper published and of general circulation within the Village as provided by the Illinois Municipal Code, as amended.

SECTION 8. EFFECTIVE DATE.

This Ordinance shall be effective and in full force ten (10) days after its passage, approval and publication in accordance with Illinois law.

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PASSED this 20th day of August, 2019.

AYES: Trustee Hrejsa, Kapolnek, Milenkovic, Torres and White

NAYS: None

ABSENT: Trustee Savopoulos

ABSTENTION: None

APPROVED by me this 20th day of August, 2019.

Jeff Walik, President

ATTESTED AND FILED in my
office this 21st day of August, 2019.

Audrey McAdams, Village Clerk