

CHAPTER 25

NUISANCES

ARTICLE I - GENERALLY

25-1-1 **SPECIFIC NUISANCES ENUMERATED.** It is hereby declared to be a nuisance and to be against the health, peace and comfort of the Village for any person within the limits of the Village to permit the following, but the enumeration of the following nuisances shall not be deemed to be exclusive:

(A) **Filth.** To cause or suffer the carcass of any animal or any offal, filth or noisome substance to be collected, deposited, or to remain in any place to the prejudice of others.

(B) **Deposit of Offensive Materials.** To throw or deposit any offal or other offensive matter, or the carcass of any dead animal in any watercourse, lake, pond, spring, well, or common sewer, street or public highway.

(C) **Corruption of Water.** To corrupt or render unwholesome or injure the water of any spring, river, stream, pond or lake to the injury or prejudice of others.

(D) **Highway Encroachment.** To obstruct or encroach upon public highways, private ways, streets, alleys, commons, landing places and ways to burying places.

(E) **Manufacturing Gunpowder.** To carry on the business of manufacturing gunpowder, nitroglycerine, or other highly explosive substances, or mixing or grinding the materials therefore in any building within **five hundred (500) feet** of any valuable building erected at the time such business may be commenced.

(F) **Powder Magazines.** To establish powder magazines near incorporated towns at a point different from that appointed according to law by the corporate authorities of the town, or within **one thousand (1,000) feet** of any occupied dwelling house.

(G) **Noxious Odors.** To erect, use, or continue to use any building or other place for the exercise of any trade, employment, or manufacture which, by occasioning noxious exhalations, offensive smells or otherwise, is offensive or dangerous to the health of individuals or of the public.

(H) **Unlawful Advertising.** To advertise wares or occupations by painting notices of the same on or affixing them to fences or other private property or on rocks or other natural objects without the consent of the owner, or, if in the highway or other public place, without permission of the proper authorities.

(I) **Wells Unplugged.** To permit any well drilled for oil, gas, salt water disposal or any other purpose in connection with the production of oil and gas, to remain unplugged after such well is no longer used for the purpose for which it was drilled.

(J) **Burn-out Pits.** To construct or operate any salt water pit or oil field refuse pit, commonly called a “**burn-out pit**” so that salt water, brine or oil field refuse or other waste liquids may escape therefrom in any manner, except by the evaporation of such salt water or brine or by the burning of such oil field waste or refuse.

(K) **Discarded Materials.** To permit concrete bases, discarded machinery and materials to remain around any oil or gas well or to fail to fill any holes, cellars, slush pits and other excavations made in connection with any such well or to restore the surface of the lands surrounding any such well to its condition before the drilling of any such well, upon abandonment of any such oil or gas well.

(L) **Underground Wells.** To permit any salt water, oil, gas or other wastes from any well drilled for oil, gas or exploratory purposes to escape to the surface, or into a mine or coal seam, or into any underground fresh water supply or from one underground stratum to another.

(M) **Harassment.** To harass, intimidate or threaten any person who is about to sell or lease or has sold or leased a residence or other real property, or is about to buy or lease, or has bought or leased a residence or other real property when the harassment, intimidation, or threat relates to a person's attempt to sell, buy or lease a residence or other real property, or refers to a person's sale, purchase or lease of a residence or other real property.

(N) **Business.** To establish, maintain, and/or carry on any offensive or unwholesome business within the limits of the Village or within **one and one-half (1 1/2)** miles of the limits.

(O) **Filthy Premise Conditions.** To keep or suffer to be kept any chicken coop, cow barn, stable, cellar, vault, drain, privy, sewer, or sink upon any premises belonging to or occupied by any person, or any railroad car, building, yard, grounds and premises belonging to or occupied by any person.

(P) **Expectorate.** To expectorate on any public sidewalk, street, or other public building or floor or walk of any public vehicle or hall.

(Q) **Litter on Streets.** It shall be unlawful for any person to deposit or allow trash, paper, cardboard, wire, dirt, rock, stone, glass, brick, lumber, wood or litter of material objects of any size or description to fall upon the streets of the Village from any moving vehicle, or to be thrown from a moving vehicle, or to throw from a moving vehicle and to remain thereon.

(R) **Accumulations of Junk and Trash.** To deposit or pile up any rags, old rope, paper, iron, brass, copper, tin, aluminum, ashes, garbage, refuse, plastic, brush, litter, weeds, slush, lead, glass bottles or broken glass upon any lot, piece or parcel of land or upon any public or private alley, street or public way within the Village.

(S) **Rodents.** To cause or permit any condition or situation to exist that shall attract, harbor or encourage the infestation of rodents.

(T) **Bringing Nuisances into the Village.** To bring into the Village or keep therein for sale or otherwise, either for food or for any other purpose, any dead or live animal or any matter, substance, or thing which shall be a nuisance or which shall occasion a nuisance in the Village, or which may or shall be dangerous or detrimental to health.

(U) **Offensive Liquids.** To keep any nauseous, foul or putrid liquid or substance or any liquid or substance likely to become nauseous, foul, offensive, or putrid, nor permit any such liquid to be discharged, placed, thrown, or to flow from or out of any premise into or upon any adjacent premises or any public street or alley, nor permit the same to be done by any person connected with the premises.

(V) **Generally.** To commit any offense which is a nuisance according to the common law of the land or made such by Statute of the State. **(Ill. Rev. Stats., Ch. 100 1/2; Sections 26 through 29)**

(W) **Scavenging and Scavengers Prohibited.** To scavenge through any trash receptacle, dumpster, recycling bin, or items placed at the curb for collection during the extraordinary property cleanup(s). No recyclable waste material or "cleanup" item is to be removed from a residents' property by anyone other than a licensed waste hauler or at the direction of the Public Works Director. **(Ord. No. 91-21; 11-18-91)**

25-1-2 NUISANCES DETRIMENTAL TO HEALTH GENERALLY. No building, vehicle, structure, receptacle, yard, lot, premise, or part thereof shall be made, used, kept, maintained, or operated in the Village if such use, keeping, maintenance of same shall be dangerous or detrimental to health.

25-1-3 NOTICE TO ABATE. Whenever the Police Chief or his designated representative finds that a nuisance exists, he shall mail (certified) to the party responsible for the nuisance and to the party on whose property the nuisance exists a written notice ordering that the nuisance be abated within a reasonable time. The notice to abate shall contain:

- (A) A description of what constitutes the nuisance;
- (B) The location of the nuisance;
- (C) A statement of what condition or state of affairs must be achieved in order for the nuisance to be deemed abated;
- (D) A statement suggesting how such abatement must be accomplished;
- (E) The date by which abatement must be completed;
- (F) The date by which a request for a hearing must be filed and a statement of the procedure for so filing;
- (G) A statement that the responsible party has a right to appeal the abatement order to the Village Board of Trustees.
- (H) A statement indicating that if the nuisance is not abated by the date prescribed and/or if no request for hearing is made within the time prescribed, this Municipality will abate the nuisance and assess the costs against the property and/or impose a fine. **(Ord. No. 99-21; 07-06-99)**

25-1-4 **HEARING.** Any person ordered to abate a nuisance may have a hearing with the Police Chief or his designated representative ordering the abatement. A request for a hearing must be made in writing and delivered to the Police Chief or his designated representative within the time stated in the notice; otherwise, it will be presumed that a nuisance exists, and that such nuisance must be abated as ordered. The hearing shall not be a formal trial-type proceeding, but appropriate procedural safeguards shall be observed to ensure fairness. At the conclusion of the hearing, the Police Chief or his designated representative shall render his decision and the reasons therefor in writing. If he finds that a nuisance exists, he shall order it abated within an additional time which must be reasonable under the circumstances. **(Ord. No. 99-21; 07-06-99)**

25-1-5 **APPEAL.** Any party aggrieved by the decision of the Police Chief may appeal to the Board of Trustees. Such appeal shall be taken by filing with the Village Clerk within **five (5) days** of such decision a written statement indicating the basis for the appeal.

The appeal shall be heard by the Board of Trustees at the next regular or special meeting after such filing. Their findings shall be conclusive and if a nuisance is found to exist, it shall be ordered abated within a time reasonable under the circumstances.

25-1-6 **ABATEMENT BY VILLAGE.** If the person ordered to abate a nuisance fails to do so, or if the nuisance poses an emergency, this municipality may perform the required action to abate. Any municipal official who is authorized to abate any nuisance as defined in this Chapter shall have authority to engage the necessary assistance and to incur the necessary expenses therefor. The official who abates a nuisance shall keep an accurate account of the expenses incurred. The itemized expense shall be filed with the Village Clerk who shall pay such expenses on behalf of this Village. **(Ill. Rev. Stat., Ch. 24; Sec. 11-60-2)**

25-1-7 **FAILURE TO COMPLY WITH NOTICE.** If the person notified to abate a nuisance shall neglect or refuse to comply with the requirements of such notice by abating such nuisance within the time specified, such person shall be guilty of a violation of this Chapter. Where the condition or violation is at first abated, but later resumed and/or repeated, within the same calendar year, the corporate authorities shall not be required to issue another formal Notice to Abate as set out previously under **Section 25-1-3**; rather, the Police Chief or his designated representative shall be authorized to proceed with a Complaint for violation of this Chapter. **(Ord. No. 98-6; 03-02-98)**

ARTICLE II - WEEDS

25-2-1 **DEFINITION.** 'Weeds' as used in this Code shall include, but not be limited to the following:

Burdock, Ragweed (giant), Thistle, Ragweed (common), Cocklebur, Jimson, Blue Vervain, Common Milk Weed, Wild Carrot, Poison Ivy, Wild Mustard, Rough Pigweed, Lambsquarter, Wild Lettuce, Curled Dock, Smartweeds (all varieties), Poison Hemlock, Wild Hemp and Johnson Grass and all other noxious weeds as defined by the statutes of the State of Illinois.

25-2-2 **HEIGHT.** It shall be unlawful for anyone to permit any weeds, grass, or plants, other than trees, bushes, flowers or other ornamental plants to grow to a height exceeding **eight (8) inches** anywhere in the Village. Any such plants or weeds exceeding such height are hereby declared to be a nuisance.

25-2-3 **NOTICE.** The Police Department or any other person so designated by the Mayor or Village Board may issue a written notice for removal of weeds or grass. Such weeds or grass shall be cut by the owner or occupant within **five (5) days** after such notice has been duly served.

25-2-4 **SERVICE OF NOTICE.** Service of the notice provided for herein may be effected by handing the same to the owner, occupant, or lessee of the premises, or to any member of his household of the age of **fifteen (15) years** or older found on the premises or by mailing such notice to the last known residence address of the owner; provided that if the premises are unoccupied and the owner's address cannot be obtained, then the notice may be served by posting the same upon the premises.

25-2-5 **ABATEMENT.** If the person so served does not abate the nuisance within **five (5) days**, the Village may proceed to abate and such expense shall be charged and paid by such owner or occupant.

25-2-6 **LIEN.** Charges for such weed removal shall be a lien upon the premises. A bill representing the cost and expense incurred or payable for the service shall be presented to the owner. If this bill is not paid within **thirty (30) days** of submission of the bill, a notice of lien of the cost and expense thereof incurred by the Village shall be recorded in the following manner:

- (A) A description of the real estate sufficient for identification thereof.
- (B) The amount of money representing the cost and expense incurred or payable for the service.
- (C) The date or dates when said cost and expense was incurred by the Village and shall be filed within **sixty (60) days** after the cost and expense is incurred.

25-2-7 **PAYMENT.** Notice of such lien claim shall be mailed to the owner of the premises if his address is known. Upon payment of the cost and expense after notice of lien has been filed, the lien shall be released by the Village or person in whose name the lien has been filed and the release shall be filed of record in the same manner as filing notice of the lien. All lien and release filing fees shall be paid by the owner of the property.

25-2-8 **FORECLOSURE OF LIEN.** Property subject to a lien for unpaid weed cutting charges shall be sold for non-payment of the same and the proceeds of such sale shall be applied to pay the charges after deducting costs, as is the case in the foreclosure of statutory liens. Such foreclosure shall be in the name of the Village after lien is in effect for **sixty (60) days.**

(Ill. Rev. Stats., Ch. 24; Sections 11-20-6 and 11-20-7)

ARTICLE III - GARBAGE AND DEBRIS

25-3-1 **ACCUMULATION PROHIBITED.** No person shall permit any garbage or trash to accumulate on their premises or private property. It is hereby declared to be a nuisance and it shall be unlawful for the owner or occupant of real estate to refuse or neglect to remove the garbage or debris.

25-3-2 **NOTICE TO PERSON.** The Mayor, Chief of Police, or the Mayor's designated representative may issue a written notice for removal of garbage or debris. Such garbage or debris shall be removed by the owner or occupant within **five (5) days** after notice has been duly served.

25-3-3 **SERVICE OF NOTICE.** Service of notice provided for herein may be effected by handing the same to the owner, occupant or lessee of the premises, or to any member of his household of the age of **fifteen (15) years** or older found on the premises or by mailing such notice to the last known residence address of the owner; provided that if the premises are unoccupied and the owner's address cannot be obtained, then the notice may be served by posting the same upon the premises.

25-3-4 **ABATEMENT.** If the person so served does not abate the nuisance within **five (5) days**, the Village may proceed to abate such nuisance, keeping an account of the expense of the abatement and such expense shall be charged and paid by such owner or occupant.

25-3-5 **LIEN.** Charges for such removal shall be a lien upon the premises. A bill representing the cost and expense incurred or payable for the service shall be presented to the owner. If this bill is not paid within **thirty (30) days** of submission of the bill, a notice of lien of the cost and expenses thereof incurred by the Village shall be recorded in the following manner:

- (A) A description of the real estate sufficient for identification thereof.
- (B) The amount of money representing the cost and expense incurred or payable for the service.
- (C) The date or dates when said cost and expense was incurred by the Village and shall be filed within **sixty (60) days** after the cost and expense is incurred.

25-3-6 **PAYMENT.** Notice of such lien claim shall be mailed to the owner of the premises if his address is known. Upon payment of the cost and expense after notice of lien has been filed, the lien shall be released by the Village or person in whose name the lien has been filed and the release shall be filed of record in the same manner as filing notice of the lien.

25-3-7 **FORECLOSURE OF LIEN.** Property subject to a lien for unpaid charges shall be sold for non-payment of the same, and the proceeds of such sale shall be applied to pay the charges after deducting costs, as is the case in the foreclosure of statutory liens. Such foreclosure shall be in the name of the Village, after lien is in effect for **sixty (60) days**. Suit to foreclose this lien shall be commenced within **two (2) years** after the date of filing notice of lien.

ARTICLE IV - INOPERABLE MOTOR VEHICLE

25-4-1 **DEFINITIONS.** For the purpose of this Article, the following term(s) shall have the meanings ascribed to them as follows:

“INOPERABLE MOTOR VEHICLES” shall mean any motor vehicle which, for a period of at least **seven (7) days** or any greater period fixed by law, the engine, wheels or other parts have been removed; or in which the engine, wheels or other parts have been altered, damaged or otherwise so treated; or that the vehicle's body has been damaged, that the vehicle is incapable of being driven under its own motor power.

25-4-2 **UNLICENSED MOTOR VEHICLES.** It shall be a violation of this Section for any person to knowingly store or park or allow to store or park a motor vehicle on private property without having a valid, or current, registration displayed on the vehicle.

25-4-3 **DECLARATION OF NUISANCE.** All inoperable motor vehicles or unlicensed motor vehicles, whether on public or private property, in view of the general public are hereby declared to be a nuisance.

25-4-4 **NOTICE TO OWNER.** The Police Department shall notify the owner of the motor vehicle informing him/her that he/she shall dispose of any inoperable or unlicensed vehicle(s) on or before the expiration of **five (5) days** after issuance of the Notice, or the Police Department may authorize a towing service to remove and take possession of the inoperable and unlicensed vehicle or parts thereof. It shall be necessary for the corporate authorities to issue **one (1)** Notice to Abate per owner in any **one (1)** calendar year time frame. In the event of additional recurring violations by the same owner, a new Notice to Abate shall not be required but rather the Chief of Police or his designate shall authorize a complaint to be signed for violation of this Article.

25-4-5 **EXEMPTIONS.** All businesses licensed to do, but not limited to, mechanical repair, body repair, electrical repair, towing service, glass repair, tire repair are exempt from the above ordinance and may have inoperable or unlicensed vehicles parked on their property pending repair work.

(Ord. No. 98-6; 03-02-98)

ARTICLE V - RAT CONTROL CODE

25-5-1 **DEFINITIONS.**

“RAT HARBOR” shall be any condition which shall provide shelter or protection for rats favorable to multiplication within, under, or outside of any building, structure, storage, or accumulation of trash, junk, wood, lumber, brick, stone, or other materials.

“RATPROOF” shall be a condition of construction such as to prevent rats from entering in or under any structure, through existing openings, or by burrowing through the ground or gnawing through material pervious to rats.

25-5-2 **NUISANCE.** It is hereby declared to be illegal for owners or occupants of any real estate in the Village to maintain the same in such condition as to be a harbor for rats. It shall be illegal for the owners or occupants of any building or any structure in the Village to refuse or neglect to construct or maintain the same in a ratproof condition. It shall be illegal for any owner or occupant to deposit or allow to accumulate waste, garbage, refuse, grain, or other materials on which rats may feed upon the ground, or in any open container or other place accessible to rats. Any rat harbor, any structure infested with rats, or any accumulation of food for rats is hereby declared to be a nuisance and detrimental to public health.

25-5-3 **ENFORCEMENT.** The Building Inspector or other designated officer shall, upon his own initiative or upon complaint of any citizen, inspect any premises where such a nuisance appears or is alleged to exist and upon determining that a violation exists shall notify the owner or occupant to abate the same within **thirty (30) days**.

25-5-4 **PENALTIES.** Any person owning, occupying, or in charge of any such premises on which such a nuisance exists defined in this Code who fails to abate the same or to exterminate or rid said premises of such rats, to make said premises ratproof, or to remove the available food for rats within **thirty (30) days** after the giving of notice aforesaid, shall be in violation of **Section 1-1-20** of this Code.

25-5-5 **LIENS.** After such notice if any owner or occupant neglects or refuses to abate such rat nuisance, the Village may exterminate the rats or otherwise abate such nuisance or employ some other person so to do and charge and collect from the owners or

occupants of the premises the reasonable cost and expense of extermination, ratproofing said property, or removal of the rat food. Such cost and expense shall be a lien upon the real estate. The Village or person performing the work by authority of the Village in his own name may, within **sixty (60) days** after such costs and expenses are incurred, file notice of a lien in the office of the Recorder of Deeds of Madison County, Illinois. The notice shall consist of a sworn statement setting out:

- (A) a description of the real estate sufficient for identification thereof,
- (B) the amount of money representing the cost and expenses incurred or payable for the service, and
- (C) the date or dates when such costs and expenses were incurred by the Village.
- (D) Upon payment of the costs and expenses and after notice of lien has been filed, the lien shall be released by the Village or person in whose name the lien has been filed and the release may be filed of record by the owner or occupant in the same manner as filing notice of the lien. **(See Ord. #387; 09-06-66)**