

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 City for any person within the limits of the City 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 inure 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) **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.

(J) **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.

(K) **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.

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

(M) **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 from any moving vehicle, or to be thrown from a moving vehicle, or to be thrown from a moving vehicle and to remain thereon.

(N) **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 City.

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

(P) **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.

(Q) **Motor Transport Engines.** To operate motor transport engines in the nighttime between the hours of **eight o'clock (8:00) P.M. and six o'clock (6:00) A.M.** in any place in which a majority of the buildings, within a radius of **four hundred (400) feet** are used exclusively for residence purposes.

(R) **General.** To commit any offense which is a nuisance according to the common law of the land or made such by Statute of the State. **(See 740 ILCS Sec. 55/221 to 55/222)**

(S) **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 City if such use, keeping, maintenance of same shall be dangerous or detrimental to health.

(T) **Unhealthful Businesses.** No substance, matter or thing of any kind whatever, which shall be dangerous or detrimental to health, shall be allowed to exist in connection with any business, or be used therein, or be used in any work or labor performed in the City, and no nuisance shall be permitted to exist in connection with any such work or labor.

(U) **Personalty.** No person owning, leasing, occupying or having charge of any premises shall maintain or keep or store any unsheltered old, unused, stripped, junked automobiles, vehicles, machinery, refrigerators, furniture, stoves, freezers, cans, water heaters or other containers and/or personal property of any kind which is no longer safely usable for the purposes for which it was manufactured, for a period of **twenty (20) days**, except in a licensed junk yard, within the corporate limits of this City, and such, is hereby declared to be a nuisance and dangerous to the public safety.

25-1-2 **NOTICE TO ABATE.** It shall be the duty of the designated authority to serve notice, in writing, upon the owner, occupant, agent, or person in possession or control of any lot, building, or premise in or upon which any nuisance may be found, or who may be the owner or the cause of any such nuisance, requiring him to abate the same within **five (5) days** in such a manner as the designated authority shall prescribe. It shall not be necessary in any case for the designated authority to specify in the notice the manner in which any nuisance shall be abated, unless he shall be deemed it advisable to do so.

25-1-3 **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 in **Section 25-1-2**:

(A) Such person shall be guilty of a misdemeanor punishable by a fine of not less than **Fifty Dollars (\$50.00)** and not more than **Five Hundred Dollars (\$500.00)**. A separate offense shall be deemed committed upon each day during or on which a violation occurs or continues; and

(B) The City 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.

Charges for such abatement and removal, if abated or removed by the City, shall constitute a lien upon the premises, which shall be perfected and foreclosed upon in the same manner as set forth in **Sections 25-3-3** through **25-3-8**, inclusive, of this Code.

25-1-4 **ABATEMENT.** It shall be the duty of the designated authority to proceed at once upon the expiration of the time specified in the notice to cause such nuisance to be abated, provided, however, that whenever the owner, occupant, agent, or person in possession or control of any premises, in or upon which any nuisance may be found, is unknown or cannot be found, the designated authority shall proceed to abate such nuisance without notice. In either case, the expense of such abatement shall be collected from the person who may have created, or suffered such nuisance to exist, in addition to any penalty or fine.

(See 740 ILCS Secs. 55/221 to 55/222)

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.

25-2-2 **NUISANCE.** 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 cut weeds when such weeds shall have reached a height in excess of **eight (8) inches**.

25-2-3 **NOTICE.** The Street Superintendent, Chief of Police, Mayor, or any other person so designated by the Mayor, may issue a written notice for removal of weeds or grass. Such weeds or grass shall be cut by the owner or occupant within **three (3) 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 **FAILURE TO COMPLY WITH NOTICE.** If the person notified to abate the nuisance shall neglect or refuse to comply with the requirements of such notice by abating such nuisance within the time specified in **Section 25-2-3**:

(A) Such person shall be guilty of a misdemeanor punishable by a fine of not less than **Fifty Dollars (\$50.00)** and not more than **Five Hundred Dollars (\$500.00)**. A separate offense shall be deemed committed upon each day during or on which a violation occurs or continues; and

(B) The City 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.

25-2-6 **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 City 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 City 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 City 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.

25-2-8 **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 City after lien is in effect for **sixty (60) days**.

(See 65 ILCS Secs. 5/11-20-6 and 5/11-20-7)

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 **three (3) days** after such 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 **FAILURE TO COMPLY WITH NOTICE.** If the person notified to abate the nuisance shall neglect or refuse to comply with the requirements of such notice by abating such nuisance within the time specified in **Section 25-3-2.**

(A) Such person shall be guilty of a misdemeanor punishable by a fine of not less than **Fifty Dollars (\$50.00)** and not more than **Five Hundred Dollars (\$500.00)**. A separate offense shall be deemed committed upon each day during or on which a violation occurs or continues; and

(B) The City 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 City 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, plus penalty pursuant to **Section 1-1-15**.

(C) The date or dates when said cost and expense was incurred by the City 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 City 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 City, 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.

(See 65 ILCS Sec. 5/11-20-13)

ARTICLE IV - INOPERABLE MOTOR VEHICLE

25-4-1 **DEFINITIONS.** For the purpose of this Code, 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 on which the engine, wheels or other parts have been altered, damaged or otherwise so treated that the vehicle is incapable of being driven under its own motor power. “Inoperable Motor Vehicle” shall not include a motor vehicle which has been rendered temporarily incapable of being driven under its own motor power in order to perform ordinary service or repair operations.

25-4-2 **DECLARATION OF NUISANCE.** All inoperable motor vehicles, whether on public or private property in view of the general public, are hereby declared to be a nuisance.

25-4-3 **NOTICE TO OWNER.** The Police Department shall notify the owner of the motor vehicle, informing him that he shall dispose of any inoperable vehicles under his control. If the owner fails to dispose of said inoperable vehicle(s) after **seven (7) days** from the issuance of the notice, the Police Department may authorize a towing service to remove and take possession of the inoperable vehicle or parts thereof.

(See 65 ILCS Sec. 5/11-40-3)

ARTICLE V - BUILDING AS NUISANCE

25-5-1 BUILDING CONDITION - NUISANCE. The Police Chief shall report to the City Council when any building, structure or mobile housing unit in the City is in a dangerous condition and constitutes a nuisance. All references to building shall include structure or mobile housing unit.

25-5-2 TIME LIMIT. The owner of such building shall repair or alter it so as to make it safe within **ninety (90) days** from the time the notice is served upon him in the manner provided by law.

25-5-3 NOTIFICATION. The Police Chief with the approval of the City Council shall place a notice on all “dangerous and unsafe buildings”, which notice shall read as follows:

“This building has been found to be a dangerous and unsafe building by the City Officials. This notice shall remain on this building until it is repaired, vacated or demolished in accordance with the notice which has been given the owner, occupant, lessee, mortgagee, or agent of this building, or person or persons in whose name or names such building was last assessed, and all other persons having an interest in said building as shown by the land records of the County Recorder of Deeds. It is unlawful to remove this notice until such notice is complied with.”

25-5-4 DANGEROUS AND UNSAFE BUILDINGS DEFINED. All buildings or structures which have any or all of the following defects shall be deemed “dangerous and unsafe buildings”.

(A) Those whose interior walls or other vertical structural members list, lean or buckle to such an extent that a plumb line passing through the center of gravity falls outside of the middle third of its base.

(B) Those which, exclusive of the foundation, show **thirty-one percent (31%)** or more of damage or deterioration of the supporting member or members, or **fifty percent (50%)** of damage or deterioration of the non-supporting enclosing or outside walls or covering.

(C) Those which have improperly distributed loads upon the floors or roofs or in which the same are overloaded, or which have insufficient strength to be reasonably safe for the purpose used.

(D) Those which have been damaged by fire, wind, or other causes so as to have become dangerous to life, safety, morals, or the general health and welfare of the occupants or the people of the City.

(E) Those which have become or are so dilapidated, decayed, unsafe, unsanitary or which so utterly fail to provide the amenities essential to decent living that they are unfit for human habitation or are likely to cause sickness or disease, so as to cause injury to the health, morals, safety or general welfare of those living therein.

(F) Those having light, air, and sanitation facilities which are inadequate to protect the health, morals, safety, or general welfare of human beings who live or may live therein.

(G) Those having inadequate facilities for egress in case of fire or panic or those having insufficient stairways, elevators, fire escapes, or other means of communication.

(H) Those which have parts thereof which are so attached that they may fall and injure members of the public or property.

(I) Those which, because of their condition, are unsafe, unsanitary, or dangerous to the health, morals, safety or property.

(J) Those buildings existing in violation of any provision of the Revised Code of this City, or any other ordinances of the City.

(K) Those vacant buildings with unguarded openings shall be deemed to constitute a fire hazard and to be unsafe within the provisions of this Code.

(L) Those buildings which are uncompleted or abandoned.

25-5-5 **STANDARDS FOR REPAIR, VACATION OR DEMOLITION.** The following standards shall be followed in substance by the Police Chief in ordering repair, vacation, or demolition:

(A) If the “dangerous and unsafe building” is in such condition as to make it dangerous to the health, morals, safety, or general welfare of its occupants, it shall be ordered to be vacated.

(B) If the “dangerous and unsafe building” can reasonably be repaired so that it will no longer exist in violation of the terms of this Code, it shall be ordered repaired.

(C) In any case where a “dangerous and unsafe building” is **fifty percent (50%)** damaged or decayed, or deteriorated from its original value or structure, it shall be demolished, and in all cases where a building cannot be repaired so that it will no longer exist in violation of the terms of this Code, it shall be demolished. In all cases where a “dangerous and unsafe building” is a fire hazard existing or erected in violation of the terms of this Code, or any ordinance of the City, or statute of the State of Illinois, it shall be demolished.

25-5-6 **DANGEROUS AND UNSAFE BUILDINGS - NUISANCES.** All dangerous and unsafe buildings within the terms of this Article are hereby declared to be public nuisances and shall be repaired, vacated, or demolished as hereinbefore and hereinafter provided.

25-5-7 **DUTIES OF THE ATTORNEY.** The City Attorney shall apply to the Circuit Court for an order authorizing the demolition, repair, or vacation of dangerous and unsafe buildings or uncompleted or abandoned buildings when notices have not been complied with and when requested to do so by the Police Chief.

25-5-8 **LIENS.** The cost of repair, demolition, vacation, or enclosure shall be recoverable from the owner or owners of such real estate and shall be a lien thereon, which lien shall be subordinate to all prior existing liens and encumbrances; provided that within **sixty (60) days** after said cost and expense is incurred, the City or person performing the service by authority of the City, in his or its own names, shall file notices of lien in the office of the County Recorder of Deeds. The notice shall consist of a sworn statement setting out:

- (A) A description of the real estate sufficient for identification therefor;
- (B) The amount of money representing the cost and expense incurred or payable for the service; and
- (C) The date or dates when said cost and expense was incurred by the City.

Upon payment of said cost and expense by the owner of or persons interested in said property after notice of lien has been filed, the lien shall be released by the City or person in whose name(s) the lien has been filed and said release may be filed of record as in the case of filing notice of lien. The lien may be enforced by proceedings to foreclose as in the case of mortgages or mechanics of lien. Suit to foreclose this lien shall be commenced within **three (3) years** after the date of filing notice of lien.

(See 65 ILCS Sec. 5/11-31-1 et seq.)

ARTICLE VI - UNLICENSED AND/OR UNATTENDED MOTOR VEHICLES

25-6-1 **NUISANCE DECLARED.** Any motor vehicle which is not currently licensed by the State of Illinois and which is allowed or permitted to remain unattended upon any street, alley, lot, or premises within the Corporate Limits of the City for a period of time in excess of **fourteen (14) days** shall be deemed a nuisance.

25-6-2 **DEFINITION.** For the purpose of this Article, the term motor vehicle shall include but shall not be limited to the following: motorcycles, passenger automobiles, trucks of all types, semi-trailers and all other vehicles which are propelled other than by muscular power.

25-6-3 **EXCEPTION.** This Article shall not apply to any automobile dealer and the motor vehicles in and upon said dealers business premises, who has purchased a dealer's license from the State of Illinois.

25-6-4 **ABATEMENT; NOTICE.** The owner of said motor vehicle, upon being notified in writing by any City official to abate or remove such nuisance within a time to be specified in said written notice, not less than **four (4) days** nor more than **ten (10) days** from the date thereof, and who shall neglect or refuse to do so, shall upon conviction be fined not less than **Twenty-Five Dollars (\$25.00)** nor more than **Two Hundred Dollars (\$200.00)** and shall be subject to a like penalty for each day that such nuisance shall be permitted or suffered to remain after the expiration of the time fixed by said written notice for the abatement of such nuisance.

The City may remove and/or abate such nuisance at the expense of the owner of said unlicensed motor vehicle, when upon being notified in writing of said nuisance the owner does not abate or remove the nuisance.

(Ord. No. 1312; 06-05-95)