

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 impure, 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, continue or 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 carry on any offensive or unwholesome business within the limits of the City 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 or 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 City from any moving vehicle, or to be thrown from a moving vehicle, or to throw from a moving vehicle and to remain thereon.

(R) **Accumulation of Junk, Trash and Yard Waste.** 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, broken glass, grass, tree limbs or sticks upon any lot, piece or parcel of land or upon any public or private alley, street or public way within the City. **(Ord. No. 1256; 06-06-11)**

(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 City.** To bring into the City 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 City, 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. **(740 ILCS 55/221 – 55/222)**

(W) **Derelict and Abandoned Vehicles.** No person shall allow or cause a derelict vehicle or abandoned vehicle to be parked, stored, or left on public or private property so that the derelict vehicle is in view of the general public. The general public shall include, but not be limited to, owners and occupants of property adjacent to that on which the vehicle in question is parked, stored or left. This does not apply to any motor vehicle kept within a building when not in use, to operable historic vehicles over **twenty-five (25) years** of age, or to motor vehicles on the premises of a place of business engaged in the wrecking or junking of motor vehicles. The definition of derelict or abandoned vehicle shall be the same as defined in **Section 24-7-1** of the Revised Code of Ordinance. **(Ord. No. 1303; 05-06-13)**

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 City if such use, keeping, or maintenance of same shall be dangerous to health.

25-1-3 NOTICE TO ABATE. It shall be the duty of the Chief of Police 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 Chief of Police shall prescribe. It shall not be necessary in any case for the Chief of Police to specify in the notice the manner in which any nuisance shall be abated, unless he shall deem it advisable to do so.

25-1-4 ABATEMENT OF NUISANCE BY CITY; UNKNOWN OWNER. It shall be the duty of the Chief of Police 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 Chief of Police shall proceed to abate such nuisance without notice. In either case, the expense of such abatement shall be paid by the person who may have created or suffered such nuisance to exist, in addition to any penalty or fine.

25-1-5 **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 Code. The corporate authorities shall not be required to issue another notice where the condition or violation is at first abated, but later resumed and/or repeated. Any violation of this Chapter shall be punishable by a fine of at least **One Hundred Dollars (\$100.00)** and no more than **Seven Hundred Fifty Dollars (\$750.00)** for any **one (1) offense.** (Ord. No. 1303; 05-06-13)

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 City. Any such plants or weeds exceeding such height are hereby declared to be a nuisance.

25-2-3 **ACCUMULATION.** It shall be unlawful to accumulate or pile grass clippings anywhere in the City except by the City in accordance with **Chapter 16, Article II - Compost Site Regulations.** (Ord. No. 1256; 06-06-11)

25-2-4 **NOTICE.** The Police Department or any other person so designated by the Mayor or City Council shall instruct the City Clerk to issue a written notice for the 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. (Ord. No. 1256; 06-06-11)

25-2-5 **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. (Ord. No. 1256; 06-06-11)

25-2-6 **ABATEMENT.** If the person so served does not abate the nuisance within **five (5) days,** 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. (Ord. No. 1256; 06-06-11)

25-2-7 **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. **(Ord. No. 1256; 06-06-11)**

25-2-8 **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. All lien and release filing fees shall be paid by the owner of the property. **(Ord. No. 1256; 06-06-11)**

25-2-9 **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**. **(Ord. No. 1256; 06-06-11) (65 ILCS 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 Police Department or any other person so designated by the Mayor or City Council shall instruct the City Clerk to 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 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 **ABATEMENT.** If the person so served does not abate the nuisance within **five (5) days**, 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.
- (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.

ARTICLE IV - OUTDOOR FURNACES

25-4-1 **DEFINITION.** "Outdoor Furnace" as used in this Article means any equipment, device, structure or apparatus, or any part thereof, which is installed, fixed or situated outdoors for the primary purpose of combustion of fuel to produce heat or energy used as a component of a heating system providing heat or hot water for any interior space, primary structure, or accessory use, but does not include the use of propane, acetylene, natural gas, gasoline or kerosene in a device intended for heating and temporary construction or maintenance activities.

25-4-2 **OUTDOOR FURNACES PROHIBITED.** The installation and use of outdoor furnaces is prohibited.

(Ord. No. 1245; 02-07-11)