

**TITLE 6  
HEALTH AND SANITATION**

**CHAPTER 1  
NUISANCES**

**6-1-1: NUISANCES DECLARED:**

In cases where no provision is herein made defining what shall constitute a nuisance, and how the same may be removed, abated or prevented, those offenses which are known to the common law of the land and the Statutes of the State as nuisances may, in case the same exist, be treated as such and proceeded against as is in this Chapter provided, or in accordance with any other law which shall give the officer trying the same jurisdiction.

It is hereby declared a nuisance for any person within the limits of the Village to: (Ord., 2-11-1897)

**A. Accumulations:**

1. Accumulate or store litter, trash, refuse, rubbish or debris, including animal and vegetable matter, building materials and nonfunctional automobiles, appliances and machinery, or parts thereof, or the growth of weeds in excess of six inches (6") in height, or for any person owning, leasing, occupying or controlling any real estate within the Village to permit a nuisance as defined herein to exist upon such real estate. (Ord. 71-14, 10-28-71)

2. To cause or permit the carcass of any animal, or any filth or noisome substance to be collected, deposited or remain in any place to the prejudice of other persons.

3. To permit any matter which is liable to become putrid or offensive or injurious to health to remain on any premises for a longer period than four (4) hours at any one time.

**B. Offensive Premises:**

1. To keep or permit to be kept in a foul, offensive, nauseous or filthy condition, any railroad car, building, yard, cellar, barn, sewer, pig sty or privy.

2. To own, keep or use any railroad car, yard, pen, place or premises in or upon which cattle or swine may be confined or kept, so as to be offensive to persons residing within the vicinity of the same.

**C. Offensive Businesses:**

1. To erect, continue or use any 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.

2. To locate or use without first having obtained permission of the Board of Trustees to do so, any packing house, rendery, tallow chandlery, bone factory, soap factory, tannery, brewery or distillery within the distance of one mile of the Village limits.

3. To boil or render tainted lard or other animal substances so as to taint the air or render it unwholesome or offensive.

4. To establish, maintain and carry on any offensive or unwholesome business within one mile of the limits of the Village.

D. Offensive Odors: To so negligently conduct any business or use any premises as to create an offensive smell as may render the air unwholesome or disagreeable to other persons.

E. Water Pollution:

1. To throw or deposit any offensive matter in any watercourse, pond, spring or well.

2. To corrupt or render unwholesome or impure the water of any spring, stream, pond, cistern or well.

3. To permit to stand or remain on any lot or premises water which is or which may become stagnant, foul or offensive or detrimental to the health and comfort of persons residing in the neighborhood thereof.

F. Unlawful Deposits: To deposit any filthy or offensive substance upon any lot, street, alley, highway or other place.

G. Obstructions:

1. To obstruct or impede, without legal authority, the passage of any gutter, sewer or the natural drainage of any public or private property.

2. To obstruct or encroach upon any public thoroughfare or private ways, streets, alleys or commons.

H. Cemetery: To establish a cemetery within the corporate limits or within one mile of the limits of the Village, without first having obtained permission so to do under provisions of an ordinance of the Board of Trustees.

I. Dangerous Buildings: To permit to remain on any premises to the annoyance and detriment of other persons, a dilapidated building liable to fall or take fire, and which,

by reason of its proximity to the contiguous or adjacent buildings and premises of other persons, does endanger their life or property.

J. Unsafe Scaffolding: To use in the erection or repairing of any building a scaffold not wide enough to insure the safety of persons passing under or near the same. (Ord., 2-11-1897)

**6-1-2: NOTICE:**

The Village Clerk, Village Health Officer or such other person as the governing body may designate, shall serve or cause to be served a notice in writing upon any person owning, leasing, occupying or controlling any real estate within the Village upon which a nuisance as defined herein is found to exist, requiring them or any of them to remove or cut down the condition constituting such nuisance within seven (7) days from the date of depositing such notice in the United States mail, postage prepaid. Said notice shall be addressed to the last known person owning, leasing, occupying or controlling said real estate and as to the owner, the notice may be addressed to the address shown on the most recent tax bill for said premises. (Ord. 71-14, 10-28-71)

**6-1-3: CONTINUANCE OF NUISANCE:**

Whoever makes or continues any nuisance or who, after being notified in writing by the Health Officer that such nuisance exists, refuses or neglects, within the time specified in such notice, to remove the same, shall be deemed guilty of a misdemeanor, and if any person shall continue a nuisance after being fined for the same a new cause of action shall immediately accrue against such person, subjecting the offender to a like penalty aforesaid; and so on, after the rendition of each fine, the continuance of such nuisance shall be deemed a new cause of action, subjecting the offender to a like penalty. (Ord., 2-11-1897; amd. 1983 Code)

**6-1-4: REFUSAL TO COMPLY; ABATEMENT:**

In the event any person so notified shall fail or refuse to comply with said notice, it shall be lawful for the Village to cause such nuisance to be removed or cut down in any manner it shall designate, and to charge the costs of such removal to any person owning, leasing, occupying or controlling such real estate. (Ord. 71-14, 10-28-71)

Whenever any nuisance whatever shall be found on any premises contrary to any provision of this Code, the President or any Health Officer is hereby respectively authorized to cause the same to be summarily abated in such manner as he may direct. (Ord., 2-11-1897)

**6-1-5: LIEN:**

The cost and expense incurred by the Village, or by the person performing the service by authority of the Village, in the removal or cutting down of such nuisance following the

refusal or neglect of the responsible party to remove or cut down such nuisance shall constitute a lien upon the real estate affected, which lien shall be enforced as provided by Statute.

#### **6-1-6: ADMINISTRATION APPEAL; HEARING:**

In the event any person disputes the existence of a condition constituting a public nuisance, such person may file an appeal from the decision of the person sending out the notice provided for herein, within the time required for compliance with such notice, with the Board of Trustees of the Village. The Board of Trustees shall cause a hearing to be held upon such appeal, and shall make a decision, which shall be final, as to whether the condition which exists is or is not in fact a public nuisance as defined herein. Failure to file any such administration appeal within the time required shall constitute an admission of the existence of a nuisance as defined herein; provided however, that such failure shall not be used as an admission of a violation of this Code for purposes of imposing a penalty as provided.

#### **6-1-7: PENALTY:**

Whether or not the Village shall have removed, or caused to be removed such nuisance, any person who shall violate any of the provisions of this Chapter, or who shall neglect or refuse to remove such nuisance when so notified, or who regardless of notice, shall permit any such nuisance on any parcel of land within the Village shall be punished by a fine of not more than five hundred dollars (\$500.00) for each offense. Each day that any such violation persists shall be considered a separate offense. (Ord. 71-14, 10-28-71)

#### **6-1-8: IMPOUNDMENT OF MOTOR VEHICLES USED IN CONNECTION WITH ILLEGAL ACTIVITIES**

(a) For purposes of this Section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

1. The term "Hearing Officer" means a licensed attorney who is not an officer or employee of the Village.
2. The term "Owner of Record" means the record titleholder to a motor vehicle as registered with the Secretary of State of the state of Illinois.
3. The term "motor vehicles" will include First and Second Division vehicles as defined in Chapter 625 ILCS 5/1-146. (Ord. 2014-O-20)

(b) **Violations Authorizing Impoundment:** A motor vehicle, operated with the permission, express or implied, of the owner of record, that is used in connection with the following violations, shall be subject to tow and impoundment by the Village, and the owner of record of said vehicle shall be liable to the Village for an administrative fee in addition to any towing and storage fees, as hereinafter