

Chapter 1
NUISANCES

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7-1-1 **PUBLIC NUISANCES PROHIBITED**

No person shall erect, contrive, cause, continue, maintain or permit to exist any public nuisance within the Village or within the police jurisdiction of the Village.

7-1-2 **PUBLIC NUISANCES, GENERALLY**

A public nuisance is a thing, act, occupation, condition or use of property which shall continue for such length of time as to:

- A. Substantially annoy, injure or endanger the comfort, health, repose or safety of the public;
- B. In any way render the public insecure in life or in the use of property;
- C. Greatly offend the public morals or decency; or
- D. Unlawfully and substantially interfere with, obstruct or tend to obstruct or render dangerous for passage any street, alley, highway, navigable body of water or other public way.

7-1-3 **PUBLIC NUISANCES AFFECTING HEALTH** *Amended, 2009-10-844, 2002-03-700*

The following acts, omissions, places and things are specifically declared to be public health nuisances, but shall not be construed to exclude other health nuisances coming within the definition of Section 7-1-2 herein.

- A. All decayed, harmfully adulterated food or drink sold or offered for sale to the public;
- B. Carcasses of animals, birds or fowl not disposed of in a sanitary manner within 24 hours after death;
- C. Accumulations of decayed animal or vegetable matter, trash, rubbish, rotting lumber, bedding, packing material, abandoned vehicles or machinery, scrap metal or any material in which flies, mosquitoes, disease-carrying insects, rats or other vermin may breed; or

- which may constitute a fire hazard;
- D. All stagnant water in which mosquitoes, flies or other insects can multiply;
 - E. Garbage cans which are offensive and not fly-tight, vermin and rodent proof;
 - F. The pollution of any public well or cistern, stream, lake, body of water by sewage, industrial wastes or other substances;
 - G. All abandoned wells not securely covered or secured from public use to prevent ground water pollution or other hazard to public health or safety;
 - H. All diseased animals running at large;
 - I. The keeping of horses or other animals or fowl on property zoned for uses other than agriculture unless appropriate provisions of this section relating to keeping of animals and appropriate local zoning regulations are met;
 - J. Any open burning contrary to the regulations of this Code;
 - K. The deposit of garbage, rubbish or any offensive substance on any street, sidewalk or public place, or on any private property, except as may be permitted by ordinance. No such refuse shall be so placed that it can be blown about or scattered by the wind;
 - L. The deposit of any offensive matter, or the carcass of any dead animal in any water course, lake, pond, spring, well or common sewer, street or public highway;
 - M. The rental or lease of property or properties which have been declared unfit for human habitation by the Village;
 - N. Buildings, either occupied or unoccupied that are an exposed public health hazard.
 - J. Bushes, brush and heavy undergrowth causing directly or indirectly the impoundment of surface waters in residential areas creating a breeding place for mosquitoes or otherwise becoming detrimental to the public health;
 - K. Any obstruction or pollution in or across any water course, drainage ditch, ravine or source of water supply in the Village;
 - L. Building foundations or other excavations which remain uncovered for a period in excess of 10 days;
 - M. Refrigerators, freezers, stoves and similar equipment which has been abandoned to the potential peril of persons;
 - N. The killing, slaughtering or butchering of animals including, but limited to livestock or

wild game, except in a slaughter house, meat processing plant or, if and when permitted under applicable laws and regulations, in a butcher shop.

- O. Any act or omission or act which would constitute a nuisance in fact under common or statutory law; and
- U. The presence of chipped or peeling paint, broken windows or unsecured structures on any premises used for business, municipal or industrial activity or zoned for such activity.
- V. Pests which become a nuisance. Pests include undesirable arthropods (including certain insects, spiders, mites, ticks and related organisms), wood infesting organisms, rats, mice and other obnoxious undesirable animals and as specifically set forth in 65 ILCS 5/11-20-8. The abatement of nuisance pests shall be subject to Section 7-1-7 and the lien procedures in Section 7-1-4-H.

7-1-4 **PUBLIC NUISANCES REGARDING WEEDS, GRASS, TREES, BUSHES AND INFECTED TREES** *Amended, 2009-10-844, 2006-07-795*

Failure to comply with the provisions of this Section 7-1-4 shall be declared a nuisance.

- A. Purpose: The purpose of this Section 7-1-4 is to insure some minimal standards for the maintenance of lawns, yards, trees, bushes and parcels of land in the Village; to prevent unsightly conditions; to encourage the neat and orderly maintenance of property; to control all weeds, grass, trees and bushes, including nuisance and noxious weeds; to provide for the removal of ash trees infected with the emerald ash borer (*Agilus planipennis* Fairmaire); and to provide for a system of abatement should the provisions of this Section 7-1-4 be violated.

Weeds, grass, trees and bushes are collectively referred to as nuisance greenery for purposes of this Chapter.

B. Prohibitions and Restrictions Regarding Weeds:

- 1. Weeds - General: A weed is any plant that establishes itself entirely, or predominately, in areas under cultivation, and is not deliberately planted. The seeds, resulting in the growth of the weed, are in place as a result of natural conditions. Weeds that do not fall into the category of nuisance and noxious weeds, as further defined hereunder, shall be subject to the general height restrictions for all parcels of property set forth in Section 7-1-4-C.
- 2. Nuisance Weeds: Any weeds such as jimson, burdock, ragweed, thistle, cockle-burr, or other weeds of a like kind, found growing in any lot or tract of land in the Village are hereby declared to be a nuisance, and it shall be unlawful to permit any such weeds to grow or remain in any such place. The following weeds are also specifically categorized as nuisance weeds: giant ragweed (*Ambrosia trifinda*); common ragweed (*Ambrosia artemisiifolia*); orchard grass (*Dactylis glomerata*); timothy (*Phleum pratense*); redtop grass (*Agrostis alba*); bermuda grass (*Cynodon*

dactylon; pigweeds (*Amaranthus* spp.); and goosefoot (*Chenopodium* spp.).

3. Noxious Weeds: Noxious weeds, which are defined in the Illinois Noxious Weed Law (505 ILCS 100/2) to be as any plant which is determined by the director of the Illinois Department of Agriculture, the dean of the College of Agriculture of the University of Illinois and the director of the Agricultural Experiment Station at the University of Illinois, to be injurious to public health, crops, livestock, land or other property. Said weeds are prohibited and cannot be allowed to grow in the Village.
- C. General Maintenance and Height Provisions: All public and private parcels of land in the Village shall be mowed and maintained so that the height of the lawn, or other vegetation thereon, at no time exceeds five inches. Flower and shrub plantings of an ornamental nature shall be placed in such a way so as to not interfere with required mowing. An individual owner of record or occupant of a parcel may seek an exception to the height provisions for vegetation not otherwise prohibited by applying to the Village Board for permission to establish and/or maintain a native or natural planting pursuant to the guidelines set forth in Section 7-1-4-D. In addition, individual property owners shall be responsible for mowing and maintaining that portion of the right-of-way and/or parkway between the sidewalk and road surface.
- D. Exceptions:
1. Those seeking an exception to the requirements of Section 7-1-4-C must submit an application to the Village Board containing the following documentation:
 - a. A site plan for the proposed or existing planting or an existing native natural area.
 - b. A list of plant species that are in or are to be in the site.
 - c. A certification of involvement in a particular program, or a statement of sources of technical assistance or expertise.
 - d. A written proposal of maintenance or of visual screening of such plantings.
 2. The types of exceptions that may be considered by the Village Board which would allow uncontrolled plant growth are as follows:
 - a. Native Plantings: The use of native plant species for aesthetic and/or wildlife reasons.
 - b. Wildlife Plantings: The use of native and/or introduced plant species to attract and aid wildlife.

- c. Erosion Control: To offset and control any soil loss problems, both occurring or predicted.
 - d. Soil Fertility Building: The enrichment and eventual stabilization of soil fertility through the use of various plant species.
 - e. Governmental Programs: Any federal, state or local programs which require the unimpaired growth of plants during majority or all of the growing season.
 - f. Educational Programs: Any areas designated for educational studies.
 - g. Cultivation: Any plant species or group of plant species native or introduced and grown for consumption, pleasure or business reasons.
 - h. Biological Control: The planting of a particular plant species or group of species which will effectively out compete and replace a noxious or troublesome weed species without additional soil disturbance of the site.
 - i. Parks and Open Space: Any and all public parks and open space lands under the jurisdiction of federal, state and local agencies including private conservation/preservation organizations.
 - j. Wooded Areas: All areas that are predominately woods.
3. The Village Board shall review the application for an exception. If the application is for one of the exceptions set forth in Section 7-1-4-D-2 and the Village Board finds that the site plan, as submitted, will result in the property being in an overall neat and maintained condition, and the uncontrolled growth will be separated from the lawn area, and will not interfere with the required mowing of the lawn an exception will be granted. However, such exception may be granted with certain conditions and limitations.
- E. Removal of Infected Trees: The Village may provide for the removal of ash trees infected with the emerald ash borer from any parcel of private property within the Village if the owners of that parcel, after reasonable notice, refuse or neglect to remove the infected trees. The Village may collect, from the owners of the parcel, the total cost for the removal of infected trees.
- F. Notice to Remove, Abatement, Costs: The Village shall serve a notice upon the owner or occupant upon any premises which are in violation of any provision of this Section. Such notice shall demand that the nuisance created by said violation be abated within 10 days. Upon failure of the owner or occupant to abate the nuisance, the Village may proceed to abate same and such expense shall be charged and paid by such owner or occupant.
- G. Statutory Lien, Weed Removal: In addition to the other remedies of the Village, as set

forth in this Section 7-1-4, the Village shall, with reference to nuisance greenery, exercise all rights accorded to the Village under the applicable state law, as currently set for in 65 ILCS 5/11-20-6, 5/11-20-7 and 5/11-20-15, as amended. Said rights include the right of the Village to destroy the nuisance greenery, cut the nuisance greenery upon the owner's failure to do so, collect from the owner the cost thereof, and the right to file a lien upon the subject real estate for such costs. This provision is not intended to limit the rights of the Village to abate any other nuisance created by the violation of this Title 7, Chapter 1, even though such nuisance might not necessarily involve nuisance greenery.

H. Lien Procedures: Pursuant to 65 ILCS 5/11-20-15, the filing of a lien for nuisance greenery requires the following:

1. A notice must first be sent by certified mail or personally served on the person to whom was sent the tax bill for the general taxes on the property for the taxable year immediately preceding the removal activities.
2. The notice must reference that the action is pursuant to Section 7-1-4 of this Code and contain a common description of the subject property and a description of the removal activity.
3. Within one year after the removal cost has been incurred, a notice of lien must be recorded.
4. The notice of lien must contain a description of the property, amount of removal cost and the date or dates when the removal cost was incurred.
5. If there are Village-incurred costs more than one time during a one-year period, they can be combined into a single notice of lien.
6. Upon payment of the lien cost the Village shall release the lien and the recording of the release shall be responsibility of the owner at his or her expense.

7-1-5 **PUBLIC NUISANCES AFFECTING PEACE AND SAFETY**

The following acts, omissions, places, conditions and things are hereby declared to be public nuisances affecting peace and safety, but such enumeration shall not be construed to exclude other nuisances affecting public peace or safety coming within the provisions of this Chapter 1 of Title 7.

- A. All buildings erected, repaired or altered in violation of the provision of the ordinances of the Village relating to materials and manner of construction of building and structure;
- B. All trees, hedges, billboards or other obstructions which prevent persons driving vehicles on public streets, alleys or highways from having a clear view of traffic when approaching an intersection or pedestrian crosswalk;

- C. All limbs of trees which project over a public sidewalk less than eight feet above the surface thereof or less than 10 feet above the surface of a public street;
- D. All buildings or structures so old, dilapidated or out of repair as to be dangerous, unsafe, unsanitary or otherwise unfit for human use;
- E. All wires over streets, alleys or public grounds which are strung less than 15 feet above the surface of the street or ground;
- F. All loud and discordant noises or vibrations of any kind;
- G. All obstructions of streets, alleys, sidewalks or crosswalks and all excavations in or under the same, except as permitted by the ordinances of the Village or which, although made in accordance with such ordinances, are kept or maintained for an unreasonable length of time after the purpose thereof has been accomplished;
- H. All open and unguarded pits, wells, excavations or unused basements freely accessible from any public street, alley or sidewalk;
- I. Any sign, marquee or awning which is in an unsafe condition, or which overhangs any roadway, or sidewalk less than eight feet above the surface.
- J. Any condition or practice constituting a fire hazard;
- K. All unsheltered storage of old, unused, stripped, junked, and other automobiles not in good and safe operating condition, and of any other vehicles, machinery, implements, and/or equipment and personal property of any kind which is no longer safely usable for the purposes for which it was manufactured, within the corporate limits of this Village;
- L. All unsheltered storage of unlicensed automobiles for a period of 10 days or more.

7-1-6 **PUBLIC NUISANCES OFFENDING MORALS AND DECENCY**

The following acts, omissions, places, conditions and things are hereby specifically declared to be public nuisances offending public morals and decency, but such enumeration shall not be construed to exclude other nuisances offending public morals and decency coming within the definition of Section 7-1-2:

- A. All buildings or structures kept or resorted to for the purpose of prostitution, promiscuous sexual intercourse or gambling;
- B. All gambling devices and slot machines;
- C. All places where intoxicating liquor or fermented malt beverages are sold, possessed, stored, brewed, bottled, manufactured or rectified without a permit or license as provided by this Code.

ABATEMENT OF PUBLIC NUISANCES

- A. Inspection of Premises: Whenever a complaint is made to the President or a Trustee that a public nuisance exists, or has existed, within the Village, he shall promptly notify the Chief of Police, or some other appropriate Village official, who shall forthwith inspect or cause to be inspected the premises and shall make a written report of his findings to the President and Board of Trustees. Whenever practical, the inspecting officer shall cause photographs to be made of the premises and shall file the same in the office of the Village Clerk.
- B. Summary Abatement:
1. Notice to Owner: If the inspecting officer determines that a public nuisance exists on private property, a notice shall be served on the owner, or, if the owner cannot be found, on the occupant or person causing, permitting or maintaining such nuisance and a copy of the notice shall be posted on the premises. Such notice shall direct the owner, occupant, or person causing, permitting or maintaining such nuisance to abate or remove such nuisance within 24 hours.
 2. Extensions: The inspecting officer, upon written application by the owner within the 24 hours after the notice has been served, may grant additional time for the owner to effect the abatement of the nuisance, provided that such extension is limited to a specific time period.
 3. Abatement by Village: If the nuisance is not abated within the time provided or if the owner, occupant or person causing the nuisance cannot be found, the Chief of Police, or some other appropriate Village official, may cause the abatement or removal of such public nuisance, or person causing, permitting or maintaining such nuisance to abate or remove such nuisance within 24 hours.

7.1.8

ANIMALS 2004-05-745

- A. No owner or custodian of any animal shall cause or allow such animal to soil, defile or defecate on any public property or upon any street, sidewalk, public way, play area or common grounds owned jointly by the members of a homeowners' or condominium association, or upon private property other than that of the owner, unless such owner or custodian immediately removes and disposes of all feces deposited by such animal by the following methods:
1. Collection of the feces by appropriate implement and placement in a paper or plastic bag or other container; and
 2. Removal of such bag or container to the property of the animal owner or custodian and disposition thereafter in a manner as otherwise may be permitted by law.

- B. No person owning, harboring or keeping an animal within the Village shall permit any waste matter from the animal to collect and remain on the property of the owner or custodian, or on the property of others so as to cause or create an unhealthy, unsanitary, dangerous or offensive living condition on the owner's or custodian's property, or to abutting property of others.
- C. No person owning, harboring, keeping or in charge of any animal shall cause unsanitary, dangerous or offensive conditions by virtue of the size or number of animals maintained at a single location or due to the inadequacy of the facilities.

7-1-9 **PENALTIES**

Any person, firm or corporation violating any provision of this Chapter 1 of Title 7 shall be fined not less than \$100.00 nor more than \$500.00 of each offense, plus reasonable attorney fees incurred by the Village. A separate offense shall be deemed committed on each day during or on which such violation occurs or continues.

In addition to the penalty imposed by this Code for the erection, contrivance, creation, continuance or maintenance of a public nuisance, the cost of abating a public nuisance by the Village, including reasonable attorney fees incurred by the Village, shall be collected as a debt from the owner, occupant or person causing, permitting or maintaining the nuisance, and if notice to abate the nuisance has been given to the owner, such cost shall be assessed against the real estate as a lien against the property.