

Chapter 25

NUISANCES

ARTICLE 1 – WEEDS

25-1-1 DEFINITION. As use in this Code, “Weeds” shall include but not be limited to the following:

Burdock, Ragweed (Giant), Ragweed, (Common), Thistle, 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.

25-1-2 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 8 inches anywhere in the Village. Any such plants or weeds exceeding such height are hereby declared a nuisance.

25-1-3 NOTICE. The Police Department or any other person so designated by the Mayor or Village Board may issue a written notice of removal of weeds or grass. Such weeds or grass shall be cut by the owner or occupant within 48 hours after such notice has been duly served.

25-1-4 SERVICE OF NOTICE. Service of the notice provided for herein may be effected by handing same to the owner, occupant, or lessee of the premises, or to any member of his household of the age of 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 on the premises.

25-1-5 ABATEMENT. If the person so served abates the nuisance within the 48 hours, a removal cost of \$50.00 will be assessed to the owner and/or occupant for the cost of the notice and service thereof. If the person so served does not abate the nuisance, the Village may proceed to abate such nuisance, keeping account of the cost. The removal cost (abatement cost) will be charged at a rate of \$75.00 an hour with minimum cost of \$100.00 in addition to the cost of the notice and service thereof. Removal costs not paid within 30 days after billing will result in a lien being placed on the property and will include a \$25 processing fee for said lien.

25-1-6 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 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:

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(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, including attorney's fees.

(C) The date or dates when said cost and expense was incurred by the Village, and shall be filed within 60 days after the cost and expense is incurred.

25-1-7 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.

25-1-8 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, including attorney's fees and 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 60 days.

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

ARTICLE II - GENERALLY

25-2-1 UNSIGHTLY YARD/ACCUMULATION OF TRASH, JUNK AND DEBRIS ON TRAILER.

A. It shall be unlawful to permit or maintain an unsightly yard or premises where there is an accumulation or deposit of any vehicle, equipment, junk, wrecked or disabled automobile, truck, material of any nature, waste or earth.

B. It shall also be unlawful to permit or maintain any accumulation of or deposit of any unlicensed vehicle, boat, camper, or trailer; wrecked or dismantled vehicle, boat, lawn mower, camper, trailer or any parts thereof; any farm implements; any construction equipment; any equipment of any nature; or waste, including any trash, junk or debris, on any trailer unless it is in a trailer that is entirely enclosed with four sides and a roof and locked.

25-2-2 UNLICENSED, ABANDONED OR WRECKED VEHICLES.

A. It shall be unlawful to leave or possess on any lot in the Village any motorized vehicle, boat, camper or trailer, without a current valid license issued by the State of Illinois, for a period in excess of seven (7) days, unless such vehicle, boat, camper or trailer is enclosed within a garage or other building or within a solid fence at least six (6) feet in height.

B. It shall be unlawful to permit any abandoned, wrecked, or partially dismantled motorized vehicle, boat, lawnmower, camper, trailer, or major parts thereof to be kept or stored on public or private property for a period in excess of seven (7) days, unless such vehicle (including boat, lawnmower or camper) or trailer has been rendered temporarily incapable of being driven under its own power and ordinary repair or service operations are being performed on such vehicle (including boat, lawnmower or camper) or trailer, or unless such vehicle (including boat, lawnmower or camper) or trailer is enclosed within a garage or other building, or within a solid fence at least six (6) feet in height.

C. An abandoned vehicle, including boat, lawnmower or camper, shall include all motorized and other vehicles, including trailers, in a state of repair rendering such vehicle (including boat, lawnmower or camper) or trailer incapable of being driven in its existing condition; or any vehicle (including boat, lawnmower or camper) or trailer that does not have affixed thereto current registration plates or stickers and is apparently deserted. An abandoned vehicle may be removed immediately if determined to be a hazardous dilapidated motor vehicle under Section 11-40-3.1 of the Illinois Municipal Code.

25-2-3 NOTICE. Whenever any nuisance exists or shall be found on any premises within the Village, the Village Clerk or a Village Police Officer shall notify the owner, tenant, or person in charge if such owner, tenant or person in charge can be notified, to abate such nuisance. (81-6; 08-05-81)

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25-2-4 **ABATEMENT.** Except for any licensed vehicle (including boat, lawnmower, or camper) or licensed trailer that has been rendered temporarily incapable of being driven under its own power and ordinary repair or service operations are being performed on such vehicle or trailer, seven (7) days after the notice has been given to the owner, tenant, or person in charge by the Village Clerk or Village Police Officer (or if the Village Clerk or Village Police Officer is unable to deliver notice to such person, such notice must be placed on the vehicle, (including boat, lawnmower or camper, farm implement, construction equipment or trailer), then the nuisance may be abated by the Village officials at the owner's expense, whether or not prosecution for the misdemeanor has been instituted and such abatement by the Village shall not bar the Village's right to institute or maintain the proceeding for such misdemeanor.

25-2-5 **TRAILER - DEFINITION.** "Trailer" for purposes of Sections 25-2-2, 25-2-3 and 25-2-4 of this Code shall be defined as every vehicle without motive power designed for carrying passengers or property, and for being drawn by a motor vehicle.

25-2-6 **LAWNMOWER - DEFINITION.** "Lawnmower" for purposes of Sections 25-2-2, 25-2-3 and 25-2-4 of this Code shall be defined as any lawn tractor or grass mowing machine used primarily for residential lawn care excluding any tractor with 30 horsepower or more.

25-2-7 **FARM IMPLEMENTS - DEFINITION.** "Farm Implements" for purposes of Sections 25-2-4 and 25-2-9 of this Code shall be defined as any implements, equipment, and/or tractors used primarily for agricultural purposes, specifically including all tractors with 30 horsepower or more.

25-2-8 **CONSTRUCTION EQUIPMENT - DEFINITION.** "Construction Equipment" for purposes of Sections 25-2-4 and 25-2-9 of this Code shall be defined as any mechanized equipment designed to perform construction operations including but not limited to excavating, building roads, drilling, pile driving, reinforcing, roofing, finishing machinery, machinery for working with concrete, and machinery for carrying out preparatory work. Construction equipment includes but is not limited to backhoes, skid steers, and excavators.

25-2-9 **FARM IMPLEMENTS AND CONSTRUCTION EQUIPMENT.** It shall be unlawful to leave or possess on any lot in the R-1 District of the Village any farm implement or construction equipment unless such farm implement or construction equipment is stored within a garage or other building, or is in current use on the premises. Abatement of such nuisances shall be in accordance with Section 25-2-4 of this Code.

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25-2-10 OUTDOOR AND LAWN FURNITURE.**A. Definitions:**

(1) Accessory Structure. A secondary structure detached from the principal structure, but on the same premises, including but not limited to garages, sheds, barns, or outbuildings.

(2) Enclosed Porch. A structure, adjoining an entrance to a building, that is fully enclosed by permanent walls, windows, screens, or other similar material, and that cannot be accessed from the outside except through a door that is capable of being locked.

(3) Exterior. The exterior of any structure that is exposed to the weather or subject to and in contact with the elements, including, but not limited to sidings, facings, veneers, masonry, roofs, foundations, porches, decks, balconies, screens, shutters, windows, doors, or signs.

(4) Outdoor Furniture. Weather-resistant furniture designed and manufactured for outdoor use.

(5) Porch. A structure, adjoining an entrance to a building, that is not fully enclosed by permanent walls, windows, screens, or other similar material.

B. Furniture. It shall be unlawful for any person to allow on any yard, or other exterior area of any premises, furniture, other than Outdoor Furniture, as that term is defined in this Section.

C. Upholstered Furniture. It shall be unlawful for any person to allow on any yard, enclosed porch, deck, balcony, or other exterior area of any premises, upholstered furniture, including but not limited to upholstered chairs, upholstered couches, mattresses, or other similar items. This section does not apply to Outdoor Furniture or to Enclosed Porches, as those terms are defined in this Section.

D. Outdoor Lighting. No person shall cause or produce or use or display for purposes of advertising or illumination or otherwise any extremely bright or unusual outdoor light or lights of any type, which shall by reason of their intensity or position or method of use or display be a disturbance of the peace of any neighborhood or person, or shall be offensive to others in the neighborhood by reason of the degree or method or intensity of the intrusion of the light onto or into their own property.

E. Notice. Whenever any nuisance exists under this section or shall be found on any premises within the Village, the Village Clerk or a Village Police Officer shall notify the owner, tenant or person in.

F. Abatement. Seven (7) days after the notice has been given to the owner, tenant or person in charge, then the nuisance may be abated by the Village officials, at the owner's expense, whether or not prosecution for the misdemeanor has been instated and such abatement by the Village shall not bar the Village's right to institute or maintain the proceeding for such misdemeanor.

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25-2-11 FIREWOOD STORAGE (RESIDENTIAL AREAS).

(A) STORAGE REGULATIONS. In any area zoned for residential purposes, the following shall apply:

(1) Firewood must be stored in a structure or rack which is at least six (6) inches above the ground, not more than eight (8) feet in height.

(2) Firewood must be stacked in a neat, compact and orderly manner so as not to create a harborage for animals, rodents, or other pest infestation or other hazard to the public safety and welfare.

(3) No storage of firewood is permitted in the front yard, on the front porch, or within two (2) feet of any boundary line. For purposes of this section, "front yard" shall mean the open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and the nearest line of the principal building.

(4) No storage of firewood is permitted for the use other than for the dwelling contained on the lot for parcel.

(B) NOTICE. The Police Department or any other person so designated by the Village President or Village Board may issue a written notice to abate any nuisance defined by this Section within 5 days after such notice is issued. Service of notice provided for herein may be effectuated by handing same to the owner, occupant, or lessee of the premises, or to any member of his/her household of the age of 15 years or older found on the premises or by mailing such notice to the last known residence address of the owner by certified mail.

(C) ABATEMENT AND FINE FOR VIOLATION. If the owner, occupant, or lessee so served does not abate the nuisance within 5 days, such person shall be fined no less than Fifty Dollars (\$50.00) for each offense. A separate offense shall be deemed committed on each day during or on which a violation occurs or continues. The Village may in addition to the imposition of the above penalties, pursue whatever legal action it deems necessary to enjoin continuing violations.