

**02 ORDINANCE - 2**  
**VILLAGE OF HAMBURG**  
**NUISANCES**  
**ARTICLE I - GENERALLY**

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**2-1-1**        **SPECIFIC NUISANCES ENUMERATED.** It is hereby declared to be a nuisance and to be against the health, peace and comfort of the Village for any person within the limits of the Village 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, 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 other wise, 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 Village or within one and one-half 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, 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 Village from any moving vehicle, or to be thrown from a moving vehicle, or to throw from a moving vehicle and to remain thereon.

(R) **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 Village.

(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 Village.** To bring into the Village 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 Village, 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.

**2-1-2 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 Village if such use, keeping, or maintenance of same shall be dangerous to health.

**2-1-3 NOTICE TO ABATE.** It shall be the duty of the President of the Board 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 President of the Board shall prescribe. It shall not be necessary in any case for the President of the Board to specify in the notice the manner in which any nuisance shall be abated, unless he shall deem it advisable to do so.

**2-1-4 ABATEMENT OF NUISANCE BY VILLAGE: UNKNOWN OWNER.** It shall be the duty of the President of the Board 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 President of the Board 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.

## ARTICLE II

### BUILDING AS NUISANCE

**2-2-1** **BUILDING CONDITION – NUISANCE.** The Building Inspector or his designated representative shall report to the Village Board when any building in the Village is in a dangerous condition and constitutes a nuisance. Hereinafter, all references to Building Inspector shall include “his designated representative”.

**2-2-2** **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.

**2-2-3** **NOTIFICATION.** The Building Inspector with the approval of the Village Board 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 Village 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.”

**2-2-4** **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 Village.

(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 general welfare of the people of this Village.

(J) Those buildings existing in violation of any provision of the Building Code of this Village, or any provision of the fire Prevention Code, or any other ordinances of the Village.

(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.

**2-2-5 STANDARDS FOR REPAIR, VACATION OR DEMOLITION.** The following standards shall be followed in substance by the Building Inspector 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" **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 Village, or statute of the State of Illinois, it shall be demolished.

(See "non-conforming Uses" of the Zoning Code)

**2-2-6            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.

**2-2-7            DUTIES OF THE ATTORNEY.**

The Village 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 Building Inspector.

**2-2-8            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 lie 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 Village or person performing the service by authority of the Village, 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 Village. 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 Village or person in whose name(s) the lien has been filed and said release may be filed or 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)

**ARTICLE III – PENALTIES**

**2-3-60            PRESCRIBED VIOLATION.**

Any person found to be violating any provision of Article II of this Code shall be served by the Village with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations. The Village may revoke any permit for sewage disposal as a result of any violation of any provision of this Code.

**2-3-61            CONTINUED VIOLATION.**

Any person who shall continue any violation beyond the time limit provided for in Section 38-5-56, shall be guilty of a misdemeanor, and on conviction thereof shall be fined in the amount not less than **Fifty Dollars (\$50.00)** nor more than **One Hundred Fifty Dollars (\$150.00)** for each violation. Each day in which any such violation shall continue shall be deemed a separate offense.

2-3-62 **LIABILITY OF PERSON.** Any person violating any of the provisions of this Code shall become liable to the Village by reasons of such violation. (This Article Ord. NO. 78-7; 12-11-78)

|                          | Approved     | Disapprove |
|--------------------------|--------------|------------|
| _____<br>VILLAGE TRUSTEE | <u>  x  </u> | _____      |
| _____<br>VILLAGE TRUSTEE | <u>  x  </u> | _____      |
| _____<br>VILLAGE TRUSTEE | <u>  x  </u> | _____      |
| _____<br>VILLAGE TRUSTEE | <u>  x  </u> | _____      |
| _____<br>VILLAGE TRUSTEE | <u>  x  </u> | _____      |
| _____<br>VILLAGE TRUSTEE | <u>  x  </u> | _____      |

Hereby adopted and approved this 6th day of May, 2002.

\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
VILLAGE CLERK

LETTER OF NOTICE  
DANGEROUS OR UNSAFE BUILDING

TO: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

You, as owner(s) of the property lawfully described below, are hereby notified by the undersigned Village that said property has upon it a building which is:

- Dangerous and/or unsafe
- Uncompleted and/or abandoned

The lawful property shall be described as \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(legal description)

located at \_\_\_\_\_  
\_\_\_\_\_ (address)

Unless such building is put into safe condition or demolished within **ninety (90) days** of the receipt of this notice, the Village shall apply to the Circuit Court for an order authorizing such action to be taken by the **Village** with respect to the above described building. Any costs incurred by the Village to restore the building to a safe condition or to demolish the building shall be recovered from the owner(s) of the above-described property pursuant to **Chapter 65, Paragraph 5/11-31-1, Illinois Compiled Statutes.**

Dated at \_\_\_\_\_, this \_\_\_\_\_ day of \_\_\_\_\_, 200\_\_.

\_\_\_\_\_  
VILLAGE CLERK