

ORDINANCE NO. 93-6A

NUISANCE ORDINANCE  
FOR THE  
VILLAGE OF CHAPIN, ILLINOIS

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NUISANCE ORDINANCE

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ORDINANCE NO. 93-6

NUISANCE ORDINANCE

BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF CHAPIN, MORGAN COUNTY, ILLINOIS:

ARTICLE I - NUISANCE

SECTION 1. Purpose. The purpose of this Ordinance is to provide for the regulation and abatement of nuisances within the Village of Chapin as authorized by Section 11-60-2 of the Illinois Municipal Code and other applicable laws.

SECTION 2. Additional Requirements. The provisions of this Ordinance shall be deemed as additional requirements to the minimum standards required by other ordinances of the Village and by the statutes, laws, regulations and requirements of the State of Illinois and other governmental bodies with appropriate jurisdiction.

SECTION 3. Creating or Maintaining Prohibited. The maintenance or creation of any nuisance is prohibited and shall constitute a misdemeanor.

SECTION 4. Notice to Abate. It shall be the duty of the President, at the direction of the Board of Trustees, to serve notice, in writing, upon the owner, occupant, agent or person in possession or control of any lot, building, or premises in or upon which any nuisance may be found, or who may be owner or the cause of any such nuisance, requiring him to abate the same within such reasonable time as may be specified in said notice, but not less than five (5) days. It shall not be necessary in any case for the corporate authorities to specify in the notice the manner in which

any nuisance shall be abated, unless they shall deem it advisable to do so.

SECTION 5. Failure to Comply with Notice Prohibited. 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 misdemeanor.

SECTION 6. Abatement by the Village. The President and Board of Trustees may, upon the expiration of the time specified in the aforesaid notice, proceed immediately 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 and Board of Trustees may proceed to abate such nuisance without notice. In either case, the expense of such abatement shall be collected from the owner of the premises or the person who may have created, continued, or suffered such nuisance to exist, in addition to any penalty or fine. The Village may claim a lien upon the premises for expenses incurred, including recording fees for the recording or releasing such notice and file a notice of lien as provided by law.

SECTION 7. Common Law in Statutory Nuisances. In all cases where no provision is made defining what are nuisances and how the same may be removed, abated or prevented, in addition to what may be declared such herein, those offenses which are known to the common law of the land and the statutes of Illinois as nuisances may, in case the same exist in the Village limits or within one mile thereof, be treated as such, and proceeded against as is provided in this Ordinance, or in accordance with any other provision of law.

SECTION 8. Nuisances Detrimental to Health Generally. No building, vehicle, structure, receptacle, yard, lot, premises, or part thereof, shall be made, used, kept, maintained, or operated in the Village, if such use, keeping, maintaining, or operation of any such nuisance shall be dangerous or detrimental to public health, safety or welfare.

SECTION 9. Unhealthful Business. No substance, matter, or thing of any kind whatever which shall be dangerous or detrimental to health shall be allowed to exist in connection with any business, or be used therein, or be used in any work or labor performed in the Village, and no nuisance shall be permitted to exist in connection with any business or in connection with any such work or labor.

SECTION 10. Specific Nuisances Enumerated. It is hereby declared to be a nuisance and to be against the health, peace and comfort of the Village of Chapin for any person, firm, or corporation 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) Creating Offensive Smells.

To so negligently conduct any business or use any premises so as to create such an offensive smell as may taint the air and render it unwholesome or disagreeable to the neighborhood.

(b) Permitting Offensive Matter to Remain.

To cause or suffer the carcass of any animal, or any animal or vegetable matter, slops, swills, suds, garbage, filth, stable droppings or offal, or noisome from substance of any kind, to be collected, deposited, or to remain in any place in the Village to the prejudice of others.

(c) Depositing Offensive Matter.

To deposit, throw or place manure, dead animals or any other filthy, offensive or noisome substance in or upon any street, lot, alley, highway, park, water course, lake, pond, spring or other place within the Village, with the exception of commercial fertilizer normally used for home gardening.

(d) Keeping Place Where Areas or Containers are Kept in an Offensive Condition.

To keep or suffer to be kept, in a fowl, offensive, nauseous, or filthy condition any chicken coop, cow stable, stable, pen, cellar, vault, drain, pool, privy, sewer, or sink upon any premises belonging to or occupied by him, or any railroad car, building yards, grounds, or premises belonging to or occupied by him.

(e) Keeping Animals Other Than Domesticated Pets.

To keep or suffer to be kept upon or about his premises or upon vacant property or public streets, or public property within the Village, any goat, sheep, hog, cattle, fowl or other animal, reptile, or serpent other than domesticated house pets, and each day any such goat, sheep, hog, cattle, fowl, or other animal, reptile or serpent other than domesticated house pets is kept in violation of this section shall constitute a separate and distinct offense.

(f) Slaughter, Slaughter Houses, etc.

To slaughter or kill any animals within the Village or to locate or maintain at any place within the Village, or within a radius of one mile without the Village, any slaughter house,

packing house, rendering establishment or bone factory, or to suffer or permit any premises at any place within the limits of aforesaid used for any of the purposes aforesaid to be foul or offensive.

(g) Accumulations of Junk, Trash.

To keep, deposit, accumulate, or pile up any rags, old rope, paper, old iron, brass, copper, tin, ashes, garbage, trash, refuse, junk, debris, brush, litter, weeds, slush, lead, glass bottles or broken glass, abandoned, discarded or unused objects or equipment such as automobiles, furniture, stoves, appliances, refrigerators, cans or containers upon any lot, piece or parcel of land or upon any public or private alley or street within the Village.

(h) Dense or Offensive Smoke.

To cause or permit the emission of dense smoke from any fire, chimney, engine, oil burner, or any other agency in the Village so as to cause annoyance or discomfort to the residents thereof.

(i) Buildings.

To construct or maintain any buildings or structure in any unsanitary condition, or in an unsafe or dangerous condition, or which in any manner endangers the health or safety of any person or persons. Every building or part thereof which is in an unsanitary condition by reason of the basement or cellar being damp or wet, or by reason of the floor of such basement or cellar being covered with stagnant water, or by reason of the presence of sewer gas, or by reason of any portion of the building being

infected with disease or being unfit for human habitation, or by reason of any other unsanitary condition, is a source of sickness or which endangers the public health, is hereby declared to be a public nuisance.

(j) Permitting Conditions Attractive to Rats or Rodents.

To permit any conditions upon the premises that serve as habitat to or breeding or nesting area for rats or rodents or that may attract rats or rodents onto the premises.

(k) Weeds and Grass.

To permit excessive growth of brush or vegetation or to permit weeds and grasses to reach a height in excess of twelve (12) inches.

(l) Exterior Storage of Abandoned or Junked Vehicles.

To permit any abandoned, partially dismantled, wrecked, junked or discarded motor vehicle to remain on the premises longer than ten (10) days; and no person shall leave any such vehicle on any property within the Village for a longer time than ten (10) days; except that this Section shall not apply with regard to any vehicle in an enclosed building or so located upon the premises as not to be readily visible from any public place or from any surrounding private property. This Ordinance shall further not apply with regard to any vehicle on the premises of a business enterprise and operated in a lawful manner, when the keeping or maintenance of such vehicle is necessary to the operation of such business enterprise; or with regard to a vehicle in an appropriate storage place or depository maintained in a lawful place and manner by the Village or any other public agency or entity.



(m) Bringing Nuisances Into the Village.

To bring into the Village, or keep therein for sale or otherwise, either food or for any other purpose, any dead or live animal or any matter, substance, or thing which shall be a nuisance or shall occasion a nuisance in the Village, or which may or shall be dangerous or detrimental to health.

SECTION 11. Penalties. Any person violating any provision of this Ordinance shall be deemed guilty of a misdemeanor and, upon conviction hereof, shall be fined an amount not less than \$25.00, nor exceeding \$500.00. Each day such violation is committed or permitted to continue, shall constitute a separate offense and shall be punishable hereunder as such.

#### ARTICLE II - INOPERABLE VEHICLES.

SECTION 12. Definition. Inoperable Motor Vehicles.

(a) An inoperable motor vehicle or vehicles as used herein shall mean any motor vehicle or vehicles from which for a period of at least seven (7) days the engine, wheels or other parts have been removed, or on which the engine, wheels or other parts are altered, damaged or otherwise in such condition that the vehicle is incapable of being driven under its own motor power.

(b) An inoperable motor vehicle or vehicles as used herein shall not include the following:

(1) a motor vehicle or vehicles which have been rendered temporarily incapable of being driven under their own motor power in order to perform ordinary service or repair operations;

(2) any motor vehicle or vehicles that are kept within a building;

(3) operable historic vehicles over twenty-five (25) years of age; or

(4) any motor vehicle or vehicles on the premises of a place of business engaged in wrecking or junking of motor vehicles.

SECTION 13. Inoperable Motor Vehicles Declared Nuisance. That all inoperable motor vehicles whether on public or private property and in view of the general public are hereby declared to be a nuisance.

SECTION 14. Notice. It shall be the duty of the President of the Board of Trustees of the Village of Chapin, Illinois, at the direction of the Board of Trustees, to cause notice to be served, in writing, upon the owner or person in possession or control of any inoperable motor vehicle or vehicles giving such owner or person in possession or control seven (7) days from the date of said notice to dispose of the inoperable motor vehicle or vehicles owned by him or in his possession and control by removing said inoperable vehicle or vehicles from the corporate limits of the Village of Chapin, Morgan County, Illinois. Said written notice shall be sent by certified United States Mail, postage prepaid.

SECTION 15. Removal and Fine. Upon the failure of any person who owns or has in his possession and control an inoperable motor vehicle or vehicles who fails to comply with the notice as herein provided for in Section 14, the Village President or any member of the police department designated by him or any other law enforcement agency, with applicable jurisdiction, is hereby authorized to remove or have removed any inoperable motor vehicle or parts thereof and

such person shall be subject to a fine of not less than \$50.00 nor more than \$500.00. Each day that such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable hereunder. Vehicles or parts thereof removed hereunder shall be impounded until lawfully claimed or disposed of in accordance with and as provided by the laws of the State of Illinois.

SECTION 16. Historical Vehicles. Vehicles of historical significance may be exempted from the provisions of this chapter by the Village Board upon the written request of the owner of such a vehicle.

ARTICLE III - HEIGHT CONTROL OF WEEDS AND GRASSES.

SECTION 17. Definition. The term "weeds" as used in this article shall include 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, smart weeds (all varieties), poison hemlock and wild hemp. The term "grasses" as used in this article shall be defined as plants of various varieties growing on, and used for, lawns and pastures.

SECTION 18. Refusal or Neglecting to Cut Weeds and Grasses Over Twelve Inches Prohibited. It is hereby declared to be illegal for any person in charge of or in control of real estate, whether as owner, lessee, tenant occupant or otherwise, to refuse or neglect to cut weeds and grasses when such weeds and grasses shall have reached a height in excess of twelve (12) inches. Every such person shall cut weeds and grasses on said property at all such times as may be necessary so that such weeds and grasses shall not exceed twelve (12)

inches in height. If said person neglects or refuses to cut weeds and grasses so that such weeds and grasses do exceed twelve (12) inches in height, the Village may cut the weeds and grasses or authorize some person to cut the weeds and grasses on behalf of the Village with the expense thereof being chargeable to such person and the owner of the real estate.

SECTION 19. Authority to Order Cutting. The Village President or his designee is authorized to order the cutting of weeds and grasses by the Village when the person in charge of or control of the real estate has failed to do so as required by this article.

SECTION 20. Liability for Cost When Cut by Village; Notice and Release of Lien. If weeds and grasses are cut by the Village or by someone directed to cut them on behalf of the Village, a notice of lien of the cost and expense thereof, including recorder's fees for recording and releasing such notice, incurred by the Village shall be recorded in the following manner: The Village or person performing the service by authority of the Village, in its or his own name, may file notice of lien in the office of the recorder of deeds in this county. The notice of lien shall consist of a sworn statement setting out:

- (1) A description of the real estate sufficient for identification thereof,
- (2) The amount of money representing the cost and expense incurred or payable for the service, and
- (3) The date or dates when said cost and expense was incurred by the Village and shall be filed within sixty (60) days after the cost and expense was incurred.

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.

SECTION 21. Effective Date. This Ordinance shall be in full force and effect from and after its passage, approval and publication in pamphlet form as provided by law.

SECTION 22. Severability. If any section, paragraph, clause or provision of this Ordinance shall be held invalid, the invalidity of such section, paragraph, clause or provision shall not affect any other provision of this Ordinance.

SECTION 23. Repeal. Ordinance No. 84-4 is hereby repealed.

AYES: \_\_\_\_\_

NAYS: \_\_\_\_\_

ABSENT: \_\_\_\_\_

PASSED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 1993.

\_\_\_\_\_  
Village Clerk

APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 1993.

\_\_\_\_\_  
Village President

ATTEST:

\_\_\_\_\_  
Village Clerk

(SEAL)

STATE OF ILLINOIS        )  
                                  )  
COUNTY OF MORGAN        )     SS

I, Shirley Coffman, Village Clerk of the Village of Chapin, Morgan County, Illinois, do hereby certify that the foregoing and attached copy of Ordinance No. 93-6 is a true and correct copy of an Ordinance passed by the President and Board of Trustees of the Village of Chapin at a regular meeting of said City Council held on the \_\_\_\_ day of \_\_\_\_\_, 1993, all as the original of the same remains on file in the records of my office.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of said Village of Chapin, this \_\_\_\_ day of \_\_\_\_\_, 1993.

\_\_\_\_\_  
Village Clerk

(SEAL)