

VILLAGE OF CHAPIN

ORDINANCE NO. 98-4

AN ORDINANCE PROVIDING FOR THE REGULATION  
OF ANIMALS & NUISANCES

FOR THE

VILLAGE OF CHAPIN, MORGAN COUNTY, ILLINOIS

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ADOPTED BY THE

PRESIDENT AND BOARD OF TRUSTEES

OF THE

VILLAGE OF CHAPIN, MORGAN COUNTY, ILLINOIS

THIS 2nd DAY OF SEPTEMBER, 1998

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Published in pamphlet form by authority of the President and Board of Trustees  
of the Village of Chapin, Morgan County, Illinois this 2nd day of September, 1998.

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**ORDINANCE NO. 98-4**

**AN ORDINANCE PROVIDING FOR THE REGULATION  
OF ANIMALS & NUISANCES**

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

**CHAPTER 1 - ANIMALS**

**ARTICLE I - GENERAL**

**SECTION 1-1-1. Running at Large.** It shall be unlawful to permit any animals or fowl to run at large in the Village. Any such animal running at large in any public place shall be impounded by the appropriate authorities. The procedures for impoundment and redemption of any animal or fowl shall be the same as provided for domesticated animals in Article II of the chapter.

**SECTION 1-1-2. Nuisance Animals.**

(a) No person shall own, keep, have in his possession or harbor any animal or fowl which, by frequent or habitual howling, yelping, barking, crying, calling loudly, molesting passersby, chasing vehicles, attacking other domestic animals, or trespassing upon private property, shall cause a nuisance or disturbance to any individual or the neighborhood.

(b) It shall be unlawful for the owner or person having charge of any animal within the Village to fail to exercise proper care and control of the animal to prevent it from becoming a nuisance, as defined in this Section or in Chapter 2 of this Ordinance. Violation of this Section shall subject such owner or person to penalty as provided under Chapter 2 of this Ordinance. Such animal shall be deemed a nuisance if it:

(1) Molests a person walking or driving on any public street, alley or sidewalk;

(2) Attacks another domestic animal upon any public street, alley or sidewalk;

(3) Trespasses upon private property and while thereon causes damage to property; or

(4) Is kept, housed, harbored or maintained in any manner in violation of this Chapter or as to create a nuisance under the provisions of Chapter 2 of this Ordinance.

(b) Any animal which is a nuisance as defined in this Section shall be impounded by the appropriate authority, with the procedures for impoundment and redemption being the same as for domesticated animals in Article II of this Chapter.

**SECTION 1-1-3 Penalty.** In addition to other remedies herein provided, any person, firm or corporation violating any provision of this Chapter shall be fined not less than Twenty-five dollars (\$25.00) nor more than Five Hundred dollars (\$500.00) for each offense; and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

**SECTION 1-1-4. Abatement.** The proper authorities of the Village, in addition to other remedies herein provided, may institute any appropriate action or proceedings to prevent the unlawful keeping of animals or fowl, including domesticated animals, or to enjoin, restrain or abate any violation of any provision of this Chapter.

## ARTICLE II - DOMESTICATED ANIMALS

**SECTION 1-2-1. License Required.** No domesticated animal shall be permitted to be or remain in the Village without being licensed as required by County Regulations.

**SECTION 1-2-2. Running of Animals at Large Prohibited.**

(a) It shall be unlawful for any person owning, keeping, maintaining or harboring a dog to allow said dog to run at large at anytime beyond the limits of the lands of its owner, and upon the streets, sidewalks or other public or private property. For the purpose of this Section, a dog shall be considered NOT to be at large whenever said dog is under the control of a person by means of a leash, chain, cord or rope of said dog is under the control of a person by means of a leash, chain, cord or rope of not more than ten (10) feet in length and of sufficient strength to control said dog.

(b) Each violation of the provision of this Section shall constitute a separate offense.

**SECTION 1-2-3. Impounding.** Unrestrained dogs and cats, or dogs and cats at large may be taken by police, the Village or County Animal Control Officials, or County Health officials and impounded in an animal shelter, and there be confined in a humane manner. Impounded animals shall be kept for not less than three (3) days unless reclaimed by their owners. If by a license tag or other means the owner can be identified, the Village or County Animal Control Officials or County Health Officials shall immediately, upon impoundment, notify the owner by telephone or mail of the impoundment of the animal. Animals not claimed by their owners within three (3) days shall be humanely disposed of by the Animal Control Officials or by County Health Officials delegated that authority, or the pound master where the dog is held.

**SECTION 1-2-4. Redemption.** An owner reclaiming an impounded animal shall pay a fee of \$6.00, plus all reasonable charges.

**SECTION 1-2-5. Sentry or Guard Dogs.** No person shall leave any sentry or guard dog unattended in any place in or out of any building unless a warning sign has been placed in a clearly visible location at the premises, located so that it can be seen by any person before entering the place to which the dog has access, warning that a sentry or guard dog is present. As used in this Section, the term sentry or guard dog means any dog intended to attack intruders, whether the dog has been trained to do so or the dog does so without training. No sentry or guard dog shall be left unattended in any place except inside a building or out of doors in a fenced yard, with a fence adequate to prevent the dog from leaving the yard.

**SECTION 1-2-6. Rabies Inoculation.** No person shall keep any dog over 16 weeks of age unless such dog has been inoculated by a licensed veterinarian to prevent rabies.

**SECTION 1-2-7. Injury to Property.** It shall be unlawful for any person owning or possessing a dog to permit such dog to go upon any sidewalk, parkway, or private lands or premises without the permission of the owner of such premises and break, bruise, tear up, crush or injure any lawn, flower bed, plant, shrub, tree or garden in any manner whatsoever, or to defecate thereon.

**SECTION 1-2-8. Restrictions on the Number of Dogs and Cats.**

(a) Not more than six dogs or six cats or any combination of six thereof shall be allowed in the residence or apartment of the owner or the person who has custody of a dog or cat.



(b) The owner or person who has custody of a dog or cat may retain the puppies or kittens, born of said dog or cat exceeding the permissible numbers set forth in Section 1-2-8 for twelve weeks after the birth of the animals. If after that time, there are more than six dogs or six cats or any combination of six thereof, in any one residence or apartment the owner or person in custody of the dogs or cats will be in violation of this ordinance.

### **ARTICLE III - DANGEROUS ANIMALS**

**SECTION 1-3-1. Definitions.** For purposes of this Section, "dangerous animal" means and includes any wild mammal, reptile or fowl which is not naturally tame or gentle but is of a wild nature or disposition and which, because of its size, vicious nature or other characteristics would constitute a danger to human life or property if it is not kept or maintained in a safe manner or in secure quarters. The term "dangerous animal" also means and includes any domestic mammal, reptile or fowl which, because of its size or vicious propensity or other characteristics, would constitute a danger to human life or property if it is not kept or maintained in a safe manner or in secure quarters.

**SECTION 1-3-2. Permit Required.** It shall be unlawful for any person to keep or maintain within the Village any dangerous animal unless a special annual permit therefor is first obtained from the Village Board.

**SECTION 1-3-3. Issuance of Permit.** The Village Board shall issue a special permit for the keeping or maintaining of a dangerous animal if it finds:

(a) That the animal is at all times kept or maintained in a safe manner and that it is at all times confined securely so that the keeping of such animal will not constitute a danger to human life or the property of others.

(b) That adequate safeguards are made to prevent unauthorized access to such animal by members of the public.

(c) That the health or well-being or the animal is not in any way endangered by the manner of keeping or confinement.

(d) That the keeping of such animal does not constitute a nuisance and will not harm the surrounding neighborhood or disturb the peace and quiet of the surrounding neighborhood.

(e) That the keeping of such animal will not create or cause offensive odors or constitute a danger to public health.

(f) That the quarters in which such animal is kept or confined are adequately lighted and ventilated and are so constructed that they may be kept in a clean and sanitary condition.

(g) That the applicant for such special permit prove his ability to respond in damages to and including the amount of \$1,000 for bodily injury to or death of any person or persons or for damage to property owned by any other person which may result from the ownership, keeping or maintenance of such animal. Proof of liability to respond in damages may be given by filing with the Village Board a certificate of insurance stating that applicant is, at the time of his application, and will be during the period of such special permit, insured against liability to respond in such damages, or by posting with the Village Board a surety bond conditioned upon the payment of such damages during the period of such special permit. Such certificate of insurance or bond shall provide that no cancellation of the insurance or bond will be made unless ten days written notice is first given to the Village Board.

**SECTION 1-3-4. Investigations.** The Village Board, in investigating any applicant for a permit under this Section or in the enforcement of this Section, is authorized to consult with and seek the advice of the Society for Prevention of Cruelty to Animals, the Humane Society, any representative of the County, or any other individual, agency, organization or society which may be able to provide information and advice concerning the keeping of dangerous animals.

**SECTION 1-3-5. Inspections.** Prior to the annual renewal of any special permit issued hereunder and at least once not more than six (6) months after the issuance of any such special permit or after its renewal, the Village Board shall inspect the premises subject to such special permit to determine whether the person to whom

it has been issued is continuing to comply with all of the conditions specified in this Section. If the Village Board determines during any such inspection that any of the conditions therein specified are being violated, they shall refuse to renew any such special permit, or they shall revoke such special permit in the event that such violation is not corrected within such period of time as they shall direct. A fee of \$10.00 shall be charged for each such semi-annual inspection.

**SECTION 1-3-6. Limit on Number of Dangerous Animals.** In no event shall a permit be issued for the keeping of more than one dangerous animal at any single location.

**SECTION 1-3-7. Fees.** No permit shall be issued for the keeping of dangerous animals unless all provisions of this Section are complied with and a fee of \$25.00 is paid to the Village. Permit fees shall be paid annually on or before the start of the license year.

#### **ARTICLE IV - VICIOUS AND DANGEROUS DOGS**

**SECTION 1-4-1. Definitions.**

(a) "Vicious dog" means:

(1) Any individual dog that when unprovoked inflicts bites or attacks a human being or other animal either on public or private property.

(2) Any individual dog with a known propensity, tendency or disposition to attack without provocation, to cause injury or to otherwise endanger the safety of human beings or domestic animals.

(3) Any individual dog that has as a trait or characteristic and a generally known reputation for viciousness, dangerousness or unprovoked

attacks upon human beings or other animals, unless handled in a particular manner or with special equipment.

(4) Any individual dog which attacks a human being or domestic animal without provocation.

(5) Any individual dog which has been found to be a "dangerous dog" upon 3 separate occasions.

No dog shall be deemed "vicious" if it bites, attacks, or menaces a trespasser on the property of its owner or harms or menaces anyone who has tormented or abused it or is a professionally trained dog for law enforcement or guard duties. Vicious dogs shall not be classified in a manner that is specific as to breed.

If a dog is found to be a vicious dog, the dog shall be subject to enclosure.

(b) "Dangerous Dog" means any individual dog which when either unmuzzled, unleashed, or unattended by its owner, or a member of its owner's family, in a vicious or terrorizing manner, approaches any person in an apparent attitude of attack upon streets, sidewalks, or any public grounds or places.

(c) "Enclosure" means a fence or structure of at least 6 feet in height, forming or causing an enclosure suitable to prevent the entry of young children, and suitable to confine a vicious dog in conjunction with other measures which may be taken by the owner or keeper, such as tethering of a vicious dog within the enclosure. Such enclosure shall be securely enclosed and locked and designed with secure sides, top and bottom and shall be designed to prevent the animal from escaping from the enclosure.

(d) "Impounded" shall have the same meaning as provided for in Section 1-2-3 above.

(e) "Found to be vicious dog" means (i) that the police, Village, County Animal Control Officials or County Health Officials has conducted an investigation and made a finding in writing that the dog is a vicious dog as defined in paragraph (1) of subsection (a) and, based on that finding, the police, Village or County Animal Control Officials or County Health Officials has declared in writing that the dog is a vicious dog or (ii) that the Circuit Court has found the dog to be a vicious dog as defined in paragraph (1) of subsection (1) and has entered an order based on that finding.

**SECTION 1-4-2. Enclosure of Vicious Dogs.** It shall be unlawful for any person to keep or maintain any dog which has been found to be a vicious dog unless such dog is at all times kept in an enclosure. The only times that a vicious dog may be allowed out of the enclosure are (i) if it is necessary for the owner or keeper to obtain veterinary care for the dog or (ii) to comply with the order of a court of competent jurisdiction, provided that the dog is securely muzzled and restrained with a chain having a tensile strength of 300 pounds and not exceeding 3 feet in length, and shall be under the direct control and supervision of the owner or keeper of the dog.

**SECTION 1-4-3. Dispatching of Vicious Dogs.** Any dog which has been found to be a vicious dog and which is not confined to an enclosure shall be impounded by the Police, Village or County Animal Control Officials or County Health Officials and shall be turned over to a licensed veterinarian for destruction by lethal injection.

If the owner of the dog has not appealed the impoundment order to the circuit court in the county in which the animal was impounded within 7 working days, the dog may be humanely dispatched. A dog found to be a vicious dog shall not be released to the owner until the Police, Village or County Dog Animal Control Officials or County Health Officials approve the enclosure as defined above.

**SECTION 1-4-4. Prohibition on Selling or Giving Away Vicious Dogs.** No owner or keeper of a vicious dog shall sell or give away the dog.

**SECTION 1-4-5. Dangerous Dogs as Nuisance.** It is unlawful for any person to maintain a public nuisance by permitting any dangerous dog or other animal to leave the premises of its owner when not under control by lease or other recognized control methods.

**SECTION 1-4-6. Exempt Dogs.** Guide dogs for the blind or hearing impaired, support dogs for the physically handicapped, and sentry, guard, or police-owned dogs are exempt from this Section; provided, an attack or injury to a person occurs while the dog is performing duties as expected. To qualify for exemption under this Section, each such dog shall be currently inoculated against rabies in accordance with the Illinois Animal Control Act 510 ILCS 5/1, *et seq*, and sentry and guard dogs must be maintained in compliance with Section 1-2-5 of this Ordinance. It shall be the duty of the owner of such exempted dog to notify the Village Board of changes of address. In the case of a sentry or guard dog, the owner shall keep the Village Board advised of the location where such dog will be stationed.

## **ARTICLE V - KEEPING REGULATIONS**

### **SECTION 1-5-1. Enclosure Required.**

(a) The owner or person having charge of animals or fowl, other than domesticated animals described in Article II of this Chapter, shall provide and maintain adequate fencing or an enclosure for such animals or fowl so as to keep such animals or fowl at all times on the premises of the owner or person in charge of the same.

(b) All enclosures and stables for animals and fowl, including domesticated animals described in Article II of this Chapter, shall be kept and maintained by the owner or keeper in a clean and sanitary manner and so as not to create a nuisance.

**SECTION 1-5-2. Location of Enclosures.** No enclosure wherein any animal or fowl is kept other than domesticated animals described in Article II of this Chapter, shall be closer than three hundred (300) feet to the property of any other person or entity within this Village.

**SECTION 1-5-3. Swine.** It shall be unlawful to keep any swine in the Village.

**SECTION 1-5-4. Grandfather Provision.** No owner or person having charge of animals or fowl, other than domesticated animals described in Article II of this Chapter, shall be required to comply with the provisions of Section 1-5-2 or Section 1-5-3 of this Article V if such owner or person kept said animals or fowl on property located within the Village on the effective date of this Ordinance; and such owner or person shall be permitted to continue to keep that same type or species of animal or fowl on that property upon which said animals or fowl were located on the effective date of the Ordinance, provided such animals or fowl are kept and maintained in compliance with all remaining provisions of this Ordinance. When such owner or person discontinues keeping that type or species of animal or fowl on said property for a period of thirty (30) consecutive days or more, then such owner or person shall be required to comply with every provision of this Ordinance.

## CHAPTER 2 - NUISANCE

### ARTICLE I - GENERAL

**SECTION 2-1-1.** **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 2-1-2.** **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 2-1-3.** **Creating or Maintaining Prohibited.** The maintenance or creation of any nuisance is prohibited and shall constitute a misdemeanor.

**SECTION 2-1-4.** **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 2-1-5.** **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 2-1-6. 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 and file a lien upon the premises for expenses incurred, including recording fees for the recording or releasing as provided by law. The Village may also seek to enjoin such act, activity, or undertakings creating the nuisance, or take any other legal action necessary to enforce the provisions of this Ordinance.

**SECTION 2-1-7. 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 be treated as such, and proceeded against as is provided in this Ordinance, or in accordance with any other provision of law.

**SECTION 2-1-8. 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 2-1-9. 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 2-1-10. 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, manure droppings or offal, or noisome 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, collect, 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) 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 factor, 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.

(f) 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.

(g) 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.

(h) 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.

(i) 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.

(j) 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.

(k) Exterior Storage of Abandoned or Junked Vehicles. To permit any abandoned, partially dismantled, wrecked, junked, inoperable 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.

(l) 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 2-1-11. 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 2-2-1. 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 have been altered, damaged or otherwise so treated 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 which has been rendered temporarily incapable of being driven under their own motor power in order to perform ordinary service or repair operation;
- (2) any motor vehicle or vehicles that are kept within a building when not in use;
- (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 2-2-2. Inoperable Motor Vehicles Declared Nuisance.** 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 2-2-3. Notice.** It shall be the duty of the President of the Board of Trustees or a Police Officer 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 at least seven (7) days from the date of said notice to dispose of the inoperable motor vehicle or vehicles owned by him or her or in his or her 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 2-2-4. Removal and Fine.** Upon the failure of any person who owns or has in his or her possession and control an inoperable motor vehicle or vehicles, whether on public or private property, to comply with the notice as herein provided for in Section 2-2-3, the Village President or any member of the police department, the county sheriff's department, 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 and in addition, such person shall pay all costs and expenses incurred by the Village including costs for towing, impounding the vehicle and attorneys fees. 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 2-2-5. 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 2-3-1. 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, lambs-quarter, 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 2-3-2. 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 2-3-3. 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 2-3-4. 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 2-3-5. 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 2-3-6. 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 2-3-7. Repeal.** Ordinance No. 84-4, Ordinance No. 85-5 and Ordinance No. 83-6 are hereby repealed.

AYES:         6        


NAYS:         0        

ABSENT:         0        

PASSED THIS 2nd DAY OF SEPTEMBER, 1998.

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

APPROVED THIS 2nd DAY OF SEPTEMBER, 1998.

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

ATTEST:

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

(SEAL)