

CHAPTER 1
NUISANCES

SECTION:

- 3-1- 1: Purpose
- 3-1- 2: Definitions
- 3-1- 3: Nuisances Enumerated
- 3-1- 4: Unlawful Disposal Of Materials
- 3-1- 5: Responsibilities Of Owner Or Occupant
- 3-1- 6: Abatement Procedures
- 3-1- 7: Lien Provisions
- 3-1- 8: Inspections
- 3-1- 9: Complaint Or Citation For Violation; Penalties
- 3-1-10: Forms

3-1-1: **PURPOSE:** The purpose of the chapter is to identify and deal within a timely manner certain public nuisances. (2000 Code § 3.07)

3-1-2: **DEFINITIONS:**

- BULK WASTE:**
- A. Appliances, including, but not limited to, washers, dryers, refrigerators, freezers, stoves, televisions, and water heaters; or
 - B. Indoor furniture, including, but not limited to, bed springs, mattresses, carpet, couches, chairs, and cushions; or
 - C. Other items exposed to the elements not designed for exterior use.

FRONT YARD: The yard extending across the full width of a lot that lies adjacent to the public or private street or road and extends from the front property line of said lot to the front of the structure on the lot.

- GARBAGE:** The animal or vegetable waste resulting from the handling, preparation, cooking and consumption of food.
- JUNK:** Scrap and old iron, steel, chain, brass, copper, magnesium, aluminum, tin, lead or other base metals; scraps of woolens, clippings, bagging, rubber and glass and empty bottles of different kinds and sizes, when the number of each kind or size is less than one gross; wrecked or dilapidated motor vehicles, engines, and machinery stored or held; and all articles and things discarded or no longer used as a manufactured article composed of or consisting of any one or more of the materials or articles herein mentioned.
- PERSON:** Any person, firm, partnership, association, corporation, company or organization of any kind.
- PREMISES:** Any real property or improvements thereon as the case may be.
- PROPERTY:** Premises.
- RUBBISH:** Combustible or noncombustible waste materials, except garbage, and the term shall include the residue from the burning of wood, coal, coke and other combustible materials, paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass, crockery and dust and other similar materials.
- WEEDS:** Includes noxious weeds such as buckhorn, bull nettle, burdock, Canada thistle, cocklebur, curled dock, dodders, field bindweed, giant foxtail, hoary cress, jimson, Johnson grass, leafy spurge, ox-eye daisy, perennial sow thistle, quack grass, ragweed, Russian knapweed, sweet clover, wild carrot, wild garlic, and wild mustard. (2000 Code § 3.07)

3-1-3: **NUISANCES ENUMERATED:** It is hereby declared a public nuisance for any person owning, leasing, occupying or having charge or possession of any premises in the village to maintain such premises in such manner that any one or more of the following subsections are found to exist:

- A. Junk, Garbage And Rubbish: The keeping, storage, depositing or accumulation on the premises of any junk, garbage or rubbish, including, but not limited to, abandoned, wrecked, dismantled, unlicensed¹ or inoperative vehicles, automotive parts and equipment, appliances, furniture, containers, packing materials, scrap metal, wood, building materials or debris which is within view of persons on adjacent property or the public right of way and which constitutes visual blight, or reduces the aesthetic appearance of the neighborhood, or is offensive to the senses, or is detrimental to nearby property or property values; provided, however, that wood and building materials being used for a project or construction or repair or renovation for which a building permit has been obtained may be stored for such period of time as is necessary expeditiously to complete the project.
- B. Dirt, Gravel And Concrete: The keeping, storage, depositing or accumulation of dirt, sand, gravel, concrete or other similar materials for an unreasonable period, which constitutes visual blight or reduces the aesthetic appearance of the neighborhood, or is offensive to the senses, or is detrimental to nearby property and property values.
- C. Parking In Front Yards: The parking of one or more motor vehicles in the front yard of premises.
- D. Parking Unlicensed Vehicles²: The parking of any semitruck, trailer, tractor, or vehicle on any public place or right of way or on any street or alley in the village without a license for that vehicle displayed thereon.
- E. Fire Hazards, Rubbish, Sewage And Pollution Of Waters: Any condition in violation of chapter 2 of this title. (2000 Code § 3.07)
- F. Grass, Weeds And Noxious Matter: Any premises or village right of way adjacent to that premises on which the owner or person having

1. See also subsection D of this section and subsection 7-6-10B of this code.

2. See also subsection A of this section and subsection 7-6-10B of this code.

control or the agent of the person having control permits any grass (except decorative grass used for landscaping purposes) or weeds over eight inches (8") in height, or deleterious, unhealthful growth, or other noxious matter to grow, lie or locate thereon. (2000 Code § 3.07; amd. 2010 Code)

- G. Bulk Waste: The keeping, storage, depositing or accumulation of bulk waste. The keeping of bulk waste shall not be permitted on open porches, carports, open garages, pavilions or similar structures.
- H. Nonmaintained Property: Any premises which is not maintained so as not to pose a threat to the health, safety or welfare of the public, is littered with animal feces, or which has improperly maintained trees, shrubs or vegetation that poses a threat to the health, safety or welfare of the public or has conditions which constitute a mosquito harborage. (2000 Code § 3.07)

3-1-4: UNLAWFUL DISPOSAL OF MATERIALS:

- A. Bodies Of Water: It is unlawful to dump or empty garbage, rubbish or refuse of any kind or the washings from any tank, truck, car or building into any running stream, swamp or pool of stagnant water within the village limits.
- B. Vacant Lots: The deposition of any garbage, rubbish, combustible material, or junk on any vacant lot within the village limits is unlawful.
- C. Public Property: The dumping or spreading of any garbage, rubbish, combustible material, or junk on any street, street right of way, parkway, or publicly owned property is strictly forbidden by law. (2000 Code § 3.07)

3-1-5: RESPONSIBILITIES OF OWNER OR OCCUPANT:

- A. Every owner of real property within the village is required to maintain such property in a manner so as not to violate the provisions of this chapter, and such owner remains liable for violations thereof regardless of any contract or agreement with any third party regarding such property.

- B. Every occupant, lessee, or holder of any interest in property other than as owner thereof is required to maintain such property in the same manner as is required of the owner thereof, and the duty imposed by this section on the owner thereof shall in no instance relieve those persons herein referred to from similar duty. (2000 Code § 3.07)

3-1-6: **ABATEMENT PROCEDURES:** The village shall cause the owner who violates any provision of this chapter to abate such violation on his property. If any owner fails to abate said violation on his properties within ten (10) days of notice by certified mail or personal service, the village may order the abatement of the violation. The costs thereof shall be charged against the real estate upon which the violation is located, and there shall be a lien against said real estate. In addition to the filing of a lien upon such real estate, the village shall have authority to collect the costs by filing a personal collection action against the owner in court. (2000 Code § 3.07)

3-1-7: **LIEN PROVISIONS:**

- A. Charges for the cost incurred by the village for the abatement of a violation from any property pursuant to this chapter shall be a lien upon the premises. At any time after a bill has been sent to the owner for abatement of the violation, a lien against the real estate involved may be filed with the recorder of the deeds. The failure of the village to record such lien claim or to mail notice or the failure of the owner to receive notice of such lien shall not affect the right to foreclose on the lien for such charges as provided by state law. For the purpose of this section, the village shall be deemed to incur the cost of the abatement. (2000 Code § 3.07; amd. 2010 Code)
- B. If the abatement is done by village personnel, the cost of the employee(s) which performs the abatement shall be calculated by the number of hours required to do the abatement by those employees times the hourly wage of said employee, plus the cost of benefits of employees per hour. The fair market rental of all pieces of equipment necessary to perform the abatement, plus the cost of disposal of all materials removed shall also be charged.
- C. If the abatement is done by private contractor, the amount said contractor invoices the village for work, plus disposal of materials removed, shall be charged. (2000 Code § 3.07)

3-1-8: INSPECTIONS:

- A. Authority: In order to safeguard the safety, health and welfare of the public, a duly authorized agent of the village is authorized to access any property at any reasonable time for the purpose of making inspections and performing duties under this chapter.
- B. Right Of Entry: If any owner, occupant, or other person in charge of a structure or premises subject to the provisions of this chapter refuses, impedes, inhibits, interferes with, restricts or obstructs entry and free access to any part of the structure or premises where inspection authorized by this chapter is sought, the village shall seek, in a court of competent jurisdiction, an order that such owner, occupant, or other person in charge shall permit an inspection of his or her premises. (2000 Code § 3.07)

3-1-9: COMPLAINT OR CITATION FOR VIOLATION; PENALTIES:

- A. Complaint Or Citation: Any violation of this chapter will, unless otherwise specified, result in the issuance of a complaint or citation for an ordinance violation by an officer of the village. (2000 Code § 3.07)
- B. Penalties: Any person violating the provisions of this chapter shall be subject to a fine of not less than twenty five dollars (\$25.00) nor greater than seven hundred fifty dollars (\$750.00), plus all costs of the village in prosecuting the ordinance violation including the village attorney fees and expenses and court costs both before and after filing such complaint or citation. A separate offense may be deemed committed on each day during or on which violation occurs or continues. (2000 Code § 3.07; amd. 2010 Code)
- C. Temporary Restraining Order Or Injunction: In any action or proceeding brought pursuant to the provisions of this chapter, the circuit court shall have the power and, in its discretion, may issue a temporary restraining order or a temporary injunction, as well as a permanent injunction, upon such terms and under such conditions as will do justice and enforce the provisions of this chapter.
- D. Nuisance Abatement: In addition to the foregoing, the village shall have such powers to abate nuisances as may be provided by law. (2000 Code § 3.07)

3-1-10: **FORMS:**

A. Variance Request - Treated Sewage Discharge:

FORM: 01A-3/85

Date: _____

VARIANCE REQUEST

Permission for Properly Treated Sewage Discharge into Road Tile

I, _____, as a representative for _____
(Township or Village)

give permission to:

Name _____

Address _____

Legal Description of Property _____

to discharge effluent from an approved, properly designed, constructed and maintained private sewage disposal system into the road tile along township or village road _____. It is the understanding that this system complies with Illinois Environmental Protection Agency, Illinois Department of Public Health and the Coles County Private Sewage Disposal Ordinance effluent standards. Furthermore this permission is contingent upon:

1. The private sewage installation contractor properly installs the system;
2. The homeowner provides proper maintenance and upkeep of the private sewage disposal system;
3. The discharge effluent meet IEPA's BOD (Biochemical Oxygen Demand) and SS (Suspended Solids) standards;
4. The discharge does not create any public health hazard or nuisance; and
5. The discharge does not create a traffic safety hazard or damages to the road tile.

If one or more contingent is not met, as determined by the Township or Village and/or Health Department, the variance request is considered void and it will be necessary for the homeowner to tile the effluent discharge to:

1. A receiving stream, lake, or pond, which provides greater than one to one dilution of the effluent.
2. To a common drain provided that the drain does not discharge within a mile upstream from a public water supply intake, public bathing beach, or to a public use area.

Corrective action, including necessary easements, must take place within thirty (30) days upon receipt of written notice for noncompliance.

3-1-10

3-1-10

Homeowner

Township or Village Representative

Date

Date

(To be signed by the homeowner as acknowledgment of the permission and responsibilities involved with this variance request.)

B. Nuisance Violation:

FORM: 01-4/95

Date: _____

Notice of Violation of Nuisance Ordinance
Village of Ashmore, Illinois

Premises in Violation - Street Address and Legal Description (if known):

Responsible Party - Name and Address: (If you are not the responsible party, please return this notice with the name and address of the responsible party to the Village Clerk)

An inspection of the above premises revealed a violation of the Village of Ashmore Nuisance Ordinance No. C32895, as listed below. Compliance with the Village of Ashmore Nuisance Ordinance must be completed by (date) _____

Discrepancies/Corrective Action Required: _____

THIS NOTICE IS NOT REQUIRED TO BE GIVEN TO YOU BY THE VILLAGE OF ASHMORE NUISANCE ORDINANCE. IT IS GIVEN TO YOU AS A COURTESY TO PERMIT YOU TO BRING YOUR PROPERTY INTO COMPLIANCE WITH THE NUISANCE ORDINANCE.

YOU ARE FURTHER NOTIFIED THAT UPON YOUR FAILURE TO ABATE THE DISCREPANCIES WHICH ARE IN VIOLATION OF THE VILLAGE OF ASHMORE NUISANCE ORDINANCE WITHIN THE TIME INDICATED, THE VILLAGE MAY CAUSE A COMPLAINT TO BE FILED AGAINST YOU FOR VIOLATIONS OF SAID ORDINANCE.

In the event that such a Complaint is filed against you and in the event that you are found guilty of violating the provisions of said Ordinance, you will be subject to a fine of not less than \$25.00 nor more than \$750.00 for each day your property is in violation of said Ordinance, both before and after this Notice is served upon you, plus the Village's attorney's fees and expenses and court costs, both before and after filing of such complaint.

In the event the Village decides to abate the nuisance on your property and does so abate it, it has the right to file a lien against your property and enforce the lien against your property for the costs of abating the nuisance.

If you have any questions concerning this notice, contact the Building Commissioner during the business hours at _____.

Signed: _____
Representative of the Village of Ashmore

Served on the above-named responsible party by ordinary mail on this ____ day of _____, 20__.

(2000 Code § 3.07; amd. 2010 Code)