

CHAPTER 25

NUISANCES

ARTICLE I - HEALTH OFFICER

25-1-1 **OFFICE CREATED.** The office of City Health Officer is hereby created.

25-1-2 **HEALTH OFFICERS; APPOINTMENT.** The Mayor shall appoint the City Health Officer and Assistant Health Officers with the advice and consent of the City Council.

25-1-3 **COMPENSATION.** The Health Officer and Assistant Health Officers shall receive as compensation for their services amounts to be fixed by the City Council from time to time in the annual budget.

25-1-4 **DUTIES.** It shall be the duty of the Health Officer:

(A) To enforce and observe all rules, regulations and orders of the State Department of Public Health and all state laws pertaining to the preservation of the health of the people within the City.

(B) To execute and enforce all ordinances of the City relating to nuisances, public health and sanitation.

(C) To investigate the existence of any contagious or infectious disease within the City, and to report the same promptly to the City Council and to the State Department of Health, and to act without delay in carrying out such measures for arresting the progress of the same as either or both of the bodies shall adopt.

(D) To make all necessary sanitation and health investigations and inspections within the City.

25-1-6 **ASSISTANCE OF POLICE.** City police officers shall assist the Health Officer or his assistants in the performance of the duties of his office when called upon by the Health Officer or by the Mayor.

ARTICLE II - GENERAL PROVISIONS

25-2-1 **CITY POLICY.** The creation or maintenance of any condition set forth in this Article is hereby declared a nuisance, subject to abatement or other appropriate action by the City. The enumeration of nuisances set forth in this Article shall not be deemed to be exclusive.

25-2-2 **WATER POLLUTION.** It is hereby declared to be a nuisance for any person to corrupt or render unwholesome or impure the water of any spring, river, stream, pond or lake, to the injury or prejudice of others.

25-2-3 **INTERFERENCE WITH GUTTER, SEWER, OR NATURAL DRAINAGE.** It is hereby declared to be a nuisance for any person to interfere with or obstruct without legal authority, any gutter, conduit, sewer or other outlet for water or the natural drainage of any public or private property.

25-2-4 **AIR POLLUTION.**
(A) It is hereby declared to be a nuisance for any person to so conduct any business as to taint the air, cause an offensive smell, or render the air unwholesome or disagreeable to others.

(B) It is hereby declared to be a nuisance for any person to keep or house an animal or animals in such a manner so as to taint the air, cause an offensive smell or render the air unwholesome or disagreeable to others.

25-2-5 **ENCROACHMENT ON PUBLIC WAY OR PLACES.** It is hereby declared to be a nuisance for any person to obstruct or encroach upon public highways, private ways, streets, alleys, commons, landing places, and ways to burying places.

25-2-6 **OFFENSIVE BUSINESSES.** It is hereby declared to be a nuisance for any person to erect, construct or use any building or other place for the exercise of any trade, business, employment or manufacture which by causing noxious exhalations, offensive smells or unwarrantable noises are dangerous to the health of individuals or of the public.

25-2-7 SIGNS. It is hereby declared to be a nuisance for any person to advertise wares or occupation 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. **(See Chapter 26 and 40)**

25-2-8 NOISE.

(A) It shall be unlawful for any person to make, continue, permit or cause to be made, continued or permitted any excessive, unnecessary or unusually loud noise or any noise which either annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of others within the City limits.

(B) **Noises Prohibited, Unnecessary Noise Standard.** The following acts, among others, are declared to be loud, disturbing and unnecessary noises in violation of this Section, but the enumeration shall not be deemed to be exclusive, namely:

- (1) **Radios, Phonographs, and the Like.** The using, operating or permitting to be played, used or operated any radio or television receiving set, musical instrument, phonograph or other machine or device for the producing or reproducing of sound in such manner as to disturb the peace, quiet and comfort of the neighboring inhabitants or at any time with louder volume than is necessary for the convenient hearing for the person or persons who are in the room, vehicle or chamber in which such machine or device is operated and who are voluntary listeners thereto. The operation of any such set, instrument, phonograph, machine or device between the hours of **11:00 P.M.** and **7:00 A.M.** in such a manner as to be plainly audible at a distance of **fifty (50) feet** from the building, structure or vehicle in which it is located shall be prima facie evidence of a violation of this Section.
- (2) **Animals and Birds.** The keeping of any animal or bird which by causing frequent or long continued barking or other noise shall disturb the comfort or repose of any persons in the vicinity.

ARTICLE III - WEEDS

25-3-1 **WEEDS PROHIBITED.** No owner of any lot, place, or area within the City, or the agent of such owner, shall permit on such lot, place, or area, or upon any sidewalk abutting the same, any weeds, grass, or deleterious, unhealthful growths, or other noxious matter, that may be growing, lying, or located thereon. Under no circumstances, shall the grass or weeds, upon any lot, place or area, located within the City be allowed to attain a height in excess of **eight (8) inches**.

25-3-2 **NOTICE.**

(A) The Property Maintenance Officer, Health Inspector, or any police officer is hereby authorized and empowered to notify, in writing, or in person, the owner of any such lot, place or area within the City or the agent of such owner, to cut, destroy, and/or remove any such weeds, grass, or deleterious, unhealthful growths, or other noxious matter found growing, lying or located on such owner's property, or upon the sidewalk abutting same. Such notice shall be by registered mail, addressed to the owner, or agent of the owner, at his last known address.

(B) However, in the event that the name or address of such owner or agent cannot be discerned by use of conventional means so that the above notice may be served by mail, then, in that event, the Property Maintenance Officer, Health Inspector or any police officer shall post a notice on such property indicating that it is ordered that the owner or agent of such owner is to clear such excessive growth within **three (3) days** of the posting of such notice on said premises.

(C) However, it shall not be necessary for the Health Inspector to serve the notice hereinabove provided for to the owner or agent of the owner of said property for a second or subsequent violation of this Code on the same parcel of real estate, prior to his issuing a complaint.

25-3-3 **ACTION ON NONCOMPLIANCE.** Upon the failure, neglect, or refusal of any owner or agent so notified, to cut, destroy and/or remove weeds, grass, or deleterious, unhealthful growths, or other noxious matter, growing, lying, or located upon such owner's property, or upon the sidewalk abutting same, within **ten (10) days** after receipt of the written notice provided for in this Article, or within **five (5) days** after the receipt of such notice, in the event the same is returned to the City post office department because of its inability to make delivery thereof, provided the same was properly addressed to the last known address of such owner, or agent, or within **five (5) days** of issuing a complaint for a second or subsequent offense, the Property Maintenance Officer, Health Inspector, or any police officer is hereby authorized and empowered to pay for the cutting, destroying and/or removal of such weeds, grass, or deleterious, unhealthful growths or other noxious matter or to order the removal by the

City. However, no land clearance made necessary by excessive growth as hereinabove mentioned shall be done by the City, unless the City or its authorized agent shall have first either served notice by mail or have posted a notice on such property to clear such excessive growth, as hereinabove specified, and such owner or agent of such owner shall fail for **seven (7) days** after the posting of such notice to so clear such land.

In the event that the Property Maintenance Officer, Health Inspector, or any police officer of the City is required to have the nuisance abated pursuant to the terms of this Section, a processing fee of **One Hundred Dollars (\$100.00)** shall be immediately chargeable against said property for the research, preparation of notices, service and abatement necessitated by the violation of this Section. **(Ord. No. 2007-006-04)**

25-3-4 **RECORDED STATEMENT CONSTITUTES LIEN.** In addition to any other method authorized by law, if (i) a property owner is cited with a Code violation under this Chapter, requiring the cutting of grass and weeds, the removal of garbage and debris, the removal of inoperable motor vehicles, or rodent and vermin abatement, (ii) noncompliance is found upon reinspection of the property after the due date for compliance with an order to correct the Code violation or with an order for abatement; (iii) costs for services rendered by the City to correct the Code violation remain unpaid at the point in time that they would become a debt due and owing the City, as provided in Chapter 65 of the Illinois Compiled Statutes, Section 5/11-31-1.1 et seq., and (iv) a lien has been filed of record by the City in the office of the recording in the County in which the property is located, then those costs may be collected as a special assessment on the property pursuant to **65 ILCS 5/9-2-4.5**. Upon payment of the costs by the owner of record or persons interested in the property, the lien shall be released by the City and the release shall be filed of record in the same manner as the filing of notice of the lien.