

**CHAPTER 25**

**NUISANCES**

**ARTICLE I – GENERALLY**

**25-1-1      SPECIFIC NUISANCES ENUMERATED.** It is hereby declared to be a nuisance and to be against the health, peace and comfort of the City, for any person, firm or corporation within the limits of the City 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 water course, lake, pond, spring, well or common sewer, street or public highway.

(C)      **Corruption of Water.** To corrupt or render unwholesome, or impure, the water of any spring, river, stream, pond or lake, well, public or private, 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 **three hundred (300) 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 **eight hundred (800) 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 otherwise, is offensive or dangerous to the health of individuals, or of the public. **(See Article III of this Chapter)**

(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, or 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.

(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 or establishment within the limits of the City or within **one and one-half (1 ½) miles** of the City 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 or 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 upon or allow trash, paper, cardboard, wire, dirt, rock, stone, glass, brick, lumber, wood or litter or material objects of any size or description to fall upon the streets of the City from any moving vehicle, or to be thrown from a moving vehicle, or to throw from a moving vehicle and to remain thereon.

(R) **Accumulation of Junk And Trash.** To deposit or pile up any rags, old rope, paper, iron, brass, copper, tin, aluminum, used lumber, derelict truck trailers, camping trailers, or boats, appliances, construction materials, demolition debris, ashes, garbage, refuse, plastic, brush, litter, weeds, slush, lead, glass bottles or broken glass upon any residential home lot, piece or parcel of land or upon any public or private alley, street or public way within the City.

(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 City.** To bring into the City 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 City, or which may or shall be dangerous or detrimental to health.

(U) **Offensive Liquids.** To keep 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) **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 City so as to cause annoyance or discomfort to the residents thereof.

(W) **Scrap Tires, Both Mounted and Dismounted.** To keep any scrap tires, either mounted or dismounted, in open view, or so as to allow such tires to accumulate stagnant water so as to provide a breeding ground for mosquitoes and other pests.

(X) **Motor Transport Engines.** To operate motor vehicle transport engines in the nighttime between the hours of **eight (8:00) o'clock P.M.** and **six (6:00) o'clock A.M.**, in any place in which a majority of the buildings, within a radius of **four hundred (400) feet** are used exclusively for residence purposes, excluding state and federal highways.

(Y) **Accumulation of Debris.** To store, dump or permit the accumulation of debris, refuse, garbage, trash, tires, buckets, cans, wheelbarrows, garbage cans or other containers in a manner that may harbor mosquitoes, flies, insects, rodents, nuisance birds or other animal pests that are offensive, injurious or dangerous to the health of individuals or the public.

(Z) **Discarded Machinery or Materials.** To store, keep or maintain outside of a closed building the following: (1) used appliances, used or dilapidated furniture, bathroom fixtures, tires, old iron or metal, motor vehicle parts and all other parts, tools, machinery, and equipment in inoperable condition, for longer than a two-week time period; or, (2) used lumber, bricks, blocks, or other building salvage or construction material, unless such material is intended for reuse and arranged in an orderly fashion.

(AA) **Generally.** To commit any act which is a nuisance according to the common law of the land or made such by statute of the State. **(740 ILCS 55/221 – 55/222)**

Nothing in this Section shall be construed to prevent the corporate authorities of this City from declaring what shall be nuisances, and abating them within the City limits.

**25-1-2        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 City if such use, keeping or maintaining shall be dangerous or detrimental to health.

**25-1-3        NOTICE TO ABATE.** Whenever the Superintendent, Mayor or Police Chief finds that a nuisance exists, he shall direct the City Clerk to mail (certified) to the party responsible for the nuisance and to the party on whose property the nuisance exists a written notice ordering that the nuisance be abated within a reasonable time. The notice to abate shall contain:

- (A)            A description of what constitutes the nuisance;
- (B)            The location of the nuisance;
- (C)            A statement of what condition or state of affairs must be achieved in order for the nuisance to be deemed abated;
- (D)            The date by which abatement must be completed;
- (E)            The date by which a request for a hearing must be filed and a statement of the procedure for so filing;
- (F)            A statement that the responsible party has a right to appeal the abatement order to the City Council.
- (G)            A statement indicating that if the nuisance is not abated by the date prescribed and/or if no request for hearing is made within the time prescribed, this City will abate the nuisance and assess the costs against the property and/or impose a fine.

**25-1-4        HEARING.** Any person ordered to abate a nuisance may have a hearing with the Police Chief or his designated representative ordering the abatement. A request for a hearing must be made in writing and delivered to the City Clerk within the time stated in the notice; otherwise, it will be presumed that a nuisance exists, and that such nuisance must be abated as ordered. The hearing shall not be a formal trial-type proceeding, but appropriate procedural safeguards shall be observed to ensure fairness. At the conclusion of the hearing, the Police Chief or his designated representative shall render his decision and the reasons therefor in writing. If he finds that a nuisance exists, he shall order it abated within an additional time which must be reasonable under the circumstances.

**25-1-5        APPEAL.** Any party aggrieved by the decision of the Police Chief may appeal to the City Council. Such appeal shall be taken by filing with the City Clerk within **five (5) days** of such decision a written statement indicating the basis for the appeal.

The appeal shall be heard by the City Council at the next regular or special meeting after such filing. Their findings shall be conclusive and if a nuisance is found to exist, it shall be ordered abated within a time reasonable under the circumstances.

**25-1-6        ABATEMENT OF NUISANCE BY CITY; UNKNOWN OWNER.** It shall be the duty of the Mayor or other designated official 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 in unknown or cannot be found, the Chief of Police or a designated representative 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. **(65 ILCS 5/11-60-2)**

**25-1-7      FAILURE TO COMPLY WITH NOTICE.** 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 violation of this Code. The City shall not be required to issue another notice where the condition or violation is at first abated, but later resumed and/or repeated.

**(65 ILCS 5/11-60-2 and 720 ILCS 5/47-5; 5/47-10 and 5/47-15)**

**[See Section 1-1-20 for General Penalty]**

**ARTICLE II – NUISANCE VEGETATION, RUBBISH AND PESTS**

**25-2-1** **DEFINITIONS.** As used in this Article, the following terms have the following definitions.

(A) **Nuisance Vegetation.** "Nuisance Vegetation" includes:

- (1) Trees, shrubs, bushes, weeds (as defined herein) or plants permitted to grow on premises in a City roadway or roadway right-of-way, or adjacent to any street or alley or other public way in a manner as to obstruct the view and endanger traffic conditions.
- (2) Weeds (as defined herein), and dead or dying trees or bushes, stumps and roots, on land within the City.
- (3) Elm trees infected with Dutch elm disease or ash trees infected with the emerald ash borer.

(B) **Rubbish.** Any unsightly material, waste products, refuse, debris, trash or waste lumber deposited, left, piled or scattered that may become a breeding place for insects, rodents or vermin or that may give off unpleasant odors or create a health or fire hazard where located.

(C) **Weeds.** An annual or perennial herbaceous plant of volunteer growth, not cultivated or useful for human food or enjoyment and shall include but not be limited to the following: jimson, burdock, ragweed, thistles of all kinds, cocklebur, barberry (tall, common or other horticultural varieties), poison ivy, yellow dock, Indian mallow, sweet clover, wild mustard (including black mustard and yellow mustard), May weed, lambs' quarters, pig weed, beggar ticks, wild lettuce, shepherds purse, smart weed, sow-thistle, tumbleweed, milk weed, dandelions, etc., any plant that, when in blossom, gives off an unpleasant or obnoxious odor or pollen irritating to human tissue and any plant growth that may conceal rubbish, debris or filthy deposits or constitute a fire hazard when dry, and grass that is more than **twelve (12) inches** in height, random growth or volunteer growth of bushes or brush that may conceal rubbish, debris or filthy deposits or constitute a fire hazard when dry or any plant that causes or adds its influence in bringing on hay fever or other similar or noxious plant, and all plants fitting within the term "weeds" as used in the Illinois Municipal Code.

(D) **Pests.** Undesirable arthropods (including certain insects, spiders, mites, ticks, and related organisms), wood infesting organisms, rats, mice, and other obnoxious undesirable animals, but does not include a feral cat, a "companion animal" as that term is defined in the Humane Care for Animals Act (**5 ILCS 70/**), "animals" as that term is defined in the Illinois Diseased Animals Act (**510 ILCS 50/**), or animals protected by the Wildlife Code (**520 ILCS 5/**).  
(Ord. No. 2015-01; 03-11-15)

**25-2-2** **NUISANCES DECLARED.** Nuisance Vegetation, Rubbish, Weeds and Pests as defined in **Section 25-2-1** are hereby declared to be nuisances.

**25-2-3** **REMOVAL OF NUISANCE VEGETATION, PESTS AND RUBBISH BY OWNER AND OCCUPANTS OF LAND.**

(A) **Failure to Obey Notice, Removal by City; Costs.** In all cases where the owner, occupant or lessee of real estate on which there is rubbish, pests or nuisance vegetation, shall (i) fail to cut or remove nuisance vegetation; (ii) fail to remove rubbish or (iii) fail to prevent or exterminate pests after **ten (10) calendar days'** notice in writing mailed to him or her by certified mail, return receipt requested, at his or her last known address ascertainable by the City, notifying him or her to (a) cut or remove nuisance vegetation; (b) remove rubbish or (c) to prevent or exterminate pests, then the Enforcement Officer may cause the nuisance vegetation to be cut, trimmed or removed, or the rubbish removed or pests exterminated or removed and the entire expense thereof shall be chargeable to both the person who owns and the one who controls such real estate, to be collected by suit or otherwise, in addition to the penalty prescribed in this Article. The **ten (10) days** above referred to shall begin from

date of such mailing. In the alternative to mailing the notice, the notice may be hand-delivered by a City police officer, and the **ten (10) days** will begin to run from the date of hand delivery.



(B) **Failure to Pay; Penalty.** Any person, liable hereunder for payment of the foregoing expense to the City, shall pay the full amount of said charge within **ten (10) days** after date of mailing statement to owner, occupant or lessee at his last known address or said charge shall be delinquent. Failure to pay the charge within the time specified shall thereafter subject the violator to a penalty of **ten percent (10%)** of the unpaid amount of said delinquent charge or **Ten Dollars (\$10.00)**, whichever is greater, which shall be collected as part of said delinquent charge.

(C) **Removal.** Nuisance Vegetation, when cut down, shall be removed from the lot or disposed of in such manner as not to create a nuisance or hazard.

**25-2-4      REMOVAL OF NUISANCE VEGETATION, RUBBISH AND PESTS BY CITY; CHARGES – LIEN - SUIT.**

(A) If the person served with notice fails or refuses to remedy the violation, the violation may be removed or remedied by private contractors hired by the City, or, at the discretion of the Mayor, by City personnel.

(B) **Charge.** The City hereby establishes a charge, payable to the City, of **One Hundred Dollars (\$100.00)** per hour or any portion thereof for the use of City employees, equipment and fuel for removal of rubbish, pests and nuisance vegetation. The corporate authorities of the City hereby find that said charge is fair and reasonable to recompense the City for its expenses. In the event the Enforcement Officer contracts with a third party for the removal of rubbish or nuisance vegetation, the charge to the owner, occupant or lessee shall be the City's out-of-pocket expenses, plus a **Twenty-Five Dollar (\$25.00)** service charge for administering the contract, which the corporate authorities find to be fair and reasonable to recompense the City.

(C) **Lien.** In the event that the nuisance vegetation, pest or rubbish removal expense remains unpaid for more than **ten (10) days** after said service is performed and expense incurred by the City, said unpaid charge shall constitute a lien upon the real estate, and the City Clerk shall file a notice of lien in the office of the Recorder of Deeds of Pike County and mail a copy of the lien to the last ascertainable owner of record. Upon payment of all costs, expenses, charges and penalties, the lien created under this Section shall be released by the City, which release shall be filed of record in the same manner as filing notice of the lien, pursuant to law, the expense of said filing to be paid by the violator.

(D) **Suit.** In addition to any other action authorized by this Article or by the Illinois Municipal Code, the City may, to the extent permitted by law, bring suit to foreclose the lien and to sue the owner or lessee or occupant of the real estate or their agent, in a civil action to recover the money due for services rendered, plus all expenses and reasonable attorney fees to be fixed by the court. Any such judgment shall be enforced in accordance with law. In addition to the charges due, the City is entitled to collect the costs of filing notice of lien, foreclosing said lien and litigation costs, together with all office and legal expense incurred in connection with the collection of the amount due.

**25-2-5      ENFORCEMENT OFFICER.** Enforcement of this Article shall be by the Mayor or his designee, referred to herein as the Enforcement Officer.

**25-2-6      LEGAL AND EQUITABLE REMEDIES.** In addition to the penalties and liens prescribed herein, the City may avail itself of all legal and equitable remedies permitted by the Illinois Municipal Code and other statutes of the State to abate a nuisance, including, but not limited to, seeking preliminary and permanent injunctive relief.

**25-2-7      NOTICE FORM.** Notice to a violator may be, but is not required to be, in the form of Attachment A hereto.

**25-2-8**        **PENALTY.** Any person who shall violate any provisions of **Sections 25-2-1** through **25-2-4** of this Article shall, on conviction thereof, be punished by a fine not less than **One Hundred Dollars (\$100.00)** nor to exceed **Seven Hundred Fifty Dollars (\$750.00)** for each violation. Each day during which a violation continues beyond the specified time for correction shall constitute a separate punishable offense.

**(Ord. No. 15-01; 03-11-15)**

**[See Section 1-1-20 for General Penalty]**

**ARTICLE III - ODORS**

**25-3-1      DECLARATION AND PROHIBITION OF ODOR NUISANCES.**

(A) No person shall operate any premises, or permit any premises to be operated, so as to create any odor which adversely affects the safety, health or morals of the public, or work some substantial annoyance, inconvenience or injury to the public.

(B) No person shall operate any premises, or permit any premises to be operated, so as to create an Objectionable Odor Nuisance as defined in the regulations of the Illinois Pollution Control Board, 35 Ill. Admin. Code 245.100 *et seq.*

(C) The operation of any premises in violation of subsections (A) or (B) is hereby declared a nuisance.

(D) The owner and the occupant of a property, and any agent of such owner or occupant who permits another person to create or conduct an activity, nuisance or condition in violation of this Chapter, shall be jointly and severally responsible for the nuisance or activity to the same extent as the person creating the nuisance or activity, and shall be subject to the same punishments.

(E) In the event of a violation of this Chapter, the City may, but is not required, to utilize the notice procedures set forth in **Section 25-1-3** of this Code of Ordinances.

**25-3-2      BUILDING PERMITS.** Any person seeking a building permit for a facility which will process "Animal and Marine Matter" as presently or hereafter defined by the odor regulations of the Illinois Pollution Control Board shall, as part of the building permit application, provide a detailed odor control plan for review and approval by the City, which may retain engineers and other consultants at the cost of the applicant to perform an independent plan review.

**25-3-3      PENALTY.** Any person, firm or corporation who or which violates any provision of this Article, or owns a lot on which a violation occurs, or fails to remedy a violation when requested to do so by the City, shall be subject to a fine of not less than **Five Hundred Dollars (\$500.00)** nor more than **Seven Hundred Fifty Dollars (\$750.00)** for each violation. Each day a violation occurs shall be deemed a separate offense.

**25-3-4      OTHER REMEDIES.** In addition to or in lieu of seeking the fine provided in **Section 25-3-3**, the City may sue the owner and operator of any premises which is in violation of this Article and their agents, to abate and restrain such a nuisance, or may bring an action before the Illinois Pollution Control Board.

(Ord. No. 2010-5; 10-06-10)

**[See Section 1-1-20 for General Penalty]**

**ARTICLE IV - INOPERABLE MOTOR VEHICLE**

**25-4-1**      **DEFINITIONS.** For the purpose of this Code, the following term(s) shall have the meanings ascribed to them as follows:

**"INOPERABLE MOTOR VEHICLES"** shall mean any motor vehicle 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. "Inoperable Motor Vehicle" shall not include a motor vehicle which has been rendered temporarily incapable of being driven under its own motor power in order to perform ordinary service or repair operations.

**25-4-2**      **DECLARATION OF NUISANCE.** All inoperable motor vehicles, whether on public or private property in view of the general public, are hereby declared to be a nuisance.

**25-4-3**      **NOTICE TO OWNER.** The Police Chief or a designated representative shall notify the owner of the motor vehicle, informing him that he shall dispose of any inoperable vehicles under his control. If the owner fails to dispose of said inoperable vehicle(s) after **seven (7) days** from the issuance of the notice, the Police Chief or a designated representative may authorize a towing service to remove and take possession of the inoperable vehicle or parts thereof.

**25-4-4**      **EXCLUSIONS.** Nothing in this Article shall apply to any motor vehicle that is kept within a building when not in use, to operable historic vehicles over **twenty-five (25) years** of age, or to a motor vehicle on the premises of a licensed business engaged in the wrecking or junking of motor vehicles.

**(65 ILCS 5/11-40-3)**

**[See Section 1-1-20 for General Penalty]**

**ARTICLE V - DANGEROUS BUILDINGS**

**25-5-1      DEFINTION OF "DANGEROUS BUILDING".** As used herein, the term "dangerous building" means:

(A) Any building, shed, fence or other man-made structure which is dangerous to the public health because of its construction, age, lack of proper repair or any other cause or condition which causes or aids or may cause or aid in the spread of disease, or the harboring and spread of rodents, insects or other vermin, or garbage, debris, and other hazardous, noxious, or unhealthy substances or materials, or which causes or may cause injury to the health of the occupants of it or of neighboring structures.

(B) Any building, shed, fence or other man-made structure which, because of faulty construction, age, lack of proper repair or any other cause, is especially liable to fire and constitutes or creates a fire hazard.

(C) Any building, shed, fence or other man-made structure which, by reason of faulty construction, age, lack of proper repair or any other cause, is liable to cause injury or damage by collapsing or fall of any part of such structure.

(D) Any building, shed, fence or other man-made structure which, because of its condition or because of lack of doors or windows is available to and is frequented or may be frequented by malefactors or disorderly persons who are not lawful occupants of such structure or poses an attractive nuisance to children.

**25-5-2      NUISANCE DECLARED; ABATEMENT PROCEDURES.**

(A) **Nuisance Declared.** Any dangerous building in the City is hereby declared to be a nuisance. Pursuant to Section 11-31-1 of the Illinois Municipal Code, the City is empowered to demolish, repair, or enclose or cause the demolition, repair, or enclosure of dangerous and unsafe buildings or uncompleted and abandoned buildings within the territory of the City and may remove or cause the removal of garbage, debris, and other hazardous, noxious, or unhealthy substances or materials from those buildings.

(B) **Notice.** Whenever the Mayor or other code enforcement officer of the City, based upon a viewing of the premises, is of the opinion that any building or structure in the City is a dangerous building, the Mayor or enforcement officer may serve or cause written notice to be served upon the owner thereof and upon the occupant thereof, if any, by certified mail, registered mail or personal service. Where, upon diligent search, the identity or whereabouts of the owner or owners of the building, including the lien holders of record, is not ascertainable, notice mailed to the person or persons in whose name the real estate was last assessed is sufficient notice under this Section. Notice by certified or regular mail pursuant to this Section shall be accomplished if the City receives a return receipt from the addressee or if the certified or regular mailing is returned "unclaimed" or "refused". Such notice shall state that the building has been declared to be in a dangerous condition, that such dangerous condition must be removed or remedied by repairing or altering the building or by demolishing it and that the condition must be remedied at once. Such notice may be, but is not required to be, in the following form:

To: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

*(Insert names and addresses of property owners and occupants)*

*You are hereby notified that pursuant to Chapter 25 of the City of Griggsville Code of Ordinances, your building located at the above-described premises has been condemned as a nuisance and a dangerous building after inspection by the undersigned Enforcement Officer.*



*The causes for this decision are:*

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*You have fifteen (15) days from the date of service of this notice (which, in the case that this notice was mailed by certified or registered mail, is the date the notice was mailed) to remedy this condition or demolish the building immediately or the City will proceed to take legal action to do so.*

*You may also be subject to a fine of not less than One Hundred Dollars (\$100.00) per day nor more than Seven Hundred Fifty Dollars (\$750.00) per day for each day the building has been or shall remain in dangerous condition pursuant to City Ordinance. In addition, the City may further avail itself of all of the remedies set forth in Section 11-31-1 of the Illinois Municipal Code, which may include but is/are limited to seeking an order of demolition of the building and imposition of a lien in connection therewith.*

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*Mayor or Code Enforcement Officer*

(C) **Lienholders.** If seeking a demolition order is reasonably contemplated by the Mayor or enforcement officer, the Mayor or enforcement officer shall consult with the City Attorney to ascertain lienholders of record of the property, and shall copy all lienholders on the Notice.

(D) **Unknown Address of Owner.** If the owner of the premises concerned is unknown or if his address is unknown, service of any notice provided for in this Chapter may be made by posting a copy thereof on the premises and by publishing one time a copy thereof in a newspaper of general circulation within the City.

(E) **Remedy of Condition.** If the person receiving such notice has not complied therewith within **fifteen (15) days** from the time when the notice is served upon such person by personal service or by certified mail, the proper officers of the City directed Mayor and City Council, may proceed to remedy the condition or demolish the dangerous building by filing a lawsuit in the Circuit Court seeking any or all remedies available under this Chapter or Section 11-31-1 of the Illinois Municipal Code, including but not limited to the following:

- (1) an order authorizing action to be taken by the City with respect to a building if the owner or owners of the building, including the lienholders of record, after at least **fifteen (15) days'** written notice by mail so to do, have failed to put the building in a safe condition or to demolish it;
- (2) a fine as set forth in **Section 25-5-3** of this Chapter;
- (3) an order requiring the owner or owners of record to demolish, repair, or enclose the building or to remove garbage, debris, and other hazardous, noxious, or unhealthy substances or materials from the building;
- (4) a judgment against the owner or other person causing the dangerous condition for the payment of the City's costs and reasonable attorney's fees in connection with the City's enforcement of this Article.

It shall not be a defense to an action brought pursuant to this Article that the building is boarded up or otherwise enclosed, although the Court may order the defendant to have the building boarded up or otherwise enclosed.

(F) **Additional Remedies.** In addition to the actions authorized by this Article, the City officials may proceed under any and all of the provisions of the Illinois Municipal Code, including but not limited to Section 11-31-1, which authorizes imposition of a lien when the City is compelled to take action; and 11-31-2, which authorizes an injunction to require compliance with building, fire, health and safety standards. Or, should the City adopt a Property Maintenance Code, the City may proceed under the provisions of the Property Maintenance Code.

**25-5-3      DANGEROUS BUILDINGS PROHIBITED; PENALTY.** It shall be unlawful to maintain or permit the existence of any dangerous building in the City, and it shall be unlawful for a record owner, occupant or person in custody of any dangerous building to permit the same to remain in a dangerous condition or to occupy such building or permit it to be occupied while it is or remains in a dangerous condition. Any person convicted of a violation of this Section shall, upon conviction, be punished by imposition of a fine of not less than **One Hundred Dollars (\$100.00)** and not more than **Seven Hundred Fifty Dollars (\$750.00)** per offense. Every day a building shall be maintained or permitted to exist in a dangerous condition shall constitute a separate offense.

**(Ord. No. 2015-02; 03-11-15)**

## **ARTICLE VI - PENALTIES AND SPECIAL ASSESSMENT**

**25-6-1      SPECIAL ASSESSMENT.** 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 municipality to correct the Code violation remain unpaid at the point in time that they would become a debt due and owing the municipality, 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 municipality in the office of the Recorder of Deeds 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 municipality and the release shall be filed of record in the same manner as the filing of notice of the lien.

**[See Section 1-1-20 for General Penalty]**