

TITLE XIII - OFFENSES - CONTINUEDCHAPTER 131: NUISANCES

131-1: 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 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 watercourse, 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 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 five hundred (500) 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 one thousand (1,000) 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.

(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.

(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 within the limits of the City or within one and one-half (1 1/2) miles of the 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 or allow trash, paper, cardboard, wire, dirt, rock, stone, glass, brick, lumber, wood or litter of 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, Trash and Yard Waste. To deposit or pile up any rags, old rope, paper, iron, brass, copper, tin, aluminum, ashes, garbage, refuse, plastic, brush, litter, weeds, slush, lead, glass bottles, broken glass, grass, tree limbs or sticks upon any 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 any 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) Generally. To commit any offense 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)

(W) Derelict and Abandoned Vehicles. No person shall allow or cause a derelict vehicle or abandoned vehicle to be parked, stored, or left on public or private property so that the derelict vehicle is in view of the general public. The general public shall include, but not be limited to, owners and occupants of property adjacent to that on which the vehicle in question is parked, stored or left. This does not apply to any motor vehicle kept within a building when not in use, to operable historic vehicles over twenty-five (25) years of age, or to motor vehicles on the premises of a place of business engaged in the wrecking or junking of motor vehicles. The definition of derelict or abandoned vehicle shall be the same as defined in Section 154-1 of the Revised Code of Ordinance. 65 ILCS 5/11-60-2

131-2: 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 maintenance of same shall be dangerous to health.

131-3: NOTICE TO ABATE. It shall be the duty of the Code Administrator to serve notice in writing upon the owner, occupant, agent, or person in possession or control of any lot, building, or premise in or upon which any nuisance may be found, or who may be the owner or the cause of any such nuisance, requiring him to abate the same within five (5) days in such a manner as the Code Administrator shall prescribe. It shall not be necessary in any case for the Code Administrator to specify in the notice the manner in which any nuisance shall be abated, unless he shall deem it advisable to do so.

131-4: ABATEMENT OF NUISANCE BY CITY; UNKNOWN OWNER. It shall be the duty of the Code Administrator 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 is unknown or cannot be found, the Code Administrator 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.

131-5: 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 corporate authorities shall not be required to issue another notice where the condition or violation is at first abated, but later resumed and/or repeated within six (6) months of the abatement. Any violation of this Chapter shall be punishable according to Chapter 4.

131-6 to 131-7: RESERVED.