

VILLAGE OF WYANET

ILLINOIS

ORDINANCE NO. O-2-19-6-11

AN ORDINANCE DEFINING AND ABATING NUISANCES

WHEREAS, it is necessary for the Village of Wyanet to define and abate nuisances as hereinafter set forth.

NOW, THEREFORE, BE IT ORDAINED by the Village President and Board of Trustees of the Village of Wyanet, Illinois, as follows:

SECTION 1: Definitions

The following words, terms and phrases, when used in this ordinance, shall have the meanings ascribed to them in this section, except where the context clearly indicated a different meaning; provided, however, that the list shall not be deemed to be exclusive:

Garbage, refuse and ashes have the following meanings:

- (1) Garbage means wastes resulting from the handling, preparation, cooking and consumption of food; wastes from the handling, storage and sale of produce.
- (2) Refuse.
  - a. The term "refuse" means:
    1. Combustible trash, including, but not limited to, paper, cartons, boxes, barrels, wood excelsior, tree branches, yard trimmings, wood furniture, bedding;
    2. Noncombustible trash, including, but not limited to, metals, tin cans, metal furniture, dirt, small quantities of rock and pieces of concrete, glass, crockery, other mineral waste;
    3. Street rubbish, including, but not limited to, street sweepings, dirt, catch basin dirt, contents of litter receptacles.
  - b. The term "refuse" does not mean earth and wastes from building operations, nor does it include solid wastes resulting from industrial processes and manufacturing operations such as food processing wastes, boiler house cinders, lumber, scraps and shavings.
- (2) Ashes means residue from fires used for cooking and for heating buildings.

Nuisance means:

- (1) All substances which emit or cause foul, obnoxious, unhealthful, putrid, noisome or disagreeable odor or effluvia, and which are objectionable or offensive to any person or persons residing near the same or to any person passing along any street, sidewalk or alley near the same;
- (2) All carcasses of animals remaining exposed for 12 hours after death;
- (3) Any growth of weeds, grasses or bushes to a height greater than eight inches; provided, however, that this subsection of the definition shall not apply to planted and cultivated flowers, shrubbery or other landscaping;
- (4) All slop, foul or dirty, filth, refuse or offal, discharged in or upon any street, avenue, sidewalk, alley, park, public square or public or private enclosure, or allowed to accumulate there, or in a pond or pool;
- (5) All articles or things whatsoever, and any holes, pits and excavation sites caused, kept, maintained or permitted by any person to the injury, inconvenience, danger, detriment or annoyance of the public health, safety or welfare;
- (6) The keeping or allowing to remain on any premises of any trees, scrubs or other vegetation infected with fungus or other diseases that will or might spread to other noninfected trees, shrubs or other vegetation;
- (7) All buildings or structures, the condition of which, through neglect or otherwise has caused the building to become dangerous or detrimental to the public health, safety or welfare of the inhabitants of the village;
- (8) Abandoned, unlicensed, wrecked, dismantled, inoperative, rusted, junked or partially dismantled vehicle or parts thereof on private or public property;
- (9) Suffering any premises where any animal is kept to become nauseous, foul or offensive to any neighborhood, family or person;
- (10) Throwing or depositing any offal or other offensive matter or the carcass of any animal or offensive liquid in any watercourse, lake, pond, sewer, lagoon, spring, well or street, alley, public highway or park;
- (11) Any tree or shrub which overhangs any sidewalk, street or other public place in the village in such a way as to impede or interfere with traffic or travel;
- (12) Any tree or limb of a tree which has become likely to fall on or across any public way;
- (13) Any uncovered pile of refuse, garbage, offal or carcasses of dead animals. Any accumulations of decayed animal or vegetable matter, trash, rubbish, rotting lumber,

bedding, packing material, scrap metal or any material whatsoever in which flies, mosquitoes, disease-carrying insects, rats or vermin may breed;

- (14) Any weeds, such as jimson, burdock, giant and/or common ragweed, thistle, cocklebur, blue vervain, common milkweed, wild carrot, poison ivy, wild mustard, hemp or other weeds of a like kind found growing in any lot or tract of land in the village in excess of eight inches;
- (15) No vehicle weighing in excess of 12,000 pounds gross weight shall park on any street in the village; however, any such vehicle may so park for not longer than one hour for delivery and pickup purposes;
- (16) Do not blow or rake or cause grass clippings or leaves to be deposited in the street. The grass clippings and leaves will plug up the storm and sewer systems. No burning on public ways, streets, sidewalks or alleys. Clean up all clippings and leaves off the streets and along the curbing;
- (17) All animals running at large or the keeping or harboring of any animal or fowl which, by frequent or habitual howling, yelping, barking, crowing or making of other noises, shall greatly annoy or disturb a neighborhood or any considerable number of persons within the village;
- (18) All trees, hedges, billboards or other obstructions which prevent persons driving vehicles on public streets, alleys or highways from obtaining a clear view of traffic when approaching an intersection or pedestrian crosswalk;
- (19) Any worn out or discarded material of little or no value including, but not limited to, household appliances or parts thereof, machinery and equipment or parts thereof, vehicles or parts thereof, tools, discarded building materials or any other unsightly debris, the accumulation of which has adverse effect upon the neighborhood or village property values, health, safety or general welfare;
- (20) Any animal, including dogs and cats, doing any of the following:
  - (a) Biting or attacking any person without provocation;
  - (b) Chasing vehicles, including bicycles and other similar, nonmotorized devices;
  - (c) Habitually attacking other domestic animals; or
  - (d) Trespassing upon public property, school grounds or private property in such a manner as to damage property.

## SECTION 2: Penalty for violation

Every person, firm or corporation who creates or maintains or permits to be created or maintained such a nuisance, and every owner, occupant, agent or trustee of any premises where such nuisance exists, who fails or refuses to abate the same as provided by notice in accordance with this ordinance shall be deemed guilty of violation this ordinance. Any person, firm or corporation violation the provisions of this article shall be fined and penalized in an amount of \$25.00 for the first offense,

\$75.00 for the second offense and \$150.00 for the third offense plus all court costs. A separate offense shall be deemed to have been committed for each day during or on which such nuisance is permitted to exist. In addition to monetary penalties, the village may maintain an action for equitable relief to abate or enjoin the continuation of the nuisance.

#### SECTION 3: Repeat offenders

When the same person, firm or corporation is in violation of this article for the same nuisance twice within any 12-month period, the police department, Village President or other designated village official may remove such nuisance without notifying the offending person, firm or corporation of their action. The village may continue to charge the offending person, firm or corporation all the costs it incurs in removal of the nuisance.

#### SECTION 4: Prohibited

It is unlawful for any person, firm or corporation to create, cause or permit a nuisance to exist or be maintained within the village.

#### SECTION 5: Removal notice

Whenever it comes to the attention of the Village President, Village Superintendent or Police Department that there exists in the village any condition enumerated in this ordinance and based on the inspecting officer, that there exists on private or public property a great and immediate danger to the public health, safety, peace, morals or decency, the Village President may direct the police or Deputy Sheriff to serve a notice on the person, firm or corporation in charge or control of the property thereof, or by mailing such notice to the last known address, by certified mail, return receipt requested, that such condition exists, and that four days are given from the date of service of the notice in which to remedy the condition or the village shall cause the condition to be remedied.

#### SECTION 6: Failure to remedy

If a person, firm or corporation fails, refuses or neglects to remedy a nuisance within the time allowed after having been served a notice to abate such nuisance, the village police or any police authority acting on behalf of the village may cause the condition to be remedied. Such action shall not provide a defense for failure to comply with this ordinance. In the alternative, the village may, immediately after the expiration of the time specified in the notice, bring suit for violation of this ordinance.

#### SECTION 7: Removal costs a lien on the property

In the event that payment of the actual costs of the abatement of any nuisance by the village under the provisions of this ordinance is not made on demand, such costs shall become a lien upon the property from which such nuisance was abated. Any such lien may be foreclosed in the manner provided by law for the foreclosure of liens. In the alternative, the village may sue to recover the actual costs expended, including, but not limited to, court costs and attorney fees, by the village in the abatement of any nuisance under the provisions of the ordinance.

ORDINANCES REPEALED:

All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SEPARABILITY:

It is the intention of the Village Board that each separate provision of this ordinance shall be deemed independent of all other provisions herein, and it is further the intention of the Village Board that if any provision of this ordinance be declared invalid, all other provisions thereof shall remain valid and enforceable.

Presented, passed and approved on a roll call vote this 11<sup>th</sup> day of June, 2019.

AYE                      NAY                      ABSENT

Board of Trustees:

Amanda Johnson  
Lynnette Thompson  
Joe Law  
Dave Bickett  
Cory Peterson

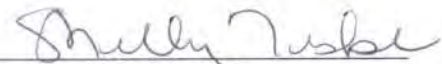
X  
X  
X  
  
X

X

APPROVED:

By:   
Bruce Hand, Village President

ATTEST:

By:   
Shelly Teske, Village Clerk