

TITLE 3

HEALTH AND SANITATION

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CHAPTER 1
PLANTS AND WEEDS

SECTION:

- 3-1-1: Nuisance Plants And Weeds
- 3-1-2: Height Restrictions
- 3-1-3: Notice To Remove
- 3-1-4: Abatement By Village
- 3-1-5: Penalty

3-1-1: **NUISANCE PLANTS AND WEEDS:**

- A. Weeds: Any weeds, such as jimson, burdock, ragweed, thistle, cockleburs, or other weeds of a like kind, found growing in any lot or tract of land in the village are hereby declared to be a nuisance, and it shall be unlawful to permit any such weeds to grow or remain in any such place. (1995 Code ch. 17 § 1)
- B. Barberry Bushes: It shall be a nuisance and unlawful to plant or permit the growth of the bush of the species of tall, common, or European barberry, further known as *Berberis vulgaris*, or its horticultural varieties within the village. (1995 Code ch. 17 § 3)
- C. Land within the Village Corporate Limits used for farming purposes shall be exempt from these restrictions.

3-1-2: **HEIGHT RESTRICTIONS:** It shall be unlawful for anyone to permit any weeds, grass, or plants, other than trees, bushes, flowers, or other ornamental plants, to grow to a height exceeding ten inches (10") anywhere in the village¹. Any such plants or weeds exceeding such height are hereby declared to be a nuisance. (1995 Code ch. 17 § 2; amd. 2009 Code)

1. See also subsection 10-4-9C of this code.

3-1-3: **NOTICE TO REMOVE:** It shall be the duty of the Village to serve or cause to be served a notice upon the owner or occupant of any premises on which weeds or plants are permitted to grow in violation of the provisions of this chapter and to demand the abatement of the nuisance within ten (10) days. (1995 Code ch. 17 § 4; amd. 2009 Code)

3-1-4: **ABATEMENT BY VILLAGE:** If the person so served does not abate the nuisance within ten (10) days after such notice, the department of public works may proceed to abate such nuisance, keeping an account of the expense of the abatement, and such expense shall be charged to and paid by the owner and occupant. (1995 Code ch. 17 § 5; amd. 2009 Code)

3-1-5: **PENALTY:** Any person, firm or corporation violating any provision of this chapter shall be fined as provided in section 1-4-1 of this code for each offense, and a separate offense shall be deemed committed on each day during or on which such nuisance continues unabated after ten (10) days from receipt of notice. (1995 Code ch. 17 § 6; amd. Ord. 2001-3, 7-23-2001; 2009 Code)

CHAPTER 1

PLANTS AND WEEDS

**ARTICLE A. DEAD, DYING, DISEASED
OR INFESTED VEGETATION**

SECTION:

- 3-1A-1: Right To Inspect And Sample
- 3-1A-2: Nuisance Declared
- 3-1A-3: Duty Of Owner/Occupant To Abate
- 3-1A-4: Notice To Abate
- 3-1A-5: Abatement By Village; Costs

3-1A-1: **RIGHT TO INSPECT AND SAMPLE:** The officers, agents, servants, and employees of the village are hereby authorized and directed to enter on and upon private property whereon there is located any vegetation having the appearance of or suspected of being dead, dying, diseased or infested with insects, for the purpose of inspecting said suspected vegetation and removing therefrom samples or portions thereof to be tested to establish whether said vegetation is in fact dead, dying, diseased or infested. (2009 Code)

3-1A-2: **NUISANCE DECLARED:** In the event that it is determined that the vegetation from which samples have been taken, in fact, is dead, dying, diseased or infested with insects, said vegetation shall be and is hereby declared to be a nuisance. (2009 Code)

3-1A-3: **DUTY OF OWNER/OCCUPANT TO ABATE:**

- A. The owner, occupant, or agent of the parcel of land on which dead, dying, diseased or infested vegetation exists shall forthwith remove and

destroy said dead, dying, diseased or infested vegetation and shall chip the same or shall cause the same to be removed, destroyed, or chipped within ten (10) days of notification to such owner, occupant, or agent that said vegetation is in fact dead, dying, diseased or infested.

- B. It shall be unlawful for the owner of any premises in the village to permit any vegetation or portion thereof that is dead, dying, infected with disease or infested to remain on such premises. (2009 Code)

3-1A-4: **NOTICE TO ABATE:** Whenever the owner or occupant of any private property containing dead, dying, diseased or infested vegetation permits such vegetation to remain on such premises, the village shall proceed as follows: A notice shall be sent by registered mail or delivered to the occupant and to the person to whom was sent the tax bill for the general taxes for the last preceding year on the premises. Such notice shall state that there is dead, dying, diseased or infested vegetation on the premises, the notice shall describe the premises by legal description or by street address, and the notice shall state that unless such vegetation is removed on or before the date stated in the notice, such vegetation shall be removed at the property owner's expense. (2009 Code)

3-1A-5: **ABATEMENT BY VILLAGE; COSTS:** In all cases where the owner, occupant, or agent of the parcel of land on which said dead, dying, diseased or infested vegetation is located cannot be found, or if found and notified as aforesaid, neglects or refuses to abate said nuisance, it shall be lawful for the village to abate the same by the removal, destruction, and chipping of said vegetation, and in that event, the owner, occupant and agent or any of them shall be charged with those expenses which may be incurred by the village in the removal or abatement of the vegetation as aforesaid, which expense shall be collected by the village by suit or otherwise in addition to the fine or penalty provided. (2009 Code)

CHAPTER 2

INOPERABLE VEHICLES

SECTION:

- 3-2-1: Definition
- 3-2-2: Nuisance Declared
- 3-2-3: Abatement Procedures
- 3-2-4: Penalty

3-2-1: **DEFINITION:**

- A. An "inoperable motor vehicle" is defined as any motor vehicle from 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. For purposes of this chapter, "inoperable motor vehicle" shall also mean any motor vehicle with one or more flat tires, or any motor vehicle not currently licensed by the state of Illinois or other state or country. (Ord. 2001-6, 10-22-2001; amd. 2009 Code)
- B. An "inoperable motor vehicle" shall not include a motor vehicle which has been made temporarily incapable of being driven under its own power in order to perform ordinary service or repair operations, provided said service or repair operations are completed within seven (7) days, or any motor vehicle that is kept within a building when not in use, or an operable historic vehicle over twenty five (25) years of age, or a motor vehicle on the premises of a business lawfully engaged in the wrecking or junking of motor vehicles. (Ord. 2001-6, 10-22-2001)

3-2-2: **NUISANCE DECLARED:** The village hereby finds that inoperable motor vehicles within property zoned for residential purposes constitute a nuisance and are a threat to the public health, safety and welfare. (Ord. 2001-6, 10-22-2001)

3-2-3: **ABATEMENT PROCEDURES:** The abatement procedures to be utilized in removing such nuisance shall be as follows:

- A. **Abatement By Owner:** A village official, his designee, or a law enforcement officer shall serve a notice in writing to the person in control of the inoperable motor vehicle or the person in control of any lot or premises upon which such nuisance may be found requiring him to abate the nuisance within seven (7) days from the issuance of the notice. It shall not be necessary in any case to specify in what manner the nuisance shall be abated. A failure to comply with the written notice to abate within the seven (7) days allowed shall be a violation of this chapter.
- B. **Abatement By Village:** If the person so served with a notice to abate the nuisance shall fail to comply within the allowed seven (7) days, a village official, his designee, or a law enforcement officer may remove, or cause to be removed, any inoperable motor vehicle and/or parts thereof. Such removal shall be at the expense of the person responsible for the nuisance.
- C. **Costs To Owner; Sale Of Vehicle:** Following the village sponsored abatement of the nuisance, a village official or his designee shall: (Ord. 2001-6, 10-22-2001)
1. **Abatement Costs:** Within thirty (30) days of the date that said abatement occurred, send a bill for any related fines, plus the cost of abating the nuisance, to the property owner on whose property the nuisance was found, or the person named on the certificate of title of the inoperable vehicle. If said bill is not paid within sixty (60) days of the date of said bill, the village official or his designee may bring suit to collect the amount due, or may prepare and record a notice of lien in the amount of the cost and expense incurred in abating the nuisance in conformance with 65 Illinois Compiled Statutes 5/11-20-6 and 5/11-20-7. (Ord. 2001-6, 10-22-2001; amd. 2009 Code)
 2. **Sale Of Vehicle:** If it is necessary for the village to remove the inoperable motor vehicle and the parts thereof upon the failure of the responsible party to do so, the village shall remove such nuisance to a location of its selection. The village may sell the vehicle and the parts thereof sixty (60) days after its removal. If the proceeds of such sale are insufficient to pay the costs of abatement, said responsible party shall be liable to the village for the balance of the costs. If the proceeds are in excess of costs, the balance shall be paid to said responsible party or deposited in the village treasury for use by the village. (Ord. 2001-6, 10-22-2001)

3-2-4: **PENALTY:** Any person who shall create, maintain or cause to be created or maintained a nuisance as defined in this chapter, upon conviction thereof, shall be fined not less than one hundred dollars (\$100.00) nor more than seven hundred fifty dollars (\$750.00). (Ord. 2001-6, 10-22-2001)

CHAPTER 3

JUNK

SECTION:

- 3-3-1: Definitions
 3-3-2: Storage And Deposit Prohibited
 3-3-3: Penalty

3-3-1: **DEFINITIONS:** "Junk", "trash" and "refuse" are defined to include any and all waste matter, whether reusable or not, which is offensive to the public health, safety or to the aesthetics of the neighborhood, and are specifically intended to include, but not be limited to, paper, wrappings, cigarettes, cardboard, tin cans, yard clippings, wood, glass, bedding, crockery and similar materials, old iceboxes, refrigerators, stoves, tractors, machinery of any kind, any parts thereof, worn out, wrecked or abandoned automobiles¹, and a motor vehicle not currently licensed by the state of Illinois or other state or country, exposed to the view of the general public and not enclosed in a building or structure. (1995 Code ch. 23, art. III § 23; amd. 2009 Code)

3-3-2: **STORAGE AND DEPOSIT PROHIBITED:** It shall be unlawful to deposit or store junk, trash, and refuse on private or public property within the village where such storage is not specifically authorized under the provisions of the zoning regulations of the village. (1995 Code ch. 23, art. III § 23)

3-3-3: **PENALTY:** Any person, firm or corporation violating any provision of this chapter shall be fined as provided in section 1-4-1 of this code for each offense. (1995 Code ch. 23, art. III § 26; amd. Ord. 2001-3, 7-23-2001; 2009 Code)

1. See also chapter 2 of this title.