

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, 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 **twenty (20) rods** 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 **fifty (50) rods** 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) **Bodies of Water.** To create any condition, through the improper maintenance of a swimming pool or wading pool, or by causing any action which alters the condition of a natural body of water, so that it harbors mosquitoes, flies or other animal pests that are offensive, injurious or dangerous to the health of individuals or the public.

(J) **Storing 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 and dangerous to the health of individuals or the public.

(K) **Discarded Materials.** To permit concrete bases, discarded machinery and materials to remain around any construction site or demolition project for a period exceeding **fourteen (14) days** beyond the conclusion of the construction project.

(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 or establishment within the limits of the City or within the distance of **one (1) mile** beyond the City limits. **(65 ILCS 5/11-42-9)**

(O) **Filthy Premise Conditions.** To keep or suffer to be kept in a foul, offensive, nauseous or filthy condition, any chicken coop, cow barn, stable, cellar, vault, drain, privy, sewer or sink upon any premises belonging to or occupied by him, or any railroad car, building, yard, grounds, and premises belonging to or occupied by him.

(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 And Trash.** To deposit or pile up any rags, old rope, paper, iron, brass, copper, tin, aluminum, ashes, garbage, refuse, hazardous waste, plastic, brush, litter, weeds, slush, lead, glass bottles or broken glass upon any lot, piece or parcel of land or upon any public or private alley, street or public way within the City.

(S) **Rodents and Insects.** To cause or permit any condition or situation to exist that shall attract, harbor, or encourage the infestation of rodents or insects.

(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) **Motor Transport Engines.** To operate a motor transport engine for a continuous period in excess of **thirty (30) minutes** between the hours of **eight (8:00) o'clock P.M.** and **six (6:00) o'clock A.M.**, in any location where the majority of buildings situated within a radius of **four hundred (400) feet** from that location are used exclusively for residence purposes, excluding state and federal highways.

(W) **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.

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, maintaining of any nuisance shall be dangerous or detrimental to health.

25-1-3 NOTICE TO ABATE. Whenever the Police Chief or a designated representative finds that a nuisance exists, he shall serve notice or cause notice to be served upon the party responsible for the nuisance or to the party on whose property the nuisance exists or both ordering that the nuisance be abated within **five (5) days**. The notice shall be served in a manner as set forth in **Section 25-1-4**. 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) A statement suggesting how such abatement might be accomplished;
- (E) The date by which abatement must be completed;
- (F) A statement indicating that if the nuisance is not abated by the date prescribed this municipality will abate the nuisance and assess the costs against the property and/or impose a fine.

25-1-4 SERVICE OF NOTICE. Service of a notice to abate nuisance shall be deemed to be properly served upon such owner or responsible party if a copy thereof is personally delivered to such person; or by leaving the notice at the usual place of abode, in the presence of someone in the family of suitable age and discretion

who shall be informed of the contents thereof; or known address with return receipt requested; or if the certified or registered letter is returned with receipt showing that it has not been delivered, by posting a copy thereof in a conspicuous place in or about the structure affected by such notice.

25-1-5 RESPONSIBLE PARTY. A person or entity shall be considered a "party responsible" for a nuisance under any provision of **Chapter 25** of the Revised Code if the person or entity has an ownership, possessory, contractual, or beneficial interest in property upon which the nuisance exists, which shall include the right to occupy the property or the ability to exercise control over the property, or otherwise has caused the nuisance to exist. Additionally, a person or entity shall be considered a "party responsible" for a nuisance if the person or entity has an ownership interest in or operates a business that causes such nuisance to exist on the property upon which the business operates or on adjacent property that is under the control of the business owner or operator.

25-1-6 ABATEMENT OF NUISANCE BY CITY; UNKNOWN OWNER. It shall be the duty of the Chief of Police or a 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.

25-1-7 FAILURE TO COMPLY WITH NOTICE/PENALTY. 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 Chapter and shall be subject to a penalty of not less than **One Hundred Fifty Dollars (\$150.00)** nor more than **Seven Hundred Fifty Dollars (\$750.00)** for the first offense. Where the condition or violation is at first abated, but later resumed and/or repeated within the same **twelve (12) month** period, the corporate authorities shall not be required to issue another formal Notice to Abate as set out previously under **Section 25-1-3**; rather, the Police Chief or a designated representative shall be authorized to proceed with a Complaint for violation of this Chapter. The penalty for a second or subsequent offense committed within a **twelve (12) month** period beginning on the date of the first offense shall be not less than **Two Hundred Fifty Dollars (\$250.00)** nor more than **Seven Hundred Fifty Dollars (\$750.00)**. Each day that such nuisance continues or exists after the expiration of the specified notice period shall be deemed to be a separate offense.

(Ord. No. 04-06; 09-13-04)

(See 65 ILCS Sec. 5/11-60-2 and 740 ILCS Secs. 55/221 and 55/222)

ARTICLE II - WEEDS

25-2-1 **DEFINITION.** "Weeds" as used in this Code shall include, but not be limited to the following:

Burdock, Rag Weed (giant), Rag Weed (Common), Thistle, Cocklebur, Jimson, Blue Vervain, Common Milk Weed, Wild Carrot, Poison Ivy, Wild Mustard, Rough Pigweed, Lambsquarter, Wild Lettuce, Curled Dock, Smartweeds (all varieties), Poison Hemlock, Wild Hemp and Johnson Grass and all other noxious weeds as defined by the statutes of the State of Illinois.

25-2-2 **HEIGHT.**

(A) It shall be unlawful for anyone to cause, permit or allow any weeds, grass, or plants, other than trees, bushes, flowers or other ornamental plants to grow to a height exceeding **eight (8) inches** anywhere in the City. Any such plants or weeds exceeding such height are hereby declared to be a nuisance.

(B) A person or entity shall fall within the class of persons who shall be deemed to cause, permit, or allow such a nuisance to exist if such person or entity falls within the definition of a "responsible party" as described in **Section 25-1-5**.

25-2-3 **NOTICE.** The Police Department or any other person so designated by the Mayor may issue a written notice for removal of weeds or grass. Such weeds or grass shall be cut by the owner or occupant within **five (5) days** after such notice has been duly served.

25-2-4 **SERVICE OF NOTICE.** Service of the notice provided for herein may be effected by handing the same to the owner, occupant or lessee of the premises, or other responsible party for the premises, or to any member of his household of the age of **fifteen (15) years** or older found on the premises or by mailing such notice to the last known residence address of the owner or other responsible party; provided, that if the premises are unoccupied and the owner's address cannot be obtained, then the notice may be served by posting the same upon the premises.

25-2-5 **ABATEMENT.** If the person so served does not abate the nuisance within **five (5) days** from service of the notice for removal of weeds or grass, the Police or a designated representative 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 such owner, occupant or other responsible party.

25-2-6 LIEN. Charges for such weed removal shall be a lien upon the premises. A bill representing the cost and expense incurred or payable for the service shall be presented to the owner. If this bill is not paid within **thirty (30) days** of submission of the bill, a notice of lien of the cost and expenses thereof incurred by the City shall be recorded in the following manner:

- (A) A description of the real estate sufficient for identification thereof.
- (B) The amount of money representing the cost and expense incurred or payable for the service.
- (C) The date or dates when said cost and expense was incurred by the City and shall be filed within **sixty (60) days** after the cost and expense is incurred.

25-2-7 PAYMENT. Notice of such lien claim shall be mailed to the owner of the premises if his address is known. Upon payment of the cost and expense after notice of lien has been filed, the lien shall be released by the City or person in whose name the lien has been filed and the release shall be filed of record in the same manner as filing notice of the lien. All lien and release filing fees shall be paid by the owner of the property.

25-2-8 FORECLOSURE OF LIEN. Property subject to a lien for unpaid weed cutting charges shall be sold for non-payment of the same and the proceeds of such sale shall be applied to pay the charges after deducting costs, as is the case in the foreclosure of statutory liens. Such foreclosure shall be in the name of the City after the lien is in effect for **sixty (60) days**.

25-2-9 PENALTY. Any person who violates this Article shall be fined not less than **One Hundred Fifty Dollars (\$150.00)** for a first offense or **Two Hundred Fifty Dollars (\$250.00)** for a second or subsequent offense committed within a **twelve (12) month** period beginning on the date of the first offense, nor more than **Seven Hundred Fifty Dollars (\$750.00)** for each such offense. Each day that such nuisance continues or exists shall be deemed to be a separate offense.

(Ord. No. 04-07; 09-13-04)

(See 65 ILCS Secs. 5/11-20-6 and 5/11-20-7)

ARTICLE III - GARBAGE AND DEBRIS**25-3-1 ACCUMULATION PROHIBITED.**

(A) No person shall cause, permit, or allow any garbage or debris to accumulate on his premises or private property. It is hereby declared to be a nuisance and it shall be unlawful for said person to refuse or neglect to remove the garbage or debris.

(B) A person or entity shall fall within the class of persons who shall be deemed to cause, permit, or allow such nuisance to exist if such person or entity falls within the definition of a "responsible party" as described in **Section 25-1-5.**

(C) Whenever the following terms are used in this Article or elsewhere in the City Code, they shall have the meanings herein ascribed unless the context makes such meaning repugnant thereto:

- (1) **Garbage:** The animal and vegetable waste resulting from the handling, preparation, cooking, and consumption of food, and the waste from the handling, sale, and storage of produce.
- (2) **Debris, Refuse, or Rubbish:** Combustible and non-combustible waste materials, excluding Garbage, which shall include (but not limited to) residue from burning wood, coal, coke, and other combustible materials; paper; rags; cartons; boxes; packaging construction materials; broken, spoiled, or soiled furniture or furniture parts; wood; excelsior; rubber; leather; oil, dead animals parts or carcasses; tree branches or yard trimmings; tin cans; metals; mineral matter; pieces of concrete; glass; crockery; dust, dirt, and other similar materials; and other similar nauseous, unsightly, unsanitary, or offensive matter or materials. **(Ord. No. 04-15; 09-27-04)**

25-3-2 NOTICE TO PERSON. The Chief of Police or a designated representative may issue a written notice for removal of garbage or debris. Such garbage or debris shall be removed by the owner or occupant within **five (5) days** after such notice has been duly served.

25-3-3 SERVICE OF NOTICE. Service of notice provided for herein may be effected by handing of the same to the owner, occupant, or lessee of the premises, or other responsible party for the premises, or to any member of his household of the age of **fifteen (15) years** or older found on the premises or by mailing such notice to

the last known residence address of the owner or other responsible party; provided that if the premises are unoccupied and the owner's address cannot be obtained, then the notice may be served by posting the same upon the premises.

25-3-4 ABATEMENT. If the person so served does not abate the nuisance within **five (5) days** from service of the notice for removal of garbage or debris, the Police Chief or a designated representative may proceed to abate the nuisance, keeping an account of the expense of the abatement and such expense shall be charged to and paid by such owner, occupant, or other responsible party.

25-3-5 LIEN. Charges for such removal shall be a lien upon the premises. A bill representing the cost and expense incurred or payable for the service shall be presented to the owner. If this bill is not paid within **thirty (30) days** of submission of the bill, a notice of lien of the cost and expenses thereof incurred by the City shall be recorded in the following manner:

- (A) A description of the real estate sufficient for identification thereof.
- (B) The amount of money representing the cost and expense incurred or payable for the service.
- (C) The date or dates when said cost and expense was incurred by the City and shall be filed within **sixty (60) days** after the cost and expense is incurred.

25-3-6 PAYMENT. Notice of such lien claim shall be mailed to the owner of the premises if his address is known. Upon payment of the cost and expense after notice of lien has been filed, the lien shall be released by the City or person in whose name the lien has been filed and the release shall be filed of record in the same manner as filing notice of the lien.

25-3-7 FORECLOSURE OF LIEN. Property subject to a lien for unpaid charges shall be sold non-payment of the same, and the proceeds of such sale shall be applied to pay the charges after deducting costs, as is the case in the foreclosure of statutory liens. Such foreclosure shall be in the name of the City, after lien is in effect for **sixty (60) days**. Suit to foreclose this lien shall be commenced within **two (2) years** after the date of filing notice of lien.

25-3-8 PENALTY. Any person who violates this Article shall be fined not less than **One Hundred Fifty Dollars (\$150.00)** for a first offense or **Two Hundred Fifty Dollars (\$250.00)** for a second or subsequent offense committed within a **twelve (12) month** period beginning on the date of the first offense, nor more than **Seven Hundred Fifty Dollars (\$750.00)** for each such offense. Each day that such nuisance continues or exists shall be deemed to be a separate offense.

(Ord. No. 04-08; 09-13-04)

(See 65 ILCS Sec. 5/11-20-13)

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.

"ABANDONED MOTOR VEHICLES" shall be defined in the same manner as set forth in **Section 24-7-1** of the Revised Code.

25-4-2 **DECLARATION OF NUISANCE.**

(A) It shall be unlawful for any person to cause, permit or allow any inoperable motor vehicle, abandoned motor vehicle, or parts of a motor vehicle to exist or be stored upon any public or private property in view of the general public. Any inoperable motor vehicle, abandoned motor vehicle, or part of a motor vehicle in view of the general public is hereby declared to be a nuisance.

(B) In addition to the definition of a responsible party as set forth in **Section 25-1-5**, a person or entity shall also fall within the class of persons who shall be deemed to cause, permit or allow such a nuisance to exist if such person or entity:

- (1) has an ownership interest in or is in control of the inoperable motor vehicle;
- (2) causes the inoperable motor vehicle to be deposited at or located upon the site in question; or
- (3) has an ownership or possessory interest in the real estate upon which the inoperable motor vehicle is located.

25-4-3 **NOTICE TO ABATE.** The Police Chief or a designated representative shall serve a written notice to abate upon the person who is causing, permitting or allowing the nuisance to exist. Said notice shall:

(A) provide a description of all offending inoperable or abandoned vehicles;

(B) state that the offending vehicles are found to be inoperable or abandoned vehicles;

(C) inform the person of the right to request, within **five (5) days** from the date of service of the notice, an appeal hearing on the City's determination that the offending vehicles are inoperable or abandoned vehicles;

(D) give the person served **seven (7) days** from the date of service of the notice to abate or dispose of any inoperable or abandoned vehicles under his control; and

(E) indicate that if the person does not abate or dispose of the inoperable or abandoned vehicles within the **seven (7) day** notice period or does not appeal the City's determination that the offending vehicles are inoperable or abandoned vehicles, the vehicles are subject to being towed and impounded.

An appeal hearing under this Section shall be handled by the City's Appeals Board in a manner similar to the process set forth in **Article IV of Chapter 29** of the Revised Code, except that any time periods provided in this Section shall apply.

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.

25-4-5 VIOLATION/ABATEMENT. If the person causing, permitting, or allowing the nuisance to exist fails to abate or dispose of an inoperable or abandoned vehicle after **seven (7) days** from service of the notice as provided in **Section 25-4-3**, the offending person shall have unlawfully permitted a nuisance to remain and shall have violated this Article. Furthermore, if the inoperable or abandoned vehicle remains after this **seven (7) day** period, the Police Chief or a designated representative may authorize a towing service to remove and take possession of the any inoperable or abandoned vehicles or parts thereof. If an appeal is requested under this Section and denied by the Appeals Board, the **seven (7) day** period will extend to the date when the Appeals Board makes its final decision. If the inoperable or abandoned vehicle is located on private property, the Police Chief or designated representative shall first obtain consent from the private property owner to remove the inoperable or abandoned vehicle or obtain a warrant authorizing the removal of the inoperable or abandoned vehicle before the vehicle is towed. After the vehicle has been towed and impounded, it may be disposed of in the same manner as provided for an abandoned vehicle under Illinois law.

25-4-6 PENALTY. Any violation of this Article shall be subject to a penalty of not less than **One Hundred Fifty Dollars (\$150.00)** for a first offense or **Two Hundred Fifty Dollars (\$250.00)** for a second or subsequent offense committed within a **twelve (12) month** period beginning on the date of the first offense, nor more than **Seven Hundred Fifty Dollars (\$750.00)** for each such offense. Each day that such nuisance continues or exists after the expiration of the aforesaid **seven (7) days** shall be deemed to be a separate offense. Further, each such inoperable motor vehicle shall constitute a separate offense.

(Ord. No. 04-09; 09-13-04)

(See 65 ILCS Sec. 5/11-40-3)

ARTICLE V - BUILDING AS NUISANCE

25-5-1 BUILDING CONDITION - NUISANCE. The Chief of Police or other designated City representative shall report to the City Council when any building or structure in the City is in a dangerous condition and constitutes a nuisance as defined in this Article. Hereinafter, all references to Chief of Police shall also include the "other designated City representative".

25-5-2 TIME LIMIT. The owner of any dangerous or unsafe building, as defined in this Article, shall repair, alter or demolish the building so as to make it safe within **fifteen (15) days** from the time the notice is served upon him in the manner provided by law. However, the City officials may allow an extension of this repair period up to **ninety (90) days** if the owner provides a statement in writing to the City that the owner intends to repair the building so that the building is no longer a nuisance and that the owner needs this additional time to complete the repairs.

25-5-3 NOTIFICATION. When City Officials or the Chief of Police determine that a building is considered to be a "dangerous or unsafe building" as defined in this Article, City officials shall provide notice to the owner of the property, and all lien holders of record, to demolish or repair such building. Notice shall set forth a description of the real estate and a description of how the building is "dangerous or unsafe". Notice shall also provide the property owner at least **fifteen (15) days** to remedy the problems with the building by demolishing or repairing such building. The Chief of Police or other designated City official shall provide this notice by mail or by both personal service and mail. If after a diligent search, the identity or whereabouts of the property owner, which may include the lien holders of record, cannot be determined, notice mailed to the person in whose name the real estate was last assessed shall be sufficient notice, even if such notice is subsequently returned undeliverable.

Additionally, the Chief of Police, with the approval of the City Council, may place a notice on a "dangerous and unsafe building", which reads as follows:

"This building has been found to be a dangerous and unsafe building by the City officials. This notice shall remain on this building until it is repaired, vacated or demolished in accordance with the notice which has been given the owner, occupant, lessee, mortgagee, or agent of this building, or person or persons in whose name or names such building was last assessed, and all other persons having an interest in said building as shown by the land records of the County Recorder of Deeds. It is unlawful to remove this notice until such notice is complied with."

25-5-4 DANGEROUS AND UNSAFE BUILDING DEFINED. All buildings or structures that are dangerous or unsafe, uncompleted, abandoned, or unfit for human occupancy shall be deemed "dangerous and unsafe buildings", including buildings or structures with any of the following defects (the following listing is not all inclusive).

(A) Those whose interior walls or other vertical structural members list, lean or buckle to such an extent that a plumb line passing through the center of gravity falls outside of the middle third of its base.

(B) Those which, exclusive of the foundation, show **thirty-one percent (31%)** or more of damage or deterioration of the supporting member or members, or **fifty percent (50%)** of damage or deterioration of the non-supporting enclosing or outside walls or covering.

(C) Those which have improperly distributed loads upon the floors or roofs or in which the same are overloaded, or which have insufficient strength to be reasonably safe for the purpose used.

(D) Those which have been damaged by fire, wind, or other causes so as to have become dangerous to life, safety, morals, or the general health and welfare of the occupants or the people of the City.

(E) Those which have become or are so dilapidated, decayed, unsafe, unsanitary or which so utterly fail to provide the amenities essential to decent living that they are unfit for human habitation or are likely to cause sickness or disease, so as to cause injury to the health, morals, safety or general welfare of those living therein.

(F) Those having light, air, and sanitation facilities which are inadequate to protect the health, morals, safety, or general welfare of human beings who live or may live therein.

(G) Those having inadequate facilities for egress in case of fire or panic or those having insufficient stairways, elevators, fire escapes, or other means of communication.

(H) Those which have parts thereof which are so attached that they may fall and injure members of the public or property.

(I) Those which, because of their condition, are unsafe, unsanitary, or dangerous to the health, morals, safety or general welfare of the people of this City.

(J) Those buildings existing in violation of any provision of the Building Code of this City, or any provision of the Fire Prevention Code, or any other ordinances of the City.

(K) Those vacant buildings with unguarded openings shall be deemed to constitute a fire hazard and to be unsafe within the provisions of this Code.

(L) Those buildings which are uncompleted or abandoned.

25-5-5 STANDARDS FOR REPAIR, VACATION OR DEMOLITION. While not otherwise limiting the City's ability to take action under this Article, the following standards, as these standards apply to the specific conditions discussed, shall be followed when ordering repair, vacation, or demolition under this Article:

(A) If the "dangerous and unsafe building" is in such condition as to make it dangerous to the health, morals, safety, or general welfare of its occupants, it shall be ordered to be immediately vacated and the City shall initiate action under this Article to have it repaired or demolished.

(B) If the "dangerous and unsafe building" can reasonably be repaired within the time frames provided in **Section 25-5-2** so that it is no longer considered a nuisance under this Article, the City shall allow the owner the opportunity to repair the structure in the allotted time period before pursuing court action against the owner.

(C) In any case where a "dangerous and unsafe building" is **fifty percent (50%)** damaged or decayed, or deteriorated from its original value or structure, it shall be demolished, and in all cases where a building cannot be repaired so that it will no longer exist in violation of the terms of this Code, it shall be demolished. In all cases where a "dangerous and unsafe building" is a fire hazard existing or erected in violation of the terms of this Code, or any ordinance of the City, or statute of the State of Illinois, it shall be demolished. **(See "Non-Conforming Uses" of the Zoning Code)**

25-5-6 DANGEROUS AND UNSAFE BUILDINGS - NUISANCES. All dangerous and unsafe buildings within the terms of this Article are hereby declared to be public nuisances and shall be repaired, vacated, or demolished as hereinbefore or hereinafter provided.

25-5-7 DUTIES OF THE ATTORNEY/COURT ACTION. Upon the expiration of the notice period as set forth in this Article and upon direction for the City Council, the City Attorney shall apply to the Circuit Court for an order authorizing the demolition, repair, or vacation of dangerous and unsafe buildings in accordance with Section 11-31-1 of the Illinois Municipal Code when the owner of the building or structure has failed, neglected, or refused to comply with the notice, provided to the owner pursuant to **Section 25-5-3**. It shall not be a defense to any cause of action brought by the City under this Article of the Revised Code that the building or structure has been boarded up or otherwise enclosed. After the City has received court approval to demolish, repair, enclose, or remove the building, City officials shall take appropriate action to have the building demolished, repaired, enclosed, or removed. Any action taken by the City pursuant to this Article of the Revised Code shall not impede or supersede the City's authority to take any other action permitted against the property owner, occupant of the property, or person in control of the property under the Revised Code, including the issuance of ordinance violation notices that impose a fine for the violation.

25-5-8 **LIENS.** The cost of repair, demolition, vacation, or enclosure incurred by the City, including court costs, attorney's fees and other costs related to the enforcement of this Article shall be recoverable from the owner or owners of such real estate and shall be a lien on the real estate, which lien shall be superior to all prior existing liens and encumbrances, except taxes; provided that within **one hundred eighty (180) days** after said cost and expense are incurred, the City shall file a notice of lien in the office of the County Recorder of Deeds. The notice shall consist of a sworn statement setting out:

- (A) A description of the real estate sufficient for identification thereof;
- (B) The amount of money representing the cost and expense incurred or payable for the service; and
- (C) The date or dates when said cost and expense was incurred by the City.

Upon payment of said costs and expenses by the owner or persons interested in said property after a notice of lien has been filed, the lien shall be released by the City and said release may be filed of record as in the case of filing notice of lien. The lien may be enforced by proceedings to foreclose as in the case of mortgages or mechanics of lien.

25-5-9 **REMOVAL OF DEBRIS.** In addition to addressing "dangerous and unsafe buildings", this Article may also be utilized to address and cause the removal of garbage, debris, and other hazardous, noxious, or unhealthy substances or materials from any building or structure in the City. Accordingly, if the procedures and processes set forth in this Article for demolition or repair of a dangerous or unsafe building are followed for the removal of garbage, debris, and other hazardous, noxious, or unhealthy substances or materials from a building or structure, the City may seek court action to authorize the removal of such garbage, debris, and other hazardous, noxious, or unhealthy substances or materials from a building or structure. Additionally, the City may file a lien as provided in **Section 25-5-8** to recover the costs and fees related to the removal of these substances or materials. Wherever "repair", "alter", "demolish", or other similar actions are discussed in this Article, the terms "remove" or "removal" of garbage, debris, and other hazardous, noxious, or unhealthy substances or materials from a building or structure shall also be included. (**Ord. No. 04-15; 09-27-04**)

(**Ord. No. 04-10; 09-13-04**)

(**See 65 ILCS Sec. 5/11-31-1**)