

CHAPTER 1

NUISANCES

SECTION:

- 4-1-1: **Definitions**
- 4-1-2: **Nuisances Prohibited**
- 4-1-3: **Deposits and Dumping of Offensive Material**
- 4-1-4: **Excavations**
- 4-1-5: **Abatement by Village**
- 4-1-6: **Failure to Remove or Destroy**

- 4-1-1: **DEFINITIONS:** The following acts, omissions or conditions shall be deemed nuisances: (Ord. 73-311-26)
- A. An act which shall offend public decency.
 - B. An act which shall unlawfully interfere with, obstruct or tend to obstruct or render dangerous for passage, a public park, public way or other public place.
 - C. Obstruction of any gutter, culvert, inlet, or other drainage way so as to cause water to stagnate therein or permitting foul or stagnant water to stand upon any premises.
 - D. Causing or permitting the collection, deposit or continuing existence of any garbage or hazardous substance, other than prescribed by Code, including but not limited to : animal or vegetable waste resulting from the handling, preparation cooking and consumption of food; combustible and noncombustible waste materials; paper; rags; cartons; boxes; tree branches; rubber; yard trimmings; cans; metals; glass; crockery; dust; and wood, other than that permitted for burning in code-permitted fire receptacles. (Ord. 14-3337-64 eff. 10/27/14)
 - E. All buildings, walls and other structures which have been damaged by fire, decay or otherwise and which are so situated as to endanger the safety of the public.
 - F. All dangerous or unsanitary, unguarded, unprotected machinery or equipment in any public place or situated or operated on private property. (Ord. 73-311-26; and. Ord. 74-340-16)

4-1-2: NUISANCES PROHIBITED:

- A. It shall constitute a nuisance to commit any offense which is in fact a nuisance, or which is a nuisance according to the common law, or which is made such by this Code, other ordinances of this Village or by the Statutes of the State of Illinois.
- B. It shall be unlawful for any person to permit or maintain the existence of any nuisance on any property under his control or do any act which constitutes a nuisance. (1971 Code, §73-311-22)
- C. Repealed by Ord. 06-2042-34, eff. 6/26/06

4-1-3: DEPOSITS AND DUMPING OF OFFENSIVE MATERIAL:

- A. Grass and Rubbish: it shall be unlawful for any person to dump or deposit or cause to be dumped or deposited, any grass, leaves, branches or parts of trees or any other things in any public way within the Village, and such is hereby declared to be a nuisance.
- B. Dumping and Storing: it shall be unlawful for any person to dump, deposit or store material of any kind on any real property in the Village, except:
 - 1. When dumping, depositing or storing is for a purpose which is customarily incidental to residential use.
 - 2. When building materials are deposited on a site for which a building permit has been issued and the building materials are to be used for construction purposes thereon in conformance with the applicable codes of the Village.
 - 3. Where the building materials are deposited on a site used in accordance with the applicable codes of the Village for the purposes of storing building materials.
 - 4. When operating a concrete recycling, storage and sales facility pursuant to a special use permit granted under Section 6-7A-7 of the Zoning Code.(Ord. 06-2948-40, eff. 8/14/06)
 - 5. When operating a tree chipping facility pursuant to a special use permit.(Ord. 06-2948-40, eff. 8/14/06)

In the event that building materials are deposited on a site in the Village, for which a building permit has been issued, and such permit expires, the continued existence of the building material on such site is declared to be a nuisance.

4-1-4: EXCAVATIONS:

- A. When any person makes an excavation within the Village to be used in the construction of a building, it shall be unlawful for such person to allow such excavation to remain open for a period of time in excess of that time necessary or reasonably required to accomplish the construction of said building.
- B. In the event that such unlawful excavation, as defined above, is made, the continued existence of such excavation in violation hereof is declared to be a nuisance.
- C. It shall be unlawful for any person to make any excavation within the Village for the purposes of constructing a building without providing adequate safeguards and precautions to protect the health, safety and lives of all members of the community and, in particular, of minor children who might be attracted to or have occasion to go upon the property where such excavation exists. The continued existence of any such excavation without such adequate safeguards and precautions is declared a nuisance.

4-1-5: ABATEMENT BY VILLAGE: Imposition of any penalty for a violation of this Chapter shall not be construed as a waiver of the right of the Village to collect the costs of removal of any nuisance or nuisances as defined by the provisions of this Chapter. (1971 Code, §73-311-22)

4-1-6: FAILURE TO REMOVE OR DESTROY: In the event that any owner shall neglect or refuse to abate a nuisance as indicated above, the Village shall notify the owner, or his agent, in writing of the failure. Failure of the Village to give notice shall not, however, constitute a defense to any action to enforce the payment of any penalty provided for under this Code. In case any owner or agent shall refuse to or neglect to abate the nuisance after receipt of two notices; the first which shall provide seven calendar days for abatement followed immediately by a second which shall provide five calendar days for abatement, the Village Manager, or his designee, shall be authorized to enter upon the land and to abate the nuisance. If the same owner or agent has previously been notified to abate a similar nuisance under similar circumstances anytime in the past twenty four months, then one notice providing five calendar days for abatement shall be all that is necessary. In addition to any other duties or obligations set forth in this Article A, any owner who shall refuse or neglect to abate such nuisance, shall be subject to a fine set forth in the Comprehensive Fine Schedule of the Code described in Section 17-1. Each day such nuisance remains shall constitute a separate offense. (Ord. 14-3337-64 eff. 10/27/14 eff. 10/27/14)

CHAPTER 1

NUISANCES

ARTICLE A. VEGETATION NUISANCES

SECTION:

- 4-1A-1: **Nuisance Declared**
- 4-1A-2: **Failure to Remove or Destroy**
- 4-1A-3: **Lien Imposed; Foreclosure**

4-1A-1: **NUISANCE DECLARED:**

- A. It shall be unlawful for any person who owns vacant or improved property within the Village to permit the growth of noxious weeds upon their property. Noxious weeds shall be defined to be Common ragweed (*Ambrosia artemisiifolia*), Giant ragweed (*Ambrosia trifida*), Musk thistle (*Carduus nutans*), Canada thistle (*Cirsium arvense*), Johnsongrass (*Sorghum halepense*), Perennial sowthistle (*Sonchus arvensis*), Sorghum-almum (*Sorghum almum*) and Marijuana (*Cannabis sativa*). It shall be the duty of all owners of land or improved property to keep such property free of noxious weeds, and to destroy all noxious weeds necessary to be in compliance herewith. It is hereby declared a nuisance to permit the growth of noxious weeds.
- B. It is hereby declared a nuisance to permit the growth of lawn grasses on vacant land or improved property within the Village in excess of six inches (6c) in height. The growth of any lawn grasses in violation of this Section 4-1A-1 is hereby declared to be a nuisance.

- 4-1A-2: **FAILURE TO REMOVE OR DESTROY:** In the event that any owner shall neglect or refuse to abate a nuisance as indicated above, the Village shall notify the owner, or his agent, in writing of the failure. Failure of the Village to give notice shall not, however, constitute a defense to any action to enforce the payment of any penalty provided for under this Code. In case any owner or agent shall refuse to or neglect to abate the nuisance after receipt of two notices; the first which shall provide seven calendar days for abatement followed immediately by a second which shall provide five calendar days for abatement, the Village Manager, or his designee, shall be authorized to enter upon the land and to abate the nuisance. If the same owner or agent has previously been notified to abate a similar nuisance under similar circumstances

anytime in the past twenty four months, then one notice providing five calendar days for abatement shall be all that is necessary. In addition to any other duties or obligations set forth in this Article A, any owner who shall refuse or neglect to abate such nuisance, shall be subject to a fine set forth in the Comprehensive Fine Schedule of the Code described in Section 17-1. Each day such nuisance remains shall constitute a separate offense. (Ord. Amd. 10-3131-08, eff. 3/22/10; and Ord. 14-3337-64 eff. 10/27/14)

4-1A-3: LIEN IMPOSED; FORECLOSURE: In addition to the penalties provided, the reasonable cost of the abatement of the nuisance by the Village shall become a lien upon the real estate affected, superior to all other liens and encumbrances, except tax liens; provided that within sixty (60) days after such cost and expense is incurred by the Village, the Village Clerk shall file a notice of such lien in the office of the Recorder of Deeds in Lake County, Illinois, and the Village Clerk is authorized and directed to file such notices of such liens. The notice of lien shall consist of a sworn statement setting out a description of the real estate upon or for which the nuisance was abated, the amount of money due for such service and the date or dates when such costs or expenses were incurred. Upon payment of the costs and expenses by the owner of the property, or persons interested by the owner of such property, or persons interested therein, after the notice of lien has been filed, the Village shall issue a release of lien suitable for recording by the owner, provided release fee as established in the Comprehensive Fee Schedule set forth in Chapter 15 of Title 1 of this Code has been paid in addition to the costs or expenses incurred by the Village including the cost of recording the notice of lien. (Ord. 08-3031-14, eff. 4/14/08)