

CHAPTER 10

ENVIRONMENTAL WELFARE

ARTICLE I - NUISANCES

10-1-1 SPECIFIC NUISANCES ENUMERATED. It is hereby declared to be a nuisance and to be against the health, peace and comfort of the Village for any person within the limits of the Village 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) 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.

(F) 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.

(G) 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.

(H) 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.

(I) 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.

(J) 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.

(K) Business. To establish, maintain, and carry on any offensive or unwholesome business within the limits of the Village or within one and one-half miles of the limits.

(L) 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.

(M) Expectorate. To expectorate on any public sidewalk, street, or other public building or floor or walk of any public vehicle or hall.

(N) 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 Village from any moving vehicle, or to be thrown from a moving vehicle, or to throw from a moving vehicle and to remain thereon.

(O) Accumulations of Junk and trash. 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 or broken glass upon any lot, piece or parcel of land or upon any public or private alley, street or public way within the Village.

(P) Rodents. To cause or permit any condition or situation to exist that shall attract, harbor or encourage the infestation of rodents.

(Q) Bringing Nuisances into the Village. To bring into the Village 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.

(R) 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, not 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.

10-1-2 Unused and Unsafe Property Being a Nuisance. No person, firm or corporation shall maintain or permit the storage of any unused or stripped or junked machinery, equipment, or other personal property of any kind, nature, or extent whatsoever which is no longer safely usable for the purposes for which it was manufactured, within the corporate limits of the Village of Mt. Auburn, which storage is hereby declared a nuisance unless such storage is within a completely enclosed building or in a licensed junk yard.

Following notice to do so, each owner, lessee, or occupant of any real estate within the corporate limits of the Village of Mt. Auburn upon which such illegal storage is made and each owner, leasee, bailee or possessor of any of the aforesaid personalty which is illegally stored (all of whom are hereinafter referred to collectively as "Owners") shall, within 10 days after such notice is mailed, jointly and severally abate said nuisance by transferring said personal property into completely enclosed buildings authorized to be used for such storage purposes, if within the corporate limits of the Village of Mt. Auburn, or otherwise to remove said personalty to a location outside said corporate limits.

In the event any of said Owners fail to abate said nuisance by transferring said personalty, then the Village of Mt. Auburn may remove said personalty to a location of its selection and may further dispose of or store said personalty, and all expenses therefor shall be recoverable from said Owners, jointly and severally, in a suit at law, plus costs and reasonable attorney fees.

In the event said personalty is removed and placed in storage by the Village of Mt. Auburn, then said personalty may be sold by said Village at any time thereafter at public or private sale as said Village shall determine in its sole discretion. If the sale proceeds are insufficient to pay the costs of sale, the removal and storage expenses, and the Village's reasonable attorney fees, then said Owners shall be jointly and severally liable to the Village of Mt. Auburn for the balance of said costs, expenses and

fees, to be recoverable in a suit of law, plus costs and the Village's reasonable attorney fees. If the sale proceeds are sufficient to pay said costs of sale, removal and storage expenses, and reasonable attorney fees, then the balance shall be paid to any one or more of said Owners as said Village shall determine.

10-1-3 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 Village if such use, keeping maintenance of same shall be dangerous or detrimental to health.

10-1-4 NOTICE TO ABATE. It shall be the duty of the designated authority 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 designated authority shall prescribe. It shall not be necessary in any case for the designated authority to specify in the notice the manner in which any nuisance shall be abated, unless he shall deem it advisable to do so.

10-1-5 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 misdemeanor.

10-1-6 ABATEMENT. It shall be the duty of the designated authority 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 designated authority 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.

10-1-7 PENALTY. If any person fails to abate said nuisance and is found guilty of violating any section of this Chapter, he shall be punished by a fine of not less than Fifty Dollars (\$50.00) and not more than Five Hundred Dollars (\$500.00) for each offense; and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

## ARTICLE II - WEEDS

10-2-1 DEFINITION. "Weeds" as used in this Code shall include, but not be limited to the following:

Burdock, Ragweed (giant), Ragweed (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.

10-2-2 HEIGHT. 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 eight inches (8") anywhere in the Village. Any such plants or weeds exceeding such height are hereby declared to be a nuisance.

10-2-3 NOTICE. The Police Department, or any other person so designated by the Mayor or Village Board 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.

10-2-4 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 to any member of his household of the age of fifteen years or older found on the premises or by mailing such notice to the last known residence address of the owner; 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.

10-2-5 ABATEMENT. If the person so served does not abate the nuisance within five days, the Village may proceed to abate such nuisance, keeping an account of the expense of the abatement and such expense shall be charged and paid by such owner, or occupant.

10-2-6 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 days of submission of the bill, a notice of lien of the cost and expenses thereof incurred by the Village 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 Village, and shall be filed within sixty days after the cost and expense is incurred.

10-2-7 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 Village 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.

10-2-8 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 Village after lien is in effect for sixty days. (Ill. Rev. Stat., Ch. 24, 11-20-6 and 11-20-7)

### ARTICLE III - GARBAGE AND DEBRIS-

10-3-1 ACCUMULATION PROHIBITED. No person shall permit any garbage or trash to accumulate on their premises or private property. It is hereby declared to be a nuisance and it shall be unlawful for the owner or occupant of real estate to refuse or neglect to remove the garbage or debris.

10-3-2 NOTICE TO PERSON. The Mayor, Chief of Police, or the Mayor's 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 days after such notice has been duly served.

10-3-3 SERVICE OF NOTICE. Service of notice provided for herein may be effected by handing the same to the owner, occupant, or lessee of the premises, or to any member of his household of the age of fifteen years or older found on the premises or by mailing such notice to the last known residence address of the owner; 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.

10-3-4 ABATEMENT. If the person so served does not abate the nuisance within five days, the Village may proceed to abate such nuisance, keeping an account of the expense of the abatement and such expense shall be charged and paid by such owner or occupant.

10-3-5 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 days of submission of the bill, a notice of lien of the cost and expenses thereof incurred by the Village 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 Village and shall be filed within sixty days after the cost and expense is incurred.

10-3-6 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 Village 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.

10-3-7 FORECLOSURE OF LIEN. Property subject to a lien for unpaid 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 Village, after lien is in effect for sixty days. Suit to foreclose this lien shall be commenced within two years after the date of filing notice of lien.