

CHAPTER 1
NUISANCES

SECTION:

- 5-1-1: Nuisances Enumerated
 5-1-2: Fuel Storage Tanks
 5-1-3: Abatement Procedures

5-1-1: **NUISANCES ENUMERATED:** No person, firm, or corporation shall do or cause to be done any of the following acts, which are hereby declared to be acts of nuisance, subject to abatement as hereinafter provided:

A. Offensive Conditions Generally:

1. To negligently conduct any business or use any premises so as to create such an offensive smell as may taint the air and render it unwholesome or disagreeable to other persons.
2. To cause or suffer the carcass of any animal or any offal, filth, or noisome substance to be collected, deposited or remain in any place to the prejudice of other persons.
3. To establish, maintain and carry on any offensive or unwholesome business within the limits of the Village, or within one mile of the limits thereof.
4. To keep or suffer to be kept in a foul, offensive, nauseous or filthy condition, any railroad car, building, yard, cellar, barn, sewer, pigpen, sty or privy. (1979 Code § 7-1)
5. To suffer or permit any privy, barn, stable, livery stable, cow yard, shed, hog pen, sty, cellar, vault, privy, private drain or sewer to be or become in such condition that the smell or effluvia therefrom shall become nauseous, foul or offensive to any portion of the citizens or injurious or dangerous to public health. (1979 Code § 7-2)

6. 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.
- B. Deposits of Offensive Substances:
1. To throw or deposit any offal or other offensive matter or the carcass of any animal in any watercourse, pond, spring or well.
 2. To deposit any night soil, dead animal or other filthy, offensive or noisome substance upon any lot, street, alley, highway, park or other place.
- C. Water Pollution: To corrupt or render unwholesome or impure the water of any spring, stream, pond or well, to the injury or prejudice of others.
- D. Obstructing Gutters, Sewers, and Drainage ways: To obstruct or impede without legal authority the passage of any gutter, conduit, sewer or the natural drainage of any public or private property.
- E. Obstructing Public and Private Ways: To obstruct or encroach upon public highways, private ways, streets, alleys or commons.
- F. Cemeteries: To establish a cemetery within corporate limits of the Village or within one mile of the limits without having obtained permission so to do under an Ordinance of the Village Board.
- G. Garbage and Refuse Accumulations: To permit or suffer any offal, filth, refuse, animal or vegetable matter, which is liable to become putrid or offensive, or injurious to health, to remain on any premises used or occupied by him, for a longer period than four (4) hours at any one time.
- H. Offensive Animal Houses: To own, keep or use any railroad car, yard, pen, place or premises, in or upon which cattle or swine shall be confined or kept, so as to be offensive to persons residing in the vicinity of the same.
- I. Animal Related Businesses:
1. To locate and use, without first having obtained permission of the Village Board so to do, any packing house, render, tallow chandlery, bone factory, soap factory, tannery, distillery, livery stable, blacksmith shop or foundry.

2. To erect or use habitually any house or lot for the purpose of butchering or slaughtering cattle, calves, sheep or swine without permission granted of the Board of Trustees.
 3. To boil or render tainted lard or other animal substance so as to taint the air or render it unwholesome or offensive.
- J. Dangerous Buildings: For the owner or keeper of any lot or premises to suffer to remain thereon, to the annoyance and detriment of other persons, a dilapidated building, liable to fall or take fire, and which by reason of its proximity to the contiguous or adjacent buildings and premises of other persons, does endanger their life or property.
- K. Inadequate Scaffolds: To use in the erection of any building, a scaffold or scaffolds not wide enough to ensure the safety of persons working thereon or persons are passing under or near the same.
- L. Stagnant Waters: For the owner or keeper of any lot or premises to suffer to stand or remain thereon, water which is or which may become stagnant, foul, and offensive, as well as detrimental to the health and comfort of person residing in the neighborhood thereof.
- 5-1-2: **FUEL STORAGE TANKS**: No person, firm, or corporation shall locate or erect, or permit or cause to be located or erected, any gasoline or volatile fuel storage tank, either above or below ground level, for the purpose of storing or distributing or pumping gasoline or volatile fuels; provided however, that this section shall not apply to any business establishment at which gasoline and volatile fuels are stored and dispensed either at retail sale or for use by its own motor vehicle fleet, and which is subject to or complies with the rules and regulations of the office of the Illinois State Fire Marshall pertaining to the keeping, storage, transportation, sale, or use of gasoline and volatile fuels, as are now in effect or as may be from time to time amended. (Ord., 3-2-1982)
- 5-1-3: **ABATEMENT PROCEDURES¹**: The following are the prescribed means of abating public nuisances under this Chapter:
- A. Timely Abatement: Any public nuisance under this Chapter which is located on privately owned property shall be removed or otherwise treated by the property owner or his/her agent in whatever fashion is required to cause the abatement of the nuisance within a reasonable time after its discovery.

¹ See Section 1-4-5 of this code for lien provisions.

- B. Notice Requirement: Any public nuisance under this Chapter which is located on privately owned property shall be removed or otherwise treated by the property owner or his/her agent in whatever fashion is required to cause the abatement of the nuisance. No property owner may be found guilty of violating this provision unless and until the following requirements of the notice have been satisfied:
1. The Village shall cause a written notice to be personally served or sent, by registered mail, to the person to whom was sent the tax bill for the general taxes for the last preceding year.
 2. Such notice shall describe the nuisance, its location on the property and the reason for declaring it a nuisance.
 3. Such notice shall describe by legal description or by common description the premises.
 4. Such notice shall state the actions that the property owner may undertake to abate the nuisance.
 5. Such notice will require the elimination for the nuisance no less than thirty (30) days after the notice is delivered or sent to the person to whom was sent the tax bill for the general taxes for the last preceding year.
- C. Summary Abatement: The Village is empowered to cause the immediate abatement of any public nuisance; provided, that the nuisance is determined to be an immediate threat to any person or property. (2002 Code)