

CHAPTER 96: NUISANCES

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GENERAL PROVISIONS

§ 96.01 ENUMERATION OF PARTICULAR NUISANCES

The presence of the following within the village is declared to be detrimental to the public health, safety, and welfare and constitutes a nuisance:

(A) Sound, animals, or things which interfere with the peace or comfort or disturb the quiet enjoyment of any person in the village;

(B) Anything which is made, permitted, used, kept, maintained, operated, or any building or any animal that is kept in a manner which is offensive, nauseous, dangerous to life, limb, or property, or detrimental to the health of the persons residing in that area;

(C) Any filthy, foul, or offensive matter or liquid of any kind discharged into any street, alley, or public place, or on any adjacent lot or ground;

(D) Any lot, ground, or premises, within the village, on which stagnant water may be standing so as to become or likely to become foul, putrid, offensive, or detrimental to the health and comfort of persons residing in the vicinity thereof;

(E) The emission of dense smoke from the chimney or smokestack of any building or premises or from any garbage or rubbish container.

(F) Any spoiled, tainted, or diseased perishable agricultural commodity;

(G) The presence of brush, weeds, dead, or dying trees, stumps, roots, any abandoned or inoperable vehicle or waste material, on land within the village;

(H) In addition to what is herein declared to be a nuisance, those offenses known to the common law or of the state or federal statutes as nuisances may, in case the same exist within the village, be treated as such and proceeded against as provided in this chapter.

Penalty, see § 96.99

§ 96.02 ENUMERATION NOT EXCLUSIVE

The various nuisances described and enumerated in this chapter shall not be deemed to be exclusive, but shall be in addition to all other nuisances described and prohibited by this code. Statutory reference:

Power o/village to define, prevent, and abate nuisances, see 65 ILCS 5/11-60-2

§ 96.03 NUISANCES TO BE REMOVED

Any person causing a nuisance, as defined in this code, and the owner, occupant, or lessee of land on which any nuisance exists, are required to correct the nuisance. The correction shall be made within the time limit enumerated in the notice of violation from the village. In all cases it shall be the ultimate responsibility of the owner of the premises on which a nuisance exists to correct the nuisance.

Cross-reference: Public health violation ticket, see Ch. 94

PLANTS AND WEEDS

§ 96.15 WEEDS PROHIBITED

It shall be unlawful for any person to permit the lot or premises owned or possessed by him, on the street in front of or adjoining the lot or premises owned or occupied by him, to become overgrown with weeds; and the same shall be cleared and all trash or dirt shall be removed, and such premises kept in neat and clean condition.

§ 96.16 HEIGHT

It shall be unlawful to permit any weeds, grass or plants other than trees, bushes, flowers, vegetables, or other ornamental plants, to grow to a height exceeding eight inches (8”) anywhere in the Village of Hanna City; any such plants or weeds exceeding such height are declared to be a nuisance.

§ 96.17 REMOVAL NOTICE

It shall be the duty of the Village Clerk to serve or cause to be served notice upon the owner or occupant of any premises on which weeds or plants are permitted to grow in violation of the provisions of the Ordinance, and to demand the abatement of the nuisance within ten (10) days.

§ 96.18 ABATEMENT OF NUISANCE

If the person so served does not abate the nuisance within ten (10) days, the Village may proceed to cause the abatement of such nuisance, keeping an account of the expense of the same, and such expense shall be charged to and paid by the owner or occupant.

§ 96.19 LIEN FOR COSTS

If the owner or occupant charged with expense of abatement shall fail to pay therefor within thirty (30) days, then the Village Clerk may cause to be filed within sixty (60) days a Notice of Lien in the office of the Recorder of Deeds of Peoria County, Illinois. The notice shall consist of a sworn statement setting out (1) description of the real estate sufficient for identification thereof, (2) the amount of money representing the cost and expense incurred or payable for such abatement, and (3) the date or dates when such cost and expense was incurred by the Village. (65 ILCS 5/11-20-7, 65 ILCS 5/11-20-15.1)

ENFORCEMENT

§ 96.99 PENALTY; LIEN

(A) Unless a greater or lesser penalty is prescribed elsewhere in this Code of Ordinances, any person who shall violate any provisions of this chapter shall, on conviction thereof, be punished by a fine not to exceed \$750 for each violation. Each day during which a violation continues beyond the specified time for correction shall constitute a separate punishable offense.

(B) If the village corrects the violation or causes the violation to be corrected on its behalf, the violator or shall be liable to the village for its actual costs (material plus labor, or if the correction is contracted out, the contract price) of abating the nuisance.

(C) Where the village itself corrects the violation or causes the violation to be corrected on its behalf, the violator shall be subject to both division (A) and (B) of this section.

(D) See above provisions in Section 96.19 and following regarding liens for removal costs.