

Title IX: General Regulations

CHAPTER 93: NUISANCES

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Cross-reference:

Pools creating nuisances, see § 156.21

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GENERAL PROVISIONS

§ 93.01 DEFINITION.

For the purpose of this chapter, **PUBLIC NUISANCE** shall mean a thing, act, occupation, condition or use of property which shall continue for such length of time as to:

- (1) Substantially annoy, injure or endanger the comfort, health, repose or safety of the public; or
- (2) In any way render the public insecure in life or in the use of property; or
- (3) Greatly offend the public morals or decency; or
- (4) Unlawfully and substantially interfere with, obstruct or tend to obstruct or render dangerous for passage any street, alley, highway, navigable body of water or other public way.

(‘77 Code, § 12.02(a))

§ 93.02 PUBLIC NUISANCES PROHIBITED.

No person shall erect, contrive, cause, continue, maintain or permit to exist any public nuisance within the Village or within the police jurisdiction of the Village. (‘77 Code, § 12.01) Penalty, see § 93.99

§ 93.03 PUBLIC NUISANCES AFFECTING HEALTH.

The following acts, omissions, places, conditions and things are hereby specifically declared to be public health nuisances, but shall not be construed to exclude other health nuisances coming within the definition of **PUBLIC NUISANCE** provided in § 93.01 of this chapter:

- (A) All decayed, harmfully adulterated or unwholesome food or drink sold or offered for sale to the public;
- (B) Carcasses of animals, birds or fowl not buried or otherwise disposed of in a sanitary manner within 24 hours after death;
- (C) Accumulations of decayed animal or vegetable matter, trash, rubbish, rotting lumber, bedding, packing material, abandoned vehicles or machinery, scrap metal or any material in which flies, mosquitoes, disease-carrying insects, rats or other vermin may breed;
- (D) All stagnant water in which mosquitoes, flies or other insects can multiply;
- (E) Garbage cans which are not fly-tight;

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(F) The escape of smoke, soot, cinders, noxious acids, fumes, gases, fly ash or industrial dust within the Village limits in such quantities as to endanger the health of persons of ordinary sensibilities or to threaten or cause substantial injury to property;

(G) The pollution of any public well or cistern, stream, lake, canal or body of water by sewage, creamery or industrial wastes or other substances;

(H) Any use of property, substances or things within the Village emitting or causing any foul, offensive, noisome, nauseous, noxious, or disagreeable odors, effluvia or stenches extremely repulsive to the physical senses of ordinary persons which annoy, discomfort, injure or inconvenience the health of any appreciable number of persons within the Village;

(I) All abandoned wells not securely covered or secured from public use;

(J) Any barn, stable or shed that has fallen into disrepair;

(K) Any obstruction in or across any watercourse, drainage ditch or ravine;

(L) The deposit of garbage, rubbish, mud, dirt and construction waste, or any offensive substance on any street, sidewalk or public place, or on any private property, except as may be permitted by ordinance;

(M) Any noxious weeds on private property, as defined by ILCS Ch. 505, Act 100, § 2.

(‘77 Code, § 12.02(b))

§ 93.04 PUBLIC NUISANCES OFFENDING MORALS AND DECENCY.

The following acts, omissions, places, conditions and things are hereby specifically declared to be public nuisances offending public morals and decency, but such enumeration shall not be construed to exclude other nuisances offending public morals and decency coming within the definition of **PUBLIC NUISANCE** provided in § 93.01 of this chapter:

(A) All disorderly houses, bawdy houses, house of ill fame, gambling houses and buildings or structures kept or resorted to for the purpose of prostitution, promiscuous sexual intercourse or gambling;

(B) All gambling devices and slot machines;

(C) All places where intoxicating liquor or fermented malt beverages are sold, possessed, stored, brewed, bottled, manufactured or rectified without a permit or license as provided for by this code of ordinances, or by law.

(D) Any place or premises within the Village where ordinances or state laws relating to public health, safety, peace, morals or welfare are openly, continuously, repeatedly and intentionally violated.

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(‘77 Code, § 12.02(c))

§ 93.05 PUBLIC NUISANCES AFFECTING PEACE AND SAFETY.

The following acts, omissions, places, conditions and things are hereby declared to be public nuisances affecting peace and safety, but such enumeration shall not be construed to exclude other nuisances affecting public peace or safety coming within the definition of ***PUBLIC NUISANCE*** provided in § 93.01 of this chapter:

(A) All buildings erected, repaired or altered in violation of the provisions of the ordinances of the Village relating to materials and manner of construction of buildings and structures;

(B) All trees, hedges, billboards or other obstructions which prevent persons driving vehicles on public streets, alleys or highways from obtaining a clear view of traffic when approaching an intersection or pedestrian crosswalk;

(C) All limbs of trees which project over a public sidewalk less than eight feet above the surface thereof or less than 10 feet above the surface of a public street;

(D) All use or display of fireworks except as provided by the laws of the state and ordinances of the Village;

(E) All buildings or structures so old, dilapidated or out of repair as to be dangerous, unsafe, unsanitary or otherwise unfit for human use;

(F) All wires over streets, alleys or public grounds which are strung less than 15 feet above the surface of the street or ground;

(G) All loud and discordant noises or vibrations of any kind;

(H) All obstructions of streets, alleys, sidewalks or crosswalks and all excavations in or under the same, except as permitted by the ordinances of the Village, or those which, although made in accordance with such ordinances, are kept or maintained for an unreasonable length of time after the purpose thereof has been accomplished;

(I) All open and unguarded pits, wells, excavations or unused basements freely accessible from any public street, alley or sidewalk;

(J) All abandoned refrigerators or iceboxes from which the doors and other covers have not been removed or which are not equipped with a device for opening from the inside by pushing only with the strength of a small child;

(K) Any unauthorized or unlawful use of property abutting on a public street, alley or sidewalk or any unauthorized or unlawful use of a public street, alley or sidewalk which causes large crowds of people to gather, obstructing traffic and free use of the streets or sidewalks;

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(L) Any structure, material or condition which constitutes a fire hazard or will impair the extinguishing of any fire;

(M) Any nuisance so defined by the Illinois Compiled Statutes.

(‘77 Code, § 12.02(d))

Cross-reference:

Explosives and fireworks; permit requirements, see § 92.01

Advertising on streets, see § 94.08

Trees and shrubs, see Chapter 95

§ 93.06 ABATEMENT PROCEDURE.

(A) The construction, excavation, demolition, alteration, renovation or repair of any structure and mechanized earth moving and grading other than between the hours of 7:00 a.m. and 7:00 p.m. on Monday through Friday; and 8:00 a.m. and 7:00 p.m. on Saturday. However, a homeowner or occupant may engage in such activities personally any day of the week provided that the homeowner or occupant does not begin before 7:00 a.m. Monday through Friday and 8:00 a.m. Saturday and Sunday. The use of snow blowers is exempt from any time restriction contained in this Section.

(B) The construction, excavation, demolition, alteration, renovation or repair of any structure on the following holidays: New Year’s Day, Memorial Day, the Fourth of July, Labor Day, Thanksgiving Day, and Christmas Day. However, a homeowner or occupant may engage in such activities personally on these holidays provided that the homeowner does not begin before 9:00 a.m. The use of snow blowers is exempt from any time restriction contained in this Section.

Cross-reference:

Swimming pools; loud, unnecessary noise, see ' 156.20

(Ord. 00-43, passed 12-18-00)

(C) *Abatement by court action.* If the inspecting officer shall determine that a public nuisance exists on private premises but that the nature of such nuisance is not such as to threaten great and immediate danger to the public health, safety, peace, morals or decency, he shall file a written report of his findings with the President, who shall cause an action to abate such nuisance to be commenced in the name of the Village.

(‘77 Code, § 12.03)

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§ 93.07 COST OF ABATEMENT.

In addition to any other penalty imposed by this chapter for the erection, contrivance, creation, continuance or maintenance of a public nuisance, the cost of abating a public nuisance by the Village shall be collected as a debt from the owner, occupant or person causing, permitting or maintaining the nuisance, and if notice to abate the nuisance has been given to the owner, such cost shall be assessed against the real estate as other special taxes. ('77 Code, § 12.04)

WEEDS

§ 93.20 DEFINITION.

For the purpose of this subchapter, ***WEEDS*** shall include 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, smart weeds (all varieties), poison hemlock and wild hemp, and all other weeds of a like kind. ('77 Code, § 12.05(a))

§ 93.21 OWNER REQUIRED TO CUT WEEDS; HEIGHT RESTRICTIONS.

(A) Unmanaged ground cover and bushes, including nonnative prairie species as buckthorn, goldenrod, yellow and white sweet clover and ragweed, shall be kept to a maximum height of eight inches on all property within the village.

(B) The Village may require the owner of any real property to cut weeds, grass, trim trees or bushes or remove bushes or trees which constitute a public nuisance or threat to public health, safety or welfare.

(C) The Village Clerk shall serve or cause to be served a notice by certified mail to the person to whom the tax bill was sent for general property taxes for the last preceding year demanding the abatement of the nuisance within five days.

(D) If the person served by the notice required by § 93.21(C) above 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.

(E) Within sixty (60) days after such expense is incurred, the Village Clerk shall file a notice of lien in the office of the recorder of deeds of the county in which the property is located. The notice shall consist of a sworn statement setting out the legal description of the property, a concise description of the work performed, the costs incurred by the village, and the date(s) on which such costs were incurred. A copy of the notice of lien shall be sent by certified mail to the person to whom the tax bill was sent for general property taxes for the last preceding year, together with a copy of the text of 65 ILCS 5/11-20-7 and a copy of this § 93.21 of the Municipal Code.

('77 Code, § 12.05(b))

(Am. Ord. 03-9, passed 6-16-03)

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(Am. Ord. 08-12, passed 7-21-08)

Penalty, see § 93.99

§ 93.22 COST OF WEED CUTTING TO BE RECORDED; NOTICE OF LIEN.

If the Village causes the weeds to be cut, a notice of lien of the cost and expenses thereof incurred by the Village shall be recorded in the manner provided in ILCS Ch. 65, Act 5, § 11-20-7 as amended from time to time. The Village or the person performing the service by authority of the Village, in its or his own name, may file notice of lien in the office of Recorder of Deeds of Lake County. The notice of lien shall consist of a sworn statement setting out a description of the real estate sufficient for identification thereof, the amount of money representing the cost and expense incurred or payable for the service, and the date or dates when the cost and expense was incurred by the Village, and shall be filed within 60 days after the cost and expense is incurred. Notice of such lien shall be mailed to the owner of the real estate, provided that failure to file the notice or to mail the notice, or failure of the owner to receive the notice, shall not affect the right to foreclose the lien as provided in § 93.24 of this chapter. (‘77 Code, § 12.05(c))

§ 93.23 PAYMENT OF COST OF WEED CUTTING; RELEASE OF LIEN.

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. (‘77 Code, § 12.05(d))

§ 93.24 FORECLOSURE OF LIEN.

Real estate subject to a lien for unpaid cutting costs and expenses may be sold for nonpayment of the same (subject to the statutory rights of bona fide purchasers or prior lienors) and the proceeds of such sale shall be applied to pay such costs and expenses, after deducting court costs and legal fees, as in the case of the foreclosure of statutory liens. The Village Attorney is directed to institute such foreclosure proceedings, which shall be in equity and in the name of the Village, in any court of proper jurisdiction, against any real estate for which the cutting costs and expenses have remained unpaid for 60 days after being incurred. (‘77 Code, § 12.05(e))

NOISE

§ 93.35 CREATING OR PERMITTING EXCESSIVE NOISE PROHIBITED.

No person shall disturb the peace and quiet of any other person by creating excessive noise on his or any property. Excessive noise shall include but not by way of limitation any of the following:

- (A) Loud playing of phonographs, radios, television sets, or music machines, or musical instruments.
- (B) Barking or howling dogs or cats.

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(C) Vehicles without mufflers, or the unnecessary use of horns on vehicles.

(D) The use of motorcycles, mini-bikes, all-terrain vehicles (“ATV’s”), motor driven scooters, go-karts, snowmobiles or similar off-road motorized vehicles.

Penalty, see § 93.99

(‘77 Code, § 42.06) (Am. Ord. 01-40, passed 10-15-01)

§ 93.36 CONSTRUCTION AND DEMOLITION NOISE.

It shall be unlawful and punishable by a fine as provided in § 93.99 for any person or business to permit the following to exist:

(A) The construction, excavation, demolition, alteration, renovation or repair of any structure and mechanized earth moving and grading other than between the hours of 7:00 a.m. and 7:00 p.m. on Monday through Friday and 8:00 a.m. and 7:00 p.m. on Saturday. However, a homeowner or occupant may engage in such activities personally any day of the week provided that the homeowner or occupant does not begin before 7:00 a.m. Monday through Friday and 8:00 a.m. Saturday and Sunday. The use of snow blowers is exempt from any time restriction contained in this Section

(B) The construction, excavation, demolition, alteration, renovation or repair of any structure on the following holidays: New Year’s Day, Memorial Day, the Fourth of July, Labor Day, Thanksgiving Day, and Christmas Day. However, a homeowner or occupant may engage in such activities personally on these holidays provided that the homeowner does not begin before 9:00 a.m. The use of snow blowers is exempt from any time restriction contained in this Section.

Penalty, see § 93.99

(Ord. 00-43, passed 12-18-00)

Cross-reference:

Swimming pools; loud, unnecessary noise, see § 156.20

LITTERING

§ 93.50 LITTERING ON PUBLIC OR PRIVATE PROPERTY.

No person shall litter any public or private property with paper or other debris or foreign matter. Any stored or transported materials susceptible to blowing or scattering shall be adequately covered or protected to prevent littering.

Penalty, see § 93.99

(‘77 Code, § 42.08)

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Cross-reference:

Littering, depositing debris in streets prohibited, see § 94.06

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POLLUTION

§ 93.60 POLLUTION OF AIR OR WATER PROHIBITED.

No person shall pollute the air or any water course by excessive discharge of waste products or foreign matter.

Penalty, see § 93.99

(‘77 Code, § 42.09)

§ 93.61 PURPLE LOOSESTRIFE.

(A) It shall be prohibited to plant within the Village any plants which are or are closely related to *Lythrum salicaria*, *L. virgatum* which are commonly known as Purple Loosestrife.

(B) If in the Village’s reasonable discretion the Village determines the Purple Loosestrife is clogging drainageways or poses a threat to do so, the Village shall give the landowner at least ten (10) days prior notice that the Village shall enter the property for purposes of abating the nuisance plant.

(C) The owners of properties lying in the Village’s O-R, GB and PD Zoning Districts may be responsible for the Village’s costs in abating Purple Loosestrife from their properties as set forth in Section 93.61(B).

(Ord. 01-34, passed 9-17-01)

§ 93.99 PENALTY.

(A) Any person who violates any provision of this chapter for which no penalty is otherwise provided shall be subject to a penalty as provided in § 10.99 of this code of ordinances.

(B) Any person who violates any provision of § 93.36 shall be subject to a fine of \$250 per occurrence.

(Ord. 93-7, passed 10-18-93)