

CHAPTER 1  
NUISANCES

SECTION:

- 5-1-1: Nuisances Enumerated
- 5-1-2: Issue Order
- 5-1-3: Abate Nuisances
- 5-1-4: Tax Property for Cost
- 5-1-5: Recovery of Fines

5-1-1: **NUISANCES ENUMERATED:** It shall be a nuisance.<sup>1</sup>

- (A) To cause or suffer the carcass of any animal, or any offal, filth, nauseous or noisome substance to be collected, deposited or remain in any place within the limits of the Village.
- (B) To throw or deposit any offal or other offensive matter, or the carcass of any animal in any watercourse, lake, pond, spring, well or sewer, street, alley or public highway within the limits of the Village.
- ✓(C) To keep or suffer to be kept in, about or upon any lot, house or premises, or any appretenances thereto, within the limits of the Village, any filthy material or anything offensive to the neighborhood, or of any unhealthy character, or which would be likely to contribute to disease, contagion or infection of any kind.
- (D) 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 the public.

1. See Section 1-3-2 for definition of nuisance

- (E) To place, erect or cause to be placed or erected on any public ground, or any public street, lane, avenue or alley, any building or other obstructions; provided, however, that materials for the construction of buildings or fences, or for otherwise improving adjacent lots, may be placed in or upon any such street, lane, avenue, alley or public place and remain thereon a reasonable length of time, in no case shall such materials occupy more than one-half (½) the width of said street.
- (F) To obstruct or encroach upon any public highway, street, alley, sidewalk or other public place.
- (G) To keep, have or maintain either in person or by another, any common gaming house, table, room or place whatsoever, for the purpose of playing at any game or sport or for any valuable thing.<sup>1</sup>

✓ 5-1-2: **ISSUE ORDER:** In case any or either of the nuisances enumerated in subsections (A) through (F) of Section 5-1-1 of this Chapter, any citizen may complain thereof to the President of the Board of Trustees, who, together with one member of the Street and Alley Committee, shall examine the thing or matter complained of, and if in their opinion the same amounts to a nuisance and it is necessary that the same should be abated or removed without delay the President may issue an order to the Street Commissioner to abate the same. The President shall first give the owner or occupant of private property upon which a nuisance exists, seven (7) days' written notice to abate before notifying the Street Commissioner as aforesaid.

5-1-3: **ABATE NUISANCES:** Upon receipt of such order, the Street Commissioner shall proceed to abate the said nuisance as therein commanded, and shall inform the President of the costs of abatement.

5-1-4: **TAX PROPERTY FOR COST:** The President may upon the return of such information cause a suit to be commenced against the person who has caused, suffered, kept, erected, continued, placed, used, had or maintained such nuisance, for the recovery of the fine therefor, and if such person shall be found guilty, the proper judge before whom the suit is brought, shall tax the costs for abating said nuisance as costs in said cause, said fine and cost to be collected as in other cases.

1. See also Section 6-2-5 for gambling provisions

5-2-4: **USE OF RECEPTACLES:**

- (A) It shall be the duty of every occupant or lessee of any premises in the Village to close all garbage to be deposited in the receptacle or receptacles provided for garbage.
- (B) It shall not be unlawful for any owner, occupant or lessee of any premises of the Village to dispose of any garbage or rubbish which may be produced on his own premises, when such disposal is accomplished in a manner which does not create a nuisance or cause annoyance or discomfort to the inhabitants of the Village.
- (C) All receptacles for garbage and rubbish shall be placed outside the residence or other building in an accessible place, and at ground level and near the street or alley line.

5-2-5: **OPEN BURNING:**<sup>1</sup> No person shall set fire to or burn out of doors upon any premises located within the Village limits, any rubbish, papers or other combustible material unless said person has a person attending said fire. Said fire shall only be set in the container provided for said rubbish, papers or other combustible material and shall at all times be set within a container. All rubbish or other material which is burned hereunder shall be done in such a manner that it does not create a nuisance or cause any annoyance or discomfort to the inhabitants of the Village.

5-2-6: **DISPOSAL OF WEEDS:** The owner, occupant or lessee of any premises of the Village shall remove from said premises or otherwise dispose of all weeds, noxious weeds or other undergrowth tending to be detrimental to the public health and if said weeds, noxious weeds or undergrowth are not removed by said owner, occupant or lessee said property shall be deemed to be a public nuisance<sup>2</sup> under this Village Code.

5-2-7: **ABATEMENT:** Any person violating any of the provisions of this Chapter, which declare said violation to be a public nuisance, shall be fined for each offense and every day such offense occurs or continues shall be deemed to be a separate offense. Any person violating any of the provisions of this Chapter shall be subject to the Village abating that nuisance, and shall pay the cost of such abatement, in addition to the appropriate fine set forth in Section 1-4-1 of this Village Code.

1. See also Section 10-9-4(A) for provisions regarding smoke and particulate matter

2. See Chapter 1 of this Title for nuisances, generally and Section 1-3-2 for definition of nuisance