

ORDINANCE NO. 2022-10_____

AN ORDINANCE PROTECTING THE PUBLIC FROM NUISANCES

WHEREAS, the Village of Secor has previously adopted a nuisance ordinance pursuant to Ordinance No. 99-9, adopted on September 13, 1999; and

WHEREAS, the Village intends, through its ordinances, to promote a healthy and satisfying environment for its citizens, one free from nuisances, eyesores, and unhealthy or devaluating conditions; and

WHEREAS, to this end, this Ordinance seeks to regulate, identify, and provide a means to enforce the regulations to protect the health, safety, and welfare of the residents and property owners and to prevent declared nuisances; and

WHEREAS, the Village Board also seeks update the Village's nuisance ordinance, while also additionally specifically declaring loud and disturbing noises to be a public nuisance; and

WHEREAS, the Village Board hereby finds that it is in the best interests of the Village and its citizens to declare the following public nuisances, while also updating the Village's nuisance ordinance as provided herein;

NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF SECOR, WOODFORD COUNTY, ILLINOIS, THAT:

Section 1. The recitals set forth above are hereby found to be true, correct, and accurate and are hereby incorporated herein.

Section 2. Ordinance No. 99-6, an "Ordinance Protecting the Public from Nuisances", is hereby repealed in its entirety and replaced with the following:

Nuisances

1.0 Nuisances Defined, Generally: For the purposes of this Ordinance, a "nuisance" is defined as any act, omission, item, thing, occupation, or condition which shall exist or continue for such a length of time that:

- A. Injures, endangers, or substantially annoys the welfare, peace, health, or safety of others; or
- B. Offends common decency; or
- C. Creates offensive odors; or
- D. Unlawfully and substantially interferes with, obstructs,

or tends to obstruct or renders dangerous for passage any public or private street, highway, alley, sidewalk, stream, ditch, drainageway, or other public way or place; or

E. In any way renders other persons or the public insecure in life or the use of property;

F. Creates a loud and disturbing noise; or

G. Essentially interferes with the comfortable enjoyment of life and property or tends to depreciate the value of the property of others.

2.0 Specific Nuisances Enumerated: The maintaining, using, placing, depositing, leaving, or permitting to be or remain on any public or private property of any of the following items, conditions or actions are hereby declared to be and constitute a nuisance; provided, however, this enumeration shall not be deemed or construed to be conclusive, limiting, or restrictive:

A. Weeds or vegetation allowed to grow to a height greater than ten (10) inches on the average, or any accumulation of dead weeds, grass, or brush, on any occupied or unoccupied lot or land, which may provide safe harborage for rats, mice, snakes, and other vermin.

B. Accumulation of rubbish, trash, refuse, junk, and other abandoned materials, metal, lumber, or other things.

C. The carcasses of animals or fowl not promptly disposed of within a reasonable time after death.

D. Any building or other structure which is in such a dilapidated condition that it is unfit for human habitation, or kept in such an unsanitary condition that it is a menace to the health of people residing in the vicinity hereof, or presents a more than ordinarily dangerous fire hazard in the vicinity where it is located, or because of lack of maintenance is an eyesore to individuals residing in the vicinity thereof.

E. All disagreeable or obnoxious odors and stenches, as well as the conditions, substances, or other causes which give rise to the emission or generation of such odors and stenches, including smoke and fires.

F. The pollution of any public well or cistern, stream, lake, canal, or body of water by sewage, dead animals, creamery, industrial wastes or other substances.

G. Any building, structure, or other place or location where any activity which is in violation of local, state, or federal law is conducted performed, or maintained.

H. Any accumulation of stagnant water permitted or maintained on any lot or piece of ground.

I. Any method of human excreta disposal which does not conform to the provisions of this ordinance, state law, or local rule or regulation.

J. Any creation, continuation, or permitting to continue of any unreasonably loud and disturbing noise in the Village. Noise of such character, intensity, and duration as to be detrimental to the life or health of any individual is prohibited. No person shall emit or permit to be emitted beyond the boundaries of his property any noise that unreasonably interferes with the enjoyment of life or with any lawful business or activity. Such noise nuisances shall include, but are not limited to, unreasonably loud and disturbing noises made by the following: blowing horns from a vehicle; unreasonably loud and disturbing radios, loud speakers, amplifiers, and musical instruments; exhaust discharge or emission from any engine, motor vehicles (including motorcycles, motorbikes, and motorized dirt bikes or off-road vehicles), or other machines; pets (including dogs) causing frequent and long continued noises; and creating any other loud noises between the hours of ten p.m. (10:00 p.m.) and seven a.m. (7:00 a.m.).

3.0 Nuisances Declared Unlawful: It is unlawful for any person to cause, permit, maintain, or allow the creation or maintenance of any nuisance as defined or described herein.

4.0 Declaration of Nuisance: Whenever the Mayor, or his designee or assign, finds or determines that a nuisance exists, a written notice shall be served personally upon the owner or person in control of the property or premises who is causing, permitting or maintaining such nuisance which notice shall give the person served seven (7) days from the date of service of the notice to abate the nuisance. Such personal service may be affected by handing of the same to the owner, occupant, or lessee of the premises, or to any member of the household of the age of fifteen (15) years or older found on the premises. Alternatively, such service of written notice can be made by the Mayor, his designee, or the Village Clerk by certified mail.

5.0 Notice to Abate: The notice to abate a nuisance issued under the provisions of this Ordinance shall contain:

- A. An order to abate the nuisance within seven (7) days;
- B. The location of the nuisance, if the same is stationary;
- C. A description of what constitutes the nuisance;
- D. The opportunity to request a hearing on the declaration of a nuisance; and
- E. A statement that if the nuisance is not abated as directed and no request for hearing is made within the prescribed time, the Village will abate such nuisance and assess the cost thereof against such person. The opportunity for a hearing with the Village Board of Trustees shall be granted upon written request, properly delivered to the Mayor within the allotted time to abate the nuisance.

6.0 Responsibility for Nuisance: The owner, occupant, agent, or person in possession or control of the premises shall be individually and separately responsible for any nuisance under this Ordinance occurring on such premises.

7.0 Abatement of Nuisance by Village: Upon the failure of the person upon whom notice to abate a nuisance was served pursuant to the provisions of this chapter to abate the same, the mayor or his assigns, shall proceed to abate such nuisance and shall prepare a statement of the costs incurred in the abatement thereof.

8.0 Abatement of Nuisance by Village; Unknown Owner. If the premises where the nuisance is located are unoccupied and the owner's address cannot be obtained or whenever the owner, occupant, agent, or person in possession or control of the premises in or upon which any nuisance may be found is unknown or cannot be found, the Mayor or his designee shall post the seven (7) days' notice on the property by posting the notice on the front door on the main structure on the premises or by posting a sign notice on the premises. Upon the expiration of this seven (7) day notice period after the posting of the notice on the premises, the Mayor or his designee shall proceed at once to cause such nuisance to be abated or otherwise removed, keeping an account of the expense of the abatement. In either case, the expenses of such abatement shall be assessed against the property and paid by the property owner as provided in this Ordinance. Additionally, the person who created or permitted such nuisance to exist shall be in violation of the provisions of this Ordinance and

shall be assessed a penalty or fine as provided herein.

9.0 Failure to Comply with Notice; Penalties: Except as specifically provided otherwise by Village ordinance, a violation of any of the provisions of this Ordinance occurs on the date when the nuisance is created and permitted to continue by the owner, occupant, agent, or person in possession or control of any premises in or upon which any nuisance is found. Every person convicted of a violation of any of the provisions of this Ordinance shall be punished by a fine of not less than One Hundred Dollars (\$100.00) nor more than Seven Hundred Fifty Dollars (\$750.00) for each offense, plus attorneys' fees and court costs. Further, 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 violating the provisions of this Ordinance. Each day each violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such hereunder. The Village shall not be required to issue another notice where the condition or violation is at first abated, but later resumed or repeated within the same twelve-month period.

10.0 Lien. Charges for such abatement or removal of a nuisance 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 property owner. If this bill is not paid within thirty (30) 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, including the property identification number;

B. The amount of money representing the cost and expense incurred or payable for the service, including any reasonable administrative fees, legal fees, and recording costs incurred by the Village in this abatement action;

C. The date or dates when said cost and expense was incurred by the Village; and

D. The lien shall be filed within sixty (60) days after the cost and expense is incurred by the Village.

11.0 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.

12.0 Foreclosure of Lien. Property subject to a lien for unpaid abatement or removal 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 may be initiated in the name of the Village after the lien is in effect for a period of no less than sixty (60) days.

Section 3. This Ordinance is hereby ordered to be published in pamphlet form by the Secor Village Clerk and said Clerk is ordered to keep at least three (3) copies hereof available for public inspection in the future and in accordance with the Illinois Municipal Code.

Section 4. This Ordinance is in addition to all other ordinances on the subject and shall be construed therewith excepting as to that part in direct conflict with any other ordinance, and in the event of such conflict, the provisions hereof shall govern.

Section 5. This Ordinance shall be in full force and effect from and after its passage, approval and ten (10) day period of publication in the manner provided by law.

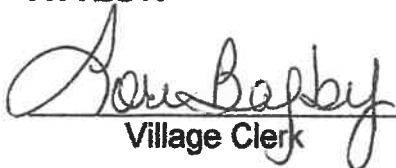
**PASSED BY THE BOARD OF TRUSTEES OF THE VILLAGE OF SECOR,
WOODFORD COUNTY, ILLINOIS, IN REGULAR AND PUBLIC SESSION THIS 13th
DAY OF June, 2022.**

APPROVED:



Village President

ATTEST:



Village Clerk
