

ORDINANCE NO. 4, 2026

VILLAGE OF JOY, COUNTY OF MERCER, STATE OF ILLINOIS

AN ORDINANCE AMENDING ORDINANCE NO. 10, 2019 PROVIDING FOR THE PROHIBITION OF NUISANCES AND PROVIDING FOR THE ABATEMENT OF NUISANCES AND FOR PENALTIES FOR THE VIOLATION THEREOF.

WHEREAS, it is necessary and proper in the interest of the public health, safety, and welfare of the inhabitants of the Village of Joy, Mercer County, Illinois to establish policies prohibiting nuisances and providing for their abatement.

WHEREAS, the Illinois Municipal Code provides the Village with broad authority to define, prevent, and abate public nuisances.

NOW THEREFORE, BE IT ORDAINED by the Board of Trustees of the Village of Joy, Mercer County, Illinois, as follows:

§ 1.01 GENERAL PROVISIONS.

(A) Purpose. The purpose of this chapter is to create beneficial effects that include but are not limited to the promotion of health, safety, appreciation of property values in residential, commercial and industrial zones, attraction of capital investors to residential, commercial and industrial zones, comfort, morals, general interest and welfare of the citizens of the Village and to protect neighborhoods against blight and deteriorating influences by establishing minimum standards of cleanliness, safety and sightlines for premises in the Village.

(B) Nuisance declared. All property found to be maintained in violation of any one or more of the provisions of this chapter is hereby declared to be a public nuisance and shall be abated pursuant to the procedures set forth herein. In all cases in this chapter where no provision is made defining what are nuisances and how the same may be abated, removed or prevented, in addition to those declared herein, those offenses known to the common law of the land and to the statutes of this state as nuisances may, in case the same exist within the jurisdiction of the Village, be treated as such and proceeded against as provided in this chapter or any other provision of law applicable thereto.

(C) Prohibited. No owner, agent, occupant or other entity owning or in possession, charge or control of any building or premises shall use the same, or permit the same to be used, for any business or employment or any purpose if the use shall, from its boisterous nature, disturb or destroy the peace of the neighborhood or shall be dangerous or detrimental to health, safety or welfare of the general public.

(D) Disclosure. Every agent, occupant or other person having control or management or who collects or receives the rents of any lands, premises or other property in the Village, shall disclose the name of the person for whom the agent or other person is acting upon demand of any inspector or agent of the Village.

(E) Other remedies. This chapter shall not limit any other rights or remedies of the Village provided in this code or any other ordinance, statute, law, rule or regulation regarding the subject matter of this chapter. These remedies are deemed cumulative.

(F) Practice. The purpose of this chapter is to provide a prompt and efficient means of abating or having abated nuisances within the Village. It is not intended that this chapter shall affect or regulate practice before the courts of the state.

(G) Fines. Any person who violates or fails to comply with any of the provisions of this chapter shall be fined as set forth in § 1.99.

§ 1.02 DECLARATION.

The following acts, conduct, conditions, things or omissions thereof are hereby declared to be nuisances:

(A) Keeping or maintaining a house for the purpose or encouragement of any illegal activity.

(B) Allowing premises to become nauseous or offensive to persons in the vicinity therein, including dilapidation.

(C) Causing to be discharged, placed, thrown, or causing to flow any nauseous, foul, offensive or putrid liquid or substance from any premises to any street, alley or adjacent premises.

(D) Allowing any weeds on any part of a premises and adjacent parkway, including but not limited to around parked vehicles, building foundations, poles, trees, fence rows and similar locations that have grown to a height of 12 inches or more, all noxious weeds of any height and the buying, selling, distributing or planting any exotic weeds without a permit from the Department of Natural Resources, and any tree or shrub having the appearance of being dead or suspected of being infected or infested are hereby declared to be a nuisance. See § 1.11.

(E) Maintaining or permitting to exist any open cistern as defined in § 1.14 or any abandoned well as defined in § 1.15.

(F) Allowing the presence of pests or a pest harborage to exist on any premises, whether improved or vacant, in violation of this section is hereby declared to be a nuisance because it creates a hazard to the health or safety of individuals or the public, and contributes to conditions that cause blight and property degradation. See § 1.12.

(G) Permitting or allowing the dumping, depositing, discarding, dropping, maintaining, storing, throwing or otherwise disposing of debris, garbage, trash, ashes, yard waste or brush upon any premises for more than ten calendar days, except when the material is contained in a proper receptacle or bundled and stored within the rear or side yard until lawfully set out for collection is hereby declared to be a nuisance. These acts do or may create a hazard to the health or safety of individuals or the public, are conducive to rodent or insect

infestation, present a fire hazard and contribute to conditions that cause blight and property degradation. See § 1.13.

(H) Allowing outside storage in residentially used or zoned premises in violation of this section is hereby declared to be a nuisance because it creates a hazard to the health or safety of individuals or the public; it is conducive to rodent or insect infestation, presents a fire hazard and contributes to conditions that cause blight and property degradation. See § 1.16.

(I) Planting, cultivating and maintaining any prairie plot in violation of the provisions of § 1.17 is hereby declared to be a nuisance;

(J) Allowing outdoor parking or storage of inoperable motor vehicles, upon any private property and in view of the general public for more than seven calendar days constitutes a nuisance. See § 1.25.

(K) Boarding up or otherwise enclosing building wall openings in violation of § 1.18.

(L) Using tarps as covers for roofs, wall openings or garage door openings in violation of § 1.19.

(M) (1) To undertake the construction, reconstruction, remodeling or demolition of a building or structure within 300 feet of a residential structure between the hours of 10:00 p.m. and 6:00 a.m. if said construction, reconstruction, remodeling or demolition causes loud noises.

(2) The following shall not constitute a violation under this division (M):

(a) Public works projects on property owned by the Village, state or federal government.

(b) As deemed necessary by the Village Manager, or his or her designee, in the event of emergency situations or with respect to work conducted by public agencies to protect the health, safety, and welfare of the public.

(N) Allowing graffiti on a building, fence or other structure.

(O) No owner, agent, occupant, responsible party or person shall create a condition, through the improper maintenance of a swimming pool or wading pool so that it harbors mosquitoes, flies, or other animal pests that are offensive, injurious, or dangerous to the health of individuals or the public.

(P) Allowing a fence to exist on any premises that is in violation of any ordinance of this Village, or is in an unsafe condition, or has become unstable or insecure, or is in such a condition as to be a menace to the safety or health of the public.

§ 1.03 NOTICES.

(A) Service. The Department shall serve a written nuisance violation in any of the following ways:

(1) By depositing the notice in the U.S. mail, prepaid first class postage to the name and address of the tax bill owner listed on the Village Assessor's records;

(2) By personal service;

(3) By posting upon the property that is the site of the alleged violation; or

(4) By any other means permitted by law for service of civil summons.

(5) A notice shall be deemed to have commenced to run from the date the notice is mailed. A notice shall be deemed sufficient regardless of whether the addressee accepts or refuses delivery or if it is not deliverable. Notice may also be sent to any other responsible party or person in possession or control of the premises, such as in the case of a rental property, the Village may also serve such notice on the occupant.

(B) Contents of notice. Every notice served under this chapter shall contain;

(1) The date;

(2) The address or description of the property sufficient for identification;

(3) Reference the provision of this chapter in violation; brief and reasonable description of the violation;

(4) Demand the abatement of the nuisance by approved processes which will not be injurious to human health or domestic animals;

(5) That a weed nuisance shall be abated in five days and all other nuisances shall be abated in ten days unless this chapter provides a longer time period for abatement, or arrangements have been made with the Village for an extension;

(6) Warn the person to which the notice is directed that a failure to accomplish the abatement within the time stated herein may result in filing a court complaint against the person(s) responsible for the violation and/or abatement of the nuisance by the Village or its authorized agent; and

(7) The cost or expenses related to the removal by the Village shall be charged to the owner; lien filing and foreclosure of lien shall be charged to the owner, when applicable.

(C) Number of notices. Only one nuisance violation notice shall be required to be sent per property during any one calendar year for violations of weeds, prairie plots and pools and only two nuisance violation notices per calendar year for trash and debris and outside storage in residentially used or zoned areas. In the event of subsequent violation(s) within the one calendar year time period, the Village may file a complaint for the violation of this chapter without further notice.

§ 1.04 EXTENSION.

The Village may grant a one-time ten day extension, unless otherwise specified herein, per calendar year to the compliance deadline established in the nuisance violation notice if requested in writing by the responsible party.

§ 1.05 ABATEMENT.

Abatement by Village. Upon refusal or neglect to comply with the nuisance violation notice or failure to request or abide by an extension date, the Department shall, in the case of weed violations, have the power to enter upon the premises, or to authorize its agent to do so, and abate or remove the nuisance. For all other nuisance violations, the Department shall file a complaint through administrative adjudication, or the Circuit Court.

§ 1.06 STATEMENT OF COST.

(A) The actual costs of abatement, costs of processing the bill, mailing or serving documents, recording documents and any other incidental expenses shall be billed to the tax bill owner listed on the Village Assessor's records.

(B) A statement for the costs shall be served either personally or by regular mail and must include:

- (1) A reference to the ordinance or code section violated;
- (2) Identify the property where the violation occurred sufficient for identification thereof and general location of the weeds that were cut;
- (3) The amount of money representing the cost and expense incurred or payable for the service;
- (4) The date or dates when the cost or expenses were incurred by the Village or one acting under its direction or control; and
- (5) An explanation that if the bill is not paid in full within 30 days, a late fee will be added to the bill and the Village will prepare and file a lien.

§ 1.07 LIEN.

(A) If the costs are not paid within 30 calendar days of the mailing of the statement, the Department shall proceed to perfect and enforce a lien upon the real estate affected in the Office of the Recorder of Deeds of this county for the following nuisances, unless otherwise specified in this chapter:

- (1) Weed violations as provided in §§ 11-20-7 and 11-20-15 of the Illinois Municipal Code (ILCS Ch. 65, Act 5, §§ 11-20-7 and 11-20-15) as now in force and hereafter amended.
- (2) Pests violations as provided in §§ 11-20-8 and 11-20-15 of the Illinois Municipal Code (ILCS Ch. 65, Act 5, §§ 11-20-8 and 11-20-15) as now in force and hereafter amended.

(3) Debris, garbage or trash as provided in §§ 11-20-13 and 11-20-15 of the Illinois Municipal Code (ILCS Ch. 65, Act 5, §§ 11-20-13 and 11-20-15) as now in force and hereafter amended.

(4) Outside storage in residentially used or zoned areas as provided in §§ 11-20-13 and 11-20-15 of the Illinois Municipal Code (ILCS Ch. 65, Act 5, §§ 11-20-13 and 11-20-15) as now in force and hereafter amended.

(5) Prairie plots as provided in §§ 11-20-7 and 11-20-15 of the Illinois Municipal Code (ILCS Ch. 65, Act 5, §§ 11-20-7 and 11-20-15) as now in force and hereafter amended.

(B) In addition to any other method authorized by law, costs may be collected as a special assessment on the property, as provided in § 9-2-4.5 of the Illinois Municipal Code (ILCS Ch. 65, Act 5, § 9-2-4.5).

§ 1.08 RELEASE OF LIEN.

Release of lien. Upon full payment of the cost or expenses associated with the lien by the tax bill owner, agent or responsible party or person interested in the property, after notice of lien has been filed, the lien release document will be provided by the Village to the responsible party so the release may be filed of record by the responsible party as in the case of filing notice of lien by the Village.

§ 1.09 FORECLOSURE.

(A) Foreclosure. A lien under this chapter may be enforced by proceedings to foreclose as in the case of mortgages or mechanic's liens. The costs of foreclosure incurred by the municipality, including court costs, reasonable attorney's fees, advances to preserve the property, and other costs related to the enforcement of this chapter plus statutory interest, are a lien on the real estate and are recoverable by the municipality from the owner or owners of the real estate.

(B) This section is applicable to the following nuisances, unless otherwise specified herein:

(1) For weed violations must be commenced within two years after the date of filing the notice of lien.

(2) Prairie plot violations must be commenced within two years after the date of filing the notice of lien.

(3) Pests violations must be commenced within two years after the date of filing the notice of lien.

(4) Trash, debris, graffiti violations must be commenced within two years after the date of filing the notice of lien.

§ 1.10 GENERAL DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ABATE/ABATEMENT. Action to terminate, eradicate, stop, cease, repair, rehabilitate, replace, demolish, correct or otherwise remedy nuisance activity, condition or conduct by means and in a manner as to bring the activity, condition or conduct into compliance with the laws or regulations of the Village and/or this state or in a manner as is necessary to promote the health, safety or general welfare of the public.

AGENT. Any individual, partnership or corporation authorized by the owner to receive notices of code violations and receive process in any court proceeding or administrative enforcement proceeding on behalf of an owner, regarding matters regulated by the Village.

BRUSH. Trimmings from shrubs, trees or other woody plants.

BUILDING. Any structure used or intended for supporting or sheltering any use or occupancy.

BUNDLED. The bringing together of items that are no more than five feet in length and the combined weight of which is no more than 50 pounds. Brush bundles must be bound with twine or other biodegradable tie, not wire or plastic. No single piece of brush shall be over five inches in diameter.

VILLAGE. The Village of Galesburg, Illinois or the area within the territorial limits of the Village and any territory outside of the Village over which the Village has jurisdiction or control by virtue of any constitutional or statutory provision.

COMPOST BIN(S). A container or containers designed to hold composting material in such a way as to prevent material from being windblown.

COMPOSTING. The biological process by which microorganisms decompose the organic fraction of waste, producing a humus-like material that may be used as a soil conditioner.

CONSTRUCTION OR DEMOLITION DEBRIS. Nonhazardous, uncontaminated materials typically used in the construction, remodeling, repair and demolition of utilities, structures and pavement, limited to the following: soil, sod, wall coverings, reclaimed asphalt pavement, rock, plaster, glass, nonhazardous painted wood, drywall, plastics, nonhazardous treated wood, plumbing fixtures, electrical wiring, iron, pipe, nonhazardous coated wood, non-asbestos insulation, bricks, wood products, roofing shingles, concrete, concrete blocks and general roof coverings.

CONSTRUCTION SITES. Any area where the construction, alteration, movement, enlargement, replacement, repair, maintenance, removal or demolition takes place concerning any building or structure or any appurtenances connected or attached to the building or structure. When required, Village construction permits shall have been issued and still valid for the premises in accordance with adopted building codes. In cases where a construction permit is not required, the premises will not be considered a CONSTRUCTION SITE if the work on the premises is suspended or abandoned for a period of 90 days.

CONTROL. Being in charge of or being in possession, whether as owner, agent, lessee, renter or tenant, under statutory authority, or otherwise.

DEBRIS. Material that is incapable of immediately performing the function for which it was designed, including but not limited to: the remains of something broken down, apparently abandoned to the elements, destroyed or collections of equipment which are missing parts, not complete in appearance and in an obvious state of disrepair or anything else of an unsightly or unsanitary nature, which has been stored, abandoned or otherwise disposed of improperly.

DEPARTMENT. Any department of the Village designated by the Board of Trustees to enforce the provisions of this chapter.

DRIVEWAY. A concrete, asphalt, gravel, brick or other permanent low-dust surface. Safety curbing or a barrier shall be provided to define the limits of parking areas constructed of gravel or similar material.

ERADICATE. The complete killing or destruction of exotic and noxious weeds or other parts of weeds by pulling, destroying, chemically spraying, tillage or any one or all of these in effective combination.

EXOTIC WEEDS. Plants not native to North America which, when planted, either spread vegetatively or naturalize and degrade natural communities, reduce the value of fish and wildlife habitat, or threaten an Illinois endangered or threatened species as designated in the Illinois Exotic Weed Act (ILCS Ch. 525, Act 10), including but not limited to Japanese honeysuckle, multiflora rose, purple loosestrife, common buckthorn, glossy buckthorn, saw-toothed buckthorn, dahurian buckthorn, Japanese buckthorn, Chinese buckthorn and kudzu.

FIREWOOD. Logs or kindling materials that have more wood than rot, not exceeding 24 inches in length and suitable for use in a fireplace or other wood-burning appliance. FIREWOOD shall not include pressure-treated lumber of any type, wood-framing components of any size or glue-laminated lumber components.

GARBAGE. Waste resulting from the handling, preparation; cooking and consumption of food and wastes resulting from the handling, storage or sale of produce.

GRAFFITI. Any sign, symbol, marking, drawing, name, initial, word, diagram, sketch, picture or letter placed upon the real or personal property of an owner without the owner's express, written permission, provided, however, it shall not be a defense that the owner or occupant has given permission where this graffiti tends to incite violence.

HAZARDOUS WASTE. Waste, in any amount, which is defined, characterized or designated as hazardous waste by the United States Environmental Protection Agency or Illinois Environmental Protection Agency, or other federal or state law. It may include batteries, mercury, motor oil, paint (when still in liquid form), paint thinner, propane gas and used tires.

HEAVY CONSTRUCTION EQUIPMENT. Tractors, augurs, backhoes, cement mixers, bulldozers, plows, harrows, construction vehicles or other similar equipment.

IMMINENT DANGER. A condition where there exists reasonable certainty of harm that could occur within a short time frame to an individual's or the public's health, safety or welfare if circumstances remain unchanged.

IMMEDIATE AND CONTINUING HAZARD. A condition where there exists a reasonable or logical probability of harm to an individual's or the public's health, safety or welfare unless corrective measures are taken including but not limited to demolition of the structure(s).

INDOOR UPHOLSTERED FURNITURE. Any furniture not manufactured for outdoor use, including but not limited to upholstered chairs and couches.

INFECTED. The presence of a disease deemed a nuisance by the Illinois Department of Agriculture or the United States Department of Agriculture, the presence of circumstances that make it reasonable to believe that such a disease is present or the presence of any plant disease that is liable to spread to other plants, trees or shrubs to the injury of such plants, trees or shrubs or to the injury of humans or property.

INFESTED. The presence of a pest deemed a nuisance by the Illinois Department of Agriculture or the United States Department of Agriculture, the presence of circumstances that make it reasonable to believe that such a pest is present or the presence of any injurious insect or pest that is liable to spread to other plants, trees or shrubs to the injury of such plants, trees or shrubs or to the injury of humans or property.

NOXIOUS WEEDS. Any plant which is determined by the Director, the Dean of the College of Agriculture of the University of Illinois and the Director of the Agricultural Experiment Station at the University of Illinois, to be injurious to public health, crops, livestock, land or other property and designated in the Illinois Noxious Weed Law (ILCS Ch. 505, Act 100) and in Title 8 of the Ill. Adm. Code Part 220, including but not limited to marijuana, giant ragweed, common ragweed, Canada thistle, perennial sowthistle, musk thistle, perennial members of the sorghum genus and kudzu.

NUISANCE. To commit, perform or permit any act, conduct, circumstances or condition which constitutes an unreasonable, unwarrantable or unlawful use by a person of property, real or personal, which produces the material annoyance, health hazard, inconvenience, discomfort, unsafe or dangerous situation to members of the general public by reason of their inability to appreciate the peril therein, and/or which may reasonably be expected to attract children to the premises and risk injury by playing with, in or on it that the law will presume an actionable NUISANCE and as defined by common law of this state or defined by any of the ordinances of the Village.

OCCUPANT. Any person, tenant, lessee, renter, corporation, partnership or group, whether or not the legal owner of record, occupying a building or portion thereof.

OUTSIDE STORAGE. The placing, keeping, using, maintaining or leaving of items customarily associated with the residential use of a dwelling, including but not limited to machinery, clothing, firewood, vehicle parts and tires, construction or demolition debris, indoor upholstered furniture, shopping carts, or other similar personal property or fixtures in unenclosed structures or areas exposed to precipitation.

OWNER. Any person who alone, jointly or severally with others, has legal or equitable title to any building, structure or premises with or without actual possession thereof; or has charge, care or control of any building, structure or premises as owner, agent of the owner, or as executor, executrix, administrator, trustee or guardian of the estate of the beneficial owner. Any person thus representing the actual OWNER shall be bound to comply with the provisions of this chapter, and the rules and regulations adopted pursuant thereto, the same extent as if he or she were the OWNER. However, when the area over which ownership is alleged is parkway, OWNER shall mean the owner of the real property immediately adjacent or abutting thereto.

PARKING SPACE. A concrete, asphalt, gravel, brick or other permanent low-dust surface, not less than nine feet wide and 18 feet long, together with a connecting driveway permitting ingress and egress of a vehicle without the necessity of moving any other vehicle.

PARKWAY. The area between the property line and the curb or, in the absence of a curb, between the property line and the nearest edge of the street paving.

PEST. Undesirable anthropods (including certain insects, spiders, mites, ticks and related organisms), wood-infesting organisms, rats, mice and other obnoxious undesirable animals, but does not include a feral cat, a "companion animal" as that term is defined in the Humane Care for Animals Act (ILCS Ch. 510, Act 70), "animals" as that term is defined in the Illinois Diseased Animals Act (ILCS Ch. 510, Act 50), or the animals protected by the Wildlife Code (ILCS Ch. 510, Act 5).

PORTABLE ON-DEMAND STORAGE STRUCTURES. Any container, storage unit, shed-like container or other portable structure that is intended for the purpose of filling or emptying personal property of any kind while located outside an enclosed building, other than an accessory building or shed complying with all building codes and land use requirements, and then later removed from the premises.

PORTABLE TOILETS. A toilet structure equipped with a watertight impervious container which receives waste discharged through a hopper, seat, urinal or similar device and into which container may be placed disinfecting or deodorizing chemicals.

PRAIRIE PLOT. An area which is naturally landscaped so as to exhibit the deliberate and conscious decision to plant, cultivate and maintain native plant species identified as prairie grasses and wildflowers characteristic of the native Illinois prairie; however, this term shall not include ornamental grasses and wildflowers typically sold in Illinois retail establishments and utilized within a cultivated landscape bed.

PREMISES. Any building, structure, lot, plot, tract, parcel of land or portion thereof, whether improved or unimproved, including adjacent parkways.

PRINCIPAL STRUCTURE. A structure in which the primary or predominant use of the premises on which the structure is located. In any residentially used or zoned parcel, any dwelling shall be deemed to be the principal building of the lot on which the same is situated.

RECEPTACLE. All containers used for the deposit of ashes, brush, debris, garbage, trash or yard waste. Containers shall be galvanized or noncorrodible metal or plastic, rodent- and

insect-proof, waterproof and of a suitable gauge and construction to ensure durability, equipped with a tight fitting cover and handles so that they may be lifted, wheeled or carried by one person. No such container shall have a capacity of more than 30 gallons, unless the container is designed and equipped to be hydraulically lifted by a waste disposal vehicle. Durable plastic bags, securely fastened, are not proper RECEPTACLES, unless the plastic bags are within an enclosed building until lawfully set out for collection in conformance with the requirements of the solid waste chapter of this municipal code (Chapter 50). Yard waste may be contained in heavy duty, kraft paper bags designed for yard waste collection. Cardboard boxes, paper sacks, truck beds, wagons and trailers are not proper RECEPTACLES. When being used on a construction site, truck beds and trailers may be considered RECEPTACLES.

RECREATIONAL VEHICLE. Every camping trailer, motor home, mini motor home, travel trailer, truck camper or van camper used primarily for recreational purposes and not used commercially nor owned by a commercial business, all as defined in § 70.001.

RESIDENTIAL USE. A structure or part of a structure containing dwelling units or rooming units, including single-family or two-family houses, multiple dwellings, boarding or rooming houses, apartments, dormitories, and fraternity or sorority houses. RESIDENTIAL USES do not include, in a mixed-use structure, that part of a structure used for any nonresidential uses, except accessory to residential uses.

RESPONSIBLE PARTY OR PERSON. Any owner, agent, occupant or other entity in charge or control, under statutory authority or otherwise, of any lot, building or premises within the Village responsible for creating, causing, maintaining or permitting the nuisance activity, condition or conduct.

STRUCTURE. That which is built or constructed or a portion thereof.

TRASH. Combustible materials, including but not limited to scrap lumber, old rope, rags, paper, newspaper, magazines, plastic or paper containers or other packaging material, bedding, carpeting, padding, cartons, boxes, barrels, broken toys, bedding; noncombustible materials, including but not limited to metals, batteries, empty bottles of different kinds and sizes, tin cans, broken toys, metal furniture, roofing shingles, plumbing fixtures and piping, upholstered furniture, dirt, rock, bricks and pieces of concrete, glass, rubber, crockery or other mineral waste deposited, left, discarded or scattered, that may become a breeding place for insects, rodents or vermin, or that may give off unpleasant odors or create a health or fire hazard where located.

UNENCLOSED STRUCTURE. An area not totally surrounded with a combination of walls, windows, doors, floor and roof, such as carports, garages with no doors, porches, decks, patios, rooftops and balconies.

WEEDS. All grasses, annual plants, vegetation and unattended growths of other plants, bushes and shrubbery: however, this term shall not include cultivated or attended trees flowers, gardens, planted perennial grasses, plants, bushes or shrubbery.

WHITE GOODS. Appliances, including stoves, washers, dryers, refrigerators, freezers, water heaters, air conditioners, dehumidifiers and any appliance commonly used for household purposes.

YARD WASTE. Accumulations of brush, grass clippings, leaves, garden waste, tree droppings (for example, pinecones and crabapples) and other materials accumulated as the result of the maintenance of lawns, vines and other vegetative landscaping.

§ 1.11 WEEDS.

(A) Nuisance prohibited. Any owner, agent, occupant, responsible party or person shall have the duty to maintain trim or remove nuisance weeds and dead, infected or infested trees and bushes and eradicate noxious weeds on any part of the premises and parkway immediately adjacent to the premises so as to maintain compliance with this chapter.

(B) Garden area. A weed and trimming notice shall not be issued for weeds in gardens during the regular growing season. When the Department determines a garden is done producing, all provisions of this section to abate and eradicate the nuisance will be enforced.

(C) Open space. Except for provisions dealing with exotic and noxious weeds, this section shall not apply to open space areas as described in this division (C). Any land more than two acres in area and used actually and exclusively for maintaining or enhancing natural or scenic resources, that protects air or streams or water supplies, promotes conservation of soil, wetlands, beaches or marshes, public or private golf courses, preserves historic sites or enhances the value to the public of abutting or neighboring Village, state or federally owned parks, forests, wildlife preserves, nature reservations, sanctuaries or other open spaces. Land is not used for open space purposes within the meaning of this division, if it is used primarily for residential purposes.

(D) Privately contracted service. In the event that the Village abates, or causes to be abated, a violation on any vacant property per § 1.02(D), or, has issued multiple violations in any two consecutive years on any vacant property, the Village has the right, but not the obligation, to proceed through the administrative adjudication system to seek an order requiring the property owner to retain the services of a private contractor to maintain the height of all grass and weeds in compliance with this section. Proof of said retention shall consist of a copy of a valid, signed contract between the owner and contractor indicating that mowing services through the end of October of that year will be provided on a clearly defined schedule to prevent the height of any weeds or grass on the property from exceeding the maximum allowable height specified in § 1.02(D).

(E) Land owned by the Village shall be exempt from the provisions of this section.

§ 1.12 PESTS.

(A) Nuisance prohibited. No owner, agent, occupant, responsible party or person shall allow the presence of pests or a pest harborage to exist on any premises, whether improved or vacant, because it creates a hazard to the health and safety of individuals or the public, and contributes to conditions that cause blight and property degradation.

(B) Spreading poisons. No person shall spread, or cause or permit any agent or employee to spread any poison for the purpose of killing pests without placing a wire or other similar guard in such way that no child or domestic animal, domestic fowl or other harmless creature can reach the same.

§ 1.13 DEBRIS, GARBAGE OR TRASH.

(A) Nuisance prohibited. No owner, agent, occupant, responsible party or person shall permit or allow the dumping, depositing, discarding, dropping, maintaining, storing, throwing or otherwise disposing of debris, garbage, trash, ashes, yard waste or brush for more than ten calendar days on any part of any premises.

(B) Unenclosed structures. It shall be unlawful to allow debris, garbage, trash, ashes, yard waste or brush in open or unenclosed structures, unless the structures are wholly located in a rear or side yard. The debris, garbage, trash, ashes, yard waste or brush shall be wholly contained in a proper receptacle as defined in this chapter, or bundled and set out for collection on the next waste collection day in conformance with the requirements of the solid waste chapter of this municipal code (Chapter 50).

(C) Construction sites. It shall be unlawful to not provide proper receptacles on construction sites that generate debris, garbage, trash, yard waste or brush. All debris, garbage, trash, yard waste or brush generated on a construction site shall be placed in a receptacle at the end of each work day that is of sufficient size to accommodate the debris, garbage, trash, yard waste or brush. The receptacle shall be maintained in such a way as to prevent the contents from blowing out. Every receptacle, having been filled, shall be removed from the construction site and where appropriate, replaced with another empty receptacle until such time as debris, garbage, trash, yard waste or brush is no longer generated by construction on the site.

(D) Yard waste and brush. It shall be unlawful to allow brush on a premises that is not properly bundled and yard waste that is not in an approved yard waste receptacle.

(E) Hazardous waste. It shall be unlawful to allow hazardous waste, in any amount, to be dumped, deposited, discarded, dropped, maintained, stored, thrown or otherwise disposed of on any part of any premises.

(F) Composting. It shall be unlawful to allow a compost bin to be maintained on any part of any premises and parkway immediately adjacent to any premises in violation of the following standards.

(1) The minimum size for a compost bin shall be three feet wide by three feet high by three feet long. The combined size of all compost piles on a property shall not exceed a maximum of five feet wide by five feet high by ten feet long.

(2) Only the following organic materials shall be allowed in any compost bin: dirt, sod, landscape waste in which any woody materials and garden wastes have been reduced in size to one-half inch in diameter and 12 inches long, and cooked and uncooked fruits and vegetables; provided, however, that small amounts of wood ash or fertilizer may be added to provide nutrients.

(3) The following materials shall not be allowed in any compost bin, including but not limited to: construction and demolition debris, metal items, preservative-treated wood products, petroleum products (gasoline, crankcase oil, paints or solvents), pesticides or herbicides (except that which is already conveyed as part of the organic materials described in division (F)(2) above), fish or animal feces, fish or animal carcasses, cooked meat scraps, human feces, paper, and plastic or cardboard items.

(4) Compost bins shall be maintained by turning the compost material to permit aeration so as to prevent unpleasant odors and prevent the attraction or harboring of rodents and pests.

(5) Compost bins shall not be located in any front or side yard, shall be set back at least five feet from any property line, and at least 30 feet from a principal structure on any adjoining lot.

(6) Compost bins shall not be located on any drainage easement.

§ 1.14 OPEN CISTERNS.

(A) In this section CISTERN means an underground artificial reservoir or tank designed for the storing of water.

(B) Upon written notice by the Department of any open cistern, the owner shall cause the cistern to be either completely filled to ground level with suitable solid permanent fill materials or be covered with a proper cap or seal. Suitable solid permanent fill materials for cisterns shall include sand, gravel or dirt. No material of a hazardous, decomposable or unsanitary nature shall be utilized as fill. A proper cap or seal for cisterns shall consist of concrete with a thickness of at least three and one-half inches and large enough to cover the entire opening and overlap at least two inches around the opening.

(C) If the open cistern is not either properly filled or properly capped or sealed within ten days after service of the written notice, the Village shall have the power to enter upon the premises, or to authorize its agent to do so, and to either properly fill or properly cap or seal the cistern. The expense of filling, capping or sealing the open cistern by the Village or its agent shall be paid by the owner. If the expense is not paid within 30 days after notice of the expense has been given to the owner, the Village shall proceed to commence legal action against the owner for the collection of the expenses.

(D) The written notice called for to be served by the Department and the notice of expense may be served personally upon the owner or may be sent by first class mail to the last known address of the owner as shown on the Village Assessor's records.

§ 1.15 ABANDONED WELLS.

(A) In this section ABANDONED WELL means a potable water well or any other type of well which is no longer used for the purpose for which it was intended.

(B) Upon written notice by a Department of any abandoned well, the owner shall cause the well to be properly sealed. A proper seal shall be in accordance with the most current rules of the State Department of Public Health concerning sealing of abandoned wells.

(C) If an abandoned well is not properly sealed within 30 days after service of the written notice, the Village shall have the power to enter upon the premises or to authorize its agent to do so, and to properly seal the well. The expense of sealing the well by the Village or its agent shall be paid by the owner. If the expense is not paid within 30 days after notice of the expense has been given to the owner, the Village shall proceed to commence legal action against the owner for the collection of the expenses.

(D) The written notice called for to be served by the Department and the notice of expense may be served personally upon the owner or may be sent by first class mail to the last known address of the owner as shown on the Village Assessor's records.

§ 1.16 OUTSIDE STORAGE IN RESIDENTIALLY USED OR ZONED AREAS.

(A) Nuisance prohibited. No owner, agent, occupant, responsible party or person shall permit outside storage in any residentially used or zoned premises, except as provided for in this subchapter.

(B) Unenclosed structures. Outside storage shall be prohibited in open or unenclosed structures, unless the structures are wholly located in a rear or side yard and all items are enclosed in galvanized, noncorrodible metal or plastic containers that are rodent-proof, insect-proof and waterproof. The containers shall be properly stacked or bundled and otherwise in compliance with other provisions of this chapter. A plastic bag of any type is not considered an acceptable container for the storage of items in an unenclosed structure.

(C) White goods. It shall be unlawful to allow white goods and similar appliances or appliance parts not specifically designed and manufactured for outdoor use to be discarded, abandoned or stored on premises unless set out for collection in conformance with the requirements of the solid waste chapter of this municipal code.

(D) Nonowner-occupied property. It shall be unlawful for an owner of a nonowner-occupied property to use the property for outside storage.

(E) Storage of machinery. It shall be unlawful to store, maintain or leave as outside storage worn out, wrecked, abandoned or inoperable machinery such as tractors, lawnmowers, bicycles or white goods of any kind or any parts thereof, unless set out for collection in conformance with the requirements of the solid waste chapter of this municipal code.

(F) Laundry. It shall be unlawful to hang laundry including without limitation clothes, sheets, blankets and towels at any location within a front yard. The laundry may be hung on a wire or similar apparatus in a rear or side yard, that is elevated and secured at one or both ends by a post, structure, or tree.

(G) Firewood. It shall be unlawful to have firewood on a premises, unless it is evenly piled or stacked in a rear yard on open racks of galvanized or noncorrodible metal or plastic, constructed in a manner that will support the loads imposed with minimal deflection to

maintain not less than four inches above the ground so that the materials will not afford a harborage for rodents, snakes or vermin. Open racks shall also provide side uprights at both ends to contain the firewood. No single firewood rack shall exceed five feet in height from ground level, ten feet in length, nor be deeper than two feet. The total combined area of multiple firewood racks shall not exceed 1,280 cubic feet. The wood storage shall be for personal use on the premises and not for retail sale.

(H) Vehicle parts and tires. It shall be unlawful to store outside any vehicle parts or tires, with or without rims.

(I) Construction material. It shall be unlawful to allow outside storage of construction material, unless located on a construction site and stored in a manner to protect their utility and prevent deterioration.

(J) Heavy construction equipment. It shall be unlawful to allow outside storage of heavy construction equipment on a premises, unless the equipment is wholly enclosed within a building, or the equipment is being used on a construction site in connection with a legitimate service actually being rendered for the benefit of the premises.

(K) Large limbs. It shall be unlawful to store large limbs outside, unless in the process of cutting and properly stacking for use as firewood or being placed in proper receptacles or bundled to be lawfully set out for collection at the next yard waste pickup and then the outside storage shall not exceed 30 calendar days.

(L) Indoor upholstered furniture. It shall be unlawful to store any indoor upholstered furniture outside, except when the indoor upholstered furniture is placed at the curb on the customary collection day for it to be removed as part of the oversized item waste removal service, or when the indoor upholstered furniture is placed outdoors as part of a garage sale.

(M) Portable toilets. It shall be unlawful to keep or maintain any portable toilets on a premises not in compliance with this division (M).

(1) Service and maintenance. Portable toilets shall be maintained in sound structural condition and serviced by a private sewage disposal system pumping contractor licensed by the State Department of Public Health. Any defective or inadequate toilet unit shall be repaired or removed.

(2) Location. Portable toilets shall be located in a rear yard, at least five feet from rear and side property lines.

(3) Vacant lot. Portable toilets shall not be allowed on a vacant lot, unless:

(a) During periods of construction and prior to occupancy of any building or other facility;

(b) At public or private golf courses;

(c) At campsites, parks or other similar premises or lands owned by the state, the Village, primary school, secondary school or college;

(d) At concerts, rallies, meetings, sporting events and other public gatherings on lands owned by the state, the Village, primary school, secondary school or college, when the public gatherings are approved by the governing bodies of the lands; and

(e) During any emergencies resulting from natural phenomena.

(4) Duration. Portable toilets must be removed from the premises within two working days after construction of a structure or building is complete.

(N) Portable on-demand storage structures. It shall be unlawful to keep or maintain any portable on-demand storage structures on a premises not in compliance with this division (N).

(1) Size. A portable on-demand storage structure shall not exceed 200 square feet in area nor shall it be higher than eight feet, six inches in height.

(2) Setback. A portable on-demand storage structure shall be set back from any front, side or rear yard a minimum of five feet, unless placed on an existing impervious driveway, and be set back from any structures on the property a minimum of five feet.

(3) Duration. A portable on-demand storage structure shall not be located on a premises for a period exceeding 240 hours from time of delivery to time of removal.

(4) Frequency. No more than two portable on-demand storage structures shall be located on a specific premises at one time and shall not be located on a specific property more than two times in any given 30-day period.

(5) Maintenance. All portable on-demand storage structures shall be free from rust, peeling paint and other forms of deterioration.

(6) Special circumstances. In the event of fire, hurricane or natural disaster causing substantial damage to the structure, the property owner may request permission to extend the time that a portable on-demand storage structure may be located as a temporary structure on the property.

(O) Accessory buildings and operable motor vehicles. It shall be unlawful to allow the combined area of accessory buildings and outside storage of operable motor vehicles of the first division as defined in the Illinois Motor Vehicle Act, recreational vehicles and boats and boat trailers, owned by an occupant of the premises, to occupy more than 30% of a rear yard or 2,000 square feet (whichever is less). The following requirements shall also be applicable:

(1) A maximum of two vehicles (as described above) shall be allowed to be stored on an unpaved surface in a rear yard, the area of which shall be included in the 30% calculation. Any additional outside storage of vehicles must be on an approved driveway or parking space connected by the driveway.

(2) If an accessory building already covers 30% of the rear yard, outside storage of one vehicle, as defined above, shall be permitted as long as storage is in a rear yard on a driveway or parking space.

(3) Recreational vehicles, boats and boat trailers shall be operable and maintained in a clean, well-kept state that does not detract from the appearance of the surrounding area and shall not be used as habitable space, unless in an approved campground. Boats shall be stored on a boat trailer.

(4) Outside storage of semi-trucks and semi-trailers is prohibited.

(5) Off-street parking areas required in the zoning ordinance are not subject to this provision.

§ 1.17 PRAIRIE PLOT.

(A) Nuisance prohibited. Any owner, agent, occupant, responsible party or person shall have the duty to maintain prairie plots in compliance with this section.

(B) Residential. Residentially used or zoned property shall comply with the requirements as specified below.

(1) Prairie plots may only be located in a rear yard. A rear yard is determined and defined as set forth in the zoning ordinance of the Village.

(2) Prairie plots shall only cover up to 10% of a rear yard. If prairie plots are intermingled with other vegetation so as to make it impractical to measure for determining if the percentage is more or less than 10% of the rear yard, the entire bed or area of mixed vegetation shall be deemed to be a prairie plot for the purpose of the calculation.

(C) Defined edges. All prairie plots shall have borders that define the limits of the prairie plot. Borders shall include but are not limited to railroad ties, landscape timbers, landscape blocks, concrete edgers or metallic strips sunk into the ground. Trenching is not an allowable alternative. Prairie plots on commercial properties may be allowed to use a mowed lawn as a border, if approved by the Village Council. If a prairie plot is burned in accordance with division (E) below, landscape timbers and railroad ties are not recommended borders.

(D) Setback. All prairie plots shall have a mandatory setback of five feet from any property line to the defined edge of the prairie plot.

(E) Prairie plot burns. Prairie plots may be burned under the following mandatory procedures and conditions to ensure complete safety and control of the burning.

(1) Burning of a prairie plot is optional and up to the owner as to whether he or she chooses to burn his or her plot in any particular year.

(2) A permit shall be required from the State Environmental Protection Agency and the Village Fire Department prior to each time a prairie plot is burned. The Fire Department shall issue a prairie plot burn permit, if a permit is available, and the permit fee, as indicated in § 93.18, shall be payable at time of application. No more than five prairie plot burn permits will be issued in the Village in any calendar year.

(3) Burning shall be done between February 1 and April 15. No fall burning is allowed.

(4) The burning of a prairie plot shall not be used for the burning of tree leaves, branches, logs or other garden refuse. A violation of this section shall result in the immediate cancellation of any valid prairie plot permit. The minimum fine to be imposed upon conviction of a violation of this division (E)(4) shall be as set forth in § 1.99.

(5) The Village Fire Department shall be contacted to schedule a day and time for the burn so fire personnel and their equipment are present during the burn.

(6) Burning shall not be attempted on windy days. A wind velocity of at least five miles per hour is needed to conduct a burn, which may aid in a cleaner and more thorough burn.

(7) A thorough burn is best accomplished starting after noon when the morning dew has dissipated. No burning is allowed after dark.

(8) All old growth of the previous season shall be chopped down to near ground level before burning.

(9) An adequate length of garden hose, in good condition, shall be laid out to reach the entire perimeter of the plot.

(10) A perimeter area of two to three feet wide around the plot shall be thoroughly wet down, including all surfaces of any border structures.

(11) The plot shall be burned off starting the fire on the down-wind side of the plot.

(12) After the fire is well started, the up-wind side may be fired to complete a thorough burn.

(13) If, during the burn, smoke or ash is proving to be a nuisance to a neighboring yard, the fire must be immediately extinguished.

(14) In prairie plots that are bordered by railroad ties or landscape timbers, the structures shall be thoroughly wet down before starting the burn. Railroad ties shall not be allowed to burn and are not recommended as borders.

(F) Annual cutting and removing of plant debris. It shall be a requirement of this section and a condition of the permit that each year, the prairie plot shall be mowed or cut to near ground level and the resulting plant debris be removed from the site sometime during the dormant season and prior to May 1. If a prairie plot is burned in accordance with division (E) above, the ash from burning should be left on the site as a ground warming process that stimulates prairie growth and reduces weed competition.

(G) Plant lists. The Village recognizes the following sources as authoritative references concerning prairie plants. The Illinois Natural History Survey at the University of Illinois maintains a database listing of plants native to Illinois prairies. The Source Book on Natural Landscaping for Public Officials published by the U.S. Environmental Protection Agency includes a limited list of plants native to Illinois prairies commonly available in nurseries that are relatively easy to grow. The Illinois State Museum maintains a list of prairie plants found in Illinois prairies. Any owner, agent, occupant, responsible party or person proposing prairie plots involving plant species not recognized by the above organizations will be

required to provide plans prepared by a landscape architect, horticulturist or similar qualified professional to show the proposed species are native to Illinois prairies.

(H) Exemptions. The provisions of this section shall not be applicable to any premises or lands containing a prairie plot maintained by the United States of America, this state, or any unit of local government, primary school, secondary school or college.

§ 1.18 ENCLOSURE OF BUILDING OPENINGS.

(A) Nuisance prohibited. No owner, agent, occupant, responsible party or person shall cause or allow any window, door, or other opening of a building to fall into a state of disrepair, remain open to the elements and become an attractive nuisance.

(B) The failure to repair or replace the windows and/or doors shall constitute a violation of this section. Boarding up openings may be allowed if the boarding is done in compliance with the following boarding up specifications:

(1) Openings shall be covered completely from the exterior with a minimum of one-half inch thick exterior grade plywood or other non-penetrable covering. The covering shall be cut, fitted and secured so it rests tightly against the exterior frame.

(2) The covering shall be free from holes, breaks and loose or rotting materials; and maintained weatherproof and properly surface coated where required to prevent deterioration.

(3) Boarded surface shall be of a color consistent with the exterior of the structure.

§ 1.19 USE OF TARPS AS COVERS FOR ROOFS AND GARAGE DOOR OPENINGS.

Roofs and garage door openings, shall not be covered with tarps, except as an emergency measure due to fire, explosion, vandalism or other catastrophic event; or as an incident to the construction or repair of a building or structure. The covering shall not exceed 90 days unless the owner can provide written evidence for a reasonable time extension.

§ 1.20 STRUCTURE UNFIT FOR HUMAN OCCUPANCY.

(A) Structures that are or hereafter become unsafe for human occupancy, the procedure for the determination and placarding of the unfit structure shall be carried out in compliance with the requirements of this section.

(B) A structure is unfit for human occupancy when the health, safety and welfare of occupants or adjacent occupants or properties is at risk of health or harm such as the structure is unsafe, unlawful or, because of the degree to which the building is in disrepair or lacks maintenance, is unsanitary, vermin or rat infested, contains filth and contamination, or lacks ventilation, illumination, sanitary or heating facilities or other essential equipment required by this code, or because the location of the structure constitutes a hazard to the occupants of the building or to the public, hereof, may be declared to be unfit for human occupancy and may be so designated and a placard for condemnation shall be posted in a conspicuous place on the premises by the Village Manager or his/her designee.

(C) Any structure determined as unfit for human occupancy, and so designated and placarded shall be vacated within a reasonable period, not to exceed five business days as ordered by the Village Manager or his/her designee.

(D) No structure which has been determined and placarded as unfit for human occupancy shall again be used for human occupancy until written approval is secured from and the placard is removed by the Department who shall remove the placard only when the defect or defects upon which the determination and placarding action were based have been eliminated, and after the structure has been inspected and been found to comply in all respects with the requirements of this subchapter.

(E) No person shall deface or remove the placard from any structure which has been determined and placarded as such, except as provided in division (D) above.

(F) The owner, agent, occupant or other entity owning or in possession, charge or control of any structure deemed unfit for human occupancy shall abate or cause to be abated or corrected such unsafe conditions either by repair, rehabilitation, demolition or other correction action approved by the Department.

(G) An owner may file a written appeal of this designation with the Village Clerk's office. This appeal shall be filed within five business days of placarding of the building. Appeals shall be heard by the Village's administrative hearing officer at the next regularly scheduled administrative court date.

(H) No person shall gain entry once the posted period to vacate has expired without written consent of the Community Development Department.

INOPERABLE MOTOR VEHICLES

§ 1.25 IN GENERAL.

(A) Declaration. Allowing outdoor parking or storage of inoperable motor vehicles, upon any private property and in view of the general public for more than seven calendar days is hereby declared to be a nuisance. It is unlawful for any person to fail to remove an inoperable motor vehicle under his or her control after notice from the Department concerning same.

(B) Nuisance prohibited. No owner, agent, occupant, responsible party or person shall park or store any inoperable motor vehicle upon any private property and in view of the general public for more than seven calendar days. These acts do or may create a hazard to the health, safety or welfare of individuals or the public, is conducive to rodent or insect infestation, presents a fire hazard, and contributes to conditions that cause blight and property degradation.

§ 1.26 DEFINITIONS.

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ABANDONED VEHICLE. Any vehicle in a state of disrepair rendering the vehicle incapable of being driven in its condition or any vehicle that has not been moved or used for seven consecutive days or more and is apparently deserted.

ALL-TERRAIN VEHICLE (ATV). Any motorized vehicle off-highway device designed to travel primarily off-highway, 50 inches or less in width, having a manufacturer's dry weight of 1,500 pounds or less, traveling on three or more non-highway tires, designed with a seat or saddle for operator use, and handlebars or steering wheel for steering control, except equipment such as lawnmowers.

AUTOMOTIVE PART RECYCLER. A person who is in the business of acquiring previously owned vehicles and vehicle parts for the primary purpose of disposing of parts of vehicles in a manner other than a "scrap processor" as defined in the Illinois Vehicle Code.

BUMPER. Any device or system of devices protruding from and attached to the front and rear of a motor vehicle that has been designed to be used to absorb the impact of a collision.

DEMOLITION CAR. A vehicle kept primarily for purposes of competing in a demolition derby or other related automotive sport.

DERELICT VEHICLE. Any inoperable, unregistered, discarded motor vehicle, regardless of title, having lost its character as a substantial property and left unattended without justification on the owner's land.

ESSENTIAL PARTS. All integral and body parts of a vehicle of a type required to be registered hereunder, the removal, alteration or substitution of which would tend to conceal the identity of the vehicle or substantially alter its appearance, model, type or mode of operation.

INOPERABLE VEHICLE. Any abandoned, derelict, junk or other motor vehicle from which, for a period of at least seven days, the engine, wheels, transmission or other essential parts have been removed, or on which the engine, wheels or other essential parts have been altered, damaged or otherwise so treated that the vehicle is incapable of being driven under its own motor power. Also, for the purposes of this subchapter, an INOPERABLE VEHICLE is a machine propelled by a power, other than human power, designed to travel on the ground or upon the roads by the use of wheels, treads, runners or slides, to transport persons or property, or to pull machinery, and includes, but is not limited to, all automobiles, trucks, trailers, motorcycles, tractors and all trailers, wagons or other machinery designed to be pulled by such a vehicle and one which cannot be legally operated on the highway or street because one, or more, of the following have been removed or are not in proper condition and adjustment as required by state law, as now in effect or as hereinafter amended:

- (1) Front bumper;
- (2) Rear bumper;
- (3) Windshield;
- (4) Steering wheel;

- (5) Door;
- (6) Hood;
- (7) Headlight; and
- (8) One or more flat tires.

JUNK VEHICLE. A vehicle which has been or is being disassembled, crushed, compressed, flattened, destroyed or otherwise reduced to a state in which it no longer can be returned to an operable state.

MOTOR VEHICLE. Every vehicle which is divided into two divisions:

(1) First division. Those motor vehicles which are designed for the carrying of not more than ten persons; or

(2) Second division. Those motor vehicles which are designed for carrying more than ten persons, those designed or used for living quarters and those motor vehicles which are designed for pulling or carrying freight or cargo, and those motor vehicles of the first division remodeled for use and used as motor vehicles of the second division.

MOTORCYCLE. Every motor vehicle having a seat or saddle for the use of the rider and designed to travel on not more than three wheels in contact with the ground, but excluding a tractor.

MOTOR-DRIVEN CYCLE. Every motorcycle and every motor scooter with less than 150 cubic centimeter piston displacement, including motorized pedal cycles.

MOTORIZED PEDALCYCLE. A bicycle-type vehicle, which has tires with an overall inflated diameter of 19 inches or more, with fully operative pedals for propulsion by human power, equipped with a power drive system that functions directly or automatically only and not requiring clutching or shifting by the operator after the drive system is engaged, and a helper motor with a cylinder capacity not exceeding 50 cubic centimeter displacement, which produces no more than two brake horsepower, and is capable of propelling the vehicle at a maximum speed of no more than 30 miles per hour on level ground.

OWNER. A person who holds legal title of a motor vehicle, or in the event a motor vehicle is the subject of an agreement for the conditional sale or lease thereof with the right of purchase upon performance of the conditions stated in the agreement and with an immediate right of possession vested in the conditional vendee or lessee, or in the event a mortgagor of the motor vehicle is entitled to possession, then the conditional vendee or lessee or mortgagor shall be deemed the owner for the purpose of this chapter. In the absence of any vehicle identification numbers or plate on the motor vehicle, the owner shall be presumed to be the tax bill owner of the real estate upon which the motor vehicle is found.

PARK or PARKING. The standing of a vehicle, whether occupied or not, otherwise than when temporarily and actually engaged in loading or unloading merchandise or passengers.

RACE CAR. A vehicle kept primarily for purposes of competing in a racing event or other related automotive sport.

RECREATIONAL VEHICLE. Every camping trailer, motor home, mini motor home, travel trailer, truck camper or van camper used primarily for recreational purposes and not used commercially nor owned by a commercial business.

VEHICLE. Every device, in, upon or by which any person or property is or may be transported or drawn upon a highway, except devices moved by human power, devices used exclusively upon stationary rails or tracks and snowmobiles as defined in the Snowmobile Registration and Safety Act.

§ 1.27 GENERALLY; EXEMPTIONS.

An inoperable vehicle shall not include the following:

- (A) Any motor vehicle that is completely enclosed within a building when not in use;
- (B) Any inoperable vehicle that is stored within a completely enclosed operable trailer;
- (C) A motor vehicle, capable of being driven under its own motor vehicle power, that is completely enclosed with a commercial weatherproof vehicle cover that is in good condition, and not located in any front yard. Such a cover does not include a construction tarp;
- (D) A motor vehicle on the premises of a place of a business engaged in the wrecking, junking or recycling of motor vehicles, licensed by the state and in compliance with all other regulations pertaining to that business in this municipal code;
- (E) A motor vehicle that is parked upon the premises lawfully zoned for the business of repairing, towing or selling by a licensed automobile dealer;
- (F) A motor vehicle which is on premises where the owner of a demolition car resides. Demolition cars may be stored outside, if enclosed within a fitted, commercial, weatherproof vehicle cover that is in good condition, but not in any front or side yard during the local demolition season from May 1 to September 1. The rest of the year the vehicle must be completely enclosed in a building or operable trailer; and
- (G) A motor vehicle which is on premises where the owner of a race car resides. Race cars may be stored outside, if enclosed within a fitted, commercial, weatherproof vehicle cover that is in good condition, but not in any front or side yard during the local race car season, from May 1 to September 1. The rest of the year the vehicle must be completely enclosed in a building or operable trailer.

§ 1.28 NOTICE AND EXTENSION.

(A) Pretowing notice. If an inoperable vehicle exists on the premises in violation of this subchapter, the Department shall mail notice, by U.S. mail, to the owner of the inoperable motor vehicle as indicated in the most current registration list of the Illinois Secretary of State, or the secretary of state office of any other state in which the vehicle may be registered.

If the applicable secretary of state office reports that it does not have the name of the owner, the Department may place a sticker on the vehicle.

(B) If the nuisance vehicle is not abated, the Department shall seek a warrant authorizing the removal of the vehicle.

§ 1.29 AUTHORIZATION FOR TOWING.

The towing of vehicles by the Village, or its approved towing service operators, shall be authorized only by the Police Department. Towed vehicles shall be impounded at facilities designated by the Police Department until lawfully claimed or disposed of pursuant to law.

§ 1.30 RELEASE OF MOTOR VEHICLES.

(A) Before the owners of any vehicle impounded under this subchapter shall be permitted to remove the vehicle, the owner or other person entitled to possession shall furnish evidence of identity and ownership of the vehicle or right to possession, sign a receipt for the vehicle, and pay the total amount due for towing and storage.

(B) The owner shall pay fees established by the towing operator. The owner may pay the full amount of fees and subsequently request a hearing pursuant to this subchapter.

(C) The owner may request a hearing at the time of obtaining the vehicle. In that case, the owner shall submit a request for hearing and obtain immediate release of the vehicle after full payment of all fees currently owing.

DANGEROUS AND UNSAFE BUILDINGS

§ 1.45 DANGEROUS AND UNSAFE BUILDINGS GENERALLY.

(A) It shall be unlawful for any owner or agent thereof to keep or maintain any building or structure or part thereof in any unsafe or dangerous condition. The word BUILDING, as used in this subchapter, shall describe any walled or roofed structure including mobile homes, commercial or industrial establishments, dwellings and any accessory structures.

(B) The provisions contained in this subchapter do not preclude the Village from proceeding under provisions of Article 11, Division 31 of the Illinois Municipal Code, ILCS Ch. 65, Act 5, §§ 11-31-1 et seq.

§ 1.46 DEFINITION.

For the purpose of this subchapter, any building or structure which has any of the following defects or is in any of the conditions hereinafter described shall be deemed a DANGEROUS BUILDING and any conditions hereinafter described shall be deemed unsafe:

(A) Whenever any portion thereof has been damaged by wind, flood, fire, water or in any other manner so that the structural strength or stability thereof is appreciably less than it was before the damage;

(B) Whenever any portion or member or appurtenance thereof is likely to fail or to become detached or dislodged, or to collapse and thereby injure persons or damage property;

(C) Whenever any portion thereof has settled to the extent that walls or other structural portions have materially less resistance to winds than is required in the case of new construction;

(D) Whenever any building or structure or any part thereof, because of dilapidation, deterioration, decay, faulty construction; or because of the removal or movement of some portion of the ground necessary for the purpose of supporting the building or portion thereof; or for other reason, is likely to partially or completely collapse; or some portion of the foundation or underpinning is likely to fall or give away;

(E) Whenever for any reason whatsoever, the building or structure or any portion thereof is manifestly unsafe for the purpose for which it is used;

(F) Whenever the building or structure has been so damaged by fire, wind or flood, or has become so dilapidated or deteriorated as to become an attractive nuisance to children who might play in or about the building structure to their danger;

(G) Whenever the building or structure has been so damaged by fire, wind or flood, or has become so dilapidated or deteriorated as to afford a harbor for trespassers, or as to enable persons to resort thereto for the purpose of committing a nuisance or unlawful acts;

(H) Whenever a building or structure is infested with rodents, insects, pests or other vermin, and is therefore likely to cause sickness or disease; or

(I) Whenever any building shall become vacant, dilapidated or open at door or window, leaving the interior of the building exposed to the elements or accessible to entrance by trespassers.

§ 1.47 PROCEDURE CONCERNING DANGEROUS AND UNSAFE BUILDINGS.

(A) When a building within the Village is found to be in a dangerous and unsafe condition, the Department shall proceed to give notice to the persons entitled thereto and in the manner provided in ILCS Ch. 65, Act 5, §§ 11-31-1 et seq.

(B) The Department may grant reasonable extensions to the deadline established in the notice referred to in division (A) above. Each extension shall not exceed 30 calendar days, and in no case shall the total of extensions granted exceed 120 days. Extensions shall only be granted if the following information is provided to and approved by the Department:

(1) If not already available to the Village, the name, address and telephone number of the owner, local agent or representative and any persons with legal interests in the property, building and premises;

(2) A written plan of action to repair any doors, windows or other openings that are boarded up or otherwise secured by any means other than conventional methods used in the design of the building or permitted for new construction of similar type. The proposed repair

shall result in openings secured by conventional methods used in the design of the building or by methods permitted for new construction of similar type;

(3) A time schedule shall be submitted identifying a date of commencement of repair and date of completion of repair for each improperly secured opening and other identified deficiency noted in the notice referred to in division (A) above;

(4) When the owner proposes to demolish the building or structure, then the owner shall submit a plan and time schedule for the demolition;

(5) A plan of action describing how the owner intends to maintain the building and premises thereof in conformance with this subchapter; and

(6) Each time an owner requests a time extension, the items of divisions (B)(1) through (5) above must be updated by the owner and approved by the Department prior to time extension approval.

(C) Abatement by Village. Upon refusal or neglect to comply with the notice the Department shall apply to the Circuit Court or to the Village's administrative adjudication court for an order authorizing action be taken with respect to a building.

(D) Statement of cost. The actual costs of demolition, removal of garbage, debris, and other noxious or unhealthy substances and materials, repair, or enclosure pursuant to a court order, the cost, including court costs, attorney's fees, and other costs related to the enforcement of this section shall be billed to the owner or owners of record listed on the Village Assessor's records. A statement for the costs shall be served either personally or by regular mail and must include:

(1) Identify the property where the violation occurred sufficient for identification thereof;

(2) The amount of money representing the cost and expense incurred or payable for the service;

(3) The date or dates when the cost or expenses were incurred by the Village or one acting under its direction or control; and

(4) An explanation that if the bill is not paid in full within 30 days, a late fee will be added to the bill and the Village will prepare and file a lien.

(E) Lien. If the costs are not paid within 30 calendar days of the mailing of the statement, the Department shall proceed to perfect and enforce a lien upon the real estate affected, as provided in § 11-31-1 of the Illinois Municipal Code (ILCS Ch. 65, Act 5, § 11-31-1) as now in force and hereafter amended.

(F) Release of lien. Upon full payment of the cost or expenses associated with the lien by the tax bill owner, agent or responsible party or person interested in the property, after notice of lien has been filed, the lien release document will be provided by the Village to the responsible party so the release may be filed of record by the responsible party as in the case of filing notice of lien by the Village.

(G) Foreclosure. A lien under this section may be enforced by proceedings to foreclose as in the of mortgages or mechanic's liens and may be commenced at any time after the date of filing of the notice of lien. The costs of foreclosure incurred by the municipality, including court costs, reasonable attorney's fees, advances to preserve the property, and other costs related to the enforcement of this division (G), plus statutory interest, are a lien on the real estate and are recoverable by the municipality from the owner or owners of the real estate, as provided in § 11-31-1 of the Illinois Municipal Code (ILCS Ch. 65, Act 5, § 11-31-1) as now in force and hereafter amended.

(H) Abandoned property. In addition to any other remedy provided by law, the Department may petition the circuit court to have property declared abandoned as provided in § 11-31-1 of the Illinois Municipal Code (ILCS Ch. 65, Act 5, § 11-31-1) as now in force and hereafter amended, if:

(1) The property has been tax delinquent for two or more years or bills for water service for the property have been outstanding for two or more years;

(2) The property is unoccupied by persons legally in possession; and

(3) The property contains a dangerous or unsafe building for reasons specified in the petition.

(a) All persons having an interest of record in the property, including tax purchasers and beneficial owners of any Illinois land trust having title to the property, shall be named as defendants in the petition and shall be served with process.

(b) If the municipality proves that the property is an Abandoned Property and (i) if neither the owner of record nor the owner of the beneficial interest of the trust enters an appearance, or (ii) if the owner of record or the beneficiary of a land trust, enters an appearance and specifically waives his or her rights, the court shall declare the property abandoned.

(c) If that determination is made, notice shall be sent in person or by certified or registered mail to all persons having an interest of record in the property, including tax purchasers and beneficial owners of any Illinois land trust having title to the property, stating that title to the property will be transferred to the municipality unless, within 30 days of the notice, the owner of record or any other person having an interest in the property files with the court a request to demolish the dangerous or unsafe building or to put the building in safe condition, or unless the owner of record enters an appearance and proves that the owner does not intend to abandon the property.

(d) If the owner of record has not entered an appearance and proven that the owner did not intend to abandon the property, and if no person with an interest in the property files a timely request or if the requesting party fails to demolish the building or put the building in safe condition within the time specified by the court, the Department may petition the court to issue a judicial deed for the property to the municipality. A conveyance by judicial deed shall operate to extinguish all existing ownership interests in, liens on, and other

interest in the property, including tax liens, and shall extinguish the rights and interests of any and all holders of a bona fide certificate of purchase of the property for delinquent taxes.

§ 1.48 EMERGENCY REMOVAL OF DANGEROUS AND UNSAFE BUILDINGS AND STRUCTURES.

Any building or structure within the Village limits which is an imminent danger due to being damaged by fire, wind, flood, water, or other catastrophic event to the extent of 75% of its value shall be torn down and removed immediately upon concurrence of the Village Mayor, Fire Chief, and Police Chief, or their designees.

§ 1.49 ALTERNATIVE DEMOLITION ACTION.

In addition to the actions authorized by other sections of this chapter, whenever a dangerous building, structure, or any part thereof, is in such a condition that it is an immediate and continuing hazard and when a slower method of abating the danger would be inadequate to preserve the public health, safety or welfare, the Fire Chief, or any other municipal official whose duty it is to investigate fires may make the investigations authorized by Illinois Compiled Statutes, and in concurrence with the Mayor, Police Chief or their designees. If such officer shall find that any building or structure is so occupied or situated is an immediate and continuing hazard as to endanger persons or property, or by reasons of faulty construction, age, lack of repair or for any other cause, is especially liable to fire, or is liable to cause injury by collapsing or otherwise, they shall order the dangerous condition removed or remedied, and shall so notify the owner or occupant of the premises. Service of such notice shall be in accordance with ILCS Ch. 65, Act 5, § 11-31-1(e) as now in force and hereafter amended.

CHRONIC NUISANCE PROPERTIES

§ 1.50 DEFINITIONS.

For the purposes of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

CHRONIC NUISANCE PROPERTY. Property shall be property upon which any of the following occur:

(1) Three or more of the criminal offenses listed below have occurred during any 365-day period, or two or more of the following criminal activities during any 60-day period. Offenses shall be the result of separate factual events that have been independently investigated by a law enforcement agency:

(a) Any homicide offense as defined in ILCS Ch. 720, Act 5, §§ 9-1 et seq.;

(b) Any kidnapping offense as defined in ILCS Ch. 720, Act 5, §§ 10-1 et seq.;

(c) Any sexual assault, sexual abuse, or related offenses as defined in major sex offenses ILCS Ch. 720, Act 5, §§ 11-1.10 et seq., vulnerable victim offenses, ILCS Ch. 720, Act 5, §§ 11-9.1 et seq., prostitution offenses, ILCS Ch. 720, Act 5, §§ 11-14 et seq., or pornography offenses, ILCS Ch. 720, Act 5, §§ 11-20 et seq.;

(d) Assault or battery or any related offense as defined in ILCS Ch. 720, Act 5, §§ 12-1 et seq.;

(e) Criminal housing management as defined in ILCS Ch. 720, Act 5, §§ 12-5.1 and 12-5.1(a);

(f) Possession of explosives or incendiary devices as defined in ILCS Ch. 720, Act 5, § 20-2;

(g) Any offense involving deadly weapons as defined in ILCS Ch. 720, Act 5, § 20-2;

(h) Mob action as defined in ILCS Ch. 720, Act 5, § 25-1;

(i) Possession, manufacture, or delivery of controlled substances as defined in ILCS Ch. 720, Act 5, §§ 401 et seq.;

(j) Possession, cultivation, manufacture, or delivery of cannabis as defined in ILCS Ch. 720, Act 550, §§ 1 et seq.; except to the extent as is permitted under state law;

(k) Gambling as defined in ILCS Ch. 720, Act 5, § 28-1;

(l) Assault or battery or any related offense as defined in ILCS Ch. 720, Act 5, §§ 12-1 et seq., but not including domestic violence or sexual violence against the occupant, tenant, or guest of the property in compliance with ILCS Ch. 65, Act 5, §§ 1-2-1.5 et seq.;

(m) Public indecency as defined in ILCS Ch. 720, Act 5, § 11-9;

(n) Criminal damage to property as defined in ILCS Ch. 720, Act 5, §§ 21 et seq.;

(o) Illegal consumption or possession of alcohol as defined in ILCS Ch. 235, Act 5, §§ 1-1 et seq.

(2) Any property that the hearing officer has found is in violation of §§ 150.165(J) or 150.166(G) which has not corrected the violation within the time period ordered by the hearing officer for the Village's administrative adjudication system.

(3) Any property where the hearing officer has found three or more separate violations of §§ 1.13 Debris, garbage or trash or 1.16 Outside storage in residentially used or zoned areas of this municipal code that have required the Village to abate the nuisance within a six-month period.

CRIMINAL OFFENSE.

(1) Criminal offenses only count for the purposes of this subchapter if an owner of the property, tenant, or person permitted to be at the property by an owner or tenant committed or participated in the offense.

(2) A criminal offense has occurred for the purposes of § 1.50(A) if conduct has resulted in a criminal conviction, pending indictment, or pending criminal charge or ticket.

CONTROL. The ability to regulate, restrain, dominate, counteract or govern conduct that occurs on that property.

OWNER. Any person, partnership, land trust, or corporation having any legal or equitable interest in the property. OWNER includes, but is not limited to:

(1) A mortgagee in possession in whom is vested:

(a) All or part of the legal title to the property; or

(b) All of part of the beneficial ownership and the right to the present use and enjoyment of the premises; or

(2) An occupant who can control what occurs on the property; or

(3) Any person acting as an agent of an owner as defined herein.

PERMIT. To allow, consent to, participate in or encourage, or expressly assent or agree to the doing of an act. A victim of domestic violence or sexual violence cannot be considered to have permitted a perpetrator's act or actions. In no event shall any police contact that was made by, or on behalf of, or otherwise concerns an individual with a disability be used in the determination that a property is a chronic nuisance property when the purpose of the contact was related to that individual's disability.

PROPERTY. Any real property, including that which is affixed, incidental or pertinent to land, including but not limited to any premises, room, house, building or structure or any separate part of portion thereof, whether permitted or not.

§ 1.51 NOTICE OF VIOLATION.

A notice of violation shall be issued to the owner(s) of any chronic nuisance property. The notice shall be sent by certified mail return receipt required and first class mail to the address listed on the tax roll. The notice of violation must also be posted at the property where the nuisance activities occurred. The notice of violation must contain at least the following information:

(A) The address and parcel index number of the property;

(B) A description of the facts constituting a violation of this subchapter;

(C) A statement that the property has been declared to be a chronic nuisance;

(D) The date, time, and location of an adjudicatory hearing before the hearing officer of the Village's administrative adjudication system to be held on the property's designation as a chronic nuisance property or other violation;

(E) A statement that the costs of any chronic nuisance services provided by the Village may become a lien against the property.

§ 1.52 HEARING ON DESIGNATION AS CHRONIC NUISANCE PROPERTY.

(A) The hearing on the chronic nuisance designation shall be conducted before the hearing officer of the Village administrative adjudication system. This hearing shall be limited to the

review of the record or evidence upon which the Village based the declaration of chronic nuisance property, including any evidence submitted by the property owner to rebut the Village's evidence.

(B) After reviewing the record or evidence upon which the Village based its determination and the evidence submitted by the property owner the hearing officer must either uphold or reject the declaration of chronic nuisance property. The decision of the hearing officer must be in writing and is deemed final. If the hearing officer upholds chronic nuisance designation, the hearing officer may order any remedies as outlined in § 1.53 of this subchapter. If the hearing officer rejects the notice of violation, he or she must identify the actual, procedure or legal error upon which the decision is based.

(C) The failure of any owner(s) to appear at the hearing shall not relieve the Village of its burden to show sufficient evidence at the scheduling hearing that the property is a chronic nuisance property.

(D) Any decision by the administrative hearing officer that a property does or does not qualify as a chronic nuisance shall constitute a final determination for purposes of judicial review and shall be subject to review under the Illinois Administrative Review Law (ILCS Ch. 735, Act 5, §§ 3-101 et seq.).

§ 1.53 REMEDIES FOR CHRONIC NUISANCE.

(A) In the event that the hearing officer determines property to be a chronic nuisance property, the hearing officer may order any or all of the following:

(1) That the property is closed for a period of not less than 30 days, but not more than 180 days, except that properties which are deemed a chronic nuisance under § 1.50(A)(2) may be closed for any period until water or power is properly connected at the property.

(2) That the owner secures the property against use or occupancy of the property for the time period listed above.

(3) That the Village physically secure the property against use or occupancy in the event that the owner fails to do so within the time specified by the hearing officer. In the event that the Village is authorized to secure the property or otherwise abate a chronic nuisance, all costs reasonably incurred by the Village to effect closure or abate the nuisance shall be assessed against the owner and the property. The Village shall submit a statement of costs to the court for its review. If no objection of the statement is made within the time period prescribed by the court, or if the court, after objection is made, determines that the statement of costs is accurate the court shall approve such costs.

(4) A fine of \$1,000 or a fine of up to \$100 per day against the owner of the property for each day the owner had actual knowledge that the property was a chronic nuisance property and permitted the property to remain a chronic nuisance property.

(5) That the owner post a reasonable bond to assure future compliance with the statutes of the state or the ordinances of the Village for a reasonable period of time, not to exceed one year.

(B) In determining an appropriate remedy, the hearing officer may consider evidence of other conduct which has occurred on the property, including, but not limited to:

(1) The actions or lack of action taken by the owner to mitigate or correct the problem at the property;

(2) Whether the problem at the property was repeated or continuous;

(3) The magnitude or gravity of the problem;

(4) The cooperation of the person in charge of the property with the Village;

(5) The cost to the Village to investigate and correct or attempt to correct the chronic nuisance condition;

(6) The actual disturbance to neighbors.

(C) Any person who is assessed the cost of abatement and/or civil penalty by the court shall be personally liable for the payment thereof to the Village. If payment is not made, the Village may pursue all available collection procedures, including, civil collection or requesting a court to find the owner in contempt of court for nonpayment of such costs.

(D) Upon the administrative hearing officer's final determination that a property is a chronic nuisance property and until that designation is removed as provided herein, the Village shall be entitled to include the property (as identified by its address and/or parcel identification number) and the property's title owner on a list of chronic nuisance properties, maintained by the Village and available to the public. A list of chronic nuisance properties shall be published on the Village's website.

§ 1.54 REGISTRATION AND INSPECTION OF CHRONIC NUISANCE PROPERTIES.

(A) Within 30 days from the date the property has been determined by the administrative hearing officer to be a chronic nuisance property, the owner(s) of that property shall file with the Village Clerk an annual registration statement for that property. The registration statement shall contain the following information:

(1) The name, street address, and telephone number of each owner of the property (a P.O. box is not sufficient). If the owner of the chronic nuisance property is a partnership, corporation, limited liability company or voluntary unincorporated association, the statement shall further include the name, street address, and telephone number of each partner (general and limited) in the case of partnership, each officer in the case of a corporation, each manager in the case of a manager-managed LLC, or each member in the case of a member-managed LLC; and

(2) The name, street address (a P.O. Box is not sufficient) and telephone number of a person 21 years or older, designated by the owner(s) of the chronic nuisance property as the authorized agent for receiving notices of code violations or citations and receiving process in any court proceeding or administrative enforcement proceeding, on behalf of the owner(s) in connection with the enforcement of this code; and

(3) The name, street address and telephone number of the person or entity responsible for managing, controlling, or collecting rents for the chronic nuisance property if someone or some entity other than the owner(s).

(B) The owner(s) of a chronic nuisance property shall, no earlier than 30 days before, nor any later than 30 days after the date which is one year after the final determination by the administrative hearing officer that the property is a chronic nuisance property, cause the chronic nuisance property to be inspected by a Village inspector, whose inspection report(s) shall be submitted to the Housing Program Coordinator. The owner shall certify to the Housing Program Coordinator or Police Department that no later than 90 days from the date of the inspection provided for herein that all violations contained in the inspection report that resulted therefrom have been repaired, corrected, cured or mitigated.

(C) The owner(s) of a chronic nuisance property shall no earlier than 30 days before, nor any later than 30 days after the date which is two years after the final determination by the administrative hearing officer that the property is a chronic nuisance property, cause the chronic nuisance property to be inspected by a Village inspector whose inspection report shall be submitted to the Housing Program Coordinator. The owner shall certify to the Housing Program Coordinator or Police Department representative that no later than 90 days from the date of the inspection provided for herein that all violations contained in the inspection report that resulted therefrom have been repaired, corrected, cured or mitigated.

(D) The failure of the owner(s) of a property to comply with any of its or their obligations under this section shall cause the property to be re-designated as a chronic nuisance property and each of the obligations set forth herein shall apply to the property as if the property were first designated a chronic nuisance property on the date on which the owner(s) obligations hereunder were not completed or satisfied.

(E) The designation of a property as a chronic nuisance property shall be removed upon (i) the payment by the owner(s) of any fine provided for in this section, (ii) the timely submission of the required inspection reports and certifications of repair and (iii) the timely submission of the registration statement as required by this chapter.

§ 1.55 EMERGENCY CLOSING PROCEDURES.

(A) In the event that it is determined that the property is an immediate threat to the public safety and welfare, the Village may apply to the hearing officer or court for such interim relief as it deems necessary. Where there is an immediate threat to the public safety and welfare the notification provision set forth in § 1.52 of this subchapter are not mandatory; however, the Village shall make a diligent effort to notify the person in charge prior to a court hearing.

(B) In the event that the court or hearing officer finds the property constitutes a chronic nuisance property, and finds that the property is an immediate threat to the public safety and welfare the court may order the remedies set forth in § 1.53 of this subchapter. In addition, in the event that it also finds the person in charge had knowledge of activities or conditions of the property constituting or violating this chapter and permitted the activities to occur, the court may assess a civil fine pursuant to § 1.53 of this subchapter.

§ 1.56 SEVERABILITY.

If any provision of this subchapter or its application, or a person or circumstance held to be invalid for any reason, the remainder of said application of its provision to the other persons or circumstances shall not be in any way affected.

§ 1.99 PENALTY.

(A) Any person who violates or fails to comply with any of the provisions of this chapter shall, upon conviction for a first offense, be fined not less than \$250 nor more than \$1,000; upon conviction for a second offense within a 12-month period, shall be fined not less than \$500 nor more than \$1,000; and upon conviction for a third or subsequent offense within a 12-month period, shall be fined not less than \$750 nor more than \$1,000. Each day during which a violation or noncompliance occurs or continues shall be deemed to be a separate offense.

(B) The minimum fine to be imposed upon conviction of a violation of § 1.17(E)(4) shall be \$500.

§ 2.00 REPEALER.

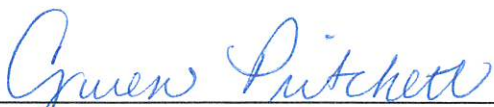
All ordinances or portions of ordinances previously passed or adopted by the Village of Joy, Illinois that conflict with or are inconsistent with the provisions of this Ordinance are hereby repealed.

§ 2.00 EFFECTIVE DATE.

This Ordinance shall be in full force and effect after its passage, approval, and publication as provided by law.

PASSED by the Board of Trustees of the Village of Joy, Mercer County, Illinois this 15th day of July, 2026 and approved by the President of the Village of Joy, Mercer County, Illinois this 15th day of July, 2026.


Paul Hampton Village President, Pro-Tem

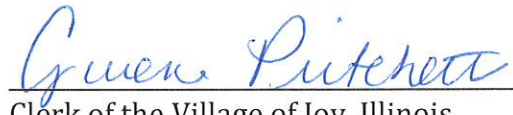

ATTEST: Gwen Pritchett, Village Clerk

STATE OF ILLINOIS)
)
County of Mercer)

I, Gwen Pritchett, as Clerk of the Village of Joy, Illinois, do hereby certify that I am the duly appointed, qualified Village Clerk of said Village; that I am the official keeper of all books and records of said office and of said Village; that the foregoing is a full, true, correct, and complete copy of "AN ORDINANCE AMENDING ORDINANCE NO. 10, 2019 PROVIDING FOR THE PROHIBITION OF NUISANCES AND PROVIDING FOR THE ABATEMENT OF NUISANCES AND FOR PENALTIES FOR THE VIOLATION THEREOF.", which was adopted by the President and Board of Trustees of said Village on the 24th of June, 2026 at a regularly called and constituted meeting of said President and Board of Trustees; that said Ordinance was passed by a roll call vote at said meeting at which more than a quorum was present, all of which fully appears from the official records and minutes of said Board of Trustees in my office now remaining.

IN WITNESS WHEREOF, I have hereunto affixed my hand and signature as Clerk of the Village of Joy, Illinois, and the corporate seal of said Village, at Joy, Illinois, this 15th day of July, 2026.

(CORPORATE SEAL)


Clerk of the Village of Joy, Illinois