

Chapter 7 - NUISANCES

Sec. 7-1. - Definition.

For the purposes of this chapter, the word "nuisance" is hereby defined as any unlawful act, or omission to perform a duty, or the suffering or permitting any condition or thing to be or exist, which act, omission, condition or thing either:

- (a) Injures or endangers the comfort, repose, health or safety of others; or
- (b) Offends decency; or
- (c) Is offensive to the senses; or
- (d) Unlawfully interferes with, obstructs or tends to obstruct or renders dangerous for passage any public or private street, highway, sidewalk, stream, ditch or drainage; or
- (e) In any way renders other persons insecure in life or the use of property; or
- (f) Essentially interferes with the comfortable enjoyment of life and property, or tends to depreciate the value of the property of others.

Sec. 7-2. - Illustrative enumeration.

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

- (a) Noxious weeds and other rank vegetation.
- (b) Accumulation of rubbish, trash, refuse, junk and other abandoned materials, metals, lumber or other things.
- (c) Any condition which provides harborage for rats, mice, snakes and other vermin.
- (d) Any building or other structure which is in such a dilapidated condition that it is unfit for human habitation, or kept in such an unsanitary condition that it is a menace to the health of people residing in the vicinity thereof, or presents a more than ordinarily dangerous fire hazard in the vicinity where it is located.
- (e) All unnecessary or unauthorized noises and annoying vibrations, including animal noises.
- (f) All disagreeable or obnoxious odors and stenches, as well as the conditions, substances or other causes which give rise to the emission or generation of such odors and stenches.

- (g) The carcasses of animals or fowl not disposed of within a reasonable time after death.
- (h) The pollution of any public well or cistern, stream, lake, canal or body of water by sewage, dead animals, creamery, industrial wastes or other substances.
- (i) Any building, structure or other place or location where any activity which is in violation of local, state or federal law is conducted, performed or maintained.
- (j) Any accumulation of stagnant water permitted or maintained on any lot or piece of ground.
- (k) Dense smoke, noxious fumes, gas, soot or cinders, in unreasonable quantities.
- (l) Failure to maintain grass at a height of no more than six (6) inches.

Sec. 7-3. - Prohibited.

It shall be unlawful for any person to cause, permit, maintain or allow the creation or maintenance of a nuisance.

Sec. 7-4. - Notice to abate.

Whenever a nuisance is found to exist within the village or within the village's extra territorial jurisdiction, the village may through a duly designated officer, give written notice to the owner or occupant of the property upon which such nuisance exists or upon the person causing or maintaining such nuisance, or in lieu thereof the village may through a duly designated officer commence such proceedings against the owner or occupant of the property upon which such nuisance exists or upon the person causing or maintaining such nuisance as is necessary to enforce this Code and/or to abate such nuisance.

Sec. 7-5. - Contents of notice.

In the event the village gives notice to abate a nuisance under the provisions of this chapter, such notice shall contain the following:

- (a) An order to abate the nuisance within forty-eight (48) hours of receipt of the notice.
- (b) The location of the nuisance if the same is stationary.
- (c) A description of what constitutes such nuisance.
- (d) A statement of the acts necessary to abate the nuisance.
- (e) A statement that if the nuisance is not abated as directed, the village may abate such nuisance and assess the costs thereof against such person or persons.

[Sec. 7-6. - Service of notice.](#)

The notice to abate a nuisance shall be served as any other legal process may be served pursuant to law.

[Sec. 7-7. - Abatement by village.](#)

Upon the failure of the person upon whom notice to abate a nuisance was served pursuant to the provisions of this chapter to abate the same, a duly designated officer of the village shall proceed to abate such nuisance and shall prepare a statement of costs incurred in the abatement thereof.

[Sec. 7-8. - Village's costs declared lien.](#)

Any and all costs incurred by the village in the abatement of a nuisance under the provisions of this chapter shall constitute a lien against the property upon which such nuisance existed, which lien shall be filed, proven and collected as provided for by law. Such lien shall be notice to all persons from the time of its recording, and shall bear interest at the legal rate thereafter until satisfied.

[Sec. 7-9. - Inoperable motor vehicles.](#)

Inoperable motor vehicles whether on public or private property are hereby specifically declared to be a nuisance. Failure of a person to abate a nuisance pertaining to an inoperable motor vehicle under his control within forty-eight (48) hours of receiving a notice to abate a nuisance pursuant to the provisions of this chapter shall be unlawful.

However, nothing in this section shall apply to any motor vehicle that is kept within a building when not in use or to a motor vehicle on the premises of a place of business engaged in the wrecking or junking of motor vehicles. As used in this section "inoperable motor vehicle" means any motor vehicle from which, for a period of at least twenty (20) days, the engine, wheels or other parts have been altered, damaged or otherwise so treated that the vehicle is incapable of being driven under its own motor power and shall also include unlicensed vehicles. "Inoperable motor vehicles" shall not include a motor vehicle which has been rendered temporarily incapable of being driven under its own motor power in order to perform ordinary service or repair operation.

[Sec. 7-10. - The parking of motor vehicles in public right-of-way where curbing exists.](#)

It shall be unlawful for any person to park or leave standing any motor vehicle on any public right-of-way between the curbing and the outer right-of-way of such public right-of-way where curbing exists on such public right-of-way.