

# Chapter 1

## NUISANCES

### **5-1-1: NUISANCES PROHIBITED:**

It shall be unlawful for any person to permit or maintain the existence of any nuisance on any property under his control. (2004 Code)

### **5-1-2: NUISANCES ENUMERATED:**

The following acts, conduct and conditions are hereby declared and defined to be nuisances, and when committed, performed or permitted to exist by any person, within the territorial limits of the village, are hereby declared to be unlawful and prohibited:

- A. Common Law Nuisances: Any act or offense which is a nuisance according to the common law of the state, or declared or defined to be a nuisance by the ordinances of the village. In addition, the officials of the village shall be authorized to abate any nuisance which, while not specifically defined within this chapter, shall constitute the unreasonable, unwarrantable, or unlawful use by a person of property, real or personal, or from his own improper, indecent or unlawful personal conduct which works an obstruction or injury to a right of another, or of the public, and produces such material annoyance, inconvenience, discomfort, or hurt that the law will presume an actionable nuisance. Nuisances may be abated which are public or which are both public and private in nature.
- B. Animal Carcasses; Offal:
1. To cause the carcass of any animal or any offal, filth or noisome substance to be collected, deposited or to remain in any place under his ownership or control to the prejudice of others.
  2. To throw or deposit any offal or other offensive matter, or the carcass of any dead animal in any watercourse, lake, pond, spring, well or common sewer, street or public highway.
- C. Polluting Water: To corrupt or render unwholesome or impure the water of any spring, river, stream, pond or lake, to the injury or prejudice of others.
- D. Stagnant Water: To permit foul or stagnant water to stand upon any premises to the prejudice of others.
- E. Garbage Accumulation; Putrid Or Offensive Conditions: To deposit or permit to remain upon any premises, or public street or alley, slops or animal or vegetable matter of any kind which is or is likely to become putrid or offensive.
- F. Obstructing Public Ways<sup>1</sup>: To obstruct or encroach upon public highways, private ways, streets, alleys, commons, landing places, and ways to burying places.
- G. Obstructing View At Intersections: To construct or maintain any sign, earth embankment, fence, hedge, tree or shrub obstructing a clear view at any corner of a road or street intersection as described in subsection [11-2-4A3](#) of this code.
- H. Offensive Businesses: To erect, continue or use any building or other place for the exercise of any trade, employment or manufacture, which, by occasioning noxious exhalations, offensive smells or otherwise, is offensive or dangerous to the health of individuals, or of the public.

- I. Unauthorized Advertisements: To advertise wares or occupations by painting notices of the same on, or affixing them to, fences, walls, windows, building exteriors, trailers, utility poles, or on hydrants, other public or private property, or on rocks or other natural objects, without the consent of the owner, or if in the highway or other public place, without permission of the proper authorities.
- J. Dumping And/Or Burning Ashes, Junk Vehicles, Miscellaneous Waste: To dump, abandon, deposit, dismantle or burn upon any public property or right of way, highway, park, or street ashes, junk, junked or wrecked motor vehicles or parts thereof, or miscellaneous waste.
- K. Junk Storage: To store, keep, or maintain outside of a closed building, any junk; refuse; used appliances; used or dilapidated furniture; bathroom fixtures; tires; old iron or metal; used lumber, bricks, blocks or other building salvage materials; parts; and machinery or equipment not in an operable condition, where such matter is an actual danger or detriment to life, safety, health or peaceful enjoyment of the property of surrounding property owners; provided, however, that this provision shall not apply to a properly licensed junkyard or other permitted outdoor storage use which is in full compliance with all of the ordinances of the village governing the same.
- L. Dangerous Buildings: To own, maintain or keep a dwelling unit unfit for human habitation, or dangerous or detrimental to life, safety or health because of lack of repair, defects in the plumbing system, lighting or ventilation, the existence of contagious diseases or unsanitary conditions likely to cause sickness among persons residing in said premises or residing in proximity thereof.
- M. Animals:
1. Animal Pests: To store or place any materials in a manner which may harbor mosquitoes, flies, insects, rodents, nuisance birds, or other animal pests that are offensive, injurious, or dangerous to the health of individuals or the public.
  2. Offensive Animal Houses: To suffer or permit any premises where any animal is kept to become nauseous, foul or offensive to any person, family or neighborhood.
  3. Noisy, Offensive Animals: To keep any animal, bird or fowl, including pets of any kind, which causes frequent or long continued noise or which creates odors or unsightly appearance of surroundings, or which disturbs the comfort or repose of any person in the vicinity.
- N. Noisy, Offensive Conditions<sup>2</sup>:
1. To produce or permit to be produced, whether on public or private property, any loud, excessive, frequent, continuous or offensive noise to the disturbance of the peace or quiet of any person residing in the vicinity.
  2. To use, operate, or permit to be played, used or operated any radio or television receiving set, musical instrument, phonograph, or other machine or device for the producing or reproducing of sound in such manner as to disturb the peace, quiet and comfort of

neighboring inhabitants or at any time with louder volume than is necessary for convenient hearing for the person who is in the room, vehicle or chamber in which such machine or device is operated and who is a voluntary listener thereto. (2004 Code)

### **5-1-3: ABATEMENT PROCEDURES:**

The appropriate village official is hereby given power to abate any such nuisance that may be found in the village in the following manner:

- A. Notice To Abate; Summary Abatement: The appropriate village official shall give the owner of the premises on which a nuisance exists or the individual responsible for a nuisance seventy two (72) hours to abate the nuisance. If the owner or the individual responsible for the nuisance fails to abate the nuisance, the appropriate village official is hereby empowered to go onto said premises for the purpose of abating the nuisance.
- B. Liability For Costs: The owner of the premises or individual responsible for the nuisance is hereby made liable for cost of the abatement of said nuisance. The appropriate village official shall submit to the owner or the individual responsible for the nuisance a statement of the costs incurred in abating the nuisance.
- C. Suit To Collect Costs: If the owner or the individual responsible for the nuisance fails or neglects to pay the village abatement costs, suit shall be instituted against the owner or individual responsible in the name of the village and against the owner or individual responsible in any court of competent jurisdiction to recover the costs of abating the nuisance, together with the costs of such suit. (2004 Code)