

ORDINANCE NO 487

AN ORDINANCE DEFINING NUISANCES AND DECLARING
THE SAME TO BE UNLAWFULL AND ESTABLISHING
PENALTIES FOR THE VIOLATION THEREOF

ADOPTED BY THE
BOARD OF TRUSTEES
OF THE
VILLAGE OF GREENVIEW
THIS 3RD DAY OF MAY, 2010.

Published in pamphlet form by authority of the Village
Board of Trustees of the Village of Greenview,
Menard County, Illinois, this 3RD day of MAY, 2010.

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NOW THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF GREENVIEW, MENARD COUNTY, ILLINOIS, AS FOLLOWS:

Section 1. NUSIANCES DECLARED UNLAWFUL

It shall be unlawful and a violation of this Chapter for any person to willfully or negligently create, erect, maintain or permit a nuisance to exist anywhere within the Village.

Section 2. NUSIANCE DEFINED GENERALLY

Any thing, act, omission, occupation or condition which shall exist or continue for such length of time as to:

- (1) Substantially annoy, injure or endanger the health, safety, peace or welfare of the public; or
- (2) In any way render the public insecure in life or property; or
- (3) Greatly offend the public morals or decency; or
- (4) Unlawfully and substantially interfere with, obstruct or render dangerous for passage any street, sidewalk, alley, navigable body or other public way or place;

Is hereby declared a nuisance.

Section 3. NUSIANCE NOT ENUMERATED HEREIN

Any nuisance declared by statute, this ordinance or other ordinances of the Village shall be enforceable under the provisions hereof as if enumerated specifically herein.

Section 4. ENUMERATION NOT EXCLUSIVE

Nuisances enumerated in this Ordinance shall not be deemed exclusive, but are in addition to and to be construed in conjunction with any other nuisances enumerated in statutes or other provisions of any ordinances of the Village.

Section 5. DUTY OF VILAGE OFFICERS TO INVESTIGATE: POWER OF ENTRY

In order to investigate, confirm and report nuisances, Village officers and inspectors shall, upon proper identification, be permitted any reasonable hour and in a reasonable manner, to visit and enter into or upon any premises or property within the Village to make an examination thereof, if they shall have reasonable grounds to believe that a nuisance exists.

Section 6. FOUL ODORS, FILTH, ETC.

It is hereby declared to be a nuisance and a danger to the health, safety, welfare, peace and comfort of the Village and its residents for any person:

(a) Business To conduct any business or to use any premises so as to create an offensive or foul odor which taints the air and renders it nauseous to person in the vicinity; or

(b) Animals To keep or maintain any animals in an unclean or filthy manner, surrounding, or to keep or maintain any animals from which emit any particularly foul or offensive odors; or

(c) Animal Carcasses, etc. To cause or permit to be collected or to remain upon any premises or place any animal carcass or any offal, filth, excretion or other noisome or noxious animal matter for any kind which is or is likely to become, putrid, foul or offensive; or

(d) Vegetable Matter To cause or permit to be collected or to remain upon any premises or place any slop or other vegetable matter any kind which is, or is likely to become putrid, foul, or offensive; or

(e) Cellars, Vaults, Privies, etc. To cause or permit any cellar, vault, cistern, drain, privy, yard or other premises whatsoever to become, from any cause, foul or offensive or injurious to the public health; or

(f) Stagnant Water To permit to be collected or to stand upon any premises any foul or stagnant water of any kind; or

(g) Stables and Pigsties To locate or maintain, or permit to exist or remain, anywhere within the Village any stable or pigsty; or

(h) Foul or Noxious Substances To use, deposit or keep any property, substance or thing emitting or causing any foul, offensive, noisome, nauseous or noxious odor, effluvia or stench particularly repulsive to the physical senses and which annoys, discomforts or endangers, the welfare, health or safety of any person.

Section 7. RUBBISH, DRY GRASS, ETC.

It is hereby declared a menace to the public safety and health and a nuisance for any person to cause or permit:

(a) Rubbish, Rags, etc. The deposit, accumulation, existence or growth upon any property of any dry or dead weeds, grass, vegetation or other like substances of any kind, so as to constitute a fire hazard.

Section 8. NUISANCE GREENERY

It is hereby declared a menace to the public safety and health and nuisance for any person to cause or permit any nuisance greenery to grow as herein defined on property within the Village:

(a) Weed Defined A pre-annual plant growth, which is noxious and diminishes the value or attraction of a property. The term "weed" shall include, but not be limited to: rag weed, nettles, wild morning glory, tig weed, buckhorn, dandelions, lamb quarters, button weed, dog fennel, plantain, quack grass, jimson weed, ivon weed, wild sunflower, wild hemp, horsemitt, fox tail, milk weed, wild barley, wild buckwheat, millein, cheat grass, tumbleweed, burdock, wild carrot, wild parsley, tarweed, vervain and wild mustard, or other weeds of alike kind, growing on any lot or tract of land in the Village.

(b) Grasses Defined A plant with hollow jointed stems and narrow leaves usually green in color but not always that grows in fields, gardens, yards and playing fields. The term "grass" shall included but not be limited to bermuda grass, buffalo grass, kentucky bluegrass, st augustine grass, crab grass, zoysia grass, bahig grass, finzfescue, rye grass, water grass, tall fescue, red fescue and all ornamental grasses or other grasses of alike kind growing on any lot or tract of land in the Village.

(c) Trees Defined A woody perennial plant that grows to a height of several feet and typically has a single erect main stem with side branches. The term "tree" shall include but not be limited to maple, oak, walnut, ash, hickory, hedge, dogwood, evergreen, cedar, willow, pine, all nut, flowering and fruit trees of any type and all ornamental or decorative trees of alike kind growing on any lot or tract of land in the Village

(d) Bushes Defined A horticultural category of woody plant distinguished from a tree by its multiple stems and lower height usually less than 15 feet tall. The term bushes shall include but shall not be limited to burning bushes, evergreen bushes, hydrangea, lilac bushes, landscaping bushes, spirea, flowering bushes, wisteria, rose of sharon, and all ornamental or decorative bushes of alike kind growing on any lot or tract of land in the Village. All of the above defined items shall be considered nuisance greenery for purposes of enforcement of this provision of the nuisance ordinance.

(e) Growth Restricted

(1) Weeds. Shall not be allowed to exceed a height of 8 inches

(2) Grass. Shall not be allowed to exceed a height of 8 inches

Section 9. UNSAFE BUILDINGS, ETC

It is hereby declared a menace to the public safety and a nuisance for any person to cause or permit the existence of any unsafe, dilapidated or otherwise insecure building, wall, stack, chimney, cornice, sign, awning or other like structure of any kind which, from manner of construction, age, condition or other circumstances, is or may become a menace to the safety of person or property.

Section 10. ABANDONED REFRIGERATORS, ETC.

It is hereby declared a menace to the public safety and a nuisance for any person to cause or permit the existence or storage in any place accessible to children of any abandoned or discarded refrigerator, ice box, ice chest, deep freeze or other airtight appliance or container of any kind, of a capacity or the one and one-half (1 ½) cubic feet or more, from which the lids, doors or other covers have not been removed, or which cannot be easily opened by a child, by means of pushing only, from the inside thereof.

Section 11. INOPERABLE MOTOR VEHICLES AND EQUIPMENT

It is hereby declared a menace to the public safety and a nuisance for any person to cause or permit the existence or storage upon any premises with the Village of:

(a) Any junk, parts, machinery or equipment not in operable condition and any unused, stripped, junked wrecked or otherwise inoperable motor vehicle of any kind, or of any other vehicle, implement, machinery, equipment or other personal property, of any kind, which is not safely operable or usable for the purpose for which it was manufactured; or any parts of any such motor vehicle or such equipment or machinery, for a period of more than five (5) days, except as the same may be contained in a neat orderly and safe condition within or around a gasoline service station or motor vehicle and equipment repair business

(b) PROVIDED, HOWEVER, that this Section shall be not be construed to apply to any such motor vehicle, equipment or machinery, etc. that is kept within a building when not in use, or to any historical motor vehicle, maintained as such, and duly licensed as such;

(c) For the purpose of this Section, Inoperable motor vehicle or inoperable equipment and machinery means any such motor vehicle or equipment or machinery from which, for a period of at least six (6) months, the engine, wheels or other parts have been removed or other parts thereof have been altered, damaged or otherwise so treated as to render the vehicle, equipment or machinery incapable of being safely operated or usable or any vehicle, equipment or machinery with invalid license plates that have been expired in excess of thirty (30) days. PROVIDED HOWEVER, that this definition shall not be construed to include any motor

vehicle, equipment or machinery which has been rendered temporarily incapable of being operated in order to perform ordinary service or repair operations.

Section 12. SCAFFOLDING, LADDERS, ETC.

It is hereby declared a menace to the public safety and a nuisance for any person:

(a) To erect or use, or to cause or permit to be erected or used, any insecure or unsafe scaffold or ladder whereby the safety of person working thereon or passing hereunder may in any way be endangered.

(b) To place or leave, or to cause or permit to be placed or left, any tools or articles on any such scaffold or ladder in such manner that the same may fall into any street, sidewalk or other public way, whereby the safety of person passing hereunder may in any way be endangered.

Section 13. FAILURE TO ABATE SEPARATE AND RECURRING OFFENSE:
PENALTY

(a) It shall be lawful and a violation of this Ordinance for any person to neglect, refuse or otherwise fail to remove or abate any nuisance after expiration of the forty-eight (48) hour or other specified time period provided in a notice to abate, and each twenty-four (24) hours, or fraction thereof, during which such nuisance continues or exists shall be deemed a separate offense.

Section 14. PENALTY

Whenever in this Chapter any act is prohibited or is made or declared to be unlawful or a nuisance, or whenever the doing of any act is required or the failure to do act is declared to be unlawful, when no specific penalty is provided therefore, any person violating such provision shall upon conviction thereof, be punished by a fine of not less than \$75.00 nor more than \$200.00 for each offense.

Section 15. VALIDITY

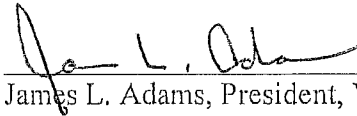
(a) All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

(b) The invalidity of any section, clause, sentence, or provisions of this Ordinance shall not affect the validity of any other part of this Ordinance, which can be given effect without such invalid part of parts.

Section 16. ORDINANCE IN FORCE

This Ordinance shall be in full force and effect from ten (10) days from the date of its passage, approval, recording and publication, as provided by law.

PASSED AND APPROVED THIS 3rd DAY OF May, 2010



James L. Adams, President, Village Board of
Trustees, Village of Greenview, Menard County,
Illinois

ATTESTED:



Michelle Eddings, Village Clerk

STATE OF ILLINOIS)
 :SS
COUNTY OF MENARD)

CERTIFICATION OF ORDINANCE

I, MICHELLE EDDINGS, the undersigned, do hereby certify that I am the duly qualified and acting Clerk of the Village of Greenview, (Village), and as such official I am the keeper of the official journal of proceedings, books, records, minutes and files of the Village and the Village Trustees (Trustees) thereof.

I, do further certify that the foregoing is a full, true and complete copy of an ordinance entitled:

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as adopted at said meeting.

I do further certify that the deliberations of the Trustees on adoption of said Ordinance were taken openly; that the vote on the adoption of said Ordinance was taken openly; that said meeting was held at a specified time and place convenient to the public; that notice of said meeting was duly given to all newspapers, radio or television stations and other news media requesting such notice; and that said meeting was called and held in strict compliance with provisions of the Open Meetings Act of the State of Illinois, as amended, and the Illinois Municipal Code, as amended, and that the Trustees has complied with all the provisions of said Act and said Code and with all of the procedural rules of the Trustees in the adoption of said Ordinance.

IN WITNESS WHEREOF, I hereunto affix my official signature and the seal of the City
on May 3, 2010.

Michelle Eddings
Michelle Eddings, Clerk

(SEAL)