

CHAPTER 3

NUISANCES

SECTION:

- 8-3-1: Nuisances Relating to Garbage and Refuse
- 8-3-1-1: Disposal of Garbage
- 8-3-1-2: Disposal of Rubbish
- 8-3-1-3: Motor Vehicles
- 8-3-1-4: Hauling Wastes
- 8-3-1-5: Dead Animals
- 8-3-1-6: Manure
- 8-3-2: Nuisances Relating to Offensive Matter
- 8-3-2-1: Offal and Offensive Matter
- 8-3-2-2: Privies
- 8-3-2-3: Openings
- 8-3-3: Weeds
- 8-3-4: Unfit Dwellings
- 8-3-4-1: Designation; Procedure for Condemnation
- 8-3-4-2: Vacating Premises
- 8-3-4-3: Written Approval for Occupancy
- 8-3-4-4: Placards Not Defaced or Removed
- 8-3-4-5: Hearing

8-3-1: NUISANCES RELATING TO GARBAGE AND REFUSE:

8-3-1-1: DISPOSAL OF GARBAGE:

A.

No person shall discharge, deposit, place or permit the discharge or deposit or placing on any premises, except the sanitary landfills in Stephenson County, of any garbage, filth, offal or refuse accumulations of animal, fruit or vegetable matter, other nauseous matter or substance or waste from sewage disposal facilities, which by reason of its quantity or decomposition would become foul, odorous, subject to spontaneous combustion, or otherwise become detrimental to public health or conducive to the spread of disease.

B.

It shall be unlawful to place garbage or rubbish in the streets, alleys or roadways. Garbage and all empty food and beverage containers must be placed in closed containers. Said container must be rodent and fly resistant.

C.

Garbage to be put out for pick-up may be stored in plastic bags for a maximum of twenty-four (24) hours.

This Section is applicable to all zone districts, as defined by the Dakota Zoning Ordinance.

8-3-1-2: DISPOSAL OF RUBBISH: No person shall deposit or place or permit the depositing or placing in any such manner as to become a nuisance or otherwise become detrimental to public health or conducive to the spread of disease.

8-3-1-3: MOTOR VEHICLES: Any motor vehicle or part thereof which is inoperable, unlicensed, or deteriorated or in need of repair, and is located for seven (7) days or more upon private property in the Village of Dakota and within its zoning regulated area, outside of any enclosure which encloses the vehicle completely from lateral view on all sides and constitutes a danger to persons, including children, or constitutes a blight upon the property or neighborhood in which it is located, is hereby declared to be a nuisance. Any such vehicle may be removed by the order of the Health Authority or any officer of the Village or law enforcement officer, at the expense of the owner of said vehicle, as provided by Section 9 of this Code.

8-3-1-4: HAULING WASTES: Any vehicle used for the purpose of carrying, carting, hauling or transporting garbage, rubbish or miscellaneous waste, whether organic or inorganic, shall be so constructed as to prevent any part of the contents thereof from falling, leaking or spilling therefrom.

8-3-1-5: DEAD ANIMALS: It shall be unlawful for any person to allow the carcass of a dead animal to lie about his premises. Such carcass shall be disposed of within twenty-four (24) hours by burying, burning or by disposing of it within said time to a person licensed to so dispose, provided that the Health Authority may prohibit the hauling or transportation of the carcass of any animal which has died of a highly contagious, infectious or communicable disease. Notice of Violation shall be by Uniform Traffic Citation.

8-3-1-6: **MANURE:** Any manure caused to accumulate within the Village is to be removed by the property owner as often as is seen fit by the Health Authority.

8-3-2: **NUISANCES RELATING TO OFFENSIVE MATTER:**

8-3-2-1: **OFFAL AND OFFENSIVE MATTER:** It shall be unlawful to:

A.

Negligently conduct any business or use any premises as to create such an offensive smell as may taint the air and render it unwholesome to the neighborhood;

B.

Cause or suffer the carcass of any animal or offal of any kind to be collected, deposited or to remain in any place in Dakota;

C.

Throw or deposit, or cause to be thrown or deposited, any offal or any offensive matter, or the carcass of any animal, in any water, pond, spring or well or on land within the Village;

D.

Deposit any night soil, dead animal or other filthy, offensive substance upon any lot, street, alley, highway, park or other place. Farms, as herein defined, are exempt from the provisions of this Section.

8-3-2-2: **PRIVIES:** The contents of any receptacle, cesspool, catch basin, vault or water closet shall not be allowed to become offensive or to become dangerous to health. Privies are prohibited.

8-3-2-3: **OPENINGS:**

A.

Any open, abandoned wells, or unused cisterns must be filled and sealed immediately.

B.

Any holes or excavations creating a health or safety hazard must be filled, fenced or graded to eliminate the hazard within thirty (30) working days.

8-3-3: WEEDS: It shall be the duty of the owner or all occupants of all property within the Village to keep all grass, weeds, and other vegetation cut to a maximum height of six (6") inches. This provision shall not apply to flowers, ornamental plantings, ornamental bushes, or trees, nor to areas designated as wetlands, conservation areas, or natural prairies by the Illinois Department of Conservation or the United States Department of Interior.

8-3-3-2. All property shall be kept free of unsightly debris.

8-3-3-3. Upon notice from the Board or any law enforcement official in writing, delivered in person or by Certified Mail, any such owner or occupants shall correct all deficiencies set forth in such written notice within ten (10) days.

8-3-3-4. Upon failure of any owner or occupant to comply with the provisions of 8-3-3-3, each such owner and occupant shall be individually liable for payment of a fine of twenty-five dollars (\$25.00) per day for each day that such violation shall continue.

8-3-3-5: Upon failure of any owner or occupant to comply with the provisions of 8-3-3-3, the Village may mow or clean the property or hire such work to be done. The owner of said property and any occupants of said property shall be jointly and severally liable to the Village for all costs incurred at the actual price paid by the Village for hired work, or in the case that the Village performed the work with Village employees, at the rate of \$25.00 per manhour for labor and \$45.00 per hour equipment charge for any truck or tractor utilized. The owner and any occupants of the age of 18 years or greater shall be jointly and severally liable for such expenses.

8-3-3-6: Any charge authorized by Sections 8-3-3-4 and 8-3-3-5 shall constitute a lien against the property of the owner until paid in full. The Village Clerk, upon direction of the Village Board, shall record a notice of such lien with the office of the Recorder of Deeds of Stephenson County. Upon full payment, the Village Clerk is authorized to release such lien.

8-3-3-7: The owner and occupants of the property shall pay all fines and charges assessed pursuant to 8-3-3-4 and 8-3-3-5 to the Clerk of the Village within ten (10) days of billing.

Such bill shall be delivered in person or served upon a member of the household of said owner or occupant of the age of twelve (12) years or older, or by Certified Mail, with proof of delivery.

8-3-3-8: In the event that any owner or occupant fails to comply with the provisions of 8-3-3-7, the Village may initiate suit to foreclose the lien if filed; criminal action against said party to secure any firm; or an action at law for money judgment. In any action, the Village shall be entitled to collect any amount equal to actual attorney's fees incurred or statutory attorney's fees, whichever is greater.

8-3-4: UNFIT DWELLINGS & STRUCTURES ON PROPERTIES

8-3-4-1: DESIGNATION; PROCEDURE FOR CONDEMNATION: The designation of dwellings, structures or dwelling units as unfit for human habitation or as unsafe and the procedure for the condemnation and placarding of such shall be carried out in compliance with the following requirements:

Any dwelling, structure or dwelling unit which shall be found to have any of the following defects shall be condemned as unfit for human habitation shall be so designated and placarded by the Village.

A.

Serious Hazard to Health: One which is so damaged, dilapidated, unsanitary, unsafe or varmin-infested that it creates a serious hazard to the health or safety of the occupants or the public.

B.

Lacks Illumination, Ventilation or Sanitation: One which lacks illumination, ventilation or sanitation facilities adequate to protect the health or safety of the occupants or the public.

C.

Unsanitary or Dangerous Condition: One which because of its general condition is unsanitary, or otherwise dangerous to the health and safety of the occupants or the public.

8-3-4-2: VACATING PREMISES: Any dwelling or dwelling unit condemned as unfit for human habitation, and so designated, and placarded by the County Health Authority, shall be vacated within a reasonable time as ordered by the Village.

8-3-4-3: WRITTEN APPROVAL FOR OCCUPANCY: No dwelling, structure, or dwelling unit which has been condemned and placarded as unfit for human habitation or unsafe shall again be used for any purpose until written approval is secured from, and such placard removed by, the Village. The Village shall remove such placard whenever the defect or defects upon which the condemnation and placarding action were based have been eliminated.

8-3-4-4: PLACARDS NOT DEFACED OR REMOVED: No person shall deface or remove the placard from any dwelling or dwelling unit or structure which has been condemned as unfit for human habitation and so placarded.

8-3-4-5: HEARING: Any person affected by any notice or order relating to the condemning and placarding of a dwelling, structure or dwelling unit as unfit for human habitation may require and shall be granted a hearing on the matter before the Village Board under the procedures set forth in Section 8-2-4 of this Title, substituting the Dakota Village Board for the County Health Committee.