

CHAPTER 5: NUISANCES

5.01 Nuisances: The President shall cause the prevention and abatement of any public nuisance within the corporation limits of the Village and within such other areas as may be subject to his authority.

5.02 Definition: Public Nuisance shall mean any act, thing, occupation, condition of property, or use of property which shall continue for such length of time as to:

5.02.01 Substantially injure or endanger the comfort, peace, health or safety of the public; or

5.02.02 In any way render the public insecure in life or in the use of property; or

5.02.03 Greatly offend public morals or decency; or

5.02.04 Unlawfully and substantially interfere with, obstruct or render dangerous or tend to unlawfully and substantially interfere with, obstruct, or render dangerous any public property including, but not limited to, parks, buildings, sidewalks, alleys, streets, or highways.

5.02A “Derelict Vehicle” shall mean any inoperable, unregistered or discarded motor vehicle, regardless of title, having lost its character as a substantial property and left unattended without justification on the owner’s land contrary to the municipal code of the Village of Pesotum and public policy of the State of Illinois as expressed in Ill.Rev.Stat., Chapter 95 ½, Sec. 4-100.

5.02B “Inoperable Motor Vehicle” shall mean any motor vehicle from which, for a period of at least six months, the engine, wheels, or other parts have been removed, or on which 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 power.

5.03 Public Nuisances: Public nuisances shall include but shall not be limited to the following acts, omissions, conditions, or things:

5.03.01 Causing or allowing the carcass of any animals or any offal, filth, or noisome substance to be collected, deposited, or to remain in any place to the prejudice of others;

5.03.02 Depositing the carcass of any animal or any offal, filth, or noisome substance in any water course, lake, pond, spring, well, sewer, street, alley, or highway;

(Revised: 83-5)
5.02A and 5.02B only

5.03.03 Corrupting or rendering unwholesome or impure the water of any spring, river, stream, pond or lake;

5.03.04 Obstructing or encroaching upon public highways, private ways, streets, alleys, commons, or sidewalks;

5.03.05 Erecting or using 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 persons or animals;

5.03.06 Advertising wares or occupation by placing notices of the same on public or private property or on trees or other natural objects without the consent of the private owner or the Board of Trustees.

5.03.07 Causing or allowing any loud and unnecessary noise to the prejudice of others;

5.03.08 Causing or allowing any plants, trees, or other obstructions of any kind to interfere with visibility of traffic, utility lines, or other village functions;

5.03.09 Repealed.

5.03.10 Depositing garbage, refuse, waste materials, or any other materials on private or public property not in an air-tight and waterproof container;

5.03.11 Maintaining one's property in an unclean manner, as to fail to meet the minimum standards of cleanliness and sanitation as set forth by any proper State, County, or Village Authority;

5.03.12 Maintaining any privy, vault, or cesspool so as to fail to meet the minimum standards of sanitation as set forth by a proper State, County, or Village Authority.

5.03.13 Storing quantities of fireworks or other explosive or combustible solids, liquids, or gases in quantities exceeding ordinary needs for personal use, without the approval of the President.

5.03.14 Permitting any water well to be in an unplugged condition at any time after the abandonment of such well for obtaining water;

5.03.15 Permitting or maintaining privy, vaults and garbage cans which are not fly-tight.

5.03.16 Any act, thing, occupation, condition of property or use of property which falls within the definition of 5.02.

5.03.17 Allowing or creating an accumulation of stagnant water, decayed animal or vegetable matter, trash, packaging, scrap metal, or any materials whatsoever in which flies, mosquitoes, disease-carrying insects, rats, mice, vermin, or stray animals may breed or to which they may be attracted or harbored.

5.03.18 Allowing any ditch, excavation, trench, septic system field or tank or bed or pit, dug well, or any other hole or depressing of a depth of one foot or more, to exist on one's property without erecting and maintaining at all times a continuous fence at least three feet high with openings of no more than six inches in width, entirely surrounding the area; this prohibition shall not be in effect for the first twenty days of such condition, provided work is being done on a diligent continuing basis toward completion of the project or remedying of the condition.

5.03.19 Allowing any motor vehicle not licensed for operation upon the public highways, to remain upon one's residential property except in a garage or other solid structure securely enclosing the motor vehicle on all sides; this prohibition shall not be in effect for the first sixty days such a motor vehicle is upon one's property provided the trunk and doors are locked at all times and no windows are open or broken, and provided further that only one such vehicle may qualify for this exception at any time.

5.03.20 Public nuisances shall include the keeping, harboring, maintaining or permitting the presence in the Village of Pesotum, other than in a secure locked enclosure, of derelict, or inoperable vehicles, and other motor vehicles or machinery, which constitute a safety hazard or are detrimental to the health, safety and welfare of the general public by: A) harboring disease or providing breeding places for vermin, mosquitoes and other animals, insects or reptiles; B) inviting plundering; C) creating fire hazards; D) presenting physical dangers; E) exposing children or others to sharp metal or plastic, broken glass, heavy objects, rusty metal, acids, sharp or pointed objects, or other dangerous objects of any kind, nature, description or form; F) producing scenic blight which degrades the environment and adversely affects land values and the property maintenance and continuing development of the Village of Pesotum.

(Revised: 83-2)

5.03.18 and 5.03.19 only

(Revised: 83-5)

5.03.20 only

5.03.21 Constructing, installing, improving, maintaining or permitting to be routinely operated on the person's owned or occupied property any device which allows any discharge of water by force pumping, such as sump pumps, onto a street, sidewalk or public way.

(This space is reserved for future amendments.)

Revised: 91-2
Adding 5.03.21

5.04 No person shall erect, contrive, cause, continue, maintain, or permit to exist any public nuisance with the Village.

5.05 Abatement of Nuisances:

5.05.01 All complaints alleging public nuisances shall be made to a member of the Village Board of Trustees or to the Village Clerk. Such official shall inform the President of the complaint.

5.05.02 The President shall inspect the nuisance or cause the nuisance to be inspected by a competent person who shall make a written report of his findings which shall be presented to the President.

5.05.03 If the President determines that a public nuisance exists he shall cause notice to be served on the owner of the property on which the nuisance exists, and any other person or persons believe to be in violation of this ordinance by reason of said nuisance. The notice shall direct the owner, occupant or person causing, permitting, or maintaining such nuisance to abate or remove the nuisance within ten (10) days from the date of service of the notice. The notice shall state that unless such nuisance is abated or removed within said time period, the Village shall cause it to be abated, or removed and disposed of, without accounting to the owner or any other person for any claimed value thereof, and will charge the costs of abatement or removal and disposal to the owner, occupant or person causing, permitting or maintaining the nuisance. Furthermore, such notice shall inform the owner of the premises on which the nuisance exists that the costs charged for abatement or removal and disposal of the public nuisance will become a lien upon the premises. If the nuisance is not abated or removed within the time provided, or if the owner, occupant or person causing the nuisance cannot be found upon reasonable inquiry, the President shall cause the abatement or removal and disposal of such public nuisance.

5.05.04 If the President determines that a public nuisance exists but that the nature of such nuisance is not such as to threaten great and immediate danger to the public safety, health, peace, morals, or decency, the President may cause an action to abate or remove such nuisance to be commenced in the name of the Village in a court of competent jurisdiction.

5.05.05 In addition to any other penalty for the erection, contrivance, creation, continuance, or maintenance of a public nuisance, the Village's costs of abating the nuisance shall be collected as a debt from the owner, occupant, or person causing, permitting, or maintaining the nuisance. Such costs shall include, but are not limited to, costs of labor and equipment, dumping fees, attorney fees and court costs for judicial enforcement, and other expenses reasonably related to enforcement of this ordinance.

5.05.06 Savings clause: If any clause, provision or term of this ordinance is declared unconstitutional or otherwise invalid by the lawful judgment or decree of any court of competent jurisdiction, the unconstitutionality or invalidity of that clause, provision or term shall not affect the validity of the remainder of this ordinance or of any other chapter, section or subsection of this Code.

(Revised: 83-2)
5.05.05 only

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