

ORDINANCE NO. 05132024

NUISANCES

AN ORDINANCE REGULATING AND CONTROLLING THE FOLLOWING ACTS, CONDUCT AND CONDITIONS THAT ARE DECLARED AND DEFINED TO BE NUISANCES.

WHEREAS, the City of Shawneetown believes that certain acts, conduct and conditions are declared and defined to be nuisances, and when committed, performed or permitted to exist by any individual, firm, association or corporation within the territorial limits of the City, are declared to be unlawful and prohibited:

THE CITY OF SHAWNEETOWN, GALLATIN COUNTY, ILLINOIS, acting through its Mayor and City Council, does hereby PASS, DECLARE and ORDAIN:

Section 1. ACTS THAT ARE PROHIBITED AND DECLARED NUISANCES

The following acts, conduct and conditions are declared and defined to be nuisances, and when committed, performed or permitted to exist by any individual, firm, association or corporation within the territorial limits of the City, are declared to be unlawful and prohibited:

- A. 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 City. In addition, the officials of the City shall be authorized to abate any nuisance which, while not specifically defined within this Ordinance, 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. To cause or suffer 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;
- C. 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;

- D. To corrupt or render unwholesome or impure the water of any spring, river, stream, pond or lake, to the injury or prejudice of others;
- E. To permit foul or stagnant water to stand upon any premises to the prejudice of others;
- F. 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;
- G. To obstruct or encroach upon public highways, private ways, streets, alleys, commons, landing places, and ways to burying places;
- H. 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 between points twenty feet back from the intersection of the roadways, and to the corner thereof, and four feet above the crown of each intersecting roadway;
- I. 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;
- J. To advertise wares or occupation by painting notices of the same on, or affixing them to fences, walls, windows, building exteriors, 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;
- K. To harass, intimidate or threaten any person who is about to sell or lease or has sold or leased a residence or other real property or is about to buy or lease or has bought or leased a residence or other real property, when the harassment, intimidation or threat relates to a person's attempt to sell, buy or lease a residence, or other real property, or refers to a person's sale, purchase or lease of a residence or other real property,
- L. To dump, abandon, deposit, dismantle or burn upon any public property or right-of-way, highway, park, street or parkway anywhere in the City, junk, junked or wrecked motor vehicles or parts thereof, or miscellaneous waste;
- M. To store, keep, or maintain outside of a closed building, any junk, refuse, used appliances, used or dilapidated furniture, bathroom fixtures, old iron or metal, used lumber, bricks, blocks or other building salvage materials, parts, and machinery, vehicles, 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 junk yard or other permitted outdoor storage use which is in full compliance with all of the ordinances of the City governing the same;

O. 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;

P. To store or place any materials in a manner which may harbor rats;

Q. To suffer or permit any premises where any animal is kept to become nauseous, foul or offensive to any person, family or neighborhood;

R. 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;

S. 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 or persons who are in the room, vehicle or chamber in which such machine or device is operated and who are voluntary listeners thereto. The operation of any such set, instrument, phonograph, machine or device between the hours of 11:00 p.m. and 7:00 a.m. in such a manner as to be plainly audible at a distance of fifty feet from the building, structure or vehicle in which it is located shall be prima facie evidence of a violation of this section.

Section 2. NONSUMMARY ABATEMENT- NOTICE

Except where otherwise provided by the ordinances of the City, any officer of the City possessing police powers may serve or cause to be served a notice, in writing, upon the owner, agent, occupant or person in possession, or control of any lot, building or premises or item of personalty in or upon which any nuisance exists, requiring them, or either or both of them, to abate the same within a specified reasonable time, in such manner as the notice shall direct.

Section 3. NONSUMMARY ABATEMENT

If the person so served and notified does not abate the nuisance, the corporate authorities may proceed to abate the nuisance in any or all manner allowable by law, including, without limiting the generality thereof, the following:

- A. Seeking to impose a monetary penalty as defined by Section 5 of this ordinance by instituting an ordinance enforcement action; OR
- B. Seeking to enjoin the continuation of the nuisance by the filing of a lawsuit in a court of competent jurisdiction; OR
- C. Both A. and B.

Section 4. SUMMARY ABATEMENT

Whenever, in the opinion of an officer of the City possessing police powers, the maintenance or continuation of a nuisance creates an imminent threat of serious injury to persons or serious damage to personal or real property, or if the nuisance can be abated summarily without or with only minor damage to the items or premises which are creating the nuisance, and the continuation of the nuisance poses a substantial threat of injury to persons or property or a substantial interference with the quiet enjoyment of life normally present in the community, such officer shall proceed to abate such nuisance; provided, further, that whenever the owner, occupant, agent or person in possession, charge or control of the real or personal property which has become a nuisance is unknown or cannot readily be found, the municipal officer with police power may proceed to abate such nuisance without notice. Where the abatement of the nuisance requires continuing acts by the corporate authorities beyond the initial summary abatement and any other additional emergency abatements, it shall seek abatement of such nuisance on a permanent basis through judicial processes as soon as reasonably possible.

Section 5. PENALTY

Any individual, firm, association or corporation violating any of the provisions of this chapter shall, upon conviction, be fined for the first offense One Hundred Dollars (\$100.00) second offense Two Hundred Dollars (\$200.00), and all subsequent offenses , nor more than Five Hundred Dollars (\$500.00) for each offense. Each day that a violation is allowed to exist shall constitute a separate offense.

Section 6. DEFINITION

The word "person" as used in this Ordinance shall mean and include natural persons, corporations, partnerships, associations, joint stock companies, societies, limited liability companies and all other entities of any kind capable of being sued.

Section 7. SEVERABILITY

Should any provision or section of this Ordinance be held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate distinct and independent provision and such holding shall not affect the validity of the remaining portions thereof.

Section 8. EFFECTIVE DATE

This Ordinance shall be in full force and effect from and after its passage, approval, and publication according to the law of the State of Illinois. Passed, approved, and adopted by the Board of Alderman of the City of Shawneetown, Gallatin County, Illinois, this _____ day of _____, 2023, on roll call vote as follows:

AYES: _____

NAYS: _____

ABSTAIN: _____

ABSENT: _____

THIS ORDINANCE ADOPTED THIS _____ DAY OF _____, 2024.

City of Shawneetown, Mayor

ATTEST:

City Clerk

CERTIFICATE OF ADOPTION

I, Matt Martin the duly elected Clerk of the City of Shawneetown certify that the foregoing Ordinance is a true and correct copy of the Ordinance enacted by the City Council of the City of Shawneetown on

Shawneetown City Clerk