

ORDINANCE # _____
AN ORDINANCE Amending Chapter 8, Section 5 of
the Village of Aviston's Code Book of Ordinances

BE IT ORDAINED by the President and Board of Trustees of the Village of Aviston, Clinton County Illinois, that Chapter 8, Section 5, NUISANCES/GARBAGE AND DEBRIS is hereby revised and reintroduced to the Code Book of Ordinances as follows:

CHAPTER 8, Article 5 NUISANCES/GARBAGE AND DEBRIS

8-5-1 SPECIFIC NUISANCES ENUMERATED

It is hereby declared to be and to be against the health, peace and safety of the Village for any person, firm or corporation to cause, maintain, or add to any of the nuisances described in this paragraph and each subparagraph thereof within the Village or to suffer or permit any such nuisance to exist on real estate within the Village limits within the control, occupancy, ownership or possession of such person, firm, or corporation. The enumeration of the following nuisances shall not be deemed to be exclusive:

- (A) Filth. 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 to the prejudice of others.
- (B) Deposit of Offensive Materials. 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) Corruption of 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) Highway Encroachment. To obstruct or encroach upon public highways, private ways, streets, alleys, commons, landing places and ways to burying places.
- (E) Noxious Odors. 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.
- (F) Harassment. 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.
- (G) Litter on Village Streets. It shall be unlawful for any person to deposit or allow trash, paper, cardboard, wire, dirt, rock, stone, glass, brick, lumber, wood or litter of material objects of any size or description to fall upon Village streets from any moving vehicle, or to throw or be thrown from a moving vehicle, and remain thereon.
- (H) Accumulations of Junk, Trash and Other Items. To cause, maintain, or add to at any location within the Village or for any person owning, possessing, or occupying any real estate within the Village to suffer, permit, or maintain on any land within the

Village limits controlled, owned, occupied, or possessed by such person, firm, or corporation the accumulation, storage, or deposit of trash, junk, tree limbs, construction waste, yard waste, paper, boxes, dead weeds, litter, any partially dismantled motor vehicle, wrecked motor vehicle, unlicensed or unregistered motor vehicle, unlicensed or unregistered trailer, discarded appliances, used machinery, discarded furniture, rubble, crushed concrete, used masonry, rags, old rope, paper, iron, brass, copper, tin, aluminum, ashes, garbage, slag, refuse, plastic, brush, weeds, slush, lead, glass bottles, broken glass, excavated soil, or other similar items or materials for a period in excess of twenty (20) days, unless the same shall be entirely within a suitable fully enclosed roofed building provided for the purpose.

- (I) Rodents. To cause or permit any condition or situation to exist that shall attract, harbor, or encourage the infestation of rodents.
- (J) Bringing Nuisances into the Village. To bring into the Village, or keep therein for sale or otherwise, either for food or for any other purpose, any dead or live animal or any matter, substance, or thing which shall be a nuisance, or which shall occasion a nuisance in the Village, or which may or shall be dangerous or detrimental to health.
- (K) Offensive Liquids. To keep any nauseous, foul, or putrid liquid or substance or any liquid or substance likely to become nauseous, foul, offensive, or putrid, nor permit any such liquid to be discharged, placed, thrown or to flow from or out of any premises into or upon any adjacent premises or any public street or alley, nor permit the same to be done by any person connected with the premises.
- (L) Generally. To commit any offense which is a nuisance according to the common law of the land or made such by statute of the State.

8-5-2 ACCUMULATION PROHIBITED

No person shall permit any garbage, trash, or nuisance material(s) enumerated in 8-5-1 of this Chapter to accumulate on their premises or private property. It is hereby declared to be a nuisance and it shall be unlawful for the owner or occupant of real estate to refuse or neglect to remove the garbage or debris.

8-5-3 NOTICE TO PERSON

The Village President, Village Board or the Village President's designated representative may issue a written notice for removal of garbage or debris. Such garbage or debris shall be removed by the owner or occupant within five (5) days after such notice has been duly served.

(A) Example notice: Unlawful Garbage and/or Debris

To: (name and address)

You are hereby notified that _____ has determined that the property owned by you (and/or occupied by you, as the case may be) located at _____, located within the Corporate limits contains garbage and/or debris as defined by Chapter 8, Article 1, of the Revised Code of Ordinances.

You are required to remove all such material within five (5) days from the

date of this notice, if you refuse or neglect to remove such garbage and/or debris, the corporate authorities of this municipality may provide for the removal thereof. The cost of the garbage and/or debris removal shall be paid by you.

Signed

Village Clerk, Village of Aviston

Dated this _____ day of _____ 20__.

8-5-4 SERVICE OF NOTICE

Service of notice provided for herein may be effected by handing the same to the owner, occupant or lessee of the premises or to any member of his household of the age of fifteen (15) years of age or older found on the premises or by mailing such notice to the last known residence address of the owner; provided that if the premises are unoccupied and the owner's address cannot be obtained, then the notice may be served by posting the same upon the premises.

8-5-5 ABATEMENT

If the person so served does not abate the nuisance within five (5) days, the Village may proceed to abate such nuisance, keeping an account of the expense of the abatement and such expense shall be charged and paid by such owner or occupant.

8-5-6 LIEN

Charges for such removal shall be a lien upon the premises. A bill representing the cost and expense incurred or payable for the service shall be presented to the owner. If this bill is not paid within sixty (60) days of submission of the bill, a notice of lien of the cost and expenses thereof incurred by the Village shall be recorded in the following manner:

- (A) A description of the real estate sufficient for identification thereof,
- (B) The amount of money representing the cost and expense incurred or payable for the service,
- (C) The date or dates when said cost and expense was incurred by the Village and shall be filed within sixty (60) days after the cost and expense is incurred.

8-5-7 PAYMENT

Notice of such lien claim shall be mailed to the owner of the premises if the address is known. Upon payment of the cost and expense after notice of lien has been filed, the lien shall be released by the Village or person in whose name the lien has been filed and the release shall be filed or recorded in the same manner as filing notice of lien.

8-5-8 FORECLOSE OF LIEN

Property subject to a lien for unpaid charges shall be sold for non-payment of the same, and the proceeds of such sale shall be applied to pay the charges after deducting costs, as is the case in the foreclosure of statutory liens. Such foreclosure shall be in the name of

the Village, after lien is in effect for sixty (60) days. Suit to foreclose this lien shall be commenced within two (2) years after the date of filing the notice of lien.

MOTION TO ACCEPT THIS ORDINANCE BY: _____

SECOND BY: _____

ROLL CALL VOTE:

AYES:

NAYS:

ABSENT:

Passed by the Corporate Authorities this _____ day of _____ 2022.

Approved: _____
Mike Kampwerth, Village President

Attest: _____
Jennifer Jansen, Village Clerk

(SEAL)