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# *Code Enforcement Handbook*

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Enforcement Guide  
for the Village of  
Aviston

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Village of Aviston  
PO Box 139  
149 S. Page Street  
Aviston, IL 62216

*[www.avistonil.org](http://www.avistonil.org)*

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**DISCLAIMER**

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This Handbook supplements the Code of Ordinances in that it serves as a 'Ready Reference' to nuisance conditions as defined by Ordinance, and the actions warranted when violations occur. It in no way has legal bearing outside of the actual Aviston Code on which it is based.

## **NUISANCES: Property Maintenance**

### **8-1 Weeds**

1. Identify the problem. It shall be unlawful for anyone to permit any weeds, grass or plants, other than trees, bushes, flowers or other ornamental plants to grow to a height exceeding eight (8) inches anywhere in the Village. Any such plants or weeds exceeding such height are hereby declared to be a nuisance
2. The President or Village Board may issue a written notice for removal of weeds or grass. When notice is sent (Form included / Delivered by the Police Department), the owner has 5 days to cut/remediate
3. If weeds are cut by village, bill sent---30 days to pay it
4. Lien filed on bills not paid.

## **8-2 Building Condition – Nuisance**

1. The Zoning Administrator or his designated representative shall report to the Village Board when any building in the Village is in dangerous condition and constitutes a nuisance. The Code identifies the following conditions:
  - a. Those whose interior walls or other vertical structural members list, lean or buckle to such an extent that a plumb line passing through the center of gravity falls outside of the middle third of its base.
  - b. Those which, exclusive of the foundation, show thirty-one percent (31%) or more of damage or deterioration of the supporting member or members, or fifty percent (50%) of damage or deterioration of the non-supporting enclosing or outside walls or covering.
  - c. Those which have improperly distributed loads upon the floors or roofs or in which the same overloaded, or which have insufficient strength to be reasonably safe for the purpose used.
  - d. Those which have been damaged by fire, wind, or other causes so as to have become dangerous to life, safety, morals of the general health and welfare of the occupants or to the people of the Village
  - e. Those which have become or are so dilapidated, decayed, unsafe, unsanitary or which so utterly fail to provide the amenities essential to decent living that they are unfit for human habitation or are likely to cause sickness or disease, so as to cause injury to the health, morals, safety or general welfare of those living therein.
  - f. Those having light, air, and sanitation facilities which are inadequate to protect the health, morals, safety, or general welfare of human beings who live or may live therein.
  - g. Those having inadequate facilities for egress in case of fire or panic or those having in sufficient stairways, elevators, fire escapes, or other means of communication.
  - h. Those which have parts there of which are so attached that they may fall and injure members of the public or property.
  - i. Those which, because of their condition, are unsafe, unsanitary, or dangerous to the health, morals, safety or general welfare of the people of this Village.
  - j. Those buildings existing in violation of any provision of the Building Code of this Village, or any provision of the Fire Prevention Code, or any other ordinances of the Village.
  - k. Those vacant buildings with unguarded openings shall be deemed to constitute a fire hazard and to be unsafe within the provisions of this Code.
  - l. Those buildings which are uncompleted or abandoned.

2. The Zoning Administrator with the approval of the Village Board shall place a notice on all “dangerous and unsafe building by the Village Offices”. This notice shall remain on this building until it is repaired, vacated or demolished in accordance with the notice which has been given the owner, occupant, lessee, mortgagee, or agent of this building, or person or persons in whose name or names such building was last addressed, and all other persons having an interest in said building as shown by the land records of the County Recorder of Deeds.
3. The owner of such building shall repair or alter it so as to make is safe within ninety (90) days from the time of notice is served upon him in the manner provided by law.
4. Appeal, have ten (10) days to file appeal with Village Clerk.
5. In all cases where a building cannot be repaired so that it will no longer exist in violation of the terms of this Code, it shall be demolished. In all cases where a “dangerous and unsafe building” is a fire hazard existing or erected in violation of the terms of this Code, or any ordinance of the Village or statute of the State of Illinois, it shall be demolished. In any case where a “dangerous and unsafe building” is fifty percent (50%) damaged or decayed, or deteriorated from its original value or structure, it shall be demolished.
6. Village Attorney applies for a court order of demolition.
7. Liens are filed to pay for this procedure.

## **8-5 Garbage and Debris**

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 paragraph 8.5.1 of the Village Code Book 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. Per 8.5.1(I), for example:

(I) 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, dead trees, 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.

1. Identify the problem.
2. The Village President, Village Board or the Village President's designated representative may issue a written notice for removal of garbage or debris.
3. Notice sent (Form Included)
4. Such garbage or debris shall be removed by the owner or occupant within five (5) days after such notice has been duly served.
5. If not cleaned up, village will clean it up and bill them.
6. If bill is not paid in 60 days, a lien is filed. 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.



## **8-7 Dumping / Solid Waste Disposal**

No person shall discard of solid waste, rubbish, refuse, litter, etc. in or upon any public or private place within the Village except in authorized receptacles.

### **8-7-3 Yard Waste**

As posted and only at the continued discretion of the Village Board, village residents are permitted to dump of only brush, tree trimmings, and yard waste on Village property that is adjacent to the municipal sewer plant (110 Schumacher Road). Signage approved by the Village Board and placed at the site that further define or restrict authorized use is to be abided. No tree or shrub limbs, branches, or trunks over 4" in diameter are permitted without prior approval from the Utilities Superintendent.

It shall be unlawful for any person or entity that is not a Village resident to deposit yard waste materials at the Village yard waste collection site. This collection point for yard waste is for resident use only.

### **8-7-4 Solid Waste**

As posted and only at the continued discretion of the Village Board, village residents ONLY are permitted to deposit solid waste -exclusive of animal carcasses, brush or yard waste, large and intact furniture, and electronics- in designated litter / solid waste containers placed on Village property that is adjacent to the City Shed (240 East 3rd Street). It shall be unlawful for any person or entity that is not a Village resident to deposit solid waste in Village dumpsters at this site. This collection point for solid waste is for resident use only.

Overfilling Village-provided waste containers and/or receptacles to the point that waste spills onto the ground, or that lids (when provided) cannot be completely closed, is expressly prohibited. Signage approved by the Village Board and placed at the site that further define or restrict authorized use is to be abided.

The litter / solid waste container at Vintage Hall (99 West 1st Street) is NOT for at-large use by the public, but rather is restricted for Village use in support of operations specific to that facility. Dumping at this container by anyone other than Village representatives or current users of Vintage Hall is prohibited.

The litter / solid waste container at the circle drive of Aviston Park (601 East First.) is NOT for at-large use by the public, but rather is restricted for Park District use in support of operations specific to that facility. Dumping at this container by the public at large, outside of events at the Park, is prohibited.

The electronics recycling hut along 110 Schumacher Road is NOT for at-large use by the public, but rather is restricted for electronic waste from Village Residents ONLY. Dumping of all other types of waste, including televisions, is prohibited.

**8-7-5 LAWFUL USE OF RECEPTACLES - Public and Private**

Persons placing solid waste in authorized receptacles shall do so in such a manner that the elements of nature will not carry the solid waste upon public places or private property. Overfilling public waste containers and/or receptacles to the point that waste spills onto the ground, or that lids (when provided) cannot be completely closed, is expressly prohibited.

Not retrieving private receptacles placed streetside for pickup within 48 hours of scheduled pickup is prohibited.

**ENFORCEMENT**

1. Identify the problem.
2. It shall be the duty of the Aviston Police Department to administer and enforce this Ordinance in accordance with its provisions in a public place. The Police Department *may* issue a written notice for removal of garbage or debris.

3.(A) Resident Violations. Any resident who violates or neglects to comply with any provision of this Section, or any regulation promulgated pursuant thereto, shall, upon conviction, be punishable by a fine not to exceed Fifty dollars (\$50) for the first offense or One Hundred dollars (\$100) for any succeeding offense.

3.(B) Non-Resident Violations. It shall be unlawful for any person or entity that is not a Resident to deposit bulk garbage, recyclable or yard waste materials in any receptacle(s) in the Village of Aviston. Any Non-Resident that violates or neglects to comply with any provision of this Section, or any regulation promulgated pursuant thereto, shall be punishable by a fine not to exceed Five Hundred dollars (\$500.00) for each offense.

## **OTHER NUISANCES**

### **8-3 *Burning***

1. Violation noted
2. Citation issued by Police

### **8-6 *Noise Regulations***

1. Identify the problem
2. Citation Issued by Police Department

### **8-4 *Inoperable Motor Vehicles***

1. Identify the problem
2. Notice sent (Form Included) --Delivered by Police---7 days to get rid of vehicle
3. After 7 days, towing of vehicle
4. Vehicle Held 30 days, and then sold.