

ORDINANCE NO. 440

AN ORDINANCE CONCERNING NUISANCES
IN THE CITY OF DALLAS CITY,
HANCOCK AND HENDERSON COUNTIES, ILLINOIS

BE IT ORDAINED by the Mayor and City Council of the City of Dallas City, located in the Counties of Hancock and Henderson, State of Illinois:

SECTION I: Ordinance No. 362 be and the same is hereby repealed.

SECTION II: It shall be unlawful and a violation of this Ordinance for any person to wilfully or negligently create, erect, maintain, or permit a nuisance to exist anywhere within the City.

SECTION III: A nuisance is generally defined as any thing, act, omission, occupation, or condition which shall exist or continue for such length of time so as to:

- (a) Substantially annoy, injure, or endanger the health, safety, peace, or welfare of the public; or,
- (b) In any way render the public insecure in life or property; or,
- (c) Greatly offend the public morals or decency; or,
- (d) Unlawfully and substantially interfere with, obstruct, or render dangerous for passage, any street, sidewalk, alley, navigable body, or other public way or place.

SECTION IV: Any nuisance declared by Statute, this Ordinance, or other provisions of Ordinances of the City, shall be enforceable under the provisions of this Ordinance as if enumerated specifically herein.

SECTION V: Nuisances enumerated in this Ordinance shall not be deemed exclusive, but are in addition to, and to be construed in conjunction with, any other nuisances enumerated in Statute or other provisions of Ordinances of the City.

SECTION VI: For the purpose of discovering nuisances, it shall be the duty of the health officer to investigate, confirm, and report any nuisances coming to his attention.

SECTION VII: Whenever any nuisance shall be reported to or investigated and determined by the health officer, notice shall be given to the owner or person in control of the property or premises involved, and to the appropriate City officials whose functions include the abatement of such nuisances.

SECTION VIII: It is hereby declared to be a nuisance and a danger to the health, safety, welfare, peace, and comfort of the City and its residents for any person:

(a) To conduct any business or use any premises so as to create an offensive or foul odor which taints the air and renders it nauseous to persons in the vicinity; or,

(b) To cause or permit to be collected or to remain upon any premises or place any animal carcass, or any offal, filth, excretion, or other noisome or noxious animal matter of any kind which is, or is likely to become, putrid, foul, or offensive; or,

(c) To cause or permit to be collected or to remain upon any premises or place any slop or other vegetable matter of any kind which is, or is likely to become, putrid, foul, or offensive; or,

(d) To cause or to permit any cellar, vault, cistern, drain, privy, yard, or other premises whatsoever to become, from any cause, foul or offensive or injurious to the public health; or,

(e) To permit to be collected or to stand upon any premises any foul or stagnant water of any kind; or,

(f) To use, deposit, or keep any property, substance, or thing emitting or causing any foul, offensive, noisome, nauseous, or noxious odor, effluvia, or stench particularly repulsive to the physical senses and which annoys, discomforts, or endangers the welfare, health, or safety of any person; or,

(g) To allow the deposit or accumulation of any refuse, oil rags, rubbish, or other materials or substances of any kind, so as to constitute a fire hazard; or,

(h) To allow the deposit, accumulation, existence, or growth upon any property of any dry or dead weeds, grass, vegetation, or other like substances of any kind, so as to constitute a fire hazard; or,

(i) To cause or permit any weeds, such as jimson, burdock, rag weed, thistle, cockle burr, or other weeds of a like kind, to grow in any lot or tract of land in the City; or,

(j) To cause or permit any weeds, grass, or plants, other than trees, bushes, flowers, vegetables, or other ornamental plants, to grow to a height exceeding twelve inches (12") anywhere in the City.

SECTION IX: It is hereby declared a menace to the public safety and a nuisance for any person to cause or permit any deposit, accumulation, storage, or presence, within 100 yards of any building occupied as a residence or business, of any powder magazine, nitro-glycerine, dynamite, or any other explosive substance of any kind.

SECTION X: It is hereby declared a menace to the public safety, and a nuisance for any person, to maintain any buildings or structures which are in an unsanitary condition, or in an unsafe or dangerous condition, or which in any manner endangers the health or safety of any person or persons. Any building or part thereof which is in an unsanitary condition by reason of the basement or cellar being damp or wet, or by reason of the floor of such basement or cellar being covered with stagnant water, or by reason of the presence of sewer gas, or by reason of any portion of the building being infected with disease or being unfit for human habitation, or which by reason of any other unsanitary condition is the source of sickness or which endangers the public health, is hereby declared a public nuisance.

SECTION XI: It is hereby declared a menace to the public safety and a nuisance for any person to cause or permit the existence or storage in any place accessible to children of any abandoned or discarded refrigerator, ice-box, ice-chest, deep-freeze, or other air-tight appliance container of any kind, of a capacity of one and one-half cubic feet or more, from which the kids, doors, or other covers have not been removed or which cannot be easily opened by a child, by means of pushing only, from the inside thereof.

SECTION XII: It is hereby declared a nuisance to the public safety and a nuisance for any person to cause or permit the existence or storage upon any premises within the City for more than fifteen (15) days of:

(a) Any unused, stripped, junked, wrecked, or otherwise inoperable motor vehicle of any kind, or of any other vehicle, implement, machinery, equipment, or other personal property of any kind, which is no longer safely operable or useable for the purpose for which it was manufactured; or,

(b) Any parts of such motor vehicle or equipment or old iron, metal, glass, paper, cordage, or other waste or discarded second-hand material which has been a part, or intended to be a part, of any motor vehicle, the sum of which parts or materials shall be equal in bulk to one or more automobiles, except within a duly licensed junk yard; provided, however, that this Section shall not be construed to be applied to any such motor vehicle or equipment, etc., that is kept within a building when not in use, or to historical motor vehicles maintained as such, over twenty-five years of age; or,

(c) For the purpose of this Section: "Inoperable motor vehicle" is any motor vehicle from which 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 as to render the vehicle incapable of being safely driven under its

own motor power; provided, however, that this definition shall not be construed to include any vehicle which has been rendered temporarily incapable of being driven under its own motor power in order to perform ordinary service or repair operations.

SECTION XIII: It is hereby declared a menace to the public health and a nuisance for any person to cause or permit any operations that cause or permit any dirt, sand, gravel, cinders, ashes, earth, or other similar materials to be hauled, moved, rolled, compacted, scraped, dragged, or otherwise disturbed so as to cause or permit dust to be raised, blown, or stirred through the operation of machinery or otherwise, to the detriment of any person or property.

Every person engaged in hauling sand, dirt, cinders, ashes, earth, or other similar materials or substances, or engaged in moving, rolling, compacting, scraping, dragging, or other disturbance of soil and the like, shall make adequate provision as often as is required to arrest and prevent such dust through the use of salt, oil, chemicals and other materials used and recommended for retarding or eliminating such dust, subject to the provision and approval of the City Police.

SECTION XIV: It is hereby declared a menace to the public safety and a nuisance for any person:

(a) To erect or use, or to cause or permit to be erected or used, any insecure or unsafe scaffold or ladder whereby the safety of persons working thereon or passing thereunder may in any way be endangered.

(b) To place or leave, or to cause or permit to be placed or left, any tools or articles on any scaffold or ladder in such manner that the same may fall into any street, sidewalk, or other public way, whereby the safety of persons passing thereunder may in any way be endangered.

SECTION XV: Whenever any health official, or any police or fire officer, or any other City official, determine that a nuisance exists on any private property or premises, except as otherwise provided herein, the proper City official shall cause a written Notice to be served personally upon the owner, or, if the owner cannot be found, upon the occupant or person in control of the property or premises, who is causing, permitting, or maintaining such nuisance, and shall cause a copy of said Notice to be conspicuously posted within or upon such property or premises. Such Notice shall fairly appraise such person of the nature of the nuisance, his duty to abate or remove the nuisance within the time provided therein, the penalty for failure to abate the same, and shall state that, if said nuisance is abated by the City, liability for necessary expenses so incurred shall accrue as provided for in Section XX of this Ordinance.

SECTION XVI: It is hereby declared the duty of any person determined to have created, caused, erected, maintained, or permitted a nuisance to exist within the City, to discontinue or abate such nuisance within forty-eight (48) hours, or such other time period as may be specified therein, from the time he receives written Notice thereof. Said individual may, upon receipt of the Notice relative to said nuisance, petition the Council for a hearing to be conducted by the City Council relative to said Notice.

SECTION XVII: It shall be unlawful and in violation of this Ordinance for any person to neglect, refuse, or otherwise fail to remove or abate any nuisance after expiration of the forty-eight hour or other specified time period provided by Notice thereof, and each twenty-four hours, or fraction thereof, during which said nuisance continues to exist shall be deemed a separate offense. Any person, firm, or corporation that violates the terms of this Ordinance and fails to abate any nuisance after receiving notice therefore should be fined the sum of \$15.00 per day for each and

every day that the nuisance remains unabated after Notice has been given to the owner or occupant of the property.

SECTION XVIII: Whenever any nuisance is not abated by the owner, lessee, or person in control of premises or property affected within the time provided by said Notice, the proper City officers shall cause the abatement or removal of such nuisance.

SECTION XIX: Whenever any nuisance:

(a) Constitutes or is deemed to be an eminent or immediate danger to public health or safety, or,

(b) Exists on public property;

the proper City officers shall cause such nuisance to be summarily and immediately abated and removed, regardless of any forty-eight hour or other time period specified by Notice to the person responsible therefor; provided, however, that in situation (a) above, such officer shall have first applied for and obtained the permission of the Mayor for such summary abatement.

SECTION XX: Any cost or expenses of abatement reasonably incurred by the City pursuant to the provisions of this Ordinance shall be deemed a debt to the City by the owner, lessee, or person in control of premises upon which such nuisance existed; provided, that where specifically provided in this Ordinance or Statute, such costs and expenses shall become a lien upon the real estate or personal property affected, superior to all other liens and encumbrances except tax liens.

SECTION XXI: It shall be the duty of the City Attorney to enforce by civil action, any and all such debts or liens as provided herein.

This Ordinance shall become effective upon its passage, adoption, and publication as provided by law.

INTRODUCED: June 5, 1985.

PASSED: June 5, 1985.

APPROVED: June 5, 1985.

PUBLISHED: June 13, 1985.

Michael L. Marking (Mayor Pro Tem)
MAYOR

Attest:

[Signature]
CITY CLERK