

CHAPTER 12
NUISANCES

PART 1
GENERAL PROVISIONS

- SECTION 12-101. SPECIFIC NUISANCES ENUMERATED.**
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SECTION 12-103. FAILURE TO COMPLY WITH NOTICE.
SECTION 12-104. ABATEMENT.

**SECTION 12-101. SPECIFIC NUISANCES
ENUMERATED.**

It is hereby declared to be a nuisance and to be against the health, peace and comfort of the Village of Swansea, for any person, firm or corporation within the limits of the Village of Swansea to permit the following, the enumeration of which shall not be deemed to be exclusive:

- (A) **Filth.** To cause or suffer the carcass of any animal or any rubbish, garbage, 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 rubbish, garbage, 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) **Unlawful Advertising.** To advertise wares or occupations by painting notices of the same on, or affixing them to fences or other 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.
- (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, purchase or lease a residence or other real property.
- (G) **Filthy Premise Conditions.** To keep or suffer to be in a foul, offensive, nauseous or filthy condition, any chicken coop, cow barn, stable, cellar, vault, drain, privy, sewer or sink upon any premises belonging to or occupied by him, or any railroad car, building, yard, grounds, and premises belonging to or occupied by him.
- (H) **Expectorate.** To expectorate on any public sidewalk, street or other public building or floor or walk of any public vehicle or hall.
- (I) **Litter on Village Street.** It shall be unlawful for any person to 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 of Swansea streets from any moving vehicle, or to be thrown from a moving vehicle, and to remain thereon.
- (J) **Accumulation of Junk, Trash, Etc.** To deposit or pile up any rags, old rope, paper, iron, brass, copper, tin, aluminum, ashes, garbage, refuse, plastic, brush, litter, weeds, slush, lead, glass bottles or broken glass upon any lot, piece or parcel of land or upon any public or private alley, street or public way within the Village, or to place same so that it can be blown about or scattered by the wind.
- (K) **Rodents.** To cause or permit any condition or situation to exist that shall attract, harbor, or encourage the infestation of rodents.
- (L) **Bringing Nuisances into the Village.** To bring into the Village of Swansea 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.

(M) **Offensive Liquids.** To keep any nauseous, foul, or putrid liquid or substance likely to become nauseous, foul, offensive or putrid, or to permit any such liquid to be discharged, placed, thrown or to flow from or out of any premise into or upon any adjacent premises or any public street or alley, or to permit the same to be done by any person connected with the premises under his control.

(N) **Motor Transport Engines.** To operate motor transport engines in the nighttime between the hours of eight o'clock (8:00) P.M. and six o'clock (6:00) A.M. in any place in which a majority of the buildings within a radius of four hundred feet (400') are used exclusively for residence purposes, excluding state and federal highways.

(O) **Sump Pump Discharge.** To discharge any water or other fluids originating from sumps, sump pits, sump pumps or other pumps, or any reservoir serving as a water drain or receptacle for water, from pipes or other structures onto any public sidewalk, street or street curb, street gutter or storm sewer, causing runoff to be concentrated over and onto that public sidewalk, street, street curb or street gutter whereby the water will stagnate, freeze or cause slippery conditions on the sidewalk, street or street curb or street gutter. (Ord.1498, 09/17/2007)

SECTION 12-102. NOTICE TO ABATE.

It shall be the duty of the designated authority to serve notice, in writing, upon the owner, occupant, agent, or person in possession or control of any lot, building, or premise in or upon which any nuisance may be found, or who may be the owner or the cause of any such nuisance, requiring him to abate the same within five (5) days in such a manner as the designated authority shall prescribe. Provided that an owner, occupant, agent or person in possession of any lot, building or premise who receives a notice under this section for sump pump discharge as defined in subsection "O" of Section 12-101, shall have 180 days from the date on which he was served with notice to abate any nuisance caused by sump pump discharge if this discharge originates from sumps, sump pits, sump pumps or other pumps that were in existence at the time of the passage of this ordinance. It shall not be necessary, in any case for the designated authority to specify in the notice the manner in which any nuisance shall be abated, unless he shall deem it advisable to do so. (Ord.1498, 09/17/2007)

SECTION 12-103. FAILURE TO COMPLY WITH NOTICE.

If the person notified to abate a nuisance shall neglect or refuse to comply with the requirements of such notice by abating such nuisance within the time specified, such person shall be guilty of a misdemeanor.

SECTION 12-104. ABATEMENT.

It shall be the duty of the designated authority to proceed at once upon the expiration of the time specified in the notice to cause such nuisance to be abated, provided, however, that whenever the owner, occupant, agent, or person in possession or control of any premises in or upon which any nuisance may be found is unknown or cannot be found, the designated authority shall proceed to abate such nuisance without notice. In either case, the expense of such abatement shall be collected from the person who may have created or suffered such nuisance to exist, in addition to any penalty or fine.

CHAPTER 12

NUISANCES

PART 2 WEEDS

- SECTION 12-201. DEFINITION.
- SECTION 12-202. NUISANCE.
- SECTION 12-203. NOTICE.
- SECTION 12-204. SERVICE OF NOTICE.
- SECTION 12-205. ABATEMENT.
- SECTION 12-206. LIEN.
- SECTION 12-207. PAYMENT.
- SECTION 12-208. FORECLOSURE OF LIEN.

SECTION 12-201. DEFINITION.

"Weeds" as used in this Code shall include, but not be limited to the following:

Burdock, ragweed (giant), ragweed (common), thistle, cocklebur, jimson, blue vervain, common milkweed, wild carrot, poison ivy, wild mustard, rough pigweed, lambs quarter, wild lettuce, curled dock, smartweeds (all varieties), poison hemlock, wild hemp and johnson grass and all other noxious weeds.

Developed land: Any lot of land on which a structure is erected, land maintained as lawn, land in unfinished phases of residential or commercial subdivisions wherein a minimum of two buildings have been build and occupied, and public rights-of-way adjacent to the land described in this definition.

Vacant land: Any lot of land on which there is no construction pending, land that has been graded in preparation for construction or improvement, forested land, pasture land and land that is being farmed, whether planted or left fallow, and public rights-of-way adjacent to the land described in this definition.

Weeds: Burdock, ragweed (giant), ragweed (common), thistle, cocklebur, jimson, blue vervain, common milkweed, wild carrot, poison ivy, wild mustard, rough pigweed, lambs quarter, wild lettuce, curled dock, smartweeds (all varieties), poison hemlock, wild hemp and Johnson grass and all other noxious weeds. (Ord 1629, 11/7/2011)

SECTION 12-202. NUISANCE.

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 cut weeds or any variety of

grasses, when such weeds or grasses shall have reached a height in excess of eight inches (8").

- (A) It is hereby declared to be a nuisance, and it shall be unlawful, for the owner or occupant of any lot of developed land to refuse or neglect to cut weeds or any variety of grasses, when such weeds or grasses shall have reached a height in excess of eight inches (8").
- (B) It is hereby declared to be a nuisance, and it shall be unlawful, for the owner or occupant of any lot of vacant land to refuse or neglect to cut weeds or any variety of grasses, when such weeds or grasses shall have reached a height in excess of twenty inches (20"). (Ord 1629, 11/7/2011)

SECTION 12-203. NOTICE.

The Street Supervisor, Chief of Police, President of the Village of Swansea Board of Trustees, or any other person so designated by the President, may issue a written notice for removal of weeds or grass. Such weeds or grass shall be cut by the owner or occupant within five (5) days after such notice has been duly served.

SECTION 12-204. 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 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 by certified mail; 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.

SECTION 12-205. ABATEMENT.

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

SECTION 12-206. LIEN.

Charges for such weed or grass 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 thirty (30) days of submission of the bill, a notice of lien of the cost and expense thereof incurred by the Village of Swansea 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 expenses incurred or payable for the service.
- (C) The date or dates when said cost and expense was incurred by the Village of Swansea and shall be filed within sixty (60) days after the cost and expense is incurred.

SECTION 12-207. PAYMENT.

Notice of such lien claim shall be mailed to the owner of the premises if his 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 of Swansea or person in whose name the lien has been filed and the release shall be filed on record in the same manner as filing notice of the lien.

SECTION 12-208. FORECLOSURE OF LIEN.

Property subject to a lien for unpaid weed cutting charges shall be sold for non-payment of the same after deducting costs, as in the case in the foreclosure of statutory liens. Such foreclosure shall be in the name of the Village of Swansea, after lien is in effect for sixty (60) days. (Ill. Com. Stat., Ch. 65, Sec. 5/11-20-6 and 5/11-20-7)

CHAPTER 12

NUISANCES

PART 3 GARBAGE AND DEBRIS

- SECTION 12-301. DEFINITIONS.
- SECTION 12-302. ACCUMULATION PROHIBITED.
- SECTION 12-303. NOTICE TO PERSON.
- SECTION 12-304. SERVICE OF NOTICE.
- SECTION 12-305. ABATEMENT.
- SECTION 12-306. LIEN.
- SECTION 12-307. PAYMENT.
- SECTION 12-308. FORECLOSURE OF LIEN.

SECTION 12-301. DEFINITIONS.

The following definitions shall apply in the interpretation and enforcement of this Article:

Debris: Shall include rubble, rubbish, waste, trash, discarded material, refuse, and abandoned, dismantled or derelict vehicles, provided that the latter shall not include any vehicle kept within a building, or any vehicle over thirty (30) years of age kept as an antique, or any vehicle on the premises of a place of business engaged in and licensed to wreck, junk or repair vehicles.

Garbage: Shall mean refuse, animal or vegetable matter; offal; or litter

Property: Shall mean any real property within the Village of Swansea which is not a public street or highway.

Vehicle: Shall be the same as that defined in Chapter 625 of the Illinois Compiled Statutes.

SECTION 12-302. ACCUMULATION PROHIBITED.

No person shall permit any garbage or trash 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.

SECTION 12-303. NOTICE TO PERSON.

The President of the Village of Swansea Board of Trustees, Chief of Police, or the 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.

SECTION 12-304. 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 fifteen (15) years of age or older found on the premises, or by mailing such notice to the last known 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.

SECTION 12-305. ABATEMENT.

If the person so served does not abate the nuisance within five (5) days, the Village of Swansea 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.

SECTION 12-306. 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 thirty (30) days of submission of the bill, a notice of lien of the cost and expenses thereof incurred by the Village of Swansea 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 of Swansea and shall be filed within sixty (60) days after the cost and expense is incurred.

SECTION 12-307. PAYMENT.

Notice of such lien claim shall be mailed to the owner of the premises if his 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 of Swansea or person in whose name the lien has been filed and the release shall be filed on record in the same manner as filing notice of lien.

SECTION 12-308. FORECLOSURE 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 of Swansea 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 notice of lien.