

CHAPTER 25

NUISANCES

ARTICLE I – GENERALLY

25-1-1 **SPECIFIC NUISANCES ENUMERATED.** It is hereby declared to be a nuisance and to be against the health, peace and comfort of the Village, for any person, firm or corporation within the limits of the Village to permit the following; but 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 water course, 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, well, public or private, 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) **Manufacturing Gunpowder.** To carry on the business of manufacturing gunpowder, nitroglycerine, or other highly explosive substances, or mixing or grinding the materials therefore, in any building within **three hundred (300) feet** of any valuable building erected at the time such business may be commenced.

(F) **Powder Magazines.** To establish powder magazines near incorporated towns, at a point different from that appointed according to law by the corporate authorities of the town, or within **eight hundred (800) feet** of any occupied dwelling house.

(G) **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.

(H) **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.

(I) **Wells Unplugged.** To permit any well drilled for oil, gas, salt water disposal or any other purpose in connection with the production of oil and gas, to remain unplugged after such well is no longer used for the purpose for which it was drilled.

(J) **Burn-Out Pits.** To construct or operate any salt water pit or oil field refuse pit, commonly called a **"burn-out pit"** so that salt water, brine or oil field refuse or other waste liquids may escape therefrom in any manner except by the evaporation of such salt water or brine or by the burning of such oil field waste or refuse.

(K) **Discarded Materials.** To permit concrete bases, discarded machinery and materials to remain around any oil or gas well or to fail to fill any holes, cellars, slush pits and other excavations made in connection with any such well or to restore the surface of the lands surrounding any such well to its condition before the drilling of any such well, upon abandonment of any such oil or gas well.

(L) **Underground Wells.** To permit any salt water, oil, gas or other wastes from any well drilled for oil, gas or exploratory purposes to escape to the surface, or into a mine or coal seam, or into any underground fresh water supply, or from one underground stratum to another, or to permit concrete bases, discarded machinery and materials to remain around any oil or gas well, or to fail to fill any holes, cellars, slush pits and other excavations made in connection with any such well or to restore the surface of the lands surrounding any such well to its condition before the drilling of any such well, upon abandonment of any such oil or gas well.

(M) **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.

(N) **Business.** To establish, maintain, and carry on any offensive or unwholesome business or establishment within the limits of the Village or within **one and one-half (1 ½) miles** of the Village limits.

(O) **Filthy Premise Conditions.** To keep or suffer to be kept 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 any person, or any railroad car, building, yard, grounds, and premises belonging to or occupied by any person.

(P) **Expectorate.** To expectorate on any public sidewalk or street, or other public building or floor or walk of any public vehicle or hall.

(Q) **Litter on Streets.** It shall be unlawful for any person to deposit upon 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 the streets of the Village from any moving vehicle, or to be thrown from a moving vehicle, or to throw from a moving vehicle and to remain thereon.

(R) **Accumulation of Junk And Trash.** To deposit or pile up any rags, old rope, paper, iron, brass, copper, tin, aluminum, used lumber, derelict truck trailers, camping trailers, or boats, appliances, construction materials, demolition debris, ashes, garbage, refuse, plastic, brush, litter, weeds, slush, lead, glass bottles or broken glass upon any residential home lot, piece or parcel of land or upon any public or private alley, street or public way within the Village.

(S) **Rodents.** To cause or permit any condition or situation to exist that shall attract, harbor, or encourage the infestation of rodents.

(T) **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.

(U) **Offensive Liquids.** To keep 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 premise 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.

(V) **Dense or Offensive Smoke.** To cause or permit the emission of dense smoke from any fire, chimney, engine, oil burner or any other agency in the Village so as to cause annoyance or discomfort to the residents thereof.

(W) **Scrap Tires, Both Mounted and Dismounted.** To keep any scrap tires, either mounted or dismounted, in open view, or so as to allow such tires to accumulate stagnant water so as to provide a breeding ground for mosquitoes and other pests.

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

(Y) **Accumulation of Debris.** To store, dump or permit the accumulation of debris, refuse, garbage, trash, tires, buckets, cans, wheelbarrows, garbage cans or other containers in a manner that may harbor mosquitoes, flies, insects, rodents, nuisance birds or other animal pests that are offensive, injurious or dangerous to the health of individuals or the public.

(Z) **Discarded Machinery or Materials.** To store, keep or maintain outside of a closed building the following: (1) used appliances, used or dilapidated furniture, bathroom fixtures, tires, old iron or metal, motor vehicle parts and all other parts, tools, machinery, and equipment in inoperable condition, for longer than a two-week time period; or, (2) used lumber, bricks, blocks, or other building salvage or construction material, unless such material is intended for reuse and arranged in an orderly fashion.

(AA) **Materials susceptible to Becoming Windborne.**

(1) It shall be unlawful for any person to operate or maintain or cause to be operated or maintained any building, structure or premises, open building, demolition or wrecking operation, or any other enterprise without taking reasonable precautions to minimize atmospheric pollution.

(2) It shall be unlawful for any person to cause or permit the handling, loading, unloading, storing, transferring, transporting, placing, discarding or scattering of any ashes, fly ash, cinders, slag or dust collected from any combustion process, any dust, dirt, chaff, waste paper, trash, rubbish, waste, or refuse matter of any kind, or any other substance or material

whatever, which is likely to be scattered by the wind, or is susceptible to being windborne, without taking reasonable precautions to minimize atmospheric pollution.

(BB)

Mechanical Equipment Noise.

- (1) Except temporarily in the case of urgent necessity to protect public health or safety, no person shall cause or permit the operation of any blower, fan, pump, or compressor, or engine or motor in connection therewith including without limitation stationary motor vehicle engines, fixed or vehicle-mounted heating, ventilation, refrigeration or cooling systems, pool filtration systems, generators or other such mechanical equipment, which emits noise of a continuous or penetrating nature that disturbs the comfort or repose of any reasonable person of ordinary sensibilities occupying residential property within the area of audibility, if the sound level of such noise exceeds the residential noise level standards in subsection (2) of this paragraph.
- (2) Noise defined in paragraph (1) of this Section, emitted from any property shall not exceed the average sound levels set forth in subsections (a) and (b) of this Section upon any portion of any other property if such other property is zoned for residential use.
 - (a) Between 10:00 P.M. and 7:00 A.M.: sixty-three (63) decibels (dBA).
 - (b) Between 7:00 A.M. and 10:00 P.M.: sixty-eight (68) decibels (dBA).

(CC)

Generally. To commit any act which is a nuisance according to the common law of the land or made such by statute of the State. **(740 ILCS 55/221 – 55/222)**

Nothing in this Section shall be construed to prevent the corporate authorities of this Village from declaring what shall be nuisances and abating them within the Village limits.

25-1-2

NUISANCES DETRIMENTAL TO HEALTH GENERALLY.

No building, vehicle, structure, receptacle, yard, lot, premise, or part thereof shall be made, used, kept, maintained or operated in the Village if such use, keeping or maintaining shall be dangerous or detrimental to health.

25-1-3

NOTICE TO ABATE.

Whenever the Superintendent, Mayor or Police Chief finds that a nuisance exists, he shall direct the Village Clerk to mail (certified) to the party responsible for the nuisance and to the party on whose property the nuisance exists a written notice ordering that the nuisance be abated within a reasonable time. The notice to abate shall contain:

- (A) A description of what constitutes the nuisance;
- (B) The location of the nuisance;
- (C) A statement of what condition or state of affairs must be achieved in order for the nuisance to be deemed abated;
- (D) The date by which abatement must be completed;
- (E) The date by which a request for a hearing must be filed and a statement of the procedure for so filing;
- (F) A statement that the responsible party has a right to appeal the abatement order to the Village Board of Trustees.
- (G) A statement indicating that if the nuisance is not abated by the date prescribed and/or if no request for hearing is made within the time prescribed, this Village will abate the nuisance and assess the costs against the property and/or impose a fine.

25-1-4

HEARING.

Any person ordered to abate a nuisance may have a hearing with the Police Chief or his designated representative ordering the abatement. A request for a hearing must be made in writing and delivered to the Village Clerk within the time stated in the notice; otherwise, it will be presumed that a nuisance exists, and that such nuisance must be abated as ordered. The hearing shall not be a formal trial-type proceeding, but appropriate procedural safeguards shall be observed to ensure fairness. At the conclusion of the hearing, the Police Chief or his designated representative shall render his decision and the reasons therefor in writing. If he finds that a nuisance exists, he shall order it abated within an additional time which must be reasonable under the circumstances.

25-1-5 **APPEAL.** Any party aggrieved by the decision of the Police Chief may appeal to the Board of Trustees. Such appeal shall be taken by filing with the Village Clerk within **five (5) days** of such decision a written statement indicating the basis for the appeal.

The appeal shall be heard by the Board of Trustees at the next regular or special meeting after such filing. Their findings shall be conclusive and if a nuisance is found to exist, it shall be ordered abated within a time reasonable under the circumstances.

25-1-6 **ABATEMENT BY VILLAGE.** If the person ordered to abate a nuisance fails to do so, or if the nuisance poses an emergency, this Village may perform the required action to abate. Any Village official who is authorized to abate any nuisance as defined in this Article shall have authority to engage the necessary assistance and to incur the necessary expenses therefor. The official who abates a nuisance shall keep an accurate account of the expenses incurred. The itemized expense shall be filed with the Village Clerk who shall pay such expenses on behalf of this Village. **(65 ILCS 5/11-60-2)**

25-1-7 **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 violation of this Code. The Village shall not be required to issue another notice where the condition or violation is at first abated, but later resumed and/or repeated.

(65 ILCS 5/11-60-2 and 720 ILCS 5/47-5; 5/47-10 and 5/47-15)

[See Section 1-1-20 for General Penalty]

ARTICLE II - WEEDS

25-2-1 **DEFINITION.** "Weeds" as used in this Code shall include, but not be limited to the following:

Burdock, Rag Weed (giant), Rag Weed (Common), Thistle, Cocklebur, Jimson, Blue Vervain, Wild Carrot, Poison Ivy, Wild Mustard, Rough Pigweed, Lambsquarter, Wild Lettuce, Curled Dock, Smartweeds (all varieties), Poison Hemlock, Wild Hemp, Johnson Grass, grass and all other noxious weeds as defined by the statutes of the State of Illinois.

25-2-2 **HEIGHT.** 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, weeds, or grass exceeding such height are hereby declared to be a nuisance.

25-2-3 **NOTICE.** The Police Department or any other person so designated by the Mayor 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.

25-2-4 **SERVICE OF NOTICE.** Service of the 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 **seventeen (17) years** 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.

25-2-5 **ABATEMENT.** If the person so served does not abate the nuisance within **five (5) days**, the Police Chief or a designated representative 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.

25-2-6 **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 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.

25-2-7 **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 or person in whose name the lien has been filed and the release shall be filed of record in the same manner as filing notice of the lien. All lien and release filing fees shall be paid by the owner of the property.

25-2-8 **FORECLOSURE OF LIEN.** Property subject to a lien for unpaid weed cutting 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 the lien is in effect for **sixty (60) days**.

25-2-9 **VIOLATION – PENALTIES.** Violation of this Article shall result in a fine of **One Hundred Fifty Dollars (\$150.00)** for the first offense and a fine of not less than **One Hundred Fifty Dollars (\$150.00)** for each subsequent offense. Such fines shall be in addition to any other sanctions provided under this Article.

(65 ILCS 5/11-20-6 and 5/11-20-7)

[See Section 1-1-20 for General Penalty]

ARTICLE III – GARBAGE AND DEBRIS

25-3-1 **DEFINITIONS.** For the purpose of this Code, the following term(s) shall have the meanings ascribed to them as follows:

"Bulk Item Waste" shall mean any large and oversized item of refuse which is not able to be adequately reduced to fit into a proper waste container, including but not limited to, discarded furniture, fixtures, carpet, mattresses, and household appliances of all types. The definition of bulk item waste shall include automobile tires.

"Debris" shall mean the remains of something broken, apparently abandoned to the elements, or destroyed.

"Garbage" shall mean all wastes resulting from the handling, processing, preparation, cooking and consumption of food, and wastes from the handling, processing, storage and sale of produce.

"Refuse" shall mean all putrescible and non-putrescible solid wastes, including garbage and rubbish.

"Rubbish" shall mean non-putrescible solid waste consisting of both combustible and non-combustible trash, including but not limited to, paper products, cardboard, glass, plastic or metal containers, and similar materials.

25-3-2 **ACCUMULATION PROHIBITED.** No person shall permit the accumulation of bulk item waste, garbage, refuse, rubbish or debris 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 waste, garbage, refuse, rubbish or debris.

25-3-3 **NOTICE.** The Chief of Police or a designated representative may issue a written notice for removal of garbage or debris. Such waste, garbage or debris shall be removed by the owner or occupant within **five (5) days** after such notice has been duly served.

25-3-4 **SERVICE OF NOTICE.** Service of the 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** 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.

25-3-5 **ABATEMENT.** If the person so served does not abate the nuisance within **five (5) days**, the Police Chief or a designated representative shall be authorized to 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.

25-3-6 **UNAUTHORIZED DUMPING PROHIBITED.** No person shall deposit or dump, or cause to be deposited or dumped rubbish, refuse, garbage, construction and demolition debris, landscape waste, bulk item waste, or any special waste on the property or into containers of another or onto public property, or into any stream or body of water except as allowed by the Illinois Environmental Protection Act. Whenever this action occurs, the violator to be held responsible may be determined.

(A) By any items found bearing the name of a person which shall create presumption that such waste was deposited by the person whose name appears on the item, but this presumption may be rebutted by presenting proof otherwise, or

(B) To be the operator of the vehicle used to dump such materials, or

(C) To be the person who received compensation from an unknowing customer, or

(D) If the vehicle owner can be determined, the vehicle owner shall be presumed to be the violator without rebuttal.

25-3-7 **VIOLATION - PENALTIES.** Violation of this Article shall result in a fine of **One Hundred Fifty Dollars (\$150.00)** for the first offense and a fine of not less than **One Hundred Fifty Dollars (\$150.00)** for each subsequent offense. Such fines shall be in addition to any other sanctions provided under this Article.

(Ord. No. 20-09; 05-14-20)

[See Section 1-1-20 for General Penalty]

ARTICLE IV - INOPERABLE OR UNLICENSED MOTOR VEHICLE

25-4-1 **DEFINITIONS.** For the purpose of this Code, the following term(s) shall have the meanings ascribed to them as follows:

"INOPERABLE MOTOR VEHICLES" shall mean any motor vehicle which, for a period of at least **seven (7) days**, 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 that the vehicle is incapable of being driven under its own motor power. "Inoperable Motor Vehicle" shall not include a motor vehicle which has been rendered temporarily incapable of being driven under its own motor power in order to perform ordinary service or repair operations.

"UNLICENSED MOTOR VEHICLES" shall mean any motor vehicle which, for a period of at least **thirty (30) days**, has not been licensed by the State of Illinois or by any other state. "Unlicensed Motor Vehicle" shall not include a motor vehicle for which the license expired less than **thirty (30) days** earlier.

25-4-2 **DECLARATION OF NUISANCE.** All inoperable or unlicensed motor vehicles, whether on public or private property in view of the general public, are hereby declared to be a nuisance.

25-4-3 **NOTICE TO OWNER.** The Police Chief or a designated representative shall notify the owner of the motor vehicle, informing him that he shall dispose of any inoperable or unlicensed vehicles under his control. If the owner fails to dispose of said vehicle(s) after **seven (7) days** from the issuance of the notice, the Police Chief or a designated representative may authorize a towing service to remove and take possession of the inoperable or unlicensed vehicle or parts thereof.

25-4-4 **EXCLUSIONS.** Nothing in this Article shall apply to any motor vehicle that is kept within a building when not in use, to operable historic vehicles over **twenty-five (25) years** of age, or to a motor vehicle on the premises of a licensed business engaged in the wrecking or junking of motor vehicles.

25-4-5 **VIOLATION - PENALTIES.** Violation of this Article shall result in a fine of **One Hundred Fifty Dollars (\$150.00)** for the first offense and a fine of not less than **One Hundred Fifty Dollars (\$150.00)** for each subsequent offense. Such fines shall be in addition to any other sanctions provided under this Article.

(65 ILCS 5/11-40-3)

[See Section 1-1-20 for General Penalty]

ARTICLE V – PARKING AND STORAGE ON PRIVATE PROPERTY

25-5-1 DEFINITIONS. For the purpose of this Code, the following term(s) shall have the meanings ascribed to them as follows:

"Commercial Use" shall mean any real estate which is zoned C Commercial as further addressed in the Fisher Zoning Code **Section 40-2-10**.

"Driveway" shall mean access for vehicular egress/ingress between the right-of-way of a public street or private street and the minimum required setback line of a lot which is surfaced with asphalt, concrete or other material which meets or exceeds the minimum specifications prescribed by the Board of Trustees.

"Dwelling" shall mean any building, or portion of a building, which is designed or used primarily for residential purposes, including a single-family dwelling, two-family dwelling and multi-family dwelling.

"Front Yard" shall mean an open space, unobstructed to the sky, extending fully across the lot while situated between the front lot line and the established front building line.

"Improved Parking Surface" shall mean the portion of a lot that is constructed of asphalt, concrete, pavers or gravel, and graded and drained in such a manner so as to dispose of surface water accumulation.

"Industrial Use" shall mean any real estate which is zoned I Industrial as further addressed in the Fisher Zoning Code **Section 40-2-13**.

"Rear Yard" shall mean an open space, unobstructed to the sky, extending fully across the lot while situated between a rear lot line and the established rear building line.

"Recreational Vehicle" shall mean any camping or travel trailer, camper, motor home, tent trailer, pickup coach, boat, boat trailer, hovercraft, watercraft device, off road vehicle, snowmobile, snowmobile trailer, or any other device designed for recreational or similar purpose.

"Residential Use" shall mean any real estate which is zoned R1 Single Family Residential as further addressed in the Fisher Zoning Code **Section 40-2-4**, R2 Multi Family Residential as further addressed in the Fisher Zoning Code **Section 40-2-7**, and/or a Mobile Home Park operating as a special use under Fisher Zoning Code **Section 40-5**.

"Side Yard" shall mean an open space, unobstructed to the sky, extending fully across the lot while situated between a side lot line and the established side building line.

"Vehicle" shall mean a machine propelled by power other than human power, designed to travel along the ground on wheels, treads, runners, or slides and transport persons or property or pull machinery, and includes, without limitations, automobiles, trucks, recreational vehicles, trailers, motorcycles, tractors, buggies, and wagons.

25-5-2 DECLARATION OF NUISANCE. It is hereby declared to be a nuisance for any person to cause, permit or allow the storage, parking, or keeping of any vehicle in a front yard, in a side yard, or in a rear yard which abuts a street of a lot zoned for a residential use or dwelling, except that parking shall be permitted on a driveway or other improved parking surface.

25-5-3 EXCLUSIONS. Nothing in this Article shall apply to any vehicle that is temporarily parked on a yard or on a surface other than an improved parking surface in any residential zoning district for the purpose of washing, cleaning, or servicing said vehicle for a period not to exceed **six (6) hours**, or for the purpose of moving articles to or from buildings or structures for a period not to exceed **twelve (12) hours**.

25-5-4 RECREATIONAL VEHICLES. In addition to the provisions of **Section 25-5-2**, the following regulations shall apply to the unsheltered storage of recreational vehicles on private property:

- (A) No part of any recreational vehicle shall be parked or stored over or within any public right-of-way.
- (B) All recreational vehicles must be parked or stored in a rear yard or side yard on an improved parking surface; provided however that a recreational vehicle may be parked or stored on the driveway of a residential lot.
- (C) No more than **two (2)** recreational vehicles may be parked or stored in the open on any property.
- (D) No recreational vehicle shall be used for living, sleeping, or any other purpose and shall not be connected to any gas, water, electrical or sanitary sewer service.
- (E) No recreational vehicle shall have its wheels or hitches removed or be affixed to the ground in any way so as to prevent its quick removal.
- (F) No recreational vehicle shall be parked and stored in such a way so as to create a dangerous or unsafe condition.
- (G) The ground area adjacent to improved parking surfaces serving parked or stored recreational vehicles must be free of noxious weeds, tall grass or debris and shall not be used for the storage of any other material or goods.

25-5-5 DEMOLITION DERBY VEHICLES ON PRIVATE PROPERTY. In addition to the provisions of **Section 25-5-2**, a person will be allowed to keep a demolition derby vehicle on his or her private property, subject to compliance with all of the following regulations:

- (A) Demolition derby vehicles shall be permitted to be parked or stored on private property no earlier than **May 1** of each year and must be removed from the public view on or before **September 1** of each year. The Police Chief shall have the discretion to grant up to a **two (2) month** extension, upon request.
- (B) All demolition derby vehicles must be kept entirely on private property.
- (C) No more than **two (2)** demolition derby vehicles are permitted to be kept on a property at any time.
- (D) All demolition derby vehicles must be entirely covered either by: (1) an appropriate vehicle cover, (2) in an enclosed building, or (3) otherwise sheltered from public view except during the period of time that the owner is actively performing services or repairs on a temporarily disabled vehicle.
- (E) The property must otherwise be kept in an orderly manner, in compliance with all other regulations of this Code. No tires or other automobile parts may be stored or accumulated on the property.

25-5-6 BUSINESS RELATED UNSHELTERED STORAGE OF INOPERABLE OR JUNKED VEHICLES. It is hereby declared to be a nuisance for any person owning, leasing, occupying, or having charge of any premises within the Village designated for commercial or industrial use to permit an inoperable, partially dismantled, wrecked, junked, discarded, abandoned, or unlicensed vehicle to remain on the premises, unless such vehicle is in an enclosed building, or unless said premises has as its principal use the maintenance or repair of vehicles, in which situation it shall be a nuisance for any previously described vehicle to remain on such premises, unless in an enclosed building or an enclosed storage area, longer than **thirty (30) days**. In the event the principal use of the premises in question is for the maintenance or repair of vehicles, the person owning, leasing, occupying or having charge of such premises may, in connection with or in lieu of providing an enclosed building, provide a walled storage area surrounded by walls **seven (7) feet** in height, said walls to be a solid wall or uniformly painted solid fence. Storage required to be enclosed in a building or behind a wall or solid fence shall not be of greater height than the enclosed building, wall or fence.

25-5-7 NOTICE. The Police Department or any other person so designated by the Mayor may issue a written notice for abatement of the nuisance. Such vehicles shall be removed or relocated to an improved parking surface by the owner or occupant within **five (5) days** after such notice has been duly served. Failure to remove or relocate such vehicles within **five (5) days** shall be deemed a violation of this Article.

25-5-8 SERVICE OF NOTICE. Service of the 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** 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.

25-5-9 VIOLATION – PENALTIES. Violations of this Article shall result in a fine of **One Hundred Fifty Dollars (\$150.00)** for the first offense and a fine of not less than **One Hundred Fifty Dollars (\$150.00)** for each subsequent offense.

ARTICLE VI – NUISANCE BY GO-KARTS AND DIRT BIKES

25-6-1 DEFINITIONS. For the purpose of this Code, the following term(s) shall have the meanings ascribed to them as follows:

"Person" shall mean an individual, an association, a partnership, or a corporation.

"Go-Kart" shall mean any unlicensed vehicle with **three (3)** or more wheels powered by one or more two- or four-cycle internal combustion engine(s), excluding tractors, agricultural machinery and vehicles used for the care and maintenance of property.

"Dirt Bike" shall mean any unlicensed two wheeled bicycle and/or motorcycle powered by one or more two- or four-cycle internal combustion engine(s).

"Dwelling" shall mean any building, or portion of a building, which is designed or used primarily for residential purposes, including a single-family dwelling, two-family dwelling and multi-family dwelling.

"Muffler" shall mean a device consisting of more than one chamber or more than three baffle plates or the equivalent for the purpose of receiving exhaust gas from an internal combustion engine and effective in reducing noise. As used herein a muffler shall not include any device meeting the preceding specifications which is equipped with a cut-out, by-pass or similar device.

"Residential Property" shall mean any real estate which is zoned R1 Single Family Residential as further addressed in the Fisher Zoning Code **Section 40-2-4**, R2 Multi Family Residential as further addressed in the Fisher Zoning Code **Section 40-2-7**, and/or a Mobile Home Park operating as a special use under Fisher Zoning Code **Section 40-5**.

25-6-2 APPLICATION. This Article shall apply to the operation of go-karts and dirt bikes on all lands, public and private, within the Village, except upon a public highway.

25-6-3 PROHIBITION OF GO-KARTS AND DIRT BIKES ON RESIDENTIAL PROPERTY.

(A) It shall be unlawful for any person to operate or permit the operation of a go-kart or dirt bike on any residential property within the corporate limits of the Village, or on any property if said operation is within **three hundred (300) feet** of a dwelling.

(B) The foregoing prohibition shall not preclude the starting and stopping of engines equipped with a muffler of go-karts and dirt bikes for purposes of maintenance and repair by occupants so long as such activity is for personal and not commercial use and so long as such activity does not disturb the tranquility and peace of properties adjacent to and near the activity. Operation and use of a go-kart and/or dirt bike shall not qualify as maintenance and repair as defined under this subparagraph (B).

(C) The operation of motorcycles on residential property located within the corporate limits of the Village is hereby prohibited except that this prohibition shall not preclude the starting and stopping of engines equipped with a muffler of motorcycles for purposes of maintenance and repair by occupants so long as such activity is for personal and not commercial use and so long as such activity does not disturb the tranquility and peace of properties adjacent to and near the activity.

25-6-4 EXCEPTIONS.

(A) The provisions of this Article shall not apply to the operation of a registered dirt bike or go-kart on a public road or highway by a licensed operator and shall also not apply to tractors, agricultural or construction machinery and vehicles used for the care and maintenance of property.

(B) The provisions of this Article shall not apply to the operation of a registered dirt bike or go-kart by a licensed operator for the purpose of moving it directly to or from a dwelling and a public road or highway.

25-6-5 VIOLATION – PENALTIES.

(A) Any person who commits any act in violation of any provision of this Article shall be deemed to have committed an offense against this Article and shall be liable for the penalties herein imposed for such violation. Each act committed in violation of any provision of this Article shall constitute a separate offense.

(B) For every violation of any provision of this Article, the person violating the same shall be subject to a fine of **One Hundred Fifty Dollars (\$150.00)**.

(C) In addition to the above provided penalties, the Village may also maintain an action or proceeding in the name of the Village in a court of competent jurisdiction to compel compliance with or to restrain by injunction the violation of such ordinance.

[Unless Otherwise Noted, This Chapter Ord. No. 20-04; 02-13-20]

ARTICLE VII - DANGEROUS AND UNSAFE PROPERTIES

25-7-1 **ADOPTION BY REFERENCE.** The Village may demolish, repair, or enclose or cause the demolition, repair, or enclosure of dangerous and unsafe buildings or uncompleted and abandoned buildings within the Village and may remove or cause the removal of garbage, debris, and other hazardous, noxious, or unhealthy substances or materials from those building. Therefor, the Village does hereby adopt by reference the applicable provisions of Chapter 65 of the Illinois Compiled Statutes, Sections 5/11-31-1 and 5/11-31-1.1 governing dangerous and unsafe buildings.

[See Section 1-1-20 for General Penalty]

ARTICLE VIII - PENALTIES AND SPECIAL ASSESSMENT

25-8-1 **SPECIAL ASSESSMENT.** In addition to any other method authorized by law, if (i) a property owner is cited with a Code violation under this Chapter, requiring the cutting of grass and weeds, the removal of garbage and debris, the removal of inoperable motor vehicles, or rodent and vermin abatement, (ii) noncompliance is found upon reinspection of the property after the due date for compliance with an order to correct the Code violation or with an order for abatement; (iii) costs for services rendered by the municipality to correct the Code violation remain unpaid at the point in time that they would become a debt due and owing the municipality, as provided in Chapter 65 of the Illinois Compiled Statutes, Section 5/11-31-1.1 et seq., and (iv) a lien has been filed of record by the municipality in the office of the Recorder of Deeds in the county in which the property is located, then those costs may be collected as a special assessment on the property pursuant to **65 ILCS 5/9-2-4.5**. Upon payment of the costs by the owner of record or persons interested in the property, the lien shall be released by the municipality and the release shall be filed of record in the same manner as the filing of notice of the lien.

[See Section 1-1-20 for General Penalty]