

VILLAGE OF SAVOY

CHAMPAIGN COUNTY, ILLINOIS

ORDINANCE NO.980701 17

AN ORDINANCE DECLARING CERTAIN PUBLIC NUISANCES
WITHIN THE VILLAGE OF SAVOY, ILLINOIS

ADOPTED BY
PRESIDENT AND BOARD OF TRUSTEES
OF THE VILLAGE OF SAVOY
CHAMPAIGN, COUNTY, ILLINOIS
THIS 1st DAY OF JULY, 1998

Published in pamphlet form by authority of the President and Board of Trustees of the Village of Savoy, Champaign County, Illinois the 2nd day of July, 1998

All correspondence and inquiries should be directed to:

Village of Savoy
P.O. Box 156
Savoy, Illinois 61874
(217) 359-5894
Attn: Village Administrator

VILLAGE OF SAVOY
CHAMPAIGN COUNTY, ILLINOIS
ORDINANCE NO. 980701 2

AN ORDINANCE DECLARING CERTAIN PUBLIC NUISANCES
WITHIN THE VILLAGE OF SAVOY, ILLINOIS

WHEREAS: The Village of Savoy is responsible for the health and welfare of the citizens of the Village, and the policing and control of indiscriminate refuse disposal, causing of noxious or nauseous odors, pollution of water systems, depositing of animal waste, depositing of yard waste, accumulation of junk material or debris, placing of handbills or graffiti, overgrowth of yards, obnoxious or excessive noise or the placing of obstructions on public properties which are considered nuisances within the Village; and

WHEREAS: the Board of Trustees of the Village of Savoy, pursuant to the authority conferred by the Statutes of the State of Illinois, had previously established nuisance control ordinances and fine procedures therefor including an Ordinance dated June 24, 1994 and such ordinance is out dated and should be repealed and replaced with this ordinance,

NOW, THEREFORE BE IT ORDAINED by the Board of Trustees of the Village of Savoy, Illinois as follows:

SECTION I. PUBLIC NUISANCE DEFINED

- A. As used in this ordinance, a public nuisance shall mean any act, thing, occupation, condition or use of property which shall continue for such length of time as to:
1. Substantially annoy, injure or endanger the comfort, health repose or safety of the public;
 2. In any way render the public nuisance in life or in the use of property;
 3. Greatly offend the public morals or decency;
 4. Unlawfully and substantially interfere with, obstruct or tend to obstruct or render dangerous for passage any street, alley, highway, navigable body of water or other public way.
- B. Public nuisances shall include but not be limited to the following acts, conduct, omissions, conditions or things:
1. **FARM AND WILD ANIMALS:** Whoever shall keep, use or maintain within the Village of Savoy's AG-1 agricultural zoning district any pen, stable, lot, or premises in which any hogs, cattle, horses, domestic or wild animals, birds or fowls may be confined or kept in such a manner as to be nauseous, foul, offensive, noisy, dangerous, hazardous or from any cause to be an annoyance shall be guilty of a nuisance. Whoever shall keep, use or maintain a premises with any of the foregoing animals anywhere in the Village of Savoy, in any zoning district, except the AG-1 district., shall be guilty of a nuisance.
 2. **WASTE ACCUMULATION:** Whoever shall allow to accumulate on any premises owned or controlled by such owner or tenant, containers with garbage or refuse which are not covered by solid, tight fitting lids or which have any uncovered holes or for which at least weekly removal of garbage is not provided, or any

and balconies if the motorized vehicle is visible to the public from any public right-of-way; shall be deemed guilty of committing a nuisance.

9. **GRAFFITI PROHIBITED/SIGNAGE REGULATED:**

- a. The placing, painting or hanging of any advertisement, handbill, placard or of any printed, pictured or hand-written matter, graffiti or other material whatsoever upon any house, wall, building, fence, railing, sidewalk, park pavilion floor or other property, public or private by means of either paint, spray paint, chalk, indelible pen or pencil without permission of the owner or in the case of public property without permission of the Board of Trustees of the Village of Savoy (unless it is approved signage as permitted by the Village Sign Ordinance) is hereby declared to have committed a nuisance.
- b. Any property owner or tenant who places, paints or hangs advertisements, hand placards or other advertising material must do so in accordance with the Village of Savoy Sign Ordinance or the owner or tenant commits a nuisance. Any political or garage sale signs left in place more than 15 days after the election or sale shall be deemed a nuisance.

10. **BROKEN/DANGEROUS SIDEWALKS, ETC.:** Whoever shall make, keep or maintain any uncovered opening in any private or commons sidewalk or passage way, or whosoever (including any homeowners Association) shall allow any sidewalk, bike path or footway which is their duty to maintain or repair to become or continue to be broken, uneven or out of repair as to be hazardous or dangerous, shall be deemed guilty of causing or perpetrating a nuisance.

11. **OBSTRUCTIONS OF SIDEWALKS/STREETS:** Whoever shall erect, suspend, keep or maintain any item, object or structure on, over, or across any street or sidewalk or commons sidewalk of the Village, or any tree or shrub overhanging the same in such a manner as to obstruct any sidewalk, commons walkway(s) or street(s) or render travel thereon inconvenient or unsafe, shall be deemed to have caused a nuisance.

12. **OBSTRUCTIONS/EXCAVATIONS:** All obstructions, wires or cables on streets, alleys, sidewalks or commons walkways of the Village and all excavations in or under the same which may be made without lawful permission are hereby declared to be nuisances.

13. **CONSTRUCTION HAZARDS:** Wherever, in the judgment of the Village Building Inspector or Zoning Administrator any building, stack, wall, or chimney or other structure then in process of construction is unsafe or dangerous to persons or properties, said Building Inspector or Zoning Administrator may cause notice to be served on the owner or company or their agents or contractors or person(s) having charge of the building or structure thereof to stop or cease and desist work until the plans of such building shall be so changed so as to render the same secure and safe and to meet the codes and ordinance requirements of Village of Savoy. Said condition is declared a nuisance.

14. **ILLEGAL DUMPING:** Any person(s), contractor(s) or other entities who accumulate on any property junk, building materials, trash, garbage, landscape waste or noxious or hazardous materials, or any person, contractor, or other who dumps, throws, casts, or deposits such above materials on another person's property or upon public

permitting or maintaining such nuisance to abate or remove such nuisance within seventy-two (72) hours of service or posting of the notice. If such owner, occupant or person cannot be located after reasonable inquiry, posting shall be sufficient notice. The notice shall state that unless such nuisance is so abated or removed the Village will cause it to be abated or removed, that the cost thereof will be charged to the owner, occupant or person causing, permitting or maintaining the nuisance and that such cost shall be a lien on the real property where the nuisance was abated or removed. Such notice shall also state that the failure of such owner, occupant, or person to abate the nuisance as required by such notice shall be deemed an implied consent for the Village to abate or remove such nuisance. Such implied consent shall be deemed to form a contract between such owner, occupant or person and the Village.

- C. If the public nuisance does not constitute a great and immediate danger to the public health, safety or welfare, Zoning Administrator or the Village Administrator's designee may serve the owner or occupant of such premises or the person in whose name such real estate was last billed for property tax purposes a notice to demand the abatement or removal of the violation within ten (10) to thirty (30) days, as determined by the Zoning Administrator or the Village Administrator's designee. Service may be had by certified mail or personal service; or by posting the notice on the property and mailing notice by first class mail.
- D. If a nuisance is not abated or removed after notice pursuant to this section and within the time specified in the notice, The Zoning Administrator or the Village Administrator's designee may cause the abatement or removal of such public nuisance. The reasonable cost thereof shall be a lien on the real property where the nuisance was abated or removed.
- E. The owner or occupant of the private property where the public nuisance exist who fails to abate or to remove the nuisance required by this section, thereby consents, under the terms of this section, to have Village abate or remove the nuisance, Further, the owner or occupant thereby also consents to the formation of a contract between the owner and occupant and the Village for the payment of costs in relation to abatement or removal of the nuisance.
- F. The person upon whom a notice to abate a nuisance is served, the property owner, tenant or other affected person may appeal the determination of nuisance in writing to the Zoning Administrator or the Village Administrator's designee. The written appeal must be made within the time period in which to abate the nuisance is given in the notice. The Zoning Administrator or the Village Administrator's designee shall meet with the appellant within five (5) days of the receipt of the written appeal. The Zoning Administrator or the Village Administrator's designee may extend the time in which the nuisance must be abated, determine that a nuisance does not or no longer exists, or that the nuisance must be abated within the time period set out in the notice or immediately if the period has run. Provided, however, that if the nuisance was determined to be an emergency and that the opportunity for an appeal was not available due to the short period of time to abate the nuisance, an appeal to be heard after the abatement of the nuisance by the Village. In that event, the Zoning Administrator or the Zoning Administrator's designee may determine that the appellant is liable for the costs, or that, upon good cause shown, that the appellant is not liable for the cost and that a lien shall not be filed by the Village upon the property. The notice to abate shall contain a statement of the right of appeal.

SECTION VII. AUTHORITY TO ISSUE FAILURE TO COMPLY TICKET: The Zoning Administrator or his designee shall have the power to issue a Failure to Comply Ticket to any person the Zoning Administrator determines has violated any provisions of this ordinance. A Failure to comply ticket may be issued for each day the violation continues.

SECTION VII. FAILURE TO COMPLY TICKETS; SERVICE, CONTENT, FINE.

A. The Village may utilize a Failure to Comply Ticket regarding a violation of this ordinance as provided in Section VII. A Failure to Comply Ticket shall be served by posting it on the property on which the violation is alleged to exist in a conspicuous place at the entrance door or avenue of access to the premises on which the alleged violation exists or by mailing a copy of the ticket by certified mail to the last know address of the person in whose name the real estate taxes were last billed for property on which the violation occurred, or by delivering a copy of the same in person to the owner, occupant of the property or person in whose name real estate taxes for the property were last billed, or by delivering it and leaving it in the possession of any person in charge of the premises on which the violation is alleged to exist.

B. A Failure to Comply Ticket shall state the name of the person charged with the offense, the nature of the violation, and instruct the person on the method of voluntary settling the claim administratively.

C. The tickets issued under this section shall be a courtesy in lieu of prosecution. The person issued a Failure to Comply Ticket may compromise and settle the claim by paying the sum of Twenty-five dollars (\$25.00) within seven (7) days from the time the Failure to Comply Ticket is issued or by paying the sum of fifty (\$50.00) subsequent to such seven-day period and prior to the person being charged by written complaint with such violation. Any person issued any additional Failure to Comply Tickets alleging the same type of violation at the same address within a twelve-month period of the last violation may compromise and settle the claim prior to the person being charged by prosecution in accordance with the following schedule;

Second Offense	\$100.00
Third Offense	200.00
Fourth Offense	400.00

D. If the person accused of the violation does not settle the claim within seven (7) days after being issued a Failure To Comply Ticket, a complaint may be filed with the Circuit Court for that violation. Upon conviction, the person shall be subject to a fine of not less than fifty dollars (\$50.00) nor more than seven hundred fifty dollars (\$750.00) for each violation for which the person was previously issued a Failure to Comply Ticket that was not paid prior to a Complaint being filed with the Circuit Court.

E. The Village may, at its discretion, elect to prosecute violations under Section VIII without first issuing a Failure to Comply Ticket.

SECTION VIII. PROSECUTION: The Village shall, in its discretion, prosecute any violations of this ordinance in the appropriate court to enforce this ordinance by the imposition of fines and/or orders or injunctions to abate the nuisance and eliminate the prohibited condition, as requested by the Village. Upon conviction of any violation of this ordinance, in addition to other remedies of the

VILLAGE OF SAVOY
SAVOY, ILLINOIS

NAME OF ORDINANCE/RESOLUTION Public Nuisance

NUMBER 980701 D

DATE OF MEETING: July 1, 1998

	YEA	NAY
<u>TRUSTEE JIM PIRIE</u>	<u>absent</u>	
<u>TRUSTEE DAVID LAWRENCE</u>	<u>✓</u>	
<u>TRUSTEE MEDSIE BOLIN</u>	<u>✓</u>	
<u>TRUSTEE BILL SMITH</u>	<u>✓</u>	
<u>TRUSTEE LARRY KIENZLER</u>	<u>✓</u>	
<u>TRUSTEE TED DAVIS</u>	<u>✓</u>	
<u>PRESIDENT ROBERT C. MCCLEARY</u>		

THE FOLLOWING VILLAGE CLERK OR DEPUTY CLERK CERTIFIES THAT THE FOLLOWING FOREGOING TRUSTEES AND PRESIDENT OF THE VILLAGE OF SAVOY, SAVOY, ILLINOIS VOTED IN THE FOREGOING MANNER BY INDIVIDUAL ROLL CALL VOTE ON THE FOREGOING ORDINANCE OR RESOLUTION AT A DULY CONDUCTED MEETING CONDUCTED ON THE DATE AFORESAID.

Marilyn J. Beral
VILLAGE CLERK/DEPUTY CLERK