



ORDINANCE NUMBER 1773

**AN ORDINANCE PROHIBITING NUISANCES WITHIN THE VILLAGE OF
MONEE, A HOME RULE UNIT OF GOVERNMENT, WILL COUNTY,
ILLINOIS**

**ADOPTED BY THE BOARD OF TRUSTEES
OF THE VILLAGE OF MONEE**

THIS 14th DAY OF December, 2016

**Published in Pamphlet Form by Authority of the
Board of Trustees of the Village of Monee,
Will County, Illinois,**

This 14th day of December, 2016

**AN ORDINANCE PROHIBITING NUISANCES WITHIN THE VILLAGE OF
MONEE, A HOME RULE UNIT OF GOVERNMENT, WILL COUNTY,
ILLINOIS**

WHEREAS, 65 ILCS 5/11-5-3 of the Illinois Compiled Statutes authorizes municipalities to prevent public intoxication, fighting, dog fights, disorderly conduct and all other breaches of the peace; and

WHEREAS, the Village of Monee, as a home rule municipality, is authorized by Article VII, Section 6 of the 1970 Illinois Constitution to enact ordinances pertaining to the public health, welfare and safety of its residents; and

WHEREAS, ordinances designed to curb the effect of disruptive behaviors on persons in their homes, businesses and on the public way pertain to the public health, welfare and safety of Village of Monee residents; and

WHEREAS, the Board of Trustees has found that certain offenses committed on private property, in particular, all felonies and misdemeanors and violations of municipal codes relating to alcoholic liquor, illegal drugs, drug paraphernalia, animal fighting, gambling, noise, wild parties, curfew, property maintenance, overcrowding, resisting lawful actions of law enforcement, are extremely disturbing and disruptive to the public health, welfare and safety; and

WHEREAS, conditions relating to the maintenance and upkeep of property, including, but not limited to: garbage accumulation, graffiti, overcrowding, abandoned vehicles, overgrown weeds, further contribute to neighborhood nuisance; and

WHEREAS, the Village Board has found that the aforementioned offenses contribute to an enhanced sense of fear, intimidation and disorder by persons on neighboring properties; and

WHEREAS, said offenses are nuisances and constitute threats to persons and the peaceful enjoyment of property; and

WHEREAS, the Village Board has found that the public interest is served by requiring owners of nuisance properties to adhere to a plan of correction designed to reduce or prevent future unlawful activity.

44 **NOW, THEREFORE, BE IT ORDAINED** by the President and Board of
45 Trustees of the Village of Monee, a Home Rule Unit of Government, Will
46 County Illinois as follows:

47
48 **Section One. Preambles.** That the preambles above set forth are
49 incorporated herein as if set forth in full.

50
51 **Section Two. Prohibition of Nuisances.** It shall be unlawful for any
52 person, firm, or corporation to permit or maintain the existence of any
53 nuisance on any property under his control or do any act which constitutes a
54 nuisance as described hereunder. It shall constitute a nuisance to commit any
55 offense which is in fact a nuisance or which is a nuisance according to common
56 law or which is made such by this ordinance, other ordinances of the Village of
57 Monee or by the statutes of the State of Illinois.

58
59 **Section Three. Nuisances Enumerated.** The following acts, omissions, or
60 conditions shall be deemed nuisances:

- 61
- 62 (A) An act which shall annoy, injure, or endanger the safety or health of
63 the public.
 - 64
 - 65 (B) An act which shall offend public decency.
 - 66
 - 67 (C) An act which shall unlawfully interfere with, obstruct, or tend to
68 obstruct or render dangerous for passage, a public park, public way,
69 or other public place.
 - 70
 - 71 (D) Obstruction of any gutter so as to cause water to stagnate therein or
72 permitting foul or stagnant water to stand upon any premises.
 - 73
 - 74 (E) Obstruction or pollution of any drainage ditch or watercourse in the
75 Village.
 - 76
 - 77 (F) Causing or permitting any garbage or offensive substance of any
78 kind, including, but not limited to unused paper, junk, non-
79 functioning and unlicensed motor vehicles, unused wood, ashes, tin
80 cans, unused masonry or crockery, cinders, rubbish, refuse, tree
81 branches, trimmings or stumps, yard trimmings, cartons, and boxes,
82 to be collected, deposited, or to remain in any place in the Village
83 other than as prescribed by this code or other applicable ordinances,
84 rules, and regulations of the Village.
 - 85

- 86 (G) All buildings, walls, and other structures which have been damaged
87 by fire, decay, or otherwise and which are so situated as to endanger
88 the safety of the public.
89
- 90 (H) All buildings in the Village which have been abandoned and/or not
91 conforming to village code for a period in excess of 60 days, unless a
92 written plan for the use of the building, or its demolition, is filed with
93 the Village Clerk within said 60-day period.
94
- 95 (I) All dangerous or unsanitary, unguarded, unprotected machinery or
96 equipment in any public place or situated or operated on private
97 property.
98
- 99 (J) Causing or permitting any open burning of garbage or other
100 discarded solid materials or cause or allow the burning of garbage or
101 other discarded solid materials in any chamber not approved by the
102 State of Illinois Pollution Control Board or Environmental Protection
103 Agency.
104
- 105 (K) Keeping on any premises any type of material which may be injurious
106 to the health or offensive to the neighborhood or by which any
107 noxious or offensive smell may be created.
108
- 109 (L) Any person found to be in violation of the Crime Prevention Rental
110 Housing Ordinance shall be deemed to be in violation of this
111 ordinance.
112
- 113 (M) It shall be unlawful for any person to make, continue or cause to be
114 made or continued any excessive, unnecessary or unusual noise
115 which annoys, disturbs, injures or endangers the comfort, repose,
116 health or safety of others within the Village, except in cases of urgent
117 necessity. The following list shall be considered excessive noises in
118 violation of this ordinance. Said list shall not be considered exclusive.
119
- 120 i) Radio, television sets, musical instruments played at a level
121 which disturbs the peace, quiet and comfort of the neighboring
122 landowners;
- 123
- 124 ii) The use of Citizen Band radios in excess of established limits
125 which may cause noise to be received by other citizens on their
126 electronic equipment;
- 127
- 128 iii) The sounding of any horns or other device on any automobile
129 or other vehicle on any street or public place, except as a

- 130 danger warning, wherein the noise creates an unreasonable
131 loud or harsh sound;
132
- 133 iv) The use of hammer, derrick, hoist tractor, roller, pile driver,
134 shovel or other similar equipment in building or construction
135 operations other than between the hours of seven o'clock (7:00
136 a.m.) and eight o'clock (8:00 p.m.) except in cases of urgent
137 necessity to protect the public health and safety or otherwise
138 authorized by Village;
139
- 140 v) To keep any animal or bird enclosed which causes barking,
141 howling, or frequent loud noises disturbing the comfort of
142 persons within the vicinity; and
143
- 144 vi) Operating lawn care equipment other than between the hours
145 of seven o'clock (7:00 a.m.) and ten o'clock (10:00 p.m.).
146
- 147 (N) To dump or deposit or caused to be dumped or deposited or store
148 material of any kinds on any real property except when the dumping,
149 depositing, or storing is for a purpose which is customarily incidental
150 to residential use or when building materials are deposited on a site
151 for which a building permit has been issued and the building
152 materials are to be used for construction purposes.
153
- 154 (O) It shall be unlawful when any person makes or maintains an
155 excavation within the Village to be used for the construction of a
156 building or for a use accessory to the construction of a building, the
157 development of a subdivision, or the construction or installation of
158 public improvements, or makes or maintains or allows to exist any
159 other excavation which constitutes a danger to the public by reason
160 of its depth or proximity to public ways or walks or for any other
161 reason.
162
- 163 (P) It shall be unlawful for the owner, agent, or other person in control or
164 possession of any premises jointly or severally to permit any eave
165 trough, footing drain, drain, downspout, piping, sump pump, or other
166 device or appliance, permanent or temporary, above or below grade,
167 for collecting and discharging surface water, rain water, or any other
168 source of surface runoff water, ground water, or sub-surface water to
169 be so designed, located, or constructed on, over, or across any
170 street, alley, public way, or any rights-of-way thereof, or public
171 property other than by means of a Village approved storm sewer,
172 drainage swale, or other drainage system or structure, without
173 approval of the Village and a written permit to do so issued by the

174 Building Commissioner and the Zoning Enforcement Officer. A
175 violation of this section is declared to be a nuisance. It shall also be
176 a nuisance to allow any such device to discharge water in such a
177 manner as to allow the water to accumulate on any street, alley,
178 public way, or any other right-of-way.

179
180 (Q) To throw or permit the escape into any street or other public place, or
181 unto or upon any adjacent ground, any unclean water or any foul or
182 noxious liquid from any premises.

183
184 (R) To allow any pond, lake or body of water to be in a stagnant
185 condition or in a condition that is detrimental to the public health.

186
187 (S) All landscaping, including, but not limited to, trees, shrubs, plants,
188 and flowers must be properly maintained in order for the landscaped
189 areas to fulfill the purposes for which they were established. The
190 landscape areas shall be free of litter, weeds, and debris and all
191 plantings shall be healthy and orderly. The owner of the property
192 and any tenant of the property shall be jointly and severally
193 responsible for the maintenance of the property.

194
195 (T) No person shall permit, cause, help, maintain or create a nuisance as
196 defined by the State of Illinois.

197
198 (U) All inoperable motor vehicles, whether on private or public property
199 and in view of the general public are to be considered a nuisance.
200 Inoperable vehicles means any motor vehicle for which a period of at
201 least seven (7) days, the engine, wheels or other parts have been
202 removed or on which the engine, wheels or other parts have been
203 altered or so treated that the vehicle is incapable of being driven
204 under its own motor power.

205
206 (V) To park, store, keep any vehicle in any rear, side or front setbacks on
207 private or public property on grass or gravel is prohibited.

208
209 (W) To repair any motor vehicle including, but not limited to, changing or
210 replacing parts, greasing or the performance of any type of
211 maintenance, service or work on a motor vehicle on any roadway or
212 public right of way, except in emergency situations shall be
213 prohibited.

214
215 (X) To obstruct flow of traffic, pedestrians or village events or use any
216 roadways, public right of ways or public property to sell products,
217 services, or otherwise solicit or harass the public.

218
219 (Y) To drive, operate or run any motorized vehicle on private or public
220 property without adequate muffler or noise abatement system so as
221 to permit the emission of loud and disturbing noises is prohibited.
222

223 **Section Four. Abatements.** Whenever a nuisance as described herein is
224 found on any premises and there is an eminent risk to the public health and
225 safety, the Mayor of the Board of Trustees is hereby authorized in his/her
226 discretion or delegation to cause the same to be summarily abated in such
227 manner as he/she may direct.
228

229 **Inspection:** For the purpose of carrying the foregoing provisions of this
230 Chapter into effect, it shall be the duty of such officers or officials as may be
231 directed or deputized by the Mayor of the Board of Trustees, from time to time
232 to ascertain a nuisances arising under this Chapter to be abated. In all cases
233 where a nuisance shall be found upon any grounds or other premises which
234 can be charged by assessment with the expense of removal, notice shall be
235 given to the owner or occupant of the building or other premises, when known
236 and can be found, to remove the nuisance; and in case of his refusal or
237 neglect to comply with such notice, the officers or officials shall abate the
238 same and report the expense thereof to the President and Board of Trustees.
239

240 **Abatement Notice:** In all cases where a nuisance shall be found upon
241 any ground or other premises within the jurisdiction of the Village, not less
242 than twenty four (24) hours' notice may be given in writing signed by the
243 officer or official so directed by the Mayor of the Board of Trustees, to the
244 owner or occupant or person in possession, charge or control of the premises,
245 if known and can be found, to remove such nuisance. It shall not be
246 necessary in any case for the notice to specify the manner in which any
247 nuisance shall be abated, unless the officer or official shall deem it advisable
248 so to do. If the person so notified shall neglect or refuse to abate the same in
249 accordance with such notice, he shall be chargeable with the expense which
250 may be incurred in the removal thereof, to be collected by suit, lien,
251 termination of municipal services or otherwise in addition to any fine or
252 penalty which may be imposed by law.
253

254 **Emergency Situations:** In an emergency situation where unless the
255 Village acts, there is an immediate hazard, a serious risk to the public, or an
256 imminent danger to the public health, safety or welfare from a nuisance
257 existing in the Village, if a reasonable effort under the circumstances has been
258 made to notify the person causing or permitting the nuisance and that person
259 is either unavailable or unwilling to abate the nuisance, said nuisance may be
260 abated without further notice, and a notice describing the action taken to
261 abate the nuisance posed on the property.

262
263 Where the Village acts to abate a nuisance, the expenses incurred for
264 the abatement shall be chargeable either individually or jointly to the person
265 causing or permitting the nuisance to continue or to the owner of the building,
266 structure or premises on or from which the nuisance was abated.

267
268 **Section Five. Penalty.** This Ordinance shall be prosecuted per the provision
269 of Title 1, Chapter 14, Section 11(B) and shall be categorized as a "Violation
270 Regarding Police Regulations" and shall be listed as 5-3-29. Any person found
271 to be in violation shall be subject to a fine of not more than \$750.00 per day
272 for each day of each offense continues to exist.

273
274 **Section Six. Repealer.** That all Ordinances or parts of Ordinances in
275 conflict herewith are expressly repealed.

276
277 **Section Seven. Savings Clause.** That in the event any portion of this
278 Ordinance is declared to be void, that such other parts or remainder of this
279 Ordinance shall not be adversely effected and shall otherwise remain effective
280 and valid.

281
282 **Section Eight. Adoption Clause.** That this Ordinance shall be in full force
283 and effect from and after its approval, adoption, and publication as required by
284 law.

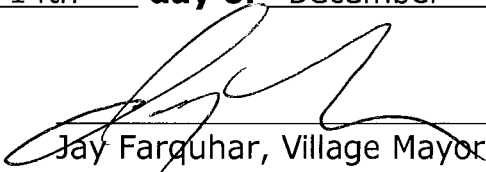
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ILLINOIS**

<u>AYES:</u>	<u>NAYS:</u>	<u>ABSTAIN:</u>	<u>ABSENT:</u>	<u>PRESENT:</u>
Gonzalez				
Gray				
Horne				
Holston				
			Popp	
	Raczek			

PASSED and APPROVED this 14th day of December, 2016.


Jay Farquhar, Village Mayor

ATTEST:


Wayne Haser, Village Clerk