

VILLAGE OF HAMMOND
PIATT COUNTY, ILLINOIS

ORDINANCE #2023-29

"An Ordinance Providing for the Definition and Abatement of Nuisances in the Village of
Hammond, Piatt County, Illinois"

ADOPTED BY THE BOARD OF TRUSTEES OF THE VILLAGE OF HAMMOND THIS
8th day of November 2023

Published in pamphlet form by authority of the Village Board of the Village of Hammond, Piatt
County, Illinois

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PIATT COUNTY, ILLINOIS
ORDINANCE #2023-29

BE IT ORDAINED by the President and Board of Trustees of the Village of Hammond, Piatt County, Illinois, that:

The open area of your premises must be kept in a reasonably clean and neat condition, including the removal of all inoperable machines, inoperable vehicles, appliances, household fixtures, and equipment. Junk and debris includes, but is not limited to garbage, tree branches, grass clippings, yard trimmings, leaves, paper, cardboard, cartons, boxes, barrels, wood, lumber, concrete, appliances, furniture, glass, bottles, crockery, tin cans, vehicle parts, boats, furniture, and any other manufactured or construed object which has outlived its usefulness in its original form, where such object due to its present condition and/or visibility, may reasonable be construed to be unsightly, dangerous, or creating a condition that is detrimental or potentially detrimental to the health and/or safety of the Village of Hammond.

SECTION 1: Definition – Prohibition

The following acts, conduct, and conditions are hereby declared and defined to be nuisances, and when committed, performed, or permitted to exist by any individual, firm, association, or corporation within the territorial limits of the Village of Hammond, Piatt County, Illinois, are hereby declared to be unlawful and prohibited:

- A. Any act or offense which is a nuisance according to the common law and/or statutes of the State of Illinois, or declared or defined to be a nuisance by the Ordinances of the Village of Hammond. In addition, the officials of the municipality shall be authorized to abate any nuisance, which, while not specifically defined within this Ordinance, shall constitute the unreasonable, unwarrantable, or unlawful use by a person or property, real or personal, or personal conduct which is improper, indecent, or unlawful and which works an obstruction or injury to a right of another, or of the public, and produces such material annoyance, inconvenience, discomfort, or hurt that the law will presume an actionable nuisance. Nuisances may be abated which are public or which are both public and private in nature;
- B. To cause or allow the carcass of any animal or any offal, filth, or noisome substance to be collected, deposited, or to remain in any place, under his, her, or its ownership or control, to the prejudice of others;
- C. 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;
- D. To corrupt or render unwholesome or impure the water of any spring, river, stream, pond, or lake to the injury or prejudice of others;
- E. To obstruct or encroach upon public highways, private ways, streets, alleys, commons, landing places, sidewalks, and ways to burying places;

- F. To erect, continue or use any building or other place for the exercise of any trade, employment, or manufacture, which, by occasioning noxious exhalation, offensive smells or otherwise, if offensive or dangerous to the health of individuals, or of the public;
- G. To advertise wares or occupation by painting notices of the same on, or affixing them to fences, walls, windows, building exteriors, utility poles, or on hydrants, other public or 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;
- H. 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;
- I. To store, dump, or permit the accumulation of debris, refuse, garbage, trash, tires, buckets, cans, wheelbarrows, garbage cans, furniture, appliances, or other containers in a manner that may harbor mosquitoes, flies, insects, rodents, nuisance birds, or other animal pests that are offensive, injurious, or dangers to the health of individuals of the public;
- J. To create any condition, through the improper maintenance of a swimming pool or wading pool, any container with standing water, tires holding water, or by causing any action which alters the condition of a natural body of water, so that it harbors mosquitoes, flies, or other animal pests that are offensive, injurious, or dangerous to the health of individuals or the public;
- K. To dump, abandon, deposit, dismantle, or burn upon any public property or right-of-way, highway, park, street, or parkway anywhere in the Village of Hammond, any type of furniture, any type of appliance, any hazardous materials, trash, garbage, ash, junk, junked or wrecked motor vehicles or parts thereof, oil, gas, diesel fuel, or other used petroleum products;
- L. To store, keep, or maintain outside of a closed building, any junk, parts, machinery, or equipment not in an operable condition, or is an actual danger or detriment to life, safety, health, or peaceful enjoyment of the property of surrounding land owners; provided, however, that this provision shall not apply to a property licensed junk yard or other permitted outdoor storage use which is in full compliance with all of the Ordinances of the Village of Hammond governing the same;
- M. To own, maintain, or keep a dwelling unfit for human habitation, or dangerous or detrimental to life, safety, or health because of lack of repair, defects in the plumbing system, lighting or ventilation, the existence of contagious diseases or unsanitary condition, likely to cause sickness among persons residing in said premises or residing in proximity thereof;
- N. It is a public nuisance to allow any building, mobile home, shed, fence, or other manmade structure to exist that is hazardous to public health and/or safety because of its condition, faulty construction, lack of proper repair, or its openness to intrusion;
- O. To store, place, or allow to remain any materials in a manner which may harbor rats or other vermin;
- P. To produce or permit to be produced, whether on public or private property, any offensive noise to the disturbance of the peace or quiet of any person residing in the vicinity-this does not include yard maintenance such as mowing or weed eating.

Excessive noise shall include, but not by way of limitation, any of the following: Loud playing of phonographs, radios, television sets, or music machines, or musical instruments; barking or howling of dogs or cats; vehicles without mufflers, or the unnecessary use of horns on vehicles;

- Q. To dump, deposit, or place any garbage, rubbish, trash, or other refuse upon real estate owned by another, without the consent of the owner or person in possession of such real estate;
- R. To allow any building to remain in a dangerous or unsafe or uncompleted and abandoned condition.
- S. To refuse to remove garbage and debris from private property after reasonable notice by the Village to remove the same;
- T. It is a public nuisance to allow the buildup on a property of pet/animal feces or manure to the extent that it creates a condition that is detrimental or potentially detrimental to the health and/or safety of the inhabitants of the Village of Hammond;
- U. It shall be unlawful for any person to urinate or defecate in public view or on or in any street, alley, sidewalk, parking lot, yard, park, playground, school yard, cemetery, building, structure, plaza, public or utility right-of-way, or other public place, other than an enclosed structure designated as a restroom or bathroom. The foregoing shall not apply to children under five years of age and younger, or to persons of any age who are in violation due to a verified medical condition.
- V. No person shall engage in disorderly conduct in the Village. Any of the following acts constitute disorderly conduct:
 - a. Making, aiding, or assisting in making any improper noise, riot, disturbance, breach of the peace or diversion tending to an immediate breach of the peace.
 - b. Engaging in or aiding or abetting any fight, quarrel, or other disturbance.
 - c. Disturbing any religious service, public or private meeting or assembly of other persons.
 - d. Collecting in crowds for unlawful purposes or for any purpose to the annoyance or disturbance of other persons.
 - e. Being intoxicated, as defined by Illinois Compiled Statutes, in public places, or on any place to the annoyance and disturbance of other persons.
 - f. Resisting or obstructing the performance of one known to be a police officer or any authorized act within the police officer's official capacity; or assisting any person to escape from jail or custody of police.
 - g. Failing to obey a lawful order of dispersal by a person known to be a police officer, where three or more persons are committing acts of disorderly conduct in the immediate vicinity, which acts are likely to cause substantial harm or serious inconvenience, annoyance, or alarm.
 - h. Lodging in or loitering in outhouses, sheds, barns, stables, or unoccupied buildings.
 - i. Using any obscene, profane, threatening, or inciting language in any public place that is reasonably calculated to provoke an immediate breach of the peace.
 - j. Throwing stones or missiles in public places or at any person or property, or brandishing or threatening to use any missile or dangerous weapon or object.
 - k. Damaging or defacing trees, bushes, gardens, fences, windows, signs, building, or vehicles, or engaging in any acts of vandalism.

A chronic nuisance property is any real property upon, or in which, at least three separate nuisance activities have occurred within a one-year period. It shall be unlawful for any real property to become a chronic nuisance property or, once established as a chronic nuisance property, be the site of, or the subject of, any further nuisance activities for a period of one year. Each nuisance activity occurring on any real property within one year after said real property has been established as a chronic nuisance property shall extend the expiration of said classification to one year from the date of the most recent finding that a nuisance activity has occurred on the chronic nuisance property.

Section 2: Non-Summary Abatement – Notice

- A. Except where otherwise provided above or in the Ordinances of the Village of Hammond, the Village Board may serve or cause to be served a notice, in writing, upon the owner, agent, occupant, or person in possession, charge or control of any lot, building or premises or item of personalty in or upon which any nuisance exists, requiring them, or each of them, to abate the same within a 14-day period, in such manner as the notice shall direct.
- B. If the person so served and notified does not abate the nuisance within the 14 days, the Village Board may proceed to abate the nuisance in any or all manner allowable by law, including, without limiting the generality thereof, the following:
 - 1. Seeking to impose a monetary penalty as defined by Section 4 of this Ordinance by instituting an Ordinance enforcement action; and/or
 - 2. Seeking to impose a lien upon said property for any unpaid penalties and charges against said property; and/or
 - 3. Seeking to enjoin the continuation of the nuisance by the filing of a lawsuit in a court of competent jurisdiction.
- C. In addition, the officials of the municipality shall be authorized to take legal action to abate any nuisance which, while not specifically defined within this Ordinance, shall constitute the unreasonable, unwarrantable, or unlawful use by a person or property, real or personal, or personal conduct which is improper, indecent, or unlawful and which works an obstruction or injury to a right of another, or of the public, and produces such material annoyance, inconvenience, discomfort, or hurt that the law will presume an actionable nuisance. Legal action may be taken to abate nuisances which are public or which are both public and private in nature.

Section 3: Summary Abatement

Whenever, in the opinion of the Village, the maintenance or continuation of a nuisance creates an imminent threat of serious injury to persons or serious damage to real or personal property, and the continuation of the nuisance poses a substantial threat of injury to persons or property, the Village may proceed immediately and summarily to abate such nuisance.

Section 4: Penalty:

Any person, firm, or corporation violating any provisions of this Ordinance shall be notified as follows:

1. Place phone call to homeowner notifying them of the violation on their property and giving them 10 days in which to fix the violation.
2. If compliance is not met in the 10 days, a non-certified letter will be sent reiterating the violation that needs to be corrected. Allow another 10 days.
3. If compliance is still not met, a certified violation letter is mailed to the homeowner. The first fine will be charged at this time for non-compliance and due within 10 days. The fine structure is as follows:

- 1st Offense: \$180.00
- 2nd Offense-committed within 12 months of any prior offense: \$330.00
- 3rd Offense-committed within 12 months of any prior offense: \$580.00

Each day that a violation continues beyond the 10-day notice period described above shall constitute a separate offense.

Notice shall be deemed to be properly served by:

- Depositing the notice in U.S. mail, prepaid first-class postage regardless of whether the addressee accepts or refuses delivery; or
- Personal service; or
- Posting of notice upon property

Section 5:

If any section, subsection, paragraph, or part of this Ordinance is for any reason held to be unconstitutional or invalid by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Ordinance, which shall remain in full force and effect.

This Ordinance shall be in full force and effect forthwith upon its passage, approval, as required by law.

Passed by the Board of Trustees of the Village of Hammond, Piatt County, Illinois, this 8th day of November, 2023, by the following roll call vote:

AYES: 6
 NAYS: 0
 ABSENT: 0

Brenda Sebens
 Village Clerk/Treasurer

Marsha Burgener
 President, Board of Trustees

State of Illinois)
) ss.
 County of Piatt)
 Certificate of Publication)

I, Brenda Sebens, certify that I am the duly appointed and acting Municipal Clerk of the Village of Hammond, Piatt County, Illinois.

I further certify that on November 8, 2023, the Corporate Authorities of such municipality passed and approved Ordinance #2023-29, entitled "An Ordinance Providing for the Definition and Abatement of Nuisances in the Village of Hammond, Piatt County, Illinois", which provided by its terms that it should be published in pamphlet form.

The pamphlet form of Ordinance #2023-29, including the Ordinance and a cover sheet thereof, was prepared and a copy of such Ordinance was posted in the municipal building commencing on November 9, 2023 and continuing for at least 10 (ten) days thereafter. Copies of such Ordinance were also available for public inspection upon request in the office of the Municipal Clerk.

Dated at Hammond, Illinois, this 8th day of November, 2023.

(SEAL)

Brenda Sebens
 Municipal Clerk