

ORDINANCE NO. 00-1

**AN ORDINANCE PROVIDING FOR THE ABATEMENT OF NUISANCES
IN THE VILLAGE OF BENSON, ILLINOIS**

BE IT ORDAINED by the President and Board of Trustees of the Village of Benson, Woodford County, Illinois, as follows:

SECTION 1: No person shall erect, construct, cause, permit, keep or maintain within the Village limits, anything whatsoever which is injurious to the public health or safety, or offensive to the senses of inhabitants, or an obstacle to the free use of property by such inhabitants. The existence of any of the above is declared to be a nuisance and shall be regulated as set forth in this ordinance.

SECTION 2: The following are declared to be nuisances, but shall not be construed to prevent any other thing from being declared a nuisance pursuant to the standards of Section 1 of this ordinance:

A. The erecting or using of any building or other place for the exercise of any trade, employment or manufacture, which, by occasioning noxious exhalations, dense smoke or ash, or other annoyances, becomes harmful to the health, safety or property of individuals or the public;

B. Causing or suffering any offal, filth or waste to be collected or to remain in any place to the prejudice of others;

C. The obstructing or encumbering by any means whatsoever the private ways and the public streets, alleys, and places so as to create a physical threat to the public.

D. Billboards, signboards and advertising signs whether erected and constructed on public or private property, or overhanging branches or vegetation, which so obstruct and impair the view of any portion of a public street or alley of the Village as to render dangerous the use thereof.

E. Any act or offense which is a nuisance according to the common law of the State of Illinois. Any act constituting unreasonable, unwarrantable, or unlawful use by a person of real property or personal property or from his own improper, indecent or unlawful personal conduct which works an obstruction or

Injury to the right of another, or of the public, or produces an annoyance, inconvenience, discomfort or hurt that the law will presume an actionable nuisance.

F. 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.

G. To corrupt or render unwholesome or impure the water of any spring, river, stream, pond or lake, to the injury or prejudice of others.

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 dump, abandon, deposit, dismantle or burn upon any public property or right-of-way, highway, park, street or parkway anywhere in the Village of Benson, any trash, garbage, ashes, junk, junked or wrecked motor vehicles or parts thereof, or miscellaneous waste.

J. To store, keep, or maintain outside of a closed building, any junk, trash, garbage, parts, machinery or equipment not in an operable condition, or motor vehicle not in an operable condition or unlicensed, provided, however, that this provision shall not apply to a properly licensed junk yard or other permitted outdoor storage use which is in full compliance with all of the ordinances of the Village of Benson governing the same.

K. To own, maintain or keep a dwelling unit 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 conditions likely to cause sickness among persons residing in said premises or residing in proximity thereof.

L. To store or place any materials in a manner which may harbor rats.

M. 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.

N. Any act which is considered to be a public nuisance under Woodford County Health Ordinance or which is determined to be a public nuisance by the Woodford County Health Department or the Illinois Department of Public Health as determined by one of their representatives.

SECTION 3: Whenever the Village President or his duly appointed agent finds that a nuisance exists, he shall cause to be served upon the property owner, as shown by the records of the Woodford County Clerk, a written notice to abate the nuisance within a reasonable time after such notice. Such notice shall be sent to the property owner by Certified Mail.

SECTION 4: The notice to abate shall contain:

- A. A description of what constitutes the nuisance;
- B. The location of the nuisance;
- C. A statement of the act or acts necessary to abate the nuisance;
- D. A reasonable time within which to complete the abatement;
- E. A statement that if the nuisance is not abated as directed and no request for hearing is made within the time prescribed, the Village will abate it and assess the costs against the property owner as a lien against the property.

SECTION 5: A. Any person ordered to abate a nuisance may have a hearing with the officer ordering the abatement to determine whether a nuisance does exist. A request for hearing must be made in writing and delivered to the officer ordering the abatement within the time stated in the notice, or it will be conclusively presumed that a nuisance exists that must be abated as ordered.

B. At the conclusion of the hearing, the hearing officer shall render a written decision as to whether a nuisance exists. If he finds that a nuisance exists, he must order it abated within an additional time which must be reasonable under the circumstances. An appeal from this decision may be had by immediately filing a written notice with the hearing officer. This appeal will be heard before the Village Board of Trustees at a time and place fixed by the Village Board of Trustees. The findings of the Village Board of Trustees shall be conclusive and, if a nuisance is found to exist, it shall be ordered abated within a time reasonable under the circumstances.

SECTION 6: If the person notified to abate a nuisance neglects or fails to abate as directed, the Village may perform the action required to abate, keeping an accurate account of the expenses incurred. An itemized expense account shall be certified and filed with the fiscal officer.

SECTION 7: The fiscal officer shall send a statement by Certified Mail of the total expenses incurred to the property owner who has failed to abide by the notice to abate, and if the amount shown by the statement has not been paid within thirty (30) days, he shall certify the cost to the Woodford County Clerk and a lien shall be filed against the real estate including the following information:

1. A legal description of the real estate;
2. The sum of money representing the cost and expenses incurred or payable for the abatement; and
3. The date or dates when such cost and expenses were incurred by the Village.

SECTION 8: The rights and procedures used to abate a nuisance referred to in this ordinance are in addition to those rights and provisions referred to in Section 6-2-1 of the Village of Benson Municipal Code, and that ordinance is ratified in full as part of the adoption of this ordinance.

SECTION 9: In addition to the above remedies, the penalty for violation of any of the provisions of this section shall be a fine not to exceed an amount of Two hundred dollars (\$200.00) per day for each day that the nuisance continues in existence.

PASSED AND APPROVED BY THE PRESIDENT AND BOARD OF TRUSTEES
OF THE VILLAGE OF BENSON, WOODFORD COUNTY, ILLINOIS, this _____
day of _____, 2000.

President

AYES: _____
NAYS: _____
ABSENT: _____

ATTEST:

Village Clerk