

NUISANCE CODE

VILLAGE OF WAUCONDA



§ 95.20 GENERALLY.

In all cases where no provision is hereby made defining what are nuisances and how the same may be removed, abated or prevented, in addition to what may be declared a nuisance herein, those offenses which are known to the common law and the statutes of Illinois as nuisances may, in case the same exist within the village limits, or within 1 mile thereof, be treated as nuisances and proceeded against as provided in this ode, or in accordance with any other provision of law. (1978 Code, § 7-2-1)

§ 95.21 ABATEMENT.

(A) Except as provided in division (B) below, it shall be the duty of the Director of Building and Zoning, or his designee, to serve notice in writing upon the owner, occupant, agent or person in possession or control of any lot, building or premises, in or upon which any nuisance may be found, requiring him to abate the same in such manner and within the time prescribed by the Director of Building and Zoning, or his designee; provided, however, that if the owner, occupant, agent or person in possession or control of any premises in or upon which any nuisance is found is unknown or cannot be found, the Director of Building and Zoning, or his designee, shall proceed to abate such nuisance without notice; and, in addition to any penalty or fine, the expense of such abatement shall be collected from the person who is determined to have created, continued or suffered such nuisance to exist.

(B) In cases involving nuisances as defined in § 95.22(AA), (BB) and (CC) it shall be the duty of the Director of Public Works, or his designee, to serve notice in writing upon the owner, occupant, agent or person in possession or control of any lot, building or premises, in or upon which any nuisance may be found, or from which such nuisance is emanating from, requiring him or it to abate the same in such manner and within the time prescribed by the Director of Public Works, or his designee; provided, however, that if the owner, occupant, agent or person in possession or control of any premises in or upon which any nuisance is found or is emanating from, is unknown or cannot be found, the Director of Public Works, or his designee, shall proceed to abate such nuisance without notice; and, in addition to any penalty or fine, the expense of such abatement shall be collected from the person who is determined to have created, continued or suffered such nuisance to exist. (1978 Code, § 7-2-2) (Am. Ord. 2009-O-46, passed 9-15-2009)

§ 95.22 DEFINITIONS.

It shall be a nuisance:

- (A) To obstruct or encroach upon any street, parkway, alley or sidewalk in the village, except for purposes of repairing the same;
- (B) To use or occupy any part of a street, parkway, alley or sidewalk in the village for the purpose of carrying on, soliciting or promoting any trade, business or other enterprise in such manner as to impede or make it dangerous to persons traveling thereon;
- (C) To conduct, or permit any business to be conducted, upon any lot or parcel of land within the village in violation of any provision of this Code;
- (D) To create or permit to remain any condition which is, or may become, a menace to the health of individuals or the public;
- (E) To keep, or permit to be kept, upon any premises within the village any chicken coop, chicken house, stable, kennel, pen or other structure for the retention, care and shelter of any fowl or animals in an unclean, unsanitary or filthy condition so as to produce offensive and noisome odors to the annoyance and discomfort of others;
- (F) To cause or suffer the carcass of any dead animal, any animal or vegetable matter, slops, swill, suds, garbage, filth, stable droppings, offal or noisome substances of any kind to be collected, deposited or remain in any place in the village to the injury or prejudice of others;
- (G) To keep or permit to be kept upon any premises within the village a dog, other animal or fowl which, by loud, frequent or continuous noise, is offensive and annoying to others;
- (H) To erect or use any building or other place for the exercise of a trade, employment, manufacture or other purpose which, by occasioning noxious exhalations, offensive smells or otherwise is dangerous to the health of the public;
- (I) To cause or permit any premises within the village to become or remain littered with refuse, rubbish, junk, waste, manure, straw, weeds, brush, machinery or parts thereof, or other like matter or things which may, or does, become offensive or dangerous to the health of others;
- (J) To store or permit to be stored on any premises lumber, bricks, other building material, crates, cases or boxes, if the articles are piled to a height greater than the distance from such pile to the public way, but in no event to a height exceeding 8 feet, unless the yard or lot is entirely surrounded by a fence 8 feet in height;
- (K) To abandon or discard, in any place accessible to children, any refrigerator, icebox or ice chest of a capacity of 1½ cubic feet or more, having an attached lid or door which may be opened or fastened shut by means of an attached latch;
- (L) To abandon or discard, in any place accessible to children, any unperforated polyethylene bags or coverings;
- (M) To keep or use, or permit to be kept or used, any premises within the village in such condition that rats, flies, noxious vermin or insects infest the same;
- (N) To create or permit to remain upon any premises within the village any offensive condition which is dangerous to the health or offensive to others;
- (O) To corrupt or render unwholesome or impure the water of any spring, river, stream, pond or lake to the injury or prejudice of others;
- (P) To obstruct any watercourse, ravine or gutter so as to cause water to stagnate therein or to permit foul or stagnant water to stand upon any premises to the injury or prejudice of others;
- (Q) To allow or permit any dense smoke to come or be emitted from the smokestack of any locomotive, steamroller, steam derrick, steam pile driver, tar kettle or other similar machine or contrivance from the smokestack or chimney of any building, or from an open fire within the village;
- (R) To spread, or cause any agent or employee to spread, any poison for the purpose of killing rats, mice, rodents, insects or other vermin in any public way or public place in the village in any yard, court, passageway or open place on private premises on the outside of any building or structure or in any place in the village, in any yard, court, passageway or open place on private premises on the outside of any building or structure, or in any place within a building or structure which is open to the general public where pet dogs, cats or other domestic animals or fowl have access, without placing the same in a receptacle of

such kind or character that it can be reached only by the kind of vermin which the poison is intended to kill, or without placing a wire or other guard about the same in such a way that no child or domestic animal, fowl or other harmless creature can reach such poison;

(S) To spit upon any public sidewalk, the floor of any public conveyance or the floor of any theater, hall, assembly room or public building;

(T) To drop, throw, discard or place any cartons, containers, wrappers, bags, facial tissue, paper napkins or any other wastepaper, waste matter, cans or bottles upon any public way, the floor of any public conveyance or building, the surface of any lot or parcel of ground, the roof of any building or in any light or air shaft, court or areaway;

(U) To cast, drop or throw any object, missile or other substance or article in, from or into any public place, thereby endangering the safety or property of others;

(V) To drop or deposit anywhere within the village, except at such place as may be authorized by a written permit of the Board of Trustees, any garbage, ashes, miscellaneous waste, manure or allow such to be scattered by the wind, decompose, or become filthy, noxious or unhealthful;

(W) To rent, use or permit the use of a building or premises for any business, pleasure or recreation which, by its boisterous nature, disturbs or destroys the peace of a neighborhood or is dangerous or detrimental to health;

(X) To fail to complete the construction or remodeling of any building within the term for which the building permit is issued, or any extension thereof, if the condition has a depreciating effect on property values in the neighborhood and to the injury and prejudice of others; or

(Y) To abandon or leave unattended any grocery cart or shopping cart upon any public street, sidewalk or public way, or upon the private property of any person adjoining or abutting any public way or sidewalk, other than premises where said cart was originally obtained.

(Z) To store or permit to be stored on any premises, outside and in public view, any component or part of a motor vehicle, any tire or tires unattached to a vehicle. For purposes of this division, **MOTOR VEHICLE** shall have the same definition as that provided in the Illinois Vehicle Code (ILCS Ch. 625, Act 5, § 1-101) as amended, and **VEHICLE** shall mean every device, in, upon or by which any person or property is or may be transported or drawn upon a highway, including devices moved by human power.

(AA) To use property, or engage in an activity taking place on or from property abutting a public street or public sidewalk which obstructs, or threatens to obstruct or interfere with, or tends to obstruct or interfere with, the lawful and safe vehicular use or lawful and safe bicycle use of the public streets or the lawful and safe use of the public sidewalk.

(BB) To obstruct or block the free flow of water in a natural waterway or a public street, public right-of-way, drain, gutter or ditch by depositing, or causing to be deposited, therein or thereon any grass clippings, leaves, brush, yard waste, fill, trash, debris, obstructions or unwanted materials, the placement of which would alter, impede, block or otherwise detrimentally affect the rate of flow of water through said drainage way or present a serious risk of clogging or being a part of clogging public or private drainage facilities. Exception: materials or equipment temporarily placed by the village or village contractors or employees for the purpose of maintenance repair or replacement of a public street, public right-of-way, drain, gutter or ditch. Further exception: yard waste placed for scheduled removal within 5 days of placement.

(CC) To discharge water from a sump pump or downspout into or onto a public street or public sidewalk without a permit therefor issued by the Director of Public Works or his designee. (Am. Ord. 2005-O-78, passed 10-18-2005; Am. Ord. 2009-O-45, passed 9-15-2009) (1978 Code, § 7-2-2)

§ 95.23 RAT EXTERMINATION.

(A) *Extermination of rats; imposition of lien.* Any persons suffering rats to enter and remain upon their real estate premises, after having received a 14-day notice to remove the same, shall be subject to the imposition of a lien against that person's real estate in the event that the village pays for and attempts the removal and extermination of rats in accordance with the provisions of this section. (1978 Code, § 7-2-3-1)

(B) *Removal notice.* After the Health Officer of the village, or any officer assigned such duties, ascertains that rats exist and remain upon the real estate premises of any person, the village authorities shall serve notice by certified mail that those rats must be removed or exterminated within 14 days. In the event such person fails to comply with that notice, then the village may request permission to go upon the premises to exterminate the rats. In the event such person refuses permission for the village to go upon the property, then the village is authorized to file a lawsuit seeking court approval to go upon the premises and attempt to remove the rats pursuant to this section and Illinois statutes on rat extermination, and the cost of the lawsuit and attorney fees shall be considered an expense of rat extermination which may be the subject of a lien against the real estate. (1978 Code, § 7-2-3-2)

(C) *Cost of extermination.* The cost of rat extermination, whether accomplished with the cooperation of the property owner or by court order, shall likewise be a cost and expense subject to recovery by lien. (1978 Code, § 7-2-3-3)

(D) *Notice of lien.* After the lawsuit and after the expense incurred attempting to exterminate rats, the village, within 60 days thereafter through its appropriate public official, shall file a notice of lien in the office of the Recorder of Deeds in the county in which the real estate is located. The notice shall be a sworn statement containing the following:

(1) A description of the real estate;

(2) The amount of money representing costs and expenses of litigation and the amount of money representing the cost and expense of the extermination service;

(3) The date or dates when such cost and expense was incurred by the village. (1978 Code, § 7-2-3-4)

(E) *Enforcement of collection.* In the event the lien so recorded is not satisfied, the village may enforce collection of the lien by a proceeding to foreclose as in the case of mortgages or mechanics' liens within the time period set forth by statute (presently 1 year after the filing of the notice of lien).

(1978 Code, § 7-2-3-5) (Ord. 1989-O-32, passed 8-1-1989)

§ 95.24 WEEDS.

(A) All weeds which are a menace or are otherwise injurious to health or welfare are declared to be a nuisance. Every owner of real estate within the village shall cut the weeds on his property at all times necessary so that the weeds shall not exceed 8 inches in height.

(B) If the owner neglects or refuses to so cut the weeds on his property, the village may do so or may authorize some person to cut the weeds on behalf of the village.

(C) If the weeds are cut by the village, a notice of lien for the cost and expense incurred shall be recorded in the following manner. The village, or the person performing the service by authority of the village, may file notice of lien in the office of the Recorder of Deeds of Lake County, Illinois.

(1) The notice of lien shall consist of a sworn statement setting forth:

- (a) A description of the real estate sufficient for identification;
- (b) An amount of money representing the cost and expense incurred or payable for the service; and
- (c) The date or dates when the expense was incurred.

(2) The notice of lien shall be filed within 60 days after the cost and expense is incurred.

(D) If payment of the cost and expense is made after notice of lien has been filed, the lien shall be released by the village, and the release filed in the same manner as the notice of lien. (1978 Code, § 7-2-4)

§ 95.25 DISEASED TREES.

(A) Any tree infected with Dutch elm disease, or with injurious insect pests or disease which the Department of Agriculture has determined to be contagious, is a menace to safety and the welfare of the residents of the village, and is declared to be a public nuisance.

(B) Any person owning or controlling any plot of ground upon which such a tree is situated shall, upon the appearance of evidence of such disease, cause such tree to be removed from the premises and burned.

(C) If the owner or person in control of any plot of ground upon which such a tree is situated fails to have the tree removed and burned, the village shall effect the removal of the tree and recover the cost of such removal from the owner, lessee or person in control of the parcel of real estate in an action at law.

(1978 Code, § 7-2-5)

§ 95.26 SMOKING IN STORES.

(A) It is found and declared that retail stores where merchandise is displayed and offered for sale attract crowds within relatively small areas and that smoking in said places is a menace to public health, safety and property.

(B) It shall be a nuisance for any person to smoke or carry a lighted cigarette, cigar or pipe in any retail store offering merchandise for sale, excluding areas set apart for serving food or beverages, waiting and restrooms, executive offices, beauty parlors and other rooms or areas where merchandise is not exposed. (1978 Code, § 7-2-6)

§ 95.27 CHRONIC NUISANCE PROPERTIES.

(A) *Definitions.* For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

CHRONIC NUISANCE PROPERTY. Property upon which 3 or more of the nuisance activities listed below have occurred during any 120-day period, as a result of any 3 separate factual events that have been independently investigated by any law enforcement agency:

- (a) Disorderly conduct, as defined in ILCS Ch. 720, Act 5, § 26-1;
- (b) Unlawful use of weapons, as defined in ILCS Ch. 720, Act 5, §§ 24-1 *et seq.*;
- (c) Mob action, as defined in ILCS Ch. 720, Act 5, § 25-1;
- (d) Discharge of a firearm, as defined in ILCS Ch. 720, Act 5, §§ 24-1.2 and 24-1.5;
- (e) Gambling, as defined in ILCS Ch. 720, Act 5, § 28-1;
- (f) Possession, manufacture or delivery of controlled substances, as defined in ILCS Ch. 720, Act 570, §§ 401 *et seq.*;
- (g) Public indecency, as defined in ILCS Ch. 720, Act 5, § 11-9;
- (h) Assault or battery or any related offense, as defined in ILCS Ch. 720, Act 5, §§ 12-1 *et seq.*;
- (i) Sexual abuse or related offense, as defined in ILCS Ch. 720, Act 5, §§ 12-15 *et seq.*;
- (j) Prostitution, as defined in ILCS Ch. 720, Act 5, §§ 11-14 *et seq.*;
- (k) Criminal damage to property, as defined in ILCS Ch. 720, Act 5, §§ 21-1 *et seq.*;
- (l) Possession, cultivation, manufacture or delivery of cannabis, as defined in ILCS Ch. 720, Act 550, §§ 3 *et seq.*;
- (m) Illegal consumption or possession of alcohol, as defined in ILCS Ch. 235, Act 5, §§ 6-16 *et seq.*;
- (n) Violation of this code relating to garbage and debris removal as stated in [§ 95.22](#).

CONTROL. The ability to regulate, restrain, dominate, counteract or govern conduct that occurs on that property.

OWNER. Any person, agent, firm or corporation having any legal or equitable interest in the property. Owner includes, but is not limited to:

- (a) A mortgagee in possession in whom is vested:
 - 1. All or part of the legal title to the property;
 - 2. All or part of the beneficial ownership and the right to the present use and enjoyment of the premises;
- (b) An occupant who can control what occurs on the property.

PERMIT. To suffer, allow, consent to, acquiesce by failure to prevent, or expressly assent or agree to the doing of an act.

PERSON. Any natural person, association, partnership or corporation capable of owning or using property in the village.

PERSON IN CHARGE. Any person in actual or constructive possession of a property, including, but not limited to, an owner, occupant of property under his domain, ownership or control.

PROPERTY. Any real property, including land in that which is affixed, incidental or pertinent to land, including, but not limited to, any premises, room, house, building or structure and/or separate part or portion thereof, whether permitted or not.

(B) *Remedy.*

(1) In the event a court determines property to be a chronic nuisance property, the court, upon proper application, may order that the property be closed and secured against all use and occupancy for a period it deems reasonable and proper or the court may employ any other remedy deemed by it to be appropriate to abate the nuisance.

(2) In addition to the remedy provided in subsection (B)(1) of this section, the court may impose upon the owner of the property a civil penalty in the amount of not less than \$100 per day up to \$750 per day, payable to the village, for each day the owner had actual knowledge that the property was a chronic nuisance property and permitted the property to remain a chronic nuisance property.

(3) In determining what remedy or remedies shall be employed, the court may consider evidence of other conduct which has occurred on the property, including, but not limited to:

- (a) The unreasonable disturbance of neighbors;
- (b) The recurrence of loud and obnoxious noises;
- (c) Repeated consumption of alcohol in public;
- (d) Accumulations of uncontained garbage or waste or refuse;
- (e) The failure of the owner, or manager of the property to enforce the reasonable rules or regulations established by the owner in the lease(s) for the property which are intended to prohibit the conduct or conditions described in this subsection (B)(3).

(C) *Abatement of nuisance.* The prosecuting attorneys of the village may commence an action to abate the chronic public nuisance property as described above. Upon being satisfied by affidavits or other sworn evidence that an alleged chronic nuisance property exists, the court may, without notice or bond as provided by law and in addition to any other available lawful remedy or penalty, enter a temporary restraining order or a preliminary injunction to enjoin any defendant from maintaining such nuisance and may enter an order restraining any defendant from removing or interfering with all property used in connection with the public nuisance.

(D) *Procedure.* When the Chief of Police of the village receives 1 or more police reports documenting the occurrence of a nuisance activity on or within a property, the Chief of Police shall independently review such reports to determine whether they describe criminal acts. Upon such findings, the Chief may:

(1) Notify the person in charge in writing that the property is in danger of becoming a chronic nuisance property. The notice shall contain the following information:

- (a) The street address or a legal description sufficient for identification of the property;
- (b) A statement that the Chief of Police has information that the property may be a chronic nuisance property, with a concise description of the nuisance activities that may exist or that have occurred. The Chief of Police shall offer the person in charge an opportunity to propose a course of action that the Chief of Police agrees will abate the nuisance activities giving rise to the violation;

(c) Demand that the person in charge respond to the Chief of Police within 10 days to discuss the nuisance activities;

(2) After complying with the notification procedures described herein, if the Chief of Police receives a police report documenting the occurrence of a third nuisance activity at or within a property and determines that the property has become a chronic nuisance property, the Chief of Police shall:

(a) Notify the person in charge in writing that the property has been determined to be a chronic nuisance property. The notice shall contain the following information:

1. The street address or a legal description sufficient for identification of the property;
2. A statement that the Chief of Police has determined the property to be a chronic nuisance property with a concise description of the nuisance activities leading to his findings;
3. Demand that the person in charge respond within 10 days to the Chief of Police and propose a course of action that the Chief of Police agrees will abate the nuisance activities giving rise to the violation;
4. Service shall be made either personally or by first class mail, postage prepaid, return receipt requested, addressed to the person in charge at the address of the property believed to be a chronic nuisance property, or such other place which is likely to give the person in charge notice of the determination by the Chief of Police;
5. A copy of the notice shall be served on the owner at such address, as shown on the tax rolls of Lake County, Illinois, and/or the occupant at the address of the property, if these persons are different than the person in charge and shall be made either personally or by first class mail, postage prepaid;
6. A copy of the notice shall also be posted at the property after the 10 days has elapsed from the service or mailing of the notice to the person in charge and the person in charge has not contacted the Chief of Police;
7. If the property is registered under the village's rental property inspection ordinance, then a notice shall be delivered to the person registered under such ordinance as the owner or manager of the property. For purposes of this subsection (D)(2)(a)7, **DELIVERED** means the mailing of the notice by registered or certified mail, postage prepaid. The date of such mailing shall be deemed to be the date of delivery;
8. The failure of any person to receive notice that the property may be a chronic nuisance property shall not invalidate or otherwise affect the proceedings under this section.

(b) If after the notification, but prior to the commencement of legal proceedings by the village pursuant to this section, a person in charge stipulates with the Chief of Police that the person in charge will pursue a course of action that both parties agree will abate the nuisance activities giving rise to the violation, the Chief of Police may agree to postpone legal proceedings for a period of not less than 10 nor more than 30 days. If the agreed course of action does not result in the abatement of the nuisance activity or if no agreement concerning abatement is reached within 30 days, the Chief of Police shall request authorization for the prosecuting attorneys of the village to commence a legal proceeding to abate the nuisance.

(c) Concurrent with the notification procedures set forth herein, the Chief of Police shall send copies of the notice, as well as any other documentation which supports legal proceedings, to the corporation counsel.

(3) When a person in charge makes a response to the Chief of Police as required above, any conduct or statements made in connection with the furnishing of that response shall not constitute an admission that any nuisance activities have or are occurring. This subsection does not require the exclusion of any evidence which is otherwise admissible or offered for any other purpose.

(E) *Commencement of action, burden of proof.*

(1) In an action seeking closure of a chronic nuisance property, the village shall have the initial burden of showing, by preponderance of the evidence, that the property is a chronic nuisance property.

(2) It is a defense to an action seeking the closure of chronic nuisance property that the owner of the property at the time in question could not, in the exercise of reasonable care or diligence, determine that the property had become a chronic nuisance property or could not, in spite of the exercise of reasonable care and diligence, control the conduct leading to the findings that the property is a chronic nuisance property.

(3) In establishing the amount of any civil penalty requested, the court may consider any of the following factors, if they find appropriate, and shall cite those found applicable:

- (a) The actions or lack of action taken by the owner or manager or other person(s) in charge to mitigate or correct the problem at the property;
- (b) Whether the problem at the property was repeated or continuous;
- (c) The magnitude or gravity of the problem;
- (d) The cooperation of the person in charge with the village;
- (e) The cost of the village investigating and correcting, or attempting to correct, the condition.

(F) *Emergency closing procedures.*

(1) In the event that it is determined that the property is an immediate threat to the public health, safety and welfare, the village may apply to the court for such interim relief, as it is deemed by the Chief of Police to be appropriate. In such an event, the notification provision set forth in division (D) of this section need not be complied with; however, the village shall make a diligent effort to notify the person in charge prior to a court hearing.

(2) In the event that the court finds that the property constitutes a chronic nuisance property as defined in subsection (A) of this section, the court may order the remedy set out above or any other remedy it deems appropriate and just. In addition, in the event that it also finds a person in charge had knowledge of activities or conditions of the property constituting or violating this section and permitted the activities to occur, the court may assess a civil fine as provided above.

(3) The court may authorize the village to physically secure the property against use or occupancy in the event the owner fails to do so within the time specified by the court. In the event that the village is authorized to secure the property, all costs reasonably incurred by the village to affect the closure shall be made and assessed as a lien against the property. If used herein, **COSTS** mean those costs actually incurred by the village for the physical securing of the property, as well as tenant relocation costs.

(4) The Village Building and/or Public Works Department employee affecting the closure shall prepare a statement of costs and the village shall thereafter submit the statement to the court for its review. If no objection of the statement is made within the period described by the court, a lien in said amount may be recorded against the property.

(5) Any person who is assessed the cost of closure and/or civil penalty by the court shall be personally liable for the payment thereof by the village.

(6) A tenant is entitled to his reasonable relocation costs, as those are determined by the court, if, without actual notice, the tenant moved into the property after either:

- (a) The owner or tenant received notice as described herein of the Police Chief's determination as described above;
- (b) Unknown owner or other agent received notice of an action brought pursuant to this section;
- (c) Any person who is assessed with costs of closure and/or civil penalty by the court shall be personally liable for the payment thereof to the village.

(1978 Code, § 7-2-7) (Ord. 2000-O-25, passed 7-18-2000)

WEEDS

§ 95.40 WEEDS DECLARED A NUISANCE.

Any weeds such as jimson, burdock, ragweed, thistle, cocklebur or other weeds of a like kind found growing in any lot or tract of land in the village are declared to be a nuisance, and it shall be unlawful to permit any such weeds to grow or remain on any such place. (1978 Code, § 7-14-1) (Ord. 1995-O-18, passed 6-6-1995)

§ 95.41 HEIGHT.

It shall be unlawful to permit any weeds, grass or plants other than trees, bushes, flowers or other ornamental plants to grow to a height exceeding 8 inches anywhere in the village; any such plants or weeds exceeding such height are hereby declared to be a nuisance. (1978 Code, § 7-14-2) (Ord. 1995-O-18, passed 6-6-1995)

§ 95.42 REMOVAL, NOTICE.

It shall be the duty of the Code Enforcement Officer of the village to serve or cause to be served a notice upon the owner or occupant of any premises on which weeds or plants are permitted to grow in violation of the provisions of this chapter and to demand the abatement of the nuisance within 10 days.

(1978 Code, § 7-14-3) (Ord. 1995-O-18, passed 6-6-1995)

§ 95.43 ABATEMENT.

If the person so served does not abate the nuisance within 10 days, the Code Enforcement Officer may proceed to abate such nuisance, keeping an account of the expense of the same, and such expense shall be charged to and paid by such owner or occupant. (1978 Code, § 7-14-4)

(Ord. 1995-O-18, passed 6-6-1995)

§ 95.44 LIEN; FORECLOSURE OF SAME.

(A) *Lien claim filed.*

(1) Charges for such weed removal shall be a lien upon the premises. Whenever a bill for such charges remains unpaid for 60 days after it has been rendered, the Clerk may file with the Recorder of Deeds of Lake County a statement of lien claim. This statement shall contain a legal description of the premises, the expenses, the costs incurred and the date the weeds were cut, and a notice that the village claims a lien for this amount.

(2) Notice of such lien claim shall be mailed to the owner of the premises if his address is known; provided, however, that failure of the Clerk to record such lien claim or to mail such notice, or failure of the owner to receive such notice shall not affect the right to foreclose the lien for such charges as provided herein.

(B) *Foreclosure of lien.*

(1) Property subject to lien for unpaid weed cutting charges shall be sold for nonpayment 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 equity in the name of the village.

(2) The Village Attorney is authorized and directed to institute such proceedings, in the name of the village, in any court having jurisdiction of such matters, against any property for which such bill has remained unpaid 60 days after it has been rendered. (1978 Code, § 7-14-5) (Ord. 1995-O-18, passed 6-6-1995)

GRAFFITI

§ 95.75 DEFINITION OF GRAFFITI.

For the purpose of this subchapter, *GRAFFITI* shall mean any symbol, announcement, insignia, name identification, inscription, picture, or similar marking, including without limitation any letter, word, numeral, emblem, or combination thereof, that is painted, written, drawn, scratched, or in any other way placed on any wall, fence, sign, building, or any other structure, or any sidewalk, pavement, post, stone, tree, or other real or personal property, private or public, except as specifically permitted by the Village Code, ordinance or regulation. (1978 Code, § 7-15-1) (Ord. 1994-O-07, passed 3-7-1994)

§ 95.76 GRAFFITI PROHIBITED.

It is declared unlawful and a public nuisance for any person to place graffiti on any property and for any owner or person having control of any property to allow, permit, or otherwise tolerate the graffiti to be placed or to remain on that property. (1978 Code, § 7-15-2) (Ord. 1994-O-07, passed 3-7-1994)

§ 95.77 DUTY TO REMOVE GRAFFITI.

Every owner of property or person having control of property shall at his own expense promptly remove, cover, or otherwise eradicate any graffiti which is placed on that property. (1978 Code, § 7-15-3) (Ord. 1994-O-07, passed 3-7-1994)

§ 95.78 VILLAGE REMEDIES.

(A) In addition to assessing the penalty provided in [§ 95.99](#), and if the owner of the property or the person having control of the property fails to take action as required within 30 days after written notification from the village to remove such graffiti, then the village may take all such steps as are necessary to remove such graffiti. Such steps may include, without limitation, all action necessary to remove, cover, or otherwise eradicate the graffiti, and may also include action for an injunction requiring such owner or person to remove the graffiti within a time period determined by a court of competent jurisdiction.

(B) All costs incurred by the village in taking any action pursuant to this section shall be borne by the owner of the property or the person having control of the property. If such owner or person fails to reimburse the village for costs necessary to abate the nuisance within 30 days after the village mails an invoice for such costs, then such costs shall become a lien on the property and the village may perfect such lien with the Lake County Recorder of Deeds and take all such action as may be necessary to foreclose and collect on such lien. (1978 Code, § 7-15-5) (Ord. 1994-O-07, passed 3-7-1994)

§ 95.79 REMEDIES AGAINST PERPETRATOR.

The village's exercise of the remedies provided in this chapter shall not prevent the owner of the property from recovering, through civil suit or otherwise, the cost of removal of graffiti or other reparation for damage from the person or persons responsible for placing the graffiti on such owner's property.

(1978 Code, § 7-15-6) (Ord. 1994-O-07, passed 3-7-1994)

§ 95.80 SEASONAL DECORATIONS.

(A) Exterior items of a primarily decorative nature visible from the public right-of-way and associated with the celebration of seasonal events or holidays shall be displayed no earlier than 45 days prior to, and removed no later than 45 days after, the holiday or seasonal event.

(B) A citation may be issued for violation of this section, the penalty for which shall be as provided in [§ 10.99](#). (Ord. 2008-O-12, passed 2-5-2008)

§ 95.99 PENALTY.

(A) Whoever shall violate any provision of this chapter for which no specific penalty is provided shall be punished as set forth in [§ 10.99](#).

(B) Any person violating any provision of [§§ 95.40 et seq.](#) shall be fined as provided in [§ 10.99](#) for each offense; and a separate offense shall be deemed committed each day during or on which such a nuisance continues unabated after 10 days from receipt of the notice provided for in [§ 95.44](#).

(Ord. 1995-O-18, passed 6-6-1995)

(C) Any person violating any provision of [§§ 95.55 et seq.](#) shall be fined as set forth in [§ 10.99](#) for each offense and a violation shall be deemed to exist for each day during which violations continues. Any person guilty of repeated violation of [§§ 95.55 et seq.](#) may be subject to license revocation

(Ord. 84-O-31, passed 7-3-1984)

(D) Any person who fails to remove graffiti as required in [§§ 95.75 et seq.](#) within 14 days after written notification from the village to remove such graffiti shall be fined as set forth in [§ 10.99](#) for each offense. A separate offense shall be deemed to have been committed for each day on which a violation occurs or continues after such initial notice has been given. (Ord. 1994-O-07, passed 3-7-1994)