

TITLE 6

HEALTH AND SAFETY

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Chapter 6.01

Nuisances – Generally

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§6.01.01 Nuisances Defined, Generally. Any act, omission, item, thing, occupation, or condition which shall exist or continue for such a length of time as to (1) substantially annoy, injure or endanger the health, safety, peace or welfare of the public; or (2) in any way render the public insecure in life or property; or (3) unlawfully and substantially interfere with, obstruct or render dangerous for passage any street, sidewalk, alley, navigable body or other public way or place; is hereby declared a nuisance. (Ord. No. 16-10, 10-12-16, §1)

§6.01.02 Specific Nuisances Enumerated. It is hereby declared to be a nuisance and to be against the health, safety, peace and welfare of the Village and its citizens, for any person, firm, corporation, or entity within the limits of the Village to permit the following:

A. **Filth.** To cause or suffer the carcass of any animal or any offal, filth or noisome substance to be collected, deposited or to remain in any place within the Village to the offense of others.

B. **Deposit of Offensive Materials.** To throw or deposit any carcass of any dead animal or any offal or other offensive matter in any water course, lake, pond, spring, well, or common sewer, or on any street, or public highway, or public property.

C. **Corruption of Water.** To corrupt or render unwholesome, or impure, the water of any spring, river, stream, well, pond, or lake, to the injury or offense of others.

D. **Noxious Odors.** To erect, continue or use any building or other place for the exercise of any trade, employment or manufacture, which, by occasioning noxious or offensive emissions, smells, or otherwise, that are offensive or dangerous to the health of individuals or the public.

E. **Unlawful Signs.** To paint or post signs or notices on, or affixing them to, fences, other private property, or on rocks or other natural objects without the consent of the property owner, or if in the highway or on public property or other public places without permission of the proper State or local authorities.

F. **Bodies of Water.** To create any condition, through the improper maintenance of a swimming pool or wading pool, or by causing any action which alters the condition of a natural body of water, so that it harbors mosquitoes, flies or other insects, or other animal pests or vermin, that are offensive, injurious, or dangerous to the health of individuals or the public.

G. **Storing Debris.** To store, dump or permit the accumulation of debris, refuse, garbage, trash, tires, buckets, cans, wheelbarrows, garbage cans or other containers in a manner that may harbor mosquitoes, flies, insects, rodents, vermin, nuisance birds, or other insect or animal pests that are offensive, injurious, and dangerous to the health of individuals or the public.

H. **Filthy Premise Conditions.** To keep or suffer to be kept in a foul, offensive, nauseous or filthy condition, any chicken coop, cow barn, stable, cellar, vault, drain, privy, sewer or sink upon any premises, railroad car, building, yard, grounds, or facilities in a manner that is offensive, injurious, and dangerous to the health of individuals or the public.

I. **Litter.** To deposit or allow trash, paper, cardboard, wire, dirt, rock, stone, glass, brick, lumber, wood or litter of material objects of any size or description to fall, be thrown, or be released upon the streets, public rights-of-way, sidewalks, or public property of the Village from any vehicle, person, or object and to allow to remain thereon.

J. **Accumulation of Junk and Trash.** To deposit or pile up any rags, old rope, paper, iron, brass, copper, tin, aluminum, ashes, garbage, refuse, hazardous waste, plastic, brush, litter, weeds, slush, lead, glass bottles or broken glass upon any lot, piece or parcel of land, or upon any public or private alley, street, or public way within the Village.

K. **Rodents.** To cause or permit any condition or situation to exist that shall attract, harbor, or encourage the infestation of rodents or vermin.

L. **Offensive Liquids.** To keep nauseous, foul, or putrid liquid or substance, or any liquid or substance likely to become nauseous, foul, offensive, or putrid, or to permit any such liquid to be discharged, placed, thrown, or to flow into

or upon any private property, public property, or upon any public street, right-of-way, or alley, or permit the same to be done by any person.

M. **Discarded Machinery and Abandoned Wells.** To permit concrete bases, discarded machinery and materials to remain around any type of well, or to fail to fill any holes, cellars, slush pits and other excavations made in connection with any such well or to fail to restore the surface of the lands surrounding any such well to its condition before the drilling of any such well upon abandonment of any such well.

This enumeration of nuisances above shall not be deemed to be exclusive. Further, nothing in this Section shall be construed as to prevent the corporate authorities of this Village from declaring additional materials or situations as nuisances and abating such additional nuisance within the Village limits as provided herein. Additionally, nothing in this Chapter shall be construed as preventing or inhibiting regular farm operations and activities on property that is properly zoned as "A-Agriculture" under the Village's Zoning Code. (Ord. No. 16-10, 10-12-16, §1)

§6.01.03 Nuisances Detrimental to Health Generally. Any building, vehicle, structure, receptacle, yard, lot, premises, or part thereof that is made, used, kept, maintained or operated in the Village in a manner that permits or otherwise allows or maintains any nuisance is hereby further declared to be dangerous or detrimental to health and safety of individuals and the public and thereby declared a nuisance. (Ord. No. 16-10, 10-12-16, §1)

§6.01.04 Nuisances Declared Unlawful. It shall be unlawful and a violation of this Chapter for any person, firm, corporation, or entity to willfully or negligently create, erect, maintain or permit a nuisance, as described in this Chapter or otherwise declared by corporate authorities of this Village, to exist anywhere within the Village. (Ord. No. 16-10, 10-12-16, §1)

§6.01.05 Notice to Abate. Whenever designated Village official or Code Enforcement Officer finds or determines that a nuisance exists, a written notice shall be served personally upon the owner or person in control of the property or premises who is causing, permitting or maintaining such nuisance which notice shall give the person served seven (7) days from the date of service of the notice to abate the nuisance. Such personal service may be affected by handing of the same to the owner, occupant, or lessee of the premises, or to any member of the household of the age of fifteen (15) years or older found on the premises. Alternatively, the Code Enforcement Officer or law enforcement official shall cause an administrative ticket to be personally served upon the owner or person in control of the property or premises who is causing, permitting or maintaining such nuisance which notice shall give the person served seven (7) days from the date of service of the notice to abate the nuisance. Such service of an administrative ticket shall be deemed the equivalent of a notice to abate as described in this section. Such notice or administrative ticket shall be by means of personal service of a copy of the complaint or by certified or

registered mail of a copy of the complaint to the last known residence address of the owner or person in control of the property.

Such notice shall fairly apprise such person of the nature and location of the nuisance, his duty to abate or remove the nuisance within the time provided therein, the penalty for the nuisance and failure to abate the same, and shall state that, if said nuisance is abated by the Village, liability for the necessary expenses so incurred shall accrue as provided for in this Chapter. (Ord. No. 16-10, 10-12-16, §1)

§6.01.06 Abatement of Nuisance by Village; Unknown Owner. It shall be the duty of the designated Village official or Code Enforcement Officer to proceed at once upon the expiration of the time specified in the notice to cause such nuisance to be abated or otherwise removed, keeping an account of the expense of the abatement. However, if the premises are unoccupied and the owner's address cannot be obtained or whenever the owner, occupant, agent, or person in possession or control of the premises in or upon which any nuisance may be found is unknown or cannot be found, the designated Village official or Code Enforcement Officer shall post the seven (7) days' notice on the property by posting the notice on the front door on the main structure on the premises or by posting a sign notice on the premises. Upon the expiration of this seven (7) day notice period after the posting of the notice on the premises, the designated Village official or Code Enforcement Officer shall proceed at once to cause such nuisance to be abated or otherwise removed, keeping an account of the expense of the abatement. In either case, the expenses of such abatement shall be assessed against the property and paid by the property owner as provided in this Chapter. Additionally, the person who created or permitted such nuisance to exist shall be in violation of the provisions of this Chapter and assessed a penalty or fine as provided herein. (Ord. No. 16-10, 10-12-16, §1)

§6.01.07 Failure to Comply with Notice; Penalties. Except as specifically provided otherwise in the Village Code, a violation of any of the provisions of this Chapter occurs on the date when the nuisance is created and permitted to continue by the owner, occupant, agent, or person in possession or control of any premises in or upon which any nuisance is found. Every person convicted of a violation of any of the provisions of this Chapter shall be punished by a fine of not less than One Hundred Dollars (\$100.00) nor more than Seven Hundred Fifty Dollars (\$750.00) for each offense, plus attorneys' fees and court costs. Further, if the person notified to abate a nuisance shall neglect or refuse to comply with the requirements of such notice by abating such nuisance within the time specified, such person shall be guilty of violating the provisions of this Chapter. Each day each violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such hereunder. The Village shall not be required to issue another notice where the condition or violation is at first abated, but later resumed or repeated. (Ord. No. 16-10, 10-12-16, §1)

§6.01.08 Lien. Charges for such abatement or removal of a nuisance shall be a lien upon the premises. A bill representing the cost and expense incurred or payable for the service shall be presented to the property owner. If this bill is not paid within thirty (30)

days of submission of the bill, a notice of lien of the cost and expenses thereof incurred by the Village shall be recorded in the following manner:

- A. A description of the real estate sufficient for identification thereof, including the property identification number;
- B. The amount of money representing the cost and expense incurred or payable for the service, including any reasonable administrative fees, legal fees, and recording costs incurred by the Village in this abatement action;
- C. The date or dates when said cost and expense was incurred by the Village; and
- D. The lien shall be filed within sixty (60) days after the cost and expense is incurred by the Village. (Ord. No. 16-10, 10-12-16, §1)

§6.01.09 Payment. Notice of such lien claim shall be mailed to the owner of the premises if his address is known. Upon payment of the cost and expense after notice of lien has been filed, the lien shall be released by the Village or person in whose name the lien has been filed and the release shall be filed of record in the same manner as filing notice of the lien. All lien and release filing fees shall be paid by the owner of the property. (Ord. No. 16-10, 10-12-16, §1)

§6.01.10 Foreclosure of Lien. Property subject to a lien for unpaid abatement or removal charges shall be sold for non-payment 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 may be initiated in the name of the Village after the lien is in effect for a period of no less than sixty (60) days. (Ord. No. 16-10, 10-12-16, §1)

Chapter 6.02

Weeds and Plants

Sections:

6.02.01	Definition
6.02.02	Height
6.02.03	Disposing of Weeds, Grass Clippings, and Yard Waste
6.02.04	Notice
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6.02.06	Abatement
6.02.07	Penalties for Violations
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6.02.09	Payment
6.02.10	Foreclosure of Lien

§6.02.01 Definition. “Weeds” as used in this Code shall include, but not be limited to the following: Burdock, Rag Weed (giant), Rag Weed (Common), Thistle, Cocklebur, Jimson, Blue Vervain, Common Milk Weed, Wild Carrot, Poison Ivy, Wild Mustard, Rough Pigweed, Lambsquarter, Wild Lettuce, Curled Dock, Smartweeds (all varieties), Poison Hemlock, Wild Hemp and Johnson Grass and all other noxious weeds as defined by the statutes of the State of Illinois. (Ord. 16-10, 10-12-16, §1)

§6.02.02 Height. It shall be unlawful for anyone, including any property owner, tenant, or occupant of the premises, to permit any weeds, grass, or plants to grow to a height exceeding ten (10) inches anywhere in the Village. Any such weeds, grasses, or weeds exceeding such height are hereby declared to be a nuisance. This provision does not apply to trees, bushes, flowers or other ornamental plants, or vegetable producing plants in a vegetable garden. (Ord. 16-10, 10-12-16, §1)

§6.02.03 Disposing of Weeds, Grass Clippings, and Yard Waste. No person shall dispose of weeds, grass clippings, or similar yard waste by dumping in any ditches on public or private property within the Village. (Ord. 16-10, 10-12-16, §1)

§6.02.04 Notice. The Code Enforcement Officer, law enforcement official, or designated Village official may issue a written notice for removal or abatement of weeds, tall grass, or improper disposal of yard waste. Such garbage or debris shall be removed by the owner or occupant within seven (7) days after such notice has been duly served. (Ord. 16-10, 10-12-16, §1)

§6.02.05 Service of Notice. Service of notice provided for herein shall be made in compliance with Section 6.01.05 of the Village Code. (Ord. 16-10, 10-12-16, §1)

§6.02.06 Abatement. If the person so served does not abate the nuisance within seven (7) days of service of the notice, such person may be fined as provided in this Chapter. Further, the Code Enforcement Officer or designated Village official may proceed to abate the weeds or tall grass nuisance, keeping an account of the expense of the abatement and such expense shall be charged and paid by such owner or occupant as provided herein. (Ord. 16-10, 10-12-16, §1)

§6.02.07 Penalties for Violations. Every person convicted of a violation of any of the provisions of this Chapter shall be punished by a fine of not less than One Hundred Dollars (\$100.00) nor more than Seven Hundred Fifty Dollars (\$750.00) for each offense, plus attorneys' fees and court costs. Each day each violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such hereunder. The Village shall not be required to issue another notice or a new notice within the 12-month period after notice has been served for a violation of this Chapter where the condition or violation is at first abated, but later resumed or repeated, in order to impose a penalty under this Chapter during that same 12-month period. (Ord. 16-10, 10-12-16, §1)

§6.02.08 Lien. Charges for such weed, tall grass, or yard waste abatement or removal shall be a lien upon the premises. A bill representing the cost and expense incurred or payable for the service shall be presented to the property owner. If this bill is not paid within thirty (30) days of submission of the bill, a notice of lien of the cost and expenses thereof incurred by the Village shall be recorded in the following manner:

- A. A description of the real estate sufficient for identification thereof, including the property identification number;
- B. The amount of money representing the cost and expense incurred or payable for the service, including any reasonable administrative fees, legal fees, and recording costs incurred by the Village in this abatement action;
- C. The date or dates when said cost and expense was incurred by the Village; and
- D. The lien shall be filed within sixty (60) days after the cost and expense is incurred by the Village. (Ord. 16-10, 10-12-16, §1)

§6.02.09 Payment. Notice of such lien claim shall be mailed to the owner of the premises if his address is known. Upon payment of the cost and expense after notice of lien has been filed, the lien shall be released by the Village or person in whose name the lien has been filed and the release shall be filed of record in the same manner as filing notice of the lien. All lien and release filing fees shall be paid by the owner of the property. (Ord. 16-10, 10-12-16, §1)

§6.02.10 Foreclosure of Lien. Property subject to a lien for unpaid abatement or removal charges shall be sold for non-payment 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 may be initiated in the name of the Village after the lien is in effect for a period of no less than sixty (60) days. (Ord. 16-10, 10-12-16, §1)

Chapter 6.03

Garbage and Debris

Sections:

6.03.01	Accumulation Prohibited
6.03.02	Notice to Person
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6.03.04	Abatement
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6.03.06	Lien
6.03.07	Payment
6.03.08	Foreclosure of Lien

§6.03.01 Accumulation Prohibited.

A. No person shall permit any garbage, debris, or trash to accumulate on their premises or on any public or private property, except when contained in a lawful container as provided herein. It is hereby declared to be a nuisance and it shall be unlawful for the owner or occupant of real estate to refuse or neglect to remove the garbage, debris, or trash.

B. The terms “garbage” and “debris” shall include litter, dirt, rubbish, animal feces, or any other offensive or nauseous substance. The term “litter” shall include among other things, newspapers, paper products, wood, discarded items, any motor vehicle parts, or otherwise any type of refuse, unless necessary for the operation of a lawfully conducted business enterprise, and shall not include such items which are appropriately stacked and stored for fuel or heating purposes or stored in a lawful container as provided herein.

C. All structures within the Village must have a sufficient number of containers with the proper capacity to accommodate and contain all garbage and debris accumulated by occupants of the structure. Said containers shall always be tightly covered or sealed and waterproof and shall be stored in a garage or other suitable structure or alongside of said structure at all times except for the evening prior to and day of normal garbage pickup provided that said container shall be placed no closer than two (2) feet from the curb or edge of any public street. It is a violation of this provision if the owner or occupant of the property does not comply with these requirements for garbage containers. (Ord. 16-10, 10-12-16, §1)

§6.03.02 Notice to Person. The Code Enforcement Officer, law enforcement official, or designated Village official may issue a written notice for removal of garbage or

debris. Such garbage or debris shall be removed by the owner or occupant within seven (7) days after such notice has been duly served. (Ord. 16-10, 10-12-16, §1)

§6.03.03 Service of Notice. Service of notice provided for herein shall be made in compliance with Section 6.01.05 of the Village Code. (Ord. 16-10, 10-12-16, §1)

§6.03.04 Abatement. If the person so served does not abate the nuisance within seven (7) days of service of the notice, such person may be fined as provided in this Chapter. Further, the Code Enforcement Officer or designated Village official may proceed to abate the garbage, debris, or trash nuisance, keeping an account of the expense of the abatement and such expense shall be charged and paid by such owner or occupant as provided herein. (Ord. 16-10, 10-12-16, §1)

§6.03.05 Penalties for Violations. Every person convicted of a violation of any of the provisions of this Chapter shall be punished by a fine of not less than One Hundred Dollars (\$100.00) nor more than Seven Hundred Fifty Dollars (\$750.00) for each offense, plus attorneys' fees and court costs. Each day each violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such hereunder. The Village shall not be required to issue another notice or a new notice within the 12-month period after notice has been served for a violation of this Chapter where the condition or violation is at first abated, but later resumed or repeated, in order to impose a penalty under this Chapter during that same 12-month period. (Ord. 16-10, 10-12-16, §1)

§6.03.06 Lien. Charges for such abatement or removal of the garbage, debris, or trash nuisance shall be a lien upon the premises. A bill representing the cost and expense incurred or payable for the service shall be presented to the property owner. If this bill is not paid within thirty (30) days of submission of the bill, a notice of lien of the cost and expenses thereof incurred by the Village shall be recorded in the following manner:

- A. A description of the real estate sufficient for identification thereof, including the property identification number;
- B. The amount of money representing the cost and expense incurred or payable for the service, including any reasonable administrative fees, legal fees, and recording costs incurred by the Village in this abatement action;
- C. The date or dates when said cost and expense was incurred by the Village; and
- D. The lien shall be filed within sixty (60) days after the cost and expense is incurred by the Village. (Ord. 16-10, 10-12-16, §1)

§6.03.07 Payment. Notice of such lien claim shall be mailed to the owner of the premises if his address is known. Upon payment of the cost and expense after notice of lien has been filed, the lien shall be released by the Village or person in whose name the lien has been filed and the release shall be filed of record in the same manner as filing

notice of the lien. All lien and release filing fees shall be paid by the owner of the property. (Ord. 16-10, 10-12-16, §1)

§6.03.08 Foreclosure of Lien. Property subject to a lien for unpaid abatement or removal charges shall be sold for non-payment 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 may be initiated in the name of the Village after the lien is in effect for a period of no less than sixty (60) days. (Ord. 16-10, 10-12-16, §1)

Chapter 6.04

Open Burning

Sections:

6.04.01	Unlawful Burning
6.04.02	Leaf Burning and Bonfire/Recreational Fires
6.04.03	Location for Burning
6.04.04	Attendance by Responsible Adult
6.04.05	Hours Allowed for Leaf Burning
6.04.06	Fire Extinguishing Equipment
6.04.07	Restrictions for Bonfire/Recreational Fires
6.04.08	Penalties for Violations

§6.04.01 Unlawful Burning. Except as otherwise provided in this Ordinance, it shall be unlawful for any person to set fire to, or cause or permit to be burned, in any yard, lot, street or alley, any rubbish, any garbage, paper, tires, rubbers, oils, plastics, chemicals, flammables or hazardous materials, or to burn any materials for the purpose of waste disposal. (Ord. No. 98-1, 03-11-98)

§6.04.02 Leaf Burning and Bonfire/Recreational Fires. Leaf burning and bonfire/recreational fires shall be allowed only as provided for in this Ordinance. (Ord. No. 98-1, 03-11-98)

§6.04.03 Location for Burning. The location for any leaf burning or bonfire/recreational fire shall be not less than fifty feet (50) from any structure and provision shall be made to prevent the fire from spreading to within fifty (50) feet of any structure. No burning shall occur on any street. (Ord. No. 98-1, 03-11-98)

§6.04.04 Attendance by Responsible Adult. Any leaf burning or bonfire/recreational fire shall be constantly attended by a responsible adult until the fire is completely extinguished. (Ord. No. 98-1, 03-11-98)

§6.04.05 Hours Allowed for Leaf Burning. Leaf burning fires shall be allowed only between the hours of sunrise and sunset. (Ord. No. 98-1, 03-11-98)

§6.04.06 Fire Extinguishing Equipment. Fire extinguishing equipment (including but not limited to garden hoses, buckets of waters, rakes, and shovels) shall be available for immediate use at the location of all leaf burning fires and bonfire/recreational fires. (Ord. No. 98-1, 03-11-98)

§6.04.07 Restrictions for Bonfire/Recreational Fires. A bonfire/recreational fire shall be no more than five feet by five feet (5' X 5') in dimension. Fuel for a

bonfire/recreational fire shall consist only of seasoned dry firewood to be ignited with a small quantity of paper. The fire shall not be used for waste disposal purposes and the fuel shall be chosen to minimize the generation of air contaminants. (Ord. No. 98-1, 03-11-98)

§6.04.08 Penalties for Violations. Every person convicted of a violation of any of the provisions of this Ordinance shall be punished by a fine of not less than One Hundred Dollars (\$100.00) nor more than Seven Hundred Fifty Dollars (\$750.00) for each offense, plus attorneys' fees and court costs. (Ord. No. 09-3, 6-10-09 §13)

Chapter 6.05

Unsafe Buildings

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6.05.06	Court Action
6.05.07	Other Action
6.05.08	Filing of Lien for Demolition or Repair Costs

§6.05.01 Definitions.

- A. An "unsafe building" shall include a building or any part thereof, including doors, aisles, passageways, stairways and the like, which has decayed or been damaged by wind, flood, fire or any other cause, either natural or manmade, so that the whole or portions thereof is likely to collapse, dislodge or otherwise detach so as to possibly injure persons on or near the property or to damage other nearby property. An unsafe building shall also include:
1. Any building or structure which is so infested with rodents, insects, pests or other vermin so as to constitute a health hazard;
 2. Any building which has become vacant, dilapidated or has open doors or windows leaving the interior of the building exposed to the elements or accessible to trespassers; and
 3. Any building with doors, stairways or exitways not of sufficient width or size so as to provide safe and adequate means of exit in case of fire or other panic for occupants thereof.
- B. "Building" shall include any walled or roofed structure including commercial establishments, dwellings, mobile homes, barns, garages and any other accessory structures. (Ord. 16-10, 10-12.16, §2)

§6.05.02 Declaration of Nuisance. Any unsafe or abandoned building situated within the limits of the Village is declared to be a nuisance. It shall be unlawful for any property owner or occupant of any building within the Village to keep or maintain said building in any unsafe or dangerous condition. (Ord. 16-10, 10-12.16, §2)

§6.05.03 Notice of Unsafe Condition. When Village officials determine that a building is dangerous or unsafe, uncompleted or abandoned, or unfit for human occupancy, Village officials shall provide notice to the owner of the property, and all lien holders of record, to demolish or repair such building. Notice shall set forth a description of the real estate and a description of how the building is dangerous or unsafe, uncompleted or abandoned, or unfit for human occupancy. Notice shall also provide the property owner at least fifteen (15) days to remedy the problems with the building by demolishing or repairing such building. The designated Village official, Code Enforcement Officer, or other or law enforcement officer, shall provide this notice by mail or by both personal service and mail. If after a diligent search, the identity or whereabouts of the property owner, which may include the lien holders of record, cannot be determined, notice mailed to the person in whose name the real estate was last assessed shall be sufficient notice, even if such notice to the person is subsequently returned undeliverable. (Ord. 16-10, 10-12.16, §2)

§6.05.04 Designation of Unsafe Conditions. Whenever any building has been designated as unsafe, it shall be unlawful for any person to rent, to occupy or to allow another to occupy said building. (Ord. 16-10, 10-12.16, §2)

§6.05.05 Penalties for Violation. Every person convicted of a violation of any of the provisions of this Chapter shall be punished by a fine of not less than One Hundred Dollars (\$100.00) nor more than Seven Hundred Fifty Dollars (\$750.00) for each offense, plus attorneys' fees and court costs. Each day a violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such hereunder. All costs incurred by the Village, including the cost to demolish or repair an unsafe building, shall be recoverable against the owner of said building. (Ord. 16-10, 10-12.16, §2)

§6.05.06 Court Action. If the property owner fails, neglects, or refuses to comply with the notice to demolish or repair after a notice period of at least fifteen (15) days, the Village officials may seek court approval authorizing the Village to demolish, repair, enclose, or remove the building under the authority of section 11-31-1 of the Illinois municipal code. It shall not be a defense to any cause of action brought by the Village under this chapter that the building has been boarded up or otherwise enclosed. After the Village has received court approval to demolish, repair, enclose, or remove the building, Village officials shall take appropriate action to have the building demolished, repaired, enclosed, or removed. (Ord. 16-10, 10-12.16, §2)

§6.05.07 Other Action. Any action taken by the Village pursuant to this Chapter shall not impede or supersede the Village's authority to take any other action under this Chapter against the property owner, occupant of the property, or person in control of the property, including the issuance of ordinance violation notices that impose a fine for the violation. (Ord. 16-10, 10-12.16, §2)

§6.05.08 Filing of Lien for Demolition or Repair Costs. The cost of the demolition, repair, enclosure, or removal incurred by the Village, including court costs, attorney fees, and other costs related to the enforcement of this chapter, is recoverable

from the property owner and shall become a lien against the property. The lien shall be superior to all prior existing liens and encumbrances, except taxes, provided that within one hundred eighty (180) days after the repair, demolition, enclosure, or removal, the Village shall file a notice of lien for the cost and expense incurred by the Village in the office of the recorder of deeds for Peoria County. The notice of lien shall consist of a sworn statement setting forth the description of the real estate, the amount of the cost and expense incurred, and the date or dates when such costs and expense were incurred by the Village. Upon payment of the cost and expense by the property owner or persons interested in such property after notice of lien has been filed, the lien shall be released by the Village. The Village may enforce this lien at any time by initiating foreclosure proceedings pursuant to section 11-31-1 of the Illinois municipal code, and the costs of the foreclosure proceedings, including court costs, attorney fees, and other costs related to the enforcement of this section, is also a lien against the property and recoverable from the property owner. (Ord. 16-10, 10-12.16, §2)

Chapter 6.06

Special Flood Hazard Areas

Sections:

6.06.01	Purpose
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6.06.03	Definitions
6.06.04	Lands to Which this Ordinance Applies
6.06.05	Basis for Establishing Flood Prone Areas
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6.06.08	Interpretation
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§6.06.01 Purpose. It is the purpose of this Ordinance to promote the public health, safety and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

- A. Protect human life and health;
- B. Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- C. Minimize prolonged business interruptions;
- D. Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in flood-prone areas; and
- E. Help maintain a stable tax base by providing for the proper use and development of flood-prone areas so as to minimize future flood blight areas. (Ord. 16-10, 10-12.16, §2)

§6.06.02 Methods of Reducing Flood Loss. In order to accomplish its purposes, this ordinance includes methods and provisions for:

- A. Regulating uses which are dangerous to health, safety, and property due to water hazards, or which result in damaging increases in flood heights or velocities; and
- B. Requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction. (Ord. 16-10, 10-12.16, §2)

§6.06.03 Definitions.

"Development" means any man-made change to improved or unimproved real estate, including but not limited to any buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

"Federal Emergency Management Agency" (FEMA) means the agency with the overall responsibility for administering the National Flood Insurance Program.

"Flood" or "flooding" means a general and temporary condition of partial or complete inundation of normally dry land areas from:

- (1) the overflow of inland or tidal waters, and/or
- (2) the unusual and rapid accumulation or runoff of surface waters from any source.

"Historic Structure" means any structure that is:

- (1) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listings on the National Register;
- (2) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- (3) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or

- (4) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 - (a) By an approved state program as determined by the Secretary of the Interior or
 - (b) Directly by the Secretary of the Interior in states without approved programs.

"Manufactured home" means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. The term "manufactured home" does not include a "recreational vehicle".

"Manufactured home park or subdivision" means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

"New construction" means structures for which the "start of construction" commenced on or after the effective date of this ordinance, and includes any subsequent improvements to such structures.

"Recreational Vehicle" means a vehicle which is (1) built on a single chassis, (2) 400 square feet or less when measured at the largest horizontal projection, (3) designed to be self-propelled or permanently towable by a light duty truck, and (4) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

"Start of construction" means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory building, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of a building.

"Structure" means a walled and roofed building, manufactured home, or gas or liquid storage tank that is principally above ground.

"Substantial damage" means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged conditions would equal or exceed 50 percent of the market value of the structure before the damage occurred.

"Substantial improvement" means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage", regardless of the actual repair work performed. The term does not, however, include either:

- (1) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement officials and which are the minimum necessary to assure safe living conditions or
- (2) Any alteration of a "historic structure", provided that the alteration will not preclude the structure's continued designation as a "historic structure". (Ord. 16-10, 10-12.16, §2)

§6.06.04 Lands to Which this Ordinance Applies. This ordinance shall apply to all flood prone areas within the jurisdiction of the Village of Dunlap. (Ord. 16-10, 10-12.16, §2)

§6.06.05 Basis for Establishing Flood Prone Areas. The Village President shall determine the flood prone areas based on past flood experiences within the Village of Dunlap or on expected flood heights as determined from engineering calculations. (Ord. 16-10, 10-12.16, §2)

§6.06.06 Compliance. Unless specifically exempted from filing for a development permit as stated in Article IV, Section 2, no structure or land shall hereafter be located, erected, constructed, repaired, extended, converted, enlarged or altered without full compliance with the terms of this ordinance and all other applicable regulations which apply to uses within the jurisdiction of this ordinance. (Ord. 16-10, 10-12.16, §2)

§6.06.07 Abrogation and Greater Restrictions. This ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance and another ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail. (Ord. 16-10, 10-12.16, §2)

§6.06.08 Interpretation. In the interpretation and application of this ordinance, all provisions shall be:

- A. considered as minimum requirements;

- B. liberally construed in favor of the governing body; and,
- C. deemed neither to limit nor repeal any other powers granted under State statutes. Where a provision of this ordinance may be in conflict with a State law, such State law shall take precedence over the ordinance. (Ord. 16-10, 10-12.16, §2)

§6.06.09 Warning and Disclaimer of Liability. The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This ordinance does not imply that uses permitted by this ordinance will be free from flooding or flood damages. This ordinance shall not create liability on the part of Village of Dunlap, any officer or employee thereof, or the Federal Emergency Management Agency, for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made thereunder. (Ord. 16-10, 10-12.16, §2)

§6.06.10 Violations and Penalties. Violation of the provisions of this ordinance or failure to comply with any of its requirements shall be considered a violation subject to a fine of not less than Two Hundred Fifty Dollars (\$250.00) nor more than Seven Hundred Fifty Dollars (\$750.00) or may be prosecuted by Village Officials as a misdemeanor. As provided herein, any person who violates this ordinance or fails to comply with any of its requirements (including violations of conditions of and safeguards established in connection with conditions) shall upon conviction thereof be fined or imprisoned as provided by laws. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent the Village of Dunlap from taking such other lawful action as is necessary to prevent or remedy any violations. (Ord. 16-10, 10-12.16, §2)

§6.06.11 Establishment of Development Permit. A Development Permit shall be obtained before construction or development begins within the jurisdiction of Village of Dunlap. Application for a Development Permit shall be made on forms furnished by the Village President and may include, but not be limited to: plans in duplicate drawn to scale showing the nature, locations, dimensions, and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities, and the location of the foregoing; and, a description of the extent to which any watercourse will be altered or relocated as a result of proposed development. (Ord. 16-10, 10-12.16, §2)

§6.06.12 Exemption from Filing a Development Permit. An application for a Development Permit shall not be required for maintenance work such as roofing, painting, and basement sealing, or for small development activities (except for filling and grading) valued at less than \$1,000.00. (Ord. 16-10, 10-12.16, §2)

§6.06.13 Designation of the Flood Damage Prevention Ordinance Administrator. The Village President is hereby appointed to administer and implement this ordinance by granting or denying development permit applications in accordance with its provisions. (Ord. 16-10, 10-12.16, §2)

§6.06.14 Duties and Responsibilities of the Village President. The duties and responsibilities of the Village President shall include (but are not limited to:

A. Permit Review

1. Review all development permits to determine that the permit requirements of this ordinance have been satisfied.
2. Review all development permits to assure that all necessary permits have been received from those federal, state or local governmental agencies from which prior approval is required. The applicant shall be responsible for obtaining such permits as required. (Ord. 16-10, 10-12.16, §2)

§6.06.15 General Standards for Flood Hazard Reduction. In all areas determined by the Village President to be prone to flooding the following standards are required:

A. Anchoring

All new construction and substantial improvements shall be designed and adequately anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.

B. Construction Materials and Methods

1. All new construction and substantial improvements shall be constructed with materials resistant to flood damage.
2. All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.
3. All new construction and substantial improvements shall be constructed with electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

C. Utilities

1. All new and replacement water supply systems shall be designed to eliminate infiltration of flood waters into the systems.

2. New and replacement sanitary sewerage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters.
3. Individual waste water treatment systems shall be located to avoid impairment to them or contamination from them during flooding.

D. Subdivision Proposals

1. All subdivision proposals, including manufactured home subdivisions, shall be consistent with the need to minimize flood damage.
2. All subdivision proposals, including manufactured home subdivisions, shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage.
3. All subdivision proposals, including manufactured home subdivisions, shall have adequate drainage provided to reduce exposure to flood damage. (Ord. 16-10, 10-12.16, §2)