

CHAPTER 48

NUISANCES

1. **MEANINGS OF WORDS.** Unless otherwise expressly provided herein, words and phrases used in this Chapter shall have and be given the same meaning and definition as set out in the Environmental Protection Act of the State of Illinois and the regulations duly promulgated thereunder.

2. **NUISANCES DECLARED.** In all cases in this Chapter where no provision is made defining what are nuisances and how the same may be abated, removed or prevented, in addition to those declared herein, those offenses known to the common law and to the statutes of Illinois as nuisances, may, in case the same exist within the jurisdiction of the City, be treated as such and proceeded against as provided in this Code or any other provision of law applicable thereto.

3. **ABATEMENT OF NUISANCE.** In all cases where a nuisance shall be found in any building or premises within the jurisdiction of the City, the director of any department of the City having knowledge thereof is hereby authorized to serve or cause to be served a written notice upon the owner or occupant or person in charge thereof, if such person can be found, requiring such person to abate the same within a reasonable time; provided that, notice of any violation of Section 8 of this Chapter may be served by publication one time in a newspaper of general circulation within the City of Decatur. Such notice may, but need not, specify the manner of abatement. If the person so notified shall neglect or refuse to comply with such notice, or whenever the owner, occupant or person in charge is unknown or cannot be found, such nuisance

may be abated by the City without notice, and the expense thereof is recoverable from the person who may have created, continued or suffered such nuisance to exist, and is a lien on the premises on which such nuisance was found, in addition to any fine or penalty.

(Amended, Ordinance No. 92-20, March 30, 1992)

4. **DISCLOSURE OF PRINCIPAL.** Every agent or other person having charge, control or management or who collects or receives the rents of any lands, premises, or other property in the City, shall disclose the name of the person for whom such agent or other person is acting upon demand of any inspector or agent of the City.

5. **USE OF PREMISES.** No person owning or in possession, charge or control of any building or premises shall use the same, or permit the same to be used, for any business or employment or any purpose, if such use shall, from its boisterous nature, disturb or destroy the peace of the neighborhood or shall be dangerous or detrimental to health, or shall be the occasion of any nuisance.

6. **SEWER SERVICE LINES.** All lawful privy vaults, septic tanks, cesspools and sewer service lines shall be so maintained that they shall not become foul or emit offensive odors prejudicial to the public health, and further that the contents thereof shall not be permitted to leak from nor be closer than two feet to the surface of the earth. A privy vault, cesspool or sewer service line located, maintained or permitted to become foul or filled in violation hereof is hereby declared to be a public nuisance and may be abated as such by the City Manager.

7. **ABANDONED EXCAVATION.** Any well, cistern, hole, pit, pool or similar structure, or abandoned excavation or shaft that is open and easily accessible to children or passers-by and / or of sufficient depth or steepness to endanger their safety, or any undrained and abandoned excavation or pool, is hereby declared to be a nuisance.

(Amended, Ordinance No. 2004-77, September 20, 2004)

8. **WEEDS.** Weeds, grass or other underbrush which have grown to a height of ten (10) inches or more or allowed to flower, are hereby declared to be a nuisance, and any owner, lessee, occupant or agent having control of any lot of ground or any part thereof within the City shall cut or cause the same to be cut within five (5) days after being notified to do so by the City. Such owner, lessee, occupant or agent of any lot of ground, or part thereof, shall also cut, or cause to be cut, upon notice as provided in this section, any weeds, grass or underbrush as described herein which are growing or located between the prolongation of the side lot lines thereof, and between the rear or front lot line thereof, as the case may be, and the edge of any roadway or alley under the jurisdiction or control of the City and abutting such lot of ground, or part thereof; "roadway" and "alley", as used herein, shall have the meanings ascribed thereto in The Illinois Vehicle Code; provided, however, that no such owner, lessee, occupant or agent shall be responsible for cutting any weeds, grass or underbrush on public right-of-way if such are growing or located (1) on ground which has a slope greater than one to one and a height which exceeds three feet from the bottom of the slope to the top of the slope, or (2) on ground which is inaccessible to grounds maintenance equipment customarily used by residential households due to unusual topographical conditions or structures erected prior to February 15, 1991. If such person shall fail to comply with said notice, such weeds, grass or other underbrush may be cut or caused to be cut by the City and the expense thereof shall be repaid to the City by the owner or person in control of said premises. Charges for weed, grass or other underbrush cutting on private property shall be a lien upon the premises. Notice shall be given in the following manner:

(a) For lots with an occupied structure as determined by active water service; the notice to abate the violation of the growth of weeds, grass or other underbrush which have grown to a height of ten (10) inches or more or allowed to flower may be given to the owner, lessee, occupant or agent having control of the lot of ground or any part thereof including the prolongation of the lot lines by personal service or by posting a sign on the premises of the property in question regarding the violation. The sign shall be posted in a conspicuous place near the front of the lot or near the main entrance to the structure. The posted sign shall be at least fourteen (14) inches in height and eight (8) inches in width and at the top thereof in large letters shall state the words, "Notice to Abate." The text of the notice shall contain a reference to the provision of this Code violated, the address of the property, the date of posting, and such other information respecting the nature of the violation as the Neighborhood Services Department deems advisable. It shall be unlawful for anyone to deface, tamper with, or remove the "Notice to Abate" sign from the property where it is posted unless authorized by the Neighborhood Services Department. All notices shall state that the removal of the weeds shall be performed within the time specified from the date of the notice. The time limit to abate the growth of the weeds or other underbrush which have grown to a height of ten (10) inches or more or allowed to flower shall be no less than five (5) days after personal delivery of the notice or the posting of the "Notice to Abate" sign on the property.

(b) For vacant lots or lots with an unoccupied structure, as determined by active water service, the notice to abate the violation of the growth of weeds, grass or other underbrush which have grown to a height of ten (10) inches or more or allowed to flower shall be published by the City in a newspaper of general circulation within the City limits once a week for two (2) consecutive weeks during the months of March through September for each year a notice

informing all owners, lessees, occupants or agents having control of any vacant lot or a lot with an unoccupied structure or any part thereof and including the prolongation of the lot lines within the City that the growth of weeds, grass or underbrush which have grown to a height of ten (10) inches or more or allowed to flower and the existence on any such lot is contrary to the ordinances of the City of Decatur. The notice shall further inform the public that should the weeds, grass or underbrush grow to more than ten (10) inches in height, the City of Decatur may cut or cause to be cut the weeds without further notice and the owner, lessee, occupant or agent having control of said lot shall be liable to the City for its costs and shall be a lien against the property. This Notice shall be a display advertisement.

(Amended, Ordinance No. 2001-16, March 19, 2001)

(Amended, Ordinance No. 91-23, February 4, 1991)

(Amended, Ordinance No. 90-34, March 19, 1990)

9. STORAGE, DISPOSITION AND USE OF PESTICIDES AND OTHER CHEMICALS. No person, owning or in possession, charge, or control of any building or premises shall store, dispose of or use any pesticide, herbicide or other substance in such a manner as to cause injury to human beings, wildlife or other animals, or in such a manner as to cause injury to vegetation or crops of others or in such a manner as to contaminate any surface or groundwater. (Amended, Ordinance No. 2007-64, July 16, 2007)

10. DEPOSIT OF GARBAGE. No person, firm or corporation shall deposit or cause or permit to be deposited any garbage, debris or other waste at any place within the City of Decatur, except at a properly licensed sanitary landfill.

11. GARBAGE ON PREMISES. No owner or occupant of any premises within the City of Decatur shall deposit or cause or permit to be deposited, or leave or permit to remain

after receiving notice, any garbage, debris or other waste on said premises except as elsewhere provided for the collection of same by a licensed garbage hauler.

(Amended, Ordinance No. 2004-77, September 20, 2004)

12. **HOURS OF CONSTRUCTION.** The erection, including excavation, demolition, alteration or repair of any building in any "R" or "O-1" zone as established by the Zoning Ordinance of the City of Decatur, or within one hundred (100) feet of any part of said zones, is hereby prohibited except between the hours of 7:00 a.m. and 6:00 p.m. except in case of necessity for public safety.

13. **BURNING OF WASTE.**

A. No person shall cause or allow the burning of garbage, landscape waste or other waste within the corporate limits of the City of Decatur, except for fires set by a public official in the performance of the official's duties and fires used for recreational purposes such as campfires.

(Amended, Ordinance No. 2004-77, September 20, 2004)

B. Fuel for recreational fires shall consist only of seasoned dry firewood. No recreational fire shall be used for waste disposal purposes or be permitted to become a nuisance by reason of the emission of smoke, fumes, fly ash, dust or soot.

(Amended, Ordinance No. 99-49, April 26, 1999)

14. **STORAGE OF MACHINERY.** It shall be unlawful to use any premises in any residential, office or commercial zone of the City as established by Zoning Ordinance of the City of Decatur for the storing or leaving of worn out, wrecked, abandoned, or inoperable automobiles, trucks, motor homes, van campers, camping trailers and trailers, appliances, or machinery of any kind or any parts thereof, or any appliances or other machinery inoperable due to lack of connection to a power source.

(Amended, Ordinance No. 89-40, May 1, 1989)

15. **RAT HARBORS.** The storing, placing, leaving or permitting to remain of ashes, refuse, old bricks, concrete, branches, brush, trash or the storing, placing, leaving or permitting to remain of any materials which may harbor rats, in any residential, office or commercial zone of the City as established by the Zoning Ordinance of the City of Decatur is hereby declared to be a nuisance. Firewood stored on the exterior of any structure shall be cut to nominal length (18" - 24") and stacked a minimum of 12" above grade.

(Amended, Ordinance No. 2005-36, May 2, 2005)

(Amended, Ordinance No. 2004-77, September 20, 2004)

16. **PENALTY.** Any person, firm or corporation who shall violate any of the provisions of this Chapter shall be fined not less than One Hundred Fifty Dollars (\$150.00) nor more than Five Hundred Dollars (\$500.00) for each offense, and each day on which a violation occurs or continues shall be considered a separate offense. (Amended, Ordinance No. 2011-93; Ordinance No. 2011-70)