PAMPHLET

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VILLAGE OF HOPKINS PARK, KANKAKEE, COUNTY, ILLINOIS.
ORDINANCE NO. 2009-O-11

NUISANCES

Published in pamphlet form this 17th day of November, 2009, by Order of the Corporate Authorities of the Village of Hopkins Park, Kankakee County, Illinois.

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By: Gloria Hamilton
Village Clerk

ORDINANCE NO. 2009 - O - 11

NUISANCES

WHEREAS, to better protect the public health, safety, and welfare and to better provide for the public rights and enjoyment of property, the Village of Hopkins Park finds it necessary and desirable to adopt this Ordinance;

NOW, THEREFORE, BE IT ORDAINED by the President and the Board of Trustees of the Village of Hopkins Park, Kankakee County, Illinois, an Illinois home rule municipality, as follows:

Section 1: PUBLIC NUISANCE DEFINED.

PUBLIC NUISANCE is defined herein as any activity, inactivity, neglect, omission, commission, abandonment, inadvertent or otherwise, or the like, which does, or tends to, permit, or results in a condition or conditions or circumstances which deleteriously affects the public health, public safety, public welfare, public morals, public sensibilities, public rights and enjoyment of residence or property, panders to vicious tastes; creates attractive nuisances for minors; results in a dilapidated, abandoned, and dangerous buildings or improvements or unfinished or uncompleted improvements on real property; permits the growth of noxious or poisonous weeds or growth, promotes the infestation of Dutch Elm Disease, maintains the property in such a condition so as to become a breeding place for rats unlawfully interferes with, obstructs, or tends to obstruct or render dangerous for passage, a public park, public way, or other public place, or causes or permits any garbage or offensive substance of any kind, including, but not limited to, junk, non-functioning and unlicensed motor vehicles, ashes, tin cans, unused masonry or crockery, cinders, rubbish, refuse, tree branches, trimmings or stumps,

yard trimmings, construction debris, or cartons and boxes, and all similar items of nominal value, to be collected, deposited, or to remain in any place in the Village other than as prescribed by other applicable ordinances, rules and regulations of the Village, said definition not being limited to specific examples herein related.

Section 2: **NUISANCES TO BE ABATED.**

It shall be unlawful for any person, firm, or corporation to permit or maintain the existence of any nuisance on any property under his control or ownership. The Village Building Inspector, Code Enforcement Officer, or their designees, are each hereby authorized to abate any such nuisance existing in the Village, whether such nuisance is specifically recognized by ordinance or not.

Section 3: **NOTICE OF REMOVAL.**

It shall be the duty of all owners, agents and occupants of land on which any nuisance exists to abate such condition. The Building Administrator or Code Enforcement Officer shall notify the owner, agent and/or occupant of any lands on which a nuisance exists, in writing, via personal service or registered or certified mail, of such fact. The form of Notice to Abate shall be substantially as set forth in Exhibit A attached hereto. Failure of the Building Administrator/ Code Enforcement Officer to give such notice shall not, however, constitute a defense to any action to enforce the payment of any penalty provided for under the provisions of this ordinance. Any owner, agent or occupant, who shall refuse or neglect to abate the nuisance as provided for in this section, shall be subject to a fine as provided in this ordinance. No notice will be required prior to abatement of nuisances where a nuisance creates or represents an imminent threat of harm to a person or persons within the Village.

Section 4: ABATEMENT; EXPENSE; LIEN.

If the person served with notice pursuant to § 3 of this ordinance fails or neglects to abate the nuisance within five days after such notice, it shall be reported to the Village Board at its next regular meeting. The report shall include the name and address of the property owner, a description of the nuisance, and a copy of the written notice to the property owner. Upon direction of the Village Board to do so, it shall be the duty of the Code Enforcement Officer to enter upon such lands to abate such nuisance, or cause to have the nuisance abated by some private person at reasonable cost, keeping an account of the expense thereof. Express power to so enter upon such lands and abate the nuisance is hereby conferred upon the Code Enforcement Officer or his or her agent. In addition to the penalties provided in this ordinance, such expense shall be charged to and paid by the owner or occupant of the premises concerned. In the event the nuisance abated concerned high weeds, rat or pest extermination, the removal of trees with Dutch Elm disease, or the removal of garbage or debris, the abatement costs incurred by the Village shall constitute a lien on said property until fully discharged. Such lien may be created and recorded as set forth in Sections 11-20-7, 11-20-8, 11-20-12 and 11-20-13 of the Illinois Municipal Code (ILCS Ch. 65, Act 5, §§ 1-1 et seq.). Upon payment of the cost and expense by the owner of or persons interested in such property, after notice of lien has been filed, the lien shall be released by the municipality or person whose name the lien has been filed and the release may be filed of record as in the case of filing notice of lien. The owner or occupant shall pay the cost of preparing and recording the lien and release.

Section 5: MOWING CHARGES.

When the Village mows vacant property in the Village to abate a nuisance, the charge for such work shall be $75.00 per hour with a minimum charge of $150. Fractional portions of any hour over the minimum charge shall be computed at the base rate of $75.00 per hour.

Section 6: PENALTY.

(A) Penalty. Whosoever violates or fails to comply with any of the provisions of this ordinance shall be guilty of an offense and fined not less than $100 nor more than $750. This or any other penalty shall be assessed in addition to any charges for abatement or any lien recorded against the property to recover the cost of abatement. A separate offense shall be deemed committed for each day during or on which a violation occurs or continues. Except when fines and costs are paid by compromise payment as provided in Part (B) below prior to court, the Circuit Clerk shall add to the fine any and all costs and fees upon an authorized disposition.

(B) Compromise payment. In the event the Hopkins Park Police, the Village Code Enforcement Officer or other designee of the Village elect to charge any individual under a compromise citation as set forth hereinafter, any such person accused of a violation of this ordinance and originally charged under this section may settle and compromise the claim without a court appearance by payment of one-half of the minimum required fine to the Village Clerk of the Village Hall within ten business days of the date of the violation if the compromise box designation is so checked on the Notice of Failure to Correct form or the Complaint and Notice to Appear form. The Notice of Failure to Correct form shall be substantially as set forth on Exhibit B attached hereto and made part hereof.

Section 7: That this Ordinance shall be in full force and effect from and after its passage, approval and publication as required by law. The Village Clerk is hereby ordered to publish this Ordinance in pamphlet form.

PASSED this 17th day of November, 2009, by the corporate authorities of the Village of Hopkins Park on a roll call vote as follows:

AYES: Louis Barnes, Zacharias Burton, Lonnie Jarrett, Jacqueline Jenkins, and Ruthel Teague

NAYES: 0

ABSENT: Joseph Jarrett

APPROVED, this 17th day of November, 2009 by the Mayor of the Village of Hopkins Park.

Mayor

ATTEST:

Gloria Hamilton
Village Clerk