

**VILLAGE OF TOLONO  
CHAMPAIGN COUNTY, ILLINOIS**

**Ordinance No. 92-3**

**An Ordinance Amending the Nuisance Ordinance  
Chapter 8 of the Village of Tolono Municipal Code**

Adopted by the Board of Trustees  
of  
The Village of Tolono  
This 5th day of May, 1992

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Published in pamphlet form by authority of the President and Board of Trustees of the Village of Tolono, Champaign County, Illinois, this 5th day of May, 1992.

**ORDINANCE NO. 92-**  
**AMENDMENT TO CHAPTER 8.12 through 8.24 NUISANCES,**  
**AS ADOPTED UNDER THE MUNICIPAL CODE**  
**OF THE VILLAGE OF TOLONO,**  
**AND AMENDED BY THE VILLAGE BOARD IN 1984**  
**CHAMPAIGN COUNTY, ILLINOIS**

Be it hereby ordained by the Village Board of Trustees of the Village of Tolono, County of Champaign, State of Illinois, that the above entitled ordinance be amended as hereinafter set forth: Chapter 8.12 is hereby amended to read in whole as follows:

"Chapter 8.12\*  
NUISANCES

Sections:

**I. DESIGNATED**

- 8.12.010 Offensive pens, stables and animal keeping places.
- 8.12.020 Noxious manure or privy contents.
- 8.12.030 Offensive cellars, pools, grounds and similar structures.
- 8.12.040 Nauseous liquors and substances.
- 8.12.050 Deposits of animal or vegetable matter and carcasses.
- 8.12.060 Removal of nauseous substances in offensive manner.
- 8.12.070 Discovery by village policeman or trustee.
- 8.12.080 Deposit of substances in wells and cisterns.
- 8.12.090 Slaughtering and rendering establishments.
- 8.12.100 Handbills and placards.
- 8.12.110 Broken sidewalks.
- 8.12.120 Unsafe scaffolds.
- 8.12.130 Obstruction of streets and sidewalks.
- 8.12.140 Unsafe buildings or structures.
- 8.12.150 Buildings and structures under construction.

**II. ABATEMENT PROCEDURE**

- 8.12.160 Court order following conviction.
- 8.12.170 Failure to abate.
- 8.12.180 Abatement by village--Permitted without conviction under certain circumstances.
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**III. PUBLIC NUISANCES**

- 8.24.010 Definitions
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- 8.24.030 Filing Complaints; Inspections; Notice to Abate; Failure to Abate  
Abatement by Village
- 8.24.040 Cost of Abatement as a lien
- 8.24.050 Enacting Clause

\* For statutory provisions on municipal power to define, prevent and abate nuisances, see Ill. Rev. Stat. 1973 Ch. 24 §11-60-2; for provisions on municipal power to regulate cisterns, culverts and sewers, see Ill. Rev. Stat. 1973 Ch. 24 §11-20-10; for provisions on municipal power to prescribe the strength and manner of constructing all buildings, see Ill. Rev. Stat. 1973 §11-20-10; for provisions on municipal power to prescribe the strength and manner of constructing all buildings, see Ill. Rev. Stat. 1973 §11-30-4; for provisions on municipal powers to regulate streets and public ways, see Ill. Rev. Stat. 1973 §§11-80-2, 11-80-3, 11-80-8, 11-80-10, 11-80-13, 11-80-14 and 11-80-15; for provisions on municipal power to regulate offensive and unwholesome business and places, see Ill. Rev. Stat. 1973 Ch. 24 §§11-42-9 and 11-42-10.

I. DESIGNATED

8.12.010 Offensive pens, stables and animal keeping places. Whoever keeps, uses or maintains within the village any pen, stable, lot, place or premises in which any hogs, cattle or fowl may be confined or kept in such manner as to be nauseous, foul or offensive, or from any cause to be an annoyance to any community, family or persons, is guilty of a nuisance and, on conviction, shall be fined not less than one dollar nor more than twenty-five dollars. (§1 of Ord. dated 5/21/1878).

8.12.020 Noxious manure or privy contents. Whoever suffers to accumulate, on any premises owned or controlled by him, any heap or stack of manure in such manner as to omit noxious, disagreeable or offensive smells, to the annoyance or distress of any person of family, or whoever places any such manure or the contents of any family privy or vault in or upon any public street, alley or common, is guilty of a nuisance and, on conviction, shall be fined not less than three dollars nor more than twenty-five dollars. (§2 of Ord. dated 5/21/1878).

8.12.030 Offensive cellars, pools, grounds and similar structures. Whoever suffers or permits any cellar, vault, drain, pool, privy, sewer, yards, grounds or premises belonging to or controlled by him to become, from any cause, nauseous, foul, offensive or injurious to the public health, or unpleasant or disagreeable to adjacent residents or persons, is guilty of a nuisance and, on conviction, shall be fined not less than three dollars nor more than twenty-five dollars. (§3 of Ord. dated 5/21/1878).

8.12.040 Nauseous liquors and substances. Whoever causes or permits any nauseous, foul or putrid liquor or substance, or any liquor or substance likely to become nauseous, foul, offensive or putrid, to be discharged, placed or thrown or to flow from or out of any premises, into or upon any adjacent premises or any public street or alley, is guilty of a nuisance, and shall be fined not less than three dollars nor more than twenty-five dollars. (§4 of Ord. dated 5/21/1878).

8.12.050 Deposits of animal or vegetable matter and carcasses. Whoever deposits or places in or upon any premises, public or private, enclosed or common with the village, any vegetable or animal matter or slop, or any filth of a character likely to affect the public health or to produce offensive smells, or the carcasses of any dead animal, or whoever suffers the carcasses of any dead animal, or whoever suffers the carcass of any dead animal, which at its death belonged to him, to be or remain in or upon any such place more than twelve hours after its death, is guilty of a nuisance and, upon conviction, shall be fined not less than three dollars nor more than twenty-five dollars. (§5 of Ord. dated 5/21/1878).

8.12.060 Removal of nauseous substances in offensive manner. No person in removing any dead animal or excrement or any other nauseous, offensive or putrid liquid or substance, shall purposely or unnecessarily cause the same to be offensive or annoying to any other person under a penalty of not less than three dollars and not exceeding twenty-five dollars. (§6 of Ord. dated 5/21/1878).

8.12.070 Discovery by village policeman or trustee. When any nuisance or any thing likely to become a nuisance is found by the policeman or any of the trustees, or is reported to them or either of them, the owner, author or cause of such nuisance shall forthwith be notified to abate, remedy or remove the same and, in case he should not comply with such notice, the officer shall abate such nuisance and bring suit against the person in the name of the village, before any court having jurisdictions. (§7 of Ord. dated 5/21/1878).

8.12.080 Deposit of substances in wells and cisterns. Whoever throws, casts or deposits any filth, substance or thing in any public or private well or cistern is guilty of a nuisance and, on conviction, shall be fined not less than ten dollars nor more than two hundred dollars. (§8 of Ord. dated 5/21/1878).

8.12.090 Slaughtering and rendering establishments. Whoever erects or sets into operation within the corporation limits any slaughtering establishment or establishment for steaming or rendering lard, tallow, offal or other substances without permission of the village board of trustees, or whoever, within the corporation limits, with or without such permission of the village board of trustees, or whoever, within the corporation limits, with or without such permission, conducts or carries on such establishment in such a way that the same becomes foul or offensive or emits unwholesome or disagreeable odors, to the annoyance or detriment of any community, family or person, is guilty of a nuisance and, on conviction, shall be fined not less than ten dollars nor more than one hundred dollars. (§9 of Ord. dated 5/21/1878).

8.12.100 Handbills and placards. The pasting, sticking or placing of any advertisement, handbill, placard or printed, pictured or written matter of thing whatsoever, upon any house, wall, building, fence, railing, sidewalk or other property, public or private, without permission of the owner or person in charge thereof, is a nuisance, and any person found guilty of so doing shall be fined not less than one dollar nor more than twenty dollars. (§10 of Ord. dated 5/21/1878).

8.12.110 Broken sidewalks. Whoever makes, keeps or maintains any uncovered opening in any sidewalk or passage way, or whoever suffers or allows any sidewalk or footway which it is his duty to maintain or repair to become or continue so broken, uneven or out of repair as to endanger life or limb, is guilty of a nuisance and, on conviction, shall be fined not less than three dollars nor more than twenty-five dollars. (§11 of Ord. dated 5/21/1878).

8.12.120 Unsafe scaffolds. Whoever erects or uses or causes or suffers to be erected or used within the village any insecure or unsafe scaffold, whereby the safety of persons working thereon or passing thereunder may be in any manner endangered, is guilty of a nuisance and, on conviction, shall be fined not less than three dollars nor more than twenty-five dollars. (§12 of Ord. dated 5/21/1878).

8.12.130 Obstruction of streets and sidewalks.

A. Whoever erects, suspends, keeps or maintains any sign, awning, goods, clothing or other structure or thing over or across any street or sidewalk of the village, or any tree or shrub overhanging the same in such manner as to obstruct such sidewalk or street or render travel thereon inconvenient or unsafe, or whoever suffers an awning, sign or structure over any street or sidewalk to be out of repair or in an insecure or unsafe condition, is guilty of a nuisance, and, on conviction, shall be fined not less than three dollars nor more than twenty-five dollars;

B. All obstruction to streets, alleys, crossings or sidewalks of the village, and all excavations in or under the same which are prohibited by ordinance or which may be made without lawful permission are nuisances; and the person erecting, keeping or maintaining any such nuisance shall in addition to any penalty specially denounced against the same, be subject to the further provisions of the chapter, in the relation to the continuance and abatement nuisances. (§§13 and 14 of Ord. dated 5/21/1878).

8.12.140 Unsafe buildings or structures. No person within the village shall erect or maintain any insecure or unsafe building, stack, wall, chimney or other structure which from situation made of construction or other cause may be dangerous to persons or property. Any person violating this

section is guilty of a nuisance and shall, on conviction be fined not less than ten dollars nor more than one hundred dollars. (§15 of Ord. dated 5/21/1878).

8.12.150 Buildings and structures under construction. Wherever in the judgement of the village board of trustees any building, stack, wall, chimney or other structure then in process of construction is being erected or built upon such plans or in such manner that the same will when completed be insecure, unsafe or dangerous to persons or property, the board of trustees may cause notice to be served on the owner of the same or his agent, or upon the contractor or person having charge of the building thereon, to stop work thereon until the plans of such building are so changed as to render the same secure and safe and to meet the approval of the board of trustees. Any person who violates the terms of any notice served on him in pursuance of this section shall be fined fifty dollars and a like sum for each day he persists in such violation. (§16 of Ord. dated 5/21/1878).

## II. ABATEMENT PROCEDURE

8.12.160 Court order following conviction. When judgement is rendered against any person for creating, keeping or maintaining any nuisance, it is the duty of the court before whom such conviction is had to order the defendant in such suit to forthwith abate and remove such nuisance; and if the same is not done by such defendant within twenty-four hours, the same shall be entered upon the docket of the court and be made a part of the judgement in the case. (§1 of Ord. dated 5/21/1878).

8.12.170 Failure to abate. Any person, having been found guilty of creating, keeping or maintaining any nuisance, who neglects or fails to abate or remove such nuisance within twenty-four hours thereafter, which nuisance is continued, subject to a likely penalty as that originally incurred for keeping, creating or maintaining the nuisance. §3 of Ord. dated 5/21/1878).

8.12.180 Abatement by village--Permitted without conviction under certain circumstances. When any nuisance is of such nature or character and is so situated that the same can be abated without the invasion or destruction of private property, and the further continuance thereof is likely to result in expense to the village or injury to any person, it is the duty of the village policeman to abate and remove the same summarily without waiting for the conviction of the author of the nuisance. (§3 of Ord. dated 5/21/1878).

8.12.190 Abatement by village--With due care. In any case where a nuisance is to be abated by the village policeman or any officer, it is the duty of such policeman or any officer to proceed with due care and without any unnecessary destruction of property; and he is in all cases, authorized to employ such assistance and adopt such means as may be necessary to effect the entire abatement of the evil in question. (§4 of Ord. dated 5/21/1878).

8.12.200 Abatement by village--Liability for costs. Every person creating, keeping or maintaining any nuisance shall be liable for all costs and expenses of abating the same when done by the village or under its authority; and in all cases where the village policeman or other officer abates any such nuisance, he shall keep an account of all expenses attending such abatement and shall forthwith bring suit for the same in some competent court, in the name of the village, against the person creating, keeping or maintaining the nuisance so abated. (§5 of Ord. dated 5/21/1878).

### III. PUBLIC NUISANCES

#### DIVISION 1. GENERAL PROVISIONS

##### 8.24.010 Definitions.

(a) As used in this Article, a public nuisance shall mean any act, thing, occupation, condition or use of property which shall continue for such length of time as to:

(1) substantially annoy, injure or endanger the comfort, health, repose or safety of the public;

(2) in any way render the public insecure in life or in the use of property;

(3) greatly offend the public morals or decency;

(4) unlawfully and substantially interfere with, obstruct or tend to obstruct or render dangerous for passage any street, alley, highway or other public way.

(b) Public nuisances shall include but not be limited to the following acts, conduct, omissions, conditions or things:

(1) all decayed, harmfully adulterated or unwholesome food or drink sold or offered for sale to the public;

(2) carcasses of household pets or other animals not buried or otherwise disposed of in a sanitary manner within 24 hours after death;

(3) accumulations of decayed animal or vegetable matter, trash, rubbish, rotting lumber, bedding, packing materials, scrap metal or any material whatsoever in which flies, mosquitoes, disease-carrying insects, rats or other vermin may breed or may reasonably be expected to breed;

(4) all stagnant water in which mosquitoes, flies or other insects can multiply;

(5) privy vaults and garbage and refuse containers which are not fully covered;

(6) all noxious weeds and other rank growth of grass or other vegetation in excess of six inches in height;

(7) the escape of smoke, soot, cinders, noxious acids, fumes, gases, fly ash or industrial dust within the Village limits or within one mile therefrom in such quantities as to endanger the health or persons of ordinary sensibilities or to threaten or cause substantial injury to property;

(8) the pollution of any public well or cistern, stream or body of water by sewage, creamery or industrial wastes or other substances;

(9) any use of property, substance or things within the Village emitting or causing distinctly loud and audible noises which annoy, discomfort, injure or inconvenience the health of any appreciable number of persons within the Village, or which unreasonably interfere with the use and enjoyment of the property of an appreciable number of Village residents;

(10) any building or structure which is uncompleted and abandoned, deteriorated, dilapidated, or extremely unsound, and endangers the health and safety of the public;

(11) any inoperable or unlicensed motor vehicle, whether on public or private property, except a vehicle which is kept or stored within a garage or other building, or a vehicle which is in the process of reasonably expeditious repair, and includes a vehicle which exists for more than 4 days with one or more flat tires or remains stationed on a public street, alley or highway for more than 48 hours. A vehicle on the premises of a service station or other business which repairs vehicles shall be presumed to be in the process of reasonably expeditious repair;

(12) such other actions, conduct, omissions, conditions or things defined or specified in this Code as nuisances or as public nuisances;

(13) any violation of provisions of other ordinances as set forth in Title 8 of the Municipal Code, including:

(a) Ordinance 74-2, 1974:

- Section 8.04.010 - Garbage Accumulation
- (b) Ordinance dated June 7, 1937:
  - Section 8.08.010 - Garbage Discharge
  - Section 8.08.020 - Refuse Accumulation
- (c) Ordinance dated May 21, 1978:
  - Section 8.12.010 - Offensive Animal Keeping
  - Section 8.12.020 - Noxious Manure or Privy Contents
  - Section 8.12.030 - Offensive Cellars, Pools, Grounds, etc.
  - Section 8.12.040 - Nauseous Liquors and Substances
  - Section 8.12.050 - Deposits of Animal or Vegetable Matter
  - Section 8.12.060 - Removal of Nauseous Substances in an Offensive Manner
  - Section 8.12.080 - Deposit of Substances in Wells and Cisterns
  - Section 8.12.090 - Slaughtering and Rendering
  - Section 8.12.100 - Pasting of Handbills and Placards
  - Section 8.12.110 - Broken Sidewalks or Passages
  - Section 8.12.120 - Unsafe Scaffolding
  - Section 8.12.130 - Obstruction of Streets and Sidewalks
  - Section 8.12.140 - Unsafe Structures
- (d) Ordinance dated October 6, 1969:
  - Sections 8.16.010, 8.16.020 and 8.16.030 - Removal of Weeds

(14) The following, in addition to any otherwise provided, shall constitute nuisances under this ordinance:

(a) The escape of smoke, soot, cinders, noxious acids, fumes, gases, fly ash or industrial dust within the Village limits in such quantities as to endanger the health of persons of ordinary sensibilities or to threaten or cause substantial injury to property other than the burning of yardwaste and the normal and reasonable use of a residential fireplace;

(b) Any building or structure which is uncompleted and abandoned, deteriorated, dilapidated, or extremely unsound, and endangers the health and safety of the public. In addition, any building or structure with any one or a combination of the following: broken exterior windows, unsecured doorways, missing roofing shingles or other protective covering, sagging roof, deteriorating chimney, brick or masonry walls or foundations with loose mortar or displaying cracks suggesting deterioration, and missing siding;

(c) Any inoperable or abandoned vehicle which exists in violation of any of the provisions of this ordinance;

(d) Any vehicle and/or trailer parked on private property except on a wood-free surface made of gravel, crushed stone, asphalt or portland cement concrete;

(e) Garbage dumpsters, or other containers used for the disposal of trash or waste, located on a public way unless the dumpster or container is owned, leased or under the control of the Village; and

(f) Household appliances stored outside of improvements including but not limited to stoves, refrigerators, dishwashers, washing machines, dryers, disposals, trash compactors, window air conditioners, unattached central air conditioners, furnaces, air cleaners, humidifiers, dehumidifiers, televisions, stereos, bathtubs, shower stalls, toilets, plumbing fixtures, hot water heaters, unattended lawn mowers, cabinets, household furniture stored outside of improvements including but not limited to, beds, bed frames, desks, chairs, sofas, loveseats, and tables. This provisions shall not apply to lawn furniture commercially designed as all weather furniture intended for year round use out of doors.

(g) The following items not securely stored inside of a building, garage or warehouse; aircraft engines, any semi-truck trailer stored outside on the premises for five (5) days or more, engines, automobile, boat motorcycle and/or airplane parts, and open containers.

Any person who is guilty of a nuisance described in the foregoing sub-section 14 shall, upon conviction, be fined not less than ten dollars (\$10.00), nor more than two hundred dollars (\$200.00) for each violation. Each day such violation is committed or permitted to continue constitutes a separate offense and is punishable as provided herein.

8.24.020. Nuisances prohibited

No person shall erect, contrive, cause, continue, maintain or permit to exist any public nuisance within the Village.

DIVISION 2. ABATEMENT

8.24.030. Filing complaints; inspections; notice to abate; failure to abate; abatement by Village.

(a) All complaints alleging the existence of a public nuisance shall be filed with the Village Clerk.

(b) The Village Board President and/or his designee, hereinafter "Inspector," shall promptly inspect the premises or cause them to be inspected and shall make a written report of the findings of the inspection. Whenever practicable, photographs of the premises shall be attached to the written report. The Inspector shall keep all such written reports on file.

(c) Upon determining that a public nuisance exists on private property and that there is great immediate danger to the public health, safety, peace, morals or decency, the Inspector shall serve a notice of the public nuisance or cause such a notice to be served on the owner or occupant of the private property where the public nuisance exists or upon the person causing, permitting or maintaining such nuisance and post a copy of the notice on the premises where the public nuisance exists.

(d) Such notice shall specifically describe the public nuisance and shall direct the owner or the occupant of the private property where the public nuisance exists or the person causing, permitting or maintaining such nuisance to abate or remove such nuisance within 24 hours of service or posting of the notice. In the event such owner, occupant or person cannot be located after reasonable inquiry, posting shall be sufficient notice. The notice shall state that unless such nuisance is so abated or removed the Village will cause it to be abated or removed, that the cost thereof will be charged to the owner, occupant or person causing, permitting or maintaining the nuisance and that such cost shall be a lien on the real property where the nuisance was abated or removed.

(e) Upon determining that a public nuisance exists and that there is no great and immediate danger to the public health, safety, peace, morals or decency, the Inspector shall mail or cause to be mailed to the owner or occupant of such premises or to the person or persons in whose name such real estate was last billed for property tax purposes a notice to demand the abatement or removal of the violation within 10 days. A copy of the notice shall be posted on the premises. The notice shall be substantially the same as that provided in subsection (d) above.

(f) In the event a nuisance is not abated or removed after notice pursuant to this Section and within the time specified in the notice, the Inspector may cause the abatement or removal of such public nuisance. The reasonable cost thereof shall be a lien on the real property where the nuisance was abated or removed.

(g) The Village may also institute injunctive court action in the event a nuisance is not abated or removed after notice pursuant to this Section and within the time specified in the notice and the Inspector determines that abatement or removal of the nuisance by the Village is inappropriate.



8.24.040. Cost of abatement as a lien.

(a) Whenever a bill for the reasonable costs of abatement or removal of a nuisance pursuant to this Article remains unpaid for 30 days after it has been sent, the Clerk shall file a notice of lien with the Champaign County Recorder. Any notice of lien pursuant to this Article shall be filed within 60 days after the cost and expense of abatement or removal of the nuisance has been incurred. The notice shall consist of a sworn statement setting out (1) a description of the real estate sufficient for identification thereof, (2) the amount of money representing the cost and expense incurred or payable for the service, and (3) the date of dates when such cost and expense was incurred by the municipality. However, the lien of such municipality shall not be valid as to any purchaser whose rights in and to such real estate have arisen subsequent to removal of the public nuisance and prior to the filing of such notice, and the lien of such municipality shall be subordinate to the lien of any mortgagee, judgement creditor or other lien or whose rights in and to such real estate arise prior to the filing of such notice. 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 in whose name the lien has been filed and the release may be filed or recorded as in the case of filing notice of lien.

(b) Costs and expenses under this Article include, but are not limited to, the actual costs and expenses in time of Village Employees and in materials concerning the actual actions of abatement of the nuisance pursuant to this Article, transportation to and from the property, title searches or certifications, preparation of lien documents, foreclosure and other related reasonable attorney's expenses.

(c) A copy of the notice of lien shall be mailed by the Clerk to the owner of the property, or to the occupant, or to the person or persons in whose name such real estate was last billed for property tax purposes.

(d) The real estate subject to a lien for such an unpaid assessment of such costs and expenses may be sold for non-payment thereof, and the proceeds of the sale applied to pay the charges, after deducting costs.

(e) The Village Attorney may institute proceedings in the name of the Village of any court having jurisdiction over such matters against any property for which such costs and expenses have remained unpaid 30 days after a statement of such costs and expenses have been mailed to the property owner, to the occupant, or to the person or persons in whose name the property was last billed for property tax purposes.

(f) Upon payment of the costs and expenses, plus interest from the date 30 days after the bill was sent after notice of lien has been filed, the Clerk shall file with the Recorder a release of the lien.

ENACTING CLAUSE 8.24.050. This ordinance shall be in full force and effect from and after its passage and publication in accordance with the terms of Chapter 24, Sections 1-24 of the Illinois Municipal Code."

All other provisions of Chapter 8 of the Tolono Municipal Code, if not expressly modified hereby, shall remain in full force and effect. That if any section, paragraph, clause or provision of this Ordinance shall be held to be invalid or unenforceable for any reason, the invalidity or unenforceability of such section, paragraph, clause or provision shall not affect any of the remaining provisions of this Ordinance.

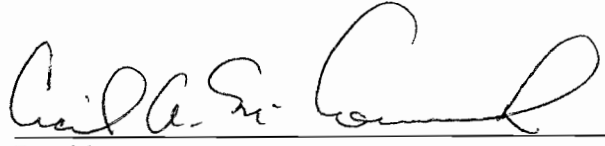
This Ordinance shall be in full force and effect from and after its passage and approval and publication in pamphlet form as provided by law.

Passed by the Board of Trustees of the Village of Tolono, Illinois, at a regular meeting held this 5 day of MAY, ~~1984~~ 1992

Approved by the President of the Board of Trustees of the Village of Tolono, this 5 day of MAY, ~~1984~~ 1992

ATTEST:

  
Village Clerk

  
President