

CHAPTER 12
NUISANCES

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Law Enforcement Solicitation (Moved to Chapter 35 Section 35.14)

12.01 PUBLIC NUISANCES PROHIBITED

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

12.02 PUBLIC NUISANCES DEFINED

A. GENERALLY: A public nuisance is a thing, act, 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, navigable body of water or other public property or public way.

B. PUBLIC NUISANCES AFFECTING HEALTH: The following acts, omissions, places and things are hereby specifically declared to be public health nuisances, but shall not be construed to exclude other health nuisances coming within the definition of Section 12.02-A herein.

1. All decayed, harmfully adulterated or unwholesome food or drink sold or offered for sale to the public;
2. Carcasses of animals, birds or fowl not buried or otherwise properly 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 material, abandoned vehicles or machinery, scrap metal or any material in which flies, mosquitoes, disease carrying insects, rats or other vermin may breed or which may constitute a fire hazard;
4. All stagnant water in which mosquitoes, flies or other insects can multiply;
5. Garbage cans which are not fly-tight;
6. 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;
7. The pollution of any public well or cistern, stream, lake, canal or body of water by sewage, creamery or industrial wastes, any hazardous materials, or any other noxious substances;
8. Any use of property, substances or things within the Village emitting or causing any foul, offensive noisome, nauseous, noxious or disagreeable odors, effluvia or stenches extremely repulsive to the physical senses of ordinary persons which annoy, discomfort, injure or inconvenience the health of any appreciable number of persons within the Village;
9. All abandoned wells not securely covered or secured from public use;
10. Any structure for keeping animals not approved by the McHenry County Health Department;

11. Any obstruction in or across any water course, drainage ditch or ravine;
12. Any open burning contrary to the regulations of Illinois Pollution Control Board and this Chapter 12;
13. The deposit of garbage, rubbish or any offensive substance on any street, sidewalk or public property or place, or on any private property, except as may be permitted by ordinance. The abatement of such nuisance shall be subject to Section 12.04, Cost of Abatement, and the lien procedures found in Section 12.07-F;
14. Any noxious weed on any private property as defined herein and by the Illinois Compiled Statutes;
15. Any pier not constructed or maintained in accordance with Section 24.05 of this Code; and
16. Pests which become a nuisance. Pests include undesirable arthropods (including certain insects, spiders, mites, ticks and related organisms), wood infesting organisms, rats, mice and other obnoxious undesirable animals and as specifically set forth in 65 ILCS 5/11-20-8. The abatement of nuisance pests shall be subject to Section 12.04, Cost of Abatement, and the lien procedures in Section 12.07-F.

C. PUBLIC NUISANCES OFFENDING MORALS AND DECENCY: The following acts, omissions, places, conditions and things are hereby specifically declared to be public nuisances offending public morals and decency, but such enumeration shall not be construed to exclude other nuisances offending public morals and decency coming within the definition of Section 12.02-A herein:

1. All disorderly houses, bawdy houses, houses of ill fame, and buildings or structures kept or resorted to for the purpose of prostitution, or promiscuous sexual intercourse;
2. All gambling devices and slot machines except those video gaming terminals licensed by the Village and State;

3. All places where intoxicating liquor or fermented malt beverages are sold, possessed, stored, brewed, bottled, manufactured or rectified without a permit or license as provided for by this Code; and
4. Any place or premises within the Village where ordinances or state laws relating to public health, safety, peace, morals or welfare are openly, continuously, repeatedly and intentionally violated.
5. Any violation by an individual or business of Section 32.06, Adult Entertainment Establishments, of this Code.

D. PUBLIC NUISANCES AFFECTING PEACE AND SAFETY: The following acts, omissions, places, conditions and things are hereby declared to be public nuisances affecting peace and safety, but such enumeration shall not be construed to exclude other nuisances affecting public peace or safety coming within the provisions of Section 12.02-A herein:

1. All buildings erected, repaired or altered in violation of the provisions of the ordinances of the Village relating to materials and manner of construction of building and structures;
2. All unauthorized signs, signals, markings or devices which purport to be or may be mistaken as official traffic control devices placed or maintained upon or in view of any public highway or railway crossing;
3. All trees, hedges, billboards or other obstructions which prevent persons driving vehicles on public streets, alleys or highways from obtaining a clear view of traffic when approaching an intersection or pedestrian crosswalk;
4. All limbs of trees which project over a public sidewalk less than eight feet above the surface thereof or less than 10 feet above the surface of a public street;
5. All use or display of fireworks except as provided by the laws of the State of Illinois and ordinances of the Village;

6. All buildings or structures so old, dilapidated or out of repair as to be dangerous, unsafe, unsanitary or otherwise unfit for human use or occupation;
7. All wires over streets, alleys or other public property or right-of-way which are strung less than 15 feet above the surface of the street or ground;
8. All obstructions of streets, alleys, sidewalks or crosswalks and all excavations in or under the same, except as permitted by the ordinances of the Village or which, although made in accordance with such ordinances, are kept or maintained for an unreasonable length of time after the purpose thereof has been accomplished;
9. All open and unguarded pits, wells, excavations or unused basements freely accessible from any public street, alley or sidewalk;
10. All abandoned refrigerators or ice boxes;
11. Any unauthorized or unlawful use of property abutting on a public street, alley or sidewalk or of a public street, alley or sidewalk which causes large crowds of people to gather, obstructing traffic and free use of the streets or sidewalks;
12. Any advertisements or signs affixed to any building, wall fence, sidewalk, street or other private or public property without permission of the owner thereof;
13. Any sign, marquee or awning which is in an unsafe condition, or which overhangs any roadway, or which overhangs any sidewalk less than 8 feet above the sidewalk surface;
14. Any condition or practice constituting a fire hazard;
15. Any nuisance so defined by the Illinois Compiled Statutes;
16. An inoperable motor vehicle, defined as any motor vehicle from which, for a period of at least 10 days, the engine, wheels, or other parts have been

removed; or a motor vehicle on which the engine, wheels, or other parts have been altered, damaged, or otherwise so treated that the vehicle is incapable of being driven under its own motor power. All machinery, implements, and/or equipment and personal property of any kind, which is in view of the general public and which is no longer safely usable for the purposes for which it was manufactured, within the corporate limits of the Village;

17. All storage of unlicensed motor vehicles, as defined in the Zoning Ordinance, for a period of 10 days or more within the corporate limits of the Village which is in view of the general public; and
18. All signs advertising garage sales, yard sales or other similar sales that are located within the public right of way except as provided in Chapter 31.01.

12.03 ABATEMENT OF PUBLIC NUISANCES

A. INSPECTION OF PREMISES: Whenever a complaint is made to the Village that a public nuisance exists, or has existed, within the Village, the complaint shall be forwarded to the department that oversees such nuisances as determined by the Village Administrator. The department shall forthwith inspect or cause to be inspected the premises and shall take appropriate action to resolve the complaint.

B. SUMMARY ABATEMENT:

1. Notice to Owner: If the department determines that a public nuisance exists on private property and that there is great and immediate danger to the public health, safety, peace, morals or decency, then the Village Administrator, Department Head or their designee may serve a notice on the owner, or, if the owner cannot be found, on the occupant or person causing, permitting or maintaining such nuisance and to post a copy of the notice on the premises. Such notice shall direct the owner, occupant or persons causing, permitting or maintaining such nuisance to abate or remove such nuisance within 24 hours.

2. Abatement by Village: If the nuisance is not abated within the time provided or if the owner, occupant or person causing the nuisance cannot be found, the Village Administrator, Department Head or their designee may cause the abatement or removal of such public nuisance, or person causing, permitting or maintaining such nuisance to abate or remove such nuisance immediately.

C. ABATEMENT BY COURT ACTION: If it is determined that a public nuisance exists on private premises, and regardless of whether such nuisance is an immediate danger to the public health, safety, peace, morals or decency, an action in court to abate such nuisance shall be commenced.

D. PENALTY: The owner, occupant or person causing the nuisance upon conviction thereof, shall be fined not less than \$25.00 nor more than \$500.00 for each offense and a separate offense shall be deemed committed on each day during or on which such nuisance is permitted to exist. Such penalty shall be in addition to any remedy or penalty otherwise provided by this Code.

12.04 COST OF ABATEMENT

In addition to the penalties imposed by this Code for the erection, contrivance, creation, continuance or maintenance of the public nuisance, the cost of abating a public nuisance by the Village shall be collected as a debt from the owner, occupant or person causing, permitting or maintaining the nuisance, and if notice to abate the nuisance has been given to the owner, such cost may become a lien assessed against the real estate and the Village may take legal action to foreclose on and collect such lien in accordance with state statutes.

12.05 ABANDONED MOTOR VEHICLES

A. ABANDONING VEHICLE: The abandonment of a motor vehicle or other vehicle or any part thereof on any highway or other public right of way or property in the Village is unlawful. The abandonment of a motor vehicle or other vehicle or any part thereof on any private property, in view of the general public, anywhere in the Village, is unlawful. Such vehicle or part thereof may be authorized for removal by or upon the order of the Chief of Police after a waiting period of seven days or more has expired or as otherwise provided by this Code or state law.

B. NOTICE TO POLICE: When an abandoned, lost, stolen or unclaimed motor vehicle or other vehicle comes into the temporary

possession of custody of a person in this state, not the owner of the vehicle, such person shall immediately notify the Police Department when the vehicle is within the corporate limits of the Village. Upon receipt of such notification, the Chief of Police or designee shall authorize a towing service to remove and take possession of the abandoned, lost, stolen or unclaimed motor vehicle or other vehicle in compliance with the Illinois Combined Statutes and departmental regulations.

The towing service will safely keep the towed vehicle and its contents, maintain a record of the tow until the vehicle is claimed by the owner, or any other person legally entitled to possession thereof, or until it is disposed of as provided by this Section 12.05.

C. REMOVAL OF VEHICLES:

1. When a motor vehicle or other vehicle is abandoned on a highway or any other public right of way or property in the Village 10 hours or more, its removal by a towing service may be authorized by order of the Chief of Police or designee.
2. When any motor vehicle or other vehicle is creating a traffic hazard because of its position in relation to any highway or other right of way within the Village, a towing service may be authorized by order of the Chief of Police or designee to immediately relocate such vehicle.
3. When a vehicle is removed from either public or private property, as authorized by order of the Chief of Police or designee, the owner of the vehicle will be responsible for all towing costs.

D. RECORDS OF VEHICLE REMOVED: When a motor vehicle or other vehicle is authorized to be towed away, the Police Department shall keep and maintain a record of the vehicle towed, listing the color, year of the manufacture, manufacturer's trade name, manufacturer's series name, body style, vehicle identification number and license plate year and number displayed on the vehicle. The record shall also include the date and hour of tow, location towed from, location towed to, reason for towing and the name of the officer authorizing the tow.

E. SEARCH FOR OWNER: When the Police Department does not know the identity of the registered owner or other legally entitled person they will cause the motor vehicle records of the State of

Illinois to be for the purpose of obtaining the required ownership information.

F. NOTICE TO STATE POLICE: When the registered owner or other person legally entitled to the possession of a motor vehicle or other vehicle cannot be identified from the registration files of this state or from the registration files of a foreign state, if applicable, the Police Department shall notify the Illinois State Police for the purpose of identifying the vehicle's owner or other person legally entitled to the possession of the vehicle. The information obtained by the Illinois State Police will be immediately forwarded to the law enforcement agency having custody of the vehicle for notification of owner.

G. RECLAIMING VEHICLES: Any time before a motor vehicle or other vehicle is sold at public sale or disposed of as provided herein, the owner or other person legally entitled to its possession may reclaim the vehicle by presenting to the Police Department proof of ownership or proof of the right to possession of the vehicle.

No vehicle shall be released to the owner or other person under this Section 12.05 until all towing and storage charges have been paid.

H. SALE OF VEHICLE: Whenever an abandoned, lost, stolen or unclaimed motor vehicle or other vehicle, seven years of age or newer, remains unclaimed by the registered owner or other person legally entitled to its possession for a period of 30 days after notice has been given as provided herein, the Police Department having possession of the vehicle shall cause it to be sold at public sale to the highest bidder.

Notice of the time and place of the sale shall be posted in a conspicuous place for at least 10 days prior to the sale on the premises where the vehicle has been impounded.

At least 10 days prior to the sale, the Police Department shall cause a notice of the time and place of the sale to be sent by certified mail to the registered owner or other person known by the Police Department or towing service to be legally entitled to the possession of the vehicle. Such notice shall contain a complete description of the vehicle to be sold and what steps must be taken by any legally entitled person to reclaim the vehicle.

In those instances where the certified notification specified herein has been returned by the postal authorities to the Police Department due to the addressee having moved, or being unknown at

the address obtained from the registration records of this state, the sending of a second certified notice will not be required.

When the identity of the registered owner or other person legally entitled to the possession of an abandoned, lost or unclaimed vehicle of seven years of age or newer cannot be determined by any means provided for in this section, the vehicle may be sold as provided herein or disposed of in the manner authorized by this Section 12.05 without notice to the registered owner or other person legally entitled to the possession of the vehicle.

I. OLDER VEHICLES: When an abandoned vehicle of more than seven years of age is impounded as specified by this section, it will be kept in custody for a minimum of 10 days for the purpose of determining ownership, the contacting of the registered owner by the U.S. Mail, public service or in person for a determination of disposition, and an examination of the Illinois State Police stolen motor vehicle files for theft and wanted information. At the expiration of the 10-day period, without the benefit of disposition information being received from the registered owner, the Chief of Police or designee may authorize the disposal of the vehicle as junk only.

A motor vehicle or other vehicle classified as an antique vehicle is excluded from this Section.

J. RECORDS: When a motor vehicle or other vehicle in the custody of the Police Department is reclaimed by the registered owner or other legally entitled person, or when the vehicle is sold at public sale or otherwise disposed of as provided in this section, a record of the transaction shall be maintained by the Police Department for a period of one year from the date of the sale or disposal.

K. DISPOSITION OF SALE PROCEEDS: When a vehicle located within the corporate limits of the Village is authorized to be towed away by the Chief of Police or designee and disposed of as set forth in this Section 12.05, the proceeds of the public sale or disposition after the deduction of towing, storage and processing charges shall be deposited in the general corporate fund of the municipality.

L. LIABILITY OF OFFICERS: Any police officer, towing service owner, operator or employee or his or her legal representatives, or any other person legally entitled to the possession of a motor vehicle or other vehicle shall not be held to

answer or be liable for damages when the vehicle was processed and sold or disposed of as provided by this Section 12.05.

12.06 BOATS, TRAILERS AND RECREATIONAL VEHICLES

The Village's Zoning Code Section 18, Off-Street Parking and Loading, is hereby adopted and incorporated into this subsection, and any violation prescribed therein shall be deemed a per se violation of this Section. Compliance with one or more performance standards shall not otherwise negate a violation of this subsection, Section, or any other applicable law.

12.07 NOXIOUS PLANTS, WEEDS, BUSHES, TREES AND GRASS

A. NUISANCE DECLARED: Any weeds such as or known as jimson, burdock, ragweed, thistle, cockleburr, or other weeds of like kind, and plants or bushes of the species of tall, common or European Barberry, otherwise known as Barberis Vulgaris, or its horticultural varieties, found growing in any place or location within the corporate limits of the Village, are declared to be a nuisance. It shall be unlawful for any person to cause or permit any such weeds or plants to grow or remain in any place or location within the corporate limits of the Village to a height in excess of eight inches. It is also hereby declared to be a nuisance and shall be unlawful for any person to cause or permit grass, except ornamental grass, to grow or remain in any place or location within the corporate limits of the Village to a height in excess of eight inches, or refuse or neglect to trim trees or bushes, or remove nuisance bushes or trees in the Village.

B. REMOVAL OF NOXIOUS PLANTS, WEEDS, GRASS, BUSHES AND TREES: It shall be the duty of every owner or occupant of every lot or tract of land within the corporate limits of the Village to (1) cut, destroy or remove, or cause to be cut, destroyed or removed, every such weed or plant or (2) cut any grass as hereinabove described or (3) trim trees or bushes, or (4) remove nuisance bushes or trees, upon every such lot or tract of land in such manner and on or before such time as such weeds, plants or grass reach or exceed the height of eight inches or such trees or bushes become a nuisance. Upon the failure of any such owner or occupant so to do, it shall be the duty of the Director of Community Development or designee to serve or cause to be served a notice, demanding the abatement of such growth as a nuisance, within a period of three (3) days from the receipt of such notice. Failure of any owner or occupant to comply with the provisions and demands of such notice shall constitute a violation of the provisions of this Section 12.07.

C. NOTICE: Notice shall be personally served on, posted on the property or sent by US Postal Service to, the person to whom was sent the tax bill for the general taxes on the property for the last preceding year. Any owner or occupant served with such notice shall be deemed to have refused or neglected to cut, trim or remove such weeds, trees, bushes, plants or grass pursuant to this Section 12.07. The written notice shall be in force for a period of 12 months from the date the notice was issued. Failure of any owner or occupant to comply with the provisions and demands of a notice served within the previous 12 months shall constitute a violation of the provisions of this Section 12.07 and it shall be a new violation every day the nuisance is allowed to continue.

D. ABATEMENT: If, upon the expiration of the 5-day period provided in the notice, for a period of 12 months from the date of service, any owner or occupant of any premises in the Village upon which any such weeds, plants, trees, bushes or grass are caused or permitted to grow in violation of the provisions of this Section 12.07, it shall be the duty of the Director of Community Development or designee to proceed to eliminate the nuisance by cutting, destroying or otherwise removing the weeds, plants, trees, bushes or grass and to keep an account of the expense thereof, and such expense shall be charged to the owner, or the owner and occupant jointly, of the premises, and it shall be the duty of the owner or the owner and occupant jointly to pay such expense.

E. LIEN: The Village shall have a continuing lien upon the premises and real estate upon which any noxious weeds or plants or nuisance trees, bushes or grass shall be caused or permitted to grow in violation of the provisions of this Section 12.07, for or on account of which it is necessary for any expense to be suffered or incurred by the Village for the cutting, destroying or otherwise removing of any weeds, plants, trees, bushes or grass. Every lien shall, upon compliance with the conditions hereinafter set forth, become and be prior and superior to the rights and interest of creditors, encumbrances, purchasers and other parties in interest in such premises and real estate.

F. LIEN PROCEDURES: Pursuant to 65 ILCS 5/11-20-15, the filing of a lien for nuisance plants, weeds, bushes, trees and grass requires the following:

1. A notice must first be sent by certified mail or personally served on the person to whom was sent the tax bill for the general taxes on the property for the taxable year immediately preceding the removal activities.

2. The notice must reference that the action is pursuant to this Section and contain a common description of the subject property and a description of the requested removal activity.
3. Within one year after the removal cost has been incurred, a notice of lien must be recorded.
4. The notice of lien must contain a description of the property, amount of removal cost and the date or dates when the removal cost was incurred.
5. If there are Village-incurred costs more than one time during a one-year period, they may be combined into a single notice of lien.
6. Upon payment of the lien cost the Village shall release the lien and the recording of the release shall be responsibility of the owner at his or her expense.

G. FORECLOSURE OF LIEN: If payment is not made as provided in this Section 12.07 of any amount due by virtue of its provisions when the same shall become due, the Village may file or cause to be filed a petition or bill in the appropriate court for a foreclosure of mortgages. Such suit shall be commenced within two years after the accrual of such expense or cost or charge. Any decree rendered in court may be enforced and collected as other decrees or judgments in such court.

The remedy provided in this Section 12.07 shall not be construed to abridge or in any manner interfere with the right and power of the Village to enforce the collection thereof by an action at law or as otherwise provided in this Section 12.07, but the remedy herein provided shall be taken and held as an additional means to enforce payment of such delinquent expense or cost or charge.

12.08 OPEN BURNING & RECREATIONAL BONFIRES

A. PROHIBITION: The open burning of any materials or substances is hereby prohibited within the Village limits, other than the preparation of food on a temporary or permanent fireplace grill or barbecue pit and as otherwise provided herein.

B. EXCEPTIONS:

1. Duly organized units of government shall be exempt from this prohibition when conducting a controlled

burn for an environmental or ecological purpose. Any unit of government conducting a controlled burn within the Village shall notify the Police Department of the time and location of the controlled burn. The Chief of Police or designee may impose such conditions and limitations upon said controlled burns as deemed appropriate.

2. Residents may apply for a Recreational Bonfire Permit at the Police Department. A recreational bonfire is defined as a small outdoor fire, such as a campfire, conducted as an ancillary feature of a social event, such as a picnic or outdoor gathering. With the exception of commercially produced or constructed fireplaces, portable fire pits, chimineas, and patio hearths, all other recreational bonfires are subject to permit approval from the Chief of Police or designee. All Recreational Bonfires may only be held if the following conditions are met:
 - a. All recreational bonfires shall be attended by a responsible person 18 years or older, who shall have a garden hose connected to a water supply or other fire extinguishing equipment readily available for use.
 - b. The recreational bonfire location is not less than 30 feet from any structure and adequate provisions are made to prevent fire from spreading to within 30 feet of any structure. The fire shall be maintained within a ring measuring a maximum of 3 feet in diameter made of non-combustible materials to prevent the spread of the fire.
 - i. Exception: Commercially produced or constructed fireplaces, portable fire pits, chimineas, and patio hearths used as directed by the manufacturer's safety instructions
 - c. The recreational bonfire shall only be permitted between the hours of 5 p.m. and midnight on the date of the event or as listed on the Recreational Bonfire Permit if required. Materials burned shall only be logs. No twigs, leaves, grass or other similar landscape waste material shall be burned.

- d. Only 1 recreational bonfire is permitted at any one time at any given location.
- e. The Chief of Police or designee, shall forward a copy of any issued Recreational Bonfire Permits to the fire district or department having jurisdiction over the bonfire location prior to the time of bonfire.
- f. There shall be no charge for a Recreational Bonfire Permit.

C. PENALTIES: Any person who violates Section 12.08 shall be fined not less than \$100.00 for the first offense. The fine for a second offense shall be not less than \$300.00 and the fine for a third and any other subsequent offenses shall be not less than \$500.00. The violation of this Section is hereby declared to be a public nuisance, to be abated in the manner provided by law.

12.09 FALSE ALARMS

A. AUTOMATIC DIALER ALARMS: Automatic dialer alarms that dial directly into the Police Department are not allowed to be used within the corporate limits of the Village, with the exception of those used by the Village and those authorized by the Chief of Police based upon special facts involving medical and/or life threatening circumstances.

B. AUDIBLE ALARMS: Any alarm that emits an audible alarm is required to have a cut-off timer that will shut the alarm off automatically after 30 minutes.

C. FALSE ALARMS: Any person owning or leasing an alarm system that transmits an alarm activation, either indirectly or directly to the Police Department, shall be in violation of this Ordinance if that person's alarm system transmits more than four false alarms within any 12 month period. For purposes of determining guilt under this Section 12.09, a person's knowledge and intent are not elements of this offense.

D. PENALTIES: Any person who violates Section 12.09 shall be fined not less than \$50.00 nor more than \$500.00 for each violation. The violation of this Section 12.09 is hereby declared to be a public nuisance, to be abated in the manner provided by law.

12.10 FIRE DISTRICT RAPID ENTRY KEY SYSTEM

A. FIRE DISTRICT RAPID ENTRY KEY SYSTEM: A Fire District Rapid Entry Key System (hereinafter referred to as "KNOX") shall be installed on all buildings equipped with a monitored fire alarm system. Installation, location and mode of KNOX box shall be approved by the fire district prior to installation.

B. EXCEPTIONS: The following situations will be exempt from the KNOX box installation requirement in Section 12.10:

1. Detached single family dwellings;
2. Alarmed buildings that are occupied 24 hours a day throughout the year;
3. Buildings with on-premises guard service with key access to all building areas.

12.11 BUSINESS PROPERTY DEBRIS

A. In addition to the definitions in Appendix A of this Code, the following definitions are applicable to this Chapter 12.11:

Business Property: Any property within the Village zoned in any Business, Manufacturing, Airport, or Institutional Buildings District pursuant to the Lake in the Hills Zoning Ordinance.

Waste Receptacle: A container that is a minimum of 30 gallons and is used for the temporary storage of garbage, debris, or litter, which has solid sides and bottom and is covered in a manner to prevent the scattering of debris.

B. LITTER PROHIBITED: It shall be unlawful and a public nuisance for any owner, managing agent, tenant, lessee, or other person with ownership or control of a business property (collectively the "Responsible Parties"):

1. To cause the deposit, accumulation, or scattering of, or to allow to remain, any garbage, debris, or litter on such business property, except only in proper receptacles therefore.
2. To allow any garbage, debris, or litter originating or emanating from such business property, or originating or emanating from clients, customers, or patrons of such business property, to accumulate, scatter, or remain on any other

property, whether public or private, within 300 feet of such business property.

3. For failure to have waste receptacles placed in the following locations:
 - a. Within 15 feet of any customer entrance/exit door to a restaurant, coffee shop, gas station or single-tenant commercial building which allows public access.
 - b. Within or immediately adjacent to any unattended outdoor seating area associated with a restaurant or coffee shop.
 - c. Past the last service window of a drive-thru lane associated with a restaurant or coffee shop.
 - d. For multi-tenant commercial buildings, a minimum of one waste receptacle is required and one waste receptacle for every two customer entrance/exit doors. Waste receptacles shall be placed within 15 feet of a customer entrance/exit door.
 - e. In the Institutional Buildings District, one waste receptacle is required for each public entrance/exit door for any building over 2,000 square feet that allows public access.

The provisions of this section shall apply to all Responsible Parties regardless of whether the deposit, accumulation, or scattering of such garbage, debris, or litter results from the actions or inactions of the Responsible Parties or any one of them or from a third party.

C. NOTICE TO REMOVE: The Director of Community Development or designee may service or cause to be served a notice on any Responsible Party or representative thereof to cure any violation of this section or to remove any garbage, debris, or litter from any business property or any property within 300 feet of such property. Such notice shall provide for such cure or removal within 48 hours after such notice is served. Such notice shall further provide that, if such cure or removal is not completed within said time period, the Village may complete such cure or removal using Village forces or forces hired by the Village, and that all costs incurred by the Village therefore, including without

limitation administrative costs and legal costs, shall be payable by the Responsible Parties.

D. RECOVERY OF VILLAGE COSTS: If the Responsible Parties do not cure every violation of this section and remove all garbage, debris, or litter within 48 hours after notice is served by the Village, and if the Village completes such cure or removal using Village forces or forces hired by the Village, then all costs incurred by the Village therefore, including without limitation administrative costs and legal costs, shall be payable by the Responsible Parties within 30 days after invoice therefore. If all costs are not so paid within 30 days after invoice therefore, then the Village shall have the right to file a lien against the business property and undertake all appropriate proceedings to enforce and collect on such lien. The recovery of costs pursuant to this subsection shall not limit the Village's rights to impose penalties pursuant to Subsection E of this section or to take all such other actions as may be necessary to cure any violation of this section or to abatement any public nuisance.

E. PENALTY: Any person, firm or corporation violating any provision of this Section 12.11 shall be fined not less than \$25.00 nor more than \$500.00 for each offense, and a separate offence shall be deemed committed on each day during which the violation occurs or continues.

Recodified September 14, 2000

Amended December 12, 2002

Amended May 25, 2006

Amended March 8, 2007

Amended June 26, 2008

Amended December 11, 2008

Amended September 10, 2009

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Amended April 14, 2016

Amended March 22, 2018

Amended April 27, 2023