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Amy Button
County Clerk Clay Co., IL

**VILLAGE OF IOLA
CLAY COUNTY, ILLINOIS**

ORDINANCE NO. 2024-1-8

**AN ORDINANCE REGULATING HEALTH AND
ABATING NUISANCES WITHIN THE LIMITS OF THE
VILLAGE OF IOLA, ILLINOIS**

**PASSED BY THE
BOARD OF TRUSTEES
OF THE**

VILLAGE OF IOLA

THIS 8th **DAY OF** January, 2024

**PUBLISHED IN PAMPHLET FORM BY AUTHORITY OF THE BOARD OF
TRUSTEES OF THE VILLAGE OF IOLA, CLAY COUNTY,**

ILLINOIS, THIS 8th **DAY OF** January, 2024

ORDINANCE NO. 2024-1-8

**AN ORDINANCE REGULATING HEALTH AND
ABATING NUISANCES WITHIN THE LIMITS OF THE
VILLAGE OF IOLA, ILLINOIS**

WHEREAS, the corporate authorities of municipalities are empowered by 65 ILCS 5/11-20-5 to do all acts and make all regulations which may be necessary or expedient for the promotion of health and suppression of diseases; and,

WHEREAS, the corporate authorities of municipalities are further empowered by 65 ILCS 5/11-60-2 to define, prevent and abate nuisances; and,

WHEREAS, the corporate authorities of municipalities are authorized pursuant to 65 ILCS 5/11-40-3 to declare inoperable motor vehicles to be a nuisance; and,

WHEREAS, the corporate authorities of municipalities are authorized pursuant to 65 ILCS 5/11-20-8 to exterminate rats and to attach a lien to the premises so treated for the costs thereof; and,

WHEREAS, the corporate authorities of municipalities are authorized pursuant to 65 ILCS 5/11-20-6 and 65 ILCS 5/11-20-7 to authorize the destruction of weeds at the expense of the owners of the premises on which the weeds are growing and to attach a lien on said premises for the costs thereof; and,

WHEREAS, the corporate authorities of municipalities are authorized pursuant to 65 ILCS 5/11-20-13 and 65 ILCS 5/11-20-15 to remove junk, garbage and debris from private property and may regulate the method of disposal thereof, and may, when the owner, after reasonable notice, refuses or neglects to remove such garbage or debris, attach a lien on said private property for the costs thereof; and,

WHEREAS, the corporate authorities of municipalities are authorized pursuant to 65 ILCS 5/11-31-1.1 and 65 ILCS 5/11-20-15.1 to secure or enclose abandoned residential property, and may, when the owner, after reasonable notice, fails to secure or enclose said residential property, attach a lien on said private property for the cost of removal, securing, and enclosing of abandoned residential property; and,

WHEREAS, the corporate authorities of municipalities are authorized pursuant to 65 ILCS 11-42-3 to regulate dealers in junk, dismantled or wrecked motor vehicles or parts thereof, and any second-hand article whatsoever; and,

WHEREAS, the corporate authorities of municipalities are authorized pursuant to 65 ILCS 5/11-42-9 and 65 ILCS 5/11-42-10 to prohibit, locate, and regulate any offensive or unwholesome

business or establishment, and may compel the cleansing, abatement or removal of such unwholesome or nauseous house or place; and,

WHEREAS, the corporate authorities of municipalities are authorized pursuant to 65 ILCS 5/11-31-1, et. seq. to demolish, repair, or enclose dangerous and unsafe buildings and may remove garbage, debris, and other hazardous, noxious or unhealthy substances or materials and attach a lien for the costs thereof; and,

WHEREAS, the Village of Iola, Illinois, finds that it is necessary and proper to enact an ordinance regulating the growth and destruction of weeds, the removal of garbage and debris, the removal of inoperable motor vehicles, the handling and disposal of refuse and preventing acts, practices, conduct, uses of property and other things detrimental to the health, welfare, safety, comfort and enjoyment of the inhabitants of the Village, and to define and abate nuisances within the corporate boundaries of the Village; and,

WHEREAS, the Village of Iola, Illinois, declares that inoperable motor vehicles are a nuisance; and,

WHEREAS, the Village of Iola, Illinois, declares that the uncontrolled growth of weeds is a nuisance; and,

WHEREAS, the Village of Iola, Illinois, declares that the failure of property owners to remove garbage, refuse, rubbish, junk and debris from private property is a nuisance; and,

WHEREAS, the Village of Iola, Illinois, declares that the improper disposal, storage and/or accumulation of garbage, refuse, rubbish, junk and debris on private property is a nuisance; and,

WHEREAS, the Village of Iola, Illinois, declares that the unregulated establishment of junkyards, automobile graveyards and mobile home salvage yards is unhealthy and a nuisance; and,

WHEREAS, the Village of Iola, Illinois, declares that an abandoned residential property is a nuisance; and,

WHEREAS, the Village of Iola, Illinois, declares that buildings and property that are dangerous and unsafe are a nuisance; and,

WHEREAS, after careful investigation, the Village of Iola, Illinois, deems it necessary to make the above referenced findings and declarations in order to conserve the health, safety, and welfare of the citizens of the Village of Iola, Illinois.

NOW, THEREFORE, BE IT HEREBY ORDAINED BY THE VILLAGE BOARD OF THE VILLAGE OF IOLA, ILLINOIS, THAT:

SECTION I: INCORPORATION AND DEFINITIONS

1. The findings made in the prefatory portions of this Ordinance are hereby adopted and incorporated by reference.

2. The following words, terms and phrases, when used in this Ordinance, shall have the meanings ascribed to them in this Section, except where the context clearly indicates a different meaning:

A. “Abandoned Residential Property” shall mean any type of permanent residential dwelling unit, including detached single family structures, and townhouses, condominium units and multifamily rental apartments covering the entire property, and manufactured homes treated under Illinois law as real estate and not as personal property, that has been unoccupied by any lawful occupant or occupants for at least 90 days, and for which after such ninety (90) day period, the Village has made good faith efforts to contact the legal owner or owners of the property identified on the recorded mortgage, or, if known, any agent of the owner or owners, and no contact has been made. A property for which the Village has been given notice of the order of confirmation of sale pursuant to subsection (b-10) of Section 15-1508 of the Code of Civil Procedure shall not be deemed to be an Abandoned Residential Property.

B. “Ashes” shall mean the residue from burning of wood, coal, coke or other combustible materials.

C. “Automobile Graveyard” shall mean any establishment or place of business which is maintained, operated, or used for storing, buying or selling wrecked, junked, scrapped, ruined or dismantled motor vehicles or motor vehicle parts.

D. “Construction and Demolition Debris” shall mean non-hazardous, uncontaminated materials resulting from the construction, remodeling, repair and demolition of utilities, structures and roads, including, but not limited to, the following: bricks, concrete, and other masonry materials, soil, rock, wood, including non-hazardous painted, treated, and/or coated wood and wood products, wall coverings, plaster, drywall, plumbing fixtures, electrical fixtures, non-asbestos insulation, roofing shingles and/or other roof covering, asphalt and other similar materials.

E. “Dangerous and Unsafe Building” shall mean a building that, because of its condition constitutes a hazard to the health or safety of persons, or to the safety of other property, whether real or personal property; or, a building not suited for occupancy, or for the purposes for which it was intended, or any building which, because of its lack of proper repair or maintenance, depreciates the appearance or value of the neighborhood in which it is located, or any building which, because of lack of proper repair or maintenance, could cause injury or damage to persons or

property, or any building which was not constructed in whole or in part in accordance with any building, electrical, or fire ordinances of this Village or statutes of the State of Illinois. Any building, which has one or more of the following defects, shall be deemed to be a Dangerous and Unsafe Building:

1. Any building whose walls or vertical members list, lean, or buckle to such an extent that a plumb line suspended from the top edge of such member shall fall outside of a distance from the edge equal to one-third (1/3) of the thickness of such members;
2. Any building which has a support member or members which have deteriorated to such an extent as to be unable to safely support the applied loads or which have forty (40%) percent damage or deterioration of the non-supporting, enclosed or outside walls or covering;
3. Any building which has improperly distributed loads upon the floors or roofs or in which the same are overloaded or which have insufficient strength to be reasonably safe for the purpose used;
4. Any building which has been damaged by fire, wind or other causes so as to have become dangerous to life, safety or the health and welfare of persons or to the safety or value of other property, whether real or personal;
5. Any building which has parts thereof which are so attached that they may fall and injure persons or property;
6. Any building which has wiring that is dangerous due to lack of insulation, improper fuses, inadequate grounding, lack of capacity of wires or other dangerous conditions;
7. Any building which, by reason of faulty construction, age, lack of proper repair, or any other cause, has become especially liable to fire, and constitutes or creates a fire hazard, or has become liable to cause injury or damage by collapsing or otherwise;
8. Any building which is dangerous to the public health because of its construction or condition, or which may cause or aid in the spread of disease or cause injury to the health of the occupants of it or of neighboring structures;
9. Any building which, because of its condition or because of lack of doors or windows, is available to and frequented by persons who are not lawful occupants of such building;

10. Any building which does not have an unobstructed means of egress leading to an open space at ground level;
11. Any building which has a broken windowpane or panes or in which a windowpane or panes have been broken out or removed, providing such condition has continued for more than thirty (30) days;
12. Any building in which a window or windows have been boarded up, provided, however, that the use of properly appearing window shutter or shutters over a window or windows shall not be considered boarding up as long as they do not detract from the general appearance of the area;
13. Any building which, while used as a dwelling for human habitation, does not have an installed kitchen sink in each dwelling unit properly connected to the hot and cold water supply pipes and the sewer system, or does not have an installed tub or shower and lavatory properly connected to hot and cold water supply pipes and sewer system, or does not have a flush-type water closet located in a room affording privacy and properly connected to the water supply pipes and sewer system, or does not have installed electric lighting facilities for every habitable room, or does not have installed a heating system adequate to provide necessary heat to occupants;
14. Any building in which the heating equipment installed is not vented and maintained in good order and repair;
15. Any building in which there are leaking gas lines;
16. Any building in which bricks, blocks, boards, siding or covering forming part of the walls or other structure of such building are loose or not firmly attached or are rotted, decayed or crumbling;
17. Any building with a chimney in which bricks or blocks forming a part thereof are loose or not firmly attached or are decayed or crumbling;
18. Any building which has kept or maintained thereon, therein, or about the same, combustible or explosive material or inflammable conditions, which endanger the safety of persons or other property;
19. Any building which has a roof thereon that leaks so as to permit water to enter into any room or rooms of such building and which has not been repaired to prevent such leaks within thirty (30) days after such leaks first commenced;
20. Any building in which or about which junk, trash, paper, garbage, or materials is or are stored or kept in such a manner as could increase the

possibility of rat infestation, or the spread of disease, or the hazards of fire, or injury to persons or property; or,

21. Any building which does not comply with all applicable State or local building code, fire code, life safety code, plumbing code, and/or electrical code.

Notwithstanding anything contained in this Ordinance, the enumeration of certain defects herein shall not mean that a building with other defects which constitute a hazard to the health or safety of persons or to the safety of other property, whether real or personal, shall not be deemed a Dangerous and Unsafe Building.

F. “Diseased Animal” shall mean an animal showing symptoms of a disease of having an illness or being in an unhealthy state. This shall include a vicious animal as defined under the Animal Control Act, 510 ILCS 5/1 et. seq.

G. “Extermination” shall mean the control and elimination of insects, rodents, or other pests by eliminating their harborage places by removing or making inaccessible materials that may serve as their food, by poisoning, spraying, trapping, or by any other recognized and legal method of pest elimination.

H. “Garbage” shall mean debris, junk, old or scrap copper, brass, rope, rags, batteries, paper, trash, rubber debris, waste, or junked, dismantled or wrecked automobiles, or parts thereof, iron, steel, and other old or scrap ferrous or nonferrous material, inoperable appliances, unusable furniture, and dimensional lumber from dismantled buildings, and putrescible animal and vegetable wastes resulting from the handling, preparation, cooking and consumption of food.

I. “Household Pets” shall mean dogs, cats, hamsters, birds, or similar animals being kept solely on private premises for non-commercial purposes.

J. “Infestation” shall mean the presence, within a dwelling or other building, on the premises or storage site of insects, rodents, or other pests.

K. “Inoperable Motor Vehicle” shall mean any motor vehicle which, for a period of at least seven (7) days, the engine, wheels or other parts have been removed, or 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. The term “Inoperable Motor Vehicle” shall also mean any motor vehicle which lacks current, legal registration. The term “Inoperable Motor Vehicle” shall not include a motor vehicle which has been rendered temporarily incapable of being driven under its own motor power in order to perform ordinary service or repair operations.

L. “Junk” shall mean old or scrap copper, brass, rope, rags, batteries, paper, trash, rubber debris, waste, or junked, dismantled or wrecked automobiles, or parts

thereof, iron, steel, and other old or scrap ferrous or nonferrous material, inoperable appliances, unusable furniture, and dimensional lumber from dismantled buildings.

M. “Junk Vehicle” shall mean any motor vehicle which is wrecked, scrapped, ruined, partially dismantled, wholly dismantled, inoperative, abandoned or discarded, and/or fails to display current valid licensing.

N. “Junkyard” shall mean a properly licensed establishment or place of business, licensed pursuant to this Ordinance governing junk yards, which is maintained, operated, or used for storing, keeping, buying or selling junk, or for the maintenance or operation of an automobile graveyard and mobile home salvage yard.

O. “Manure” shall mean the excrement of all domestic animals and fowl and stable bedding.

P. “Mobile Home Salvage Yard” shall mean an establishment or place of business licensed by this Ordinance which is maintained, operated or used for storing, keeping, buying or selling wrecked, scrapped, junked, ruined or dismantled mobile homes or mobile home parts, and does not include the repair of mobile homes by mobile home dealers who refurbish and sell used but not wrecked, scrapped, junked, ruined, or dismantled homes.

Q. “Motor Vehicle” shall mean any vehicle which is self-propelled and designed to travel along the ground and shall include, but not be limited to, automobiles, buses, motor bikes, motorcycles, motor scooters, side-by-sides, off-terrain vehicles, trucks, go carts, golf carts, campers and trailers.

R. “Person” shall mean any natural person, firm, club, corporation, association, partnership, limited liability company, company, trust, organization, or political subdivision.

S. “Premises” shall mean public and/or private property, either improved or vacant, inhabited, or uninhabited, including buildings and other structures, vehicles, watercrafts and/or parts thereof.

T. “Refuse” shall mean all putrescible and nonputrescible solid wastes, (except body wastes), including garbage, junk, rubbish, ashes, street cleanings, dead animals, abandoned automobiles, discarded household appliances and solid market and industrial wastes.

U. “Rodents” shall mean rats and mice.

V. “Rubbish” shall mean nonputrescible solid wastes (excluding ashes), consisting of both combustible and noncombustible wastes such as paper,

cardboard, tin cans, yard clippings, wood, glass, bedding, crockery, and similar materials.

W. “Scrap Processing Facilities” shall mean any establishment having facilities for processing iron, steel, nonferrous scrap, mineral wastes or slag, and whose principal product is scrap iron, steel or nonferrous scrap for sale for remelting purposes only.

X. “Storage Site” shall mean public and/or private property, either improved or vacant, including the buildings or structures thereon, vehicles, watercraft, or parts thereof, upon or in which Refuse is stored for collection prior to final disposal.

Y. “Unlicensed Vehicle” shall mean any motor vehicle, or other vehicle requiring a license or registration, which does not have a current registration, or does not have a current renewal sticker or license or does not have a license plate affixed to the vehicle in the manner required by law.

Z. “Vermin” shall mean roaches, bed bugs, fleas, lice or similar noxious or disgusting animal of small size.

AA. “Weeds” shall mean to include, but is not 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, Johnson Grass, and any and all other grass or noxious weeds as defined by the statutes of the State of Illinois.

SECTION II: SPECIFIC NUISANCES:

PART A. DISPOSAL OF REFUSE, RUBBISH, & GARBAGE

All Refuse, Rubbish, Construction and Demolition Debris, and Garbage shall be disposed of at a location and in a method that conforms to requirements of the Illinois Environmental Protection Act. No Person shall store, deposit, or permit to remain upon the ground, in open buildings or structures, or in any waterway, pool, and confined waters within the Village any Refuse, Garbage, Rubbish, Construction and Demolition Debris, or other offensive matter that may attract or harbor flies, Rodents, Vermin and/or mosquitoes or may create offensive odors or unsightliness, or create a health hazard or nuisance.

PART B. REFUSE AND STORAGE

1. All Refuse, Rubbish, Construction and Demolition Debris, and Garbage shall be drained and stored in durable, rust-resisting, nonabsorbent, water-tight, and easily washable containers, which shall have close-fitting covers and adequate handles or bails to facilitate collection.

2. All Refuse, Rubbish, Construction and Demolition Debris, and Garbage shall be removed and disposed of at least once each week except in those situations where more frequent collection shall be deemed necessary by the authorized representative of the Clay County Health Department or an authorized representative of the Village.

3. All containers utilized for the collection, removal and disposal of Refuse, Rubbish, Construction and Demolition Debris, and Garbage shall not be placed in the front yard of a Premises or Storage Site more than twenty-four (24) hours prior to pick-up and/or collection. Furthermore, all containers utilized for the collection, removal and disposal of Refuse, Rubbish, Construction and Demolition Debris, and Garbage shall be removed from the front yard of a Premises or Storage Site within twenty-four (24) hours after pick-up and/or collection.

PART C. ACCUMULATION AND STORAGE OF JUNK; REGULATION OF JUNKYARDS, AUTOMOBILE GRAVEYARDS, AND MOBILE HOME SALVAGE YARDS

1. No Person shall accumulate or store in, on, around, or about any Premises or Storage Site within the Village, any Junk, debris, Garbage, Rubbish, Construction and Demolition Debris, or Refuse except in a licensed Junkyard, licensed Mobile Home Salvage Yard, licensed Automobile Graveyard, or licensed Scrap Processing Facility as allowed hereunder.

2. No Person shall hereafter establish or operate a Junkyard, Mobile Home Salvage Yard, Automobile Graveyard, or Scrap Processing Facility within One Thousand (1,000) feet of any residential dwelling (with the exception of the establishment owner's residential dwelling), school, restaurant, church, or place of public accommodation. No Person may hereafter establish or operate a Junkyard, Mobile Home Salvage Yard, Automobile Graveyard or Scrap Processing Facility within Two Hundred (200) feet of the right of way of any public street or alley within the Village. No Person may hereafter establish or operate a Junkyard, Mobile Home Salvage Yard, Automobile Graveyard or Scrap Processing Facility unless the Person first obtains a license to operate a Junkyard, Mobile Home Salvage Yard, Automobile Graveyard or Scrap Processing Facility from the corporate authorities of the Village. All Junkyard, Mobile Home Salvage Yard, Automobile Graveyard or Scrap Processing Facility licensed pursuant to this Ordinance shall be enclosed by a minimum eight (8) foot high fence or a wall, as approved by the Village Board of Trustees, sufficient to block from view the area wherein the Junk, mobile homes, Motor Vehicles, or scrap is stored.

3. **AMORTIZATION:** Any Person operating a Junkyard, Mobile Home Salvage Yard, Automobile Graveyard or Scrap Processing Facility within the corporate boundaries of the Village as of the date of this Ordinance, shall be deemed a non-conforming use upon the issuance of a Certificate of Nonconformance to such Person by the Village. The Certificate of Nonconformance shall direct the Person to abate the operation Junkyard, Mobile Home Salvage Yard, Automobile Graveyard or Scrap Processing Facility. However, the non-conforming use will be permitted to continue for a period of six (6) months, unless sooner terminated for any reason for a period of thirty (30) days or more upon the written request of the Person, during which time

the Person must either bring the Junkyard, Mobile Home Salvage Yard, Automobile Graveyard or Scrap Processing Facility into compliance with this Ordinance or abate the operation of the Junkyard, Mobile Home Salvage Yard, Automobile Graveyard or Scrap Processing Facility. Such non-conforming uses shall not be increased, enlarged, or extended, or altered except that the use may be changed to a conforming use. A Person operating a Junkyard, Mobile Home Salvage Yard, Automobile Graveyard or Scrap Processing Facility within the corporate boundaries of the Village as of the date of this Ordinance may petition the corporate authorities of the Village for an additional six (6) month extension of time of the period in which the non-conforming use may be permitted to continue. The corporate authorities of the Village shall grant such request for an extension.

4. LICENSE: After the effective date of this Ordinance, a Person desiring to establish or operate a Junkyard, Mobile Home Salvage Yard, Automobile Graveyard or Scrap Processing Facility within the corporate boundaries of the Village shall submit a completed application to the Village Clerk requesting a license to establish or operate a Junkyard, Mobile Home Salvage Yard, Automobile Graveyard or Scrap Processing Facility within the corporate boundaries of the Village. Said application shall include:

A. A non-refundable initial application fee of Two Thousand Five Hundred Dollars (\$2,500.00) payable to the Village.

B. A plat of the site prepared by a licensed professional engineer showing the location where the Person intends to establish and operate the proposed Junkyard, Mobile Home Salvage Yard, Automobile Graveyard or Scrap Processing Facility, and showing the distance between the proposed Junkyard, Mobile Home Salvage Yard, Automobile Graveyard or Scrap Processing Facility and those residential structures, churches, restaurants, places of public accommodation, and schools within One Thousand (1,000) feet of the proposed Junkyard, Mobile Home Salvage Yard, Automobile Graveyard or Scrap Processing Facility and showing any right of way of any public street or alley within Two Hundred (200) feet of the proposed Junkyard, Mobile Home Salvage Yard, Automobile Graveyard or Scrap Processing Facility.

C. A water drainage and water detention study prepared by a licensed professional engineer showing the site where the Person intends to establish and operate the proposed Junkyard, Mobile Home Salvage Yard, Automobile Graveyard or Scrap Processing Facility.

D. A completed License Application.

E. A profile drawing, specifications and type of the screen that will be constructed to block the visibility of the area where Junk, mobile homes, Motor Vehicles or scrap will be stored.

5. CONSIDERATION AND APPEAL: The corporate authorities of the Village shall grant or deny the Person's application within sixty (60) days of the receipt of the application by the Village Clerk. The corporate authorities of the Village shall notify the person of the grant or denial of the application in writing served on the Person by certified mail within ninety (90) days of filing the application with the Village Clerk. Said notice shall inform the Person of the reason(s) for the grant or denial of the application. The Person may appeal the decision of the corporate authorities to the Village President by filing with the Village Clerk within thirty (30) days of the date of the notice of denial of the application a written request for a hearing to appeal the decision of the corporate authorities. The Village Clerk shall schedule a hearing with the Person within thirty (30) days of receipt of the Person's request for a hearing. At the hearing, the Village President shall hear the reasons for the Person's appeal and shall grant or deny the Person's appeal in writing within thirty (30) days from the date of the appeal hearing.

6. LICENSE RENEWAL AND LICENSE FEE: All licenses to establish and operate a Junkyard, Mobile Home Salvage Yard, Automobile Graveyard or Scrap Processing Facility shall expire one (1) year from the date of issuance and must be renewed annually by paying the Village an annual license fee of One Thousand Dollars (\$1,000.00) to the Village. The Village may refuse to renew any license granted hereunder for failure to comply with applicable state, federal, or local laws and regulations, including, but not limited to, this Ordinance.

7. TRANSFERABILITY: Any license granted hereunder shall not be assignable or transferable. In the event a license granted hereunder is assigned or transferred for any reason whatsoever, the license granted hereunder shall terminate immediately.

8. Any Junkyard, Mobile Home Salvage Yard, Automobile Graveyard or Scrap Processing Facility shall comply with this Ordinance, and all applicable state and federal laws, rules and regulations.

PART D. TRANSPORTATION OF REFUSE, RUBBISH & GARBAGE

All Refuse, Rubbish, debris, Construction and Demolition Debris, and Garbage shall be transported to a disposal site in a suitable Motor Vehicle. All Motor Vehicles used for transportation of Refuse, Rubbish, Construction and Demolition Debris, Garbage or other debris from the Storage Site to the site of final disposal shall: a) have leak-proof beds; b) have sides and tailgates of sufficient height to prevent the spillage of Refuse, and c) during transportation, be covered with canvas, tarpaulin or metal properly fitted to prevent the scatter or loss of Refuse, Rubbish, Construction and Demolition Debris, Garbage or other debris. Any Motor Vehicle used for the transportation of dead animals shall, immediately upon the transportation of such dead animals, and prior to such Motor Vehicle being parked upon any street, alley, or parking lot within the Village, be disinfected with a solution of at least one (1) part of cresol dip to four (4) parts of water, or such equally effective disinfectant as required by the Illinois Dead Animal Disposal Act (225 ILCS 610/16), as now in effect or hereafter amended.

PART E. FREQUENCY OF COLLECTION

All Refuse, Rubbish, Construction and Demolition Debris, and Garbage stored on a Storage Site shall be collected once each week except in those situations where more frequent collection shall be deemed necessary by the authorized representative of the Clay County Health Department or an authorized representative of the Village. Dead animals are to be disposed of no later than twelve (12) hours or the period of time in which the process of decay becomes offensive, whichever comes first.

PART F. DANGEROUS AND HAZARDOUS MATERIALS

Any and all dangerous and hazardous materials or substances such as poisons, acids, caustics, pesticides, infested materials, explosives and solid wastes resulting from industrial processes or otherwise shall not be mixed and/or stored with and collected with Refuse, Garbage, Construction and Demolition Debris, or Rubbish as defined in this Ordinance. Such dangerous and hazardous materials or substances shall be stored, collected and disposed of in a manner prescribed by applicable state and federal law, including, but not limited to, the Illinois Environmental Protection Act and the United States Environmental Protection Act.

PART G. VERMIN AND RODENTS

The Infestation of Vermin or Rodents on any Premises or Storage Site within the Village is declared a nuisance. No Person shall permit an Infestation of Vermin or Rodents on any Premises or Storage Site within the Village. The corporate authorities may direct the Village Attorney, contractors, agents and/or employees to proceed pursuant to this Ordinance or pursuant to 65 ILCS 5/11-20-8, to exterminate Vermin or Rodents in the Village and to attach a lien on the subject premises for the cost thereof.

PART H. INDOOR FURNITURE, APPLIANCES, AND FIREWOOD

1. Indoor Upholstered Furniture. No Person shall place, use, keep, store or maintain Outdoors of any Premises any Indoor Upholstered Furniture not manufactured for outdoor use, including, but not limited to, upholstered chairs and couches, except when said Indoor Upholstered Furniture is placed at the curb on the customary collection day for it to be removed as part of the large item waste removal service, or when said Indoor Upholstered Furniture is placed Outdoors as part of a garage sale, but in no event for a period longer than twenty-four (24) hours. As used herein “Indoor Upholstered Furniture” shall mean any furniture constructed with stuffing or cushions or springs, not intended for outdoor use. As used herein “Outdoors” shall mean any place visible from a public place and exposed to precipitation, including, but not limited to, yards, rooftops, and Unenclosed porches, decks, patios, and balconies. As used herein, the term “Unenclosed” means an area not totally surrounded with a combination of walls, windows, doors, floor, and roof.

2. Outdoor Storage of Appliances. No Person shall place, use, keep, store, or maintain Outdoors any appliances not manufactured for outdoor use, including, but not limited to,

stoves, refrigerators, ovens, microwave ovens, washing machines, clothes dryers, sewing machines, televisions, and similar items, except when said appliances are placed at the curb on the customary collection day for it to be removed as part of the large item waste removal services, or when said appliance is placed Outdoors as part of a garage sale, but in no event for a period longer than twenty-four (24) hours.

3. **Firewood.** No Person shall place, use, keep, store, or maintain Outdoors any firewood for a period of time in excess of twenty-four (24) hours, unless said firewood is in an enclosed structure, within a storage rack, or stacked in rows or columns.

PART I. WEEDS

1. **Obnoxious Weeds.** Any Weeds found growing on any Premises in the Village are hereby declared a nuisance, and it shall be unlawful to permit any such Weeds to grow or remain in any place.

2. **Grass, etc., exceeding certain height.** It shall be unlawful for any Person to permit Weeds, grass or plants, other than trees, bushes, flowers or other ornamental plants to grow to a height exceeding eight (8) inches anywhere in the Village, including, but not limited, to the area on or along the sidewalk, street, or alley adjacent to or between the property line and the curb; any such plants exceeding such height are hereby declared to be a nuisance. It shall be the duty of the owner, occupant, or any Person having control or management of a lot to cut and destroy, or cause to be cut and destroyed, all such Weeds, grass, or plants growing or standing on a lot, including any such Weeds, grass, or plants growing or standing in the area on or along the sidewalk, street, or alley adjacent to or between the property line and the curb.

3. **Hedges, etc., exceeding certain height.** It shall be a nuisance and unlawful to allow any hedge, Weeds, bushes, plants or other growing vegetation to exceed a height of thirty (30) inches above the street grade within twenty (20) feet of any street intersection.

4. The Village may proceed pursuant to this Ordinance or may proceed pursuant to 65 ILCS 5/11-20-7, to direct its attorneys, agents, employees, or contractors to remove such weeds and attach a lien to the subject premises for the cost thereof.

PART J. INOPERABLE MOTOR VEHICLES OR UNLICNSED VEHICLE

An Inoperable Motor Vehicle or Unlicensed Vehicle, whether on public or private Premises, are hereby declared a nuisance and the same shall not be allowed to remain in excess of ten (10) days following the issuance of a notice to abate as provided in Section IV hereof. The Village may proceed pursuant to this Ordinance or pursuant to 65 ILCS 5/11-40-3 to enforce this Part J.

PART K. DANGEROUS AND UNSAFE BUILDINGS

1. Dangerous and unsafe buildings and/or Premises located within the Village are hereby declared a nuisance. It shall be unlawful to maintain or permit the existence of any dangerous or unsafe building or the accumulations or storage of garbage, debris and other hazardous, noxious or unhealthy substances or materials in the Village, and it shall be unlawful for the owner, occupant, lessee, agent or any Person in custody, control, or management of any dangerous building and/or Premises to permit the same to remain in a dangerous or unsafe condition or to occupy such building or Premises or permit it to be occupied while it is or remains in a dangerous or unsafe condition.

2. The corporate authorities, police officers employed by or acting on behalf of the Village, Village Attorney, and/or other Persons or agencies charged with the enforcement of this Ordinance shall have the right to enter any property at any reasonable time to inspect any facility, Premises, or condition thereon for the purpose of determining whether this Ordinance is being complied with. Refusal by any owner(s), occupant(s), lessee(s)/tenant(s) and/or any other Person(s) of right of entry shall cause the Village to seek the permission of a court of competent jurisdiction for right of entry.

3. Upon discovery of any violation of Part K of this Ordinance, the Village may proceed pursuant to this Ordinance and/or may direct its attorneys, agents, and employees to proceed pursuant to 65 ILCS 5/11-31-1 et. seq. to abate the nuisance as provided for therein.

PART L. ABANDONED RESIDENTIAL PROPERTY

1. Abandoned Residential Property located within the Village is hereby declared a nuisance. It shall be unlawful to maintain or permit the existence of any Abandoned Residential Property in the Village.

2. The corporate authorities, police officers employed by or acting on behalf of the Village, and/or other Persons or agencies charged with the enforcement of this Ordinance shall have the right to enter any property at any reasonable time to inspect any Abandoned Residential Property, or condition thereon for the purpose of determining whether this Ordinance is being complied with. Refusal by any owner(s), occupant(s), lessee(s)/tenant(s) and/or any other Person(s) of right of entry shall cause the Village to seek the permission of a court of competent jurisdiction for right of entry.

3. Upon discovery of any violation of Part L of this Ordinance, the Village may the Village may proceed pursuant to this Ordinance and/or may direct its attorneys, agents, and employees to proceed pursuant to 65 ILCS 5/11-20-15.1 and 65 ILCS 5/11-31-1-01 to abate the nuisance as provided for therein.

SECTION III: GENERAL NUISANCES:

PART A. GENERAL

In all cases in this Ordinance where no provision is made in defining unusual conditions which may constitute a nuisance and how the same may be abated, removed or prevented, those offenses and those known to the common law and to the Statutes of Illinois as nuisances, in addition to those declared herein, may, in case the same exist within the jurisdiction of the Village be treated as such and proceeded against as provided in Section IV of this Ordinance or any other provision of law applicable thereto.

PART B.

The following are declared to be public nuisances:

- A.** To cause or suffer the carcass of any animal or any offal, fifth or noisome substance to be collected deposited or to remain in any place, to the prejudice of others. Carcasses of dead animals or any part of decaying animal matter not buried or destroyed or collected within twenty-four (24) hours after death.
- B.** To throw or deposit any refuse, garbage, offal or other offensive matter, or the carcass of any dead animal in any water course, lake, pond, spring, well or common sewer, street, alley, or public highway.
- C.** To corrupt or render unwholesome or impure the water of any spring, river, stream, pond or lake to the injury or prejudice of others.
- D.** All Diseased Animals running at large, all dogs or other Household Pets not confined to the animal owner's Premises except when under direct human control.
- E.** Accumulations of Manure, Refuse, Junk Vehicles, junk mobile homes, Construction and Demolition Debris, human and industrial or noxious or offensive waste, except the normal storage on a farm of manure for agricultural purposes.
- F.** Any factory, cannery, yard, building or structure of any kind, distillery, livery stable, cattle shed or yard, packing house, slaughterhouse, rendering establishment barn or pool of water, which shall become foul or offensive or is deemed a health hazard by the corporate authorities of the Village or the Clay County Health Department.
- G.** Any open well, cistern, hole or pit including excavation related to construction which is permitted to remain open without suitable protection. Any such open well, cistern, hole or pit must be filled or securely and tightly covered or barricaded, and it shall be the duty of the owner, occupant or agent of any property on which such open well, cistern, hole or pit is located to fill or keep the same securely and tightly covered or adequately barricaded. If the site is one normally used by pedestrians, warning lights must be provided when natural light is inadequate.

- H.** All abandoned refrigerators on any Premises shall have the doors removed in accordance with the Illinois Abandoned Refrigerator Act, 720 ILCS 505/1 et. seq., as now in effect or as hereafter amended, and the refrigerant must be removed by an authorized service representative to avoid violation of the Illinois and Federal Clean Air Act.
- I.** Any accumulation of stagnant water permitted or maintained on any lot, piece of ground, or Premises within the Village.
- J.** Any condition which provides harborage for Rodents, Vermin, or snakes.
- K.** To maintain an unsightly yard or any accumulation of Rubbish, Garbage, Refuse, trash, junk, Construction and Demolition Debris, and other abandoned materials, metals, lumber or other things.
- L.** To obstruct or encroach upon any public highway, street, alley, sidewalk, right-of-way, or public easement.
- M.** To deposit or allow to be deposited any mud, rock, sand, cement, or other construction debris upon any public highway, street, alley, sidewalk, right-of-way, or public easement, and whether accepted for maintenance or not.
- N.** To leave or scatter wastepaper, paper containers for foodstuffs, bills, posters, advertising matter, refuse, sweepings, or material or like substance in or upon a public highway, street, alley, sidewalk, right-of-way, public easement, or any public grounds of the Village.
- O.** To cover any structure or building, or any portion thereof, with a canvas, tarp, or similar material for more than a seven (7) calendar day period.
- P.** To maintain any fence or other structure which is falling, decayed, dilapidated, or in an unsafe condition.
- Q.** To maintain or allow any building or structure where construction was commenced, but said building or structure, or any part thereof, was left unfinished for more than one (1) calendar year.

SECTION IV: ENFORCEMENT:

PART A. ENFORCEMENT

This Ordinance shall be enforced by the Village Attorney serving the Village, officers of the Clay County Sheriff's Department, such police officers employed by or acting on behalf of the

Village, the Clay County Health Department, and/or the corporate authorities of the Village or such other person or agencies so designated by the corporate authorities of the Village.

PART B. INSPECTION

A Person or agency charged with enforcement of this Ordinance shall have the right to enter any property at any reasonable time to inspect any property, facility, Premises or condition thereon for the purpose of determining whether Section II and/or Section III of this Ordinance are being complied with. Refusal by any owner(s), occupant(s), lessee(s)/tenant(s) and/or any Person(s) of right of entry shall cause the person, officer, or agency to seek the permission of a court of competent jurisdiction for right of entry.

PART C. NOTICE TO ABATE

Upon discovery of any violation of this Ordinance by the corporate authorities of the Village or personnel/agency charged with the enforcement of this Ordinance, the Person, corporation, association, company, owner, occupant, or agent causing, allowing, or permitting such violation shall be issued a notice to abate, by regular United States Mail, postage prepaid, stating the date, place, and condition complained of, and shall direct the Person, corporation, association, company, owner, occupant or agent causing, allowing or permitting such violation to rectify the violation within ten (10) days. In the event the Person, corporation, association, company, owner, occupant or agent fails to rectify the violation within said ten (10) day period, then the corporate authorities of the Village or enforcement personnel/agency shall issue a citation to or file a complaint against the violator(s) ordering the violator(s) to appear in the Clay County Circuit Court and charging the violator(s) with a violation(s) of this Ordinance. Said citation or complaint shall describe the violation(s) and the part of the Ordinance violated.

PART D. RESPONSIBLE PARTIES

It shall be the duty of the owner(s), occupant(s), lessee(s)/tenant(s), and any Person(s) having custody, control, or management of the subject Premises to comply with this Ordinance.

PART E. PENALTY

Any Person(s), owner(s), occupant(s), lessee(s), and/or agent(s) in custody, control or management of a Premises who violates any provision of this Ordinance commits a Civil Ordinance Violation and shall, upon conviction, be fined not less than Two Hundred Dollars (\$200.00), nor more than Seven Hundred Fifty Dollars (\$750.00), for each offense. Each day a violation of this Ordinance is allowed to continue shall constitute a separate offense. In addition to any fine, the Village may seek injunctive and declaratory relief directing the violator(s) to cure the violation(s), and the Village may revoke any license authorized and issued pursuant to this Ordinance.

SECTION V: MISCELLANEOUS:

1. EFFECTIVE DATE: This Ordinance shall be in full force and effect from and after its passage and approval and may be published in pamphlet form as required by law.

2. INVALIDITY: In the event that a court of competent jurisdiction finds that any provision of this Ordinance is invalid, then the remaining provisions of this Ordinance shall remain in full force and effect.

3. REPEAL OF PRIOR CODE PROVISIONS, ORDINANCES, AND RESOLUTIONS: Village of Iola, Illinois, Ordinance Mo. 03-2016 and Village of Iola, Illinois, Ordinance #19-02-02 are hereby repealed. Furthermore, any and all prior ordinances or resolutions of the Village of Iola, Illinois, contrary to the terms and conditions of this Ordinance shall be deemed to be repealed.

Placed on file this 20th day of January, 2023

Presented, passed and approved this 8th day of January, 2023.

Trustee Kevin Horath	_____ ✓
Trustee Michael Bryant	_____ ✓
Trustee Christopher Scott	_____ ✓
Trustee Joe Thomson	_____ ✓
Trustee Beth Jones	_____ ✓
Trustee Ron Strackeljohn	_____

YEAS: 5
NAYS: _____
ABSENT: 1

VILLAGE OF IOLA, ILLINOIS

Michael Butts
Michael Butts, Village President

ATTEST:
Carol Oestreich
Carol Oestreich, Village Clerk