

CHAPTER 25

NUISANCES

ARTICLE I GENERALLY

2511 DEFINITION OF NUISANCE.

(A) A nuisance means any thing, condition, or activity which is offensive, obnoxious to the health and welfare or offend the senses of the residents of the City, or activity which endangers health, or offends the senses, or obstructs the free use and comfortable enjoyment of property, or interferes with the comfortable enjoyment of life or any act or thing repugnant to or creating a hazard to or having a detrimental effect on the property of another person or to the community.

(B) Whatever comports with the above definition is hereby declared a nuisance, whether or not such thing, condition, or activity is enumerated in this Chapter. **(#729; 031979)**

2512 GENERAL PROHIBITION. The creation or maintenance of a nuisance anywhere within this Municipality is hereby prohibited, and any nuisance, whether public or private, may be abated in the manner provided for in this Chapter. **(#729; 0319-79)**

2513 SPECIFIC NUISANCES ENUMERATED. It is hereby declared to be a nuisance and to be against the health, peace and comfort of the City, for any person, firm or corporation within the limits of this City to permit the following; but the enumeration of the following nuisances shall not be deemed to be exclusive:

(A) **Filth.** To cause or suffer the carcass of any animal or any offal, filth or noisome substance to be collected, deposited or to remain in any place, to the prejudice of others.

(B) **Deposit of Offensive Materials.** To throw or deposit any offal or other offensive matter, or the carcass of any dead animal in any watercourse, lake, pond, spring, well, or common sewer, street or public highway.

(C) **Corruption of Water.** To corrupt or render unwholesome, or impure, the water of any spring, river, stream, pond or lake, well, public or private, to the injury or prejudice of others.

(D) **Highway Encroachment.** To obstruct or encroach upon public highways, private ways, streets, alleys, commons, landing places, and ways to burying places.

(E) **Manufacturing Gunpowder.** To carry on the business of manufacturing gunpowder, nitroglycerine, or other highly explosive substances, or mixing or grinding the materials therefore, in any building within **three hundred (300) feet** of any valuable building erected at the time such business may be commenced.

(F) **Powder Magazines.** To establish powder magazines near incorporated towns, at a point different from that appointed according to law by the corporate authorities of the town, or within **eight hundred (800) feet** of any occupied dwelling house.

(G) **Noxious Odors.** To erect, continue or use any building or other place for the exercise of any trade, employment or manufacture, which, by occasioning noxious exhalations, offensive smells or otherwise, is offensive or dangerous to the health of individuals, or of the public.

(H) **Unlawful Advertising.** To advertise wares or occupations by painting notices of the same on, or affixing them to fences or other private property, or on rocks or other natural objects without the consent of the owner, or if in the highway or other public place, without permission of the proper authorities.

(I) **Wells Unplugged.** To permit any well drilled for oil, gas, salt water, disposal or any other purpose in connection with the production of oil and gas, to remain unplugged after such well is no longer used for the purpose for which it was drilled.

(J) **Burn-Out Pits.** To construct or operate any salt water pit or oil field refuse pit, commonly called a "**burnout pit**" so that salt water, brine or oil field refuse or other waste liquids may escape therefrom in any manner except by the evaporation of such salt water or brine or by the burning of such oil field waste or refuse.

(K) **Discarded Materials.** To permit concrete bases, discarded machinery and materials to remain around any oil or gas well or to fail to fill any holes, cellars, slush pits and other excavations made in connection with any such well or to restore the surface of the lands surrounding any such well to its condition before the drilling of any such well, upon abandonment of any such oil or gas well.

(L) **Underground Wells.** To permit any salt water, oil, gas or other wastes from any well drilled for oil, gas or exploratory purposes to escape to the surface, or into a mine or coal seam, or into any underground fresh water supply or from one underground stratum to another.

(M) **Harassment.** To harass, intimidate or threaten any person who is about to sell or lease or has sold or leased a residence or other real property, or is about to buy or lease, or has bought or leased a residence or other real property, when the harassment, intimidation, or threat relates to a person's attempt to sell, buy or lease a residence, or other real property, or refers to a person's sale, purchase or lease of a residence or other real property.

(N) **Business.** To establish, maintain, and carry on any offensive or unwholesome business or establishment within the limits of the City or within **one and one-half (1.5) miles** of the City limits.

(O) **Filthy Premise Conditions.** To keep or suffer to be kept any chicken coop, cow barn, stable, cellar, vault, drain, privy, sewer or sink upon any premises belonging to or occupied by any person, or any railroad car, building, yard, grounds, and premises belonging to or occupied by any person.

(P) **Animals.** To own or possess any swine, goats, horses, or chickens within the City, unless within a zoned Agricultural District.

(#729; 031979)

(Q) **Litter on Streets.** It shall be unlawful for any person to deposit upon or allow trash, paper, cardboard, wire, dirt, rock, stone, glass, brick, lumber, wood or litter or material objects of any size or description to fall upon the streets of the City from any moving vehicle, or to be thrown from a moving vehicle, or to throw from a moving vehicle or thrown by any person and to remain thereon.

(R) **Accumulation of Junk and Trash.** To deposit or pile up any rags, old rope, paper, iron, brass, copper, tin, aluminum, ashes, garbage, refuse, plastic, brush, litter, weeds, slush, lead, glass bottles or broken glass upon any lot, piece or parcel of land or upon any public or private alley, street or public way within the City.

(S) **Rodents.** To cause or permit any condition or situation to exist that shall attract, harbor, or encourage the infestation of rodents.

(T) **Bringing Nuisances into the City.** To bring into the City or keep therein for sale or otherwise, either for food or for any other purpose, any dead or live animal or any matter, substance, or thing which shall be a nuisance or which shall occasion a nuisance in the city, or which may or shall be dangerous or detrimental to health.

(U) **Offensive Liquids/Substances.** To keep nauseous, foul or putrid liquid or substance or any liquid or substance likely to become nauseous, foul, offensive, or putrid, nor permit any such liquid to be discharged, placed, thrown, or to flow from or out of any premise into or upon any adjacent premises or any public street or alley, nor permit the same to be done by any person connected with the premises.

(V) **Scrap Tires, Both Mounted and Dismounted.** To keep any scrap tires, either mounted or dismounted, in open view, or so as to allow such tires to accumulate stagnant water so as to provide a breeding ground for mosquitoes and other pests.

(W) **Accumulation of Debris.** To store, dump or permit the accumulation of debris, refuse, garbage, trash, tires, buckets, cans, wheelbarrows, garbage cans or other containers in a manner that may harbor mosquitoes, flies, insects, rodents, nuisance birds or other animal pests that are offensive, injurious or dangerous to the health of individuals or the public.

(X) **Generally.** To commit any act which is a nuisance according to the common law of the land or made such by statute of the State. **(See 740 ILCS Secs. 55/221 – 55/222)**

Nothing in this Section shall be construed to prevent the corporate authorities of this City from declaring what shall be nuisances, and abating them within the City limits.

25-1-4 **NUISANCES AFFECTING HEALTH, PEACE AND SAFETY, OR PROPERTY.** No person shall do any act, omission, or create any condition which causes a detrimental effect or harm to the health, peace, and safety of the public or property of others. Any act of any person or group within the City whereby the health, peace and safety, or property of any person may be endangered, injured, or impaired, or any disease may, directly or indirectly, be caused by the act, or because of the act any property may be endangered, injured, or damaged, is hereby declared to be a nuisance and unlawful and may be abated or enjoined as hereinafter provided. The following are hereby declared to be nuisances affecting:

(A) **Health.** Any act, omission, condition, or occurrence which has a detrimental affect on public health, or which causes or tends to cause harm to the overall health of the community, as contained in Chapter 3, Animals; Chapter 25, Nuisances, Article III; Chapter 27, Offenses; Chapter 38, Utility Systems; and Chapter 34, Street Regulations of this City Code as it may be amended from time to time.

(B) **Peace and Safety.** Any act, omission, condition, or occurrence, which has a detrimental affect on public peace and safety, or which causes or tends to cause harm to the overall peace and safety of the community, as contained in Chapter 21, Liquor; Chapter 29, Property Maintenance Code; Chapter 27, Offenses; Chapter 34, Street Regulations of this City Code, as it may be amended from time to time.

(C) **Property.** Any condition or use of premises or of building exteriors which is detrimental to the property of others or which causes or tends to cause substantial diminution in the value of other property in the neighborhood in which such premises are located is declared to be a nuisance. This includes, but is not limited to, failure to maintain the exterior of buildings and premises as described in Chapter 29, Property Maintenance Code, and the keeping or the depositing on, or the scattering over the premises of litter, as described in Chapter 25, Article III, Garbage and Debris of this City Code, as it may be amended from time to time. No person owning, leasing, occupying, in control of, or having charge of any premises shall maintain or keep any nuisance thereon.

25-1-5 **NUISANCES DETRIMENTAL TO HEALTH GENERALLY.** No building, vehicle, structure, receptacle, yard, lot, premise, or part thereof shall be made, used, kept, maintained or operated in the City if such use, keeping or maintaining shall be dangerous or detrimental to health.

2516 **DUMPING GARBAGE ON PROPERTY OF OTHERS.** It is unlawful for any person to dump, deposit or place any garbage, rubbish, junk, trash or refuse upon property owned by another without the consent of the owner or person in possession of such real property. **(#729; 031979)**

25-1-7 **NOTICE TO ABATE.** Whenever the Code Enforcement Officer, Mayor or Police Chief finds that a nuisance exists, he shall direct the City Clerk to mail (certified) to the party responsible for the nuisance and to the party on whose property the nuisance

exists a written notice ordering that the nuisance be abated within a reasonable time. The notice to abate shall contain:

- (A) A description of what constitutes the nuisance;
- (B) The location of the nuisance;
- (C) A statement of what condition or state of affairs must be achieved in order for the nuisance to be deemed abated;
- (D) The date by which abatement must be completed;
- (E) The date by which a request for a hearing must be filed and a statement of the procedure for so filing;
- (F) A statement that the responsible party has a right to appeal the abatement order to the City Council.
- (G) A statement indicating that if the nuisance is not abated by the date prescribed and/or if no request for hearing is made within the time prescribed, this City will abate the nuisance and assess the costs against the property and/or impose a fine.

25-1-8 HEARING. Any person ordered to abate a nuisance may have a hearing with the Code Enforcement Officer and Police Chief or his designated representative ordering the abatement. A request for a hearing must be made in writing and delivered to the City Clerk within the time stated in the notice; otherwise, it will be presumed that a nuisance exists, and that such nuisance must be abated as ordered. The hearing shall not be a formal trial-type proceeding, but appropriate procedural safeguards shall be observed to ensure fairness. At the conclusion of the hearing, the Code Enforcement Officer and Police Chief or his designated representative shall render his decision and the reasons therefor in writing. If he finds that a nuisance exists, he shall order it abated within an additional time which must be reasonable under the circumstances.

25-1-9 APPEAL. Any party aggrieved by the decision of the Code Enforcement Officer and Police Chief may appeal to the City Council. Such appeal shall be taken by filing with the City Clerk within **five (5) days** of such decision a written statement indicating the basis for the appeal.

The appeal shall be heard by the City Council at the next regular or special meeting after such filing. Their findings shall be conclusive and if a nuisance is found to exist, it shall be ordered abated within a time reasonable under the circumstances.

25-1-10 ABATEMENT BY CITY. If the person ordered to abate a nuisance fails to do so, or if the nuisance poses an emergency, this City may perform the required action to abate. Any City official who is authorized to abate any nuisance as defined in this Article shall have authority to engage the necessary assistance and to incur the necessary expenses therefor. The official who abates a nuisance shall keep an accurate account of the expenses incurred. The itemized expense shall be filed with the City Clerk who shall pay such expenses on behalf of this City. **(See 65 ILCS Sec. 5/11-60-2)**

25-1-11 **FAILURE TO COMPLY WITH NOTICE.** If the person notified to abate a nuisance shall neglect or refuse to comply with the requirements of such notice by abating such nuisance within the time specified, such person shall be guilty of a violation of this Code. The City shall not be required to issue another notice where the condition or violation is at first abated, but later resumed and/or repeated.

25-1-12 **CITIZEN COMPLAINT.** Any citizen who observes a violation of this Article may file his affidavit setting forth in detail the violation, its location and the name of the occupancy or owner of the property on which such nuisance is alleged, and may file the affidavit with the Code Enforcement Officer or the Police Department of the City. An officer shall be assigned to investigate such charge; and if such nuisance is found to exist, a notice shall be issued to the occupant or owner of the property as provided in **Section 25-1-7** of this Code.

25-1-13 **LIEN.** Charges for such removal shall be a lien upon the premises. A bill representing the cost and expense incurred or payable for the service shall be presented to the owner. If this bill is not paid within **thirty (30) days** of submission of the bill, a notice of lien of the cost and expense thereof incurred by the City shall be recorded in the Office of the Recorder of Deeds setting forth the following information:

(A) A description of the real estate sufficient for identification thereof and the owner of the real estate.

(B) The amount of money representing the cost and expense incurred or payable for the service.

(C) The date or dates when the cost and expense was incurred by the City and shall be filed within **sixty (60) days** after the cost and expense is incurred.

25-1-14 **PENALTY.** Any person found guilty of violating the provisions of this Article shall, in addition to the penalties provided, upon conviction, be fined not less than **Seventy-Five Dollars (\$75.00)** for each violation. Each day a violation continues after notification constitutes a separate offense.

(Ord. No. 1335; 08-01-05)

ARTICLE II - WEEDS AND GRASSES

25-2-1 WEED AND GRASSES.

(A) **Defined.** "Weeds and Grasses" as used in this Article shall include but not be limited to the following:

Burdock, Ragweed (giant), Ragweed (common), Thistle, Cocklebur, Jimson, Blue Vervain, Common Milk Weed, Wild Carrot, Poison Ivy, Wild Mustard, Rough Pigweed, Lambsquarter, Wild Lettuce, Curled Dock, Smart Weeds (all varieties), Poison Hemlock, Wild Hemp, Johnson Grass, or all other weeds and grasses exceeding **ten (10) inches** in height.

(B) **Height.** It shall be unlawful for any person, firm or corporation to permit weeds and grasses on any property owned, leased, occupied or controlled by them to grow to a greater height than **ten (10) inches** within the City of Chester. Where acreage is being used for agricultural purposes, this Section does not apply.

(C) **Owner's and Occupant's Liability.** Every owner or occupant of real estate governed by the provisions of this Article shall within **five (5) days** after receiving notice by certified mail or personal notice, cut the weeds and grasses on his/her property or on the property leased, occupied, rented or controlled by him/her so that weeds and grasses shall not exceed **ten (10) inches** in height, and if such person neglects or refuses to cut weeds and grasses so that such weeds and grasses shall exceed **ten (10) inches** in height, the City may cut the weeds and grasses or authorize some person to cut the weeds and grasses on behalf of the City. If the premises are unoccupied and the owner's address cannot be obtained, then the notice may be served by posting the same upon the premises.

(D) **Cut by City; Lien Filed.** If the weeds and grasses are cut by the City or by someone directed to cut them on behalf of the City, the City may file a notice of lien for the cost and expense incurred in the following manner in the Office of the Recorder of Deeds in the County in which the real estate is located. Such notice of lien shall consist of a sworn statement, setting out:

- (1) Reference to this Article;
- (2) A description of the real estate sufficient for identification thereof and the owner thereof;
- (3) The amount of money representing the cost and expense incurred or payable for the service; and
- (4) The date or dates when the cost and expense was incurred by the City and shall be filed within **sixty (60) days** after the cost and expense is incurred.

Upon payment of the cost and expense after notice of lien has been filed, the lien shall be released.

(E) **Notice of Cutting Weeds.** The City shall also personally serve a copy of the notice of lien on or send a copy of the notice of lien by certified mail to the

owner or occupant and to the person to whom was sent the tax bill for the general taxes on the property of the last preceding year.

(F) **Foreclosure of Lien.** The lien may be enforced by proceedings to foreclose as in the case of mortgages or mechanics liens. Such foreclosure shall be in the name of the City, after the lien has been in effect for **sixty (60) days**. Suit to foreclose this lien shall be commenced within **two (2) years** after the date of the filing notice of the lien.

(G) **Penalty.** Any person, firm or corporation who fails to cut the weeds or grasses after the time stated in the notice to them as set forth in paragraph (C) above shall upon being found guilty of violation of this Article, in addition to being liable for the costs and expenses incurred for the cutting of such weeds and grasses by the City, be fined not less than **Seventy-Five Dollars (\$75.00)** nor more than **Seven Hundred Fifty Dollars (\$750.00)**. Each day a violation occurs shall be deemed a separate and distinct offense.

(Ord. No. 1333; 08-01-05)

ARTICLE III - DEBRIS, TRASH AND GARBAGE

25-3-1 GARBAGE AND DEBRIS ACCUMULATION PROHIBITED. No person shall permit any garbage or debris as defined to accumulate on their property or on property owned by them or leased by them or under their control. It is hereby declared to be unlawful for the owner or occupant of real estate to refuse or neglect to remove the garbage or debris.

(A) **Definitions.** The words "garbage" and "debris" have the following meanings:

- (1) **Garbage.** Wastes resulting from the handling, preparation, cooking and consumption of food; wastes from the handling, storage and sale of produce or food.
- (2) **Debris.** Rubbish, trash, including but not limited to paper, plastics, cartons, boxes, barrels, wood, excelsior, tree trunks, tree branches, yard trimmings, wood furniture, bedding, appliances, metals, tin cans, metal furniture, dirt, small quantities of rock and pieces of concrete, glass, crockery and other mineral waste; street rubbish, including but not limited to street sweepings, dirt, leaves, catch-basin dirt, contents of litter receptacles provided, however, that refuse shall not include earth and wastes from building operations temporarily located on the property during construction.

(B) **Notice to Person.** The Mayor, Chief of Police, Code Enforcement Officer, or their designated representative may issue a written notice for the removal of garbage or debris. Such garbage or debris shall be removed by the owner or occupant within **ten (10) days** after such notice has been duly served.

(C) **Service of Notice.** Service of notice provided for herein may be effected by handing the same to the owner, occupant or lessee of the premises, or to any member of his/her household of the age of **fifteen (15) years** or older, found on the premises or by mailing such notice to the last known residence address of the owner, provided that if the premises are unoccupied and the owner's address cannot be obtained, then the notice may be served by posting the same upon the premises.

(D) **Abatement.** If the person so served does not remove the garbage or debris within **ten (10) days** after notice, the City may proceed to remove the garbage or debris, keeping an account of the expense for the removal of such garbage or debris, and such expense shall be charged and paid by such owner or occupant.

(E) **Lien.** Charges for such removal shall be a lien upon the premises. A notice of lien for the cost and expense incurred by the City shall be recorded in the County where the affected real estate is located and such notice shall consist of a sworn statement setting out the following:

- (1) A description of the real estate sufficient for identification thereof and the owner thereof;
- (2) The amount of money representing the cost and expense incurred or payable for the service; and
- (3) The date or dates when the cost and expense was incurred by the City and shall be filed within **sixty (60) days** after the cost and expense is incurred.

(F) **Payment.** The Notice of Lien shall be mailed to the owner of the premises if his/her address is known, and to the person to whom was sent the tax bill for the general taxes for the property for the last preceding year. Upon payment of the cost and expense after notice of lien has been filed, the lien shall be released by the City or person in whose name the lien has been filed and the release shall be filed or recorded in the same manner as filing notice of the lien.

(G) **Foreclosure of Lien.** The lien may be enforced by proceedings to foreclose as in the case of mortgages or mechanics liens. Such foreclosure shall be in the name of the City, after the lien has been in effect for **sixty (60) days**. Suit to foreclose this lien shall be commenced within **two (2) years** after the date of the filing notice of the lien.

(H) **Penalty.** Any person, entity, owner or occupant who fails to remove such garbage or debris after the time stated in the notice provided for herein shall, in addition to being liable for the costs and expenses incurred for the removal of such garbage and debris, upon being found guilty of violating this Article, be fined not less than **Seventy-Five Dollars (\$75.00)** nor more than **Seven Hundred Fifty Dollars (\$750.00)** for each violation. Each day a violation continues after notification constitutes a separate offense.

(Ord. No. 1334; 08-01-05)

ARTICLE IV - INOPERABLE MOTOR VEHICLES

25-4-1 INOPERABLE MOTOR VEHICLES.

(A) Declared Nuisance. Inoperable motor vehicles, as defined herein, whether on public or private property and in view of the general public, are hereby declared to be a nuisance.

(B) Defined. Inoperable motor vehicle shall mean:

- (1) Any motor vehicle which does not possess current state registration and current plates or valid application for registration and plates.
- (2) Any motor vehicle that is incapable of being driven or moved under its own power or from which, for a period of **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.
- (3) Any motor vehicle which fails to comply with Illinois State Statute requirements necessary to operate that vehicle on a City street or highway within the State of Illinois or which if operated would pose a threat to the health, safety and welfare of the operator and/or the public. **(Ord. No. 1392; 02-05-07)**

(C) Exceptions. Inoperable motor vehicles shall not include:

- (1) Motor vehicles that have been rendered temporarily incapable of being driven under its own motor power in order to perform ordinary or routine service or repairs for a period of **thirty (30) days**.
- (2) Inoperable motor vehicles that are stored inside a building or in such a place where they are completely out of the view of the public.
- (3) Motor vehicles that are displayed for sale by persons who are in the business of selling new or used vehicles within the proper zoning district.
- (4) Motor vehicles that are licensed by the state as a historic or antique vehicle over **twenty-five (25) years** of age.
- (5) Motor vehicles owned or associated with a business engaged in wrecking, junking, reconstructing or rebuilding of motor vehicles who possess a current state auto dealers license and a current state salvage license to buy, sell and salvage motor vehicles.

To qualify for exception (5) the person or business must agree to hold and maintain all inoperable vehicles in its charge "out of sight of the public".

25-4-2 **LEAVING OF VEHICLES.** No person shall leave any "Inoperable Motor Vehicle" upon any private property or on any street or other public property within the City limits.

25-4-3 **REMOVAL OF VEHICLES.** Any owner and person in possession of an inoperable motor vehicle located on any private property or located on any street or other public property shall remove the inoperable motor vehicle from the private property or street or public property at his/her own expense within **seven (7) days** after receiving notice from the Chief of Police or any of his designees demanding the removal of the inoperable motor vehicle from the private property, street or other public property.

25-4-4 **VIOLATION.** Any person who fails to obey a notice received from the City to remove an inoperable motor vehicle shall be guilty of a violation of this Article and shall be fined not less than **Seventy-Five Dollars (\$75.00)** nor more than **Seven Hundred Fifty Dollars (\$750.00)** for any **one (1) offense**. Each day that a violation continues shall be considered a separate violation of this Article.

25-4-5 **REMOVAL OF VEHICLE BY CITY.** In addition to the fine and penalty set forth above if any person fails to obey a notice received from the City to remove an inoperable motor vehicle, the Chief of Police or any of his designees may authorize the removal of said inoperable motor vehicle which is not removed within the time limits set forth above, and the owner and person in possession of said inoperable motor vehicle shall be responsible for all costs of removal including towing and storage charges.

25-4-6 **NOTICE.** Notice for removal of an inoperable motor vehicle located on private property or located on any street or other public property shall be given as follows:

(A) Notice shall be given to the owner and person in possession if different from the owner of the inoperable motor vehicle.

(B) Notice shall be personally delivered or sent by certified mail, return receipt requested.

(C) Notice shall include the following information:

(1) A description of the inoperable motor vehicle and a statement that the vehicle has been deemed to be an inoperable motor vehicle;

(2) The location of the inoperable motor vehicle;

(3) The date on which the notice was mailed or delivered;

- (4) An admonition that the inoperable motor vehicle will be towed at the direction of the City and at the owner's (and person in possession if different from the owner) expense if not properly disposed of within **seven (7) days** of receipt of written notice;
- (5) The location to which the inoperable motor vehicle will be towed, together with the approximate fee for towing and storage; and
- (6) That the vehicle may be sold after **thirty (30) days**.

(D) If the inoperable motor vehicle does not bear a license plate or if personal notice to the owner or person in possession is unsuccessful or cannot be made, there shall be placed upon the windshield or, if none exist, upon any other conspicuous place on the inoperable motor vehicle a self-adhering sign not less than **seven (7) inches** by **nine (9) inches (7" x 9")** in size containing the following information:

- (1) A description of the inoperable motor vehicle and a statement that the vehicle has been deemed to be an inoperable motor vehicle;
- (2) The date on which the sign was placed upon the vehicle;
- (3) An admonition that the inoperable motor vehicle will be towed at the direction of the City and at the owner's expense if not properly disposed of within **seven (7) days**;
- (4) The location to which the inoperable motor vehicle will be towed, together with the approximate fee for towing and storage; and
- (5) That the vehicle may be sold after **thirty (30) days**.

25-4-7 EMERGENCY DISPOSAL; NOTICE REQUIRED; CONTENTS.

Where an inoperable motor vehicle creates an imminent hazard to traffic or to the health, safety or welfare of the City, the City may tow the vehicle without giving prior notice. However, the Chief of Police or his designee must notify the owner or person in possession of the vehicle within **three (3) days** of the tow by personally delivering the notice or sending a written notice to the owner or person in possession by certified mail, return receipt requested. Notice must contain the following:

- (A) A statement that the vehicle has been towed with the reasons for towing;
- (B) The location to which the vehicle was towed;
- (C) The name, address and phone number of the Chief of Police; and
- (D) That the vehicle may be sold after **thirty (30) days**.

25-4-8 IDENTIFYING AND TRACING OF VEHICLE. When a law enforcement agency authorizing the impounding of a vehicle does not know the identity of the registered owner, lienholder or other legally entitled person, that law enforcement agency will cause the vehicle registration records of the State of Illinois to be searched by the Secretary of State or the functional equivalent of such for the State whose name appears on the license displayed on the inoperable motor vehicle for the purpose of obtaining the required ownership information. When the registered owner, lienholder or other person legally entitled to the possession of a vehicle cannot be identified from the registration files of this State or from the registration files of a foreign state, if applicable, the law enforcement agency having custody of the vehicle shall notify the State Police, for the purpose of identifying the vehicle owner or other person legally entitled to the possession of the vehicle. The information obtained by the State Police will be immediately forwarded to the law enforcement agency having custody of the vehicle for notification purposes.

25-4-9 RECLAIMED VEHICLES; EXPENSES. Any time before a vehicle is sold at public sale or disposed of as provided herein, the owner, lienholder or other person legally entitled to its possession may reclaim the vehicle by presenting to the law enforcement agency having custody of the vehicle proof of ownership or proof of the right to possession of the vehicle. No vehicle shall be released to the owner, lienholder, or other person under this Section until all towing, storage and processing charges have been paid in full.

25-4-10 NOTIFICATION OF IMPOUNDED VEHICLE. The Chief of Police or his designee shall send a notification by certified mail to the registered owner, lienholder or other legally entitled person advising where the vehicle is held, requesting a disposition to be made, and setting forth public sale information. Notification shall be sent no later than **ten (10) days** after the date of impoundment, provided that if the Police Department is unable to determine the identity of the registered owner, lienholder or other person legally entitled to ownership of the vehicle within the **ten (10) day** period after impoundment, then notification shall be sent no later than **two (2) days** after the date the identity of the registered owner, lienholder or other person legally entitled to ownership of the impounded vehicle is determined.

25-4-11 DISPOSAL OF UNCLAIMED VEHICLE. When an inoperable motor vehicle remains unclaimed by the registered owner, lienholder or other legally entitled person for a period of **thirty (30) days** after notice referred to in **Section 25-4-10** has been given, the law enforcement agency or towing service having possession of the vehicle may cause it to be sold at public auction to a person licensed as an automotive parts recycler, rebuilder or scrap processor under **Chapter 5 of the**

Illinois Vehicle Code or the towing operator which towed the vehicle. Notice of the time and place of the sale shall be posted in a conspicuous place for at least **ten (10) days** prior to the sale on the premises where the vehicle has been impounded. At least **ten (10) days** prior to the sale, the Police Department, or towing service where the vehicle is impounded, shall cause a notice of the time and place of the sale to be sent by certified mail to the registered owner, lienholder, or other person known by the Police Department or towing service to be legally entitled to the vehicle. Notice as provided in this Section shall state the time and place of sale and shall contain a complete description of the vehicle to be sold and what steps must be taken by any legally entitled persons to reclaim the vehicle. If an inoperable motor vehicle displays dealer plates, notice under this Section shall be sent to both the dealer and the registered owner, lienholder, or other legally entitled persons. In those instances where the certified notification has been returned by the postal authorities to the Police Department or towing service, the sending of a second certified notice will not be required.

When the identity of the registered owner, lienholder or other person legally entitled to possession cannot be determined by any means provided for in this Article, the vehicle may be sold as herein provided without notice to any person whose identity cannot be determined.

25-4-12 **COLLECTION OF UNPAID CHARGES.** In an action to collect towing, storage and processing charges that remain unpaid after disposition of a vehicle towed or relocated under this Code, the towing service may recover reasonable collection costs.

25-4-13 **POLICE RECORD FOR DISPOSED VEHICLE.** When a vehicle in the custody of the City or law enforcement agency is reclaimed by the registered owner, lienholder or other legally entitled person, or when the vehicle is sold at public sale or otherwise disposed of, a report of the transaction will be maintained by that law enforcement agency for a period of **one (1) year** from the date of the sale or disposal.

25-4-14 **PUBLIC SALE PROCEEDS; DISPOSITION OF.** When a vehicle located within the corporate limits is authorized to be towed away by a law enforcement agency having jurisdiction and disposed of, the proceeds of the public sale or disposition after the deduction of towing, storage and processing charges shall be deposited in the treasury of the City.

(Ord. No. 1331; 08-01-05)

ARTICLE V SIGNS

2551 POLITICAL SIGNS. It shall be unlawful to erect political signs in violation of these provisions:

(A) Signs may be erected **forty-five (45) days** prior to an election and must be removed within **five (5) days** after the election.

(B) No sign shall be larger than **sixteen (16) square feet** per side, **two (2) sides** permitted.

(C) Signs must not be on the public right of way or be located so as to obstruct the visual clearance needed for safe vehicle and pedestrian traffic.

(D) Signs shall not be illuminated.

(E) Signs shall either be flush wall or free standing.

(F) No political sign may be attached to utility poles, trees on public right of way, street light poles, street or traffic sign nor fire hydrants.

(Ord. No. 1340; 110705)