## Chapter 20   NUISANCES [[1]](#BK_57E2723A3472765308AB4FEE0901DFE9)

ARTICLE I. - IN GENERAL

ARTICLE II. - ABANDONED OR DERELICT VEHICLES

FOOTNOTE(S):

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**State Law reference—** Municipal authority to define, prevent, and abate nuisances, 65 ILCS 5/11-60-2. [(Back)](#BK_FAB67662ED3625601BD51DCBEBFECBDB)

### ARTICLE I.   IN GENERAL

[Sec. 20-1. Litter.](#BK_C0331FA5E4BDE622EE2265AAFBAB20B9)

[Sec. 20-2. Growth of weeds and grass.](#BK_9FBF5E7A9C6C06265425F150D9FB4F99)

[Secs. 20-3—20-22. Reserved.](#BK_9B7D003BF2B66A65D60C8FB665860FCA)

Sec. 20-1.   Litter.

(a)  No person shall allow litter to accumulate upon real property, of which the person charged is the owner or tenant in control, in such a manner as to constitute a public nuisance as described herein or in such a manner that the litter may be blown or otherwise carried by the natural elements on to the real property of another person.

(b)  As used in this section, unless the context otherwise requires, the term "litter" means any discarded, used or unconsumed substance or waste. The term "litter" may include, but is not limited to, any garbage, trash, refuse, debris, rubbish, grass clippings or other lawn or garden waste, newspaper, magazines, glass, metal, plastic or paper containers or other packaging construction material, abandoned vehicle, motor vehicle parts, furniture, oil, carcass of a dead animal, any nauseous or offensive matter of any kind, any object likely to injure any person or create a traffic hazard, or anything else of an unsightly or unsanitary nature, which has been discarded, abandoned or otherwise disposed of improperly.

(Code 2003, § 6-3-1)

Sec. 20-2.   Growth of weeds and grass.

(a)  Any weeds, such as jimson, ragweed, thistle, cocklebur, or other weeds of the like kind, found growing in any lot or tract of land in the village are hereby declared to be a nuisance, and shall be unlawful to permit any such weeds to grow or remain in any such place.

(b)  It should be unlawful for anyone to permit any weeds, grass or plants, other than trees, bushes, flowers, or other ornamental plants to grow to a height exceeding nine inches anywhere in the Village of Arthur, Illinois; any such plants, grass or weeds exceeding such height are hereby declared to be a nuisance.

(c)  It shall be the duty of the chief of police to serve or cause to be served a notice upon the owner or occupant of any said premises on which weeds, grass or plants are permitted to grow in violation of the provisions of this section and to demand the abatement of the nuisance within ten days. Notice shall be properly served if:

(1)  Delivered personally to the owner or occupant;

(2)  Mailed to the owner or occupant by certified mail, return receipt requested, and evidence of delivery received; or

(3)  Posting on the property and mailing by first class mail to the last known address of the owner or occupant.

(d)  If the person so served does not abate the nuisance within ten days, the village authorities may proceed to abate such nuisance, keeping an account of the expense of the abatement, and such expense shall be charged and paid by such owner or occupant.

(e)  Charges for such weed removal shall be a lien upon the premises. Whenever a bill for such charges remains unpaid for 60 days after it has been rendered, the clerk may file with the recorder of deeds of the county in which the property is located, a statement of lien claim. This statement shall contain a legal description of the premises, the expenses and costs incurred and the date the weeds were cut, and a notice that the village claims a lien for this amount. Notice of such lien claim shall be mailed to the owner of the premises if his address is known; provided, however, that failure of the clerk to record such lien claim or to mail such notice, or the failure of the owner to receive such notice, shall not affect the right to foreclose the lien for such charges as provided in the following subsection.

(f)  Property subject to a lien for unpaid weed cutting charges shall be sold for nonpayment of the same and the proceeds of such sale shall be applied to pay the charges after deducting costs, as is the case in the foreclosure of statutory liens. Such foreclosure shall be in equity in the name of the village. The village attorney is hereby authorized and directed to institute such proceedings, in the name of the village, in any court having jurisdiction over such matter, against any property for which such bill has remained unpaid 60 days after it has been rendered.

(Code 2003, § 6-4-1)

**State Law reference—** Weeds removal authorized, 65 ILCS 5/11-20-7.

Secs. 20-3—20-22.   Reserved.

### ARTICLE II.   ABANDONED OR DERELICT VEHICLES [[2]](#BK_55873E8772E1EE37B5BB2CCD62261C35)

[Sec. 20-23. Definitions.](#BK_EB816E12C4287AB8FCA230B0229C130A)

[Sec. 20-24. Village policy.](#BK_E629E811B4886E20F69404297CB4CE47)

[Sec. 20-25. Abandonment of vehicles.](#BK_B6C6F2934DB45065CB7ABAC947FEB916)

[Sec. 20-26. Leaving of wrecked, inoperable vehicle on street.](#BK_263690FF2FE72A771A6726D22953A222)

[Sec. 20-27. Disposition of vehicles in violation.](#BK_AA43105F51BB08A33EDFDD9C5122AE8B)

[Sec. 20-28. Towing from private property.](#BK_5EBCC432F4F5FEBCE78C558D432D87C5)

[Sec. 20-29. Impounding.](#BK_FF3BAEE226F334279B067272AED775C3)

Sec. 20-23.   Definitions.

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

*Abandoned vehicle* means all vehicles in a state of disrepair rendering the vehicle incapable of being driven in its condition; or any vehicle that has not been moved or used for seven consecutive days or more and is apparently deserted.

*Derelict vehicle* means any inoperable, unregistered, discarded motor vehicle, regardless of title, having lost its character as a substantial property and left unattended without justification on the owner's land contrary to the public policy expressed in section 20-24.

*Inoperable motor vehicle* means any motor vehicle from which, for a period of at least seven days or any greater period fixed by ordinance, 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" does 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.

*Person* means any person, firm, partnership, association, corporation, company or organization of any kind.

*Property* means any real property within the village which is not a street or highway.

*Street* or *highway* means the entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel.

*Vehicle* means a machine propelled by power other than human power designated to travel along the ground by use of wheels, treads, runners or slides and transport persons or property or pull machinery and includes, without limitation, automobiles, trucks, trailers, motorcycles, tractors, buggies and wagons.

(Code 2003, § 6-1-1)

Sec. 20-24.   Village policy.

(a)  The Village of Arthur finds that abandoned derelict or inoperable motor vehicles constitute a safety hazard and a public nuisance; are detrimental to the health and safety and welfare of the general public by harboring disease, providing breeding places for vermin, inviting plundering, creating fire hazards, and presenting physical dangers to children and others; produce scenic blights which degrade the environment and adversely affect land values and the proper maintenance and continuing development of the Village of Arthur; represent a resource out of place and an energy loss to the Illinois economy, and require state and local governmental attention, in order to ensure the expeditious removal and recycling of these abandoned and derelict vehicles.

(b)  The Village of Arthur declares therefore that it is the policy of the Village of Arthur, to:

(1)  Prohibit the abandonment of vehicles and the retention of derelict or inoperable motor vehicles, and to enforce such prohibition by law while reminding vehicle owners of their own individual responsibility to dispose of such vehicles.

(2)  Encourage the development of procedures and techniques to facilitate the expeditious removal of abandoned, derelict or inoperable motor vehicles from public or private premises.

(Code 2003, § 6-1-2)

Sec. 20-25.   Abandonment of vehicles.

(a)  No person shall abandon any vehicle within the village and no person shall leave any derelict vehicle at any place within the village for such time and under such circumstances as to cause such vehicle reasonably to appear to have been abandoned.

(b)  The abandonment of a vehicle or any part thereof on any street or highway in this village is unlawful.

(c)  The abandonment of a vehicle or any part thereof on private or public property, other than a highway, in view of the general public, anywhere in this village, is hereby determined to be a nuisance and unlawful pursuant to the policy expressed in section 20-24. A vehicle or any part thereof so abandoned on private property shall be authorized for removal by a law enforcement agency having jurisdiction after a waiting period of seven days or more.

(Code 2003, § 6-1-3)

Sec. 20-26.   Leaving of wrecked, inoperable vehicle on street.

No person shall leave any partially dismantled, inoperable, wrecked, derelict or junked vehicle on any street or highway within the village.

(Code 2003, § 6-1-4)

Sec. 20-27.   Disposition of vehicles in violation.

(a)  No person in charge or control of any property within the village, whether as owner, tenant, occupant, lessee, or otherwise, shall allow any partially dismantled, inoperable, wrecked, junked, abandoned, derelict or discarded vehicle to remain on such property longer than seven days, except that this article shall not apply with regard to a vehicle in an enclosed building.

(b)  When an abandoned, unattended, wrecked, derelict, burned, inoperable or partially dismantled vehicle is creating a traffic hazard because of its position in relation to the highway or its physical appearance is causing the impeding of traffic, its immediate removal from the highway or private property adjacent to the highway by a towing service is hereby authorized by a law enforcement agency having jurisdiction.

(c)  When a vehicle removal from either public or private property is authorized by a law enforcement agency, the owner of the vehicle will be responsible for all towing costs.

(d)  Seven days prior to removing a vehicle described herein, the village authorities shall issue a notice advising the last registered owner, lienholder or other legally entitled person of its intent to remove the vehicle.

(Code 2003, § 6-1-5)

Sec. 20-28.   Towing from private property.

When a vehicle on private property is alleged to be in violation of this article, the village president or anyone designated by him shall notify the owner or landowner that the vehicle is in violation and that the recipient of the notice must, within seven days of the issuance of the notice, remove any inoperable motor vehicle or parts thereof, or other vehicle in violation of this article. Failure to comply with the notice shall unlawful.

(Code 2003, § 6-1-6)

Sec. 20-29.   Impounding.

The president and the board of trustees, or anyone designated by them, is hereby authorized to remove or have removed any vehicle left at any place within the village which reasonably appears to be in violation of this article, or lost, stolen or unclaimed. Such vehicle shall be impounded until lawfully claimed or disposed of in accordance with chapter 4, article II of the Illinois Vehicle Code (625 ILCS 5/4-201 et seq.).

(Code 2003, § 6-1-7)

FOOTNOTE(S):

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**State Law reference—** Abandoned, lost, stolen or unclaimed vehicles, 625 ILC 5/4/200 et seq. [(Back)](#BK_F2510AAC031F074D646EDFAF186E1D9B)