

Ordinance No. 17-001

**VILLAGE OF SPARLAND,  
Marshall County, Illinois**

**AN ORDINANCE REGULATING NUISANCES  
IN THE VILLAGE OF SPARLAND**

**WHEREAS**, the Village Board of the Village of Sparland has determined that it is necessary to regulate and prohibit the existence of nuisances within the Village corporate limits;

**NOW, THEREFORE, BE IT ORDAINED** By The VILLAGE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF SPARLAND, MARSHALL COUNTY, ILLINOIS, AS FOLLOWS:

**SECTION ONE.** That from and after the effective date hereof, the Village Nuisance Ordinance shall read and be as follows:

**ARTICLE 1 NUISANCES PROHIBITED**

6-6-1-1: Nuisances Declared Unlawful: No person, persons, firm, partnership, corporation, association, club, or other organization or group owning, leasing, occupying or having charge of any premises shall create, maintain or keep any nuisance thereon, nor shall any such person, persons, firm, partnership, corporation, association, club, or other organization or group create, maintain or keep such premises in a manner causing substantial diminution in the value of other property in the neighborhood or area in which such premises are located.

6-6-1-2: Nuisances Defined Generally: "Nuisance" shall mean any act or omission or condition which is a nuisance according to the common law or the statutes of the State of Illinois or declared or defined to be a nuisance by the ordinances of the Village, and shall include without limitation any act or omission or condition which annoys, obstructs, interferes, offends decency or injures another, or the public, to any lawful right of use, enjoyment, maintenance,

substance to be collected, deposited or remain under ownership or control to the prejudice of others.

(7) To throw or deposit any offal or other offensive matter, or the carcass of any dead animal in any water course, lake, pond, spring, well or common sewer, street or public way.

(8) To corrupt or render unwholesome or impure the water of any spring, river, stream, pond or lake to the injury or prejudice of others.

(9) To obstruct or encroach upon public highways, private ways, streets, alleys, commons, landing places, and ways to burial grounds.

(10) To erect, continue or use any building or any real estate or any 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.

(11) To advertise wares or occupations by painting notices of the same on, or affixing them to fences, walls, windows, building exteriors, utility poles, hydrants or other public or 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.

(12) To dump, abandon, deposit, dismantle or burn upon any public property or right of way, highway, park, street, alley or parkway anywhere in the Village, any trash, garbage, ashes, junk, junked or wrecked vehicles or parts thereof, or any other type of waste.

(13) To own, maintain or keep a dwelling unit unfit for human habitation, or

possession, sale, transfer or access to other property, unreasonably causes diminution in value, or creates, causes or facilitates unsafe or unsanitary conditions.

6-6-1-3: Unusual Or Unspecified Nuisances: Any act or omission or condition declared by Village officials to be a nuisance even though not specifically enumerated shall constitute a nuisance subject to abatement and penalty pursuant to this Title, and nothing in the specific enumeration of certain acts or omissions or conditions shall be deemed a limitation on the authority of Village officials to declare an act or omission or condition to be a nuisance.

## **ARTICLE 2**

## **CERTAIN NUISANCES DECLARED**

6-6-2-1: In addition to any condition defined above, the following are hereby declared to be a nuisance:

- (1) To deposit, keep, scatter or store junk, trash or debris.
- (2) To deposit, keep, scatter or store abandoned, discarded or unused objects or equipment such as furniture, stoves, refrigerators, freezers, cans or containers.
- (3) To deposit, keep, scatter or store junk motor vehicles or disabled motor vehicles including any vehicle or trailer which is without currently valid license plates or registration, or is in substantially wrecked, discarded, dismantled, inoperative or abandoned condition, or as otherwise prohibited by Village ordinance.
- (4) To keep diseased animals.
- (5) To keep any houses of prostitution, indecent exhibitions or the use of any real estate or personal property for lewdness, assignation or for the use of controlled substances and cannabis as prohibited by statute.
- (6) To cause or allow the carcass of any animal or any offal, filth or noisome

dangerous or detrimental to life, safety or health because of lack of repair, defects in the plumbing, lighting, ventilation or electrical system, or because of the existence of contagious diseases or unsanitary conditions likely to cause sickness among the persons residing in the premises or residing in proximity thereto.

(14) To store or place any materials in a manner which may harbor rats or rodents.

(15) To produce or permit to be produced, whether on public or private property, any offensive noise to the disturbance of the peace or quiet of any person residing in the vicinity.

(16) To suffer or permit any stockyard, stable or barnyard or other lot or premises, barn or privy, outbuilding or cellar, or other building to become or remain dangerous or injurious to the health, or be offensive to smell.

### **ARTICLE 3 ABATEMENT OF NUISANCES**

6-6-3-1: Summary Removal: Whenever in the opinion of the Village President or her authorized deputy the maintenance or continuation of a nuisance creates an imminent threat of serious injury to persons or real property, or if the nuisance can be abated summarily without or with only minor damage to the items or premises which are creating the nuisance, and the continuation of the nuisance poses a substantial threat of injury to persons or property or a substantial interference with the quiet enjoyment of life normally present in the Village, the Village President shall proceed to abate the nuisance; provided further, that whenever the owner, occupant, agent or person in possession, charge or control of the real estate or personal property which is or has become a nuisance is unknown or cannot readily be found, the Village President may proceed to abate the nuisance without notice.

Where abatement of the nuisance requires continuing acts by the Village President beyond the initial summary abatement and any other additional emergency abatements, the Village may abate the nuisance on a permanent basis through judicial process as soon as reasonably possible.

6-6-3-2: Notice To Abate. Unless the conditions for summary removal are applicable, it shall be the duty of the Village President or her authorized to serve or cause to be served upon any person, persons, firm, partnership, corporation, association, club, or other organization or group in control of any private property, whether as owner, lessee, tenant, occupant or otherwise, a notice to abate or remove from the property any nuisance specified in this ordinance.

Such notice shall attach to the property as well as the person, persons, firm, partnership, corporation, association, club, or other organization or group owning, leasing, occupying or having charge of any premises in violation of this ordinance so that such notice against one person in control of the premises cannot be avoided by conveying or transferring the premises to another.

6-6-3-3: Form and Service of Notice. The notice shall allow seven (7) days to remove or abate the described nuisance, and in the event the nuisance is not so removed or abated the provisions of this Ordinance shall apply.

The notice shall be given by personal service or by certified or registered mail, addressed to the person, persons, firm, partnership, corporation, association, club, or other organization or group occupying or in control of the premises in question or engaging in the conduct that constitutes the nuisance, and, if mailed, shall be deemed served the day after mailing. If the Village President is unable to determine who is in control or possession of the premises, notice shall be posted thereon and mailed and addressed to the person, persons, firm, partnership,

corporation, association, club, or other organization or group in whose name said premises was last sent a tax bill.

6-6-3-4: Penalty for Failure to Abate a Nuisance. Any person, persons, firm, partnership, corporation, association, club, or other organization or group that allows a nuisance to exist as specified in this Ordinance and fails to abate the same within the period allowed by the notice shall be fined not less than One Hundred (\$100.00) Dollars nor more than Seven Hundred Fifty (\$750.00) Dollars for each offense, and a separate offense shall be deemed committed on each day (or part thereof) during or on which the nuisance is permitted to exist.

6-6-3-5: Abatement by the Village. In addition to the penalty provided for in this Ordinance, whenever any person, persons, firm, partnership, corporation, association, club, or other organization or group fails to abate the nuisance within the period allowed by the notice, then the Village shall cause the nuisance to be abated, including the right to seek injunctive relief to enjoin continuation of a nuisance where there is no adequate remedy at law, and the expenses therefor shall be recoverable from the owners or persons in control, jointly and severally, and the cost thereof shall also be a lien upon the real estate until paid. Any person who by reason of another's violation of any provision of this section suffers damage to himself different from that suffered by any other property owner throughout the Village generally may bring an action to enjoin or otherwise abate the existing violation.

6-6-3-6: Costs and Expenses of Abatement. The costs and expenses of abatement shall include all expenditures of money to abate the nuisance and includes the reasonable value of any services performed by Village officers and employees, all costs and expenses for removal and storage, all attorneys' fees and costs of enforcement, and recording and filing fees.

6-6-3-7: Recording of Lien. Within sixty (60) days after the costs and expenses are

incurred by the Village for abatement of a violation hereof, the Village may file a notice of lien in the office of the Recorder of Deeds of Marshall County, Illinois. The notice shall consist of a sworn statement setting out: (a) a description of the real estate sufficient for identification thereof for recording purposes; (b) the amount of money representing the costs and expenses incurred or payable for the abatement; and (c) the date or dates when the costs and expenses were incurred by the Village.

6-6-3-8: Payment and Release. Upon payment in full of the costs and expenses by the owner or persons interested in the property to which a lien is attached, the lien shall be released by the Village, and if notice of lien has been recorded, the Village shall provide a release that may be recorded releasing said lien of record.

**SECTION TWO.** All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

**SECTION THREE.** This Ordinance shall be in full force and effect ten days after its passage and publication as provided by law.

**Passed and Approved** by the Village President and the Village Board of the Village of Sparland, Illinois, this 1 day of June, A.D. 2017.

Ayes: 5

Nays: 0

Absent: 1

Approved: Debra L. Prather  
Village President

ATTEST:

Shawn Rice  
Village Clerk

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Village President

**ATTEST:**  
[Signature]  
Village Clerk

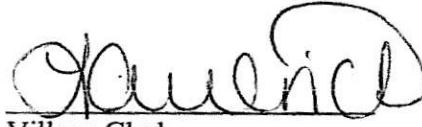


**CERTIFICATION**

STATE OF ILLINOIS,            )  
COUNTY OF MARSHALL,        )     SS.  
VILLAGE OF SPARLAND.        )

I, Clerk of the Village of Sparland, in the County of Marshall and State of Illinois, do hereby Certify that the attached and foregoing Ordinance entitled “**AN ORDINANCE REGULATING NUISANCES IN THE VILLAGE OF SPARLAND**” is a true and accurate copy of said Ordinance passed and approved by the Village President and the Village Board of the Village of Sparland on the 1 day of June, A.D. 2017, after a Public Hearing held thereon.

**(CORPORATE SEAL)**

  
Village Clerk

