Sec. 18-31. - Definition of public nuisance and blight.
For the purposes of this article, a public nuisance and blight is any activity upon, condition of or use of property that:

(1) Constitutes a public nuisance at common law;

(2) Endangers the health or safety of the inhabitants; or

(3) Satisfies any one of the following:

a. Accumulation of junk or rubbish, including unlicensed or inoperable motor vehicles, parts of machinery or automobiles, remnants of metal, appliances or other household equipment and other equipment in disrepair and inoperable, boats and trailers, except in a completely enclosed building.

b. Growth of lawn, noxious weeds, or other harmful plants over eight inches in height.

c. Existence of dead animals, excessive amounts of manure or other unhealthful animal or vegetable substances.

d. Existence of any structure which, because of fire, wind or other natural disaster or physical deterioration, is no longer habitable as a dwelling nor useful for any commercial purpose.

e. Existence of any vacant dwelling, garage, or other outbuilding which is not kept adequately secured against unlawful entry by any person.

f. Open storage of building materials of any kind, including, but not limited to lumber, bricks, concrete, cinder blocks, plumbing materials, electrical wiring or equipment, heating and cooling supplies or equipment, shingles, etc., unless there is in force a valid building permit for construction upon the property and the materials are intended for use in connection with such construction or unless the materials are stored in a completely enclosed building. "Open storage" as used in this article shall mean such storage or accumulation which is visible from any street or sidewalk or adjoining property.

g. The pollution of any stream, well or body of water by sewage, industrial wastes, or other harmful substances.

h. The storage of harmful or polluting substances upon the land except in secure and properly labeled containers.

i. Emission of smoke, noxious fumes, gas, or other substances into the air in harmful quantities.

j. The keeping of animals upon premises where such keeping is harmful or offensive to village residents.

k. Offering for sale unsanitary or harmful food products.

l. Maintenance of gambling devices or games upon the premises.

m. Using the premises for the purposes of prostitution.
The existence of any vacant dwelling, garage, or other building, unless said structure is kept securely locked, windows are glazed, exterior surfaces are kept clean and painted, porches and stairs are stable and free of cracked boards and/or block, and are otherwise protected to prevent entry of the elements, unauthorized persons, or animals.

o. Incomplete construction, including but not limited to:

1. Incomplete construction is any form of unfinished exterior construction, including excavations, on which there has been no substantial construction activity for at least six months.

2. An owner of real estate containing incomplete construction shall be deemed guilty of maintaining a nuisance and/or blight.

3. The village council may authorize the continuation of incomplete construction for an additional period of up to six months. Such permission shall be conditioned on the posting of a cash bond or letter of credit. The form of such security must be approved by the village attorney. The amount of the security shall not be less than the village building official's estimate of the cost of removal of the construction and restoration of the property.

Sec. 18-32. - Creation or maintenance of public nuisance and/or blight.

If any owner or possessor of any lot or premises, occupied or vacant, within the village limits causes or permits to continue unabated upon such lot any public nuisance and/or blight, then the enforcement officer designated by this article is authorized to initiate the procedure of removing or abating a nuisance and/or blight as is permitted by section 18-34.

Sec. 18-33. - Enforcement officer.

The village official charged with responsibility to determine when a public nuisance and/or blight exists, and to seek abatement of the nuisance and/or blight in accordance with this article, shall be the village manager, who is referred to in this article as the enforcement officer. The village manager may enlist the assistance of village staff or consultants in carrying out the duties of this article.

Sec. 18-34. - Enforcement and penalties, municipal civil infraction.

(a) The owner and/or the occupant of any property upon which any of the causes of public nuisance, blight or blighting factors set forth in section 18-31 (c) hereof is found to exist, shall be notified in writing to remove or eliminate such causes of nuisance, blight or blighting factors from such property within ten days after service of the notice upon him. Such notice may be served personally or by registered mail, return receipt requested. Additional time may be granted by the enforcement officer where bona fide efforts to remove or eliminate such causes of the public nuisance, blight or blighting factors are in progress.

(b) Failure to comply with such notice within the time allowed by the owner and or occupant shall constitute a violation of this article.

(c) Any person responsible of violating or assisting in the violation of any provision of this article shall be subject to a municipal civil infraction pursuant to section 22-10. Each violation and every day upon which such violation shall occur shall be a separate offense. Violators shall also be responsible to reimburse the
village for the actual costs incurred by the village to remedy the public nuisance, blight or blighting factors and such liability may be enforced by a civil action filed in a court of competent jurisdiction.

(d) If the owner, agent or occupant of the property fails to remove or eliminate such causes of the public nuisance, blight or blighting factors from such property within the time frame established by this article or as additional time has been granted by the enforcement officer, the village, or its agent, may enter upon the property and remove or eliminate such causes of blight and all expenses incurred shall be paid by the owner of the property.

(e) The village shall have a lien on the real property from which the public nuisance, blight or blighting condition was removed or eliminated in the amount of the actual cost to the village to remove or eliminate the public nuisance, blight or blighting factor until such costs are paid by the owner. If these costs have not been paid prior to the preparation of the next tax assessment roll, then such amount shall be assessed as a special tax against the property on the assessment roll and collected in all respects as other taxes under the general tax laws of this state.

(Ord. eff. 5-25-1981, § 5; Ord. eff. 7-3-2002(2), § 5; Ord. No. 9-2004, 2-9-2004; Ord. No. 2010-03, 7-12-2010)

Sec. 18-35. - Village abatement.
In addition to or in lieu of charging a violation of this section, if any violation remains uncorrected after expiration of the time period in the notice, then the village may remove the items or items identified in the notice or have it removed in any reasonable manner. The cost to the village for the removal plus a $100.00 fee for staff time shall be charged to the responsible person and, if the responsible person is a property owner, then any such unpaid costs may be assessed against the property in accordance with section 18-36.

(Ord. No. 2011-03, 12-12-2011)

Sec. 18-36. - Report of unpaid rates and charges; assessment against the property.
All unpaid fines and charges which are reported by the zoning office to the village manager as having been unpaid for a period of three months or more on May 1 of each year, which remain unpaid on May 31, shall be transferred to the village tax roll, assessed against the property to which the village was required to remove/abate the violation, to be collected with and in the same manner as village taxes are collected, and if charges shall remain delinquent and unpaid after the expiration of the time limited in the warrant for collection of taxes levied in such roll, such charges shall be returned to the county treasurer to be collected in the same manner as the lien created by the village taxes on the delinquent tax roll of the village.

(Ord. No. 2011-03, 12-12-2011)