

**VILLAGE OF TAMPICO**

**ORDINANCE NO. 002-11-08-16**

**AN ORDINANCE AMENDING SECTION 8.04.020**  
**CHAPTER 8.04 NUISANCES DESCRIBED**

**BE IT ORDAINED** by the Mayor and Village Council of the Village of Tampico, Whiteside County, Illinois, as follows:

**SECTION 1:** Section 8.04.020 is hereby repealed and shall hereinafter state as follows:

- A. Any act of offense which is a nuisance according to the common law of the state of Illinois, or declared or defined to be a nuisance by the ordinances of the Village. In addition, the officials of the municipality shall be authorized to abate any nuisance which, while not specifically defined within this chapter, shall constitute the unreasonable, unwarrantable, or unlawful use by a person of property real or personal or from his own improper, indecent or unlawful personal conduct which works an obstruction or injury to a right of another, or of the public, and produces such material annoyance, inconvenience, discomfort, or hurt that the law will presume an actionable nuisance. Nuisances may be abated which are public or which are both public and private in nature.
- B. To keep or maintain any animal in an unclean or filthy manner or surroundings, or to keep or maintain any animal from which emits any particularly foul or offensive odors, to any neighborhood, family or person or to allow any animal carcass to remain upon any premises.
- C. All unnecessary or unauthorized substances which emit or cause foul, obnoxious, unhealthful, putrid, noisome or disagreeable odor or effluvia and which are objectionable or offensive to any person or persons residing near the same or to any person passing along the street, sidewalk or alley near the same.
- D. To dump, deposit, store or place any garbage, rubbish, trash or refuse in any sewer or upon any public or private property within the Village, except as may be allowed by city ordinances or state and federal regulations.
- E. To cause or permit any premises within the Village to become or remain littered With debris, including but not limited to tin cans, glass jars, bottles, scrap glass, paper cartons, scraps of paper, boxes, ashes, iron, old hot water tanks, oil storage tanks, tin or other metal materials, refuse, rubbish, junk, waste, manure, straw, piles of grass, clippings, lumber, old bricks, concrete blocks, chunks of broken concrete, plaster board, discarded furniture, household appliances, mattresses, bedsprings, portable swimming pools in disrepair, tires or other similar types of debris.
- F. To create or permit to be created or remain upon any public or private property within the Village for a period of more than thirty (30) days the storing, piling, scattering, accumulating, heaping, amassing or collecting or bricks, concrete

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materials, straw, lumber, structural iron, pipe, roofing materials or any building materials where the same is in public view and where the same may or does constitute a safety hazard to children playing in the area or so that the same may or does become an attraction to or haven for vermin or rodents; building materials stored outdoors on any site for construction authorized by a building permit shall not be permitted to remain more than thirty (30) days after completion of construction upon a job site;

- G. To obstruct any water source, ravine or gutter so as to cause water to stagnate therein, or permit foul or stagnant water to stand upon any public or private property within the Village, or throwing or depositing any offal or other offensive matter or the carcass of any animal in any watercourse, lake, pond, sewer, lagoon, spring, well or street, alley, public highway or park;
- H. To allow an unkempt appearance to exist on the parkway immediately adjacent to private property as caused by rubbish, debris or overgrown, uncultivated plant life. Any growth of weeds, grasses or bushes to a height greater than eight inches; provided, however, that this section shall not apply to planted and cultivated flowers, shrubbery or other landscaping;
- I. All slop, foul or dirt, filth, refuse or offal, discharged in or upon any street, avenue, sidewalk, alley, park, public square or public or private enclosure or allowed to accumulate there, or in a pond or pool.
- J. All articles or things whatsoever, and any holes, pits and excavation sites caused, kept, maintained or permitted by any person to the injury, inconvenience, danger, detriment or annoyance of the public health, safety and welfare.
- K. The keeping or allowing to remain on any public or private property within the Village, of any trees, shrubs or other vegetation infected with fungus or other diseases that will or might spread to other non-infected trees, shrubs or other vegetation.
- L. To own, maintain, occupy, keep, or control any building or structure the condition of which, through neglect or otherwise, has caused the building or structure to become dangerous or detrimental to the public health, safety or welfare of the inhabitants of the Village.
- M. The existence or storage, in plain view of the general public, upon any public or private property within the Village:
  - 1. Any unused, stripped, junked, wrecked or otherwise inoperable motor vehicle of any kind, or of any other vehicle, implement, machinery, equipment or other personal property of any kind which is no longer safely operable or usable for the purpose for which it was manufactured. For the purposes of this section, "inoperable motor vehicle" means any motor vehicle

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from which the engine, wheels, or other parts have been removed, or on which 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 as to render the vehicle incapable of being driven under its own motor power; provided, however, that this definition shall not be construed to include any 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; or

2. Any parts of such motor vehicle or equipment, etc., or old iron, metal glass paper, cordage or other waste discarded secondhand material which has been a part or intended to be a part of any motor vehicle, the sum of which parts or material shall be equal in bulk to one or more automobiles; or
  3. Any abandoned or unlicensed vehicle, including but not limited to any automobile, van, truck, camping trailer, motor home, mini motor home, van camper, recreational vehicle, trailer or travel trailer. For purposes of this section, "abandoned vehicle" means any vehicle that has not been moved or used for seven (7) consecutive days or more and is apparently deserted. The movement of such a vehicle shall mean that any such motorized vehicle must be operated and driven from its location of abandonment a minimum distance of five hundred (500) feet, and that any non-motorized vehicle shall be fully functional and ready for immediate or seasonal use.
- N. Any tree or shrub which overhangs any sidewalk, street or other public place in the village in such a way as to impede or interfere with traffic or travel;
- O. Any tree or limb of a tree which has become likely to fall on or across any public way;
- P. Any uncovered pile of refuse, garbage, offal or carcasses of dead animals;
- Q. Any weeds, such as jimson, burdock, ragweed, thistle, cocklebur or other weeds of a like kind found growing in any lot or tract of land in the village;
- R. Any cattle, horses, mules, swine, sheep, goats, poultry, or any dangerous or vicious animals within the village, except farm animals kept in an agricultural zone.
- S. To erect, continue to use any building or other place for the exercise of any trade, employment or manufacture, which, but occasioning noxious exhalations, offensive smells or otherwise, is offensive or dangerous to the health of individuals, or of the public.
- T. To advertise wares or occupation by painting notices of the same on, or affixing them to fences, walls windows, building exteriors, utility poles, or on hydrants, 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 the permission of the proper authorities.

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**SECTION 2:** Enforcement and Right to Abatement

- A. Any Homeowner or Occupant of a residence, upon being notified of an ordinance violation, such as a nuisance ordinance violation, shall be given a seven (7) day verbal warning or door tag warning, (see Exhibit One (1) attached).
- B. If after seven (7) days there has been no compliance, a written notice will be mailed to the Homeowner/Occupant giving them four (4) days from the date of the written notice to comply.
- C. If after the previous four (4) days from the written notice, the person or persons still has not complied, a \$100.00 citation will issued and delivered. If the persons or persons in violation of this ordinance will not answer the doo or behaves in such a way as to avoid the investigating officer, the citation will be mailed to the resident or occupant at their last known address according to their driver's license or the last known address on file with the Village Clerk's office.
- D. If after the third day after the issuance of the citation there has been no compliance or abatement of the nuisance, an additional \$100.00 citation will be issued every three (3) days.
- E. If after thirty (30) days there has been no abatement of the nuisance or ordinance violation, a complete report, with photographs and the aforementioned citations will be forwarded to the Village Attorney to initiate court proceedings.
- F. In dealing with repeat offenders for the same violations such as tall grass, etc., a verbal warning will be given or a door tag will be left on the premises. If the repeat offender still fails to comply after the seven days, a written citation will be issued with no written warning. Exceptions may be allowed under extenuating circumstances. Homeowners/Occupants may also contact the Chief of Police to discuss the violation and any attempted resolution without citation or further court proceedings. The Chief of Police will then discuss the issue with the Village of Tampico Police Commissioner for either approval of the attempted abatement or a disapproval of the suggested abatement.
- G. 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 (7) days or more, or may be removed immediately if determined to be a hazardous dilapidated motor vehicle under Section 11-40-3.1 of the Illinois Municipal Code.
- H. If the ordinance violation is such that it endangers the safety or property of another village resident, immediate compliance will be requested and enforced. This further applies to other ordinance violations as well, such as underage drinking and traffic violations.

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**SECTION 3:** This ordinance shall be in full force and effect from and after its passage and approval as required by law.

PASSED by the Mayor and Village Council of the Village of Tampico, Whiteside County, Illinois, on the **16<sup>th</sup>** day of **August**, 2011, and deposited and filed in the office of the Village Clerk in said Village on that date pursuant to roll call vote as follows:

Elected/Appointed Commissioners - 5

AYES: Wildman, Hill, Gerdes, McNinch, Mayor Hill

NAYES: None

ABSENT: None

Kathy A. Leathers  
Village Clerk of the Village of Tampico,  
Illinois

Approved by the Mayor of the Village of Tampico, Illinois, this **16th** day of **August**, 2011.

Kristine L. Hill  
Mayor of the Village of Tampico, Illinois

ATTEST:

Kathy A. Leathers  
Village Clerk of the Village of Tampico, Illinois

Published in pamphlet form this **16th** day of **August**, 2011.