

ORDINANCE NO. 2001-5

**AN ORDINANCE OF
AURORA TOWNSHIP, ILLINOIS TO
DEFINE, PREVENT AND ABATE NUISANCES**

WHEREAS, the Electors of Aurora Township, Illinois at the Annual Meeting of Aurora Township, held on April 17, 2001, have determined that certain activities conducted on public or private property within the boundaries of Aurora Township are nuisances and pose a threat to the public health, safety and welfare; and

WHEREAS, these nuisances ought to be regulated and eliminated, in accordance with applicable law; and

WHEREAS, Aurora Township Electors are authorized by 60 ILCS 1/30, 1/30 – 120, and 1/30 – 130 and other applicable provisions of the Township Code to provide for the abatement of nuisances;

NOW, THEREFORE, BE IT ORDAINED by the Electors of Aurora Township, County of Kane, State of Illinois, as follows:

Article I. Nuisances

Section 1.1. Declaration of Nuisances

It is hereby declared that any of the activities hereinafter listed in Article I are public nuisances and are unlawful when conducted on property located within Aurora Township, but outside the corporate limits of any City or Village therein; whether conducted, suffered or permitted by the owner, tenant or other occupant thereof. It is the intent of this Ordinance to make all such persons jointly and severally liable for compliance herewith.

Section 1.2. Declaration of Nuisance - Inoperable Motor Vehicles and Designated Parking Areas

A. Each of the following activities, alone or combined with other listed activities, are declared to be and constitute a public nuisance.

1. Allowing inoperable motor vehicles (as hereinafter defined) to be parked, kept or stored on public or private property in Aurora Township; or
2. Allowing a motor vehicle to be parked, kept or stored on private property in Aurora Township in the front yard, corner, or side yard or any additional area of a lot or parcel of land situated between the public right of way and any residence or accessory building or structure located therein, except that the parking of non-commercial vehicles is permitted in a driveway; or
3. Allowing a motor vehicle to be parked on any public area in Aurora Township where such parking has been determined to be illegal.

B. For purposes hereof the following words and phrases shall have the meaning and definition specified herein unless the context clearly indicates otherwise.

1. Inoperable Motor Vehicle

“Inoperable motor vehicle” is defined herein as any motor vehicle from which, for a period of at least ten (10) 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 or operated under its own motor power or any currently unlicensed motor vehicle. “Inoperable motor vehicle” shall 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, nor an operable historic vehicle over twenty-five (25) years of age, nor a motor vehicle on the premises of a duly licensed place of business engaged in the wrecking or junking of motor vehicles, nor a motor vehicle kept within a completely enclosed building when not in use.

2. Designated Parking Area

“Designated Parking Area” is defined as an area consisting of a hard surface for the purpose of access to premises and the building or buildings thereon by motor vehicles and for the standing or parking of said motor vehicles, provided however, that said hard surface is constructed and maintained in compliance with all applicable ordinances and regulations and provided further, that in the case of premises improved with a single family residence said hard surface shall be no more than 20 feet in width and shall extend by the most direct route to the said building or buildings from the public street.

Section 1.3. Declaration of Nuisance – Noxious weeds

It is hereby declared a public nuisance and it is hereby prohibited for any person to keep, maintain or grow weeds or grasses, giant or common ragweed, poison ivy, Canada Thistle or any other vegetation which creates a health or safety hazard to the public, which exceeds a height of 8 inches, or if the total destruction thereof is reasonably necessary to protect the public health, safety and welfare. This Section 1.3 does not

apply to any land owned or leased by a unit of government or to any land located in a public nature area or located more than 200 feet from any private residence or place of public use; provided, however, that the vegetation upon such land does not otherwise cause a health or safety hazard.

Section 1.4. Declaration of Nuisance – Animals Running at Large

It is hereby declared a public nuisance and it is hereby prohibited for any person to allow the running at large of cattle, horses, mules, asses, swine, sheep, goats, dogs, chicken, ducks, geese or other fowl. The Township Enforcement Officer or a local government or law enforcement agency with applicable jurisdiction are hereby authorized to distraint or impound any animals found running at large.

Section 1.5. Declaration of Nuisance – Keeping Fighting Animals

It is hereby declared a public nuisance and it is hereby prohibited for any person to keep or use or be in any way connected with the management of any room, place or building or other premises, kept or used for the purpose of fighting or baiting any dog, cock or other animal, or to permit such place to be kept or used for such purpose on premises owned, rented or controlled by him.

Section 1.6. Declaration of Nuisance – Dumping Garbage

It is hereby declared a public nuisance for any person to dump or deposit night soil, garbage, compost, junk, trash, refuse or other offensive substances upon any public or private property within the boundaries of the Township, but outside the corporate limits of any City or Village therein or, to permit such objects to remain upon such property.

Section 1.7. Declaration of Nuisance – Junk, Trash and Refuse

It is hereby declared a public nuisance for any person to store junk, trash and refuse on property. Without limiting the generality of the foregoing, "junk, trash and refuse" is defined herein to include any and all waste matter, whether reusable or not, which is offensive to the public health, safety or aesthetics of the neighborhood, and is specifically intended to include, but not to be limited to, old tires, inoperable and/or abandoned motor vehicles, trucks, tractors, machinery of any kind, any parts thereof, old iceboxes, refrigerators and stoves, discarded home furnishings, appliances, plumbing materials and yard waste, irrespective of whether or not such objects are located on the property of the owner or bailee of such objects. This subsection shall not apply to refuse disposal facilities regulated by the State of Illinois, the County of Kane, or any municipality of the State.

Section 1.8. Declaration of Nuisance – Unlicensed Junk Dealers and Merchants

It is hereby declared a public nuisance for any person, firm or corporation to engage in the collecting, scavenging, purchasing, selling, trading storing and dealing in junk, and any second hand articles, including motor vehicles or parts therefrom, unless a license shall have been issued by the Township of Aurora, (as provided under Article II of this Ordinance) and any other appropriate governmental agency, and unless such activity is in compliance with any applicable regulations of the State of Illinois and Kane County, Illinois, and further, it is hereby declared to be a public nuisance for any person, firm or corporation to engage in the sale of any product other than within an enclosed building or structure which is properly zoned and maintained. Nothing herein shall be construed, however, to require such person, firm, or corporation to apply for a license as

provided hereunder if already licensed and regulated by their State of Illinois, Kane County on any other unit of local government.

Article II. Licenses for Junk Dealers and Merchants

Section 2.1. Application and Issuance of Licenses

Application and issuance of licenses to conduct a business in the purchasing, selling, trading, and dealing in any second hand articles, including junk, motor vehicles or parts therefrom, shall be as follows:

A. Applications. Applications for licenses shall be made to the Town Clerk. The Town Clerk shall prepare application forms and written instructions to be available to the public.

B. Investigation. 1. The Township Enforcement Officer, or other officer of a law enforcement agency with appropriate jurisdiction, shall (in the case of a new application) or may (in the case of a renewal application) cause an investigation to be made as to whether the applicant complies with all requirements set by Ordinance for the license sought. Said Officer, upon completion of said investigation, shall report to the Town Clerk concerning the results thereof. 2. If an investigation is conducted, the applicant shall pay an investigation fee of \$50.00 in addition to the annual license fee.

C. Issuance or Refusal The license shall be issued or refused in writing, not more than 30 days after the application has been made. If a license is refused, the reason (s) for the refusal shall be given in writing.

Section 2.2. License Year

Except where otherwise provided by ordinance, the following provisions shall apply:

- (a.) Licenses shall be issued for the calendar year.
- (b.) A license issued for the first time after July 1st of any year shall be issued for one-half of the annual fee.

Section 2.3 Signature

Each license or permit issued shall bear the signatures of the Aurora Township Supervisor and the Town Clerk in the absence of any provision to the contrary.

Section 2.4. Nuisances

No business to conduct a business as regulated herein, licensed or not, shall be so conducted or operated as to amount to a nuisance in fact.

Section 2.5. Inspections

Whenever inspections of the premises used for or in connection with the operation of a licensed business are reasonably necessary to secure compliance with any Ordinance provision or to detect violations thereof, it shall be the duty of the licensee, or the person in charge of the premises to be inspected, to admit thereto for the purpose of making the inspection any officer or employee of Aurora Township who is authorized or directed to make such inspection at any reasonable time that admission is requested.

Section 2.6. Revocation

Any license for a limited time may be revoked by the Township Supervisor at any time during the term of such license for any violation by the licensee of the Ordinance provisions relating to the license, the subject matter of the license, or to the premises occupied, after a hearing and determination by the Township Supervisor that violations as aforesaid have occurred. All decisions or determinations by the Township Supervisor shall be subject to and be reviewable pursuant to the Administrative Review

Act of the State of Illinois. Any revocation may be in addition to any fine imposed. All hearings conducted for the revocation of a licensee shall be conducted in an open forum, after notice to the licensee, such notice to be not less than (7) days prior to the hearing date thereof. Witnesses may be called by either party and sworn testimony taken.

Section 2.7. Posting License

It shall be the duty of any person, firm or corporation conducting a regulated business in Aurora Township to keep the license posted in a prominent place on the premises used for such business at all times.

Section 2.8. Age

An applicant for a license must be at least 18 years of age or older.

Section 2.9. Annual License Fee

The annual license fee referred to herein shall be \$150 per year or such amount as may hereafter be established by the Town Board of Trustees from time to time.

Article III. Notice and Abatement

Section 3.1. Notice for Removal

Whenever the existence of any nuisance, as defined in Article I, shall come to the knowledge of the Township Enforcement Officer or other officer of a law enforcement agency with applicable jurisdiction, said Township Enforcement Officer or other officer shall issue a written notice to the owner of the motor vehicle, and/or to the owner of record of the property on which the nuisance exists or occurs, and/or to the occupant of the property, directing said person(s) to remove the motor vehicle or otherwise abate the nuisance. Such notice shall be mailed by certified mail, return receipt requested to the last known mailing address of the owner of said motor vehicle, and/or the owner of

record of the property, and/or the occupant of the property. In the alternative, such notice shall be served personally on said owner of motor vehicle, and/or owner of record of the property, and/or occupant of the property, or such notice shall be posted on the premises wherein said nuisance exists, or notice shall be posted in a conspicuous place on the inoperable motor vehicle. The notice shall provide ten (10) days for the removal of the vehicle or abatement or removal of the nuisance existing on the property. Said notice shall further state that, in default of performance of those acts necessary to abate the nuisance, Aurora Township may, at once, cause the same to be done and charge the costs and expenses incurred, to the owner of the motor vehicle, and/or to the owner of record of the property upon which the nuisance exists, and/or to the occupant of said property. Said notice shall further state that Aurora Township may place a lien upon the property for the cost of abatement plus an administrative cost of \$150.00, plus reasonable attorney's fees.

Section 3.2 Abatement by Aurora Township

In the event of the failure, refusal or neglect of the owner or occupant of any premises or property to cause such nuisance to be removed or abated in the manner and within the time provided herein, the Aurora Township Enforcement Officer or officer of a law enforcement agency with applicable jurisdiction, is authorized to cause the condition constituting a nuisance to be promptly and summarily abated, in a reasonable and prudent manner, at the expense of Aurora Township or to direct the Township Attorney to initiate a Complaint with the Circuit Court of the Sixteenth Judicial Circuit, charging violation of this Ordinance and demanding that the owner of the property or the occupant thereof, or

both, and in cases of inoperable vehicles, the owner of the vehicle, be punished as provided herein.

Section 3.3. Lien for Costs

The Township Enforcement Officer or other officer, as the case may be, shall compile the cost of removing or abating the nuisance and, after charging the same against the owner or occupant of the premises, the said Township Enforcement Officer, or other officer, shall certify a statement of such expenses and shall file the same with the Township Clerk for collection and shall file a lien against said property for the said stated expenses, which lien may be foreclosed in the manner provided by law.

It is hereby determined and declared that the general overhead of administrative expenses of inspection, locating the owner or occupant of the premises, issuing notices, reinspection, and ordering work done, together with all necessary incidents of same, shall require an administrative charge of up to \$150.00 for each lot, tract or parcel of acreage, in addition to the actual expense incurred in connection with the abatement of such violation.

Section 3.4. Aurora Township May Contract For Abatement

Aurora Township shall have the right to award any quantity of work authorized herein to a general contractor at the discretion of the Township Supervisor, unless bids are required to be made in accordance with Illinois state statutes, in which case the award shall be made to a general contractor whose bid shall be accepted by the Town Board as the lowest responsible bid secured for the doing of the work herein mentioned during a stipulated time not to exceed one (1) year.

Section 3.5. Summary Abatement

In addition to the remedies prescribed by this Ordinance, and cumulative thereof, if it shall be brought to the attention of the Aurora Township Board of Trustees, and it shall be determined that any such nuisance or nuisances are likely to have an immediate adverse effect upon the public health, comfort or safety, then and in that event the Board of Town Trustees may, by appropriate resolution or motion, order such nuisance or nuisances summarily abated by the Aurora Township in a reasonably prudent manner.

Section 3.6. Collection and Disposition of Money Under This Ordinance

All payments of money by and collections of money, if any, from property owners or occupants, or in the case of inoperable vehicles, from the owner thereof for the purpose of paying Aurora Township for its expense in abating nuisances as provided for in this Ordinance shall be handled by the Township Enforcement Officer or the Township Supervisor. Any such payment or collection so made shall be received by and receipted for by the Township Enforcement Officer or the Township Supervisor. Such sums of money so received shall be turned over by him to Aurora Township not less than once each month, together with a duplicate of the receipts issued therefor, whereupon Aurora Township shall furnish an official receipt therefor. Such receipts and the necessary records in connection therewith shall be prepared and handled and maintained as a permanent record, and such sums of money shall be handled in such manner as may be deemed most to the interest of the Aurora Township.

Section 3.7. Penalty

Any person, firm or corporation violating any provision of this Ordinance shall be fined up to, but not more than, \$500.00 for each offense, plus administrative expenses as provided in Section 3.3, above, plus recording fees, as well as any expenses of litigation

and prosecution such as court costs, witness fees, and reasonable attorney's fees, and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

Article IV. Severability

The provisions of this Ordinance are separate and distinct. If any one or more provisions hereof are found to be void or unenforceable, the validity of the remaining provisions hereof shall not be affected.


Article V. Remedies Cumulative

The provisions of this Ordinance shall be in addition to any other remedies provided by ordinance, statute or regulation.


Article VI. Effective Date

This Ordinance shall be in full force and effect upon its passage, approval, and publication as provided by law. The Township Clerk shall publish this Ordinance or a notice of the passage of this Ordinance, as required by law.

ENACTED this 12th day of July, 2001, by the Aurora Township Board of Trustees in Aurora, Kane County, Illinois.


Township Supervisor

ATTEST:


Town Clerk