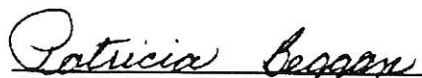


**BOARD OF TRUSTEES
VILLAGE OF THIRD LAKE, ILLINOIS**

10-06-02

**AN ORDINANCE PROHIBITING NUISANCES WITH THE VILLAGE OF THIRD
LAKE AND REPEALING ORDINANCE NOS. 93-07-02 AND 07-10-01**

This 21st Day of June, 2010


Patricia Beggan, Village Clerk

**Published in pamphlet form by the authority of the Board of Trustees of the Village of
Third Lake, Lake County, Illinois this
21st Day of June, 2010**

ORDINANCE NO.10-06-02

AN ORDINANCE PROHIBITING NUISANCES WITHIN THE VILLAGE OF THIRD LAKE
AND REPEALING ORDINANCE NOS. 93-07-02 AND 07-10-01

WHEREAS, pursuant to 65 ILCS 5/11-60-2 and certain other statutes, the corporate authorities of a municipality have the authority to define, prevent and abate nuisances; and

WHEREAS, pursuant to 65 ILCS 5/11-20-5 the corporate authorities of a municipality have the authority to do all acts and make all regulations which may be necessary or expedient for the promotion of health or the suppression of diseases; and,

WHEREAS, the corporate authorities of the Village of Third Lake deem it to be in the best interests of the public to prohibit nuisances and to establish penalties for the maintenance of such nuisances, all to promote the general health, safety and welfare of the public.

NOW, THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of Third Lake, Lake County, Illinois:

Section 1. Nuisances Prohibited. No person shall erect, contrive, cause, continue, maintain or permit to exist any nuisance, as hereinafter defined, within the Village.

Section 2. Nuisances Defined.

(a) General. A nuisance is a thing, act, occupation, condition or use of property which shall continue for such length of time as to:

1. Substantially annoy, injure or endanger the comfort, health, repose or safety of the public; or,
2. In any way render the public insecure in life or in the use of property; or,
3. Greatly offend the public morals or decency; or,
4. Unlawfully and substantially interfere with, obstruct or tend to obstruct or render dangerous for passage any street, alley, highway, navigable body of water or other public way.

(b) Nuisances Affecting Health. The following acts, omissions, places, conditions and things are hereby specifically declared to be health nuisances, but shall not be construed to exclude other health nuisances coming within the definition of subsection (a) of this section:

1. All decayed, harmfully adulterated or unwholesome food or drink sold or offered for sale to the public.
2. Carcasses of animals, birds, or fowl not buried or otherwise disposed of in a sanitary manner within 24 hours after death.

3. Accumulations of decayed animal or vegetable matter, manure, trash, debris, rubbish, rotting lumber, bedding, packing material, abandoned machinery, scrap metal or any material in which flies, mosquitoes, disease-carrying insects, rats or other vermin may breed.

4. All stagnant water in which mosquitoes, flies or other insects can multiply.

5. Garbage cans which are not fly-tight.

6. All infestations of flies, fleas, roaches, lice, ticks, rats, mice, fly maggots and mosquitoes and mosquito larvae.

7. The escape of smoke, soot, cinders, noxious acids, fumes, gases, flay ash or industrial dust within the Village limits in such quantities as to endanger the health of persons of ordinary sensibilities or to threaten or cause substantial injury to property.

8. The pollution of any public well or cistern, stream, lake, canal or body of water by sewage, creamery or industrial wastes or other substance.

9. Any use of property, substances, or things, or failed septic systems within the Village emitting or causing any foul, offensive, noisome, nauseous, noxious, or disagreeable odors, effluvia or stench repulsive to the physical senses of ordinary persons or which annoy, discomfort, injure or inconvenience the health of any person within the Village.

10. All abandoned wells not securely covered or secured from public use.

11. Any barn, stable or shed used for keeping animals, except as otherwise permitted by ordinance.

12. Any obstruction in or across any watercourse, drainage ditch or ravine.

13. (a) The deposit of garbage, rubbish, litter, yard waste, grass clippings, debris, or any offensive substance on any street sidewalk or public place, or on any private property, except as may be permitted by ordinance, or in public receptacles or in authorized private receptacles for collection. Persons placing such waste in public or private receptacles shall do so in a manner as to prevent it from being carried away or deposited by the elements upon any street, sidewalk or other public place.

(b) The throwing or depositing trash, rubbish or other litter while a driver or passenger in a vehicle.

(c) The driving or moving of any truck or other vehicle within the Village unless such vehicle is so constructed or loaded as to prevent any load or contents from being blown or deposited upon any street, sidewalk or other public place.

(d) The driving or moving of any vehicle or truck within the Village, the wheels or tires of which carry onto or deposit in any street, alley or other public place, mud, dirt, sticky substances or foreign matter of any kind.

(e) The throwing of any trash, rubbish, cans, bottles, paper, boxes or any other foreign matter of any kind into the waters of any lake, stream, sewer, retention or detention pond located in the Village;

14. Any weeds or grass in excess of ten inches (10") in height, or nuisance bushes or trees on private property that the owner of said property has neglected to cut, trim or remove, as set forth in 65 ILCS 5/11-20-7, as amended from time to time.

15. The spilling of any turpentine, kerosene, gasoline, benzine, naphtha, coal oil, or any product thereof, or any oil used for lubricating, illuminating or fuel purposes, or allowing any of such fluids to escape to or upon any asphalt pavement of the Village, or operating or permitting to be operated any tank, wagon or other vehicle from which any of such fluids are permitted to escape.

16. All inoperable motor vehicles, whether on public or private property. However, nothing in this subsection shall apply to any motor vehicle that is kept within a building when not in use, to historic vehicles over twenty five (25) years of age, or to a motor vehicle on the premises of a place of business lawfully engaged in the wrecking or junking of motor vehicles.

As used in this subsection, "inoperable motor vehicle" means any motor vehicle from which, for a period of at least seven (7) 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 under its own motor power. "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 services or repair operations.

17. (a) All trees infected with Dutch elm disease or ash trees infected with the emerald ash borer, as set forth in 65 ILCS 5/11-20-12, as amended from time to time, (b) all other trees, shrubs, vines, cuttings, scions, graphs, plants and plant parts and plant products in places within the Village, infested with injurious insect pests or infected with plant diseases which are liable to spread to other plants, plant products or places to the injury thereof, or to the injury of man and animals, and (c) all species and varieties of trees, shrubs, vines and other plants not essential to the welfare of the people of the Village which may serve as a favorable host plant and promote the prevalence and abundance of insect pests and plant diseases, or any stage thereof, injurious to other plants essential to the welfare of the people of the Village.

18. The feeding of or making food available to migratory waterfowl on publicly or privately owned land or water which results in the congregation or congestion of migratory waterfowl, or in an accumulation of the feces or droppings of migratory waterfowl. For purposes of this subsection, "migratory waterfowl" shall mean geese, brant, river and sea ducks and any other waterfowl that generally follow a seasonal migration pattern.

(c) Nuisances Offending Morals and Decency. The following acts, omissions, places, conditions and things are hereby specifically declared to be nuisances offending public morals and decency, but such enumeration shall not be construed to exclude other nuisances offending public morals and decency coming within the definition of subsection (a) of this section:

1. All disorderly houses, bawdy houses, houses of ill fame, gambling houses and building or structures kept or resorted to for the purpose of prostitution, promiscuous sexual intercourse or gambling.

2. All gambling devices and slot machines.

3. All places wherein there shall be conducted any unlawful manufacture, distribution, or sale of alcoholic liquor, or whereon or wherein there shall be kept, stored, concealed or allowed any alcoholic liquor intended for illegal sale or to be sold, disposed of or in any other manner used in violation of any of the provisions of 235 ILCS 5/1-1 *et seq.*, as amended from time to time.

4. Any place or premises within the Village where ordinances or state laws relating to public health, safety, peace, morals or welfare are openly, continuously, repeatedly and intentionally violated.

(d) Nuisances Affecting Peace and Safety. The following acts, omissions places, conditions and things are hereby declared to be nuisances affecting peace and safety, but such enumeration shall not be construed to exclude other nuisances affecting public peace or safety coming within the provisions of subsection (a) of this section:

1. All buildings erected, repaired, maintained or altered: (a) in violation of the provisions of the ordinances of the Village relating to materials and manner of construction and maintenance of buildings and structures, or (b) in an unsanitary, unsafe or dangerous condition, or (c) which in any manner is dangerous to the health or safety of any person.

2. All unauthorized signs, signals, markings or devices which purport to be or may be mistaken as official traffic control devices placed or maintained upon or in view of any public highway or railway crossing.

3. All trees, hedges, billboards or other obstructions which prevent persons driving vehicles on public streets, alleys or highways from obtaining a clear view of traffic when approaching an intersection or pedestrian crosswalk.

4. Any tree, shrub or other planting which by its location or condition constitutes a threat to the safety or property of individuals or of the public or which obstructs or encroaches upon any street right of way, sidewalk, public property or any public or village utility lines or facilities.

5. All use or display of fireworks except as provided by the laws of the State of Illinois and ordinances of the Village.

6. All buildings, walls and other structures which have been damaged or neglected by fire, decay or otherwise so as to constitute a menace to the health, welfare or safety of individuals or of the public.

7. Owning, maintaining or keeping a dwelling unit unfit for human habitation or dangerous or detrimental to life, safety or health because of lack of repair, defects in the plumbing system, lighting or ventilation, the existence of contagious diseases or unsanitary conditions likely to cause sickness among persons residing in said premises, or residing in proximity thereof.

8. All wires over streets, alleys or public grounds which are strung less than 15 feet above the surface of the street or ground.

9. No person shall make, continue, or cause to be made or continued any loud, raucous or jarring noise which either annoys, disturbs, injures, or endangers the comfort, repose, convenience, health, peace or safety of persons within the area of audibility. The following acts, among others, are hereby declared to be loud, raucous or jarring noises and a nuisance in violation of this section, but said enumeration shall not be deemed to be exclusive, namely:

(A) Horns, signaling devices, etc. The sounding of any horn or signaling device on any automobile, motorcycle, or other vehicle on any street or public place of the Village, except as a danger warning; the creation by means of any such signaling device of any unreasonably loud and raucous sound; the sounding of any such device for an excessive period of time; the use of any horn, whistle, or other device operated by engine exhaust; and the use of any such signaling device where traffic is for any reason held up.

(B) Radios, phonographs, etc. The playing, using operating or permitting to be played, used or operated of any radio receiving set, or device for the producing or reproducing of sound in such manner as to disturb the peace, quiet, and comfort of the neighboring inhabitants or with louder volume than is necessary for the convenient hearing of the person or persons who are in the room, chamber, vehicle, or outdoor area, within the Village limits, in which or where such machine or device is played, used or operated and who are voluntary listeners thereto. The operation of any such set, instrument, phonograph, machine, or device, between the hours of 11 P.M. and 7 A.M. in such manner as to be plainly audible at a distance of fifty (50) feet from the location of such set, instrument or device shall be prima facie evidence of a violation of this section.

(C) Loud Speakers, Amplifiers for Advertising, etc. The playing, using, operating, or permitting to be played, used or operated any radio receiving set, musical instrument, phonograph, loudspeaker sound amplifier, or other machine or device for the producing or reproducing of sound which is cast upon the public streets of the Village for the purpose of commercial advertising or of attracting the attention of the public to any building or structure, except when a permit or license has been first procured from the Village Clerk.

Application for such permits shall be made in writing to the Village Clerk, and shall state the name of the applicant and his business address, the location of the proposed sound amplification and the times and dates such sound amplification is proposed to occur. No such special permit shall be issued except where the public welfare will be enhanced by such issuance.

(D) Yelling, Shouting, etc. Yelling, shouting, hooting, whistling, or singing on the public streets of the Village particularly between the hours of 11 P.M. and 7 A.M. or at any time or place so as to annoy to disturb the peace, quiet, comfort, or repose of persons in any office, or in any dwelling, hotel or other type of residence, or of persons in the vicinity.

(E) Animals, Birds, etc. The keeping of any animal or bird shut up or tied up in any yard, enclosure, stable, house or other place within the Village which, by barking, howling, crying, singing, or causing frequent or long continued loud and raucous noise, shall disturb the conform or repose of persons in the vicinity.

(F) Engine Exhausts. The discharge into the open air within the Village of exhaust of any steam engine, gasoline engine, stationary internal combustion engine, or other engine, or other kind or type of engine, motor boat, or motor vehicle, except through a muffler or other device which will effectively prevent loud, raucous or explosive noises therefrom.

(G) Construction, Repairing, etc. of Buildings and Streets.

(i) Any activity in the construction of any building or structure (including excavating, demolition, alternation or repair) or the laying of pavement, including but not limited to the making of an excavation, clearing of surface land, and loading or unloading material, equipment or supplies, anywhere in the Village except between the hours of 7:00 A.M. and 7:00 P.M. on weekdays, other than Saturday, and except between the hours of 8:00 A.M. and 5:00 P.M. on Saturday; provided that this section shall not be construed to apply to any person doing work on the premises owned by him and not from compensation.

(ii) No person shall engage in any such work or activity on a Sunday unless a permit for such Sunday work has first been issued. Application for such permits shall be made in writing to the Village Clerk, and shall state the name of the applicant and his business address, the location of the proposed work, and the reason for seeking a permit to do such work on Sunday, as well as the estimated time of the proposed operation. No such special permit shall be issued except where the public welfare will be enhanced by such issuance, or will be harmed by failure to perform the work at the times indicated.

(iii) Nothing in this section shall be construed to prevent any work necessary to prevent injury to persons or property at any time.

(H) Hawkers, Peddlers. etc. The shouting and crying within the Village of peddlers, hawkers and vendors which disturbs the peace and quiet of the neighborhood.

(I) Pile Drivers, Hammers, etc. The operation within the Village between the hours of 9:00 P.M. and 7:00 A.M. of any pile driver, steam shovel, pneumatic hammer, derrick,

steam or electric hoist, or other appliance, the use of which is attended by loud and raucous noises.

10. All obstructions of streets, alleys, sidewalks or crosswalks and all excavations in or under the same, except as permitted by the ordinances of the Village or which, although made in accordance with such ordinances, are kept or maintained for an unreasonable length of time after the purpose thereof has been accomplished.

11. All open and unguarded pits, wells, excavations or unused basement freely accessible from any public street, alley or sidewalk.

12. Any unauthorized or unlawful use of property abutting on a public street, alley or sidewalk or of a public street, alley or sidewalk which causes large crowds of people to gather, obstructing traffic and free use of the streets or sidewalks.

13. Any advertisements or signs affixed to any building, wall, fence, sidewalk, street or other private or public property without permission of the owner thereof, and/or which is otherwise not permitted under Village ordinance.

14. Any sign marquee or awning which is in an unsafe condition or which overhangs any roadway, or which overhangs any sidewalk less than 10 feet above the sidewalk surface.

15. Any structure, material or condition which constitutes a fire hazard or will impair the extinguishing of any fire.

16. Any fence constructed wholly or in part of barbed wire.

17. Any nuisance so defined by the Illinois Compiled Statutes or by common law of the State of Illinois.

Section 3. Abatement of Nuisances.

(a) Notice to Abate. The Village President, or other duly authorized Village official or employee, may serve or cause to be served a notice, in writing, upon the owner, agent, occupant or person in possession, charge or control of any lot, building or premises or item of personalty in or upon which any nuisance exists, requiring them, or either or all of them, to abate the same within a specified reasonable time, in such manner as the notice shall direct.

(b) Abatement by Village. If the person so served and notified does not abate the nuisance within the specified reasonable time, the corporate authorities may proceed to abate the nuisance in any and all manner allowable by law, including, without limiting the generality thereof, the following:

1. Seeking to impose a monetary penalty as set forth below by instituting an ordinance enforcement action.

2. Seeking to enjoin the continuation of the nuisance by the filing of a lawsuit in a court of competent jurisdiction.

(c) Summary Abatement. Whenever, in the opinion of one of the village officers designated in subsection (a) of this section, the maintenance or continuation of a nuisance creates an imminent threat of serious injury to persons or serious damage to personal 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 community, such officer shall proceed to abate such nuisance; provided, further, that whenever the owner, occupant, agent or person in possession, in charge or control of the real or personal property which has become a nuisance is unknown or cannot readily be found, such officer may proceed to abate such nuisance without notice. Where the abatement of a nuisance requires continuing acts by the corporate authorities beyond the initial summary abatement and any other additional emergency abatements, it shall seek abatement of such nuisance on a permanent basis through judicial process as soon as reasonably practicable.

(d) Cost of Abatement. Upon the abatement of a nuisance by the Village, the property owner of the premises on which the nuisance exists shall be responsible for the cost of said abatement. The Village shall file a lien against said property in accordance with state statute with the County Recorder of Deeds.

(e) Abatement of Certain Nuisances. In the event of a nuisance under Section 2(b)(14) or Section 2(b)(17)(a) hereof, or any other nuisance defined by statute, the notice, abatement and recovery of costs procedures shall be in accordance with the provisions of such statute.

Section 4. Penalty. Any person violating any of the provisions of this Ordinance, or failing or refusing to comply with the provisions of any notice herein provided for within the time period as specified in said notice, or who shall resist or obstruct any duly authorized representative of the Village in carrying out any provision of this Ordinance, shall, upon, conviction, be subject to a fine of not less than Fifty Dollars (\$50.00) nor more than Seven Hundred Fifty Dollars (\$750.00) for each offense. Each day any violation continues shall constitute a separate offense. The fine authorized by this section shall be in addition to any cost or expense or reimbursed to the Village pursuant to any other provision of this Ordinance.

Notwithstanding the foregoing, whenever any Village official is authorized to charge a person or arrest a person without a warrant for a violation of this Ordinance, the Village official may, in lieu of filing a complaint in court, issue the alleged violator a citation, which citation shall contain statements which in substance: advise the person that he has violated a specific Ordinance; request him to make payment as set forth herein as settlement of the violation claim; and inform him that upon failure to so settle, a complaint will be filed in the Circuit Court of Lake County, 19th Judicial Circuit Court, charging him with the violation. Pursuant to said citation, a person accused of the violation may settle the violation claim by paying to the Village the amount of Fifty Dollars (\$50) within a period to be specified in the citation, which period

shall not be more than 10 days from the time the alleged violation was committed. The settlement payment shall be made in accordance with the instructions contained in the citation at the Office of the Village Clerk.

In the event that the person to whom the citation is issued fails to settle and pay the violation claim within 10 days of issuance of the citation, a second notice shall be issued. If payment of the prescribed amount plus Ten Dollars (\$10) is not made within 15 days of issuance of the second notice, a final notice shall be issued. If a final notice is issued, the settlement payment shall be Five Hundred Dollars (\$500), which settlement payment shall be due within 30 days of issuance of the final notice. If payment of the final settlement amount is not made within said 30 day period, then the Village President or his designee is authorized to cause a notice to appear to be served upon the alleged violator and the Village President or his designee is authorized to file a complaint and to prosecute the complaint in the 19th Judicial Circuit Court of Lake County.

For purposes of this Ordinance, "Village official" shall mean the Village President or his designee.

Section 5. Repealer. All ordinances and resolutions, or parts thereof, in conflict with the provisions of this Ordinance are, to the extent of such conflict, hereby repealed. In addition, Ordinance Nos. 93-07-02 and 07-10-01 are hereby expressly repealed in their entirety.

Section 6. Effective Date. This Ordinance shall be in full force and effect ten (10) days from and after its passage, approval and publication in pamphlet form as provided by law.

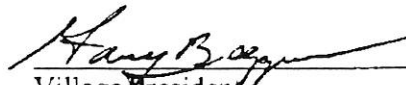
AYES: Kotulla, Kowalke, Penny, Rogers and Van Zeyl

NAYS: None

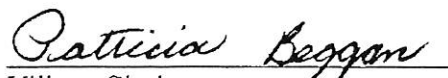
ABSENT/NOT VOTING: Hoppe

PASSED: 21st. June, 2010

APPROVED: 21st June 2010


Village President

ATTEST:


Village Clerk

PUBLISHED: June 21, 2010

STATE OF ILLINOIS)
) ss.
COUNTY OF LAKE)

I, Patricia Beggan, do hereby certify that I am the duly appointed, qualified and acting Village Clerk of the Village of Third Lake, Lake County, Illinois, and keeper of the records and seal of said Village, and that the attached and foregoing Ordinance is a true and correct copy of said Ordinance entitled:

10-06-02

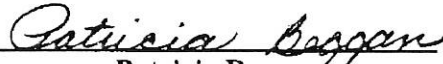
AN ORDINANCE PROHIBITING NUISANCES WITHIN THE VILLAGE OF THIRD
LAKE AND REPEALING ORDINANCE NOS. 93-07-02 AND 07-10-01

This 21st Day of June, 2010

In Witness Whereof, I have hereunto set my hand and caused to be affixed the Corporate
Seal of the Village of Third Lake, Lake County, Illinois.

Done at Third Lake, Illinois this 21st
Day of June, 2010

(SEAL)


Patricia Beggan
Village Clerk

