

**VILLAGE OF THIRD LAKE  
LAKE COUNTY, ILLINOIS  
THIRD LAKE, ILLINOIS**

**ORDINANCE NO. 21-06-02**

**AN ORDINANCE PROHIBITING NUISANCES WITHIN THE VILLAGE OF  
THIRD LAKE AND REPEALING ORDINANCE NO. 10-06-02**

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

**This 21<sup>st</sup> day of June 2021**



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**Michelle Smith, Village Clerk**

**Published in pamphlet form by the authority of the Board of Trustees of the  
Village of Third, Lake County, Illinois this 21<sup>st</sup> day of June 2021**



**ORDINANCE NO. 21-06-02**

**AN ORDINANCE PROHIBITING NUISANCES WITHIN THE VILLAGE OF THIRD LAKE AND REPEALING ORDINANCE NO. 10-06-02**

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 interest 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 ONE: NUISANCES PROHIBITED**

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

**SECTION TWO: 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. 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.
  2. All stagnant water in which mosquitoes, flies or other insects can multiply.
  3. Garbage cans which are not fly-tight.
  4. Pest or vermin infestations.
  5. 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.
  6. Composting that is not in compliance with these regulations:
    - a. All compost piles shall be enclosed in a freestanding compost bin.
    - b. Each compost bin shall be no larger in volume than 125 cubic feet and shall be no taller than five feet.
    - c. No more than three compost bins may be located on any lot used for residential purposes.
    - d. All compost bins/piles shall be maintained so as to prevent the attraction or harborage of rodents.
    - e. All compost bins/piles shall be maintained so as to prevent unpleasant odors.
    - f. All composting shall be done in accordance with any process which has been found to be an acceptable composting process by the Illinois Department of Energy and Natural Resources.
    - g. Compost piles shall only be made up of landscape waste and biodegradable food waste.
    - h. No compost pile/bin shall be located in any yard on the street side of the property.
    - i. A compost pile/bin may be located in a side yard provided, however, that it shall not be located in any side yard setback required by the zoning ordinance.
    - j. Compost bins shall not be located in a drainage easement or drainage way and no drainage way shall be blocked or impeded in a substantial way by landscape waste or compost.
    - k. Compost bins shall not be located in a utility easement or other easement.

7. The pollution of any public well or cistern, stream, lake, canal, or body of water by sewage, creamery, industrial waste or other substance.
8. An improperly maintained onsite wastewater disposal system or water well.
9. Drainage obstructions.
10. 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.
11. The throwing or depositing trash, rubbish, or other litter while a driver or passenger in a vehicle.
12. 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.
13. 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.
14. 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.
15. Graffiti and the defacement of public and private property.
16. 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.
17. 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.
18. 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.

19. Except as otherwise permitted under other Village ordinances, no inoperative or unlicensed motor vehicle shall be parked, kept, or stored on any premises, and no vehicle shall at any time be in a state of major disassembly, disrepair, or in the process of being stripped or dismantled. Painting of vehicles is prohibited unless conducted inside an approved spray booth. Exception: A vehicle of any type is permitted to undergo major overhaul, including body work, provided that such work is performed inside a structure or similarly enclosed area designed and approved for such purposes.
  20. Except as otherwise permitted under other Village ordinances, no inoperative or unregistered watercraft shall be parked, kept, or stored on any premises, and no watercraft shall at any time be in a state of major disassembly, disrepair, or in the process of being stripped or dismantled.
  21. All trees infected with (a) 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.
  22. 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, ducks and any other waterfowl that generally follow a seasonal migration pattern.
  23. The feeding of or making food available to wild animals such as racoons, skunks, squirrels, deer, or coyotes. The feeding of such animals creates an unsafe environment for local domesticated pets.
- C. 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. The storage of construction materials or an accumulation of rubbish, garbage, or refuse.
3. 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.
4. 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.
5. 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.
6. All use or display of fireworks except as provided by the laws of the State of Illinois and ordinances of the Village.
7. 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.
8. 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.
9. All wires over streets, alleys or public grounds which are strung less than 15 feet above the surface of the street or ground.
10. 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:

Excessively loud sound amplification systems and/ or motorized equipment on private property operating at any time of the day or night, and other unreasonably loud noises during nighttime.

  - a. Construction, repairing, or maintaining of lawns, 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, lawn maintenance anywhere in the Village except between the hours of 7:00 A.M. and 7:00 P.M. on weekdays, other than Saturday and Sunday, and except between the hours of 8:00 A.M. and 5:00 P.M. on Saturday and Sunday; provided that this section shall not be construed to apply to any

person doing work on the premises owned by them and not from compensation.

- (ii) Nothing in this section shall be construed to prevent any work necessary to prevent injury to persons or property at any time.
  - b. The operation within the Village between the hours of 9:00PM and 7:00AM 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.
11. 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.
  12. All open and unguarded pits, wells, excavations, or unused basement freely accessible from any public street, alley, or sidewalk.
  13. 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.
  14. 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.
  15. 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.
  16. Any tree, material or condition which constitutes a fire hazard or will impair the extinguishing of any fire.
  17. Any fence constructed wholly or in part of barbed wire.
  18. Any nuisance so defined by the Illinois Compiled Statutes or by common law of the State of Illinois.

### **SECTION THREE: 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 personally 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 of 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 FOUR: ENFORCEMENT AND 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) nor more than Seven Hundred Fifty Dollars (\$750) 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 officer or official authorized to charge a person or arrest a person without a warrant for a violation of this Ordinance, the Village officer or 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 they has violated a specific Ordinance; request them to make payment as set forth herein as settlement of the violation claim; and inform them that upon failure to so settle, a complaint will be filed in the Circuit Court of Lake County, 19th Judicial Circuit Court, charging them with the violation. For purposes of this Section, Village officers authorized to issue citations shall include, but not be limited to, the Village President (or designee).

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 ten (10) days from the time the alleged violation was committed. The settlement payment shall be made in accordance with the instruction 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 ten (10) days of issuance of the citation, a second notice shall be issued. If the payment of the prescribed amount plus One Hundred Dollars (\$100) 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 designee) is authorized to cause a notice to appear to be served upon the alleged violator and the Village President (or designee) is authorized to file a complaint and to prosecute the complaint in the 19th Judicial Circuit Court of Lake County.

For purpose of this Ordinance, "Village Official" shall mean the Village President or designee.

#### **SECTION FIVE: 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 No. 10-06-02 are hereby expressly repealed in their entirety.

**SECTION SIX: 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: Hamelster, Honegger, Mateja, Penny, Rubitel

NAYS: none

ABSENT/NOT VOTING: Van Zeyl

PASSED: June 21, 2021

APPROVED: June 21, 2021

  
Village President

ATTEST:

  
\_\_\_\_\_

Village Clerk

PUBLISHED: June 21, 2021



State of Illinois )  
 ) ss.  
County of Lake )

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

**ORDINANCE NO. 21-06-02**

**AN ORDINANCE PROHIBITING NUISANCES WITHIN THE VILLAGE OF THIRD LAKE AND REPEALING ORDINANCE NO. 10-06-02**

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

**This 21<sup>st</sup> Day of June 2021**

**In Witness, 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 the Third Lake, Illinois this 21<sup>st</sup> day of June 2021**

**SEAL**



**Michelle Smith  
Village Clerk**

