

**CHAPTER 25 - NUISANCES**

<b><u>ARTICLE</u></b>	<b><u>TITLE</u></b>	<b><u>PAGE</u></b>
<b><i>I</i></b>	<b><i>GENERALLY</i></b>	
	<i>Section 25-1-1 - Specific Nuisances Enumerated</i>	<i>25-1</i>
	<i>Section 25-1-2 - Nuisances Detrimental to Health Generally</i>	<i>25-2</i>
	<i>Section 25-1-3 - Notice to Abate</i>	<i>25-3</i>
	<i>Section 25-1-4 - Hearing</i>	<i>25-3</i>
	<i>Section 25-1-5 - Appeal</i>	<i>25-3</i>
	<i>Section 25-1-6 - Abatement by City</i>	<i>25-3</i>
	<i>Section 25-1-7 - Failure to Comply with Notice</i>	<i>25-3</i>
<b><i>II</i></b>	<b><i>WEEDS</i></b>	
	<i>Section 25-2-1 - Weeds – Declared a Nuisance</i>	<i>25-4</i>
	<i>Section 25-2-2 - Height</i>	<i>25-4</i>
	<i>Section 25-2-3 - Notice</i>	<i>25-4</i>
	<i>Section 25-2-4 - Service of Notice</i>	<i>25-4</i>
	<i>Section 25-2-5 - Abatement</i>	<i>25-4</i>
	<i>Section 25-2-6 - Lien</i>	<i>25-4</i>
	<i>Section 25-2-7 - Payment</i>	<i>25-4</i>
	<i>Section 25-2-8 - Foreclosure of Lien</i>	<i>25-5</i>
<b><i>III</i></b>	<b><i>GARBAGE AND DEBRIS</i></b>	
	<i>Section 25-3-1 - Accumulation Prohibited</i>	<i>25-6</i>
	<i>Section 25-3-2 - Notice to Person</i>	<i>25-6</i>
	<i>Section 25-3-3 - Service of Notice</i>	<i>25-6</i>
	<i>Section 25-3-4 - Abatement</i>	<i>25-6</i>
	<i>Section 25-3-5 - Lien</i>	<i>25-6</i>
	<i>Section 25-3-6 - Payment</i>	<i>25-6</i>
	<i>Section 25-3-7 - Foreclosure of Lien</i>	<i>25-6</i>
<b><i>IV</i></b>	<b><i>INOPERABLE MOTOR VEHICLE</i></b>	
	<i>Section 25-4-1 - Definitions</i>	<i>25-7</i>
	<i>Section 25-4-2 - Declaration of Nuisance</i>	<i>25-7</i>
	<i>Section 25-4-3 - Notice to Owner</i>	<i>25-7</i>
	<i>Section 25-4-4 - Exclusions</i>	<i>25-7</i>
<b><i>V</i></b>	<b><i>DANGEROUS AND UNSAFE PROPERTIES</i></b>	
	<i>Section 25-5-1 - Adoption by Reference</i>	<i>25-8</i>
<b><i>VI</i></b>	<b><i>PENALTIES AND SPECIAL ASSESSMENT</i></b>	
	<i>Section 25-6-1 - Special Assessment</i>	<i>25-8</i>

CHAPTER 25

NUISANCES

ARTICLE I – GENERALLY

**25-1-1**      **SPECIFIC NUISANCES ENUMERATED.** It is hereby declared to be a nuisance and to be against the health, peace and comfort of the City, for any person, firm or corporation within the limits of the City to permit the following; but the enumeration of the following nuisances shall not be deemed to be exclusive:

(A)            **Filth.** To cause or suffer the carcass of any animal or any offal, filth or noisome substance to be collected, deposited or to remain in any place, to the prejudice of others.

(B)            **Deposit of Offensive Materials.** To throw or deposit any offal or other offensive matter, or the carcass of any dead animal in any water course, lake, pond, spring, well or common sewer, street or public highway.

(C)            **Corruption of Water.** To corrupt or render unwholesome, or impure, the water of any spring, river, stream, pond or lake, well, public or private, to the injury or prejudice of others.

(D)            **Highway Encroachment.** To obstruct or encroach upon public highways, private ways, streets, alleys, commons, landing places, and ways to burying places.

(E)            **Manufacturing Gunpowder.** To carry on the business of manufacturing gunpowder, nitroglycerine, or other highly explosive substances, or mixing or grinding the materials therefore, in any building within **three hundred (300) feet** of any valuable building erected at the time such business may be commenced.

(F)            **Powder Magazines.** To establish powder magazines near incorporated towns, at a point different from that appointed according to law by the corporate authorities of the town, or within **eight hundred (800) feet** of any occupied dwelling house.

(G)            **Noxious Odors.** To erect, continue or use any building or other place for the exercise of any trade, employment or manufacture, which, by occasioning noxious exhalations, offensive smells or otherwise, is offensive or dangerous to the health of individuals, or of the public.

(H)            **Unlawful Advertising.** To advertise wares or occupations by painting notices of the same on, or affixing them to fences or other 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 permission of the proper authorities.

(I)            **Wells Unplugged.** To permit any well drilled for oil, gas, salt water disposal or any other purpose in connection with the production of oil and gas, to remain unplugged after such well is no longer used for the purpose for which it was drilled.

(J)            **Burn-Out Pits.** To construct or operate any salt water pit or oil field refuse pit, commonly called a "**burn-out pit**" so that salt water, brine or oil field refuse or other waste liquids may escape therefrom in any manner except by the evaporation of such salt water or brine or by the burning of such oil field waste or refuse.

(K)            **Discarded Materials.** To permit concrete bases, discarded machinery and materials to remain around any oil or gas well or to fail to fill any holes, cellars, slush pits and other excavations made in connection with any such well or to restore the surface of the lands surrounding any such well to its condition before the drilling of any such well, upon abandonment of any such oil or gas well.

(L)            **Underground Wells.** To permit any salt water, oil, gas or other wastes from any well drilled for oil, gas or exploratory purposes to escape to the surface, or into a mine or coal seam, or into any underground fresh water supply or from one underground stratum to another.

(M)            **Harassment.** To harass, intimidate or threaten any person who is about to sell or lease or has sold or leased a residence or other real property, or is about to buy or lease, or has bought or leased a residence or other real property, when the harassment, intimidation, or threat relates to a person's attempt to sell, buy or lease a residence, or other real property, or refers to a person's sale, purchase or lease of a residence or other real property.

(N) **Business.** To establish, maintain, and carry on any offensive or unwholesome business or establishment within the limits of the City or within **one and one-half (1 ½) miles** of the City limits.

(O) **Filthy Premise Conditions.** To keep or suffer to be kept any chicken coop, cow barn, stable, cellar, vault, drain, privy, sewer or sink upon any premises belonging to or occupied by any person, or any railroad car, building, yard, grounds, and premises belonging to or occupied by any person.

(P) **Expectorate.** To expectorate on any public sidewalk or street, or other public building or floor or walk of any public vehicle or hall.

(Q) **Litter on Streets.** It shall be unlawful for any person to deposit upon or allow trash, paper, cardboard, wire, dirt, rock, stone, glass, brick, lumber, wood or litter or material objects of any size or description to fall upon the streets of the City from any moving vehicle, or to be thrown from a moving vehicle, or to throw from a moving vehicle and to remain thereon.

(R) **Accumulation of Junk And Trash.** To deposit or pile up any rags, old rope, paper, iron, brass, copper, tin, aluminum, used lumber, derelict truck trailers, camping trailers, or boats, appliances, construction materials, demolition debris, ashes, garbage, refuse, plastic, brush, litter, weeds, slush, lead, glass bottles or broken glass upon any residential home lot, piece or parcel of land or upon any public or private alley, street or public way within the City.

(S) **Rodents.** To cause or permit any condition or situation to exist that shall attract, harbor, or encourage the infestation of rodents.

(T) **Bringing Nuisances into the City.** To bring into the City or keep therein for sale or otherwise, either for food or for any other purpose, any dead or live animal or any matter, substance, or thing which shall be a nuisance or which shall occasion a nuisance in the City, or which may or shall be dangerous or detrimental to health.

(U) **Offensive Liquids.** To keep nauseous, foul or putrid liquid or substance or any liquid or substance likely to become nauseous, foul, offensive, or putrid, nor permit any such liquid to be discharged, placed, thrown, or to flow from or out of any premise into or upon any adjacent premises or any public street or alley, nor permit the same to be done by any person connected with the premises.

(V) **Dense or Offensive Smoke.** To cause or permit the emission of dense smoke from any fire, chimney, engine, oil burner or any other agency in the City so as to cause annoyance or discomfort to the residents thereof.

(W) **Scrap Tires, Both Mounted and Dismounted.** To keep any scrap tires, either mounted or dismounted, in open view, or so as to allow such tires to accumulate stagnant water so as to provide a breeding ground for mosquitoes and other pests.

(X) **Motor Transport Engines.** To operate motor vehicle transport engines in the nighttime between the hours of **eight (8:00) o'clock P.M.** and **six (6:00) o'clock A.M.**, in any place in which a majority of the buildings, within a radius of **four hundred (400) feet** are used exclusively for residence purposes, excluding state and federal highways.

(Y) **Accumulation of Debris.** To store, dump or permit the accumulation of debris, refuse, garbage, trash, tires, buckets, cans, wheelbarrows, garbage cans or other containers in a manner that may harbor mosquitoes, flies, insects, rodents, nuisance birds or other animal pests that are offensive, injurious or dangerous to the health of individuals or the public.

(Z) **Generally.** To commit any act which is a nuisance according to the common law of the land or made such by statute of the State. **(740 ILCS 55/221 – 55/222)**

Nothing in this Section shall be construed to prevent the corporate authorities of this City from declaring what shall be nuisances, and abating them within the City limits.

**25-1-2** **NUISANCES DETRIMENTAL TO HEALTH GENERALLY.** No building, vehicle, structure, receptacle, yard, lot, premise, or part thereof shall be made, used, kept, maintained or operated in the City if such use, keeping or maintaining shall be dangerous or detrimental to health.

**25-1-3**        **NOTICE TO ABATE.** Whenever the Mayor or Police Chief find that a nuisance exists, the Mayor or the Police Chief shall mail (certified) or personally serve to the party responsible for the nuisance and to the party on whose property the nuisance exists a written notice ordering that the nuisance be abated within a reasonable time. The notice to abate shall contain:

- (A)            A description of what constitutes the nuisance;
- (B)            The location of the nuisance;
- (C)            A statement of what condition or state of affairs must be achieved in order for the nuisance to be deemed abated;
- (D)            The date by which abatement must be completed;
- (E)            The date by which a request for a hearing must be filed and a statement of procedure for so filing;
- (F)            A statement that the responsible party has a right to appeal the abatement order to the City Council.
- (G)            A statement indicating that if the nuisance is not abated by the date prescribed and/or if no request for hearing is made within the time prescribed, this City will abate the nuisance and assess the costs against the property and/or impose a fine.

**(Ord. No. 21-09; 07-20-21)**

**25-1-4**        **HEARING.** Any person ordered to abate a nuisance may have a hearing with the Police Chief or his designated representative ordering the abatement. A request for a hearing must be made in writing and delivered to the City Clerk within the time stated in the notice; otherwise, it will be presumed that a nuisance exists, and that such nuisance must be abated as ordered. The hearing shall not be a formal trial-type proceeding, but appropriate procedural safeguards shall be observed to ensure fairness. At the conclusion of the hearing, the Police Chief or his designated representative shall render his decision and the reasons therefor in writing. If he finds that a nuisance exists, he shall order it abated within an additional time which must be reasonable under the circumstances.

**25-1-5**        **APPEAL.** Any party aggrieved by the decision of the Police Chief may appeal to the City Council. Such appeal shall be taken by filing with the City Clerk within **five (5) days** of such decision a written statement indicating the basis for the appeal.

The appeal shall be heard by the City Council at the next regular or special meeting after such filing. Their findings shall be conclusive and if a nuisance is found to exist, it shall be ordered abated within a time reasonable under the circumstances.

**25-1-6**        **ABATEMENT BY CITY.** If the person ordered to abate a nuisance fails to do so, or if the nuisance poses an emergency, this City may perform the required action to abate. Any City official who is authorized to abate any nuisance as defined in this Article shall have authority to engage the necessary assistance and to incur the necessary expenses therefor. The official who abates a nuisance shall keep an accurate account of the expenses incurred. The itemized expense shall be filed with the City Clerk who shall pay such expenses on behalf of this City. **(65 ILCS 5/11-60-2)**

**25-1-7**        **FAILURE TO COMPLY WITH NOTICE.** If the person notified to abate a nuisance shall neglect or refuse to comply with the requirements of such notice by abating such nuisance within the time specified, such person shall be guilty of a violation of this Code. The City shall not be required to issue another notice where the condition or violation is at first abated, but later resumed and/or repeated.

**(65 ILCS 5/11-60-2 and 720 ILCS 5/47-5; 5/47-10 and 5/47-15)**

ARTICLE II - WEEDS

**25-2-1 WEEDS – DECLARED A NUISANCE.** 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 City are hereby declared to be a nuisance, and it shall be unlawful to permit any such weeds to grow or remain in any such place, except in the manner and within the parameters authorized by the City Council in furtherance of educational and/or research projects for the common good. (Ord. No. 17-01; 03-21-17)

**25-2-2 HEIGHT.** It shall be unlawful for anyone to permit any weeds, grass or plants, other than trees, herbs, fruits, vegetables, bushes, flowers, or other ornamental plants, to grow to a height exceeding **eight (8) inches** anywhere in the City, except in the manner and within the parameters authorized by the City Council in furtherance of educational and/or research projects for the common good. (Ord. No. 17-01; 03-21-17)

**25-2-3 NOTICE.** The Police Department or any other person so designated by the Mayor may issue a written notice for removal of weeds or grass. Such weeds or grass shall be cut by the owner or occupant within **five (5) days** after such notice has been duly served.

**25-2-4 SERVICE OF NOTICE.** Service of the notice provided for herein may be effected by handing the same to the owner, occupant or lessee of the premises, or to any member of his household of the age of **seventeen (17) years** or older found on the premises or by mailing such notice to the last known residence address of the owner; provided, that if the premises are unoccupied and the owner's address cannot be obtained, then the notice may be served by posting the same upon the premises.

**25-2-5 ABATEMENT.** If the person so served does not abate the nuisance within **five (5) days**, the Police Chief or a designated representative may proceed to abate such nuisance, keeping an account of the expense of the abatement, and such expense shall be charged and paid by such owner or occupant.

**25-2-6 LIEN.** Charges for such weed or grass removal shall be a lien upon the premises. A bill representing the cost and expense incurred or payable for the service shall be presented to the owner. If this bill is not paid within **thirty (30) days** of submission of the bill, a notice of lien of the cost and expenses thereof incurred by the City shall be recorded in the following manner:

- (A) A description of the real estate sufficient for identification thereof.
- (B) The amount of money representing the cost and expense incurred or payable for the service.
- (C) The date or dates when said cost and expense was incurred by the City and shall be filed within **sixty (60) days** after the cost and expense is incurred.

**25-2-7 PAYMENT.** Notice of such lien claim shall be mailed to the owner of the premises if his address is known. Upon payment of the cost and expense after notice of lien has been filed, the lien shall be released by the City or person in whose name the lien has been filed and the release shall be filed of record in the same manner as filing notice of the lien. All lien and release filing fees shall be paid by the owner of the property.

**25-2-8**      **FORECLOSURE OF LIEN.** Property subject to a lien for unpaid weed cutting charges shall be sold for non-payment of the same and the proceeds of such sale shall be applied to pay the charges after deducting costs, as is the case in the foreclosure of statutory liens. Such foreclosure shall be in the name of the City after the lien is in effect for **sixty (60) days**.

**(65 ILCS 5/11-20-6 and 5/11-20-7)**

**ARTICLE III - GARBAGE AND DEBRIS**

**25-3-1**        **ACCUMULATION PROHIBITED.** No person shall permit any garbage or trash to accumulate on their premises or private property. It is hereby declared to be a nuisance and it shall be unlawful for the owner or occupant of real estate to refuse or neglect to remove the garbage or debris.

**25-3-2**        **NOTICE TO PERSON.** The Chief of Police or a designated representative may issue a written notice for removal of garbage or debris. Such garbage or debris shall be removed by the owner or occupant within **five (5) days** after such notice has been duly served.

**25-3-3**        **SERVICE OF NOTICE.** Service of notice provided for herein may be effected by handing of the same to the owner, occupant, or lessee of the premises, or to any member of his household of the age of **fifteen (15) years** or older found on the premises or by mailing such notice to the last known residence address of the owner; provided that if the premises are unoccupied and the owner's address cannot be obtained, then the notice may be served by posting the same upon the premises.

**25-3-4**        **ABATEMENT.** If the person so served does not abate the nuisance within **five (5) days**, the Police Chief or a designated representative may proceed to abate such nuisance, keeping an account of the expense of the abatement and such expense shall be charged and paid by such owner or occupant.

**25-3-5**        **LIEN.** Charges for such removal shall be a lien upon the premises. A bill representing the cost and expense incurred or payable for the service shall be presented to the owner. If this bill is not paid within **thirty (30) days** of submission of the bill, a notice of lien of the cost and expenses thereof incurred by the City shall be recorded in the following manner:

- (A)            A description of the real estate sufficient for identification thereof.
- (B)            The amount of money representing the cost and expense incurred or payable for the service.
- (C)            The date or dates when said cost and expense was incurred by the City and shall be filed within **sixty (60) days** after the cost and expense is incurred.

**25-3-6**        **PAYMENT.** Notice of such lien claim shall be mailed to the owner of the premises if his address is known. Upon payment of the cost and expense after notice of lien has been filed, the lien shall be released by the City or person in whose name the lien has been filed and the release shall be filed of record in the same manner as filing notice of the lien.

**25-3-7**        **FORECLOSURE OF LIEN.** Property subject to a lien for unpaid charges shall be sold non-payment of the same, and the proceeds of such sale shall be applied to pay the charges after deducting costs, as is the case in the foreclosure of statutory liens. Such foreclosure shall be in the name of the City, after lien is in effect for **sixty (60) days**. Suit to foreclose this lien shall be commenced within **two (2) years** after the date of filing notice of lien.

**(65 ILCS 5/11-20-13 and 720 ILCS 5/47-10)**

**ARTICLE IV - INOPERABLE MOTOR VEHICLE**

**25-4-1**        **DEFINITIONS.** For the purpose of this Code, the following term(s) shall have the meanings ascribed to them as follows:

**"INOPERABLE MOTOR VEHICLES"** shall mean any motor vehicle 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 service or repair operations.

**25-4-2**        **DECLARATION OF NUISANCE.** All inoperable motor vehicles, whether on public or private property in view of the general public, are hereby declared to be a nuisance.

**25-4-3**        **NOTICE TO OWNER.** The Police Chief or a designated representative shall notify the owner of the motor vehicle, informing him that he shall dispose of any inoperable vehicles under his control. If the owner fails to dispose of said inoperable vehicle(s) after **seven (7) days** from the issuance of the notice, the Police Chief or a designated representative may authorize a towing service to remove and take possession of the inoperable vehicle or parts thereof.

**25-4-4**        **EXCLUSIONS.** Nothing in this Article shall apply to any motor vehicle that is kept within a building when not in use, to operable historic vehicles over **twenty-five (25) years** of age, or to a motor vehicle on the premises of a licensed business engaged in the wrecking or junking of motor vehicles.

(65 ILCS 5/11-40-3)



**ARTICLE V - DANGEROUS AND UNSAFE PROPERTIES**

**25-5-1**        **ADOPTION BY REFERENCE.** The City may demolish, repair, or enclose or cause the demolition, repair, or enclosure of dangerous and unsafe buildings or uncompleted and abandoned buildings within the City and may remove or cause the removal of garbage, debris, and other hazardous, noxious, or unhealthy substances or materials from those building. Therefor, the City does hereby adopt by reference the applicable provisions of **Chapter 65 of the Illinois Compiled Statutes, Sections 5/11-31-1 and 5/11-31-1.1** governing dangerous and unsafe buildings.

**ARTICLE VI - PENALTIES AND SPECIAL ASSESSMENT**

**25-6-1**        **SPECIAL ASSESSMENT.** In addition to any other method authorized by law, if (i) a property owner is cited with a Code violation under this Chapter, requiring the cutting of grass and weeds, the removal of garbage and debris, the removal of inoperable motor vehicles, or rodent and vermin abatement, (ii) noncompliance is found upon reinspection of the property after the due date for compliance with an order to correct the Code violation or with an order for abatement; (iii) costs for services rendered by the municipality to correct the Code violation remain unpaid at the point in time that they would become a debt due and owing the municipality, as provided in **Chapter 65 of the Illinois Compiled Statutes, Section 5/11-31-1.1 et seq.**, and (iv) a lien has been filed of record by the municipality in the office of the Recorder of Deeds in the county in which the property is located, then those costs may be collected as a special assessment on the property pursuant to **65 ILCS 5/9-2-4.5**. Upon payment of the costs by the owner of record or persons interested in the property, the lien shall be released by the municipality and the release shall be filed of record in the same manner as the filing of notice of the lien.

**CITY OF NEWTON**  
**108 N. Van Buren St.**  
**Newton, IL 62448**

PHONE: 618-783-8478  
FAX: 618-783-8047

OFFICE HOURS:  
7:00 A.M. – 12:00 A.M.  
1:00 P.M. – 4:00 P.M.  
MONDAY – FRIDAY

**NOTICE OF NUISANCE VIOLATION**

TO: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

You are hereby notified that the Police Chief or his representatives has determined that the property owned by you and/or occupied by you, or under your control as the case may be located at \_\_\_\_\_, within the corporate limits of this City contains an unlawful nuisance(s) as defined by **Chapter 25** of the Revised Code of Ordinances as follows:

\_\_\_\_\_  
\_\_\_\_\_

You are required pursuant to **Chapter 25, Article I, Section 25-1-3** to abate and remove any nuisance(s) within **five (5) days** from the date of this Notice as follows:

\_\_\_\_\_  
\_\_\_\_\_

Please be advised that within said **five (5) day** period after service of this Notice upon you, you may request a hearing before the President and City Council of the City in order for you to contest the findings and conclusions stated herein or request an extension of time within which you shall remediate the condition of your property by removing the items specified and identified herein that constitute a violation of the City Ordinances. This request shall be in writing and delivered to the Clerk or Deputy Clerk of the City within said **five (5) days** after you receive said Notice. The hearing shall be scheduled within **thirty (30) days** after the City receives your request. During the course of said hearing you may be represented by counsel, present evidence on your behalf and cross-examine any witnesses presented by the City, that the formal rules of evidence shall not apply.

If your appeal or request for extension is denied, you shall then be required to remove all items which the City contends which constitute a nuisance and violation of City Ordinances within **five (5)** after having received notification of the Council's decision.

If you fail to comply and the nuisance is not abated within the time prescribed the City shall proceed to issue the appropriate citation which may subject you to the penalties prescribed by the City Ordinances and State law as well as institute a suit seeking a judicial order permitting the City to remove all said items which constitute the nuisance from your premises and dispose of same at your expense, impose a monetary penalty and enjoin the continuation of said nuisance.

The Corporate Authorities shall keep an account of the expense incurred for said abatement charges and if this bill is not paid within **thirty (30) days** after it is presented to you, a lien for the costs and expenses incurred by the City shall be recorded and the property which is subject to the lien may be sold for non-payment of same.

\_\_\_\_\_  
CHIEF OF POLICE  
CITY OF NEWTON

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

**CITY OF NEWTON**  
**108 N Van Buren St.**  
**Newton, IL 62448**

PHONE: 618-783-8478  
FAX: 618-783-8047

OFFICE HOURS:  
7:00 A.M. – 12:00 A.M.  
1:00 P.M. – 4:00 P.M.  
MONDAY – FRIDAY

**NOTICE OF UNLAWFUL WEED, PLANT, OR GRASS GROWTH**

TO: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

You are hereby notified that the Chief of Police or his representatives has determined that the property owned by you and/or occupied by you, or under your control as the case may be located at \_\_\_\_\_, within the corporate limits of this City contains unlawful weed, plant, or grass growth as defined by **Chapter 25, Article II**, of the Revised Code of Ordinances, that being said growth that exceeds **eight (8) inches** in height. Any such weeds, plants, or grass are hereby declared to be a nuisance.

You are required to remove all said growth within **five (5) days** from the date of this Notice.

Please be advised that within said **five (5) day** period after service of notice upon you, that you may request a hearing before the President of the City in order for you to contest the findings and conclusions stated herein or request an extension of time within which you shall remediate the condition on your property by cutting and removing all said weeds, plants, or grass that are in violation of City ordinances. This request shall be in writing and delivered to the Clerk or Deputy Clerk of the City. The hearing shall be scheduled within **five (5) days** after the City receives your request and shall be conducted by the Mayor or other person appointed by him. If your appeal or request for extension is denied you are then required to cut and remove all said weeds, plants, or grass within **five (5) days** after having received notification of the Mayor or his agent's decision. Oral notification is sufficient if rendered at the time of the hearing.

If you fail to comply the City shall proceed to issue the appropriate citation which may subject, you to the penalties prescribed by the City Ordinances and State law. In addition, the municipal authorities shall proceed to abate said nuisance; that is, cut and remove the offending grass, weeds or plants.

The cost of such growth removal shall be paid by you. Charges for said action, i.e., the cutting or removal of said weeds, plants, or grass including labor shall be a lien upon said premises. A bill for the cost and expenses incurred by the City shall be presented to you and if not paid within **thirty (30) days** of its submission, a Notice of Lien of said cost and expenses incurred by the City shall be recorded against the property.

Any property subject to said lien may be sold for non-payment of the same and the proceeds of such sale shall be applied to pay the charges after deducting costs, as is the case in the foreclosure of statutory liens. You are also subject to penalties as provided by the terms and provisions of the City code. The cost and expense of restitution, including all labor and material shall also be imposed as a penalty for each violation.

\_\_\_\_\_  
CHIEF OF POLICE  
CITY OF NEWTON

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

**CITY OF NEWTON**  
**108 N Van Buren St.**  
**Newton, IL 62448**

PHONE: 618-783-8478  
FAX: 618-783-8047

OFFICE HOURS:  
7:00 A.M. – 12:00 A.M.  
1:00 P.M. – 4:00 P.M.  
MONDAY – FRIDAY

**NOTICE OF UNLAWFUL GARBAGE AND/OR DEBRIS OR TRASH**

TO: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

You are hereby notified that the Chief of Police has determined that property owned by you and/or occupied by you, or under your control as the case may be located at \_\_\_\_\_, within the corporate limits of this City contains garbage and/or debris or trash as defined by **Chapter 25, Article III** of the Revised Code of Ordinances of the City. The accumulation of said garbage, debris, or trash on said premises is hereby declared to be a nuisance and unlawful.

You are required to remove all such material within **five (5) days** from the date you receive this Notice.

Please be advised that within said **five (5) day** period after service of this Notice upon you, you may request a hearing before the President and City Council of the City in order for you to contest the findings and conclusions stated herein or request an extension of time within which you shall remediate the condition of your property by removing said garbage, debris, and trash. This request shall be in writing and delivered to the Clerk or Deputy Clerk of the City within said **five (5) days** after you receive said Notice. The hearing shall be scheduled within **thirty (30) days** after receipt of your request. During the course of said hearing you may be represented by counsel, present evidence on your behalf, and cross-examine any witnesses presented by the City, that the formal rules of evidence shall not apply. If your appeal is denied, you are then required to remove all said garbage, debris, or trash within **five (5) days** after having received notification of the Council's decision. If you fail to comply the City shall proceed to issue the appropriate citation, which may subject you to the penalties prescribed by the City ordinances and State law as well as institute a suit seeking a judicial order permitting the City to remove all materials and items in violation of law from your premises and dispose of same at your expense.

The corporate authorities shall keep an account of the expense incurred for said abatement, charges and if this bill is not paid within **thirty (30) days** after it is presented to you, a lien for the costs and expenses thereof incurred by the City shall be recorded and the property which is subject to the lien may be sold for non-payment of same.

\_\_\_\_\_  
CHIEF OF POLICE  
CITY OF NEWTON

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

**CITY OF NEWTON**  
**108 N Van Buren St.**  
**Newton, IL 62448**

PHONE: 618-783-8478  
FAX: 618-783-8047

OFFICE HOURS:  
7:00 A.M. – 12:00 A.M.  
1:00 P.M. – 4:00 P.M.  
MONDAY – FRIDAY

**NOTICE OF INOPERABLE VEHICLE**

TO: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

You are hereby notified that the Police Department has determined that an "inoperable vehicle(s)" owned by you and/or stored by you, or under your control as the case may be is located at \_\_\_\_\_, within the corporate limits of this City. That this constitutes an unlawful nuisance(s) as defined by **Chapter 25, Article IV, Section 25-4-1** of the Revised Code of Ordinances.

You are required to abate and remove any and all inoperable vehicles within **seven (7) days** from the date of this Notice.

Please be advised that within said **seven (7) day** period after service of this Notice upon you, you may request a hearing before the President and City Council of the City in order for you to contest the findings and conclusions stated herein or request an extension of time within which you shall remediate the condition of your property by removing said inoperable vehicle(s) that constitute a violation of the City Ordinances. This request shall be in writing and delivered to the Clerk or Deputy Clerk of the City within said **seven (7) days** after you receive said Notice. The hearing shall be scheduled within **thirty (30) days** after the City receives your request. During the course of said hearing you may be represented by counsel, present evidence on your behalf and cross-examine any witnesses presented by the City, that the formal rules of evidence shall not apply.

If your contest or request for extension is denied, you shall then be required to remove all the inoperable vehicles which the City contends constitute a nuisance and a violation of City Ordinances within **seven (7) days** after having received notification of the Council's decision.

If you fail to comply and the nuisance is not abated within the time prescribed, the City shall proceed to issue the appropriate citation which may subject you to the penalties prescribed by the City Ordinances and State law as well as institute a suit seeking a judicial order permitting the City to removal all said items which constitute the nuisance from your premises and dispose of same at your expense, impose a monetary penalty and enjoin the continuation of said nuisance.

The Corporate Authorities shall keep an account of the expense incurred for said abatement charges and if this bill is not paid within **thirty (30) days** after it is presented to you, a lien for the costs and expenses incurred by the City shall be recorded and the property which is subject to the lien may be sold for non-payment of same.

\_\_\_\_\_  
CHIEF OF POLICE  
CITY OF NEWTON

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

**CITY OF NEWTON**

**108 N Van Buren St.**

**Newton, IL 62448**

PHONE: 618-783-8478

FAX: 618-783-8047

OFFICE HOURS:

7:00 A.M. – 12:00 A.M.

1:00 P.M. – 4:00 P.M.

MONDAY – FRIDAY

**NOTICE OF DERELICT**

TO: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

You are hereby notified that the Chief of Police or other person designated by him to act on his behalf, has received a complaint, or a member of the Police Department has personally observed or has reasonable and probable cause to believe and conclude that a derelict \_\_\_\_\_ owned, stored, housed, or possessed by you or under your control as the case may be, is presently located \_\_\_\_\_, within the corporate limits of the City, that same is in view of the general public and is an unlawful nuisance(s) as defined by **Chapter 25, Nuisances, Article IV, et seq.** of the City Revised Code of Ordinances. This/these \_\_\_\_\_ is/are hereby declared to be a nuisance.

Pursuant to said ordinance you are ordered and required to abate said nuisance by removing and disposing of the object(s) described herein within **seven (7) days** after you receive a copy of this Notice.

Please be advised that within said **seven (7) day** period after service of this Notice upon you, you may request a hearing before the City in order for you to contest the findings and conclusions stated herein or request an extension of time within which you shall remediate the condition of your property by removing the items specified and identified herein that constitute a violation of the City Ordinances. This request shall be in writing and delivered to the Clerk or Deputy Clerk of the City within **seven (7) days** after you receive said Notice. The hearing shall be scheduled within **thirty (30) days** after the City received your request before a person appointed by the Mayor. During the course of said hearing you may be represented by counsel, present evidence on your behalf and cross-examine any witnesses presented by the City, that the formal rules of evidence shall not apply.

If your appeal or request for extension is denied, you shall then be required to remove all items which the City contends which constitute a nuisance and violation of City Ordinances within **seven (7) days** after having received notification of the decision.

If you fail to comply and the nuisance is not abated within the time prescribed the City shall proceed to issue the appropriate citation which may subject you to the penalties prescribed by the City Ordinances and State law as well as institute a suit seeking a judicial order permitting the City to remove all said items which constitute the nuisance from your premises and dispose of same at your expense, impose a monetary penalty and enjoin the continuation of said nuisance.

The Corporate Authorities shall keep an account of the expense incurred for said abatement charges and if this bill is not paid within **thirty (30) days** after it is presented to you, a lien for the costs and expenses incurred by the City shall be recorded and the property which is subject to the lien may be sold for non-payment of same.

\_\_\_\_\_  
CHIEF OF POLICE  
CITY OF NEWTON

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

**CITY OF NEWTON**  
**108 N Van Buren St.**  
**Newton, IL 62448**

PHONE: 618-783-8478  
FAX: 618-783-8047

OFFICE HOURS:  
7:00 A.M. – 12:00 A.M.  
1:00 P.M. – 4:00 P.M.  
MONDAY – FRIDAY

**NOTICE OF DANGEROUS AND/OR UNSAFE BUILDING/STRUCTURE**

TO: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

You, as owner(s) of the property lawfully described below, are hereby notified by the undersigned **City of Newton, Jasper County, Illinois**, that said property has upon it a building/ structure which is:

- (A) Dangerous and/or unsafe in that said building or structure has become so dilapidated, decayed, unsafe, unsanitary or which so utterly fails to provide the amenities essential to decent living, that it is unfit for human habitation or is likely to cause sickness or disease, so as to cause injury to the health, morals, safety, or general welfare of those living therein now or hereafter; or
- (B) Dangerous and/or unsafe in that said building or structure has light, air or sanitation facilities which are inadequate to protect the health, morals, safety, and general welfare of human beings who live or may live therein; or
- (C) Dangerous and/or unsafe in that the condition of the building or structure is unsafe, unsanitary, or dangerous to the health, morals, safety, and general welfare of the people of this City; or
- (D) Dangerous and/or unsafe in that the building or structure is uncompleted and/or abandoned; or
- (E) Dangerous and/or unsafe pursuant to any of the terms and provisions of the City Code of Ordinances, **Chapter 25, Nuisances, Article V, Building as Nuisance.**

This building has been found to be a dangerous and unsafe building by the City officials. This Notice shall remain on this building until it is repaired, vacated, or demolished in accordance with the Notice which has been given the owner, occupant, lessee, mortgagee, or agent of this building, or person or persons in whose name or names such building was last assessed, and all other persons having an interest in said building as shown by the land records of the County Recorder of Deeds. It is unlawful to remove this Notice until such notice is complied with.

That said building/structure is hereby declared to be a public nuisance and shall be repaired, vacated, or demolished as provided in the City Code of Ordinances, **Chapter 25, Nuisances, Article V, Building as Nuisance.**

The property is hereby legally described as follows: \_\_\_\_\_

Unless such building/structure is repaired, put into safe condition or demolished and all debris removed within **ninety (90) days** of the receipt of this Notice, the City shall apply to the Circuit Court for an order authorizing such action to be taken by the City with respect to the above-described building/structure. Any costs incurred by the City to restore the buildings to a safe condition or to demolish the building and remove debris shall be recovered from the owners of the above-described property pursuant to Chapter 65, Paragraph 5/11-31-1, Illinois Compiled Statutes.

That the said costs incurred by the City shall be a lien on the property which lien shall be subordinate to all prior existing liens and encumbrances. The City shall file Notices of Lien in the office of the County Recorder of Deeds. Said lien may be enforced by proceeding to foreclosure as in the case of mortgages or mechanics of lien. A suit to foreclosure this lien shall be commenced within **three (3) years** after the date of filing Notice of Lien.

\_\_\_\_\_  
Dated this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.