

**VILLAGE OF INDUSTRY  
ORDINANCE NO. 9-7-1**

**AN ORDINANCE ESTABLISHING NUISANCES, OFFENSES, AND PROCEDURES  
THEREFOR**

**ADOPTED BY THE BOARD OF TRUSTEES  
OF THE VILLAGE OF INDUSTRY**

**Published in pamphlet form by authority of the Board of Trustees of the Village of  
Industry, McDonough County, Illinois, this 7th day of September 2023.**

**VILLAGE OF INDUSTRY  
ORDINANCE NO. 9-7-1**

**AN ORDINANCE ESTABLISHING NUISANCES, OFFENSES, AND PROCEDURES  
THEREFOR**

**WHEREAS**, the Village of Industry is a municipal corporation duly organized and operating pursuant to the laws of the State of Illinois; and

**WHEREAS**, the Illinois Municipal Code allows municipalities to define nuisances, create offenses, and set penalties therefor, 65 ILCS 5/1-2-1; and

**WHEREAS**, the Village Board for the Village of Industry desires to enact an ordinance defining nuisances, creating offenses, and providing penalties therefor, and that doing so will protect the public health, safety, and welfare, and improve the community of the Village of Industry.

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF  
THE VILLAGE OF INDUSTRY, McDONOUGH COUNTY, ILLINOIS, AS FOLLOWS:**

**Section 1. Incorporation of Preamble.** The foregoing recitals are true and correct and are incorporated herein as the of the President and Village Board.

**Section 2. Amendments.** The Municipal Code of the Village of Industry shall be amended by rescinding Chapters 7 and 12 and replacing Chapter 4 with the revised Chapter 4 as set forth in Exhibit A, attached hereto and incorporated into this Ordinance.

**Section 3. Severability Clause.** If any section, part, or provision of this Ordinance is declared unconstitutional or invalid by a court of competent jurisdiction, then it is expressly provided and it is the intention of the Village Board in passing this Ordinance that its parts shall be severable and all other parts of this Ordinance shall not be affected thereby and they shall remain in full force and effect.

**Section 4. Effective Date.** This Ordinance shall be effective upon its passage, approval, and publication, as provided by law.

**Section 4. Publication.** This Ordinance shall be published in pamphlet form as provided by Illinois law.

**Section 5. Repeal.** This Ordinance shall replace and supersede any previous Ordinances conflicting with the subject matter herein.

Passed by the President and Village Board of the Village of Industry, Illinois, this 7th day of September 2023.

**ROLL CALL VOTE**

Trustee Wheeler: aye  
Trustee Black: aye  
Trustee Worley: absent  
Trustee Stuckwisch: aye  
Trustee Jones: aye  
Trustee Thompson: aye

Approved this this 7th day of September 2023.

  
VILLAGE CLERK, INDUSTRY, ILLINOIS

Approved by the President of the Village of Industry, Illinois, on this 7th day of September 2023.

  
VILLAGE PRESIDENT, INDUSTRY, ILLINOIS

ATTEST:

  
VILLAGE CLERK, INDUSTRY, ILLINOIS

STATE OF ILLINOIS )  
 ) s.s.  
COUNTY OF McDONOUGH )  
 )  
CERTIFICATE OF PUBLICATION )

I Shelley Larson, certify that I am the acting Municipal Clerk of the Village of Industry, McDonough County, Illinois.

I further certify that on September 7, 2023, the Corporate Authorities of such municipality passed and approved Ordinance No. 9-7-1\_\_\_\_, entitled AN ORDINANCE ESTABLISHING NUISANCES, OFFENSES, AND PROCEDURES THEREFOR, which provided by its terms that it should be published in pamphlet form.

The pamphlet form of Ordinance No. 9-7-1\_\_\_, including the Ordinance and a coversheet therefor, was prepared, and a copy of such Ordinance was posted in the municipal building, commencing on Oct 23, 2023 and continuing for at least 10 days thereafter. Copies of such Ordinance were also available for public inspection upon request in the office of the Municipal Clerk.

DATED at Industry, Illinois, this 7th day of September 2023.

Shelley Larson  
VLLAGE CLERK, INDUSTRY, ILLINOIS

(SEAL)





# **Exhibit A**

## CHAPTER 4: NUISANCES, OFFENSES, AND PROCEDURES

### Article 1: Nuisances Generally

**Section 1-1: Purpose.** The purpose of this Article is to provide a prompt and efficient means of abating or having abated nuisances within the Village. It is not intended that this Article shall affect or regulate practice before the courts of the state.

**Section 1-2: Immunity.** Neither the Village nor any person abating or removing a nuisance pursuant to this article or engaged in any matters related to the operations of this article shall be held to answer or be liable for any damage for such action brought by the owner, agent, occupant, or person in possession, charge or control of the property involved, or others. This immunity shall be in addition to any immunity otherwise existing by law.

**Section 1-3: Other Remedies.** This chapter shall not limit any other rights or remedies of the Village provided in this Code or any other ordinance, statute, law, rule, or regulation regarding the subject matter of this article. These remedies are deemed cumulative.

**Section 1-4: Prohibition.** The acts, conduct, circumstances, and conditions set forth in this Article 1 are declared to be nuisances and, when committed, performed, or permitted to exist by any person within the corporate limits of the Village, whether on public or private property, are declared to be unlawful and prohibited.

**Section 1-5: Nuisance Defined.** The following acts, conduct, circumstances, and conditions are declared to be nuisances in addition to other acts, conduct, circumstances, and conditions defined as a nuisance within this municipal code or by other Ordinance:

(a) *Common law nuisances.* To commit, perform or permit any act or offense which is a nuisance according to the common law of the State of Illinois.

(b) *Defined nuisance.* To commit, perform, or permit any act of offense declared or defined to be a nuisance by this Article, by this Code by any of the ordinances of the Village or laws of the state, including, but not limited to: any act or any item which attracts vermin and insects creating a potential health hazard, is unsightly and can cause offensive odors, creates a potential fire hazard, detracts from the overall beauty and desirability of the Village, reduces adjacent property values and prevents neighbors from full enjoyment of their property and keeps potentially recyclable and usable materials from being put back into productive use.

(c) *Litter.* To dump, deposit, drop, throw, discard, leave, cause or permit the dumping, depositing, dropping, throwing, discarding, or leaving of litter upon any public or private property in the Village or upon or into any lake, pond, creek or other stream or body of water in the Village (even if owned by the person) unless:

(1) The property has been designated by the State or any of its agencies, political subdivisions, units of local government or school districts for the disposal of litter, and the litter is disposed of on that property in accordance with all applicable laws, rules and regulations.



(2) The litter is placed into a receptacle or other container designed for and intended by the owner or tenant in lawful possession of that property for the lawful deposit of litter.

(3) The person is acting under the direction of a proper public official during special cleanup days.

(4) The person is lawfully acting in or reacting to an emergency situation where health and safety are threatened and removes and properly disposes of such litter when the emergency no longer exists.

For the purposes of this subsection, unless the context otherwise requires, the term "litter" means any discarded, used, or unconsumed substance or waste. The term "litter" may include, but is not limited to, any garbage, trash, refuse, debris, rubbish, grass clippings, or other lawn or garden waste, newspapers, magazines, glass, metal, plastic or paper containers or other packaging construction material, abandoned vehicle or derelict vehicle as otherwise defined by this Code, motor vehicle parts, furniture, appliances, brush, oil, carcass of a dead animal, any nauseous or offensive matter of any kind, any object likely to injure any person or create a traffic hazard, any offal or noisome substance, or anything else of any unsightly nature.

(d) *Litter accumulation.* To allow litter to accumulate upon real property, of which the person charged is the owner, agent, occupant or person in possession, charge or control, in such a manner as to constitute a public nuisance or in such a manner that the litter may be blown or otherwise carried by the natural elements onto the real property of another person. For the purposes of this subsection, litter shall have the meaning as defined in subsection (c) of this section. While any of those named may be charged under this provision, if the property is a single-family dwelling or otherwise occupied by or in the possession, charge, or control of one person, or group, such person or each of the members of the group shall be considered responsible for the accumulation unless the facts indicate to the contrary.

(e) *Noxious exhalations.* 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 to the public.

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

(g) *Trees and plants.* To allow any tree, shrub, vine, cutting, scion, grass, plant, plant part, plant product or any part thereof within the Village to remain if the same is dead, dangerous, or liable to fall upon neighboring buildings or other improvements other than those belonging to the owner of the tree or other plant; the same is 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 or damage of man or animal; or the same is one of any species or variety of tree, shrub, vine or other plant not essential to the welfare of the people of the Village which may serve as a favorable host plant and/or promote the prevalence and abundance of insect pests



or plant diseases, or any stage thereof, injurious to other plants essential to the welfare of the people of the Village or to the injury or damage of man or animal.

(h) *Undefined nuisances.* To commit, perform or permit any act, conduct, circumstances or condition which constitutes an unreasonable, unwarrantable or unlawful use by a person of property, real or personal, or from such person's own improper, indecent, or unlawful personal conduct which works an obstruction or injury to a right of another or of the public and produces such material annoyance, inconvenience, discomfort, hurt, or injury that the law will presume an actionable nuisance.

(i) *Unfit, unsafe, or dangerous structures.* To own, maintain, keep, let, use, or occupy any building, structure, shed, tent, lot, premises, improvement, fence, or any other manmade structure which is unfit, unsafe, or dangerous. For purposes of this subsection, a structure shall be considered unfit, unsafe, or dangerous if any one or more of the following conditions exist with respect to the structure or any portion thereof:

(1) The structure or any portion thereof is designed or intended for human habitation and is unfit for such purpose.

(2) The structure or any portion thereof is in violation of this Code or otherwise fails to comply with requirements imposed by local, state, or federal laws, ordinances, rules and regulations.

(3) The structure or any portion thereof is unfit, unsafe, or dangerous because of lack of repair or maintenance or it is otherwise in a condition such that it is detrimental to life, health, or safety.

(4) The structure or any portion thereof is dangerous to life, health, or safety because of the existence of contagious diseases or unsanitary conditions likely to cause sickness, disease or illness, or harm to its occupants, if any or other persons or neighboring structures.

(5) The structure or any portion thereof is kept in such a condition that it or its contents occasion noxious exhalations or offensive smells.

(6) The structure or any portion thereof is unfit, unsafe, dangerous, and constitutes a blight on the community because of an infestation of pests, rodents, reptiles, insects, or other animals.

(7) The structure or any portion thereof, because of faulty construction, age, deterioration, lack of proper repair, previous fire, or any other cause or condition, is especially liable to fire and constitutes or creates a fire hazard.

(8) The structure or any portion thereof, because of faulty construction, age, deterioration, lack of proper repair, previous fire or other cause, is liable to collapse.



(9) The structure or any portion thereof, because of lack of windows or doors, or because of the presence of openings, is available to or opened to malefactors, disorderly persons, minors, or any other persons who are not the lawful or proper occupants of the structure.

(10) The structure or any portion thereof is under construction or has been under construction and remains uncompleted for an unreasonable period of time or the construction thereof is not diligently and promptly pursued to completion.

(11) The structure or any portion thereof contains violations of any Village ordinance, law, rule, regulation, code or other provision which establishes construction, building, fire prevention, sanitation or other health and safety standards with respect thereto.

(12) The structure or any portion thereof has been damaged or destroyed by fire and is not promptly demolished, removed, reconstructed, rebuilt, or repaired or any hole resulting after demolition or removal of a structure not promptly filled with earth, stone, concrete, or solid fill to ground level.

(13) The structure or any portion thereof is otherwise a dangerous and unsafe structure or an uncompleted and abandoned structure.

It shall not be a defense to any of the foregoing provisions of this subsection (i) that the structure is boarded up or otherwise enclosed, nor that any court order a structure to be boarded up or otherwise enclosed. It shall also not be a defense to any action that a structure is not occupied or that utility services are terminated or suspended.

(j) *Water pollution.* To corrupt or render unwholesome or impure the water of any spring, stream, pond, or lake to the injury or prejudice of others; or to own, maintain, construct, use or control any unsafe or dangerous plumbing system, in violation of the standards and provisions of this Code or other state or federal law, ordinance, regulation, or other rule.

(k) *Grass and weed height.* To permit any weeds, grass, or plants other than lawful trees, shrubs, vines, flowers, or other similar plants commonly and generally considered ornamental plants, to grow to a height exceeding eight (8) inches anywhere in the Village.

(l) *Noxious and invasive weeds and plants.* To allow any noxious or invasive weeds or other plants such as jimson, burdock, ragweed, thistle, cocklebur or other plants of a like kind found growing in any lot or tract of land in the Village or weeds which expel unpleasant or noxious odor or which may conceal filthy deposits or which are a breeding place for mosquitoes, flies, or other insects or which because of uncleanness and sanitation are a menace to public health.

(m) *Sidewalks and driveways.* To own, maintain, keep, let, use, or occupy any sidewalk, walkway, staircase, driveway, or parking space in a state of disrepair or in an otherwise hazardous condition.



(n) *Inoperable, abandoned, or junked motor vehicles.* To own, maintain, keep, possess, or park any inoperable, abandoned, or junked motor vehicle on public or private property within Village limits.

(1) Vehicle means a machine propelled by power other than human power designed to travel along the ground by use of wheels, treads, runners or slides and transport persons or property or pull machinery, and shall include but not be limited to automobiles, trucks, trailers, motorcycles, tractors, buggies, wagons, and recreational vehicles.

(2) An inoperable motor vehicle is 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, or any vehicle not displaying proper evidence of current registration as required by the Illinois Vehicle Code, 625 ILCS 5/3-701 *et seq.*, for vehicles to be lawfully driven upon highways of the State of Illinois.

(3) An inoperable motor vehicle shall not include the following:

(a) 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; or

(b) Any motor vehicle that is kept within a building when not in use; or

(c) Historical vehicles more than twenty-five (25) years of age; or

(d) A motor vehicle on the premises of a place of business licensed by both the State of Illinois pursuant to 625 ILCS 5/5 *et seq.* and the Village pursuant to this Code and engaged in the lawful wrecking or junking of motor vehicles.

(4) A motor vehicle will be presumed abandoned if it has been continuously parked on any highway, street, road, or alley right-of-way within the limits of the Village for a period in excess of seven (7) consecutive days without having been moved during that time.

(o) *Garbage and refuse.* To deposit anywhere in the Village any uncovered pile of garbage, soil, ashes, refuse, or other waste or to place, deposit, or permit to be deposited any garbage, soil, ashes, refuse, or other waste upon private property without the consent of the property owner or upon any public property.

(1) Garbage means waste resulting from the handling, preparation, cooking and consumption of food; wastes from the handling, storage and sale of produce.

(2) Refuse means combustible trash, including, but not limited to, paper, cartons, boxes, barrels, wood, excelsior, tree branches, yard trimmings, wood furniture, bedding; non-combustible trash, including but not limited to, metals, tin cans, metal furniture, bicycles, tricycles, metal wagons, wheels, tires, automobile parts, dirt, small quantities of rock and pieces of concrete, glass, crockery, other mineral waste; street



rubbish, including but not limited to, street sweepings, dirt, leaves, catch-basin dirt, or contents of litter receptacles. Refuse does not mean earth and lumber from building operations, nor shall it include solid wastes resulting from industrial processes.

(p) *Junk yard.* To maintain or operate a junk yard, junk shop or place of business for dealing in junk, including junked motor vehicles, without first having obtained a license therefore from the Village.

(q) *Noxious smells and materials.* To accumulate, collect, or deposit any waste, filth, or nauseous substance in such a manner as to emit noxious, disagreeable, or offensive odors to the annoyance or prejudice of any person, or to throw or deposit any offal or any other offensive matter in any watercourse, lake, pond, spring, well or common sewer.

(r) *Dead animals.* To place, deposit, or cause to be placed or deposited in any place in the Village the carcass of any animal or to suffer the same to remain within the Village.

## **Article 2 – Abatement of Nuisances**

**Section 2-1: Generally.** The owner, agent, occupant or person in possession, charge or control of any land, structure, premises, item or object, real property, or personalty in or upon which any nuisance exists shall be served a notice to abate the same within a specified reasonable time in such manner as the notice shall direct or in any other reasonable manner. The time allowed by such notice shall, in any event, be considered reasonable if seven days' notice is given.

**Section 2-2: Person giving notice.** A notice to abate a nuisance may be given by the chief of the police department, his or her designee, the Village President, the Village Clerk, the Village Attorney, any member of the Village Board, or any person designated by the Village President as having authority to give such notice, or any other person or officer of the Village possessing police powers.

**Section 2-3: Service of notice.** The notice to the owner, agent, occupant, or person in possession, charge, or control of the land, structure, premises, item, or object in or upon which a nuisance exists shall be served upon the same either personally or by registered or certified mail, return receipt requested. If registered or certified mail is used, the notice period shall be deemed to have commenced to run from the date such notice is mailed. A notice shall be deemed sufficient even if the person to whom it is directed refused delivery of the same or it is returned not deliverable. The notice shall be presumed delivered if not returned to the Village as not deliverable. However, a copy of such notice shall then be sent by ordinary mail unless notice was additionally given by ordinary mail previously, but this shall not extend the period of the notice given. If the owner, agent, occupant, or person in possession, charge, or control of the land, structure, premises, item, or object is unknown or on reasonable search is not ascertainable, it shall be sufficient to give such notice to the owner of the premises as disclosed in the current tax records of the county. If notice is served on any person other than the owner as shown in the tax records of the county, a copy thereof shall be delivered personally to the owner or sent by ordinary mail to the owner at the same time as notice is given to the other person. If any nuisance relates to an unfit, unsafe, or dangerous structure, a copy of the notice shall also be sent to any



lienholders of record, provided the lack of such notice shall not affect any proceedings under this division. Whenever the owner, occupant, agent, or person in possession, charge, or control of the real or personal property cannot be ascertained, even from the tax records of the county, the notice may be posted on the premises.

**Section 2-4: Contents of notice.** Every notice served under this section shall, in addition to requiring the abatement of the nuisance, state the proposed method of abatement and warn the person to whom the notice is directed that a failure to accomplish such abatement within the time stated in the notice may result in the abatement of the nuisance by the Village and that the cost or expenses related to such removal by the Village shall be charged to the person. The proposed method of abatement shall not limit the method of abatement to be used.

**Section 2-5: Posting property.** Any real or personal property relative to which a notice has or is about to be given may be posted advising that the property has been declared a nuisance, has been condemned, has been declared dangerous and unsafe or has been declared unsafe for human occupancy or use. The form of notice shall be determined by the person giving the notice. No person shall remove any such sign or poster without the permission of the person posting the notice, or if unknown, the Village President. It shall be a violation of this division for any person to use or occupy any real or personal property which has been posted as unsafe for human occupancy or use in accordance with this division. Any person lawfully entitled to the use, possession or occupancy of such property may seek review of the posting with the President as provided in Section 2-6 of this section.

**Section 2-6: Review.** When a person receives a notice to abate a nuisance under this section, he or she shall have the right to have such notice reviewed in accordance with this subsection.

(a) *President.* Any person who has received a notice to abate a nuisance may, within the time prescribed in such notice, file a written request with the President that the President review the notice, stating the reason or reasons why the act, conduct, circumstance, or condition referred to in such notice does not constitute a nuisance. The written notice must have been received by the President or the Village Clerk prior to the period set forth in the notice or the first date the Village Clerk's office is open for business after such date if closed on such date. Mailing such notice on such date shall be insufficient. The President, or another person designated by the President, shall promptly give the person an opportunity to be heard personally and to present whatever information as he considers pertinent. After reviewing the determination, the President or his designee may revoke such notice, modify such notice, or allow such notice to stand, prescribing a subsequent date within which such nuisance should be abated, not less than seven days following the decision of the President or designee.

(b) *Judicial determination.* If the person receiving a notice under this section does not agree with the decision of the President or designee, such person may, within the subsequent period designated by the President or designee, notify the President and the person who gave such original notice to abate the nuisance that he does not agree with the decision made. In that event, such person shall be charged with the violation of this division, if not already charged. The existence or nonexistence of a nuisance shall then be determined in conjunction with the



disposition of the charge. Review by the President or designee may be waived in writing. In that event, a judicial determination shall be pursued as if such review had been pursued.

(c) *Stay.* Pending any review under the previous provisions and the disposition of a charge, if the review proceedings have been pursued, a nuisance shall not be abated by the Village except when summary abatement is authorized or becomes authorized as the nuisance becomes more substantive or aggravated or otherwise warrants summary abatement. The review provisions contained in this division shall in no way limit the right of the Village or an officer of the Village to abate a nuisance summarily under the provisions of this division or as otherwise may be allowed by law, or by abatement after notice if the review proceedings are not pursued. It is intended that under such circumstances action may be taken to abate a nuisance immediately or without disposition of a charge, if filed.

### **Section 2-7: Abatement by Village.**

(a) *Review not sought.* If a nuisance is not timely abated after notice is given in accordance with this division and review of the notice is not sought, the Village may immediately proceed to abate or remove the nuisance after the time limit stated in the notice has expired irrespective of whether a charge is filed alleging violation of this division. It is intended that nonsummary abatement will be delayed only if review of a notice is timely sought.

(b) *Review sought.* If review of the notice is sought and a nuisance is not abated prior to completion of the review process and the disposition of the charge, the Village may immediately proceed to abate a nuisance if the person is found guilty, pleads guilty, or is placed on supervision after a plea of guilty whether or not ultimately accepted by the court. The court may on motion enter any appropriate orders regarding abatement of the nuisance, including, but not necessarily limited to, an order directing that the person be provided an additional reasonable time to abate the nuisance, an order modifying the method of abatement proposed by the Village, an order specifically authorizing the Village to proceed with the abatement of the nuisance, an order directing the person to abate such nuisance or an order restraining the person from continuing the nuisance in the future.

(c) *Methods of abatement.* If abatement is authorized under this division, the Village may abate or remove the nuisance in any and all of the following manners, except as may be otherwise ordered by a court of competent jurisdiction:

(1) Proceeding to abate or remove such nuisance using Village employees or other persons in any reasonable manner. In the case of a structure, abatement may, as appropriate, be by demolition or repair of a structure or causing the demolition or repair of a structure. In the case of a motor vehicle, the vehicle may be towed and stored.

(2) Any other manner allowed by law or in equity or reasonable under the circumstances.

(3) Any manner authorized by a court of competent jurisdiction.



The proposed method of abatement shall not limit the method of abatement which may be used, unless otherwise ordered by the court, or diminish the discretion of the court to order that the person charged abate a nuisance or enter any other appropriate order.

**Section 2-8: Summary Abatement.** Whenever, in the opinion of the individual entitled to give notice pursuant to this Article, the maintenance or continuation of a nuisance creates an imminent threat of serious or unreasonable injury to persons or serious or unreasonable damage to personal or real property, such officer may immediately proceed to abate such nuisance in any reasonable manner if circumstances do not allow implementation or full implementation of nonsummary abatement procedures. Whenever the owner, occupant, agent or person in possession, charge, or control of the real or personal property which has become a nuisance is unknown or cannot readily be found or circumstances do not allow, the officer may proceed to abate such nuisance without notice. Any reasonable order may be entered by the individual to abate a nuisance summarily when circumstances require and may include, but shall not be limited to, prohibiting occupancy of a structure. A copy of such order or other notice thereof may be posted on the real or personal property involved. It shall be unlawful for any person to disobey, remove, or deface any such order or notice. Where the abatement of the nuisance requires continuing acts by the corporate authorities beyond the initial summary abatement or any other additional summary abatements, it may seek abatement of such nuisance on a permanent basis through the nonsummary procedures as soon as reasonably possible.

### **Article 3 – Offenses**

**Section 3-1: Posting advertisements.** No person shall paint, post, put-up, stick, place, or otherwise affix any bill, advertisement, handbill, placard, show bill, circular, political signage, or other notice or matter, upon any building, tree, box, fence, lamppost, telephone pole, or awning in the Village, nor anywhere in the public park or public ground or on its enclosure; nor mark, cut, scratch, or otherwise deface any building, fence, pole, or post without the consent of the owner or occupant of the premises, or authority of the Village, as the case may be.

This section shall not apply to any officer of the Village posting legal notices, or to any member of the board of health who may under any ordinance of the Village post notice of quarantine or of contagious or infectious disease.

**Section 3-2: Discharging or possessing fireworks or projectile devices.** No person shall, within the Village limits:

- (a) Discharge any gun, air gun, or other device from which a missile is projected;
- (b) Discharge or have in his possession for the purpose of discharging:
  - (1) Any cannon, anvil, blank cartridge, firecracker exceeding 3½ inches in length and five-eighths inch in diameter;
  - (2) Any torpedo exceeding one inch in diameter;



(3) Any substance consisting of chlorate, potash and sulfur, or any device for discharging or exploding such substance by concussion or friction;

(4) Firecrackers of any size or fireworks that contain any explosive more powerful than black gunpowder; or

(5) No fireworks, firecrackers, torpedoes, bombs, squibs, rockets, spin wheels, fire balloons, Roman candles, or other things containing any substance of any explosive nature designed as fireworks shall be discharged within the Village except on the Fourth of July, or such other date as the mayor may fix by proclamation; provided, however, that pyrotechnic displays of fireworks may be given at any time under the supervision of a licensee for such purpose and the proper officials of the Village;

(c) No person shall sell, offer or expose for sale, loan, or give away anywhere within the Village any of the articles or things, the use of which is prohibited by this section.

**Section 3-3: Removing landmarks.** No person shall willfully remove or destroy any stone, stake, or post, set or placed to mark the location of any lot, parcel, street or alley, or to show the grade of any street or alley of the Village.

**Section 3-4: Placing rubbish in streets.** It shall be unlawful for any person to throw or place in any manner any broken glass, bottles, wire, wastepaper, or other brittle ware or rubbish on any of the streets, alleys, sidewalks, or other public places within the Village.

**Section 3-5: Placing dangerous things in street.** No person shall deposit, place, or leave upon any street, sidewalk, alley, park, or other public place within the Village any broken glass, nails, tacks, broken crockery, tin, or iron cuttings, wire, or other things likely to injure any person, animal, or vehicle.

**Section 3-6: Use of compression braking.** Creating excessive noise by the use of compression braking upon the streets and highways within a one-mile radius of the Village limits, except in cases of emergency, is hereby prohibited.

**Section 3-7: Noise Disturbance.** It shall be unlawful to, in any way, cause or create a noise disturbance, which is defined as any sound which endangers or injures the safety of health of humans, annoys or disturbs a reasonable person of reasonable sensitivities, or endangers or injures personal or real property.

**Section 3-8: Burning.** It shall be unlawful to cause or allow the burning of any matter, material, or structure outdoors within the Village limits except as described below.

(a) Government or municipal officials acting in their official capacity and performing their lawful duties are exempt from this Section.

(b) Small open flames generated by safety flares, acetylene torches used for welding, or small open flames used for heating air are exempt from this Section.



(c) Candles, torches, lanterns, and similar objects having the legitimate purpose of providing light and/or repelling insects are exempt from this Section.

(d) Legitimate campfires, firepits, outdoor fireplaces, and similar small, controlled fires for the purpose of recreation and cooking are exempt from this Section.

(e) Landscape waste, including leaves, felled trees, tree trimmings, branches, stumps, brush, weeds, grass, shrubs, yard trimmings, and crop residues, may be burned outdoors in an area not less than twenty feet from any building or structure between the hours of 6:00 a.m. and 6:00 p.m., provided, however, that such burning may be prohibited by the Village President where the conditions reasonably suggest that burning would cause a safety hazard or threat.

**Section 3-8: Animals.** The keeping of animals within Village limits shall be governed by this Section.

(a) Definitions. The following definitions apply to this Section.

*Animal* means any animal other than man, which may be affected by rabies.

*Animal control officer/animal warden* means an officer or employee of the village designated to handle animal control matters, under supervision of the chief of police.

*Cat* means all members of the feline family.

*Dog* means all members of the canine family.

*Dangerous dog* means any dog that, according to the records of the village police animal control:

(1) Has bitten, inflicted injury, killed, or otherwise attacked a human being, without provocation, on public or private property; or

(2) Has injured or killed a pet, without provocation, while off the owner's property; or

(3) A dog which, without provocation, has chased or approached a person or pet upon the streets, sidewalks, or any public grounds in a menacing fashion or apparent attitude of attack, provided that such actions are attested to in a sworn statement by one or more witnesses and investigated and confirmed by authorities; or

(4) A dog that is owned and harbored primarily for the purpose of dog or other animal fighting or any dog trained for dog or other animal fighting. No dog shall be deemed a dangerous animal if it is a dog owned by a law enforcement agency.

*Dog or cat at-large* means a dog or cat not under control by leash no greater than six feet long, of the owner or a member of his immediate family or his or her designee. A dog or cat shall be considered to be at-large if the person walking the dog or cat is not physically able to control



the animal by leash. If the animal is on the owner's property, it is at-large if it is not contained on the property by means of a fence including an electric and/or invisible fence, or other visible means of restraint sufficient to protect pedestrians on village sidewalks or parkways. This shall not apply to feral cats that are part of a registered feral cat colony.

*Has been bitten* means has been seized with the teeth or jaws of an animal so that the person or animal seized has been nipped or gripped or has been wounded or pierced and includes contact of saliva with any break or abrasion of the skin.

*Impounded* means having been taken into the custody of the village police animal control.

*Leash* means a cord, rope, strap, or chain which is to be securely fastened to the collar or harness of a dog or other animal, and which is to be connected to the person who is controlling the animal. Such leash shall be of sufficient strength to keep such dog or other animal under control.

*Owner* means any person, over the age of 18, having a right of property in an animal or who keeps or harbors any animal, or who has an animal in his care or custody for a period of 14 days or more. "Owner" shall also include a caretaker who has an animal in his care or custody for a period of 14 days or more with the express permission of the owner during the owner's absence. "Owner" does not include a feral cat colony caretaker.

*Person* means any individual, firm, corporation, partnership, business entity, society, association, municipal corporation or other political subdivision.

*Pet* means any species of domesticated animal customarily regarded as suited to live within an abode used for human occupancy. A feral cat that is part of a feral cat colony shall not be considered a pet.

*Pet trader* means a person or establishment who exchanges, for consideration other than nominal consideration, dogs or cats, regardless of the age of the dog or the cat.

*Stray animal* means any pet not under restraint and not in the presence of its owner.

*Wild animal* means any species of undomesticated animal not customarily regarded as suited to live within an abode used for human occupancy. Livestock shall not be considered wild animals.

(b) *Keeping livestock, fowl, or wild animals prohibited.* No person shall keep any cattle, sheep, goat, horse, mule, swine, fowl, or other livestock or wild animal at any place or upon any premises in the Village without a permit from the Village Board. This section shall not apply to horses or mules that are kept as otherwise permitted by ordinance or other law.

Nothing in this section shall be construed as prohibiting the village from keeping or using horses or other animals in connection with a parade, special event, police use or other official business.

In order to protect the health and safety of an animal, an animal control officer or law enforcement officer, who has reason to believe that this section is being violated, shall have the authority enter or cause to have entered such building or premises to take possession of and



remove such animal. Any animal removed shall be taken immediately to the animal impounding facility and/or brought to a licensed veterinarian for evaluation, if necessary. If the owner is not present, a prominent written notice shall be left advising that the animal has been removed and impounded in accordance with village ordinances, and that the animal is in the custody of the village police animal control.

(c) *Animal Cruelty*. It shall be unlawful to subject any animal to cruel treatment. Cruel treatment is defined as:

(1) Beating, cruelly treating, tormenting, starving, overworking, mutilating, poisoning, killing, or otherwise abusing any animal. This shall include, but is not limited to, dragging any animal by a vehicle.

(2) No person shall abandon any animal where it may become a public charge or may suffer injury, hunger, or exposure. This means the owner shall provide sufficient water, food, veterinary care, and shelter to all his or her animals.

(3) No person shall impound or confine an animal in an unclean environment, nor shall any person impound or confine an animal without sufficient quantity of food and water. Nothing in this subsection shall be deemed to prohibit any action by a licensed veterinarian done in accordance with accepted standards of veterinary medicine.

(d) *Unlicensed Breeder*. Animal breeders regulated by the State of Illinois shall file with the Village Clerk their state license and/or permit.

(e) *Keeping poisonous snakes prohibited*. No person shall own or harbor any type of poisonous snake within the village limits.

(f) *Excessive animal noise*. It shall be unlawful for a person who owns, controls, has possession of, or is charged with the responsibility for caring for any dog or other animal, to allow such animal to make excessive noise in a manner that unnecessarily disturbs the comfort, quiet, peace or repose of any other person in the vicinity.

Excessive noise means any continued, repeated or habitual barking, whining, crying, howling, whimpering, crowing, or other loud noise common to an animal's species that occurs repeatedly throughout the day or night, and is louder than the average conversational level at a distance of 50 feet or more.

(g) *Procuring, instigating, or causing animal fights*. Other than for the purposes of self-defense, no person shall cause, instigate, procure, or encourage any animal to fight, menace, or injure another animal or human being. This section shall not apply to animals that are being used for entertainment purposes, in which case 510 ILCS 70/4.01 et seq. or 720 ILCS 5126-5 et seq. shall apply.



(h) *Accidents involving injury to animals.* It shall be unlawful for the driver of a vehicle involved in an accident resulting in injury but not death to a cat or dog, to fail to stop the vehicle as close to the scene of the accident as safely possible and immediately:

(1) Inform the owner of the animal of the injury, if the animal's ownership is readily ascertainable; or

(2) Inform the village police department of the injury, the location of the accident, a description of the injured animal, and the apparent nature of the injury, if the animal's ownership is not readily ascertainable.

(i) *Confinement in motor vehicle.* It shall be unlawful for any person to cause or allow an animal to be placed or confined in a motor vehicle in such a manner that places it in a life or health threatening situation, by exposure to a prolonged period of extreme heat or cold or without adequate ventilation or other protection from such heat or cold. Evidence that the animal is suffering from heat stress or frost bite shall be prima facie evidence of a violation of this section.

This section does not prohibit the transportation of horses, cattle, sheep, poultry or other agricultural livestock in trailers or other vehicles designed and constructed for that purpose.

(j) *Selling of animals as novelties or prizes.* It shall be unlawful for any person, firm, or corporation to sell, offer for sale, barter or give away chickens, ducklings, other fowl, or rabbits, as toys, premiums, prizes or novelties, or to color, dye, stain or otherwise change the natural color of baby chickens, ducklings, fowl, or rabbits, or to bring or transport the same into the village, except that nothing in this section shall be construed to prohibit legitimate commerce in poultry for agricultural and food purposes.

(k) *Pets shall be restrained, no running at large.* An owner shall keep and maintain his pet under restraint; provided, however, that this section shall not apply to a dog being used for rescue or law enforcement work. It shall be unlawful for an owner to allow the pet to cross outside the property line of its owner, including reaching through, over or under a fence, or to keep or allow his or her pet to be outdoors on in an unfenced portion of the owner's property, unless the pet is leashed and under the control of its owner or another responsible person capable of maintaining control of the animal. For the purposes of this section, a fence shall include any enclosure, including but not limited to, traditional fence structures as well as electrical or invisible fences. A pet not secured by a leash or lead, which is outdoors on a fenced portion of the owner's property or outdoors on the fenced premises of another person with consent of that person, shall not be considered under restraint unless the fence is of sufficient height appropriate to the size of the animal or is otherwise designed to prevent the animal from jumping or reaching over the fence. In addition, it shall be unlawful to fail to restrain a pet from attacking, biting, threatening, or jumping on any person without that person's consent, unless this occurs in reasonable and proportionate defense of one's person or property.

A dog or cat which runs at large in violation of the provisions of this section is hereby declared to be a public nuisance, and such dog or cat shall be apprehended and impounded, if found running at large, by any police officer or animal control officer.



(l) *Pets prohibited in food-handling establishments and certain public places.* It shall be unlawful to permit a dog or cat, even when on a leash or lead, to enter into any food-handling establishment, including but not limited to a restaurant, grocery store, bakery or other premises that sells food. It shall also be unlawful to permit a dog or cat, even if on a leash or lead, to enter into any building owned by the Village. This section shall not apply to guide dogs for blind, hearing impaired, or physically handicapped persons, as permitted by state or federal law, or a dog being used for law enforcement purposes.

(m) *Inoculation against rabies; tag.* An owner of a dog or cat four months of age or older shall, each year, have the animal vaccinated against rabies by a licensed veterinarian and shall provide the dog or cat with a collar or harness and attached thereto an official rabies vaccination tag, which shall be worn by the dog or cat at all times. Type and brand of vaccine used shall be approved by the department of agriculture of the state. If the vaccine used is one recognized by the state department of agriculture for a three-year period of immunity, the interval between inoculations may be extended to three years.

(n) *Rabies-Infected animal deemed nuisance, authority to destroy.*

(1) It shall be the duty of the owner of an animal which exhibits clinical signs of rabies, whether or not the animal has been inoculated against rabies, to:

(i) Notify the County Animal Control Officer of the situation within 24 hours.

(ii) Place the animal immediately with a licensed veterinarian or, upon demand, surrender such animal to any police officer, animal control officer, or other person charged with the enforcement of this Code.

(2) It shall be the duty of a person that has been bitten by an animal that exhibits clinical signs of rabies, whether or not the animal has been inoculated against rabies, to report such fact immediately to the County Animal Control Officer and provide the Officer with as much information about the animal and its owners as is known by the victim.

(3) An animal suffering from rabies is hereby declared to be a public nuisance, and such animal may be destroyed by any police officer or County Animal Control Officer or a licensed veterinarian.

(o) *Confinement of animals in heat.* It shall be unlawful for an owner to allow a dog or cat in heat to be outside of the owner's premises unless such dog or cat is secured by a leash or lead under the control of its owner or another responsible person. A dog or cat in heat, which is not so confined, is hereby declared to be a public nuisance, and such animal may be impounded. An animal so removed shall be taken immediately to the County Animal Control.

(p) *Proper cleanup.* No person shall appear with a pet upon the public ways or within public places, or upon the property of another absent that person's consent, without an appropriate and effective means for the removal of excrement, nor shall any person fail to immediately remove all excrement deposited by such pet.



(q) *Outdoor Feeding After Dusk Prohibited.* It shall be unlawful to place animal food outdoors within city limits after dusk, unless said food is placed in a confinement that prevents access to said food by any animal not housed within said confinement.

(r) *Dangerous Dog.* It shall be unlawful for any person to keep or maintain, within the Village (1) dog which has been declared by the County Animal Control Officer or his or her designee to be a dangerous dog or (2) dog which has been declared by any village, state, or other governmental unit to be a dangerous dog under a substantially similar regulation and process.

(1) *Definitions.* For the purposes of this subsection (r), the following words, terms, and phrases, shall have the following meanings:

*Injury* means any physical damage to a person or pets body.

*Owner* means any person who keeps or harbors the dog.

*Provocation* means that the threat, injury or damage caused by the animal was sustained by a person or pet who, at the time, was committing a willful trespass or other tort upon the premises occupied by the owner of the animal, or was tormenting, abusing, or assaulting the animal or its offspring, or was committing or attempting to commit a crime.

*Unprovoked* means that the victim, which has been conducting himself, herself, or itself peacefully and lawfully, has been bitten, chased in a menacing fashion, or attacked by a dog.

(2) *Determination of a dangerous dog.* A dog is considered dangerous under this subsection (r) if it falls within the definition of "dangerous dog" stated in subsection (a) of this Section.

(a) *Investigation.*

(i) The County Animal Control Officer or his or her designee shall investigate reported incidents involving any dog that may be dangerous and shall, if possible, interview the owner and require a sworn affidavit from any person, including an animal control officer or enforcement officer, desiring to have a dog classified as dangerous. The address at which the dog resides shall be provided to the Village. No dog that is the subject of an investigation may be relocated or ownership transferred pending the outcome of an investigation, determination, or any hearings related to the determination of a dangerous dog classification.

(ii) Where there is probable cause to believe that a dog is a dangerous dog, the County Animal Control Officer is authorized to impound and hold such dog, at the owner's expense, pending the investigation, determination, and final resolution of any appeals. Where the dog has caused injury or death to any person or pet, the County Animal Control Officer is required to impound and hold such dog, at the owner's expense, pending the investigation, determination, and final resolution of any appeals.



(iii) A dog shall not be declared dangerous if the threat, injury, or damage was sustained by a person or animal which, at the time, was unlawfully on the property or, while lawfully on the property, was tormenting, abusing, or assaulting the dog, its offspring, or its owner or a family member. No dog may be declared dangerous if the dog was protecting or defending a human being or its offspring, within the immediate vicinity of the dog, from an unjustified attack or assault.

(b) *Determination.*

(i) After the investigation, County Animal Control Officer or his or her designee shall make a determination as to whether there is sufficient cause to classify the dog as dangerous. The County Animal Control Officer or his or her designee shall provide written notification to the owner, stating whether his or her dog has been declared a dangerous dog, describing the basis for such declaration by specific behavior and date(s) of occurrence, and informing the owner of his or her right to appeal such determination.

(ii) Where a dog is declared to be a dangerous dog, and the dog has caused injury to any person or pet, the County Animal Control Officer or his or her designee may order the humane destruction of the dog, depending on the severity and circumstances of the injury. Where a dog is declared to be dangerous and the dog has caused the death of a person or pet, the County Animal Control Officer or his or her designee shall order the humane destruction of the dog. In all cases where a dog is declared to be dangerous and is not humanely destroyed, the owner shall comply with the requirements of this section. Such a dangerous dog shall be held for ten days after the owner is given written notice. This ten-day time period shall allow the owner to request an appeal pursuant to subsection (d) of this section. The owner shall be responsible for payment of all boarding costs and other fees as may be required to humanely and safely keep the dangerous dog during any appeal procedure.

(3) *Appeal procedure.* An owner may file an appeal challenging the determination of a dangerous dog, subject to the following procedure:

(a) Within seven calendar days of receipt of the County Animal Control Officer's or his or her designee's notice of a dangerous dog determination, the owner may appeal from the decision by filing at Village Hall a written notice of appeal to the Village Clerk. Such an appeal will take place before the Village Board.

(b) The Village Clerk shall schedule a public hearing, the Village Board, to review the decision as soon as practicable, but within 30 calendar days and no sooner than five calendar days after receipt of the request from the owner. The Village Clerk shall notify the owner by mail of the date, time, and place of the hearing. Pending determination of the appeal, or prior to expiration of the time for appeal, the determination that the dog is a dangerous dog shall be stayed.

(c) At the public hearing, the owner or other interested person may introduce any relevant evidence to show cause why the determination of the County Animal Control Officer or his or her designee should be reversed or modified. The County Animal Control Officer or his or



her designee may introduce any relevant evidence in support of its decision and shall submit his finding in writing to the hearing officer at the public hearing.

(d) The Village Board, as soon after the public hearing as possible, but no longer than five business days thereafter, render its decision stating the facts and conclusions which are the basis for the decision.

(e) The dog at issue shall not be euthanized while the appeal is pending.

(4) Exemptions. The provisions of this chapter shall not apply to the following:

(a) Licensed veterinary hospitals where a dangerous dog is kept for treatment.

(b) K-9 or other dogs owned or used by any law enforcement agency.

(s) *Contact with animals.* In addition to any other penalty imposed by law, a person convicted of a violation of sections (c), (g), or (i) of this chapter, or a misdemeanor violation of the animal protection statutes of the state, shall not own, possess, reside with, have custody of, or have contact with any animal for a period of one year thereafter on a first offense; and for a period of five years thereafter on a second or subsequent offense.

In addition to any other penalty imposed by law, a person convicted of a felony violation of the animal protection statutes of the state shall not own, possess, reside with, have custody of, or contact with any animal for a period of 15 years thereafter on the first offense; and for the lifetime of the offender for the second offense.

(t) *Impoundment and Redemption.* In order to protect the health and safety of an animal, an animal control officer or law enforcement officer, who has reason to believe that an owner is guilty of violating Section 3-8(b), (c), (e), (g), (i), (r), (s) or who has reason to believe an animal is dangerous, mad, fierce, or vicious; suffering from rabies or has been bitten by a rabid animal; or is injured, requiring immediate veterinary care shall have the authority enter or cause to have entered such building or premises to take possession of and remove such animal. Any animal removed shall be taken immediately to the animal impounding facility and/or brought to a licensed veterinarian for evaluation, if necessary. If the owner is not present, a prominent written notice shall be left advising that the animal has been removed and impounded in accordance with village ordinances, and that the animal is in the custody of the village police animal control.

The County Animal Control shall hold impounded dogs and cats for four days, unless the owner redeems the animal sooner, during which time reasonable means shall be used to facilitate their return to the owners. The owner of any animal so impounded may, at any time during operating hours at the County Animal Control, and before the transfer, sale, or disposal of the animal, redeem such animal by paying the required fees or charges. In the case of an unlicensed animal, redemption shall include complying with the license requirements as set forth herein, so long as the animal is not prohibited from being redeemed under Illinois statute or under this Code.



The four-day holding period shall not apply to a dog or cat relinquished by its owner to the village police animal control under owner signature authorizing the village to make immediate disposition of the animal at its discretion. Nor shall any required holding period apply to an animal received for impounding in an obviously critical physical condition or for which immediate euthanasia shall be deemed proper for humane reasons by the village police animal control.

#### **Article 4 – Administrative Procedures**

**Section 4-1: Complaint of code violation.** Any person witnessing a violation of this Code may report said violation by filling out a complaint form at Village Hall.

**Section 4-2: Citation for code violation.** Upon receipt of a complaint the chief of the police department, his or her designee, the Village President, the Village Clerk, the Village Attorney, any member of the Village Board, or any person designated by the Village President as having authority hereunder shall serve upon the individual alleged to have violated this Code.

**Section 4-3: Service of citation.** The citation shall be served upon the individual alleged to have violated this Code either personally or by registered or certified mail, return receipt requested. If registered or certified mail is used, the date of service is the date such notice is mailed. A notice shall be deemed sufficient even if the person to whom it is directed refused delivery of the same or it is returned not deliverable. The notice shall be presumed delivered if not returned to the Village as not deliverable. However, a copy of such notice shall then be sent by ordinary mail unless notice was additionally given by ordinary mail previously, but this shall not extend the period of the notice given.

**Section 4-4: Payment of fine in lieu of court proceedings.** An individual may avoid court proceedings by remitting payment of the fine stated on the citation to the Village Clerk within seven (7) days of the date of service. If payment of the fine is not received within seven (7) days of service, the Village Attorney may initiate judicial proceedings and may seek a fine in excess of that requested on the citation up to the statutory maximum of \$750.00 per violation in addition to costs and fees.

#### **Article 5 – Penalties**

**Section 5-1: Penalty.** Whenever in this Code or in any ordinance of the Village any act is prohibited or is made or declared to be unlawful or an offense, or whenever in such Code or ordinance the doing of any act is required or the failure to do any act is declared to be unlawful, where no specific penalty is provided therefore, the violation of any such provision of this Code or any ordinance shall be punishable by a fine of not less than \$50.00 per offense, nor more than \$750.00 per offense. Each day any violation of any provision of this Code or of any ordinance continues shall constitute a separate offense.

**Section 5-2: Court-Ordered Abatement.** Any person found to have violated any ordinance or provision of this Code may be ordered by a court of competent jurisdiction to take action as may be necessary to abate such violation. This provision shall not impede the power of the Village to proceed under nonjudicial remedies, nor the power of the court to hold a violator in contempt.



be necessary to abate such violation. This provision shall not impede the power of the Village to proceed under nonjudicial remedies, nor the power of the court to hold a violator in contempt.

**Section 5-3: Costs of Abatement.** Where the Village has elected to abate a nuisance pursuant to this Code or any other ordinance or law, the costs of abatement shall be recoverable in any judicial action pertaining to said nuisance. Labor to abate nuisances by municipal employees shall be assessed at a rate of \$100.00 per hour per laborer; the minimum assessment will be \$100.00, and fractions of an hour shall be assessed by quarters of an hour. Costs for the use of equipment owned by the Village shall be assessed at the rates set forth in a rate sheet maintained at the Village Hall, which may be amended from time to time as desired. If the Village determines it cannot reasonably abate a nuisance, it shall hire a third party to do so in accordance with applicable law, in which case, the actual costs and fees charged by the third party shall be assessed without reference to the rates charged by the Village.

**Section 5-4: Court Costs and Attorney's Fees.** In addition to any fine and abatement cost, court costs and reasonable attorney's fees shall also be recoverable in any action prosecuting any violation of this Code or any other ordinance.

**Section 5-5: No Limitation.** The remedies in this Article 4 are in addition to any other relief which may be granted under this Chapter or otherwise available by law. Further, a violation may be charged under the provisions of this Chapter regardless of whether a notice to abate a nuisance has been given or whether the time to abate such nuisance has expired.

**Section 5-6: Two penalties; elective; one judgment.** In all cases where the same offense is made punishable or is created by different clauses or sections of the ordinances, the prosecuting officer may elect under which to proceed, but no more than one recovery shall be had against the same person for the same offense.

**Section 4-7: Default.** A default in the payment of a fine or penalty or any installment of a fine or penalty may be collected by any means authorized for the collection of monetary judgments. The Village Attorney may retain attorneys and private collection agents for the purpose of collecting any default in payment of any fine or penalty or installment of that fine or penalty or may collect the payment himself or herself. Any fees or costs incurred by the municipality with respect to attorneys, including the Village Attorney, or private collection agents retained by the municipal attorney under this Section shall be charged to the offender.

**Section 4-8: Lien.** As permitted by the Illinois Municipal Code, abatement costs shall be a lien upon the underlying parcel of land upon which the abatement activities occurred. Said lien may be foreclosed upon in a manner consistent with Illinois Municipal Code.