

Ordinance No. 10/11- 8

CITY OF WYOMING,
Stark County, Illinois

AN ORDINANCE Amending the Regulation of Nuisances in the
CITY OF WYOMING, Stark County, Illinois.

WHEREAS, the City Council has considered in open session amendment of the regulation of nuisances in the City;

AND, WHEREAS, the City Council has determined that in order to protect public health and safety, and the property rights of citizens, modification of the Nuisance Ordinance is necessary;

NOW, THEREFORE, BE IT ORDAINED By The City Council of the **CITY OF WYOMING**, STARK COUNTY, ILLINOIS, As Follows:

SECTION ONE. That Title 6, Chapter 6, Section 4, Para. Q is added to the City Code to read and shall be as follows:

6-6-4 (Q): Swimming Pools.

- (1) It is hereby declared a nuisance to maintain a swimming pool in the City unless the same shall comply with this Paragraph.
- (2) Every owner, purchaser under contract, lessee, tenant or licensee of land within the city upon which is situated a private outdoor swimming pool shall at all times maintain, on the lot or premises upon which such private swimming pool is located, a fence or other structure completely surrounding such pool, not less than four (4) feet in height, with no gaps or apertures, other than doors or gates, with any dimensions greater than one and one-half (1 1/2) inches. All gates or doors opening through such fence or enclosure shall be equipped with self-closing and self-latching devices placed at the top of such gates or doors and made inaccessible to small children.
- (3) Such devices shall be so designed as to be capable of keeping such doors or gates securely locked at all times when not in use; however, the door of any dwelling forming a part of the enclosure need not be so equipped.
- (4) The aboveground pool structure may serve as a barrier or a barrier may be mounted on top of the pool structure, in either case only if it meets the requirements of this Section; however, where the means of access is a ladder or steps:
 - a. The ladder or steps shall be capable of being secured, locked or removed to prevent access; or

b. The ladder or steps shall be surrounded by a barrier which meets the requirements of this Section.

- (5) The City may allow modifications in individual cases upon showing of good cause with respect to the height, nature or location of the fence, wall, gates or latches, or the necessity therefor, provided the protection as sought hereunder is not reduced thereby.
- (6) Temporary soft-sided pools less than three (3) feet in height are exempt from the requirements of this Paragraph.
- (7) PENALTY shall be as set forth in this Chapter.

SECTION TWO. All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

SECTION THREE. Severability. If any section, subsection, sentence, clause, phrase or word of this ordinance is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The Council hereby declares that it would have passed this ordinance and each section, subsection, sentence, clause, phrase, and words thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases or words have been declared invalid or unconstitutional, and if for any reason this ordinance should be declared invalid or unconstitutional, then the remaining ordinance provisions will be in full force and effect.

SECTION FOUR. This Ordinance shall be in full force and effect ten days after its passage and publication as provided by law.

PASSED and APPROVED by the Mayor and the City Council of the **CITY OF WYOMING**, Illinois, this 8 day of February, A.D. 2010.

ald. Joe Sattler, Steve Daniel, Bruce Kattus, Gray, Pepper, Howard, Carlson, Hardy

Ayes:

Nays:

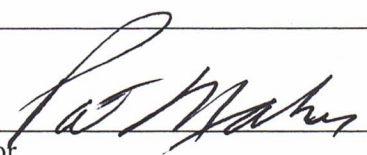
Absent:

-0-

-0-

Approved:

Mayor



ATTEST:



City Clerk

CITY OF WYOMING
Stark County, Illinois

**AN ORDINANCE REGULATING NUISANCES
IN THE CITY OF WYOMING**

WHEREAS, the City Council of the City of Wyoming has determined that it is necessary to regulate and prohibit the existence of nuisances within the City corporate limits;

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF WYOMING, STARK COUNTY, ILLINOIS, AS FOLLOWS:

SECTION ONE. That from and after the effective date hereof, Articles 1, 2 and 3, Chapter 6, Title 6, are added to the City Code (Sections 6-6-1-1 through 6-6-3-8) and the same shall read and be as follows:

ARTICLE 1 NUISANCES PROHIBITED

6-6-1-1: Nuisances Declared Unlawful: No person, persons, firm, partnership, corporation, association, club, or other organization or group owning, leasing, occupying or having charge of any premises shall create, maintain or keep any nuisance thereon, nor shall any such person, persons, firm, partnership, corporation, association, club, or other organization or group create, maintain or keep such premises in a manner causing substantial diminution in the value of other property in the neighborhood or area in which such premises are located.

6-6-1-2: Nuisances Defined Generally: “Nuisance” shall mean any act or omission or condition which is a nuisance according to the common law or the statutes of the State of Illinois or declared or defined to be a nuisance by the ordinances of the City, and shall include without limitation any act or omission or condition which annoys, obstructs, interferes, offends decency or injures another, or the public, to any lawful right of use, enjoyment, maintenance,

prejudice of others.

(7) 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 way.

(8) To corrupt or render unwholesome or impure the water of any spring, river, stream, pond or lake to the injury or prejudice of others.

(9) To obstruct or encroach upon public highways, private ways, streets, alleys, commons, landing places, and ways to burial grounds.

(10) To erect, continue or use any building or any real estate or any 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.

(11) To advertise wares or occupations by painting notices of the same on, or affixing them to fences, walls, windows, building exteriors, utility poles, hydrants or other public or 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.

(12) To dump, abandon, deposit, dismantle or burn upon any public property or right of way, highway, park, street, alley or parkway anywhere in the City, any trash, garbage, ashes, junk, junked or wrecked vehicles or parts thereof, or any other type of waste.

(13) To own, maintain or keep a dwelling unit unfit for human habitation, or dangerous or detrimental to life, safety or health because of lack of repair, defects

in the plumbing, lighting, ventilation or electrical system, or because of the existence of contagious diseases or unsanitary conditions likely to cause sickness among the persons residing in the premises or residing in proximity thereto.

(14) To store or place any materials in a manner which may harbor rats or rodents.

(15) To produce or permit to be produced, whether on public or private property, any offensive noise to the disturbance of the peace or quiet of any person residing in the vicinity.

(16) To suffer or permit any stockyard, stable or barnyard or other lot or premises, barn or privy, outbuilding or cellar, or other building to become or remain dangerous or injurious to the health, or be offensive to smell.

ARTICLE 3 ABATEMENT OF NUISANCES

6-6-3-1: Summary Removal: Whenever in the opinion of the Chief of Police or his authorized deputy the maintenance or continuation of a nuisance creates an imminent threat of serious injury to persons or real property, or if the nuisance can be abated summarily without or with only minor damage to the items or premises which are creating the nuisance, and the continuation of the nuisance poses a substantial threat of injury to persons or property or a substantial interference with the quiet enjoyment of life normally present in the City, the officer shall proceed to abate the nuisance; provided further, that whenever the owner, occupant, agent or person in possession, charge or control of the real estate or personal property which is or has become a nuisance is unknown or cannot readily be found, the officer may proceed to abate the nuisance without notice.

Where abatement of the nuisance requires continuing acts by the Chief of Police beyond

the initial summary abatement and any other additional emergency abatements, the City may abate the nuisance on a permanent basis through judicial process as soon as reasonably possible.

6-6-3-2: Notice To Abate. Unless the conditions for summary removal are applicable, it shall be the duty of the Chief of Police or his deputy to serve or cause to be served upon any person, persons, firm, partnership, corporation, association, club, or other organization or group in control of any private property, whether as owner, lessee, tenant, occupant or otherwise, a notice to abate or remove from the property any nuisance specified in this ordinance.

Such notice shall attach to the property as well as the person, persons, firm, partnership, corporation, association, club, or other organization or group owning, leasing, occupying or having charge of any premises in violation of this ordinance so that such notice against one person in control of the premises cannot be avoided by conveying or transferring the premises to another.

6-6-3-3: Form and Service of Notice. The notice shall allow seven (7) days to remove or abate the described nuisance, and in the event the nuisance is not so removed or abated the provisions of this Code shall apply.

The notice shall be given by personal service or by certified or registered mail, addressed to the person, persons, firm, partnership, corporation, association, club, or other organization or group occupying or in control of the premises in question or engaging in the conduct that constitutes the nuisance. If the Chief of Police is unable to determine who is in control or possession of the premises, notice shall be posted thereon and mailed and addressed to the person, persons, firm, partnership, corporation, association, club, or other organization or group in whose name said premises was last sent a tax bill.

6-6-3-4: Penalty for Failure to Abate a Nuisance. Any person, persons, firm, partnership, corporation, association, club, or other organization or group that allows a nuisance to exist as

specified in this Code and fails to abate the same within the period allowed by the notice shall be fined not less than Twenty-five (\$25.00) Dollars nor more than Five Hundred (\$500.00) Dollars for each offense, and a separate offense shall be deemed committed on each day (or part thereof) during or on which the nuisance is permitted to exist.

6-6-3-5: Abatement by the City. In addition to the penalty provided for in this Code, whenever any person, persons, firm, partnership, corporation, association, club, or other organization or group fails to abate the nuisance within the period allowed by the notice, then the City shall cause the nuisance to be abated, including the right to seek injunctive relief to enjoin continuation of a nuisance where there is no adequate remedy at law, and the expenses therefor shall be recoverable from the owners or persons in control, jointly and severally, and the cost thereof shall also be a lien upon the real estate until paid. Any person who by reason of another's violation of any provision of this section suffers damage to himself different from that suffered by any other property owner throughout the City generally may bring an action to enjoin or otherwise abate the existing violation.

6-6-3-6: Costs and Expenses of Abatement. The costs and expenses of abatement shall include all expenditures of money to abate the nuisance and includes the reasonable value of any services performed by City officers and employees, all costs and expenses for removal and storage, all attorneys' fees and costs of enforcement, and recording and filing fees.

6-6-3-7: Recording of Lien. Within sixty (60) days after the costs and expenses are incurred by the City for abatement of a violation hereof, the City may file a notice of lien in the office of the Recorder of Deeds of Stark County, Illinois. The notice shall consist of a sworn statement setting out: (a) a description of the real estate sufficient for identification thereof for recording purposes; (b) the amount of money representing the costs and expenses incurred or

payable for the abatement; and (c) the date or dates when the costs and expenses were incurred by the City.

6-6-3-8: Payment and Release. Upon payment in full of the costs and expenses by the owner or persons interested in the property to which a lien is attached, the lien shall be released by the City, and if notice of lien has been recorded, the City shall provide a release that may be recorded releasing said lien of record.

SECTION TWO. All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

SECTION THREE. This Ordinance shall be in full force and effect ten days after its passage and publication as provided by law.

Passed and Approved by the Mayor and the City Council of the City of Wyoming, Illinois, this 14th day of April, A.D. 1997.

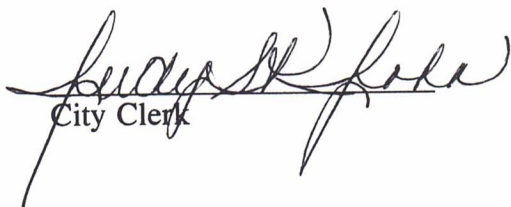
Ayes: 6

Nays: 0

Absent: 0

Approved: Daniel L. Hardman
Mayor

ATTEST:


City Clerk