

Chapter 1

NUISANCES

4-1-1: DEFINITIONS:

As used in this Chapter, the following words or phrases shall have the following meanings:

BOARD OF HEALTH: The Lee County Board of Health.

HEALTH DEPARTMENT: The Lee County Health Department.

HEALTH OFFICER: The Administrator of the Lee County Health Department, or his authorized representative.

PERSON: Any individual, firm, corporation or other legal entity and authorized agents and/or officers thereof. (1983 Code § 9-21)

4-1-2: NUISANCES ENUMERATED:

Health nuisance includes any act, omission to act, or condition which injures or threatens the health or safety of one or more persons and shall not be limited to, but shall include the following:

A. Garbage And Refuse Deposits:

1. Storage, collection, accumulation, discharge, or depositing of any offal, fecal matter, filth, refuse, animal carcass, dead organic material, junk, debris, contaminated material, garbage, stagnant or polluted waters, combustible materials and similar materials in any place or on any property so as to threaten the health or safety of the individual or the public or to be conducive to the breeding of flies, rats, or other vermin, or to the prejudice of others.
2. To dump, abandon, deposit, dismantle or burn upon any public property or right of way, highway, park, street or parkway anywhere in the County any trash, garbage, ashes, junk, junked or wrecked motor vehicles or nonmotorized equipment, or parts thereof, or miscellaneous waste.

B. Rats And Vermin: The presence of rats, flies, or othervermin.

C. Water Pollution:

1. To discharge or deposit any offal, liquid waste, sewage effluent, dead animal(s), or other polluting material into or upon any watercourse, stream, river, lake, pond, spring, well, abandoned well, surface, ground, drainage ditch, common sewer, street or public highway.

2. To corrupt or render impure the water of any spring, river, stream, pond or lake, to the injury or prejudice of others.
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- D. Air Pollution: To erect or continue to use any building or other place for the exercise of any trade, employment or manufacture, which, by occasioning noxious exhalations, is dangerous to the health of individuals, or to the public.
 - E. Obstructing Ways: To obstruct or encroach upon public highways, private ways, streets, alleys, commons, landing places and ways to burying places.
 - F. Storage Of Flammables: The collection, storage, depositing or discharge of flammable refuse, liquid or other material in any building or on any place in such manner as to constitute a hazard of fire injury to individuals or the public.
 - G. Disposal Of Dead Animals: The unlawful disposal of the carcasses of dead animals, fish or fowl.
 - H. Exposure Of Persons To Communicable Disease: The exposure of any person to any communicable disease by any unlawful act or practice.
 - I. Maintenance Of Unfit Dwelling: 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 sewage system, plumbing facilities, lighting or ventilation, the existence of contagious diseases or unsanitary conditions likely to cause sickness among persons residing in said premises or residing in proximity thereof.
 - J. Failure To Secure Buildings: Failure to secure areas, buildings, equipment or places against unauthorized access where such access threatens the health or safety of individuals.
 - K. Unhealthy Food Or Drink: Whatever renders food or drink detrimental to human beings, as determined by the Health Officer.
 - L. Attractive Nuisances:
 1. Keeping Unlawful: Any attractive nuisance which may prove detrimental to life, health or safety whether in a building, on the premises of a building, or upon an unoccupied lot. This includes any abandoned well shaft, basement or excavation, motor vehicle, discarded, abandoned, unattended, or used refrigerators, iceboxes and similar containers, equipped with airtight door or lid, snap lock or other locking device which may not be released from the inside.

2. Owner/Occupant Responsibility: The duties of this Chapter are imposed alike on the owner of the nuisance and the owner or occupant of the premises where the nuisance is permitted to remain.

M. Signs Obstructing View Of Street: Billboards, signboards, and advertising signs, whether erected and constructed on public or private property, which so obstruct and impair the view of any portion or part of a public street, avenue, highway, boulevard, or alley or of a railroad or street railway track as to render dangerous the use thereof. (1983 Code § 9-22)

4-1-3: INVESTIGATION:

The Board shall investigate, upon complaint of any person or on its own initiative, any health nuisance in Lee County. (1983 Code § 9-23)

4-1-4: REFUSAL TO ADMIT HEALTH OFFICER:

In the event the Health Officer, in proceeding to enter any premises for the purpose of making an inspection to carry out the provisions of this Chapter, shall be refused entry, a complaint may be made under oath to any Judge of the Circuit Court and said Judge shall thereupon issue his warrant directed to some peace officer of the County commanding him between the hours of sunrise and sunset, accompanied by the Health Officer, to enter upon such premises and to make such inspection, and to obtain such samples as may be required to carry out the provisions of this Chapter, which order shall be executed by said officer under the direction of the Health Officer. (1983 Code § 9-24)

4-1-5: ABATEMENT:

A. Nonsummary Abatement:

1. Notice To Owner Or Responsible Party:

- a. The Health Officer may serve or cause to be served a notice, in writing, upon the owner, agent, occupant or person in possession, charge or control of any lot, building or premises or item of personalty in or upon which any nuisance exists. Additionally the Health Officer may serve or cause to be served a notice, in writing, upon any person responsible for the discharge, deposit, dumping or abandonment in or upon any lot, building, premises, roadway or right of way, of any item of personalty in or upon which any nuisance exists requiring the person to abate the same within a specified reasonable time, in such manner as the notice shall direct.
- b. An appeal to the Board of Health from any notice shall be provided if a written request for a hearing is filed with the Health Department within the time established for the abatement of the nuisance.

2. Failure To Abate: If the person so served and notified does not abate the nuisance within the specified reasonable time, the corporate authorities may proceed to abate the nuisance in any or all manner allowable by law, including, without limiting the generality thereof, the following:
 - a. Seeking to impose a monetary "penalty" as defined by Section [4-1-6](#) of this Chapter by instituting an ordinance enforcement action.
 - b. Seeking to enjoin the continuation of the nuisance by filing of a lawsuit in a court of competent jurisdiction.
 - c. All expenses incurred thereby shall be paid by the owner, agent, occupant, or person in possession of said property and the same shall be a lien upon said property. Any person responsible for the discharge, deposit, dumping or abandonment in or upon any lot, building, premises, roadway or right of way of any item of personalty in or upon which any nuisance exists shall pay all expenses of abatement.

B. Summary Abatement: Whenever, in the opinion of the Health Officer, a nuisance creates an imminent threat of serious injury to persons or serious damage 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 community, the Health Officer shall proceed to abate such nuisance; provided, further, that 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, the Health Officer may proceed to abate such nuisance without notice. Where the abatement of the nuisance requires continuing acts by the corporate authorities beyond the initial summary abatement and any other additional emergency abatements, it shall seek statement of such nuisance on a permanent basis through judicial process as soon as readily possible. (Ord., 10-20-1992)

4-1-6: PENALTY:

Any person violating any provisions of this Chapter, in addition to the provisions for lien contained herein, shall, on conviction, be fined not less than fifty dollars (\$50.00) nor more than five hundred dollars (\$500.00) for each violation, except persons violating subsections [4-1-2A2](#), C or E of this Chapter shall pay a minimum fine of two hundred fifty dollars (\$250.00) up to a maximum fine of five hundred dollars (\$500.00) for each violation. In any case in which an offense is of a continuing nature, each day such violation continues shall be deemed a separate violation and shall subject the person so violating said provisions of this Chapter to a separate fine for each day. Any person violating this Chapter shall bear the cost of abating said nuisance. (Ord., 10-20-1992)