

CHAPTER 26

NUISANCES

ARTICLE I - GENERALLY

26-1-1 **NUISANCES PROHIBITED.** No person shall permit, cause, keep, maintain or create a nuisance as defined by the laws of this State or by this Code within the City or within **one-half (1/2) mile** of the corporate limits of the City.

26-1-2 **NUISANCES DEFINED.** The following are hereby declared to be nuisances:

(A) **Nuisances on Premises.** Keeping on any premises any carrion, pigsty, decaying animal or vegetable matter, or stagnant water, or any other thing which may be injurious to the health or offensive to the neighborhood, or by which any noxious or offensive smell may be created.

(B) **Offensive Trade.** 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.

(C) **Deposits.** Dumping or depositing on any premises, public or private, any decaying animal or vegetable matter, or any waste paper, boxes, filth or refuse of any kind from any store or other place, or any waste liable to create any offensive smell or stench, or liable to become ignited by combustion or otherwise. The fine for violating this Section shall be **Five Hundred Dollars (\$500.00)** for each offense. **(Ord. No. 4947; 05-04-92)**

(D) **Obstructing Watercourse.** Throwing or depositing in or upon the banks or sides of any stream, pond, lake, spring or any other flowing watercourse of any carrion, decaying animal, vegetable, water, straw, hay, brush, ashes, cans, buckets, kegs, rocks, or any other substance, material or article which might clog, impede or obstruct the free flow of water in the watercourse.

(E) **Privies.** Any privy within the City limits, or any premises discharging liquid wastes or human excreta which is not connected to a sanitary sewer, where there is a sanitary sewer of not less than **twelve (12) inches** in diameter in the abutting street.

(F) **Pigs.** Any pig, hog or swine in any pigsty, hog pen or lot, or any barn, stable or shed, situated in the City.

(G) **Filth, Trash, or Refuse in the Street.** Throwing or permitting the scape into any street, sidewalk, or other public place, or into or upon any adjacent ground, any filth, trash, refuse or unclean water, or any foul or noxious liquid from any premises or causing rainwater to be conducted in any manner so as to throw the same into any street, sidewalk, or other public place from a greater height than **three (3) feet. (2723)**

(H) **Standing Water in Cellars.** Any cellar containing any standing or stagnant or filthy water.

(I) **Pits or Excavations.** Any pit, hole or excavation dangerous to the public.

(J) **Ponds.** Any pond, lake or body of water in a stagnant condition or in a condition that is detrimental or injurious or dangerous to the public.

(K) **Water on Streets.** Dumping, depositing or permitting any water to run across any sidewalk, street or alley within the City in such a manner as to create a hazardous condition thereon.

(L) **Health and Safety Hazards.** Maintaining or permitting any condition upon any premises, streets, alleys or sidewalks within the City which creates a hazard to the health or safety of the public.

(M) **Polluting Watercourses.** Dumping, depositing or permitting to remain any dirt, rock, wood or any other material along or upon the banks of any watercourse or creek, or in such close proximity thereto as is likely to fall into or be carried by flood waters into the channel of any such watercourse or creek. **(Ord. #2886)**

(N) **Obstructing Drains.** Interfering with any ditches, drainage easements, or natural drains, so as to in any way obstruct, impede or interfere with the flow of water through such ditches, drainage easements or natural drains. **(#2944)**

(O) **Public Right of Way.** To allow any weeds or turf grass to grow to a height greater than **eight (8) inches** in height on any public right of way immediately adjacent to property owned by any party or within **five (5) feet** of any public right of way. **(Ord. No. 7125; 04-21-08)**
(Ord. No. 7213; 01-05-09)

26-1-3 NOTICE TO ABATE. When it shall come to the attention of the City that any condition exists defined by **Section 26-1-2**, it shall be the duty of the City to give written notice to the owner, occupant of the premises or the person responsible for such condition, directing such owner, occupant or person responsible to correct such condition within **five (5) days**. If the person directed to do so fails or refuses to remedy such condition within **five (5) days** after such written notice, the nuisance shall be abated by the City and bill sent to the owner, occupant or person responsible for such condition. If payment is not received for services rendered, the City will file a lien at the Recorder of Deeds of St. Clair County. Charges shall be filed against such owner, occupant or the premises or person responsible, and such person so failing shall, upon conviction, be fined as provided in this Code. Only **one (1)** notice

will be sent to the owner, occupant of the premises or the person responsible for such condition per each property per year. Failure of the owner, occupant of the premises or person responsible for such condition to maintain the grass and weeds on the property and in the right of way after the first notification will be cause for immediate abatement by the City without further written notification. **(Ord. No. 7125; 04-21-08)**

26-1-4 **SUMMARY ABATEMENT BY BOARD OF HEALTH.** It is the duty of the Board of Health to cause summary abatement of any nuisance at the proper expense and cost of the person or persons responsible for, or permitting such nuisance.

26-1-5 **ORDER OF COURT.** It shall be the duty of the court or magistrate before whom the cause may be tried to order as part of the judgment in such cause, that such nuisance be immediately abated and removed, and that the Chief of Police proceed to abate and remove the same.

26-1-6 **ABATEMENT BY POLICE.** If the owner of any real estate upon which there is a nuisance resides out of or is out of this state, or on due inquiry cannot be found, the Chief of Police shall cause publication to be made in some newspaper printed in the City, at least once in each week for **four (4) weeks** successively, or a notice to the owner of such real estate, giving his name, if the same can be ascertained, or designating him as unknown owner, if the owner's name cannot be ascertained, and giving the description of such real estate, the nature of the nuisance thereon, and time within which such nuisance shall be abated. The Chief of Police shall within **ten (10) days** after the first publication of such notice, send a copy thereof by mail, addressed to the owner of such real estate, if the name and address of such owner is known to the Chief of Police or can be ascertained by him. If at the expiration of the time specified in the notice for abating the nuisance, the nuisance still remains the Chief of Police may enter upon such real estate, and do all work that may be necessary to abate such nuisance. The Chief of Police shall keep strict account of the cost and expense of such work and necessary material, for the collection of which proceedings may be commenced against the property by attachment, as in other cases of attachment under the Illinois Compiled Statutes. **(See 740 ILCS Sec. 5/221 and 5/222)**

ARTICLE II - WEEDS

26-2-1 **DEFINITION.** Weeds as used in this Section include the following: burdock, ragweed (giant), ragweed (common), thistle, cocklebur, jimson, blue vervain, common milkweed, wild carrot, poison ivy, wild mustard, rough pigweed, lambsquarter, wild lettuce, curled dock, smartweeds (all varieties), poison hemlock, and wild hemp.

26-2-2 **HEIGHT LIMIT.** Every owner, lessee, occupant, or any agent, servant, representative or employee of an owner, lessee or occupant of any real estate within the City shall cut weeds and grass on his property at all such times as may be necessary so that such weeds and grass do not exceed **eight (8) inches** in height. If said owner, lessee or occupant fails to do so, the City may cut the weeds and grass. **(Ord. No. 5963; 03-01-99)**

26-2-3 **LIEN EXPENSES.** If weeds or grass are cut by the City, a notice of lien on the cost and expense thereof incurred by the City shall be recorded in the following manner: The City or the person performing the service by authority of the City in its or his own name, may file notice of lien in the office of the Recorder of Deeds of St. Clair County. The notice of lien shall consist of a sworn statement setting out: (1) a description of the real estate sufficient for identification thereof, (2) the amount of money representing the cost and expense incurred or payable for the service, and (3) 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. **(Ord. No. 5963; 03-01-99)**

26-2-4 **PAYMENT BY OWNER.** 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.

26-2-5 **RANK GROWTH OF GRAIN.** Any rank vegetable growth, including any growing grain more than **two (2) feet** in height shall similarly be cut by the owner of the real estate. If the owner fails to do so the City may cut the growth and file lien therefor as provided in this Section.

26-2-6 **DAMAGE TO CITY EQUIPMENT.** If weeds or grass are cut by the City as provided in **Section 26-2-2**, any damage sustained by any equipment used by the City while cutting the weeds or grass shall be assessable on the owner of the real estate. Such damage shall become a lien on the real estate, which lien shall be perfected by the City in the same manner as provided in **Section 26-2-3** hereof. **(Ord. No. 5963; 03-01-99)**

ARTICLE III - DANGEROUS BUILDINGS

26-3-1 **DEFINED.** The term "dangerous buildings" as used in this Chapter is hereby defined to mean and include:

(A) Any building, shed, fence or other manmade structure which is dangerous to the public health because of its condition and which may cause or aid in the spread of disease or injury to the health of the occupants of it or neighboring structures;

(B) Any building, shed, fence or other manmade structure which because of faulty construction, age, lack of proper repair or any other cause is expressly liable to fire and constitutes or creates a fire hazard;

(C) Any building, shed, fence or other manmade structure which by reason of faulty construction, or any other cause, is liable to cause injury or damage by collapsing or by a collapse or fall of any part of such structure;

(D) Any building, shed, fence or other manmade structure which because of its condition or because of lack of doors or windows is available to and frequented by malefactors or disorderly persons who are not lawful occupants of such structure.

Any such dangerous building in the City is hereby declared to be a nuisance.

26-3-2 **PROHIBITION.** It shall be unlawful to maintain or permit the existence of any dangerous building in the City; and it shall be unlawful for the owner, occupant or person in custody of any dangerous building to permit the same to remain in a dangerous condition or to occupy such building or permit it to be occupied while it is or remains in a dangerous condition.

26-3-3 **LIEN.** Whenever the building inspector, the Fire Chief, or the Health Officer shall be of the opinion that any building or structure in the City is a dangerous building, he shall file a written statement to this effect with the City Clerk. The City Clerk shall thereupon cause written notice to be served upon the owner thereof and upon the occupant thereof, if any, by registered mail or by personal service. Such notice shall state that the building has been declared to be in a dangerous condition and such dangerous condition must be removed or remedied by repairing or altering the building or by demolishing it; and that the condition must be remedied at once. Such notice may be in the following terms:

"TO: _____ (Owner-Occupant) of the premises known and described as _____

_____.

You are hereby notified that _____ (describe building) on the premises above mentioned has been condemned as a nuisance and dangerous building after inspection by _____

_____.

The causes for this decision are _____

(here insert the facts as to the dangerous condition)

You must remedy this condition or demolish the building immediately.

26-3-4 ABATEMENT. If the notice sent to the owner or occupant is to inform him of violation of **Section 26-3-1(D)**, and said owner or occupant fails to remedy the situation within **fifteen (15) days** from the time when the notice was served upon them, the Health Officer or the Building Official may proceed to remedy the condition by having the building enclosed through boarding up or any other means.

If the building is enclosed or boarded up by the City, the cost and expenses thereof shall become a lien on the property and the notice of the lien for the cost and expenses thereof shall be recorded in the following manner:

The City or the person performing the service by authority of the City in its or his own name, may file Notice of Lien in the Office of the Recorder of Deeds of St. Clair County. The Notice of Lien shall consist of a sworn statement setting out:

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

Upon payment of the cost and expenses after the 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 Lien.

The lien may be enforced by proceedings to foreclose it as in the case of mortgages or mechanics lien and such suits to foreclose such lien shall be commenced within **three (3) years** after the date of default.

If the owner or occupant fails to comply with a notice of violation of **Section 26-3-1 (A)**, (B) and (C), the City may demolish, repair or cause the demolition or repair of the dangerous and unsafe building, but before it may do so, the City shall apply to the Circuit Court of St. Clair County for an order authorizing such action to be taken with respect to any such building if the owner or owners thereof, including the lien holders of record after at least **fifteen (15) days** written notice by mail or personal service so to do have failed to put such building in a safe condition or demolish it. Whereupon diligent search of the identity or whereabouts of the owner or owners of any such building, including the lien holders of record is not ascertainable, notice mailed to the person

or persons in whose name such real estate was last assessed is sufficient notice under this Section. The cost of such demolition or repair incurred by such municipality or by a lien holder of record is recoverable from the owner or owners of such real estate and is a lien thereon which lien is superior to all prior existing liens or encumbrances except taxes; provided that within **sixty (60) days** after such repair or demolition the City or person performing the service by authority of the City in its or his own name shall file Notice of Lien of such cost and expenses incurred in the Office of the Recorder of Deeds in St. Clair County, Illinois. The Notice must consist of a sworn statement setting out:

- (1) A description of the real estate sufficient for identification thereof.
- (2) The amount of money representing the cost and expenses incurred.
- (3) The date or dates when the cost or expenses was incurred by the municipality, or by the lien holder of record.

Upon payment of the cost and expenses by the owner of or person interested in the property after Notice of Lien has been filed, the lien shall be released by the municipality or person in whose name the lien has been filed and the release may be filed of record in the case of filing the Notice of Lien. The lien may be enforced by proceedings to foreclose as in the case of mortgage or mechanics liens. Suit to foreclose this lien must be commenced within **three (3) years** after the date of filing Notice of Lien.

26-3-5 **PENALTY.** Any person violating any provision of this Section or any part thereof shall be fined in an amount not less than **Two Hundred Fifty Dollars (\$250.00)** nor more than **One Thousand Dollars (\$1,000.00)**. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such. The court shall also order as part of the judgment that the defendant comply with all applicable codes and ordinances relating to the property which is the subject of the violation. **(Ord. No. 7099; 04-08-08)**

(See 65 ILCS Sec. 5/11-31-1 et seq.)

ARTICLE IV - INOPERABLE MOTOR VEHICLES

26-4-1 **DEFINITIONS.** For the purpose of this Article, the following words shall have the meanings ascribed to them as follows:

Inoperable Motor Vehicle means any motor vehicle which, for a period of at least **seven (7) days**, or any greater period, fix by ordinance; the engine, wheels or other parts have been removed; or in 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 Vehicles 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.

Derelict Vehicle means any inoperable or unregistered vehicle. (Ord. No. 7146; 07-08-08)

26-4-2 **DECLARATION OF NUISANCE.** All inoperable/derelict motor vehicles, whether on public or private property in view of the general public are hereby declared to be a nuisance. (Ord. No. 5589; 06-05-96)

26-4-3 **NOTICE TO OWNER.** If the owner fails to dispose of said inoperable vehicles, after **seven (7) days** from the issuance of the notice, the Police Department may authorized a towing service to remove and take possession of said inoperable vehicle or parts thereof. (Ord. No. 5589; 06-05-96)

26-4-4 **REMOVAL.** When a motor vehicle or other vehicle is inoperable on a highway in this municipality **ten (10) hours** or more, its removal by a towing service may be authorized by order of the Chief of the Police Department of this municipality. (#4490; 02-15-88)

When an inoperable, unattended, wrecked, burned or partially dismantled motor vehicle or other vehicle is creating a traffic hazard because of its position in relation to the highway or its physical appearance is causing the impeding of traffic, its immediate removal from the highway by a towing service may be authorized by order of the Chief of Police Department of this municipality.

When a vehicle removed from either public or private property is authorized by order of the Chief of the Police Department of this municipality, the owner of the vehicle will be responsible for all towing costs.

26-4-5 **RECORDS OF TOW AWAYS.** When a motor vehicle or other vehicle is authorized to be towed away, the Police Department shall keep and maintain a record of the vehicle towed, listing the color, year of manufacture, manufacturer's trade name, manufacturer's series name, body style, vehicle identification number and license

plate year and number displayed on the vehicle. The record shall also include the date and hour of tow, location towed from, location towed to, reason for towing and the name of the officer authorizing the tow.

26-4-6 **SEARCH FOR OWNER.** When the municipal Police Department does not know the identity of the registered owner, lienholder or other legally entitled person, they will cause the motor vehicle registration records of the State of Illinois to be searched by a directed communication to the Secretary of State for the purpose of obtaining the required ownership information.

The Police Department will cause the stolen motor vehicle files of the Illinois State Police to be searched by a directed communication to the Illinois State Police for stolen or wanted information on the vehicle. When the Illinois State Police files are searched with negative results, the information contained in the National Crime Information Center (NCIC) files will be searched by the Illinois State Police. The information determined from these record searches will be used by the Police Department in sending a notification by certified mail to the owner or legally entitled person advising where the vehicle is held, requesting a disposition be made and setting forth public sale information.

26-4-7 **NOTICE TO STATE POLICE.** When the registered owner or other person legally entitled to the possession of a motor vehicle or other vehicle cannot be identified from the registration files of this State or from the registration files of a foreign state, if applicable, the Police Department shall notify the Illinois State Police for the purpose of identifying the vehicle's owner, lienholder or other person legally entitled to the possession of the vehicle. The information obtained by the Illinois State Police will be immediately forwarded to the law enforcement agency having custody of the vehicle for notification of owner. (**#4490; 02-15-88**)

26-4-8 **RECLAIMING BY OWNER.** Any time before a motor vehicle or other vehicle is sold at public sale or disposed of as provided herein, the owner, lienholder, or other person legally entitled to its possession may reclaim the vehicle by presenting to the Police Department proof of ownership or proof of the right to possession of the vehicle. No vehicle shall be released to the owner or other person under this Section until all towing and storage charges have been paid.

26-4-9 **SALE OF UNCLAIMED NEW VEHICLE.** Whenever an inoperable, lost, stolen or unclaimed motor vehicle or other vehicle, **seven (7) years** of age or newer, remains unclaimed by the registered owner, lienholder or other person legally entitled to its possession for a period of **thirty (30) days** after notice has been given as provided herein, the Police Department having possession of the vehicle shall cause it to be sold at public sale to the highest bidder. Notice of the time and place of the sale shall be posted in a conspicuous

place for at least **ten (10) days** prior to the sale on the premises where the vehicle has been impounded. At least **10 days** prior to the sale, the Police Department shall cause a notice of the time and place of the sale to be sent by certified mail to the registered owner, lienholder or other person legally entitled to the possession of the vehicle. Such notice shall contain a complete description of the vehicle to be sold and what steps must be taken by any legally entitled person to reclaim the vehicle.

In those instances where the certified notification specified herein has been returned by the postal authorities to the Police Department due to the addressee having moved, or being unknown at the address obtained from the registration records of this State, the sending of a second certified notice will not be required.

26-4-10 DISPOSITION OF UNIDENTIFIED VEHICLE OR OLD VEHICLE. When the identity of the registered owner, lienholder or other person legally entitled to the possession of an inoperable, lost or unclaimed vehicle of **seven (7) years** of age or newer cannot be determined by any means provided for in this Section, the vehicle may be sold as provided herein or disposed of in the manner authorized by the ordinance without notice to the registered owner, lienholder or other person legally entitled to the possession of the vehicle.

When an inoperable vehicle of more than **seven (7) years** of age is impounded as specified by this Section, it will be kept in custody for a minimum of **ten (10) days** for the purpose of determining ownership, the contacting of the registered owner by the U.S. mail, public service or in person for a determination of disposition; and, an examination of the Illinois State Police stolen motor vehicle files for theft and wanted information. At the expiration of the **ten (10) day** period, without the benefit of disposition information being received from the registered owner, the Chief of Police will authorize the disposal of the vehicle as junk only.

A motor vehicle or other vehicle classified as an antique vehicle is excluded from this Section.

26-4-11 REPORTS. When a motor vehicle or other vehicle in the custody of the Police Department is reclaimed by the registered owner, lienholder or other legally entitled person, or when the vehicle is sold at public sale or otherwise disposed of as provided in this Section, a report of the transaction will be maintained by the Police Department for a period of **one (1) year** from the date of the sale or disposal.

26-4-12 DISPOSITION OF FUNDS. When a vehicle located within the corporate limits of this municipality is authorized to be towed away by the Chief of Police and disposed of as set forth in this Section, the proceeds of the public sale or disposition after the deduction of towing, storage and processing charges shall be deposited in the municipal treasury.

26-4-13 **LIABILITY.** Any police officer, towing service owner, operator or employee shall not be held to answer or be liable for damages in any action brought by the registered owner, lienholder, or his legal representative, or any other person legally entitled to the possession of a motor vehicle or other vehicle when the vehicle was processed and sold or disposed of as provided by this Section.

26-4-14 **PENALTY.** Any person violating any provision of this Section or any part thereof shall be fined in an amount not less than **Fifty Dollars (\$50.00)** nor more than **One Thousand Dollars (\$1,000.00)**. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such. The court shall also order as part of the judgment that the defendant comply with all applicable codes and ordinances relating to the property which is the subject of the violation. **(Ord. No. 5763; 07-21-97)**

(See 65 ILCS Sec. 5/11-40-3 and 625 ILCS Sec. 5/4-201 et seq.)

ARTICLE V – REGULATION OF LIGHTING

26-5-1 **DEFINITIONS.** For the purpose of this Article, terms used shall be defined as follows:

“Direct Light”: Light emitted directly from the lamp, off of the reflector or reflector or reflector diffuser, or through the refractor or diffuser lens, of a luminaire.

“Fixture”: The assembly that houses the lamp or lamps and can include all or some of the following parts: a housing, a mounting bracket or pole socket, a lamp holder, a ballast, a reflector or mirror, and/or a refractor or lens.

“Flood or Spot Light”: Any light fixture or lamp that incorporates a reflector or a refractor to concentrate the light output into a directed beam in a particular direction.

26-5-2 **REGULATIONS.** All public and private outdoor lighting installed in the City shall be in conformance with the requirements established by this Article. All previous language in City bylaws and ordinances regarding outdoor lighting is replaced with this Article.

26-5-3 **CONTROL OF GLARE – LUMINAIRE DESIGN FACTORS.** Any luminaire with a lamp, lamps, all flood and spot luminaries shall be mounted at a height equal to or less than the value $3 + (D/3)$, where D is the distance in feet to the nearest property boundary. The maximum height of the luminaire may not exceed **twenty-five (25) feet**.

26-5-4 **EXCEPTIONS TO CONTROL OF GLARE.**

(A) Any luminaire with a lamp, lamps, all flood and spot luminaries may be used without restriction to light distribution or mounting height, except that if any spot of flood luminaire is aimed, directed, or focused such as to cause direct light from the luminaire to be directed toward residential building on adjacent or nearby property, or to create glare perceptible to persons operating motor vehicles on public ways, the luminaire shall be redirected, diffused or its light output controlled as necessary to eliminate such conditions.

(B) Luminaires used for public-roadway illumination may be installed at a maximum height of **twenty-five (25) feet** and may be positioned at the height up to the edge of any bordering property.

(C) All temporary emergency lighting needed by the Police or Fire Departments or other emergency services, as well as the vehicular luminaries, shall be exempt from the requirements of this Article.

(D) All hazard warning luminaries required by Federal regulatory agencies are exempt from the requirements of this Article, except that all luminaries

used must be read and must be shown to be as close as possible to the Federally required minimum lumen output requirement for the specific task.

(E) Luminaires used for sign illumination may be mounted at any height to a maximum of **twenty-five (25) feet**, regardless of lumen rating.

(F) **Law Governing Conflicts.** Where any provision of federal, state, county, or town statutes, codes, or laws conflicts with any provision of this Article, the most restrictive shall govern unless otherwise regulated by law.

26-5-5 OUTDOOR ADVERTISING SIGNS.

(A) **Top Mounted Fixtures Required.** Lighting fixtures used to illuminate an outdoor advertising sign shall be mounted on the top of the sign structure. All such fixtures shall comply with the shielding requirements of **Section 26-5-3**.

(B) **Compliance Limit.** Existing outdoor advertising structures shall be brought into conformance with this Article within **ten (10) years** from the date of adoption of this provision.

(C) **Prohibitions.** Electrical illumination of outdoor advertising off-site signs including existing signs between the hours of **11:00 P.M.** and sunrise is prohibited.

26-5-6 RECREATIONAL FACILITIES. Any light source permitted by this Article may be used for lighting of outdoor recreational facilities (public or private), such as, but not limited to, football fields, soccer fields, baseball fields, softball fields, tennis courts, or show areas, provided all of the following conditions are met:

(A) All fixtures used for event lighting shall be fully shielded as defined in **Section 26-5-3** of this Article, or be designed or provided with sharp cut-off capability, so as to minimize up-light, spill-light, or glare.

26-5-7 PROHIBITIONS.

(A) **Laser Source Light.** The use of laser source light, strobe or any similar high intensity light for outdoor advertising or entertainment, when projected above the horizontal is prohibited.

(B) **Searchlights.** The operation of searchlights for advertising purposes is prohibited.

(C) **Outdoor Advertising Off-Site Signs.** Electrical illumination of outdoor advertising off-site signs is prohibited between the hours of **11:00 P.M.** and sunrise.

26-5-8 **TEMPORARY OUTDOOR LIGHTING.** Any temporary outdoor lighting that conforms to the requirements of this Article shall be allowed. Nonconforming temporary outdoor lighting may be permitted by the Streets and Grades Committee after considering:

- (A) the public and/or private benefits that will result from the temporary lighting;
- (B) any annoyance or safety problems that may result from the use of the temporary lighting; and
- (C) the duration of the temporary nonconforming lighting.

The applicant shall submit a detailed description of the proposed temporary nonconforming lighting to the Streets and Grades Committee, who shall consider the request at a monthly called meeting of the Streets and Grades Committee. The Committee shall render its decision on the temporary lighting request at the following monthly meeting. A failure by the Streets and Grades Committee to act on a request within the time allowed shall constitute a denial of the request.

26-5-9 **NOTIFICATION REQUIREMENTS.**

- (A) This Article shall take effect from and after its passage, approval and publication as provided by law.
- (B) Any ordinance that conflicts with this Article is hereby repealed.
- (C) Any prior luminaries that direct light toward streets or parking lots that cause disability glare to motorists or cyclists, or direct light toward residential buildings that cause disability glare to residents, should be either shielded or redirected within **thirty (30) days** of notification, so that the luminaries do not cause a potential hazard to motorists or cyclists, or a nuisance to residents.

26-5-10 **NOTICE TO ELECTRICIANS.** Within **thirty (30) days** of the enactment of this Article, the Code Enforcement Officer shall send a copy of the Outdoor Lighting Ordinance, with cover letter to all electricians and local electric utility (including at least those in the City as listed in the Yellow Pages).

26-5-11 **VIOLATIONS, LEGAL ACTIONS, AND PENALTIES.**

- (A) Any person violating this Article shall be fined not less than **Fifty Dollars (\$50.00)** or more than **One Thousand Dollars (\$1,000.00)**.
- (B) **Violations and Legal Actions.** If, after investigation, the Code Enforcement Officer finds that any provision of the Article is being violated, he shall give notice by hand delivery or by certified mail, return-receipt requested, of such violation to the owner and/or to the occupant of such premises, demanding that violation to the owner and/or to the occupant of such premises, demanding that violation be abated within **thirty (30) days** of the date of hand delivery or of the date of mailing of the notice. If the violation is not abated within the **thirty (30) day** period, the Code Enforcement Officer may institute actions and proceedings, either legal or equitable, to enjoin, restrain, or abate any violations of this Code and to collect the penalties for such violations.

(Ord. No. 6880; 08-07-06)

ARTICLE VI - FURNITURE AND APPLIANCES LEFT OUTDOORS

26-6-1 DEFINITIONS.

"Furniture" includes, but not limited to, upholstered indoor chairs and couches and finished and unfinished indoor chairs, cabinets, chests, cupboards and tables that were built specifically to be used indoors.

"Appliances" includes, but not limited to, indoor household kitchen appliances, such as cooking stoves, ovens, microwave cooking units, dishwashers, washing machines and dryers.

"Indoor Upholstered Furniture" means any furniture constructed with stuffing or cushions or springs, not intended for outdoor use.

"Outdoors" means any place visible from a public place and exposed to precipitation, including but not limited to yards, rooftops, and unenclosed porches, decks, patios and balconies.

"Unenclosed" means any area not totally surrounded with a combination of walls, windows, doors, floor and a roof.

26-6-2 REGULATIONS.

(A) No person shall place, use, keep, store or maintain outdoors any indoor furniture or appliances not manufactured for outdoor use.

(B) No real property owner or real property manager or other person in control of such real property shall permit indoor furniture to remain outdoors on such real property after it has been placed there in violation of this Section.

(C) Any person, firm or corporation who shall violate or permit violation of any provision of this Section shall be guilty of a misdemeanor, punishable by a fine of not less than **Seventy-Five Dollars (\$75.00)** nor more than **Five Hundred Dollars (\$500.00)**. Each day of the violation continues shall be deemed a separate offense.

26-6-3 EXCEPTIONS. Except when said indoor furniture is placed at the curb to be removed the same day as part of bulky waste removal, or when said furniture is placed outdoors as part of a lawful garage sale or other sale, where permitted or licensed, and otherwise allowed under City ordinance.

(Ord. No. 7036; 11-06-07)

ARTICLE VII - BEEKEEPING

26-7-1 **DEFINITIONS.** As used in this Article, the following words, terms and phrases shall have the meanings ascribed to them in this Section:

"Apiary": A place where bee colonies are kept.

"Bee": Any stage of the common domestic honeybee, *Apis mellifera* species.

"Colony": A hive and its equipment and appurtenances, including bees, comb, honey, pollen, and brood.

"Hive": A structure intended for the housing of a bee colony.

26-7-2 **HIVES.** All bee colonies shall be kept in inspectable type hives with removable combs, which shall be kept in sound and usable condition.

26-7-3 **REGISTRATION.** Beekeepers shall register with the City upon bringing any colony into the City. For bee colonies existing within the City prior to the effective date of this Article, beekeepers shall have **one (1) month** from the date of this Article goes into effect to register with the city for beekeeping. Registrations shall be submitted to the Public Works Office, Health & Housing, Building & Zoning, 213 South Illinois, Belleville, Illinois 62220. At the time of registration, the applicant shall:

(A) Submit proof of registration of the colonies with the State of Illinois Department of Agriculture; and

(B) Be in compliance with the other requirements of this Article; and

(C) Provide a drawing of beehives in relation to property lines, distance from neighbors and permanent structures.

26-7-4 **FENCING, GATES, AND SIGNAGE.** All hives shall be enclosed by fencing with a secure gate and prominent signage warning of the presence of a hive.

26-7-5 **WATER.** Each beekeeper shall ensure that a convenient source of water is available at all times to the bees so that the bees will not congregate at swimming pools, bibcocks, pet water bowls, birdbaths or other water sources where they may cause human, bird, or domestic pet contract. The water shall be maintained so as not to become stagnant.

26-7-6 **MAINTENANCE.** Each beekeeper shall ensure that no bee comb or other materials that might encourage robbing are left upon the grounds of the apiary site. Upon their removal from the hive, all such materials shall promptly be disposed of in a sealed container or placed within a building or other beeproof enclosure.

26-7-7 **QUEENS.** In any instance in which a colony exhibits unusually aggressive characteristics by stinging or attempting to sting without due provocation, or exhibits an unusual disposition towards swarming, it shall be the duty of the beekeeper to requeen the colony. Queens shall be selected from stock bred for gentleness and nonswarming characteristics.

26-7-8 **COLONY DENSITIES.**

(A) There shall be no more than **two (2)** apiary sites in each ward in the City.

(B) For each **two (2) colonies**, there may be maintained **one (1)** nucleus colony in a hive structure not exceeding one standard **nine and five-eighths (9 5/8) inch** depth **ten (10)** frame hive body with no supers attached as required from time to time for management of swarms. Each such nucleus colony shall be disposed of or combined with an authorized colony within **thirty (30) days** after the date it is acquired.

(C) **Prohibited.** The keeping by any person of bee colonies in the City not in compliance with this Article is prohibited. Any bee colony not residing in a hive structure intended for beekeeping, or any swarm of bees, or any colony residing in a standard or homemade hive which, by virtue of its condition, has obviously been abandoned by the beekeeper, is unlawful.

(Ord. No. 7066; 01-08-08)