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CHAPTER 7: GENERAL REGULATIONS

Article 1 - Garbage and Refuse

Sec. 7.101 Definitions: As used in this article, the words “garbage” and “refuse” have the following meanings:

- (1) “Garbage” Wastes resulting from the handling, preparation, cooking, and consumption of food; wastes from the handling, storage, and sale of produce.
- (2) “Refuse” Combustible trash, including but not limited to, paper, cartons, boxes, barrels, wood, excelsior, tree branches, yard metals, tin cans, quantities of rock or earth and pieces of concrete, glass and crockery.

Sec. 7.102 Uncovered garbage: It shall be unlawful to place or permit to remain anywhere in the Village, any garbage, or other material subject to decay other than leaves or grass excepting in tightly covered metal or plastic containers.

Sec. 7.103 Wind-Blown Refuse: It shall be unlawful to cause or permit to accumulate anywhere in the Village refuse or trash of such a material that it can be blown away by the wind excepting in a covered container.

Sec. 7.104 Deposits on Streets: It shall be unlawful to deposit or permit to fall from any vehicle any garbage or refuse on any public street or alley in the Village provided, that this section shall not be construed to prohibit placing garbage or refuse in a container complying with the provisions of this Ordinance preparatory to having such material collected for disposal.

Sec. 7.105 Consent of Owner: It shall be unlawful to dump or place any garbage or refuse on any premises in the Village without consent of the owner of such premises.

Sec. 7.106 Disposal: It shall be unlawful to dispose of any garbage or refuse anywhere within the Village. It shall also be unlawful to burn garbage within the Village.

Sec. 7.107 Containers: All garbage and refuse for collection shall be placed in metal or plastic containers or plastic bags, which are covered or securely sealed.

Sec. 7.108 Penalty: Any person, firm or corporation violating any provision of this Ordinance shall be fined not less than One Hundred Dollars (\$100.00) nor more than Seven Hundred Fifty Dollars (\$750.00) for each offense; and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues. The fact that garbage or refuse remains on any occupant’s premises in the Village in violation of this article shall be prima facie evidence that the occupant of such premises is responsible for the violation occurring.

Article 2 - Plants and Weeds

Sec. 7.201 Weeds - Declared a Nuisance: Any weeds such as jimson, burdock, ragweed, thistle, cocklebur, or other weeds of a like kind, found growing in any lot or tract of land in the Village are hereby declared to be a nuisance, and it shall be unlawful to permit any such weeds to grow or remain in any such place.

Sec. 7.202 Height: It shall be unlawful for anyone to permit any weeds, grass or plants, other than

trees, bushes, flowers, or other ornamental plants to grow to a height exceeding six inches anywhere in the Village. Any such plants or weeds exceeding such height are hereby declared to be a nuisance.

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Sec. 7.203 Removal - Notice: It shall be the duty of the Chief of Police to serve or cause to be served a notice upon the owner or occupant of any premises which grass, vegetation, weeds or plants are permitted to grow in violation of the provisions of this Ordinance and to demand the abatement of the nuisance within ten days. The notice shall be in writing indicating the date the notice was served and the applicable section of the Ordinance, which has been violated.

Sec. 7.204 Abatement: If the person so served does not abate the nuisance within ten days the Village Council may take steps to abate such nuisance, keeping an account of the expense of the abatement and such expense shall be charged and paid by such owner or occupant.

Sec. 7.205 Lien: Charges for such weed removal shall be a lien upon the premises. Whenever a bill for such charges remains unpaid for thirty days after it has been rendered, the Clerk may file with the Recorder of Deeds of the County in which the property is located a statement of lien claim. This statement shall contain a legal description of the premises, the expenses and costs incurred and the date the weeds were cut, and a notice that the Village claims a lien for this amount. Notice of such lien claim shall be mailed to the owner of the premises if his address is known. Provided, however, that failure of the Clerk to record such lien or to mail such notice, or the failure of the owner to receive such notice, shall not affect the right to foreclose the lien for such charges as provided in the following section.

Sec. 7.206 Foreclosure of Lien: Property subject to a lien for unpaid weed cutting charges shall be sold for nonpayment of the same and the proceeds of such sale shall be applied to pay the charges after deducting costs, as is the case in the foreclosure of statutory liens. Such foreclosure shall be in equity in the name of the Village. The Village Attorney is hereby authorized and directed to institute such proceedings, in the name of the Village, in any court having jurisdiction over such matter, against any property for which such bill has remained unpaid thirty days after it has been rendered.

Sec. 7.207 Sidewalk, Landscaping Maintenance Responsibility for all Zoning Districts: The maintenance and care of green space furnished and installed upon the public right-of-way in all zoning districts shall be the responsibility of the abutting property owner. It shall be unlawful for an owner or person in control of any real property to permit the growth of weeds on any right-of-way located between the property line of the property and the roadway portion of an adjoining highway inclusive of all parkways, sidewalks and waterways found therein. It shall be unlawful for an owner or person in control of any real property to permit the encroachment of vegetation including all weeds, flowers, bushes, hedges, trees or any other plant growth to encumber any public place of public way. It shall be unlawful for any person to dig, cut or remove any sod or earth from any street or other public place within the village, without a permit from the director of public works.

Sec. 7.208 Sweeping, Shoveling, etc., Snow, Ice, etc., upon Public Ways: No person shall sweep, shovel or pile, or cause to be swept, shoveled or piled, any snow, ice, or other waste upon any of the streets, avenues, alleys, sidewalks or other public ways in the village.

Article 3 - Curfew

Sec. 7.301 Children on streets at night: It shall be unlawful for any person of less than seventeen

years of age to be present at or upon any public assembly, building, place, street, or highway at the following times unless accompanied by a parent, legal guardian, or other responsible companion at least seventeen (17) years of age approved by a parent or legal guardian or unless engaged in a business or occupation which the laws of this State authorize a person less than seventeen years of age to perform:

- (a) Between 12:01a.m. and 6:00 a.m. on Saturday,
- (b) Between 12:01 a.m. and 6:00 a.m. on Sunday, and
- (c) Between 11:00p.m. and 6:00 a.m. Monday to Friday.

Sec. 7.302 Detaining Child: Every member of the police force, while on duty, is hereby authorized to detain any such minor willfully violating the provisions of the first section of this article until a parent or guardian of the child shall take him or her into custody; but such officer shall immediately upon taking custody of the child communicate with the parent or guardian. A juvenile officer will be contacted should the minor be detained longer than six hours.

Sec. 7.303 Permitting person to violate curfew: It shall be unlawful for a parent, legal guardian, or other person to knowingly permit a person in his custody or control to violate the provision of this article.

Sec. 7.304 Penalty: Any person violating the provisions of this Article shall be fined not less than Fifty Dollars (\$50.00) nor more than Two Hundred Dollars (\$200.00) for each offense. In addition to or instead of the fine imposed by this section, the court may order a parent, legal guardian, or other person convicted of a violation of Sec. 7.301 or 7.303 of this chapter to perform community service as determined by the court, except that the legal guardian of a person who has been made a ward of the court under the Juvenile Court Act of 1987 may not be ordered to perform community service. The dates and times established for the performance of community service shall not conflict with the dates and times that the person is employed in his or her regular occupation. Re: ILCS Ch. 65, Act 5, Sec. 11-1-5.

Article 4 - Fireworks

Sec. 7.401 Unlawful within Village limits: It shall be unlawful for any person, firm or corporation within the Village to sell, loan or expose for sale or in any manner furnish to any person any fireworks, fire crackers, or pyrotechnics. Provided that public exhibitions of fireworks and pyrotechnics may be given if a permit therefore be granted by the President and Village Council. Such exhibitions shall be given subject to the supervision of the police department or the fire protection district.

Sec. 7.402 Penalty: Each and any person, firm or corporation which shall violate any of the provisions of the above article shall be fined not less than One Hundred Dollars (\$100.00) nor more than Seven Hundred Fifty Dollars (\$750.00).

Article 5 - Abandoned Vehicles

Sec. 7.501 Definition of Words: For the purpose of this Ordinance, the following words shall have the meanings ascribed to them as follows:

1. "Highway" means any street, alley, or public way within the Village of Deer Creek.
2. "Abandoned vehicle" means all motor vehicles or other vehicles in a state of disrepair rendering the vehicle incapable of being driven in its condition; or any motor vehicle or other vehicle that has not been moved or used for seven consecutive days or more and is

apparently deserted.

3. "Antique vehicle" means any motor vehicle or other vehicle twenty-five years of age or older.

Sec. 7.502 Abandonment: The abandonment of a motor vehicle or other vehicle or any part thereof on any highway in this municipality is unlawful and subject to penalties as set forth herein. The abandonment of a motor vehicle or other vehicle or any part thereof on private or public property, other than a highway, in view of the general public, anywhere in this municipality is unlawful and declared to be a nuisance. A motor vehicle or other vehicle or any part thereof so abandoned on private property may be authorized for removal by or upon the order of the police department of the municipality, after notification and a waiting period of seven days or more has expired.

Sec. 7.503 Notification to Police: When an abandoned, lost, stolen, or unclaimed motor vehicle or other vehicle comes into the temporary possession or custody of a person in this State, not the owner of the vehicle, such person shall immediately notify the municipal police department when the vehicle is within the corporate limits of the municipality. Upon receipt of such notification, the municipal police department shall authorize a towing service to remove and take possession of the abandoned, lost, stolen, or unclaimed motor vehicle or other vehicle. The towing service will safely keep the vehicle towed and its contents, maintain a record of the tow until the vehicle is claimed by the owner or any other person legally entitled to possession thereof, or until it is disposed of as provided in this ordinance.

Sec. 7.504 Removal of Abandoned Vehicle: (a) When a motor vehicle or other vehicle is abandoned on a highway in this municipality ten hours or more, its removal by a towing service may be authorized by order of the police department of this municipality. (b) When an abandoned, 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 police department of this municipality. (c) When a vehicle removed from either public or private property is authorized by order of the police department of this municipality, the owner of the vehicle will be responsible for all towing costs.

Sec. 7.505 Police Department to Keep Record: 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.

Sec. 7.506 Obtaining Registration Information: When the municipal police department does not know the identity of the registered owner 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.

Sec. 7.507 Notification of 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 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.

Sec. 7.508 Redemption: Any time before a motor vehicle or other vehicle is sold at public sale or disposed of as provided herein, the owner 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.

Sec. 7.509 Public Sale Notice: Whenever an abandoned, lost, stolen or unclaimed motor vehicle or other vehicle, seven years of age or newer, remains unclaimed by the registered owner or other person legally entitled to its possession for a period of thirty 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 days prior to the sale on the premises where the vehicle has been impounded. At least ten 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 or other person known by the police department or towing service to be 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.

Sec. 7.510 Disposal: When the identity of the registered owner or other person legally entitled to the possession of an abandoned, lost or unclaimed vehicle of seven years of age or newer cannot be determined by any means provided for in this Ordinance, the vehicle may be sold as provided herein or disposed of in the manner authorized by the Ordinance without notice to the registered owner or other person legally entitled to the possession of the vehicle. When an abandoned vehicle of more than seven years of age is impounded as specified by this Ordinance, it will be kept in custody for a minimum of ten 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-day period, without the benefit of disposition information being received from the registered owner, the police department will authorize the disposal of the vehicle as junk only.

Sec. 7.511 Report by Police Department: When a motor vehicle or other vehicle in the custody of the police department is reclaimed by the registered owner or other legally entitled person, or when the vehicle is sold at public sale or otherwise disposed of as provided in this Ordinance, a report of the transaction will be maintained by the police department for a period of one year from the date of the sale or disposal.

Sec. 7.512 Proceeds of Sale: When a vehicle located within the corporate limits of this municipality is authorized to be towed away by the police department and disposed of as set forth in this Ordinance, the proceeds of the public sale or disposition after the deduction of towing, storage and processing charges shall be deposited in the municipal treasury.

Sec. 7.513 Immunity from damages: 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, former registered owner, 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 Ordinance.

Sec. 7.514 Penalty: Any person violating any provision of this Ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof, shall be fined not less than One Hundred Dollars (\$100.00) nor more than Seven Hundred Fifty Dollars (\$750.00). Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable hereunder as such.

Article 6 – Storage of Vehicles

Sec. 7.601 - Number of Vehicles: No person shall store, park, or keep, or permit the storage, parking or keeping of more than four vehicles, outside of a garage duly constructed and permitted under the Zoning Code of the Village, upon any property within the Village owned, leased, or controlled, in whole or in part, by such person.

Sec. 7.602 - Exceptions: There are excepted from this provision the following:

1. The owner or operator, and his agents, of any licensed automobile dealership, vehicle repair garage or shop, vehicle service station, junk car business, or retail or service establishment or industry where proper parking or drive-in facilities have been provided for customers or employees, as to property duly zoned for such a purpose.
2. The owner or tenant of a multi-family dwelling, apartment house, or condominium, authorized under the Zoning Code, or of a unit therein, as to a vehicle or vehicles in proper parking facilities provided as to such multi-family dwelling, apartment house, or condominium.
3. The temporary parking for a period of less than seventy-two (72) hours of vehicles on property where operators thereof have parked such vehicle on such property for the purpose of visiting with an owner or tenant of such property or their families.
4. The temporary parking for a period of less than fourteen (14) days of vehicles on property where the operators or occupants thereof have come from outside the Village for the purpose of visiting with an owner or tenant of such property or the family of such owner or tenant.

Sec. 7.603 - Registration and License Required: No person shall store, park, or keep, or permit the storage, parking or keeping of any vehicle upon any property within this Village owned, leased, or controlled, in whole or in part, by such person, unless such vehicle is currently registered and licensed by the property state and unless such vehicle has thereon license plates from the proper state, except where such motor vehicle has been recently purchased and proof of application for proper license plates is posted thereon; provided, that this division shall not apply as to a vehicle parked, stored or kept within a garage duly constructed and permitted under the Zoning Code of the Village.

Sec. 7.604 - Inoperable Motor Vehicles: No person shall store, park or keep, or permit the storage, parking or keeping of any vehicle that is inoperable and has been inoperable for a period of more than fourteen (14) days upon any property within this village owned, leased, or controlled, in whole or in

part, by such person, provided that this section shall not apply as to a vehicle parked, stored or kept within a garage duly constructed and permitted under the Zoning Code of the Village.

Sec. 7.605 - Parking on Another Person's Property: No person shall park a vehicle upon property within the Village owned or leased by another person without the consent of the other person or the consent of an authorized agent of the other person. There shall be a prima facie presumption that persons making deliveries of supplies or services to a property at the request of an owner, tenant or occupants thereof have the consent for the purpose of the deliveries. The provisions of this section shall not apply to fire, police, ambulance, rescue squad, medical or emergency services and disaster personnel while in the performance of their duties.

Article 7 - Fences

Sec. 7.701 Barbed Wire: No fence shall be erected, placed upon, or remain on any property in the Village, which consists of barbed wire.

Sec. 7.702 Height of Fences: No fence shall be erected, placed upon, or remain on any property within the Village which is more than six feet (6') in height, unless the property owners on each side of said fence shall agree in writing to a higher fence. To erect a fence, a building permit is required and in addition to obtaining a permit, the property owner will contact JULIE for locating underground cable, gas, and telephone.

Sec. 7.703 Penalty: Any person, firm or corporation violating any of the provisions of this Article shall be fined not less than One Hundred Dollars (\$100.00) nor more than Seven Hundred Fifty Dollars (\$750.00), and each day's violation of this Article shall constitute a separate offense.

Article 8 - Dangerous and Unsafe Property

Sec.7.801 Definitions: The following terms whenever used or referred to in this Ordinance shall have the following respective meanings unless a different meaning clearly appears from the context:

- (a) "Demolish" means to destroy building, to remove all debris and waste materials from the lot on which the building stood, and to properly fill in any excavation on such lot.
- (b) "Building" shall mean structure or part thereof. It shall also encompass an excavation on real property and any shed, fence or any other manmade structure.
- (c) "Dangerous and unsafe building" shall mean a building that, because of its condition, constitutes a hazard to the health or safety of persons or to the safety of other property, whether real or personal property. Any building, which has one or more of the following defects, shall be deemed to be a "dangerous and unsafe building":
 - (i) Any building whose walls or vertical members list, lean, or buckle to such an extent that a plumb line suspended from the top edge of such member shall fall outside of a distance from the edge equal to one-third of the thickness of such members.
 - (ii) Any building which has support member or members which have deteriorated to such an extent as to be unable to safely support the applied loads or which have forty percent damage or deterioration of the non-supporting, enclosed or outside walls or covering.
 - (iii) Any building, which has improperly distributed loads upon the floors or roofs or in, which the same are overloaded or which have insufficient strength to be reasonably safe for the purpose used.

(iv) Any building which has been damaged by fire, wind or other causes so as to have become dangerous to life, safety or the health and welfare of persons or to the safety of other property, whether real or personal.

(v) Any building which has parts thereof which are so attached that they may fall and injure persons or property.

(vi) Any building which has wiring that is dangerous due to lack of insulation, improper fuses, inadequate grounding, lack of capacity of wires or other dangerous conditions.

(vii) Any building which by reason of faulty construction, age, lack of proper repair, or any other cause has become especially liable to fire, and constitutes or creates a fire hazard, or has become liable to cause injury or damage by collapsing or otherwise.

(viii) Any building which is dangerous to the public health because of its construction or condition or which may cause or aid in the spread of disease or cause injury to the health of the occupants of it or of neighboring structures.

(ix) Any building 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.

The enumeration of certain defects herein shall not mean that a building with other defects which constitute a hazard to the health or safety of persons or to the safety of other property, whether real or personal, shall not be deemed a “dangerous and unsafe building.

(d) “Uncompleted building” shall mean a building on which the construction thereof has been started and has not been completed and on which there has not been substantial construction work done toward the completion of such building for a period of ninety (90) days. However, periods during which construction is impractical due to severe weather conditions or labor strikes shall be excluded in the computation of such 90-day period.

(e) “Abandoned building” shall mean a building which has one or more of the following defects which shall be deemed to be an abandoned building”:

(i) the property has been tax delinquent for two or more years, or bills for water service for the property have been outstanding and unpaid for two or more years;

(ii) the property is unoccupied by persons legally in possession;

(iii) the property contains a dangerous or unsafe building.

(f) “Unfit building” shall mean a building not suited for occupancy, or for the purposes for which it was intended, or any building which because of its lack of proper repair or maintenance depreciates the appearance or value of the neighborhood in which it is located, or any building which because of lack of proper repair or maintenance could cause injury or damage to persons or property, or any building which was not constructed in whole or in part in accordance with any building, electrical, fire, or sewer ordinances of this Village or statutes of the State of Illinois. While the enumeration of the following defects shall not mean that other defects do not make a building an “unfit building” as above defined, any building which has one or more of the following defects shall be deemed to be an “unfit building”:

(i) Any building which has one or more of the defects mentioned in Section 2 (c) above.

(ii) Any building which does not have an unobstructed means of egress leading to an open space at ground level.

(iii) Any building which has a broken window pane or panes or in which a window pane or panes have been broken out or removed, providing such condition has continued for more than thirty (30) days.

(iv) Any building in which a window or windows have been boarded up. However, the use of properly appearing window shutter or shutters over a window or windows shall not be considered boarding up as long as they do not detract from the general appearance of the area.

(v) Any building which while used as a dwelling for human habitation does not have an installed kitchen sink in each dwelling unit properly connected to the hot and cold water supply pipes

and the sewer system, or does not have an installed tub or shower and lavatory properly connected to hot and cold water supply pipes and sewer system, or does not have a flush type water closet located in a room affording privacy and properly connected to the water supply pipes and sewer system, or does not have installed electric lighting facilities for every habitable room, or does not have installed a heating system adequate to provide necessary heat to occupants.

- (vi) Any building which, while used for human occupancy, does not have ventilation provided by openable doors, or windows, equal to 4.5 per cent of total floor area of each room, except where there is supplied forced air ventilation in compliance with all applicable laws and ordinances.
 - (vii) Any building in which the heating equipment installed is not vented and maintained in good order and repair.
 - (viii) Any building in which there are leaking water lines or leaking gas lines.
 - (ix) Any building in which bricks, blocks, boards, siding or covering forming part of the walls or other structure of such building are loose or not firmly attached or are rotted, decayed or crumbling.
 - (x) Any building with a chimney in which bricks or blocks forming a part thereof are loose or not firmly attached or are decayed or crumbling.
 - (xi) Any building which has kept or maintained thereon, therein, or about the same, combustible or explosive material or inflammable conditions, which endanger the safety of persons or other property.
 - (xii) Any building which does not comply with rules of the Office of the State Fire Marshall adopted and promulgated under Section 9 of "AN ACT relating to the investigation and prevention of fire," approved June 15, 1909, as amended (425 ILCS 2519).
 - (xiii) Any building which has a roof thereon that leaks so as to permit water to enter into any room or rooms of such building and which has not been repaired to prevent such leaks within thirty (30) days after such leaks first commenced.
 - (xiv) Any building in which or about which junk, trash, paper, garbage, or materials is or are stored or kept in such a manner as could increase the possibility of rat infestation, or the spread of disease, or the hazards of fire, or injury to persons or property.
- (f) "Owner" shall mean the holder of fee simple title
- (g) "Parties in interest" shall mean all individuals, associates, partnerships, corporations, or other legal entities who have a mortgage or other lien on a building or who are in possession thereof.

Sec. 7.802 Nuisances: Pursuant to authority contained in 65 ILCS 5/11-60-2, each of the following is hereby defined and declared to be a public nuisance: any dangerous and unsafe building, any uncompleted building, any abandoned building, and any unfit building, each as being defined in this Ordinance.

Sec. 7.803 Renting Unfit Building: It shall be unlawful for any owner or any party in interest of a building to rent or offer for rent any unfit building within any territory under the jurisdiction of this Village.

Sec. 7.804 Unlawful to have Certain Building: It shall be unlawful for any owner to have within any territory under the jurisdiction of this Village any dangerous and unsafe buildings, any uncompleted building, any abandoned building, or unfit building, as such buildings are defined in this Article, after fifteen (15) days following the giving of notice as provided in Section 7.805 of this Article.

Sec. 7.805 Duty to Repair or Demolish: Within fifteen (15) days after being given notice that any

building is deemed to be a dangerous and unsafe building, an uncompleted building, an abandoned building or an unfit building, the owner thereof shall immediately proceed to do one of the following: (a) to repair or to cause to repair, and where appropriate to rebuild and construct or cause to rebuild and construct, such building so that such building is not a dangerous and unsafe building, an uncompleted and abandoned building or an unfit building, (b) to demolish or cause to demolish such building, (c) to enclose or cause to enclose such building, (d) to remove or cause to remove, garbage, debris or other hazardous, noxious or unhealthy substances or materials from such building. Such repair, enclosure, rebuilding and construction, and removal of garbage, debris and other hazardous, noxious or unhealthy substances, or such demolition shall be completed within ninety (90) days after the giving of the aforesaid notice. However, upon written application made prior to the expiration of such 90-day period to the Village Council, such 90-day period may be extended by such Village Council upon satisfactory proof that the owner has proceeded with and is proceeding with due diligence toward such completion. The date of giving such notice shall be the date of mailing, if mailed, or the date of delivery, if not mailed. If, upon diligent search, the identity or whereabouts of the owner or owners of any such building is not ascertainable, notice mailed to either an occupant of such premises or to the person or persons in whose name such real estate was last assessed is sufficient notice under this Section.

Sec. 7.806 Notice where Court Order for Repair or Demolition Sought: In the event that a court order for repair or demolition is to be sought under 65 ILCS 5/11-31-1 if such building is not put in a safe condition, demolished, enclosed, or all garbage, debris, or other hazardous, noxious, or unhealthy substances or materials removed after the notice provided in this Section is given, under the provisions of 65 ILCS 5/15-31-1, written notice to repair, demolish, enclose or remove shall be given by mail more than fifteen (15) days prior to the commencement of such court action to the owner or owners thereof, including the lien holders of record. Where, upon diligent search, 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.

Sec. 7.807 Court Proceedings and Rights Under Statute:

(a) Where the notice has been given as provided in Sections 7.805 and 7.806 of this Article, the Village shall have all rights to proceed for court order for the demolition or repair or enclosure of any dangerous and unsafe building or uncompleted building or abandoned building or the removal of garbage, debris, or other hazardous, noxious or unhealthy substances or materials within the territory of this municipality and shall have all rights provided in 65 ILCS 5/11-31-1, including rights for lien and foreclosure, upon compliance with said Section of said statute by the Village. The Village shall be entitled to recover all its' costs and expenses as provided in 65 ILCS 5/11-31-1.

(b) If notice has been given as provided in Section 7.805 of this article, the Village shall have all rights to proceed for a court order to have the property declared abandoned as defined in Sec. 1(e) of this Article. If a court determination is made on a default basis that the property has been abandoned, then notice shall be sent by certified mail to all persons having an interest of record in the property, including tax purchasers and beneficial owners of any Illinois Land Trust having title to the property, stating that the title to the property will be transferred to the Village unless, within 30 days after the notice, the owner of record enters an appearance in the action, or unless any other person having interest in the property files with the Court a request to demolish the dangerous or unsafe building or to put the building in safe condition. If such action occurs, then the court shall vacate its order declaring the property abandoned and allow the Village to amend its complaint. If a request to demolish or repair is filed within the thirty (30) day period (following default), the Court shall grant permission to the owner of record and/or requesting party to demolish the building within thirty (30) days or restore the

building to a safe condition within 60 days. An extension of such period for up to 60 additional days may be given for good cause. If more than one person with an interest in the property files a timely request, preference shall be given to the person with the lien or other interest of highest priority. If a requesting party (not the owner of record) pursuant to request demolishes the building or puts it in a safe condition within the time granted by the Court then the Court shall grant the requesting party a quitclaim judicial deed upon payment of the Village's court costs, attorney fees, administration fees and any other costs. The quitclaim judicial deed to the requesting part shall only convey the interest of the owner of record and shall be subject to all liens, encumbrances and rights of redemption, if any. If no person with an interest in the property files a timely request or if a requesting party fails to demolish the building or put it in a safe condition within the time specified by the Court, the Village may petition the Court to issue a judicial deed for the property to the Village. Such conveyance by judicial deed to the Village shall operate to extinguish all existing ownership interest in, liens on and other interests in such property including tax liens.

Sec. 7.808 Persons Authorized or Directed to Give Notice: Any of the following officers or agents of this Village, upon having reasonable grounds for believing that any building is a dangerous and unsafe building, an uncompleted and abandoned building, or an unfit building or an abandoned property pursuant to Section 7.808 (b) of this Article and on behalf of this Village with authority obtained first from the President and Village Council, is authorized to give any notice provided for in Section 7.706 of this Article and is further authorized, if such person has reasonable grounds to believe that there has been a violation of Sections 7.802, 7.803 or 7.804 of this Article, to sign and file complaints for fines or penalties for violations of Section 7.804, 7.805 or 7.806 of this Article: (a) the Village President, (b) the Village Attorney, (c) the Zoning Officer, (d) the Chief of Police, (e) any police officer, (f) the Village Clerk, (g) the Superintendent of Streets and Water, (h) the Director of Emergency Services and Disaster Operations. Any of the foregoing shall give such notice upon direction by the President and Village Council. Any of the foregoing shall further give any notice provided by Section 7.806 of this Article upon direction by the President and Village Council.

Sec. 7.809 Separate Offense for Each Day of Continuance: Each day that a violation of Section 7.805 or 7.806 of this Article continues shall be deemed a separate offense, and a fine or penalty as hereinafter provided may be recovered for each day that such offense continues.

Sec. 7.810 Penalties: Any person, partnership, corporation, or other legal entity violating any of the provisions of Section 7.804, Section 7.805 or Section 7.806 of this Article shall be fined not less than One Hundred Dollars (\$100.00) nor more than Seven Hundred Fifty Dollars (\$750.00) for each offense. However, there shall be no fine imposed under Section 7.805 of this Article as long as the owner is proceeding to repair or demolish fully in accordance with Section 7.806 of this Ordinance. That a complaint is filed against any person seeking a fine or penalty, or that any fine or penalty is imposed, shall not in any way prevent this Village from proceeding, or waiving any right of this Village to proceed, under 65 ILCS 5/11-31-1.

Sec. 7.811 Substitute Service: In lieu of certified mail or registered mail, the Village may have a notice required by this ordinance personally served by a sheriff, Village police officer or licensed private investigator.

Revised: March 1993 Ord. #369

Article 9 - Park Conduct

Sec 7.901 Use of Public Parks is by License: Use of the public parks and recreation areas of the Village of Deer Creek is by license only. No person acquires any lease or tenancy upon any park land by virtue of the payment of any fee charged for use of park land or park facilities.

Sec. 7.902 Motor Vehicles Prohibited: No motor vehicle shall be operated by any person(s) in any Park, except upon designated parking areas. For the purpose of this ordinance, a motor vehicle is defined as any vehicle propelled by or with the aid of a motor, and includes any automobile, truck, motorcycle, cycle, all terrain vehicles, snowmobiles or any other vehicle.

Sec. 7.903 Prohibition of Use and Possession of Alcoholic Liquor or Beverages: No person shall have in their possession or shall consume any alcoholic liquor or beverage in any Park. No person shall be in any Park while under the influence of alcoholic liquors or beverages to such a degree that his or her faculties are impaired.

Sec. 7.904 Damage to Property: No persons while in any Park shall injure, destroy, deface or aid or assist in injuring, destroying or defacing any public or private property. No persons shall remove therefrom, any building or part thereof, table, bench, fireplace, lamp post, fence, wall, paving or paving materials, water line, or any other public utility or parts or apparatus thereof or any sign, notice or placard whether temporary or permanent equipment, facilities or other Park property or appurtenances whatsoever, either real or personal.

Sec. 7.905 Fires: No persons shall light, build or attempt to light or build a fire in any Park except in areas as designated for such activities. Designated areas are such as the public barbecue pits and other areas that are approved in advance by the Village Council or the Chairman of the Village Park Committee.

Sec. 7.906 Climbing Trees and Other Park Structures: No persons shall climb any tree nor climb, walk, run, stand or sit upon any wall building, fountain, fence, railing or eating sections of picnic tables, in any Park of the Village not designated or customarily used for such purposes.

Sec. 7.907 Damaging Plant Life: No persons shall damage, cut, carve, uproot or injure any tree or injure the bark, or pick the flowers or seeds of any tree or plant in any Park. Nor shall any persons attach any rope or other contrivance to any tree or plant, nor shall any persons dig or otherwise disturb grass areas or in any other way injure or impair the beauty or usefulness of any Park of the Village unless directed to do so by the Village Council or the Chairman of the Village Park Committee.

Sec. 7.908 Picnicking: No person shall leave a picnic area before the fire is completely extinguished and before all trash, cans, bottles, garbage and other refuse is placed in the disposal receptacles. If they are full, the refuse and trash shall be carried away from the picnic area by the picnickers to be disposed of in a lawful manner elsewhere.

Sec. 7.909 Restrooms and Washrooms: No persons in a Park shall fail to cooperate in maintaining restrooms and washrooms in a neat and sanitary condition. No person over the age of five years of age shall enter into or use any Park restroom, washroom, dressing room, or any other structure or part thereof that is designated for the exclusive use of the opposite sex.

Sec. 7.910 Tents and Other Structures: No persons shall construct or erect any building, tent, or structure of whatever kind in any Park, whether permanent or temporary in character, or run or string any public service utility into, upon or across any park without first having obtained all necessary permits and approval that shall be lawfully required by the Village Council.

Sec. 7.911 Concerts and Noise Amplification: No persons shall conduct any musical concert, play upon any amplified instrument, nor set up or use any communication system in any Park without having first received approval from the Village Council.

Sec. 7.912 Meetings and Assemblies: No persons shall hold or attempt to hold any meeting, assembly, demonstration, celebration, parade, rally, religious worship, or any event other than normal everyday use, in any Park, without having first received approval from the Village Council.

Sec. 7.913 Exhibiting Written Approval: No persons issued written approval by the Village Council or the Chairman of the Park Committee shall fail to produce the written approval and exhibit it upon request or demand of the Village President, Chairman of the Park Committee, Village Street Superintendent or any law enforcement officer.

Sec. 7.914 Trespass to Parks after Hours: No persons shall enter upon or be present in any Park of the Village of Deer Creek during the hours of 9:00 p.m. and sunrise, except when prior approval was obtained from the Village Council.

Sec. 7.915 Law Enforcement Officers/Board Members/Employees: All law enforcement officers, all elected or duly appointed Village Trustees, and the Village Street Superintendent shall have the authority to eject from any of the Parks of the Village any persons acting in violation of this ordinance or any part thereof.

Sec. 7.916 Hindering Employees: No persons shall hinder, interfere with or cause or threaten to do bodily harm to any person who is designated under Section 7.915 of this Ordinance to enforce this Ordinance while they are engaged in performing their duties in enforcing this Ordinance.

Sec. 7.917 Other Criminal Acts: No persons shall commit or violate in any Park any act prohibited by Illinois Compiled Statutes, including but not limited to, any criminal acts as defined therein, and any acts related to possession or use of cannabis or any other dangerous or illegal drugs.

Sec. 7.918 Rules and Regulations: The Village Council may from time to time adopt such rules and regulations governing the conduct of persons in any Park or the operation of any Park by motion or resolution at a meeting of said Council or may authorize the adoption of such rules and regulations by duly authorized officials or personnel of the Village, and no person shall knowingly violate such rules and regulations.

Sec. 7.919 Disorderly Conduct: No person shall do any act in such an unreasonable manner so as to alarm or disturb another and to provoke a breach of the peace. In addition, no person shall make, aid or assist in the making of any loud noise or disturbance tending to be a breach of the peace in any park. No person shall gather or collect with other persons in bodied or crowds if such gathering alarms or disturbs another *or* tends to provoke a breach of the peace.

Sec. 7.920 Dogs: Any person that has control or possession of a dog in a park shall clean up and dispose of any fecal droppings from the dog in a clean and sanitary manner.

Sec. 7.921 Penalties: Any person violating any of the provisions of this Article shall be fined not less than One Hundred Dollars (\$100.00) nor more than Seven Hundred Fifty Dollars (\$750.00) for each offense.

Revised: May 1995 Ord. #389, August 1996 Ord. #410, December 2001 Ord. #478

Article 10 – Mail Boxes

Sec. 7.1001 Definitions: The following definitions shall apply to this Section of the Village Code:

- a. The term “cluster box” shall include a grouping of mailboxes commonly described as cluster boxes, gang boxes, data distribution boxes or any other placement of mailboxes at a single location in groups of three (3) or more.
- b. The term “mailbox” shall be any receptacle erected on private or village property used for the delivery of U.S. Postal Service mail.
- c. The term “newspaper receptacle” shall be any box, tube, or other receptacle used for the purpose of receiving newspapers, advertising publications or other forms of printed matter.

Sec. 7.1002 Single Mailboxes: Subject to the conditions and restrictions of this Chapter of the Village Code single mailboxes may be placed, installed or maintained on private property only by the owner or tenant thereof, or upon Village property only by the owner or tenant of contiguous property, provided that no other mailbox has been placed, installed or maintained upon such property by the owner or tenant. No person shall place, install or maintain a mailbox on property owned by another or on property not contiguous to property owned by him or on which he is a tenant.

Sec. 7.1003 Restrictions on Single Mailboxes: The following restrictions shall apply to placement, installation and use of single mailboxes in the Village:

- a. No mailbox shall be placed within 20 feet of any intersection.
- b. The owner of the mailbox shall be responsible for the approach and deliver area and the Village shall assume no responsibility therefore and shall bear no responsibility therefore. Thus, the Village will not provide any gravel or other material for a road surface and will not plow snow or in any way maintain or repair said area.
- c. No mailbox or post shall be closer than two feet to the edge of the surfaced street.
- d. No mailbox may be installed until such time as the individual who desires to install a mailbox has contacted JULIE, United States Postmaster in Deer Creek, Illinois and the Village Street Superintendent so that the mailbox may be properly located and damage to the utilities may be avoided.
- e. No more than one single mailbox may be placed on private property zoned R1 and no more than two mailboxes may be placed on property zoned any other zoning classification. In addition, this prohibition shall apply to any Village property contiguous thereto.

Sec. 7.1004 Cluster Boxes: No cluster box shall be placed, installed or maintained on Village or private property unless the owner thereof has first obtained a special use permit from the Zoning Board of Appeals.

Sec. 7.1005 Newspaper Receptacles: It shall be unlawful to place, install or maintain, either as a part of any mailbox or as a separate unit, any newspaper receptacle upon any Village or private property within ten (10) feet of any street or public right-of-way.

Sec. 7.1006 Obstruction of Streets and Sidewalks: It shall be unlawful for any person to place, install or maintain a mailbox or newspaper receptacle which causes damage to or obstructs any street

or sidewalk.

Sec. 7.1007 Failure to Remove; Separate and Recurring Offense: It shall be unlawful and a violation of this Article for any person to neglect, refuse or otherwise fail to remove any such mailbox which has been placed, installed or maintained in violation of this Article.

Sec. 7.1008 Violation and Penalty: Any person, firm or entity violating any provisions of this Article of the Village Code shall be fined not less than \$75.00 nor more than \$500.00 for each offense.

Sec. 7.1009 Installation of Mailboxes: All mailboxes shall be installed in accordance with United States Postal Regulations and any other applicable regulations of any other applicable government body.

Revised: May 1998 Ord. #433

Article 11 – Possession of Tobacco Products by Minors

Section 7.1101 – Purchase of Tobacco by Minors: No minor under eighteen (18) years of age shall buy any cigars, cigarettes, smokeless tobacco or tobacco in any of its forms.

Section 7.1102 – Providing Tobacco to Minors: No persons shall sell, buy for, distribute samples of or furnish any cigars, cigarettes, smokeless tobacco, or tobacco in any of its forms to any minor under eighteen (18) years of age.

Section 7.1103 – False Identification: No minor under eighteen (18) years of age in the furtherance or facilitation of obtaining any cigars, cigarettes, smokeless tobacco, or tobacco in any of its forms shall display or use a false or forged identification card or transfer, alter, or deface an identification card.

Section 7.1104 – Possession of Tobacco by Minors: No minor under eighteen (18) years of age shall possess any cigars, cigarettes, smokeless tobacco, or tobacco in any of its forms.

Section 7.1105 – Sale of Loose Cigarettes: The sale or distribution by any person of a tobacco product in this article including but not limited to a single loose cigarette that is not contained within a sealed container, pack, or packages provided by the manufacturer which container, pack, or package bears a health warning required by federal law is prohibited.

Section 7.1106 - Exceptions: It is not a violation of this act for a person under eighteen (18) years of age to purchase or possess a cigar, cigarette, smokeless tobacco, or tobacco in any of its forms if the person under the age of eighteen (18) purchases or is given the cigar, cigarette, smokeless tobacco or tobacco in any of its forms from a retailer seller of tobacco products or an employee of the retail seller pursuant to a plan or action to investigate, patrol, or otherwise conduct a “sting operation” or enforcement action against a retail seller of tobacco products or a person employed by the retail seller of tobacco products or on any premises authorized to sell tobacco products to determine if tobacco products are being sold or given to persons under eighteen (18) years of age if the “sting operation” or enforcement action is approved by the Department of State Police, County Sheriff, the Village of Deer Creek Police Department, the Department of Public Health, or local health department.

Section 7.1107 – Enforcement by School District Personnel: The following appointed officials of any public school shall have authority to sign all complaints and charge any violations of this article that take place upon school property: Principal, Assistant Principal, Dean of Students, and Superintendent.

Section 7.1108 – Penalty: Any violations of the provisions of this article shall be punishable by a minimum fine of Fifty Dollars (\$50.00) and a maximum fine of Two Hundred Dollars (\$200.00). In the event that a person violates this Ordinance the second or subsequent time, the minimum fine shall be One Hundred (\$100.00) Dollars.

Revised August 21, 2001 Ord. 471

Revised April 20, 2010 Ord. 560

Revised October 19, 2010 Ord. 566