

Chapter 15

NUISANCES AND PROPERTY MAINTENANCE

15-1. Definitions:

As used in this chapter, the following terms shall be defined as indicated in this section, unless the context clearly requires otherwise:

Agricultural Purposes: The growing, developing, processing, conditioning, or selling of farm crops and farm seeds, truck garden crops, animal and poultry husbandry, apiculture, aquaculture, dairying, floriculture, horticulture, nurseries, tree farms, sod farms, pasturage, viticulture, and wholesale greenhouses when such agricultural purposes constitute the principal activity on the land.

Authorized Representative: Any duly sworn deputy of the Kane County sheriff's office, environmental management officer, zoning officer, building officer, or health officer.

Brush: Dry tree trunks, limbs, branches, and twigs.

Building: Any rigid structure which is designed, used or intended for the support, enclosure, shelter, or protection of persons, animals, or other property and which is permanently affixed to the land.

Ceremonial Fire: An outdoor fire larger than three feet by three feet by three feet (3' x 3' x 3') which is used for entertainment purposes as part of a specifically scheduled public or private event and excludes leaves, grass or shrubbery clippings or cuttings.

Compost: A humus like product derived from the process of composting.

Composting: An aboveground microbial process that converts organic waste to soil or mulch by decomposition of material through an aerobic process that requires adequate oxygen and moisture.

County: The county of Kane, state of Illinois.

County Board: The county board of Kane County, Illinois.

Dwelling: A building or portion thereof designed or used exclusively for residential occupancy, including single-family dwellings, two-family dwellings, multiple-family dwellings and apartment hotels, but not including hotels, motels, trailer coaches or mobile homes.

Dwelling Unit: Any room or group of rooms located within a dwelling and forming a single habitable unit with facilities that are used, or intended to be used, for living, sleeping, cooking and eating.

Extermination: The control and elimination of insects, rodents or other pests by eliminating their harborage places, by removing or making inaccessible materials that may serve as their food, by poisoning, spraying, trapping, or by any other recognized and legal method of pest elimination approved by the health officer.

Garbage: Organic waste resulting from the preparation, processing, handling and storage of food and all decayed or spoiled food from any source whatsoever.

Grass: All vegetative ground cover located within a yard excluding noxious weeds.

Hobby Animals: Any animal used for hobby, racing, show or recreational purposes.

Human Wastes: Food and byproducts of metabolism which are passed out of the human body.

Infestation: The presence within a building of any insects, rodents, vermin or other pests.

Inoperable Motor Vehicle: Any motor vehicle from which, for more than fourteen (14) days, the engine, wheels or other parts have been removed, or on which the engine, wheels or other parts have been altered, damaged or otherwise so treated that the vehicle is incapable of being driven or operated under its own motor power.

Junk: Defined as, but not limited to, car parts, scrap metal, furniture, appliances, equipment, glass, paper irrespective of whether these materials may be reused.

Junk Vehicle: Shall include any unlicensed, stripped, junked and/or wrecked motor vehicle not in good and safe operating condition.

Landscape Waste: All accumulations of grass or shrubbery cuttings, leaves, flowers, and weeds.

Manure: Stable bedding and excrement of all domestic animals and fowl.

Noxious: Detrimental to one's health or property.

Noxious Weed: An annual, biennial or perennial plant propagated by seed or vegetative parts, as listed in the Illinois noxious weed law, which is injurious to public health, crops, livestock, land or other property. Noxious weeds as identified by the Illinois noxious weed law shall include, but are not limited to, the following: marihuana (*Cannabis sativa* L.), Canada thistle (*Cirsium arvense*), perennial sow thistle (*Sonchus arvensis*), musk thistle (*Carduus nutans*), perennial members of the sorghum genus including Johnson grass (*Sorghum halepense*), *Sorghum alnum*, and other Johnson grass X sorghum crosses with rhizomes, quack grass (*Agropyron repens*), curled (curly) dock (*Rumex crispus*), corn cockle (*Agrostemma githago*),

wild morning glories (*Ipomoea coccinea*, *Ipomoea hederacea*, *Ipomoea pandurata*, *Ipomoea purpurea*), poison ivy (*Rhus radicans*), purple loosestrife (*Lythrum salicaria*), garlic mustard (*Alliaria petiolata*), multiflora rose (*Rosa multiflora*), and burdock (*Arctium minus*).

Nuisance: Any condition considered harmful to person(s) or property, or which may be hazardous to the public health. A condition that has the ability to affect the health, safety, or welfare of the public in general.

Occupant: Any individual living or sleeping in a building, or having possession of space within a building.

Owner: Any person, agent, operator, firm or corporation having a legal or equitable interest in the property; or recorded in the official records of the state, county or municipality as holding title to the property; or otherwise having control of the property, including the guardian of the estate of any such person, and the executor or administrator of the estate of such person if ordered to take possession of real property by a court.

Prairie Plants: Any one of eight hundred fifty one (851) species of plants defined as a prairie plant by the Illinois Plant Information Network maintained by the Illinois Natural History Survey. This list may be found at <http://www.inhs.illinois.edu/~kenr/prairieplants.html>.

Recreational Fire: An outdoor fire for warmth, cooking for human consumption or temporary nonceremonial purposes where the fire is not larger than three feet by three feet by three feet (3' x 3' x 3') and excludes leaves, grass or shrubbery clippings or cuttings.

Refuse: Ashes, sweepings, manure, dead animals, privy or cesspool contents or litter.

Rodents: An animal of the order Rodentia, including, but not limited to, mice, rats, squirrels, chipmunks, gophers, porcupines, beavers, prairie dogs and groundhogs.

Rubbish: Combustible and noncombustible waste material, except garbage; the term shall include the residue from the burning of wood, coal, coke and other combustible materials, paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, cans, metals, mineral matter, glass, crockery, and dust from similar materials.

Structure: Anything erected, the use of which requires a location on or in the ground, or attached to something having a location on or in the ground.

Tenant: A person, corporation, partnership or group, whether or not the legal owner of record, occupying a building or portion thereof as a unit.

Vacant Dwelling: A dwelling which is lacking habitual presence of human beings who have a legal right to be on the premises, or at which substantially all lawful business operations or residential occupancy has ceased, or which is substantially devoid of content. In determining whether a dwelling is vacant, it is relevant to consider, among other factors, the percentage of the overall square footage of the dwelling and the presence of rental or for sale signs on the property; provided that a residential property shall not be deemed vacant if it has been used as a residence by a person entitled to possession for a period of at least three (3) months within the previous nine (9) months and a person entitled to possession intends to resume residing at the property.

Vermin: Roaches, bedbugs, fleas, lice, termites, mosquitoes, flies or similar pestlike insects.

Yard: An open space on the same lot with a structure.

Yard Waste: Any waste generated as the result of tree trimming, lawn mowing, gardening, leaf raking, and other yard activities and consisting of branches, brush, grass clippings, leaves, sod, hedge trimmings and other plant waste from yard and garden sources.

Other definitions as stated in rules and regulations that are referenced in this chapter shall apply. (Ord. 10-186, 6-8-2010, eff. 7-1-2010)

15-2. Property Maintenance Procedures And Nuisances Declared:

It is hereby declared that any of the following activities and/or conditions are nuisances, when not conducted in accordance with this chapter and are unlawful when conducted or allowed to exist on property located within the county, but outside the corporate limits of any city or village therein; whether conducted, allowed, suffered or permitted by the owner, tenant, and/or other occupant thereof (it being the intent of this chapter to make all such persons jointly and severally liable for compliance herewith):

(1) Exterior Property Areas:

- a. *Noxious Weeds:* To keep, maintain or grow noxious weeds or other vegetation which creates a health or safety hazard to the public. Excluded from the provisions of this subsection are prairie plants, lands or portions of any lands located in a public nature area, and any property owned or leased by a unit of government. All noxious weeds are to be removed from property.
- b. *Overgrown Residential Yard:* To allow vegetation defined as grass to exceed twelve inches (12") in height on a residential use parcel located within the county. Excluded from the provisions of this subsection are prairie plants.

- c. *Depositing Of Junk, Trash Or Refuse*: To deposit or allow to be deposited offal, fecal matter, night soil, garbage, junk, trash, refuse or other offensive substances upon public or private property, or to permit such objects to remain upon such property.
- d. *Storage Of Junk, Trash Or Refuse*: To keep or store junk, trash and refuse on property. Without limiting the generality of the foregoing, "junk, trash and refuse" is defined herein to include any and all waste matter, whether reusable or not, which is offensive to the public health, safety and welfare of the neighborhood, and is specifically intended to include, but not to be limited to, trucks, tractors, machinery of any kind, any parts thereof, iceboxes, refrigerators, freezers, stoves, metal drums or other containers, paper, construction debris and raw garbage irrespective of whether or not such objects are located on the property of the owner or bailee of such objects. This subsection shall not apply to refuse disposal facilities regulated by the state, the county, or any municipality of the state.
- e. *Throwing Or Depositing Offal*: To throw or deposit any offal or other offensive matter, or the carcass of any dead animal, in any watercourse, lake, pond, spring, well, sanitary sewer, storm sewer, easement, street or public highway.
- f. *Household Garbage*: To place household garbage in any outside container so that the household garbage is accessible to animals. Further, it shall be a nuisance and unlawful to place garbage or trash out for collection more than twenty four (24) hours before the scheduled pick up time.
- g. *Manure And Garbage*: To accumulate manure, rubbish, garbage, refuse, junk vehicles, human and industrial, noxious or offensive waste, except the normal storage on a farm of manure for agricultural purposes. Normal storage for agricultural purpose is considered to be two hundred sixteen (216) cubic feet per acre (for example, a 6 x 6 x 6 accumulation).
- h. *Offensive Garbage Containers*: To allow privies, vaults or garbage cans which are offensive and which are not flytight, vermin and rodent proof, or do not comply with the requirements of this chapter.
- i. *Accumulations Of Yard Waste*: To allow yard waste to remain upon property for more than seven (7) days after generation.
- j. *Mosquito Breeding Site*: To permit conditions upon property that allow for the potential breeding of disease causing organisms, such as the Culex species mosquito responsible for West Nile virus. Excluded from the provisions of this subsection are lands or portions of any lands located in a public nature area, or any property owned or leased by a unit of government.

k. *Composting:*

1. A compost pile may be no larger than one hundred twenty five (125) cubic feet (for example, 5 x 5 x 5).
2. Compost may consist of yard waste, straw, fruit and vegetable scraps, coffee grounds, or eggshells generated from the site on which the compost is located. Commercially available ingredients specifically designed to speed or enhance decomposition are allowed.
3. Composting of woody yard waste, meat, bones, fat, oil, whole eggs, dairy products, unshredded branches or logs, weeds heavily laden with seeds, plastics, synthetic fibers, human or pet wastes, diseased plants, or any other garbage or refuse is not allowed.
4. Materials must be contained in a bin that may be constructed of wood, wire mesh, or a combination of wood and wire, or in commercially fabricated compost bins. Only one structure is allowed per lot. Structure must not exceed one hundred twenty five (125) cubic feet (for example, 5' x 5' x 5') in volume. Maximum height is five feet (5').
5. Compost structures must be placed at least five feet (5') from property line (35 feet if property line is also a street line) and no closer than forty feet (40') to any habitable building other than the residents' home.
6. Residents are required to use standard compost practices, which include providing adequate air circulation to prevent combustion. Composting that includes prohibited material is considered a public health nuisance.
7. Equine waste may, however, be composted in accordance with all Illinois department of agriculture regulations. Such composting of equine waste is only allowed in areas where the Kane County zoning ordinance permits keeping of horses. It is not the intent of this section to prohibit farmers or gardeners from incorporating bovine or equine waste into the soil for fertilizer.

l. *Dumping:*

1. To dump, deposit, throw, discard, leave or cause or permit the dumping, or depositing or discarding or leaving of litter upon any public or private property in this county, or upon any river, lake, pond, stream or any body of water.
2. There shall be no dumping as described in subsection (1)l1 of this section unless:
 - (A) The property has been designated by a local unit of government as a proper litter disposal site, and the litter is disposed of on that property

in accordance with the applicable rules and regulations of the state pollution control board.

(B) The person is the owner or tenant in lawful possession of the property or has first obtained the consent of the owner or tenant in lawful possession, or the act is done under the personal direction of the owner or tenant and does not create a public health, safety, nuisance or fire hazard and the litter is placed into a receptacle or other container intended by the owner or tenant in lawful possession of that property for the deposit of litter.

(C) The person is acting under the direction of proper public officials during special cleanup days.

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

3. To dump, deposit, throw, discard or otherwise dispose of litter from any motor vehicle upon any public road, upon any public or private property or into any river, lake, pond, stream or body of water in this county.

m. *Burning Of Garbage*: To burn garbage, refuse or rubbish outdoors with the exception of landscape waste and brush as permitted.

n. *Construction Materials*: To store lumber or other building materials, construction vehicles, and/or construction equipment, not in connection with a permitted building project in progress on the immediate premises is prohibited.

o. *Parking*: To park any vehicle, tractor, all-terrain vehicle (ATV), boat, camping trailer, motor home, snowmobile, motorcycle, minibike, trailer used for hauling in the front yard, back yard, corner yard, side yard or any additional area of a lot or parcel of land situated between the public right of way and any residence or accessory building or structure located therein, except that parking is permitted in an area duly improved (meaning a gravel, asphalt or concrete area) for parking purposes and the parking of noncommercial vehicles is permitted in a driveway. Duly improved surfaces must be contiguous to the main driveway accessed from the street.

p. *Inoperable Motor Vehicles*: To keep any inoperable motor vehicle, tractor, all-terrain vehicle (ATV), boat, camping trailer, motor home, snowmobile, motorcycle, or minibike on public or private property, unless on the premises of a duly licensed business engaged in the wrecking or junking of motor vehicles.

1. Any motor vehicle, tractor, all-terrain vehicle (ATV), boat, camping trailer, motor home, snowmobile, motorcycle, or minibike from which, for more than fourteen (14) days, the engine, wheels or other parts have been removed, or

on which the engine, wheels or other parts have been altered, damaged or otherwise so treated that the vehicle is incapable of being driven or operated under its own motor power.

2. Any vehicle precluded from being driven on the public roadway.
3. "Inoperable motor vehicle" shall not include a motor vehicle which has been rendered temporarily incapable of being driven in forward drive and also in reverse under its own motor power in order to perform ordinary service or repair operations for not more than fourteen (14) days.
4. This chapter shall not apply to any motor vehicle that is kept within a building when not in use, to operable historic vehicles over twenty five (25) years of age kept within a building when not in use, or to a motor vehicle on the premises of a place of a duly licensed business engaged in the wrecking or junking of motor vehicles.

(2) *Open Burning:*

- a. To cause or allow any open, unattended or uncontrolled burning of any materials, other than landscape waste or brush, in violation of the following regulations and restrictions.
- b. To cause or allow any open or uncontrolled burning of landscape waste or brush in violation of the following regulations and restrictions. Any and all burning in the unincorporated areas of the county shall be in accordance with the restrictions enumerated below:
 1. The open burning of landscape waste shall only occur on the property upon which the landscape waste or brush was generated. The burning of any materials other than landscape waste and brush is prohibited.
 2. The following restrictions upon the open burning of landscape waste or brush on the property upon which it was generated shall prevail:
 - (A) Burning is permitted only on sunny days between ten o'clock (10:00) A.M. and three o'clock (3:00) P.M.
 - (B) Burning is not permitted when the wind is in excess of ten (10) miles per hour.
 - (C) Burning is not permitted within twenty feet (20') of any building, structure or property line.

- (D) Burning is not permitted when it is determined and announced by the Kane County health department that inversion conditions or an ozone alert exist.
 - (E) Burning is not permitted of any material other than dry landscape waste or brush.
 - (F) Burning is not permitted on public or private roads, alleys, sidewalks or easements.
 - (G) All open burning must be supervised until the fire is extinguished.
 - (H) A fire extinguisher or garden hose or water source shall be available at the burning site.
 - (I) A burn pile may not exceed two hundred sixteen (216) cubic feet (for example, a 6 x 6 x 6 accumulation).
 - (J) It is the responsibility of the individual conducting the burning and the owner of the property to satisfactorily determine that all conditions upon burning as noted above are complied with during any burning.
3. The terms and provisions of this chapter shall not apply to any burning of landscape waste for purposes of habitat reclamation or firefighter training.
- (A) Property owner and/or the person conducting a prairie burn must:
 - (i) Notify the Kane County health department when the prairie burn will take place and when the burn has concluded. The Kane County health department may be contacted at 630-444-3040.
 - (ii) Notify the appropriate fire protection district or fire department when the prairie burn will take place and when the burn has concluded.
 - (iii) Follow all standard restrictions.
 - (B) Prairie burns permitted by the Illinois environmental protection agency are exempted from this provision.
4. The terms and provisions of this chapter shall not apply to the burning of brush for purposes of domestic fireplaces or cooking or external fireplaces, or to self-contained outdoor wood burning devices or fireplaces.

5. The terms and provisions of this chapter shall not apply to the open burning of brush for purposes of recreational fires.
6. The terms and provisions of this chapter shall not apply to the open burning of brush for purposes of ceremonial fires provided that notice of any ceremonial fire has been given to the fire protection district or fire department serving the area where the fire is to take place and a permit has been obtained from the Kane County health department. Failure to obtain a permit from the Kane County health department prior to conducting a ceremonial fire utilizing brush shall be deemed a violation of this chapter. Failure to notify the applicable fire protection district or fire department and obtain permission prior to conducting a ceremonial fire utilizing brush shall be deemed a violation of this chapter.
7. Effective January 1, 2003, the open burning of landscape waste and/or other materials, with the exception of brush, is prohibited in the unincorporated areas of Kane County. The aforesaid date limitations and the aforesaid prohibition shall not apply to residential property currently located within the geographical areas currently defined by any of the following ZIP code areas, as established by the U.S. postal service on the effective date hereof: 60109, 60119, 60140, 60142, 60144, 60147, 60151, 60178, 60182, 60511, and 60554, unless or until such time as the state of Illinois expands its vehicle emission testing program to include any of the aforesaid ZIP code areas. Upon the state of Illinois expanding its vehicle emission testing program to include any such ZIP code area, this prohibition shall automatically apply to the area included in the vehicle emission testing program. Any and all open burning within the aforementioned ZIP code areas shall comply with the restrictions enumerated in subsections (2)b1 and (2)b2 of this section.

(2) *Noise:*

- a. *Construction Noise:* To perform or allow to be performed construction, repair or remodeling work where the noise from such can be heard from a distance of one hundred feet (100') or more from the source of the noise between nine o'clock (9:00) P.M. and six o'clock (6:00) A.M. Monday through Friday and on Saturdays and Sundays and legal holidays between nine o'clock (9:00) P.M. and eight o'clock (8:00) A.M.
- b. *Vehicular Noise:* Notwithstanding any other provision of this code, to operate or permit operation of any sound amplification system in a vehicle or on property, or to operate off road vehicles, including, but not limited to, off highway motorcycles, minibikes, all-terrain vehicles (ATVs), snowmobiles or other like or similar vehicles, on private property where the noise from such vehicle or activity is such as to unreasonably disturb, injure or endanger the comfort, repose, health, peace or safety of reasonable persons of ordinary sensitivity; and when after written or verbal warning from law enforcement personnel the owner or operator fails to cease and desist from such operation

or activity between the hours of nine o'clock (9:00) P.M. and seven o'clock (7:00) A.M. The terms "motorcycles", "off road motorcycles", and "all-terrain vehicles" shall have the same meaning as in the Illinois motor vehicle code. "Snowmobile" shall have the same meaning as in the Illinois snowmobile registration and safety act.

- c. *Lawn Equipment And Tools*: To perform lawn mowing or utilize power or nonpower tools between the hours of nine o'clock (9:00) P.M. and seven o'clock (7:00) A.M.
- d. *Raucous Noise*: To make, continue, create or cause to be made or continued any loud or raucous noise.
- e. *Harsh, Prolonged Or Unusual Noise*: To make, continue, create or cause to be made or continued any noise which is harsh, prolonged, unnatural, or unusual in time or place as to occasion unreasonable discomfort to any persons within the neighborhood from which the noise emanates or as to unreasonably interfere with the peace and comfort of neighbors or their guests or operators or customers in places of business, or as to detrimentally or adversely affect such residences or places of business.
- f. *Violations Of Illinois Motor Vehicle Code*: Any violation of section 12-602 of the Illinois motor vehicle code.
- g. *Modifications To Equipment*: Removal or modification of adequate sound suppression equipment as set forth in section 4-1(E) of the snowmobile registration and safety act.
- h. *Factors To Determine*: Factors for determining whether a sound is unreasonably loud or raucous may include, but are not limited to, the following:
 - 1. The proximity of the sound to sleeping facilities, whether residential or commercial;
 - 2. The land use, nature and zoning of the area from which the sound emanates and the area where it is received or perceived;
 - 3. The time of day the sound occurs;
 - 4. The duration of the sound;
 - 5. Whether the sound is recurrent, intermittent, or constant;

6. Proof of violation of this subsection shall not require the use of any decibel meter or other measuring device.
- i. *Free Speech*: Nothing herein shall be construed as preventing the lawful exercise of the right of free speech protected by the constitutions of the United States or the state of Illinois.
- j. *Agricultural Noise*: Excluded from the provisions of this subsection is noise generated by agricultural equipment on land zoned and used for agricultural purposes and work performed for or on behalf of a public body.
- k. *Motorcycles*: Nothing herein shall be construed as a limitation on the operation of duly registered motorcycles as defined in the Illinois motor vehicle code.

(4) *Animals And Infestations*:

- a. *Collection Of Carcasses*: To allow the carcass of any animal or any offal, filth or noisome substance to be collected, deposited or to remain in any place, to the prejudice of others. To allow to remain carcasses of dead animals or any part of decaying animal matter, not buried or destroyed or collected within twenty four (24) hours after death.
- b. *Housing Of Animals Or Fowl*: To house animals or fowl fifteen feet (15') from the property line adjacent to residences, schools, hospitals, public buildings, playgrounds, parks and other places, if said animals create sanitary or health problems to persons or property in close proximity to them.
- c. *Housing Of Hobby Animals*: To house any animal used for hobby, racing, show or recreational purposes fifteen feet (15') from the property line adjacent to residences, schools, hospitals, public buildings, playgrounds, parks and other places if said animals create nuisance, sanitary or health problems to persons or property in close proximity to them.
- d. *Insects, Vermin, Rodents And Other Pests*: To allow an infestation of insects, vermin, rodents or other pests. Every owner of a property, building or structure shall be responsible for the extermination of any insects, rodents, or other pests therein or on the premises whenever infestation is caused by failure of the owner to maintain the property, building or structure in rodentproof or reasonable insectproof condition. Furthermore, whenever infestation exists in the shared or public parts of any property, building, or structure, extermination shall be the responsibility of the owner. However, every occupant of a building unit shall be responsible for extermination within the building unit when such occupant is responsible for the infestation.

(5) *Structures:*

- a. *Dangerous Structures:* To allow any building, mobile home, shed, fence or other manmade structure to exist which is hazardous to public health because of its condition, faulty construction or lack of proper repair.
- b. *Inside Refuse Storage And Disposal:* To place, leave, dump or accumulate any garbage, rubbish or other refuse in any building or structure.
- c. *Building Exterior:* To allow a building exterior to be in poor repair, structurally unsound, contain unsanitary conditions or to pose a threat to the public health, safety or welfare.

The following standards shall apply to existing buildings:

1. **General:** The exterior of a structure shall be maintained in good repair, structurally sound and sanitary so as not to pose a threat to the public health, safety or welfare.
2. **Protective Treatment:** All exterior surfaces, including, but not limited to, doors, door and window frames, cornices, porches, trim, balconies, decks and fences shall be maintained in good condition. Exterior wood surfaces, other than decay resistant woods, shall be protected from the elements and decay by painting or other protective covering or treatment. All metal surfaces subject to rust or corrosion shall be coated to inhibit such rust and corrosion and all surfaces with rust or corrosion shall be stabilized and coated to inhibit future rust and corrosion. Removal of lead based paint to follow state and federal laws.
3. **Premises Identification:** Buildings shall have approved address numbers placed in a position to be plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Address numbers shall be Arabic numerals or alphabet letters. Numbers shall be a minimum of four inches (4") (102 mm) high with a minimum stroke width of 0.5 inch (12.7 mm). Single occupancy buildings with rural fire numbers may use the sign provided by the fire protection district to satisfy this requirement if the sign is clearly visible at the street. Multiple tenant buildings must additionally have suite letters that conform to the above standards.
4. **Structural Members:** All structural members shall be maintained free from deterioration, and shall be capable of safely supporting the imposed dead and live loads.

5. Foundation Walls: All foundation walls shall be maintained free from open cracks and breaks and shall be kept in such condition so as to prevent the entry of rodents and other pests.
6. Exterior Walls: All exterior walls shall be free from holes, breaks, and loose or rotting materials and be maintained weatherproof.
7. Roofs And Drainage: All roofing and flashing shall be sound, tight and not have defects that admit rain. Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior portion of the structure. Roof drains, gutters and downspouts shall be maintained in good repair and free from obstructions. Roof water shall not be discharged in a manner that creates a public nuisance.
8. Decorative Features: All cornices, belt courses, corbels, terra cotta trim, wall facings and similar decorative features shall be maintained in good repair with proper anchorage and in a safe condition.
9. Overhang Extensions: All overhang extensions including, but not limited to, canopies, marquees, signs, metal awnings, fire escapes, standpipes, and exhaust ducts shall be maintained in good repair and properly anchored so as to be kept in a sound condition.
10. Stairways, Decks, Porches And Balconies: Every exterior stairway, deck, porch and balcony, and all appurtenances attached thereto, shall be maintained structurally sound, in good repair, with proper anchorage and capable of supporting the imposed loads.
11. Handrails And Guards: Every handrail and guard shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition.
12. Window, Skylight, Door And Frames: Every window, skylight, door and frame shall be kept in sound condition, good repair and weathertight. Operable windows required for ventilation shall have fitted screens.
13. Glazing: All glazing materials shall be maintained free from cracks and holes.
14. Doors: All exterior doors, door assemblies and hardware shall be maintained in good condition.
15. Basement Hatchways: Every basement hatchway shall be maintained to prevent the entrance of rodents, rain and surface drainage water.

16. Guards For Basement Windows: Every basement window that is openable shall be supplied with rodent shields, storm windows or other approved protection against the entry of rodents.
17. Vehicular Doors: Vehicular openings which were originally designed and constructed with a closing door shall continue to be maintained in operating condition and able to be fully closed.
18. Furniture On Porches, Accessory Structures, Yards And Landings: Household furniture such as sofas, stuffed chairs and mattresses, which are not designed to withstand the elements and outdoor use, shall not be permitted to be placed on porches, accessory structures, yards and landings. Such furniture may provide a location where insects, rodents or other vermin may breed or may reasonably be expected to breed. This section shall not prohibit the storage of such household furniture on a totally enclosed porch having a roof, walls, screens or glass windows.

d. *Accessory Structures:* To allow an accessory structure to a residential, commercial or nonagricultural use, including, but not limited to, detached garages, sheds, gazebos, decks, platforms, fences and walls to be in poor repair, structurally unsound, contain unsanitary conditions or to pose a threat to the public health, safety or welfare. The following standards shall apply to existing accessory structures:

1. General: Accessory structures shall be maintained in good repair, structurally sound and sanitary so as not to pose a threat to the public health, safety or welfare.
2. Structural Members: All structural members shall be maintained free from deterioration, and shall be capable of safely supporting the imposed dead and live loads.
3. Foundation Walls: All foundation walls shall be maintained free from open cracks and breaks and shall be kept in such condition so as to prevent the entry of rodents and other pests.
4. Exterior Walls: All exterior walls shall be free from holes, breaks, and loose or rotting materials and be maintained weatherproof.
5. Roofs And Drainage: All roofing and flashing shall be sound, tight and not have defects that admit rain. Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior portion of the structure. Roof drains, gutters and downspouts shall be maintained in good repair and free from

obstructions. Roof water shall not be discharged in a manner that creates a public nuisance.

6. Window, Skylight, Door And Frames: Every window, skylight, door and frame shall be kept in sound condition, good repair and weathertight.
7. Doors: All exterior doors, door assemblies and hardware shall be maintained in good condition.
8. Vehicular Doors: Vehicular doorways shall have closing doors.

e. *Pools*: All inground pools, aboveground pools, spas and hot tubs and their barriers including fences, self-closing and self-latching gates, heights, covers and alarms shall be maintained in working order, in a clean and sanitary condition, and in good repair. Water must be maintained in a clean and sanitary condition or be completely drained. Pools that have been abandoned or are not in an operable state of condition must be removed.

(6) *Vacant Dwellings*:

- a. *Notification To County*: The owner of record or any person or entity with an interest of record (hereafter collectively "owner") of or in any residential dwelling that has become vacant shall within thirty (30) days after the dwelling becomes vacant, or within thirty (30) days after the effective date of this chapter, whichever is later, file a registration statement for each such dwelling with the community development department on forms provided by the community development department for such purposes. The registration shall remain valid for one year from the date of registration. The owner shall be required to annually renew the registration as long as the dwelling remains vacant and shall pay an annual registration fee of fifty dollars (\$50.00) for each registered dwelling; provided, however, that eleemosynary, religious, educational, benevolent or charitable associations and all governmental agencies shall be exempt from the payment of the annual registration fee. The owner shall notify the community development department within twenty (20) days of any change in the registration information by filing an amended registration statement on a form provided by the community development department for such purposes. The registration statement shall be deemed prima facie proof of the statements therein contained in any administrative enforcement proceeding or court proceeding instituted by the county against the owner of the dwelling. Registration of a dwelling in accordance with this section shall be deemed to satisfy the registration requirements set forth in the county ordinances and the notification requirement set forth in the county ordinances. In addition to other information required by the director of community development, the registration statement shall include the name, street address and telephone number of a natural person twenty one (21) years of age or older,

designated by the owner as the authorized agent for receiving notices of code violations and for receiving process, in any court proceeding or administrative enforcement proceeding, on behalf of such owner in connection with the enforcement of this code. This person must maintain an office in Kane County, Illinois, or must actually reside within Kane County, Illinois. An owner who is a natural person and who meets the requirement of this subsection as to location of residence or office may designate himself or herself as agent. By designating an authorized agent under the provisions of this section the owner is consenting to receive any and all notices of code violations concerning the registered dwelling and all process in any court proceeding or administrative enforcement proceeding brought to enforce code provisions concerning the registered dwelling by service of the notice or process on the authorized agent. Any owner who fails to register a vacant dwelling under the provisions of this section shall further be deemed to consent to receive, by posting at the dwelling, any and all notices of code violations and all process in an administrative proceeding brought to enforce code provisions concerning the dwelling.

- a. *Responsibilities Of Owner Or Manager:* The owner of any dwelling that has become vacant, and any person maintaining, operating or collecting rent for any dwelling that has become vacant shall, within thirty (30) days, do the following: 1) enclose and secure the dwelling; 2) maintain the dwelling in a secure and closed condition until the dwelling is again occupied or until repair or completion of the dwelling has been undertaken.
- b. *Rules And Regulations To Be Promulgated:* The county may issue rules and regulations for the administration of this subsection. These rules may designate board up materials and methods which must be used when securing a dwelling so that the boarding is reasonably incapable of being removed by trespassers or others acting without the dwelling owner's consent.
- c. *Inspection Report Required:* Each vacant dwelling registered herein shall be inspected periodically as required by the county, but not less than annually. The dwelling owner shall, at the owner's expense, submit an inspection report to the county. The report shall be prepared by a duly licensed company or individual. The report must include comments on the condition of the property, the exterior of all structures and the interior of the dwelling. (Ord. 10-186, 6-8-2010, eff. 7-1-2010)

15-3. Exemptions:

- (a) The terms and provisions of this chapter shall not apply to any parcel which is both zoned and used for any agricultural purpose.
- (b) The terms and provisions of this chapter shall not apply to structures which were exempt from the provisions of the county building regulations as an agricultural use structure when originally erected and continue to be used for agricultural purposes.

Structures which were exempt from the provisions of the county building regulations as an agricultural use structure when originally erected but which are currently used for nonagricultural purposes or are vacant or abandoned are not exempt from the terms and provisions of this chapter. (Ord. 10-186, 6-8-2010, eff. 7-1-2010)

15-4. Right Of Entry:

The code official is authorized to enter the structure or premises at reasonable times to inspect subject to constitutional restrictions on reasonable searches and seizures. If entry is refused or not obtained, the code official is authorized to pursue recourse as provided by law. (Ord. 10- 186, 6-8-2010, eff. 7-1-2010)

15-5. Enforcement:

(a) *Notice Of Violation:* Whenever a nuisance is found to exist within the county, any authorized representative shall give written notice to the owner and/or occupant of the property upon which such nuisance exists or upon the person allowing, causing or maintaining the nuisance. The notice of violation under the provisions of this section shall contain:

- (1) The location of the violation.
- (2) A description of what constitutes the violation.
- (3) A statement of acts necessary to abate or correct the violation.
- (4) A date by which the violation must be abated or corrected to avoid further legal action.

(b) *Complaint:* In the event the owner or occupant of the property upon which such nuisance exists has failed within the prescribed time to abate such nuisance, then an authorized representative shall file a complaint pursuant to the processes and methods prescribed by chapter 2, article IX, "Administrative Adjudication", of this code. Any authorized representative may issue a complaint against the owners, lessees and/or occupants of said property or the persons responsible for causing the nuisance charging a violation of any section or subsection of this chapter. Such complaint may seek any and all applicable relief available at law or in equity including, but not limited to, abatement of the nuisance, fines or injunctive relief. Issuance of a notice of violation shall not be a precondition to the filing of a complaint. (Ord. 10-186, 6-8-2010, eff. 7-1-2010)

15-6. Fines:

The fine for a violation of any subsection of this chapter shall not exceed five hundred dollars (\$500.00). Each day a violation exists constitutes a separate offense. (Ord. 10-186, 6-8-2010, eff. 7-1-2010)

15-7. Cleanup:

- (a) If the owner, agent, occupant or tenant of any premises or lot neglects or fails to abate a declared nuisance after due notice and time specified by the authorized representative, the authorized representative may request a private hauler to remove such materials and the expense incurred shall be billed to the owner, agent, occupant or tenant.
- (b) If the owner, agent, occupant or tenant of any premises or lot neglects or fails to exterminate any infestations of vermin or rodents after due notice and time, as specified by the authorized representative, the authorized representative may cause such vermin or rodents to be exterminated and the expense incurred shall be billed to the owner, agent or occupant.
- (c) If the charge for cleanup or extermination remains unpaid, it shall be made a special lien against the property at the next tax roll. Such lien shall be such notice to all persons from the time of its recording, and shall bear interest at the legal rate thereafter until satisfied. (Ord. 10-186, 6-8-2010, eff. 7-1-2010)

15-8. Relief From Personal Responsibility:

- (a) The authorized representative charged with the enforcement of this chapter while acting for Kane County and in good faith and without malice shall not thereby render himself liable personally, and is hereby relieved from all personal liability for any damage that may occur to persons or property as a result of any act required or permitted in the discharge of official duties.
- (b) Any suit instituted against the authorized representative because of an act performed by him in the lawful discharge of duties and under provisions of this chapter, shall be defended by the legal representative of Kane County until the final termination of the proceedings.
- (c) In no case shall the authorized representative be liable for cost in any action, suit, or proceedings that may be instituted in pursuance of the provisions of this chapter.
- (d) The authorized representative, acting in good faith and without malice, shall be free from liability for acts performed under any provisions of this chapter or by reason of

any act or omission in the performance of his official duties in connection thereto.
(Ord. 10-186, 6-8-2010, eff. 7-1-2010)