

TITLE IX: GENERAL REGULATIONS

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property in, or who keeps, or harbors, or acts as custodian of, or who has in his care an animal, and shall include a person who knowingly permits, or who encourages, an animal to remain on or about premises occupied by said person.

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"OWN." To have a right of property in, or keep, or harbor, or act as custodian of, or have the care of, or

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§ 90.01 DEFINITIONS.

For the purpose of this chapter the following definitions shall apply unless the context clearly indicates or requires a different meaning.

"DOG." Any canine animal above the age of two months.

"OWNER." Any person who has a right of

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knowingly permit or encourage to remain on or about premises occupied by the owning person.

"RUN AT LARGE." Permitting or causing an animal to be at any place within the city, at any time, other than on premises occupied by the owner thereof, except when the animal is under the direct, effective, physical control of the owner thereof, or his agent, or a member of the immediate family of the owner.

"DIRECT, EFFECTIVE, PHYSICAL CONTROL." Mechanical exercise of authority over, by use of a chain, leash, line, cord, rope, or similar thing held by the person in control of an animal and securely attached to the animal.

"LICENSE." A document of writing furnished by the city upon proper application and upon payment of the tax herein imposed.

"LICENSE TAG." A tag, disk, or plate of suitable and durable material furnished by the city along with a license.

"VICIOUS," "DANGEROUS," or "FIERCE." An animal that has once bitten a person, or an animal that displays, by barking, snarling, growling, or snapping at a person, or rushing at or upon, or chasing a person, or by other overt action, an inclination to do harm to or frighten a person, and includes an animal which attacks, worries, mutilates, wounds, or kills a dog, cat, or a domestic animal.
('69 Code, § 4-39) (Ord. 66-0-23, passed 7-11-66)

§ 90.02 KEEPING OF ANIMALS.

(A) It shall be unlawful for anyone to keep or maintain, within the corporate limits of the city any animal, except typical household pets such as cats, dogs, caged birds, turtles, and the like, and it shall be unlawful for anyone to keep or maintain any species of fowl within the corporate limits of the city. ('69 Code, § 4-5)

(B) The provisions of division (A) above, shall not apply to licensed meat processors nor to licensed poultry processors; provided animals awaiting processing by a regularly licensed meat processor shall not be kept and maintained pending such processing for a longer period than 48 hours, and provided further that

poultry awaiting processing by a regularly-licensed poultry processor, shall not be kept and maintained within the corporate limits of the city for a longer period than 48 hours.

§ 90.03 ENFORCEMENT OF CHAPTER.

It shall be the duty of the Animal Control Warden, his assistant warden, if

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any, and all police officers to enforce the provisions of this chapter.

§ 90.04 CRUELTY TO ANIMALS FORBIDDEN.

(A) Whoever is guilty of cruelty to any animal by overloading, overriding, overworking, cruelly beating, mutilating, or cruelly killing any animal, or causing or knowingly allowing such acts to be done; or cruelly working any old, maimed, infirm, sick or disabled animal, or causing or knowingly allowing such acts to be done; or by unnecessarily failing to provide any animal in his charge or control as owner or otherwise, with proper drink, food or shelter; or abandoning any old, maimed, infirm, sick or disabled animal, or by driving or by causing to be driven, or kept any animal in an unnecessarily or cruel manner shall be guilty of an offense punishable by a fine as provided by this code. ('69 Code, § 4-1)

(B) Any person who shall kill or wound, or attempt to wound by use of firearm, bow and arrow, hunting with stones, or otherwise, any squirrel within the city limits, or shoot an arrow, throw a stone, club or other missile at such squirrel, within any private grounds, or public parks, squares or grounds shall be deemed guilty of an offense punishable by a fine as provided by this code. ('69 Code, § 4-9) Penalty, see § 10.99

Statutory reference:

Humane care of animals, see
ILCS Ch. 510, Act 70 § 4
Cruelty to animals, see ILCS Ch. 65,
Act 5 § 11-5-6

§ 90.05 UNATTENDED ANIMALS.

It shall be unlawful to leave any horse or other draft animal unattended in any street without having such animal securely fastened. ('69 Code, § 4-2)

§ 90.06 VICIOUS ANIMALS.

No person within the city shall own a vicious, dangerous or fierce animal. ('69 Code, § 4-3) (Ord. 66-0-23, passed 7-11-66)

§ 90.07 DISTURBING QUIET; BITING.

Any vicious, dangerous, or fierce animal, or any animal which in any manner disturbs the quiet of any person or neighborhood, or any animal which bites a

person, or injures a person, so as to cause an abrasion, laceration, or puncture of the skin of such person, is declared to be a nuisance and such animal shall be taken up and impounded as hereinafter provided. ('69 Code, § 4-4) (Ord. 66-0-23, passed 7-11-66)

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§ 90.08 RUNNING AT LARGE PROHIBITED.

No owner shall permit a dog or any other animal to run at large within the city at any time.
('69 Code, § 4-41) (Ord. 66-0-23, passed 7-11-66)

Statutory reference:

Dogs running at large, see
ILCS Ch. 510, Act 5 § 9

§ 90.09 DOMESTIC ANIMALS WITH CONTAGIOUS DISEASES.

No animal afflicted with a contagious disease shall be allowed to run at large or be exposed in any public place whereby the health of man or beast within the city may be affected, nor shall any diseased animal be shipped or removed from the premises of its owner, except under the supervision of the Board of Health or the State Veterinarian. It is the duty of the Board of Health to secure such disposition of any diseased animal and such treatment of infected premises as to prevent the communication or spread of the contagion or infection, except in cases where the State Veterinarian is empowered to act, and in all such cases the Board of Health shall cooperate with the State Veterinarian so far as such cooperation may be necessary to protect the health of the city.
('69 Code, § 13-5)

Cross-reference:

Board of Health, see § 32.10 et seq.

DOGS

§ 90.10 LEASH LAW.

Every dog within the city shall at all times be under the direct, effective physical control of the owner thereof or someone responsible to the owner.
('69 Code, § 4-40)

§ 90.11 (RESERVED).

§ 90.12 BARKING, WHINING, OR HOWLING.

No person within the city shall own a dog which disturbs the peace and quiet of any person or neighborhood by barking, whining, or howling.
('69 Code, § 4-43) (Ord. 66-0-23, passed 7-11-66)

§ 90.13 LICENSE REQUIRED.

No person shall own a dog within the city unless a license has been issued for the dog. No license shall be required under this section while a license is required by the state or the county concerning dogs.

('69 Code, § 4-49) (Ord. 66-0-23, passed 7-11-66)

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§ 90.14 LICENSE FEE; TIME PERIOD.

(A) Licenses shall be issued by the City Clerk upon payment of an annual license tax of \$2 for each male dog and \$3 for each female dog whether spayed or unspayed.

(B) Licenses shall be for the period of March 1 through the last day of February or part thereof. There shall be no grace period. Applications for license for the ensuing license period may be made commencing January 1.

('69 Code, § 4-50) (Ord. 66-0-23, passed 7-11-66)

§ 90.15 LICENSE APPLICATION.

Applicants for licenses shall state upon forms provided by the City Clerk, the name, address, and telephone number of the owner; the name, breed, color and sex of the dog; when and by whom the dog was last inoculated against rabies, and shall supply such other information as shall from time to time be requested by the City Clerk on such applications.

('69 Code, § 4-51) (Ord. 66-0-23, passed 7-11-66)

§ 90.16 RECORDS OF LICENSED DOG.

A copy of the license shall be furnished to and kept by the owner and a copy of the license shall be kept by the City Clerk. Licenses shall be appropriately numbered and serially filed by the Clerk.

('69 Code, § 4-54) (Ord. 66-0-23, passed 7-11-66)

§ 90.17 LICENSE TAGS.

At the time a license is issued as herein provided, the Clerk shall issue a license tag bearing a number corresponding with the number of the license. License tags shall be of suitable, durable material and a size suitable to be affixed to a collar worn by the licensed dog. License tags

shall be varied either in color or in shape from license period to license period so that tags issued for a license period may be readily distinguished from tags issued for prior periods in near proximity in time.
('69 Code, § 4-55) (Ord. 66-0-23, passed 7-11-66)

§ 90.18 DUPLICATE LICENSE TAGS.

In the event the original tag is lost or destroyed, duplicate license tags shall be issued by the Clerk upon presentation of evidence of the prior payment of license tax for a dog for the current license period, along with an application for duplicate license tag and

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the payment of a fee of \$1 for the duplicate.
('69 Code, § 4-56) (Ord. 66-0-23, passed 7-11-66)

§ 90.19 DOG COLLAR REQUIRED.

Each licensed dog shall be provided by the owner with a suitable collar or harness to which the license tag for that dog shall be securely attached. Both collar or harness and license tag shall be worn by the dog at all times.
('69 Code, § 4-57) (Ord. 66-0-23, passed 7-11-66)

§ 90.20 LICENSES AND TAGS NONTRANSFERABLE.

Neither licenses nor license tags shall be transferable. There shall be no refund for any reason of any license tax paid.
('69 Code, § 4-58) (Ord. 66-0-23, passed 7-11-66)

§ 90.21 SEEING-EYE DOGS.

Licenses shall be issued without payment of tax for "seeing-eye" dogs properly trained and kept and used to assist blind persons when such dogs are being used by blind persons for assistance.
('69 Code, § 4-52) (Ord. 66-0-23, passed 7-11-66)

§ 90.22 NONRESIDENT DOG OWNERS.

The licensing provisions of this city shall not apply to dogs whose owners are not residents within the city and who are temporarily within the city for a period less than 30 days.
('69 Code, § 4-53) (Ord. 66-0-23, passed 7-11-66)

IMPOUNDMENT

§ 90.25 UNLICENSED DOG.

Any dog found within the city, whether running at large or otherwise, without a license tag shall be impounded if the city has facilities available for such impounding.
('69 Code, § 4-59) (Ord. 66-0-23, passed 7-11-66)

§ 90.26 PLACE OF IMPOUNDMENT; TIME LIMIT.

Animals impounded under the provisions of this subchapter shall be kept in some suitable place provided by the city by contract or otherwise. Animals shall be

impounded for not less than seven days after the giving of notice as hereinafter provided, unless earlier redeemed by the owner as hereinafter provided. ('69 Code, § 4-21) (Ord. 66-0-23, passed 7-11-66)

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§ 90.27 NOTICE OF IMPOUNDMENT.

Within 36 hours after an animal has been impounded, the Animal Control Warden shall give notice thereof as follows:

(A) If the animal has a license tag upon it, a notice shall be mailed to the owner whose name appears on the license. This notice shall show the date, time, and place of impoundment, the license tag number, and shall recite the manner by which the animal may be redeemed. ('69 Code, § 4-22)

(B) If an impounded animal does not have a license tag upon it, but the owner thereof is known to the Animal Control Warden, or is made known to the Warden within 24 hours after the animal is impounded, and the address of the owner is reasonably ascertainable, the Warden shall mail notice to the owner in the manner provided in division (A) to the address the Warden has or may ascertain. ('69 Code, § 4-23)

(C) If an impounded animal does not have a license tag upon it, and the Animal Control Warden does not know the name of the owner, and the name of the owner is not made known to the Warden within 24 hours of the impoundment of the animal, then notice shall be given by the Warden by posting a brief description of the size, color, and breed, if known, of the animal, along with a statement of the date, time, and place the animal was taken up. This notice shall be posted at the place of impoundment and at the headquarters of the Police Department. ('69 Code, § 4-24) (Ord. 66-0-23, passed 7-11-66)

Statutory reference:

Notice of impoundment, see
ILCS Ch. 510, Act 5 § 10

§ 90.28 PROOF OF NOTICE.

The certificate of the Animal Control Warden that he has given notice as provided in § 90.27, stating the manner and time of the giving thereof, shall be sufficient and adequate proof that notice was given as required. ('69 Code, § 4-25) (Ord. 66-0-23, passed 7-11-66)

Statutory reference:

Notice of impoundment, see
ILCS Ch. 510, Act 5 § 10

§ 90.29 REDEMPTION OF ANIMALS FROM
IMPOUNDMENT.

Animals may be redeemed from
impoundment as follows:

(A) The owner or his agent shall
appear at the place of impoundment between
the hours of 1:00 p.m. and 4:30 p.m. on
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Monday through Friday. Animals may not be
redeemed on holidays.

(B) Evidence of ownership satisfactory
to the Animal Control Warden shall be
presented to him if requested by him.

(C) Evidence of payment of all license
taxes or fees applicable to the impounded
animal, whether imposed by the city, or
imposed by the state or another
municipality or political subdivision,
shall be presented to the Animal Control
Warden.

(D) Evidence of the inoculation of the
animal against rabies within one year of
the date the animal is sought to be
redeemed, shall be presented to the Animal
Control Warden.

(E) Evidence of payment to the City
Treasurer of the sum of \$20 as the fee, for
the first seven days of impoundment, plus
\$2 for each day the animal is impounded,
thereafter, up to a total of ten days,
including the day of impoundment and the
day the animal is redeemed, shall be
submitted to the Animal Control Warden.

(F) If evidence of inoculation is not
submitted as required in division (D), the
animal may be redeemed, upon submission of
all other evidence required by a licensed
veterinarian who delivers to the Animal
Control Warden a statement in writing that
he has been paid to, and will, before
releasing the animal from his custody,
inoculate the animal against rabies.
('69 Code, § 4-26) (Ord. 66-0-23, passed
7-11-66; Am. Ord. 82-0-7, passed 5-19-82)

RABIES PREVENTION

§ 90.35 RABIES INOCULATION REQUIRED.

No person shall own within the city a
dog which has not been annually inoculated
against rabies.

('69 Code, § 4-65) (Ord. 66-0-23, passed
7-11-66)

§ 90.36 IMPOUNDMENT OF DOGS NOT
INOCULATED.

Any dog, whether running at large or
otherwise, found within the city without a
tag showing that it has been inoculated
against rabies within a year immediately
preceding, shall be taken up and impounded.
('69 Code, § 4-66) (Ord. 66-0-23, passed
7-11-66)

Cross-reference:

Impoundment, see § 90.25 et seq.

§ 90.37 VACCINATION CERTIFICATE.

Every licensed veterinarian who
vaccinates any dog within the city shall
issue a certificate of vaccination to the

owner, stating the name of the owner, a brief description of the dog and the date of vaccination.
('69 Code, § 4-67)

§ 90.38 REPORTING OF ANIMAL SUSPECTED RABID.

Every veterinarian and other person who discovers any dog or other animal within the city suffering with or showing symptoms of rabies, shall report that fact immediately to the Rabies Inspector of the county, to the Animal Control Warden, any assistant animal control warden, or to any police officer of the city, giving the name and place of residence, if known, of the person owning the dog or other animal and the place where the dog or other animal can be found. Such dog or other animal shall thereupon be securely confined as provided in this chapter.
('69 Code, § 4-28) (Ord. 66-0-23, passed 7-11-66)

Statutory reference:

Dogs exhibiting signs of rabies, see
ILCS Ch. 510, Act 5 § 12

§ 90.39 CONFINEMENT OF DOGS.

When the owner or keeper of any dog knows of or has been notified that his dog has bitten or has injured any person so as to cause an abrasion of the skin of that person, or is suffering from rabies, he shall forthwith deliver the dog to the Animal Control Warden, to any assistant animal control warden, or to any police officer, whereupon the dog shall be securely confined for a period of at least ten days for observation. At the end of the observation period, if no symptoms have appeared, the dog shall be returned to his keeper or owner. Upon appearance of any symptoms of rabies, the dog shall be confined until death and then its head shall be removed in such manner as not to injure the brain and shall be delivered to the Rabies Inspector of the county for examination.
('69 Code, § 4-68) (Ord. 66-0-23, passed 7-11-66)

Statutory reference:

Report of bite by dog, see
ILCS Ch. 625, Act 5 § 13

§ 90.40 CONFINEMENT BY VETERINARIAN.

All dogs taken up under this division shall be impounded, except that the owner

of the dog may, at his own expense, deliver the dog to a licensed veterinarian within the city for observation. The dog shall be confined for observation, provided that the veterinarian shall, before returning any such dog to the owner, notify the Rabies Inspector of the county.
('69 Code, § 4-69)

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Section

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- 91.02 Fire limits
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- 91.04 False fire alarms
- 91.05 Disposal of and burning of garbage and other waste 2010 S-27
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- 91.07 Removal of structures
- 91.08 Damaging or removing fire apparatus; interfering with officer
- 91.09 Obstructing streets near fire
- 91.10 Running locomotive over fire hose
- 91.11 Throwing water
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§ 91.01 FIRE PREVENTION CODE ADOPTED.

The International Fire Code (2000 Edition), at Exhibit A, as published by the International Code Council, and as hereafter amended, is hereby adopted as the Fire Prevention Code of the city and incorporated as part of this code of ordinances as if set out at length herein. (Ord. 2004-0-2, passed 1-12-04)

Statutory reference:

Adoption of codes by reference, see
ILCS Ch. 65, Act 5 §§ 1-3-1, 1-3-2

§ 91.02 FIRE LIMITS.

All that portion of the city embraced within the following limits shall be known as the fire limits:

Beginning at the center of the intersection of Pembroke Street and North Center Street then running south on a line parallel with the east side of North Center Street and South Center Street to the center of the intersection of South Center Street and Wilson Street. Running then west along a line parallel with the south side of East and West Wilson Street to the intersection with the west boundary line of the city. Running then northward along the west boundary line of the city to a point where the west boundary intersects with the center of Pembroke Street. Running then east along West and East Pembroke Street on a line parallel with the north side of East and West Pembroke Street to the place of beginning.
('69 Code, § 5-3)

Cross-reference:

Dangerous buildings, see § 93.15 et seq.

Statutory reference:

Fire limits, see S.H.A. Ch. 24, § 11-8-3

§ 91.03 PERIODIC INSPECTION OF BUILDINGS.

There shall be a periodic inspection of all business buildings and factories by the Fire Department and the city electricians. ('69 Code, § 8-22)

Cross-reference:

Electrical inspection, see § 32.01 et seq.

§ 91.04 FALSE FIRE ALARMS.

It shall be unlawful to knowingly make a false alarm of fire, or any other false cry of assistance. Any violation of this section is an offense punishable by a fine as provided for in this code. ('69 Code, § 18-14) Penalty, see § 10.99

Cross-reference:

Disorderly conduct, see § 134.01

Statutory reference:

Transmission of false alarm to Fire Department, see ILCS Ch. 720, Act 5 § 26-1

§ 91.05 DISPOSAL OF AND BURNING OF GARBAGE AND OTHER WASTE.

(A) Definitions.

"GARBAGE." Waste resulting from the handling, processing, preparation, cooking, and consumption of food, and wastes from the handling, processing, storage, and sale of produce. (ILCS Ch. 415, Act 5 § 3.200)

"HAZARDOUS WASTE." A waste, or combination of wastes, which because of its quantity, concentration, or physical, chemical, or infectious characteristics, may cause or significantly contribute to an increase in mortality or an increase in serious, irreversible, or incapacitating reversible, illness; or pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, or disposed of, or

otherwise managed, and which has been identified, by characteristics or listing, as hazardous pursuant to Section 3001 of the Resource Conservation and Recovery Act of 1976, P.A. 94-580 (42 USCA Section 6921) or pursuant to Pollution Control Board regulations. (ILCS Ch. 415, Act 5 § 3.220)

"LANDSCAPE WASTE." All accumulations of grass or shrubbery cuttings, leaves, tree limbs and other materials accumulated as the result of the care of lawns, shrubbery, vines and trees. (ILCS Ch. 415, Act 5 § 3.270)

"MUNICIPAL WASTE." Any garbage, refuse, industrial lunchroom or office waste, and material resulting from operation of residential, municipal, commercial or institutional establishments and from community activities, general household waste, landscape waste and construction or demolition debris. (ILCS Ch. 415, Act 15 § 3; ILCS Ch. 415, Act 5 § 3.290)

(B) It is unlawful for any private citizen or business to burn or attempt to burn garbage, municipal waste, landscape waste, or hazardous waste at any time within the city. The open burning of leaves within the city limits of the city is prohibited. Exceptions include the following:

(1) Cardboard and paper may be burned in furnaces (not burn barrels) approved by the city Fire Chief.

(2) Wood may be burned in an appropriate fireplace.

(3) This section is not intended to cover the burning of charcoal or wood for the preparation of food.

(4) Any environmental or special burn approved by the city Fire Chief and conducted pursuant to this direction.

(C) It shall be unlawful to deposit within the city any garbage, municipal waste, landscape waste, or hazardous waste except at the city's landfill or waste transfer station, when a permit is issued in accordance with the regulations of the transfer station and the landfill. It shall

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be unlawful to deposit hazardous waste at any location within the city.
(Ord. 90-0-13, passed 10-8-90; Am. Ord. 2001-0-20, passed 11-26-01) Penalty, see § 10.99

Cross-reference:

Disposal of landscape waste, see § 136.26(F)

Statutory reference:

Fire safety regulations, see ILCS Ch. 65, Act 5 § 11-8-1 et seq.

§ 91.06 DEPOSITS OF HAY, STRAW, OR COMBUSTIBLE MATERIALS.

No person shall stack or deposit any hay, straw, or other combustible material or substance within 40 feet of any dwelling house or other building where fire or ashes are kept, unless such material is to be kept in a closed and secure building.
('69 Code, §§ 9-21, 9-22)

§ 91.07 REMOVAL OF STRUCTURES.

The Fire Chief or officer in command at any fire may direct the tearing down, removal, or destruction by any proper means of any building, fence, or erection when he shall deem it necessary for the purpose of checking the progress of the fire.
('69 Code, § 9-11)

§ 91.08 DAMAGING OR REMOVING FIRE APPARATUS; INTERFERING WITH OFFICER.

(A) It shall be unlawful to willfully break, deface, destroy, or otherwise injure any fire apparatus belonging to the city or any fire company and whoever violates this section shall be punished as provided in § 10.99. In addition thereto the expenses which may be incurred in repairing the injuries committed shall be added to the penalty and form a part thereof. ('69 Code, § 9-16)

(B) It shall be unlawful to remove any fire apparatus belonging to the Fire Department from the place of storage thereof, except under the order of some duly authorized officer of the Department, or to use such apparatus or any property

belonging thereto, for any purpose other than the suppression of fires, or for the drill of the company to which it may be assigned, or to interfere with any officer in command of the Department in the discharge of his duties at the fire, or in the care of such apparatus.
('69 Code, § 9-15) Penalty, see § 10.99

Cross-reference:

Disorderly conduct, see § 134.01
Fire Department, see Ch. 34

§ 91.09 OBSTRUCTING STREETS NEAR FIRE.

It shall be unlawful to stop any wagon, automobile, motor truck, carriage, or other vehicle in the street, at any point contiguous to a fire so as to obstruct or blockade any street or alley.
('69 Code, § 9-19) Penalty, see § 10.99

§ 91.10 RUNNING LOCOMOTIVE OVER FIRE HOSE.

Any engineer of any railroad locomotive who runs any locomotive or any car or cars attached thereto, over any hose of the Fire Department laid for use over or across any railroad track shall be fined as provided in § 10.99 and the conductor or other person in charge of such car, or train of cars running over the hose shall be subject to the same penalty.
('69 Code, § 9-18)

§ 91.11 THROWING WATER.

It shall be unlawful to unnecessarily throw any stream of water from any fire hose upon any person or property, whether at a fire or drill of the Fire Department.
('69 Code, § 9-17) Penalty, see § 10.99

§ 91.12 KEY LOCK BOX SYSTEM.

(A) The following structures shall be equipped with a key lock box at or near the main entrance or such other location as approved by the Fire Chief:

(1) All newly constructed structures that are not in the "R" Occupancy Use Group, as defined by the International Building Code, 2000 Edition.

(2) All existing structures that are remodeled, renovated, or expanded at a cost of greater than 20% of their value and which are not in the "R" Occupancy Use Group, as defined by the International Building Code, 2000 Edition.

(3) Multi-family residential structures, whether newly constructed or remodeled, renovated, or expanded at a cost of greater than 20% of their value, that have restricted access through locked doors and have a common corridor or corridors for access to the dwelling units.

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(4) Any existing structure or sub-part thereof to which emergency personnel have responded at least two times in any one-year period.

(B) As an exception to the foregoing, any building or structure having employee(s), caretaker(s), or security personnel on-duty and on-site 24 hours per day may be exempted from the provisions of division (A) herein at the discretion of the Fire Chief.

(C) The owner or operator of a structure required to have a key lock box shall, at all times, keep a key in the key lock box that will allow access to the structure.

(D) The Fire Chief is hereby authorized and directed to implement rules and regulations for the use of the key lock box system, including the designation of the particular brand, make or model of key lock box allowed for use.

(E) Any person, firm, or corporation violating any provision of this section shall be notified by the city in writing, either by personal delivery or by mail, that he, she, or it has one week to correct the violation. In the event that the violation is not abated, the city shall prosecute the violation in the Circuit Court of Douglas County, Illinois. Following the one week grace period, each day that the violation continues shall constitute a separate offense and violation. Any person, firm, or corporation convicted of a violation shall be fined not less than \$100 nor more than \$500 for each offense.
(Ord. 2009-0-1, passed 1-12-09)

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Any person, firm, or organization seeking to use Ervin Park for any lawful

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Ervin Park

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- 92.03 Use of park for commercial purposes
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- 92.05 Possession or consumption of alcoholic liquor
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- 92.10 Hours
- 92.11 Vehicles
- 92.12 Fishing
- 92.13 Boating
- 92.14 Swimming and wading
- 92.15 Depositing articles in lake
- 92.16 Possession or consumption of alcoholic liquor

- 92.99 Penalty

ERVIN PARK

§ 92.01 HOURS.

Ervin Park shall be open to the public daily from 6:00 a.m. to 11:00 p.m., Sunday through Thursday, and from 6:00 a.m. to 12:00 p.m., Friday and Saturday of each week, throughout the months of April through October of each year. However, the opening and closing of the park may be accelerated or delayed by the City Council, depending upon the weather conditions. ('69 Code, § 19-20 (a)) (Ord. 70-0-7, passed 8-10-70) Penalty, see § 92.99 (A)

§ 92.02 VEHICLES.

(A) Vehicle parking shall be permitted only in areas so designated.

(B) All vehicles shall enter Ervin Park at the east only and shall exit said park at the west gate only.

(C) No motor vehicle, as that term is defined in Chapter 70 of this Code, shall be operated in Ervin Park except upon designated roadways. ('69 Code, § 19-20) (Ord. 70-0-7, passed 8-10-70; Am. Ord. 87-0-2, passed 1-12-87) Penalty, see § 92.99 (A)

Cross-reference:

Restricted parking in Ervin Park, see § 72.08

§ 92.03 USE OF PARK FOR COMMERCIAL PURPOSES.

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7, passed 8-12-68) Penalty, see § 92.99
(B)

commercial purpose, shall consult with the Superintendent of Parks who shall reserve an appropriate part of the park for that purpose.

('69 Code, § 19-20) (Ord. 70-0-7, passed 8-10-70) Penalty, see § 92.99 (A)

§ 92.04 USE OF PARK BY CIRCUS OR CARNIVAL.

(A) When allowed. It shall be unlawful for any carnivals or circuses or similar exhibitions to occupy and use the facilities of Ervin Park in the city prior to the last full week in June, nor later than the last full week in August.
('69 Code, § 19-14)

(B) Entrance and departure. No carnival, circus or similar exhibitor which has been granted permission to use the facilities of Ervin Park in accordance with the provisions of this chapter, shall enter the Ervin Park premises earlier than 24 hours immediately prior to the time when such exhibition, show, or carnival is scheduled to commence operations, and each carnival, circus, or similar exhibition shall vacate and depart the Ervin Park premises not later than 24 hours immediately following the time when the carnival, circus, or exhibition ceases operations. ('69 Code, § 19-15)

(C) Bond required. Each carnival, circus, or similar exhibitor shall, before occupying any facilities in Ervin Park, deposit a cash bond in the amount of \$500 with the City Clerk, and no permit shall be issued by the City Clerk for any exhibition unless the cash bond deposit has been made. The bond shall be conditioned upon the exhibitor restoring that portion of Ervin Park occupied by the exhibitor to, as nearly as possible, the condition the park premises were in prior to the exhibition. Subject to the payment of the daily fees, as hereinafter provided, and the proper restoration of the premises as herein provided, any balance remaining shall be refunded to the exhibitor when the City Clerk has received the approval of the Park Superintendent. ('69 Code, § 19-16)

(D) Daily fees. Each exhibitor shall pay to the city a fee of \$10 for each day he or it occupies any part of Ervin Park.
('69 Code, § 19-18)

(E) Insurance required. Each exhibitor shall, as a condition for receiving a permit to use Ervin Park, exhibit to the City Clerk satisfactory evidence that his or its operations are adequately covered by personal liability and property damage insurance. ('69 Code, § 19-17) (Ord. 68-0-

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only in areas so designated.

§ 92.05 POSSESSION OR CONSUMPTION OF ALCOHOLIC LIQUOR.

No person shall sell, deliver, possess, consume, or otherwise have alcoholic liquor in Ervin Park.
(Ord. 81-0-29, passed 9-28-81) Penalty, see § 92.99

(B) No motor vehicle, as that term is defined in Chapter 70 of this Code,

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§ 92.06 CITY SWIMMING POOL RATES.

(A) Rates. The City Council shall fix rates annually for use of the swimming pool at Ervin Park. In addition, the City Council shall set the date for the opening and closing of the pool each year. The establishments of the rates and the period the pool will be open shall be by resolution or motion of the City Council duly enacted.

(B) Classifications.

(1) The annual pool rates established by the City Council shall be for the following classifications:

- (a) Families.
- (b) Individuals.
- (c) Single day.

(2) The City Council shall fix the definition of these classifications and may change same from time to time by resolution or motion duly enacted. Differential rates for residents and nonresidents of the city shall be abolished.
(Ord. 84-0-2, passed 3-26-84; Am. Ord. 85-0-9, passed 5-13-85)

WIMPLE PARK

§ 92.10 HOURS.

Wimple Park shall be open to the public daily from 6:00 a.m. to 11:00 p.m., Sunday through Thursday, and from 6:00 a.m. to 12:00 p.m., Friday and Saturday of each week, throughout the months of April through October of each year. However, the opening and closing of the park may be accelerated or delayed by the City Council, depending upon the weather conditions.
('69 Code, § 19-25) (Ord. 75-0-4, passed 7-14-75) Penalty, see § 92.99 (C)

Statutory reference:

Power of city to regulate parks, see ILCS Ch. 65, Act 5 § 11-100-1

§ 92.11 VEHICLES.

(A) Vehicle parking shall be permitted

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offense. ('69 Code, § 19-20) (Ord. 70-0-7, passed 8-10-70)

shall be operated in Wimple Park except upon designated roadways. ('69 Code, § 19-25) (Ord. 75-0-4, passed 7-14-75; Am. Ord. 87-0-2, passed 1-12-87) Penalty, see § 92.99 (C)

(B) Any person who violates any provision of § 92.04 shall, upon conviction, be punished as provided in

§ 92.12 FISHING.

No person of the age of 12 years or under shall fish in the lake at Wimple Park unless accompanied by and under the direct supervision and control of a parent, guardian, or person of the age of 18 years or more approved by the parent or guardian of the child. No person fishing in the lake at Wimple Park shall use or employ more than two poles or lines with no more than two hooks per line or pole at any one time, nor shall any pole or line used for fishing be left unattended. ('69 Code, § 19-25) (Ord. 75-0-4, passed 7-14-75) Penalty, see § 92.99 (C)

§ 92.13 BOATING.

No person shall use any type of boat or floating device upon the lake in Wimple Park. ('69 Code, § 19-25) (Ord. 75-0-4, passed 7-14-75) Penalty, see § 92.99 (C)

§ 92.14 SWIMMING AND WADING.

No person shall swim or wade in the lake in Wimple Park. ('69 Code, § 19-25) (Ord. 75-0-4, passed 7-14-75) Penalty, see § 92.99 (C)

§ 92.15 DEPOSITING ARTICLES IN LAKE.

No person shall throw, deposit, or otherwise place in the lake at Wimple Park any article or thing other than fishing lines, hooks, or appurtenant equipment and only such articles when they can be removed by the person upon completion of fishing in the lake. ('69 Code, § 19-25) (Ord. 75-0-4, passed 7-14-75) Penalty, see § 92.99 (C)

§ 92.16 POSSESSION OR CONSUMPTION OF ALCOHOLIC LIQUOR.

No person shall sell, deliver, possess, consume, or otherwise have alcoholic liquor in Wimple Park. (Ord. 81-0-29, passed 9-28-81) Penalty, see § 92.99

§ 92.99 PENALTY.

(A) Any person, firm, or corporation violating any provision of §§ 92.01 through 92.03 shall, upon conviction, be fined not less than \$5 nor more than \$25, for each

§ 10.99, provided, that in no case shall the fine be less than \$50 for each offense. ('69 Code, § 19-19) (Ord. 68-0-7, passed 8-12-68)

(C) Any person violating any provision of §§ 92.10 through 92.15 shall, upon conviction, be fined not less than \$5 nor more than \$25, for each offense. ('69 Code, § 19-25) (Ord. 75-0-4, passed 7-14-75)

(E) To erect or use any building or other place for the exercise of any trade, employment or manufacture which by occasioning noxious exhalations, offensive smells, or otherwise is offensive or

Section

- 93.01 Declaration of nuisances
93.02 Abatement

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Abandoned or Inoperative Vehicles

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Dangerous Buildings

- 93.15 Definition
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Weeds

- 93.30 Nuisance weeds
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93.99 Penalty

§ 93.01 DECLARATION OF NUISANCES.

It is declared to be a nuisance for any person within the jurisdiction of the Board of Health:

(A) To throw or deposit any offal, tin cans, rubbish, animal excrement, or other offensive matter, or the carcass of any animal in any watercourse, lake, pond, spring, well, sewer or ditch, or on any street, alley or public grounds or public highways.

(B) To permit any cellar, vault, drain, yard or premises to become from any cause foul, offensive, or injurious to public health.

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

(D) To obstruct any watercourse, ravine, or gutter so as to cause water to stagnate therein, or to permit foul or stagnant water to stand upon any premises to the prejudice of others.

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public ground or place or upon any private premises, adjacent to any sidewalk, street, or footway so as to occasion danger or inconvenience to the public. ('69 Code, § 18-4)

dangerous to the health of individuals or the public.

(F) To expectorate upon any sidewalk, depot platform, or upon the floor of any hall, or other public place or building.

(G) To kill for domestic use, or for the purpose of selling for meat, any cattle, calves, sheep, or hogs within the jurisdiction of the Board of Health, without the written permission from the Board of Health to kill and butcher the animal at the place specified.

(H) To wash or clean any motor vehicle, trailer, or other vehicle in or upon any street or sidewalk.

(I) To leave open any cellar, cellar door, vault, well, cistern, excavation, ditch, or other hole upon or adjoining any street, alley, or sidewalk without protecting or securing the opening so as not to endanger the safety of persons or animals passing by. ('69 Code, § 18-37)

(J) To obstruct or encroach upon any public highway, private way, street, alley, or any way to any burning place within the corporate limits of the city. ('69 Code, § 18-36)

(K) To permit the emission of dense smoke from the smoke stack of any locomotive, chimney, or any other source within the city. ('69 Code, § 18-15)

(L) To permit any place in which animals are kept, or any building or premises to become offensive or nauseous to any person residing in vicinity or passing along any nearby street or alley. ('69 Code, § 4-7)

(M) To cause or permit the carcass of any animal or any offal, filth, or noisome substance to be collected or deposited or to remain in any place to the prejudice of others or to be thrown or deposited in any watercourse, lake, pond, spring, well, common sewer, street, or alley. ('69 Code, § 13-6(b))

(N) To knowingly permit any dead animal belonging to him to remain within the city or within one-half mile thereof, without being buried so as to prevent it from becoming putrid or offensive to any person residing within the city. In addition to the penalty set out, any person violating this division shall be liable to city for the cost of removal, burial, and abatement of this nuisance. ('69 Code, § 4-8)

(O) To erect, keep, or maintain any billboard or board for advertising on any

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being driven under its own motor power in order to perform ordinary service or repair operations.

(P) To commit any offense which is a nuisance according to the common law of the land or made such by state statute. ('69 Code, § 13-7) (Ord. 67-0-3, passed 6-12-67; Am. Ord. 88-0-31, passed 12-12-88)

(B) Nothing in §§ 93.05 through 93.09 shall apply to any motor vehicle that is enclosed within a building when not in use,

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Cross-reference:

Jurisdiction of Board of Health, see § 32.17

Statutory reference:

Definition and abatement of nuisances, see ILCS Ch. 65, Act 5 § 11-60-2

§ 93.02 ABATEMENT.

(A) It is made the duty of the Board of Health to serve through the Chief of Police or other person designated by it, a notice in writing upon the owner, agent, occupant, or person in possession, charge, or control of any lot, building, or premises in or upon which any nuisance may be found. This notice shall require him to abate the nuisance within a specified time in such manner as the Board shall prescribe; provided, it shall not be necessary in any case to specify in this notice the manner in which the offense shall be abated unless the Board of Health deems it advisable to do so.

(B) If the person so notified refuses or neglects to comply with the order within the time and in the manner specified, the Board of Health, by the Chief of Police or other police officer of the city, shall cause the abatement of the nuisance at the expense of the party or parties responsible for or permitting the same. ('69 Code, § 13-8; Am. Ord. 82-0-5, passed 3-22-82)

Statutory reference:

Definition and abatement of nuisances, see ILCS Ch. 65, Act 5 § 11-60-2

ABANDONED OR INOPERATIVE VEHICLES

§ 93.05 DEFINITIONS.

For the purpose of §§ 93.05 through 93.09 the following definition shall apply unless the context clearly indicates or requires a different meaning.

(A) "INOPERATIVE MOTOR VEHICLE." Any motor vehicle from which 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 under its own motor power. "INOPERATIVE MOTOR VEHICLE" shall not include any motor vehicle which has been rendered temporarily incapable of

nor to historic vehicles over 25 years of age (provided that such historic vehicle is currently registered and displaying proper license plates as required by the Illinois Vehicle Code), nor to a motor vehicle on the premises of any place of business licensed to engage in the wrecking or junking of motor vehicles.
 ('69 Code, § 17-191) (Ord. 69-0-16, passed 11-10-69; Am. Ord. 80-0-1, passed 1-28-80)

(B) The Chief of Police shall give notice of removal to the owner or occupant of the private property where the vehicle is located at least ten days before the

§ 93.06 DECLARED NUISANCES.

(A) No person shall park, store, leave, or permit the parking, storing, or leaving of any motor vehicle of any kind which is in an abandoned, wrecked, dismantled, inoperative, rusted, junked, or partially dismantled condition, whether attended or not, on any public or private property within the city for a period of time in excess of 30 days. The presence of an abandoned, wrecked, dismantled, inoperative, rusted, junked or partially dismantled vehicle, or parts thereof, on private or public property is declared a public nuisance which may be abated as such in accordance with the provisions of §§ 93.05 through 93.09.

(B) No person shall park, store, leave or permit the parking, storing or leaving of any motor vehicle, boat trailer, camper trailer, camper, motorcycle, motorcycle trailer, snowmobile, snowmobile trailer and utility trailers or any other transportation device that requires licensure or registration with the state upon the public streets or upon the public right-of-way adjacent thereto, at a time when said transportation device does not have or is not displaying current and proper registration and licensure with the state.
 ('69 Code, § 17-191) (Ord. 69-0-16, passed 11-10-69; Am. Ord. 80-0-1, passed 1-28-80; Am. Ord. 82-0-5, passed 3-22-82; Am. Ord. 90-0-9, passed 6-11-90; Am. Ord. 2009-0-4, passed 3-23-09)

Cross-reference:

Abandonment of motor vehicle, see § 136.21

§ 93.07 NOTICE; HEARING.

(A) Whenever it comes to the attention of the Chief of Police that any nuisance as defined in § 93.05 exists in the city, a notice in writing shall be served upon the occupant of the land where the nuisance exists, or in case there is no such occupant, then upon the owner of the property or his agent, notifying them of the existence of the nuisance and requesting its removal in the time

ten days in advance thereof. At such hearing the city and the persons to whom the notices

time of compliance. It shall constitute sufficient notice when a copy of the notice is posted on a conspicuous place upon the private property upon which the vehicle is located, or upon the vehicle itself, and duplicate copies are sent by registered mail to the owner or occupant of the private property at his last known address.

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(C) The notice shall contain the request for removal within the time specified in § 93.06 and the notice shall advise that upon failure to comply with the notice to remove, the city or its designee shall have the authority to take any or all of the following steps to remediate the nuisance:

(1) Undertake such removal of the inoperative vehicle(s) with the cost of removal to be levied against the owner or occupant of the property;

(2) Begin court proceedings seeking an order of the court that the inoperative vehicle(s) be removed by the offender;

(3) Begin court proceedings seeking that a fine be levied pursuant to § 93.99;

(4) Seek an injunction that no further inoperative vehicles shall be parked, stored, left or permitted by the offender with the city.

(D) Upon proper notice, the owner of the abandoned, wrecked, dismantled, or inoperative vehicle and the owner or occupant of the private property on which the vehicle is located, either or all of them, shall be responsible for its removal. In the event of removal and disposition by the city, the owner or occupant of the private property where the vehicle is located, shall be liable for the expenses incurred.

(E) It shall be unlawful for any person to remove, deface, alter, destroy, or otherwise interfere with a notice properly posted as provided in this section. Upon conviction, any such person shall be subject to the penalty provided in § 93.99.

(F) The persons to whom the notices are directed, or their duly authorized agents, may file a written request for hearing before the City Council or its designee within the ten-day period of compliance prescribed in (B) above, for the purpose of defending the charges by the city.

(G) The hearing shall be held as soon as practicable after the filing of the request, and the persons to whom the notices are directed shall be advised of the time and place of the hearing at least

have been directed may introduce such witnesses and evidence as either party deems necessary.

('69 Code, § 17-192, 17-193) (Ord. 69-0-16, passed 11-10-69; Am. Ord. 80-0-1, passed 1-28-80; Am. Ord. 2009-0-4, passed 3-23-09)

§ 93.08 REMOVAL OF VEHICLE.

(A) If the violation described in the notice has not been remedied within the ten-day period of compliance, or in the event that a notice requesting a hearing is timely filed, a hearing is had, and the existence of the violation is affirmed by the City Council or its designee, the Chief of Police or his designee shall have the right to take possession of the inoperable motor vehicle and remove it from the premises. It shall be unlawful for any person to interfere with, hinder, or refuse to allow such person or persons to enter upon private property for the purpose of removing a vehicle under the provisions of §§ 93.05 through 93.09.

(B) Within five days of the removal of the vehicle, the Chief of Police shall give notice to the registered owner of the vehicle, if known, and also to the owner or occupant of the private property from which the vehicle was removed, that the vehicle, or vehicles, has been impounded and stored for violation of §§ 93.05 through 93.09. The notice shall give the location of storage of the vehicle or vehicles, and the costs incurred by the city for removal.

(C) Upon removing a vehicle under the provisions of (A) above, the city shall after ten days cause it to be appraised. If the vehicle is appraised at \$75 or less, the Chief of Police shall execute an affidavit so attesting and describing the vehicle, including the license plates, if any, and stating the location and appraised value of the vehicle. The Chief of Police, after complying with the above, may summarily dispose of the vehicle and execute a certificate of sale. If the vehicle is appraised at over \$75, the Chief of Police shall give notice of public sale not less than 14 days before the date of the proposed sale.

(D) The notice of sale shall state:

(1) The sale is of abandoned property in possession of the city.

(2) A description of the vehicle, including make, model, license number, and any other information which will accurately identify the vehicle.

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a fire hazard or is liable to cause injury or damage by collapsing or by a collapse or fall of any of its parts; any building,

(4) The date, time, and place of the sale.

(E) The vehicle shall be sold to the highest and best bidder. At the time of payment of the purchase price, the Chief of Police shall execute a certificate of sale in duplicate, the original of which shall be given to the purchaser, and the copy thereof to be filed with the City Clerk. Should the sale for any reason be invalid, the city's liability shall be limited to the return of the purchase price.

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('69 Code, §§ 17-194, 17-193, 17-196) (Ord. 69-0-16, passed 11-10-69; Am. Ord. 80-0-1, passed 1-28-80; Am. Ord. 82-0-5, passed 3-22-82)

§ 93.09 REDEMPTION OF VEHICLE; LIEN.

(A) The owner of any vehicle seized under the provisions of §§ 93.05 through 93.09 may redeem the vehicle at any time after its removal but prior to the sale or destruction thereof upon proof of ownership and payment to the Chief of Police of such sum as the Chief determines and fixes for the actual and reasonable expense of removal, and any preliminary sale advertising expenses, not to exceed \$60, plus \$7 per day for storage for each vehicle redeemed.

(B) Upon the failure of the owner or occupant of property on which abandoned vehicles have been removed by the city to pay the unrecovered expenses incurred by the city in such removal, a lien shall be placed upon the property for the amount of the expenses.

('69 Code, §§ 17-197, 17-198) (Ord. 69-0-16, passed 11-10-69; Am. Ord. 80-0-1, passed 1-28-80)

DANGEROUS BUILDINGS

§ 93.15 DEFINITION.

For the purpose of §§ 93.15 through 93.21 the following definition shall apply unless the context clearly indicates or requires a different meaning.

"DANGEROUS BUILDING." Any building, shed, fence, or other man-made structure 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; any building, shed, fence, or other man-made structure which, because of faulty construction, age, lack of proper repair or any other cause, is especially liable to fire, and constitutes or creates

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has been condemned as a nuisance
and a dangerous building after inspection
by _____.

shed, fence or other man-made structure which, because of its condition or because of lack of doors or windows, is available to and frequented by malefactors or disorderly persons who are not lawful occupants of the structure.
('69 Code, § 5-17)

§ 93.16 DECLARED A NUISANCE.

Any dangerous building in the city is declared to be a nuisance.
('69 Code, § 5-18)

Statutory reference:

Definition and abatement of nuisances,
see ILCS Ch. 65, Act 5 § 11-60-2

§ 93.17 EXISTENCE AND OCCUPANCY
PROHIBITED.

It shall be unlawful to maintain or permit the existence of any dangerous building in the city. It shall be unlawful for the owner, occupant, or person in custody of any dangerous building to permit it to remain in a dangerous condition or to occupy such building, or permit it to be occupied while it is or remains in a dangerous condition.
('69 Code, § 5-19) Penalty, see § 10.99

Statutory reference:

Unsafe buildings, see ILCS Ch. 65, Act 5
§§ 11-31-1, 11-31-2

§ 93.18 CORRECTION OF DEFECTS; NOTICE.

(A) Whenever the Building Commissioner, Fire Marshal, Health Officer, or any other officer or employee of the city is of the opinion that any building or structure in the city is a dangerous building, he shall file a written statement to this effect with the City Clerk. The Clerk shall thereupon cause written notice to be served upon the owner thereof, and upon the occupant thereof, if any, by registered mail or by personal service. This notice shall state that the building has been declared to be in dangerous condition, and that the dangerous condition must be removed or remedied by repairing or altering the building or by demolishing it; and that the condition must be remedied at once.

(B) This notice may be in the following form:

"To (owner-occupant of the premises) of the premises known and described as _____.

"You are hereby notified that (describe building) on the premises above described

determines that the building in question has been damaged to the extent of 50% of its value, it shall be the duty of the owner to

"The causes for this decision are (here insert the facts as to the dangerous condition).

"You must remedy this condition or demolish the building immediately or the city will proceed to do so."

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(C) If the person receiving this notice has not complied therewith within 15 days from the time when the notice is served, the city may proceed to remedy the condition or demolish the dangerous building.
('69 Code, § 5-20; Am. Ord. 82-0-5, passed 3-22-82)

§ 93.19 DAMAGED BUILDINGS WITHIN FIRE LIMITS.

(A) Any building or structure within the fire limits of the city which has been damaged by fire, decay, or other cause to the extent of 50% of its value, shall be expeditiously repaired or torn down and removed.

(B) Upon written notice by the Building Commissioner, Health Officer, Fire Marshal or any other city employee, filed with the City Clerk, the Clerk shall notify the Mayor of the receipt of the notice. The Mayor shall then appoint three persons to determine whether or not such building or structure has been damaged to the extent of 50% of its value. A copy of the notice filed by the city officer, together with a notice of the appointment of this board of three persons to determine the damage, shall be served upon the owner of the premises by personal service or by registered mail to his last known address.

(C) The notice shall be in substantially the following form:

"To

You are hereby notified that _____ has determined that the building owned by you at _____ located within the fire limits of the City has been damaged by fire, decay or otherwise to the extent of fifty percent of its value; and that a board of three members has been appointed to verify this finding, which board will hold its first meeting in the City Hall on the _____ day of _____ at the hour of _____ o'clock, at which time it will determine whether this finding is correct.

If this finding is verified by the board, you must tear down and remove the said building."

(D) If the board of three members

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declared to be a nuisance, and it shall be unlawful to permit any such weeds to grow or remain in any such place.
(Ord. 88-0-31, passed 12-12-88)

tear down or remove the building within 20 days after the finding of the board; and it shall be unlawful to occupy or permit the building to be occupied after such finding.
('69 Code, § 5-21)

Statutory reference:

Fire limits; defective buildings, see
ILCS Ch. 65, Act 5 § 11-8-3

§ 93.20 NOTICE TO UNKNOWN OWNERS.

If the owner of the premises concerned is unknown, or if his address is unknown, service of any notice provided for in this subchapter may be made by posting a copy thereof on the premises and by publishing one time a copy thereof in a newspaper published within the municipality.
('69 Code, § 5-22)

§ 93.21 ALTERNATIVE ACTIONS.

In addition to the actions authorized by other sections of this subchapter, the Fire Marshal, Chief of the Fire Department, or any other municipal official whose duty it is to investigate fires, may make the investigations authorized by statute found in ILCS Ch. 425, Act 25 §§ 9 to 9e. If the officer finds that any building or structure is so occupied or situated as to endanger persons or property, or by reason of faulty construction, age, lack of repair, or for any other cause is especially liable to fire, or is liable to cause injury by collapsing or otherwise, he shall order the dangerous condition removed or remedied, and shall so notify the owner or occupant of the premises. Service of this notice may be in person or by registered mail, and any person so notified may appeal from the decision of the officer in the manner provided by law.
('69 Code, § 5-23)

Statutory reference:

Duty of owner, occupant as to fire hazards, see ILCS Ch. 425, Act 25 § 9 et seq.

§ 93.22 CONSTRUCTION.

The provisions of this chapter shall be supplementary to the procedure required by ILCS Ch. 65, Act 5 § 11-31-1 et seq.

WEEDS

§ 93.30 NUISANCE WEEDS.

Any weeds, including, but not limited to, jimson, burdock, ragweed, thistle, cocklebur, or other weeds of a like character, found growing on any lot or tract of land in the city are hereby

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a written notice shall be served upon the property owner describing the situation, actions taken, and penalty and costs incurred.

§ 93.31 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 eight inches anywhere in the city. Any grass, plants, or weeds exceeding such height are hereby declared to be a nuisance.

(Ord. 88-0-31, passed 12-12-88; Am. Ord. 2008-0-8, passed 7-14-08)

§ 93.32 NOTICE.

(A) 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 on which any grass, weeds, or other plants are permitted to grow in violation of the provisions of this subchapter and to demand the abatement of the nuisance within ten days.

(B) Notice shall be deemed to be properly served by:

(1) Depositing the notice in U.S. mail, prepaid first class postage regardless of whether the addressee accepts or refuses delivery; or

(2) Personal service; or

(3) Posting of notice upon property.
(Ord. 88-0-31, passed 12-12-88; Am. Ord. 2008-0-08, passed 7-14-08)

§ 93.33 ABATEMENT.

(A) If the person so served does not abate the nuisance within ten days, the city or any person designated by the City Council may proceed to abate such nuisance, keeping an account of the actual expense of the abatement, and such expense shall be charged to and paid by the owner or occupant.

(B) When the following conditions arise, the city may proceed with an immediate abatement:

(1) Whenever a hazard exists which endangers the public and must be immediately addressed; or

(2) Whenever a property has been issued three previous written notices to abate a nuisance within as 12-month time frame following the adoption of this subchapter, and the property owner has failed to abate the same.

(C) Prior written notice to the property owner shall not be required for immediate abatement. Following immediate abatement,

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(D) Nothing in this subchapter shall be construed so as to limit or detract from the provisions of the laws of the State of Illinois and the section shall not be construed so to legalize conditions which are nuisances at common law or to preclude any remedies available at common law or in equity. Nothing in this division shall be construed as relieving any person of responsibility for complying with any state laws pertaining to noxious weeds and control thereof.

(Ord. 88-0-31, passed 12-12-88; Am. Ord. 2008-0-8, passed 7-14-08)

§ 93.34 LIEN.

(A) If the owner or occupant of any premises upon which the city has cut or caused to be cut any grass, weeds, or other plants shall fail to pay for the reasonable cost thereof, then within 60 days after such cost or expense is incurred, the City Clerk shall cause a notice of lien for such cost to be filed in the Office of the Recorder of Deeds of Douglas County, Illinois.

(B) The notice of lien shall be a sworn statement setting out a description of the real estate sufficient for identification thereof, the amount of money representing the cost and expense incurred or payable for the service, and the date or dates when such cost and expense was incurred by the city.

(C) Cost and expenses include, but are not limited to, the costs and expenses in time of city employees or city authorized contractors concerning the actual abatement of the nuisance, administrative fees, title searches or certifications and reasonable attorney expenses.

(D) Notwithstanding the aforementioned rights of the city to abate the nuisance and to seek a lien on the property, any person violating any of the provisions of § 93.31 shall be guilty of a violation of this subchapter and upon conviction shall be fined pursuant to § 136.99. Each day the nuisance remains on the real property, after the time permitted for abatement expires, shall be a separate offense.

(E) In addition, notwithstanding any

other remedies available to the city, the City Attorney may seek a court order that the property owner be ordered to abate the nuisance.

(Ord. 88-0-31, passed 12-12-88; Am. Ord. 2008-0-8, passed 7-14-08)

§ 93.99 PENALTY.

Any person violating any of the provisions of §§ 93.05 through 93.09 shall be guilty of a violation of this code, and upon conviction shall be subject to a fine of not more than \$500. Each act in violation of any of these provisions shall be deemed a separate offense.

Section

- 94.01 Power of Health Officer
- 94.02 Right of entry
- 94.03 Duty to remedy conditions
- 94.04 Duty to report contagious diseases
- 94.05 Diseased animals
- 94.06 Notices of diseases to be posted
- 94.07 Sample distribution of drugs or medicine
- 94.08 Offensive establishments

§ 94.01 POWER OF HEALTH OFFICER.

(A) The Health Officer shall have power to cause any house or any premises to be cleaned, disinfected, or closed to visitors, and to prevent persons from resorting thereto while any person therein is suffering from any pestilential, infectious, contagious, or communicable disease, and may, by order in writing, direct any nuisance affecting the sanitary condition of the city, or the public health of the city to be abated, and to take any other measures he may deem necessary and proper to prevent the spread of any contagious, infectious, pestilential, communicable, or epidemic disease. ('69 Code, § 13-1)

(B) In case of pestilence or epidemic diseases or danger from anticipated or impending pestilence, or epidemic disease, or in case the sanitary condition of the city should be of such character as to warrant it, it shall be the duty of the health officers to take such measures, to do and cause to be done such acts for the preservation of the public health, though not herein or otherwise specifically authorized, as the Board may in good faith declare the public safety or health demands. No person shall refuse or neglect to comply with any of the rules, orders or sanitary regulations of the Board of Health made in conformity with this section. ('69 Code, § 13-31)

Cross-reference:

Abatement of nuisances, see § 93.02
Health Department, see §§ 32.10 through 32.18

Statutory reference:

Promotion of health, see
ILCS Ch. 65, Act 5 § 11-20-5

§ 94.02 RIGHT OF ENTRY.

For the purpose of carrying out their duties, any member of the Board of Health and the employees and officers of the Board, after obtaining the necessary authority, shall be permitted to enter at

any reasonable hour any premises, house,
store, stable, factory, or other building
in the city in the manner provided by law.
('69 Code, § 13-24)

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Diseased animals running at large, see
ILCS Ch. 720, Act 575 § 258

§ 94.03 DUTY TO REMEDY CONDITIONS.

Whenever it shall come to the knowledge of the Board of Health that the sanitary condition of any building or premises is injurious to the health of the occupants or of the public, the Board of Health shall make a thorough examination of the building or premises and shall direct and instruct the owner or person in charge thereof as to the remedy for the condition, and if the condition is not remedied within a reasonable time, the Board of Health shall cause the building or premises to be put in good sanitary condition at the cost of the person responsible for or causing the unhealthy or dangerous condition.
('69 Code, § 13-25)

§ 94.04 DUTY TO REPORT CONTAGIOUS DISEASES.

It shall be the duty of every person knowing of any individual in the city affected with any contagious, infectious, pestilential, or communicable disease immediately to report the same to the Chairman of the Board of Health. This report shall give the name, if known, of the person and his place of dwelling.
('69 Code, § 13-3) Penalty, see § 10.99

Statutory reference:

Communicable disease reports, see
ILCS Ch. 745, Act 45 § 1

§ 94.05 DISEASED ANIMALS.

No domestic animal afflicted with a contagious disease shall be allowed to run at large or be exposed in any public place whereby the health of man or beast within the city may be affected nor shall any diseased animal be shipped or removed from the premises of its owner, except under the supervision of the Board of Health or the State Veterinarian. It is made the duty of the Board of Health to secure such disposition of any diseased animal and such treatment of infected premises as to prevent the communication or spread of the contagion or infection, except in cases where the State Veterinarian is empowered to act. In such cases the Board of Health shall cooperate with the State Veterinarian so far as necessary to protect the health of the city.
('69 Code, § 13-5) Penalty, see § 10.99

Cross-reference:

Domestic animals with contagious diseases, see § 90.09

Statutory reference:

Reporting requirement, see
ILCS Ch. 510, Act 50 § 22

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Board of Health except by permit granted by special ordinance by the City Council. ('69 Code, § 13-2) Penalty, see § 10.99

§ 94.06 NOTICES OF DISEASES TO BE POSTED.

It shall be the duty of the Chairman of the Board of Health to cause a notice, printed or written in large letters, to be placed upon or near any house in which any person may be affected or sick with any contagious, infectious, pestilential, epidemic, or communicable disease. The name of the disease, or such other notice as the Board of Health may deem necessary shall be written or printed upon the notice. No person or persons shall deface, alter, mutilate, destroy, or tear down the notice without permission from the Chairman of the Board of Health. ('69 Code, § 13-28)

Cross-reference:

Jurisdiction of Board of Health, see § 32.17

Statutory reference:

Unwholesome businesses or places, see ILCS Ch. 65, Act 5 § 11-42-10

§ 94.07 SAMPLE DISTRIBUTION OF DRUGS OR MEDICINE.

No person shall distribute upon the street or in other public places or from house to house in the city, samples of any drug or medicine without having obtained a permit so to do from the Board of Health. ('69 Code, § 13-4) Penalty, see § 10.99

§ 94.08 OFFENSIVE ESTABLISHMENTS.

No slaughterhouse, stockyard, cattle yard, feed yard, fertilizer works, soap factory, dye works, rendering plant, or any other business causing noxious odors or the operation of which may be detrimental to the public health, shall be established or maintained within the jurisdiction of the

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Section

Fair Housing

- 95.01 Declaration of policy
- 95.02 Definitions
- 95.03 Unlawful practices
- 95.04 Exemptions
- 95.05 Complaint procedure
- 95.06 Other remedies

Residential Antidisplacement and
Relocation Assistance Plan

- 95.15 Replacement housing
- 95.99 Penalty

FAIR HOUSING

§ 95.01 DECLARATION OF POLICY.

It is hereby declared to be the policy of the city in the exercise of its police power for the public safety, public health, and general welfare to assure equal opportunity to all persons to live in decent housing facilities regardless of race, color, religion, sex or national origin and, to that end, to prohibit discrimination in housing by any persons. (Ord. 91-0-11, passed 9-23-91)

§ 95.02 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

"DISCRIMINATION" or "DISCRIMINATORY HOUSING PRACTICES." Any difference in treatment based upon race, color, religion, sex, or national origin; or any act that is unlawful under this chapter.

"FINANCIAL INSTITUTION." Includes any person, as defined in this section, engaged in the business of lending money or guaranteeing loans.

"HOUSING ACCOMMODATION" or "DWELLING." Any building, mobile home or trailer, structure, or portion thereof which is occupied as, or designed, or intended for occupancy, as, a residence by one or more families, and any vacant land which is offered for sale or lease for the construction or location thereon of any such building, mobile home or trailer, structure, or portion thereof or any real property, as defined in this section, used or intended to be used for any of the purposes set forth in this definition.

"MORTGAGE BROKER." An individual who is

engaged in or who performs the business or services of a mortgage broker as the same are defined by state statutes.

"OPEN MARKET." The market which is

informed of the availability for sale, purchase, rental or lease of any housing accommodation, whether informed through a 1992 S-10

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real estate broker or by advertising by publication, signs or by any other advertising methods directed to the public or any portion thereof, indicating that the property is available for sale, purchase, rental or lease.

"OWNER." Includes a lessee, sublessee, co-tenant, assignee, managing agent or other person having the right of ownership or possession, or the right to sell, rent or lease any housing accommodation.

"PERSON." Includes individuals, children, firms, associations, joint ventures, partnerships, estates, trusts, business trusts, syndicates, fiduciaries, corporations and all other groups or combinations.

"REAL ESTATE BROKER" or "REAL ESTATE SALESMAN." Includes any individual, qualified by law, who, for a fee, commission, salary or for other valuable consideration, or who with the intention or expectation of receiving or collecting same, lists, sells, purchases, rents, or leases any housing accommodations, including options thereupon, or who negotiates or attempts to negotiate such activities; or who advertises or holds himself out as engaged in such activities; or who negotiates or attempts to negotiate a loan, secured by a mortgage or other encumbrance, upon transfer of any housing accommodation; or who is engaged in the business of charging an advance fee or contracting for collection of a fee in connection with a contract whereby he undertakes to promote the sale, purchase, rental or lease of any housing accommodation through its listing in a publication issued primarily for such purpose; or an individual employed by or acting on behalf of any of these.

"REAL PROPERTY." Includes buildings, structures, lands, tenements, leaseholds, cooperatives and condominiums.
(Ord. 91-0-11, passed 9-23-91)

§ 95.03 UNLAWFUL PRACTICES.

In connection with any of the transactions set forth in this section which affect any housing accommodation on the open market, or in connection with any public sale, purchase, rental or lease of any housing accommodation, it shall be unlawful within the city for a person, owner, financial institution, real estate broker or real estate salesman, or any representative of the above, to:

(A) Refuse to sell, purchase, rent or lease, or deny to or withhold any housing

accommodation from a person because of his race, color, religion, ancestry, national origin, sex or place of birth;

(B) Discriminate against a person in the terms, conditions or privileges of the sale, purchase, rental or lease of any housing accommodation or in the furnishing of facilities or services in connection therewith;

(C) Refuse to receive or transmit a bona fide offer to sell, purchase, rent or lease any housing accommodation from or to a person because of his race, color, religion, ancestry, national origin, sex or place of birth;

(D) Refuse to negotiate for the sale, purchase, rental or lease of any housing accommodation to a person because of his race, color, religion, ancestry, national origin, sex or place of birth;

(E) Represent to a person that any housing accommodation is not available for inspection, sale, purchase, rental or lease when in fact it is so available, or to refuse to permit a person to inspect any housing accommodation because of his race, color, religion or national origin, sex or place of birth;

(F) Make, publish, print, circulate, post or mail, or cause to be made, published, printed, circulated, posted or mailed, any notice, statement or advertisement, or to announce a policy, or to sign or to use a form of application for the sale, purchase, rental, lease or financing of any housing accommodation, or to make a record of inquiry in connection with the prospective sale, purchase, rental, lease or financing of any housing accommodation, which indicates any discrimination.

(G) Offer, solicit, accept or use a listing of any housing accommodation for

sale, purchase, rental or lease with the understanding that a person may be subjected to discrimination in connection with such sale, purchase, rental or lease, or in the furnishing of facilities or services in connection therewith;

(H) Induce directly or indirectly, or attempt to induce directly or indirectly, the sale, purchase, rental or lease, or the listing for any of the above, of any housing accommodation by representing that the presence or anticipated presence of persons of any particular race, color, religion, sex or national origin, or place of birth in the area to be affected by such sale, purchase, rental or lease will or may result in either:

(1) The lowering of property values in the area;

(2) An increase in criminal or antisocial behavior in the area; or

(3) A decline in the quality of schools serving the area.

(I) Make any misrepresentations concerning the listing for sale, purchase, rental or lease, or the anticipated listing for any of the above, or the sale, purchase, rental or lease of any housing accommodation in any area in the city for the purpose of inducing or attempting to induce any such listing for any of the above transactions;

(J) Engage in, or hire to be done, or to conspire with others to commit acts or activities of any nature, the purpose of which is to coerce, cause panic, incite unrest or create or play upon fear, with the purpose of either discouraging or inducing, or attempting to induce, the sale, purchase, rental or lease, or the listing for any of the above, of any housing accommodation;

(K) Retaliate or discriminate in any manner against a person because he has opposed a practice declared unlawful by this section, or because he has filed a complaint, testified, assisted or participated in any manner in any investigation, proceeding, hearing or conference under this chapter;

(L) Aid, abet, incite, compel or coerce any person to engage in any act of the practices prohibited by this chapter; or to obstruct or prevent any person from complying with the provisions of this chapter; or any other order issued thereunder;

(M) By canvassing, commit any unlawful practices prohibited by this chapter;

(N) Otherwise deny to, or withhold any housing accommodation from a person because of his race, color, religion, ancestry, national origin, sex or place of birth;

(O) For any bank, building and loan association, insurance company or other corporation, association, firm or enterprise whose business consists in whole or in part, in the making of commercial real estate loans, to deny a loan or other financial assistance to a person applying therefor for the purpose of purchasing, constructing, improving, repairing or maintaining a dwelling, or to discriminate against him in the fixing of the amount, interest rate, duration, or other terms or conditions of such loans or other financial assistance, because of the race, color, religion, sex, or national origin of such person or of any person associated with him in connection with such loan or other financial assistance, or of the present or prospective owners, lessees, tenants, or occupants of the dwelling or dwellings in relation to which such loan or other financial assistance is to be made or given; or

(P) Deny any qualified person access to or membership or participation in any multiple-listing service, real estate brokers' organization, or other service, organization or facility relating to the business of selling or renting dwellings,

or to discriminate against him in their terms or conditions of such access, membership, or participation, on account of race, color, religion, sex, or national origin.
(Ord. 91-0-11, passed 9-23-91) Penalty, see § 95.99

§ 95.04 EXEMPTIONS.

This chapter shall not apply to:

(A) A religious organization, association, or society or any nonprofit institution or organization operating,

supervised, or controlled by or in conjunction with a religious organization, association or society, which limits the sale, rental, or occupancy, of dwellings which it owns or operates for other than a commercial purpose to persons of the same religion, or which gives preference to such persons, unless membership in such a religion is restricted on account of race, color, sex, or national origin.

(B) A private club not in fact open to the public, which as an incident to its primary purpose or purposes, provides lodgings which it owns or operates for other than a commercial purpose, and which limits the rental or occupancy of such lodgings to its members or gives preference to its members.

(C) Any single-family house sold or rented by an owner, provided that:

(1) Such private individual owner does not own more than three such single-family houses at any one time;

(2) In the case of the sale of any such single-family house by a private individual owner not residing in such house at the time of such sale or who was not the most recent resident of such house prior to such sale, the exemption granted by this division shall apply only with respect to one such sale within any 24-month period; and

(3) Such bona fide private individual owner does not own any interest in, nor is there owned or served on his behalf, under any express or voluntary agreement, title to or any right to all or a portion of the proceeds from the sale or rental of, more than three such single-family houses at any one time.

(4) The sale or rental of any such single-family house shall be excepted from the application of this chapter only if such house is sold or rented:

(a) Without the use in any manner of the sales or rental facilities or the sales or rental services of any real estate broker, agent, or salesman, or of such facilities or services of any person in the business of selling or renting dwellings, or of any employee or agent of any such broker, agent, salesman or person; and

(b) Without the publication, posting or mailing, after notice, of any advertisement or written notice in violation of the provisions of 42 U.S.C. Section 3604(c) or of § 95.03 of this chapter; but nothing in this provision shall prohibit the use of attorneys, escrow agents, abstractors, title companies, or other such professional assistance as necessary to perfect or transfer the title.

(D) Rooms or units in dwellings containing living quarters occupied or

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intended to be occupied by no more than four families living independently of each other, if the owner actually maintains and occupies one of such living quarters as his residence.

(Ord. 91-0-11, passed 9-23-91)

approximate number of dwelling units by size (number of bedrooms) that will be demolished or converted to a use other than as low/moderate-income dwelling units as a direct result of the assisted activity;

(3) A time schedule for the commencement and completion of the demolition or conversion;

§ 95.05 COMPLAINT PROCEDURE.

Any person aggrieved by an unlawful practice prohibited by this chapter may file a complaint with the City Attorney within 30 days after the aggrieved person becomes aware of the alleged unlawful practice, and in no event more than 60 days after the alleged unlawful practice occurred. The City Attorney or his duly authorized representative shall investigate each complaint and attempt to resolve each complaint. Failure to achieve a resolution acceptable to both parties and compliance with this chapter shall cause the City Attorney to forward the complaint and his findings to appropriate state and federal officials.

(Ord. 91-0-11, passed 9-23-91)

§ 95.06 OTHER REMEDIES.

Nothing herein contained shall prevent any person from exercising any right or seeking any remedy to which he might otherwise be entitled or from filing his complaint with any appropriate governmental agency.

(Ord. 91-0-11, passed 9-23-91)

RESIDENTIAL ANTIDISPLACEMENT AND
RELOCATION ASSISTANCE PLAN

§ 95.15 REPLACEMENT HOUSING.

(A) The city will replace all occupied and vacant occupiable low- to moderate-income dwelling units demolished or converted to a use other than as low- to moderate-income housing as a direct result of activities assisted with funds provided under the Housing and Community Development Act of 1974, as amended, as described in 24 CFR 570.606(b)(1).

(B) All replacement housing will be provided within three years of the commencement of the demolition or rehabilitation relating to conversion. Before obligating or expending funds that will directly result in such demolition or conversion, the city will make public and submit to DCCA the following information in writing:

(1) A description of the proposed assisted activity;

(2) The general location on a map and

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demolition, especially for occupied housing.
(Ord. 91-0-11, passed 9-23-91)

(4) The general location on a map and approximate number of dwelling units by size (number of bedrooms) that will be provided as replacement dwelling units;

(5) The source of funding and a time schedule for the provision of replacement dwelling units; and

(6) The basis for concluding that each replacement dwelling unit will remain a low/moderate-income dwelling unit for at least ten years from the date of initial occupancy.

(C) The city will provide relocation assistance, as described in 24 CFR 570.606(b)(2), to each low/moderate-income household displaced by the demolition of housing or by the conversion of a low/moderate-income dwelling to another use as a direct result of assisted activities.

(D) Consistent with the goals and objectives of activities assisted under the Act, the city will take the following steps to minimize the displacement of persons from their homes:

(1) Will minimize or eliminate any activities such as acquisition or demolition which could be expected to result in the displacement of low- to moderate-income persons.

(2) Will advocate and seek funds for housing rehabilitation, as opposed to

§ 95.99 PENALTY.

Any person violating any provision of this chapter shall, upon conviction thereof, be punished as provided by law.
(Ord. 91-0-11, passed 9-23-91)

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- 96.01 Title
- 96.02 Purpose and intent
- 96.03 Definitions
- 96.04 Adoption of Tuscola Urban Forestry Guidelines
- 96.05 Permits
- 96.06 Public nuisances
- 96.07 Memorial tree program
- 96.08 Tree cost-share program
- 96.09 Interference with City Services Foreman
- 96.99 Violations and penalty

§ 96.01 TITLE.

This chapter shall be known and may be cited as the "Tuscola Tree Ordinance" of the city.
(Ord. 2002-0-8, passed 6-24-02)

§ 96.02 PURPOSE AND INTENT.

(A) Purpose. It is the purpose of this chapter to promote and protect the public health, safety, and general welfare by providing for the regulation of the planting, maintenance, and removal of trees, shrubs, and other plants within the city.

(B) Intent. It is the intent of the City Council of the city that the terms of this Ordinance shall be construed so as to promote:

- (1) The planting, maintenance, restoration, and survival of desirable trees, shrubs, and other plants within the city; and
- (2) The protection of the community residents from personal injury and property damage, and the protection of the city from property damage, caused or threatened by the improper planting, maintenance, or removal of trees, shrubs, or other plants located within the city.
(Ord. 2002-0-8, passed 6-24-02)

Cross-reference:
Tree Commission, see §§ 32.65 - 32.69

§ 96.03 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

"TUSCOLA URBAN FORESTRY GUIDELINES." A manual prepared and published by the city, and made available free of charge, containing regulations and standards for the planting, maintenance, and removal of trees, shrubs, and other plants upon city-owned

TREES

"CITY-OWNED PROPERTY." Property within the city limits, and

(1) Owned by the city in fee simple absolute; or

(2) Implied or expressly dedicated to the public for present or future use for purposes of vehicular or pedestrian traffic, or for public easements of right-of-way.

"PROPERTY OWNER." The record owner or contract purchaser of any parcel of land.

"TREES, SHRUBS, AND OTHER PLANTS." All vegetation, woody or otherwise, except lawn grass and flowers less than 24 inches in height.

"VISIBILITY TRIANGLE." The area on a corner lot bounded by the property line along each street to a point 35 feet distant from the intersecting right-of way, to the corresponding point 35 feet along the perpendicular property line. (Ord. 2002-0-8, passed 6-24-02)

§ 96.04 ADOPTION OF TUSCOLA URBAN FORESTRY GUIDELINES.

The "Tuscola Urban Forestry Guidelines," attached to Ordinance 2002-0-8 as Exhibit A, and incorporated herein by reference thereto, is hereby adopted by reference as if fully set out herein, and as it may hereafter be amended. (Ord. 2002-0-8, passed 6-24-02)

§ 96.05 PERMITS.

(A) Scope of Requirement. No person except the City Services Foreman, an agent of the city, or a contractor hired by the city may perform any of the following acts without first obtaining from the city a permit for which no fee shall be charged, and nothing in this section shall be construed to exempt any person from the requirements of obtaining any additional permits as are required by law:

(1) Plant on any city-owned property, or treat, prune, remove, or otherwise disturb any tree, shrub, or other plant located on city-owned property, except that this provision shall not be construed to prohibit owners of property adjacent to city-owned property from watering or fertilizing without a permit any tree, shrub, or other plant located on such city-owned property;

(2) Place on any city-owned property, either above or below ground level, a container for trees, shrubs, or other plants;

(3) Damage, cut, tap, carve, or transplant any tree, shrub, or other plant located on city-owned property;

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or portion thereof, whether located on city-owned property or on private property,

(4) Attach any rope, wire, nail, sign, poster, or any other man-made object to any tree, shrub or other plant located on city-owned property;

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(5) Dig a tunnel or trench on city-owned property.

(B) Issuance. Within seven days of receipt of the application, the City Services Foreman shall issue a permit to perform within 30 days of the day of issuance any of the acts specified in division (A) for which a permit is requested whenever:

(1) Such acts would result in the abatement of a public nuisance, as hereinafter defined;

(2) Such acts are not inconsistent with any regulation or standard of the Tuscola Urban Forestry Guidelines;

(3) An application has been signed by the applicant and submitted to the City Services Foreman detailing the location, number, size, and species of trees, shrubs, or other plants that will be affected by such acts, setting forth the purpose of such acts and the methods to be used, and presenting any additional information that the City Services Foreman may find reasonably necessary;

(4) The applicant agrees to perform the work for which the permit is sought in accordance with the provisions of this chapter and the regulations and standards of the Tuscola Urban Forestry Guidelines; and

(5) The applicant certifies that he or she has read and understands those regulations and standards of the Tuscola Urban Forestry Guidelines which are pertinent to the work for which the permit is sought.
(Ord. 2002-0-8, passed 6-24-02) Penalty, see § 96.99

§ 96.06 PUBLIC NUISANCES.

(A) Definition. The following are hereby declared public nuisances under this chapter:

(1) Any dead or dying tree, shrub, or other plant, whether located on city-owned property or on private property;

(2) Any otherwise healthy tree, shrub, other plant, whether located on City-owned property or on private property, which harbors insects or diseases which reasonably may be expected to injure or harm any other tree, shrub, or other plant;

(3) Any tree, shrub, or other plant,

which by reason of location or condition constitutes an imminent danger to the health, safety, or welfare of the general public;

(4) Any tree, shrub or other plant, or portion thereof, whether located on city-owned property or on private property, which obstructs the free passage of pedestrian or vehicular traffic of which obstructs a streetlight;

(5) Any tree, shrub or other plant, or portion thereof, whether located on city-owned property or on private property, which dangerously obstructs the view in the "visibility triangle" of an intersection as such may be determined by the City Services Foreman.

(B) Right to infect. The officers, agents, servants, and employees of the city of have the authority to enter onto private property whereon there is located a tree, shrub, plant, or plant part that is suspected to be a public nuisance, as defined hereinabove.

(C) Abatement. The following are the prescribed means of abating public nuisances under this chapter:

(1) Any public nuisance under this chapter which is located on city-owned property shall be pruned, removed, or
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(e) Such notice shall require the elimination of the nuisance no less than thirty days after the notice is delivered or sent to the person to whom was sent the tax bill for the general taxes for the last preceding year;

(f) Such notice shall include a copy of this chapter and a copy of ILCS Ch. 65 Act 5 §§ 11-20-11 and 11-20-12.

(D) In the event that the nuisance is not abated by the date specified in the notice, then the City Services Foreman is authorized to cause the abatement of said nuisance. The reasonable cost of such abatement shall be filed as a lien against the property on which the nuisance was located. In addition, the property owner of the property on which the nuisance was located shall be subject to prosecution under § 96.99 of this chapter. Nothing in this provision shall be construed to exempt any person from the requirements of obtaining permits under § 96.05 of this chapter.
(Ord. 2002-0-8, passed 6-24-02)

§ 96.07 MEMORIAL TREE PROGRAM.

otherwise treated at the direction of the City Services Foreman in whatever fashion is required to cause the abatement of the nuisance within thirty days after its discovery.

(2) Any public nuisance under this chapter which is located on private property shall be pruned, removed, or otherwise treated by the owner or his/her agent in whatever fashion is required to cause the abatement of the nuisance. No property owner may be found guilty of violating this provision unless and until the following requirements of notice have been satisfied:

(a) The City Services Foreman shall cause a written notice to be personally served or sent by registered mail to the person to whom was sent the tax bill for the general taxes for the last preceding year;

(b) Such notice shall describe the kind of tree, shrub, or other plant or plant part which has been declared to be a public nuisance; its location on the property; and the reason for declaring it a nuisance;

(c) Such notice shall describe by legal description or by street address the premises;

(d) Such notice shall state the actions that the property owner may undertake to abate the nuisance;

In order to allow residents to purchase and dedicate a tree in memoriam, the city shall operate a Memorial Tree Program as follows.

(A) Any person may pay to the city a fee of \$225, for which the city shall plant a tree in memory of a former resident of Tuscola so designated by the payer. The city shall also install a small, permanent marker at the base of the tree, which shall read, "In Memory of the designated person".

(B) The city shall attempt to provide the payer with choices as to species of tree and location of planting, provided that said choices can be made within the confines of the city's plans and budgets. The city shall retain final decision authority.

(C) The city shall conduct said planting at the next scheduled Fall or Spring planting cycle, but in no case greater than one year from the date of payment of the memorial fee.

(D) The City Council may, from time to time, change said fee by ordinance, in order to reflect average market costs for the purchase of the tree and the permanent marker.
(Ord. 2002-0-8, passed 6-24-02)

§ 96.08 TREE COST-SHARE PROGRAM.

The city shall operate a Tree Cost-Share program as follows:

(A) The City Council may, from time to time, allocate funds within the annual

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budget for the Tree Cost-Share program. In the event that no funds are allocated, or that funds have been allocated but already expended for the fiscal year, than the program shall cease to be available for the remainder of the fiscal year.

(B) Any resident of the city may pay to the city a fee of \$75, for which the city shall plant a tree on the right-of-way adjacent to his or her property.

(C) The city shall attempt to provide the payer with choices as to species of tree and location of planting, provided that said choices can be made within the confines of the city's plans and budgets. The city shall retain final decision authority.

(D) The city shall conduct said planting at the next scheduled Fall or Spring planting cycle, but in no case greater than one year from the date of payment.

(E) The City Council may, from time to time, change said fee by ordinance, in order to reflect average market costs for the purchase of the tree, said fee to be roughly half of the cost.

(Ord. 2002-0-8, passed 6-24-02)

§ 96.09 INTERFERENCE WITH CITY SERVICES FOREMAN.

No person shall unreasonably hinder, prevent, delay, or interfere with the City Services Foreman or his/her agents while engaged in the execution or enforcement of this chapter.

(Ord. 2002-0-8, passed 6-24-02) Penalty, see § 96.99

§ 96.99 VIOLATIONS AND PENALTY.

Any person who violates any provision of this chapter or who fails to comply with any notice issued pursuant to the provision of this chapter, upon being found guilty of violation, shall be subject to a fine of not less than \$10.00 and not more than \$500.00 for each separate offense, each day during which any violation of the provisions of this chapter shall occur or continue shall be a separate offense. In addition, if, as a result of the violation of any provision of this chapter, the injury, mutilation, or death of a tree, shrub, or other plant located on city-owned property is caused, the cost of repair or replacement of such tree, shrub, or other plant shall be borne by the party in violation. The replacement value of trees and shrubs shall be determined in accordance with the latest revision of "A Guide to the Professional Evaluation of Landscape Trees, Specimen

Shrubs, and Evergreens", as published by the
International Society of Arboriculture.
(Ord. 2002-0-8, passed 6-24-02)

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