

**CHAPTER 8**  
**UNSAFE STRUCTURES**

CHAPTER 8

DIVISION 1

UNSAFE STRUCTURES

8-1-1 PROCEDURE FOR REMOVAL OR UPGRADING UNSAFE STRUCTURES

When it appears to the Mayor and the City Council that any building within the City Limits is dangerous and unsafe or uncompleted and abandoned it may cause the demolition or repair of such building as authorized and in manner and form provided by Section 11-31-1 of the Illinois Municipal Code. The actions and procedures hereby authorized are not exclusive and shall not limit the City's right and authority to proceed under any or all of the division of the Illinois Municipal Code.

## DIVISION 2

### NUISANCES

#### 8-2-1 GENERAL

In all cases of this Article where no provision is made defining unusual conditions which may constitute a nuisance and how the same may be abated, removed or prevented, those offenses and those known to the common law and to the Statutes of Illinois as nuisances, in addition to those declared herein, may, in case the same exist within the jurisdiction of the City, be treated as such and proceeded against as provided in Chapter 8 of this Code or any other provision of law applicable thereto.

#### 8-2-2 THE FOLLOWING ARE DECLARED TO BE PUBLIC NUISANCES PREJUCICIAL TO PUBLIC HEALTH

- (A) To cause or suffer the carcass of any animal or any offal, filth or noisome substance to be collected, deposited or to remain in any place, to the prejudice of others. Carcasses of dead animals or any part of decaying animal matter, not buried or destroyed or collected, within **twenty-four (24) hours** after death.
- (B) To throw or deposit any offal or other offensive matter of the carcass of any dead animal in any water course, lake, pond, spring, well or common sewer, street, or public highway.
- (C) To corrupt or render unwholesome or impure the water of any spring, river, street, pond, or lake to the injury or prejudice of others.
- (D) The housing of fowl other than household pets is prohibited.
- (E) All abandoned refrigerators on any premises shall have the doors removed in accordance with the Illinois Abandoned Refrigerator Act (**720 ILCS 505/1**), as now in effect or as hereafter amended.
- (F) To obstruct or encroach without legal authority upon any public street, walkway, alley, highway or upon any public place.

#### 8-2-3 ENFORCEMENT

This Code shall be enforced by the City Police Department.

#### 8-2-4 INSPECTION

An Officer of the City Police department or agent shall have the right to enter any property at any reasonable time to inspect any facility or condition thereon for the purpose of determining whether Chapter 8 of this Code is being complied with. Refusal by said owner of the right of entry shall cause the officer to seek the permission of the court for right of entry.

#### 8-2-5 NOTICE TO ABATE

Upon discovery of any violation of Chapter 8 of this Code, by an Officer of the City Police department, the owner, occupant or agent causing,

allowing or permitting such violation shall be issued a citation notice stating the date, time and place the violator is to appear in Fayette County Court and describing the violation and the part of the Code violated. The following verbiage is to used on the letter that is issued: You are hereby notified by the Police Chief or his representative has determine that the property owned by you, and or occupied by you, located at \_\_\_\_\_ contains an unlawful nuisance defined by Ordinance No. 820. You are required by Ordinance No. 820, Section \_\_\_\_ to abate and remove any nuisances within 5 days after the date of this notice as follows. If the nuisance is not abated by the date prescribed the Police Chief or his representative will abate the nuisance and assess the cost against the property and or impose a fine as provided.

8-2-6 PENALTY

Any person who violated any provision specified in this Chapter shall, upon conviction, be fined as provided in Section 8-2-7.

8-2-7 FINE STRUCTURE

Any person who shall violate any of the provisions of this Division shall, upon conviction thereof, be subject to a fine of not less than One Hundred Seventy-five dollars (\$175.00) and not more the Five Hundred dollars (\$500.00). Each day that a violation continues after due notice has been served in accordance with the terms and provisions hereof, shall be deemed a separate offense.

Amended 02/03/2014

### DIVISION 3

#### DANGEROUS & UNSAFE BUILDINGS

##### 8-3-1 DEFINITIONS

The term "dangerous buildings" as used herein shall mean and include:

- (A) Any building, shed, fence, or other man-made structure which is dangerous to the public health because of its condition, and which may cause or aid in the spread of disease or injury to the health of the occupants and/or of neighboring structures and occupants.
- (B) 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 a fire hazard.
- (C) Any building, shed, fence, or other man-made structure which, by reason of faulty construction, age, lack of proper repair or any other cause, is liable to cause injury or damage by collapsing or by collapse or fall of any part of such structure.
- (D) Any building, 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 such structure.

##### 8-3-2 NUISANCE

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

##### 8-3-3 UNLAWFUL IN CITY

It shall be unlawful to maintain or permit the existence of any dangerous building in the City, and it shall be unlawful for the owner, occupant, or person in custody of any dangerous building to permit the same to remain

in a dangerous condition, or to occupy such building or permit it to be occupied while it is or remains in a dangerous condition.

8-3-4 NOTICE TO ABATE

Upon discovery of any violation of Division 3 of this Code, by a representative of the State Fire Marshal's Office or an Officer of the City Police Department, the owner or agent of such premises shall be informed of the violation by means of a written notice of inspection, to be sent to the last address of ownership or agency listed on the County Assessor's tax rolls for the premises found to be in violation. The notification shall describe the conditions which constitute the violation, the means by which compliance may be achieved and give reasonable period of time (90 days) for the violator to effect compliance.

8-3-5 FAILURE TO COMPLY

Upon expiration of the time limit established by Section 8-3-4, for the removal of any violation of Division 3 of this Code, the inspecting officer shall determine if any violations remain. If any violations remain, the inspecting officer shall issue a citation notice to the owner of the premises found to be in violation.

8-3-6 PENALTY

Any person, firm or corporation violating any provisions of this Division, or permitting any dangerous building, or any building or structure, to remain in a dangerous condition, shall be fined as provided in Section 8-3-7 of this Code. All transactions under this code shall be reduced to writing and placed on file with the City of St. Elmo.

8-3-7 FINE STRUCTURE

After 1<sup>st</sup> 90 days a fine of \$150.00

After 2<sup>nd</sup> 90 days a fine of \$500.00

Amended 5/1/06; 7/3/06