

Chapter 15

NUISANCES & PROPERTY MAINTENANCE

ARTICLE I. GENERAL

Sec. 15-1 Definitions

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

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

Authorized Representative: Any duly sworn deputy of the Kane County Sheriff's Office, Environmental Management Officer, Zoning Officer, Building Officer or Health Officer.

Building: ~~A structure built, erected and framed or component structural parts designed for the housing, work, recreation, shelter, enclosure or support of persons, animals or property of any kind. This shall not include temporary structures.~~ **Any structure which is designed, used or intended for the support, enclosure, shelter, or protection of persons, animals, or other property and which is, permanently affixed to the land.**

County: The county of Kane, state of Illinois

County Board: The county board of Kane County, Illinois

Diseased animal: An animal showing symptoms of a disease or having an illness or being in an unhealthy state.

Dwelling: ~~Any building which is wholly or partly used or intended to be used for living or sleeping by human occupants, provided, that temporary housing shall not be regarded as a dwelling.~~ **A building, or portion thereof designed or used exclusively for residential occupancy, including single-family dwellings, two-family dwellings, multiple-family dwellings and apartment hotels, but not including hotels, motels, trailer coaches or mobile homes.**

Dwelling Unit: ~~A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.~~ **Any room or group of rooms located within a dwelling and forming a single habitable unit with facilities that are used, or intended to be used, for living, sleeping, cooking and eating.**

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

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

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

Health Committee: The public health committee of the county board

Health Department: The Kane County Health Department

Health Officer: The executive director of the health department or their authorized representative.

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

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

Inoperable motor vehicle: as any motor vehicle from which, for a period of at least ten (10) days **more than four (4) days**, the engine, wheels or other parts have been removed, or on which the engine, wheels or other parts have been altered, damaged or otherwise so treated that the vehicle is incapable of being driven or operated under its own motor power. "Inoperable motor vehicle" shall not include a motor vehicle which has been rendered temporarily incapable of being driven **in forward drive and in reverse** under its own motor power in order to perform ordinary service or repair operations nor a motor vehicle kept within a completely enclosed building when not in use. This Chapter shall not apply to any motor vehicle that is kept within a building when not in use, to operable historic vehicles over twenty five (25) years of age, or to a motor vehicle on the premises of a place of a duly licensed business engaged in the wrecking or junking of motor vehicles.

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

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

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

~~*Multiple dwelling:* Any dwelling containing two (2) or more dwelling units.~~

Noxious Weed: An annual, biennial or perennial plant propagated by seed or vegetative parts, as listed in the Illinois Noxious Weed Law, which is injurious to public health, crops, livestock, land or other property.

Noxious weeds as identified by the Illinois Noxious Weed Law shall include, but are not limited to, the following: Marijuana (*Cannabis sativa L.*), Canada thistle (*Cirsium arvense*), perennial sow thistle (*Sonchus arvensis*), musk thistle (*Carduus nutans*), perennial members of the sorghum genus including Johnson grass (*Sorghum halepense*), Sorghum alnum, and other Johnson grass X sorghum crosses with rhizomes, quack grass (*Agropyron repens*), curled (curly) dock (*Rumex crispus*), corn cockle (*Agrostemma githago*), wild morning glories (*Ipomoea coccinea*, *Ipomoea hederacea*, *Ipomoea pandurata*, *Ipomoea purpurea*), poison ivy (*Rhus radicans*), purple loosestrife (*Lythrum salicaria*), garlic mustard (*Alliaria petiolata*), multiflora rose (*Rosa multiflora*), and burdock (*Arctium minus*).

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

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

***Prairie Plants:* Any one of 851 species of plant defined as a prairie plant by the Illinois Plant Information Network maintained by the Illinois Natural History Survey.**

Refuse: Garbage, rubbish, ashes, sweepings, manure, dead animals, privy or cesspool contents or litter.

Rodents: Rats and mice.

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

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

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

Vermin: Roaches, bedbugs, fleas, lice, **termites** or similar pest like insects.

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

Other definitions as stated in rules and regulations that are referenced in this chapter shall apply.

Sec. 15 – 2 Nuisances Declared:

It is hereby declared that any of the following activities are nuisances and are unlawful when conducted on property located within the county, but outside the corporate limits of any city or village therein; whether conducted, suffered or permitted by the owner, tenant or other occupant thereof (it being the intent of this chapter to make all such persons jointly and severally liable for compliance herewith):

- (1) To keep, maintain or grow noxious weeds or other vegetation which creates a health or safety hazard to the public. Excluded from the provisions of this subsection are **prairie plants**, lands or

portions of any lands located in a public nature area, any property owned or leased by a unit of government and property zoned and used for any agricultural purpose. ~~Noxious weeds as identified by the Illinois Noxious Weed Law shall include, but are not limited to, the following:~~

~~Marihuana (*Cannabis sativa L.*), Canada thistle (*Cirsium arvense*), perennial sow thistle (*Sonchus arvensis*), musk thistle (*Carduus nutans*), perennial members of the sorghum genus including Johnson grass (*Sorghum halepense*), Sorghum alnum, and other Johnson grass X sorghum crosses with rhizomes, quack grass (*Agropyron repens*), curled (curly) dock (*Rumex crispus*), corn cockle (*Agrostemma githago*), wild morning glories (*Ipomoea coccinea*, *Ipomoea hederacea*, *Ipomoea pandurata*, *Ipomoea purpurea*), poison ivy (*Rhus radicans*), purple loosestrife (*Lythrum salicaria*), garlic mustard (*Alliaria petiolata*), multiflora rose (*Rosa multiflora*), and burdock (*Arctium minus*).~~

(2) To wilfully allow the running at large (off property) of cattle, horses, mules, asses, swine, sheep, goats, dogs, chicken, ducks, geese, or other fowl, **or other domestic or exotic animals.**

(3) To keep or use or be in any way connected with the management of any room, place or building or other premises, kept or used for the purpose of fighting or baiting any dog, cock or other animal, or to permit such place to be kept or used for such purpose on premises owned, rented or controlled by him.

(4) To deposit or allow to be deposited offal, fecal matter, night soil, garbage, compost, junk, trash, refuse or other offensive substances upon public or private property, or to permit such objects to remain upon such property. Excluded from the provisions of this subsection is the application of compost for horticultural purposes. ~~Excluded from the provisions of this subsection are lands or portions of any lands zoned and used for any agricultural purpose.~~

(5) To keep or store junk, trash and refuse on property. Without limiting the generality of the foregoing, "junk, trash and refuse" is defined herein to include any and all waste matter, whether reusable or not, which is offensive to the public health, safety and welfare of the neighborhood, and is specifically intended to include, but not to be limited to trucks, tractors, machinery of any kind, any parts thereof, iceboxes, refrigerators, freezers, stoves, metal drums or other containers, paper, construction debris and raw garbage irrespective of whether or not such objects are located on the property of the owner or bailee of such objects. This subsection shall not apply to refuse disposal facilities regulated by the state, the county, or any municipality of the state ~~or to lands or portions of any lands zoned and used for any agricultural use purpose.~~

(6) Reserved.

(7) To perform or allow to be performed construction, repair or remodeling work where the noise from such can be heard from a distance of one hundred feet (100') or more from the source of the noise between nine o'clock (9:00) P.M. and six o'clock (6:00) A.M. Monday through Friday and on Saturdays and Sundays and legal holidays between nine o'clock (9:00) P.M. and eight o'clock (8:00) A.M. ~~Excluded from the provisions of this subsection are lands or portions of any lands zoned and used for any agricultural purpose.~~

(8) a. Notwithstanding any other provision of this code, to operate or permit operation of any sound amplification system in a vehicle or on property, or to perform lawn mowing or utilize power or nonpower tools, or to operate off road vehicles, including, but not limited to, off highway motorcycles, minibikes, all-terrain vehicles (ATVs), snowmobiles or other like or similar vehicles,

on private property where the noise from such vehicle or activity is such as to unreasonably disturb, injure or endanger the comfort, repose, health, peace or safety of reasonable persons of ordinary sensitivity; and when after written or verbal warning from law enforcement personnel the owner or operator fails to cease and desist from such operation or activity. The terms "motorcycles", "off road motorcycles", and "all-terrain vehicles" shall have the same meaning as in the Illinois motor vehicle code. "Snowmobile" shall have the same meaning as in the Illinois Snowmobile Registration and Safety Act.

b. To make, continue, create or cause to be made or continued any loud or raucous noise.

c. To make, continue, create or cause to be made or continued any noise which is harsh, prolonged, unnatural, or unusual in time or place as to occasion unreasonable discomfort to any persons within the neighborhood from which the noise emanates or as to unreasonably interfere with the peace and comfort of neighbors or their guests or operators or customers in places of business, or as to detrimentally or adversely affect such residences or places of business.

d. Factors for determining whether a sound is unreasonably loud or raucous may include, but are not limited to, the following:

1. The proximity of the sound to sleeping facilities, whether residential or commercial;
2. The land use, nature and zoning of the area from which the sound emanates and the area where it is received or perceived;
3. The time of day the sound occurs;
4. The duration of the sound;
5. Whether the sound is recurrent, intermittent, or constant;
6. Any violation of section 12-602 of the Illinois motor vehicle code;
7. Removal or modification of adequate sound suppression equipment as set forth in section 4-1(E) of the snowmobile registration and safety act.

e. Nothing herein shall be construed as preventing the lawful exercise of the right of free speech protected by the constitutions of the United States or the state of Illinois.

f. Excluded from the provisions of this subsection (8) is noise generated by agricultural equipment on land used for agricultural purposes and work performed for or on behalf of a public body.

g. Nothing herein shall be construed as a limitation on the operation of duly registered motorcycles as defined in the Illinois motor vehicle code.

h. Proof of violation of this subsection (8) shall not require the use of any decibel meter or other measuring device.

(9) To park any vehicle in the front yard, back yard, corner yard, side yard or any additional area of a lot or parcel of land situated between the public right of way and any residence or accessory

building or structure located therein, except that parking is permitted in an area duly improved (meaning a gravel, asphalt or concrete area) for parking purposes and the parking of noncommercial vehicles is permitted in a driveway. ~~Excluded from the provisions of this subsection are lands or portions of any lands zoned and used for any agricultural purpose.~~

(10) To place household garbage in any outside container so that the household garbage is accessible to animals. Further, it shall be a nuisance and unlawful to place garbage or trash out for collection more than twenty four (24) hours before the scheduled pick up time. ~~Excluded from the provisions of this subsection are lands or portions of any lands zoned and used for any agricultural purpose.~~

(11) *Collection Of Carcasses* : To allow the carcass of any animal or any offal, filth or noisome substance to be collected, deposited or to remain in any place, to the prejudice of others. Carcasses of dead animals or any part of decaying animal matter, not buried or destroyed or collected within twenty four (24) hours after death.

(12) *Throwing Or Depositing Offal* : To throw or deposit any offal or other offensive matter, or the carcass of any dead animal, in any watercourse, lake, pond, spring, well, sanitary sewer, storm sewer, easement, street or public highway.

(13) ~~Corruption~~ **Contamination of Water**: To corrupt or render unwholesome or impure the water of any **above ground or subsurface aquifer**, spring, river, stream, pond or lake, to the injury or prejudice of others **or to undertake activities, actions or allow conditions that may potentially do so.**

(14) *Diseased Animals*: All diseased animals running at large.

(15) *Manure And Garbage* : Accumulations of manure, rubbish, garbage, refuse, junk vehicles, human and industrial, noxious or offensive waste, except the normal storage on a farm of manure for agricultural purposes. Normal storage for agricultural purpose is considered to be 216 cubic feet per acre (6 x 6 x 6 accumulation) of cultivated land

(16) *Housing Of Animals Or Fowl* : The housing of animals or fowl fifteen feet (15') from the property line to residences, schools, hospitals, public buildings, playgrounds, parks and other places, if said animals create sanitary or health problems to persons or property in close proximity to them.

~~(17) *Abandoned Appliances* : To allow an abandoned refrigerator, stove, washer, dryer or any other such device to remain on any premises that does not have the doors locked and/or latches removed.~~

(17) ~~Abandoned~~ **Dangerous Structures** : To allow any abandoned building, mobile home, shed or other manmade structure to exist which is ~~dangerous~~ **hazardous** to public health because of its condition, faulty construction or lack of proper repair.

(18) ~~Offensive Privies, Vaults Or Garbage Cans~~ **Containers**: Privies, vaults or garbage cans which are offensive and which are not fly-tight, vermin and rodent proof, or do not comply with the requirements of this chapter.

(19) *Insects, Vermin, Rodents And Other Pests*: Every owner of a dwelling **building or structure** shall be responsible for the extermination of any insects, rodents, or other pests therein or on the premises whenever infestation is caused by failure of the owner to maintain the dwelling in rodent proof or reasonable insect proof condition. Furthermore, whenever infestation exists in the shared or public parts of any dwelling, extermination shall be the responsibility of the owner. However, every occupant of a dwelling unit shall be responsible for extermination within the dwelling unit when such occupant shall be responsible for infestation.

(20) *Inside Refuse Storage And Disposal* : No person shall place, leave, dump or accumulate any garbage, rubbish or other refuse in any ~~dwelling, dwelling unit or multiple-dwelling~~ **building or structure**.

(21) It is hereby declared that the keeping of inoperable motor vehicles on public or private property, unless on the premises of a duly licensed business engaged in the wrecking or junking of motor vehicles, is a public nuisance and unlawful when conducted on property located within the County, but outside the corporate limits of any city or village therein; whether conducted, suffered or permitted by the owner, tenant or other occupant of the property. It is the intent of this Chapter to make all such persons jointly and severally liable for compliance herewith.

The PMAC review of the 4/17/2007 draft ended at this point

(23) *Overgrown yard*: Every parcel located within the county shall not allow vegetation defined as grass to exceed 6 inches in height.

(24) *Dumping*:

(a) No person shall dump, deposit, throw, discard, leave or cause or permit the dumping, or depositing or discarding or leaving of litter upon any public or private property in this County, or upon any river, lake, pond, stream or any body of water.

(b) There shall be no dumping as described in subsection (a) of this Section unless:

(1) The property has been designated by a local unit of government as a proper litter disposal site, and the litter is disposed of on that property in accordance with the applicable rules and regulations of the State pollution control board.

(2) The litter is placed into a receptacle or other container intended by the owner or tenant in lawful possession of that property for the deposit of litter.

(3) The person is the owner or tenant in lawful possession of the property or has first obtained the consent of the owner or tenant in lawful possession, or the act is done under the personal direction of the owner or tenant and does not create a public health, safety, nuisance or fire hazard.

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

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

(c) No person shall dump, deposit, throw, discard or otherwise dispose of litter from any motor vehicle upon any public road, upon any public or private property or into any river, lake, pond, stream or body of water in this County.

(25) No person shall transport by any means garbage or refuse from any dwelling, residence, place of business, farm or other site to and deposit such materials in or around trash barrels or other receptacles placed along public roads or rest areas.

(26) *Burning of Garbage* : No person shall burn garbage outdoors in the county except in a device approved by the Illinois Environmental Protection Agency which provides for complete combustion without smoke or odor. A copy of a permit received from the board to use such a device must be on file with the health department

(27) *Building exterior*: The exterior of a structure shall be maintained in good repair, structurally sound and sanitary so as not to pose a threat to the public health, safety or welfare.

(28) *Accessory Structures*: All accessory structures, including detached garages, fences and walls shall be maintained structurally sound and in good repair.

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

(30) Storing of lumber or other building materials, construction vehicles, and/or construction equipment, not in connection with an authorized building project in progress on the immediate premises.

(31) The storage or parking of one or more vehicles with a state licensed B plate or other commercial vehicles, or the storage or keeping of commercial trailers, equipment and supplies, on the property or in the adjacent public right of way of a residential use parcel.

(32) Temporary signs (reserved)

ARTICLE II. OPEN BURNING OF LANDSCAPE WASTE

15 – 3 Definitions:

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

Brush: Tree trunks, limbs, branches, and twigs.

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

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

Recreational fire: An outdoor fire for warmth, cooking for human consumption or temporary non-ceremonial purposes where the fire is not larger than three feet by three feet by three feet (3' x 3' x 3') and excludes leaves, grass or shrubbery clippings or cuttings. (Ord. 01-53, 2-13-2001; Ord. 01-103, 4-10-2001)

15 - 4 Exemptions:

- (a) The terms and provisions of this article shall not apply to property zoned ~~er~~ and used for any agricultural purpose.
- (b) The terms and provisions of this article shall not apply to any burning of landscape waste for purposes of habitat reclamation or firefighter training.
- (c) The terms and provisions of this article shall not apply to the burning of brush for purposes of domestic fireplaces or cooking or external fireplaces, or to self-contained outdoor wood-burning devices or fireplaces.
- (d) The terms and provisions of this article shall not apply to the open burning of brush for purposes of recreational fires.
- (e) The terms and provisions of this article shall not apply to the open burning of brush for purposes of ceremonial fires provided that notice of any ceremonial fire has been given to the fire protection district or fire department serving the area where the fire is to take place and a permit has been obtained from the Kane County health department. Failure to obtain a permit from the Kane County health department prior to conducting a ceremonial fire utilizing brush shall be deemed a violation of this article. Failure to notify the applicable fire protection district or fire department and obtain permission prior to conducting a ceremonial fire utilizing brush shall be deemed a violation of this article. (Ord. 01-53, 2-13-2001; Ord. 01-103, 4-10-2001)

15 – 5 Restrictions:

Any and all burning in the unincorporated areas of the county shall be in accordance with the restrictions enumerated below:

- (1) The open burning of landscape waste shall only occur on the property upon which the landscape waste was generated. The burning of any materials other than landscape waste and brush is prohibited.
- (2) The following restrictions upon the open burning of landscape waste on the property upon which it was generated shall prevail:
 - a. Burning is permitted only on sunny days between ten o'clock (10:00) A.M. and three o'clock (3:00) P.M.
 - b. Burning is not permitted when the wind is in excess of ten (10) miles per hour.
 - c. Burning is not permitted within twenty feet (20') of any building, structure or property line.
 - d. Burning is not permitted when it is determined and announced by the Kane County Health Department that inversion conditions or an ozone-alert exist.
 - e. Burning is not permitted of any material other than dry landscape waste or brush.
 - f. Burning is not permitted on public or private roads, alleys, sidewalks or easements.
 - g. All open burning must be supervised until the fire is extinguished.
 - h. A fire extinguisher or garden hose or water source shall be available at the burning site.
 - i. It is the responsibility of the individual conducting the burning and the owner of the property to satisfactorily determine that all conditions upon burning as noted above are complied with during any burning.
 - j. It shall be unlawful for any person to cause or allow any open or uncontrolled burning of landscape wastes and/or other materials in violation of the above regulations and restrictions. (Ord. 99-260, 10-12-1999; Ord. 01-53, 2-13-2001; Ord. 01-103, 4-10-2001)

15 – 6 Prohibition:

Effective on the date of passage of the ordinance codified herein, the open burning of leaves and other landscape waste shall be permitted only from April 1 to May 1 and from October 15 to December 15 in the unincorporated areas of the county. Effective January 1, 2003, the open burning of landscape waste and/or other materials, with the exception of brush, is prohibited in the unincorporated areas of Kane County. The aforesaid date limitations and the aforesaid prohibition shall not apply to residential property currently located within the geographical areas currently defined by any of the following zip code areas, as established by the U.S. postal service on the effective date of the ordinance codified herein: 60109, 60119, 60140, 60142, 60144, 60147, 60151, 60178, 60182, 60511, and 60554, unless or until such time as the state of Illinois expands its vehicle emission

testing program to include any of the aforesaid zip code areas. Upon the state of Illinois expanding its vehicle emission testing program to include any such zip code area, this prohibition shall automatically apply to the area included in the vehicle emission testing program. Any and all open burning within the aforementioned zip code areas shall comply with the restrictions enumerated in subsections 11.5-63(1) and (2)a through (2)j of this article. (Ord. 01-53, 2-13-2001; Ord. 01-103, 4-10-2001)

ARTICLE III. ENFORCEMENT AND FINES

15 - 7 Right of Inspection:

The authorized representative, after identification and subject to constitutional limitations, may enter at reasonable times upon private or public property, both indoors and outdoors, for the purposes of investigating conditions relating to the administration and enforcement of this chapter or ordinance or to determine if a violation of this chapter or ordinance exists. The owner or occupant of said premises or the person in charge thereof shall give the authorized representative free access to all parts of said premises at all reasonable times for the purpose of investigating conditions relating to the administration and enforcement of this chapter.

Sec. 15 – 8 Notice To Abate:

- (a) *Service Of Notice*: Whenever a nuisance is found to exist within the county, the authorized representative shall give written notice to the owner and occupant of the property upon which such nuisance exists or upon the person causing or maintaining the nuisance.
- (b) *Contents* : The notice to abate a nuisance issued under the provisions of this section shall contain:
- (1) An order to abate the nuisance which shall be responsible under the circumstances.
 - (2) The location of the nuisance if the same is stationary.
 - (3) A description of what constitutes the nuisance.
 - (4) A statement of acts necessary to abate the nuisance.

Sec. 15 – 9 Enforcement:

(reserved)

15 -10 Exemptions:

(reserved)

This section will include language to address exemptions for agriculturally used and zoned parcels according to the appropriate state statutes and the present population of the County.

Sec. 15 – 11 Cleanup:

- (a) If the owner, agent, occupant or tenant of any premises or lot neglects or fails to abate a declared nuisance after due notice and time specified by the authorized representative, the authorized representative may request a private hauler to remove such materials and the expense incurred shall be billed to the owner, agent, occupant or tenant.
- (b) If the owner, agent, occupant or tenant of any premises or lot neglects or fails to exterminate any infestations of vermin or rodents after due notice and time, as specified by the authorized representative, the authorized representative may cause such vermin or rodents to be exterminated and the expense incurred shall be billed to the owner, agent or occupant.
- (c) If the charge for cleanup or extermination remains unpaid, it shall be made a special lien against the property at the next tax roll. Such lien shall be such notice to all persons from the time of its recording, and shall bear interest at the legal rate thereafter until satisfied. (Ord. 99-260, 10-12-1999)

15 – 11 Relief from Personal Responsibility:

- (a) The authorized representative charged with the enforcement of this Chapter while acting for Kane County and in good faith and without malice shall not thereby render himself liable personally, and is hereby relieved from all personal liability for any damage that may occur to persons or property as a result of any act required or permitted in the discharge of official duties.
- (b) Any suit instituted against the authorized representative because of an act performed by him in the lawful discharge of duties and under provisions of this Chapter, shall be defended by the legal representative of Kane County until the final termination of the proceedings.
- (c) In no case shall the authorized representative be liable for cost in any action, suit, or proceedings that may be instituted in pursuance of the provisions of this Chapter.
- (d) The authorized representative, acting in good faith and without malice, shall be free from liability for acts performed under any provisions of this Chapter or by reason of any act or omission in the performance of his official duties in connection thereto. (Ord. 99-260, 10-12-1999)

Sec. 15 – 12 Severability:

All provisions, paragraphs, sections, divisions, subdivisions and any portions thereof of this chapter are separate and distinct. If any one or more provisions, paragraphs, sections, divisions, subdivisions or portions thereof are found to be void, invalid or otherwise or unenforceable, the validity of the remaining provisions, paragraphs, sections, divisions, subdivisions or portions thereof shall not be affected. (Ord. 00-168, 6-13-2000)

Sec. 15 - 13 Fines:

(reserved)