

CHAPTER 21

NUISANCES IN GENERAL

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SEC. 21-1100. DEFINED.

Within the City, it is hereby declared a nuisance for any person:

- (1) **Nuisances defined by state law; nuisances in fact.** To cause any of those acts or omissions that are declared to be nuisances by the laws of the state, and such as are known as nuisances to the common law, not hereinafter enumerated in this section or this Code; or to cause those acts or omissions which are nuisances in fact.
- (2) **Nuisances defined by this Code.** To cause any of those acts or omissions that are declared by this Code to be nuisances.
- (3) **Unsafe, unsightly structures.** To maintain any building, structure, street, sign or billboard in an unsafe, hazardous, or unsightly condition.
- (4) **Distillery, slaughterhouse, etc.** To carry on, use, or occupy any distillery or slaughtering establishment, or establishment for steaming or rendering lard, tallow, offal, dead animals, or other substance of like nature, without the permission of the City Council.
- (5) **Odors.** To engage in any activity which causes or produces unreasonably offensive odors, except that this subsection shall not apply to those activities carried on in the public interest.
- (6) **Putrid substances.** Maintain or permit any substance on the premises which is, or may become, putrid or create an unhealthy condition.
- (7) **Noises.** To cause or allow unreasonably loud noises tending to cause alarm or to disturb the public peace and quiet.
- (8) **Licenses.** To fail or refuse to obtain and possess any license required by this Code or other ordinance of the City.
- (9) **Continuing violations of this Code.** To continue to do any act, acts, omission or omissions which constitutes a violation of this Code or other ordinance of the City.
- (10) **Attractive nuisances.** For the owner or occupant of any premises to create, maintain, or suffer an attractive nuisance to remain on the premises.
- (11) **Zoning violations.** To violate the Zoning Ordinance of the City.
- (12) **Unhealthy conditions.** To create, allow, maintain, or permit any condition which may endanger the public health.
- (13) **Encroachments.** To cause, allow, permit, or suffer any encroachment upon public ways or upon public grounds without obtaining a permit therefor.

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- (14) **Unlawful assemblies.** To organize, lead, or participate in any unlawful assembly of persons.
- (15) **Violation of technical Codes.** To cause, allow, permit, or suffer the violation of the Building Code of the City, the Electrical Code of the City, the fire prevention Code of the City, the heating and air conditioning Code of the City, the plumbing Code of the City, or any other technical Code adopted by any provision of this Code or any other ordinance of the City.
- (16) **Abandoned refrigerators.** To leave or permit standing outside of any structure, or within any abandoned structure, in a place accessible to children, any abandoned, unattended, or discarded icebox, refrigerator, or other container which has an air tight door or lid with a snap lock or other locking device which cannot be released from the inside; except that it shall not be a nuisance under the subsection if the door is first removed from the device.
- (17) **Littering.** To allow, suffer, permit, or cause to be dropped, thrown, discarded, placed, or deposited on any public way or public place, or on any private property when public property may be affected thereby, any paper, glass, plastic, wood, metal, solid or liquid vegetable or animal compound, rubbish, garbage, waste, effluent, junk, debris, litter, solid, or any combination thereof, except in a refuse receptacle or landfill site of the City.
- (18) **Construction and heavy equipment noise.** To allow, suffer, permit or cause to be operated, or, otherwise engaged vehicles licensed by the State of Illinois or another state as a second division truck exceeding gross vehicle weight of thirty thousand (30,000) pounds or unlicensed motor vehicles used in the construction industry and commonly referred to as heavy construction equipment (such equipment to include but not to be limited to road graders, back hoes, steam rollers and crane) for the purpose of making commercial deliveries or engaging in building construction, other construction, or making commercial pickups, such as refuse collections, at any location within five hundred (500) feet of a residential use, prior to 6:00 a.m. on any day and after 9:00 p.m. on any day; however, this prohibition shall not apply in cases where a repair is immediately required for the protection of life or property. Nothing herein is intended to prohibit mere travel of legally authorized vehicles upon the streets of the City.
- (19) **Graffiti.**
- a. Graffiti shall be defined as any sign, symbol, marking, drawing, name, initial, word, diagram, sketch, picture or letter placed upon the real or personal property of an owner without the owner's express, written permission; provided, however, it shall not be a defense that the owner/occupant has given permission where this graffiti tends to incite violence.
 - b. It shall be unlawful for any person to place graffiti upon the real or personal, public or private, property of another.
 - c. It shall be unlawful for the owner and/or occupant of fixed real or personal property located within the public view to place or give permission to place graffiti, as otherwise defined in subsection a., on said real or personal property if the graffiti tends to incite violence by referring to gang or criminal activity, depicts or expresses obscenity as defined in Chapter 22, Sec. 22-7200 of the Moline Code of Ordinances or contains defamatory material about a public or private person, except as otherwise allowed by law.
 - d. It shall be unlawful for any person to possess, while in any public building or facility, or while on private property, any of the following materials with the intent to use such material(s) to violate subsection b. and/or c. above: spray paint containers, paint, ink, marking pens containing non-water soluble fluid, brushes, applicators or other materials for marking, scratching or etching.
 - e. Upon being notified, in writing, by the City of Moline, the property owner upon which graffiti has been illegally placed shall remove the graffiti within fifteen (15) days of the date of notice. By written request, this time period may be waived due to weather conditions by the chief of police or designee thereof. The property owner may also request assistance, in writing, for the graffiti removal based on the owner's inability to perform removal. Failure

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to remove the graffiti within the specified time shall cause the summary abatement of this nuisance as prescribed in this chapter and costs shall be assessed to the owner. The penalty upon conviction for the offense of failure to remove graffiti shall be a fine of not less than fifty dollars (\$50.00) nor more than seven hundred fifty dollars (\$750.00) for each offense and each day such failure shall continue shall be considered a separate offense and fines shall be assessed accordingly.

- f. Penalty for violating subsection b. shall be a fine of not less than fifty dollars (\$50.00) nor more than seven hundred fifty dollars (\$750.00). The offender may also be ordered by the Court, in addition to fines, to pay restitution to the property owner for the costs of restoring the property to its condition before the graffiti was applied.
- g. Penalty for violating subsection c. shall consist of a fine of not less than fifty dollars (\$50.00) nor more than seven hundred fifty dollars (\$750.00) for each offense and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues.
- h. Penalty for violating subsection d. shall be a fine of not less than fifty dollars (\$50.00) nor more than seven hundred fifty dollars (\$750.00).
- i. Public service work including, but not limited to, cleaning graffiti at locations within the City of Moline may be required by the court for persons convicted of violating subsections b., c., or d., in addition to or in lieu of fines or penalties described in subsections f., g., and h. (Ord. No. 95-2-2, §21-1100 amended by enacting new subsection (19); 02/14/95) (Ord. No. 98-10-1; §21-1100 (19) repealed; new §21-1100 (19) enacted; 10/06/98)

(20) **Barbed wire.** To construct, create, allow, maintain or permit within the City a fence or barrier, consisting or made of barbed wire, or of which barbed wire is a part, unless the barbed wire commences at least eight feet above the ground.

(21) **Abandoned or Inoperable Vehicles.**

- a. To allow, cause or permit an abandoned or inoperable vehicle as defined in Section 20-7400 to be present and open to the view of the public.
- b. Penalty. Any person violating Section 21-1100(21) shall be subject to a mandatory fine of not less than one hundred dollars (\$100.00) plus court costs nor more than seven hundred fifty dollars (\$750.00) plus court costs. (Ord. No. 3008-2004; new subsection 21 enacted; 02/03/04)

SEC. 21-1101. NUISANCES CONSTITUTE VIOLATION.

It shall be unlawful for any person to create or maintain or permit the creation or maintenance of a nuisance as above defined upon property under such person's control. A person who violates this section shall be guilty of violation of this Code and such violation shall be punished as set forth within each subsection unless no punishment is set forth in said subsection, in which case the violation will be punished as set forth in Chapter 1, Sec.1-1107 of this Code. Nothing herein shall be construed to limit injunctive or other equitable relief. (Ord. No. 95-2-2; §21-1101 repealed in its entirety; new section enacted, 02/14/95)

SEC. 21-1102. STANDING TO COMPLAIN.

The following shall have standing to complain of any condition declared to be a nuisance by this chapter:

- (1) The City;
- (2) Any person whose interest, rights or property are particularly adversely affected by the nuisance.

SEC. 21-1103. ABATEMENT PROCEEDINGS IN GENERAL.

Any person having standing to complain of a nuisance under this chapter, or the head of any City department having cognizance of a nuisance, shall report the fact of the nuisance and the details surrounding it to the city attorney

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who shall, if it is justified under the circumstances, institute abatement proceedings in accordance with the laws of the state.

SEC. 21-1104. EMERGENCY ABATEMENT OF CERTAIN NUISANCES.

When a nuisance as defined by this chapter exists and the nuisance causes or threatens imminent danger or great peril to persons or property, the nuisance may be immediately abated by the City, by using the following procedure:

- (1) The city administrator shall find that the nuisance exists, and that the nuisance causes or threatens imminent danger or great peril to persons or property, and that an emergency exists. (Ord. No. 92-6-1; §21-1104(1) repealed; new subsection (1) enacted; 06/02/92)
- (2) A copy of the city administrator's findings made under subsection (1) shall be placed on file in the office of the city clerk. (Ord. No. 92-6-1; §21-1104(2) repealed; new subsection (2) enacted; 06/02/92)
- (3) The city clerk shall immediately issue a notice directed to the owner or occupant of the premises on which the nuisance exists, directing the owner or occupant to immediately abate the nuisance.
- (4) The notice issued pursuant to subsection (3) shall be served upon the owner or occupant of the premises upon which the nuisance exists. The notice may be served by any officer or employee of the City. In the event that the owner or occupant of the premises is not to be found, the notice may be posted on the premises on which the nuisance exists.
- (5) Upon being served with a notice to abate a nuisance as provided in subsection (4), the owner or occupant of the premises on which the nuisance is located shall immediately abate the nuisance. The failure of the owner or occupant to immediately abate the nuisance upon service or posting of the notice shall be a violation of this Code and shall be punished as provided in Sec. 1-1107 of this Code.
- (6) In the event that the owner or occupant of a premises on which a nuisance is ordered to be abated under this section does not immediately abate the nuisance, the appropriate City department shall immediately abate the nuisance. The cost of the abatement by the City shall be assessed against the property on which the nuisance existed, and shall be collected as other special assessments.