

ORDINANCE NO. 2026-02

**AN ORDINANCE UPDATING AND REVISING
TITLE 6 OF THE VILLAGE CODE REGARDING HEALTH, SAFETY,
AND NUISANCE PROVISIONS**

WHEREAS, the Officials for the Village of Hopewell, Marshall County, Illinois (the "Village") have reviewed the health, safety, and nuisance provisions currently set forth in Title 6 of the Village Code, determining that these provisions require updating, revising, and expanding to provide clarification regarding the definition of nuisances and the process to seek the abatement of a nuisances in the Village; and

WHEREAS, pursuant to Section 11-60-2 of the Illinois Municipal Code (65 ILCS 5/11-60-2), the Village has the authority to define, prevent, and abate nuisances; and

WHEREAS, these updates and revisions to Title 6 of the Village Code will help ensure that conditions that jeopardize the health, safety, welfare, and comfort of Village citizens and the public will be promptly addressed and removed or otherwise abated; and

WHEREAS, these updates and revisions to Title 6 of the Village Code will allow Village Officials to take prompt enforcement action against violators when a nuisance condition exists; and

WHEREAS, the Village Board hereby finds that these updates and revisions to Title 6 of the Village Code are in the best interests of the Village and its citizens;

NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF HOPEWELL, MARSHALL COUNTY, ILLINOIS, THAT:

Section 1. Chapter 1 and Chapter 2 of Title 6 are hereby deleted in their entirety and replaced as follows:

Chapter 6.01

Nuisances – Generally

Sections:

6.01.01	Nuisances Defined, Generally
6.01.02	Specific Nuisances Enumerated
6.01.03	Nuisances Detrimental to Health Generally
6.01.04	Nuisances Declared Unlawful
6.01.05	Notice to Abate
6.01.06	Abatement of Nuisance by Village; Unknown Owner
6.01.07	Failure to Comply with Notice; Penalties

6.02.08	Lien
6.02.09	Payment
6.02.10	Foreclosure of Lien

§6.01.01 Nuisances Defined, Generally. Any act, omission, item, thing, occupation, or condition which shall exist or continue for such a length of time as to (1) substantially annoy, injure or endanger the health, safety, peace or welfare of the public; or (2) in any way render the public insecure in life or property; or (3) unlawfully and substantially interfere with, obstruct or render dangerous for passage any street, alley, Village property, navigable body or other public way or place; is hereby declared a nuisance.

§6.01.02 Specific Nuisances Enumerated. It is hereby declared to be a nuisance and to be against the health, safety, peace and welfare of the Village and its citizens, for any person, firm, corporation, or entity within the limits of the Village to permit the following:

- A. **Filth.** 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 within the Village to the offense of others.
- B. **Deposit of Offensive Materials.** To throw or deposit any carcass of any dead animal or any offal or other offensive matter in any water course, lake, pond, spring, well, or common sewer, or on any street, or public highway, or public property.
- C. **Corruption of Water.** To corrupt or render unwholesome, or impure, the water of any spring, river, stream, well, pond, or lake, to the injury or offense of others.
- D. **Noxious Odors.** To erect, continue or use any building or other place for the exercise of any trade, employment, or manufacture, which, by occasioning noxious or offensive emissions, smells, or otherwise, that are offensive or dangerous to the health of individuals or the public.
- E. **Unlawful Signs.** To paint or post signs or notices on, or affixing them to, fences, other private property, or on rocks or other natural objects without the consent of the property owner, or if in the highway or on public property or other public places without permission of the proper State or local authorities.
- F. **Bodies of Water.** To create any condition, through the improper maintenance of a swimming pool or wading pool, or by causing any action which alters the condition of a natural body of water, so that it harbors mosquitoes, flies or other insects, or other animal pests or vermin, that are offensive, injurious, or dangerous to the health of individuals or the public.

- G. **Storing Debris.** To store, dump or permit the accumulation of debris, refuse, yard or landscaping waste (including downed trees, bushes, branches, and brush), garbage, trash, tires, buckets, cans, wheelbarrows, garbage cans or other containers in a manner that may harbor mosquitoes, flies, insects, rodents, vermin, nuisance birds, or other insect or animal pests that are offensive, injurious, and dangerous to the health of individuals or the public.
- H. **Filthy Premise Conditions.** To keep or suffer to be kept in a foul, offensive, nauseous or filthy condition, any chicken coop, cow barn, stable, cellar, vault, drain, privy, sewer or sink upon any premises, railroad car, building, yard, grounds, or facilities in a manner that is offensive, injurious, and dangerous to the health of individuals or the public.
- I. **Litter.** To deposit or allow trash, paper, cardboard, wire, dirt, rock, stone, glass, brick, lumber, wood, or litter of material objects of any size or description to fall, be thrown, or be released upon the streets, public rights-of-way, alleys, or public property of the Village from any vehicle, person, or object and to allow to remain thereon.
- J. **Accumulation of Junk and Trash.** To deposit or pile up any rags, old rope, paper, iron, brass, copper, tin, aluminum, ashes, garbage, refuse, hazardous waste, plastic, brush, litter, weeds, yard or landscaping waste (including downed trees, bushes, branches, and brush), slush, lead, glass bottles or broken glass upon any lot, piece or parcel of land, or upon any public or private alley, street, or public way within the Village.
- K. **Rodents.** To cause or permit any condition or situation to exist that shall attract, harbor, or encourage the infestation of rodents or vermin.
- L. **Offensive Liquids.** To keep nauseous, foul, or putrid liquid or substance, or any liquid or substance likely to become nauseous, foul, offensive, or putrid, or to permit any such liquid to be discharged, placed, thrown, or to flow into or upon any private property, public property, or upon any public street, right-of-way, or alley, or permit the same to be done by any person.
- M. **Discarded Machinery and Abandoned Wells.** To permit concrete bases, discarded machinery and materials to remain around any type of well, or to fail to fill any holes, cellars, slush pits and other excavations made in connection with any such well or to fail to restore the surface of the lands surrounding any such well to its condition before the drilling of any such well upon abandonment of any such well.

This enumeration of nuisances above shall not be deemed to be exclusive. Further, nothing in this Section shall be construed as to prevent the corporate authorities of this Village from declaring additional materials or situations as nuisances and abating such additional nuisance within the Village limits as provided herein.

§6.01.03 Nuisances Detrimental to Health Generally. Any building, vehicle, structure, receptacle, yard, lot, premises, or part thereof that is made, used, kept, maintained or operated in the Village in a manner that permits or otherwise allows or maintains any nuisance is hereby further declared to be dangerous or detrimental to health and safety of individuals and the public and thereby declared a nuisance.

§6.01.04 Nuisances Declared Unlawful. It shall be unlawful and a violation of this Chapter for any person, firm, corporation, or entity to willfully or negligently create, erect, maintain or permit a nuisance, as described in this Chapter or otherwise declared by corporate authorities of this Village, to exist anywhere within the Village.

§6.01.05 Notice to Abate. Whenever designated Village official or Code Enforcement Officer finds or determines that a nuisance exists, a written notice shall be served personally upon the owner or person in control of the property or premises who is causing, permitting or maintaining such nuisance which notice shall give the person served fourteen (14) days from the date of service of the notice to abate the nuisance. Such personal service may be affected by handing of the same to the owner, occupant, or lessee of the premises, or to any member of the household of the age of fifteen (15) years or older found on the premises. Alternatively, the Village official, Code Enforcement Officer, or law enforcement official may cause an administrative citation or notice letter to be personally served upon the owner or person in control of the property or premises who is causing, permitting or maintaining such nuisance, which notice shall give the person served fourteen (14) days from the date of service of the notice to abate the nuisance. Such service of an administrative citation or notice letter shall be deemed the equivalent of a notice to abate as described in this section. Such notice or administrative citation be by means of personal service of a copy of the complaint or by certified mail of a copy of the complaint to the last known residence address of the owner or person in control of the property..

Such notice shall fairly apprise such person of the nature and location of the nuisance, his duty to abate or remove the nuisance within the time provided therein, the penalty for the nuisance and failure to abate the same, and shall state that, if said nuisance is abated by the Village, liability for the necessary expenses so incurred shall accrue as provided for in this Chapter

§6.01.06 Abatement of Nuisance by Village; Unknown Owner. It shall be the duty of the designated Village official or Code Enforcement Officer to proceed at once upon the expiration of the time specified in the notice to cause such nuisance to be abated or otherwise removed, keeping an account of the expense of the abatement. However, if the premises are unoccupied and the owner's address cannot be obtained or whenever the owner, occupant, agent, or person in possession or control of the premises in or upon which any nuisance may be found is unknown or cannot be found, the designated Village official or Code Enforcement Officer shall post the fourteen (14) days' notice on the property by posting the notice on the front door on the main structure on the premises or by posting a sign notice on the premises. Upon the expiration of this fourteen (14) day notice period after the posting of the notice on the premises, the designated Village official or Code

Enforcement Officer shall proceed at once to cause such nuisance to be abated or otherwise removed, keeping an account of the expense of the abatement. In either case, the expenses of such abatement shall be assessed against the property and paid by the property owner as provided in this Chapter. Additionally, the person who created or permitted such nuisance to exist shall be in violation of the provisions of this Chapter and assessed a penalty or fine as provided herein.

§6.01.07 Failure to Comply with Notice; Penalties. Except as specifically provided otherwise in the Village Code, a violation of any of the provisions of this Chapter occurs on the date when the nuisance is created and permitted to continue by the owner, occupant, agent, or person in possession or control of any premises in or upon which any nuisance is found. Every person found in violation of any of the provisions of this Chapter shall be punished by a fine of not less than One Hundred Dollars (\$100.00) nor more than Seven Hundred Fifty Dollars (\$750.00) for each offense, plus attorneys' fees and court costs. If the Village issues an administrative citation or notice letter under this Chapter, the fine under such citation or notice letter shall be one hundred dollars (\$100.00) or two hundred fifty dollars (\$250.00) for a second or subsequent violation of the same section of this Title in the same twelve month period. Further, if the person notified to abate a nuisance shall neglect or refuse to comply with the requirements of such notice by abating such nuisance within the time specified, such person shall be guilty of violating the provisions of this Chapter. Each day each violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such hereunder. The Village shall not be required to issue another notice where the condition or violation is at first abated, but later resumed or repeated.

§6.01.08 Lien. Charges for such abatement or removal of a nuisance shall be a lien upon the premises. A bill representing the cost and expense incurred or payable for the service shall be presented to the property owner. If this bill is not paid within thirty (30) days of submission of the bill, a notice of lien of the cost and expenses thereof incurred by the Village shall be recorded in the following manner:

- A. A description of the real estate sufficient for identification thereof, including the property identification number;
- B. The amount of money representing the cost and expense incurred or payable for the service, including any reasonable administrative fees, legal fees, and recording costs incurred by the Village in this abatement action;
- C. The date or dates when said cost and expense was incurred by the Village; and
- D. The lien shall be filed within sixty (60) days after the cost and expense is incurred by the Village.

§6.01.09 Payment. Notice of such lien claim shall be mailed to the owner of the premises if his address is known. Upon payment of the cost and expense after notice of lien has been filed, the lien shall be released by the Village or person in whose name the

lien has been filed, and the release shall be filed of record in the same manner as filing notice of the lien. All lien and release filing fees shall be paid by the owner of the property.

§6.01.10 Foreclosure of Lien. Property subject to a lien for unpaid abatement or removal charges shall be sold for non-payment of the same and the proceeds of such sale shall be applied to pay the charges after deducting costs, as is the case in the foreclosure of statutory liens. Such foreclosure may be initiated in the name of the Village after the lien is in effect for a period of no less than sixty (60) days.

Chapter 6.02

Weeds, Grass, and Plants

Sections:

6.02.01	Definition
6.02.02	Height
6.02.03	Disposing of Weeds, Grass Clippings, and Yard Waste
6.02.04	Notice
6.02.05	Service of Notice
6.02.06	Abatement
6.02.07	Penalties for Violations
6.02.08	Lien
6.02.09	Payment
6.02.10	Foreclosure of Lien

§6.02.01 Definition. “Weeds” as used in this Code shall include, but not be limited to the following: Burdock, Rag Weed (giant), Rag Weed (Common), Thistle, Cocklebur, Jimson, Blue Vervain, Wild Carrot, Poison Ivy, Wild Mustard, Rough Pigweed, Lambsquarter, Wild Lettuce, Curled Dock, Smartweeds (all varieties), Poison Hemlock, Wild Hemp and Johnson Grass and all other noxious weeds as defined by the statutes of the State of Illinois.

§6.02.02 Height. It shall be unlawful for anyone, including any property owner, tenant, or occupant of the premises, to permit any weeds, grass, or plants to grow to a height exceeding ten (10) inches on lawn areas of a property or the adjacent right-of-way to a property. Any such weeds, grasses, or plants exceeding such height in the lawn area of a property or the adjacent right-of-way to a property are hereby declared to be a nuisance. This provision does not apply to trees, bushes, flowers or other ornamental plants, vegetable producing plants in a vegetable garden, areas on a property that remain in a natural state, or areas on a property designated as pollinator gardens under the Village’s pollinator program.

§6.02.03 Disposing of Weeds, Grass Clippings, and Yard Waste. No person shall dispose of weeds, grass clippings, or similar yard waste (including downed trees, bushes, branches, and brush) by dumping in any ditches on public or private property or right-of-way within the Village.

§6.02.04 Notice. The Code Enforcement Officer, law enforcement official, or designated Village official may issue a written notice for removal or abatement of weeds, tall grass, or improper disposal of yard waste. Such garbage or debris shall be removed by the owner or occupant within seven (7) days after such notice has been duly served.

§6.02.05 Service of Notice. Service of notice provided for herein shall be made in compliance with Section 6.01.05 of the Village Code.

§6.02.06 Abatement. If the person so served does not abate the nuisance within fourteen (14) days of service of the notice, such person may be fined as provided in this Chapter. Further, the Code Enforcement Officer or designated Village official may proceed to abate the weeds or tall grass nuisance, keeping an account of the expense of the abatement and such expense shall be charged and paid by such owner or occupant as provided herein.

§6.02.07 Penalties for Violations. Every person convicted of a violation of any of the provisions of this Chapter shall be punished by a fine of not less than One Hundred Dollars (\$100.00) nor more than Seven Hundred Fifty Dollars (\$750.00) for each offense, plus attorneys' fees and court costs. If the Village issues an administrative citation or notice letter under this Chapter, the fine under such citation or notice letter shall be one hundred dollars (\$100.00) or two hundred fifty dollars (\$250.00) for a second or subsequent offense in the same twelve month period. Each day each violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such hereunder. The Village shall not be required to issue another notice or a new notice within the twelve month period after notice has been served for a violation of this Chapter where the condition or violation is at first abated, but later resumed or repeated, in order to impose a penalty under this Chapter during that same twelve month period.

§6.02.08 Lien. Charges for such weed, tall grass, or yard waste abatement or removal shall be a lien upon the premises. A bill representing the cost and expense incurred or payable for the service shall be presented to the property owner. If this bill is not paid within thirty (30) days of submission of the bill, a notice of lien of the cost and expenses thereof incurred by the Village shall be recorded in the following manner:

- A. A description of the real estate sufficient for identification thereof, including the property identification number;
- B. The amount of money representing the cost and expense incurred or payable for the service, including any reasonable administrative fees, legal fees, and recording costs incurred by the Village in this abatement action;

- C. The date or dates when said cost and expense was incurred by the Village; and
- D. The lien shall be filed within sixty (60) days after the cost and expense is incurred by the Village.

§6.02.09 Payment. Notice of such lien claim shall be mailed to the owner of the premises if his address is known. Upon payment of the cost and expense after notice of lien has been filed, the lien shall be released by the Village or person in whose name the lien has been filed, and the release shall be filed of record in the same manner as filing notice of the lien. All lien and release filing fees shall be paid by the owner of the property.

§6.02.10 Foreclosure of Lien. Property subject to a lien for unpaid abatement or removal charges shall be sold for non-payment of the same and the proceeds of such sale shall be applied to pay the charges after deducting costs, as is the case in the foreclosure of statutory liens. Such foreclosure may be initiated in the name of the Village after the lien is in effect for a period of no less than sixty (60) days.

Chapter 6.03

Garbage and Debris

Sections:

6.03.01	Accumulation Prohibited
6.03.02	Notice to Person
6.03.03	Service of Notice
6.03.04	Abatement
6.03.05	Penalties for Violations
6.03.06	Lien
6.03.07	Payment
6.03.08	Foreclosure of Lien

§6.03.01 Accumulation Prohibited.

- A. No person shall permit any garbage, debris, or trash to accumulate on their premises or on any public or private property, except when contained in a lawful container as provided herein. It is hereby declared to be a nuisance, and it shall be unlawful for the owner or occupant of real estate to refuse or neglect to remove the garbage, debris, or trash.
- B. The terms “garbage” and “debris” shall include litter, dirt, rubbish, animal feces, or any other offensive or nauseous substance. The term “litter” shall include among other things, newspapers, paper products, wood, yard or landscaping waste (including downed trees, bushes, branches, and brush),

discarded items, any motor vehicle parts, or otherwise any type of refuse, unless necessary for the operation of a lawfully conducted business enterprise, and shall not include such items which are appropriately stacked and stored for fuel or heating purposes or stored in a lawful container as provided herein.

- C. All structures within the Village must have a sufficient number of containers with the proper capacity to accommodate and contain all garbage and debris accumulated by occupants of the structure. Said containers shall always be tightly covered or sealed and waterproof and shall be stored in a garage or other suitable structure or alongside of said structure at all times except for the evening prior to and day of normal garbage pickup provided that said container shall be placed no closer than one (1) foot from the curb or edge of any public street. It is a violation of this provision if the owner or occupant of the property does not comply with these requirements for garbage containers.

§6.03.02 Notice to Person. The Code Enforcement Officer, law enforcement official, or designated Village official may issue a written notice for removal of garbage or debris. Such garbage or debris shall be removed by the owner or occupant within seven (7) days after such notice has been duly served.

§6.03.03 Service of Notice. Service of notice provided for herein shall be made in compliance with Section 6.01.05 of the Village Code.

§6.03.04 Abatement. If the person so served does not abate the nuisance within fourteen (14) days of service of the notice, such person may be fined as provided in this Chapter. Further, the Code Enforcement Officer or designated Village official may proceed to abate the garbage, debris, or trash nuisance, keeping an account of the expense of the abatement and such expense shall be charged and paid by such owner or occupant as provided herein.

§6.03.05 Penalties for Violations. Every person convicted of a violation of any of the provisions of this Chapter shall be punished by a fine of not less than One Hundred Dollars (\$100.00) nor more than Seven Hundred Fifty Dollars (\$750.00) for each offense, plus attorneys' fees and court costs. If the Village issues an administrative citation or notice letter under this Chapter, the fine under such citation or notice letter shall be one hundred dollars (\$100.00) or two hundred fifty dollars (\$250.00) for a second or subsequent offense in the same twelve month period. Each day each violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such hereunder. The Village shall not be required to issue another notice or a new notice within the twelve month period after notice has been served for a violation of this Chapter where the condition or violation is at first abated, but later resumed or repeated, in order to impose a penalty under this Chapter during that same twelve month period.

§6.03.06 Lien. Charges for such abatement or removal of the garbage, debris, or trash nuisance shall be a lien upon the premises. A bill representing the cost and expense incurred or payable for the service shall be presented to the property owner. If

this bill is not paid within thirty (30) days of submission of the bill, a notice of lien of the cost and expenses thereof incurred by the Village shall be recorded in the following manner:

- A. A description of the real estate sufficient for identification thereof, including the property identification number;
- B. The amount of money representing the cost and expense incurred or payable for the service, including any reasonable administrative fees, legal fees, and recording costs incurred by the Village in this abatement action;
- C. The date or dates when said cost and expense was incurred by the Village; and
- D. The lien shall be filed within sixty (60) days after the cost and expense is incurred by the Village.

§6.03.07 Payment. Notice of such lien claim shall be mailed to the owner of the premises if his address is known. Upon payment of the cost and expense after notice of lien has been filed, the lien shall be released by the Village or person in whose name the lien has been filed, and the release shall be filed of record in the same manner as filing notice of the lien. All lien and release filing fees shall be paid by the owner of the property.

§6.03.08 Foreclosure of Lien. Property subject to a lien for unpaid abatement or removal charges shall be sold for non-payment of the same and the proceeds of such sale shall be applied to pay the charges after deducting costs, as is the case in the foreclosure of statutory liens. Such foreclosure may be initiated in the name of the Village after the lien is in effect for a period of no less than sixty (60) days.

Chapter 6.04

Open Burning

Sections:

6.04.01	Unlawful Burning
6.04.02	Leaf Burning and Bonfire/Recreational Fires
6.04.03	Location for Burning
6.04.04	Attendance by Responsible Adult
6.04.05	Hours Allowed for Leaf Burning
6.04.06	Fire Extinguishing Equipment
6.04.07	Restrictions for Bonfire/Recreational Fires
6.04.08	Penalties for Violations

§6.04.01 Unlawful Burning. Except as otherwise provided in this Ordinance, it shall be unlawful for any person to set fire to, or cause or permit to be

burned, in any yard, lot, street or alley, any rubbish, any garbage, paper, tires, rubbers, oils, plastics, chemicals, flammables or hazardous materials, or to burn any materials for the purpose of waste disposal.

§6.04.02 Leaf Burning and Bonfire/Recreational Fires. Leaf burning, burning of organic yard or landscape waste (including downed trees, bushes, branches, and brush), and bonfire/recreational fires shall be allowed only as provided for in this Ordinance.

§6.04.03 Location for Burning. The location for any leaf burning shall be not less than fifty feet (50) from any structure. The location for a bonfire or recreational fire shall be not less than fifty feet (50) from any structure unless the recreational fire is contained in an above ground or below ground firepit. Provision shall be made to prevent the fire from spreading to within fifty (50) feet of any structure or when applicable, outside of the fire pit. No burning shall occur on any street. This provision shall not apply to outdoor grills or ovens.

§6.04.04 Attendance by Responsible Adult. Any burning or fire permitted under this Chapter shall be constantly attended by a responsible adult until the fire is completely extinguished.

§6.04.05 Hours Allowed for Leaf Burning. Leaf and yard or landscape waste burning fires shall be allowed only between the hours of sunrise and sunset.

§6.04.06 Fire Extinguishing Equipment. Fire extinguishing equipment (including but not limited to garden hoses, buckets of waters, rakes, and shovels) shall be available for immediate use at the location of all leaf or yard waste burning fires and bonfire/recreational fires.

§6.04.07 Restrictions for Bonfire/Recreational Fires. A bonfire or recreational fire shall be no more than five feet by five feet (5' X 5') in dimension. Fuel for a bonfire or recreational fire shall only consist of natural brush, branches, and wood. The fire shall not be used for waste disposal purposes.

§6.04.08 Penalties for Violations. Every person convicted of a violation of any of the provisions of this Ordinance shall be punished by a fine of not less than One Hundred Dollars (\$100.00) nor more than Seven Hundred Fifty Dollars (\$750.00) for each offense, plus attorneys' fees and court costs.

Chapter 6.05

Unsafe Buildings

Sections:

6.05.01	Definitions
6.05.02	Declaration of Nuisance
6.05.03	Notice of Unsafe Condition
6.05.04	Designation of Unsafe Condition
6.05.05	Penalties for Violations
6.05.06	Court Action
6.05.07	Other Action
6.05.08	Filing of Lien for Demolition or Repair Costs

§6.05.01 Definitions.

- A. An "unsafe building" shall include a building or any part thereof, including doors, aisles, passageways, stairways and the like, which has decayed or been damaged by wind, flood, fire or any other cause, either natural or man-made, so that the whole or portions thereof is likely to collapse, dislodge or otherwise detach so as to possibly injure persons on or near the property or to damage other nearby property. An unsafe building shall also include:
1. Any building or structure which is so infested with rodents, insects, pests, or other vermin so as to constitute a health hazard;
 2. Any building which has become dilapidated or has open doors or windows leaving the interior of the building exposed to the elements or accessible to trespassers; and
 3. Any building with doors, stairways or exit-ways not of sufficient width or size so as to provide safe and adequate means of exit in case of fire or other panic for occupants thereof.
- B. "Building" shall include any walled or roofed structure including commercial establishments, dwellings, mobile homes, barns, garages, and any other accessory structures.

§6.05.02 Declaration of Nuisance. Any unsafe or abandoned building situated within the limits of the Village is declared to be a nuisance. It shall be unlawful for any property owner or occupant of any building within the Village to keep or maintain said building in any unsafe or dangerous condition.

§6.05.03 Notice of Unsafe Condition. When Village officials determine that a building is dangerous or unsafe, uncompleted or abandoned, or unfit for human

occupancy, Village officials shall provide notice to the owner of the property, and all lien holders of record, to demolish or repair such building. Notice shall set forth a description of the real estate, and a description of how the building is dangerous or unsafe, uncompleted or abandoned, or unfit for human occupancy. Notice shall also provide the property owner at least fifteen (15) days to remedy the problems with the building by demolishing or repairing such building. The designated Village official, Code Enforcement Officer, or other or law enforcement officer, shall provide this notice by mail or by both personal service and mail. If after a diligent search, the identity, or whereabouts of the property owner, which may include the lien holders of record, cannot be determined, notice mailed to the person in whose name the real estate was last assessed shall be sufficient notice, even if such notice to the person is subsequently returned undeliverable.

§6.05.04 Designation of Unsafe Conditions. Whenever any building has been designated as unsafe, it shall be unlawful for any person to rent, to occupy or to allow another to occupy said building.

§6.05.05 Penalties for Violation. Every person convicted of a violation of any of the provisions of this Chapter shall be punished by a fine of not less than One Hundred Dollars (\$100.00) nor more than Seven Hundred Fifty Dollars (\$750.00) for each offense, plus attorneys' fees and court costs. If the Village issues an administrative citation or notice letter under this Chapter, the fine under such citation or notice letter shall be one hundred dollars (\$100.00) or two hundred fifty dollars (\$250.00) for a second or subsequent offense in the same twelve month period. Each day each violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such hereunder. The Village shall not be required to issue another notice or a new notice within the twelve month period after notice has been served for a violation of this Chapter where the condition or violation is at first abated, but later resumed or repeated, in order to impose a penalty under this Chapter during that same twelve month period. All costs incurred by the Village, including the cost to demolish or repair an unsafe building and related attorneys' fees and court costs, shall be recoverable against the owner of said building.

§6.05.06 Court Action. If the property owner fails, neglects, or refuses to comply with the notice to demolish or repair after a notice period of at least fifteen (15) days, the Village officials may seek court approval authorizing the Village to demolish, repair, enclose, or remove the building under the authority of section 11-31-1 of the Illinois municipal code. It shall not be a defense to any cause of action brought by the Village under this chapter that the building has been boarded up or otherwise enclosed. After the Village has received court approval to demolish, repair, enclose, or remove the building, Village officials shall take appropriate action to have the building demolished, repaired, enclosed, or removed.

§6.05.07 Other Action. Any action taken by the Village pursuant to this Chapter shall not impede or supersede the Village's authority to take any other action under this Chapter against the property owner, occupant of the property, or person in control of the property, including the issuance of ordinance violation notices that impose a fine for the violation.

§6.05.08 Filing of Lien for Demolition or Repair Costs. The cost of the demolition, repair, enclosure, or removal incurred by the Village, including court costs, attorney fees, and other costs related to the enforcement of this chapter, is recoverable from the property owner and shall become a lien against the property. The lien shall be superior to all prior existing liens and encumbrances, except taxes, provided that within one hundred eighty (180) days after the repair, demolition, enclosure, or removal, the Village shall file a notice of lien for the cost and expense incurred by the Village in the office of the recorder of deeds for Marshall County. The notice of lien shall consist of a sworn statement setting forth the description of the real estate, the amount of the cost and expense incurred, and the date or dates when such costs and expense were incurred by the Village. Upon payment of the cost and expense by the property owner or persons interested in such property after notice of lien has been filed, the lien shall be released by the Village. The Village may enforce this lien at any time by initiating foreclosure proceedings pursuant to section 11-31-1 of the Illinois municipal code, and the costs of the foreclosure proceedings, including court costs, attorney fees, and other costs related to the enforcement of this section, is also a lien against the property and recoverable from the property owner.

Chapter 6.06

Inoperable Motor Vehicles

Sections:

6.06.01	Regulation; Nuisance
6.06.02	Definition
6.06.03	Enforcement; Notice to Abate
6.06.01	Service of Notice to Abate
6.06.02	Abatement by Village
6.06.03	Penalty

§6.06.01 Regulation; Nuisance. All inoperable motor vehicles, as defined by this Chapter, whether on public or private property and in view of the general public, are hereby declared to be a public nuisance and any person, firm, corporation or other legal entity which fails to obey a Notice received from the Village of Hopewell stating that such person or other entity is to dispose of any inoperable motor vehicle under his control within fourteen (14) days after issuance of the Notice shall be deemed guilty of a public nuisance and shall be subject to a fine as provided by this Chapter.

§6.06.02 Definition.

An "Inoperable Vehicle" deemed to be a public nuisance is defined as follows: A motor driven vehicle designed for use upon the public highways which is not

capable under its own power without mechanical adjustment or repair of safe and lawful travel upon our public highways. Failure to properly register the motor vehicle with the State of Illinois and failure to display a current and valid registration sticker vehicle shall be deemed as an inoperable vehicle under to this Chapter. Further, if a motor vehicle is not capable of being driven in normal traffic within the Village at normal speeds within the statutory limits as set forth in the Village, or is in a state of disrepair, damage, or missing parts which poses an open threat of injury or contamination, such condition of the motor vehicle shall also be deemed as an inoperable vehicle under to this Chapter.

Notwithstanding the above, an "inoperable motor vehicle" shall not include a motor vehicle kept within a building when not in use.

§6.06.03 Enforcement; Notice to Abate. Whenever any Village official, Coded Enforcement Office, or law enforcement officer determines that a nuisance as declared in this Chapter exists, the officer or official shall cause a written notice to abate to be served upon the person who is causing, permitting, or allowing the nuisance to exist. Said notice shall describe the inoperable motor vehicle or motor vehicle parts, giving the person served fourteen (14) days from the date of service of the notice to abate the nuisance.

§6.06.04 Service of Notice to Abate. Service of notice provided for herein shall be made in compliance with Section 6.01.05 of the Village Code.

§6.06.05 Abatement by Village. Whenever any person causes, permits, or allows such a nuisance to continue or exist after the expiration of fourteen (14) days from the service of the notice to abate, the Village may, at its option, cause the abatement of the nuisance specified in this section. However, if the nuisance is located on property other than the public right-of-way or property in the possession or control of the Village, the Village shall, before abating the nuisance, obtain the consent of the person served with the notice to abate or an order from the Marshall County Circuit Court or any other court of competent jurisdiction authorizing the abatement of the nuisance. Nothing in this section shall be construed as imposing upon the Village a duty to abate the nuisance specified in this section. The action authorized by this section shall be in addition to and without waiver of any other remedies.

§6.06.06 Penalty. Any person who shall cause, permit, or allow such a nuisance under this Chapter to continue or exist after the expiration of fourteen (14) days from the date of the notice to abate shall be fined not less than one-hundred dollars (\$100.00) and not more than seven hundred fifty dollars (\$750.00). If the Village issues an administrative citation or notice letter under this Chapter, the fine under such citation or notice letter shall be one hundred dollars (\$100.00) or two hundred fifty dollars (\$250.00) for a second or subsequent offense in the same twelve month period. Each day that a violation is permitted to exist shall constitute a subsequent offense and shall be punishable as such hereunder.

Section 3. This Ordinance is hereby ordered to be published in pamphlet form by the Hopewell Village Clerk and said Clerk is ordered to keep at least three (3) copies hereof available for public inspection in the future and in accordance with the Illinois Municipal Code.

Section 4. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby superseded and repealed by this ordinance, and any conflicts shall be governed by the ordinance.

Section 5. This Ordinance shall be in full force and effect from and after its passage, approval and ten (10) day period of publication in the manner provided by law.

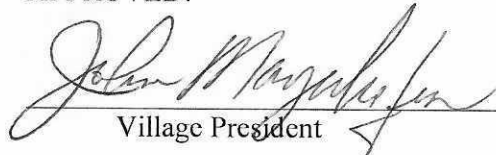
**PASSED BY THE BOARD OF TRUSTEES OF THE VILLAGE OF HOPEWELL,
MARSHALL COUNTY, ILLINOIS, IN REGULAR AND PUBLIC SESSION THIS 28th
DAY OF July, 2026.**

AYES: 4

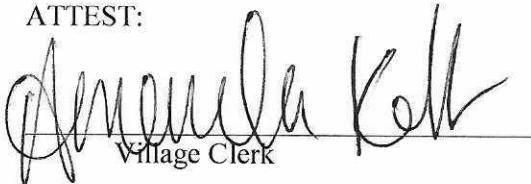
NAYS: 0

ABSENT: 1

APPROVED:


Village President

ATTEST:


Village Clerk



CERTIFICATE OF PUBLICATION

I, **Amanda Kolb** and the undersigned, do hereby certify that I am the duly qualified and acting Clerk of the Village of Hopewell, a municipal corporation of and in the County of Marshall, Illinois, that the foregoing Ordinance No. 2026-02, titled "An Ordinance Updating and Revising Title 6 of the Village Code Regarding Health, Safety, and Nuisance Provisions", is a true and accurate copy of the Ordinance passed by the Village Board and President of the Village of Hopewell on the meeting date set forth therein, and that the Ordinance was published by me in pamphlet form this 28th day of July, 2026, by making three (3) copies thereof available on that date for public inspection.



Village Clerk

[Seal]

