

Chapter 15

NUISANCES & PROPERTY MAINTENANCE

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.

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

Building: 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.

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.

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: 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: 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.

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: Any motor vehicle from which, for more than fourteen (14) 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 also 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, stripped, junked and/or wrecked motor vehicle not in good and safe operating condition.

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

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

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: 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*).

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

Owner: 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 plants defined as a prairie plant by the Illinois Plant Information Network maintained by the Illinois Natural History Survey.

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)

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

1. Exterior Property Areas:

1.1 *Noxious Weeds:* 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.

1.2 *Overgrown Residential Yard:* To allow vegetation defined as grass to exceed ten (10) inches in height on a residential use parcel located within the county. Excluded from the provisions of this subsection are prairie plants.

1.3 *Depositing of Junk, Trash or Refuse:* 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.

1.4 *Storage of Junk, Trash or Refuse*: 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.

1.5 *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.

1.6 *Household Garbage*: 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.

1.7 *Manure and Garbage*: To accumulate 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.

1.8 *Offensive Garbage Containers*: To allow 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.

1.9 *Dumping*:

1.9.1 To 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.

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

1.9.2.1 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.

1.9.2.2 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 and 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.

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

1.9.2.4 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.

1.9.3 To 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.

1.10 *Burning of Garbage*: To burn garbage or rubbish outdoors with the exception of brush.

1.11 *Construction materials*: To store lumber or other building materials, construction vehicles, and/or construction equipment, not in connection with a permitted building project in progress on the immediate premises is prohibited.

1.12 *Contamination of Water*: To contaminate 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.

1.13 *Parking*: 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.

1.14 *Inoperable Motor Vehicles*: To keep 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.

2. Open Burning of Landscape Waste:

2.1 To cause or allow any open or uncontrolled burning of any materials, other than landscape waste, in violation of the following regulations and restrictions. (Ord. 99-260, 10-12-1999; Ord. 01-53, 2-13-2001; Ord. 01-103, 4-10-2001).

2.2 To cause or allow any open or uncontrolled burning of landscape wastes in violation of the following regulations and restrictions. (Ord. 99-260, 10-12-1999; Ord. 01-53, 2-13-2001; Ord. 01-103, 4-10-2001) Any and all burning in the unincorporated areas of the county shall be in accordance with the restrictions enumerated below:

2.2.1 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.

2.2.2 The following restrictions upon the open burning of landscape waste on the property upon which it was generated shall prevail:

2.2.2.1 Burning is permitted only on sunny days between ten o'clock (10:00) A.M. and three o'clock (3:00) P.M.

2.2.2.2 Burning is not permitted when the wind is in excess of ten (10) miles per hour.

2.2.2.3 Burning is not permitted within twenty feet (20') of any building, structure or property line.

2.2.2.4 Burning is not permitted when it is determined and announced by the Kane County Health Department that inversion conditions or an ozone-alert exist.

2.2.2.5 Burning is not permitted of any material other than dry landscape waste or brush.

2.2.2.6 Burning is not permitted on public or private roads, alleys, sidewalks or easements.

2.2.2.7 All open burning must be supervised until the fire is extinguished.

2.2.2.8 A fire extinguisher or garden hose or water source shall be available at the burning site.

2.2.2.9 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.

2.2.3 The terms and provisions of this article shall not apply to any burning of landscape waste for purposes of habitat reclamation or firefighter training.

2.2.4 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.

2.2.5 The terms and provisions of this article shall not apply to the open burning of brush for purposes of recreational fires.

2.2.6 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)

2.2.7 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)

3. Noise:

3.1 Construction Noise: 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.

3.2 Vehicular Noise: 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 operate off road vehicles, including, but not limited to, off highway motorcycles, mini-bikes, 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.

3.3 Lawn Equipment and Tools: To perform lawn mowing or utilize power or non-power tools between the hours of 8:00 PM and 7:00 AM.

3.4 Raucous Noise: To make, continue, create or cause to be made or continued any loud or raucous noise.

3.4 Harsh, Prolonged or Unusual Noise: 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.

3.5 Violations of Illinois Motor Vehicle Code: Any violation of section 12-602 of the Illinois Motor Vehicle Code.

3.6 Modifications to Equipment: Removal or modification of adequate sound suppression equipment as set forth in section 4-1(E) of the snowmobile registration and safety act.

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

3.7.1 The proximity of the sound to sleeping facilities, whether residential or commercial;

3.7.2 The land use, nature and zoning of the area from which the sound emanates and the area where it is received or perceived;

3.7.3 The time of day the sound occurs;

3.7.4 The duration of the sound;

3.7.5 Whether the sound is recurrent, intermittent, or constant;

3.7.6 Proof of violation of this subsection shall not require the use of any decibel meter or other measuring device.

3.8 Free Speech: 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.

3.9 Agricultural Noise: Excluded from the provisions of this subsection is noise generated by agricultural equipment on land zoned and used for agricultural purposes and work performed for or on behalf of a public body.

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

4. Animals and Infestations

4.1 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. To allow to remain carcasses of dead animals or any part of decaying animal matter, not buried or destroyed or collected within twenty four (24) hours after death.

4.2 Diseased Animals: To allow diseased animals running at large.

4.3 Housing of Animals or Fowl : To house animals or fowl fifteen feet (15') from the property line adjacent 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.

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

4.5 Animal Fighting: 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.

4.6 *Insects, Vermin, Rodents and other Pests*: To allow an infestation of insects, vermin, rodents or other pests. Every owner of a property, 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 property, building or structure in rodent proof or reasonable insect proof condition. Furthermore, whenever infestation exists in the shared or public parts of any property, building, or structure, extermination shall be the responsibility of the owner. However, every occupant of a building unit shall be responsible for extermination within the building unit when such occupant is responsible for the infestation.

5. Structures:

5.1 *Dangerous Structures* : To allow any building, mobile home, shed, fence or other manmade structure to exist which is hazardous to public health because of its condition, faulty construction or lack of proper repair.

5.2 *Inside Refuse Storage and Disposal*: To place, leave, dump or accumulate any garbage, rubbish or other refuse in any building or structure.

5.3 *Building exterior*: To allow a building exterior to be in poor repair, structurally unsound, contain unsanitary conditions or to pose a threat to the public health, safety or welfare. The following standards shall apply to existing buildings:

5.3.1 General. 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.

5.3.2 Protective treatment. All exterior surfaces, including but not limited to, doors, door and window frames, cornices, porches, trim, balconies, decks and fences shall be maintained in good condition. Exterior wood surfaces, other than decay-resistant woods, shall be protected from the elements and decay by painting or other protective covering or treatment. All metal surfaces subject to rust or corrosion shall be coated to inhibit such rust and corrosion and all surfaces with rust or corrosion shall be stabilized and coated to inhibit future rust and corrosion. Removal of lead based paint to follow state and federal laws.

5.3.3 Premises identification. Buildings shall have approved address numbers placed in a position to be plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Address numbers shall be Arabic numerals or alphabet letters. Numbers shall be a minimum of 4 inches (102 mm) high with a minimum stroke width of 0.5 inch (12.7 mm). Single occupancy buildings with rural fire numbers may use the sign provided by the fire protection district to satisfy this requirement if the sign is clearly visible at the street. Multiple tenant buildings must additionally have suite letters that conform to the above standards.

5.3.4 Structural members. All structural members shall be maintained free from deterioration, and shall be capable of safely supporting the imposed dead and live loads.

5.3.5 Foundation walls. All foundation walls shall be maintained free from open cracks and breaks and shall be kept in such condition so as to prevent the entry of rodents and other pests.

5.3.6 Exterior walls. All exterior walls shall be free from holes, breaks, and loose or rotting materials and be maintained weatherproof.

5.3.7 Roofs and drainage. All roofing and flashing shall be sound, tight and not have defects that admit rain. Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior portion of the structure. Roof drains, gutters and downspouts shall be maintained in good repair and free from obstructions. Roof water shall not be discharged in a manner that creates a public nuisance.

5.3.8 Decorative features. All cornices, belt courses, corbels, terra cotta trim, wall facings and similar decorative features shall be maintained in good repair with proper anchorage and in a safe condition.

5.3.9 Overhang extensions. All overhang extensions including, but not limited to canopies, marquees, signs, metal awnings, fire escapes, standpipes, and exhaust ducts shall be maintained in good repair and properly anchored so as to be kept in a sound condition.

5.3.10 Stairways, decks, porches and balconies. Every exterior stairway, deck, porch and balcony, and all appurtenances attached thereto, shall be maintained structurally sound, in good repair, with proper anchorage and capable of supporting the imposed loads.

5.3.11 Chimneys and towers. All chimneys, cooling towers, smoke stacks, and similar appurtenances shall be maintained structurally safe and sound, and in good repair.

5.3.12 Handrails and guards. Every handrail and guard shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition.

5.3.13 Window, skylight and door frames. Every window, skylight, door and frame shall be kept in sound condition, good repair and weather tight. Operable windows required for ventilation shall have fitted screens.

5.3.14 Glazing. All glazing materials shall be maintained free from cracks and holes.

5.3.15 Doors. All exterior doors, door assemblies and hardware shall be maintained in good condition.

5.3.16 Basement hatchways. Every basement hatchway shall be maintained to prevent the entrance of rodents, rain and surface drainage water.

5.3.17 Guards for basement windows. Every basement window that is open shall be supplied with rodent shields, storm windows or other approved protection against the entry of rodents.

5.3.18 Vehicular Doors. Vehicular openings which were originally designed and constructed with a closing door shall continue to be maintained in operating condition and able to be fully closed.

5.3.19 Furniture on porches, accessory structures, yards and landings. Household furniture such as sofas, stuffed chairs and mattresses, which are not designed to withstand the elements and outdoor use, shall not be permitted to be placed on porches, accessory structures, yards and landings. Such furniture may provide a location where insects, rodents or other vermin may breed or may reasonably be expected to breed. This section shall not prohibit the storage of such household furniture on a totally enclosed porch having a roof, walls, screens or glass windows.

5.4 *Accessory Structures:* To allow an accessory structure to a residential, commercial or non-agricultural use, including detached garages, sheds, gazebos, decks, platforms, fences and walls to be in poor repair, structurally unsound, contain unsanitary conditions or to pose a threat to the public health, safety or welfare. The following standards shall apply to existing accessory structures:

5.4.1 General. Accessory Structures shall be maintained in good repair, structurally sound and sanitary so as not to pose a threat to the public health, safety or welfare.

5.4.2 Structural members. All structural members shall be maintained free from deterioration, and shall be capable of safely supporting the imposed dead and live loads.

5.4.3 Foundation walls. All foundation walls shall be maintained free from open cracks and breaks and shall be kept in such condition so as to prevent the entry of rodents and other pests.

5.4.4 Exterior walls. All exterior walls shall be free from holes, breaks, and loose or rotting materials and be maintained weatherproof.

5.4.5 Roofs and drainage. All roofing and flashing shall be sound, tight and not have defects that admit rain. Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior portion of the structure. Roof drains, gutters and downspouts shall be maintained in good repair and free from obstructions. Roof water shall not be discharged in a manner that creates a public nuisance.

5.4.6 Window, skylight and door frames. Every window, skylight, door and frame shall be kept in sound condition, good repair and weather tight.

5.4.7 Doors. All exterior doors, door assemblies and hardware shall be maintained in good condition.

5.4.8 Vehicular Doors: Vehicular doorways shall have closing doors.

5.5 *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.

Sec. 15 - 3 Exemptions:

1. The terms and provisions of this article shall not apply to property which is both zoned and used for any agricultural purpose.
2. The terms and provisions of this article shall not apply to structures which were exempt from the provisions of the County Building Regulations as an agricultural use structure when originally erected and continue to be used for agricultural purposes. Structures which were exempt from the provisions of the County Building Regulations as an agricultural use structure when originally erected but which are currently used for non-agricultural purposes or are vacant or abandoned are not exempt from the terms and provisions of this article.

Sec. 15 - 4 Right of Entry:

The code official is authorized to enter the structure or premises at reasonable times to inspect subject to constitutional restrictions on reasonable searches and seizures. If entry is refused or not obtained, the code official is authorized to pursue recourse as provided by law.

Sec. 15 – 5 Enforcement:

1. *Notice of Violation:* Whenever a nuisance is found to exist within the county, any authorized representative shall give written notice to the owner and/or occupant of the property upon which such nuisance exists or upon the person allowing, causing or maintaining the nuisance. The Notice of Violation under the provisions of this section shall contain:

1.1 The location of the violation.

1.2 A description of what constitutes the violation.

1.3 A statement of acts necessary to abate or correct the violation.

1.4 A date by which the violation must be abated or corrected to avoid further legal action.

2. *Complaint:* In the event the owner or occupant of the property upon which such nuisance exists has failed within the prescribed time to abate such nuisance, then an authorized representative shall file a complaint pursuant to the processes and methods prescribed by Chapter 1 Article IX of the Kane County Code entitled Administrative Adjudication. Any authorized representative may issue a complaint against the owners, lessees and/or occupants of said property or the persons responsible for causing the nuisance charging a violation of any section or subsection of this chapter. Such complaint may seek any and all applicable relief available at law or inequity including but not limited to abatement of the nuisance, fines or injunctive relief. Issuance of a Notice of Violation shall not be a precondition to the filing of a complaint.

Sec. 15 - 6 Fines:

The fine for a violation of any subsection of this chapter shall not exceed five hundred dollars (\$500.00). Each day a violation exists constitutes a separate offense.

Sec. 15 – 7 Cleanup:

1. 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.
2. 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.
3. 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)

Sec. 15 – 8 Relief from Personal Responsibility:

1. 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.
2. 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.
3. 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.
4. 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 – 9 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)