

§ 156.0 INTERNATIONAL PROPERTY MAINTENANCE CODE ADOPTED.

SECTION 308.4 GARBAGE AND DEBRIS

(A) It shall be unlawful for any person owning, leasing, occupying or controlling any plot of real estate to permit or maintain an unsightly yard, lot or premises where there is an accumulation or deposit of tin cans, glass jars, bottles, metal materials, refuse, rubbish, junk, waste, manure, straw, weeds, tree stumps, tree clippings, brush, discarded or broken building materials, discarded sod, old lumber, old brick or concrete blocks, machinery or parts thereof, or other like matter or things except as follows:

Discarded or broken building materials incident to construction on the site where the debris is located shall not remain on the plot for more than seven (7) days. Failure to remove said building materials within seven (7) days or permitting the deposit or accumulation of any of the other garbage or debris described in 308.4 of this subsection for any period of time shall constitute a violation of this Section.

(B) It shall be unlawful for any person owning, leasing, occupying or controlling any plot of real estate to create or suffer to be created or to remain upon any premises in a residential district for a period of more than seven (7) days, unless incident to construction on the premises, and then not to heaping, amassing, or collecting brick, concrete blocks, lumber, iron, pipe or any building materials in such quantities that the same is, or may become a menace to the health of individuals or the public, or that the same is unsightly, objectionable and offensive to those living in the neighborhood or to the public; or that the same may or does become dangerous to the children playing in the neighborhood; or that the same may or does become an attraction to rats and thereby become, or is dangerous to the health of any individual or the public.

(C) An authorized city official or representative thereof shall serve or cause to be served a notice upon any person owning, leasing, occupying or controlling any real estate within the City upon which such a nuisance, as set forth in (A) or (B) of this section, is found to exist, requiring them or any of them to remove the garbage or debris constituting such nuisance within ten (10) days from the date of said notice. Such notice may be given by any one of the three (3) following described methods:

i. By a written notice sent by United States certified mail, postage prepaid, to the last known person owning, leasing, occupying or controlling the real estate and as to the owner the notice may be addressed to the address shown on the most recent tax bill for said real estate.

ii. By a written notice personally delivered by an authorized City official or representative to person owning, leasing, occupying or controlling the real estate.

iii. By general notice addressed to the owner, lessee, occupant or person controlling said real estate printed in a newspaper of general circulation in the City, which notice shall direct attention to the provisions of this Section and provide that the garbage and debris shall be removed not later than ten (10) days after said notice is so printed.

In the event any person so notified shall fail or refuse to comply with said notice or notices, it shall be lawful for the Village to cause such garbage or debris to be removed in any manner it shall designate, and to charge the actual costs of such removal to any person owning, leasing, occupying or controlling such real estate.

The cost and expense incurred by the City, or by the person performing the service by authority of the City, in the removal of such garbage or debris following the refusal or failure of the responsible party to remove such garbage or debris, including reasonable attorney's fees, shall constitute a lien upon the real estate affected, which lien shall be enforced as provided by statute. The City shall provide notice either by personally serving or sending notice by certified mail to the person to whom was sent the tax bill for the general taxes on the property for the last preceding year. The notice shall be delivered or sent after the removal of garbage and debris on the property.

(Ord. O-04-07, passed 1-16-07; amend. Ord. O-24-09, passed 8-4-09; amend. Ord. O-25-09, passed 8-4-09; amend. Ord. O-26-09, passed 8-4-09; amend. Ord. O-15-10, passed 5-4-10; amend. Ord. O-11-11, passed 1-18-11; amend. Ord. O-22-11, passed 5-3-11; amend. Ord. O-09-13, passed 4-2-13; amend. Ord. O-10-13, passed 4-2-13; amend. Ord. O-10-15, passed 4-21-15; amend. Ord. O-34-15, passed 9-1-15)