

## Chapter 93

### MAINTENANCE OF PROPERTY AND BUILDINGS

**[HISTORY: Adopted by the Board of Trustees of the Village of Saddle Rock 10-2-1991 by L.L. No. 3-1991. Amendments noted where applicable.]**

#### **§ 93-1. Purpose.**

This chapter is intended to promote the health, safety and general welfare of the residents and property owners of the Village of Saddle Rock. A clean, wholesome, attractive environment is declared to be of importance to the health and safety of the inhabitants of the village. In addition, such an environment is deemed essential to the maintenance of the quality of life and the general welfare of such inhabitants.

#### **§ 93-2. Definitions.**

As used in this chapter, the following words or terms shall have the indicated meanings, unless the context clearly dictates otherwise. Any term which is not so defined shall carry its usual and customary meaning unless the context otherwise dictates.

PERSON — Any individual, partnership, corporation, firm or other entity, whether formal or informal. Where the term "person" refers to the owner, lessor, lessee or occupant of property, and the owner, lessor, lessee or occupant is an entity or organization other than an individual person or group of individual persons, the term "person" includes the officers, directors, partners, owners, managers and agents of such entity or organization.

#### **§ 93-3. Requirement for maintenance.**

Each person who owns, leases or occupies property in the Village of Saddle Rock on which there is located any building or structure, accessory building, driveway, private street or road, yard, lot, lawn, shrubs, planting, device, appurtenance or other thing on or connected with land and property within the Village of Saddle Rock shall construct, maintain and keep said building or structure, accessory building, driveway, private street or road, yard, lot, lawns, shrubs, planting, device, appurtenance or other thing in a state of good and safe condition and repair at all times.

#### **§ 93-4. Prohibitions.**

No person who owns, leases or otherwise occupies any land, lot, building or structure within the Village of Saddle Rock shall cause, neglect, make, suffer, permit or maintain any structure, building, accessory building, driveway, private street and road, yard, lot, lawn, shrubs, plantings, device, appurtenance or other thing on or connected with land and/or property within the Village of Saddle Rock to be in such a manner, state, condition of construction, maintenance or repair with substantially tends to or does destroy, injure, damage, endanger or cause a detrimental effect or an unreasonable interference with the health, welfare or safety, comfort or quiet

enjoyment of the Village of Saddle Rock or any resident, occupant, owner, lessee or the public within the Village of Saddle Rock.

**§ 93-5. Public nuisances.**

Without limitation, the following are expressly declared to be in violation of this chapter and to constitute a public nuisance:

- A. The maintenance of any structure, building, accessory building or appurtenance in such a manner as to cause, permit or suffer the same to have torn, rotted, falling, detached, broken or dislocated parts or portions thereof which are readily visible from a public road or other adjoining property within the Village of Saddle Rock.
- B. The maintenance of any area or outside surface of any structure, building, accessory building or appurtenance in such a manner as to cause, permit or suffer the same to have or exist in a condition of peeling, chipped, corroded, unreasonably worn or cracked paint, covering and/or surface readily visible from a public road or other adjoining property within the Village of Saddle Rock.
- C. The maintenance of any driveway or ground covering and/or condition thereof in a state or condition which is, will or may reasonably cause damage or injury to a public road or which is, will or may reasonably endanger the health, welfare or safety of any person or property within the Village of Saddle Rock.
- D. The conduct on any property within the Village of Saddle Rock of any stage of any otherwise permitted construction, demolition, alteration and/or repair (whether or not any work is then being performed) unless any and all construction material, debris, dust, liquid or other thing involved therein shall be properly contained in a safe, workmanlike and reasonable fashion in accordance with usual and ordinary standards of the construction industry, environmental and occupational safety and health standards and in such a manner as not to unreasonably interfere with the health, welfare or safety of the Village of Saddle Rock, its residents and the public.
- E. The maintenance of any yard, lawn, planting or shrubbery (other than in the area of any property within the Village of Saddle Rock which is a rear yard, the rear property line of which abuts a natural body of water) in other than a safe, workmanlike and reasonable fashion as is ordinary and usual in the gardening industry for manicured grounds, lawns, shrubs and plantings.
- F. The installation or maintenance of any live or inert ground or lawn covering which is not regularly maintained and which, if not regularly maintained, is likely to fall onto, enter, grow on or in any public road within the Village of Saddle Rock.
- G. Permitting or causing any yard or lawn containing a grass or grass type ground cover to be or grow in a deteriorated, unsightly, neglected or untrimmed condition or where said ground cover growth exceeds five inches in height above ground, or which is otherwise in a nonmaintained, overgrown or uncontrolled state or condition.
- H. Permitting, causing or suffering the operation of any hose, sprinkler system or watering device which causes, precipitates, throws or results in water flowing, entering, falling or

leaking on, in or over any public road within the Village of Saddle Rock, by reason of improper, careless or neglectful placement, setting or location or by reason of disrepair, maintenance or failure of adjustment of any such device with consideration of normal or prevailing weather conditions.

**§ 93-6. Enforcement.**

- A. Any person who violates any of the provisions of § 93-3 or 93-4 of this chapter shall be guilty of a violation and shall be subject to the penalties provided by law for such violation.
- B. Where the Mayor, a member of the Board of Trustees, the Code Official or the Village Engineer shall have reason to believe that any person has engaged in conduct in violation of § 93-3 or 93-4 of this chapter, or that a public nuisance, including those public nuisances described in § 93-5 hereof, shall exist on any property in the Village of Saddle Rock, such official may serve upon such person or the owner, lessee or occupant of such property a written notice describing said nuisance and directing that the same be removed or cured within a period of time specified in such notice.
  - (1) Such notice shall be given by personal delivery or by any method authorized by law for the service of a summons in a civil action or by certified mail, return receipt requested, addressed to the last known address of the person to whom such notice is directed.
  - (2) Any person to whom such notice is given as provided in this section and who does not remove or cure the condition described in said notice within the time provided in such notice to do so, shall be guilty of a violation and shall be subject to the penalties provided by law for such violation.
  - (3) In addition to any other penalties or remedies provided by law, the village may enjoin any violation of this chapter in a civil action in a court of appropriate jurisdiction. In any such action, the village shall not only be entitled to injunctive relief but may also recover a civil penalty for the violation of this chapter, or for the conduct or maintenance of such nuisance, in the sum of \$250 for each and every day that such violation or nuisance is maintained or continued after service of a notice as described in this section.
  - (4) In addition to any other penalties or remedies provided in this section, where any person to whom notice is given as provided in this section fails to remove or cure a violation or a public nuisance within the period specified in such notice, the Village of Saddle Rock may take such action and incur such expense as may be reasonably necessary to remove or cure such violation or public nuisance and enter upon the property where such violation or nuisance exists for the purposes of such removal or cure, and the total costs incurred by the village for such activities, including any legal, engineering or other professional fees and any sums incurred for work, labor, services and materials in connection therewith and the costs for repair to any damage to any public road which was caused by such public nuisance or violation shall be assessed against said property in the same manner as provided for taxes on real property and shall constitute a lien and charge thereon until paid or otherwise satisfied or discharged. Said lien and charge shall be collected by the Village Treasurer in the

manner provided by law for the collection of delinquent taxes.