

## CHAPTER 12.

### NUISANCES

#### Article I. In General.

- §12- 1. Operation of Businesses Generally.
- §12- 2. Conducting Business, etc., so as to Create Offensive Smell or Air Pollution.
- §12- 3. Establishing, etc., Offensive of Unwholesome Business.
- §12- 3.1 Prohibition of Firearm Sales.
- §12- 4. Using, etc., Building or Other Place for Offensive or Dangerous Trade, Business or Manufacture.
- §12- 5. Locating and Using Packing House, Tannery, Brewery, etc., without Permission of Village Board.
- §12- 6. Causing or Allowing Animal Carcasses, Filth, etc., to Be Collected, Deposited, etc.
- §12- 7. Throwing, Depositing, etc., Ashes, Garbage, etc., in Street, Sewer, Building, etc.
- §12- 8. Allowing Lot, etc., to Become Offensive by Permitting Growth of Weeds or Depositing of Rubbish.
- §12- 9. Allowing Offal, etc., to Become Putrid, etc., to Remain on Premises Longer than Five Hours.
- §12-10. Pollution of Waters of Springs, Streams, etc.
- §12-11. Allowing Stagnant, etc., Water to Stand or Remain on Lot or Premises.
- §12-12. Foul, etc., Railroad Cars, Buildings, Barns, etc.
- §12-13. Maintaining Dangerous, Faulty, etc., Building; Abatement.

#### Article II. Plants and Weeds.

- §12-14. Certain Weeds.
- §12-15. Weeds, Grass, Plants, etc., Growing above Certain Height.
- §12-16. Notice to Abate.
- §12-17. Abatement by Village; Charges for Same to be Paid by Person Served with Notice.
- §12-18. Charges for Removal Lien on Property; Procedure on Failure to Pay Bill for Same Generally.
- §12-19. Foreclosure of Lien.

#### Article III. Construction Noise.

- §12-20. Construction Noise; Prohibited Hours of Operation.
- §12-21. Modification of Hours of Operation.
- §12-22. Penalty.

#### Article IV. Landscape Waste Composting.

- §12-23. Definitions.
- §12-24. Acts Prohibited.
- §12-25. Location of Composting Areas.

- §12-26. Composting Structure.
- §12-27. Restrictions as to Composting.
- §12-28. Penalties.

Article V. Tree and Shrub Maintenance.

- §12-29. Maintenance of Nuisance Vegetation Prohibited.
- §12-30. Notice to the Owner.
- §12-31. Abatement by the Village.
- §12-32. Treatment of Village Trees and Shrubs
- §12-33. Penalty.

Article VI. Chronic Nuisance Property Abatement.

- §12-34. Violation.
- §12-35. Definitions.
- §12-36. Procedure.
- §12-37. Judicial Remedies.
- §12-38. Domestic or Sexual Violence/Disability Exception.
- §12-39. Conflict Between Village Code and Public Act 97.

Article VII. Short-Term Residential Rentals

- §12-40. Definitions.
- §12-41. Short-Term Residential Rentals Prohibited.
- §12-42. Public Nuisance Declared.
- §12-43. Violations.

**Article I. In General.**

**Sec. 12-1. Operation of Businesses Generally.**

No business, licensed or not, shall be so conducted or operated as to amount to a nuisance in fact. (Ord. 71-66)

**Sec. 12-2. Conducting of Business, etc., so as to Create Offensive Smell or Pollution.**

It is hereby declared to be a nuisance for any person to so negligently conduct any business or use any premises as to create an offensive smell or taint the air and render it unwholesome or disagreeable to any person. (Ord. 67-3)

**Sec. 12-3. Establishing, etc., Offensive or Unwholesome Business.**

It is hereby declared to be a nuisance for any person to establish, maintain and carry on any offensive or unwholesome business within the limits of the Village or within one (1) mile of the limits thereof. (Ord. 67-3)

**Sec. 12-3.1. Prohibition of Firearm Sales.**

- (A) No person shall establish, maintain or carry on the business of firearm sales within the corporate limits of the Village or within one (1) mile of the corporate limits of the Village, such business being declared to be an offensive and unwholesome business which endangers the health and safety of citizens. The term "firearm," as used herein, shall have the same meaning as used in the Firearm Owners Identification Card Act (430 ILCS 65/1.1).
- (B) Notwithstanding anything in this Chapter to the contrary, any person who violates the provisions of this Section 12-3.1 shall be fined not less than five hundred dollars (\$500.00) nor more than one thousand dollars (\$1,000.00) for each such violation, and each day that a violation occurs shall be deemed a separate punishable offense. (Ord. 06-160)

**Sec. 12-4. Using, etc., Building or Other Place for Offensive or Dangerous Trade, Business or Manufacture.**

It is hereby declared to be a nuisance for any person to erect, continue or use any building or other place for the exercise of any trade, employment or manufacture which, by occasioning noxious exhalations, offensive smells or otherwise is offensive or dangerous to the health of any individual or the public. (Ord. 67-3)

**Sec. 12-5. Locating and Using Packing House, Tannery, Brewery, etc., without Permission of Village Board.**

It is hereby declared to be a nuisance for any person to locate and use, without first having obtained permission of the Village Board to do so, any packing house, rendery, tallow chandlery, bone factory, soap factory, tannery, brewery, distillery, livery stable, blacksmith shop or foundry.

The permission required by this Section shall be in addition to any business license required for any such business by the provisions of this Code or other Village ordinances. (Ord. 67-3)

**Sec. 12-6. Causing or Allowing Animal Carcasses, Filth, etc., to be Collected, Deposited, etc.**

It is hereby declared to be a nuisance for any person to cause or allow any animal carcass or any offal, filth or noisome substance to be collected or deposited or to remain in any place to the prejudice of any person. (Ord. 67-3)

**Sec. 12-7. Throwing, Depositing, etc., Ashes, Garbage, etc., in Street, Sewer, Building, etc.**

It is hereby declared to be a nuisance for any person to throw deposit or discharge into, or suffer to be collected or deposited or to remain in any street, alley or other public place, or in any house, building, premises, sewer, gutter, spring, well or cistern, any ashes, filth, garbage, offal, excrement, manure or other noxious substance, any rotten or decaying animal or vegetable matter, any wastepaper, rag or old garment, soot or other contents of any stovepipe, chimney, or flue, or any rubbish of any kind. (Ord. 67-3)

**Sec. 12-8. Allowing Lot, etc., to Become Offensive by Permitting Growth of Weeds or Depositing of Rubbish.**

It is hereby declared to be a nuisance for any person to allow suffer or permit any lot, premises, common or place of any kind whatsoever to become neglected so as to be offensive to other persons by weeds growing thereon or by the depositing of rubbish of any kind. (Ord. 67-3)

**Sec. 12-9. Allowing Offal, etc., to Become Putrid, etc., to Remain on Premises Longer than Five Hours.**

It is hereby declared to be a nuisance for any person permit or suffer any offal, filth, refuse, animal or vegetable matter which is liable to become putrid or offensive or injurious to health to remain on any premises used or occupied by him for a longer time than five (5) hours at any one time. (Ord. 67-3)

**Sec. 12-10. Pollution of Waters of Springs, Streams, etc.**

It is hereby declared to be a nuisance for any person to corrupt or render unwholesome or impure the water of any spring, stream, pond, or well to the prejudice or injury of any person. (Ord. 67-3)

**Sec. 12-11. Allowing Stagnant, etc., Water to Stand or Remain on Lot or Premises.**

It is hereby declared to be a nuisance for the owner or any keeper of any lot or premises to suffer to stand or remain thereon water which is or which may become stagnant, foul and offensive, as well as detrimental to the health and comfort of any person residing in the neighborhood thereof. (Code 1969; Ord. 67-3)

**Sec. 12-12. Foul, etc., Railroad Cars, Buildings, Barns, etc.**

It is hereby declared to be a nuisance for any person to keep or suffer to be kept in a foul, offensive, nauseous or filthy condition any railroad car, building, yard, cellar or sewer. (Ord. 67-3)

**Sec. 12-13. Maintaining Dangerous, Faulty, etc., Building; Abatement.**

Any building, structure or part thereof within the Village which, by reason of faulty construction, lack of repair, age, or other cause, shall be in such condition as to endanger the life or limb of persons passing by or near the same or residing or being in the vicinity thereof or

endangering any property contiguous thereto is hereby declared a nuisance and dangerous to public safety. Such nuisance may be abated or caused to be abated by resolution of the board declaring such to be a nuisance, and the costs of abatement, if any, may be assessed against the owner thereof. (Ord. 67-3)

## **Article II. Plants and Weeds.**

### **Sec. 12-14. Certain Weeds.**

Any weeds such as jimson, burdock, ragweed, thistle, cocklebur, or other weeds of like kind found growing in any lot or tract of land in the Village are hereby declared to be a nuisance, and it shall be unlawful to permit any such weeds to grow or remain in any such place. (Ord. 65-38)

### **Sec. 12-15. Weeds, Grass, Plants, etc., Growing above Certain Height.**

It shall be unlawful for anyone to permit any weeds, grass or plants, other than trees, bushes, flowers or other ornamental plants, to grow to a height exceeding six inches (6") anywhere in the Village. Any such plants or weeds exceeding such height are hereby declared to be a nuisance. (Ord. 88-21; 89-75)

### **Sec. 12-16. Notice to Abate.**

It shall be the duty of the Village Manager to serve or cause to be served a notice upon the owner or occupant of any premises on which weeds, grass or plants are permitted to grow in violation of this article and to demand the abatement of the nuisance within seven (7) days. Only one such notice shall be sent to the owner or occupant of any premises in a given calendar year, and this notice shall be a notice for the specific violation contained in said notice and notice for any other subsequent violation in that same calendar year. (Ord. 65-38; 83-66; 88-21; 14-09)

### **Sec. 12-17. Abatement by Village; Charges for Same to be Paid by Person Served with Notice.**

With respect to a nuisance caused by weeds, if the person served with the notice required by Section 12-16 does not abate the nuisance within seven (7) days from mailing of the notice, the Village Manager may direct and proceed to abate said nuisance, keeping an account of all expenses incurred in such abatement and shall cause a bill for said expenses to be sent to the owner, occupant or other responsible party for payment. An interest rate of eight percent (8%) per annum shall accrue on all such expenses incurred until paid by the owner or occupant of the premises or other responsible party.

Only one such notice shall be sent to the owner or occupant of any premises in a given calendar year, and this notice shall be a notice for the specific violation contained in said notice and notice for any other violation in that same calendar year.

After any one (1) notice has been sent to the owner or occupant of any premises in any one (1) calendar year, the Village Manager may, at any time after a period of seven (7) days having expired from the date of mailing of said notice, direct and proceed to abate such nuisance and continue to abate such nuisance each and every time there is a violation of this Article in a given calendar year. (Ord. 65-38; 78-53; 83-66; 87-7; 88-21; 15-04)

**Sec. 12-18. Charges for Removal of Lien on Property; Procedure upon Failure to Pay Bill for Same Generally.**

Charges for such weed removal as provided for in Section 12-17 shall be a lien upon the premises where such nuisance occurs. Within sixty (60) days after the Village has incurred the expense for weed removal, the Village Manager shall cause to be filed with the recorder of deeds of the county a statement of lien claim. This statement shall contain a legal description of the premises, the expenses and costs incurred, the date the weeds were cut, and a notice that the Village claims a lien for this amount. The Village shall impose a seventy-five dollar (\$75.00) administrative fee to record the lien and a seventy-five dollar (\$75.00) administrative fee to release the lien.

Notice of such lien shall be mailed to the owner of the premises if his address is known; provided, that failure of the Village Manager to record such lien claim or to mail such notice, or the failure of the owner to receive such notice, shall not affect the right to foreclose the lien for such charges as provided in Section 12-19. (Ord. 65-38; 87-7; 26-19)

**Sec. 12-19. Foreclosure of Lien.**

Property subject to a lien for unpaid weed cutting charges shall be sold for nonpayment 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 shall be in equity in the name of the Village.

The Village Attorney is hereby authorized and directed to institute such proceedings in the name of the Village in any court having jurisdiction over such matter, against any property for which such bill has remained unpaid sixty (60) days after it has been rendered. (Ord. 65-38)

**Article III. Construction Noise.**

(Established by Ord. 90-117)

**Sec. 12-20. Construction Noise; Prohibited Hours of Operation.**

Developers, owners of property, construction contractors, or other similarly situated persons shall not operate, nor permit to be operated, upon premises under their control, any construction equipment within one thousand feet (1,000') of an occupied residence, motel, hotel, or similar establishment between the following hours:

- (A) Mondays through Saturdays between the hours of 7:00 p.m. and 7:00 a.m.

(B) Sundays and holidays that are observed by the Village of Addison between the hours of 7:00 p.m. and 8:00 a.m.

The above time limitations shall not apply to construction work that is of an emergency nature; provided, however, that the Director of Community Development shall be notified as soon as possible of the nature of the emergency and the cause thereof.

**Sec. 12-21. Modification of Hours of Operation.**

Requests to modify or deviate from the above requirements shall be filed with the Director of Community Development in writing. A request to modify or deviate from the above requirements shall be allowed for good cause only and must be approved in writing by the Village Manager before any modifications or deviations can occur.

**Sec. 12-22. Penalty.**

Any person having a beneficial or ownership interest in property upon which construction is occurring and any developer, contractor or other person engaged in construction work who permits the operation of construction equipment thereon in violation of this Article shall be fined not less than one hundred dollars (\$100.00) and not more than five hundred dollars (\$500.00) per violation, and each day upon which a violation occurs shall be considered a separate offense.

**Article IV. Landscape Waste Composting.**

(Established by Ord. 91-8)

**Sec. 12-23. Definitions.**

For the purposes of this Article, the following terms shall have the meanings hereinafter set forth:

**Composting** means the process of mixing landscape waste, whereby the landscape waste decays to create compost for fertilizing and conditioning land.

**Landscape waste** means all accumulations of grass or shrubbery cuttings, leaves, tree limbs and other materials accumulated as the result of the care of lawns, shrubbery, vines and trees.

**Sec. 12-24. Acts Prohibited.**

No person shall engage in the storage or composting of landscape wastes unless the composting operations meet the requirements of this Article.

**Sec. 12-25. Location of Composting Areas.**

No landscape waste composting operation shall be located:

- (A) Within ten feet (10') of the nearest wall of any principal building or structure;
- (B) Within the front or side yard areas of the lot;
- (C) In a rear yard less than five feet (5') from any property line, or out of easement.

**Sec. 12-26. Composting Structure.**

The composting structure shall not occupy more than thirty (30) square feet of the rear yard area and shall not exceed four feet (4') in height. No material other than landscape waste shall be placed in any composting structure.

**Sec. 12-27. Restrictions as to Composting.**

No person shall engage in a composting operation which:

- (A) Causes the creation of putrid, malodorous or offensive materials;
- (B) Is injurious to the public health, safety or welfare; or
- (C) Becomes a habitat for insects or vermin.

**Sec. 12-28. Penalties.**

In addition to the charges otherwise provided for, any person who violates any provision in this Chapter 12 shall be subject to a fine of not less than twenty-five dollars (\$25.00) and not more than five hundred dollars (\$500.00) for such violation. Each day that the owner, occupant, or other responsible person allows the violation to continue shall be considered a separate offense. (Ord. 87-7)

**Article V. Tree and Shrub Maintenance**  
(Amended in its Entirety by Ord. 09-04)

**Sec. 12-29. Maintenance of Nuisance Vegetation Prohibited.**

It shall be unlawful for the owner of any property in the Village to maintain any nuisance vegetation upon said property. For the purpose of this Article, "nuisance vegetation" shall mean:

- (A) One or more trees infected with Dutch Elm disease;
- (B) One or more trees infected with Oak Wilt disease;
- (C) One or more trees infected by the Emerald Ash borer; or
- (D) Any tree, shrub or part thereof (including firewood) existing anywhere in the Village that is:

- (1) Interfering with the use of any public area;
- (2) Infected with a plant disease;
- (3) Infested with insects; or
- (4) Endangering the life, health or safety of other trees/shrubs, persons or property.

**Sec. 12-30. Notice to the Owner.**

No person shall permit any vegetative nuisance as defined in Section 12-30 of this Article to remain on any premises owned or controlled by him/her within the Village. Upon determination by the Director of Public Works, or his/her designee that any nuisance vegetation, as herein defined, exists in or upon any private premises, he/she shall give written notice to the owner and the tenant having charge of such premises, if any, to treat, remove or otherwise control such vegetation in such manner as will abate such nuisance. The owner or tenant shall cause treatment, removal or control of the nuisance as directed in the written notice. The written notice shall advise the owner and tenant, if any, that the following standards apply to certain tree-related nuisances:

(A) Dutch Elm Disease

- (1) Removal within twenty (20) days of notification.
- (2) Logs or branches may not be stored or used as firewood unless all bark has been removed.

(B) Oak Wilt Disease

- (1) Removal within twenty (20) days of notification.
- (2) Logs or branches may not be stored or used as firewood unless all bark has been removed.

(C) Emerald Ash Borer

- (1) Removal within the time period specified in the notice.
- (2) Logs or branches may not be stored or used as firewood,
- (3) Contractors hired for tree removal shall have EAB Compliant status with the Illinois Department of Agriculture.

The notice shall further notify the owner and tenant, if any, that, should the nuisance vegetation not be removed, including dead wood, the Village may move the nuisance vegetation, place a lien upon the property for the cost of removal, and/or fine the owner or tenant for violation of this Chapter. (Ord. 13-50)

**Sec. 12-31. Abatement by the Village.**

- (A) Should the owner or tenant, if any, neglect or refuse to comply with the terms of the written notice within the amount of time specified in the notice, the Director of Public Works or his/her designee shall cause the treatment, removal or other control of the nuisance, subject to the liens and/or penalties as provided in this Article. In addition, citations for violations may be issued by the Director of Public Works or his/her Designee.
- (B) The Village Forester shall have the authority and jurisdiction to restrict tree maintenance activities within the Village limits to reduce the spread of infectious diseases and/or insects.
- (C) It shall be unlawful for any person to unreasonably hinder, prevent, delay or interfere with the Village Forester, the Director of Public Works, or his/her agents while engaged in the execution of this Article.
- (D) The Village may file a lien against the property for the Village's reasonable costs incurred in the execution of this Article and abatement of the nuisance. (Ord. 13-50)

**Sec. 12-32. Treatment of Village Trees and Shrubs.**

All trees, shrubs or parts thereof on public property shall be subject to treatment and/or removal when it is determined by the Village Forester or his/her designee that the trees or shrubs constitute an immediate or future health hazard or when they have become unsightly, infested, diseased or dead. The Village Forester or his/her designee shall have the discretion to determine the most appropriate course of action to prevent or treat such conditions.

The Village Forester shall further have the authority and jurisdiction to regulate the planting, maintenance and removal of trees on public property and, subject to private property tree and vegetation regulations, to insure safety or preserve the aesthetics of such public sites.

**Sec. 12-33. Penalty.**

In addition to the lien provided for in Section 12-32 hereof, any person violating the provisions of this Chapter shall be fined not less than one hundred dollars (\$100.00) nor more than five hundred dollars (\$500.00) for each offense; and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

**Article VI. Chronic Nuisance Property Abatement**

(Amended in its Entirety by Ord. 16-10)

**Sec. 12-34. Violation.**

- (A) It shall be unlawful for any property within the Village to become or remain a chronic nuisance property in violation of this Article.
- (B) It shall be unlawful for any person or person in charge to:

- (1) Suffer or permit a property to become a chronic nuisance property; and
  - (2) Allow a property to continue as a chronic nuisance property.
- (C) Each day on which a violation of this Article continues shall be considered a separate and distinct offense.

**Sec. 12-35. Definitions.**

The following words, terms and phrases, when used in this Article, shall have the meanings ascribed to them in this Section, except where the context clearly indicates a different meaning:

**Director of Police** means the Director of Police of the Village of Addison or his designee.

**Chronic nuisance property** means property upon which three (3) or more nuisance activities have occurred within a 12-month period as a result of any three (3) separate factual events that have been independently investigated by any law enforcement agency.

**Control** means the ability to regulate, restrain, dominate, counteract, or govern conduct that occurs on that property.

**Nuisance activities** means any of the following activities, behaviors, or conduct, as defined by federal, state, or Village ordinance:

- (1) Disorderly conduct as defined in 720 ILCS 5/26-1.
- (2) Unlawful use of weapons as defined in 720 ILCS 5/24-1 *et seq.*
- (3) Mob action as defined in 720 ILCS 5/25-1.
- (4) Discharge of a firearm as defined in 720 ILCS 5/24-1.2 and 1.5.
- (5) Gambling as defined by 720 ILCS 5/28-1.
- (6) Possession, manufacture, or delivery of controlled substances as defined by 720 ILCS 570/401 *et seq.*
- (7) Public indecency as defined by 720 ILCS 5/11-9.
- (8) Assault or battery or any related offense as defined in 720 ILCS 5/12-1 *et seq.*
- (9) Sexual abuse or related offense as defined in 720 ILCS 5/12-15 *et seq.*
- (10) Prostitution as defined in 720 ILCS 5/11-14 *et seq.*
- (11) Criminal damage to property as defined in 720 ILCS 5/21-1 *et seq.*
- (12) Possession, cultivation, manufacture, or delivery of cannabis as defined in 720 ILCS 550/1 *et seq.*
- (13) Illegal consumption or possession of alcohol as defined in 235 ILCS 5/1 *et seq.*
- (14) Criminal housing management as defined in 720 ILCS 5/12-5.1.
- (15) Structure unfit for human occupancy as defined in the Village's Property Maintenance Code.
- (16) Unsafe structure as defined in the Village's Property Maintenance Code.
- (17) Unlawful structure as defined in the Village's Property Maintenance Code.
- (18) Multiple and serious violations of the Village's Property Maintenance Code

- continuing after disposition of a housing court complaint for those violations.
- (19) Activity that constitutes a violation of a felony or Class A misdemeanor pursuant to a federal or Illinois statute.

**Owner** means any person, partnership, land trust, or corporation having any legal or equitable interest in the property. Owner includes, but is not limited to:

- (1) A mortgagee in possession in who is vested:
  - (a) All or part of the legal title to the property.
  - (b) All or part of the beneficial ownership and the rights to the present use and enjoyment of the premises.
- (2) An occupant who can control what occurs on the property.
- (3) Any person acting as an agent of an owner as defined herein.

**Permit** means to suffer, allow, consent to, acquiesce by failure to prevent, or expressly assent or agree to the doing of an act.

**Person** means any natural person, association, partnership, corporation, or other entity capable of owning, occupying, or using property in the Village.

**Person in charge** means any person in actual or constructive possession of a property, including but not limited to, an owner, occupant of property under his or her ownership or control.

**Property** means any real property, including land and that which is affixed, incidental, or pertinent to land, including but not limited to, any premises, room, house, building, or structure, or any separate part or portion thereof, whether permitted or not.

#### **Sec. 12-36. Procedure.**

When the Director of Police of the Village receives one or more police reports documenting the occurrence of a nuisance activity on or within a property, the Director of Police shall independently review such reports to determine whether they describe nuisance activities.

Upon such findings, the Director of Police may:

- (A) Notify the owner and the person in charge in writing that the property is in danger of becoming a chronic nuisance property. The notice shall contain the following information:
  - (1) The street address or legal description sufficient for identification of the property.

- (2) A statement that the Addison Police Department has information that the property may be a chronic nuisance property, with a concise description of the nuisance activities that may exist or that have occurred.
  - (3) Service shall be made either personally or by first class mail, postage prepaid, return receipt requested, addressed to the person in charge at the address of the property believed to be a chronic nuisance property, or such other place which is likely to give the person in charge notice of the determination by the Director of Police.
  - (4) A copy of the notice shall be served on the taxpayer of record at such address as shown on the tax rolls of the county and/or the occupant, at the address of the property, if these persons are different from the person in charge, and shall be made either personally or by first class mail, postage prepaid.
  - (5) The failure of any person to receive notice that the property may be a chronic nuisance property shall not invalidate or otherwise affect the proceedings under this Article.
- (B) Should the owner or person in charge fail to prevent the property from becoming a chronic nuisance property, the Director of Police or his designee may commence proceedings to abate the nuisance conditions. The Village shall have the right, in its sole discretion, to pursue nuisance abatement proceedings either in the Circuit Court of DuPage County, or through administrative adjudication of building and housing violations (as provided in Article III of Chapter 30 of this Municipal Code).

**Sec. 12-37. Judicial Remedies.**

- (A) In the event the Village pursues a judicial abatement remedy and in the event that a court determines a property to be a chronic nuisance property, the court may order that the property be closed and secured against all use and occupancy for a period of time determined by the court or the court may employ any other remedy deemed by it appropriate to abate the nuisance.
- (B) In addition to the remedy provided in Subsection (A) above, the violator shall be subject to a fine of not less than seven hundred fifty dollars (\$750.00) nor more than one thousand dollars (\$1,000.00) per day, payable to the Village of Addison, for each day the owner or his agent had actual knowledge that the property was a public nuisance property and permitted the property to remain a public nuisance property.
- (C) In determining what remedy or remedies to employ, the court may consider evidence of other conduct that has occurred on the property, including, but not limited to:
  - (1) The disturbance of neighbors.
  - (2) The occurrence of other nuisances on or from the property.

- (3) The property's general reputation and/or the reputation of persons in or frequenting the property.
- (D) The court may authorize the Village to physically secure the property against use or occupancy in the event the owner fails to do so within the time specified by the court. In the event that the Village is authorized to secure the property, all costs reasonably incurred by the Village to affect the closure shall be made and assessed as a lien against the property and debt to the Village. As used herein, "costs" mean those costs actually incurred by the village for the physical securing of the property.
- (E) The Village Building Department employee effecting the closure shall prepare a statement of costs, and the Village shall thereafter submit said statement to the court for its review. If no objection to the statement is made within the period described by the court, a lien in said amount may be recorded against said property.
- (F) Any person who is assessed the cost of closure and/or civil penalty by the court shall be personally liable for the payment thereof to the Village.
- (G) The court may order the owner's, agent's, or designee's Addison Police Department Crime Free Multi-Housing Program Seminar certificate be suspended if the owner, agent or designee does not attend and complete an Addison Police Department Crime Free Multi-Housing Program Seminar Refresher Course within three (3) months from the court date. If owner, agent, or designee attended a Crime Free Multi-Housing Program Seminar in a town other than Addison, Illinois, their exemption privilege will be suspended, if they do not attend and complete an Addison Police Department Crime Free Multi-Housing Program Seminar Refresher Course within three (3) months from the court date.

**Sec. 12-38. Domestic or Sexual Violence/Disability Exception**

Pursuant to 65 ILCS 5/1-2-1.5, the term "nuisance activity" as used in this Article shall not include:

- (A) contact made to police or other emergency services, if (i) the contact was made with the intent to prevent or respond to domestic violence or sexual violence; (ii) the intervention or emergency assistance was needed to respond to or prevent domestic violence or sexual violence; or (iii) the contact was made by, on behalf of, or otherwise concerns an individual with a disability and the purpose of the contact was related to that individual's disability; or
- (B) an incident or incidents of actual or threatened domestic violence or sexual violence against a tenant, household member, or guest occurring in the dwelling unit or on the premises; or
- (C) criminal activity or a local ordinance violation occurring in the dwelling unit or on the premises that is directly relating to domestic violence or sexual violation, engaged in by a tenant, member of a tenant's household, guest, or other party, and against a tenant, household member, guest or other party.

**Sec. 12-39. Conflict Between the Village and Public Act 97.**

In the case of a conflict between the provisions of Sections 12-35 through 12-39 above and any controlling state or federal law, including Public Act 97-441 (65 ILCS 5/1-2.1-5) and Public Act 97-1150 (735 ILCS 5/9-106.2), the controlling state or federal law shall govern.

**Article VII. Short-Term Residential Rentals**  
(Established by Ord. 22-47; 23-29)

**Sec. 12-40. Definitions.**

Unless otherwise expressly stated or clearly indicated by the context, the following terms shall, for the purpose of this Article, have the meaning indicated in this section:

**Residential Premises:** A residential lot together with all buildings and structures thereon, including but not limited to yards, sheds, garages, tents, playgrounds and swimming pools, located in an R1, R2, R3, R4 and R5 zoning district within the Village of Addison, as defined in the Village of Addison Zoning Ordinance, as amended from time to time.

**Short-Term Residential Rental:** A Residential Premises, as defined herein, or any portion thereof, offered for rent or lease for a period which does not exceed thirty (30) consecutive days.

**Short-Term Residential Rental Property Owner:** The individual or entity which has legal or beneficial title to the property which is the subject of a Short-Term Residential Rental.

**Sec. 12-41. Short-Term Residential Rentals Prohibited**

- (A) It shall be unlawful for any person or entity to operate, use, offer for rent or use, or advertise for rent or use, any property within the Village of Addison as a Short-Term Residential Rental, except as set forth in section 12-42(B) below.
- (B) Notwithstanding the provisions set forth above in section 12-42(A), it shall not be considered a Short-Term Residential Rental when the preceding owner of a property maintains possession of a Residential Premises after closing for the sale thereof, but leases the property back from the successor owner for a period of less than thirty (30) days pursuant to a written agreement.

**Sec. 12-42. Public Nuisance Declared**

Operation of any Short-Term Residential Rental within the Village of Addison in violation of the provisions of this Article may be deemed a public nuisance and abated pursuant to all available remedies, including but not limited to injunctive relief. In addition to the penalties provided for herein, the Village of Addison shall be entitled to receive from the Short-Term Residential Rental Property Owner reimbursement for the cost of the Village's reasonable attorney fees, costs and

expenses incurred by the Village of Addison to abate a Short-Term Residential Rental operating as a public nuisance.

**Sec. 12-43. Violations**

Any person, firm or corporation who violates, disobeys, omits, neglects or refuses to comply with or, who resist the enforcement of any provisions of this Article shall, shall be deemed guilty of a violation punishable by a fine not less than one hundred fifty dollars (\$150.00) or more than one thousand dollars (\$1,000.00) for each offense, and each day on which a violation continues shall constitute a distinct and separate offense.