

Nuisance Properties

It shall be unlawful for any real property to become a chronic nuisance property or, once established as a chronic nuisance property, be the site of, or the subject of, any further nuisance activities for a period of one year. Any person found to be in violation of this article shall be fined no less than five hundred dollars (\$500.00) nor more than seven hundred fifty dollars (\$750.00) for each violation. Each day on which a violation of this article exists or continues shall constitute a separate and distinct offense.

Please see the following information from the Village Municipal Code for more information:

CHAPTER 3 - BUSINESS REGULATIONS

ARTICLE XXV. PUBLIC NUISANCE PROPERTIES

Sec. 3-684. Definitions:

The following words, terms and phrases, as used in this article, shall have the following meanings ascribed to them unless the context clearly indicates a different meaning:

Chief of Police. The Chief of Police of the Village of Justice or his/her designee.

Chronic nuisance property. Any real property upon, or in which, at least three separate nuisance activities have occurred within a one-year period.

Conspicuous place. The front window of a structure or, in a commercial or multi-family residential structure, in a common area visible to all occupants and visitors. In the event that no structure exists on any real property, a *conspicuous place* shall mean an area visible to a passerby of the real property.

Control. The actual or constructive ability to exercise restraint, possession or direction over the whole or a portion of any real property.

Nuisance activities. means any of the following activities, behaviors, or conduct as defined by federal, state or village law:

- (1) Any offense prohibited by Article 9 of the Criminal Code of 1961, 720 ILCS 3/9-1, et seq.
- (2) Any offense prohibited by Article 10 of the Criminal Code of 1961, 720 ILCS 5/10-1, et seq.
- (3) Any offense prohibited by Article 24 of the Criminal Code of 1961, 720 ILCS 5/24-1, et seq.
- (4) Disorderly conduct as defined in 720 ILCS 5/26-1.
- (5) Mob action as defined in 720 ILCS 5/25-1.
- (6) Gambling as defined in 720 ILCS 5/28-1.

- (7) Possession, manufacture, or deliver of controlled substances as defined in 720 ILCS 570/401, et seq.
- (8) Public indecency as defined in 720 ILCS 5/11-9.
- (9) Assault, battery or any related offense as defined in 720 ILCS 5/12-1, et seq.
- (10) Sexual abuse or related offenses as defined in 720 ILCS 5/12-15, et seq.
- (11) Prostitution as defined in 720 ILCS 5/11-14, et seq.
- (12) Keeping a place of prostitution as defined in 720 ILCS 5/11-17.
- (13) Criminal damage to property as defined in 720 ILCS 5/21-1, et seq.
- (14) Possession, cultivation, manufacture, or deliver of cannabis as defined in 720 ILCS 550/1, et seq.
- (15) Any offense prohibited by the Illinois Controlled Substance Act, 720 ILCS 570/100, et seq.
- (16) Illegal consumption or possession of alcohol as defined in 235 ILCS 5/1, et seq.
- (17) Criminal housing management as defined in 720 ILCS 5/12-5.1.
- (18) Interference with public officers as defined in 720 ILCS 5/31-1, et seq.
- (19) Pandering as defined in 720 ILCS 5/11-16.
- (20) Obscenity as defined in 720 ILCS 5/11-20.
- (21) Child Pornography as defined in 720 ILCS 5/11-20.1.
- (22) Harmful materials to minors as defined in 720 ILCS 5/11-21.
- (23) Kidnapping and related offenses as defined in 720 ILCS 5/10-1, et seq.
- (24) Possession of explosives or incendiary devices as defined by 720 ILCS 5/20-2, et seq.
- (25) Any other offense that constitutes a felony or Class A misdemeanor pursuant to any federal or Illinois statute.
- (26) Violations of the Justice Municipal Code, Chapter 3, Business Regulations.
- (27) Violations of the Justice Municipal Code, Chapter 5, Health and Sanitation.
- (28) Violations of the Justice Municipal Code, Chapter 6, Motor Vehicles and Traffic.
- (29) Violations of the Justice Municipal Code, Chapter 7, Offenses and Miscellaneous Provisions.
- (30) Violations of the Justice Municipal Code, Chapter 8, Planning and Development.
- (31) Violations of the Justice Municipal Code, Chapter 10, Streets, Sidewalks, Driveways and Parking Lots.
- (32) Violations of the Justice Municipal Code, Chapter 11, Utilities.

(33) Violations of the Justice Municipal Code, Chapter 12, Zoning.

Occupant. A person that resides in or occupies any real property.

Owner. shall mean the person that holds legal title to real property, except: (1) if legal title is held by a land trust, owner shall also include the beneficial owner or owners of the land trust; and (2) if there is a purchaser or purchasers under a real estate installment sales contract, owner shall also include the purchaser or purchasers.

Person. Any natural person, association, partnership, corporation, or other entity.

Property manager. A person that manages or operates any real property on behalf of an owner or who exercises control over any common area of real property including, but not limited to, a management company, condominium association, townhome association, homeowner association, or similar entity.

Real property. Any land and anything affixed, incidental, or pertinent thereto, including but not limited to, any premises, house, building, or structure, or any separate part or portion thereof, including, but not limited to, any room, unit, apartment, condominium, and/or common area.

(Ord. 2013-13 § 1, 7-22-2013)

 **Sec. 3-685. Violation:**

It shall be unlawful for any real property to become a chronic nuisance property or, once established as a chronic nuisance property, be the site of, or the subject of, any further nuisance activities for a period of one year.

(Ord. 2013-13, § 1, 7-22-2013)

 **Sec. 3-686. Classification Extension:**

Each nuisance activity occurring on any real property within one year after said real property has been established as a chronic nuisance property shall extend the expiration of said classification to one year from the date of the most recent finding that a nuisance activity has occurred on the chronic nuisance property.

(Ord. 2013-13, § 1, 7-22-2013)

 **Sec. 3-687. Liability; Defenses:**

Owners, property managers, and occupants of real property shall be jointly and severally responsible for violations occurring on any real property under their control. It shall not be a defense that an owner, property manager, or occupant: 1) did not personally commit the nuisance activity(ies); 2) were not present when the nuisance activity(ies) took place; or 3) lack(s)(ed) knowledge that the nuisance activity(ies) was/were about to take or took place upon any real property.

(Ord. 2013-13, § 1, 7-22-2013)

 **Sec. 3-688. Penalty:**

Any person found to be in violation of this article shall be fined no less than five hundred dollars (\$500.00) nor more than seven hundred fifty dollars (\$750.00) for each violation. Each day on which a violation of this article exists or continues shall constitute a separate and distinct offense.

(Ord. 2013-13, § 1, 7-22-2013)

 **Sec. 3-689. Procedure:**

The following shall constitute the process governing determinations of chronic nuisance properties under this article:

(1) When the Chief of Police receives one or more police or other reports documenting the occurrence of a nuisance activity on or within any real property, he shall independently review such reports to determine whether or not they constitute nuisance activities as defined in this article.

(2) Upon a finding of at least two nuisance activities have occurred on any real property within a one-year period, the Chief of Police shall use his/her best efforts to issue a written warning to the owner, property manager, and/or occupant, as the case may be, notifying them that the real property is in danger of becoming a chronic nuisance property. The warning shall identify the address of the real property, any relevant portion thereof, a concise description of the nuisance activities and the date they occurred, a warning that the real property shall be declared a chronic nuisance property if any other nuisance activities take place on the real property within a specified period of time, and that fines and/or injunctive relief will be sought if the property is declared a chronic nuisance property. Failure to send a warning shall not adversely affect whether real property may be declared a chronic nuisance property.

(3) Upon a finding of at least three nuisance activities within a one-year period, the Chief of Police shall issue a written citation to the owner, property manager and/or occupant, as the case may be, which shall include the following information: (i) the street address of the real property and any relevant portion thereof; (ii) a declaration that the identified real property has been declared a chronic nuisance property; and (iii) a concise description of the nuisance activities that exist or have occurred which have caused the real property to be declared a chronic nuisance property and the date said nuisance activities occurred. The facts set forth in a citation shall be taken as prima facie true and correct. Citations issued under this article shall be administered through Justice Municipal Code, § [1-17](#), Administrative Adjudication.

(4) In the event any real property is found to be a chronic nuisance property, the owner, property manager and/or occupant shall be required to post in a conspicuous place a notice that the real property has been declared a chronic nuisance property by the Village of Justice on a form to be provided by the Chief of Police which shall identify the specific nuisance activities that caused said classification to be found, and a warning that any further nuisance activities taking place on the real property by a specified date shall be cause for further fines and/or injunctive relief. It shall be unlawful for: (i) any owner, property manager, or occupant to suffer or permit any such posted notice to be removed, altered or defaced before or while the real property constitutes a chronic nuisance property; or (ii) any person to remove, alter or deface a posted notice before or while the real property constitutes a chronic nuisance property. In the event an owner and/or property manager has control over real property declared a chronic

nuisance property in which occupants, other than themselves reside, copies of said notice shall also be sent to each occupant by certified mail return/receipt requested, within fifteen (15) days after the real property has been declared a chronic nuisance property. A copy of the letter and return receipts shall be filed with the Village of Justice Police Department no later than thirty (30) days after the real property has been declared a chronic nuisance property. It shall be unlawful to fail to post and/or deliver and file the notices required by this subsection.

(5) Nothing herein shall constitute a waiver or prevent the Village of Justice from instituting a civil action to: (i) seek an order to classify any real property as a chronic nuisance property; (ii) seek an order imposing fines for violations of this article; (iii) seek injunctive relief requiring any owner, property manager and/or occupant to take action to abate any nuisance activity ongoing or existing on any chronic nuisance property; or, (iv) seek injunctive relief requiring an owner, property manager, and/or occupant to take certain action (or refrain from taking certain action) so as to prevent a chronic nuisance property from being the site of, or the subject of, any further nuisance activities for a period of one year.

(6) A nuisance activity, of which three or more occurrences may cause real property to become a chronic nuisance property, may individually constitute separate and distinct violations of the Justice Municipal Code. Nothing herein shall prevent the prosecution of individual violations of the Justice Municipal Code as they occur even though they may be additionally considered as nuisance activities for purposes of declaring real property a chronic nuisance property under this chapter.

(Ord. 2013-13, § 1, 7-22-2013)