

VILLAGE OF ASHMORE  
COLES COUNTY, ILLINOIS

ORDINANCE NO.25-0624A

AN ORDINANCE AMENDING CHAPTER I OF TITLE 3 OF THE VILLAGE CODE  
OF ASHMORE, Illinois,  
(Nuisance Regulations)

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ADOPTED BY THE

VILLAGE BOARD

OF THE

VILLAGE OF ASHMORE

THIS 22<sup>nd</sup> DAY OF July, 2025.

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PUBLISHED IN PAMPHLET FORM BY AUTHORITY OF THE VILLAGE BOARD  
OF THE VILLAGE OF ASHMORE, COLES COUNTY, ILLINOIS,

THIS 25<sup>th</sup> DAY OF July, 2025

**ORDINANCE NO. 25-0624A.**

**AN ORDINANCE AMENDING CHAPTER 1 OF TITLE 3 OF THE VILLAGE CODE  
OF ASHMORE, ILLINOIS  
(Nuisance Regulations)**

**WHEREAS**, the corporate authorities of municipalities are empowered by 65 ILCS 5/11-20-5 to do all acts and make all regulations which may be necessary or expedient for the promotion of health and suppression of diseases; and,

**WHEREAS**, the corporate authorities of municipalities are further empowered by 65 ILCS 5/11-60-2 to define, prevent and abate nuisances; and,

**WHEREAS**, the corporate authorities of municipalities are authorized pursuant to 65 ILCS 5/11-20-13 and 65 ILCS 5/11-19-5 to remove junk, garbage and debris from private property and may regulate the method of disposal thereof, and may, when the owner, after reasonable notice, refuses or neglects to remove such garbage or debris, to attach a lien on said private property for the costs thereof; and,

**WHEREAS**, the corporate authorities of municipalities are authorized pursuant to 65 ILCS 5/11-42-9 and 65 ILCS 5/11-42-10 to prohibit, locate, and regulate any offensive or unwholesome business or establishment, and may compel the cleansing, abatement, or removal of such unwholesome or nauseous house or place; and,

**WHEREAS**, the corporate authorities of municipalities are authorized pursuant to 65 ILCS 5/11-31-1, et. seq. to demolish, repair, or enclose dangerous and unsafe buildings and may remove garbage, debris, and other hazardous, noxious, or unhealthy substances or materials and attach a lien for the costs thereof; and,

**WHEREAS**, the Village of Ashmore, Illinois, currently exercises its authority to regulate the nuisances within the corporate limits of the Village of Ashmore pursuant to Chapter I of Title 3 of the Village Code of Ashmore, Illinois; and,

**WHEREAS**, after careful consideration, it has been determined by the Village Board of Trustees of the Village of Ashmore, Illinois, that it would be in the best interest of the citizens of the Village of Ashmore, Illinois, that certain amendments be made to said Chapter I of Title 3 of the Village Code of Ashmore, Illinois, as previously amended from time to time, as provided for herein; and,

**WHEREAS**, the corporate authorities of the Village of Ashmore, Illinois, deem it necessary to enact the following Ordinance in order to protect the health, safety, and welfare of the public.

**NOW, THEREFORE, BE IT HEREBY ORDAINED BY THE BOARD OF  
TRUSTEES OF THE VILLAGE OF ASHMORE, ILLINOIS, THAT:**

**Section 1:** The findings made in the prefatory portion of this Ordinance are hereby adopted.

**Section 2:** Section 3-1-2 of the Village Code of Ashmore, shall be amended to add the following definitions:

"DANGEROUS AND UNSAFE BUILDING: A building that, because of its condition constitutes a hazard to the health or safety of persons, or to the safety of other property, whether real or personal property; or, a building not suited for occupancy, or for the purposes for which it was intended, or any building which, because of its lack of proper repair or maintenance, depreciates the appearance or value of the neighborhood in which it is located, or any building which, because of lack of proper repair or maintenance, could cause injury or damage to persons or property, or any building which was not constructed in whole or in part in accordance with any building, electrical, or fire ordinances of this Village or statutes of the State of Illinois. Any building, which has one or more of the following defects, shall be deemed to be a Dangerous and Unsafe Building:

1. Any building whose walls or vertical members list, lean, or buckle to such an extent that a plumb line suspended from the top edge of such member shall fall outside of a distance from the edge equal to one-third ( $1/3$ ) of the thickness of such members.
2. Any building which has a support member or members which have deteriorated to such an extent as to be unable to safely support the applied loads or which have forty (40%) percent damage or deterioration of the non-supporting, enclosed or outside walls or covering.
3. Any building which has improperly distributed loads upon the floors or roofs or in which the same are overloaded or which have insufficient strength to be reasonably safe for the purpose used.
4. Any building which has been damaged by fire, wind or other causes so as to have become dangerous to life, safety or the health and welfare of persons or to the safety or value of other property, whether real or personal.
5. Any building which has parts thereof which are so attached that they may fall and injure persons or property.
6. Any building which has wiring that is dangerous due to lack of insulation, improper fuses, inadequate grounding, lack of capacity of wires or other dangerous conditions.
7. Any building which, by reason of faulty construction, age, lack of proper repair, or any other cause, has become especially liable to Fire,

and constitutes or creates a fire hazard, or has become liable to cause injury or damage by collapsing or otherwise.

8. Any building which is dangerous to the public health because of its construction or condition, or which may cause or aid in the spread of disease or cause injury to the health of the occupants of it or of neighboring structures.
9. Any building which, because of its condition or because of lack of doors or windows, is available to and frequented by persons who are not lawful occupants of such building.
10. Any building which does not have an unobstructed means of egress leading to an open space at ground level.
11. Any building which has a broken windowpane or panes or in which a windowpane or panes have been broken out or removed, providing such condition has continued for more than thirty (30) days.
12. Any building in which a window or windows have been boarded up, provided, however, that the use of properly appearing window shutter or shutters over a window or windows shall not be considered boarding up as long as they do not detract from the general appearance of the area.
13. Any building which, while used as a dwelling for human habitation, does not have an installed kitchen sink in each dwelling unit properly connected to the hot and cold water supply pipes and the sewer system, or does not have an installed tub or shower and lavatory properly connected to hot and cold water supply pipes and sewer system, or does not have a flush-type water closet located in a room affording privacy and properly connected to the water supply pipes and sewer system, or does not have installed electric lighting facilities for every habitable room, or does not have installed a heating system adequate to provide necessary heat to occupants;
14. Any building in which the heating equipment is installed is not vented and maintained in good order and repair.
15. Any building in which there are leaking gas lines.
16. Any building in which bricks, blocks, boards, siding or covering forming part of the walls or other structure of such building are loose or not firmly attached or are rotted, decayed or crumbling.
17. Any building with a chimney in which bricks or blocks forming a part thereof are loose or not firmly attached or are decayed or crumbling.

18. Any building which has kept or maintained thereon, therein, or about the same, combustible or explosive material or inflammable conditions, which endanger the safety of persons or other property.
19. Any building which has a roof thereon that leaks so as to permit water to enter into any room or rooms of such building and which has not been repaired to prevent such leaks within thirty (30) days after such leaks first commenced.
20. Any building in which or about which junk, trash, paper, garbage, or materials is or are stored or kept in such a manner as could increase the possibility of rat infestation, or the spread of disease, or the hazards of fire, or injury to persons or property; or,
21. Any building which does not comply with all applicable State or local building code, fire code, life safety code, plumbing code, and/or electrical code.

Notwithstanding anything contained in this Chapter, the enumeration of certain defects herein shall not mean that a building with other defects which constitute a hazard to the health or safety of persons or to the safety of other property, whether real or personal, shall not be deemed a Dangerous and Unsafe Building.

**INOPERABLE MOTOR VEHICLE:** Any Motor Vehicle which, for a period of at least seven (7) 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 under its own motor power. The term "Inoperable Motor Vehicle" shall also mean any motor vehicle which lacks current legal registration. The term "Inoperable Motor Vehicle" shall not include a motor vehicle which has been rendered temporarily incapable of being driven under its own motor power in order to perform ordinary service or repair operations.

**MOTOR VEHICLE:** Any vehicle which is self-propelled and designed to travel along the ground and shall include, but not be limited to, automobiles, buses, motor bikes, motorcycles, motor scooters, trucks, go carts, golf carts, recreational off-highway vehicle as that term is defined in Section 1-168.8 of the Illinois Vehicle Code, All-terrain vehicle, as defined in 625 TLCS 5/1-101.8 including any four-wheeler or three wheeler, recreational vehicles (RV), campers, lawnmowers, trailers, construction equipment and heavy machinery.

**UNLICENSED VEHICLE:** Any motor vehicle, or other vehicle or watercraft requiring a license or registration, that does not have a current registration or does not have a current renewal sticker or license or does not have a license plate affixed to the vehicle in the manner required by law."

**Section 4:** Section 3-1-3 of the Village Code of Ashmore, is hereby repealed and replaced by the following:

### "3-1-3 NUISANCES ENUMERATED:

It is hereby declared a public nuisance for any person owning, leasing, occupying or having charge or possession of any premises in the Village to maintain such premises in such manner that anyone or more of the following subsections are found to exist:

- A. ☐ Junk, Garbage and Rubbish: The keeping, storage, depositing or accumulation on the premises of any junk, garbage or rubbish, including, but not limited to, abandoned, wrecked, dismantled, unlicensed or inoperative vehicles, automotive parts and equipment, appliances, furniture, containers, packing materials, scrap metal, wood, building materials or debris which is within view of persons on adjacent property or the public right of way and which constitutes visual blight, or reduces the aesthetic appearance of the neighborhood, or is offensive to the senses, or as detrimental to nearby property or our property values; provided, however, that wood and building materials being used for a project or construction or repair or renovation for which a building permit has been obtained may be stored for such period of time as it is necessary but expeditiously to complete the project.
- B. Dirt, Gravel and Concrete: The keeping, storage, depositing or accumulation of dirt, sand, gravel, concrete, or other similar materials which constitutes visual blight or reduces the aesthetic appearance of the neighborhood, or is offensive to the senses or is detrimental to nearby property and property values.
- C. Parking in Front Yards: The parking of one or more motor vehicles in the front yard of premises.
- D. Inoperable Motor Vehicle or Unlicensed Vehicles: Parking any Inoperable Motor Vehicle or Unlicensed Vehicle, whether on public or private property, including any right-of-way, street, or alley.
- E. Vermin or Rodents: Permitting an infestation of vermin or rodents on any premises in the Village.
- F. Dangerous and Unsafe Buildings: Maintaining or permitting the existence of any Dangerous or Unsafe Building or the accumulation or storage of garbage, debris and other hazardous, noxious or unhealthy substances or materials in the Village. Furthermore, it shall be unlawful for the owner, occupant, lessee, agent or any person in custody, control, or management of any dangerous building and/or Premises to permit the same to remain in a dangerous or unsafe condition or to occupy such building or Premises or permit it to be occupied while it is or remains in a dangerous or unsafe condition.
- G. Obstruction on Public Property: Obstructing or encroaching upon any public highway, street, alley, sidewalk, right-of-way, or public easement.
- H. Tarps: To cover any structure or building, or any portion thereof, with a canvas tarp, or similar material for more than a seven (7) calendar day period.

- I. Fences and other structures: To maintain any fence or other structure which is falling, decayed, dilapidated, or in an unsafe condition.
- J. Fire Hazards, Rubbish, Sewage and Pollution of Waters: Any condition in violation of Chapter 2 of this title.
- K. Grass, Weeds And Noxious Matter: Any premises or village right way adjacent to that premises on which the owner or person having control or the agent or the person having control permits any grass (except decorative grass used for landscaping purposes) or weeds over eight inches (8") in height, or deleterious, unhealthful growth, for other noxious matter to grow, lie or locate thereon.
- L. Bulk Waste: The keeping, storage, depositing or accumulation of bulk waste. The keeping of bulk waste shall not be permitted on open porches, carports, open garages, pavilions or similar structures.
- M. Non-maintained Property: Any premises which is not maintained so as to pose a threat to the health, safety, or welfare of the public, is littered with animal feces, or which has improperly maintained trees, shrubs or vegetation that poses a threat to the health, safety or welfare of the public or has conditions which constitute a mosquito harborage."

**Section 5:** Section 3-1-6 of the Village Code of Ashmore, is hereby repealed and replaced by the following:

**"3-1-6: Notice to Abate:**

Upon discovery of any violation of this Chapter by the corporate authorities of the Village or personnel/agency charged with the enforcement of this Chapter, the person, corporation, association, company, owner, occupant, or agent causing, allowing, or permitting such violation shall be issued a notice to abate, by regular United States Mail, postage prepaid, stating the date, place, and condition complained of, and shall direct the Person, corporation, association, company, owner, occupant or agent causing, allowing or permitting such violation to rectify the violation within ten (10) days. Notwithstanding anything contained herein to the contrary, upon discovery of any violation of subparagraph **K** of Section 3-1-3 of this Chapter, the corporate authorities of the Village or personnel/agency charged with the enforcement of this Chapter may, in lieu of sending a written notice to abate, post a notice on the premises."

**Section 6:** Section 3-1-9 of the Village Code of Ashmore, is hereby repealed and replaced by the following:

**"3-1-9: Complaint or Citation for Violation: Penalties:**

- A. Enforcement: This Ordinance shall be enforced by the Village Attorney serving the Village, officers of the Coles County Sheriff's Department, or such police officers employed by or acting on behalf of the Village, the Coles County Health Department, and/or the corporate authorities of the Village or such other person or agencies so designated by the corporate authorities of the Village.
- B. Complaint or citation: In the event the person, corporation, association, company, owner, occupant or agent fails to rectify the violation within said ten ( 10) day notice period provided in the Section 3-1-6 of this Chapter, any violation of this chapter will, unless otherwise specified, result in the issuance of a complaint or citation for an ordinance violation by any person or agency charged with the enforcement of this Chapter.
- C. Penalties: Any Person(s), owner(s), occupant(s), lessee(s), and/or agent(s) in custody, control or management of a Premises who violates any provision of this chapter shall be subject to a fine of not less than \$ 1 00.00, nor greater than \$750 plus all costs of the village and prosecuting the ordinance violation including the village attorney fees and expenses to be court costs both before and after tiling such complaint or citation. A separate offense may be deemed committed on each day during or on which violation occurs or continues.
- D. Temporary Restraining Order or Injunction: In any action or proceeding brought pursuant to the provisions of this chapter, the Circuit Court shall have the power and, in its discretion, may issue a temporary restraining order or a temporary injunction, as well as permanent injunction, upon such terms and under such conditions as will do justice and enforce the provisions of this chapter.
- E. Nuisance Abatement: in addition to the foregoing, the Village shall have such powers to abate a nuisance as may be provided by law and to attach a lien on the subject premises for the cost thereof."

**Section 7:** Except as specifically modified by this Ordinance, the remaining provisions Chapter I of Title 3 of the Village Code of Ashmore, Illinois, shall remain in full force and effect.

**Section 8:** This Ordinance shall be in full force and effect from and after its passage and approval and may be published in pamphlet form as required by law.

**Section 9:** In the event that a court of competent jurisdiction finds that any provision of this Ordinance is invalid, then the remaining provisions of this Ordinance shall remain in full force and effect.

Placed on file this 24th day of June, 2025.

Presented, passed and approved this 22nd day of July 2025.

Published in pamphlet form this 25th day of July ,2025.

Trustee Bill Edwards	<u>x</u>
Trustee Thomas Grissom	<u>          </u>
Trustee Kyle Sims	<u>x</u>
Trustee Terry Price	<u>x</u>
Trustee L. Bryan Watson	<u>x</u>
Trustee Cathy Welborn	<u>x</u>

YEAS: 5

NAYS:           

ABSENT: 1

**VILLAGE OF ASHMORE, ILLINOIS**

Kurt Crail  
Kurt Crail, Village President

ATTEST:

Michelle Redd  
Michelle Redd, Village Clerk

STATE OF ILLINOIS                    )  
  ) SS.  
COUNTY OF COLES                    )

I, Michelle Redd, Village Clerk of the Village of Ashmore, Coles County, Illinois, do hereby certify that the foregoing pages constitute a true and correct copy of Ordinance No. 25-0624A of said Village passed and approved on the 22<sup>nd</sup> day of July 22, 2025,

I do further certify that said Ordinance has been spread at length upon the permanent records of said Village where it now appears and remains in my office in Ashmore, Illinois.

Dated this 25<sup>th</sup> day of July 2025.

(SEAL)

  
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Michelle Redd, Village Clerk

