

ORDINANCE NO. 1062

**AN ORDINANCE AMENDING CHAPTER 211, SECTION 211-2 OF THE
EL PASO MUNICIPAL CODE REGARDING NUISANCES**

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WHEREAS, the City of El Paso is a municipal corporation organized and existing under the Illinois Municipal Code, 65 ILCS 5/1-1-1, *et seq.*; and

WHEREAS, the Illinois Municipal Code, 65 ILCS 5/1-2-1 provides that the corporate authorities of each municipality may pass all ordinances and make all rules and regulations proper or necessary, to carry into effect the powers granted to municipalities, with such fines or penalties as may be deemed proper; and

WHEREAS, the City of El Paso has enacted an ordinance enumerating nuisances and providing that it shall be unlawful for persons to create, cause, or permit such nuisances to exist within the City of El Paso; and

WHEREAS, the City of El Paso finds it important and desirable to revise the El Paso Municipal Code to prohibit as a nuisance loud, unnecessary, or unusual noise within the City of El Paso that disturbs, injures, or endangers the comfort, repose, convenience, health, peace, or safety of others within the limits of the City; and

WHEREAS, it is in the best interest of the health, safety, and welfare of the citizens of the City of El Paso that said noise prohibitions are incorporated into Section 211-2 of the El Paso Municipal Code.

NOW THEREFORE BE IT ORDAINED by the City Council of the City of El Paso, that the Municipal Code be amended as follows:

SECTION ONE: Recitals. The foregoing recitals are incorporated as substantive provisions hereof as though fully set forth herein.

SECTION TWO: Amendment. Chapter 211, entitled “Nuisances” of Part II, entitled “General Legislation,” of the El Paso Municipal Code is hereby amended, in part, as follows:

§ 211-1 Nuisances Prohibited.

It is unlawful for any person to create, cause, or permit a nuisance to exist or be maintained within the City.

§ 211-2 Enumeration of Nuisances.

The following are declared, defined and deemed to be nuisances for the purpose of this chapter, provided, however, that the following shall not be deemed to be exclusive:

- A. All substances which emit or cause foul, obnoxious, unhealthful, putrid, noisome or disagreeable odor or effluvia, and which are objectionable or offensive to any person or persons residing near the same or to any person passing along any street, sidewalk, or alley near the same.
- B. All carcasses of animals remaining exposed for 12 hours after death.
- C. Any growth of weeds, grasses or bushes to a height greater than eight inches; provided, however, that this subsection shall not apply to planted and cultivated flowers, shrubbery, or other landscaping.
- D. All slop, foul or dirty water, filth, refuse or offal, discharged in or upon any street, avenue, sidewalk, alley, park, public square or public or private enclosure, or allowed to accumulate there, or in a pond or pool.
- E. All articles or things whatsoever, caused, kept, maintained, or permitted by any person to the injury, inconvenience, danger, detriment or annoyance of the public health, safety, or welfare.
- F. The keeping or allowing to remain on any premises of any trees, shrubs, or other vegetation infected with fungus or other diseases that will or might spread to other noninfected trees, shrubs, or other vegetation.
- G. All buildings or structures, the condition of which, through neglect or otherwise, has caused the building to become dangerous or detrimental to the public health, safety or welfare of the inhabitants of the City.
- H. Any abandoned or partially dismantled, nonoperating, unlicensed, wrecked or junked vehicle or a vehicle in a state of substantial disrepair on any street, highway or public place in the City; and any such vehicle stored in the open on any private property for more than seven days.
- I. Suffering any premises where any animal is kept to become noxious, foul, or offensive to any neighborhood, family or person.
- J. Throwing or depositing any offal or other offensive matter or the carcass of any animal in any water course, lake, pond, sewer, lagoon, spring, well or street, alley, public highway or park.

- K. Any tree or shrub which overhangs any sidewalk, street or other public place in the City in such a way as to impede or interfere with traffic or travel.
- L. Any tree or limb of a tree which has become likely to fall on or across any public way.
- M. Any uncovered pile of refuse, garbage, offal, or carcasses of dead animals not buried at least two feet below the surface of the ground.
- N. Any weeds such as jimson, burdock, ragweed, thistle, cocklebur or other weeds of a like kind found growing in any lot or tract of land in the City.
- O. Any European Barberry, also known as *Berberis Vulgaris* or its horticultural varieties, located within the City.
- P. An unkempt appearance existing on the parkway immediately adjacent to private property as caused by rubbish, debris or overgrown, uncultivated plant life. The parkway is defined to be the area between the property owner's real estate and the street, or all area surfaced by the City.
- Q. Any window or exterior door on a residence, including basement and cellar door hatchways, which is not generally weathertight and rodentproof; or is not equipped with all appropriate hardware; or is not capable of being easily opened (except for those windows designed to be permanently fixed) and any other window, exterior door or screen which is not kept in good repair.
- R. The making, continuing, or causing of any loud, disturbing or unusual noise which unreasonably annoys, disturbs, injures, or endangers the comfort, repose, convenience, health, peace or safety of others within the limits of the City. For the purposes of this section, loud, disturbing or unusual noises shall include but not be limited to the following:
 - (1) Sounding of any vehicle horn or signaling device except as reasonably necessary to warn of any impending danger;
 - (2) Playing, using, operating, or permitting to be played any sound amplifying device producing or reproducing a loud and raucous sound to be plainly audible at a distance of fifty (50) feet from the location of such device. As used herein sound amplifying device means any device utilizing electric current which amplifies a musical instrument, tuner, phonograph, magnet tape, any electronically synthesized sound or the human voice; or
 - (3) Any non-amplified disagreeable or annoying sound that unreasonably disturbs the peace and comfort of occupants of adjacent property. As used herein adjacent property is property located within fifty (50) feet of the source of such sound.

S. Construction Noise. No construction equipment causing an unreasonable and disturbing noise shall be operated in a residential zoning district between the following hours:

- (1) Monday through Friday, before 7:00 am and after 7:00 PM.
- (2) Saturday, Sunday, and Holidays (observed by the City), before 8:00 AM and after 7:00 PM.

§ 211-3 Notice of violation.

Whenever it comes to the attention of the Police Chief that there exists in the City any condition enumerated in § 211-2, he shall forthwith give the person in charge or control of the property thereof notice, served upon such person by a police officer of the City or by mailing such notice to his last known address, that such condition exists, and that he shall have seven days from the date of such service in which to remedy the same or the City shall cause the same to be remedied.


SECTION THREE: Severability. In the event that any section, clause, provision, or part of this Ordinance shall be found and determined to be invalid by a court of competent jurisdiction, all valid parts that are severable from the invalid parts shall remain in full force and effect.

SECTION FOUR: Repeal and Savings. All Ordinances or parts of Ordinances in conflict herewith are hereby repealed; provided, however, that nothing herein contained shall affect any rights, action, or causes of action which shall have accrued to the City of El Paso prior to the effective date of this Ordinance.

SECTION FIVE: Publication. The City Clerk be and is hereby authorized and directed to publish this Ordinance in pamphlet form as provided by law.

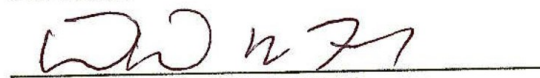
SECTION SIX: Effective Date. This Ordinance shall be in full force and effect from and after its passage, approval and publication in pamphlet form as provided by law.

APPROVED:



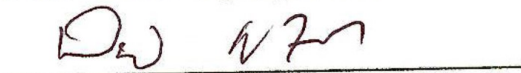
J.W. Price, Mayor

ATTEST:



David W. Fever, City Clerk

PASSED by the City Council on the 24th day of April, 2023.
APPROVED by the Mayor on the 24th day of April, 2023.
PUBLISHED in pamphlet form on the 25th day of April, 2023.



David W. Fever, City Clerk