

## **TITLE IX: GENERAL REGULATIONS**

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## CHAPTER 90: ANIMALS

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***GENERAL PROVISIONS*****§ 90.01 TITLE.**

This chapter shall be known and may be cited as the "Animal Control Ordinance".  
(Ord. 890, passed 7-13-20)

**§ 90.02 DEFINITIONS.**

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

***ANIMAL.*** Any animal, other than man, which may be affected by rabies.

***ANIMAL CONTROL OFFICER.*** Any person appointed by the Mayor and approved by the City Council to perform duties as assigned by the Mayor to effectuate this chapter.

***AT LARGE.*** Any dog shall be deemed to be at large when it is off the property of his owner and not under the control of a responsible person.

***CAT.*** Any feline, regardless of age or sex.

***CONFINED.*** Restriction of an animal at all times by the owner, or his agent, to an escape-proof building or other enclosure away from other animals and the public.

**DEPARTMENT.** The Department of Agriculture of the State of Illinois.

**DOG.** Whenever "dog" is used in this chapter it shall include any canine, female as well as a male dog, regardless of age.

**HAS BEEN BITTEN.** Has been seized with the teeth or jaws so that the person or animal seized has been nipped, gripped, wounded, or pierced, and further includes contact of saliva with any break or abrasion of the skin.

**INOCULATION AGAINST RABIES.** The injection of an anti-rabies vaccine approved by the Department.

**LEASH.** A cord, rope, strap, or chain which shall be securely fastened to the collar or harness of a dog or other animal and shall be of sufficient strength to keep such dog or other animal under control.

**OWNER.** Any person having a right of property in a dog or other animal, or who keeps or harbors a dog or other animal, or who has it in his care, or who acts as its custodian, or who knowingly permits a dog or other domestic animal to remain on or about any premises occupied by him.

**PET.** A domesticated animal, including dogs and cats.

**PET SOLID WASTE.** Waste matter expelled from the bowels of the pet; feces or excrement.

**PROPER DISPOSAL.** Placement in a designated waste receptacle, or other suitable container, including a plastic bag, securely tied, and discarded in a refuse container which is regularly emptied by the municipality or some other refuse collector; or disposal into a system designed to convey domestic sewage for proper treatment and disposal. Disposal into a stormdrain or stormwater system is strictly prohibited.

**RESTRAINT.** A dog is under "restraint" within the meaning of this chapter if he is controlled by a leash; at "heel" beside a responsible person: within a vehicle being driven or parked on the streets; or within the property limits of his owner or keeper.

**SHADE.** Protection from the direct rays of the sun.

**SHELTER.** As it applies to dogs, shall mean a moisture-proof structure of suitable size to accommodate the dog and allow retention of body heat, made of durable material with a solid floor raised at least two inches from the ground and with the entrance covered by a flexible, windproof material. Such structure shall be provided with a sufficient quantity of suitable bedding to provide insulation and protection against cold and dampness.

***VICIOUS ANIMAL.*** Any animal which has previously attacked or bitten any person or which has behaved in such a manner that the person who harbors said animal knows or should reasonably know that the animal is possessed of tendencies to attack or bite persons.

***WILD ANIMAL.*** Any live monkey or ape, raccoon, skunk, fox, snake, or other reptile, leopard, panther, tiger, lion, lynx or any other animal or any bird of prey which can normally be found in the wild state (see ILCS Ch. 510, Act 5, § 24).  
(Ord. 873, passed 6-10-19; Ord. 890, passed 7-13-20)

### **§ 90.03 RUNNING AT LARGE.**

It shall be unlawful to suffer or permit any animal as defined in this chapter to run at large in the city, and it shall be the duty of the registered owner of every such animal to keep the same safely and securely tied or confined. Any animal, as defined in this chapter, found upon any public street, sidewalk, alley, parkway or any unenclosed place, shall be deemed running at large, unless such animal is firmly held on a leash or in an enclosed vehicle. If an animal is in an unenclosed area on his owner's property, the animal is not running at large, as defined in this section.  
(Ord. 890, passed 7-13-20)

### **§ 90.04 INJURY TO PROPERTY.**

It shall be unlawful for any person owning or possessing a dog or cat to permit such dog or cat to go upon any sidewalk, parkway, or private lands or premises without the permission of the owner of such premises and break, bruise, tear up, crush or injure any lawn, flower bed, plant, shrub, tree or garden in any manner whatsoever, or to defecate thereon.  
(Ord. 890, passed 7-13-20)

### **§ 90.05 REQUIREMENTS FOR DISPOSAL, ENFORCEMENT, AND PENALTIES FOR VIOLATIONS (PET WASTE DISPOSAL).**

(A) All pet owners and keepers are required to immediately and properly dispose of their pet's solid waste deposited on any property, public or private, not owned or possessed by that person.

(B) *Enforcement.* The provisions of this section shall be enforced by the Grayville Police Department.

(C) *Violations and penalty.* Any person who is found to be in violation of the provisions of this section shall be subject to the fines described in § 90.99.  
(Ord. 873, passed 6-10-19; Am. Ord. 890, passed 7-13-20)

**§ 90.06 MANNER OF KEEPING.**

(A) *Pens, yards, or runs.* All pens, yards, runs or other structures wherein any animal is kept shall be of such construction so as to be easily cleaned and kept in good repair.

(B) *Fences.* Fences which are intended as enclosures for any animal shall be securely constructed, shall be adequate for the purpose, kept in good repair, and shall not be allowed to become unsightly.  
(Ord. 890, passed 7-13-20)

**§ 90.07 KEEPING BARKING DOGS AND CRYING CATS.**

(A) *Harboring.* It shall be unlawful for any person to knowingly keep or harbor any dog which habitually barks, howls or yelps, or any cat which habitually cries or howls to the great discomfort of the peace and quiet of the neighborhood, or in such manner as to materially disturb or annoy persons in the neighborhood who are of ordinary sensibilities. Such dogs and cats are hereby declared to be a public nuisance.

(B) *Petitions of complaint.* Whenever any person shall complain to the Police Department that a dog which habitually barks, yowls or yelps or a cat which habitually cries or howls is being kept by any person in the city, the Police Department shall notify the owner of said dog or cat that a complaint has been received and that the person should take whatever steps are necessary to alleviate the howling, yelping or crying.  
(Ord. 890, passed 7-13-20)

**§ 90.08 CRUELTY TO ANIMALS PROHIBITED.**

(A) *Cruelty to animals prohibited.* It shall be unlawful for any person to willfully or maliciously inflict unnecessary or needless cruelty, torture, abuse or cruelly beat, strike or abuse any animal, or by an act, omission or neglect, cause or inflict any unnecessary or unjustifiable pain, suffering, injury or death to any animal, whether such animal belongs to such person or to another, except that reasonable force may be employed to drive away vicious or trespassing animals. Any unwanted animals should be delivered to the appropriate Animal Control Facility for proper handling.

(B) *Food and shelter.* It shall be unlawful for any person in charge of any animal to fail, refuse, or neglect to provide such animal with food, potable water, shade or shelter, or to cruelly or unnecessarily expose any such animal in hot, stormy, cold or inclement weather, or to carry any such animal in or upon any vehicle in a cruel or inhumane manner. The terms used in this section shall comply with § 90.02.  
(Ord. 890, passed 7-13-20)

**§ 90.09 KEEPING WILD OR VICIOUS ANIMALS.**

(A) It shall be unlawful for any person to keep or permit to be kept on his premises any wild or vicious animal as described in this chapter for display or for exhibition purposes, whether gratuitously or for a fee. This section shall not be constituted to apply to zoological parks, performing animal exhibitions, or circuses.

(B) It shall be unlawful for any person to keep or permit to be kept any wild animal as a pet, unless a permit is granted by the Department of Natural Resources of the State of Illinois.

(C) It shall be unlawful for any person to harbor or keep a vicious animal within the city. Any vicious animal which is found off the premises of its owner may be seized by any police officer or humane officer and upon establishment to the satisfaction of any court of competent jurisdiction of the vicious character of/said animal, it may be killed by a police officer or humane officer; provided, however, that this section shall not apply to animals under the control of a law enforcement or military agency, nor to animals which are kept for the protection of property, provided that such animals are restrained by a leash or chain, cage, fence, or other adequate means from contact with the general public or with persons who enter the premises with the actual or implied permission of the owner or occupant.

(D) The licensing authority may issue a temporary permit for the keeping, care, and protection of any infant animal native to this area which has been deemed to be homeless.

(Ord. 890, passed 7-13-20)

**§ 90.10 HEALTH HAZARD.**

The Mayor shall have the power to issue an order prohibiting the keeping of any animal, fowl or bird which is deemed to be a nuisance or pose a health hazard to the general public.

(Ord. 890, passed 7-13-20)

**§ 90.11 LIMITATION ON NUMBER OF DOGS AND CATS KEPT.**

(A) *Nuisance.* The keeping of an unlimited number of dogs and cats in the city for a considerable period of time detracts from and, in many instances, is detrimental to the healthful and comfortable life for which such areas were created. The keeping of an unlimited number of dogs and cats is, therefore, declared to be a public nuisance. The terms "dog" and "cat" shall be construed as provided in § 90.02.

(B) *Limitation; exception.*

(1) Absent special permission granted by the Grayville City Council, it shall be unlawful for any person or persons residing within the corporate limits to keep more than five dogs and/or five cats within the city, with the exception that a litter of pups, a litter of kittens or a portion of a litter may be kept for a period of time not exceeding five months from birth.



(2) The provisions of this section shall not apply to any establishment wherein dogs or cats are kept for sporting purposes or boarding.  
(Ord. 890, passed 7-13-20)

## § 90.12 ANIMALS IN THE CITY.

(A) *Certain prohibitions.* Except as otherwise provided in this chapter, it shall be unlawful and hereby declared a nuisance for any person to keep any animal of the species of horse, mule, swine, sheep, goat, cattle, or fowl (with the exception of chickens, ducks and rabbits as herein provided) within the city. This prohibition includes skunks, poisonous reptiles, and other wildlife.

(1) Chickens, ducks and rabbits shall be allowed under certain conditions, when properly permitted.

(2) The number of allowable chickens or ducks shall be no more than 12. No roosters shall be allowed.

(3) The number of rabbits will not exceed 12.

(4) Any structures housing chickens, ducks or rabbits shall be deemed an accessory structure.

(5) Applicants shall register with City Hall to obtain a permit and have proof of registration on-site. The registration fee is ten dollars and is good for one year. The permit may be renewed annually, if the site where the chickens, ducks or rabbits are kept passes an inspection conducted by the Animal Control Officer, and the annual registration fee is paid.

(6) Care for chickens, ducks and rabbits shall follow the provisions set forth in this chapter.

(a) They shall be kept in such a way so as not to cause a nuisance.

(b) Their runs, yards, hutches and coops shall be constructed and maintained reasonably to prevent the standing of water. The structures must be kept clean of droppings, uneaten or discarded feed, feathers, fur and other waste with such frequency as necessary to ensure the yard, hutch, coop and pen do not become nuisances.

1. Coops, hutches, pens and yards shall be large enough to provide sufficient space for the animals to move about freely.

2. The coop or hutch must be built to provide ventilation, shade, protection from precipitation, protection from cold weather, and to be secure from predators, wild birds, and rodents.

3. Openings in windows and doors must be covered by wire mesh or screens to deter predators.

4. Access doors must be sized and placed for ease of cleaning.

5. The enclosed run must be attached to the coop or hutch, must surround it. The sides of the run must be made of fencing or wire mesh that discourages predators.

6. The run must be enclosed on all sides, including the top or roof plane.

7. Odors from pens, manure or related substances shall not be detectable from property lines. Manure must be disposed of. Manure may be composted. All manure not composted must be removed from property regularly.

(c) Licenses for coops and hutches must be obtained and shall meet the rules of this chapter where applicable.

1. Prior to a license being granted, the applicant must show proof of notice to all adjacent landowners except those who are municipalities or utilities.

2. A license shall not be granted unless the applicant can show proof that a pen, yard, and coop or hutch that comply with this section have been erected.

3. The chicken coop or and run or hutch shall be located in the rear of the residential structure. The pen, coop, and run or hutch are allowed in the rear yard, but not the side or front yards, absent special permission granted by the Grayville City Council.

4. The coop and run or hutch shall be located at least ten feet from the property line and at least 25 feet from any dwelling.

5. Coop or hutch licenses are personal to the permittee, and cannot be sold or assigned.

6. Licenses will only be granted to persons who reside on parcels with single family dwellings, not to applicants who live in an apartment, multi-family units, or a condominium building.

7. The city may deny a license to any person who:

a. Owes money to the city; or

b. Has, in the last five years prior to the application for a license under this section been convicted or pled guilty to any code violation involving animals, nuisance, noise, or property maintenance.

8. If the licensee under this section is found guilty of a violation of this section or of cruelty to animals, the license will be immediately and permanently revoked.

9. Applications shall be submitted to Grayville City Hall.

10. No person shall slaughter any chicken, duck or rabbit within city limits in an open area that can be viewed by the public.

11. No chicken, duck or rabbit shall be permitted to run at large. All animals shall be kept in a designated hutch, coop or run.

12. No cat or dog shall be deemed dangerous, vicious, otherwise punished for attacking or killing any chicken, duck or rabbit allowed to run astray, whether by accident or design.

13. Any resident currently owning chickens, ducks or rabbits shall have 30 days from enactment of this section to comply with all the provisions set forth.

14. If the licensee is found to be in violation of the standards set forth in this section, the first offense shall result in a written warning to comply within 48 hours. The second offense shall cause a fine to be levied in the amount of \$250. A third offense shall cause the license to be immediately and permanently revoked.

(B) *Powers of the Police Chief.* The Police Chief shall have the authority to enforce the standards set forth in § 90.11, and shall have the power to issue an order prohibiting the keeping of any animal, fowl, bird, or reptile which is deemed to pose a health hazard to the general public.  
(Ord. 890, passed 7-13-20)

### **§ 90.13 TRESPASSING ANIMALS.**

Any animal or fowl found trespassing upon private property may be captured by the party owning, controlling, or having possession of the ground or premises, or by the agent or representative of the person, and committed to the Animal Control Officer to be dealt with as provided in this chapter. Any person taking up the stray animal or fowl found running at large or trespassing upon any property, ground, or premises owned, controlled, or in possession of the person will promptly notify the Animal Control Officer of such capture. It is unlawful for any such person to fail or refuse to surrender the animal to the Animal Control Officer upon demand.  
(Ord. 890, passed 7-13-20)

***DOGS*****§ 90.25 DEFINITIONS.**

The terms used in this subchapter shall comply with § 90.02 unless otherwise provided in this subchapter.

(Ord. 890, passed 7-13-20)

**§ 90.26 DOGS TO BE INOCULATED AND TO HAVE NAME TAGS AFFIXED TO COLLARS.**

(A) Each calendar year or at such intervals as may hereafter be promulgated by the Department of Agriculture, every owner or keeper of a dog four months or more of age shall cause such dog to be inoculated against rabies. Such owner or keeper of such dog shall cause a serially numbered tag evidencing such inoculation to be attached to a collar or harness worn by the dog.

(B) Every owner or keeper of a dog, regardless of age, shall cause the dog to wear a collar or harness and shall affix thereto a metallic or other suitable tag inscribed with the name, address and phone number, if any, of the owner or keeper of the dog.

(Ord. 890, passed 7-13-20)

**§ 90.27 INOCULATION TO BE PERFORMED BY LICENSED VETERINARIAN; ISSUANCE OF CERTIFICATE.**

The inoculation of dogs required by § 90.26 shall be performed by a veterinarian duly licensed to practice his profession in this state. Upon performing such inoculation, such veterinarian shall issue to the owner or keeper a certificate showing such fact and shall also deliver to the owner or keeper a metallic or other suitable tag to be attached to the collar or harness of the dog, which tag shall also certify to the fact of the inoculation against rabies.

(Ord. 890, passed 7-13-20)

**§ 90.28 DURATION OF INOCULATION.**

The inoculation performed under the provisions of § 90.27 shall be effective until the expiration of the calendar year in which the vaccination was performed or the expiration of such period of time as may be promulgated by the Department of Agriculture.

(Ord. 890, passed 7-13-20)

**§ 90.29 SPECIFICATIONS FOR TAG.**

The tag issued under the provisions of § 90.27 shall be in such form as shall be determined by the Department of Agriculture.  
(Ord. 890, passed 7-13-20)

**§ 90.30 EXHIBITION OF CERTIFICATE UPON REQUEST.**

At any reasonable time upon request of any member of the Police Department or city employee, the owner or keeper of any unmuzzled dog shall exhibit his certificate issued under the provisions of § 90.27, showing the inoculation against rabies of any dog owned or controlled by him.  
(Ord. 890, passed 7-13-20)

**§ 90.31 RESTRAINT OF DOGS.**

The owner or keeper of a dog shall keep the dog under restraint at all times and shall not permit such dog to be at large, off the premises of the property of the owner or keeper, unless the dog is under complete control as defined in § 90.02 (see ILCS Ch. 65, Act 5, § 11-20-9).  
(Ord. 890, passed 7-13-20)

**§ 90.32 IMPOUNDMENT OF DOGS RUNNING AT LARGE OR UNLICENSED DOGS;  
CITATION OF OWNER OR KEEPER.**

(A) It shall be the duty of such city employees and officers of the Police Department as shall be designated for that purpose by the Mayor to take up and impound in such place as may be designated and set apart for that purpose, any dog found running at large or unlicensed in the city, contrary to any of the provisions of this subchapter or other regulations of the city.

(B) When dogs are found running at large or unlicensed and their ownership is known to the designated employee(s), such dogs may be impounded at the discretion of such employee(s), but the employee(s) may cite the owner of such dog to answer charges of violation of this subchapter.

(C) Any dog permitted to run at large within the city is hereby declared to be a nuisance.

(D) Any impounded dog with tags which shall not be redeemed within 14 days, may be humanely destroyed or otherwise disposed of.

(E) If the impounded dog does not have identification tags and is not redeemed within ten days, it may be humanely destroyed or otherwise disposed of.

(F) The City Council may establish a reasonable fee by motion for each day that a dog is impounded.

(Ord. 890, passed 7-13-20)

#### **§ 90.33 NOTICE AND CITATION TO OWNER OR KEEPER OF IMPOUNDMENT.**

In case of impounding, and where the owner or keeper of such dog is disclosed by any tax or license tag worn by it or is otherwise known to the officer impounding the same, the designated official shall make reasonable attempts to contact the owner, informing him of the impounding of his dog, and shall cite the owner or keeper of such dog to answer charges of violation of this subchapter.

(Ord. 890, passed 7-13-20)

#### **§ 90.34 OBSTRUCTING POUND MAINTENANCE.**

Any person(s) who shall bring any dog into the city for the purpose of causing the same to be impounded, or any person who shall resist, hinder or molest the Animal Control Officer or a police officer while engaged upon the duties imposed upon them by this subchapter, or any person who shall break into the dog pound and release or deliver any dog therefrom without having first paid the fees herein specified, or any owner or keeper of any dog who shall permit any dog to run at large within the corporate limits of the city, upon conviction of any part of this subchapter shall be fined according to the provisions of Grayville Code of Ordinances governing fines and penalties, and § 90.99.

(Ord. 890, passed 7-13-20)

#### **§ 90.35 IMPOUNDMENT OF DOGS WHICH HAVE BITTEN PERSONS.**

(A) Any dog which shall have bitten or otherwise injured any person so as to cause an abrasion of the skin, shall be immediately taken, impounded and kept separated from other dogs for ten days. If, during that period, such dog develops symptoms of illness, a veterinarian shall be called to diagnose its condition. If the symptoms disclosed are such as to indicate the presence of rabies, such dog shall be destroyed in such a manner as required to allow examination by the diagnostic laboratory of the Department of Agriculture. In case such dog cannot be safely taken up and impounded, it may be shot, care being taken to preserve the animal in such a manner as to allow examination by the diagnostic laboratory of the Department of Agriculture.

(B) If, at the expiration of the ten days, no symptoms of rabies have developed in such dog so impounded, the same may be redeemed by the owner upon payment of the redemption fees and charges specified by this subchapter; provided, however, that in case any dog so impounded for biting a person shall have previously bitten any person, such dog shall be humanely destroyed. After having been notified that his dog has bitten or otherwise injured any person, the owner or keeper thereof shall not, under any circumstances, permit such animal to be at large unless securely muzzled.  
(Ord. 890, passed 7-13-20)

#### **§ 90.36 IMPOUNDMENT.**

Those persons charged with the duty of enforcing this subchapter may employ any method found practical and humane in capturing and impounding any dog found running at large.  
(Ord. 890, passed 7-13-20)

#### **§ 90.37 REDEMPTION OF IMPOUNDED ANIMALS.**

The owner of any animal impounded under this subchapter may redeem the same by paying all the costs and charges assessed, if any, that have accrued up to the time of making the redemption and on paying the same; it shall be the duty of the authorities to release the animal from the pound and deliver it to its owner, or certify the release thereof to any county authority having possession of the animal.  
(Ord. 890, passed 7-13-20)

#### **§ 90.38 CITY POUND DESIGNATED.**

The City Council shall designate a city pound.  
(Ord. 890, passed 7-13-20)

#### **§ 90.39 DISPOSITION OF DOGS DEEMED NUISANCES.**

Any dog which may, in any manner, continually disturb the quiet of any person or neighborhood or shall destroy or in any manner, injure any animal, plant, shrub or other property not on the premises of its owner or keeper, is hereby declared to be a nuisance, and such dog shall be taken up and impounded and may be redeemed or disposed of in the manner provided for under this subchapter.  
(Ord. 890, passed 7-13-20)

**§ 90.40 DANGEROUS DOG FEMALE AT LARGE.**

It shall be unlawful for the owner or keeper of any fierce or dangerous dog or of any female dog, while in heat, to run at large within the limits of this city.  
(Ord. 890, passed 7-13-20)

***VICIOUS AND DANGEROUS DOGS*****§ 90.50 DEFINITIONS.**

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

***DANGEROUS DOG.*** Any individual dog which when either unmuzzled, unleashed, or unattended by its owner, or a member of its owner's family, in a vicious or terrorizing manner, approaches any person in an apparent attitude of attack upon streets, sidewalks, or any public grounds or places.

***ENCLOSURE.*** A fence or structure of at least six feet in height, forming or causing an enclosure suitable to prevent the entry of young children, and suitable to confine a vicious dog in conjunction with other measures which may be taken by the owner or keeper, such as tethering of a vicious dog within the enclosure. Such enclosure shall be securely enclosed and locked and designed with secure sides, top and bottom and shall be designed to prevent the animal from escaping from the enclosure.

***FOUND TO BE VICIOUS DOG.***

(1) The Mayor, an Animal Control Officer, or a law enforcement officer has conducted an investigation and made a finding in writing that the dog is a vicious dog as defined in division (1)(a) under ***VICIOUS DOG*** and, based on that finding, the Administrator, an Animal Control Officer, or the Director has declared in writing that the dog is a vicious dog; or

(2) The White or Edwards County circuit court has found the dog to be a vicious dog as defined in division (1)(a) under ***VICIOUS DOG***, and has entered an order based on that finding.

***IMPOUNDED.*** Taken into the custody of the city pound.

***VICIOUS DOG.***

(1) (a) Any individual dog that when unprovoked inflicts bites or attacks a human being or other animal, either on public or private property.



(b) Any individual dog with a known propensity, tendency or disposition to attack without provocation, to cause injury or to otherwise endanger the safety of human beings or domestic animals.

(c) Any individual dog that has a trait or characteristic and a generally known reputation for viciousness, dangerousness or unprovoked attacks upon human beings or other animals, unless handled in a particular manner or with special equipment.

(d) Any individual dog which attacks a human being or domestic animal without provocation.

(e) Any individual dog which has been found to be a ***DANGEROUS DOG*** upon three separate occasions.

(2) No dog shall be deemed "vicious" if it bites, attacks, or menaces a trespasser on the property of its owner, or harms or menaces anyone who has tormented or abused it or is a professionally trained dog for law enforcement or guard duties. Vicious dogs shall not be classified in a manner that is specific as to breed.

(3) If a dog is found to be a vicious dog, the dog shall be subject to enclosure.  
(Ord. 890, passed 7-13-20)

#### **§ 90.51 UNLAWFUL TO MAINTAIN.**

(A) It shall be unlawful for any person to keep or maintain any dog which has been found to be a vicious dog, unless such dog is at all times kept in an enclosure. The only times that a vicious dog may be allowed out of the enclosure are:

(1) If it is necessary for the owner or keeper to obtain veterinary care for the dog; or

(2) To comply with the order of a court of competent jurisdiction, provided that the dog is securely muzzled and restrained with a chain having a tensile strength of 300 pounds and not exceeding three feet in length, and shall be under the direct control and supervision of the owner or keeper of the dog.

(B) Any dog which has been found to be a vicious dog and which is not confined to an enclosure shall be impounded by the Animal Control Officer or the police, and shall be turned over to a licensed veterinarian for destruction by lethal injection.

(Ord. 890, passed 7-13-20)

**§ 90.52 OWNER'S RESPONSIBILITY.**

If the owner of the dog has not appealed the impoundment order to the circuit court in the county in which the animal was impounded within ten working days, the dog may be humanely dispatched. A dog found to be a vicious dog shall not be released to the owner until the Mayor, an Animal Control Officer, or the Chief of Police approves the enclosure as defined in this section.  
(Ord. 890, passed 7-13-20)

**§ 90.53 DOG PERMITTED TO LEAVE PREMISES.**

(A) It is unlawful for any person to maintain a public nuisance by permitting any dangerous dog or other animal to leave the premises of its owner when not under control by leash or other recognized control methods.

(B) Guide dogs for the blind or hearing impaired, support dogs for the physically handicapped, and sentry, guard, or police-owned dogs are exempt from this section; provided, an attack or injury to a person occurs while the dog is performing duties as expected.

(C) To qualify for exemption under this section, each such dog shall be currently inoculated against rabies in accordance with this subchapter. It shall be the duty of the owner of such exempted dog to notify the Mayor of changes of address. In the case of a sentry or guard dog, the owner shall keep the Mayor advised of the location where such dog will be stationed. The Mayor shall provide the police department with a categorized list of such exempted dogs, and shall promptly notify such department of any address changes reported to him.  
(Ord. 890, passed 7-13-20)

**§ 90.54 INJUNCTION.**

The Mayor, the City Attorney, or any citizen of the city in which a dangerous dog or other animal exists may file a complaint to enjoin all persons from maintaining or permitting such, to abate the same, and to enjoin the owner of such dog or other animal from permitting same to leave his premises when not under control by leash or other recognized control methods. Upon the filing of a complaint in the White or Edwards County Circuit Court, the court, if satisfied that the nuisance may exist, shall grant a preliminary injunction, with bond in such amount as the court may determine, enjoining the defendant from maintaining such nuisance. If the existence of the nuisance is established, the owner of such dog or other animal shall be in violation of this subchapter, and in addition, the court shall enter an order restraining the owner from maintaining such nuisance and may order that such dog or other animal be humanely dispatched.  
(Ord. 890, passed 7-13-20)

**§ 90.55 LIABILITY OF OWNER OR DOG ATTACKING OR INJURING PERSON.**

If a dog or other animal, without provocation, attacks or injures any person who is peaceably conducting himself in any place where he may lawfully be, the owner of such dog or other animal is liable in damages to such person for the full amount of the injury sustained.

(Ord. 890, passed 7-13-20)

**§ 90.56 RIGHT OF ENTRY; INSPECTIONS.**

For the purpose of carrying out the provisions of this subchapter and making inspections hereunder, the Mayor, or his authorized representative, or any officer of the law may enter upon private premises to apprehend a straying dog or other animal, a dangerous dog or other animal, or a dog or other animal thought to be infected with rabies. If, after request therefor, the owner of such dog or other animal shall refuse to deliver the dog or other animal to the officer, the owner shall be in violation of this subchapter.

(Ord. 890, passed 7-13-20)

**§ 90.99 PENALTY.**

Anyone violating the provisions of this chapter shall be fined not less than \$50 nor more than \$750.

(Ord. 890, passed 7-13-20)



## CHAPTER 91: FAIR HOUSING

### Section

#### *General Provisions*

- 91.01 Declaration of policy
- 91.02 Definitions
- 91.03 Unlawful practices
- 91.04 Exemptions

#### *Administration and Enforcement*

- 91.15 Procedure for filing complaint
- 91.16 Other remedies
  
- 91.99 Penalty

### **GENERAL PROVISIONS**

#### **§ 91.01 DECLARATION OF POLICY.**

It is hereby declared to be the policy of the city in the exercise of its police power for the public safety, public health, and general welfare to assure equal opportunity to all persons to live in decent housing facilities regardless of race, color, religion, sex or national origin and, to that end, to prohibit discrimination in housing by any persons.

(Ord. 510, passed 6-15-92)

#### **§ 91.02 DEFINITIONS.**

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

***DISCRIMINATION*** or ***DISCRIMINATORY HOUSING PRACTICE***. Any difference in treatment based upon race, color, religion, sex, or national origin; or any act that is unlawful under this chapter.

**FINANCIAL INSTITUTION.** Includes any person, as defined herein, engaged in the business of lending money or guaranteeing losses.

**HOUSING ACCOMMODATION or DWELLING.** Any building, mobile home or trailer, structure, or portion thereof which is occupied as, or designed, or intended for occupancy, as, a residence by one or more families, and any vacant land which is offered for sale or lease for the construction or location thereon of any such building, mobile home or trailer, structure, or portion thereof or any real property, as defined herein, used or intended to be used for any of the purposes set forth in this subsection.

**MORTGAGE BROKER.** An individual who is engaged in or who performs the business or services of a mortgage broker as the same are defined by the Illinois Compiled Statutes.

**OPEN MARKET.** The market which is informed of the availability for sale, purchase, rental or lease of any housing accommodation whether informed through a real estate broker or by advertising by publication, signs or by any other advertising methods directed to the public or any portion thereof, indicating that the property is available for sale, purchase, rental or lease.

**OWNER.** Includes a lessee, sublessee, co-tenant, assignee, managing agent or other person having the right of ownership or possession, or the right to sell, rent or lease any housing accommodation.

**PERSON.** Includes individuals, children, firms, associations, joint adventures, partnerships, estates, trusts, business trusts, syndicates, fiduciaries, corporations and all other groups or combinations.

**REAL ESTATE BROKER or REAL ESTATE SALESMAN.** Includes any individual, qualified by law who, for a fee, commission, salary or for other valuable consideration, or who with the intention or expectation of receiving or collecting same, lists, sells, purchases, rents, or leases any housing accommodations, including options thereupon, or who negotiates or attempts to negotiate such activities; or who advertises or holds himself out as engaged in such activities; or who negotiates or attempts to negotiate a loan, secured by a mortgage or other encumbrance, upon transfer of any housing accommodation; or who is engaged in the business of charging an advance fee or contracting for collection of a fee in connection with a contract whereby he undertakes to promote the sale, purchase, rental or lease of any housing accommodation through its listing in a publication issued primarily for such purpose; or an individual employed by or acting on behalf of any of these.

**REAL PROPERTY.** Includes buildings, structures, lands, tenements, leaseholds, cooperatives and condominiums.

(Ord. 510, passed 6-15-92)

**§ 91.03 UNLAWFUL PRACTICES.**

In connection with any of the transactions set forth in this chapter which affect any housing accommodation on the open market, or in connection with any public sale, purchase, rental or lease of any housing accommodation, it shall be unlawful with the city a person, owner, financial institution, real estate broker or real estate salesman, or any representative of the above:

(A) To refuse to sell, purchase, rent or lease, or deny to or withhold any housing accommodation from a person because of his race, color, religion, ancestry, national origin, sex or place of birth; or

(B) To discriminate against a person in the terms, conditions or privileges of the sale, purchase, rental or lease of any housing accommodation, or in the furnishing of facilities or services in connection therewith; or

(C) To refuse to receive or transmit a bona fide offer to sell, purchase, rent or lease any housing accommodation from or to a person because of his race, color, religion, ancestry, national origin, sex or place of birth; or

(D) To refuse to negotiate for the sale, purchase, rental or lease of any housing accommodation to a person because of his race, color, religion, ancestry, national origin, sex or place of birth; or

(E) To represent to a person that any housing accommodation is not available for inspection, sale, purchase, rental or lease when in fact it is so available, or to refuse to permit a person to inspect any housing accommodation, because of his race, color, religion, or national origin, sex or place of birth; or

(F) To make, publish, print, circulate, post or mail or cause to be made, published, printed, circulated, posted or mailed, any notice, statement or advertisement, or to announce a policy, or to sign or to use a form of application for the sale, purchase, rental, lease or financing of any housing accommodation, or to make a record of inquiry in connection with the prospective sale, purchase, rental, lease or financing of any housing accommodation, which indicates any discrimination or any intent to make a discrimination.

(G) To offer, solicit, accept or use a listing of any housing accommodation for sale, purchase, rental or lease with the understanding that a person may be subjected to discrimination in connection with such sale, purchase, rental or lease or in the furnishing of facilities or services in connection therewith; or

(H) To include directly or indirectly, or attempt to induce directly or indirectly, the sale, purchase, rental or lease, or the listing for any of the above, of any housing accommodation by representing that the presence or anticipated presence of persons or any particular race, color, religion, sex or national origin or place of birth in the area to be affected by such sale, purchase, rental or lease will or may result in either:

(1) The lowering of property values in the area;

(2) An increase in criminal or antisocial behavior in the area, or

(I) To make any misrepresentations concerning the listing for sale, purchase, rental or lease, or the anticipated listing for any of the above, or the sale, purchase, rental or lease of any housing accommodation in any area in the city listing or any of the above transactions; or

(J) To engage in, or hire to be done, or to conspire with others to commit acts or activities of any nature, the purpose of which is to coerce, cause panic, incite unrest or create or play upon fear, with the purpose of either discouraging or inducing, or attempting to induce, the sale, purchase, rental or lease, or the listing for any of the above, of any housing accommodation; or

(K) To retaliate or discriminate in any manner against a person because he has opposed a practice declared unlawful by this chapter, or because he has filed a complaint, testified, assisted or participated in any manner in any investigation, proceeding, hearing or conference under this chapter; or

(L) To aid, abet, incite, compel or coerce any person to engage in any of the practices prohibited by this chapter; or to obstruct or prevent any person from complying with the provisions of this chapter; or any order issued thereunder; or

(M) By canvassing, to commit any unlawful practices prohibited by this chapter; or

(N) Otherwise to deny to, or withhold any housing accommodations from a person because of his race, color, religion, ancestry, national origin, sex or place of birth, or

(O) For any bank, building and loan association, insurance company or other corporation, association, firm or enterprise whose business consists in whole or in part in the making of commercial real estate loans, to deny a loan or other financial assistance to a person applying therefor for the purpose of purchasing, constructing, improving or maintaining a dwelling, or to discriminate against him in the fixing of the amount, interest rate, duration, or other terms or conditions of such loans or other financial assistance, because of the race, color, religion, sex or national origin of such person or of any person associated with him in connection with such loan or other financial assistance or of the present or prospective owners, lessees, tenants, or occupants of the dwelling or dwellings in relation to which such loan or other financial assistance is to be made or given; or

(P) To deny any qualified person access to or membership or participation in any multiple-listing service, real estate brokers' organization or other service organization, or facility relating to the business of selling or renting dwellings, or to discriminate against him in other terms or conditions of such access, membership or participation, on account of race, color, religion, sex or national origin.

(Ord. 510, passed 6-15-92) Penalty, see § 10.99



**§ 91.04 EXEMPTIONS.**

This chapter shall not apply to:

(A) A religious organization, association, or society or any non-profit institution or organization operating, supervised, or controlled by or in conjunction with a religious organization, association, or society, which limits the sale, rental, or occupancy, or dwellings which it owns or operates for other than commercial purpose to persons of the same religion, or which gives preference to such persons, unless membership in such a religion is restricted on account of race, color, sex or national origin.

(B) A private club not in fact open to the public, which as an incident to its primary purpose or purposes, provides lodgings which it owns or operates for other than a commercial purpose, and which limits the rental or occupancy of such lodgings to its members or gives preference to its members.

(C) Any single-family house sold or rented by an owner provided that:

(1) Such private individual owner does not own more than three such single-family houses at any one time.

(2) In the case of the sale of any such single-family house by a private individual owner not residing in such house at the time of such sale or who was not the most recent resident of such house prior to such sale, the exemption granted by this subsection shall apply only with respect to one such sale within any twenty-four month period.

(3) Such bona fide private individual owner does not own any interest in, nor is there owned or served on his behalf, under any express or voluntary agreement, title to or any right to all or a portion of the proceeds from the sale or rental or, more than three such single-family houses at any one time.

(4) The sale or rental of any such single-family house shall be excepted from the application of this chapter only if such house is sold or rented:

(a) Without the use in any manner of the sale or rental facilities or the sales or rental services of any real estate broker, agent, or salesman, or of such facilities or services of any person in the business of selling or renting dwellings, or of any employee or agent of any such broker, agent, salesman, or person; and

(b) Without the publication, posting or mailing, after notice, of any advertisement or written notice in violation of the provisions of 42 United States Code Section 3604 (c) or of 91.03 of this chapter; but nothing in this provision shall prohibit the use of attorneys, escrow agents, abstractors, title companies, and other such professional assistance as necessary to perfect or transfer the title; or

(5) Rooms or units in dwellings containing living quarters occupied or intended to be occupied by no more than four families living independently of each other, if the owner actually maintains and occupies one of such living quarters as his residence.  
(Ord. 510, passed 6-15-92) Penalty, see § 91.99

### ***ADMINISTRATION AND ENFORCEMENT***

#### **§ 91.15 PROCEDURE FOR FILING COMPLAINT.**

Any person aggrieved by an unlawful practice prohibited by this chapter may file a complaint with the City Attorney within 30 days after the aggrieved person becomes aware of the alleged unlawful practice, and in no event more than 60 days after the alleged unlawful practice occurred. The City Attorney or his duly authorized representative shall investigate each complaint. Failure to achieve a resolution acceptable to both parties and compliance with this chapter shall cause the City Attorney to forward the complaint and his findings to appropriate state and federal officials.  
(Ord. 510, passed 6-15-92)

#### **§ 91.16 OTHER REMEDIES.**

Nothing herein contained shall prevent any persons from exercising any right or seeking any remedy to which he might otherwise be entitled or from filing his complaint with any appropriate governmental agency.  
(Ord. 510, passed 6-15-92)

## CHAPTER 92: FIRE PREVENTION

### Section

#### *General Provisions*

- 92.01 Definitions
- 92.02 Burning of agricultural waste, domicile waste, garbage and refuse prohibited; exceptions
- 92.03 Burning of landscape waste regulated; other prohibitions
- 92.04 Recreational burning regulated
- 92.05 Burning of unwanted structures, buildings and houses prohibited; exceptions

#### *Fireworks*

- 92.10 Definition
- 92.11 Possession, sale, or use of fireworks prohibited
- 92.99 Penalty

### **GENERAL PROVISIONS**

#### **§ 92.01 DEFINITIONS.**

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning:

**AGRICULTURAL WASTE.** Any refuse, except garbage and dead animals, generated on a farm by crop and livestock production practices including such items as bags, cartons, dry bedding, structural materials and crop residues, but excluding landscape waste.

**DOMICILE WASTE.** Any refuse generated as a result of domiciliary activities. The term excludes landscape waste and garbage.

**GARBAGE.** Refuse resulting from the handling, processing, preparation, cooking and consumption of food or food products.

**LANDSCAPE WASTE.** All accumulations of grass or shrubbery cuttings, leaves, tree limbs and other materials accumulated as a result of the care of lawns, shrubbery, vines or trees.

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***OPEN BURNING.*** The combustion of any matter in such a way that the products of the combustion are emitted to the open air without originating in or passing through equipment designed for the purpose of disposing of the class of refuse being burned.

***REFUSE.*** Any discarded matter; or any matter which is to be reduced in volume, or otherwise changed in chemical or physical properties, in order to facilitate its discard, removal or disposal.  
(Ord. 616, passed 3-26-01)

**§ 92.02 BURNING OF AGRICULTURAL WASTE, DOMICILE WASTE, GARBAGE AND REFUSE PROHIBITED; EXCEPTIONS.**

It shall be unlawful for any person to open burn any agricultural waste, domicile waste, garbage or refuse within the corporate limits of the city, with the exception of landscape waste, as defined herein, or to permit any burning of any such substance.  
(Ord. 616, passed 3-26-01)

**§ 92.03 BURNING LANDSCAPE WASTE REGULATED; OTHER PROHIBITIONS.**

It shall be unlawful for any person to burn landscape waste after sunset, except as allowed under § 92.04, below, or before the hour of 7:00 a.m. It shall be unlawful for any person to use the public streets and alleys of the city for such purpose at any time. All burning as regulated under this chapter shall be attended to at all times.  
(Ord. 616, passed 3-26-01)

**§ 92.04 RECREATIONAL BURNING REGULATED.**

The burning of landscape waste within the corporate limits of the city after sunset for recreational purposes (cookouts, hot dog roasts) is acceptable, as long as the following regulations are followed:

(A) The fire shall be attended to at all times;

(B) Upon completion of the recreational activity the fire shall be promptly extinguished; and

(C) The material used for the fire shall not result in heavy smoke as to cause a nuisance.

(Ord. 616, passed 3-26-01)

**§ 92.05 BURNING OF UNWANTED STRUCTURES, BUILDINGS AND HOUSES PROHIBITED; EXCEPTIONS.**

(A) *Generally.* It shall be unlawful for any person to burn unwanted structures, buildings, and houses within the corporate limits of the city.

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(B) *Exception.* The property owner can request the burning of a structure, building or house by members of the Little Wabash Fire Protection District. Upon request of the property owner, the Fire Chief of the Little Wabash Fire Protection District must apply for and obtain a Firefighter's Training Permit from the Illinois Environmental Protection Agency.  
(Ord. 616, passed 3-26-01)

***FIREWORKS*****§ 92.10 DEFINITION.**

For the purpose of this subchapter, the following definition shall apply unless the context clearly indicates or requires a different meaning.

***FIREWORKS.*** Firecrackers, torpedoes, skyrockets, Roman Candles, bombs or other fireworks of like construction and any fireworks containing any explosive compound, or any tablets or other device containing any explosive substance, or containing combustible substances producing visual effects. ***FIREWORKS*** shall not include toy pistols, toy canes, toy guns or other devices in which paper caps containing twenty-five hundredths grains or less of explosive compound are used, provided they are so constructed that the hand cannot come in contact with the cap when in place for the explosion, and toy pistol paper caps which contain less than twenty-five hundredths grains of explosive nature may be used.  
(Ord. 249, passed - - )

**§ 92.11 POSSESSION, SALE, OR USE OF FIREWORKS PROHIBITED.**

It shall be unlawful for any person to use, discharge, or have in possession fireworks described in § 92.10.  
(Ord. 249, passed - - )      Penalty, see § 92.99

**§ 92.99 PENALTY.**

(A) Any person who violates any provision of this chapter for which no penalty is otherwise provided shall be subject to the penalty set forth in § 10.99.

(B) Any person violating the provisions of § 92.11 shall be subject to a penalty of a fine of not less than \$25 nor more than \$100. (Ord. 249, passed - - )





## **CHAPTER 93: NUISANCES; HEALTH AND SANITATION**

### **Section**

#### ***General Provisions***

- 93.01 Hauling of waste materials
- 93.02 Dumping
- 93.03 Storage of refuse; seasonal vehicles
- 93.04 Distribution of advertising material

#### ***Weeds***

- 93.20 Definition
- 93.21 Responsibility of owner to maintain property; procedure
- 93.22 Notice of lien
- 93.23 Release of lien
  
- 93.99 Penalty

### ***GENERAL PROVISIONS***

#### **§ 93.01 HAULING OF WASTE MATERIALS.**

It shall be unlawful for any person, firm or corporation, in person or by his or its agent, employee, or servant, to use any vehicle to haul any kind of dirt, rubbish, waste articles, things or substance, whether liquid or solid, which might be subject to spillage, unless such vehicle is covered to prevent any part of its load from spilling or dropping at all times while such vehicle is in motion on any street or alley in the municipality. Provided, however, that the requirements herein for covering such vehicles shall not apply to vehicles carrying brush cuttings, tree trimmings, branches, logs, and similar waste material, if such matter is securely lashed to such vehicle to prevent spilling or dropping as aforesaid. (Ord. 432, passed 5-6-85) Penalty, see § 93.99



**§ 93.02 DUMPING.**

(A) No person shall haul, transport, convey, or cause to be hauled, transported, or conveyed, any trash, ashes, rubbish, refuse, junk, litter as defined herein, or other discarded or waste materials, and deposit, place, or dump the materials on any public property, street, or thoroughfare, or on any privately owned property, except on public dumps established or designated by the City Council.

(B) Nothing in this chapter shall be construed to prohibit the dumping or depositing of dirt, sand, gravel, concrete rubble, or similar materials. These substances shall be free of all trash, rubbish, or refuse materials of all kinds, and can be dumped or deposited on any lot either publicly or privately owned, when a permit is requested by the owner for the purpose of elevating the grade of the lot or the unimproved part of the lot.

(Ord. 432, passed 5-6-85) Penalty, see § 93.99

**§ 93.03 STORAGE OF REFUSE; SEASONAL VEHICLES.**

(A) (1) It is hereby declared that all inoperable vehicles, whether on public or private property and in view of the general public, are a nuisance. Any person who fails to obey a notice received from the City of Grayville which states that such person is to repair, restore or dispose of any inoperable motor vehicles under his or her control, shall be subject to the fines that may be levied pursuant to § 93.99. Additionally, if the vehicle is not removed, repaired, or restored to operating condition within seven days from the issuance of the notice by the City of Grayville, any such inoperable motor vehicle or parts thereof may be removed by City of Grayville law enforcement officers, or agents acting on their behalf. The offending vehicle owner shall have 14 days from the date of the removal, to appeal the notice of violation and removal. Such appeal shall be presented to the Grayville City Council, at a regularly scheduled meeting of its Mayor and Commissioners. Nothing in this section shall apply to any motor vehicle that is kept within a building when not in use, to operable historic vehicles over 25 years of age, or to a motor vehicle on the premises of a place of business licensed to engage in the wrecking or junking of motor vehicles.

(2) As used in this section, "inoperable motor vehicle" means any motor vehicle from which, for a period of at least 14 days or a greater period, the engine, wheels or parts have been removed, or on which the engine, wheels, other parts have been altered, damaged, or otherwise so treated that the vehicle is incapable of being driven under its own motor power. "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.

(B) Unsheltered storage in view of the public of any other vehicles, machinery, implements, and/or equipment and personal property of any kind which is no longer safely usable for the purposes for which it was manufactured, for a period of 30 days or more (except in licensed junk yards) within the corporate limits of this city, is also hereby declared to be a nuisance and dangerous to the public safety.

(C) The owner, owners, tenants, lessees and/or occupants of any lot within the corporate limits of this city upon which such storage is made, and also the owner, owners, and/or lessees of materials involved in such storage (all of whom are hereinafter referred to collectively as "owners") shall jointly and severally abate said nuisance by the prompt removal of the material into completely enclosed buildings authorized to be used for such storage purposes, if within the corporate limits of the city, or otherwise to remove it to a designated disposal location without the corporate limits.

(D) In the interest of public safety and maximum maintenance, no person, firm, agency or organization, shall store any vehicle, recreational vehicle, boat trailer, or other non-motorized vehicles on any public street or alley within the city limits. Storage shall be defined as the placing or parking of such vehicles upon the public streets or alleys when such vehicle is not used and moved at least once during any given 72-hour period. It is the intent of this section to prevent the storage of such vehicles upon the public ways and streets of the city.

(Ord. 432, passed 5-6-85; Am. Ord. 888, passed 5-26-20) Penalty, see § 93.99

#### **§ 93.04 DISTRIBUTION OF ADVERTISING MATERIAL.**

(A) No person shall deposit any handbill in or upon any public place or distribute the same therein against the will of the intended receiver. Provided, however, that it shall not be unlawful in any public place for any person to hand out or distribute without charge to a receiver any handbill to any person willing to accept it.

(B) No person shall deposit or unlawfully distribute any handbill in or upon private premises, except by handing or transmitting any such handbill directly to the occupant of such private premises. Provided, however, that in case of private premises which are not posted against the receiving of handbills or similar material, such person, unless requested by anyone upon such premises not to do so may securely place any such handbill in such a manner as to prevent such handbill from being deposited by the elements upon any public place or private premises, except mailboxes may not be so used when prohibited by federal postal law or regulations.

(C) The provisions of this section shall not apply to the distribution upon private premises only of subscription newspapers, except that subscription newspapers shall be placed in such a manner as to prevent their being carried or deposited by the elements upon any public place or private premises.

(D) No person shall attempt to distribute advertising matter or unsolicited and non-subscribed newspapers to the occupants of vehicles being operated on a public way. No person shall place advertising matter on a vehicle parked on a public right-of-way unless the owner or occupant of the vehicle is willing to accept it.

(E) Nothing in this section shall be construed to prohibit advertising, but only the manner in which it is distributed. Advertising matter shall not only mean commercial, but campaign buttons, bumper stickers, promotions and product samples.

(Ord. 432, passed 5-6-85) Penalty, see § 93.99

**WEEDS****§ 93.20 DEFINITION.**

For the purpose of this subchapter, a **WEED** shall be defined as any useless, troublesome, or noxious plant, especially one that grows profusely, to the exclusion of desired plant life, including, but not limited to, the following: Burdock, ragweed (giant), ragweed (common), thistle, cocklebur, jimson, blue vervain, common milk weed, wild carrot, poison ivy, wild mustard, rough pigweed, lambsquarter, wild lettuce, curled dock, smart weeds (all varieties), poison hemlock, and wild hemp.  
(Ord. 194, passed 8-18-58; Am. Ord. 597, passed 10-11-99)

**§ 93.21 RESPONSIBILITY OF OWNER TO MAINTAIN PROPERTY; PROCEDURE.**

(A) It is hereby declared to be illegal for the owners of real estate to refuse or neglect to cut weeds and grass when such weeds and grass shall have reached a height in excess of eight inches.

(B) Every owner of real estate within this municipality shall cut weeds and grass on his property at all such times as may be necessary so that such weeds and grass shall not exceed eight inches in height, and if said owner neglects or refuses to cut weeds or grass so that such weeds or grass shall exceed eight inches in height, this municipality may cut the weeds and grass, or authorize some person to cut the weeds and grass on behalf of the municipality.

(Ord. 194, passed 8-18-58; Am. Ord. 597, passed 10-11-99) Penalty, see § 93.99

**§ 93.22 NOTICE OF LIEN.**

(A) If weeds and/or grass are cut by this municipality or by someone directed to cut them on behalf of the municipality, a notice of lien of the cost and expense thereof incurred by this municipality shall be recorded in the manner set forth in division (B) of this section.

(B) The municipality or the person performing the service by authority of this municipality, in its or his own name, may file notice of lien in the Office of the Recorder of Deeds in the county in which the real estate is located, or in the office of the Registrar of Titles of such county if the real estate affected is registered under the Torrens System. The notice of lien shall consist of a sworn statement setting out:

(1) A description of the real estate sufficient for identification thereof,

(2) The amount of money representing the cost and expense incurred or payable for the service,  
and

(3) The date or dates when the cost and expense was incurred by the municipality, and shall be filed within 60 days after the cost and expense is incurred.  
(Ord. 194, passed 8-18-58; Am. Ord. 597, passed 10-11-99)

**§ 93.23 RELEASE OF LIEN.**

Upon payment of the cost and expense after notice of lien has been filed, the lien shall be released by the municipality or person in whose name the lien has been filed, and the release shall be filed of record in the same manner as filing notice of the lien.  
(Ord. 194, passed 8-18-58; Am. Ord. 597, passed 10-11-99)

**§ 93.99 PENALTY.**

(A) Any person who violates any provision of this chapter for which no penalty is otherwise provided, shall be fined not less than \$150, nor more than \$500, for each offense.

(B) Persons who violate §§ 93.01 through 93.04, 93.17 and 93.18 are subject to the penalties set out in this section.

(1) Any person convicted of a violation of §§ 93.01 through 93.04, and 93.17 and 93.18, not including § 93.03(A), shall be guilty of violations of this chapter, and shall be fined not less than \$150 nor more than \$750.

(2) In addition to any fine imposed under this section, the city may take whatever action may be necessary to abate the nuisance, and bill the person guilty of creating such nuisance, including vehicle removal, per the provisions of § 93.03.

(3) The penalties prescribed in this section are in addition to and not in lieu of any penalties, rights, remedies, duties and liabilities otherwise imposed or conferred by law.

(C) Any person violating § 93.03(A) by allowing the nuisance to exist or failing to abate the nuisance, after appropriate notice to be delivered by police, and upon conviction thereof, shall be fined not less than \$150 nor more than \$750 for each offense, and a separate offense shall be deemed committed on each day during or on which such nuisance is permitted to exist.

(Ord. 432, passed 5-6-85; Am. Ord. 597, passed 10-11-99; Am. Ord. 888, passed 5-26-20)



## **CHAPTER 94: STREETS AND SIDEWALKS**

### **Section**

#### ***General Provisions***

- 94.01 Duty to maintain property between streets and sidewalks
- 94.02 Snow and ice removal from sidewalks
- 94.03 Disturbing city property prohibited
- 94.04 Stop bumpers required for parking lots
- 94.05 Noncompliance

#### ***Street Obstructions and Improvements***

- 94.15 Disturbing or digging in streets; permit required
- 94.16 Restoration of streets
- 94.17 Safety barricades required
- 94.18 Obstructing public way; permit required
- 94.19 Depositing refuse on public way

#### ***Trees, Shrubbery and Other Flora***

- 94.30 Planting or disturbing trees, shrubbery or flora; permit required
- 94.31 Attaching signs
- 94.32 Owners of abutting property to maintain

#### ***Encroachments on Public Right-of-Way***

- 94.45 Definitions
- 94.46 Encroachment prohibited

#### ***Numbering of Streets***

- 94.60 Adoption of Philadelphia plan
- 94.61 North and south streets designated
- 94.62 East and west streets designated
- 94.63 Distinguishing building and spaces
- 94.64 Display of numbers in plain view

***GENERAL PROVISIONS*****§ 94.01 DUTY TO MAINTAIN PROPERTY BETWEEN STREETS AND SIDEWALKS.**

The owners of abutting property are responsible for the care and maintenance of public land between sidewalks and streets. It shall be their responsibility to mow, rake, remove litter and destroy weeds, in order to maintain a reasonable attractive appearance and ensure the public health and safety.

(Ord. 412, passed 2-21-83) Penalty, see § 10.99

**§ 94.02 SNOW AND ICE REMOVAL FROM SIDEWALKS.**

Owners of land are responsible for snow and ice removal from abutting sidewalks. Snow and ice shall be removed in a timely manner so as not to impair the safety and mobility of users of such sidewalks.

(Ord. 412, passed 2-21-83) Penalty, see § 10.99

**§ 94.03 DISTURBING CITY PROPERTY PROHIBITED.**

No person shall tamper with, destroy, injure, remove or deface city property, such as streets, alleys, sidewalks, handrails, curbs, pipe structures, signs and signposts.

(Ord. 412, passed 2-21-83) Penalty, see § 10.99

**§ 94.04 STOP BUMPERS REQUIRED FOR PARKING LOTS.**

Any person, business or corporation possessing a parking lot adjacent to a sidewalk shall provide a stop bumper or barricade, which will prevent cars, trucks, and the like, from projecting across sidewalk.

(Ord. 412, passed 2-21-83) Penalty, see § 10.99

**§ 94.05 NONCOMPLIANCE.**

It shall be the duty of the Superintendent of Streets and Alleys to report to the Commissioner of Streets and Public Improvements any non-compliance with this chapter. The Commissioner shall inspect the alleged violation and issue a written opinion stating either concurrence or disagreement with the report. The report shall be signed by the Commissioner and transmitted to the Superintendent. Upon written concurrence by the Commissioner, the Superintendent shall notify the responsible parties by registered mail. If remedial action has not begun within ten days, the Superintendent may take action to correct the violation. A statement of expenses for such work shall be prepared and mailed to the owners of record of the property affected. Should the owners fail to pay such expenses within 60 days of such mailing, action may be brought against the owner for the expenses and the costs of the action, including reasonable attorney fees and costs of collection. (Ord. 412, passed 2-21-83)

***STREET OBSTRUCTION AND IMPROVEMENTS*****§ 94.15 DISTURBING OR DIGGING IN STREETS; PERMIT REQUIRED.**

Any person, company or corporation must obtain a written permit signed by the Street and Alley Commissioner or the Superintendent of Streets and Alleys prior to digging into or disturbing the surface and or bed of any sidewalk, street, alley or other public way which has either been graveled or paved. (Ord. 412, passed 2-21-83) Penalty, see § 10.99

**§ 94.16 RESTORATION OF STREETS.**

Any person, company or corporation having dug into or disturbing the surface and or bed of any sidewalk, street, alley or other public way which has either been graveled or paved, shall fully restore such public way to its pre-existing condition before it was so disturbed, at his own expense. If necessary, such restoration shall continue from time to time until the surface and bed have settled and deterioration caused by the disturbance has ceased.

(Ord. 412, passed 2-21-83) Penalty, see § 10.99

**§ 94.17 SAFETY BARRICADE REQUIRED.**

Any person, company or corporation taking such actions as are set forth in § 94.16, shall maintain suitable barricades to prevent injury to any person or vehicle. The barricades shall be protected by suitable lights during darkness. Such barricades shall be maintained throughout the restoration of the public way as long as there is any effect which might be injurious to persons or vehicles.

(Ord. 412, passed 2-21-83) Penalty, see § 10.99

**§ 94.18 OBSTRUCTING PUBLIC WAY; PERMIT REQUIRED.**

Any person, company or corporation shall obtain a written permit signed by the Street and Alley Commissioner or the Superintendent of Streets and Alleys prior to obstructing any sidewalk, street, alley or other public way, except as necessary for compliance with § 94.17. Such permit shall state definite dates for the erection and the removal of the obstruction.

(Ord. 412, passed 2-21-83) Penalty, see § 10.99

**§ 94.19 DEPOSITING REFUSE ON PUBLIC WAY.**

It shall be unlawful for any person to deposit in any manner on any sidewalk, street, alley or other public way leaves, grass, ashes, paper, refuse, dirt, garbage, brush, or any other material which may cause injury to any person or which may be harmful to any other person's property, the pavement, sewers or public property. (Ord. 412, passed 2-21-83) Penalty, see § 10.99



***TREES, SHRUBBERY AND OTHER FLORA*****§ 94.30 PLANTING OR DISTURBING TREES, SHRUBBERY OR FLORA; PERMIT REQUIRED.**

(A) Any person, company or corporation shall obtain a written permit from the Street and Alley Commissioner or the Superintendent of Streets and Alleys prior to planting any shrubbery, trees or any other flora upon public property, including land between the property line of the applicant and the public street. Permits must also be obtained before such person, company or corporation shall remove or cause irreparable harm to any shrubbery, trees or other flora upon public property.

(B) If any shrubbery, trees or flora is planted upon public property after obtaining the required permit, the cost of trimming and removing of such items shall be the exclusive responsibility of the landowner whose property adjoins the public property on which the tree, shrubbery or flora is located. (Ord. 412, passed 2-21-83; Am. Ord. 909, passed 2-22-21) Penalty, see § 10.99

**§ 94.31 ATTACHING SIGNS.**

It shall be unlawful for any person to attach any signs, advertisements or notices to any shrubbery, tree or other flora upon any public property. (Ord. 412, passed 2-21-83) Penalty, see § 10.99

**§ 94.32 OWNERS OF ABUTTING PROPERTY TO MAINTAIN.**

The owners of abutting property are responsible for the care and maintenance of public land between the property line of the property owner and the public street. It shall be their responsibility to mow, rake, remove litter and destroy weeds, in order to maintain a reasonable attractiveness and ensure the public health and safety. (Ord. 412, passed 2-21-83; Am. Ord. 568, passed 10-14-96) Penalty, see § 10.99

***ENCROACHMENT ON PUBLIC RIGHT-OF-WAY*****§ 94.45 DEFINITIONS.**

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**CONSTRUCTION EASEMENT AREA.** The area lying between the project right-of-way limits and the platted street limits within the city, which by concurrence in the establishment of the project right-of-way lines, will permit the state to enter to perform all necessary construction operations.

**ENCROACHMENT.** Any building, fence, sign (excluding certain signs located over sidewalks) or any other structure or object of any kind (with the exception of utilities and public road signs), which is placed, located or maintained, in, on, under or over any portion of the project right-of-way or the roadway right-of-way where no project right-of-way line has been established.

**PERMISSIBLE ENCROACHMENT.** Any existing awning, marquee or sign advertising activity on the property, or similar overhanging structure supported from a building immediately adjacent to the limits of the platted street where there is no sidewalk extending to the building line and which does not impair the free and safe flow of pedestrian traffic or traffic on the highway. The permissive retention of overhanging signs is not to be construed as being applicable to those signs supported by poles constructed outside the project right-of-way line and not confined by adjacent buildings.

**PROJECT RIGHT-OF-WAY.** Those areas within the project right-of-way lines established jointly by the city and the state which will be free of encroachments except as herein defined.

**ROADWAY RIGHT-OF-WAY.** Those areas existing or acquired by dedication or by fee simple for highway purposes; also, the areas acquired by permanent easement and temporary easement during the time the easement is in effect.

(Ord. 391-C, passed 12-17-79; Am. Ord. 665, passed 3-22-04)

#### **§ 94.46 ENCROACHMENT PROHIBITED.**

(A) It shall be unlawful for any person, firm or corporation to erect or cause to be erected, to retain or cause to be retained, any encroachment (defined in § 94.45), except as provided in division (C) below, within the limits of the project right-of-way or the roadway right-of-way where no project right-of-way limits have been established.

(B) The project right-of-way limits have been established and shown in the plans.

(C) No revocable permits have been issued by the state for the temporary retention of permissible encroachments.

(D) This subchapter is intended to be and shall be in addition to all other ordinances, rules and regulations concerning encroachment and shall not be construed as rescinding or repealing any other ordinance or part of any ordinance unless it is in direct conflict therewith.

(E) Any person, firm or corporation violating this subchapter shall be fined not less than \$50 nor more than \$750 for each offense, and separate offense shall be deemed committed each and every day during which a violation continues or exists.

(Ord. 391-C, passed 12-17-79; Am. Ord. 665, passed 3-22-04) Penalty, see § 10.99

***NUMBERING OF STREETS*****§ 94.60 ADOPTION OF PHILADELPHIA PLAN.**

The Philadelphia plan of numbering houses by the decimal system shall be, and the same is hereby adopted in the city; each space of ground allotted to a single number shall be 25 feet front upon any street; one hundred numbers shall be allotted to each square or block; on vacant lots measurements shall be taken and the numbers run as though the space were occupied by buildings. For the purpose of numbering the residences, business houses, and other buildings, North Street shall be the base or dividing line for all streets running north and south, and Court Street shall be the use or dividing line for all streets running east and west.

(Ord. 143, passed 4-7-52)

**§ 94.61 NORTH AND SOUTH STREETS DESIGNATED.**

The numbering on streets running north and south shall commence at the intersection of such street with North Street; where such streets do not intersect North Street, they will be numbered to correspond with the numbering of the squares or blocks which lie parallel with the block to be numbered, and which are on streets that do intersect North Street. The first spaces on the east side of the street to be numbered both north and south of the intersection of North Street, shall be numbered 101; the spaces on the opposite or west side of the streets at the points so designated shall be numbered 102, continuing both north and south from the points so designated, numbering the spaces alternately in numerical order, with the even numbers on the west side of the street and the odd numbers on the east side of the street, until the next street crossing is reached; then commencing at the first space on the east side of the street with number 201, and the first space on the opposite or west side of the street with the number 202, so continuing as before until the next street crossing of each street, until the terminal of the street or boundary of the city is reached.

(Ord. 143, passed 4-7-52)

**§ 94.62 EAST AND WEST STREETS DESIGNATED.**

The numbering on the streets running east and west shall commence at the intersection of such street with Court Street; where such streets do not intersect Court Street, they shall be numbered to correspond with the numbering of the squares or blocks which lie parallel with the block to be numbered and which are on streets that do intersect Court Street; the first space on the south side of the street to be numbered both east and west of the intersection of Court Street shall be numbered 101; the spaces on the opposite or north side of the street at the points designated shall be numbered 102; continuing both east and west from the points so designated, numbering the spaces alternating in numerical order with the even numbers on the north side of the street, and the odd numbers on the south side of the streets until next

street crossing is reached; then commencing with the first space on the south side of the street with No. 201, and the first space on the opposite or north side of the street with Number 202, so continuing as before until the next street crossing is reached; then commencing at the first space on the south side of the street with number 201; adding 100 to the serial at the crossing of each street, until the terminal of the street or the boundary of the city is reached.

(Ord. 143, passed 4-7-52)

#### **§ 94.63 DISTINGUISHING BUILDING AND SPACES.**

In order to distinguish the buildings or spaces on streets running north and south, which lie north of North Street from the buildings and spaces which lie south of North Street, the word north, or south, as the case may be shall be prefixed to the name of the street and in order to distinguish the numbers lying east and west of Court Street the word east or west as the case may be shall be prefixed to the number.

(Ord. 143, passed 4-7-52)

#### **§ 94.64 DISPLAY OF NUMBERS IN PLAIN VIEW.**

All buildings heretofore erected, and all hereafter erected, shall be numbered by the owner or occupant thereof, in a conspicuous place thereon, on the line of the street the building faces, in plain view of the sidewalk, with the correct number, according to the plans described here.

(Ord. 143, passed 4-7-52) Penalty, see § 10.99



## CHAPTER 95: OAK GROVE CEMETERY

### Section

- 95.01 Definitions
- 95.02 Special exceptions clauses
- 95.03 General rules
- 95.04 Flower regulations
- 95.05 Lots and lot owners
- 95.06 Correction of errors
- 95.07 Descent of titles
- 95.08 Interments
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- 95.10 Enforcement of rules
- 95.11 Specifications for memorial work

### § 95.01 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

***CEMETERY.*** A designated area set aside and controlled by the city for the burial of human remains by earth interment, by interment in a mausoleum, crypt or urn.

***CEMETERY OFFICE.*** Grayville City Hall.

***CITY.*** The City of Grayville.

***DEED OF CONVEYANCE.*** The certificate of ownership issued by the city and delivered to the original purchaser of a cemetery plot or lot showing ownership thereof.

***GRASS MARKER.*** A memorial flush with the ground.

***INTERMENT.*** The permanent disposition of human remains by burial, entombment, or inurnment after cremation.

***LOT.*** Numbered divisions as shown on the record plat which consists of one or more plots.

**LOT MARKER.** Any means or device used, erected or implanted by cemetery personnel to indicate the corners of a plot or lot.

**MEMORIAL.** A monument, marker, tablet, headstone, private mausoleum or tomb for family or individual use, tombstone, urn and crypt and niche place.

**MONUMENT.** A tombstone or memorial of granite or marble which shall extend above the surface of the ground.

**PLOT.** A space of sufficient size to accommodate one adult. Interments are approximately three by eight feet.

**SEXTON.** The person or persons duly appointed by the city for the purpose of conducting and administering the cemetery and anyone so designated by the city.  
(Ord. 744, passed 9-13-10)

#### **§ 95.02 SPECIAL EXCEPTIONS CLAUSES.**

(A) Special cases may arise in which the literal enforcement of a rule may impose unnecessary hardship. The cemetery sexton, therefore, reserves the right to make exceptions, suspensions, or modifications to any of these rules and regulations, without notice, and such temporary exception, suspension or modification shall in no way be construed as affecting the general application of such rules and regulations.

(B) The city hereby expressly reserves the right to adopt additional rules and regulations or to amend, alter or repeal any rule, regulation, article, section, paragraph or sentence in these rules and regulations at any time. Sufficient notice will be given by the city of any change that will create expense, hardship, or inconvenience to lot owners or other individuals having business with the cemetery.  
(Ord. 744, passed 9-13-10)

#### **§ 95.03 GENERAL RULES.**

(A) The cemetery office will be open for burials from 8:00 a.m. to 3:00 p.m., Monday through Friday, except holidays.

(B) Cemetery employees are not permitted to perform work for a lot owner outside their regular responsibilities unless authorized to do so by the cemetery sexton for good cause.

(C) All fees or charges for services shall be paid at the cemetery office. Such payment shall be made to the city or to a cemetery employee authorized to receive such fees or charges.

(D) Pedestrians within the cemetery shall use only the avenues, roads and indicated walkways.

(E) Persons visiting the cemetery or attending funerals are prohibited from picking flowers, wild or cultivated, breaking or injuring any tree, shrub, or plant, or from writing upon, defacing or injuring any memorials, fence, or other structure within the cemetery grounds.

(F) All vehicles must be kept under complete control at all times. When meeting a funeral procession they must stop until the procession passes. They must not pass a funeral procession going the same direction. Mufflers must not be opened nor the horn sounded within the cemetery.

(G) The following things are prohibited:

(1) The operation of a motor vehicle in the cemetery at excessive speed. A speed greater than 15 m.p.h. shall be considered excessive.

(2) The operation of a motor vehicle in any part of the cemetery not designated an avenue or road.

(3) The operation or parking of a motor vehicle within the cemetery on any avenue or road in such a manner as to prevent another vehicle from passing.

(4) Making a complete or partial reverse turn of any motor car or vehicle on any road or drive way within the cemetery.

(5) Loud or boisterous conduct.

(6) Idling or loafing within the cemetery or buildings.

(7) Bringing into and consuming while in the cemetery any food or beverage.

(8) Peddling or soliciting the sale of any commodity.

(9) Placing of signs, notices or advertisement of any kind within the cemetery.

(10) Bringing dogs into the cemetery or any of its buildings. Exceptions may be made for specially trained dogs used by the handicapped.

(11) The presence of children under the age of 15 years unless accompanied by a responsible adult.

(12) Any conduct unbecoming a sacred place.

(H) It is of the utmost importance that there should be strict observance of the properties in the cemetery. Hence, all persons within the cemetery should avoid conduct unbecoming a sacred place.



**Grayville - General Regulations**

(I) The placing of boxes, shells, toys, metal designs, ornaments, chairs, settees, vases and similar articles, upon plots will not be permitted, as they hinder maintenance efforts and present a safety hazard. Items left on the ground (during mowing season) other than flowers in approved containers will be removed by cemetery employees. The cemetery sexton has the right to remove any and all items that may hinder maintenance efforts and present a safety hazard.

(1) Approved containers consist of: Vases attached to the monument, hanging baskets, and monument saddles.

(Ord. 744, passed 9-13-10)

**§ 95.04 FLOWER REGULATIONS.**

(A) No floral decorations will be allowed on the ground during mowing season (April 1 through November 1) except for the Thursday preceding the nationally recognized Memorial Day.

(B) Decorations are allowed in vases permanently attached to the monument, hanging baskets, and monument saddles. One shepherd staff per single plot lot is allowed, a maximum of two shepherd staffs are allowed for multiple plot lots.

(C) All shepherds staff not by monuments or without flowers on them are subject to removal.

(D) Memorial Day decorations that remain on the ground will be moved after ten calendar days.  
(Ord. 744, passed 9-13-10)

**§ 95.05 LOTS AND LOT OWNERS.**

(A) Cemetery lots shall be purchased at the cemetery office. The cemetery sexton or his designated representative is authorized to conduct the sale of such lots.

(B) After the payment of the purchase price, the city will issue a deed of conveyance describing the purchased lot.

(C) No burial will be allowed on such lot until the purchase price is paid in full.

(D) The cemetery is owned and maintained by the city. Therefore, the city retains the right to enlarge, reduce, re-plot or change the boundaries or grading of the cemetery, or a section or sections, from time to time, including the right to modify or change the locations of roads, drives, or walks, or any part thereof. The city retains the right to lay, maintain and operate, or alter or change pipelines or gutters for sprinkling system, drainage, etc., as well as is the right to use cemetery property not sold to individual plot owners for cemetery purposes, including interment of the dead, or for anything necessary, incidental or convenient thereto. The city reserves to itself and to those lawfully entitled thereto a perpetual right of ingress and egress over plots and lots for the purpose of passing to and from other plots and lots.

(E) Descriptions of lots will be in accordance with the cemetery plats which are kept on file in the sexton's office and at Grayville City Hall.

(F) The city will provide all reasonable precautions to protect plot and lot owners, and the property rights of plot owners, within the cemetery from loss or damage. However, the city disclaims all responsibility for loss or damage from causes beyond its control. For example, damage caused by the elements, an act of God (ground cave ins), common enemy, thieves, vandals, strikers, malicious mischief makers, explosions, invasions, insurrections, riots, or order of any military or civil authority, whether the damage be direct or collateral. Damages caused by private businesses such as monument or vault companies shall be the responsibility of said company; the city shall be held harmless in such situations.

(G) The deed of conveyance of these rules and regulations and any amendments thereto constitute the sole agreement between the city and the lot owner. The statement of any employee or agent, unless confirmed in writing by the sexton, shall in no way bind the city. All plots and lots conveyed by deed and owners of plots are subject to these rules and regulations.

(H) The general care assumed by the cemetery shall in no case mean the maintenance, repair or replacement of any memorial, tomb, or mausoleum placed or erected upon lots; nor the doing of any special or unusual work in the cemetery. Nor does it mean the reconstruction of any marble or granite work on any section or lot, or any portion of portions thereof in the cemetery, caused by the elements, an act of God, common enemy, thieves, vandals, strikers, malicious mischief makers, explosions, unavoidable accidents, invasions, insurrections, riots, or by the order of any military or civil authority, whether the damage be direct or collateral, other than as herein provided.

(Ord. 744, passed 9-13-10)

#### **§ 95.06 CORRECTION OF ERRORS.**

The city reserves, and shall have, the right to correct any errors that may be made by it either in making interments, disinterments or removals, or the description, transfer or conveyance of any interment property, either by cancelling such conveyance and substituting any conveyance in lieu thereof other interment property of equal value and similar location as far as possible, or as may be selected by the cemetery sexton, or, in the sole discretion of the cemetery sexton, by refunding the amount of money paid on account of said purchase. In the event such error shall involve the interment of the remains of any person in such property, the city reserves, and shall have the right to remove or transfer such remains so interred to such other property of equal value and similar location as may be substituted and conveyed in lieu thereof.

(Ord. 744, passed 9-13-10)

#### **§ 95.07 DESCENT OF TITLES.**

The laws of the state govern the descent of title to cemetery lots as well as other matters pertaining to assignments, conveyances, devises, and trust deeds.

(Ord. 744, passed 9-13-10)

**§ 95.08 INTERMENTS.**

(A) The cemetery will open for interments from 8:00 a.m. until 3:00 p.m. daily with the exceptions of observed holidays. The city may ask for proof of lot ownership.

(B) Funeral directors, upon arrival at the cemetery, must present the necessary burial permit from the local health office.

(C) When an interment is to be made in a lot, the location of such interment shall be designated by the lot owner. Should the lot owner fail or neglect to make such designation, the city reserves the right to make the interment in a location agreed upon by the Funeral Director and the cemetery sexton.

(D) The cemetery sexton and the employees of the cemetery are the only persons permitted to open plots.

(E) All charges for interment or services in connection therewith, shall be paid to the cemetery sexton who will issue a receipt.

(F) Arrangements for the payment of any and all indebtedness due the city must be made before interment will be made.

(G) The right is reserved by the city to insist upon at least 24 hours notice prior to any interment and at least one week's notice prior to any disinterments or removal. Disinterments will be done during times of favorable ground conditions only.

(H) All interments, disinterments, and removals must be made at the time, and in the manner determined by the cemetery sexton and upon the fees established by the city.

(I) Besides being subject to these rules and regulations, all interments, disinterments, and removals are made subject to the orders and laws of the properly constituted public authorities.

(J) The city will not be responsible for any order given by telephone or for any mistake occurring from the want of precise and proper instructions as to the particular space, size of plot, and location in a lot, where interment is desired.

(K) The city will not be responsible for the interment permit nor for the identity of the person sought to be interred.

(L) All requests to open a plot for an interment in the Oak Grove Cemetery must be in writing by an individual who presumptively has authority to make such a request.

(M) While the city will provide the same degree of maintenance and care in the Oak Grove Cemetery, the owners of plots and lots therein shall be subject to these rules and regulations and (including mausoleum, monument and marker restrictions) any changes or modifications thereof.

(N) All interments will require the use of a concrete, fiberglass or metal grave liner. The city will not be responsible for any cremation interments with or without a container. It is preferred that containers be used.

(Ord. 744, passed 9-13-10)

#### **§ 95.09 PLANTS AND SHRUBS.**

(A) The city will undertake to maintain, as may be practicable, the planting of trees and shrubs and to preserve and maintain landscape features within the cemetery grounds.

(B) (1) There shall be no individual beds of shrubbery or flowers or personalized landscaping allowed on individual lots. This includes the installation of copings, rock, mulch, bark, trees, bushes, grasses, toys, boxes, metal or glass containers of any kind. If said landscaping material is discovered it will be removed by the city at the owner's expense. An attempt will be made to contact the family in reference to a violation. A registered letter outlying the violation will be sent to the last address (if known) of a family member. If no response (from the family) is received within five working days of the letter being sent, the cemetery sexton and the commissioner in charge of the Cemetery Department will determine what action should be taken.

(2) All landscaping on the ground prior to the approval of this chapter will be allowed to remain (grandfathered) until such time the landscaping design becomes dilapidated and or unsightly. At that time it (the landscaping) will be removed by the cemetery staff.

(C) (1) There shall be no jars, glass, or metal receptacles, or other containers used on the premises for the holding of floral bouquets. All such form of decoration shall be in approved containers.

(2) Approved containers are described as: Vases attached to the monument, hanging baskets, and monument saddles.

(D) The city shall not be responsible for any kind of plantings damaged by the elements, vandals, thieves or by other causes beyond its control. The cemetery sexton shall have the authority to remove all floral designs, flowers, weeds, trees, as in the judgment of the sexton, they become unsightly, dangerous, detrimental, or diseased, or when they do not conform to the rules and regulations as stated herein.

(E) The city shall not be liable for floral pieces, baskets, or frames placed on or near gravesites that are damaged or stolen.

(Ord. 744, passed 9-13-10)

#### **§ 95.10 ENFORCEMENT OF RULES.**

The cemetery sexton is hereby empowered to enforce all rules and regulations and to exclude from the cemetery any person or persons violating the same. The sexton shall have charge of the grounds and

buildings including the conduct of funerals, traffic, employees, plot or lot owners, visitors and private vendors conducting business at the cemetery.

(Ord. 744, passed 9-13-10)

#### **§ 95.11 SPECIFICATIONS FOR MEMORIAL WORK.**

Specifications are necessary to permit the sound operation of the cemetery in the interest of all lot owners and the community it serves. These specifications are the result of careful study and reasonable application of the memorial. Violators will be notified promptly and will be expected to remedy the situation as soon as practicable. A monument permit must be filled out and approved prior to setting. The monument setting fee will be due prior to setting.

(A) *Family monument.* To avoid the appearance of congestion, only one central or family memorial should be placed on a family lot (a family lot will constitute four or more plots).

(1) Anything above grass level will be considered "a monument" (with reference to placement on the plot/lot).

(2) All information panels (on monuments) will be placed on the side of the monument that the interment will be made.

(B) *Mausoleums.* Mausoleums or tombs either wholly or partially above ground will be constructed only in lots designated by the city. Mausoleums are limited to six feet in height. Any structure higher than six feet must be approved by the cemetery sexton.

(C) *Location and design.* Plans, specifications and location of the mausoleum or tomb on lot are subject to approval of the cemetery officials.

(D) *When work should stop.* Out of respect for the deceased and the family of the deceased, all work of any description will cease while a funeral or interment is being conducted nearby. It is also required that trucks and workmen withdraw to a reasonable distance from the location of the funeral service.

(E) *No soliciting.* Approaching the bereaved for the purpose of soliciting any business within the cemetery is prohibited.

(F) *Quality material.* To properly perpetuate memory, all monuments, markers, mausoleums and tombs shall be of quality granite, marble or other natural stone.

(G) *Responsibility of monument retailer.* Monument retailers and independent stone setters shall set monuments and markers in conformity with cemetery requirements and in accordance with the trade standards of proper methods of handling and settings.

(H) *Monument specifications.*

<b><i>Sections 12-17</i></b>
Any ½ lot (3 spaces) 10½ feet wide is the average space:
36" foundation on single spaces
24" monument
No foot markers
Veteran's marker are allowed
Height must be approved by cemetery sexton
Full lot which consists of 6 spaces, 3 on east side and 3 on west side:
1 family monument per lot
Foot markers are east & west end of lot
24" markers and monuments
Height must be approved by cemetery sexton
Full width foundation permitted
<b><i>Sections 18A-Z and Sections 1-10</i></b>
Single spaces are 4 feet per space
42" foundation per space
72" foundation per 2 spaces
No foot markers (with exception of Section 10)
Veteran's markers are allowed

(1) Bench markers can be used as monuments, but must first be approved by the cemetery sexton.

(2) Due to inexact cutting by the granite manufacturer, a one inch variance in base length and width will be allowed. Anything over one inch will be considered oversize and the penalties outlined in (H)(4)(b) of this section will be instated.

(3) All monuments and markers will have a four inch border around the monument base.

(4) The city has the right at the expense of the monument company or lot owner to correct or remove any memorial if it is deemed unsightly.

**Grayville - General Regulations**

(a) A minimum of six hours notice for the flagging of a lot for the purpose of installing a monument, grass marker, or mausoleum is required. If, for any reason the lot must be reflagged, a cost (see rate schedule) will be charged to the monument company, payable in advance.

(b) If a monument company is advised of an infraction of these rules and regulations the monument company will have a 30 calendar day period to correct it. A fine of \$50 per day may (at the cemetery sexton's discretion) be imposed upon the monument company until said infraction(s) is resolved. Vendors found to be in violation of the rules and regulations of the cemetery shall be prohibited from performing any further work at the cemetery for a period of six months.

(c) All foundations that extend above grass level will have dirt feathered out from the edge.

(I) *Lot markers.* The corners of each lot will be marked with stone or metal posts set at ground level. All corner posts shall be set by the city or its authorized agents.

(J) *Foundations.* All foundations will be set back two inches from the length side of the foundation to the lot line.

(K) *Approval of design by cemetery sexton.*

(1) So that all memorials shall be in customary good taste adding to the beauty of the cemetery, it is necessary that the cemetery officials retain authority to reject any plan or design for a memorial which, on account of size, design or inscription, is unsuitable to the lot on which it is to be placed. A plan (drawing) outlining all lengths, widths, monument heights and design will be required. If the plan for the memorial is rejected, such rejection shall be made within ten days and explanation given. Upon request, any rejected application shall be promptly reviewed by the cemetery sexton.

(2) All monuments will be approved for setting by the cemetery sexton or his designee. Upon arrival at the cemetery all monuments will be inspected for proper size by the cemetery sexton or his designee. If rejected, the monument will not be allowed to be set. If a monument needs to be installed on a Saturday, approval must be obtained on Friday.

(L) *Right to remove.* Should any monument, mausoleum tomb, or personalized landscaping become unsightly, dilapidated, or a safety hazard to visitors or the cemetery staff, the city will have the right to remove the same. An effort will be made to locate the owners.

(M) *Advertising.* Striving for surroundings of peace and beauty as a setting for monuments prohibits advertising of any description within the cemetery, such as "For Sale" signs on any lot or plot.

(N) *Outside workmen.* All workmen employed by outside firms while within the cemetery are subject to regulations set forth by the city. All workmen employed by outside firms, while in the cemetery will be under the direct authority of the cemetery sexton. No work within the cemetery grounds will be allowed on Sundays or nationally recognized Memorial Day.

(O) *Dirt removal.* All excess dirt will be disposed of in a proper manner. Excess dirt can be put in low plots or holes. All sod and clods will be chopped up and spread out. Excess dirt will not be allowed to be spread out randomly. If available, the cemetery will allow the use of a dirt trailer for excess dirt removal. If excess dirt is not properly disposed of, the monument company will be required to return and remove said excess dirt. If not removed within five working days of notification, the monument company's privileges may be revoked for a period of six months and the cost of removal will be billed to the offending monument company.

(P) *Failure to comply.* If a monument company is found to be in violation of any of these rules and regulations, their privileges may be revoked for a period of six months to one year.  
(Ord. 744, passed 9-13-10)



