

## LAKE COUNTY PUBLIC NUISANCE ORDINANCE

WHEREAS, on October 9, 1984 the Lake County Board adopted the Lake County Public Nuisance Ordinance; and

WHEREAS, on May 12, 1987, May 13, 2003 and July 12, 2011, the Lake County Board amended the Lake County Public Nuisance Ordinance; and

WHEREAS, pursuant to 55 ILCS 5/5-1092, counties have the authority to declare vehicles which have been inoperable for a period of at least 7 days or any longer period of time fixed by ordinance, to be nuisances, and to authorize fines to be levied for the failure of any person to obey a notice to dispose of any inoperable motor vehicle under his control; and

WHEREAS, pursuant to 720 ILCS 5/47-5, counties have the authority to declare what shall be public nuisances and to abate the same with respect to the territory within the county and outside the corporate limits of any city, village, or incorporated town; and

WHEREAS, pursuant to 55 ILCS 5/5-43005, specified counties including the County of Lake have the authority to implement the process of administrative adjudication; and

WHEREAS, the Lake County Board of Health has the authority to enforce environmental and health-related nuisances throughout Lake County, Illinois; and

WHEREAS, the County Board previously found that inoperable vehicles and junk and debris have been and continue to be a detriment to the health, safety and welfare of the citizens of Lake County, Illinois, specifically, among other reasons, because they tend to harbor insects and attract vermin, cause traffic and safety hazards, cause visual blight, pose a threat of environmental contamination, interfere with the use and enjoyment of property, and depreciate property values, and therefore hereby declared inoperable vehicles and junk and debris to be public nuisances; and

WHEREAS, the County Board previously found that drainage obstructions have a detrimental effect on the health, safety and welfare of the citizens of Lake County, Illinois, specifically for, among other reasons, such obstructions tend to cause flooding, create traffic and safety hazards, depreciate property values, harbor insects and attract vermin, and interfere with the use and enjoyment of property, and therefore hereby declared drainage obstructions to be a public nuisance; and

WHEREAS, the County Board previously found that excessively loud sound amplification systems and off road motor vehicles on private property operating at any time of the day or night, and that other unreasonably loud noised during nighttime hours tend to have a detrimental effect on the health, safety and welfare of the citizens of Lake County, Illinois, specifically for the reasons that such noise tends to disturb the peace, interfere with the use and enjoyment of property, cause noise pollution,

depreciate property values, and be the source of conflict between neighboring property owners, and therefore hereby declared excessive noise to be a public nuisance; and

WHEREAS, this County Board previously found that smoke emanating from burning landscape waste is a detriment to the public health, safety and welfare of the citizens of Lake County, Illinois because such smoke creates a hazardous condition for all individuals who breathe the smoke and particulate matter contained within it, and that local populations meeting certain specified criteria are particularly impacted by smoke emanating from open burning of landscape waste, including where a dense unincorporated population is adjacent to a large educational facility with indoor and outdoor activities, and therefore hereby declared the open burning of landscape waste in such specified areas to be a public nuisance; and

WHEREAS, this County Board finds that the various nuisance and property maintenance-related regulations provided in the Public Nuisance and Graffiti Ordinances and the Board of Health Ordinance may be consolidated into the Lake County Public Nuisance Ordinance in order to facilitate more effective, consistent joint enforcement of these regulations; and

WHEREAS, this County Board finds that dangerous structures are a detriment to the public health, safety, and welfare of the citizens of Lake County, Illinois, and hereby declares dangerous structures to be a public nuisance; and

WHEREAS, this County Board finds that renting or leasing unfit living quarters is a detriment to the public health, safety, and welfare of the citizens of Lake County, Illinois, and hereby declares renting or leasing unfit living quarters to be a public nuisance; and

WHEREAS, this County Board finds that an improperly maintained onsite wastewater disposal system or water well is a detriment to the public health, safety, and welfare of the citizens of Lake County, Illinois, and hereby declares that an improperly maintained onsite wastewater disposal system or water well to be a public nuisance; and

WHEREAS, this County Board finds that an accumulation of pet/animal feces or manure are a detriment to the public health, safety, and welfare of the citizens of Lake County, Illinois, and hereby declares that an accumulation of pet/animal feces or manure to be a public nuisance; and

WHEREAS, this County Board finds that pest or vermin infestations are a detriment to the public health, safety, and welfare of the citizens of Lake County, Illinois, and hereby declares that pest or vermin infestations to be a public nuisance; and

WHEREAS, this County Board finds that graffiti and the defacement of public and private property is a detriment to the public health, safety, and welfare of the citizens of Lake County, Illinois, specifically, among other reasons, because such graffiti and the defacement of public and private property tends to

depreciate property values, encourage the spread of graffiti, interfere with the use and enjoyment of property, and hereby declares that graffiti and the defacement of public and private property to be a public nuisance; and

WHEREAS, this County Board finds that an overgrowth of high grass and/or weeds is a detriment to the public health, safety, and welfare of the citizens of Lake County, Illinois, specifically, among other reasons, because such overgrowth tends to depreciate property values, harbor insects and attract vermin, and interfere with the use and enjoyment of property, and hereby declares that an overgrowth of high grass and/or weeds to be a public nuisance; and

WHEREAS, this County Board finds that the storage of construction materials or an accumulation of rubbish, garbage, or refuse is a detriment to the public health, safety, and welfare of the citizens of Lake County, Illinois, specifically, among other reasons, because such storage tends to depreciate property values, harbor insects and attract vermin, cause traffic and safety hazards, cause visual blight, and interfere with the use and enjoyment of property, and hereby declares storage of construction materials or an accumulation of rubbish, garbage, or refuse to be a public nuisance; and

WHEREAS, this County Board finds that the repeated violation of nuisance regulations on any property is a further chronic detriment to the public health, safety and welfare of the citizens of Lake County, Illinois, and hereby establishes enhanced penalties for such chronic violations; and

WHEREAS, this County Board finds that the process of administrative adjudication provides an additional enforcement mechanism to expeditiously resolve nuisance violations, and induce more frequent voluntary compliance with such regulations as compared to the circuit court process, and hereby authorizes the use of administrative adjudication as an additional enforcement mechanism for public nuisances as defined herein.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNTY BOARD OF THE COUNTY OF LAKE, ILLINOIS, as follows:

## **Article 1 – General**

**Section 1. Title.** This Ordinance shall be known as the Lake County Public Nuisance Ordinance of the County of LAKE, hereinafter referred to as “this Ordinance.”

**Section 2. Jurisdiction and Applicability.** The provisions of this Ordinance shall apply to incorporated areas (those areas which are located within the corporate limits of any

City, village, or incorporated town) as well as unincorporated areas (those areas which are outside the corporate limits of any City, village, or incorporated town) of Lake County, Illinois in accordance with the jurisdictional or contractual authority of the enforcing County Department, with the exception of Article 2, Sections 1(a), 1(e), 1(f), 1(i), 2(a) and Section 3, which shall apply only to unincorporated areas of Lake County, Illinois.

**Section 3. Purpose.** The purpose of this Ordinance is to define and abate public nuisances in Lake County, Illinois.

**Section 4. Definitions.**

- (a) Ceremonial Fire:** An outdoor fire no larger than 3' X 3'X 3' which is used for entertainment purposes as part of a specifically scheduled public or private event and the fire does not contain leaves, grass or shrubbery clippings or cuttings, garbage or junk and debris.
- (b) Chronic Nuisance Property:** Any property upon which two (2) or more nuisance activities or conditions, as defined in this Ordinance, have occurred during any three (3) year period; such chronic nuisance property status shall result either from: (i) two (2) or more distinct types of nuisance conditions or activities on such property (even if arising from the same factual circumstances or investigation), (ii) two (2) or more separate factual events that have been separately investigated by an enforcement officer involving the same nuisance condition or activity, or (iii) a combination of two (2) or more conditions, activities, or events as described in (i) and (ii).
- (c) Designated Unincorporated Area:** Means an unincorporated area less than one square mile in size meeting the following criteria: (1) the unincorporated area is adjacent to an educational facility containing a large population of students and adults involved in activities both inside and outside the school structure, (2) the educational facility has received complaints concerning the burning of landscape

waste in the area, (3) the unincorporated area is completely surrounded by one or more municipalities that ban landscape waste burning, (4) the unincorporated area is densely populated, herein defined as containing more than one hundred (100) homes with a lot area averaging less than one acre in size within a quarter mile of the educational facility, and (5) five hundred (500) or more feet of unincorporated area abuts the property border of the educational facility.

- (d) Ditch:** Any artificially constructed open drain or natural drain that has been artificially improved.
- (e) Drain:** Any ditch, watercourse or conduit, whether open, covered or enclosed, natural or artificial, or partly natural and partially artificial, by which surface waters coming or falling upon lands are carried away.
- (f) Garbage:** Organic waste resulting from preparation, processing, handling, and storage of food and all decayed or spoiled food from any source.
- (g) Graffiti:** Any symbol, announcement, insignia, name, identification, inscription, picture, or similar marking, including, without limitation any letter, word, numeral, emblem, or combination thereof that is painted, written, drawn, scratched, marked, etched, sprayed, engraved, or any other way placed on or affixed to any wall, fence, sign, building, or any other structure, or any sidewalk, pavement, curb, post, stone, tree, or other public or private property without the prior written permission of the owner or occupant of the property, except as permitted by federal, state or County statute, ordinance, or regulation.
- (h) Health Officer:** The Executive Director of the Lake County Health Department or a designated agent.
- (i) Inoperable Vehicle:** Any motor vehicle from which, for a period of at least seven (7) days, the engine, wheels or other parts have been removed, or on which the engine, wheels or other parts have been altered, damaged or otherwise so treated that the vehicle is incapable of being driven under its own power. Any motor vehicle that does not have a current license plate or current license tags attached to it shall also be considered an inoperable vehicle. Inoperable motor

vehicle does 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.

**(j) Junk and Debris:** Includes but is not limited to garbage, tree branches, grass clippings, yard trimmings, leaves, paper, cardboard, cartons, boxes, barrels, wood, lumber, concrete, appliances, furniture, glass, bottles, crockery, tin cans, vehicle parts, boats, furniture and any other manufactured or constructed object which has outlived its usefulness in its original form (notwithstanding the fact that the object may have scrap value or could be reconditioned with substantial repair) where such object, due to its present condition and/or visibility, may reasonably be construed to be unsightly, dangerous, or creating a condition that is detrimental or potentially detrimental to the health and/or safety of the inhabitants of Lake County, Illinois. As used herein the phrase junk and debris does not include inoperable vehicles.

**(k) Motor Vehicle:** A vehicle which is propelled by a motor or engine but is not operated upon rails.

**(l) Open Burning:** The combustion of any matter outdoors in such a way that the products of the combustion are emitted to the open air without first originating in or passing through equipment for which a permit has been issued by the state environmental protection agency.

**(m) Owner:** Any person, agent, firm or corporation having any legal or equitable interest in the property. Owner includes, but is not limited to:

(1) A mortgagee in possession in who is vested:

(i) All or part of the legal title to the property.

(ii) All or part of the beneficial ownership and the rights to the present use and enjoyment of the premises.

(2) An occupant who can control what occurs on the property.

- (n) **Recreational Fire:** An outdoor fire no larger than 3'X 3'X 3' which is used for warmth, cooking for human consumption and/or temporary non-ceremonial purposes where the fire does not contain leaves, grass or shrubbery clippings or cuttings, garbage or junk and debris.
  - (o) **Specified Landscape Waste:** All accumulations of shrubbery cuttings, leaves, or other materials accumulated as a result of care of real property.
  - (p) **Weeds:** An undesirable composition of plants that interferes with the maintenance or management objectives for a given property or area of land.
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## **Article 2 – Declaration of Acts Constituting a Public Nuisance**

### **Section 1. Exterior Property Areas.**

- (a) **Inoperable Vehicle.** It is a public nuisance to keep or store any inoperable vehicle on public or private property unless said motor vehicle is: (1) kept within an enclosed building, or (2) is stored or kept on premises properly zoned for and engaged in the business of wrecking or junking motor vehicles or an approved vehicle repair use as defined in the Unified Development Ordinance.
- (b) **Junk and Debris.** It is a public nuisance to keep or store junk and debris on public or private property except in a State-permitted landfill or on premises properly zoned for, and engaged in the business of, a junk yard.

- (c) High Grass and/or Weeds.** It is a public nuisance to fail to maintain a property free from grass and/or weed growth in excess of 10 inches in height within platted subdivisions. Excluded from this provision are the following:
- 1) Areas preserved within an open space easement or plat-designated natural area.
  - 2) Plant growth that, in the opinion of the Enforcement Officer, enhances, protects, restores or otherwise supports an identified natural resource.
  - 3) Plant growth within the tree-line of a natural wooded area.
- (d) Disruption of a Ditch or Natural Drain/Standing Water.** It is a public nuisance to disrupt, disturb or interfere with any ditches or natural drains across land in such a manner that such ditches or natural drains shall fill or become obstructed with any matter which materially impedes or interferes with the flow of water or redirects water onto another's property, except as otherwise authorized by law, or to otherwise create or permit the continued existence of a condition of standing water where the standing water may facilitate or encourage the breeding of mosquitoes.
- (e) Storage of Construction Materials.** It is a public nuisance to store lumber or other building materials, construction vehicles, and/or construction equipment, not in connection with a permitted building project in progress on the property.
- (f) Graffiti.** It is a public nuisance for any person to place graffiti on any property or for any person having control of any property to allow, permit, or otherwise tolerate graffiti to be placed on or to remain on that property.
- (g) Accumulation of Rubbish, Garbage or Refuse.** It is a public nuisance to allow accumulation of rubbish, garbage or refuse on any property.
- (h) Burning Rubbish, Garbage, Refuse or Construction Debris.** It is a public nuisance to burn rubbish, garbage, refuse or construction debris on any property.
- (i) Open Burning of Landscape Waste.** It is a public nuisance to conduct open burning of grass clippings and tree trunks in the designated unincorporated area,



subject to the following exceptions:

(1) The prohibition specified in this subsection (i) shall not apply to: recreational fires, campfires, self contained outdoor burn devices, and ceremonial fires if no garbage, junk and debris, grass clippings, tree trunks, leaves, flowers, or weeds are burned in such fires.

(2) Notwithstanding the prohibition of this subsection (i), open burning of specified landscape waste shall be allowed in the designated unincorporated area when all of the following restrictions are met:

- (i) the burning is conducted between five o'clock (5:00) PM and eight o'clock (8:00) PM or sunset, whichever is earlier, Monday through Friday and between twelve o'clock (12:00) PM and eight o'clock (8:00) PM or sunset, whichever is earlier, on Saturdays, Sundays and legal holidays;
- (ii) the burning has been extinguished with no smoke emanating after eight o'clock (8:00) PM or sunset whichever is earlier;
- (iii) the burning occurs on the premises where the landscape waste was generated; and
- (iv) the burning is conducted no closer than fifty (50) feet from a school property line, fifty (50) feet from the centerline of the road, twenty-five (25) feet from a building, and twenty-five (25) feet from the side property line.

**(j) Onsite Wastewater Disposal System.** It is a public nuisance to maintain an onsite wastewater disposal system in a condition that the Health Officer determines is detrimental or potentially detrimental to the health and/or safety of, but does not present an imminent health threat to, the inhabitants of Lake County, Illinois

including, but not limited to, a cracked/damaged septic tank riser or cover or an exposed drop/distribution box.

- (k) Water Well.** It is a public nuisance to maintain a water well in a condition that the Health Officer determines is detrimental or potentially detrimental to the health and/or safety of, but does not present an imminent health threat to, the inhabitants of Lake County, Illinois including, but not limited to, a loose or damaged well cap.

## **Section 2. Structures.**

- (a) Dangerous Structures.** It is a public nuisance to allow any building, mobile home, shed, fence or other manmade structure to exist that is hazardous to public health and/or safety because of its condition, faulty construction, lack of proper repair or its openness to intrusion.
- (b) Renting or Leasing Unfit Living Quarters.** It is a public nuisance to rent or lease quarters for human habitation that, as determined by the Health Officer, are unfit for human habitation, or present/contain conditions that are detrimental to the health of the inhabitants, including but not limited to: a lack of potable water supply or a lack of adequate means of wastewater disposal.

## **Section 3. Noise.**

- (a) Sound Amplification.** It is a public nuisance to operate or permit operation of any radio or stereo sound amplification system or other sound amplification equipment which: 1) can be heard at a distance of one hundred feet (100') or more from the source vehicle or 2) can be heard at a distance of one hundred feet (100') from the property line of the source property, or 3) which exceeds 70db(A) (SLOW meter response) at the property line of any neighboring property zoned and used for residential purposes.
- (b) Construction Noise.** It is a public nuisance to perform or allow to be performed construction, repair or remodeling work, lawn mowing, or to utilize power or non

power tools where the noise from such can be heard from a distance of one hundred feet (100') or more from the property line of the source of the noise between nine o'clock (9:00) P.M. and six o'clock (6:00) A.M. Monday through Friday and on Saturdays, Sundays, and legal holidays between nine o'clock (9:00) P.M. and eight o'clock (8:00) A.M. Excluded from the provisions of this subsection are lands or portions of any lands zoned and used for agricultural purposes, and work performed by or on behalf of any public body or in response to emergencies.

- (c) Noise from Off Road Vehicles.** It is a public nuisance to operate off road motor vehicles, including motorcycles, mini-bikes, all terrain cycles, snowmobiles or other like or similar motor vehicles, on private property where the noise from which can be heard from a distance of one hundred feet (100') or more from the property line of the source of the noise in such a manner as to disturb the peace and comfort of occupants of neighboring or surrounding properties. Excluded from the provisions of this subsection are agricultural motor vehicles used for agricultural purposes and work performed by or on behalf of any public body.

#### **Section 4. Animals and Pests.**

- (a) Pet/Animal Feces or Manure.** It is a public nuisance to allow the buildup on a property of pet/animal feces or manure to the extent that it creates a condition that is detrimental or potentially detrimental to the health and/or safety of the inhabitants of Lake County, Illinois.
- (b) Pests or Vermin Infestations.** It is a public nuisance to allow any infestation of pests or vermin that may be involved in the transmission of communicable disease, or to fail to remove conditions that may permit such infestation.

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### **Article 3 – Enforcement**

**Section 1. Enforcement Officer(s).** Article 1, Section 2; Article 2, Section 1(j) and (k), Section 2(b) and Section 4(b) of this Ordinance shall be primarily enforced by the Lake County Health Department. All other sections of this Ordinance shall be jointly enforced by the Lake County Health Department, the Lake County Planning, Building & Development Department, and the Lake County Sheriff's Office.

**Section 2. Warning of Ordinance Violation.** The Enforcement Officer, as defined in Article 3 Section 1, shall have the authority to issue a Warning of Ordinance Violation when an individual has been found to be in violation of any Section of this Ordinance. The Warning shall, at a minimum, identify the violation for which it is being issued, shall include the address in which the violation has occurred, shall require the violator to cease the violation(s) or abate the violation(s) within seven (7) days, and shall state that a Notice of Ordinance Violation may be issued if the Warning is not adhered to as specified.

**Section 3. Notice of Ordinance Violation.** If an individual has previously been issued a Warning of Ordinance Violation and the individual fails to abate the violation by the date specified in the Warning, or if an individual is in violation of Article 2, Section 1(h), Section 1(i), Section 3(a), Section 3(b), or Section 3(c), the Enforcement Officer shall have authority to issue a Notice of Ordinance Violation. If Administrative Adjudication is found to be the appropriate remedy to resolve the violation, the Notice must be served in accordance with and shall contain all information specified and required in the Lake County Administrative Adjudication Ordinance. Prior to the hearing date documented on the Notice of Ordinance Violation, the Respondent may elect to abate or cease the violation for which the Notice of Ordinance Violation was issued, pay the fine listed on the Notice of Ordinance Violation, and not participate in the hearing.

**Section 4. Injunctive Relief.** In addition to or in lieu of the actions authorized under any other provision of this Ordinance, the County may request a court of competent jurisdiction for injunctive relief, a cease and desist order, or any other necessary or convenient relief to abate all nuisances.

**Section 5. Chronic Nuisances.** Upon determination by the Enforcement Officer that a property is a chronic nuisance property, the Enforcement Officer shall cause to be served upon the owner of such property a notice that the property has been found to be a chronic nuisance property. If the owner of such property cannot be found after reasonable efforts, the notice required by this provision may be served upon the occupant of the property or upon the person or persons causing, permitting, or maintaining any then-existing nuisances on the property. The notice shall direct the recipient of the notice to abate or remove such nuisance within twenty-four (24) hours or such time as is reasonable, and shall state that if the nuisance is not abated or removed in such time, the County may take appropriate action to abate or remove such nuisance at the sole cost and expense of the recipient of the notice.

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## **Article 4 – Penalties**

**Section 1. General.** After the County has given notice in accordance with this Ordinance, in addition to all other remedies available to the County, and upon the failure of the recipient of the notice to abate or remove nuisances on the property within the time specified by such notice, the County may initiate abatement or enforcement actions with respect to any new, recurring, or continued nuisance condition or activity without further notice. The Administrative Adjudication Hearing Officer may also assess fines for failure to abate violations of this Ordinance in

accordance with this Ordinance, the Lake County Administrative Adjudication Ordinance and the Lake County Administrative Adjudication Fee Schedule.

**Section 2. Chronic Nuisance Properties.** Upon the finding by a court of competent jurisdiction or a Hearing Officer pursuant to the Lake County Administrative Adjudication Ordinance, the County may record on the chain of title for such property in the Lake County Recorder's Office a notice that such property is a chronic nuisance, provided that a further notice shall later be recorded at such time that the property ceases to be a chronic nuisance property. A property that is found to be a chronic nuisance property shall remain a chronic nuisance property until such time that the Enforcement Officer or the Enforcement Officer's designee certifies that the property has remained nuisance-free for twenty-four (24) consecutive months.

**Section 3. Assessment of Fines.** As pertains to any fines authorized by this Ordinance, by any other Lake County Ordinance, Lake County Administrative Adjudication Fee Schedule, or by State of Illinois statute, whoever suffers or permits any public nuisance or nuisance as specified in this Ordinance to exist or continue in violation of this Ordinance shall be subject to a separate fine for each offense. Each day that a violation of this section exists or continues shall be considered a separate offense and any fine or fines for these separate offenses shall be assessed in accordance with applicable State of Illinois Statutes.

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## **Article 5 – Interpretation and Conflict**

**Section 1. Separability, Partial Invalidity.** The provisions of this Ordinance shall be separable. In the event any section, clause or provision of this Ordinance is declared to be invalid by a court of competent jurisdiction, such decision shall not affect the validity

of the remainder of the Ordinance not specifically included in said decision which shall remain effective, it being the intent of this County Board that this Ordinance would have been approved without such invalid provisions, clauses or sections.

**Section 2. Conflict.** If the provisions of this Ordinance conflict with provisions found in any other adopted ordinances or regulations of the county, or with any federal or State of Illinois law, the more restrictive provision of ordinance or law will control. The inclusion of provisions in this Ordinance that are also contained in other Lake County ordinances or regulations does not negate the ability of the Enforcement Officer to enforce these provisions under the terms and authority of these other ordinances or regulations. However, in no case shall any provision contained in this Ordinance be enforced under the terms and authority of more than one Lake County Ordinance or regulation.

**Section 3. Compliance:** Compliance with this Ordinance does not release persons from compliance with applicable federal or State of Illinois law, or other Lake County Ordinances or regulations.

**Section 4. Effective Date.** This Ordinance shall be in full force and effect immediately upon its passage.

Adopted: October 9, 1984

Amended: May 12, 1987

Amended: May 13, 2003

Amended: July 12, 2011

Amended: September 13, 2011