

CHAPTER 94: NUISANCES AND ENVIRONMENT; SANITATION; ADMINISTRATIVE ADJUDICATION

Comment [SLA1]: Only those sections of the nuisance ordinance with proposed amendments are included.

PUBLIC NUISANCES

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§ XX.XX PUBLIC SAFETY and PEACE

Comment [SLA2]: New section to follow 94.09

(A) Public Intoxication. It is a public nuisance for any person to be in an intoxicated condition on any highway, street, alley, or thoroughfare or other public place. Nor shall any person drink any alcoholic liquor on any public way.

(B) Disorderly Conduct. It is a public nuisance for any person to engage in the following acts:

- A. Perform any act in such an unreasonable manner as to alarm or disturb another and provoke a breach of peace.
- B. Enter upon the property of another for a lewd or unlawful purpose.
- C. Engage in the use of insulting, indecent or immoral language; or
- D. Engage in any indecent, insulting or immoral conduct or behavior, or appearing in public in a state of nudity. However, a mother may breast feed her baby in any location, public or private, where the mother is otherwise authorized to be, irrespective of whether the nipple of the mother's breast is uncovered during or incidental to the breast feeding.

(C) Dumping. It is a public nuisance for any person to dump or deposit, or cause to be dumped or deposited, within a public place in unincorporated areas of Lake County or unlawfully enter the property of another person to dump or deposit, any garbage, ashes, refuse, trash, rubbish, miscellaneous waste, manure or any substance that may contain disease, germs or be scattered by the wind or decompose, or become filthy, noxious, or unhealthful, except at a sanitary landfill site for which a permit has been lawfully issued.

(D) Trespassing. It is a public nuisance for any person to engage in the following acts:

(1) Enter upon any property of another after receiving, notice from the owner or occupant that such entry is forbidden, or to remain upon the property of another after receiving notice from the owner or occupant to depart.

(2) A person shall be deemed to have received notice from the owner or occupant within the meaning of this section if he or she has been notified personally, either orally or in writing, or if a printed or written notice forbidding such entry has been conspicuously posted at the main entrance to said property or the forbidden part thereof.

(3) Enter upon the property of a cemetery after dark whether signs indicating trespassing is prohibited are posted or not.

(4) Enter upon railroad property. No person may walk, ride, drive or be upon or along the right of way or rail yard of a rail carrier.

(E) Loitering. It is a public nuisance for a person to congregate about or in front of any business or place of dwelling, theater, hall, school, church or elsewhere, and by so doing obstruct or interfere with the free passage of persons entering or occupying any such premises, or by his language, conversation or conduct annoy, insult or disturb persons passing along the streets or alleys or occupying, residing or doing business in any such houses or places.

(F) Reckless Conduct. It is a public nuisance for a person to engage in any of the following conduct:

(1) Recklessly perform an act or acts that cause bodily harm to or endanger his or her safety or the safety of another person, by any means lawful or unlawful.

(2) Consciously disregards a substantial and unjustifiable risk that circumstances exist or that a result will follow and such disregard constitutes a gross deviation from the standard of care which a reasonable person would exercise in the situation.

Amended Lake County Public Nuisance Ordinance