

LAKE COUNTY PUBLIC NUISANCE ORDINANCE

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

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

WHEREAS, pursuant to 55 ILCS 5/5-1092, counties have 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 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, the County Board previously found ~~finds~~ 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 ~~declares~~ inoperable vehicles and junk and debris to be public nuisances, and;

WHEREAS, the County Board previously found ~~finds~~ 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 ~~declares~~ 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 noises 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 ~~declares~~ excessive noise to be a public nuisance, and;

WHEREAS, this County Board finds 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 declares the open burning of landscape waste in such specified areas to be a public nuisance; and

NOW, THEREFORE, BE IT ORDAINED by this County Board of Lake County, Illinois, as follows:

ARTICLE I - GENERAL.

Section 1. The Lake County Public Nuisance Ordinance shall be, and it is hereby, amended in its entirety to herewith be and read as follows:

“Section 2. This Ordinance shall be known as the Lake County Public Nuisance Ordinance.

Section 3. JURISDICTION. This Ordinance shall apply only in those areas of Lake County, Illinois, which are outside the corporate limits of any city, village, or incorporated town.

Section 4. PURPOSE. The purpose of this Ordinance is to define and abate public nuisances in the unincorporated area of Lake County, Illinois. The provisions of this Ordinance shall be construed in accordance with the public policy findings detailed in the preamble above, which findings are incorporated herein for all purposes.

Section 5. DEFINITIONS.

(a) INOPERABLE VEHICLE. Any motor vehicle from which, for a period of at least 7 days, the engine, wheels or other parts have been removed, on or 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. It 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.

(b) 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 unsanitary. As used herein the phrase junk and debris does not include inoperable vehicles.

(c) DITCH. Any artificially constructed open drain or natural drain, which has been artificially improved.

(d) 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.

(e) MOTOR VEHICLE. A vehicle which is propelled by an internal combustion engine but not operated upon rails.

(f) 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.

(g) 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.

(h) GARBAGE. Organic waste resulting from preparation, processing, handling, and storage of food and all decayed or spoiled food from any source.

(i) SPECIFIED LANDSCAPE WASTE. All accumulations of shrubbery cuttings, leaves, or other materials accumulated as a result of care of real property.

(j) 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.

(k) 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.

## ARTICLE II - DECLARATION OF PUBLIC NUISANCE.

Section 1. ACTS CONSTITUTING PUBLIC NUISANCES. It is a public nuisance:

(a) To keep or store any inoperable vehicle on public or private property unless said motor vehicle is: (1) kept within an enclosed building, (2) an operable historic vehicle over 25 years of age, or (3) is stored or kept on premises properly zoned for and

engaged in the business of wrecking or junking motor vehicles or is stored pursuant to Article 6, Section 6.3.41 “Vehicle Repair Use” of the Unified Development Ordinance.

(b) 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) 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.

(d) 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.

(e) 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 emergency

weather.

(f) 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.

(g) 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 (g) 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 (g), 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.

### ARTICLE III - ENFORCEMENT.

Section 1. ENFORCEMENT OFFICER. Sections 1(a), 1(b), ~~and~~ 1(c) and 1(g) of Article II of this Ordinance shall be primarily enforced by the Lake County Planning, Building and Development Department and may also be enforced by the Lake County Sheriff's Department and the Lake County Health Department. Section 1(d), 1(e), and 1(f) of Article II of this Ordinance shall be primarily enforced by the Lake County Sheriff's Department and may also be enforced by the Lake County Department of Planning, Building.

Section 2. COMPLAINTS. Enforcement officers shall have authority to issue non-traffic complaint tickets (notices to appear) to any person violating any of the provisions of this Ordinance. This is not intended as the exclusive means of initiating an action.

Section 3. NOTICE TO ABATE NUISANCE. With respect to violations of subsections 1(a) and 1(b) of Article II above, enforcement officers shall provide 48 hours notice to violators to abate an existing nuisance before issuing any complaint. Said



notice shall advise the violator of the violation and demand that the violation be removed within 48 hours. It shall be sufficient that the notice shall be posted on the violation in plain view. No such advance notice is required with respect to violations of subsections 1(c), 1(d), 1(e), ~~and 1(f)~~, and 1(g) of Article II above.

Section 4. VIOLATION - FINES. Any person who violates this Ordinance and, with respect to subsections 1(a) and 1(b) of Article II above fails to abate a nuisance after having been given notice as provided in this Ordinance, shall be fined not less than \$25 nor more than \$500 for each offense; and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

Section 5. INJUNCTIVE RELIEF. When appropriate the enforcement officer may, on behalf of the County of Lake, seek injunctive relief to prevent or abate a nuisance.

#### ARTICLE IV - MISCELLANEOUS

Section 1. SEPARABILITY/PARTIAL INVALIDITY. The several 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 effect 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. SUPERIORITY. To the extent any prior Ordinances enacted by this County Board conflict or are inconsistent with any provision of this Ordinance, the provision of this Ordinance shall control, and any such prior Ordinances or parts thereof

shall be deemed to be repealed to the extent as may be necessary to bring them into conformity with this Ordinance.

Section 3. 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