



**Lake County**  
***Administrative Adjudication Project***

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**To:** Lake County Board Members  
**From:** Matthew Meyers, Planning, Building & Development – Project Manager  
**Date:** April 24, 2012  
**Re:** Proposed Revisions to the Lake County Public Nuisance Ordinance and the Lake County Administrative Adjudication Ordinance

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In the September 2011, the County Board amended the Lake County Public Nuisance Ordinance, and adopted an Administrative Adjudication Ordinance. The Public Nuisance Ordinance replaced Lake County Board of Health Ordinance Article I, and contains provisions that allow its enforcement on an integrated basis by the Health Department, the Planning, Building and Development Department (PB&D) and the Sheriff's Office. The Administrative Adjudication Ordinance allows for the implementation of an administrative hearing process to adjudicate violations of the Public Nuisance Ordinance, and also the Animal Care and Control Ordinance (Lake County Board of Health Ordinance Article X).

Late last year the County hired hearing officer David Eterno, who also serves in this capacity for multiple other jurisdictions. During the administrative adjudication implementation process, Mr. Eterno recommended a number of revisions to the Public Nuisance Ordinance and the Administrative Adjudication Ordinance to take into account administrative adjudication best practices and to address minor procedural matters. These revisions are summarized as follows:

#### **Lake County Public Nuisance Ordinance**

Section 5 was added to Article 2, declaring the operation of tanning facilities and body art facilities without a valid permit to be a public nuisance, and therefore enforceable under the administrative adjudication process. Health Department staff conducts these two programs under contractual agreements with the Illinois Department of Public Health (IDPH). With this revision, the Health Department would be able to issue a citation directly to achieve swift compliance.

#### **Lake County Administrative Adjudication Ordinance**

When the Administrative Adjudication Ordinance was initially adopted, a separate schedule of fees and fines was also adopted. The fines, aside from those already established in Lake County Board of Health Ordinance Article XVII (Animal Care and Control Fees) for Animal Care and Control violations, were fixed at \$150 for all violations. On the advice of Mr. Eterno, two changes are proposed regarding these fees and fines:

- Relocation of fees and fines to the Administrative Adjudication Ordinance and the corresponding repeal of the Administrative Adjudication Fee Schedule.
- Establishment of a range of fines, rather than a single set amount, to be more consistent with state law, to allow for more hearing officer discretion for more egregious cases, and to incentivize compliance.