

Exhibit B: Amendments to Chapter 94 of the Lake County, Illinois Code of Ordinances

PUBLIC NUISANCES

§ 94.04 DEFINITIONS.

CANNABIS. All terms and phrases used herein shall have the same meaning as ascribed to them in the Cannabis Control Act (720 ILCS 550/1 et seq.).

CANNABIS PARAPHERNALIA. For purposes of this subchapter, means all items, equipment, products and materials of any kind which may be used in ingesting, inhaling, or otherwise introducing cannabis into the human body in violation of the Cannabis Control Act (720 ILCS 550/1 et seq.)

CEREMONIAL FIRE. An outdoor fire no larger than three feet by three feet by three feet which is used for entertainment purposes as part of a specifically scheduled public or private event and the fire does not contain non-woody landscape waste, garbage or junk and debris.

CHRONIC NUISANCE PROPERTY. Any property upon which two or more nuisance activities or conditions, as defined in this subchapter, have occurred during any three-year period; such **CHRONIC NUISANCE PROPERTY** status shall result either from:

- (1) Two or more distinct types of nuisance conditions or activities on such property (even if arising from the same factual circumstances or investigation);
- (2) Two or more separate factual events that have been separately investigated by an enforcement officer involving the same nuisance condition or activity; or
- (3) A combination of two or more conditions, activities, or events as described in subsections (1) and (2) above.

DESIGNATED HIGH SCHOOL CAMPUS AREA. 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 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 or more feet of unincorporated area abuts the property border of the educational facility.

DITCH. Any artificially constructed open drain or natural drain that has been artificially improved.

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.

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

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.

HAZARDOUS DILAPIDATED MOTOR VEHICLE. Any motor vehicle with a substantial number of essential parts, as defined by Section 1-118 of The Illinois Vehicle Code, either damaged, removed, or altered or otherwise so treated that the vehicle is incapable of being driven under its own motor power or, which by its general state of deterioration, poses a threat to the public's health, safety, and welfare. **ESSENTIAL PARTS** includes the following, as defined by Section 1-118 of the Illinois Vehicle Code, vehicle hulks, shells, chassis, frames, front end assemblies, front clip, rear clip, doors, hatchbacks, fenders, cabs, cab clips, cowls, hoods, trunk lids, deck lids, T-Tops, sunroofs, moon roofs, astro roofs, transmissions of vehicles of the second division, seats, aluminum wheels, engines and similar parts. **HAZARDOUS DILAPIDATED MOTOR VEHICLE** shall not include any motor vehicle that has been rendered temporarily incapable of being driven under its own motor power in order to perform ordinary service or repair operations.

HEALTH OFFICER. The Executive Director of the Lake County Health Department or a designated agent.

INOPERABLE VEHICLE. Any motor vehicle from which, for a period of at least seven 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.

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 or landscape waste stored in accordance with Section 94.05(B).

MOTOR VEHICLE. A vehicle which is propelled by a motor or engine, but is not operated upon rails.

NON-CUSTOMARY OUTDOOR STORAGE. The accumulation of items in excess of what is reasonable and customarily necessary for the use of the property and/or which, by its placement and/or condition whether reusable or not has the potential to (1) cause, through visual blight or odor, impairment of the use or enjoyment of neighboring properties, (2) pose a risk to public health by creating conditions favorable for the harboring of vermin, (3) pose a risk of environmental contamination and/or (4) pose a risk to public safety. Such material accumulation may include, but is not limited to junk and debris; rubbish, garbage or refuse; vehicle parts; business supplies or inventory; construction materials not incidental to an active permitted construction project on-site; ground storage of construction materials for a permitted construction project tools, storage of yard maintenance equipment vehicles, vehicle parts, recreational equipment or lawn furniture in numbers or variety beyond customarily necessary for the use of the property; any item in a visible state of deterioration as reasonably evidenced by rust or other condition, abandoned, discarded, or unused objects or equipment, not customarily stored outside such as indoor furniture, stoves, refrigerators, freezers, washers/dryers or other appliances, electronic equipment, boxes and other containers; clothing; or any combinations thereof.

NON-WOODY LANDSCAPE WASTE. All accumulations of shrubbery cuttings, leaves, grass clippings, or other landscape materials not otherwise defined as woody landscape waste accumulated as a result of care of real property.

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 Illinois Environmental Protection Agency.

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:
 - (a) All or part of the legal title to the property; and
 - (b) 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.

PRESCRIBED HABITAT AND ECOLOGICAL LANDSCAPE BURNS. Burns carried out by or on behalf of local governments, homeowner associations, large landowners or other entities responsible for the care and oversight of sensitive ecological areas, conducted under the management of professionals trained and/or certified in accordance with the Illinois Prescribed Burn Act (525 ILCS 37) and other state requirements, and organized and executed in accordance with an Illinois Environmental Protection Agency approved Open Burn Permit, associated Prescribed Burn Plan, and/or any other applicable Illinois State licensing or permitting requirements.

RECREATIONAL FIRE. An outdoor fire no larger than three feet by three feet by three feet which is used for warmth, cooking for human consumption and/or temporary non-ceremonial purposes where the fire does not contain non-woody landscape waste, garbage, or junk and debris.

WEEDS. An undesirable composition of plants that interferes with the maintenance or management objectives for a given property or area of land.

WOODY LANDSCAPE WASTE. Trees, other woody plants, and accumulated residuals of the same, including but not limited to sticks, branches, limbs, trunks, stumps, or sawdust, and excluding leaves from the same.

(Ord. 12-0446, passed 5-8-2012; Ord. passed 9-9-2014; Ord. passed 2-10-2015; Ord. 16-0904, passed 10-11-2016)

§ 94.05 Exterior Property Areas

(A) Motor vehicles.

(1) Inoperable vehicle. It is a public nuisance to keep or store any inoperable vehicle on public or private property unless said motor vehicle is:

(a) Kept within an enclosed building; or

(b) 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 (Chapter 151, §§ 151.001 through 151.285).

(2) Hazardous dilapidated motor vehicle. It is a public nuisance to proliferate a hazardous dilapidated motor vehicle, whether on public or private property, in view of the public.

(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. Excluded from this provision are the following:

(1) Landscape waste generated on-site and stored in a designated enclosure or area shall not be considered junk and debris when all of the following restrictions are met.

(a) No landscape waste pile shall exceed four feet in height nor shall exceed 100 square feet in area. More than one pile shall be permitted if necessary to accommodate storage.

(b) Any landscape waste pile shall be set back a minimum of 25 feet from any existing structure on any adjoining parcel, not including storage structures such as garages or sheds.

(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 ten 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; and

(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 landscape waste in the unincorporated area, subject to the following exceptions:

(1) This subsection (I) shall not apply to:

(a) Recreational fires, campfires, self-contained outdoor burn devices, and ceremonial fires if no garbage, junk and debris, or non-woody landscape waste are burned in such fires.

(b) Prescribed habitat and ecological landscape burns.

(c) Disposal of disaster debris as authorized by County authorities.

(2) This subsection (I) shall not apply to the open burning of woody landscape waste when all of the following restrictions are met:

(a) The burning occurs between November 1 to March 31;

(b) The burning occurs between sunrise and sunset;

(c) The burning occurs when wind speeds do not exceed 10 miles per hour (MPH);

(d) The burning occurs on a day during which Lake County is not subject to an advisory from the National Weather Service regarding critical fire weather conditions nor an air quality advisory from the Illinois Environmental Protection Agency wherein air quality in Lake County is designated as unhealthy for sensitive groups or the general public;

COMMENTARY: Critical fire weather conditions means conditions related to a combination of wind, high temperatures and low humidity leading to an increased risk of erratic or extreme fire behavior and new fire starts, or similar circumstances, as determined by the National Weather Service as referenced in www.weather.gov.

COMMENTARY: The Air Quality Index was devised by the United States Environmental Protection Agency to communicate air quality conditions to the public. The Air Quality Index is available at www.airnow.gov.

(e) The burning occurs on the premises where the woody materials were generated;

(f) The burning is supervised until the fire is extinguished. A fire extinguisher or garden hose or water source shall be available at the burning site;

(h) The burning, if located within the Designated High School Area, is conducted between sunrise and sunset only on Saturdays, Sundays, and legal holidays.

(J) On-site wastewater disposal system. It is a public nuisance to maintain and/or operate an on-site wastewater disposal system in a condition that the Health Officer determines is detrimental or potentially detrimental to the health and/or safety of 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, failure to properly supply, operate or maintain the disinfecting component of a surface discharge onsite wastewater disposal system, or failure to provide required reports of inspection and/or management activities of an onsite wastewater disposal system or system component.

(K) Water well. It is a public nuisance to maintain and/or operate a water well in a condition that the Health Officer determines is detrimental or potentially detrimental to the health and/or safety of the inhabitants of Lake County, Illinois, including, but not limited to, a loose or damaged well cap.

(L) Non-customary outdoor storage. It is a public nuisance to accumulate or allow to be accumulated non-customary outdoor storage 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.

(Ord. 12-0446, passed 5-8-2012; Ord. passed 9-9-2014; Ord. passed 2-10-2015) Penalty, see § 94.99