

CHAPTER 94: NUISANCES AND **ENVIRONMENT**; SANITATION; ADMINISTRATIVE ADJUDICATION

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PUBLIC NUISANCES

94.02 JURISDICTION AND APPLICABILITY.

(A) The provisions of this subchapter 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 §§ [94.05](#)(A), (E), (F) and (I), [94.06](#)(A), and [94.07](#), which shall apply only to unincorporated areas of Lake County, Illinois.

(B) *Enforcement.* Violations of this subchapter may be cited either as an ordinance violation through a notice to appear before the 19th Judicial Circuit Court or through administrative adjudication pursuant to the Lake County Administrative Adjudication Ordinance (§§ 94.50 through 94.66).

(C) *Injunctive relief.* In addition to or in lieu of any other remedies provided in this chapter, the county may commence an action to enjoin, remove, or abate any violation of this subchapter in the manner provided by law and to restrain or enjoin any person from operating in violation of this subchapter.

§ 94.04 DEFINITIONS

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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 Ordinance, 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.).

Commented [SLA1]: This should mirror the cannabis control act drug paraphernalia possession section more closely as it relates only to ingestion not growing or manufacturing.

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Commented [KKE3R1]:

Deleted: **DRUG**

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§ 94.13 PUBLIC SAFETY and PEACE

(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 of 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.

(G) Possession of Cannabis. It is a public nuisance for a person to possess 10 grams or less of a substance containing cannabis.

(H) Possession of Cannabis, Paraphernalia. It is a public nuisance for a person to possess any item of cannabis, paraphernalia when the person also possesses 10 grams or less of a substance containing cannabis.

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Commented [SLA4]: The civil penalty provision is limited to possession of drug paraphernalia in connection with the possession of cannabis.

§ 94.80 ENFORCEMENT OFFICERS.

Sections [94.02](#), [94.05](#)(J) and (K), [94.06](#)(B), [94.08](#), and [94.09](#) (where such authority is established by contract, agent agreement, statute, or administrative rule) of the public nuisances subchapter shall be primarily enforced by the Lake County Health Department. [Section 94.13 of the public nuisances subchapter shall be primarily enforced by the Lake County Sheriff's Office.](#) All other sections of the public nuisances subchapter shall be jointly enforced by the Lake County Health Department, the Lake County Planning, Building and Development Department, and the Lake County Sheriff's Office.

§ 94.81 WARNING OF VIOLATION.

The Enforcement Officer, as defined in [§ 94.80](#), shall have the authority to issue a warning of ordinance violation when an individual or owner has been found to be, or may be, in violation of any section of the public nuisances subchapter. The warning of ordinance violation may be provided by any of the following methods: (1) by posting a warning of ordinance violation on the property; (2) personally handing a warning of ordinance violation to the individual found to be in possession or control of the property; or (3) in the form of a letter, sent via regular U.S. mail, to the owner of the property. The warning shall, at a minimum, identify the violation for which it is being issued, shall include the address where the violation, or potential violation, is located, shall require the violator and/or property owner to cease the violation(s) or abate the violation(s) within no less than seven days, and shall state that a notice of ordinance violation may be issued if the violation, or potential violation, has not ceased nor has been abated.

Commented [SLA5]: This is a typographical error that need to be corrected.

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