



# Lake County Illinois

## Legislation Details (With Text)

**File #:** 16-0904      **Version:** 2      **Name:** Ordinance Amendments for Chapter 94 Cannabis  
**Type:** ordinance      **Status:** Passed  
**File created:** 9/23/2016      **In control:** Law & Judicial Committee  
**On agenda:**      **Final action:** 10/11/2016  
**Title:** Ordinance approving an amendment to Chapter 94, Public Nuisance.  
**Sponsors:**  
**Indexes:**  
**Code sections:**  
**Attachments:** 1. Memo Chapter 94 Amendment CannabisA, 2. Exhibit A

| Date       | Ver. | Action By                            | Action   | Result |
|------------|------|--------------------------------------|--|--------|
| 10/11/2016 | 2    | Lake County Board                    | adopted  | Pass   |
| 10/5/2016  | 2    | Financial & Administrative Committee | recommended for adoption to the regular agenda                         | Pass   |
| 10/4/2016  | 2    | Law & Judicial Committee             | approved and referred on to the Financial and Administrative Committee | Pass   |

Ordinance approving an amendment to Chapter 94, Public Nuisance.

- The State Statute regarding the Cannabis Control Act (720 ILCS 550/1 et seq.) defines cannabis and the possession of cannabis, in quantities greater than 10 grams, as being illegal.
- This change in State legislation decriminalizes the possession of 10 grams or less of cannabis.
- The Sheriff's Office is proposing a Lake County Ordinance that adopts the definition of cannabis and cannabis paraphernalia.
- This proposed ordinance will allow the Sheriff's Office to enforce an ordinance violation for the possession of 10 grams or less of cannabis.
- Offenders will be charged with ordinance violations and subject to progressive fines for repeat offenses.

### ORDINANCE

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

**WHEREAS**, on May 12, 1987, May 13, 2003, July 12, 2011, September 13, 2011, April 8, 2014, and September 9, 2014, the Lake County Board amended the Lake County Public Nuisance Ordinance; and

**WHEREAS**, pursuant to 55 ILCS 5/5-1092, counties have the 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 55 ILCS 5/5-12002.1, this County Board has the authority to find that the proliferation of hazardous dilapidated motor vehicles poses a threat to the health, safety, and welfare of the citizens of Lake County, Illinois, and authorizes immediate removal, by a local law enforcement agency; and

**WHEREAS**, pursuant to 720 ILCS 5/47-5, counties have the 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**, pursuant to 55 ILCS 5/5-43005, specified counties including the County of Lake have the authority to implement the process of administrative adjudication; and

**WHEREAS**, the Lake County Board of Health has the authority to enforce environmental and health-related nuisances throughout Lake County, Illinois; and

**WHEREAS**, the County Board finds that inoperable vehicles, hazardous dilapidated 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 of enjoyment of property, and depreciate property values, and therefore hereby declares inoperable vehicles and junk and debris to be public nuisances; and

**WHEREAS**, the County Board 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 declares drainage obstructions to be a public nuisance; and

**WHEREAS**, the County Board finds 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 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

**WHEREAS**, this County Board finds that the various nuisance and property maintenance-related regulations provided in the Public Nuisance and Graffiti Ordinances and the Board of Health Ordinance may be consolidated into the Lake County Public Nuisance Ordinance in order to facilitate

more effective, consistent joint enforcement of these regulations; and

**WHEREAS**, this County Board finds that dangerous structures are a detriment to the public health, safety, and welfare of the citizens of Lake County, Illinois, and hereby declares dangerous structures to be a public nuisance; and

**WHEREAS**, this County Board finds that renting or leasing unfit living quarters is a detriment to the public health, safety, and welfare of the citizens of Lake County, Illinois, and hereby declares renting or leasing unfit living quarters to be a public nuisance; and

**WHEREAS**, this County Board finds that an improperly maintained onsite wastewater disposal system or water well is a detriment to the public health, safety, and welfare of the citizens of Lake County, Illinois, and hereby declares that an improperly maintained onsite wastewater disposal system or water well to be a public nuisance; and

**WHEREAS**, this County Board finds that an accumulation of pet/animal feces or manure are a detriment to the public health, safety, and welfare of the citizens of Lake County, Illinois, and hereby declares that an accumulation of pet/animal feces or manure to be a public nuisance; and

**WHEREAS**, this County Board finds that pest or vermin infestations are a detriment to the public health, safety, and welfare of the citizens of Lake County, Illinois, and hereby declares that pest or vermin infestations to be a public nuisance; and

**WHEREAS**, this County Board finds that graffiti and the defacement of public and private property is a detriment to the public health, safety, and welfare of the citizens of Lake County, Illinois, specifically, among other reasons, because such graffiti and the defacement of public and private property tends to depreciate property values, encourage the spread of graffiti, interfere with the use and enjoyment of property, and hereby declares that graffiti and the defacement of public and private property to be a public nuisance; and

**WHEREAS**, this County Board finds that an overgrowth of high grass and/or weeds is a detriment to the public health, safety, and welfare of the citizens of Lake County, Illinois, specifically, among other reasons, because such overgrowth tends to depreciate property values, harbor insects and attract vermin, and interfere with the use and enjoyment of property, and hereby declares that an overgrowth of high grass and/or weeds to be a public nuisance; and

**WHEREAS**, this County Board finds that the storage of construction materials or an accumulation of rubbish, garbage, or refuse is a detriment to the public health, safety, and welfare of the citizens of Lake County, Illinois, specifically, among other reasons, because such storage tends to depreciate property values, harbor insects and attract vermin, cause traffic and safety hazards, cause visual blight, and interfere with the use and enjoyment of property, and hereby declares storage of construction materials or an accumulation of rubbish, garbage, or refuse to be a public nuisance; and

**WHEREAS**, this County Board finds that the repeated violation of nuisance regulations on any property is a further chronic detriment to the public health, safety and welfare of the citizens of Lake County, Illinois, and hereby establishes enhanced penalties for such chronic violations; and

**WHEREAS**, this County Board finds that the process of administrative adjudication provides an additional enforcement mechanism to expeditiously resolve nuisance violations, and induce more

frequent voluntary compliance with such regulations as compared to the circuit court process, and hereby authorizes the use of administrative adjudication as an additional enforcement mechanism for public nuisances as defined herein; and

**WHEREAS**, the Illinois Tanning Facility Permit Act and the Illinois Department of Public Health Tanning Facilities Code recognize and have declared tanning facilities which operate without a valid permit to be a public nuisance; and

**WHEREAS**, the Illinois Tattoo and Body Piercing Establishment Registration Act and the Illinois Department of Public Health Body Art Code recognize and have declared tattoo and/or body piercing establishments which operate without a valid permit to be a public nuisance; and

**WHEREAS**, this County Board finds that the operation of a tanning facility, tattoo and/or body piercing establishment without a valid permit a detriment to the public health, safety, and welfare of the citizens of Lake County, Illinois, specifically, among other reasons, because permits require compliance with operational requirements and failure to comply with such operational requirements can significantly increase the health and safety risks of these activities, and hereby declares the operation of a tanning facility, tattoo and/or body piercing establishment without a valid permit issued by the Department of Public Health to be a public nuisance.

**WHEREAS**, the County Board of Lake County declares public intoxication a public nuisance;

**WHEREAS**, the County Board of Lake County declares disorderly conduct a public nuisance;

**WHEREAS**, the County Board of Lake County declares illegal dumping a public nuisance;

**WHEREAS**, the County Board of Lake County declares trespassing a public nuisance;

**WHEREAS**, the County Board of Lake County declares loitering a public nuisance;

**WHEREAS**, the County Board of Lake County declares reckless conduct a public nuisance;

**WHEREAS**, the County Board of Lake County declares possession of small amounts cannabis by an individual a public nuisance;

**WHEREAS**, the County Board of Lake County declares possession of certain types of drug paraphernalia in connection with small amounts of cannabis a public nuisance;

**NOW, THEREFORE, BE IT ORDAINED**, by this County Board of Lake County, Illinois, that the amendment, attached as Exhibit A hereto, be adopted and be made effective October 11, 2016.

**DATED**, at **WAUKEGAN, LAKE COUNTY, ILLINOIS**, on this 11<sup>th</sup> day of October, 2016.