

**COUNTY OF UNION,
ILLINOIS**

NUISANCE ORDINANCE

WHEREAS, pursuant to 720 ILCS 5/47-5, a county may declare what are nuisances and abate such nuisances within its territory outside the corporate limits of any city, village or incorporated town; and

WHEREAS, pursuant to 55 ILCS 5/5-12002, a county may declare inoperable motor vehicles, whether on public or private property, to be a nuisance; and

WHEREAS, the Board of Commissioners of the County of Union, Illinois finds that the health, safety and welfare of the People of the County of Union, Illinois will be protected by repealing existing ordinances and resolutions regarding nuisances and adopting this Nuisance Ordinance;

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE COUNTY OF UNION, ILLINOIS, AS FOLLOWS:

SECTION 1: All ordinances and resolutions, or parts thereof, in conflict with this Nuisance Ordinance are hereby repealed.

SECTION 2: The Union County Code is hereby amended by the addition of the following Chapter:

ARTICLE 1

LEGISLATIVE PURPOSE

1-1 This Chapter shall be liberally construed, to the end that the health, safety and welfare of the People of the County of Union County, Illinois shall be protected.

ARTICLE 2

DEFINITIONS

-2-1 Definitions. For purposes of this Chapter, the following terms shall be given these definitions:

- (a) Code means the Union County Code.
- (b) County means the County of Union, Illinois, including, but not limited to, the County Board, Sheriff and State's Attorney.

- (c) County Board means the Board of County Commissioners of the County of Union, Illinois.
- (d) Debris means the remains of any article broken, destroyed or that is in a state of disrepair; rubble or wreckage or carelessly discarded refuse or litter.
- (e) Garbage means any waste derived from households, including single and multiple residence households.
- (f) Inoperable Motor Vehicle means any motor vehicle from which, for a period of at least thirty (30) 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; provided, however, an Inoperable Motor Vehicle shall 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, or a motor vehicle that is kept within a building when not in use, or a motor vehicle that is an operable historic motor vehicle over twenty-five (25) years of age, or a motor vehicle that located on the premises of a place of business engaged in the wrecking or junking of motor vehicles.
- (g) Person means any natural person, firm, partnership, association or corporation.
- (h) Refuse or Waste means any garbage, debris or other discarded materials including glass, plastic, paper, wood, metal, rubber, fabrics, furniture, tires or any other materials that have been discarded.
- (i) Sheriff means the Sheriff of the County of Union, Illinois.
- (j) State means the State of Illinois.
- (k) State's Attorney means the State's Attorney of the County of Union, Illinois.

ARTICLE 3

NUISANCES

-3-1 Public Nuisance.

- (a) No person owning, leasing, occupying or having charges of any premises or real property shall erect, contrive, cause, continue, maintain or permit to exist any public nuisance as defined in this Article.
- (b) Public Nuisance shall include the following:

- (i) Any thing, act, failure to act, occupation, condition or use of a property which shall continue for such length of time as to:
 - (1) Substantially annoy, injure or endanger the comfort, health, repose or safety of the public; or
 - (2) In any way render the public insecure in life or in the use of property; or
 - (3) causes substantial public annoyance, inconvenience or injury; or
 - (4) Greatly offend the public morals or decency.
- (ii) To cause or allow the carcass of an animal or offal, filth, or a noisome substance to be collected, deposited, or to remain in any place.
- (iii) To throw or deposit offal or other offensive matter or the carcass of a dead animal in a water course, lake, pond, spring, well, or common sewer, street, or public highway.
- (iv) To corrupt or render unwholesome or impure the water of a spring, river, stream, pond, or lake.
- (v) To obstruct or impede, without legal authority, the passage of a navigable river or waters.
- (vi) To obstruct or encroach upon public highways, private ways, streets, alleys, commons, landing places, and ways to burying places.
- (vii) To carry on the business of manufacturing gunpowder, nitroglycerine, or other highly explosive substances, or mixing or grinding the materials for those substances, in a building within 20 rods of a valuable building erected at the time the business is commenced.
- (viii) To establish powder magazines, at a point different from that appointed according to law, or within 50 rods of an occupied dwelling house.
- (ix) To erect, continue, or use a building or other place for the exercise of a trade, employment, or manufacture that, by occasioning noxious exhalations, offensive smells, or otherwise, is offensive or dangerous to the health of individuals or of the public.
- (x) To advertise wares or occupation by painting notices of the wares or occupation on, or affixing them to, utility poles, fences or other private property, or on rocks or other natural objects, without the consent of the owner, or if in the highway or other public place, without permission of the proper authorities.

- (xi) To permit a well drilled for oil, gas, salt water disposal, or any other purpose in connection with the production of oil and gas to remain unplugged after the well is no longer used for the purpose for which it was drilled.
- (xii) To construct or operate a salt water pit or oil field refuse pit, commonly called a "burn out pit", so that salt water, brine, or oil field refuse or other waste liquids may escape from the pit in a manner except by the evaporation of the salt water or brine or by the burning of the oil field waste or refuse.
- (xiii) To permit concrete bases, discarded machinery, and materials to remain around an oil or gas well, or to fail to fill holes, cellars, slush pits, and other excavations made in connection with the well or to restore the surface of the lands surrounding the well to its condition before the drilling of the well, upon abandonment of the oil or gas well.
- (xiv) To permit salt water, oil, gas, or other wastes from a well drilled for oil, gas, or exploratory purposes to escape to the surface, or into a mine or coal seam, or into an underground fresh water supply, or from one underground stratum to another.
- (xv) To harass, intimidate, or threaten a person who is about to sell or lease or has sold or leased a residence or other real property or is about to buy or lease or has bought or leased a residence or other real property, when the harassment, intimidation, or threat relates to a person's attempt to sell, buy, or lease a residence, or other real property, or refers to a person's sale, purchase, or lease of a residence or other real property.
- (xvi) To store, dump, or permit the accumulation of debris, refuse, garbage, trash, tires, buckets, cans, wheelbarrows, garbage cans, or other containers in a manner that may harbor mosquitoes, flies, insects, rodents, nuisance birds, or other animal pests that are offensive, injurious, or dangerous to the health of individuals or the public.
- (xvii) To create a condition, through the improper maintenance of a swimming pool or wading pool, or by causing an action that alters the condition of a natural body of water, so that it harbors mosquitoes, flies, or other animal pests that are offensive, injurious, or dangerous to the health of individuals or the public.
- (xviii) To operate a tanning facility without a valid permit under the Tanning Facility Permit Act.

- (xix) To permit the accumulation of abandoned, discarded or unused items of personal property including, but not limited to furniture, appliances, household goods, or lawn mowers.
- (xx) To maintain or permit the presence of an unoccupied mobile home for sixty (60) consecutive days where such unoccupied mobile home does not have all necessary utility hook-ups in place and operational, including, but not limited to, electricity, water and sewage disposal.
- (xxi) To permit, cause or allow the open burning of debris, refuse, garbage, trash, tires or any other material in such a manner as to be offensive, injurious, or dangerous to the health of individuals or the public.
- (xxii) To permit weeds or grass to grow to a height of eight (8) inches or more upon any subdivided lot or any portion of a subdivided lot.

-3-2 **Dumping Garbage Upon Real Property.** It is unlawful for a person to dump, deposit, or place garbage, rubbish, trash, waste, or refuse upon real property not owned by that person without the consent of the owner or person in possession of the real property.

-3-3 **Unplugged Well.** It is unlawful for a person to permit a water well, located on property owned by him, to be in an unplugged condition at any time after the abandonment of the well for obtaining water. No well is in an unplugged condition, however, that is plugged in conformity with the rules and regulations of the State Department of Natural Resources.

-3-4 **Inoperable Motor Vehicles.** It is unlawful for a person to maintain, store, keep or permit an inoperable motor vehicle on any public or private property after said person has received written notice from the County which states that said person is to dispose of such inoperable motor vehicle.

ARTICLE 4

VIOLATIONS AND PENALTIES

-4-1 **Penalties.** Any person who violates any provision of this Chapter shall be guilty of a petty offense and fined not more than one thousand dollars (\$1000).

-4-2 **Separate Offenses.** Each day a violation of this Chapter is continued constitutes a separate offense.

-4-3 **Notice.** Any notices required by this Chapter shall be in writing and shall provide for a minimum of five (5) business days to abate, correct or remedy the subject of such notice.

-4-4 **Abatement.** Each violation of this Chapter, when a conviction is had, may, by order of the court before which the conviction is had, be abated by the Sheriff or other proper officer, at the expense of the defendant.

-4-5 **Defenses.** It is not a defense to a proceeding under this Chapter that the public nuisance is erected or continued by virtue or permission of a law of this State.

SECTION 3: This Nuisance Ordinance shall be in effect upon its passage, approval and publication as provided by law.

PASSED AND APPROVED at a regular meeting of the Union County Board of Commissioners this 3 day of May, 2010.

Chairman: Randy Lumb voting yes.

County Commissioner: John Haru voting YES.

County Commissioner: Donald W. Jerny voting Yes.

Subscribed and Sworn to me this 3 day of May, 2010

County Clerk: Bobby Tolis Jr.