

APPENDIX C
NUISANCES ORDINANCE

**AN ORDINANCE REGULATING AND CONTROLLING NUISANCES
WITHIN LOGAN COUNTY, ILLINOIS**

BE IT ORDAINED by the County Board of Logan County, Illinois:

Section I – Definitions

- A. Administrative Officer – shall mean the legally designated Administrator or Health Officer of the Logan County Health Department or his/her authorized representative.
- B. Animal – shall mean cattle, swine, horses, mules, donkeys, sheep, dogs, cats, goats, rabbits, or any other animal; and chickens, turkeys, geese, pigeons, doves, ducks, or any other fowl; or any reptile including snakes, lizards, and turtles.
- C. Disposal Site - an area of land serving as the central location receiving consolidated refuse from one or more sources.
- D. Enforcement Officer - shall mean the Administrative Officer, the Logan County Zoning Officer, or their authorized representative.
- E. Farm - shall mean any parcel of land used for the growth and harvesting of crops; for the feeding, breeding, and management of livestock; for dairying or for any other agricultural or horticultural use or combination thereof.
- F. Manure - shall mean the excrement of all domestic animals and stable bedding.
- G. Refuse - shall mean and include:
 - 1) Garbage - the animal and vegetable waste resulting from the handling, preparation, cooking, and consumption of food.
 - 2) Rubbish - combustible and noncombustible waste material, and shall include, but not be limited to, tree stumps, limbs, scrap lumber, scrap metal, worn out and/or abandoned appliances, and the residue or ashes from the burning of any substance.
- H. Sewage - shall mean water-carried animal or human waste and other liquid wastes from residences, business buildings, industrial establishments, or other places.

Section II - Refuse Disposal Sites

- A. It shall be unlawful for any person to operate a disposal site by depositing or dumping, or permit the operation of a disposal site by permitting the depositing or dumping of refuse upon any land in Logan County without the approval of the site by the Illinois Environmental Protection Agency and the Logan County Health Department.
- B. All refuse disposal sites shall be located and operated in accordance with the standards of the Illinois Environmental Protection Agency.
- C. All refuse disposal sites shall also comply with the rules and regulations pertaining to their operation which may be promulgated by the Administrative Officer.

Section III - Refuse

- A. No person shall deposit or dump or maintain or permit the depositing or dumping, on any land in Logan County of any refuse which, by reason of its quantity or decomposition, could become foul, odorous, subject to spontaneous combustion, rodent infestation, or otherwise be detrimental to public health or safety or conducive to the spread of disease, without covering aforesaid substance with soil to an adequate depth within 24 hours, or otherwise handled in such a manner as may be approved by the Administrative Officer.
- B. It shall be unlawful to deposit or dump any refuse in streets, alleys, roadways, or other public land.
- C. It shall be unlawful for any person to deposit or dump any refuse upon land owned or leased by another person without the person's permission.

Section IV - Vehicles Hauling Refuse

- A. No person owning or controlling a vehicle used for the purpose of hauling or transporting refuse shall cause or permit such vehicle to be so loaded, so defective, so out of repair, so improperly driven or managed that any refuse shall drop or fall from the vehicle upon any public way or place. Such vehicle shall be so constructed or covered to prevent any part of the contents thereof from leaking, spilling, or falling therefrom.

Section V - Manure

- A. All fecal waste from animals must be removed daily from the premises occupied by such animals and stored in a fly tight container, or otherwise handled in such a manner as may be approved by the Administrative Officer. Farming operations involving cattle, hogs, sheep, or poultry, are exempt from this Section.

Section VI - Public Nuisances

- A. Public Nuisances Defined: The following are hereby declared public nuisances:

- 1) To conduct any business or use any premises as to create such an offensive smell or smoke or dust as may taint the air and render it unwholesome or disagreeable to the neighborhood. Farms as herein defined are exempt from this subsection.
- 2) To cause the carcass of any dead animal to be collected, deposited, or to remain in any water, pond, spring, lake, stream, river, well, mine shaft, or on any land within Logan County.
- 3) To corrupt or render unwholesome or impure the water of any well, drinking hydrant, or spring containing or producing water of drinking quality.
- 4) For any person to keep in a foul, offensive, nauseous, or filthy condition any chicken coop, cow house, or any other animal pen, stable, grounds, or premises. Farms as herein defined are exempt from this subsection.
- 5) All garbage stored in containers without fly-tight covers.
- 6) For any person to keep in a foul, offensive, nauseous, or filthy condition any grounds, premises, buildings, or yards, to create or maintain potential harborage for vermin. Farms as herein defined are exempt from this subsection.
- 7) All buildings, walls, mobile homes, or other structures which are lacking proper care and situated as to endanger the public or provide a harborage for rodents, insects, or other pests.
- 8) All abandoned refrigerators on any premises without the doors removed.
- 9) To permit or cause the discharge of any untreated sewage, laundry waste, effluent from a septic tank or industrial wastes or other effluent which has not been treated so as to render it harmless or inoffensive or meets the purity standards of the Illinois Environmental Protection Agency, upon the ground, surface, upon a roadway, into an abandoned well or mine shaft, pond, stream, river, lake, or crevice.
- 10) To control the unchecked growth, propagation, and dissemination of grasses, shrubbery, or noxious weeds as to jeopardize public health and safety.
- 11) To control any condition, whether specified by ordinance or not, which in the judgement of the Enforcement Officer is a jeopardy to public health or safety.

- A. Sewage from septic tanks, cesspools, other disposal units, or from other sources which is obtained from routine pumping or in other manners shall be disposed of in any municipal sewage treatment plant or in such a manner as may be approved by the Administrative Officer.

Section VIII - Enforcement and Jurisdiction

- A. This Ordinance shall be enforced by the Enforcement Officer.
- B. This Ordinance shall be applicable only to all unincorporated areas of Logan County, IL.

Section IX - Inspection

- A. The Enforcement Officer is hereby authorized and directed to make the necessary inspections to obtain compliance with this Ordinance. For the purpose of making such inspections the Enforcement Officer is hereby authorized to enter any property at any reasonable time for the purpose of determining compliance with this Ordinance. Refusal, by said owner, of right of entry may cause the Enforcement Officer to seek the permission of the court for the right of entry.
- B. Notice to Abate
 - 1) Whenever the Enforcement Officer discovers any violation(s) of this Ordinance, the owner, agent, or occupant causing, allowing, or permitting such violation(s) shall be notified by means of a written Notice to Abate. Such notification shall set forth the specific conditions found and the correction necessary to bring about such correction and compliance. The owner, agent, or occupant causing, allowing, or permitting such violation may be given up to fourteen (14) days to abate.
 - 2) Also upon such notification the owner, agent, or occupant causing, allowing, or permitting such violation may give within 3 working days written notice to the enforcement officer requesting a hearing to be conducted by the Health Department within 7 working days.
- C. Service of Notice - Notices provided for under subsection (b) of this section shall be deemed to have been properly served when the original of the inspection report or other notice has been delivered personally to the owner, agent, or occupant, as the case may be, or the premises and/or the storage site concerned, or such notice has been sent by certified mail to the last known address of such person or persons.
- D. Failure to Abate - In case the owner, agent, or occupant of any premises fails to abate a nuisance or nuisances, after due notice and time specified under subsection (b) of this section, the Enforcement Officer may file a complaint in the State's Attorney's Office.

- E. Any complaints shall be made in writing and signed by complainant.

Section X - Penalty

- A. Any person who, after notification of violation and method of correction, continues, to violate and/or refuse to obey any provisions of this Ordinance shall, upon conviction, be deemed guilty of a Class C misdemeanor, and shall be fined not less than One Hundred Dollars (\$100.00) and not more than Five Hundred Dollars (\$500.00). Such person shall, in addition, be responsible for reasonable costs and expenses incurred by Logan County Health Department, their designee, or agent in enforcing the provisions of this ordinance. Each day a violation is continued constitutes a separate offense.

Section XI - Validity

- A. Should any section, paragraph, or provision of this Ordinance be declared by the courts to be invalid, the same shall not affect the validity of this Ordinance as a whole or any part thereof other than the part declared to be invalid.
- B. In any case where a provision of this Ordinance is found to be in conflict with a provision of any zoning, building, fire, safety, health, or related code or ordinance existing on the effective date of this Ordinance, the provision which establishes the higher standard for the promotion and protection of the health and safety of the people shall prevail.

Section XII - Effective Date

- A. This Ordinance shall become effective upon its adoption and publication as required by law.
- B. The Logan County Clerk shall cause this Ordinance to be published once, within ten (10) days after its adoption, in a newspaper of general circulation in Logan County.

Adopted this 18th day of April, 1989.

AYES: 7

NAYS: 3

ABSENT: 2

ATTEST: _____(SEAL)
County Clerk

M. Deane May
Chairman, Logan County Board