

## Chapter 2

### Health Nuisances Ordinance

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#### 4-2-1 SCOPE

An Ordinance regulating health nuisances and their abatement within Rock Island County, Illinois.

WHEREAS, the Board of Health of the Rock island County Department of Public Health has deemed it necessary and desirable to regulate nuisances for health purposes and accordingly has recommended the adoption of the following Ordinance.

THEREFORE, be it resolved by the County Board of Rock Island County, Illinois, that the following Ordinance is hereby made and adopted this 17 day of May, 2016.

#### 4-2-2 DEFINITIONS

The following definitions shall apply in the interpretation and enforcement of this Ordinance:

1. BOARD OF HEALTH means the Rock Island County Board of Health or its authorized representative(s).
2. HEALTH AUTHORITY means that person or persons designated by the Rock Island County Board of Health to enforce this Ordinance.
3. HEALTH DEPARTMENT means the Rock Island County Department of Public Health, including its duly authorized representative(s).
4. HEALTH DEPARTMENT ADMINISTRATOR means the individual selected by the Rock Island County Board of Health to administer and enforce the policies, ordinances, resolutions, and laws of said Board.
5. ORDINANCE means the "Rock island County Health Nuisances Ordinance."
6. WEEDS means all grasses, annual plants and vegetation, but not trees, shrubs, bushes, or similar woody vegetation.

#### 4-2-3 HEALTH NUISANCES DEFINED

A health nuisance includes any act, omission to act, or condition on any property which may: 1) cause injury, or 2) prejudice health or safety, or 3) diminish the quality of life of one or more persons or may degrade the environment. Such acts, omissions, or conditions include, but shall not be limited to, the following:

1. To allow weeds and grasses to grow without periodic cutting as provided in Section 4-2-6.
2. The storage, accumulation, or deposition of any animal carcass, offal, fecal material, filth, refuse, garbage, or other offensive or noxious substances in any place or on any property.
3. To discharge or deposit any offal, animal carcass, liquid waste, sewage effluent, or other polluting material into or upon any watercourse, river, lake, pond, stream, spring, well, drainage ditch, or drain tile.
4. To corrupt or render impure the water of any spring, river, stream, pond, lake, or well.
5. The presence of pest infestations, rats, flies, or other vermin on a property or within a structure.
6. To emit noxious or offensive odors from a property, excepting livestock operations on agricultural property as permitted.
7. To keep in a foul, offensive, or filthy condition any grounds, premises, buildings, or yards, excepting livestock operations on agricultural property as permitted.
8. To own or operate a dwelling unit that is unfit for human habitation or dangerous or detrimental to life, safety, or health because of lack of repair, defects in the sewage system, plumbing facility, water supply, lighting, heating or ventilation system, or due to unsanitary conditions.
9. To dump, abandon, deposit, dismantle, or burn upon any public or private property any garbage, refuse, junked or

wrecked motor vehicles or non-motorized equipment or parts thereof, or other discarded solid waste.

10. Any attractive nuisance which may prove detrimental to life, safety, or health whether in a building, on the premises of a building, or upon an unoccupied lot. This includes any abandoned well, cistern, basement, or excavation, motor vehicle, discarded, abandoned, or unattended refrigerators and similar containers equipped with airtight door or lid, snap lock, or other locking device which may not be released from the inside. The duties of this item are imposed alike on the owner of the nuisance and the owner or occupant of the premises where the nuisance is permitted to remain.
11. 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.
12. 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.
13. To operate a tanning facility without a valid permit under the Illinois Tanning Facility Permit Act.
14. All other uses and conditions of property which, due to their existence, create an environment deemed by the Health Authority to be prejudicial to public health.

#### 4-2-4 HEALTH NUISANCES PROHIBITED

It shall be unlawful to cause or allow a health nuisance, as defined in Section 4-2-3, to occur or continue to occur on any property, public or private, within Rock Island County. The Health Authority shall be empowered to investigate, upon complaint of any person or on its own initiative, any health nuisance allegations in Rock Island County.

#### 4-2-5 INSPECTIONS

Subject to constitutional limitations, the Health Authority shall have the authority to enter any property or inspect any applicable facility at any reasonable time to inspect for health, sanitation, or safety purposes to determine compliance with the provisions of this Ordinance. It shall be the duty of the owner or occupant of a property to give the Health Authority free access to the property at reasonable times upon request of the Health Authority.

#### 4-2-6 WEEDS AND GRASSES

It shall be unlawful for any owner or occupant of a property to permit weeds, grass, or other plant growth to grow to a height exceeding ten (10) inches on a parcel of property of two (2) acres or less in size. For any property exceeding two (2) acres in size that adjoins on any side a parcel containing a residential or business structure, weeds or grass shall not exceed ten (10) inches in height for a lateral distance of at least fifty (50) feet from the adjoining residential or business property line in order to create a mowed buffer zone. In such cases, the Health Authority may also require that weeds and grass be periodically mowed across the frontage of said property to a point at least fifty (50) feet in lateral depth from the front property line.

Weeds shall be defined as all grasses, annual plants and vegetation, but not trees, shrubs, bushes, or similar woody vegetation.

#### 4-2-6.1 Exceptions

The term "Weeds" shall not include agricultural crops, ornamental plants, or cultivated flowers or gardens, including but not limited to, native species plantings used for aesthetic and/or wildlife promotion, and /or to offset and control soil loss from erosion. The cutting of weeds and grasses shall also not apply to conservation areas, wildlife preserves, and public lands, or ravines, terraced slopes, and other areas with steep slopes requiring dense vegetation for erosion control.

#### 4-2-6.2 Noxious Weeds

All noxious weeds shall be prohibited. A noxious weed means any plant declared by the State of Illinois to be a noxious weed pursuant to 505 ILCS 100/1 et seq.

#### 4-2-7 NOTICE OF VIOLATION

Whenever the Health Authority determines, through inspections or other means, that there is a violation of any provision of this Ordinance, the Health Authority shall give notice of such alleged violation. Such notice shall:

1. Be in writing.
2. Include a statement of the reasons for the issuance of the notice.
3. Contain an outline of remedial action and allow a reasonable time to effect compliance with this Ordinance. When a weed abatement notice is issued, such weeds and grasses shall be cut within ten (10) days of the date of mailing or posting of said notice.
4. Be served upon the owner, operator, or resident as the case may require, provided that such notice shall be

deemed to have been properly served when the notice has been personally delivered or sent by registered or certified mail or if the owner, operator, or resident acknowledges receipt of such notice.

In cases when the subject property is vacant or unoccupied, notice shall be sent to the owner or occupant's last known address. If the name or address of the last known owner or occupant cannot be ascertained upon due diligence, service of said notice shall be made by posting the notice on the property. Such a notice is considered to be properly served.

#### 4-2-8 ABATEMENT OF NUISANCES

When a notice of violation is served as outlined in Section 4-2-7 and the responsible person does not abate the nuisance within the specified time and manner required, the Health Authority may take any of the following enforcement actions:

1. Seek to impose a monetary penalty as defined in Section 4-2-11 of this Ordinance by instituting enforcement action.
2. Seek to enjoin the continuation of the nuisance by the filing of a lawsuit in a court of competent jurisdiction as stated in Section 4-2-12.
3. On properties where abatement of a weed violation has not occurred as required in Section 4-2-6, the Health Authority shall be empowered to authorize the cutting of weeds and grasses at the expense of the Health Department. The Health Department shall then bill the responsible owner or occupant of said property for all applicable costs for the service. If the responsible owner or occupant fails to pay such costs within a reasonable period of time after billing has occurred, the Health Department may file a notice of lien against the subject property.

In addition to the above abatement remedies, whenever, in the opinion of the Health Authority, a nuisance creates an imminent threat to life, safety, or health to persons or creates an imminent threat to a property or the environment, the Health Authority shall be empowered to abate such nuisance without notice if the owner or occupant is not known or cannot be readily found. All expenses incurred by the Health Department shall be paid by the responsible owner or occupant of the subject property. If the responsible owner or occupant fails to pay such costs within a reasonable period of time after billing has occurred, the Health Department may file a notice of lien against the subject property.

#### 4-2-9 HEARING BEFORE THE HEALTH DEPARTMENT ADMINISTRATOR

Any person affected by any order or notice issued by the Health Department in connection with the enforcement of any section of this Ordinance may file in the office of the Health Department a written request for a hearing before the Health Department Administrator. The Health Department Administrator shall hold a hearing at a time and place designated by him/her within thirty (30) days from the date on which the written request was filed. The petitioner for the hearing shall be notified of the time and place of the hearing not less than five (5) days prior to the date on which the hearing is to be held. If, as a result of the hearing, the Health Department Administrator finds that strict compliance with the order or notice would cause undue hardship on the petitioner and that the public health would be adequately protected and substantial justice done by varying or withdrawing the order or notice, the Health Department Administrator may modify or withdraw the order or notice, and as a condition for such action may make requirements which are additional to those prescribed in this Ordinance for the purpose of properly protecting the public health. The Health Department Administrator shall render a decision within ten (10) days after the date of the hearing which shall be reduced to writing and placed on file in the office of the Health Department, and a copy thereof shall be sent to the petitioner. Any person



aggrieved by the decision of the Health Department Administrator may seek relief therefrom through a hearing before the Board of Health.

#### 4-2-10 HEARING BEFORE THE BOARD OF HEALTH

Any person aggrieved by the decision of the Health Department Administrator, rendered as the result of a hearing held in accordance with Section 4-2-9, may file in the office of the Health Department a written request for a hearing at the next regular Board of Health meeting, if the agenda allows. The petitioner for the hearing shall be notified of the time and place of the hearing not less than five (5) days prior to the date on which the hearing is to be held. If, as a result of the hearing, the Board of Health finds that strict compliance with the decision of the Health Department Administrator would cause undue hardship on the petitioner and that the public health would be adequately protected and substantial justice done by granting a variance from the decision of the Health Department Administrator, the Board of Health may grant a variance, and as a condition for such variance, may make requirements which are additional to those prescribed by this Ordinance, all for the purpose of properly protecting the public health. The Board of Health shall render a decision within ten (10) days after the date of the hearing which shall be reduced to writing and placed on file in the office of the Health Department, and a copy thereof shall be sent to the petitioner.

#### 4-2-11 PENALTIES

Any person who violates any provision of Section 4-2-3 (Health Nuisances) of this Ordinance shall be guilty of a Petty Offense and shall be fined not more than \$100, and for a subsequent offense such person is guilty of a Class B misdemeanor. Every nuisance described in Section 4-2-3, upon conviction, may, by order of the court in that action, be abated by the Sheriff or other proper officer at the expense of the defendant. It is not a defense to a

proceeding under this Section that the nuisance is erected or continued by virtue or permission of a law of this State.

Any person who violates any provision of Section 4-2-6.2 (Noxious Weeds) of this Ordinance shall be guilty of a Petty Offense and shall be fined not more than \$100 for the first offense and not more than \$200 for each subsequent offense.

For any violations of the provisions of this Ordinance, each day's violation constitutes a separate offense.

#### 4-2-12 INJUNCTIONS

The State's Attorney of Rock Island County may bring action for an injunction to restrain any violation of this Ordinance or to enjoin the operations of any such establishment causing such violation.

#### 4-2-13 CONFLICT OF ORDINANCE

In any case where a provision of this Ordinance is found to be in conflict with a provision of any zoning, building, fire, safety, or health ordinance or code of Rock Island County existing on the effective date of this Ordinance, the provision which, in the judgment of the Health Authority, establishes the higher standard for the promotion and protection of the health and safety of the people shall be deemed to prevail, and such other ordinance or codes are hereby declared to be repealed to the extent that they may be found in conflict with this Ordinance.

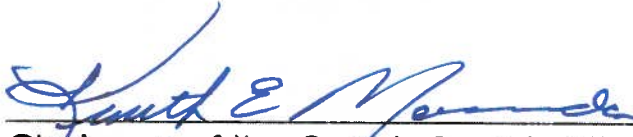
#### 4-2-14 SEPARABILITY OF PROVISIONS

If any section, subsection, paragraph, sentence, clause, or phrase of this Ordinance should be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this Ordinance which shall remain in full force and effect and, to this end, the provisions of the Ordinance are hereby declared to be severable.

4-2-15 EFFECTIVE DATE

This Ordinance shall be in full force and effective immediately upon its adoption as provided by law. Previously adopted ordinances pertaining to the same subject matter are repealed.

The above and foregoing resolution was adopted on the 17 day of May, 2016.

  
Chairman of the County Board of the  
County of Rock Island, Illinois

  
Clerk of the County Board of the  
County of Rock Island, Illinois