

06-O-23

ORDINANCE

Sponsored by

**THE HONORABLE JOHN H. STROGER JR., PRESIDENT AND GREGG GOSLIN
COUNTY COMMISSIONERS**

Co-Sponsored by

**THE HONORABLE JERRY BUTLER, FORREST CLAYPOOL, EARLEAN COLLINS,
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PETER N. SILVESTRI AND LARRY SUFFREDIN, COUNTY COMMISSIONERS
PUBLIC HEALTH AND PRIVATE NUISANCE ORDINANCE OF COOK COUNTY,
ILLINOIS**

Article I - Purpose and Jurisdiction

1. Title

Public Health and Private Nuisance Ordinance of Cook County, Illinois.

2. Purpose

This Ordinance shall be liberally construed and applied to protect and improve the public health and the quality of life for citizens residing in the unincorporated area of Cook County.

3. Jurisdiction

The provisions of this Ordinance apply to the unincorporated area of Cook County and such other areas as may be designated by the Cook County Board of Commissioners in accordance with State Statutes but excluding all publicly owned property or right of ways under the jurisdiction of any governmental agency.

4. Severability

If any section, paragraph, sentence, clause or phrase of this Ordinance is declared unconstitutional or the application thereof is held invalid, it shall not affect the validity of the remainder of this Ordinance and the application of such provisions to other persons and circumstances.

Article II - Definitions

Unless the context clearly requires otherwise, the words and phrases set forth herein shall have the meanings set forth in this Ordinance. Words and phrases not defined in this Ordinance shall have the meaning indicated by common dictionary definition.

1. COMPOST shall mean a humus-like product derived from the process of composting waste, which may be used as a soil conditioner.

2. COMPOST BIN shall mean a structure constructed of durable non-toxic, non-carcinogenic material, such as rot-resistant wood, block, or sturdy woven wire fencing, for the purpose of containing a compost pile, or a commercially available container designed specifically for

composting, distinct from a garbage or waste container.

3. **COMPOSTING** shall mean the biological treatment process by which microorganisms decompose the organic fraction of waste, producing compost. Only materials generated by the residents of the property where the compost pile or bin is located are permitted to be composted. Examples of permitted materials include: grass clippings, leaves, weeds that have not gone to seed, non-diseased plants, evergreen cones or needles, straw, sawdust, wood ashes, fruit or vegetable scraps, coffee grounds, eggshells, and commercially available ingredients specifically designed to speed or enhance decomposition. Examples of prohibited materials include: fats, oils, grease, or lard; dairy or meat products; human or pet feces; diseased plant waste; poisonous substances; chemically treated lumber, sawdust from chemically treated lumber, or other chemically treated materials; inorganic material; and other materials that may attract vectors. Proper composting techniques including, but not limited to, timely aeration, soil addition and the monitoring of moisture content shall be maintained. Equine waste may, however, be composted in accordance with all Illinois Department of Agriculture regulations. Such composting of equine waste is only allowed in areas where the Cook County Zoning Ordinance permits keeping of horses. It is not the intent of this section to prohibit farmers or gardeners from incorporating bovine or equine waste into the soil for fertilizer.

4. **DOMESTIC SEWAGE** shall mean waste water emanating principally from, but not limited to: dwellings; business or office buildings; institutions; food service establishments and similar facilities; recreational, construction, office, and school trailers or similar facilities. Domestic sewage may contain, but is not limited to, human excrement, laundry waste water, kitchen and bathroom waste water, water used for cleaning, water from building floor drains, and water used for processing. The term does not include surface drainage water or footing water.

5. **GARBAGE** shall mean putrescible animal and vegetable waste resulting from the handling, preparation, cooking and consumption of food. Domestic sewage containing human excrement or body waste is not defined as garbage.

6. **HEALTH DEPARTMENT** shall mean the Cook County Department of Public Health.

7. **IMPROPERLY TREATED DOMESTIC SEWAGE** is domestic sewage that comes to the ground surface directly from any component of a conventional subsurface septic tank and seepage tile system, and domestic sewage emanating from a malfunctioning or broken public outdoor building sewer serving a structure listed in subsection 4 of this Article and occurring within the property line. It is also defined as any direct surface sewage discharge from a mobile conveyance holding tank, pumper truck tank, or an improperly designed, maintained, or installed sanitary dump station. In cases where surface discharges of treated effluent have been allowed, the domestic sewage shall be deemed improperly treated if the treated effluent is not in compliance with any applicable provision of Section 905.110(d) of the Illinois Code, 77 Ill. Adm. Code 905, Private Sewage Disposal Licensing Act and Code. (2003).

8. **LITTER** shall mean paper; cigarette butts; glass; plastic; grass clippings, or other lawn, yard, or garden waste such as leaves, twigs, tree branches, and tree roots that are less than a one-half inch in diameter, uprooted weeds, shrubbery cuttings, brush, and plant stalks; needles, syringes, and

lancets; carcasses of dead animals, excrement from domestic pets, manure from other domesticated animals; and other non-putrescible waste.

9. MOLD shall mean any microscopic fungi, including mushrooms and yeasts.

10. SERIAL VIOLATION shall mean one in which the violator has received two or more notices for the same or similar violations from the health department.

11. VECTORS shall mean any arthropod, rat, mouse, bird, or other animal capable of carrying disease producing organisms to a human host. It does not include animals that transmit disease to humans only when used as food.

Article III - General Provisions

1. Representatives of the health department are hereby authorized and empowered to make all inspections of buildings, structures, property, and premises.

2. Representatives of the health department may enter all buildings, structures, property, and premises in order to enforce the provisions of this Ordinance during reasonable hours subject to reasonable notice. Such representative shall have the authority to make such decisions and determinations as are necessary with respect to the enforcement of this Ordinance, and impose such requirements and orders as are necessary to bring such buildings, structures, property, and premises into compliance with this ordinance.

3. Failure to grant access to any building, structure, property, or premise to determine compliance with this Ordinance is a separate violation of this Ordinance punishable in accordance with the penalties section of this Ordinance.

4. Submission of any information or complaint either in writing or orally to the health department that contains false or misleading information is a separate violation of this Ordinance punishable in accordance with the penalties section of this Ordinance.

5. When an investigation, whether based upon complaint or otherwise, shall disclose that violations of this Ordinance exist, the health department shall give notice in writing to the owner, occupant, lessee, or person in possession, charge or control of such building, structure, property, or premises, to make such changes, alterations, repairs, or to perform such work, or to take such action to correct the violations within such time as shall be designated by the health department. In no event will this time period for making any corrections exceed 30 days after the service of such notice.

6. In the event that satisfactory changes, alterations, repairs, work, or actions have not been initiated within the time specified in said notice, the health department may notify the State's Attorney's Office of such violations of this Ordinance or any default of such notice, and recommend legal prosecution.

7. In the event of a serial violation of any provision of this Ordinance, the health department may

request prosecution by the State's Attorney's Office after seven days notice.

8. Representatives of the health department are authorized to request assistance from the Cook County Sheriff's Police to help serve an administrative warrant, a search warrant, or other notices.

9. If any condition not covered by this Ordinance is observed that may be injurious to the safety of the public, representatives of the health department may request the assistance of the Cook County Department of Building and Zoning. Such matters include but are not limited to: municipal sewer systems; municipal water systems; electrical systems; plumbing; excavations; unsafe buildings; fire prevention and safety; ventilation, including air exchanges; lighting and heating; drainage; grading; standing water problems; structural integrity; occupancy; property maintenance; and similar matters where the Cook County Department of Building and Zoning has inspectional authority.

10. Authorization is given to members of the general public who are directly affected by any violation of this Ordinance to enforce the provisions of this Ordinance based upon the citizen's sworn complaint filed with the clerk of the circuit court and prosecuted as provided by law.

11. The health department has the authority to promulgate rules and regulations to carry out the intent and purpose of this Ordinance. Failure to comply with the rules and regulations promulgated by the health department is a separate violation of this Ordinance punishable according to the penalties section of this Ordinance.

Article IV - Declared Nuisances

The following are declared to be public nuisances that are injurious to the public health, and therefore, it is unlawful for any person to commit any of the following acts:

1. To deposit or throw garbage or litter onto the ground surface, property, or in any water course, lake, pond, spring, well or common sewer.
2. To allow garbage or litter to accumulate on the ground surface, property, or in any water course, lake, pond, spring, well or common sewer on property that is under their control or ownership regardless of who threw or deposited the garbage or litter there.
3. To deposit or throw garbage or litter into a garbage container or a waste container owned by another person without the consent of the owner or person in possession of said container.
4. To burn garbage in the open.
5. To use a garbage container or a waste container that is not fly tight.
6. To use a garbage container or waste container that is not constructed from non-absorbent, durable, metal or hard plastic material and that is not provided with a tight fitting cover. The use of a plastic bag for the outside storage of garbage is prohibited, except when placed for regular

scavenger pickup by a State of Illinois licensed waste hauler and only during the daylight hours of the day of pickup.

7. To use a garbage container or a waste container for the outside storage of garbage by a commercial establishment that is not placed on a paved, well-drained surface.

8. To use a garbage container or waste container that has holes or other defects for the outside storage of garbage and litter.

9. To fail to have garbage and/or litter removed from the premises at least once a week by a State of Illinois licensed waste hauler. A residence or a commercial, service, industrial, or business entity located in the unincorporated area shall keep records of such removal service for inspection by the health department upon request. Failure to provide a current record or bill from the waste hauler at the time of the inspection will be considered prima-facie evidence that such service does not exist.

10. To leave the lid off a garbage container except when placed for scavenger pickup by a State of Illinois licensed waste hauler and only during the daylight hours of the day of pickup.

11. To use unsanitary, leaking, or defective garbage or waste containers. All containers shall be cleaned, repaired or replaced by the owner or person in control of the property.

12. To store, dump, or permit the accumulation of tires, buckets, cans, wheelbarrows, garbage cans, or other containers in a manner that may hold water and harbor vectors.

13. To dump, deposit, drop, throw, discard, or leave litter or garbage, or to cause or permit the dumping, depositing, dropping, throwing, discarding or leaving litter or garbage upon any public or private property except as may be allowed by local or state agencies.

14. To dispose of health care items such as needles, syringes, lancets, and other sharp objects without first placing these objects in a hard plastic container or a metal container that are provided with a screw on lid or other tightly secured lid.

15. To allow pets to defecate on property owned by another person or entity without permission unless such waste is picked-up and promptly removed from said property.

16. To allow pet waste to accumulate on the ground surface of property under their control or ownership regardless of who owns the domestic pet.

17. To have more than three adult companion animals living at any one individual residential unit. The term companion animal shall include domestic dogs, domestic cats, and ferrets. For purposes of this ordinance, an animal shall be considered an adult when it reaches four months of age.

18. To discharge improperly treated domestic sewage from a sewage disposal system serving the property under their ownership or control to the ground surface, farm tiles, streams, rivers,

ponds, lakes, storm sewers, roadside ditches, other collectors of water, water well, cisterns, basements, underground mines, caves, sinkholes, tunnels, wells, or in a manner that does not comply with the requirements of Ill Code, 77 Ill. Adm. Code 905, Private Sewage Disposal Licensing Act and Code (2003). The existence or appearance of any fluorescein dye on the ground surface or otherwise outside of a septic tank and seepage tile system that has been so dyed shall be deemed to be prima-facie evidence that such system is discharging improperly treated sewage to the ground surface in violation of this Ordinance.

19. To fail to provide clean and sanitary public or employee restrooms.
20. To improperly maintain a public or residential swimming pool, or wading pool or any other man made basin or container of water that is offensive, injurious, or dangerous to the public health.
21. To permit the accumulation of outdoor litter to such an extent that it may harbor vectors that are offensive, injurious or dangerous to the public health.
22. To compost in a manner that is not permitted in this ordinance.
23. To locate or place a compost pile or bin in either the front yard or the side yard of a lot.
24. To use residential type compost piles or bins that are more than five feet in height and/or have a combined ground base area of more than one hundred square feet. Bins shall be structurally sound and kept in a state of good repair.
25. To place compost piles or bins over a drainage-way of any kind.
26. To allow any garbage site, premise, building, structure, or property to become infested with vectors.
27. To permit a water well or cistern to be unplugged, unsealed, or uncovered at any time after its abandonment for more than 30 days unless written approval is obtained from the health department.
28. To own, maintain, keep or use a building or structure that is unfit for human habitation or occupancy. A building or structure is unfit for human habitation or occupancy if: a.) it does not contain properly functioning, maintained, and installed potable water system; b.) it does not contain electricity or gas for cooking and/or heating; c.) it does not contain properly functioning equipment for heating the building; d.) it does not contain properly functioning appliances for cooking and refrigerating food; e.) it does not contain a properly functioning, maintained, and installed sewage disposal system.
29. To own or maintain rental property that contains excessive moisture or water that has or may result in indoor mold growth.
30. To allow a privy vault to exist that is not fly tight.

31. To leave any septic tank, cesspool, pit privy, aerobic treatment plant, or seepage pit in the ground after discontinuing its use as a component of a sewage disposal system without first having the contents pumped by a State of Illinois and Cook County licensed septage hauler. Once pumped, the tank, cesspool, pit privy, treatment plant, or seepage pit must either be removed from the ground or broken, cracked, or crumbled and filled with sand or compacted soil.
32. To dispose of domestic waste by any means that is not specifically authorized by either the Illinois Environmental Protection Agency or the health department.
33. To maintain any building, structure, property, or premises or any part thereof that is unsanitary, unhealthy and unfit for human habitation, occupancy, or use.
34. To fail to cut grass, weeds, or brush in a manner that may harbor vectors.
35. To discharge wastewater from aerobic treatment plants in a manner that does not comply with 77 Ill. Adm. Code 905, Private Sewage Disposal Licensing Act and Code (2003).
36. To fail to provide temporary toilet facilities at a construction site.
37. To construct, install, repair, modify or maintain a private sewage disposal system in a manner that does not comply with 77 Ill. Adm. Code 905, Private Sewage Disposal Licensing Act and Code (2003).
38. To pump, haul, and/or dispose of waste from a private sewage disposal system in a manner that does not comply with 77 Ill. Adm. Code 905, Private Sewage Disposal Licensing Act and Code (2003).
39. To fail to provide the vertical and/or horizontal separation distance between water lines and sewer lines in a manner that does not comply with 77 Ill. Adm. Code 905, Private Sewage Disposal Licensing Act and Code (2003).
40. To add prohibited materials to a private sewage disposal system.
41. To use septage disposal methods that do not comply with 77 Ill. Adm. Code 905, Private Disposal Licensing Act and Code (2003).
42. To install a private sewage disposal system that is not installed according to the approved plans.
43. To fail to obtain the requisite permit to collect septage or to transport septage through Cook County.

Article V – Penalties

Any person, firm, company or corporation that is found guilty of violating any provision of this

Ordinance or fails to comply with any rule, regulation, or order issued by a representative of the health department shall be fined not less than \$500.00 or more than \$1000.00 for each violation. A person or entity found guilty of an offense may be subject to between 15 to 30 days imprisonment, confinement or equivalent community service. A person or entity found guilty of committing a repeat violation of any provision of this Ordinance shall be fined not less than \$1000.00 or more than \$5000.00. A person or entity found guilty of a repeat offense may be subject to between 30 days and 180 days imprisonment, confinement or equivalent community service. For purposes of determining a repeat violation, the first violation of a provision of this Ordinance must have occurred within 2 years of the second violation of the same provision.

In addition to any penalty provided by this Ordinance, the health department may request that the Cook County State's Attorney initiate action to obtain injunctive relief in the Circuit Court of Cook County, Illinois, including the issuance of a temporary restraining order and preliminary injunction, in order to abate any such nuisance condition as enumerated in this Ordinance.

All penalties assessed by the court under this Ordinance shall be payable to the health department for deposit with the Cook County Treasurer's Office. Only checks or money orders made payable to the health department will be accepted.

The complaining party, in any case brought by a private citizen, shall be allowed to recover their court costs, filing fees, and their attorney's fee from the defendant if the court finds in favor of the plaintiff.

The responding party, in any case brought by a private citizen, shall be allowed to recover their court costs and attorney's fee from the private party in any case where the court finds in favor of the defendant.

Approved and adopted this 20th day of June 2006.