

ORDINANCE

STORAGE AND HANDLING OF REFUSE AND NUISANCES

WHEREAS The Clay County Board finds that the increased need for the proper handling of unused and waste materials and structures in rural Clay County, without the parallel growth of proper facilities enabling and ensuring the recycling, reuse and conservation of natural resources and solid wastes, has resulted in a rising tide of scrap and waste materials of all kinds, including but not limited to: junk automobiles, large home appliances and junk mobile homes; that excessive quantities of refuse and inefficient and improper methods of refuse disposal result in scenic blight, and cause serious hazards to the public health, comfort, safety, convenience, welfare and happiness of county residents, create public nuisances; depress the value of nearby property, offend the senses and otherwise interfere with community life and development, create havens for vermin, create fire hazards; and

WHEREAS The Clay County Board finds that it is necessary and proper under the powers granted it pursuant to Illinois Compiled Statutes Chapter 55 5/5-25001 et seq., Chapter 55 ILCS 5/5-1052, that an ordinance regulating the storage, and handling, final disposal of refuse, and granting authority to enforce such regulations be adopted, and that it is proper that said ordinance prohibit, abate, suppress, and prevent all related acts, practices, conduct, uses of property and all other things detrimental or liable to be detrimental to the health, welfare, safety, comfort and enjoyment of the inhabitants of the county;

NOW THEREFORE BE IT ORDAINED, by the Board of Clay County, Illinois, that the following rules and regulations herein sometimes referred to by the word ordinance be, hereby made and adopted, for all unincorporated areas of Clay County.

I. DEFINITIONS

- A. **APPROVED SITE** -- shall mean a location for final disposal approved or as otherwise provided for in this ordinance by the Illinois Environmental Protection Agency.
- B. **AUTHORIZED REPRESENTATIVE** -- shall mean the Clay County Sheriff, Clay County deputies, the Clay County Health Department Administrator, and the Clay County Health Department Director of Environmental Health.
- C. **AUTOMOBILE GRAVEYARD** -- shall mean any establishment or place of business which is maintained, operated, or used for storing, buying or selling wrecked, junked, scrapped, ruined or dismantled motor vehicles or motor vehicle parts.
- D. **HIGHWAY** -- the entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel.
- E. **INFESTATION** -- shall mean the presence within a dwelling or building or on the premises of vermin or rodents in a sufficient quantity to constitute a health hazard.

- F. **JUNK** -- shall mean old or scrap copper, brass, batteries, paper, trash, rubber debris, building debris, waste, or junked, dismantled or wrecked automobiles, or parts thereof, iron, steel, and other old or scrap ferrous or nonferrous material, excluding farm implement equipment or parts which are suitable for use as salvage for farming purposes only on the site where located.
- G. **JUNK VEHICLE** -- shall mean any motor vehicle which is wrecked, scrapped, ruined, partially dismantled, wholly dismantled, inoperative, abandoned, or discarded, and fails to display current valid licensing.
- H. **JUNK YARD** -- shall mean an establishment or place of business which is maintained, operated, or used for storing, keeping, buying or selling junk, or for the maintenance or operation of an automobile graveyard, and mobile home salvage yard.
- I. **MANURE** -- shall mean the excrement of all domestic animals and fowl and stable bedding.
- J. **MOBILE HOME SALVAGE YARD** -- shall mean an establishment or place of business which is maintained, operated, or used for storing, keeping, buying or selling wrecked, scrapped, junked, ruined or dismantled mobile homes or mobile home parts, but does not include the repair of mobile homes by mobile home dealers who refurbish and sell used but not wrecked, scrapped, junked, ruined or dismantled mobile homes.
- K. **PERSON** -- shall mean any natural person, firm, club, corporation, association, partnership, company, organization or political subdivision.
- L. **PLATTED** -- those lands subdivided and platted pursuant to ILCS Chapter 765 Section 205 et seq.
- M. **PLOTTED** -- for purposes of this ordinance platted shall be equivalent to platted.
- N. **PREMISES** -- shall mean public and or private property, either improved or vacant, habitated or uninhabitated, including buildings and other structures.
- O. **RECLAMATION** -- a method, technique, or process designed to remove any contaminant from waste so as to render such waste reusable, or any process by which materials that would otherwise be disposed of or discarded are collected, separated or processed and returned to the economic mainstream in the form of raw materials or products. [Environmental Protection Act 415 ILCS 5/1 Section 3.30].
- P. **REFUSE** -- all solid wastes, (except body wastes), including garbage, rubbish, dead animals, abandoned automobiles, discarded household appliances and solid manufacturing and industrial wastes.
- Q. **RODENTS** -- shall mean rats and mice.
- R. **RUBBISH** -- solid wastes (excluding ashes), consisting of either combustible or non-combustible wastes such as paper, cardboard, tin cans, wood, glass, bedding, and similar materials.

- S. **SCRAP PROCESSING FACILITIES** -- shall mean any establishment having facilities for processing iron, steel, nonferrous scrap, mineral wastes, slag, or junk tires and rubber products and whose principal product is scrap iron, steel or nonferrous scrap or rubber for sale for remelting or recycling purposes only.
- T. **VERMIN** -- shall mean roaches, fleas, lice or similar noxious animals of small size.

II. REFUSE STORAGE AND DISPOSAL

A. FINAL DISPOSAL OF REFUSE

All refuse shall be disposed of at an approved site. The location, methods and operations for final disposal of refuse shall conform to requirements of the Illinois Environmental Protection Act, a copy of which shall be on file at the county health department office. No person shall store, deposit or permit to remain upon the ground or in any waterway, drainage ditch, or confined waters within the county, any refuse or offensive matter that may attract or harbor flies, rodents, vermin and or mosquitoes; create offensive odors or unsightliness; create a health hazard; a safety hazard, or a nuisance.

B. ACCUMULATION, STORAGE AND BURNING

No person shall deposit, store or accumulate any refuse within the county except as provided in Section IIA of this Ordinance. No person shall burn or incinerate any refuse for reclamation purposes within the county except at a location, in a device, and in a manner which is approved by the Clay County Health Department. When permits are required for operation of such devices, a copy of such permit shall be on file in the office of the health department.

C. ACCUMULATION AND STORAGE OF JUNK

1. No person shall deposit, store or accumulate on any premises within the county any junk except in a junkyard, mobile home salvage yard, automobile graveyard, and or scrap processing facility.
2. No person may hereafter establish a junkyard, mobile home salvage yard, automobile graveyard or scrap processing facility within 500 feet of any residential dwelling, with the exception of the establishment owner's residential dwelling. In addition, the establishment shall not be located within 1,000 feet of the right of way of a federal aid system road or within 500 feet of the right of way of any other public road within the county. The establishment shall not be located within 500 feet of any source of water, tributary, drainage ditch, pond or lake. The establishment shall not be located within 500 feet of a 100 year flood plain. Fencing 6 feet in height shall be required around the perimeter of the establishment.

D. DANGEROUS AND HAZARDOUS MATERIALS

Any dangerous and hazardous materials, including but not limited to chemicals specified as hazardous by Federal Environmental Protection Act, or substances such as poisons, acids, caustics, pesticides, infested materials, explosives, and solid wastes resulting from industrial processes shall not be mixed, stored, or collected with refuse as defined in this Ordinance. All dangerous and hazardous materials or substances shall be stored, collected and disposed of in a manner prescribed by applicable State Statute and Federal Statute.

E. VERMIN AND RODENTS

No person shall permit an infestation of vermin or rodents on any premises within the county.

F. ENFORCEMENT

This Ordinance shall be enforced by the Authorized Representative of the Clay County Sheriff's Department or other designated county or state officials.

G. COMPLAINTS AND INSPECTION

All citizen complaints shall be reported to the Clay County Health Department or the Clay County Sheriff's Department and initially inspected by the Clay County Health Department. An authorized representative of the health department or sheriff's department shall have the right to enter any property at any reasonable time to inspect any facility or condition thereon for the purpose of determining compliance with Section II of this Ordinance. Refusal, of right of entry, shall be cause for the health department or sheriff's department to seek the permission of the court for right of entry.

H. REQUEST TO ABATE

When an authorized representative of the health department or sheriff's department discovers any violation of Section II of this ordinance, the owner and agent, or occupant causing or allowing such violation shall be notified by the Clay County Sheriff's Department by means of a written notice of inspection and request to abate the violation sent to the last known address. Such notice and request shall describe the specific conditions found, the correction necessary to bring about compliance, and a specific and reasonable period of time for such correction. Each condition specified in such notification shall constitute a separate violation of Section II of this Ordinance.

I. FAILURE TO ABATE

Following written notice to request as described in Section II-H, a compliance inspection shall be carried out at the end of correction period by an authorized representative of the health department or sheriff's department. In the event that the violation(s) continues, the owner, occupant, or agent causing or allowing the violation shall be issued a citation notice by the sheriff's department, or in the alternative the sheriff's department may request the filing of charges by the State's Attorney's office. Any citation shall describe the violation and the section of the ordinance violated.

J. EMERGENCY ABATEMENT

In the event that a condition exists that is in violation of any section of this ordinance and is determined by the Health Department, Sheriff's Department, and State's Attorney to be an immediate and serious threat to health and safety, the sheriff's department shall seal the property and request abatement in accordance with all applicable state and federal regulations from the owner, occupant, or agent. If the request for abatement is refused or ignored, a petition shall be made in Clay County Court to authorize cleanup, testing and sampling and to request a lien to recover all costs.

K. PENALTY

Any person who violates any provision of Section II of this ordinance, shall upon conviction, be assessed a fine not to exceed \$250 per day per violation. In the event that the violation(s) involves hazardous or dangerous materials, the person shall upon conviction, be assessed a fine not to exceed \$500 per day per violation.

III. NUISANCES

A. GENERAL

In all cases in this Section where no provision is made defining unusual conditions which may constitute a nuisance and how the same may be abated, removed or prevented, those offenses and those known to the common law and to the Statutes of Illinois as nuisances, in addition to those declared herein, may, in case the same exist within the jurisdiction of the county, be treated as such and proceeded against as provided in Section III of this Ordinance or any other provision of law applicable thereto.

B. THE FOLLOWING ARE DECLARED TO BE PUBLIC NUISANCES PREJUDICIAL TO PUBLIC HEALTH

1. To cause or suffer the carcass of any animal or any offal, filth or obnoxious substance to be collected, deposited or to remain in any place, to the prejudice of others.
Carcasses of dead animals or any part of decaying animal matter, not buried or destroyed or collected, within 24 hours after death, weather and road conditions permitting.
2. To throw or deposit any offal or other offensive matter or the carcass of any dead animal in any water course, lake, pond, spring, well or common sewer, street, or public highway.
3. To corrupt or render unwholesome or impure the water of any spring, river, stream, pond, or lake to the injury or prejudice of others.
4. To deposit or allow accumulation of manure, refuse, junk vehicles, junk mobile homes, human and industrial or noxious or offensive waste, except the normal storage on a farm of manure for agricultural purposes.
5. Any open well, cistern, hole or pit which is permitted to remain open without suitable protection. Any such open well, cistern, hole or pit must be filled or securely and tightly covered or barricaded and it shall be the duty of the owner, occupant or agent

of any property on which such open well, cistern, hole or pit is located to fill or keep the same securely and tightly covered or adequately barricaded.

6. Weeds or other underbrush growing on platted lots which have grown to a height of two feet or more or allowed to flower, are hereby declared to be a nuisance and any owner, lessee, occupant, or agent having control of any platted lot shall cut or cause the same to be cut.
7. All abandoned refrigerators on any premises shall have the doors removed or modified so as to prevent a health hazard.
8. 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.
9. To create any condition, through the improper maintenance of a swimming pool or wading pool, or by causing any action which 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.

C. ENFORCEMENT

Section III of this Ordinance shall be enforced by the Authorized Representative of the Clay County Sheriff's Department or other designated county or state officials.

D. COMPLAINTS AND INSPECTION

All citizen complaints shall be reported to the Clay County Health Department or the Clay County Sheriff's Department and initially inspected by the Clay County Health Department. An authorized representative of the health department or sheriff's department shall have the right to enter any property at any reasonable time to inspect any facility or condition thereon for the purpose of determining compliance with Section III of this Ordinance. Refusal of right of entry, shall be cause for the health department or sheriff's department to seek the permission of the court for right of entry.

E. REQUEST TO ABATE

When an authorized representative of the health department or sheriff's department discovers any violation of Section III of this ordinance, the owner and agent, or occupant causing or allowing such violation shall be notified by the Clay County Sheriff's Department by means of a written notice of inspection and request to abate the violation sent to the last known address. Such notice and request shall describe the specific conditions found, the correction necessary to bring about compliance, and a specific and reasonable period of time for such correction. Each condition specified in such notification shall constitute a separate violation of Section III of this ordinance.

F. PENALTY

Any person who violates any provision of Section III of this ordinance, shall upon conviction, be assessed a fine not to exceed \$250 per day per violation. In the event that the violation(s) involves hazardous or dangerous materials, the person shall upon conviction, be assessed a fine not to exceed \$500 per day per violation.

IV. DANGEROUS BUILDINGS

A. DEFINITIONS

The term “dangerous buildings” as used herein shall mean and include:

1. Any building, shed, fence on any plotted lot or other man-made structure which is dangerous to the public health because of its condition, and which may cause or aid in the spread of disease or injury to the health of the occupants and or of neighboring structures and occupants.
2. Any building, shed, fence on any plotted lot, or other man-made structure which, because of faulty construction, age, lack of proper repair or any other cause, is especially liable to fire, and constitutes or creates a fire hazard.
3. Any building, shed, fence on any plotted lot, or other man-made structure which, by reason of faulty construction, age, lack of proper repair or any other cause, is liable to cause injury or damage by collapsing or by a collapse or fall of any part of such structure.
4. Any building, shed, fence on any plotted lot, or other man-made structure which, because of its condition or because of lack of doors or windows is available to and frequented by malefactors or disorderly persons who are not lawful occupants of such structure.

B. NUISANCE

Any such dangerous building in the county is hereby declared to be a nuisance.

C. UNLAWFUL IN COUNTY

It shall be unlawful to maintain or permit the existence of any dangerous building in the county and it shall be unlawful for the owner, occupant, or person in custody of any dangerous building to permit the same to remain in a dangerous condition, or to occupy such building or permit it to be occupied while it is or remains in a dangerous condition.

D. ENFORCEMENT

Section IV of this Ordinance shall be enforced by the Authorized Representative of the Clay County Sheriff’s Department or other designated county or state officials.

E. COMPLAINTS AND INSPECTION

All citizen complaints shall be reported to the Clay County Health Department or the Clay County Sheriff's Department and initially inspected by the Clay County Health Department. An authorized representative of the health department or sheriff's department shall have the right to enter any property at any reasonable time to inspect any facility or condition thereon for the purpose of determining compliance with Section III of this Ordinance. Refusal of right of entry, shall be cause for the health department or sheriff's department to seek the permission of the court for right of entry.

F. REQUEST TO ABATE

When an authorized representative of the health department or sheriff's department discovers any violation of Section IV of this ordinance, the owner, agent, or occupant causing or allowing such violation shall be notified by the Clay County Sheriff's Department by means of a written notice of inspection and request to abate the violation sent to the last known address. Such notice and request shall describe the specific conditions found, the correction necessary to bring about compliance, and a specific and reasonable period of time for such correction. Each condition specified in such notification shall constitute a separate violation of Section IV of this ordinance.

G. FAILURE TO ABATE

Following written notice to request as described in Section IV-F, a compliance inspection shall be carried out at the end of correction period by an authorized representative of the health department or sheriff's department. In the event that the violation(s) continues, the owner, occupant, or agent causing or allowing the violation shall be issued a citation notice by the sheriff's department, or in the alternative the sheriff's department may request the filing of charges by the State's Attorney's office. Any citation shall describe the violation and the section of the ordinance violated.

H. PENALTY

Any person who violates any provision of Section IV of this ordinance, shall upon conviction, be assessed a fine not to exceed \$250 per day per violation.

V. INVALIDITY

The invalidity of any part of this Ordinance shall not affect any other part or parts thereof.

VI. RECORD

All transactions under this Ordinance shall be reduced to writing and placed on file in the health department office.

VII. EFFECTIVE DATE

This Ordinance shall be in full effect from and after passage and approval as provided by law.

Passed by the County Board of Clay County, Illinois, in lawful session this _____ day of _____, 1994.

Tony Whitehead
Chairman, Clay County Board

ATTEST:

Robert VanDyke
County Clerk