

FULTON COUNTY HEALTH ORDINANCE PART V
NUISANCE CONTROL ORDINANCE

SECTION A. SCOPE:

An Ordinance regulating the investigation, inspection and abatement of public health nuisances that threatens the safety, health and well-being of an individual or the general population within the boundaries of Fulton County.

Pursuant to the powers granted the Fulton County Board by the Illinois Compiled Statutes Chapter 55, Act 5, Section 1113 in such case made and provided therefore, and WHEREAS a public health nuisance(s) are a menace to public health. THEREFORE, BE IT RESOLVED by the County Board of Fulton County, Illinois that the following Ordinance is hereby made and adopted.

SECTION B. ADOPTION BY REFERENCE:

In addition to those provisions set forth in the Fulton County Health Ordinance Part V, Nuisance Control Ordinance, this Ordinance hereby adopts the Illinois Compiled Statutes Chapter 720, Act 5, Criminal Code of 1961, Article 47, Section 5/47-5, 5/47-10, 5/47-15, and 5/47-20 and any subsequent amendments, and revisions thereto.

SECTION C: ENFORCEMENT PROVISIONS:

1) Inspections/Investigations:

- a. The Health Officer is hereby authorized and directed to make such inspections/investigations as are necessary to determine compliance with this Ordinance.
- b. The Health Officer shall have the authority to inspect/investigate any site to determine the potential risk to the public health due to public health nuisances.
- c. The owner, or tenant in control shall give the Health Officer access to the property for the purpose of making such inspections/investigations as are necessary to determine compliance with the provisions of this Ordinance, and any additional Codes and Rules and Regulations as established by the Board of Health.
- d. Any person or entity interfering with the Health Officer from carrying out his duties shall be guilty of a violation of this Ordinance and shall be subject to penalties provided for in the Fulton County Health Ordinances.

2) Acts Constituting Public Health Nuisances:

It is a public health nuisance:

- a. To cause or allow the carcass of any animal or any offal, filth, or Noisome substance to be collected, deposited or to remain in any place, to the prejudice of others.
- b. To throw or deposit any offal or other 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.
- c. To corrupt or render unwholesome or impure the water of any spring, river, Stream, pond or lake, to the injury or prejudice of others.
- d. To erect, continue or use any building or other place for the exercise of any trade, employment or manufacture, which, by occasioning noxious exhalations, offensive smells or otherwise, is offensive or dangerous to the health of individuals, or of the public.
- e. To permit any 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 such well is no longer used for the purpose for which it was drilled.
- f. To construct or operate any salt water pit or oil field refuse pit, commonly called "burn out pit", so that salt water, brine or oil field refuse or other waste liquids may escape therefrom in any manner except by the evaporation of such salt water or brine or by burning of such oil field waste or refuse.
- g. To permit concrete bases, discarded machinery and materials to remain around any oil or gas well, or to fail to fill any holes, cellars, slush pits and other excavations made in connection with any such well or to restore the surface of the land surrounding any such well to its condition before the drilling of any such well, upon abandonment of any such oil and gas well.
- h. To permit any salt water, oil, gas or other wastes from any well drilled for oil, gas, or exploratory purposes to escape to the surface, or into a mine or coal seam, or into any underground fresh water supply, or from one underground stratum to another.
- i. 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, cockroaches, insects, rates,

mice, rodents, nuisance birds or other animal pests that are offensive, injurious or dangerous to the health of individuals or the public

- j. To allow for growth of noxious weeds.
- k. To cause or allow the open burning of refuse, conduct any salvage operation by open burning, or cause or allow the burning of any refuse in any chamber not specifically designed for the purpose and approved by the Illinois Environmental Protection Agency pursuant to regulations adopted by the Pollution Control Board under the Environmental Protection Act; except that the Pollution Control Board may adopt regulations permitting open burning of refuse in certain cases upon a finding that no harm will result from such burning, or that any alternative method of disposing of such refuse would create a safety hazard so extreme as to justify the pollution that would result from such burning.
- l. To allow for a dangerous and unsafe building or uncompleted and abandoned building, basement or excavation and the accumulation or storage of any garbage, refuse, debris, and other hazardous, noxious, or unhealthy substances or materials in any of these buildings or partial construction or excavations.
- m. 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.
- n. To operate a tanning facility without a valid permit under the Tanning Facilities Permit Act.
- o. To allow the body or parts of the body of any animal, poultry or fish to lie about the premises. Such body or parts of the body shall be disposed of within 24 hours after death. Disposal of such body or parts of the body must be prescribed by the Illinois Department of Agriculture.

3) Notification of Violation:

- a. Any violation of this Ordinance will result in the Health Officer providing written notification to the violator, property owner, or tenant in control stating the violation(s) of the provisions of this Ordinance and the corrective action to be taken. A specific time period for correction will be established by the Health Officer for the corrective action to be completed and the penalty that could be assessed. This written notification may be sent by Registered or Certified Mail, or may be served as determined by the Fulton County States Attorney.

- b. The failure of the violator, property owner, or tenant in control to respond in writing to the initial written notice will result in the Health Officer sending a Request For Health Ordinance Violation Citation to the Fulton County Sheriff's Department for his/her action on the Ordinance violation as specified on the request form. A copy of the request form will be forwarded to the Fulton County States Attorney.
- c. The failure of the violator, property owner, or tenant in control to comply with the provisions of this Ordinance will result in the information regarding the violation(s) being forwarded to the States Attorney's Office for his/her enforcement consideration under the Penalty Clause as stated in the Fulton County Health Ordinances.

4) Emergency Order:

If as a result of an inspection/investigation, the Health Officer determines that a public health hazard exists at the site due to the public health nuisance, the Health Officer may order such remedial measures as it deems necessary. If as a result of the inspection/investigation, the Health Officer determines that the public interest, safety, or welfare imperatively requires emergency action to respond to an immediate public health hazard at a site due to the public health nuisance, the Health Officer may issue an emergency order incorporating a finding to that effect, such order may require closure or isolation of the site, pending a hearing or other action which shall be promptly instituted and determined.