AGENDA

1. Call to Order

2. Roll Call

3. Approval of Minutes from November 17, 2014

4. Status Reports
   - Health Department
   - Soil & Water
   - Water Related Groups
   - Other Reports

5. Old Business

6. New Business
   - May Rain Barrel Month Proclamation
   - Nuisance Ordinances
   - Ordinance Review

7. Public Comment

8. Questions from the Media

9. Action Items

10. Executive Session

11. Adjournment
KENDALL COUNTY ILLINOIS
Health & Environment Committee
County Office Building, County Board Room 209-210
111 W. Fox Street, Yorkville
Monday, November 17, 2014
Meeting Minutes

CALL TO ORDER
The meeting was called to order by Chair Judy Gilmour at 9:00 a.m.

ROLL CALL
Committee Members Present: Judy Gilmour – here, Dan Koukol - here, Matthew Prochaska – here

Committee Members Absent: Lynn Cullick, John Purcell

Others Present: Megan Andrews, KC Soil & Water, Steve Curatti, Program Administrator, Kendall County Health Department, and Rebecca Mueller, Community Health Services Director, Kendall County Health Department, Dr. Amaal Tokars, Executive Director, Kendall County Health Department

APPROVAL OF MEETING MINUTES – Member Prochaska made a motion to approve the October 20, 2014 meeting minutes, second by Member Koukol. With all in agreement, the motion carried.

STATUS REPORTS

☐ Health Department – Rebecca Mueller, Director of Community Health Services, provided information about immunizations, particularly about HPV, and the Vaccines for Children state program. Ms. Mueller said that anyone with a qualified medical card can receive free immunizations for their children, and those that have people that are not insured or under-insured can receive vaccines at a fee of $15 per vaccine.

Ms. Mueller reviewed the vaccine for but specifically about the Gardasil vaccine against HPV infection that can cause warts and various types of cancer. The HPV protects the individual from the disease, versus the community at large outbreak protection as other vaccines are designed to do. The County Health Department does not have a high vaccination rate against HPV in Kendall County. Unfortunately, when the vaccine was first introduced, there was a negative stereotype that it was a vaccine for sexually active youth.
Ms. Mueller said that the KC Health Department continues to educate the community, parents, local physicians and medical personnel about the importance of inoculating youth from 9 years to 26 years old in preventing cervical, mouth, throat, vaginal, penal, anal and uterine cancer. Ms. Mueller said that HPV is spread skin to skin (intimate contact).

Dr. Tokars reported that the Kendall County Health Department met with emergency responders, the state’s attorney, the chief judge, Waubonsee Community College, Rush Copley, EMS, law enforcement, Kane County Health Department, Illinois Department of Health, TB Board, Board of Health, IDPH, local schools, PADS on October 31, 2014 to discuss containment and monitoring for a non-contagious case.

They have also sent a public press package to many partners in the County on linking with the Health Department in educating and monitoring Ebola. Dr. Tokars stated that they will continue to monitor during the peak holiday travel season, and will hopefully see a fall off of the disease as travel decreases.

Dr. Tokars said that this is not a once in a lifetime experience, but that we may continue to experience this and other international diseases in the very near future, thus expediting the need for continued education and prevention.

Ms. Mueller reported that the KC Health Department received two separate shipments of the flu vaccine, and that the shot is still available at the Health Department. Walk-in hours are Tuesday evenings, and appointments are always available by calling their office.

☐ **Soll & Water** – Megan Andrews reported they have been very busy with activities, classroom education, and the Adopt a Farmer program with ten local farmers and Flat Aggie correspondence between the farmers and local school classrooms. Ms. Andrews reported the new part-time administrator began working with the office and is adjusting well.

Ms. Andrews said that the Annual Meeting has been scheduled for the second Monday of February, and will also include the election of new board members.

Ms. Andrews reported that the hearing for the Drainage Districts occurred last week. The judge asked that the County Board appoint three permanent commissioners for the Big Slough Drainage District. Two temporary commissioners, Nels Moe and Marty Myre, were appointed by Judge Pilmer, and a third needs to be appointed by the County Board as the next step in the process. The Rob Roy, Raymond and Morgan Creek Drainage District hearings are scheduled for Thursday, January 15, 2015 at 1:00p.m.

☐ **Solid Waste Plan Committee** – No report
☐ Water Related Groups – No report

OLD BUSINESS – None

NEW BUSINESS – None

PUBLIC COMMENT – None

ACTION ITEMS – None

EXECUTIVE SESSION – None Needed

ADJOURNMENT- Member Prochaska made a motion to adjourn the meeting, Member Koukol seconded the motion. With all in agreement, the meeting was adjourned at 9:50a.m.

Respectfully Submitted,

Valarie McClain
Administrative Assistant/Recording Secretary
Celebrate spring with us!

May is Rain Barrel Month
In Kendall County and
(insert community)!!

Order yours today!

Sponsored by:
The Conservation Foundation (TCF)
Ph. 630-553-0687 x204
&
Kendall County
Soil and Water Conservation District (SWCD)
Ph. 630-553-5457 x3
PROCLAMATION

Kendall County
Rain Barrel Month
May, 2015

(Resolution # ______________________)

Whereas, water is a valuable, limited natural resource; and

Whereas, municipal and rural residents in ____________ depend on water for numerous home and commercial uses; and

Whereas, conserving and protecting water supplies is of benefit to all residents of ____________; and

Whereas, many residents are interested in methods to personally practice conservation of this valuable resource; and

Whereas, for every 100 square foot of roof area, one inch of rain generates approximately 60 gallons of rainwater runoff; and

Whereas, wasteful runoff of rainwater from homes and other buildings into storm sewers or other drainageways can add to the damaging and overwhelming stormwater volumes in our natural waterways; and

Whereas, collecting rainwater is one type of best management practice to reduce stormwater runoff; and by redirecting and collecting rainwater runoff from buildings, it can be available for more productive, cost-efficient uses; and

Whereas, rain barrels are an economical, convenient method of collecting rainwater runoff for future uses; and

Whereas, The Conservation Foundation (TCF) and the Kendall County Soil and Water Conservation District (SWCD), in cooperation with local communities, such as ________________, promote the reduction of off-site stormwater runoff and best management practices to redirect and conserve rainwater; and

Whereas, TCF, SWCD and ________________ encourage homeowners and businesses to implement methods such as rain barrels to capture and efficiently use rainwater; and

Whereas, ________________ endorses such best management practices to help protect our local water resources and wishes to promote the use of such practices to its residents;

Be it Hereby Resolved, ________________ proclaims the month of May, 2015 as Rain Barrel Promotion month in ____________.

Passed and adopted by ________________ on this ___ day of ______, 2015.

John a. Shaw, County Board Chair

Attest/sealed:
Debbie Gillette, County Clerk/Recorder
To: Kendall County Planning, Building and Zoning Committee  
From: Brian Holdiman, Code Official  
Date: January 20, 2015  
Re: Nuisance Ordinance Update  
cc: Jeff Wilkins, County Administrator

Attached you will find Ordinance #88-15 Inoperable Motor Vehicles, Ordinance M - 286 Junk and Other Waste Matter, Ordinance #97-12 Burning Leaves and Landscape Waste, Ordinance #05-47 refuse disposal, open burning and public health nuisances and DRAFT Ordinance regulating tall grass and weeds.

Ordinance #88-15 Inoperable Motor Vehicles  
- Adopted May 10, 1988  
- PBZ responsible for enforcement

Ordinance M- 286 Junk and Other Waste Matter  
Adopted July 9, 1968  
- PBZ responsible for enforcement

Ordinance #97-12 Burning Leaves and Landscape Waste  
- Effective July 1, 1997  
- Enforcement responsibility not defined

Ordinance #05-47 Refuse Disposal, Open Burning and Public Health  
Adopted August 16, 2005  
Health Department responsible for enforcement

DRAFT Ordinance Regulating Tall Grass and Weeds  
- Not Adopted  
- PBZ proposed responsible for enforcement

The PBZ Department would like to coordinate with Health and Human Services, Sheriff’s Department, State’s Attorney’s Office, and Townships to review these ordinances to determine if there is a need to combine any of the ordinances, modify if obsolete or in conflict with State Statute, clearly define enforcement responsibilities and make more efficient.

Should you have any questions please feel free to contact me at (630) 553-4134.
ORDINANCE #8815
INOPERABLE MOTOR VEHICLES

BE IT HEREBY ORDAINED AS FOLLOWS:

1. That all inoperable motor vehicles located in the unincorporated areas of the County, whether on public or private property are hereby declared to be a nuisance.

2. That “inoperable motor vehicle” means any motor vehicle from which for a period of at least 7 days, the engine, wheels or other parts have been removed, or on which the engine, wheels or other parts have been altered, damaged or otherwise so treated that the vehicle is incapable of being driven under its own power. “Inoperable motor vehicle” shall not include a motor vehicle which has been rendered temporarily incapable of being driven under its own motor power in order to perform ordinary service or repair operations.

3. That any person having an inoperable motor vehicle under his or her control shall dispose of said vehicle within 7 days after receipt by said person from the County or notice thereof.

4. That the Building and Zoning Office of Kendall County is hereby authorized to enforce the notice provision under the terms of this ordinance.

5. That any person failing to dispose of an inoperable motor vehicle after notice shall be in violation of this ordinance and shall be fined not to exceed $200.00 for each day that such a violation continues.

6. This Ordinance is expressly declared not to apply to any motor vehicle that is kept within a building when not in use, to operable historic vehicles over 25 years of age, or to a motor vehicle on the premises of a place of business engaged in the wrecking or junking of motor vehicles.

7. That the Sheriff’s Office of Kendall County is authorized to remove after 7 days from the issuance of the Notice as provided in § 3 herein, any inoperable motor vehicle or parts thereof.

ADOPTED this 10th day of May, 1988
AN ORDINANCE DECLARING THE STORING
OF JUNK AND OTHER WASTE MATTER
ON PRIVATE PROPERTY TO BE A NUISANCE*

BE IT ORDAINED by the Board of Supervisors of the County of Kendall, State of Illinois, as follows:

SECTION 1. The storing of junk trash and refuse on private property within the County of Kendall, is hereby declared a nuisance.

SECTION 2. Junk, trash and refuse are defined herein to include any and all waste matter, whether reusable or not, which is offensive to the public health, safety or to the esthetics of the neighborhood, and is specifically intended to include, but not be limited to, worn out, wrecked and/or abandoned automobiles, trucks, tractors, machinery of any kind, any parts thereof, old ice boxes, refrigerators and stoves.

SECTION 3. The storage of trucks, tractors, and related machinery used for agricultural purposes is exempt from the provisions of this Ordinance, providing:
   (a) The zoning lot on which said storage exists is rezoned Agriculture District-A and,
   (b) Said zoning lot is used principally for agricultural purposes, and
   (c) Said machinery, or the like, is used principally for agricultural purposes.

SECTION 4. Any property owner or any occupant of property who allows such storage on the property owned or occupied by him shall be guilty of a misdemeanor punishable by a fine of not less than Ten Dollars ($10.00) nor more than Five Hundred Dollars ($500.00); and any person who shall neglect, fail or refuse to abate and remove such nuisance after notice thereof, shall for each 24 hours thereafter during which said nuisance continues, be subject to a like penalty as that originally incurred.

SECTION 5. Any county law enforcement officer or building and zoning officer upon observing any violation of this Ordinance shall issue a Notice directed to the owner of record of the property on which said nuisance occurs, as shown in the records of the Recorder of Deeds of Kendall County, or to the occupant of said property, or both, which said Notice shall describe the violation and shall establish a reasonable time limit for the abatement thereof by such owner or occupant, which time shall be not less than two (2) days nor more than the ten (10) days after service of such Notice.

SECTION 6. Any citizen of Kendall County who observes a violation of this Ordinance may file an affidavit setting forth in detail the violation, its location and the name of the owner and/or occupant of the property on which such nuisance is alleged, and may file said affidavit with the Sheriff of Kendall County, who shall assign to the building and zoning officer the duty to investigate such charge, and if such nuisance exists, to issue a Notice to the owner of occupant of the property as provided in Section 5 of this Ordinance.
SECTION 7. Any county law enforcement officer or building and zoning officer of the County of Kendall shall serve the Notice here in provided for upon the owner or occupant of the property where such nuisance exists, or upon both of them, and shall make his return upon a copy of such Notice, showing the time of service, the person upon whom it was served, or the manner in which it was served.

SECTION 8. Immediately upon the termination of the time allowed in any such Notice for the abatement of such nuisance, the law enforcement officer or building and zoning officer who served such Notice or any other law enforcement officer or inspector who shall be assigned by the Sheriff shall investigate to determine whether or not such nuisance has been abated.

SECTION 9. In the event the owner or occupant of the property where such nuisance exists has failed within the prescribed time to abate such nuisance then the law enforcement officer or building or zoning officer who served such Notice, or the citizen of the County of Kendall who filed the said affidavit, or the officer who investigated whether such nuisance has been abated, shall file a complaint charging violation of this Ordinance with the Circuit Court for the Sixteenth Judicial circuit, charging violation of this Ordinance and demanding that the Owner of the property or the Occupant thereof, or both be punished as herein provided.

SECTION 10. The County of Kendall shall prosecute all complaints of violation of this Ordinance.

SECTION 11. All Ordinances or parts of Ordinances in conflict herewith shall be and the same are hereby repealed.

SECTION 12. This Ordinance shall take effect and be in full force and effect from and after the date of its passage, approval and publication as provided by law.


*A signed copy of this ordinance is available at the Planning, Building and Zoning office.
ORDINANCE RELATING TO 
BURNING OF LEAVES AND LANDSCAPE WASTE

WHEREAS, the Kendall County Board has an obligation to protect the health and general welfare of the citizens of Kendall County; and

WHEREAS, there are densely populated areas of Kendall County where significant air contamination results from the opening burning of leaves and other landscape waste; and

WHEREAS, elevated levels of air contaminants cause adverse health effects among a significant percentage of the population; and

WHEREAS, alternative methods of leaf and landscape waste disposal exist, including collection by local waste haulers and composting; and

WHEREAS, the Kendall County Department of Health and Human Services has conducted research into the need for the adoption of an Ordinance regulating the burning of leaves and landscape waste in densely populated areas of Kendall County; and

WHEREAS, the Kendall County Board intends by the adoption of this Ordinance, to not restrict routine agricultural activities conducted within Kendall County; and

WHEREAS, the Kendall County Board believes that the adoption of this Ordinance will be the least restrictive means of protecting the health and general welfare of the citizens of Kendall County; and

WHEREAS, the Kendall County Board believes that the adoption of this Ordinance does not place an unreasonable burden on the citizens affected by the Ordinance; and

WHEREAS, the Kendall County Board believes that the adoption of this Ordinance is in the best interest of the citizens and residents of Kendall County;
AS A RESULT OF THE FOREGOING, IT IS HEREBY RESOLVED AS FOLLOWS:

1. It shall be unlawful for any person to cause or allow the burning of leaves and landscape waste within Kendall County in areas designated as R-6 or R-7 according to the official Kendall County Zoning Ordinance, and official Kendall County Zoning Maps, as amended.

2. This Ordinance shall only be effective in Townships with a population in excess of 75,000, based upon the last official census.

3. Any person who violates the provision of this Ordinance shall be guilty of a petty offense. A conviction for this offense shall be punishable by a fine of not less than $25.00 nor more than $100.00. A second conviction for the violation of this Ordinance shall be punishable by a fine of not less than $50.00 nor more than $250.00. A third or subsequent conviction for violation of this Ordinance shall be punishable by a fine of not less than $250.00 nor more than $500.00. Each day’s violation of this Ordinance shall constitute a separate offense.

4. Persons actually engaged in the business of agriculture shall be exempt from the provision of this Ordinance, if the actions of said person are in support of their agricultural pursuits. A person shall be deemed to be acting in support of their agricultural pursuits if that person is acting upon or adjacent to their agricultural lands, and while they are engaged in activities such as controlled burning for the purpose of weed eradication, and similar activities.

5. Persons actually engaged in the process of native prairie grass restoration shall be exempt from the provisions of this Ordinance, while such persons are carrying out activities directly related to the establishment of native prairie grass.

6. This Ordinance shall take effect on July 1, 1997.

Chairman

ATTEST: 
Clerk
PUBLIC HEALTH NUISANCE ORDINANCE
KENDALL COUNTY, ILLINOIS

No. O5-07

Pertaining to refuse disposal, open burning, and public health nuisances within the County of Kendall, Illinois.

WHEREAS pursuant to Illinois Compiled Statutes, Chapter 55, Section 5/5-1052, the Kendall County Board finds it necessary to adopt an ordinance regulating the storage and handling of refuse, open burning, and other activities detrimental to the public health, welfare, and safety of the inhabitants of the County;

NOW THEREFORE BE IT ORDAINED by the Board of Kendall County that the following rules and regulations within this ordinance be hereby adopted for all unincorporated areas of Kendall County:

INCORPORATED OR REFERENCED MATERIALS: Latest version of the Environmental Protection Act (415 ILCS 5).

SECTION 1: DEFINITIONS

Agricultural Operation — any operation devoted to a bona fide production of crops, animal, or fowl; including but not limited to the production of fruits and vegetables of all kinds; meat, dairy, poultry, and fish products; nuts, tobacco, nursery and floral products, and the production and harvest of products of silviculture activity.

Enforcement Officer — means that person or persons designated by the Kendall County Board and the Kendall County Board of Health to enforce this Ordinance.

Garbage — any accumulation of waste resulting from the handling, processing, preparation, cooking, and consumption of food or produce.

Health Authority — the Director of Environmental Health of Kendall County or his/her designated agent.

IEPA — Illinois Environmental Protection Agency

Noxious — Detrimental to one's health.

Public Health Nuisance — any condition considered harmful to person(s) or property, or which may be hazardous to the public health. A public health nuisance is one that has far reaching effects. It has the ability to affect the health, safety, or welfare of the public in general.
Refuse – all solid wastes, excluding bodily wastes, including garbage, rubbish, dead animals, abandoned automobiles, discarded appliances, and solid manufacturing and industrial wastes.

Rubbish – combustible and non-combustible waste, except garbage, including but not limited to rags, old clothes, scrap metal, glass, cement, paper, raw (untreated) scrap lumber, cardboard, and similar materials.

Stagnant Water – standing, motionless water, devoid of natural mosquito predators and parasites, that persists for seven days or more.

Vermin – collectively noxious, troublesome and disease-transmitting small animals such as rodents and insects such as cockroaches, flies, lice, mosquitoes, etc.

Yard Waste – any waste generated as the result of tree trimming, lawn mowing, gardening, leaf raking, and other yard activities and consisting of branches, brush, grass clippings, leaves, sod, hedge trimmings and other plant waste from yard and garden sources.

SECTION 2: REFUSE – STORAGE AND DISPOSAL

A. It shall be unlawful to cause, or allow to cause, the dumping of any refuse on any public or private land, unless such dumping occurs at an IEPA permitted disposal site.

B. It shall be unlawful to collect or accumulate refuse, offal, animal carcasses, tires, abandoned vehicles, and other materials which could potentially be a harborage for mosquitoes, rodents, or other vermin, or which may impose a physical hazard to the public, with the exception of normal storage of manure or machinery on a farm for agricultural purposes.

SECTION 3: OPEN BURNING/INCINERATION

A. Open burning of garbage, as herein defined, is prohibited except at those facilities which have been issued a permit to incinerate garbage by the IEPA, and only when such burning is done in a manner which complies with all rules adopted by the IEPA for lawful burning.

B. The open burning of leather, rubber, carpets, furniture, plastic, tires, and all other toxic materials as defined by the IEPA is prohibited at all times in the County except at facilities which have been issued a permit to burn such material by the IEPA and only when the burning at said facility is done in a manner which complies with all rules adopted by the IEPA for the lawful burning of such material as defined by the IEPA.

C. In the areas where burning is permitted, open burning of yard waste is only permitted on the property which it was generated, subject to the following conditions:
1. Atmospheric conditions allow for ready dispersal of contaminants.

2. Open burning is prohibited on "Code Red" or "Ozone Action" alert days as determined by the JEPA.

3. The burning does not create visibility hazards on roadways, tracks, or airfields.

4. Burning is not done within 20 feet of any building or structure.

5. Burning is supervised until the fire is extinguished, and a hose or fire extinguisher is readily available.

6. The material to be burned is clean and dry.

7. The material does not contain varnish, paint, finishes, or other chemicals which would cause toxic emissions when burned, as per Section III (B) herein.

SECTION 4: DECLARED PUBLIC HEALTH NUISANCES

The following, except in conjunction with standard farming practices, and standard road work practices on county and township roads, are hereby declared general nuisances when affecting the health and well being of persons residing within Kendall County or adversely affecting the property of county residents.

A. To cause or allow to cause the deposit of any animal carcass, offal, or other noxious or potentially hazardous material in any lake, pond, stream, well, common sewer, waterway, street or public highway.

B. To cause or permit the pollution of any well, cistern, spring, underground water source, stream, lake, canal or other body of water by sewage or industrial wastes, or any other substance considered hazardous to the public health.

C. All buildings, walls, or other structures which have been damaged by fire or have become dilapidated, rundown, or decayed and are so situated as to endanger the safety of the public or provide a possible harborage for rodents, insects, and other vermin.

D. Dense smoke, vapors, gas, dust, soot, cinders, or other airborne particles, or offensive and lingering odors in unreasonable or toxic quantities.

E. To maintain any kennel, stable, barn, coop, pen, yard, or other place where animals, including pets, are kept in an unsanitary condition which leads to noxious conditions or provides a harborage for insects and other vermin.

F. To cause or allow for the impoundment and stagnation of water which produces offensive odors, harbor vermin, or promote the breeding of disease causing vermin in residential areas of the county.
SECTION 5: RIGHT TO FARM

In order to limit the circumstances under which agricultural operations may be deemed to be a nuisance, especially when nonagricultural land uses are initiated near existing agricultural operations, no agricultural operation or any of its appurtenances shall be considered a nuisance, public or private, if such operations are conducted in accordance with existing best management practices and comply with existing laws and regulations of the State of Illinois (Farm Nuisance Suit Act, 740 ILCS 70/) and local ordinances. The exemptions specified in this section shall not apply whenever a nuisance results from the negligent or improper operation of any agricultural operation or its appurtenances, nor shall these exemptions supersede any restrictions or requirements of farming operations set forth in any other county regulations.

SECTION 6: ENFORCEMENT AND PENALTIES

A. Authorization to enter premises—The Enforcement Officer is hereby authorized 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 request entry to any property at any reasonable time upon reasonable notice, for the purpose of determining compliance with this ordinance. Refusal of right to entry shall be cause for the enforcement officer to seek the permission of the court for right of entry.

B. Notice to Abate—Upon investigation of the nuisance complaint by the enforcement officer, if he/she determines that a nuisance does exist, he/she shall issue a written notice to abate the nuisance condition within a reasonable amount of time to be determined by the Health Authority. A follow-up inspection will then be made in an effort to ensure that compliance has been achieved. Depending on the nature and conditions of the violation(s) and/or responsible party, a series of follow-up inspections may be necessary to achieve total compliance. However, a final date by which all violations are to be fully resolved shall be established and adhered to.

If it is determined that the condition constitutes an immediate and serious threat to the health and safety of the population, the enforcement officer may approach the court for an immediate abatement order.

C. Failure to Abate Condition—Any person, firm or corporation who violates any of the provisions of this ordinance shall be guilty of an offense punishable by a fine not to exceed $500 with each week the violation remains uncorrected constituting a separate offense; which penalties shall be assessed in accordance with the terms and provisions of the applicable ordinances and codes established by the County Board regarding the creation of a Code Hearing Unit charged with the enforcement and administrative adjudication of violations to the provisions of this and all other applicable codes and ordinances of the County unless otherwise provided by law.
SECTION 7: ANNUAL REVIEW OF THE PUBLIC HEALTH NUISANCE ORDINANCE

A. In an effort to evaluate the efficacy of the Kendall County Public Health Nuisance Ordinance, the Kendall County Health Department shall prepare and present to the Kendall County Board no later than the first regular board meeting of each calendar year a report describing the previous year's public health nuisance complaint and investigation activity. Said report shall include yet not be limited to the numbers and types of public health nuisance complaints received and investigated by the Health Department, and the number of complaints resulting in legal action taken by means of the Kendall County Code Hearing Unit Ordinance and/or the Kendall County State's Attorney's Office.

PUBLIC HEALTH NUISANCE ORDINANCE, KENDALL COUNTY ILLINOIS,
APPROVED AND RECOMMENDED BY THE KENDALL COUNTY BOARD OF
HEALTH THIS 16th DAY OF AUGUST 2005.

[Signature]
President, Kendall County Board of Health

PUBLIC HEALTH NUISANCE ORDINANCE, KENDALL COUNTY ILLINOIS,
APPROVED AND ADOPTED BY THE KENDALL COUNTY BOARD THIS 16th
DAY OF AUGUST 2005.

[Signature]
Chairman, Kendall County Board

Ayes - 7
Nays - 2
Abstain - 0

Attest:  

[Signature]
Kendall County Clerk
KENDALL COUNTY, ILLINOIS
ORDINANCE NO. ________________________

ORDINANCE REGULATING TALL GRASS AND WEEDS IN RESIDENTIAL AREAS, OUTSIDE THE CORPORATE LIMITS OF ANY CITY, VILLAGE OR INCORPORATED TOWN IN KENDALL COUNTY, ILLINOIS

WHEREAS, the County of Kendall has the authority pursuant to 720 ILCS 5/47-5 to declare what shall be a public nuisance and to abate the same with respect to the territory within the county and outside the corporate limits of any city, village, or incorporated town; and

WHEREAS, pursuant to the Illinois County Code 55 ILCS 5/5-12001, the County of Kendall also has the authority to regulate and restrict the location and use of buildings, structures and land for trade, industry, residence and other uses, for the purpose of promoting the public health, safety, morals, comfort and general welfare, and conserving the values of property throughout the county; and

WHEREAS, The County of Kendall is permitted under 55 ILCS 5/5-1099 to cut weeds in residential areas outside of the corporate limits of any city, village or incorporated town in Kendall County and recover the cost from the property owner directly or by placing a lien on the property, and;

WHEREAS, 55 ILCS 5/5-113 gives the County of Kendall authority to pass ordinances and make rules to effectuate its statutory powers, and;

WHEREAS, the County of Kendall seeks to conserve the value of property throughout the county, and to prevent over-grown, residential lawns that endanger the physical and emotional health and well-being of the residents, depress property values, offend the senses, create a public nuisance, and in other respects reduces the quality of our environment.
WHEREAS, the County of Kendall has found that residential lawns over-grown with weeds or tall grasses, are detrimental to the health, safety and welfare of County residents because they tend to depreciate property values, attract harmful insects and vermin, and generally interfere with the ability of residents to use and enjoy their property, and the County hereby declares over-grown weeds and tall grasses a public nuisance, and;

NOW, THEREFORE, BE IT ORDAINED by the County Board of the County of Kendall, State of Illinois that, hereafter, Residential Zoning Districts which lie outside of the corporate limits of any City, Village or Town and lying within the corporate limits of Kendall County, Illinois shall be subject to the following:

ARTICLE I - Title:
This ordinance shall hereinafter be known as the “Kendall County Tall Grass and Weeds Ordinance” and may be so cited.

ARTICLE II - Definitions

a. Regular Meaning: Except as specifically stated herein, the definitions of terms used in this Ordinance shall have their regular and usual meaning as indicated by common dictionary definition.

b. Weeds: The term “weeds” includes Marihuana (cannabis sativa L.), Giant Ragweed (Ambrosia trifida L.); Common Ragweed (ambrosia artemisiifolia L.), Canada Thistle (Cirsium arvense), Perennial Sowthistle (Sonchus arvensis). Musk Thistle (Carduus nutans), Johnsongrass (Sorghum halepense), Kudzu (Pueraria labata), and any other plant identified as a noxious weed by the State of Illinois.

c. Tall Grasses: the term “tall grasses” means grass grown in excess of 12 inches and shall exclude decorative and ornamental grasses planted for landscaping purposes.
ARTICLE III - Applicability:
This Ordinance shall apply in unincorporated Residential Zoning Districts. The subject property's owner shall be liable for noncompliance with this Ordinance as further set forth herein.

ARTICLE IV - Enforcement
The provision of this Ordinance shall be executed and enforced by the Kendall County Planning, Building and Zoning Department ("Department"), by and through the Department's Code Official ("Code Official") and any and all complaints of violations of this ordinance shall be directed to them. The Kendall County State's Attorney's Office shall be authorized to prosecute any violations of this Ordinance.

ARTICLE V - Grass and Weed Maintenance
All owners of property in unincorporated Residential Zoning Districts within Kendall County must not allow weeds or grasses, excluding decorative or ornamental grasses, to reach a height in excess of 12 inches, unless:

a. In the opinion of the Code Official, the weeds or tall grasses enhance, protect, restore or otherwise support an identified natural resource,

b. The weeds or tall grass is within the tree-line of a natural wooded area and pose an immediate hazard to the residential area, or

c. The weeds or tall grass is in an area preserved within an open space easement or designated natural area.

ARTICLE VI - Notice of Violation

a. Upon confirming a residential lot, subject to this ordinance, has tall grasses or weeds exceeding 12 inches in height, the Code Official shall send notice by regular mail, to the last known address of each owner, notifying the owner(s) their property is in violation of the Tall Grass and Weeds Ordinance and they have 15 days to cure the violation.

b. This Notice of Violation must contain the following information:
   1. The address of the property in violation;
2. The Ordinance number and specific language supporting the violation;
3. A description of the violation, giving the homeowner sufficient direction to properly cure the violation;
4. The contact information for the Code Official;
5. The amount of time the homeowner has to cure the violation (15 days); and
6. The potential consequences of failing to cure the matter within the time allotted. Specifically, the notice must explain that the Department may, in its discretion:
   i. Abate the nuisance, submitting the costs of such abatement to the homeowner by placing a lien on the property,
   ii. Submit a citation for prosecution to the Kendall County State’s Attorney, potentially resulting in fines not to exceed $1000 per violation, or
   iii. Both abate the nuisance and submit a citation.

ARTICLE VII - Abatement
If, after providing proper notice and allowing the property owner 15 days to cure the violation, the violation remains unresolved, the Department may abate the nuisance by whatever means necessary, including, but not limited to, cutting the tall grass and weeds, or removing weeds.

ARTICLE VIII - Lien and Notice of Lien
a. To effectuate a property lien for the cost of abatement, the Department must file a Notice of Lien with the Kendall County Recorder’s Office, within 60 days of incurring the expense.

b. The Notice of Lien shall consist of a sworn statement setting out:
   a. A description of the property sufficient for its identification;
   b. The amount of the costs incurred or payable for the abatement, and
   c. The date or dates such cost was incurred by the county.

c. The Department must mail a copy of the Notice of Lien to the property owner’s last known address.
d. The Department shall file a Release of Lien with the Kendall County Recorder's office promptly after receiving payment on the lien.

ARTICLE IX – Citation

If, after providing proper notice and allowing the property owner 15 days to cure the violation, it is clear the property owner has not made adequate efforts to eradicate the problem, the Department may issue a citation, and obtain and serve a summons on the property owner in a manner prescribed 55 ILCS 5/5-1114(a) (West 2013), subjecting the property owner to the penalty provision in Article XI.

ARTICLE X – Repeat Offenders

a. A repeat offender is anyone who has been found guilty of 2 or more similar violations of a property maintenance code at the same location in a 36-month period.

b. A repeat offender may be served with a Notice to Appear, subject to the requirements identified in 55 ILCS 5/5-1114(a).

ARTICLE XI – Penalty

a. It shall be unlawful to violate Article V of this Ordinance. Any person, firm or corporation violating Article V of this Ordinance shall, upon conviction, be guilty of a misdemeanor and be punished by fines as follows:

1. For the first offense, the minimum fine shall be $25.00 and the maximum fine shall be $250.00; and

2. For any subsequent offense occurring within two years of the prior offense, the minimum fine shall be $50.00 and the maximum fine shall be $500.00; and

b. The violation of this Ordinance, or any part thereof, on more than one (1) day shall constitute separate offenses; and

c. In addition to any penalty provided by this Ordinance, the Kendall County State's Attorney is authorized to initiate action to obtain injunctive relief in the Circuit Court, including, but not limited to, the issuance of a temporary restraining order.
and preliminary injunction, in order to abate any such nuisance condition as enumerated in this Ordinance.

ARTICLE XII - Severability:
The articles, provisions and sections of this Ordinance shall be deemed to be severable and if any portion of this Ordinance is deemed invalid, such determination shall not affect the validity of the remainder.

ARTICLE XIII- Effective Date:
This Ordinance and the regulations contained therein shall be in full force and effect on and after the date signed below.

ADOPTED and APPROVED this ___ day of October, 2013.

John Shaw, County Board Chairman

Attest: ____________________________________________________________
Debbie Gillette, County Clerk
Professional Seminar Series
proudly presents

**Compost:**

*It's more than DIRT*

David Gravel, Vice President
Green Organics, Inc.

Friday, March 20, 2015 9:00 am—12:00 pm
Kendall County Health Department
811 W. John St. Yorkville, IL 60560

**Training Objectives**
Participants will gain understanding in the relevance of:

- Problems with poor soil
- How compost improves soil quality
- Erosion/Sediment control benefits of compost

There is no charge for this educational event.

Please RSVP by calling Kerri at (630) 553-8031