

PART 12 / CHAPTER 1 / SECTION 103.5

JERSEY COUNTY FEE SCHEDULE

ADOPTED OCTOBER 10, 2017

REVISED DECEMBER 12, 2017

WHEREAS, County Board of Jersey that adopted the *Jersey County Fee Schedule Part 12*, Providing for Penalties for Violations of Said Codes of the *Jersey County Code of Ordinances* on November 9th, 2016 to safeguard the public safety, health and general welfare of the public.

WHEREAS, The County Board of Jersey also deems it necessary to amend and update its *Jersey County Fee Schedule*.

BE IT ORDAINED BY the County Board of Jersey County, Illinois an Ordinance amending the *Jersey County Fee Schedule* as follows:

CHAPTER ONE – REGULATING NUISANCES

SECTION ONE – PURPOSE

1.1. The following acts, conduct and conditions are hereby declared and defined to be nuisances, and when committed, performed or permitted to exist by any person, within the jurisdiction of Jersey County, are hereby declared to be unlawful and prohibited:

SECTION TWO – DEFINITIONS

ABANDONED VEHICLE: Any vehicle, as that term is defined in 625 Illinois Compiled Statutes 5/1-217, whether situated upon private, public, or municipal property, which, for a period of seven (7) consecutive 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 motor power, or any vehicle, whether situated upon private, public, or municipal property, that is not currently registered or licensed by the Illinois Secretary of State or similar licensing authority of another state.

ANIMAL: Cattle, swine, horses, mules, donkeys, sheep, dogs, cats, goats, rabbits, or any other animal, and chickens, turkeys, geese, pigeons, doves, ducks, or other fowl, any reptile including snakes, lizards, turtles.

COMMON LAW NUISANCES: Any act or offense which is a nuisance according to the common law of the state, or declared or defined to be a nuisance by the ordinances of the County of Jersey. In addition, the County Code Administrator shall be authorized to abate any nuisance which, while not specifically defined within this chapter, shall constitute the unreasonable, unwarrantable, or unlawful use by a person of property, real or personal, or from his own improper, indecent or unlawful personal conduct which works an obstruction or injury to a right of another, or of the public, and produces such material annoyance, inconvenience, discomfort, or hurt that the law will presume an actionable nuisance. Nuisances may be abated which are public or which are both public and private in nature.

COUNTY CODE ADMINISTRATOR: The officer appointed by the Board of Jersey County for the administration and enforcement of the ordinance.

DEMOLITION: The removal of a structure that is so dilapidated and out of repair as to be dangerous, unsafe, unsanitary or otherwise unfit for human habitation or occupancy.

GARBAGE: Wastes resulting from the handling, preparation, cooking and consumption of food; wastes resulting from the handling, storage and sale of produce.

HAZARDOUS OR DILAPIDATED VEHICLE: Any motor vehicle with a substantial number of "essential parts", as defined by 625 Illinois Compiled Statutes 5/1-118, either damaged, removed or altered or otherwise so treated that the vehicle is

incapable of being driven under its own motor power or which, by its general state of deterioration, poses a threat to the public's health, safety and welfare.

HAZARDOUS SUBSTANCE: Any substance, element, compound, mixture or solution as defined in 415 ILCS 5/3.14

HAZARDOUS WASTE: Means a waste, or combination of wastes, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause a hazard to humans or the environment.

HEALTH OFFICER: The Director of Environmental Health of the Jersey County Health Department.

HOUSEHOLD WASTE: "Household waste" means any solid waste (including garbage, trash, and sanitary waste in septic tanks) derived from households (including single and multiple residences, hotels and motels, bunkhouses, ranger stations, crew quarters, campgrounds, picnic grounds, and day-use recreation areas.

OPEN BURNING: "Open burning" is the combustion of any matter in the open or in an open dump. (415 ILCS 5/9 c)

OWNER: The lawful or registered owner of any motor vehicle and the bailee, if any, of said motor vehicle, or any other person legally entitled to possession of same.

PERSON: "Person" is any individual, partnership, co-partnership, firm, company, limited liability company, corporation, association, joint stock company, trust, estate, political subdivision, state agency, or any other legal entity, or their legal representative, agent or assigns.

REFUSE: Combustible trash, including, but not limited to, paper, cartons, boxes, barrels, wood, excelsior, tree branches, yard trimmings, wood furniture and bedding; noncombustible trash, including, but not limited to, metals, tin cans, metal furniture, dirt, small quantities of rock and pieces of concrete, glass, crockery and other mineral wastes; street rubbish, including, but not limited to, street sweepings, dirt, leaves, catch basin dirt, and contents of litter receptacles, but "refuse" does not mean earth and wastes from building operations, nor shall it include solid wastes resulting from industrial processes and manufacturing operations such as food processing wastes, boiler house cinders, lumber, scraps and shavings.

STANDARD FARMING PRACTICE: The science or occupation in farming of agricultural practice which is recognized as one in a general usage for the preparation, growing, harvesting, and storing of agronomic commodities, or the production of farm animals.

WASTE: "Waste" means any garbage, sludge from a waste treatment plant, water supply treatment plant, or air pollution control facility or other discarded material, including solid, liquid, semi-solid, or contained gaseous material

WEEDS: Any plant as defined in Part 220 Illinois Noxious Weed Law as a primary or secondary noxious weed, unplanted brush, or any unmanaged grass that exceeds one foot (1ft) in height.

SECTION THREE – NUISANCES VIOLATIONS WITH FINES DEFINED

Animals -

3.1.a To cause the carcass of any animal or any offal, filth or noisome substance to be collected, deposited or to remain in any place under his ownership or control to the prejudice of others. Fine \$300.00

3.1.b To throw or deposit any offal or other offensive matter, or the carcass of any dead animal in any watercourse, lake, pond, spring, well or common sewer, street or public highway. Fine \$300.00

3.1.c Animal Pests: To store or maintain any kennel, stable, barn, house, coop, pen, yard or other areas or structure where animals, including pets are kept in a manner which 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. Fine \$300.00

3.1.d All diseased animals running at large. Fine \$500.00

Waters –

3.1.e To corrupt or render unwholesome or impure the water of any spring, river, stream, pond or lake. Fine \$500.00

3.1.f Stagnant Water: To permit foul or stagnant water to pond or stand upon any premises that pose a potential breeding place for mosquitoes. Ponds related to standard farming practices are exempt from the provisions of this ordinance. Fine \$500.00

Weeds –

3.1.g Any person who may permit, suffer or allow "weeds", as herein defined in Part 220 Illinois Noxious Weed Law upon private or public property. Fine \$150.00

3.1.h Any person who may permit the growth of grasses twelve inches (12") or more upon private or public property. Fine \$150.00

Open Burning –

3.1.i No person shall place in any container or dump any material on private property which may be likely to take fire, be set afire or allow the open burning of refuse, construction debris, tires, commercial waste, garbage or conduct any salvage operation by open burning. Exceptions: landscape waste, cooking and campfires on private property and public areas where specified, agricultural waste as defined in 35 ILL. Adm. Code 237.120 (a)(1). Fine \$500.00

Abandoned, hazardous vehicles –

3.1.j To cause a derelict automobile, truck, or other like vehicle of conveyance to remain on any public or private property, except in Illinois licensed salvage yards. An abandoned vehicle as defined in this ordinance as that which is not currently licensed and not in mechanical condition for operation. Exception: Members of the United States Armed Forces who are stationed on duty outside of the State of Illinois and did not have the opportunity to make application or renew the license and registration of the vehicle in a timely manner. Fine \$500.00 for each vehicle.

Illegal Dumping, Junk -

3.1.k To illegally dump abandoned furniture, vehicles of conveyance, appliances, chemicals, used tires, demolition debris, pipes, garbage or asbestos in pastures, along roadsides or in the bottom of ravines. Fine \$750.00

3.1.l Junk Storage: To store, keep, or maintain outside of a closed building, any junk; refuse; used appliances; used or dilapidated furniture; bathroom fixtures; tires; old iron or metal; used lumber, bricks, blocks or other building salvage materials; parts; and machinery or equipment not in an operable condition, where such matter is an actual danger or detriment to life, safety, health or peaceful enjoyment of the property of surrounding property owners; provided, however, that this provision shall not apply to a properly licensed junkyard, land used for agricultural purposes, or other permitted outdoor storage use which is in full compliance with all of the Jersey County ordinances and State of Illinois regulations. Fine \$750.00

Abandoned, Dilapidated Buildings and Demolition –

3.1.m To own, maintain or keep a dwelling unit unfit for human habitation, or dangerous or detrimental to life, safety or health because of lack of repair, defects in the plumbing system, lighting or ventilation, the existence of contagious diseases or unsanitary conditions likely to cause sickness among persons residing in said premises or residing in proximity thereof. Fine \$500.00

3.1.n Any structure which has been damaged by fire or other structures that have become rundown, dilapidated, decayed as to endanger the safety of the public, or provide harborage for rodents, insects or other like vermin or pests. Fine \$500.00

3.1.o Failure to comply with a demolition order within the time prescribed, the County Code Administrator shall cause the structure to be demolished and removed within designated time period. Cost of demolition and removal fees shall be charged against the real estate and a lien filed upon the real estate.

Health Hazards –

3.1.p Any man-made hole, cistern, well or depression on any property, public or private, which may endanger the safety of the public. Fine \$150.00

3.1.q Any private sewage disposal system that is unsafe, failed or constitutes a health hazard, unsanitary condition, or is otherwise dangerous to human life. Fine \$200.00

SECTION FOUR – ABATEMENT PROCEDURES

4.1 Prior to the opening of a complaint file on a condition of a public nuisance, a formal complaint must be filed with the Jersey County Code Administrator or the Jersey County Health Officer.

4.1.a In matters related to formal complaints of public nuisances, inspection assignments shall be made by the Jersey County Code Administrator or by the Health Officer.

4.1.b The County Board may demolish, repair, or enclose or cause the demolition, repair, or enclosure of dangerous and unsafe buildings or uncompleted and abandoned buildings with the territory of the county under the provisions of the Counties Code 55 ILCS 5/5-1121.

4.1.c In matters related to public nuisance complaints, all necessary steps shall be taken to adequately investigate and seek a mediated resolution of the situation whereby a reasonable period of time shall be provided to the respondent party to correct the violation of the ordinance. If a condition of a public nuisance is found to exist, a reasonable period of time of not less than seven (7) days, or more than thirty (30) days shall be given to the respondent party to correct the violation of the ordinance. The Code Administrator shall have the authority to grant modifications for individual cases, provided the modification does not lessen health, life and fire safety requirements. If, however, it is determined that the condition of nuisance constitutes an immediate and serious threat to the public health and safety of the population, the Code Administrator shall have the authority to issue an immediate abatement order.

4.1.d If a person notified to abate a nuisance condition shall neglect or refuse to comply with the requirements of a such a notice within the specified time, Code Administrator may, at his/her discretion, take the necessary action to abate the condition through filing of a fine and a report with the Jersey County State's Attorney for the purpose of enforcement of this Ordinance through the Circuit Court of Jersey County. The cost of any abatement action shall be collected from the party creating the nuisance, or be added to the taxes on the property on which the nuisance condition is situated, as well as imposition of any penalty or fine per 55 ILCS 5/5-41055.

4.1.e If the owner or the individual responsible for the nuisance fails or neglects to pay the County abatement costs and fines, suit may be instituted against the owner or individual responsible in the name of the County and against the owner or individual responsible in any court of competent jurisdiction to recover the costs of abating the nuisance, together with the costs of such suit.

SECTION FIVE – PENALTY

5.1 Any person, firm, or corporation who violates any portion of *Part 1 of An Ordinance Establishing Health and Safety Standards for Manufacture Homes, Mobile Homes, Pre-Owned manufactured Homes, Modular Homes, Pole Barns, Portable Buildings, Garages, Sheds, Railroad Cars, and Containers* shall, upon conviction in the Jersey County Circuit Court, be subject to a fine of up to seven hundred fifty dollars (\$750.00) for each violation. Each day that such violation exists shall constitute a separate offense. This County may also seek injunctive relief for an order compelling abatement of the violation. In addition for fines, the County may assess applicable fees for the Code Administrator or Environmental Health Officer’s time, mileage and processing fees. Fees shall not exceed five hundred dollars (\$500.00) for each violation under the code.

5.2 Any person, firm, or corporation, who violates, disobeys, or willfully fails to comply with any of the provisions of *Part 1 An Ordinance Establishing Health and Safety Standard for Manufactured Homes, Mobile Homes, Pre-Owned Manufactured Homes, Modular Homes, Pole Barns, Portable Buildings, Garages, Sheds, Railroad Cars, and Containers;* and *Part 2 of an Ordinance to Restrict the Entry Into and Placement and Installation in Jersey County of Mobile Homes Constructed Prior to July 1, 1974 (IL Safety Act) and June 15, 1976 (Pre-Hud), to Restrict Location of Pre-Hud Mobile Homes, and to Prohibit Abandoned Pre-Hud Mobile Homes* and *Part 2 An Ordinance to Restrict the Entry Into Jersey County of Mobile Homes Constructed Prior to July 1, 1974 (IL Safety Act) and June 15, 1976 (Pre-Hud), to Restrict Relocation of Pre-Hud Mobile Homes, and to Prohibit Abandoned Pre-Hud Mobil Homes* shall be subject to a fine of no less than \$50.00 up to \$750.00 for each violation. Each day that such violation exists shall constitute a separate offense.

5.3 Failure to remove a pre-owned manufactured home or any other structure from the jurisdiction upon failure to receive a Certificate of Occupancy or have been cited as a nuisance shall be fined \$500.00. Each day that such violation exists shall be considered a separate offense.

5.4 The Board of Jersey County may exercise their powers to recover the costs incurred of the demolition, repair, enclosure, or removal of dangerous and unsafe structures or uncompleted and abandoned mobile homes, manufactured homes and other structures referenced in Part 1 and Part 2 of the Ordinance; by placing a lien on the real estate. Court costs shall be included in the lien and said lien shall be recorded with the Jersey County Recorder of Deeds.

SECTION SIX – VALIDITY

6.1 Should any section, clause, or provision of this Ordinance be declared by the Courts to be invalid, the same shall not affect the validity of this Ordinance as a whole or any part thereof other than the part so declared to be invalid.

6.2 In any case where a provision of this Ordinance is found to be in conflict with a provision of any zoning, building, fire, safety, health or related code or ordinance, existing on the effective date of this Ordinance, the provision which establishes the higher standard for the promotion and protection of the health and safety of the people shall prevail.

CHAPTER TWO – REGULATING RESIDENTIAL AND COMMERCIAL CONSTRUCTION

SECTION ONE – PURPOSE

1.1 This ordinance is created to hold the property owner, construction contractor and any sub-contractors liable for failure to notify the County Code Administrator at the appropriate time regarding inspection of new construction.

SECTION TWO – DEFINITIONS

2.1 For the purpose of this ordinance the following terms are defined:

RESIDENTIAL: The place where one lives; a building used as a home

COMMERCIAL: A place for the exchange or buying and selling of merchandise

CONSTRUCTION: Any new structure built or any significant addition

DEVELOPMENT: Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials, including maintenance.

FLOODPLAIN and "**SPECIAL FLOOD HAZARD AREA (SFHA)**" are synonymous. Those lands within the jurisdiction of the county that are subject to inundation by the base flood. The floodplains of the **Macoupin Creek, Mill Creek, Phils Creek, Piasa Creek, Otter Creek, Illinois and Mississippi Rivers** are generally identified as such on the Flood Insurance Rate Map of Jersey County prepared by the Federal Emergency Management Agency and dated April 2, 2009. Floodplain also includes those areas of known flooding as identified by the community.

SUBSTANTIAL DAMAGE: Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damage condition would equal or exceed 50% of the market value of the structure before the damage occurred regardless of actual repair work performed. Volunteer labor and materials must be included in this determination. Damage of less than 50% of the fair market value will be applied to the repetitive loss calculations.

SUBSTANTIAL IMPROVEMENT: Any reconstruction, rehabilitation, addition, or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the improvement or repair is started, "Substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either (1) any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions or (2) any alteration of a structure listed on the National Register of Historic Places or the Illinois Register of Historic Places.

SECTION THREE – RESIDENTIAL, COMMERCIAL, OR OTHER STRUCTURAL CONSTRUCTION REGULATIONS DEFINED

3.1 RESIDENTIAL, COMMERCIAL, OR OTHER STRUCTURAL CONSTRUCTION – The following are hereby declared violations of residential and commercial construction:

3.1a Failure to obtain a Residential Permit before starting construction or the placement of any structure shall result in a \$250.00 fine plus court costs for each of the property owner, construction contractor and sub-contractors.

3.1b Failure to obtain a Commercial Permit before starting construction shall result in a fine of \$500.00 plus court costs for each of the property owner, construction contractor and sub-contractors.

3.1c Failure to notify the County Code Administrator of the necessity of an inspection and failure to halt construction until the appropriate inspections are completed shall result in a fine of \$100.00 plus court costs for each of the property owner, construction contractor and sub-contractors. Verification of compliance with the building code may result in removal of structural parts for inspection.

3.1d Any person, firm, or corporation, who violates, disobeys, or willfully fails to comply with any of the provisions of *Part 1 An Ordinance Establishing Health and Safety Standard for Manufactured Homes, Mobile Homes, Pre-Owned Manufactured Homes, Modular Homes, Pole Barns, Portable Buildings, Garages, Sheds, Railroad Cars, and Containers*; and *Part 2 of an Ordinance to Restrict the Entry Into and Placement and*

Installation in Jersey County of Mobile Homes Constructed Prior to July 1, 1974 (IL Safety Act) and June 15, 1976 (Pre-Hud), to Restrict Location of Pre-Hud Mobile Homes, and to Prohibit Abandoned Pre-Hud Mobile Homes shall be subject to a fine of no less than \$50.00 up to \$750.00 for each violation. Each day that such violation exists shall constitute a separate offense.

3.1d Failure to remove a pre-owned manufactured home or any other structure from the jurisdiction upon failure to receive a Certificate of Occupancy or have been cited as a nuisance shall be fined \$500.00. Each day that such violation exists shall be considered a separate offense.

3.1e Each day any willful violation of any provision of this section shall constitute a separate offense for purposes of fines and costs.

SECTION FOUR – FLOODPLAIN INSPECTIONS AND OCCUPANCY PERMITS

4.1 A Floodplain Development permit is required by Jersey County in addition to any development requiring State, Corps of Engineers or Environmental Protection Agency.

4.2 Any elevation of a structure in the Jersey County floodplain shall require a minimum of (four) 4 inspections by the County Code Administrator's Office/Certified Floodplain Manager as follows:

4.2a A minimum of 4 (four) inspections shall be performed during the elevation process of a structure in the floodplain. \$400.00 fee shall be paid by the owner. Each additional inspection shall be at a fee of \$100.00 each.

4.2b Inspections shall be performed during the posted hours of the business day of the County Code Administrator/Certified Floodplain Manager. Inspections performed after hours, weekends, or holidays shall result in additional fee of \$100.00 each.

4.2c When the reconstruction, rehabilitation, addition, or improvement of the structure in the floodplain is deemed complete, an Occupancy Permit shall be issued by the County Code Administrator/Certified Floodplain Manager. A fee of \$25.00 shall be charged for the Permit.

4.2d If the structure is occupied without obtaining the required floodplain permit or the Occupancy Permit a fine of \$150.00 will be assessed.

4.2e Failure to notify the County Code Administrator/Certified Floodplain Manager of a required inspection shall result in a fine of \$100.00.

4.2f Failure to obtain a Floodplain permit for any substantial improvement or damage will result in a fine of \$250.00

4.2g Structures located on leased ground are required to be inspected **prior** to the sale to another person(s) and an Occupancy Permit is issued. Failure to request an inspection will result in a fine of \$150.00.

4.2h Failure to obtain a Development Permit for any construction or development within a floodplain will result in a fine of \$300.00.

4.3 All monies collected from fines and fees under this ordinance shall be distributed as follows:

(1) 70% to be deposited to the Jersey County General Fund

(2) 30% to be deposited to the Jersey County Code Administrator Automation Fund

SECTION FIVE – JURISDICTION

5.1 This Ordinance is applicable only outside the corporate limits of a city, village, or incorporated town in Jersey County; or where Jersey County has an Intergovernmental Agreement in place with another jurisdiction, city, village or incorporated town.

SECTION SIX – EFFECTIVE DATE

6.1 This Ordinance shall be in full force and effective immediately upon enactment by the County Board of Jersey County. This Ordinance is not to be construed as amending or rescinding of *An Ordinance Regulating Development in Floodplain Areas adopted October 14, 2008*.

PASSED and adopted by the County Board of Jersey County, Illinois, this **12th** day of **December, 2017**

/S/ Donald Little
Don Little, County Board Chairman

/S/ Pam Warford
Pam Warford, Jersey County Clerk

ATTESTED and **FILED** in the Office of the Jersey County Clerk this **12th** day **December of 2017**

/S/ Pam Warford
Pam Warford, County Clerk

Published in pamphlet form by authority of the County Board of the County of Jersey, Illinois, this day of October 10, 2017 and revised December 12, 2017 pursuant to the provisions contained in 55 ILC 5/5 - 1063
