



Sen. Ira I. Silverstein

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LRB094 04595 RLC 44791 a

1 AMENDMENT TO SENATE BILL 1331

2 AMENDMENT NO. _____. Amend Senate Bill 1331 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Criminal Code of 1961 is amended by
5 changing Section 47-5 as follows:

6 (720 ILCS 5/47-5)

7 Sec. 47-5. Public nuisance. It is a public nuisance:

8 (1) To cause or allow the carcass of an animal or offal,
9 filth, or a noisome substance to be collected, deposited, or to
10 remain in any place to the prejudice of others.

11 (2) To throw or deposit offal or other offensive matter or
12 the carcass of a dead animal in a water course, lake, pond,
13 spring, well, or common sewer, street, or public highway.

14 (3) To corrupt or render unwholesome or impure the water of
15 a spring, river, stream, pond, or lake to the injury or
16 prejudice of others.

17 (4) To obstruct or impede, without legal authority, the
18 passage of a navigable river or waters.

19 (5) To obstruct or encroach upon public highways, private
20 ways, streets, alleys, commons, landing places, and ways to
21 burying places.

22 (6) To carry on the business of manufacturing gunpowder,
23 nitroglycerine, or other highly explosive substances, or
24 mixing or grinding the materials for those substances, in a

1 building within 20 rods of a valuable building erected at the
2 time the business is commenced.

3 (7) To establish powder magazines near incorporated towns,
4 at a point different from that appointed according to law by
5 the corporate authorities of the town, or within 50 rods of an
6 occupied dwelling house.

7 (8) To erect, continue, or use a building or other place
8 for the exercise of a trade, employment, or manufacture that,
9 by occasioning noxious exhalations, offensive smells, or
10 otherwise, is offensive or dangerous to the health of
11 individuals or of the public.

12 (9) To advertise wares or occupation by painting notices of
13 the wares or occupation on or affixing them to fences or other
14 private property, or on rocks or other natural objects, without
15 the consent of the owner, or if in the highway or other public
16 place, without permission of the proper authorities.

17 (10) To permit a well drilled for oil, gas, salt water
18 disposal, or any other purpose in connection with the
19 production of oil and gas to remain unplugged after the well is
20 no longer used for the purpose for which it was drilled.

21 (11) To construct or operate a salt water pit or oil field
22 refuse pit, commonly called a "burn out pit", so that salt
23 water, brine, or oil field refuse or other waste liquids may
24 escape from the pit in a manner except by the evaporation of
25 the salt water or brine or by the burning of the oil field
26 waste or refuse.

27 (12) To permit concrete bases, discarded machinery, and
28 materials to remain around an oil or gas well, or to fail to
29 fill holes, cellars, slush pits, and other excavations made in
30 connection with the well or to restore the surface of the lands
31 surrounding the well to its condition before the drilling of
32 the well, upon abandonment of the oil or gas well.

33 (13) To permit salt water, oil, gas, or other wastes from a
34 well drilled for oil, gas, or exploratory purposes to escape to

1 the surface, or into a mine or coal seam, or into an
2 underground fresh water supply, or from one underground stratum
3 to another.

4 (14) To harass, intimidate, or threaten a person who is
5 about to sell or lease or has sold or leased a residence or
6 other real property or is about to buy or lease or has bought
7 or leased a residence or other real property, when the
8 harassment, intimidation, or threat relates to a person's
9 attempt to sell, buy, or lease a residence, or other real
10 property, or refers to a person's sale, purchase, or lease of a
11 residence or other real property.

12 (15) To store, dump, or permit the accumulation of debris,
13 refuse, garbage, trash, tires, buckets, cans, wheelbarrows,
14 garbage cans, or other containers in a manner that may harbor
15 mosquitoes, flies, insects, rodents, nuisance birds, or other
16 animal pests that are offensive, injurious, or dangerous to the
17 health of individuals or the public.

18 (16) To create a condition, through the improper
19 maintenance of a swimming pool or wading pool, or by causing an
20 action that alters the condition of a natural body of water, so
21 that it harbors mosquitoes, flies, or other animal pests that
22 are offensive, injurious, or dangerous to the health of
23 individuals or the public.

24 (17) To operate a tanning facility without a valid permit
25 under the Tanning Facility Permit Act.

26 Nothing in this Section shall be construed to prevent the
27 corporate authorities of a city, village, or incorporated town,
28 or the county board of a county, from declaring what are
29 nuisances and abating them within their limits. Counties have
30 that authority only outside the corporate limits of a city,
31 village, or incorporated town.

32 (18) To operate a business that sells or delivers firearms
33 without taking reasonable precautions to ensure that the
34 firearms are not to be used or possessed illegally by the

1 purchaser or transferee, or acquired by an individual without
2 complying with procedures required by law for the sale or
3 transfer of firearms. These precautions shall include, but are
4 not limited to, the refusal to sell a firearm to a person: (i)
5 the seller or deliverer knows or has reason to know is
6 purchasing the firearm on behalf of another person who could
7 not legally purchase the firearm, (ii) that has provided a home
8 address in a municipality or county in which possession of that
9 type of firearm is illegal, and (iii) the seller or deliverer
10 otherwise knows or has reason to know will use the firearm
11 illegally.

12 (Source: P.A. 89-234, eff. 1-1-96.)".