

## LaSavanne Horse Farm Complaints - Ten Year History.

### 2014.

#### July 23, 2014.

Staff contacted the Lake County Health Department and Illinois Environmental Protection Agency notifying them of complaints. Lake County Health Department inspected and took photographs of site and sent to Illinois Environmental Protection Agency. IEPA will be inspecting property in mid-August.

#### July 22, 2014 Village Board Meeting.

Several residents of Le Savanne Subdivision, including Kira Mangurten and Dr. Cantor, voiced concerns with the condition of the horse farm property and the Village's inaction toward addressing their complaints.

### 2013

#### July 23, 2013 Village Board Meeting Minutes

##### LeSavanne – Kira Mangurten ?

Roads: Roads need repair and are not private. Village Manager Lothspeich said that they are not in the current plan, but current budget allows for patching of side roads and repair of major roads. Trustee Wachs gave a summary of the plans for review and presentation to be given two meetings from now.

Horse farm: Cooperation with farm is not positive. Issue is related to manure piles. Village Manager Lothspeich said that this has been brought up previously with Lake County Health Department and will have a health inspector visit the property. LeSavanne now has an Association and is trying to rectify the situation. Discussion that the covenant specifically places the enforcement rights with the homeowner association and not the Village.

Roads changing from private to public: Village President Underwood said that this is not being pursued and because of this has not been discussed, as it is not under consideration. If there is a referendum, it has to be decided before the New Year.

2012 - No attendance by LeSavanne at board meetings, no complaints to Village.

2011 - No attendance by LeSavanne at board meetings, no complaints to Village.

2010 - No attendance by LeSavanne at board meetings, no complaints to Village.

2009 - No attendance by LeSavanne at board meetings, no complaints to Village.

2008 - No attendance by LeSavanne at board meetings, complaints to Village (see below).

Bart Canady - filed zoning application for Galaway Farms Subdivision

July 28, 2008 - Dr. Cantor, LaSavanne Subdivision, complaint referred to Lake County Health Department. Lake County Health Department inspected and found **no violations**.

#### July 22, 2008 Board Meeting Minutes

LeSavanne – Georgette Carbajal. – LeSavanne resident Fred Phillips said that the Village Manager had spoken with HOA President Carbajal about issues between the neighbors. – No action was taken.

August 11, 2008. Lake County Health Department inspected the property in response to complaints received by the Village. Health Department found **no violations**.

## 2007

Staff inspected the property and reported complaint to the Lake County Health Department. Lake County Health Department inspected and found **no violations**.

### July 24, 2007 Board Meeting Minutes.

LeSavanne – Georgette Carbajal. – HOA President Carbajal discussed the situation between a resident in her subdivision and the Arlington. Superintendent Block notified her that the Village had been aware of the issue and had suggested that the resident call the Illinois EPA, as this was not noise pollution standards are not set by the Village.

HOA President Carbajal also mentioned the horse farm and the issue regarding horse manure on residential patio furniture. – Village Manager Lothspeich said that it would be up to the people involved to file a complaint with the Lake County Health Department.

HOA President Carbajal said that there was a broken sewer issue and wondered when that would be fixed. – Superintendent Block said that a contractor would fix it. – No action was taken.

May 7, 2007. Resident called Lake County Health Department, responded **no violations** found and that the declarations are for the Homeowner Association enforcement.

May 4, 2007. Lake County Health Department inspected and found **no violations**.

March 21, 2007. Resident complaint to Village, Village inspected and referred Resident to declarations and HOA. Relayed complaint to Lake County Health Department.

April 30, 2007. Lake County Health Department inspected and found **no violations**.

2006 - No attendance by LeSavanne at board meetings, no complaints to Village.

2005 - No attendance by LeSavanne at board meetings, no complaints to Village.

2004 - No attendance by LeSavanne at board meetings. Complaints to Village.

June 1, 2004. Staff's efforts to address complaints with Mr. Canady failed and Village Counsel Holland & Knight sent property owner Bart Canady violation notice.

2003 - Complaints to Village.

July 1, 2003. Village Planner Edmond Cage sent property owner complaint letter with reference to restrictions from original Special Use Permit.

# Lake County, Illinois



**LakeCounty**  
Geographic Information System

Lake County Department  
of Information Technology  
18 N County St  
Waukegan IL 60085  
(847) 377-2373



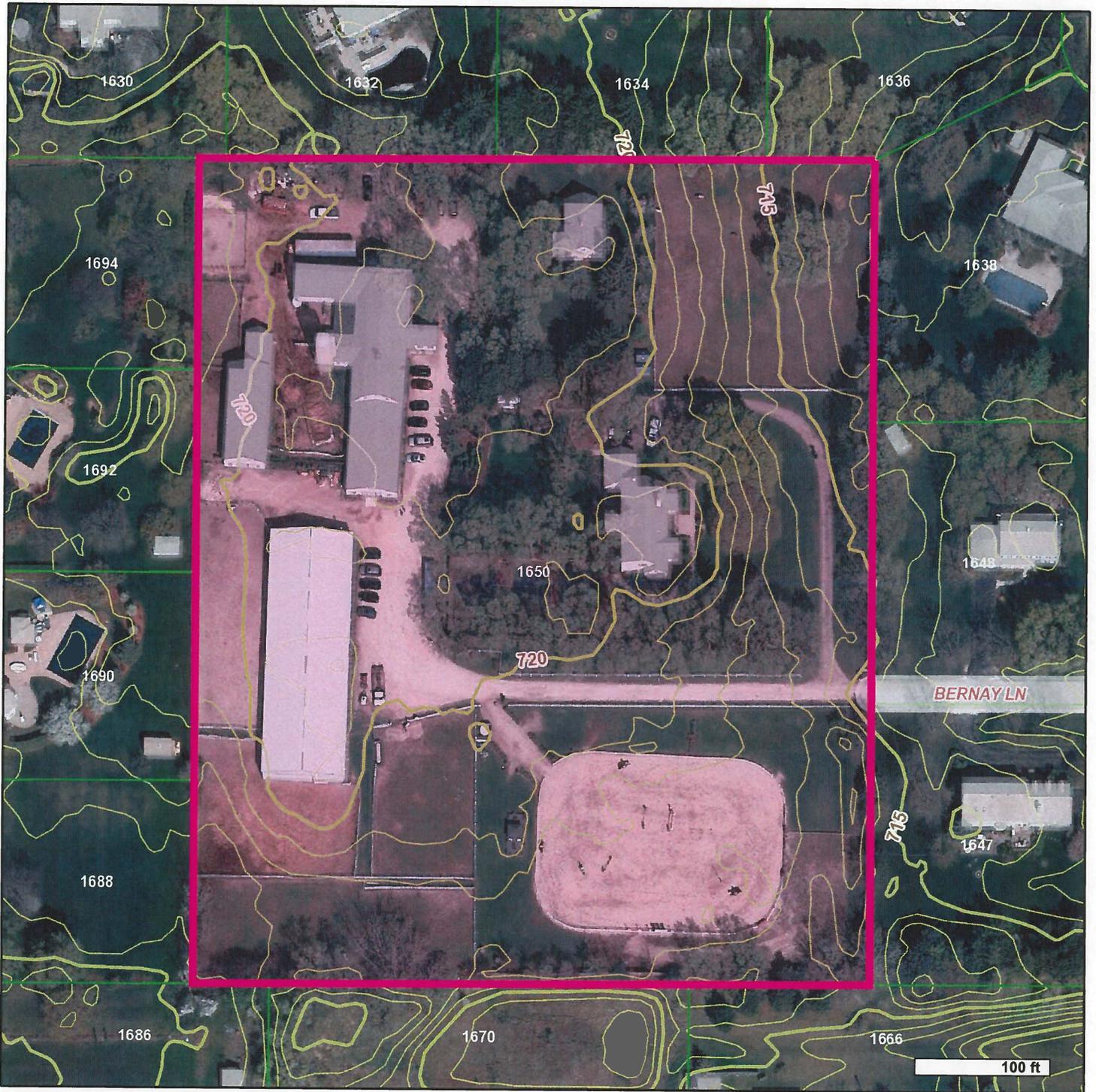
- Tax Parcels: (various)
- Forest Preserves
- Lake County Border
- Streams
- Tax Parcels
- Trails
- 2011 Buildings

Map Printed on 07/23/2014  
Parcel 15-31-201-047 is outlined.

**Disclaimer**

The selected soil feature layer may not occur anywhere in the current map extent. A Registered Land Surveyor should be consulted to determine the precise location of property boundaries on the ground. This map does not constitute a regulatory determination and is not a base for engineering design. This map is intended to be viewed and printed in color.

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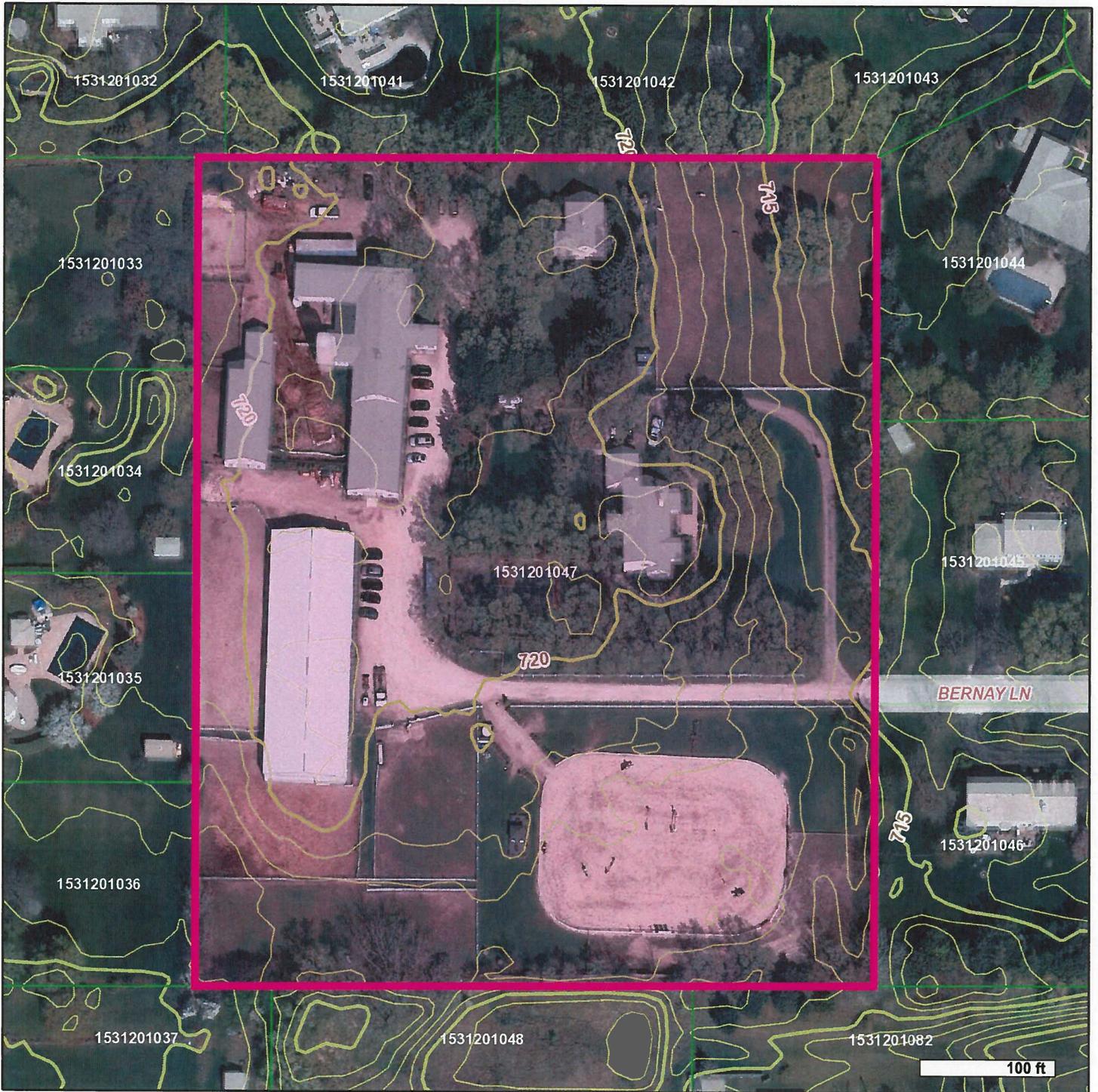


- Tax Parcels: (various)
- Forest Preserves
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- Trails
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- Major Contour Line
- Minor Contour Line

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**From:** julie.tappendorf@hklaw.com [mailto:julie.tappendorf@hklaw.com]  
**Sent:** Tuesday, May 01, 2007 5:28 PM  
**To:** David Lothspeich  
**Cc:** James Hogue; Robert G. Block; MDR4159@aol.com; victor.filippini@hklaw.com  
**Subject:** RE: La Savanna Horse Farm Complaint

Hi Dave:

I have provided my responses below for your information (in red).

Julie

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**From:** David Lothspeich [mailto:lothsd@longgrove.net]  
**Sent:** Tuesday, May 01, 2007 10:40 AM  
**To:** julie.tappendorf@hklaw.com  
**Cc:** James Hogue; Robert G. Block; MDR4159@aol.com  
**Subject:** FW: La Savanna Horse Farm Complaint

Julie,

FYI. The complaints from neighboring property owners Ulrich started again this spring and when Jim and I inspected in March the amount of manure being stored on the property seemed within reason. The Village has repeatedly informed Ulrich that while the Village has attempted to assure that the property is reasonably maintained, the Village cannot enforce the restrictions and conditions contained in the private declaration of covenants (how often the manure is removed, # of horses, etc.) but that the Ulrich, as owners of property in the subdivision, have rights under these declarations that they can seek to enforce individually or with other property owners and possibly the HOA through the courts. The Ulrich's have responded that they do not feel that they should have to spend money to enforce these declarations. The Village contacted the County Health Department yesterday to advise them of the situation and they agreed to inspect the property re: storage of manure. The Ulrich's have added the complaint that there are more than 27 horses on the property and the Village reiterated that this restriction is contained in the declarations and are not enforceable by the Village. The Ulrich's plan to pursue this issue, along with the amount of manure stored on the property, with the County Health Department.

Please confirm the following:

- The Village cannot enforce any of the restrictions contained in the declaration of covenants for La Savanne Subdivision. The Declaration of Covenants includes very specific language limiting the number of horses, frequency of manure pickup etc. that the Ulrich's and other adjoining property owners can take upon themselves to enforce. **As we had advised the Village in the past, the Village has no clear right to enforce the private declaration of covenants for Lot 43 in this PUD. The declaration of covenants expressly provides that it can be enforced by "the owner or owners of any lot in said Savanne of Long Grove which abuts the North, East or West boundaries of the Subject Premises [Lot 43]". Consequently, the adjacent property owners have the clear right to enforce the various restrictions (including the limit on the number of horses and horse removal obligations). The Village did not, however, reserve the right to enforce the declaration - note that when the Village has chosen to do so in recent PUDs, it has done so with express language in the declaration of covenants: i.e., "the Village reserves the right but not the obligation to enforce the covenants contained herein." This was not done in this PUD - it may be that the Village did not want to take on the enforcement of these particular restrictions.**

- Village Code restricts the number of hoofed animals is restricted based upon acreage (10-4-15). Based upon these restrictions, the property would be limited to 14 hoofed animals based upon the property being a total of 7 acres (county web site). However, the covenants allow for a maximum of 27 animals. I assume the covenants trump the Code and the Village cannot enforce the Code of covenants against the property owner re: maximum number of horses. The private restrictive covenant would not trump the Village Code horse regulations. Although a PUD ordinance would likely trump other Village regulations, in this case the PUD is silent as to specific restrictions on the number of horses. Consequently, the Village Code horse restrictions do apply to this property, including the number of horses restrictions. Please be advised, however, that Section 10-4-16 contains a grandfathering provision that would appear applicable in this particular circumstance. Specifically, Section 10-4-16 provides that if at the time of passage of this section, a person owns and boards animals in excess of the number permitted by the Code, the person is allowed to continue to board the animals provided that there is no increase in the number of horses above that number. If the owner of Lot 43 had 27 horses at the time this section was enacted (1980), then the owner would be allowed to continue to keep 27 horses on the property, unless such use is abandoned at any time for a period of 6 months or more. I suspect that the owner's use will fall within this grandfathering provision, which means the use would be allowed to continue unless abandoned for 6 months or more.
- Village Code requires that animal waste be stored no closer than 150' to residential property lines. The Village brought this requirement to the attention of the property owners several years ago and the property owner complied by moving the storage area further south and at least 150' from their property line. This provision can be enforced by the Village as it is in the Village Code.
- Village Code requires that "all hoofed animals must be kept in a sanitary environment and be treated in a humane fashion and they must be cared for so as to maintain them in good health." While the Village did not inspect the barns, the animal waste is being stored in a separate area from where the horses are housed. While the Village could try to make a determination as to whether the animals are being kept in a sanitary environment, this is difficult since the Village does not have the expertise to determine whether or not the environment is sanitary or not coupled with the fact that this is a "fluid" situation (pun intended) that can change day to day and would require the Village to inspect on a daily basis. Such inspections would be an unreasonable burden on the Village, and possibly the County, and would suggest that in either case that the County Health Department inspectors have the expertise to enforce such restrictions and that the County may have additional requirements under their Codes. While the Village has the authority to enforce this provision of the Village Code, it would seem somewhat outside the Village's expertise, as you noted. It would appear to be appropriate to refer this to the Lake County Health Department.
- Village Code includes a very general "catch all" definition of nuisance (paragraph A) as "actionable nuisances". Again, with the Village not having the expertise to determine what is an "unreasonable" amount of manure or odor from the manure, the County Health Department would be better equipped to make this determination and take enforcement action, if necessary. As we had discussed in the past, the issue of whether a particular use is a "nuisance" can be difficult to establish, particularly in a case such as this one where there is no violation of any Village Code or zoning or other approval.

I understand from speaking with you this afternoon that the Village's position on this matter has not shifted since this issue came up in 2004. As we discussed, the Village Board may desire to send a letter to the neighboring property owner explaining the Village's position on this matter and suggesting that the neighbor consider exploring her available private remedies.

## **VILLAGE CODE.**

The following acts, conduct and conditions are hereby declared and defined to be nuisances, and when committed, performed or permitted to exist by any individual, firm, association, partnership, corporation, or other legal entity within the territorial limits of the village, are hereby declared to be unlawful and prohibited:

(A) Any act or offense which is a nuisance according to the common law of the state of Illinois, or declared or defined to be a nuisance by an ordinance of the village. In addition, the village superintendent and the village manager 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 or property, real or person, 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. (Ord. 80-O-22, 12-9-1980; amd. Ord. 90-O-37, 11-13-1990)

### **10-4-15: HOOFED ANIMALS:**

(A) Hoofed animals shall not be housed or maintained on parcels of land consisting of less than two (2) acres. Hoofed animals may be maintained on a parcel of land consisting of two (2) acres and additional hoofed animals may be maintained for every additional half acre of land which is part of the parcel. For example:

1. Two (2) acres, four (4) hoofed animals.
2. Two and one-half (2 1/2) acres, five (5) hoofed animals.
3. Three (3) acres, six (6) hoofed animals.
4. Three and one-half (3 1/2) acres, seven (7) hoofed animals.
5. Four (4) acres, eight (8) hoofed animals, etc. (Ord. 80-O-20, 11-25-1980)

For the purpose of this section, acreage computations to satisfy the above described minimum acreage per animal shall specifically exclude areas situated within the flood plain or conservancy districts as defined in subsections 5-10-3(B) and 5-10-4(B) of this code. In addition, for the purposes of this section, the computation of acreage required shall include only that acreage which is actually to be utilized for the purposes of keeping hoofed animals.

The boarding of hoofed animals is prohibited on all parcels of land not physically occupied by the owner of said land. (Ord. 82-O-12, 7-13-1982)

- (B) All owners of horses shall provide a stall for each horse not less than ten feet by ten feet (10' x 10'), and an appropriate space for all other animals.
- (C) If an owner provides a mud lot, it must be fenced and exclusive of vegetative pasture, shall not exceed two thousand five hundred (2,500) square feet, and the mud lot shall be maintained in such a fashion as to minimize erosion.
- (D) No mud lot may be situated less than one hundred fifty feet (150') from any residence and suitable bush screening is recommended.
- (E) All animal waste which is stored must not be stored less than fifty feet (50') from any adjacent parcel. No animal waste shall be stored closer than one hundred fifty feet (150') from any occupied residence nor may animal waste be stored within the setback area for the parcel upon which the horse is kept. In addition, all animal waste must be removed on a regular basis at reasonable times so as not to constitute a health hazard.
- (F) All hoofed animals must be kept in a sanitary environment and be treated in a humane fashion and they must be cared for so as to maintain them in good health.
- (G) All parcels of land upon which hoofed animals are boarded are subject to the inspection of the village superintendent or his designated agent.
- (H) A horse shelter shall be provided for all horses and the construction of the shelter shall be in a form approved by the building committee.

Any person who repeatedly violates the terms of this chapter shall be barred, at the election of the village board, from maintaining any hoofed animals on his property. (Ord. 80-O-20, 11-25-1980)

### **8-8-2: UNCOVERED PILES OF REFUSE OR DEAD ANIMALS:**

It shall be unlawful for any person to deposit anywhere in the village any uncovered piles of refuse, garbage, offal or carcasses of dead animals. Any

uncovered piles of refuse are hereby declared to be a nuisance. This section does not apply to normal farming uses or barnyard uses. (Ord. 79-O-16, 7-24-1979)

### **8-9-1: NUISANCES DEFINED; PROHIBITION:**

The following acts, conduct and conditions are hereby declared and defined to be nuisances, and when committed, performed or permitted to exist by any individual, firm, association, partnership, corporation, or other legal entity within the territorial limits of the village, are hereby declared to be unlawful and prohibited:

- (A) Any act or offense which is a nuisance according to the common law of the state of Illinois, or declared or defined to be a nuisance by an ordinance of the village. In addition, the village superintendent and the village manager 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 or property, real or person, 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. (Ord. 80-O-22, 12-9-1980; amd. Ord. 90-O-37, 11-13-1990)
- (B) To cause or suffer 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.
- (C) To throw or deposit any offal or other offensive matter, or the carcass of any dead animal, in any watercourse, lake, pond, spring, well, common sewer, street or public highway.
- (D) To corrupt or render unwholesome or impure the water of any spring, river, stream, pond or lake, to the injury or prejudice of others.
- (E) To obstruct or impede, without legal authority, the passage of any navigable river or waters.
- (F) To obstruct or impede, without legal authority, the passage of any nonnavigable river or waters.
- (G) To obstruct or encroach upon public highways, private ways, streets, alleys, commons, landing places, and ways to burying places.

- (H) 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.
- (I) To advertise wares or occupation by painting notices of the same on, or affixing them to fences or other private property, or on rocks or other natural objects, without the consent of the owner, or if in the highway or other public place, without permission of the proper authorities.
- (J) To harass, intimidate, or threaten any person who is about to sell or lease or has sold or leased a residence or other real property or is about to buy or lease or has bought or leased a residence or other real property, when the harassment, intimidation or threat relates to a person's attempt to sell, buy or lease a residence, or other real property, or refers to a person's sale, purchase or lease of a residence or other real property.
- (K) To dump, abandon, deposit, dismantle or burn upon any public property or right of way, highway, park, street or parkway anywhere in the village, any trash, garbage, ashes, junk, junked or wrecked motor vehicles or parts thereof, or miscellaneous waste. (Ord. 80-O-22, 12-9-1980)
- (L) To store, keep or maintain outside of a closed building any junk, parts, machinery, or equipment, not in an operable condition; provided, however, that this provision shall not apply to any permitted outdoor storage use which is in full compliance with all ordinances of the village governing the same. (Ord. 84-O-9, 4-10-1984)
- (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.
- (N) To store or place any materials in a manner which may harbor rats.
- (O) To produce or permit to be produced, whether public or private property, any offensive noise to the disturbance of the peace or quiet of any person residing in the vicinity.
- (P) To own, maintain, operate or permit the existence of any "dangerous building" within the village, as herein defined:

A "dangerous building", for the terms of this chapter, shall mean and include the following:

1. Any building, fence, wall or other manmade 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 of it or of neighboring structures or of the public generally;

2. Any building, fence, wall or other manmade structure which, because of faulty construction, age, lack of proper repair or any other cause, is especially liable to fire and creates a fire hazard, or is attractive to malefactors, disorderly persons or vagrants;

3. Any building, fence, wall or other manmade 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, fence, wall or other manmade structure which, because of its condition or because of unprotected or unsecured openings or apertures, is available to and frequented by malefactors, disorderly persons or vagrants who are not lawful occupants of said structure;

5. Any building, fence, wall or other manmade structure which has been uncompleted, or because of its condition is abandoned, or is abandoned to such extent that it is dangerous to public health and safety or is available to and frequented by malefactors, disorderly persons and vagrants who are not lawful occupants of said structure.

(Q) To own, maintain, operate or permit the existence of any dangerous building within the village, which is in such a condition as to be in serious disrepair, dilapidated, or which is otherwise maintained in such a manner so as to have a material detrimental impact on the fair-market value of surrounding property. (Ord. 80-O-22, 12-9-1980)

(R) The storage of an inoperable motor vehicle on public or private property in view of the general public is hereby declared to be a nuisance and prohibited. For the purposes of this section, an inoperable motor vehicle shall mean any motor vehicle from which, for a period of at least seven (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 motor power or the vehicle is not currently licensed with any state of the United States. Inoperable motor vehicles 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, nor shall inoperable motor vehicle apply to any motor vehicle that is kept within a building when not in use or to historic vehicles over twenty five (25) years of age which are in running condition.

Avoidance of prosecution. The owner of any vehicle who has been issued a citation for storing an inoperable motor vehicle in public view, and who removes the same from the place where the violation has occurred, may avoid prosecution for violating this section as follows:

1. Within five (5) days from the issuance of the notice of violation, excluding Saturdays, Sundays and holidays, by paying to the village at the Village Hall, Old McHenry Road, Long Grove, Illinois, the sum of twenty dollars (\$20.00).
2. Within ten (10) days from the date of issuance of the notice of violation, excluding Saturdays, Sundays, and holidays, by paying to the village at the Village Hall, Old McHenry Road, Long Grove, Illinois, the sum of thirty five dollars (\$35.00).
3. Within twenty five (25) days from the date of issuance of the notice of violation, excluding Saturdays, Sundays and holidays, by paying to the Village Hall, Old McHenry Road, Long Grove, Illinois, the sum of fifty dollars (\$50.00).
4. In the event that the owner or operator of a vehicle does not pay the sum of twenty dollars (\$20.00) within the five (5) day period, as hereinabove provided, the village administrator shall send notice that the fine has not been received within the five (5) day period and that, therefore, the fine is escalated to thirty five dollars (\$35.00) which will have to be paid within a period of ten (10) days.
5. In the event that the thirty five dollar (\$35.00) fine has not been paid by the owner or operator within a period of ten (10) days, the village administrator shall send a final notice which will indicate that the fine is escalated to fifty dollars (\$50.00) and that, therefore, if it is not paid within a ten (10) day period, a warrant will be issued for the arrest of said operator or owner.
6. All remittances of fines as heretofore set forth herein may be made by check, money order or currency and must be accompanied by a signed plea of guilty and a waiver of hearing. (Ord. 84-O-9, 4-10-1984)

### **8-9-3: NONSUMMARY ABATEMENT, FAILURE TO ABATE:**

If the person so served and notified does not abate the nuisance within the specified reasonable time, the corporate authorities may proceed to abate the nuisance in any or all manner allowable by law, including, without limiting the generality thereof, the following:

- (A) Seeking to impose a monetary penalty as defined by section 1-4-1 of this code by instituting an ordinance enforcement action.

(B) Seeking to enjoin the continuation of the nuisance by the filing of a lawsuit in a court of competent jurisdiction.

(C) Any and all other remedies available by law. (Ord. 80-O-22, 12-9-1980; amd. Ord. 2000-O-19, 8-8-2000)

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**From:** David Lothspeich  
**Sent:** Tuesday, May 01, 2007 9:10 AM  
**To:** 'MDR4159@aol.com'  
**Subject:** FW: La Savanna Horse Farm Complaint

FYI

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**From:** David Lothspeich  
**Sent:** Monday, April 30, 2007 11:16 AM  
**To:** 'vdavis@co.lake.il.us'  
**Cc:** Robert G. Block; James Hogue  
**Subject:** FW: La Savanna Horse Farm Complaint

1<sup>st</sup> communication

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**From:** David Lothspeich  
**Sent:** Tuesday, April 03, 2007 10:44 AM  
**To:** 'marchip4750@aol.com'  
**Cc:** James Hogue; Robert G. Block  
**Subject:** FW: La Savanna Horse Farm Complaint

Mary,

Second email.

Dave

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**From:** David Lothspeich  
**Sent:** Wednesday, March 21, 2007 4:49 PM  
**To:** 'marychip@aol.com'  
**Cc:** Robert G. Block; James Hogue; 'MDR4159@aol.com'  
**Subject:** FW: La Savanna Horse Farm Complaint

Mary Ann,

I will be forwarding the photographs of our visit earlier this week. While I don't know what it looked like prior to our visit, the amount of manure seemed reasonable to me. If you haven't already done so, please refer to the approval ordinance and attached declarations. As I

mentioned in our phone conversation, the provisions re: removal of manure and enforcement are contained within the declarations, not the ordinance. As such, the Village cannot enforce the provisions in the declaration and would be limited to attempting to enforce our nuisance provisions. It seems that the Village anticipated potential conflicts between neighbors and specifically included the requirements in the declaration to empower the neighboring resident(s) to take up violation actions against the horse farm. Since the declarations include very specific performance requirements, I'd suggest that the neighboring property owner(s) consider taking matters into their own hands through civil action if they believe that the declarations are not being lived up to.

Please review the photos and let me know if you have any questions.

Thanks,  
Dave

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**From:** David Lothspeich  
**Sent:** Thursday, March 15, 2007 4:25 PM  
**To:** 'marychip@aol.com'  
**Subject:** FW: La Savanna Horse Farm Complaint

Mary Ann,

Please confirm receipt.

Thanks,  
Dave

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**From:** David Lothspeich  
**Sent:** Thursday, March 15, 2007 4:22 PM  
**To:** David Lothspeich  
**Subject:** FW: La Savanna Horse Farm Complaint

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**From:** David Lothspeich  
**Sent:** Thursday, March 15, 2007 4:21 PM  
**To:** 'marchip@aol.com'  
**Subject:** FW: La Savanna Horse Farm Complaint

Mary Ann,

Hope I've got your email address correct. Please note the ordinance vs. declaration requirements. I will give you a call tomorrow to discuss.

Dave

Valerie,

Thanks for your prompt response. I've sent the addresses and phone numbers for all involved. Please don't hesitate to have Seth contact me if I can be of any assistance.

Dave

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**From:** Davis, Valerie L. [mailto:VDavis@co.lake.il.us]  
**Sent:** Monday, April 30, 2007 1:12 PM  
**To:** David Lothspeich  
**Subject:** \*\*\*\*\*SPAM\*\*\*\*\* RE: La Savanna Horse Farm Complaint

David, I will be putting in a request for service on the LaSavanna Horse Farm, could you please email me back with the exact address or PIN number? This request for service will be assigned to Seth Kidder. Registered Sanitarian in our Wauconda office' Seth's direct line is 847-984-5014. I will forward the emails and pictures you have sent over, please feel free to contact Seth on updates on the RFS. I will ask Seth to call you if he wants to meet you on-site.

Thanks,

Valerie Davis  
ISD Program Senior Clerk

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**From:** David Lothspeich [mailto:lothsd@longgrove.net]  
**Sent:** Monday, April 30, 2007 11:16 AM  
**To:** vdavis@co.lake.il.us  
**Cc:** James Hogue; Robert G. Block  
**Subject:** RE: La Savanna Horse Farm Complaint

Valerie Davis,

Thank you for your time on the phone this morning and for your assistance with this ongoing horse manure complaint. I'll be forwarding the various correspondences from the Village to the owner of the horse farm for background. Please review and advise.

Thanks,  
David Lothspeich  
Village Manager  
Village of Long Grove

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**From:** David Lothspeich  
**Sent:** Tuesday, April 03, 2007 10:44 AM  
**To:** 'marchip4750@aol.com'  
**Cc:** James Hogue; Robert G. Block  
**Subject:** FW: La Savanna Horse Farm Complaint

Mary,

Second email.

Dave

# FAX TRANSMISSION



## Lake County

Health Department and  
Community Health Center

**Environmental Health Services**  
**118 S. Main Street**  
**Wauconda, IL 60084**  
**Phone: (847) 984-5000**  
**Fax: (847) 526-7086**  
**www.co.lake.il.us/health/ehs**

**DATE:** 9/22/08

**FROM:** Darlene Boettin

**Sender's Telephone Number:** 847-984-5005

**TO:** Jim Hogue

**Company:** Village of Long Grove

**Destination Fax Number:** 847-634-9408

**Number of pages Sent (including cover sheet):** 6

### MESSAGE

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

**If you do not receive all pages, please telephone the sender.**

**Thank you!**



# Lake County

Health Department  
and Community Health Center  
[www.co.lake.il.us/health](http://www.co.lake.il.us/health)

## CASE INVESTIGATION / REPORT FORM

CASE #: 1019620

P.I.N.: 15 - 31 - 201 - 047

CASE GROUP: HLMANU

TOWNSHIP: VERNON

DATE REC'D: 08/12/2008

ASSIGNED TO: HLDAB

OWNER: STANDARD BANK AND TRUST CO CONTACT: ANONYMOUS

RECENT RE-CHECK(S):

ADDRESS: 1650 BERNAY

ADDRESS:

LONG GROVE, IL 60047-

PHONE: (847)404-8980 x

PHONE: (000) 000-0000

FAX:

FAX:

FACILITY NAME:

ADDITIONAL INFORMATION: Too many piles of manure

DATE

COMMENTS / FINDINGS

08/11/2008 - Site visit with Mark Mussachio. The stall where manure has been changed, There is a large concrete structure holding waste material; it is 1/4 full currently. They have wrapped tarps around fence area. There are minimal flies and the odor is minimal even up 2 feet away. Spoke with farm manager and they are having waste hauled every other week. E Mailed information to Jim Hague at Village of Long Grove 847.634.9440 **HLDAB**

**ORDINANCE**

**LAKE COUNTY BOARD OF HEALTH ORDINANCE**

**ARTICLE I**

**GENERAL PROVISIONS**

An Ordinance to prohibit, abate, suppress and prevent all acts, practices, conduct, uses of property and all other things detrimental or liable to be detrimental to the health of the inhabitants of Lake County; it is hereby ordained by the Board of Supervisors of Lake County, Illinois:

**SECTION I - DEFINITIONS**

**Board of Health** - Board of Health shall mean the Lake County Board of Health or their authorized representative.

**Person** - Person shall mean any institution, corporation, individual, partnership or other entity.

**SECTION II - POWERS OF THE BOARD**

The Board of Health is hereby authorized and empowered to inspect all buildings, lands, and places as to their conditions affecting health and sanitation and whenever any declared nuisance, source of filth, or condition prejudicial to the public health is found to exist, the Board shall have the power and the authority to order the owner or occupant or user thereof to make such alterations or changes necessary to correct and remove said nuisance, source of filth or condition prejudicial to the public health.

**SECTION III - DECLARED NUISANCES**

The following are declared to be public nuisances prejudicial to the public health:

1. All decayed or unwholesome food offered for sale to the public.
2. All diseased animals running at large.
3. Carcasses of dead animals not buried or destroyed within twenty-four hours after death.
4. Accumulations of manure, rubbish, garbage, refuse and human and industrial or noxious or offensive waste, except the normal storage on a farm of manure for agricultural purposes.
5. Privy vaults or garbage cans which

6. are not fly-tight.  
The pollution of any well, cistern, spring, underground water stream, lake, canal, or body of water by sewage or industrial wastes, or other substance harmful to human beings.
7. Dense smoke, noxious fumes, gas and soot, or cinders, in unreasonable quantities, or the presence of any gas, vapor, fume, smoke, dust or any other toxic substance on, in or emitted from the equipment of any premises in quantities sufficient to be toxic, harmful or injurious to the health of any employee or to any premises, occupant, or to any other persons.
8. Common drinking cups, roller towels, combs, brushes, or eating utensils in public or semipublic places not properly sanitized after use.
9. All infestations of vermin which may be involved in the transmission of communicable disease.
10. The keeping of animals or fowls in close proximity to residences, schools, hospitals, public or semipublic buildings, playgrounds, parks, and other public places, except pet cats and dogs, animals in public or licensed zoos, farm animals, on farms and in laboratories.
11. To rent or lease quarters for human habitation which are declared unfit for human habitation by the Board of Health.
12. All other acts, practices, conduct, business, occupations, callings; trades, uses of property, and all other things detrimental or certain to be detrimental to the health of the inhabitants of Lake County, Illinois.

**SECTION IV - FINES AND PENALTIES**

Any person, firm, company or corporation who

maintains a nuisance as declared in this ordinance or who fails to comply with an order of the Board of Health issued under the provisions of this Ordinance shall be deemed guilty of a misdemeanor and shall be subject to arrest and upon conviction, subject to a fine of not more than Two Hundred Dollars (\$200) for each day that the violation exists. Each day that a violation continues to exist shall constitute a separate offense.

#### **SECTION V - ENFORCEMENT AND PENALTIES**

Any duly authorized member or representative of the Lake County Health Department is hereby designated as an enforcing officer of this Ordinance and it shall be the duty of the State's Attorney of the County of Lake, State of Illinois, to prosecute any violators or offenders under this Ordinance that are called to his attention by said Board of Health, and the Board of Health shall hereby be given specific power to make inspections and for that purpose, may enter buildings, structures and premises in order to enforce the provisions of this Ordinance and to that end shall make such orders, requirements, decisions, and determinations as are necessary with respect to the enforcement of this Ordinance.

#### **SECTION VI - INTERPRETATION, PURPOSES AND CONFLICT**

The provisions of this Ordinance shall be held to be the minimum requirements for the promotion of the public health, safety, morals, comfort and general welfare.

It is not intended by this Ordinance to interfere with, abrogate, annul or repeal any ordinance, resolution, rule, or regulation heretofore adopted which does not conflict with the provisions of this Ordinance.

#### **SECTION VII - VALIDITY**

Should any section, clause or provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the Ordinance as a whole, or any part thereof, other than the part so declared to be invalid.



# Lake County

Health Department  
and Community Health Center  
[www.co.lake.il.us/health](http://www.co.lake.il.us/health)

Village of Long Grove

## CASE INVESTIGATION / REPORT FORM

CASE #: 1017417

P.I.N.: 15 - 31 - 201 - 047

CASE GROUP: HLFECE

TOWNSHIP: VERNON

DATE REC'D: 04/30/2007

ASSIGNED TO: HLSAK

OWNER: STANDARD BANK AND TRUST CO CONTACT: DAVID LOTH SPEICH

RECENT RE-CHECK(S):

ADDRESS: 1650 BERNAY

ADDRESS:

LONG GROVE, IL 60047-

PHONE: (847)404-8980 x

PHONE: (847) 634-9440

FAX:

FAX:

FACILITY NAME: 1650 BERNAY LANE LONG GROVE

ADDITIONAL INFORMATION: excessive horse manure - Seth, I have sent over emails to you with pictures and report from Village of Long Grove

DATE

COMMENTS / FINDINGS

4/30/2007 - Called Village Of Long Grove spoke with David Lothspeich went over findings of inspection, did not find excessive manure on property. Lake County Health Department will not pursue any other action. **HLDAB**

5/4/2007 - site visit met with Owners Bart & Lorrie Canady. They have been working with the Village of Long Grove on a series of complaints. Inspected manure pen, area is fenced off. Did not find an excessive amount of manure for the amount of horses on premises. According to owner Ramirez composting hauls every Monday. Will have proof of receipts faxed. At time of inspection did not find manure pile to have excessive odor. Walked around property to find it is neatly kept. Find complaint not to be valid under Lake County Article I Section III item 4 which does not cover manure for the normal storage on a farm for agricultural purposes. The declarations e mailed to Seth Kidder ( Associate Sanitarian ) are for the Homeowners association and can not be enforced by Lake County Will contact the Village of Long Grove: David Lothspeich on RFS. **HLDAB**

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RECEIVED

MAY 23 2007

VILLAGE OF LONG GROVE

5/7/2007 - Phoned Mary Ann Ulrich complaintant. Explained conditions on property do not meet provisions in Lake County Article I. Told Mary property is in the Village of Long Grove. However, the declarations e mailed to us are for the homeowners association for Savannah. They (the association) are the ones who are to enforce their own declarations. Mary Had questions on the amount of horses for a property. The County is unlimited numbers for zoned agriculture however, again this property is in the Village so they would follow the Village ordinance (NOT LAKE COUNTY). **HLDAB**

1017417  
15-31-201-047

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**LAKE COUNTY BOARD OF HEALTH ORDINANCE**

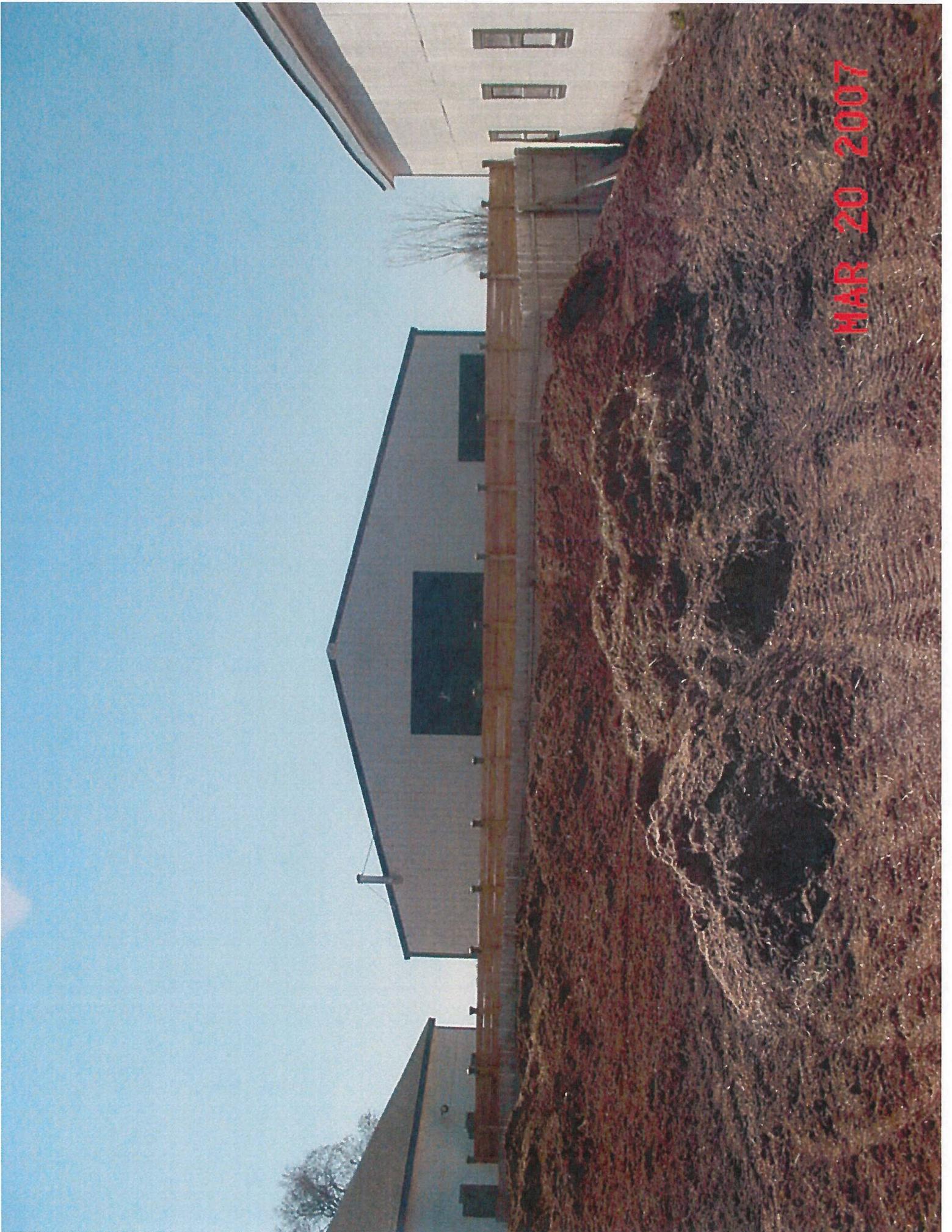
**ARTICLE I**



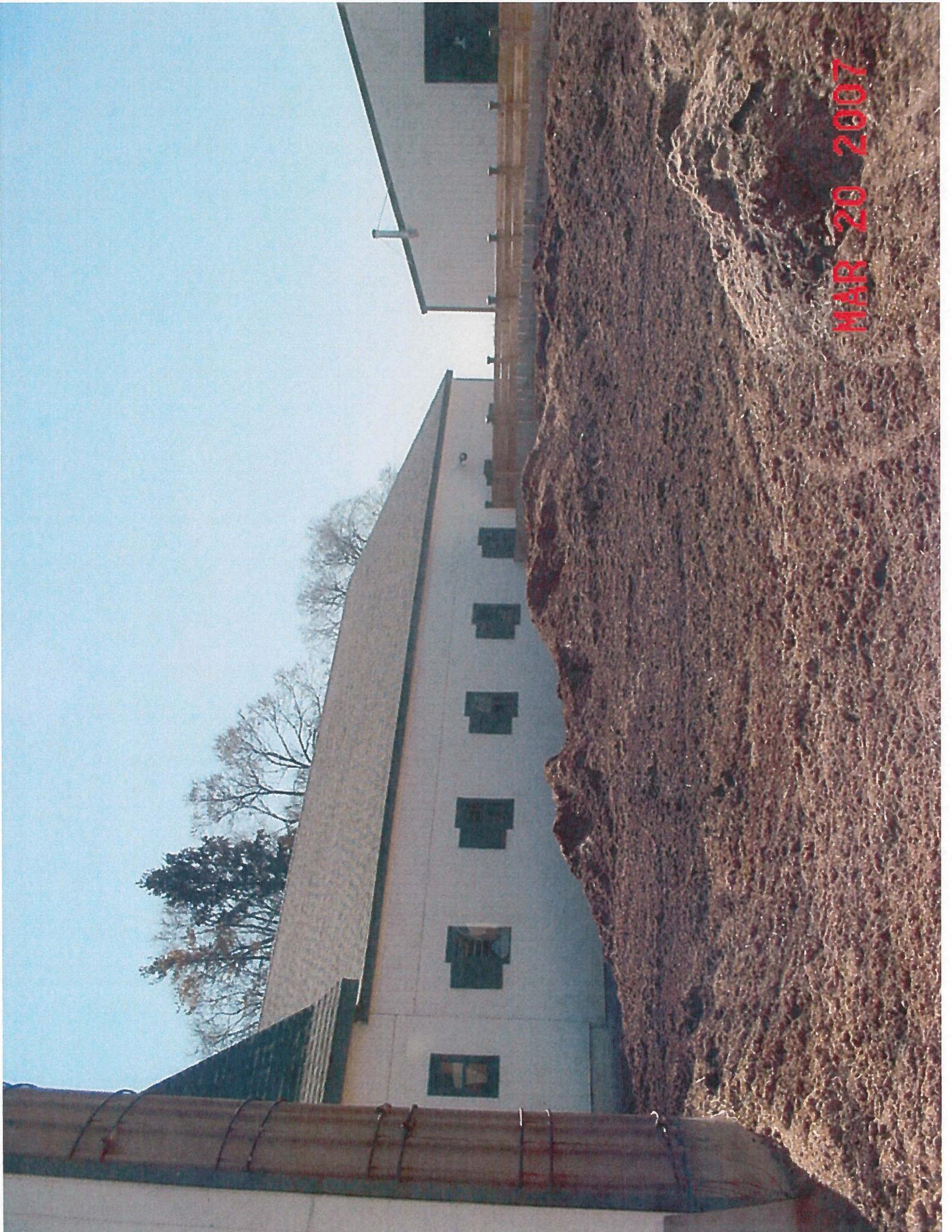
**ENVIRONMENTAL NUISANCES**

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MAR 20 2007



MAR 20 2007



MAR 20 2007

# HOLLAND & KNIGHT LLP

131 South Dearborn Street  
30th Floor  
Chicago, Illinois 60603

312-263-3600  
312-578-6666 Fax  
www.hklaw.com

June 1, 2004

Bart Canady  
1650 Burnay Lane  
Long Grove, Illinois 60047

Re: Violation Notice

Dear Mr. Canady:

This firm serves as the Village Attorney for the Village of Long Grove. Village Manager David Lothspeich has directed us to contact you concerning the operation of the horse farm on your property located at 1650 Burnay Lane, in the Village of Long Grove ("**Property**"). This letter is to notify you that your failure to regularly remove the horse manure currently stored on your Property violates various provisions of the Village Code and Village ordinances, including the Declaration required pursuant to Ordinance No. 78-O-6, and the Village's general police, nuisance, and business licensing regulations.

## I. VIOLATIONS.

### A. Village Code.

Pursuant to the Long Grove Village Code, the Village has established regulations for all property within its boundaries ("**Village Code**"), including, among others, general police, business licensing, and nuisance regulations.

Annapolis	San Francisco
Atlanta	Seattle
Bethesda	Tallahassee
Boston	Tampa
Bradenton	Washington,
Chicago*	D.C.
Fort Lauderdale	West Palm
Jacksonville	Beach
Lakeland	
Los Angeles	International
Miami	Offices:
New York	Caracas**
Northern	Helsinki
Virginia	Mexico City
Orlando	Rio de Janeiro
Portland	São Paulo
Providence	Tel Aviv**
St. Petersburg	Tokyo
San Antonio	

\*Holland &

**JULIE A. TAPPENDORF**

312-263-3600

julie.tappendorf@hklaw.com

**1. General Police Regulations.**

Pursuant to Section 10-4-15(E) of the Village Code, all animal waste which is stored must not be stored less than fifty feet from any adjacent parcel. No animal waste shall be stored closer than one hundred fifty feet from any occupied residence nor may animal waste be stored within the setback area for the parcel upon which the horse is kept. In addition, all animal waste must be removed on a regular basis at reasonable times so as not to constitute a health hazard.

We understand that the Village has had numerous communications with you regarding the storage of animal waste on the Property. Most of these communications were the result of complaints filed by neighbors regarding the odor emanating from the Property. We understand that the animal waste is not being removed from the Property on a regular basis, which is a violation of this Section 10-4-15(E), and can subject you to fines in an amount up to \$750.00 each day that the violation continues.

**2. Village Nuisance Regulations.**

Pursuant to Section 8-9-1 of the Long Grove Village Code, certain activities are declared to be nuisances and are unlawful and prohibited to be conducted within the Village. Subsection (B) provides that to "cause...any offal, filth or noisome substance to be collected, deposited, or to remain in any place, to the prejudice of others" is a nuisance in the Village. Pursuant to Section 8-9-2 of the Village Code, the Village Manager or Superintendent are authorized to notify the owner of any lot upon which a nuisance has occurred. The notice shall require the owner to abate the nuisance within a specified period of time, not to exceed 10 days. If the owner fails to abate the nuisance within the specified period of time, the Village has the authority to (i) impose a monetary penalty; (ii) file a lawsuit to enjoin the continuation of the nuisance; and/or (iii) seek any other remedy available by law.

Please be advised that this letter is notice to you, the owner of the Property, that you have seven days to abate the nuisance by removing the horse manure from your Property. If you fail to comply within the seven day period, the Village shall have the right to seek any remedy available under law.

**3. Business Licensing Regulations.**

In addition, it has come to the Village's attention that you have violated and continue to violate various provisions of the business licensing regulations of the Village Code. As you know, the Property has, in the past, been issued a business license for the operation of a horse farm on the Property. Pursuant to Section 3-1-4 of the Village Code, a business license shall not be issued or renewed unless all Village laws are complied with. As the Property is currently in violation of the Village's nuisance and general police regulations, as discussed above, the Village has the authority to refuse to issue or renew a business license for the operation of the horse farm on the Property. Therefore, we hereby notify you that a business license for the Property will not be issued nor renewed because the current operation of the horse farm on the Property violates the Village Code and other Village ordinances and regulations, as discussed herein.

**B. Ordinance No. 78-O-6 and the Declaration.**

On April 25, 1978, the Village Board of Long Grove approved Ordinance No. 78-O-6 granting a special use permit for a planned unit development for the Savanne of Long Grove, of which your Property is a part. The PUD Ordinance contains various conditions regarding the use of certain lots within the PUD, including restrictions on the Property, referenced in the PUD Ordinance as Lot 43. One of these conditions requires the execution and recordation of a Declaration for the Property. On November 8, 1977, your predecessor-in-interest, Arcadia Farm, Inc., executed a Declaration imposing certain limitations and restrictions on the use of the Property. These restrictions include the following:

Until removal from the Subject Premises, all manure shall be stored in a roofed enclosure, effectively screened with a 16-mesh screen wire. All manure shall be removed from the premises at least every two weeks from April 1 to October 31 of each year and at least every 45 days from November 1 to March 31 of each year.

This restriction, among the others contained in the Declaration, are for the benefit of and may be enforced by the owners of any lot in the Savanne of Long Grove Subdivision that abuts the North, East, or West boundaries of the Property.

The failure to regularly remove the horse manure from the Property is a violation of the Declaration and may be enforced by the abutting owners by proceeding at law or equity.

June 1, 2004

Page 4

## II. CONCLUSION.

As the current operations on the Property are in violation of the Village's general police, nuisance, and business licensing regulations, Ordinance No. 78-O-6, and the Declaration, these operations must be terminated immediately. In the event that such illegal operations are not terminated within seven days, the Village will be forced to bring enforcement proceedings against you pursuant to the Village Code, including the general police, nuisance, and business licensing regulations. In addition, you may be subject to fines and penalties up to \$750.00 for each day that the violation continues if the illegal operations are not eliminated within seven days.

In addition, the owners of property adjacent to the Property have the right to bring a private enforcement action to enforce the Declaration in a proceeding at law or in equity.

Please call me or Victor Filippini of my office (312-578-6560) if you have any questions about this matter.

Sincerely,

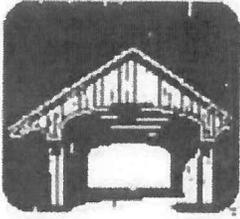
Julie A. Tappendorf

cc: President Dean and Board of Trustees  
Village Manager David Lothspeich

# 1970908\_v1

## VILLAGE OF LONG GROVE

3110 RFD, Long Grove, IL 60047  
tel: (847)634-9440 fax: (847)634-9408  
www.longgrove.net



July 23, 2003

**Village President:**

Anthony Dean, Chair  
*Administration*

Bart Canady  
1650 RFD  
Long Grove, IL 60047

**Trustees:**

Joseph Barry, Chair  
*Environmental & Open Space*

Christopher Borawski, Chair  
*Planning & Development*

Stephanie Hannon, Chair  
*Finance/Budget/Investment*

Susan Klein, Chair  
*Transportation & Public Safety*

Ted Lazakis, Chair  
*Commercial Enterprises*

Cydney Weisberg, Chair  
*Governmental Relations*

**Village Clerk:**

Caroline D. Liebl, Chair  
*Resident Communication & Participation*

**Village Administration:**

David Lothspeich  
Village Manager  
dlothspeich@longgrove.net

Robert G. Block  
Village Superintendent  
blockrg@longgrove.net

Patricia A. Chen  
Village Treasurer  
patchen@longgrove.net

Margerita Romanello  
Building Assistant

Laurel Karoleczak  
Administrative Assistant

Dear Mr. Canady,

I have enclosed a copy of a section of Ordinance 78-O-6 that relates to the above noted property for your reference. This lists some of the restrictions placed on this property from when the original Special Use was approved by the Village of Long Grove.

It has been brought to my attention that some of the listed restrictions are not being met or are being exceeded. I would like to discuss these matters with you and would be prepared to meet you at this location to resolve any issues there might be if this would help alleviate the situation.

It is important that you contact me at (847) 634-9440 within 10 days of the date indicated on this letter to address this matter. If after receiving this letter you have any questions please feel free to contact me.

Yours sincerely,

Edmond J. Cage, AICP  
Village Planner

encl.