

ORDINANCE O010-259-01**AN ORDINANCE REGULATING THE PLACEMENT OF
STORAGE CONTAINERS FOR REFUSE, GARBAGE,
RECYCLABLES, AND BULK WASTE**

WHEREAS, the Village of Timberlane desires to control the placement and storage of containers for refuse, garbage, recyclables, and bulk waste materials for pick up by a waste hauler and,

WHEREAS, the Village desires to control the length of time that said waste containers are placed upon village right-of-way or private property adjacent to the village right-of-way either in a trash receptacle such as a metal or plastic garbage can, plastic refuse bag, or similar waste storage container(s) and,

WHEREAS, a property owner shall be responsible for placement and removal of said containers within a reasonable amount of time to insure that visual blight within the residential neighborhood does not occur.

NOW THEREFORE, BE IT ORDAINED by the President and the Board of Trustees of the Village of Timberlane, Boone County, Illinois that:

Section 1. Storage Enclosure and Screening

When stored outside a structure, all containers for refuse; garbage, recyclables, and bulk waste shall be placed in a manner so that they are not visible from any public or private street or right-of-way. At a minimum all uses that provide trash and/or garbage collection areas shall be enclosed on all four sides by screening at least four feet (4') in height or twelve inches (12") higher than the tallest receptacle, whichever is greater.

Section 2. Placement for Hauler

Refuse containers, garbage receptacles, bulk waste, and recycle containers may be placed curbside, or on private property immediately adjacent to a street or public right-of-way, twenty-four (24) hours prior to the day of pick up by a licensed hauler. Such placement of refuse containers, garbage receptacles, bulk waste, and recycle containers, shall be removed from curbside or private property immediately adjacent to a street or public right-of-way within twenty-four (24) hours of the day of pick up by a licensed hauler.

FILED

SEP 24 2010

Sharon D. Hutchings
BOONE COUNTY CLERK

Ordinance O010-~~299~~- 01**Section 3. Violations**

The owner(s) of real property upon which a violation of this ordinance is found to exist, as well as the person(s) actually violating this ordinance shall be jointly and severally liable for such violation. The Initial procedure for implementing this ordinance for compliance upon a property owner or owners and violator or violators shall be as follows:

1. Notice by certified mail to the owner(s) and/or violator(s) by a village representative so appointed to conduct an inspection and notification. Inspections shall be initiated upon a complaint by a local resident. A complaint by a village officer of non-compliance of this ordinance may also initiate notification.
2. Continuation of non-compliance by the offending property owner(s) and/or violator(s) beginning two weeks after notification shall cause further enforcement through the judicial system.

Section 4. Penalty

- A) The minimum fine for any offense or omission of this Ordinance shall be \$100.00. Such amount being in addition to any court costs and/or attorney's fees applied by the court.
- b) The court in its discretion may fine the offender any sum exceeding the minimum fine or penalty so imposed but not exceeding the amount set forth by the statutes of the State of Illinois as the maximum authorized for a municipality, such amount being in addition to any court cost that is applied by the court.
- c) A separate offense shall be deemed committed on each day during or on which a violation occurs or continues.
- d) In addition, a court of competent jurisdiction may affirmatively require any individual found to violate this ordinance to remedy such violation and to bring the offending real property into compliance with this ordinance.

Section 5. Invalid Section, Paragraph, Clause, Sentence or Provision

If any section, paragraph, subdivision, clause, sentence or provision of this ordinance shall be adjudged by any Court of competent jurisdiction to be invalid, such judgment shall not affect, impair, invalidate or nullify the remainder thereof, which remainder shall remain and continue in full force and effect.

Ordinance 010-____

Section 6. Conflict of Ordinance
All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

This Ordinance shall be in full force and effect from and after its passage, approval and publication in pamphlet form as provided by law.

Passed by the Board of Trustees of the Village of Timberlane this 16 day of SEPTEMBER, 2010.

Approved by me this 16 day of SEPTEMBER, 2010.

Stephen M. Rapp, Village President

Attest:
Debra K. Marner

Debra K. Marner, Village Clerk

Trustees Voting:

Aye: 4
Nay: 1
Absent: 0

Passed: SEPT. 16, 2010
Approved: SEPT. 16, 2010
Published: _____, 2010