

CHAPTER 136: OFFENSES AGAINST PUBLIC HEALTH AND SAFETY

Section

Litter

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LITTER

§136.01 DEFINITIONS.

For the purposes of §§136.01 through 136.07 the following words and phrases shall have the following meanings ascribed to them respectively.

LITTER. Any discarded, used, or unconsumed substance or waste. **LITTER** may include, but is not limited to, any garbage, trash, refuse, debris, rubbish, grass clippings, or other lawn or garden waste; newspaper, magazines, glass, metal, plastic or paper containers, or other packaging construction material, abandoned vehicle, as defined in ILCS Ch. 625, Act 5, §4-100, motor vehicle parts, furniture, oil, carcass of a dead animal, any nauseous or offensive matter of any kind; any object likely to injure any person or create a traffic hazard; or anything else of an unsightly or unsanitary nature, which has been discarded, abandoned, or otherwise disposed of improperly. (ILCS Ch. 415, Act 105, §3)

MOTOR VEHICLE. As defined in Chapter 70 of this Code of Ordinances.

§136.02 DUMPING OR DEPOSITING OF LITTER PROHIBITED; EXEMPTIONS.

- (A) No person shall dump, deposit, drop, throw, discard, leave, cause, or permit the dumping, depositing, dropping, throwing, discarding, or leaving of litter upon any public or private property in this Village, or upon or into any river, lake, pond, or other stream or body of water in this Village unless:
- (1) The property has been designated by the Village or any of its agencies for the disposal of litter, and the litter is disposed of on that property in accordance with the applicable rules and regulations of the state Pollution Control Board;
 - (2) The litter is placed into a receptacle or other container intended by the owner or tenant in lawful possession of that property for the deposit of litter;
 - (3) The person is the owner or tenant in lawful possession of the property or has first obtained the consent of the owner or tenant in lawful possession, or unless the act is done under the personal direction of the owner or tenant and does not create a public health or safety hazard, a public nuisance, or a fire hazard;
 - (4) The person is acting pursuant to special cleanup days established by the Board of Trustees; and/or

- (5) The person is lawfully acting in or reacting to an emergency situation where health and safety is threatened, and removes and properly disposes of any litter when the emergency situation no longer exists.
- (B) Any person convicted of a violation of this Section shall be fined not less than \$10.00 nor more than \$500.00 and shall be responsible for the Village's cost of prosecution, including but not limited to attorney fees, court costs and other costs and expense incurred by the Village thereto.

(ILCS Ch. 415, Act 105, §§4 and 8) (Amd. Ord. 15-02 passed 3/16/15)

§136.03 DUMPING OR DEPOSITING LITTER FROM MOTOR VEHICLE PROHIBITED.

- (A) No person shall dump, deposit, drop, throw, discard, or otherwise dispose of litter from any motor vehicle upon any public highway, upon any public or private property or upon or into any river, lake, pond, stream, or body of water in this Village except as permitted under §136.02 (A)(1) through (5). Nor shall any person transport, by any means, garbage or refuse from any dwelling, residence, place of business, farm, or other site to and deposit the material in, around, or on top of trash barrels or other receptacles placed along public highways or at roadside rest areas.
- (B) Any person convicted of a violation of this Section shall be fined not less than \$10.00 nor more than \$500.00 and shall be responsible for the Village's cost of prosecution, including but not limited to attorney fees, court costs and other costs and expense incurred by the Village thereto. (ILCS Ch. 415, Act 105, §§5 and 8) (Amd. Ord. 15-02 passed 3/16/15)

§136.04 ACCUMULATION OF LITTER PROHIBITED.

- (A) No person shall allow litter to accumulate upon real property, of which the person charged is the owner or tenant in control, in such a manner as to constitute a public nuisance or in such a manner that the litter may be blown or otherwise carried by the natural elements on to the real property of another person.
- (B) Any person convicted of a violation of this Section shall be fined not less than \$10.00 nor more than \$500.00 and shall be responsible for the Village's cost of prosecution, including but not limited to attorney fees, court costs and other costs and expense incurred by the Village thereto. (ILCS Ch. 415, Act 105, §§6 and 8) (Amd. Ord. 15-02 passed 3/16/15)

§136.05 PRESUMPTION OF VIOLATION BY OPERATOR THROWING LITTER FROM MOTOR VEHICLE.

Whenever litter is thrown, deposited, dropped, or dumped from any motor vehicle not carrying passengers for hire, the presumption is created that the operator of that motor vehicle has violated §136.03, but that presumption may be rebutted. (ILCS Ch. 415, Act 105, §9)

§136.06 RECEPTACLES REQUIRED IN PUBLIC AREAS.

- (A) In order to assist the public in complying with this chapter, the owner or person in control of any property which is held out to the public as a place for assemblage, the transaction of business, recreation, or as a public way shall cause to be placed and maintained receptacles for the deposit of litter of sufficient volume and in sufficient numbers to meet the needs of the numbers of people customarily coming on or using the property.

- (B) For purposes of this section, ***PROPERTY HELD OUT TO THE PUBLIC FOR THE TRANSACTION OF BUSINESS*** includes, but is not limited to commercially operated parks, campgrounds, drive-in restaurants, automobile service stations, business parking lots, car washes, shopping centers, marinas, boat launching areas, industrial parking lots, boat moorage and fueling stations, piers, beaches and bathing areas, airports, roadside rest stops, drive-in movies, and shopping malls; and ***PROPERTY HELD OUT TO THE PUBLIC FOR ASSEMBLAGE, RECREATION, OR AS A PUBLIC WAY*** includes, but is not limited to any property that is publicly owned or operated for any of the purposes stated in the definition in this division for ***PROPERTY HELD OUT TO THE PUBLIC FOR THE TRANSACTION OF BUSINESS*** but excludes state highway rights-of-way and rest areas located thereon.
- (C) If no litter receptacles are placed on property described in this Section, the owner or person in control of the property shall be fined \$100 for violating this Section. If the owner or person in control of the property has placed litter receptacles on his property but the number or size of the receptacles has proved inadequate to meet the needs of the numbers of people coming on or using his property as indicated by the condition and appearance of that property, and the owner or person in control has failed to provide sufficient or adequate receptacles within 10 days after being made aware of that fact by written notice from the police, he shall be fined \$25.00 for each receptacle not so provided and maintained and shall be responsible for the Village's cost of prosecution, including but not limited to attorney fees, court costs and other costs and expense incurred by the Village thereto.

(ILCS Ch. 415, Act 105, §10) (Amd. Ord. 15-02 passed 3/16/15)

§136.07 POWER OF COURT TO ORDER REMOVAL OF LITTER.

The penalties prescribed in this chapter are in addition to, and not in lieu of any penalties, rights, remedies, duties, or liabilities which may be otherwise imposed or conferred by a court. (ILCS Ch. 415, Act 105, §8)

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