

THE CITY OF ANNA
AN ILLINOIS MUNICIPAL CORPORATION

ORDINANCE NO. 2004 - 01

**AN ORDINANCE PASSED BY THE CITY COUNCIL OF ANNA, ILLINOIS,
REGULATING AND/OR PROHIBITING THE ACCUMULATION
OF LITTER, TRASH AND OTHER DEBRIS WITHIN THE
CITY OF ANNA, ILLINOIS, EFFECTIVE JANUARY 20, 2004**

PASSED and APPROVED ON

JANUARY 20, 2004

ORDINANCE NO. 2004-01

**AN ORDINANCE PASSED BY THE CITY COUNCIL OF ANNA, ILLINOIS,
REGULATING AND/OR PROHIBITING LITTER, TRASH AND OTHER DEBRIS
WITHIN THE CITY OF ANNA, ILLINOIS**

THAT WHEREAS, the Illinois Municipal Code provides that municipalities with the State of Illinois may regulate, prohibit, and/or otherwise penalize those person(s) who dump or deposit litter or other debris upon public or private property, or who allow junk, trash, litter or debris to be maintained upon their property; and

WHEREAS, the dumping, depositing or accumulation of litter upon public or private property within the City of Anna causes is a blight upon and a deterioration of the property values within the community; and

WHEREAS, the City Council of Anna, Illinois, desires to clean-up and/or make the City more attractive to businesses and/or those who desire to locate within this community.

***NOW THEREFORE*, BE IT ORDAINED BY THE CITY COUNCIL OF ANNA,
UNION COUNTY, ILLINOIS, AS FOLLOWS:**

SECTION 1: POSTING BILLS

It shall be unlawful for any person, firm or corporation to post any bills or advertisement on any public property, any public sign, or any utility pole located within the municipal limits, without the authority of the City Council; and it shall be unlawful to post any bill or advertisement on any property without the written consent of the owner thereof.

SECTION 2: DEPOSIT OF GRASS AND RUBBISH

It shall be unlawful for any person, firm or corporation to dump or deposit, or to cause to be dumped or deposited, any grass, leaves, branches or any other things in the roadway or gutter or any public street in the City.

SECTION 3: LITTER

a). **DEFINITIONS** - For the purposes of this Section, the following words and phrases shall have the following meanings described to them, respectively.

b). **LITTER** - Any discarded, used or unconsumed substance or waste, including, but 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 vehicles (as defined by Chapter 625 ILCS 5/1-100 et seq.), 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, potentially infectious medical waste (as defined in 415 ILCS 5/3.84), or anything else of an unsightly or unsanitary nature, which has been discarded, abandoned, or otherwise disposed of improperly.

c). **MOTOR VEHICLE** - As defined in the Illinois Motor Vehicle Code.

SECTION 4. 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 City, 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 City 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 of 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 under the direction of proper public officials during special cleanup days; 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, including but not limited to potentially infectious medical waste, when the emergency situation no longer exists.

b). Any person convicted of a violation of this section shall be fined in the amount of \$250.00 plus Court costs, if any, for each offense.

SECTION 5. 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, except as otherwise permitted in the proceeding section. 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 road side rest areas.

b). Any person convicted of a violation of this section shall be fined in the

amount of \$250.00, plus Court costs, with each offense to be considered a separate violation.

SECTION 6. 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 in the amount of \$250.00, with each offense to be considered a separate violation.

SECTION 7. 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 this Ordinance, but said presumption may be rebutted.

SECTION 8. RECEPTACLES REQUIRED IN PUBLIC AREAS

a). In order to assist the public in complying with this Ordinance, 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 maintain 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 otherwise 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, carwashes, shopping centers, industrial parking lots, road side rest stops, shopping area, and shopping malls.

c). For purposes of this section, ***“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 but excludes state highway rights-of-way and rest areas located thereon.

d). If no later receptacles are placed on property described in this section, the owner or person in control of the property shall be fined \$250.00. 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 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 FIVE (5) days after being made aware of that fact by written notice from the Chief of Police, the City Administrator or other City designee, he/she shall be fined \$25.00 for each receptacle not so provided and maintained with each daily violation to constitute a separate offense for which he may be penalized.

SECTION 9. ABATEMENT

a). If any person or persons fails to abate said nuisance and/or remove said litter, trash and/or debris, etc., as defined herein, after being properly noticed and

ordered so to do, the City may perform the required action to abate. Any municipal officer who is authorized to abate any nuisance shall have the authority to engage the necessary assistance and to incur the necessary expense in abating said nuisance. The official who abates said nuisance and removes said litter, trash and/or debris, etc., shall keep an accurate account of the expenses incurred so as to seek reimbursement from the person or persons who caused or is otherwise responsible for said violation, as defined herein.

b). In addition to the fines and/or penalties levied hereunder, violator(s) shall be liable for any costs incurred by the City in the abating the nuisance and/or removing said vehicle, with the minimum cost for said abatement to be in the amount of \$250.00, which cost shall be in addition to the fines imposed hereunder.

SECTION 10. POWER OF THE 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.

SECTION 11. LIENS

If said fines, costs and/or expenses and penalties remain unpaid, a Notice of Lien of said fines, penalties and expenses incurred by the City shall be prepared and recorded in the Union County Clerk's Office, which Notice shall consist of a sworn statement containing not less than the following information:

- A). A description of the real estate sufficient for identification thereof; and
- B). A listing of the amount of money owed to the City representing the fines, costs, and/or expenses incurred or payable for the violation and/or the services provided; and
- C). A listing of the date or dates when said expenses were incurred by the City.

Said lien(s) shall be filed not later than **SIXTY (60) DAYS** after the costs and/or expenses are incurred by the City and after all other methods of collection as outlined herein have been exhausted.

SECTION 12: FORECLOSURE OF LIEN

Property subject to a lien for unpaid trash, litter, garbage and/or debris pick-up and/or abatement charges shall be sold for non-payment of the same and the proceeds of such sale shall be applied to pay the charges, fines, costs and/or other expenses incurred by the City, as is the case in the foreclosure of statutory liens. Such foreclosure shall be in the name of the City and shall occur and be authorized after said lien is in effect for not less than **SIXTY (60) DAYS**.

SECTION 13: RELEASE OF LIEN

Upon the payment of the costs, fines and/or expenses by the owner of, or the person(s) interested in such property after the notice of lien has been filed, the lien provided for by this Ordinance shall be released by the City or person in whose name the lien has been filed, with the release to be filed of record as in the case of the filing of Notice of Lien.

SECTION 14. EFFECTIVE DATE

This Ordinance shall take effect and be in full force and effect after its passage,

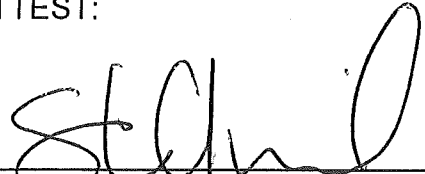
shall supercede any prior Ordinances passed by the City of Anna concerning litter, trash, debris, etc., and shall remain in full force and effect until otherwise amended or revoked by the City of Anna.

PASSED: 1-20, 2004.

APPROVED: 
STEVE HARTLINE, Mayor

<u>RECORD OF VOTE:</u>	<u>YEA</u>	<u>NAY</u>
MAYOR HARTLINE	<u>X</u>	___
COMMISSIONER CROWELL	<u>X</u>	___
COMMISSIONER HUNTER	<u>X</u>	___
COMMISSIONER KELLER	<u>X</u>	___
COMMISSIONER TELLOR	<u>X</u>	___

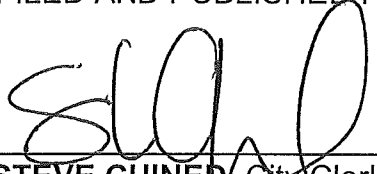
ATTEST:



STEVE GUINED, City Clerk

(Corporate Seal)

FILED AND PUBLISHED FOR RECORD ON 1-20, 2004.



STEVE GUINED, City Clerk