

VILLAGE OF GLEN ELLYN, ILLINOIS

ORDINANCE NO. _____-VC

DRAFT

**AN ORDINANCE FOR THE ADDITION OF A FLY-DUMPING PENALTY AND
SPECIAL FUND TO TITLE 7 [HEALTH AND SANITATION] OF THE
VILLAGE CODE.**

**Adopted by the
President and Board of Trustees
Of the
Village of Glen Ellyn
DuPage County, Illinois
This ____ day of ____ 20__**

Published in pamphlet form by the authority
of the President and Board of Trustees of the
Village of Glen Ellyn, DuPage County,
Illinois, this ____ day of _____,
20 __.

ORDINANCE NO. _____-VC

AN ORDINANCE TO INTRODUCE A FLY-DUMPING PENALTY AND SPECIAL FUND TO TITLE 7 [HEALTH AND SANITATION] OF THE VILLAGE CODE.

NOW, THEREFORE BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF GLEN ELLYN, DUPAGE COUNTY, ILLINOIS, in the exercise of its home rule powers, as follows:

TITLE 7 [HEALTH AND SANITATION] CHAPTER 16: FLY DUMPING:

7-16-1: DEFINITION:

“Fly-dumping” is performing, causing, or permitting the act of dumping, depositing, dropping, throwing, discarding, leaving of garbage, refuse, ashes, construction and/or demolition debris, on any public lands or thoroughfare or at sites or locations which are not authorized to accept such wastes, debris or other materials, except by the owner or lessee of such site or location.

7-16-2: GLEN ELLYN FLY-DUMPING PENALTY:

In addition to what State Law provides:

{a prohibition of the open dumping of waste [Section 21 of the Illinois Environmental Protection Act (“Act”), 415 ILCS 5-21]};

{a knowing violation of either Section 21 or Section 55 is a Class A misdemeanor, and Section 44(p)(1)(A) of the Act makes knowingly conducting unpermitted storage, treatment or disposal of more than 250 cubic feet of waste a Class 4 felony [Section 44(a) of the Act, 415 ILCS 5/44(a)]};

{dumping garbage, rubbish, refuse, or trash on someone else’s property without their consent is a Class B misdemeanor for the first offense, a Class A misdemeanor for the second offense and a Class 4 felony for the third or subsequent offense [Section 47-5 of the Illinois Criminal Code of 1961, 720 ILCS 5/47-5]};

{All amounts forfeited shall be apportioned in the following manner:

- (1) 40% shall be deposited in the Hazardous Waste Fund created in Section 22.2;
- (2) 30% shall be paid to the office of the Attorney General or the State's Attorney of the county in which the violation occurred, whichever brought and prosecuted the action; and

(3) 30% shall be paid to the law enforcement agency which investigated the violation. Any funds received under this subsection (f) shall be used solely for the enforcement of the environmental protection laws of this State. [415 ILCS 44-1]};

the Village of Glen Ellyn will fine any person, firm or corporation who engages in any act of fly-dumping \$750 upon conviction for each offense. The guilty party will be in addition liable to the Village for the actual cost of cleanup relating to each separate offense.

7-16-3: NON-EXCLUSIVITY:

Prosecution for violation of this ordinance shall not be the exclusive means by which the Village may address an offense of fly-dumping. The Village may in its discretion bring a proper action to abate or restrain a public nuisance, and may pursue all other remedies available under law.

7-16-4: SPECIAL FUND:

All amounts forfeited by guilty parties under section (2) of this Ordinance shall be apportioned to a special fund to be used solely to further the mission of the Environmental Commission of Glen Ellyn. This process shall be overseen and documented by the Village Clerk.

7-16-5: DATABASE:

A database shall be logged and published by the Village Manager for public viewing on the Village's GeoStatistics account of every fly-dumping occurrence henceforth. This data can and should be used to determine where signage is needed to prevent further fly-dumping as well as to alert residents to the need for increased community watch.

7-16-6: PUBLICATION, EFFECTIVE DATE AND REPEALER:

This Ordinance is effective upon its passage, approval and publication as required by law. The Clerk shall forthwith publish this Ordinance in pamphlet form. The provisions of this Ordinance are severable, and in the event any provision hereof is unenforceable, the remainder of the Ordinance shall be enforced.

PASSED this _____ day of _____, 2015.

DRAFT

VILLAGE PRESIDENT

ATTEST:

Village Clerk

AYES: _____

NAYS: _____

PASSED: _____

APPROVED: _____

ABSENT: _____