

ORDINANCE O010-259-02**AN ORDINANCE REGULATING THE PLACEMENT OF
DUMPSTER CONTAINERS UPON PRIVATE PROPERTY**

WHEREAS, the Village of Timberlane desires to control the placement and storage of dumpster container(s) for refuse, garbage, recyclables, bulk waste and construction debris for pick up by a commercial waste hauler and,

WHEREAS, the Village desires to control the length of time that said dumpster container(s) are placed upon commercial, industrial or residential property within the village of Timberlane, and,

WHEREAS, a property owner shall be responsible for placement and removal of said container(s) within a reasonable amount of time to insure that visual blight 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. Dumpster Storage . In no instance shall Dumpster containers either commercial or private units be rolled off, placed or stored upon a Village public or private street surface or right-of-way.

A. Commercial Use Storage:

When stored outside a commercial use, dumpster containers for refuse; garbage, recyclables, and bulk waste shall be placed in a manner so that it/they are not visible from any public or private street right-of-way. Dumpster containers intended for long-term use of greater than six (6) months shall comply with the screening requirements of sub-section 2 of this ordinance.

B. Industrial Use Storage:

When stored outside an industrial use, dumpster containers intended for short term use of 6 months or less for refuse; garbage, recyclables, bulk waste or waste from an industrial process shall be placed in a manner so that it/they are not visible from any public or private street right-of-way. Dumpster containers intended for long-term use greater than six (6) months shall comply with the screening requirements of sub-section 2 of this ordinance.

C. Residential Use Storage:

When stored outside a residential use, dumpster containers for refuse; garbage, recyclables, and bulk waste shall be placed in a manner so that it/they are not visible from any public or private street right-of-way. Dumpster containers intended for long-term use greater than three (3) months shall comply with the screening requirements of Section 2 of this ordinance.

FILED

SEP 24 2010

Shirley D. McLaughlin
BOONE COUNTY CLERK

Ordinance O010-~~357~~ 02**Section 2. Long Term Dumpster Screening Required:**

A. At a minimum all commercial and industrial uses that provide a dumpster for a period of time greater than six (6) months for refuse, garbage, recyclables, bulk waste or waste from a commercial or industrial process shall be enclosed on all four sides by screening at least six feet (6') in height or twenty-four inches (24") higher than the tallest dumpster, whichever is greater. Screening by sight obscuring fencing; either wood or metal, a berm with landscaping or a decorative block wall are acceptable screening techniques. Screening shall be maintained in the same manner as first installed and as approved by the Village of Timberlane.

B. At a minimum all residential uses that provide a dumpster for a period of time greater than three (3) months for refuse, garbage, recyclables, and bulk waste shall be enclosed on all four sides by screening at least six feet (6') in height or twenty-four inches (24") higher than the tallest dumpster, whichever is greater. Screening by sight obscuring fencing; either wood or metal, a berm with landscaping or a decorative block wall are acceptable screening techniques. Screening shall be maintained in the same manner as first installed and as approved by the Village of Timberlane.

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.

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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.

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

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Attest:

Debra K. Marner
Debra K. Marner, Village Clerk

Trustees Voting:

Aye: 5
Nay: 0
Absent: 0

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