

VILLAGE OF PECATONICA, ILLINOIS
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Chapter Nine Ordinance Prohibiting the Deposit of Litter

Section 1 Definitions

A. For the purpose of Chapter Nine, the following words and phrases shall have the following meanings ascribed to them respectively:

1. Litter

- a. Any discarded, used, or unconsumed substance or waste.
- b. 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 container, or other packaging construction material, abandoned vehicle, 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.

2. Person

- a. "Person" means any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, or any other legal entity, or their legal representative, agent, or assigns.

Section 2 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;

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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.

Section 3 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 Section 2 A (1) through (5).
- B. 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.

Section 4 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.

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Section 5 Presumption of Violation by Operator Throwing Litter from Motor Vehicle

- A. 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 Section 3 but that presumption may be rebutted.

Section 6 Power of Court to Order Removal of Litter

- A. 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 7 Penalty

- A. Any person convicted of a violation of this Ordinance shall be fined not less than Fifty Dollars (\$50.00) nor more than Five Hundred Dollars (\$500); amount to be doubled in the case of broken glass.