

AURORA TOWNSHIP)
KANE COUNTY, ILLINOIS) SS.

AURORA TOWNSHIP ORDINANCE NO. 2006-- 10

**AURORA TOWNSHIP ORDINANCE PROVIDING
FOR REGULATION OF GARBAGE PICKUP
DAYS IN UNINCORPORATED AREAS OF TOWNSHIP**

WHEREAS, Aurora Township is located within Kane County, and Kane County has a county ordinance or ordinances in effect regulating recycling, littering and the collection and disposal refuse, garbage and ashes, and therefore Aurora Township may make and enforce regulations not in conflict with county ordinances without first seeking to establish referendum approval pursuant to 60 ILCS 1/210-5 et seq;

WHEREAS, the Aurora Township Board, based on recommendations made by a special advisory commission on garbage and yard waste, and the Aurora Township Highway Commissioner believe that it is in the best interests of the township to protect the health and safety of residents to establish garbage pickup days for all residents of single family or multiple family residences located in unincorporated areas of the township;

WHEREAS, regulation of garbage days by designating certain days for scavenger pickup for the various geographic areas of the township will discourage the stockpiling and illegal dumping of garbage, will have a positive effect on the presence of garbage, brush, litter and receptacles on the right of way for several days of the week, will have a positive effect on traffic safety in the neighborhoods, and will prevent the deterioration of the edges of the paved streets and highways in the unincorporated areas;

WHEREAS, the Aurora Township Board of Trustees and Highway Commissioner believe that there are numerous residents of the unincorporated area who have not contracted with a regular weekly garbage removal service or properly licensed and IEPA regulated scavenger contractor, and that failure to hire regular garbage service has a deleterious effect on the health and safety of the residents and the community, and

WHEREAS, the regulation of garbage and yard waste pickup days and other aspects of garbage pickup should not and does not unduly infringe upon the ability of the various scavenger companies to continue to service their present customers in the unincorporated areas of the township.

NOW THEREFORE, the Aurora Township Board of Trustees and the Aurora Township Highway Commissioner have made the findings set forth above and therefore do hereby declare and ordain as follows:

SECTION 1. DECLARATION OF NUISANCES

1.1. It is hereby declared a public nuisance and it is prohibited for any person to place garbage, junk, trash or refuse at the curb or front lot line of property or upon the right of way except as follows:

(a) Garbage shall be placed for pickup no earlier than 6:00 p.m. of the day prior to the day of the week scheduled for pick up by the scavenger contractor contracted by the owner(s) or occupant(s) of the residence.

(b) Garbage that is not picked up by 6:00 p.m. of the day scheduled for pickup shall not be allowed to remain upon the curb or lot line or upon the right of way after said time.

(c) Garbage bins, trash cans, receptacles or recycling bins shall not be allowed to remain at the curb, lot line, or upon the right of way, except between the hours of 6:00 p.m. (the day prior to pickup day) and 6:00 p.m. (on pickup day).

1.2. It is hereby declared a public nuisance and it is prohibited for persons to keep garbage upon or about residence premises for more than fourteen (14) days. Garbage, trash, refuse and yard waste shall be removed from premises on a regular basis and disposed of in compliance with all applicable statutes, regulations and ordinances of the State of Illinois, County of Kane and Township of Aurora.

SECTION 2. SCHEDULE OF PERMITTED GARBAGE DAYS

2.1. The Aurora Township Board of Trustees hereby approves a schedule of permitted garbage days for all unincorporated areas of Aurora Township, which schedule may be amended at any time in the discretion of the Board. The initial schedule of pick-up days is attached hereto as Exhibit A and shall be maintained on file with the Township Supervisors' Office, the Township Enforcement Officer, and the Township Highway Commissioner.

2.2 Any revisions or modifications of the schedule of permitted garbage days shall be first approved by the Board of Trustees and shall thereafter be posted at the locations stated in Section 2.1, above.

2.3. Written notice of the initial schedule or changed schedules shall be given by first class mail to all scavenger contractors known by the Supervisor Office, the Township Enforcement Officer, and the Township Highway Commissioner to service the unincorporated areas of Aurora Township. Written notice shall also be given to residents of Aurora Township by prior publication in the legal notices section of a newspaper of general circulation in Aurora Township.

SECTION 3. NOTICE OF NUISANCE OR VIOLATION

3.1 Whenever the existence of any nuisance, as defined in Article I, shall come to the knowledge of the Township Enforcement Officer or other officer of a law enforcement agency with applicable jurisdiction, said Township Enforcement Officer or other officer shall issue a written notice to the owner of record of the property on which the nuisance exists or occurs, and/or to the occupant of the property, directing said person(s) to remove garbage, trash or refuse that is improperly placed or maintained or otherwise abate the nuisance.

3.2 Such notice shall be mailed by certified mail, return receipt requested to the last known mailing address of the owner of record of the property, and/or the occupant of the property. In the alternative, such notice shall be served personally on said owner of record of the property, and/or occupant of the property, or such notice shall be posted on the premises wherein said nuisance exists, or notice shall be posted in a conspicuous place upon the garbage, trash, refuse or the waste containers which are improperly placed or maintained.

3.3 The notice shall provide ten (10) days for the abatement or removal of the nuisance existing on the property. Said notice shall further state that, in default of performance of those acts necessary to abate the nuisance, Aurora Township may, at once, cause the same to be done and charge the costs and expenses incurred, to the owner of record of the property upon which the nuisance exists, and/or to the occupant of said property. Said notice shall further state that Aurora Township may place a lien upon the property for the cost of abatement plus an administrative cost of \$150.00, plus reasonable attorney's fees.

SECTION 4. ABATEMENT BY AURORA TOWNSHIP

4.1 In the event of the failure, refusal or neglect of the owner or occupant of any premises or property to cause such nuisance to be removed or abated in the manner and within the time provided herein, the Aurora Township Enforcement Officer or officer of a law enforcement agency with applicable jurisdiction, is authorized to cause the condition constituting a nuisance to be promptly and summarily abated, in a reasonable and prudent manner, at the expense of Aurora Township or to direct the Township Attorney to initiate a Complaint with the Circuit Court of the Sixteenth Judicial Circuit, charging violation of this Ordinance and demanding that the owner of the property or the occupant thereof, or both, be ordered to act or enjoined from acting, as may be appropriate, or otherwise fined, or for judgment for damages and costs, as provided herein.

4.2. Aurora Township shall have the right to award any quantity of work authorized herein to a general contractor at the discretion of the Township Supervisor, unless bids are required to be made in accordance with Illinois state statutes, in which case the award shall be made to a general contractor whose bid shall be accepted by the Town Board as the lowest responsible bid secured for the doing of the work herein mentioned during a stipulated time not to exceed one (1) year.

4.3 In addition to the remedies prescribed by this Ordinance, and cumulative thereof, if it shall be brought to the attention of the Aurora Township Board of Trustees, and it shall be determined that any such nuisance or nuisances are likely to have an immediate adverse effect upon the public health, comfort or safety, then and in that event the Board of Town Trustees may, by appropriate resolution or motion, order such nuisance or nuisances summarily abated by the Aurora Township in a reasonably prudent manner.

SECTION 5. COLLECTION, PENALTIES, FINES AND COSTS

All payments of money by and collections of money, if any, from property owners or occupants for the purpose of paying Aurora Township for its expense in abating nuisances as provided for in this Ordinance shall be handled by the Township Enforcement Officer or the Township Supervisor. Any such payment or collection so made shall be received by and receipted for by the Township Enforcement Officer or the Township Supervisor. Such sums of money so received shall be turned over by such officer to Aurora Township not less than once each month, together with a duplicate of the receipts issued therefor, whereupon Aurora Township shall furnish an official receipt therefore. Such receipts and the necessary records in connection therewith shall be prepared and handled and maintained as a permanent record, and such sums of money shall be handled in such manner as may be deemed most to the interest of the Aurora Township.

SECTION 6. PENALTIES AND COSTS

Any person, firm or corporation violating any provision of this Ordinance shall be fined \$50.00 for each day the violation or nuisance is allowed to continue after the time to abate the nuisance or violation expires, for a total fine of up to, but not more than, \$500.00 for each offense, plus administrative expenses as provided in Section 3.3, above, plus any expenses of litigation and prosecution such as court costs, witness fees, and reasonable attorney's fees.

SECTION 7. SEVERABILITY

The provisions of this Ordinance are separate and distinct. If any one or more provisions hereof are found to be void or unenforceable, the validity of the remaining provisions hereof shall not be affected.

SECTION 8. REMEDIES CUMULATIVE

The provisions of this Ordinance shall be in addition to any other remedies provided by ordinance, statute or regulation.

SECTION 9. EFFECTIVE DATE

DESIGNATED GARBAGE PICKUP DAYS
UNINCORPORATED AREAS OF AURORA TOWNSHIP

AURORA TOWNSHIP GENERAL BOUNDARIES: Orchard Road on the West Boundary, Oak Street & Butterfield Rd. on the North Boundary, the DuPage County Line on the East Boundary and the Kendall County line on the south boundary.

Designated Days for scavenger contractor pickup of garbage, recycling and yard waste in the unincorporated areas within Aurora Township boundaries, by area:

1. West of Fox River and South of Prairie Street: MONDAY
2. West of Fox River and North of Indian Trail: TUESDAY
3. East of Fox River and South of East New York St.: WEDNESDAY
4. East of Fox River between E. New York St. and Indian Trail: FRIDAY
5. East of Fox River and North of Indian Trail: TUESDAY