

COUNCIL WORKSHOP ITEM

ITEM: An Ordinance Establishing Fines for Open Burning
DATE: January 30, 2001
PREPARED BY: Enza Petrarca, Staff Attorney
PURPOSE: To adopt an ordinance amending Section 1-16 of the Downers Grove Municipal Code.

DISCUSSION:

The proposed ordinance amends the Downers Grove Municipal Code by adding Section 13-35 – Open Burning Prohibited, to the list of offenses for which an administrative citation may be issued. Adding Section 13-35 to Section 1-16(e) allows any person who has been issued a citation for violating Section 13-35 to settle and compromise the matter by ceasing and/or abating said violation and paying the sum of fifty dollars (\$50.00) within ten days of issuance of the citation, or one-hundred dollars (\$100.00) if after the ten day period. Currently, a violation of Section 13-35 is treated as a standard ordinance violation with a minimum \$75.00 fine and a maximum \$750.00 fine. On standard ordinance violations officers are required to process the violators in accordance with the standard arrest procedures. Allowing administrative citations to be issued for a violation of Section 13-35 will eliminate the requirement to actually arrest the violators.

ATTACHMENT:

An Ordinance Establishing Fines for Open Burning

RECOMMENDATION:

Please place ordinance on a future Workshop Agenda

cc: Chief Ginex
April Holden, Village Clerk
Jerry Sprecher, Deputy Village Manager

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ORDINANCE NO. _____

AN ORDINANCE ESTABLISHING FINES FOR OPEN BURINING

BE IT ORDAINED by the Council of the Village of Downers Grove, in DuPage County, Illinois, as follows: (Additions are indicated by shading; deletions by ~~strikeout~~.)

SECTION 1. That Section 1-16 of the Downers Grove Municipal Code is hereby amended as follows:

1-16. Citation and settlement in lieu of prosecution for certain offenses.

(a) Whenever a person is observed violating certain provisions of this code as specified in this section, or there is reasonable suspicion to believe that such a violation has occurred and that a particular person is responsible, the Village may, in lieu of filing a complaint in court, issue to the alleged violator a citation which shall:

- (1) Advise said person that the same has violated a specified ordinance;
- (2) Direct said person to make payment in an amount applicable to said alleged violation as set forth in this section as settlement of said claim;
- (3) Advise said person, where applicable, to cease and/or abate said violation forthwith and to refrain from like violations in the future;
- (4) Inform said person that, upon failure to so settle the claim and to cease and/or abate said violations, a complaint will be filed in the Circuit Court of DuPage County.

(b) Except as provided below, citations as provided herein shall be personally served upon the person responsible for the violation, his agent, representative, independent contractor or employee. In the event the owner, occupant, contractor or other person responsible for the violation cannot be located the citation may be served by posting a copy at the property, structure or vehicle where the violation has occurred and sending a copy by United States mail to the last known address of such person.

(c) Any person served with a citation for violations of the following provisions of the Downers Grove Municipal Code and the Comprehensive Zoning Ordinance of the Village of Downers Grove may settle and compromise the matter in respect of such ordinance violation by ceasing and/or abating said violation and paying the sum of ten dollars if paid within ten days of service of the citation, or twenty-five dollars if paid after such ten day period but before filing of a complaint in the Circuit Court of DuPage County.

1. DOWNERS GROVE MUNICIPAL CODE

- (i) Section 5-12; Dog, Horse or Pony Running at Large.
- (ii) Section 5-12.1; Disposal of Dog Excrement.
- (iii) Section 13-43; Storage of Refuse.
- (iv) Section 13-49.1; Placing Garbage on the Parkway for Scavenger Removal.
- (v) Section 13-39; Smoking Prohibited in Certain Places.
- (vi) Any provision of Chapter 6, Bicycles
- (vii) Section 19-15.1; Skateboarding, Roller Skating or In-Line Skating in a Business

District.

2. COMPREHENSIVE ZONING ORDINANCE

- (i) Section 28-1404; Regulating Off-Street Parking.
- (ii) Section 28-1502; Regulating the Placement of Signs.

(d) Any person served with a citation for violations of the following provisions of the Downers Grove Municipal Code, and such other Codes adopted therein, may settle and compromise the matter in respect of such ordinance violation by ceasing and/or abating said violation and paying the sum of twenty-five dollars if paid within ten days of service of the citation, or fifty dollars if paid after such ten day period but before filing of a complaint in the Circuit Court of DuPage County.

1. DOWNERS GROVE MUNICIPAL CODE

(i) Section 25-11; Use of Public Hydrants.
(ii) Section 15-8; Drinking in Public.
(iii) Section 8-99(a)(7); Requirements for Display of Massage Establishment License and Massage Therapist Permit.
(iv) Section 14-74; Pedestrian's Duties at Railroad Grade Crossings.
(v) Section 15-5.1; Noise Regulations.
(vi) Section 19-21.1; Depositing Snow on Paved Streets.
(vii) Section 13-49.2; Discarding Refuse and Compostable Materials in Streets, etc., prohibited.

2. NATIONAL FIRE PROTECTION ASSOCIATION LIFE SAFETY CODE (As adopted in Section 7-29)

(i) Section 1-3.13.1; Building Equipment Maintenance.
(ii) Section 1-3.13.2; Building Fire Equipment and Systems Maintained in Proper Operating Condition.

3. BUILDING OFFICIALS & CODE ADMINISTRATOR NATIONAL FIRE PREVENTION CODE (As adopted in Section 17-43)

- (i) Section F-310.4; Multi-Plug Adaptors.
- (ii) Section F-310.5; Extension Cords.
- (iii) Section F-518; Portable Fire Extinguishers.

4. COMPREHENSIVE ZONING ORDINANCE

(i) Section 28-1510; Temporary Signs.
(ii) Section 28-1408; Parking of Recreational Vehicles and Recreation Equipment in Residence District.

(e) Any person served with a citation for violations of the following provisions of the Downers Grove Municipal Code, may settle and compromise the matter in respect of such ordinance violation by ceasing and/or abating said violation and paying the sum of fifty dollars if paid within ten days of service of the citation, or one hundred dollars if paid after such ten day period but before filing of a complaint in the Circuit Court of DuPage County.

1. DOWNERS GROVE MUNICIPAL CODE

~~(i) Section 13-35; Open Burning Prohibited.~~
(ii) Section 15-28.3; Possession of Telecommunications Devices on Public School Property Prohibited.
~~(iii) Section 17-45; Parking in Fire Lane.~~
~~(iv) Section 25-5; Regulations for Water Conservation.~~

(f) Any person served with a citation for violations of the following provisions of the Downers Grove Municipal Code, may settle and compromise the matter in respect of such ordinance violation by ceasing and/or abating said violation and paying the sum of seventy-five dollars if paid within ten days of service of the citation, or one hundred and fifty dollars if paid after such ten day period but before filing of a complaint in the Circuit Court of DuPage County.

1. DOWNERS GROVE MUNICIPAL CODE

- (i) Section 3-25; Sale of Liquor to Certain Persons Prohibited.
- (ii) Section 15-23.1; Possession of Tobacco Products by Minors.

2. NATIONAL FIRE PROTECTION ASSOCIATION LIFE SAFETY CODE (As adopted in Section 7-29)

(i) Section 2-4; Obstructing Building Exits.

(g) Payment of the citation shall be made at the window at Village Hall, or by depositing payment in the Village drop box or United States mail.

(h) In the event that payment is not made within the time prescribed and a complaint has been filed in the Circuit Court of DuPage County, any person convicted of violating any of the provisions of this code shall be punished by a fine as determined under Section 1-15(a).

(i) The issuance of a citation under this section shall not be deemed a waiver of the power of the Village of Downers Grove to suspend, revoke or refuse to renew any license or permit for cause.

(j) The following Village personnel shall have the authority to issue citations under this section: police officers, fire department inspectors, code enforcement officers, and such other persons as designated by the Village Manager; provided that fire department inspectors shall only write citations for violations of the Life Safety or BOCA Fire Prevention Code, and that the Village Manager, by administrative regulation, may limit the jurisdictional powers of other persons he designates as authorized to issue citations. (Ord. No. 2261, § 4)

SECTION 2. That all ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 3. That this ordinance shall be in full force and effect from and after its passage and publication in the manner provided by law.

Mayor

Passed:

Published:

Attest: _____
Village Clerk

[OPN-BRN]