

MILTON TOWNSHIP ROAD DISTRICT  
DUPAGE COUNTY, ILLINOIS

**ORDINANCE**  
NUMBER HW O-05-2

AN ORDINANCE PROHIBITING THE INTERFERENCE WITH  
DRAINAGE DITCHES, CURBS, GUTTERS AND RIGHTS OF WAY  
IN MILTON TOWNSHIP

GARY MUEHLFELT, Highway Commissioner  
A. ARLENE DEMOTTE, Road District Clerk

Approved and adopted by the Highway Commissioner on \_\_\_\_\_, 2005

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**WHEREAS**, the Statutes of the State of Illinois, specifically the Illinois Highway Code, 605 ILCS 5/6-201.7 and 5/6-201.8, provide that the Milton Township Highway Commissioner has general charge of the roads, and the authority to construct, maintain and repair roads in the Milton Township Road District; and

**WHEREAS**, deposit of leaves, brush, tree limbs, debris, garbage, rocks, fill or waste in drainage ditches adjacent to Township Roads, or in or on the curb or gutter or rights of way of Township Roads impairs travel on said roads, and the ability of the Road District to properly maintain said roads.

**NOW, THEREFORE, BE IT ORDAINED, BY THE HIGHWAY COMMISSIONER OF MILTON TOWNSHIP, AS FOLLOWS:**

Section 1. The recitals set forth above are incorporated herein and made a part hereof.

Section 2. That it is necessary and desirable that the Milton Township Highway Commissioner restrict the blocking of drainage ditches adjacent to Township Roads, and the blocking of curbs, gutters, roads and rights of way to provide for the safe and efficient flow of traffic and maintenance of District Roads.

Section 3. That no person shall cause any leaves, brush, tree limbs, debris, rubbish, garbage, rocks, fill or waste of any type or kind to be deposited in, on or about the drainage ditches adjacent to any Milton Township Roads, as well as in, on or upon curbs, gutters, roads or right-of-ways of any Milton Township Roads.

Section 4. Whenever any such materials are found in any drainage ditch, in or upon curbs, gutters, roads or rights of way in violation of any of the restrictions imposed by this Ordinance, the officer finding such violation shall record the address and may record any other information available which may identify the owner and/or occupant of the property at which such obstruction is located, and shall post to the property a citation for the owner to pay the fine for such violation as set forth therein

Section 5. In any prosecution of a charge for violation of this Ordinance governing the blocking of drainage ditches, curb, gutter, road or right of way, proof that the drainage ditch, curb, gutter, road and/or right of way in front of the subject property described in the complaint was interfered with in violation of such law or regulation, together with proof that the defendant named in the complaint was at the time of such violation the lawful owner and/or occupant of such property, shall constitute in evidence a *prima facie* presumption that the lawful owner

and/or occupant of such property was the person who interfered with such drainage ditch, curb, gutter and/or right of way at the point where, and for the time during which, such violation occurred.

- B. The foregoing stated presumption shall apply only when the procedure as prescribed in sections 4 has been followed.

Section 6:

- A. Law enforcement officers are hereby authorized to have all materials found in the drainage ditches, curb, gutter, road and/or right of way removed by Milton Township Highway Department personnel.
- B. Whenever the Milton Township Highway Department personnel remove materials from the drainage ditch, curb, gutter, road and/or right of way then the property owner and/or occupant shall be required, in addition to the fine as stated herein, to reimburse the Milton Township Road District all costs related to the removal of the materials including reasonable charges for labor, hauling and dumping fees.

Section 7. Violators of this Ordinance may be assessed a fine not to exceed the sum of Two Hundred Fifty and 00/100 Dollars (\$250.00). The payment of fines for violations shall be made by mail or in person to the Clerk of the Circuit Court, Eighteenth Judicial Circuit Court, 501 N. County Farm Road, Wheaton, IL 60187, and shall be in the amount as follows:

- A. A violator shall be assessed an initial fine of Seventy Five and 00/100 Dollars (\$75.00) to be paid within fifteen (15) days of assessment.
- B. In the event the fine remains unpaid after fifteen (15) days of issuance, then the fine shall be One Hundred Twenty Five and 00/100 Dollars (\$125.00), and the matter turned over for prosecution in the DuPage County Court or to a collection agency for further action.

Section 8. All Ordinances or parts of Ordinances in conflict herewith are, to the extent of such conflict, hereby repealed.

Section 9. This Ordinance shall be in full force and effect from and after its passage and approval according to law.

PASSED this \_\_\_\_ day of October, 2005.

**ADOPTED** by the Highway Commissioner on \_\_\_\_\_, 2005.

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Gary Muehlfelt  
HIGHWAY COMMISSIONER

ATTEST:

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A. Arlene DeMotte  
ROAD DISTRICT CLERK

cc: DuPage County Sheriff  
DuPage County State's Attorney

