

MILTON TOWNSHIP BOARD

Ordinance No. ~~0-97-4~~

An Ordinance of the Township of Milton, County of DuPage, Illinois

RESTRICTIONS FOR DISCHARGING SUMP PUMPS INTO DRAINAGE DITCHES
LOCATED IN MILTON TOWNSHIP

Be, And is Hereby Ordained by the duly elected Trustees and Supervisor of Milton Township in regular session assembled and with the consent and approval of the Milton Township Highway Commissioner.

Section 1. That this Ordinance, consisting of ten (10) Sections, inclusive, is hereby adopted and enacted.

Section 2. That all provisions of this Ordinance shall be in full force and effect from and after the 13th day of May, 1997.

Section 3. No person shall discharge any water, fluids or liquids in or on the drainage ditches adjacent to any and all Milton Township Roads, including but not limited to sump pumps.

Section 4. Whenever any unlawful discharge is found in any drainage ditch 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, and shall post to the property a citation for the owner to answer to the charge against him within five (5) days during the hours and at a place specified in the citation.

Section 5. If a violator of the restrictions under this Ordinance does not appear in response to the citation posted to the property within a period of five (5) days, the Clerk of the Township shall send to the owner and/or occupant of the property to which the citation was posted a letter informing the owner and/or occupant of the violation and warning that in the event such letter is disregarded for a period of five (5) days, a warrant of arrest will be issued for the owner.

Section 6.

(a) In any prosecution charge for a violation of this Ordinance, proof that a discharge was made into a drainage ditch 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 caused the discharge 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 and 5 has been followed.

Section 7.

(a) Law enforcement officers are hereby authorized to have any instruments used to discharge materials into the drainage ditch confiscated and removed from the property, including but not limited to any hose, tubing, pumps or other items.

(b) Whenever a law enforcement officer confiscates any material from the drainage ditch or adjacent property, then the property owner and/or occupant shall be required to reimburse the Milton Township Highway Department for all costs related to the removal, including but not limited to reasonable charges for labor, hauling, storage fees and disposal fees.

Section 8. Violators of this Ordinance may be assessed a fine not to exceed the sum of FIVE HUNDRED DOLLARS (\$500.00). The payment of fines for violations shall be as follows:

(a) In the event the violator elects to pay a fine within five (5) days of the date of the citation, then the fine shall be TWENTY-FIVE DOLLARS (\$25.00).

(b) In the event the violator elects to pay a fine after the first five (5) day period, but prior to the issuance of an arrest warrant, then the fine shall be FIFTY DOLLARS (\$50.00).

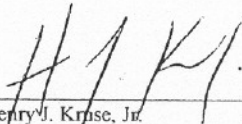
(c) In the event the violator elects to pay a fine after an arrest warrant has been issued, then the fine shall be SEVENTY-FIVE DOLLARS (\$75.00), plus costs of court.

Section 9. That all Ordinances or parts of Ordinances in conflict herewith are, to the extent of such conflict, hereby repealed.

Section 10. That this Ordinance shall be in full force and effect from and after its passage, approval and publication according to law.

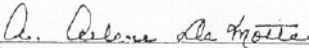
APPROVED and ADOPTED this 13th day of May, 1997, by the Milton Township Board, DuPage County, Illinois, on the following roll-call vote:

	Aye	Nay	Absent
Trustee Barbara Murphy	X		
Trustee Ken J. McNatt			X
Trustee John Garrow	X		
Trustee O. Chris Heidorn	X		
Chairman Henry J. Kruse, Jr.	X		



 Henry J. Kruse, Jr.
 Chairman of the Milton Township Board

ATTEST:



 A. Arlene DeMette, Township Clerk

(SEAL)