

MILTON TOWNSHIP BOARD

Ordinance No. 0-97-3

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

RESTRICTIONS FOR INTERFERING WITH 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 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 and all Milton Township Roads.

Section 4. Whenever any such materials are 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 the drainage ditch 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 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 all materials found in the drainage ditches removed from the drainage ditch by the Milton Township Highway Department personnel.

(b) Whenever the Milton Township Highway Department personnel remove materials from the drainage ditch, then the property owner and/or occupant shall be required to reimburse the Milton Township Highway Department all costs related to the removal of the materials including reasonable charges for labor, hauling and dumping 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).

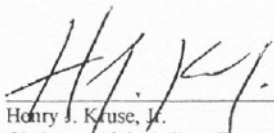
(c) In the event the violator elects to pay a fine after an arrest warrant has been issued, then the fine shall be SEVENTY-FIVE DOLLARS (\$75.00), plus costs of court.

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 That all Ordinances or parts of Ordinances in conflict herewith are, to the extent of such conflict, hereby repealed.

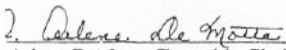
Section 10. That this Ordinance shall be in full force and effect from and after its passage, approval and publication according to law.

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

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

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

TEST:

  
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 Ariene DeMotte, Township Clerk

SEAL)