

ORDINANCE NO. 2022-06

**AN ORDINANCE OF THE VILLAGE OF POPLAR GROVE, ILLINOIS AMENDING
TITLE 5—HEALTH AND SANITATION OF THE VILLAGE’S CODE OF
ORDINANCES**

WHEREAS, the Village of Poplar Grove (“Village”) has adopted a Code of Ordinances; and

WHEREAS, the Village of Poplar Grove has enacted an ordinance regulating the location and use of trash and refuse receptacles; and

WHEREAS, the current Code of Ordinances, Title 5, “Health and Sanitation,” Chapter 6 “Refuse and Yard Waste and Garbage Receptacles,” Section 5-6-1, “Regulations,” provides for the storage and placement of refuse receptacles outside of public visibility and behind “sight tight” fencing; and

WHEREAS, the Board of Trustees and Village President of the Village desire to repeal and replace the sight tight fencing requirement to alleviate burdens of requiring fencing for trash and refuse receptacles; and

WHEREAS, the Village has determined such amendments are in the best interest of the Village and its citizens.

NOW THEREFORE, be it ordained by the Village President and Board of Trustees for the Village of Poplar Grove, Illinois, as follows:

1. The above recitals are incorporated herein and made a part hereof.
2. That Title 5—Health and Sanitation, Chapter 6—Refuse and Yard Waste and Garbage Receptacles, Section 5-6-1—Regulations of the Village’s Code of Ordinances shall be amended to read as follows (language to be stricken shown as ~~stricken through~~, language to be added shown as **bold and underlined**):

“5-6-1: REGULATIONS:

A. All refuse shall be stored in solid body sealed containers resistant to animal infestations or destruction such as commercially available garbage cans with tightfitting lids, or on commercial properties, including condominiums or apartments, commercially available dumpsters with lids closed. Such dumpsters or containers may be referred to as garbage receptacles. At all times the garbage receptacles shall be maintained in a clean condition with lids securely closed and with all refuse only contained within the closed garbage receptacle. No refuse shall be stored outside a completely enclosed structure, unless within a sealed garbage receptacle. Yard waste may be stored within yard waste bags approved by the licensed hauler responsible for removing refuse and yard waste from the property. Recyclables may be stored in recyclable containers approved and provided by the licensed hauler responsible for removing recyclables from the property.

B. When stored outside a structure, **if not curbside,** all refuse, yard waste, bulky waste and garbage receptacles shall be placed in a manner so that they are ~~not visible from any public or private street or other right of way , and stored behind "sight tight fencing" or other similar material.~~ **no closer to any street than ten feet (10') behind the front elevation/building line of the front yard. For corner lots, if not curbside, all refuse, yard waste, bulky waste, and garbage receptacles shall be placed on the side of the structure farthest away from the street. On residential property, if not curbside, any refuse, yard waste, bulky waste or garbage receptacle shall be located on a continuously improved surface of asphalt, concrete, cement, gravel surface, or paver block. If the surface is paver block, the pieces must be whole (unbroken) pieces which abut and are contiguous to each other.**

C. Refuse, yard waste, bulky waste, recycle containers and garbage receptacles may be placed curbside, or immediately adjacent to a street or right-of-way only on the day of pick up by a licensed hauler as set forth in this chapter. Such placement of refuse, yard waste, bulky waste, recyclable containers or garbage may not be placed out more than 24 hours prior to scheduled pick up and may not be left out more than 24 hours after actual pick up.

D. The owners **and occupants** of real property upon which a violation of this section is found to exist **shall be issued a warning for the first offense of such violation,** ~~as well as the persons actually violating this section.~~ **The owner and occupant of real property upon which a subsequent violation of this section is found to exist** shall be jointly and severally liable for each ~~day that a violation~~ **that** occurs, and shall be subject to a fine of \$50.00 per ~~day that the violation continues.~~ **Every day that a violation continues shall constitute a separate violation of this section.**

3. If any section, paragraph, clause or provision of this ordinance shall be held invalid, the invalidity of such section, paragraph, clause or provision shall not affect any other provision of this ordinance.
4. Except as amended in this Ordinance, all other provisions and terms of Village Code of Ordinances shall remain in full force and effect as previously enacted except that those ordinances, or parts thereof, in conflict herewith are hereby repealed to the extent of such conflict.
5. This Ordinance shall be in full force and effect after its approval, passage and publication in pamphlet form as required by law.

PASSED UPON MOTION BY _____

SECONDED BY _____

BY ROLL CALL VOTE THIS _____ DAY OF _____, 2022

AS FOLLOWS:

VOTING “AYE”: _____

VOTING “NAY”: _____

ABSENT, ABSTAIN, OTHER _____

APPROVED _____, 2022

ATTEST:

CLERK

PRESIDENT