

ORDINANCE NO. CO-2023-14

**AN ORDINANCE AMENDING TITLE IX (GENERAL REGULATIONS),
CHAPTER 99 (TOWING OF VEHICLES) OF THE MAYWOOD VILLAGE CODE TO ADD
A NEW SECTION 99.27 (DUMPING OF GARBAGE UPON REAL PROPERTY; IMPOUNDMENT)
AND TO REVISE CHAPTER 92 (HEALTH AND SANITATION; NUISANCES), SECTION 28
(GARBAGE AND REFUSE) REGARDING IMPOUNDMENT OF VEHICLES
USED TO COMMIT THE OFFENSE OF DUMPING OF GARBAGE UPON REAL PROPERTY**

WHEREAS, the Illinois Criminal Code of 2012 makes it a Class B misdemeanor to commit the offense of dumping of garbage upon real property, which is defined as when a person dumps, deposits, or places garbage, rubbish, trash, or refuse upon real property not owned by that person without the consent of the owner or person in possession of the real property (720 ILCS 5/47-15(a)); and

WHEREAS, the Illinois Vehicle Code authorizes the seizure and impoundment of a motor vehicle that is operated in the commission of, or in the attempt to commit, any misdemeanor or felony offense in violation of the Illinois Criminal Code of 2012, when so provided by local ordinance (625 ILCS 5/11-208.7(b)(12)); and

WHEREAS, the Village of Maywood ("Village") Acting Police Chief Theodore Yancy has requested certain amendments to Title IX (General Regulations), Chapter 99 (Towing of Vehicles) of the Maywood Village Code that add a new Section 99.27 (Dumping of Garbage Upon Real Property; Impoundment) and revise Chapter 92 (Health and Sanitation; Nuisances), Section 28 (Garbage and Refuse) in order to enact the Police Department's authority to tow and impound vehicles used to commit the offense of illegal dumping (the "Code Amendments"); and

WHEREAS, at an open public meeting held on April 18, 2023, the Maywood Community Policing and Public Safety Committee (the "Committee") reviewed and discussed the Code Amendments and received input from the Village staff and provided an opportunity for public input. At its April 18, 2023 meeting, the Committee recommended that the Code Amendments be sent to the President and Board of Trustees of the Village for review and approval; and

WHEREAS, at an open public meeting held on April 18, 2023, the President and Board of Trustees of the Village reviewed and discussed the Code Amendments and the Committee's recommendation, and received input from the Village staff and provided an opportunity for public input on the matter. At its April 18, 2023 Special Village Board Meeting, the President and Board of Trustees of the Village accepted the Committee's recommendation to approve these Code Amendments; and

WHEREAS, pursuant to the home rule powers and statutory authority set forth in applicable provisions of the Illinois Compiled Statutes, including Section 47-15(a) of the Illinois Criminal Code of 2012, Section 11-208.7(b)(12) of the Illinois Vehicle Code (625 ILCS 5/11-208.7(b)(12)) and Article VII (Local Government), Section 6 (Powers of Home Rule Units) of the 1970 Constitution of the State of Illinois, the President and Board of Trustees of the Village find that it is in the best interests of the health, welfare and safety of the Village, its residents, property owners, business owners and the public to approve the Code Amendments as set forth below in this Ordinance.

BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF MAYWOOD, COOK COUNTY, ILLINOIS, AS FOLLOWS:

SECTION 1: Incorporation. Each Whereas paragraph set forth above is incorporated by reference into this Section 1.

SECTION 2: Code Amendments. Subsection 92.28(A)(3) (Garbage and Refuse; Requirements) of Chapter 92 (Health and Sanitation; Nuisances) of Title IX (General Regulations) is amended to expand the definition of dumping of garbage upon real property to conform with the Illinois Criminal Code of 2012, which shall read as follows (new text is marked with underlining; deletions to existing text marked using strikethrough):

“92.28 GARBAGE AND REFUSE

(A) Requirements.

[...]

(3) No person shall dump, deposit or place any garbage, rubbish, ~~trash~~ or refuse upon any street or public place or upon any public or private real property not ~~his-owned~~ by that person without the consent of the owner or person in possession of the real property, except at any dump site which may be authorized by the Board of Trustees. Any person found to be in violation of this Section shall be subject to a fine of seven hundred and fifty dollars (\$750.00) for each such violation.”

SECTION 3: Code Amendments. Chapter 99 (Towing of Vehicles) of Title IX (General Regulations) of the Maywood Village Code is amended to add a new Section entitled “Section 99.27 (Dumping of Garbage Upon Real Property; Impoundment)”, which shall read, in its entirety, as follows (new text is marked with underlining; deletions to existing text marked using strikethrough):

“99.27 DUMPING OF GARBAGE UPON REAL PROPERTY; IMPOUNDMENT.

(A) A motor vehicle used to commit the offense of dumping of garbage upon real property in violation of Section 47-15(a) of the Criminal Code of 2012 (720 ILCS 5/47-15(a)) is subject to seizure and impoundment. The offense of dumping of garbage upon real property is committed by any driver or operator of a motor vehicle who dumps, deposits, or places garbage, rubbish, trash, or refuse upon any street or public place or upon any public or private real property not owned by that person without the consent of the owner or person in possession of the real property, except at any dump site which may be authorized by the Board of Trustees.

(B) Whenever a peace officer has probable cause to believe that a vehicle is subject to seizure and impoundment pursuant to this section, the peace officer shall provide for the towing of the vehicle to a facility controlled by the Village or its agents. When the vehicle is towed, the peace officer shall notify any person who is found to be in control of the vehicle at the time of the alleged violation, if there is such a person, of the fact of the seizure and of the vehicle owner's right to request a hearing pursuant to §39.14 of this Code. In addition, the owner of record of any such vehicle shall be liable to the Village for an administrative penalty of five hundred dollars (\$500.00) plus any applicable towing and storage fees. This section shall not apply if the vehicle used in the violation was stolen at the time and the theft was reported to the appropriate police authorities within 24 hours after the theft was discovered or reasonably should have been discovered; or if the vehicle was operating as a common carrier and the violation occurred without the knowledge of the person in control of the vehicle.

(C) The provisions of §39.14 shall apply whenever any motor vehicle is seized and impounded pursuant to this section."

SECTION 4: Codifier to Make All Necessary Internal Amendments. To the extent necessary, all tables of contents, indexes, headings, text and internal references or cross-references to sections that need to be amended or deleted within the Maywood Code of Ordinances, as amended, as a consequence of the above Code Amendments, shall be amended by the Village's codifier so as to be consistent with the terms of this Ordinance.

SECTION 5: Repeal of Conflicting Legislation; Severability; Validity of Non-Conflicting Legislation. All ordinances, or parts of ordinances, in conflict with the provisions of this Ordinance, to the extent of such conflict, are repealed. Each section, paragraph, clause and provision of this Ordinance is separable, and if any provision is held unconstitutional or invalid for any reason, such decision shall not affect the remainder of this Ordinance, nor any part thereof, other than that part affected by such decision. Except as to the Code amendments set forth above in this Ordinance, all Chapters and Sections of the Maywood Village Code, as amended, shall remain in full force and effect.

SECTION 6: Effective Date. This Ordinance shall be in full force and effect from and after its adoption, approval and publication in the manner provided by law.

ADOPTED this 18th day of April, 2023 pursuant to a roll call vote as follows:

AYES: Mayor Booker, Trustees A. Sanchez, S. Reyes-Plummer, M. Jones, M. Lightford
A. Peppers and I. Brandon

NAYS: None

ABSENT: None

APPROVED by me as Village President, and attested by the Village Clerk, on the 18th day of April, 2023.

Nathaniel George Booker, Village President

ATTEST:

Gwaine Dianne Williams, Village Clerk

This Ordinance was published by me in pamphlet form on the 18th day of April, 2023.

Gwaine Dianne Williams, Village Clerk

STATE OF ILLINOIS)
) SS
COUNTY OF COOK)

CLERK'S CERTIFICATE

I, Gwaine Dianne Williams, Clerk of the Village of Maywood, in the County of Cook and State of Illinois, certify that the attached document is a true and correct copy of that certain Ordinance now on file in my Office, entitled:

ORDINANCE NO. CO-2023-14

**AN ORDINANCE AMENDING TITLE IX (GENERAL REGULATIONS),
CHAPTER 99 (TOWING OF VEHICLES) OF THE MAYWOOD VILLAGE CODE TO ADD
A NEW SECTION 99.27 (DUMPING OF GARBAGE UPON REAL PROPERTY; IMPOUNDMENT)
AND TO REVISE CHAPTER 92 (HEALTH AND SANITATION; NUISANCES), SECTION 28
(GARBAGE AND REFUSE) REGARDING IMPOUNDMENT OF VEHICLES
USED TO COMMIT THE OFFENSE OF DUMPING OF GARBAGE UPON REAL PROPERTY**

which Ordinance was passed by the Board of Trustees of the Village of Maywood at a Special Village Board Meeting on the 18th day of April, 2023, at which meeting a quorum was present, and approved by the President of the Village of Maywood on the 18th day of April, 2023.

I further certify that the vote on the question of the passage of said Ordinance by the Board of Trustees of the Village of Maywood was taken by Ayes and Nays and recorded in the minutes of the Board of Trustees of the Village of Maywood, and that the result of said vote was as follows, to-wit:

AYES: Mayor Booker, Trustees A. Sanchez, S. Reyes-Plummer, M. Jones, M. Lightford
A. Peppers and I. Brandon

NAYS: None

ABSENT: None

I do further certify that the original Ordinance, of which the foregoing is a true copy, is entrusted to my care for safekeeping, and that I am the lawful keeper of the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Village of Maywood, this 18th day of April, 2023.

Gwaine Dianne Williams, Village Clerk

[SEAL]