

**ORDINANCE NO. 0992013-1**  
**USE OF CITY OF SHAWNEETOWN**  
**CITY LANDSCAPE DEBRIS SITE**

*AN ORDINANCE REGULATING AND CONTROLLING THE USE OF THE CITY LANDSCAPE DEBRIS SITE AREA IN THE MUNICIPAL PROPERTY OF THE CITY OF SHAWNEETOWN, ILLINOIS, AND PROVIDING FOR THE LIMITED USE THEREOF, AND ASSESSING PENALTIES AND COSTS FOR VIOLATIONS THEREOF.*

WHEREAS, the City of Shawneetown owns and maintains an area of municipally owned property, commonly known as the City Landscape Debris Site, in the Municipal Park on the South side of Galt Road, in the NorthEastern part of the City, and the City has determined a need to regulate, prohibit and provide for the proper use of said City Landscape Debris Site area of the property of the City, and the City Council has determined that it should do so in the interests of the residents of the City, and for their health and safety;

**THE CITY OF SHAWNEETOWN, GALLATIN COUNTY, ILLINOIS, acting through its Mayor and City Council or Board of Aldermen, does hereby PASS, DECLARE and ORDAIN:**

**Section 1. LIMITED USE OF THE CITY LANDSCAPE DEBRIS SITE AREA**

It shall be unlawful for any owner, lessee, or occupant, or any agent, servant, representative, bailee or employee of a City resident, owner, lessee or occupant having control of trees, limbs, bushes, brush, debris, weeds or greenery to place, deposit, leave or store at the City Landscape Debris Site area any such growth or materials of a size greater than six (6) inches in diameter. It shall also be unlawful for any such person or persons to cause, suffer or allow poison ivy, ragweed or other poisonous plants, or plants detrimental to health to be left at the City Landscape Debris Site. Any use of the City Landscape Debris Site beyond the extent set forth herein is not authorized, and shall constitute a nuisance, and a violation of this Ordinance.

**Section 2. LIMITED USE BY CITY RESIDENTS ONLY; NO CONTRACTORS OR COMMERCIAL USE**

Only actual residents of the City shall be permitted to use the City Landscape Debris Site area, for any purpose. Use of the City Landscape Debris Site by Contractors or Commercial Operators is strictly prohibited, and is a violation of the Ordinance.

**Section 3. EXEMPTIONS**

Exempted from the provisions of this Ordinance are those using the City Landscape Debris Site pursuant to written permission previously approved by action of the City Council/Board of Alderman. An exemption under the terms of this Ordinance cannot be claimed unless such permission has been sought and obtained in advance of the conflicting use.

**Section 4. PENALTY**

a. *Municipal Ordinance Violation or Infraction.* A violation of this Ordinance shall be a municipal civil ordinance violation or infraction punishable as follows:

- i. First violation: \$100 fine
- ii. Second violation within a two (2) year period: \$200 fine
- iii. Third or subsequent violation within a two (2) year period \$500 fine.

In addition to the above prescribed civil fines, reasonable costs may be assessed by and in favor of the City.

b. *Abatement of Violation.* In addition to, or in lieu of, enforcing this Ordinance by issuance of municipal civil ordinance violation or infraction(s), the City may institute an appropriate action in the Circuit Court of Gallatin County, Illinois seeking equitable relief, which shall include, but not limited to, an order to abate the nuisance, to remove the offending and noncompliant materials and all other remedies appropriate under the provisions of Illinois law.

**Section 5. DEFINITION**

The word "person" as used in this Ordinance shall mean and include persons, corporations, partnerships, associations, joint stock companies, societies, limited liability companies and all other entities of any kind capable of being sued.

**Section 6. SEVERABILITY**

Should any provision or section of this Ordinance be held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate distinct and independent provision and such holding shall not affect the validity of the remaining portions thereof.

**Section 7. EFFECTIVE DATE**

This Ordinance shall take effect immediately upon its passage and publication in accordance with law. This Ordinance may be published in pamphlet form, and made available for distribution to the public.

YEAS: 6 June Rushing, Steve Wood, Kay Raymer, Brenda Hirsch, Lisa Smith,  
Brandon Vickery

NAYS: 0

THIS ORDINANCE ADOPTED ON SEPTEMBER 9, 2013.



Mayor

City of Shawneetown

Attest:



City Clerk

City of Shawneetown



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**CERTIFICATE OF ADOPTION**

**I, Nancy Larkin, the duly elected Clerk of the City of Shawneetown certify that the foregoing Ordinance is a true and correct copy of the Ordinance enacted by the City Council/Board of Aldermen of the City of Shawneetown on September 9, 2013.**

*Nancy Larkin*

Nancy Larkin

City Clerk, City of Shawneetown