
ORDINANCE NO. 2019-20-23
An Ordinance Amending Chapter 12, Nuisance of the Johnsburg Municipal Code,
adding Section 12.12 Unattended Donation/Collection Boxes

AN ORDINANCE PASSED BY THE
PRESIDENT AND BOARD OF TRUSTEES
OF THE VILLAGE OF JOHNSBURG
AT A REGULAR MEETING ON NOVEMBER 19, 2019
PUBLISHED IN PAMPHLET FORM BY AUTHORITY OF THE
PRESIDENT AND BOARD OF TRUSTEES
OF THE VILLAGE OF JOHNSBURG

President

Edwin P. Hettermann

Board of Trustees

Tom Curry
Beth Foreman
Kyle Frost
Josh Hagen
Greg Klemstein
Kevin McEvoy

Village Administrator

Claudett E. Peters

ORDINANCE NO. 2019-20-23
An Ordinance Amending Chapter 12, Nuisance of the Johnsburg Municipal Code,
adding Section 12.12 Unattended Donation/Collection Boxes

BE IT ORDAINED by the President and Board of Trustees of the Village of Johnsburg, McHenry County, Illinois, as follows:

SECTION 1: That Chapter 12, Nuisances be amended to add Section 12.12 entitled Unattended Donation/Collection Boxes as follows:

12.12 UNATTENDED DONATION/COLLECTION BOXES

A. Definitions.

1. Unattended Donation/Collection Box: As used in this ordinance, the term “unattended donation/collection box” shall mean any unstaffed drop-off box, container, receptacle, or similar facility that accept textiles, shoes, books and/or other salvageable personal property items to be used by the operator for distribution, resale, or recycling.
2. Exemptions: an unattended donation/collection box shall not include the following:
 - a. furniture or other items too large to be contained within the box, container, receptacle, or similar facility; or,
 - b. any collection bin that is owned by the property owner or third party and is used in connection with, or is an accessory to, the principal business of that property.

B. Requirements

1. To prevent an unattended donation/collection box from becoming a nuisance, the following requirements must be met:
 - a. The parcel containing the unattended donation/collection box shall display a standalone sign with text in at least two-inch typeface stating that no material shall be left outside the unattended donation/collection box. The sign shall be installed at a visually conspicuous location within a radius of 20 feet from the unattended donation/collection box; and
 - b. The unattended donation/collection box shall have the following information conspicuously displayed on at least two-inch type visible from the front on the unattended donation/collection box:

- (1) Register box with the Village.

- (2) The name, address, 24-hour telephone number with recording capability for the public to register complaints, and, if available, the web address, and email address of the owner and operator of the unattended donation/collection box and the parcel owner/agent;
- (3) Address and parcel number of the site;
- (4) Instructions on the process to register a complaint regarding the unattended donation/collection box to the Johnsburg Enforcement Officer, in substantially the following form: "To register a complaint regarding this unattended donation/collection box, contact the Village of Johnsburg at (815) 385-6023 or at villagehall@johnsburg.org with the location of the unattended donation/collection box detailing the complaint.";
- (5) The type of material that may be deposited;
- (6) A notice stating that no material shall be left outside the unattended donation/collection box; and,
- (7) The pickup schedule for the unattended donation/collection box.

C. Provisions

1. It shall hereby be declared a nuisance to maintain, store, keep or permit an unattended donation/collection box within the Village of Johnsburg, McHenry County, Illinois which:
 - a. contain blight shall be within 20 feet of the unattended donation/collection box including, but not limited to donation/collection overflow, litter, debris, and dumped material;
 - b. are not maintained and in good working order, including, but not limited to containing graffiti, removed or damaged signs and notifications, peeling paint, rust, and broken collection operating mechanisms;
 - c. are serviced less than weekly, including the removal of donated/collected material and abatement of the blight described in this section; or,
 - d. are used for the collection of solid waste and/or any hazardous materials.

D. Enforcement

1. This Ordinance shall be enforced pursuant to Section 12.03.

The parcel owner and the unattended donation/collection box operator have joint and severe liability for blight-related conditions and/or compliance with this chapter, including fees, administrative citations, civil actions, and/or legal remedies relating to a unattended donation/collection box.

SECTION 2: If any section, paragraph, subdivision, clause, sentence or provision of this Ordinance shall be adjudged by any Court of competent jurisdiction to be invalid, such judgment shall not affect, impair, invalidate or nullify the remainder thereof, which remainder shall remain and continue in full force and effect.

SECTION 3: All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 4: This Ordinance shall be in full force and effect upon its passage, approval and publication in pamphlet form (which publication is hereby authorized) as provided by law.

Voting Aye: Trustees Foreman, Curry, Hagen, Frost and Klemstein

Voting Nay: None

Abstain: None

Absent: Trustee McEvoy

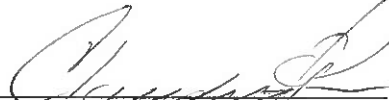
APPROVED:



(SEAL)

Village President Edwin P. Hettermann

ATTEST:


Village Clerk Claudett E. Peters

Passed: November 19, 2019

Approved: November 19, 2019

Published: November 19, 2019

Prepared by:

Claudett Peters, Village Administrator

Village of Johnsburg

1515 Channel Beach Avenue

Johnsburg, IL 60051

CERTIFICATION

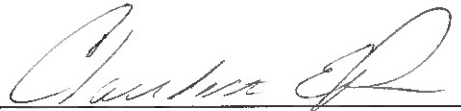
I, CLAUDETT E. PETERS, do hereby certify that I am the duly appointed, acting and qualified Clerk of the Village of Johnsburg, McHenry County, Illinois, and that as such Clerk, I am the keeper of the records and minutes and proceedings of the President and Board of Trustees of said Village of Johnsburg.

I do further certify that at a regular meeting of the President and Board of Trustees of the Village of Johnsburg, held on the 19th day of November , 2019 the foregoing Ordinance entitled *An Ordinance Amending Chapter 12, Nuisances of the Johnsburg Municipal Code adding Section 12.12 Unattended Donation/Collection Boxes*, was duly passed by the President and Board of Trustees of the Village of Johnsburg.

The pamphlet form of Ordinance No. 2019-20-23 including the Ordinance and a cover sheet thereof, was prepared, and a copy of such Ordinance was available in the Village Hall, commencing on the 19th day of November, 2019 and will continue for at least 10 days thereafter. Copies of such Ordinance are also available for public inspection upon request in the office of the Village Clerk.

I do further certify that the original, of which the attached is a true and correct copy, is entrusted to me as the Clerk of said Village for safekeeping, and that I am the lawful custodian and keeper of the same.

Given under my hand and seal of the Village of Johnsburg, this 19th day of November , 2019.



Claudett E. Peters, Village Clerk
Village of Johnsburg,
McHenry County, Illinois

(SEAL)