

ORDINANCE NO 95- 10

**AN ORDINANCE PROHIBITING BURNING OF
CONSTRUCTION WASTE AND AMENDING ORDINANCE NO 94-07
PERTAINING TO BUILDING CODES**

WHEREAS, the Village of Chatham has in place ordinances, and the Illinois EPA has in place regulations, which prohibit open burning;

WHEREAS, despite such ordinances and regulations, the open burning of construction waste at construction sites continues to be a problem, and the corporate authorities find it necessary to adopt additional measures to control open burning at construction sites;

NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF CHATHAM AS FOLLOWS:

Section 1: The open burning of construction waste is prohibited within the Village and is hereby declared a nuisance.

Section 2: Persons convicted of violating Section 1 of this Ordinance shall be liable to a fine of \$500.00. Each fire, and each day or portion thereof a fire continues, shall be deemed a separate offense.

Section 3: Persons cited by the Village Police Department for violating Section 1 of this Ordinance may, at the sole discretion of the Village Board or designated committee thereof, compromise the citation by paying, at least five (5) days before a court date, the sum of \$250.00 to the Village and providing reasonable evidence to the Building Code Administrator that satisfactory arrangements have been made for future disposal of construction waste from the construction site.

Section 4: Section 20 of Ordinance No. 94-07, "An Ordinance Adopting Building Codes, an Electrical Code, a Life Safety Code, a Property Maintenance Code, and a Plumbing

Code, Establishing a Mechanism for Enforcement of Such Codes, and Providing for Penalties for Violations Thereof" is amended to state as follows:

"SECTION 20. STOP WORK ORDERS.

Upon notice from the Building Code Administrator that work on any building or structure or any electrical, plumbing, mechanical or fire prevention work is being prosecuted contrary to the provisions of the Codes adopted in this Ordinance or in any unsafe and dangerous manner, or in violation of Village Ordinances prohibiting open burning of construction waste, such work shall be immediately stopped. The Stop Work Order shall be in writing, shall be given to the owner of the property involved, or to the owner's agent, or to the person doing the work; it shall state the conditions under which work will be permitted to resume. If the Stop Work Order is as a result of open burning of construction waste, such conditions shall include provisions satisfactory to the Building Code Administrator for proper future disposal of construction waste. Any person who shall continue any work in or about the structure after having been served with a Stop Work Order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable to a fine of not less than \$50.00 nor more than \$500.00. A separate offense shall be deemed committed on each day during on or which the violation occurs or continues. In addition to this penalty, the Village may utilize other statutory or common law remedies, including but not limited to, injunctive, preliminary injunctive, and temporary restraining order relief, deemed appropriate by a court of law.

Section 5: Section 18(c) of Ordinance No. 94-07 referred to above is amended to state as follows:

"c. Any contractor may have his, her or its registration suspended or revoked by the Building Code Administrator for any misrepresentation in obtaining the registration, for failure to comply with the provisions of the Building Code, or for failure to comply with Village Ordinances pertaining to open burning of construction wastes. A notice of revocation shall be served personally or by certified mail upon the holder. The notice shall state the time and place of a hearing before the Building Code Board of Appeals and the reason for the contemplated suspension or revocation. the notice shall advise the holder of his, her or its rights to appear at the hearing in person, or in the case of a corporation, by its agent, and to be represented by counsel. The notice shall be served upon the holder at least 15 days prior to the hearing before the Building Code Board of Appeals. Upon finding of due cause, the Building Code Board of Appeals may suspend or revoke the registration. A person whose registration has been revoked may not reapply for a new registration within one year after the revocation. Thereafter, an application to be registered shall be processed in the

same manner as an original application. The suspension or revocation of a registration shall entitle the holder to a refund of any part of the fee which has been paid.

Section 6: This Ordinance shall be published forthwith in pamphlet form by the Village Clerk. It shall be effective upon its passage, approval, and publication as required by law.

Section 7: In addition to the penalties provided by this Ordinance, the Village may utilize all other statutory or common law remedies, including, but not limited to, injunctive, preliminary injunctive and temporary restraining order relief, to abate the nuisance.

PASSED this 14th day of MARCH, 1995.



VILLAGE PRESIDENT

AYES: 6
NAYS: 0

PASSED: 3-14-95
APPROVED: 3-14-95

ABSENT: 0

ORDINANCE CERTIFICATE

STATE OF ILLINOIS)
) ss
COUNTY OF SANGAMON)

I, the undersigned, do hereby certify that I am the duly qualified and acting Village Clerk of the Village of Chatham, Sangamon County, Illinois.

I do further certify that the ordinance attached hereto is a full, true, and exact copy of Ordinance No. 95- 10, adopted by the President and Board of Trustees of said Village on the 14th day of MARCH, 1995, said Ordinance being entitled:

**AN ORDINANCE PROHIBITING BURNING OF
CONSTRUCTION WASTE AND AMENDING ORDINANCE NO 94-07
PERTAINING TO BUILDING CODES**

I do further certify that prior to the making of this certificate, the said Ordinance was spread at length upon the permanent records of said Village, where it now appears and remains.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of said Village this 14th day of MARCH, 1995.

Barbara Diekhans
VILLAGE CLERK Deputy

STATE OF ILLINOIS)
) ss.
COUNTY OF SANGAMON)

CERTIFICATE

I, Penny Moomey, certify that I am the duly elected and acting Village Clerk of the Village of Chatham, Sangamon County, Illinois.

I further certify that on _____, 1995, the corporate authorities of such Village passed and approved Ordinance No. 95-_____, entitled:

**AN ORDINANCE PROHIBITING BURNING OF
CONSTRUCTION WASTE AND AMENDING ORDINANCE NO. 94-07
PERTAINING TO BULDING CODES**

which provided by its terms that it should be published in pamphlet form.

The pamphlet form of Ordinance No. 95-_____, including the Ordinance and a cover sheet thereof, was prepared, and a copy of such Ordinance was posted in the Village Hall, commencing on _____ to continue for at least ten days thereafter. Copies of such Ordinance were also available for public inspection upon request in the office of the Village Clerk

DATED at Chatham, Illinois, this ____ day of _____, 1995.

(SEAL)

Village Clerk