

STATE OF ILLINOIS)
) SS
COUNTY OF WINNEBAGO)

CERTIFICATE OF PUBLICATION IN PAMPHLET FORM

I, the undersigned, do hereby certify that I am the duly qualified and acting Legal Director and ex officio Keeper of the Records and Seal of the City of Rockford, Winnebago and Ogle Counties, Illinois (the "City"), and as such official I am the keeper of the official journal of proceedings, books, records, minutes and files of the City and of the City Council (the "City Council") thereof.

I do further certify that on the 18th day of November 2020 there was published in pamphlet form, by authority of the City Council, a true, correct and complete copy of Ordinance No. **2020-253-O** and said resolution was so published on said date readily available for public inspection and distribution, in sufficient number, at my office as Legal Director and ex officio Keeper of the Records and Seal located in the City.

IN WITNESS WHEREOF I have affixed hereto my official signature and the seal of the City, this 18th day of November 2020.

[SEAL]



LEGAL DIRECTOR AND *EX OFFICIO*
KEEPER OF THE RECORDS AND SEAL

ORDINANCE NO: 2020-253-0

WHEREAS, 65 *ILCS* 5/11-60-2 provides that municipalities have the authority to define, prevent, and abate nuisances; and

WHEREAS, 65 *ILCS* 5/11-20-5 provides authority for municipalities to do all acts and make all regulations which may be necessary or expedient for the promotion of health or the suppression of diseases; and

WHEREAS, the City Council of the City of Rockford hereby finds the release of waste and waste by-products have a significant impact on the community at large in ways such as, but not limited to: creates physical and public health hazards; allows for contamination of air, water, and soil; reduces property values; lessens property and sales tax revenue; decreases redevelopment; contributes to blight; increases unemployment; creates Brownfields; and

WHEREAS, the City Council of the City of Rockford hereby finds the release of waste and waste by-products cause concern to a reasonable person, and contribute to health issues including but not limited to: cancers, sensory organ irritation; nerve damage, organ toxicity and damage; reduced fertility; birth defects; learning and developmental disabilities; respiratory illness; and

WHEREAS, the storage, handling, transportation, disposal, or other interactions with waste pose a risk of being done in such a manner as to negatively impact health or the environment; and

WHEREAS, impact on health and the environment may avoid detection or not fully manifest for a significant period of time past the initial storage, handling, transportation, or disposal actions; and

WHEREAS, the providing for the safe and contained disposal of waste would improve the public health and welfare; and

WHEREAS, the City Council of the City of Rockford hereby declares that the failure to properly store, dispose, handle, or transport waste as described in this Section to be a public nuisance; and

WHEREAS, the City Council of the City of Rockford hereby finds that the failure to properly store, dispose, handle, or transport waste as described in this Section negatively impacts the health and safety of the public; and

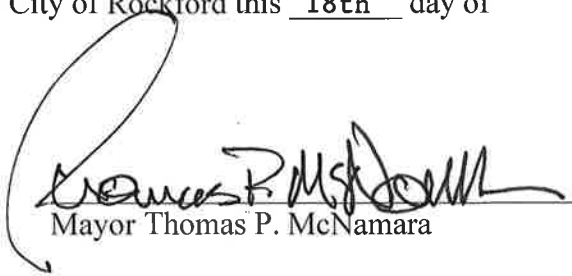
WHEREAS, City Council of the City of Rockford finds that the public health and safety will be improved by passage of this ordinance.

THEREFORE, BE IT RESOLVED, that the CITY OF ROCKFORD does pass and approve the following revisions to Section 17-7 of the City of Rockford Code of Ordinances.

ADOPTED by the City Council of the City of Rockford this 16th day of
November 2020.


APPROVED by the Mayor of the City of Rockford this 18th day of
November 2020.

SEAL



Thomas P. McNamara
Mayor Thomas P. McNamara

ATTEST:



Nicholas O. Meyer, Legal Director and ex
Officio Clerk of the City of Rockford

Ayes: DURKEE, LOGEMANN, TUNEBERG, FROST, HERVEY, ERVINS, THOMPSON-KELLY, HOFFMAN,
ROSE, BEACH, QUINONEZ, HANLEY, MCNEELY, CHIARELLI

Nays:

Absent:

Sec. 17-7 Nuisance Solid Waste.

a) Definitions

1. *Solid Waste* shall mean any garbage, refuse, sludge, and any other discarded material, including solid, liquid, semisolid, or contained gaseous material resulting from industrial, commercial, institutional, mining, and agricultural operations, and from community activities. *Solid Waste* shall also include soil gas, vapors or fumes derived from solid, liquid, or semisolid materials.
2. *Responsible Party* shall mean any past or present generator, transporter, owner, or operator of a facility having a practice of generating, treating, storing, or disposing of any solid waste.
3. *Nuisance Solid Waste* shall mean Solid Waste that is not stored, disposed of, handled, or transported in a proper manner, so as to negatively affect the environment or public health or safety.

b) Management of Nuisance Solid Waste

1. All Responsible Parties have the affirmative obligation to treat, store, dispose, or otherwise maintain all Solid Waste in a manner so as to prevent the release of said waste or waste by-products in a manner that endangers health, the environment, or public safety.
2. Any person or Responsible Party who endangers the public health, causes a negative impact to the environment, or negatively impacts public safety through, treatment, storage, disposal, release or maintenance, of Solid Waste is liable for a violation of this Section. Any person or Responsible Party releasing solid waste beyond the City limits, where solid waste has migrated to the City of Rockford shall also be in violation of this Section.
3. Any person or Responsible Party who is in violation of this Section shall, within 14 days of being notified of the violation, abate the violation, or provide a plan to the Director of Community and Economic Development or designee for the abatement of the violation within a timeframe as approved by the Director. Abatement shall be in accordance with State and Federal cleanup regulations.
4. Any person or Responsible Party who is notified of a violation of this Section, and fails to provide the plan as set forth in paragraph (b)(3) of this Section shall be liable for an additional violation. Each day where the violation exists, and the plan is not submitted, shall constitute an additional violation.

c) Penalties

1. Any person or Responsible Party found liable for a violation of paragraph (b)(2) of this Section shall be fined no less than \$250.00, and be ordered to abate any violation.
2. Any person or Responsible Party found liable for a violation of paragraph (b)(3) of this Section shall be fined no less than: \$50.00 per day for the first 7 days, no less than \$100.00 per day for the second 7 days, and no less than \$250.00 per day for each additional day after.