

PROPOSED SUBSTITUTION TO 23-0331

PROPOSED ORDINANCE AMENDMENT

DUMPING GARBAGE; LITTERING

BE IT ORDAINED, by the Forest Preserve District of Cook County Board of Commissioners, that TITLE 2 - FOREST PRESERVE LANDS AND PROPERTY, CHAPTER 3 - TRESPASS AND USE OF PROPERTY, SECTION 2-3-5 - DUMPING GARBAGE; LITTERING and SECTION 2-3-9 -PENALTY of the Forest Preserve District of Cook County Code of Ordinances are hereby amended as Follows:

2-3-5. DUMPING GARBAGE; LITTERING.

- (a) No person shall deposit, dump, throw, cast, lay or place, nor cause to be deposited, dumped, thrown, cast, laid or placed any ashes, trash, rubbish, paper, garbage, refuse or debris in or upon the property of the Forest Preserve District, nor in any watercourse, lake, pond or slough within the Forest Preserve District. See also Section 2-2-2 of this Code.
- (b) *Penalty.* Any person or entity violating any of the provisions of this Section 2-3-5 shall be fined not less than one hundred dollars (\$100.00) nor more than ~~five hundred dollars (\$500.00)~~ seven hundred fifty dollars (\$750.00) for each offense. In addition to the above-referenced fine, any person or entity deemed to be in breach of the provisions of this Section 2-3-5 shall be liable for the cost to legally dispose of any deposited, dumped, thrown, cast, laid, or placed ashes, trash, rubbish, paper, garbage, refuse or debris, as well as the cost to repair, replace or restore property damaged as a result of such person's or entity's breach.

2-3-9. PENALTY

- (b) *Penalty clause.* Unless another penalty is expressly stated in this chapter of the Forest Preserve District Code, Any any person, firm, or corporation or agents, employees or contractors of such who violate, disobey, omit, neglect or refuse to comply with or who resist enforcement of any of the provisions of this chapter shall be subject to fines of not less than one hundred dollars (\$100.00) but not more than five hundred dollars (\$500.00). A separate and distinct offense shall be regarded as committed each day on which such person continues or permits any such violation to continue, or fails to make a reasonable effort to comply, after notification thereof. In addition to the above, any person deemed to be in breach of the provisions of this Code shall be liable for the cost or expense incurred by the District, ~~as determined by the General Superintendent or his designee~~, to repair, replace or restore the item or property damaged as a result of

such person's breach. ~~The first paragraph of this Section 2-3-9(b) shall not apply for violations of Section 2-3-5 (Dumping Garbage; Littering).~~

In determining the amount of the fine, the following factors shall be taken into consideration:

- 1) The gravity of the offense,
- 2) The respondent's past history with respect to compliance with the provisions of this chapter,
- 3) The respondent's financial situation,
- 4) The extent of respondent's cooperation,
- 5) The likelihood that the respondent will violate the provisions of this chapter in the future, unless deterred from doing so by the imposition of the maximum fine, and
- 6) Any other factors relevant to the circumstances relating to the violation.

This ordinance, as amended, shall be in full force and effect from and after its passage and approval.

Effective date: This ordinance amendment shall be in effect August 1, 2023.