Judge dismissed city citation against landowner Hamman

By Tony Scott

A complaint filed in Kendall County court by the City of Yorkville against landowner Don Hamman has been dismissed.

Yorkville Police cited Hamman on Aug. 30 for violating a city public health ordinance in relation to his yard waste application facility along Route 71 near West Highpoint Road.

Several neighbors have complained over the years about the odors coming from Hamman's yard waste operation. Hamman collects yard waste from municipalities and spreads it on his property.

But Judge Robert Janes dismissed the case at an Oct. 26 hearing "without prejudice," meaning that the city can bring the case back to court.

Hamman's attorneys filed a motion in October requesting that Janes dismiss the complaint.

Attorney Charles Corrigan, representing Hamman, wrote in his request that the city's ticket and notice were "defective."

"The ticket issued to (Hamman) is partially illegible in the description of the charge, making it impossible for (Hamman) to determine the nature and elements of the offense charged against him," Corrigan wrote, arguing that the writing on the ticket "makes no sense."

Corrigan wrote that the ticket written to Hamman charges the landowner with "offensive [illegible] public health at 9225 Lisbon Road." However, Corrigan also argued that Hamman's property is not at that address, and that the address is not within the city limits.

Corrigan requested that the judge dismiss the complaint for the following reasons: the ticket and notice to appear in court "fail to inform (Hamman) of the charge against him in a sufficient manner"; the ticket and notice "are not verified"; "the material on (Hamman's) property is not 'junk, trash or refuse,' subject to the ordinance, and the ordinance does not prohibit the activities that occurred on (Hamman's) property"; the city's regulation of Hamman's operation is pre-empted by the state Environmental Protection Agency; and, Corrigan states, "no notice to abate was provided to (Hamman) before the ticket was issued, as required under the ordinance."