

7778-76

AN ORDINANCE REPEALING SECTIONS 14.36, 14.37,
14.38 AND 14.39 OF THE URBANA CITY CODE AND
ENACTING NEW PROVISIONS REGARDING NUISANCE VEGETATION

WHEREAS, the City Council of the City of Urbana, Illinois, finds that certain plants may be injurious to health, safety and welfare of its citizens.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF URBANA, ILLINOIS, as follows:

Section 1. Sections 14.36, 14.37, 14.38 and 14.39 of the Urbana City Code, as amended, are hereby repealed upon the taking effect of this Ordinance.

Section 2. Definitions:

(A) "Control", "controlled" or "controlling" includes being in charge of or being in possession of, whether as owner, lessee, renter or tenant, under legal authority or otherwise.

(B) "Person" includes any individual, partnership, firm, corporation, company, society, association or any other entity.

(C) "Environment Committee" means the City of Urbana Council's standing Committee on Environment.

(D) "Nuisances" include the following hazards:

(1) Plants which cause the dispersion of pollen which can cause hay fever by plants such as: common ragweed (Ambrosia artemisiifolia L.) and giant ragweed (Ambrosia trifida L.).

(2) Plants which cause the occurrence of toxic and/or injurious vegetation by plants such as: jimson weed (Datura stramonium L.), poison hemlock (Conium maculatum L.), and poison ivy (Rhus radicans L.).

(3) The occurrence of plants defined as noxious plants in Illinois Revised Statutes 1977, Section 18.102.5: johnson grass and all perennial sorghums (Sorghum halepense (L.) Pers.), Canada thistle (Cirsium arvense (L.) Scop.), musk thistle (Carduus nutans L.), marijuana (Cannabis sativa L.), and perennial sow thistle (Sonchus arvensis L.).

(4) Plants which aid in the breeding or harboring of rats.

(5) Plants which hinder the expedient removal of useless junk and debris of practically no value, in accordance with Section 14.6 of the Urbana City Code, as amended.

(E) "Respondent" is defined as a person in control of real estate harboring an alleged nuisance.

Section 3. Nothing in the Ordinance shall be construed as relieving any person of responsibility for complying with any state laws pertaining to noxious weeds and the control thereof.

Section 4.

(A) Upon it coming to the attention of the Administrator of the Community Development Services Department that a nuisance as defined herein exists, he shall cause written notice in substantially the form set forth in Section 4(B) below to be served on each of the record owners of the parcel upon which the said nuisance is located. Such notice shall be served upon the said record owners either by personal service or by certified mail, return receipt requested. He shall also at the same time cause to be mailed by first class postage a copy of the notice set forth in Section 4(B) below to be sent to the occupant.

(B) The notice required under this Ordinance shall be in substantially the following form:

TO: _____
(Owner/Occupant)

AT: _____
(Location)

OWNER/OCCUPANT OF THE PREMISES KNOWN AND DESCRIBED AS:

(Common Address)

(Brief Legal Description)

YOU ARE HEREBY NOTIFIED THAT THE ABOVE DESCRIBED LOCATION HAS BEEN DECLARED A NUISANCE BY _____
(Inspector's Name)

THE CAUSES FOR THIS DECISION ARE:

(Insert the facts as to unsafe condition)

IF THE AFOREMENTIONED PLANTS ARE NOT REMOVED OR A WRITTEN REQUEST FOR APPEAL HAS NOT BEEN RECEIVED BY THE ADMINISTRATOR OF THE DEPARTMENT OF COMMUNITY DEVELOPMENT SERVICES ON OR BEFORE THE ____ DAY OF _____, 19____, THE CITY OF URBANA, ILLINOIS, WILL PROCEED TO REMOVE SUCH PLANTS WITH THE COSTS THEREOF TO BE ASSESSED TO THE PROPERTY OWNER.

DATED AT URBANA, ILLINOIS, THIS ____ DAY OF _____, 19____.

BUILDING OFFICIAL, DEPARTMENT OF COMMUNITY DEVELOPMENT SERVICES

Copies of this Notice were also mailed to the following:

(C) Unless one or more persons in control of the subject real estate file a request for hearing within the time prescribed herein, it shall be the duty of all persons who are in control of the subject real estate to immediately cause such plants to be removed from the premises and/or otherwise abate the nuisances in the manner directed in said notice, within fifteen days from the receipt of such notice.

Section 5. If any of the record owners are not personally served or fail or refuse to receipt for the certified mail containing the said notice, then the Administrator of the Community Development Services Department shall do each of the following:

(A) Send an exact copy of the notice, which was addressed to each of the record owners, to the person who last paid the general taxes on the parcel upon which the nuisance was discovered at such person's address as shown by the records of the County Collector of Champaign County; and

(B) Post in a conspicuous place on the premises where the nuisance is located, a notice substantially in the form set forth in paragraph 5(D) below; and

(C) Shall cause to be published one time in the newspaper of general daily circulation in the City of Urbana, Illinois, a copy of the notice so posted pursuant to paragraph (B) above.

(D) The notice required under this Section shall be in substantially the following form:

NOTICE OF NUISANCE VEGETATION LOCATED AT _____
_____, URBANA, ILLINOIS.

TO ALL WHO MAY HAVE ANY LEGAL INTEREST IN THE ABOVE DESCRIBED LOCATION. THE DEPARTMENT OF COMMUNITY DEVELOPMENT SERVICES, URBANA, ILLINOIS, HAS DECLARED CERTAIN PLANTS ON THE AFOREMENTIONED LOCATION TO CONSTITUTE A NUISANCE.

IF THE AFOREMENTIONED PLANTS ARE NOT REMOVED OR A WRITTEN REQUEST FOR APPEAL HAS NOT BEEN RECEIVED BY THE ADMINISTRATOR OF THE DEPARTMENT OF COMMUNITY DEVELOPMENT SERVICES ON OR BEFORE THE ____ DAY OF _____, 19____, THE CITY OF URBANA, ILLINOIS, WILL PROCEED TO REMOVE SUCH PLANTS WITH THE COSTS THEREOF TO BE ASSESSED TO THE PROPERTY OWNER.

DATED AT URBANA, ILLINOIS, THIS ____ DAY OF _____, 19____.

BUILDING OFFICIAL, DEPARTMENT
OF COMMUNITY DEVELOPMENT SERVICES

Copies of this Notice were also mailed to the following:

Section 6. Nothing in this Ordinance shall be considered to bar or prevent the Administrator of the Community Development Services Department from sending copies of the notices which were sent to the record owner to any person whom he believes may have any legal interest in the subject premises, but such courtesy shall not be deemed to be jurisdictional.

Section 7.

(A) If, after receipt of such notice by the last of the respondents so served, or publication of such notice as described in Section 6 above, the plants have not been removed and/or the nuisances otherwise abated within fifteen days of the last respondent so served or date of publication, the Administrator of the Community Development Services Department shall direct the removal of the aforementioned plants and/or otherwise abate such nuisances, unless at least one of the respondents, within the fifteen-day period, files a written request for hearing before the Environmental Committee.

(B) The hearing shall take place at the next regularly scheduled Environment Committee meeting, unless said meeting is scheduled to occur less than ten (10) days after the receipt by the Administrator of the Community Development Services Department of the request for a hearing; then the hearing shall take place at a special Environment Committee meeting not less than ten (10) days nor more than thirty (30) days after the receipt of the request.

(C) The City shall cause to publish, one time in a newspaper of daily circulation in the City of Urbana, Illinois, public notice of the time and location of the hearing requested by the respondent(s).

(D) A quorum shall consist of at least three (3) members of the Environment Committee for the said hearing. At the conclusion of this hearing, actions to be taken for the removal of plants and/or abatement of nuisances shall be decided by majority vote of those members present. Votes to abstain, except for stated cases of conflict of interest, shall be recorded with the majority vote of the other members present.

Section 8.

(A) The respondent(s) shall have fifteen (15) days in which to comply with the actions ordered by the Environment Committee. If the Administrator of the Community Development Services Department, find the respondent(s) not in compliance after this time, then such actions may be accomplished by or under the direction of the Administrator of the Community Development Services Department or a designated agent thereof.

(B) This designated agent of the Administrator of the Community Development Services Department may include a private contractor or the Director of Public Works with obligation to accomplish such actions for the City.

(C) The actions taken by the Administrator of the Community Development Services Department or designated agent thereof may include removal of all vegetation (except for species, not listed in Section 2 above, being actively cultivated for agronomic or ornamental purposes) if the nuisance(s) is prevalent on the subject real estate.

(D) An accurate record of the costs of such plant removal and/or nuisance abatement shall be kept by said Administrator, who shall certify the costs thereof and cause the costs as shown thereon to be charged against the owner according to law. Such costs shall be a lien on the said property as provided in the Illinois Municipal Code.

Section 9. The Administrator of the Community Development Services Department shall, within ten (10) days after determining the costs pursuant to the foregoing section of this Ordinance, mail a true and correct statement of the costs to the respondent(s). If the respondent(s) is(are) dissatisfied with the amount of such charge, then the respondent(s) may file a protest with the Mayor of the City of Urbana, Illinois, within ten (10) days of the mailing of the statement of costs to said respondent(s). The Mayor shall then hold a hearing within a reasonable time to adjust or affirm such costs.

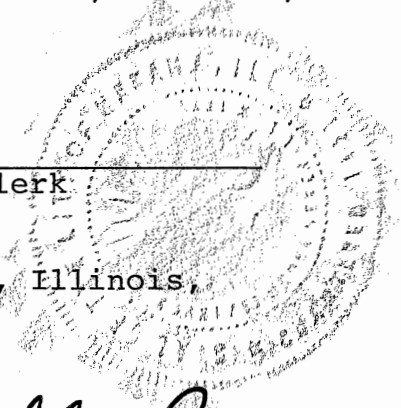
Section 10. Any respondent(s) who refuses to comply with the actions ordered by the Environment Committee or by the Administrator of the Community Development Services Department, and does not request a hearing within the time allowed by this Ordinance, after the allotted fifteen (15) days, shall upon conviction thereof be punished by a fine of not less than Twenty-five Dollars (\$25.00) and not more than Two Hundred Dollars (\$200.00) for each offense, and each day that such violation continues shall be deemed a separate offense. Any fine imposed by a Court shall be in addition to the costs of removing plants and/or abating nuisances upon the subject real estate, as provided for in this Ordinance.

Section 11. This Ordinance shall be in full force and effect from and after its passage and publication, in accordance with the terms of Section 1-2-4 of the Illinois Municipal Code.

This Ordinance is hereby passed by the affirmative vote, the "ayes" and "nays" being called, of a majority of the Members of the Council of the City of Urbana, Illinois, at a regular meeting of said Council on the 5TH day of June, 1978.

PASSED by the City Council of the City of Urbana, Illinois, this 5TH day of June, 1978.

Duane Eckerty
Duane Eckerty, City Clerk



APPROVED by the Mayor of the City of Urbana, Illinois, this 7TH day of June, 1978.

Jeffrey T. Markland
Jeffrey T. Markland, Mayor

CERTIFICATE OF PUBLICATION

I, Duane Eckerty, City Clerk of the City of Urbana, Illinois, do hereby certify that I caused the above Ordinance to be duly published in the C-U Courier on the 14th day of June, 1978, and a Certificate of Publication is attached hereto.

Duane Eckerty, by
Duane Eckerty, City Clerk
Beverly M. Amberger
Deputy Clerk

COPY OF ADVERTISEMENT

27848

Certificate of Publication

STATE OF ILLINOIS }
Champaign County } ss.

CHAMPAIGN-URBANA COURIER, Inc., a corporation hereby certifies that it is the publisher of THE MORNING COURIER, a daily secular newspaper of general circulation in said County, printed in the City of Urbana, and published in the City of Urbana and in the City of Champaign, in said County and State, and that said newspaper is a newspaper as defined in "An Act to revise the law in relation to notices," approved February 13, 1874, as amended, and that the printed notice hereto annexed and hereby made a part of this certificate has been published in

said newspaper at least once each week for one successive weeks in each and every copy

and impression thereof; that the date of the first newspaper containing said publication was

June 14, A.D. 19 78, and that the date of the last newspaper containing said

publication was June 14, A.D. 19 78; and that _____

Barbara A. Rees by resolution of the Board of Directors of said CHAMPAIGN-URBANA COURIER, Inc., has been authorized to make this certificate.

IN TESTIMONY WHEREOF said CHAMPAIGN-URBANA COURIER, Inc., has caused this certificate to be executed in its name by said Barbara A. Rees

this 14th day of June A.D. 19 78.

CHAMPAIGN-URBANA COURIER, Inc.

Publication Fee, \$ 67.50

By Barbara A. Rees

CERTIFICATE OF PUBLICATION

in

THE MORNING COURIER

CHAMPAIGN AND URBANA, ILLINOIS

In the Matter of

Controlled substance ordinance

7778-76

City of Urbana, City Clerk

Solicitors or
Attorneys

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