

ORDINANCE NO. 8990-8

AN ORDINANCE
AMENDING CHAPTER 25, ENTITLED "VEGETATION",
OF THE CODE OF ORDINANCES, CITY OF URBANA, ILLINOIS

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

That Sections 25-61.1(c), (d), (e)(2), (e)(5), 25-63(c), 25-66 and 25-69 of Chapter 25, entitled "Vegetation", of the Code of Ordinances, City of Urbana, Illinois, are hereby repealed upon the effective date of this Ordinance. The repeal of such provisions shall not abrogate or affect any act committed or done or any penalty or forfeiture incurred or any pending litigation or prosecution under such repealed provisions.

In place of the above sections herein repealed are new Sections 25-61.1(c), (d), (e)(2), (e)(5), 25-63(c), 25-66 and 25-69 of Chapter 25 of the Code of Ordinances, City of Urbana, Illinois, hereby enacted to read as follows:

Sec. 25-61.1. Managed landscape plan permit.

(c) Form and submission of application. Each application for a managed landscape plan permit shall be on a form provided by the fire department of the city. The fire department shall provide to the person submitting such application a list of adjacent property owners who are to be notified by the applicant in writing of the intent to submit such plan. The applicant shall cause to be delivered to the owner of such adjacent property a copy of the plan and the date such was submitted to the fire chief. If the application for a managed landscape plan permit meets all the requirements of this ordinance, the fire department shall issue a permit for a managed landscape. Only one (1) permit will be issued to a parcel of land each year.

(d) Revocation of permit. The permit issued hereunder may be revoked by the fire chief of the city for failure to comply with the conditions of the permit or the provisions of this article. Seven (7) days after the fire department has issued a managed landscape plan permit, the fire department will inspect the property to ensure compliance with the plan. If the permit holder has not complied with the proposed plan, the permit may be immediately revoked. Notice of revocation shall be mailed to the permit holder by first class mail. The permit holder may appeal such decision to revoke the permit to a committee of the city council by mailing to the fire chief a notice of appeal within seven (7) days of the date of the notice of revocation. Hearing of the appeal shall follow the procedures for hearing an appeal of denial of a permit as provided in subsection (e). If no notice of appeal is submitted to the fire chief within seven (7) days of the date of the notice of revocation and the property still constitutes a nuisance, as defined in section 25-61 of the Urbana Code of Ordinances, the fire chief or his designated agent

may take steps to bring the property into conformity with the Urbana Ordinance, as prescribed by section 25-67 of this Ordinance.

- (e) Denial of permit.
- (2) Denial of issuance of a permit may be appealed by mailing to the fire chief a notice of appeal within seven (7) days of receipt of notice of denial. A hearing on this appeal shall take place at a regularly scheduled city council committee meeting, not less than ten (10) days after receipt of the request for hearing.
- (5) Where a permit is denied following application after notice of a nuisance as provided in section 25-63 of this article, and such nuisance has not been abated, the denial of a permit shall function as re-notice requiring abatement of the nuisance within seven (7) days of receipt of such denial unless an appeal is sought. When an appeal has been sought and the committee has voted to uphold denial of the permit, such vote shall function as re-notice requiring abatement of the nuisance within seven (7) days of the mailing by the city clerk of notice of the denial of the appeal by the council committee.

Sec. 25-63. Notice to record owners and occupants.

(c) Unless one or more persons in control of the subject real estate file a request for a managed landscape plan permit 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 or otherwise abate the nuisances in the manner directed in the notice within seven (7) days from the receipt of such notice.

Sec. 25-66. Failure to comply with notice; hearing.

If, after receipt of notice by the last of the respondents so served, or publication of such notice as described in section 25-64; or denial of a managed landscape plan permit, the plants have not been removed or the nuisances otherwise abated within seven (7) days of the last respondent so served or date of publication, or within seven (7) days of the written notice of the council committee vote under section 25-61.1(e) of this article, the fire chief shall direct the removal of the aforementioned plants or otherwise abate such nuisances.

Sec. 25-69. Penalty for violations.

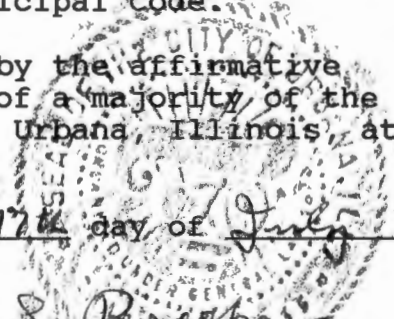
Any respondent who refuses to comply with the actions ordered by the fire chief, and does not file an application for a managed landscape plan permit within the time allowed by this article, after the allotted seven (7) days, shall upon conviction

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 or abating nuisances upon the subject real estate, as provided for in this article.

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 City Council of the City of Urbana, Illinois, at a regular meeting of said City Council.

PASSED by the City Council this 17th day of July, 1989.


Ruth S. Brookens
Ruth S. Brookens, City Clerk

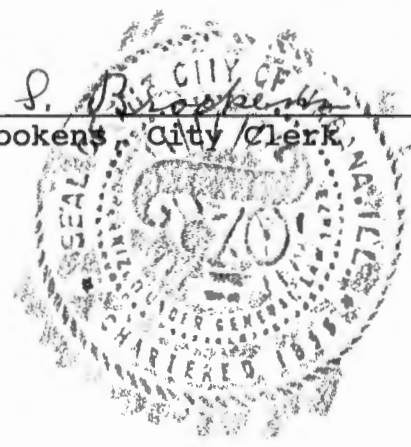
APPROVED by the Mayor this 24th day of July, 1989.

Jeffrey T. Markland
Jeffrey T. Markland, Mayor

CERTIFICATE OF PUBLICATION

I, RUTH S. BROOKENS, City Clerk, City of Urbana, Illinois, do herewith certify that I caused the above ordinance to be duly published in the News-Gazette on the 28th day of July, 1989, and a Certificate of Publication is attached hereto.

Ruth S. Brookens
Ruth S. Brookens, City Clerk



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(2) Denial of issuance of a permit may be appealed by mailing to the fire chief a notice of appeal within seven (7) days of receipt of notice of denial. A hearing on this appeal shall take place at a regularly

CERTIFICATE OF PUBLICATION IN The News-Gazette

The undersigned, THE CHAMPAIGN NEWS-GAZETTE, INCORPORATED, by Mrs. Overa, its secretary, does hereby certify that said Corporation is the publisher of The News-Gazette and that the same is a daily secular newspaper of general circulation published in Champaign, Champaign County, Illinois, and which said newspaper had been regularly published for more than six months prior to the first publication of the annexed notice; said publisher further certifies that the annexed notice was published once each week for _____ consecutive weeks in said newspaper, namely on the following dates: _____, A. D. 19 89 _____, A. D. 19 _____, A. D. 19 _____, A. D. 19 _____, A. D. 19 _____

Said publisher further certifies that the date of the first paper containing the said notice was on the first date hereinabove set forth, and that the date of the last paper containing the said notice was on the last date hereinabove set forth.

The Champaign News-Gazette, Incorporated

by [Signature] Secretary

PUBLISHER OF THE NEWS-GAZETTE

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