

ORDINANCE NO. 9899-18

AN AMENDMENT TO THE CITY CODE OF THE CITY OF URBANA

(Model Codes, Building Code, CABO One- and Two-Family Dwelling Code, and Fire Prevention Code)

WHEREAS, the City Council of the City of Urbana, Illinois, adopted building, property maintenance and other codes governing the safety of construction and housing in the City of Urbana (hereinafter referred to as "Model Codes"); and

WHEREAS, the Urbana Building Code Official has submitted proposed amendments to the Building Codes to address issues of property maintenance violations and repetitive offenders of said codes; and

WHEREAS, said amendments were submitted to the Urbana City Council for consideration; and

WHEREAS, after due and proper consideration, the Urbana City Council finds that imposing a minimum fine for a conviction of Model Codes violations is necessary as a deterrent to future violations, regardless of whether the violator in a particular case complies after conviction; and

WHEREAS, after due and proper consideration, the Urbana City Council had deemed it to be in the best interests of the City of Urbana to amend said Model Codes as described herein.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF URBANA, ILLINOIS that the following Model Codes of the City of Urbana, Illinois are hereby amended as follows:

Section 1. Chapter 1, Section 1-10(k) entitled "Model Code Fines," is hereby amended to read as follows:

The fine for a violation of the Building Code, CABO One- and Two-Family Dwelling Code, Electrical Code, Plumbing Code, Mechanical Code, Property Maintenance Code, Flood Hazard Areas Code, Mobile Home Parks and Mobile Homes Code, and Fire Prevention Code as adopted and amended by the City of Urbana shall be not less than one dollar (\$1.00) nor more than five hundred dollars (\$500.00). Each day that a violation continues, after due notice has been served, shall be deemed a separate offense. No total fine in any individual case shall be less than three hundred dollars (\$300.00) for a first conviction of any of these Codes, five hundred dollars (\$500.00) for a second conviction, and seven hundred and fifty dollars (\$750.00) for a third or subsequent conviction, irrespective of the number of days of the violation, unless the Court finds that the violator is an indigent person.

Section 2. Chapter 5, Article III Building Code, Section 117.4 entitled "Violation Penalties" is hereby amended to read as follows:

Any person who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, construct, alter, or repair a building or structure in violation of an approved plan or directive of the Code Official, or of a permit or certificate issued under the provisions of this Code, shall be guilty of an offense and subject to a fine as set forth in Section 1-10 (k) of the Code of Ordinances of the City of Urbana. Each day that a violation continues after due notice has been served, in accordance with the terms and provisions hereof, shall be deemed a separate offense.

Section 3. Chapter 5, Article IV CABO One- and Two-Family Dwelling Code, Section R-106.3 entitled "Violation Penalties" is hereby amended to read as follows:

Any person who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, construct, alter, or repair a building or structure in violation of an approved plan or directive of the Code Official, or of a permit or certificate issued under the provisions of this Code, shall be guilty of an offense and subject to a fine as set forth in Section 1-10 (k) of the Code of Ordinances of the City of Urbana. Each day that a violation continues after due notice has been served, in accordance with the terms and provisions hereof, shall be deemed a separate offense.

Section 4. Chapter 5, Article XI Flood Hazard Areas, Section 5-510 entitled "Penalties for noncompliance" is hereby amended to read as follows:

The city engineer or building official may determine, upon due investigation, that a violation of the minimum standards of this article exists and if the owner fails after ten (10) days' notice to correct the violation(s), the city may make application to the circuit court for the injunction requiring conformance with this article or make such other order as the court sees necessary to secure compliance with the article. Any person who violates this article shall be subject to a fine as set forth in Section 1-10 (k) of the Code of Ordinances of the City of Urbana. A separate offense shall be deemed committed upon each day on which a violation occurs or continues. Failure to comply with the requirements of a permit or conditions of a variance resolution shall be deemed to be a violation of this article. Nothing herein shall prevent the city from taking other lawful action to prevent or remedy any violations. All costs connected therewith shall accrue to the person(s) responsible.

Section 5. Chapter 5, Article XIII Fire Prevention Code, Section F-111.3 entitled "Penalties for violations" is hereby amended to read as follows:

Any person, firm or corporation violating any of the provisions of this code or failing to comply with any order issued pursuant to any section hereof shall be subject to a fine as set forth in Section 1-10 (k) of the Code of Ordinances of the City of Urbana. Each day that a violation continues, after a service of notice, shall be deemed a separate offense.

Section 6. The City Clerk is directed to publish this Ordinance in pamphlet form by authority of the Corporate Authorities. This Ordinance shall be in full force and effect from and after its passage and publication in accordance with the terms of Chapter 65, Section 1-2-4 of the Illinois Compiled Statutes (65 ILCS 5/1-2-4).

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 Council on the 8th day of September, 1998.


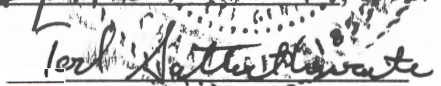
PASSED by the City Council on this 8th day of September, 1998.

AYES: **Hayes, Huth, Patt, Taylor, Whelan, Wyman**

NAYS:

ABSTAINED:

APPROVED by the Mayor this 11th day of September, 1998.


Phyllis D. Clark, City Clerk

Tod Satterthwaite, Mayor

CERTIFICATE OF PUBLICATION IN PAMPHLET FORM

I, Phyllis D. Clark, certify that I am the duly elected and acting Municipal Clerk of the City of Urbana, Champaign County, Illinois.

I certify that on the _____ day of _____, 1998, the corporate authorities of the City of Urbana passed and approved Ordinance No. _____, entitled " AN AMENDMENT TO THE CITY CODE OF THE CITY OF URBANA (Model Codes, Building Code, CABO One- and Two-Family Dwelling Code, and Fire Prevention Code) which provided by its terms that it should be published in pamphlet form.

The pamphlet form of Ordinance No. _____ was prepared, and a copy of such Ordinance was posted in the Urbana City Building commencing on the _____ day of _____, 1998, and continuing for at least ten (10) days thereafter. Copies of such Ordinance were also available for public inspection upon request at the Office of the City Clerk.

DATED at Urbana, Illinois, this _____ day of _____, 1998.

(SEAL)

Phyllis D. Clark, City Clerk

(15421rev2.ORD)



CERTIFICATE OF PUBLICATION



IN PAMPHLET FORM

I, PHYLLIS D. CLARK, certify that I am the duly elected and acting Municipal Clerk of the City of Urbana, Champaign County, Illinois.

I certify that on the 8th day of September, 1998, the corporate authorities of the City of Urbana passed and approved Ordinance No. 9899-18, entitled An Amendment To The City Code Of The City Of Urbana (Model Codes, Building Code, CABO One- and Two-Family Dwelling Code, and Fire Prevention Code)

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Dated at Urbana, Illinois, this _____, day of _____, 19____.

(SEAL)

Phyllis D. Clark, City Clerk