

ORDINANCE NO. 2010-10-099

**AN ORDINANCE AMENDING
CHAPTER ELEVEN, SECTION 11-49 OF THE URBANA CITY CODE**

(Nuisance Lien Foreclosure)

WHEREAS, the Mayor and City Council heretofore have adopted Section 11-49 of the Urbana City Code authorizing the City to file notices of lien for abatement of nuisances upon property so affected; and

WHEREAS, the Mayor and the City Council find that the best interests of the City are served by amending said ordinance.

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

Section 1. Urbana City Code Chapter 11, "Health and Sanitation," Article IV, "Nuisances," Division 1, "Generally," Section 11-49, "Cost of abatement and fines as a lien," is hereby amended and as amended shall read as follows:

Sec. 11-49. Cost of abatement and fines as a lien.

(a) Whenever a bill for the costs and expenses incurred by the city for the abatement of a nuisance remains unpaid for thirty (30) days after it has been sent to the property owner, the city may file a notice of lien upon the property so affected. Such lien shall be superior to all other liens and encumbrances, except tax liens, provided that the notice of lien is filed with the county recorder within one year after such cost and expense is incurred.

(b) The notice shall consist of a sworn statement setting out the following:

(1) A description of the property sufficient for identification thereof;

(2) The amount of money representing the costs and expenses incurred or payable for the abatement; and

(3) The date or dates when such costs and expenses were incurred by the city.

(c) Cost and expenses include, but are not limited to, the costs and expenses in time of city employees or city authorized contractors concerning the actual abatement of the nuisance, administrative fees, title searches or certifications, and reasonable attorney expenses.

(d) Upon payment of the costs and expenses by the owner after notice of lien has been filed, the lien shall be released by the city or person whose name the lien has been filed and the release shall be filed of record as in the case of filing notice of lien.

(e) The city shall have the right to enforce its liens under this section by proceedings in foreclosure, or otherwise as provided under the laws of the State of Illinois.

State law references: 65 ILCS 5/11- 20- 15, 65 ILCS 5/11-31-1.

Section 2. Those sections, paragraphs, and provisions of the Urbana City Code that are not expressly amended or repealed by this Ordinance are hereby re-enacted, and it is expressly declared to be the intention of this Ordinance not to repeal or amend any portions of the Urbana City Code other than those expressly set forth as amended or repealed in this Ordinance. The invalidity of any section or provision of this Ordinance hereby passed and approved shall not invalidate other sections or provisions thereof.

Section 3. This Ordinance shall not be construed to affect any suit or proceeding pending in any court, or any rights acquired, or a liability incurred, or any cause or causes of action acquired or existing prior to the effective date of this Ordinance; nor shall any right or remedy of any character be lost, impaired, or affected by this Ordinance.

Section 4. The City Clerk is directed to publish this Ordinance in pamphlet form by authority of the corporate authorities, and this Ordinance shall be in full force and effect from and after its passage.

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 meeting of said Council.

PASSED by the City Council this 15th day of November,
2010.

AYES: Bowersox, Lewis, Marlin, Roberts, Smyth, Stevenson

NAYS:

ABSTAINS:

APPROVED by the Mayor this 16th day of November

2010.

Phyllis D. Clark
Phyllis D. Clark, City Clerk
by [Signature]
Deputy Clerk
Laurel Lunt Prussing
Laurel Lunt Prussing, 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 15th day of November, 2010,
the Corporate Authorities of the City of Urbana passed and approved Ordinance
No. 2010-10-099, entitled:

**"AN ORDINANCE AMENDING CHAPTER ELEVEN, SECTION 11-49
OF THE URBANA CITY CODE (NUISANCE LIEN FORECLOSURE)"**

which provided by its terms that it should be published in pamphlet form.

The pamphlet form of Ordinance No. 2010-10-099 was prepared,
and a copy of such Ordinance was posted in the Urbana City Building
commencing on the 18th day of November, 2010, 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 18th day of November,
2010.



Phyllis D. Clark
Phyllis D. Clark, City Clerk
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Deputy Clerk