

ORDINANCE NO. 8485-67

AN ORDINANCE
AMENDING CHAPTER 10 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That Section 10-4, of Article I, of Chapter 10, entitled "Garbage and Refuse," is hereby repealed in its entirety and the following language is enacted in its place:

Sec. 10-4. Removal of refuse.

(a) **Prohibition.** The accumulation of refuse on property within the corporate limits of the city is hereby declared to be a public nuisance. For purposes of this prohibition, refuse shall include rubbish, debris, garbage, cut vegetation (but not composted material), residue of practically no monetary value, slop, and junk of no practical utility.

(b) **Duty to remove.** Every person who is the owner or occupant of property within the city, or the agent in charge of such property for a nonresident owner, is charged with the duty of keeping such property free from the accumulation of refuse; and for the public health and safety, each owner, occupant or agent having charge of such property who is notified in accordance with the provisions set forth in subsection (e) by the administrator of Community Development Services, the fire chief, or other duly authorized agent of the city to remove such refuse shall be charged with the duty of removing this refuse and satisfactorily disposing of the same within five (5) days of the effective date of notice to do so.

(c) **Violations.** Failure by the owner, occupant, or agent in charge of such property to satisfactorily remove and dispose of such refuse or cause such to be removed and disposed of within five (5) days after the effective date of notice to remove the same shall subject such person to the general penalty set forth in section 1-10 of the Urbana Code of Ordinances. In addition to this penalty, the city may cause such refuse to be removed to a satisfactory disposal site and charge the reasonable cost of such removal to the owner, occupant, or agent of the premises. Such charge shall constitute a lien held by the city upon the subject premises.

(d) **Subsequent violations.** Any subsequent accumulation of refuse on the same premises occurring within ninety (90) days of a prior accumulation of refuse either for which a notice was sent pursuant to the provisions of subsection (b) above, or for which a notice of violation was previously issued pursuant to this subsection, shall subject the person to whom such notice is

directed to a twenty-five dollar (\$25.00) fine. Notice of violation of this provision shall be served in accordance with subsection (e) below. The person so cited must satisfy such fine by paying the municipal collector the sum of twenty-five dollars (\$25.00) within five (5) days of the effective date of such notice of violation. Failure to satisfy such fine within the prescribed five (5) day period shall subject the person so cited to the general penalty set out in section 1-10 of the Urbana Code of Ordinances. Further, for each and every day after the expiration of the prescribed five (5) day period that the subsequent accumulation of refuse is allowed to exist, a fine of twenty-five dollars (\$25.00) per day shall be assessed against the person to whom the notice of violation has been directed.

In the event that the subsequent accumulation of refuse is not removed within a reasonable time in compliance with the notice under this subsection, the city may cause such refuse to be removed to a satisfactory disposal site and charge the reasonable cost of such removal to the person to whom the notice was directed; such charge shall constitute a lien held by the city upon the subject premises.

(e) Notice.

(1) **Contents.** Notice of violation issued under this section shall set forth in writing the date of inspection, the nature of the accumulation of refuse, and the address of the property in violation. Notice of violation pursuant to subsection (d) above shall, in addition to these, set forth the amount of any fine which has been and may be levied and a statement of how such fine may be satisfied, together with a warning that failure to satisfy such fine within the time allotted can result in the person or persons cited being subject to the general penalties set forth in section 1-10 of the Urbana Code of Ordinances.

(2) **To whom directed.** Notice shall originally be directed to each record owner of the property where the refuse is located; however, in the event that no record owner either resides at or conducts business upon the subject premises, and any such owner within five (5) days of the effective date of notice properly notifies either the agent of the city who sent notice to the owner or another properly authorized agent of that department, that the property is occupied exclusively by other occupants, then the city shall direct notice to such current occupants. Such occupants shall be held responsible for the removal and disposal of the refuse on the subject premises within five (5) days of the effective date of the new notice, and shall be liable for failure to complete such duty. This section shall be expressly applicable to rental property where the tenant controls the normal day-to-day use of the exterior grounds, but shall not include apartment units. It shall be the sole responsibility of the record owner or owners to properly advise the city within five (5) days of the effective date of notice directed to them that the subject premises are occupied

exclusively by persons other than the owners of record. Such owners may be liable for any penalties assessed for failure to comply with this subsection.

(3) **Effectiveness.** Notice shall be deemed to have been properly and effectively served upon the owner or owners of record if:

(i) a copy of the notice is delivered to each owner of record personally, said notice becoming effective upon the date of service; or

(ii) a copy of the notice is delivered to the usual place of abode of each owner and left with a person in the owner's family of thirteen years of age or older and of suitable discretion, who shall be informed of the contents thereof, and concurrently, a copy of the notice is sent by first class mail addressed to the usual place of abode of such owner; said notice becoming effective upon the date of personal service upon such suitable family member; or

(iii) a copy of the notice is sent by certified or registered mail addressed to each owner of record at his last known address, and receipt therefor is returned with the signature of the owner of record, said notice becoming effective upon the date signed for as evidenced by the returned stub of mail receipt.

(iv) In the event that neither personal or substitute service of notice nor notice by certified or registered mail can be effected upon each owner of record after reasonable efforts to do so have been made, notice shall be deemed sufficient if the city posts a copy thereof in a conspicuous place on or about the property subject to such notice, and publishes such notice at least one time in a local newspaper of general daily circulation, said notice becoming effective on the publication date, as evidenced by the Certificate of Publication released by the newspaper.

(v) Where any record owner properly notifies the city within five (5) days of the date of effective notice to such owner that the subject property is occupied exclusively by persons other than the record owners, service of notice upon such occupants is deemed to be proper and effective if service is made pursuant to any of the following:

(a) a copy of the notice is delivered personally to any occupant of such premises who is of the age of eighteen years or older, said notice becoming effective upon the date of the service; or

(b) a copy of the notice is delivered to the subject premises and left with a person in the occupant's family of thirteen years of age or older and of suitable discretion, who shall be informed of the contents thereof, and concurrently,

a copy of the notice is sent by first class mail addressed to the occupant at the subject premises; said notice becoming effective upon the date of personal service upon such suitable family member; or

(c) In the event that service under (a) or (b) above cannot be made after reasonable efforts to do so have been made, notice shall be deemed sufficient after the city posts a copy thereof in a conspicuous place on or about the property subject to such notice, and publishes such notice at least one time in a local newspaper of general daily circulation, said notice becoming effective on the publication date, as evidenced by the Certificate of Publication released by the newspaper.

Notice need not be served upon each individual occupant.

(f) **Imminent health hazards.** If, in the opinion of a duly authorized city inspector charged with the prevention of health hazards, an accumulation of garbage, slop, or rubbish exists which presents a current or immediate hazard to human health, or which produces an offensive, nauseating, or noxious odor, such inspector shall immediately proceed to notify any occupant at least thirteen years of age of the premises where such accumulation is located that the occupant or occupants have twenty-four (24) hours from the time the notice is first received or posted to remove the offensive substance. The inspector shall attempt to deliver written notice to any occupant or occupants personally, advising them of their duty to sufficiently remove the offensive garbage, slop, or rubbish from the subject premises within the prescribed period. If personal service of notice cannot be made upon any occupant, the inspector shall post a clearly legible notice on or about the subject premises in a conspicuous manner, advising the occupants of the presence of the garbage, slop, or rubbish, and clearly stating the time by which the offensive items must be removed. If at the expiration of the twenty-four (24) hour period said garbage, slop, or rubbish has not been removed, the city shall enter upon the subject premises and remove such offensive substance, and charge the occupant or occupants with the reasonable cost of removal and expenses incident thereto. In addition, the occupant or occupants shall be subject to the general penalty set out in section 1-10 of the Urbana Code of Ordinances for such failure, neglect, or refusal to comply with the requirements of said notice.

(g) **Liquid and hazardous wastes.** Nothing in this article shall be deemed to apply to liquid wastes or hazardous wastes, which such wastes must be disposed of in accordance with other applicable laws, rules and regulations pertaining to such disposal. As used in this article, hazardous wastes shall mean waste or refuse with inherent properties which make such waste or refuse difficult or dangerous to manage by normal means including, but not limited to, chemicals, explosives, pathological wastes and other wastes defined as hazardous waste by the

Resource Conservation and Recovery Act of 1976, as amended, and regulations promulgated thereunder and hazardous hospital waste as defined by the Illinois Environmental Protection Act and the regulations promulgated thereunder.

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.

1985. PASSED by the City Council this 1st day of April

Ruth S. Brookens
Ruth S. Brookens, City Clerk

1985. APPROVED by the Mayor this 8th day of April

Jeffrey T. Markland
Jeffrey T. Markland, Mayor

CERTIFICATION 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 Champaign-Urbana News-Gazette on the 17th day of April, 1985.

Ruth S. Brookens
Ruth S. Brookens, City Clerk

CERTIFICATE OF PUBLICATION IN The News-Gazette

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provisions set forth in subsection
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tion 1-10 of the Urbana Code of

The undersigned, THE CHAMPAIGN NEWS-GAZETTE, INCORPORATED, by

M S QUINN

, its controller, 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: _____

Apr 17 , A. D. 19 85
_____, 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.

*Recd.
4-19-85*

The Champaign News-Gazette, Incorporated

By [Signature]

Controller

PUBLISHER OF THE NEWS-GAZETTE

Legal # 8241

Publisher's fee \$ 322.14

CITY OF URBANA, ILL.
RECEIVED

APR 19 1985

CITY CLERK'S OFFICE