

STATE OF ILLINOIS)
COUNTY OF CHAMPAIGN) SS
VILLAGE OF OGDEN)

I, the undersigned, Clerk of said Village of Ogden, Illinois, do hereby certify that the attached is a full, true, and correct copy of an Ordinance passed by the President and Board of Trustees of the Village of Ogden, Illinois, by the affirmative (yea) votes of a majority of the Corporate authorities of the Village of Ogden and that said vote has been entered upon the legislative records of said corporate authorities.

Village Clerk

(VILLAGE SEAL)

ORDINANCE NO. 2410-J

**THE PUBLIC LAND-NUISANCE ORDINANCE OF THE VILLAGE OF OGDEN,
CHAMPAIGN COUNTY, ILLINOIS**

WHEREAS, the President and Board of Trustees of the Village of Ogden in Champaign County, Illinois, has studied the problems of the unregulated placement and storage of junk and debris on public and private property in the Village of Ogden, Champaign County, Illinois: and

WHEREAS, the President and Board of Trustees of the Village of Ogden believes that there exists a need to enact regulations for the purpose of protecting the health, safety, and welfare of the residents of the Village of Ogden, Champaign County, Illinois; and

WHEREAS, the President and Board of Trustees is authorized by law to declare what conditions shall be nuisances within the Village of Ogden:

NOW, THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of Ogden, Champaign County, Illinois that Ordinance 1989-7 be amended to provide as follows:

ARTICLE I. ORDINANCE CONSTRUCTION

Nothing in this Ordinance shall be construed so as to limit or detract from the provisions of any statute of the State of Illinois, and the Ordinance shall not be construed to legalize conditions which are nuisances at common law or to preclude any remedies available at common law, in equity, or under any applicable state statute.

ARTICLE II. DEFINITIONS

For the purposes of this Ordinance, and in order to carry out its provisions and intentions, certain words, terms and phrases shall have meaning ascribed to them in this article.

Words in the singular shall include the plural and those in the plural shall include the singular. The masculine gender shall include the feminine gender and all business entities.

HEALTH AND SAFETY COMMITTEE: The Village Board shall appoint a committee to be responsible for the enforcement of this Ordinance, hereinafter referred to as "Health and Safety Committee".

JUNK AND DEBRIS: Junk and debris includes, but is not limited to, paper cartons, boxes, barrels, wood, plastics, metal scrap, old lumber, glass, pieces of glass, cans, bottles, cloth, trash, rubbish, appliances, or parts thereof, any and all like materials and assemblies of little or no value which are no longer used as a manufactured article. The term junk shall not include any fully restored antique.

ARTICLE III. DECLARATION OF PUBLIC NUISANCES

The following are declared to be public nuisances when they exist upon property inside the Village of Ogden. The nuisances proscribed herein are absolutely prohibited:

- (1) The storage outside of an enclosed building of any junk or debris regardless of form.
- (2) The allowance of any burned, wrecked, or substantially damaged building, structure, mobile or modular home to remain on any property unless such is screened from the public view and returned to its original condition within a reasonable period of time.

The owner of the real estate on which the nuisance is found, the owner of the offending property or junk, the person residing at the real estate where the nuisance is found, and the person who placed the nuisance upon the property shall each be individually and severally liable and responsible for the nuisance.

ARTICLE IV. ADMINISTRATION AND ENFORCEMENT

The Health and Safety Committee of the Village of Ogden, Champaign County, Illinois shall administer and enforce the provisions of this Ordinance. The Health and Safety Committee shall:

- (1) Render interpretations of the Ordinance on their own initiative and on request by any person with an interest in the interpretation.
- (2) Issue notices of violations of this Ordinance to the responsible persons whenever they shall determine that violation has occurred. Notices shall be in writing, shall indicate the nature of the violation and the action necessary to correct the violation. The notice shall allow a reasonable period of time, but not less than forty-eight (48) hours from the time of delivery of the notice, to correct the violation. The notice shall be sent to the last known address of each person believed to be a responsible person under Article III above by U.S. Mail, certified, with return receipt showing

to whom delivered. Refusal to accept delivery of said notice shall be deemed acceptance for purposes of this Ordinance.

- (3) Investigate complaints and conduct such inspections of property as are necessary to determine whether violations of this Ordinance exist.
- (4) Maintain permanent records pertaining to violations and appeals and variances pursuant to this Ordinance.
- (5) Maintain permanent records of all amendments to this Ordinance.

ARTICLE V. APPEALS

A person aggrieved by any decision, notice or action taken by the Health and Safety Committee pursuant to this Ordinance may appeal its decision to the Board of Trustees of the Village of Ogden, Champaign County, Illinois. Appeals shall be taken as follows:

- (1) Notice of appeal must be made to the President of the Board or the Health and Safety Committee, in writing, no less than one week (7 days) prior to the next nearest Village Board Meeting, unless otherwise posted, so that the appeal may be made part of the Village Board Agenda.
- (2) A " Notice of Appeal" form may be obtained from the Village Clerk. The appeal forms shall be designed by the Health and Safety Committee and shall request the following information: the name, address and telephone number of the appellant, the date of the notice of action appealed, the nature of the decision, notice or action appealed and the reason the decision, notice or action should be reversed or modified.
- (3) The Village Clerk shall note the appeal as an item on the Village Board Agenda. The appellant shall be notified by U.S. Mail of the date of the appeal hearing no later than one week prior to the Board Meeting date. Delivery shall be presumed to have occurred on the second day after mailing. The "Notice of Appeal" form shall be presented by the appellant or a representative designated by the appellant on that date.
- (4) An appeal stays all proceedings to enforce the action appealed unless the Health and Safety Committee from whom the appeal is taken certifies to the Board of Trustees after the notice of appeal has been filed with them that by reason of facts stated in the certificate a stay could, in their opinion, cause imminent peril to the health, welfare, or property of any person; in which case the proceeding shall not be

stayed.

- (5) The Board of Trustees may, so long as such action is in conformity with the terms of this Ordinance, reverse, modify, or affirm, wholly or part, the decision, notice or other action of the Health and Safety Committee from which the appeal is taken and may make such order, requirement, decision or determination as ought to be made. However, the concurring vote of three fourths(3/4) of the members of the Board of Trustees shall be necessary to reverse or modify any decision or action of the Health and Safety Committee or to decide in favor of the applicant on any matter upon which the

Board is required to pass under this Ordinance or to effect any variance in the application of this Ordinance.

The decision of the Board shall be put in writing in the Minutes of the Village Board Meeting and a copy shall be mailed to the appellant within five (5) days of the decision.

If the Board shall find against an appellant, the Board shall establish a reasonable period of time for the appellant to correct the violation.

ARTICLE VI. PENALTIES

Any person responsible for a nuisance proscribed by this Ordinance must abate the nuisance within the period of time allowed by the Health and Safety Committee or appeal the decision of the Health and Safety Committee to the Board of Trustees. If a person fails to abate the nuisance or appeal within the time permitted, all responsible persons with notice from the Health and Safety Committee shall be severally deemed guilty of a violation of this Ordinance.

Upon conviction, said responsible persons may each be fined a Class “B” fine per violation. If the nuisance still exists after the time permitted for abatement has expired, It shall be deemed a separate offense.

If a person appeals the decision of the Health and Safety Committee to the Board of Trustees, and the Board orders abatement of the nuisance, the person must abate the nuisance within the time fixed by the Board. If the appellant fails to abate the nuisance as ordered, he shall be guilty of a violation of this Ordinance and upon conviction shall be fined a Class “B” fine per violation. If the nuisance is permitted to exist after the time permitted by the Board for abatement expires, each day shall be a separate offense.

Furthermore, if a person fails to abate a nuisance pursuant to an order by the Health and Safety Committee or the Board of Trustees, the Board or the Health and Safety Committee may invoke any other means available under any law of the State of Illinois to enforce this Ordinance, including, but not limited to, authorizing the law enforcement agency with applicable jurisdiction to abate the nuisance pursuant to law. If the Village shall correct a violation in such a manner the responsible person shall reimburse the Village for the reasonable costs of abatement. Any abatement cost shall become a lien upon the real estate when a notice of lien is filed in the office of the recorder of Champaign County as provided by the Illinois Municipal Code.

ARTICLE VII. SEVERABILITY

Should any part of this Ordinance be declared invalid by a court of competent jurisdiction, such declaration shall not affect the validity of the remaining portions of this Ordinance.

****Appeal Form Mailed Upon Request****

This Ordinance shall be published in pamphlet form and shall be in full force and effect after its passage, approval and publication as provided by law.

PRESENTED, PASSED AND ADOPTED by the affirmative vote, the Ayes and Nays being called, of a majority of the corporate authorities of the Village of Ogden, Illinois, now holding office, said vote being entered upon the legislative records at a meeting of said corporate authorities on this ___ day of _____, _____, as follows:

AYES _____

NAYS _____

ABSENT _____

ABSTAIN _____

APPROVED: _____
Village President

ATTEST:

Village Clerk

(VILLAGE SEAL)

VILLAGE OF OGDEN
PO BOX 159 OGDEN, ILLINOIS 61859

101 W. MAIN ST.
Ph. 217-582-2520

ORDINANCE CITATION APPEAL FORM

Please complete this form and return.

Name: _____ Citation Number: _____

Address: _____ Date of Citation: _____

Telephone: _____ Best Time to Call if Needed: _____

Offense listed of Citation-description and ordinance section number: _____

Location of the Violation: _____

Please use the remainder of this page to state your reasons of dispute and then attach any copies of documentation you may have to support your position, including the original citation if possible. If the dispute is denied, the citation will be returned to you for payment of the fine.

Date Processed: _____

Violation Sustained: _____ Violation Voided: _____ Sent to Court: _____

Approved by Ogden Village Board on June 5th, 2008