

FILED

AUG 29 1988

ORDINANCE NO. 2-5-88

Dennis R. King
COUNTY CLERK

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

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

WHEREAS, the Board of Trustees of the Village of Homer 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 Homer, Champaign County, Illinois; and

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

NOW, THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of Homer, Champaign County, Illinois 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 the 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.

JUNK: Junk includes, but is not limited to, discarded paper cartons, boxes, barrels, wood, plastics, metals, glass, pieces of glass, cans, bottles, cloth, trash, rubbish, appliances, inoperative vehicles, and any and all like materials and assemblies of practically no value which are no longer used as a manufactured article. The term junk shall not include any fully restored antique.

VEHICLES: Vehicles shall include automobiles, trucks, buses, motorcycles, and all other similar devices designed to be operated on public thoroughfares.

VEHICLE, ABANDONED: Abandoned vehicles are vehicles located on public or private property which are allowed to remain on public property or private property without the consent of the owner, for a period of more than

seven (7) days.

VEHICLE-ANTIQUÉ: Any motor vehicle or other vehicles twenty-five (25) years of age or older.

VEHICLE-INOPERATIVE: An inoperative vehicle is a vehicle which in its present state is incapable of being legally operated on a public thoroughfare and has remained in such a state for a period of thirty (30) days or more.

ARTICLE III. DECLARATION OF PUBLIC NUISANCES

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

- (1) The storage outside of an enclosed building of one or more abandoned or inoperative vehicles or parts thereof.
- (2) The storage outside of an enclosed building of any junk or debris regardless of form.
- (3) 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 Chairman of the Police Committee of the Village of Homer, Champaign County, Illinois shall administer and enforce the provisions of this Ordinance.

The Chairman of the Police Committee shall:

- (1) Render interpretations of the Ordinance on his 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 he 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 Chairman of the Police Committee pursuant to this Ordinance may appeal his decision to the Board of Trustees of the Village of Homer, Champaign County, Illinois. Appeals shall be taken as follows:

- (1) Notice of appeal must be made to the President of the Board or the Chairman of the Police Committee, in writing, no less than one week (7 days) prior to the next nearest Village Board Meeting which is scheduled on the first and third Monday evening of every

month at 7:00 P.M., 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 Chairman of the Police Committee and shall request the following information: the name, address and telephone number of the appellant, the date of the decision, 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 Chairman of the Police Committee from whom the appeal is

taken certifies to the Board of Trustees after the notice of appeal has been filed with him that by reason of facts stated in the certificate a stay could, in his 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 Chairman of the Police 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 Chairman of the Police 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 Chairman of the Police Committee or appeal the decision of the Chairman of the Police 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 Chairman of the Police Committee shall be severally deemed guilty of a violation of this Ordinance. Upon conviction, said responsible persons may each be fined a sum of no more than one hundred (\$100) dollars per day of violation. Each day the nuisance is permitted to exist after the time permitted for abatement expires shall be a separate offense.

If a person appeals the decision of the Chairman of the Police 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 the sum of no more than one

hundred (\$100) dollars per day of violation. Each day the nuisance is permitted to exist after the time permitted by the Board for abatement expires shall be a separate offense.

Furthermore, if a person fails to abate a nuisance pursuant to an order by the Chairman of the Police Committee or the Board of Trustees, the Board or the Chairman of the Police 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 costs shall become a lien upon the real estate when a notice of lien is filed in the recorder of deeds office pursuant to Ill. Rev. Stat., Ch. 24, 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.

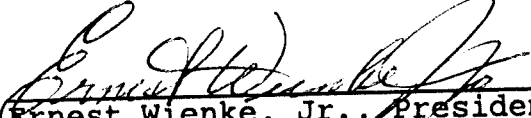
ARTICLE VIII. EFFECTIVE DATE

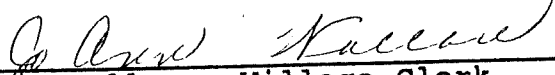
The Village Clerk of the Village of Homer, Champaign County, Illinois shall cause notice to be published in a newspaper of general circulation within the County that this Ordinance has been adopted and that copies

are available upon request to the Village Clerk. The publication shall be made within fifteen (15) days of the adoption of this Ordinance. The Ordinance shall be in full force and effect ten (10) days after the date of said publication.

PRESENTED, ADOPTED, APPROVED AND RECORDED this

5 day of July, A.D. 1988.


Ernest Wienke, Jr., President,
Board of Trustees of the
Village of Homer

ATTEST: 
JoAnn Wallace, Village Clerk,
Village of Homer

APPEALS FORM

for The Public Land-Nuisance Ordinance of the Village of
Homer, Champaign County, Illinois.

- 1) Date of Appeal _____
- 2) Name _____
- 3) Address _____
- 4) Telephone _____
- 5) Date of the notice _____
- 6) What is the specific nature of the notice or
action appealed from?

- 7) What are your reasons to request the Board to reverse
or modify the decision set forth in the notice?

This area is reserved for the Chairman of the Police
Committee:

This is the scheduled date of your appeal _____

FILED

STATE OF ILLINOIS)
)
COUNTY OF CHAMPAIGN)
)
VILLAGE OF HOMER)

AUG 29 1988

Dennis R. Berg
COUNTY CLERK

CERTIFICATE

I, the undersigned, Clerk of said Village of Homer, Illinois, do hereby certify that attached hereto is a true copy of the Ordinance passed by the President and Board of Trustees of the Village on the 5th day of July, 1988.

Dated this 5th day of July, 1988.

John Andrew Kallaw
VILLAGE CLERK

(VILLAGE SEAL)