
THE CITY OF AUBURN
SANGAMON COUNTY, ILLINOIS

ORDINANCE
NUMBER 1547-24

AN ORDINANCE AMENDING CHAPTER 13, HEALTH AND SANITATION,
ARTICLE V, NUISANCES AND OFFENSIVE CONDITIONS,
TO AMEND PENALTY IMPOSED FOR FAILURE TO ABATE

TOM BEROLA, Mayor
BETHANY SPONSLER, City Clerk

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Sorling Northrup – One North Old State Capitol Plaza, Suite 200, Springfield, IL 62701

ORDINANCE NO. 1547-24

**AN ORDINANCE AMENDING CHAPTER 13, HEALTH AND SANITATION,
ARTICLE V, NUISANCES AND OFFENSIVE CONDITIONS,
TO AMEND PENALTY IMPOSED FOR FAILURE TO ABATE NUSAINCES**

WHEREAS, the City of Auburn, Sangamon County, State of Illinois, (“City”) is a duly organized and existing city created and operating under the provisions of the Illinois Municipal Code and laws of the State of Illinois; and,

WHEREAS, the Illinois Municipal Code (65 ILCS 5/1-2-1), provides that the corporate authorities of each municipality may pass all Ordinances and make all rules and regulations proper and necessary to carry into effect the powers granted to municipalities; and

WHEREAS, the Illinois Municipal Code (65 ILCS 5/11-60-2), empowers the City’s corporate authorities to define, prevent, and abate nuisances; and

WHEREAS, Chapter 13 of the City Code provides the City’s health and sanitation regulations within the territorial jurisdiction of the City; and,

WHEREAS, Article V of Chapter 13 of the City Code regulates and governs nuisances and other offensive conditions occurring or otherwise found within the territorial jurisdiction of the City; and,

WHEREAS, the Mayor and City Council believes it is in the best interest of the City to amend the City Code, sections 13-78 and 13-87 to clarify and provide for penalties for failure to abate a declared nuisance, as further described herein.

NOW THEREFORE, BE IT ORDAINED by the Mayor and City Council of the City of Auburn, Sangamon County, Illinois, as follows:

Section 1. Recitals. The foregoing recitals shall be and are hereby incorporated into and made a part of this Ordinance as if fully set forth in this Section 1.

Section 2. Amendment to City Code. Section 13-78 of the City Code is hereby amended as follows (added; deleted):

(a) The chief of police and/or the city health officer are authorized and directed to provide for the cutting of weeds and removal of garbage and debris upon private property when the owner of the property after a notice of at least three (3) days, refuses or neglects to cut said weeds or remove said garbage and debris.

(b) In an emergency situation, the chief of police and/or the health officer are authorized to enter upon private property and seize, confiscate and remove the offensive thing or animal;

(c) In a non-emergency situation, after giving the owner notice to appear at the next regularly scheduled city council meeting and explain why an item is not a nuisance and/or why abatement should not occur, the city council may declare a situation to be a nuisance, direct its abatement by the owner and impose a monetary fine in an amount not less than one hundred and 00/100ths (\$100.00) dollars, nor more than five hundred and 00/100ths (\$500.00) dollars for each offense, which shall be made payable to, and delivered to, the City no later than thirty calendar days after the date which the offending person receives written notice from the City describing the condition(s) constituting the nuisance and penalties therefrom; a separate offense shall be deemed committed on each day during which a violation occurs; and, if abatement does not occur, the chief of police and the public health officer are authorized to enter upon private property and seize, confiscate and remove the offensive thing or animal;

(d) Notwithstanding the above remedies, the city may bring suit to enjoin the continuation of a nuisance. In the event that the owner of real property having been declared a nuisance under this section fails to abate the condition(s) constituting a nuisance and satisfy any

debt owed to the City, in full, within thirty (30) calendar days after receiving written notice describing the condition(s) constituting the nuisance and penalties therefrom, the City shall have the right to disconnect or refuse to connect or reconnect any utility service pursuant to section 24-11 of this Code.

Section 3. Amendment to City Code. Section 13-87 of the City Code is hereby amended as follows (added; ~~deleted~~):

If a certain condition has been declared to be a nuisance by the city council and has been abated but then reoccurs within twelve (12) months of the initial declaration of nuisance by the council then the health officer is empowered to declare that reoccurring condition to be a nuisance, send the offending person a three-day notice and if the reoccurring condition is not abated within three (3) days, may fine the offending person in an amount not to exceed the previous amount assessed by the city council for each new offense, which shall be made payable to, and delivered to, the City no later than thirty calendar days after the date which the offending person receives written notice from the health officer describing the violations constituting the reoccurring condition and penalties therefrom; a separate offense shall be deemed committed on each day during which a violation occurs. This fine is in addition to, not in lieu of, any costs of abatement performed by the city and attorney's fees incurred by the city in enforcing the fine. Any fine(s) assessed by the health officer under this section shall be subject to confirmation by the city council at its next regularly scheduled meeting. In the event that the offending person fails to abate the reoccurring condition and satisfy any debt owed to the City, in full, within thirty (30) calendar days after receiving the health officer's written notice described herein, the City shall have the right to disconnect or refuse to connect or reconnect any utility service pursuant to section 24-11 of this Code.

Section 4. Severability. In the event that any section, clause, provision, or part of this Ordinance shall be found and determined to be invalid by a court of competent jurisdiction, all valid parts that are severable from the invalid parts shall remain in full force and effect.

Section 5. Repeal and Savings Clause. All Ordinances or parts of Ordinances in conflict herewith are hereby repealed; provided, however, that nothing herein contained shall affect any rights, action, or causes of action which shall have accrued to the City of Auburn prior to the effective date of this Ordinance.

Section 6. Effectiveness. This Ordinance shall be in full force and effect from and after its passage, approval, and publication in pamphlet form as provided by law.

SO ORDAINED this 3rd day of June 2024, at the City of Auburn,
Sangamon County, Illinois.

(remainder of page intentionally left blank; voting record to follow)

	YES	NO	ABSENT	PRESENT
CRISSEY	X			
GARRETT	X			
HEMMERLE	X			
JOHNSON			X	
MARQUIS	X			
PARRISH	X			
ROYER	X			
SHEPPARD	X			
BEROLA				
TOTAL				

CITY OF AUBURN


 TOM BEROLA, Mayor

Attest:

 BETHANY SPONSLER, City Clerk