



DEPARTMENT OF COMMUNITY DEVELOPMENT SERVICES

Building Safety Division

m e m o r a n d u m

TO: Laurel Lunt Prussing, Mayor

FROM: Elizabeth H. Tyler, FAICP, Director, Community Development Services

DATE: October 3, 2013

SUBJECT: AN ORDINANCE AMENDING URBANA CITY CODE CHAPTER FIVE, ARTICLE IX, SECTION 5-83 (Regarding Property Maintenance Code Violations – Sections PM-106.4, PM-106.4.1, AND PM-106.4.3)

AN ORDINANCE AMENDING URBANA CITY CODE CHAPTER ONE, Section 1-10(k) Regarding Fines for Building, Fire and Flood Safety Code Violations

Description of Proposed Amendment:

On the agenda of the October 7, 2013 meeting of the Urbana City Council are two Ordinances to amend Urbana City Code, Chapter Five, Article IX, Sections PM-106.4, PM-106.4.1, and PM-106.4.3 and Urbana City Code Chapter One, Section 1-10 (k) to increase fines for failure to comply with deadlines for property maintenance code compliance. The first proposed Ordinance includes changes directed by the Committee of the Whole at its September 9, 2013 meeting. The revised fine structure for Failure to Comply tickets includes a tiered system of fines as follows:

A. Violations that are an Imminent health/life safety threat to occupants:

Deadline for compliance: 1-3 days		
1st missed deadline:	Minimum fine paid within 7 days: \$600.00	If paid after 7 days: \$700.00
2nd missed deadline	Minimum fine: \$750.00 PLUS up to \$750.00 Per day until corrected	

B. Violations that pose Livability issues:

Deadline for compliance: 1-5 days		
1st missed deadline:	Minimum fine paid within 7 days: \$450.00	If paid after 7 days: \$600.00
2nd missed deadline	Minimum fine: \$750.00 PLUS up to \$750.00 Per day until corrected	

C. Violations involving Routine Maintenance issues:

Deadline for compliance: 10-30 days		
1st missed deadline:	Minimum fine paid within 7 days: \$300	If paid after 7 days: \$450.00
2nd missed deadline	Minimum fine: \$500 PLUS up to \$750 Per day until corrected	

The ordinance is also changed to provide for mandatory issuance of a Failure to Comply ticket in all cases where deadlines are not met.

The Ordinance to Amend Chapter One, Section 1-10(k) is needed in order to increase the maximum fine in order to be consistent with the proposed Failure to Comply fines. In addition, reference to CABO is deleted to be consistent with the current adopted City Building Codes.

Options

1. Approve the Ordinances Amending Urbana City Code Chapter Five, Article IX, Section 5-83 and Amending Urbana City Code Chapter One Section 1-10 (k) as written.
2. Approve the Ordinances with changes.
3. Do not approve the Ordinances.

Fiscal Impacts

Increased use of Failure to Comply Tickets and increases in the amount of the fines should result in additional fine revenue to the City depending on the number of tickets issued and success in achieving payment. Based on the data from 2013 so far, on the order of \$10,000 to \$15,000 could be levied each year. However, use of the fines will require additional staff time in issuing the tickets, tracking the tickets, and attempting collection of payment along with additional legal time and costs in filing cases to recover the fines. As use of the fines increases and the expected deterrent effect takes place, these fines and associated staff time for processing should decline over time.

Recommendation

Staff recommends that City Council approve the Ordinances Amending the City Code, with an evaluation of the amendments to occur within six (6) months.

Memorandum Prepared By:

John A. Schneider, Manager
Building Safety Division

Attachments:

1. Ordinance Amending Urbana City Code Chapter One, Section 1-10 (k) Regarding Fines for Building, Fire and Flood Safety Code Violations

ORDINANCE NO. 2013-10-094

**AN ORDINANCE AMENDING URBANA CITY CODE CHAPTER ONE,
SECTION 1-10(k) Regarding Fines for Building, Fire and Flood
Safety Code Violations**

WHEREAS, the City of Urbana ("City") is a home rule unit of local government pursuant to Article VII, Section 6, of the Illinois Constitution, 1970, and may exercise any power and perform any function pertaining to its government and affairs, including the power to regulate for the protection of the public health, safety, and welfare; and

WHEREAS, the City Council heretofore has enacted Urbana City Code Section 1-10(k) to establish fines for violations of the Building, Flood Area, Fire and Mobile Home Safety Code; and

WHEREAS, the City Council finds that the best interests of the City are served by amending said section.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Urbana, Champaign County, Illinois, as follows:

Section 1.

Urbana City Code Chapter 1, "General Provisions," Section 1-10, "General penalty; continuing violations," subsection (k) is hereby amended with the underlined text indicating new language and the strikethrough text indicating deletions as follows:

(k) The fine for a violation of the Building Code, ~~CABO~~ One- and Two-Family Dwelling Code, Electrical Code, Plumbing Code, Mechanical Code, Property Maintenance Code, Flood Hazard Areas Code, Mobile Home Parks and Mobile Homes Code, and Fire Prevention Code as adopted and amended by the City of Urbana shall be not less than one dollar (\$1.00) nor more than ~~five~~ seven hundred fifty dollars (~~\$500.00~~ \$750.00). Each day that a violation continues, after due notice has been served, shall be deemed a separate offense. No total fine in any individual case shall be less than three hundred dollars (\$300.00) for a first conviction of any of these codes, five hundred dollars (\$500.00) for a second conviction, and seven hundred fifty dollars (\$750.00) for a third or subsequent conviction, irrespective of the number of days of the violation, unless the court finds that the violator is an indigent person.

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 ____ day of _____, _____.

AYES:

NAYS:

ABSENT:

ABSTAINED:

Phyllis D. Clark, City Clerk

APPROVED BY THE MAYOR this ____ day of _____, _____.

Laurel Lunt Prussing, Mayor