



CITY OF URBANA
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TO: Mayor Laurel Lunt Prussing and Urbana City Council

FROM: Curt Borman, Assistant City Attorney

DATE: October 15, 2010

SUBJECT: Consideration of an Ordinance Amending Chapter 1, Section 1-10, of the Urbana City Code (injunctive relief)

Introduction

This proposed Code amendment will authorize the city attorney to seek injunctions¹ in court to enforce the Urbana City Code.

Background

The typical means by which the City enforces its ordinances is through the imposition of fines. However, assessing financial penalties against transgressors is not an effective deterrent in cases involving continuous and ongoing nuisances or when the violations constitute a threat to the public health, safety, or welfare. In these situations, the circumstances may require the City to obtain court ordered injunctions to stop or prevent the violation. For example, an injunction could be used to halt the illegal operation of an unlicensed business. The proposed amendment will allow the City to seek temporary restraining orders, temporary injunctions, and permanent injunctions. Injunctions are authorized in several other Illinois communities.²

Fiscal Impact

Approval of the proposed amendment will have no direct fiscal impact but will give the City greater ability to protect the health, safety, and welfare of the public. Non-approval will hinder the City in its nuisance abatement efforts.

Recommendation

Approve the ordinance amending Chapter 1, Section 1-10, of the Urbana City Code.

¹ An injunction is a court order commanding or preventing a specified action.

² E.g., Carpentersville, Champaign, Chicago, Danville, Granite City, Naperville, Normal, Oak Lawn, Peoria, Quincy, Rantoul, Savoy, Skokie, and Springfield.

ORDINANCE NO. 2010-10-097

AN ORDINANCE AMENDING CHAPTER 1, SECTION 1-10, OF THE URBANA CITY CODE (injunctive relief)

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 Mayor and City Council find that expressly authorizing the city attorney to seek injunctive relief against Urbana City Code violations will protect the health, safety, and welfare of the public.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and 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," is hereby amended by adding the following subsection thereto:

(1) In addition to any other remedy or penalty provided by this code, the city attorney may apply to a court of competent jurisdiction to enjoin any violation of any provision of this code, to compel compliance with the provisions of this code, or to seek any other relief or remedy available at law or equity. Such application for relief may include a request for a temporary restraining order, temporary injunction, and permanent injunction.

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