



LEGAL DIVISION
(217) 384-2464
FAX: (217) 384-2460

CURT BORMAN
City Attorney
csborman@urbanaillinois.us

MICHELLE E. BROOKS
Assistant City Attorney
mebrooks@urbanaillinois.us

JACK WAALER
Special Counsel
jwaaler@urbanaillinois.us

To: Mayor Laurel Prussing; Urbana City Council
From: Michelle Brooks, Assistant City Attorney
Re: Aggravated Public Nuisance Ordinance Proposed Amendments
Date: October 21, 2011

REVISED MEMORANDUM

Please note that the proposed amended ordinance with which you will be presented on Monday differs from that in your packets and originally discussed in my memo contained therein. Due to the fact that the company that formats our executed ordinance and puts them online automatically corrects errors in numbering/lettering and formatting, it is unnecessary for Council to address those issues. However, there is one paragraph (that which is referred to as Section One (A)(2)(j) in the executed ordinance and Section (a)(2)(x) in the Municode/Online format) should, in fact, be Section I(A)(3).

As for additions of Sections III and IV, and the deletion of the Performance Review provision, again, due to Municode's corrections and the nature of the Performance Review provision, those changes are superfluous. Accordingly, the changes I am submitting for consideration are few, and are reflected in the abbreviated/revise ordinance.

Passed:
Signed:

ORDINANCE NO. 2011-10-117

AN ORDINANCE AMENDING URBANA CITY CODE CHAPTER FIFTEEN,
SECTION 15-80 (Aggravated public Nuisance)
(AGGRAVATED PUBLIC NUISANCE REVISION)

WHEREAS, the City of Urbana has a population of more than 25,000 and is, therefore, a home rule unit under subsection (a) of Section 6 of Article VII of the Illinois Constitution of 1970 and 65 ILCS 5/1-1-10; and

WHEREAS, a home rule unit may exercise any power and perform any function pertaining to its government and affairs for the protection of the public safety and welfare; and

WHEREAS, the City Council heretofore has adopted Urbana City Code Section 15-80 to prohibit aggravated public nuisances; 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 15 "Aggravated Public Nuisance," Article IV, "Offenses Affecting Public Health, Safety And Decency," Division III, "Nuisances," Section 15-80, "Aggravated Public Nuisance," subsection (a)(2)(a)(2)(x), is hereby incorporated into subsection (a)(2)(a)(2)(ix) as a new paragraph 3 thereunder with the underlined text indicating new language and the strikethrough text indicating deletions as follows:

~~(x)~~ 3. Five (5) or more violations of Chapter 16 of the Code of Ordinances regulating noise within or on the premises of a single dwelling, dwelling unit or real property.

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 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 and publication in accordance with Section 1-2-4 of the Illinois Municipal Code.

PASSED by the City Council this _____ day of

_____, _____.

AYES:

NAYS:

ABSTAINS:

Phyllis D. Clark, City Clerk

APPROVED by the Mayor this _____ day of

_____, _____.

Laurel Lunt Prussing, Mayor