



## Legislation Text

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**File #:** ORD19-1565, **Version:** 1

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An Ordinance Amending Chapter 93 (Standing Water Public Nuisances-Hazards to Public Sidewalks, Parkways and Streets)

WHEREAS, Village staff undertakes periodic review of the Public Acts adopted by the Illinois General Assembly, and from time to time proposes amendments to existing Village ordinances where necessary to maintain compliance with changes in applicable law contained within such Public Acts; and

WHEREAS, such review has indicated the need for the amendment of those Village Ordinances codified at Chapter 93 (Nuisances) of the Village Code of Ordinances to add the following text set forth below as and for a new Section 93.011 thereof.

NOW THEREFORE BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES FOR THE VILLAGE OF ROMEOVILLE, WILL COUNTY, ILLINOIS; THAT:

**SECTION 1: RECITALS.** The foregoing recitals are hereby incorporated into this Ordinance as if fully set forth herein.

**SECTION 2: AMENDMENT TO CHAPTER 93.** All those heretofore adopted Village Ordinances codified as Chapter 93 of the Village Code of Ordinances shall hereby be amended by the addition of the following text to be codified as Section 93.011 thereof:

**93.011 STANDING WATER PUBLIC NUISANCE-HAZARDS TO PUBLIC SIDEWALKS, PARKWAYS AND STREETS.**

(A) The existence of any of the following conditions constitutes a hazard to the use of the public sidewalks, parkways and streets within the Village, and the same shall likewise be deemed to constitute a standing water public nuisance:

(1) The presence of standing water on any public sidewalk, parkway, or street within the Village that exists for more than seventy two (72) hours after the cessation of a rainfall event originating from any source (including but not limited to downspouts or sump pump discharges) on any lot within a residential zoning district improved with one or more residential dwelling units;

(2) The presence of standing or flowing water on any public sidewalk, parkway, or street within the Village on any continuous or intermittent basis sufficient to support the growth of algae, moss or other similar plant growth on the surface of any sidewalk or street, originating from any source (including but not limited to downspouts or sump pump discharges) on any lot within a residential zoning district improved with one or more residential dwelling units; or

(3) The presence of ice of any thickness on any public sidewalk, parkway, or street within the Village

originating from any source (including but not limited to downspouts or sump pump discharges) on any lot within a residential zoning district improved with one or more residential dwelling units.

(B) No person shall own or occupy any property whatsoever within the village in such a manner as to cause, create, permit or allow the creation of a standing water public nuisance as described in this Section.

(C) Upon the discovery and observation of a standing water public nuisance as described in this Section, the village shall cause written notice of the existence thereof to the owners and/or occupants of any and all properties that are or have been owned or occupied in such a manner as to cause, create, permit or allow the creation of a standing water public nuisance. The notice shall describe the location of the properties in question and the conditions existing thereon that have caused the existence of the standing water public nuisance, and shall direct the owners and/or occupants thereof to abate the standing water public nuisance within 3 days of the date of such notice.

(D) In the event that the owners or occupants of the properties in question to whom the notice set forth above was directed shall fail or refuse to abate the standing water public nuisance as set forth in such notice and within the time set forth therein, the village shall have the right, but not the obligation, to cause the abatement of the standing water public nuisance by such remedial means as are necessary, including but not limited to the removal of any and all obstructions located within village sidewalks, parkways, streets or drainage easements, all at the expense of the owners or occupants of the properties in question. The costs and expenses incurred by the village in abating any such standing water public nuisance shall be itemized in a statement prepared by the village, and mailed to the owners or occupants of the properties in question. Failure of such owners or occupants to pay to the village the amount of the costs and expenses set forth in such statement within 15 days of the date thereof shall entitle the village to record a lien against the properties in question substantially in the manner set forth in § 93.64 of the Code of Ordinances, and to commence an action to collect the unpaid costs and expenses in the Circuit Court for the 12th Judicial Circuit, or to foreclose said lien as provided by law.

(E) In addition to any other remedies provided to the village by law or the provisions of this chapter, upon the failure of any owner or occupant of property to abate a standing water public nuisance in accordance with a notice given in accordance with the provisions of this section, the village may commence an action in the Circuit Court for the 12th Judicial Circuit to cause such nuisance to be abated and to impose the fines and penalties provided for in this chapter.

**SECTION 3: SEVERABILITY.** That the various provisions of this Ordinance are to be considered severable and if any part or portion of this Ordinance shall be held invalid by any Court of competent jurisdiction, such decision shall not affect the validity of the remaining provisions of this Ordinance.

**SECTION 4: CONFLICTS.** All prior Ordinances and Resolutions, or parts thereof in conflict or inconsistent with this Ordinance are hereby expressly repealed only to the extent of such conflict or inconsistency.

**SECTION 5: EFFECTIVE DATE.** This Ordinance shall be in full force and effect from and after its passage, approval and publication in pamphlet form as provided by law.

