

ORDINANCE NO. 180

GARBAGE

BE IT ORDAINED by the President and Board of Trustees of the Village of Gifford, Illinois, that:

Section 1. It shall be unlawful for any person to deposit, keep or maintain any refuse, trash or garbage container on public property, on any public right of way, or on any public street within the Village of Gifford, Illinois.

Section 2. Any person, firm, partnership, association, corporation, company, or organization of any kind violating any provision of this Ordinance shall be fined not less than Fifty Dollars (\$50.00) nor more than Two Hundred Dollars (\$200.00) for each such offense, and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

Section 3. This Ordinance shall be in full force and effect from and after it's passage approval and publication as required by law.

PASSED AND APPROVED this 4th day of November, 1982.

PUBLISHED on the 10th day of November, 1982.

APPROVED: Louise R. Walston
President of the Board of Trustees

ATTEST:

Martin E. Osborn
Village Clerk

CERTIFICATE OF PUBLICATION IN The News-Gazette

The undersigned M. J. Qucca THE CHAMPAIGN NEWS-GAZETTE, INCORPORATED, by _____, its controller, does hereby certify that said Corporation is the publisher of The News-Gazette and that the same is a daily secular newspaper of general circulation published in Champaign, Champaign County, Illinois, and which said newspaper had been regularly published for more than six months prior to the first publication of the annexed notice; said publisher further certifies that the annexed notice was published once each week for _____ consecutive weeks in said newspaper, namely on the following dates: _____

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Said publisher further certifies that the date of the first paper containing the said notice was on the first date hereinabove set forth, and that the date of the last paper containing the said notice was on the last date hereinabove set forth.

The Champaign News-Gazette, Incorporated

By [Signature] Controller
PUBLISHER OF THE NEWS-GAZETTE

Publisher's fee \$ 14.28

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PASSED AND APPROVED this 4th day of November, 1982.

APPROVED: Loren R. Walston
President of the Board of Trustees

ATTEST:
Martin E. Osborn
Village Clerk
7067 - Nov. 10, 1982

RESOLUTION

BE IT RESOLVED by the President and Board of Trustees of the Village of Gifford, Illinois as follows:

That the old house located on real estate described as Lot 14 in Block 11 of the Original Town of Gifford, Champaign County, Illinois is a dangerous and unsafe building that constitutes a fire safety and health hazard and that said building has been abandoned in violation of the provision of Ordinance No. 174 of the Village of Gifford, Illinois adopted May 6, 1982.

That the Clerk shall give notice to the owner or owners of said real property including lienholders of record directing that said building be put in a safe condition or to demolish it.

That should the owner or owners of said property including any lienholders of record fail to put such building in a safe condition or to demolish it, the village attorney is hereby directed to apply to the Circuit Court for an order authorizing the Village of Gifford, Illinois to demolish said building.

Adopted and Approved this 7th day of October, 1982.

Loren P. Walston
President

Attest:

Martin E. Osborn
Clerk

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MUNICIPAL CODE

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1965, 55 Ill.

Division 31. Unsafe Buildings

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11-31-1.1. Demolition liens—Foreclosure—
Reacquisition of property by
former owner [New].

Law Review Commentaries
Real estate crisis of the inner city; sanctions
against the slumlord. Franklin J. Kral, 1972,
53 Chicago Bar Rec. 367.
Receiver's certificates; valid first liens for
slum rehabilitation. 1970 Law Forum 379.

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11-31-1. Demolition or repair—Lien

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§ 11-31-1. The corporate authorities of each municipality may demolish, repair or cause the demolition or repair of dangerous and unsafe buildings or uncompleted and abandoned buildings within the territory of any such municipality, except that in any county having adopted by referendum or otherwise, a county health department as provided by "An Act in relation to the establishment and maintenance of county and multiple-county public health departments", approved July 9, 1943, as amended,¹ the county board of any such county may demolish, repair or cause the demolition or repair of dangerous and unsafe buildings or uncompleted and abandoned buildings within the territory of any city, village or incorporated town having less than 50,000 population. No building may be boarded up or otherwise enclosed. The corporate authorities shall apply to the circuit court of the county in which such building is located for an order authorizing such action to be taken with respect to any such building if the owner or owners thereof, including the lien holders of record, after at least 15 days' written notice by mail so to do, have failed to put such building in a safe condition or to demolish it. It is not a defense to such cause of action that the building is boarded up or otherwise enclosed nor may the court order such building boarded up or otherwise enclosed. Where, upon diligent search, the identity or whereabouts of the owner or owners of any such building including the lien holders of record is not ascertainable, notice mailed to the person or persons in whose name such real estate was last assessed is sufficient notice under this Section. The hearing upon such application to the circuit court shall be expedited by the court and shall be given precedence over all other suits. The cost of such demolition or repair incurred by such municipality or by a lien holder of record is recoverable from the owner or owners of such real estate and is a lien thereon, which lien is superior to all prior existing liens and encumbrances, except taxes: provided that, within 60 days after such repair or demolition, the municipality or the lien holder of record who incurred such cost and expense shall file notice of lien of such cost and expense incurred in the office of the recorder of deeds in the county in which the real estate is located or in the office of the registrar of titles of such county if the real estate affected is registered under the Torrens system. The notice must consist of a sworn statement setting out (1) a description of the real estate sufficient for identification thereof, (2) the amount of money representing the cost and expense incurred, and (3) the date or dates when the cost and expense was incurred by the municipality or by the lien holder of record. Upon payment of the cost and expense by the owner of or persons interested in the property after notice of lien has been filed, the lien shall be released by the municipality or person in whose name the lien has been filed and the release may be filed of record as in the case of filing notice of lien. The lien may be enforced by proceedings to foreclose as in case of mortgages or mechanics' liens. Suit to foreclose this lien must be commenced within 3 years after the date of filing notice of lien.

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This amendatory Act of 1971 does not apply within the jurisdiction of any home rule unit.

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Amended by Laws 1963, p. 3313, § 1; Laws 1965, p. 3170, § 1; P.A. 76 1334, § 1, eff. Sept. 16, 1969; P.A. 77-1416, § 1, eff. Sept. 1, 1971.

¹ Chapter 111½, 1 20c et seq.

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Law Review Commentaries
Conversion control and neighborhood conser-
vation. 1963, 48 N.W.L.Rev. 599.

Procedure of municipalities in ordering un-
safe or dangerous buildings repaired or demoli-
shed. Matthew A. Hutmacher, 1968, 56
Ill.Bar J. 1016.

Impact of urban renewal on real property
law. Julian H. Levi, 1960, 41 Chicago Bar Rec.
443.