

**AN ORDINANCE AMENDING THE MUNICIPAL CODE
CONCERNING PUBLIC NUISANCES AND THEIR ABATEMENT**

WHEREAS, the City of Rolling Meadows, as a home rule unit of local government as provided by Article VII, Section 6(a) of the Illinois Constitution of 1970, has the authority to 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, morals, and welfare; and

WHEREAS, in order to more efficiently abate public nuisances arising within the City, the City desires to amend the Municipal Code in order to: (i) clarify the officers responsible for nuisance enforcement; (ii) clarify the provisions for giving notice to abate a nuisance; (iii) increase the penalty that applies when a nuisance must be abated by the City; (iv) enumerate an additional nuisance that exists where a private stormwater facility is not repaired and maintained; and (v) expand and clarify the provisions under which the City may abate by impoundment certain categories of vehicles that are herein declared to be a nuisance; and

WHEREAS, the Corporate Authorities of the City of Rolling Meadows have therefore determined that it is in the best interest of the City and its residents to amend the Municipal Code as set forth herein.

**NOW, THEREFORE, BE IT ORDAINED by the City Council of the
City of Rolling Meadows, Illinois:**

Section 1: The recitals set forth above are incorporated herein by reference as the findings of the Corporate Authorities.

Section 2: Section 38-27, entitled "Notice to abate," of Division 1, entitled "Generally," of Article II, entitled "Nuisances," of Chapter 38, entitled "Environment" of the Code of Ordinances, Rolling Meadows, Illinois shall be and is hereby amended as follows (additions are **bold and underlined** and deletions are struck through):

"Section 38-27 Notice to abate. ~~Authorized enforcement officers.~~
~~The City's Corporate Authorities, the City Manager, the Police~~
~~Chief, the Fire Chief, the Director of Public Works, and the Director of~~
~~Community Development shall each have the authority to declare~~
~~nuisances, direct abatement, and enforce the provisions of this~~
~~Article II as described herein.~~

~~It shall be the duty of the mayor, city council, health officer or police chief to serve notice, in writing, upon the owner, occupant, agent, or person in possession or control of any lot, building or premises in or upon which any nuisance may be found or who may be the owner or the cause of any such nuisance, requiring him to abate the nuisance, in such manner as the mayor, city council, health officer or police chief shall prescribe, within a reasonable time. It shall not be necessary for the mayor, city council, health officer or police chief to specify in the notice the manner in which any nuisance shall be abated, unless he or the council shall deem it advisable to do so. Such notice may also be given or served by any other officer who is so directed."~~

Section 3: Section 38-29, entitled "Nuisance notification requirements," of Division 1, entitled "Generally," of Article II, entitled "Nuisances," of Chapter 38,

entitled "Environment" of the Code of Ordinances, Rolling Meadows, Illinois shall be and is hereby amended as follows (additions are **bold and underlined** and deletions are struck through):

"Section 38-29 Nuisance notification requirements.

(1) Nuisance abatement notice. Whenever a nuisance is found to exist within the city or within the city's extraterritorial jurisdiction, ~~an~~ duly designated officer or employee of the city **any officer listed in Section 38-27** shall give a minimum 48 hours written notice to the owner or occupant of the property upon which ~~such a~~ nuisance exists or upon the person causing or maintaining the ~~a~~ nuisance **as set forth herein. The notice may also be given by any officer or employee of the City on behalf of, and upon the written direction of, any officer listed in Section 38-27.**

(2) Recurring nuisance violations. Notwithstanding the foregoing, only one notice shall be required to be provided during any calendar year for a particular category of nuisance violation, and additional notice beyond the initial notice shall not be required if the same type of nuisance recurs on the property during that calendar year (a "recurring nuisance violation"). Recurring nuisance violations shall be subject to immediate abatement and/or fines without additional notice to the violator, the owner of the property or the occupant thereof.

(3) Contents of notice. **The notice shall specify the nature of the nuisance. If the nuisance is one that the City affirmatively seeks to abate, the notice shall require the abatement of the nuisance**

within a reasonable period of time, but in no case less than 48 hours unless the nuisance poses an immediate danger to the public health, safety, or welfare. The notice may, or may not, specify the manner by which the nuisance must be abated. The notice shall specify that, if the nuisance is not abated, the City may summarily abate the nuisance. The notice shall state that a reoccurrence of the same category of nuisance within the same calendar year will be subject to immediate abatement and/or fines without further notice.

(4) Notice procedure. The notice may be served upon the owner (as shown in the records of the Cook County Clerk for property tax statements) and/or occupant of the private property, by either personal service or mail. Notice to any owner or occupant of a lot or parcel shall be deemed notice to all such owners and occupants. Notice by mail shall be given by both first-class mail and certified mail, and shall be deemed served three (3) days after it is deposited in the mail."

Section 4: Section 38-30, entitled "Summary abatement," of Division 1, entitled "Generally," of Article II, entitled "Nuisances," of Chapter 38, entitled "Environment" of the Code of Ordinances, City of Rolling Meadows, Illinois shall be and is hereby amended as follows (additions are **bold and underlined** and deletions are ~~struck through~~):

"Section 38-30 Summary abatement.

~~Whenever any nuisance shall be found on any premises within the city, the mayor, city council, health officer or police chief is authorized in his or in the council's discretion to cause the nuisance to be summarily abated in such manner as he or the council may direct.~~

(1) After the expiration of the period of time for compliance set forth in a notice given pursuant to this Article II, or immediately in the case of a recurring nuisance violation after notice was previously given, any officer listed in Section 38-27 may cause entry upon the location of the nuisance and the summary abatement of the nuisance in the manner that the officer may direct. Any articles that are removed in order to abate the nuisance are hereby deemed valueless and may be immediately destroyed or disposed of by the City without further notice or hearing.

(2) The provisions of Section 1 shall not apply where a different or more specific procedure for abatement is provided by this Code for a particular category of nuisance."

Section 5: Section 38-34, entitled "Specific nuisances enumerated," of Division 1, entitled "Generally," of Article II, entitled "Nuisances," of Chapter 38, entitled "Environment" of the Code of Ordinances, City of Rolling Meadows, Illinois shall be and is hereby amended to insert the following new subsection (16) in correct numerical order as follows (additions are **bold and underlined** and deletions are struck through):

“(16) Maintenance of Private Stormwater Facilities. It shall be a public nuisance for any owner, tenant, lessee, or occupant of any lot or parcel to fail to repair and maintain any private stormwater facility. Every such owner, tenant, lessee, or occupant shall be jointly and severally liable for abating the nuisance or any fines or penalties arising from the nuisance. For the purposes of this subsection:

(b) “Stormwater facilities” means, for purposes of this section, any manmade system to manage or discharge stormwater, erosion, or sediment from a property, including, without limitation: storm sewers; detention and retention facilities; collection facilities; volume control practices; and any component or appurtenance thereof. “Stormwater facilities” includes both permanent facilities as well as those temporary facilities that are required by State or local law or permit. “Stormwater facilities” does not include watercourses created by natural forces and conditions such as rivers, streams, and creeks.

(c) “Fail to repair or maintain” includes: (i) allowing or suffering a stormwater facility to become ineffective or to fail to perform as designed; (ii) allowing or suffering a stormwater facility to become partially or completely obstructed or collapsed; and (iii) failure to adhere to any maintenance plan adopted for the maintenance of a stormwater facility. As applicable, permits and plans previously approved by the Metropolitan Water

Reclamation District of Greater Chicago shall constitute *prima facie* evidence of the intended performance and required maintenance of any stormwater facility.”

Section 6: Section 38-35, entitled “Penalties,” of Division 1, entitled “Generally,” of Article II, entitled “Nuisances,” of Chapter 38, entitled “Environment” of the Code of Ordinances, City of Rolling Meadows, Illinois shall be and is hereby amended as follows (additions are **bold and underlined** and deletions are struck through):

“Section 38-35 Penalties.

(1) Any person violating any section of this division shall be punished by a fine in accordance with the schedule of rates, fees, fines and penalties as adopted by the city council from time to time and found in appendix B to this Code.

(2) In addition to any other penalty provided by law, where the City must abate a nuisance under Section 38-30, any person who created, continued, or suffered the nuisance to exist shall be liable to the City for the greater of (i) \$500 or (ii) the amount of all reasonable costs and expenses incurred by the City in abating the nuisance, including, but not limited to: labor, including City personnel costs, materials, equipment, legal services, and contractual services.”

Section 7: Section 38-68, entitled “Destruction by city,” of Division 2, entitled “Noxious Weeds,” of Article II, entitled “Nuisances,” of Chapter 38, entitled “Environment” of the Code of Ordinances, City of Rolling Meadows, Illinois shall

be and is hereby amended as follows (additions are **bold and underlined** and deletions are struck through):

“Section 38-68 Destruction by city.

If any owner or occupant shall neglect or refuse to destroy the noxious weeds **after the expiration of any deadline for compliance given in a notice duly served pursuant to Section 38-29,** ~~, it shall be the duty of the director of public works~~ **any officer listed in Section 38-27 may direct any officer, employee, or contractor of the City** to enter upon such lands and to destroy the weeds or cause the weeds to be destroyed.”

Section 8: Section 38-69, entitled “Cutting and removal of neglected weeds, grass, trees, and bushes,” of Division 2, entitled “Noxious Weeds,” of Article II, entitled “Nuisances,” of Chapter 38, entitled “Environment” of the Code of Ordinances, City of Rolling Meadows, Illinois shall be and is hereby amended as follows (additions are **bold and underlined** and deletions are struck through):

“Section 38-68 Cutting and removal of neglected weeds, grass, trees, and bushes.

- (a) ~~The city may provide for the removal of~~ **Any officer listed in Section 38-27 may direct any officer, employee, or contractor of the City to enter upon and remove any** nuisance greenery from any parcel of private property within the city if the owners or occupants of that parcel, ~~after reasonable notice,~~ refuse or neglect to remove the nuisance greenery **after the expiration of any deadline for compliance given in a notice duly served pursuant**

to Section 38-29. The city may collect, from the owners of that parcel the reasonable removal cost.

* * *

Section 9: Section 38-101, entitled "Definitions," of Division 3, entitled "Inoperable Motor Vehicles," of Article II, entitled "Nuisances," of Chapter 38, entitled "Environment" of the Code of Ordinances, Rolling Meadows, Illinois shall be and is hereby amended as follows (additions are **bold and underlined** and deletions are ~~struck-through~~):

"Sec. 38-101 Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

~~*Inoperable motor vehicle* means any motor vehicle which is and has been incapable of being driven under its own motor power for a period of at least seven days.~~

Abandoned vehicle means any vehicle that has not been moved for seven consecutive days or more and is apparently deserted.

Inoperable vehicle means any vehicle from which, for a period of at least seven days: the engine, wheels or other parts have been removed; the engine, wheels or other parts have been altered, damaged, not maintained or otherwise so treated that the vehicle is incapable of being driven under its own motor power; or, for a vehicle not equipped with an engine when manufactured, a vehicle that is incapable of being moved.

Nuisance vehicle means any vehicle that is declared to be a nuisance by operation of Section 38-102.

Unlicensed vehicle means any vehicle which does not display a current and valid license plate currently registered to the vehicle; except that a vehicle with a license plate that displays proof of registration expired within the preceding two months is not an unlicensed vehicle.

Vehicle means every device, in, upon, or by which any person or property is or may be transported or drawn upon a highway or City street or requiring a certificate of title under the statutes of the state of Illinois (625 ILCS 5/3-101) except devices moved by human power, devices used exclusively upon stationary rails, and snowmobiles as defined in the Snowmobile Registration and Safety Act (625 ILCS 40/1-1 et seq.).

Vehicle owner means a person who holds legal title to a vehicle or, in the event a vehicle is the subject of an agreement for conditional sale or lease thereof with the right of purchase upon the performance of the conditions stated in the agreement and with the immediate right of possession vested in the conditional vendee or lessee or in the event a mortgagor of such vehicle is entitled to possession, then such conditional vendee, lessee or mortgagor shall be deemed the owner for the purposes of this chapter."

Section 10: Section 38-102, entitled "Nuisance declared," of Division 3, entitled "Inoperable Motor Vehicles," of Article II, entitled "Nuisances," of Chapter

38, entitled "Environment" of the Code of Ordinances, Rolling Meadows, Illinois shall be and is hereby amended as follows (additions are **bold and underlined** and deletions are ~~struck through~~):

"Sec. 38-102 Nuisance declared.

Every ~~abandoned vehicle, inoperable motor-vehicle, and unlicensed vehicle~~ **abandoned vehicle** is declared to be a nuisance if located on public or private property within the city and in view of the general public **for a period exceeding seven calendar days.**"

Section 11: Section 38-103, entitled "Exceptions to division," of Division 3, entitled "Inoperable Motor Vehicles," of Article II, entitled "Nuisances," of Chapter 38, entitled "Environment" of the Code of Ordinances, City of Rolling Meadows, Illinois shall be and is hereby amended as follows (additions are **bold and underlined** and deletions are ~~struck through~~):

"Sec. 38-103 Exceptions to division.

This division shall not be construed to affect any of the following:

- (1) The right of the owner or occupant of private land to have any ~~motor vehicle~~ removed therefrom;
- (2) Any ~~motor vehicle which~~ **In the case of an inoperable vehicle that is neither an abandoned vehicle or an unlicensed vehicle, when such vehicle** has been rendered temporarily incapable of being driven under its own motor power in order to perform ordinary service or repair operations **for a period of not more than seven days from the date the vehicle first became inoperable;**

- (3) Any motor vehicle which is kept within a **fully enclosed** building when not in use; or
- ~~(4) Operable historic vehicles over 25 years of age; or~~
- (54) **Any** motor vehicle on the premises of a place engaged in the wrecking or junking of motor vehicles.”

Section 12: Section 38-104, entitled “Disposal,” of Division 3, entitled “Inoperable Motor Vehicles,” of Article II, entitled “Nuisances,” of Chapter 38, entitled “Environment” of the Code of Ordinances, City of Rolling Meadows, Illinois shall be and is hereby amended as follows (additions are **bold and underlined** and deletions are struck through):

“Sec. 38-104 Disposal Duty to abate; notice by City.

~~It is the duty of all owners and occupants of land within the city to dispose of all inoperable motor vehicles found thereon.~~

(1) Duty to prevent and abate. The vehicle owner of any nuisance vehicle, as well as the owner or occupant of any land within the City where such nuisance vehicle is located, shall have the joint and several duty to prevent and abate any such nuisance, including abatement by disposal.

(2) Notice to abate. In lieu of the procedures provided in Section 38-29, any officer listed in Section 38-27 may provide written notice to abate any nuisance vehicle as follows:

- a. The notice must be served upon all of the following: (i) by posting on the nuisance vehicle or at the property where the nuisance vehicle is located; (ii) if identifiable, by either**

personal service or mail upon the last known vehicle owner associated with the vehicle's license or registration; and (iii) if located upon private property, the owner (as shown in the records of the Cook County Clerk for property tax statements) and/or occupant of the private property, by either personal service or mail.

b. Notice to any vehicle owner shall be deemed notice to all vehicle owners, and notice to any owner or occupant of a lot or parcel shall be deemed notice to all such owners and occupants. Notice by mail shall be given by both first-class mail and certified mail, and shall be deemed served three (3) days after it is deposited in the mail.

c. The notice shall specify the nature of the nuisance. The notice shall require the abatement of the nuisance within a period of time determined by the City, but no sooner than 7 days after the date service of the notice. The notice shall specify that, if the nuisance is not abated, the City may impound the nuisance vehicle in order to abate the nuisance, and that impounded vehicles may be subject to tow and storage fees as well as their ultimate sale or destruction by the relocater pursuant to the laws of this State. The notice shall offer an opportunity to request an extension of time not exceeding 30 days for good cause shown.

(3) Extension Requests. The person or persons to whom a notice is specified under this Section may request an extension of time to abate the nuisance not exceeding 30 days for good cause shown. Good cause may include, without limitation: delays to repairs outside the control of the requestor; proof that a repair is scheduled within 30 days; or proof that there is a pending dispute regarding financial responsibility for the accident giving rise to damages that made a vehicle inoperable. To make an extension request, the request must be made in writing and submitted by hand delivery or by U.S. mail, to the attention of the City Manager at City Hall. The extension request must be received by the City Manager's office prior to the expiration of the time for compliance given in the notice, or the right to request an extension shall be deemed waived. In the event that an extension request is timely received by the City Manager's office, enforcement of this Division shall be stayed pending a written determination by the City Manager. If an extension request is denied by the City Manager, the written denial shall state the basis for the denial and shall direct the final deadline that the nuisance must be abated. "

Section 13: Section 38-105, entitled "Effect of non-compliance," of Division 3, entitled "Inoperable Motor Vehicles," of Article II, entitled "Nuisances," of Chapter 38, entitled "Environment" of the Code of Ordinances, Rolling Meadows, Illinois shall be and is hereby amended as follows (additions are **bold and underlined** and deletions are struck through):

“Sec. 38-105 Effect of noncompliance.

If any owner or occupant shall neglect or refuse to dispose of inoperable ~~a~~
nuisance ~~motor-vehicle~~ **within the time provided by the city’s notice**
duly given pursuant to this Division, the city shall have power to:

- (1) Seek a fine on the owner or occupant of the land in accordance with the schedule of rates, fees, fines and penalties as adopted by the city council from time to time and found in appendix B to this Code; and
- (2) **At the direction of any officer listed in Section 38-27, the City may enter upon the property and** ~~remove the inoperable motor vehicle from the land~~ **and impound the nuisance vehicle in order to abate the nuisance. All costs of towing and storage are the joint and several liability of, and may be assessed upon, the nuisance vehicle’s owner and the owners or occupants of any private land where the nuisance vehicle was impounded.** ~~upon ten days’ written or verbal notice to the owner or possessor of the land.”~~

Section 14: If any provision of this Ordinance or part thereof is held invalid by a court of competent jurisdiction, the remaining provisions of this Ordinance shall remain in full force and effect, and shall be interpreted, applied, and enforced so as to achieve, as near as may be, the purpose and intent of this Ordinance to the greatest extent permitted by applicable law.

Section 15: This Ordinance shall be in full force and effect ten (10) days from and after its passage, approval, and publication in pamphlet form in the manner provided by law.

PASSED AND APPROVED by the City Council of Rolling Meadows, Cook County, Illinois this 22nd day of October, 2024.

AYES: Reyez, Koehler, McHale, Budmats, O'Brien, Vinezeano, Boucher

NAYS: 0

ABSENT: 0



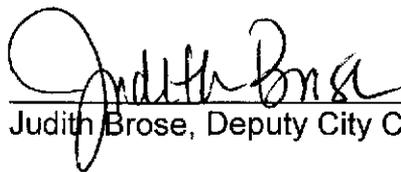
Lara Sanoica, Mayor

ATTEST:



Judith Brose, Deputy City Clerk

Published this 25th day of October, 2024.



Judith Brose, Deputy City Clerk