



ORDINANCE NO. 12-06-05C

AN ORDINANCE REGULATING GARBAGE, TRASH, AND DEBRIS

WHEREAS, the Mayor and Alderman of the City of Orient, Franklin County, Illinois, find sufficient urgency exists that this Ordinance should take effect immediately.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Alderman of the City of Orient, Franklin County, Illinois, as follows:

SECTION 1. Accumulation prohibited.

No person shall permit garbage, trash or debris to accumulate upon or about their property. This prohibition includes an occupant of property that is owned by another person.

SECTION 2. Notice to person.

The Mayor with majority of Council approval or Code Officer may issue written notice for the removal of garbage, trash, or debris. Such garbage, trash or debris shall be removed by the owner or occupant within **ten (10) days** from the date of notice.

SECTION 3. Service of notice.

Service of notice provided for herein may be effected by handing of the notice to the owner, occupant, or any member of the household of the age of **fifteen (15) years** or older, found on the premises, or by mailing such notice to the last known address of the owner. In the event the owner's address cannot be obtained, and the premises are unoccupied, notice may be given by posting on the property. In the event the premises are used as a business, service may be obtained by handing the notice to any employee or agent of the business owner.

SECTION 4. Failure to comply with notice.

If the owner or occupant fails to comply with the requirements specified in the notice within **ten (10) days** of the date of notice, the City may disconnect the water service to the premises, and post the premises "Occupancy Prohibited". Prior to disconnection of the water service, the owner shall be given a second notice which complies with the service requirements set forth in Section 1-3-3, advising that the water will be disconnected on the **tenth (10th)** day following the notice should the garbage, trash, and debris not be removed.

SECTION 5. Removal of Garbage, Trash, Debris.

Upon the failure, neglect or refusal of any owner or occupant to properly dispose of garbage, trash and debris after written notice is provided, the Mayor or the Code Officer is hereby granted the authority to authorize the removal and disposal of the garbage, trash and debris by persons working under the direction of the City.

SECTION 6. Lien.

All costs incurred for the removal of the garbage, trash and debris by the City shall be forwarded to the owner of the property for the payment. In the event the bill is not paid within **thirty (30) days** of the date of the bill, a notice of lien for the costs and expenses incurred by the City shall be recorded in the Office of the Recorder for Franklin County, Illinois. The notice of lien shall include the following:

- a. A description of the property sufficient for identification.
- b. The amount of the cost and expenses incurred by the City for removing the garbage, trash, and debris.
- c. The date or dates the costs were incurred by the City. All Liens shall be filed within **sixty (60) days** of the date the cost were incurred.

SECTION 7. Payment.

Notice of the lien shall be mailed to the owner of the premises at the last known address, or to the person or entity which appear on the tax records in the Franklin County Assessor’s Office. Upon payment of the costs and expense incurred after filing of the lien, and costs of recording the lien and release of lien, the lien shall be released by the City by filing a release in the same manner as the lien.

SECTION 8. Foreclosure.

Property subject to a lien for unpaid charges may be subject to a foreclosure in the manner provided by law. Such foreclosure shall be in the name of the City.

SECTION 9. Definition.

The words “garbage”, “trash”, and “debris” shall be given their common dictionary meaning, and shall include broken toys, lawn mowers, other yard equipment, and household furnishings of any nature.

SECTION 10.

If any section, paragraph, subdivision, clause, sentence or provision of this Ordinance shall be adjudged by any court of competent jurisdiction to be invalid, such judgement shall not affect, impair, invalidate or nullify the remainder thereof, which remainder shall remain and continue in full force and effect.

SECTION 11.

All ordinance or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 12.

This Ordinance shall be in full force and effect immediately upon its passage and approval. Publication in pamphlet for is hereby authorized, as provided by law.

ADOPTED BY THE CITY COUNCIL OF THE CITY OF ORIENT, ILLINOIS

THIS _____ DAY OF _____, _____

APPROVED:

MAYOR, CITY OF ORIENT

ATTEST:

CITY CLERK