



CITY OF WASHINGTON, ILLINOIS

City Council Agenda Communication

Meeting Date: September 2, 2025 (First Reading Ordinance)
September 15, 2025 (Second Reading Ordinance)

Prepared By: Jon R. Oliphant, AICP, Planning & Development Director

Agenda Item: First and Second Reading Ordinances – Nuisance Abatement Costs Payment Timeline Reduction Code Amendment

Explanation: **NOTE:** This was mistakenly placed on the August 18 City Council agenda as a resolution instead of an ordinance. Therefore, it has been placed back on the agenda as a first reading ordinance. Section 36-8 of the City Code currently requires that a property owner or occupant be notified in writing of the cost incurred for a nuisance abatement. Such cost must be paid within 45 days of the notice date. If payment has not been received in that time, a lien will be recorded with the Tazewell County Recorder of Deeds shortly thereafter.

Occasionally, payment will not be received and a property will be sold prior to the intention to record the lien. In such cases, the City is not able to collect against the new property owner. At the recommendation of the City Attorney, attached is an ordinance that would reduce the payment period and therefore, the lien filing timeframe, from 45 days to seven days. The City Attorney and staff are hopeful that the adoption of this ordinance would help ensure that the City would eventually receive payment for charges incurred for the overwhelming majority of code enforcement cases.

Additionally, language has been included to allow for a \$50 administrative fee to be added to the abatement and recording costs in order to capture some of the staff time associated with nuisance violation cases that lead to the recording of a lien.

Fiscal Impact: While the City does collect the majority of abatement costs, either during the written notification period or at a later time during a property closing, there are some cases where the City does not receive payment. This code amendment is intended to reduce the likelihood of not receiving payment for the abatement costs and to better capture the financial cost of staff involvement.

Action Requested: Staff recommends approval of the attached ordinance. A first reading ordinance is scheduled for the September 2 City Council meeting and a second reading ordinance will be scheduled for the September 15 meeting.

ORDINANCE NO. _____

(Synopsis: Approval of this ordinance would reduce the amount of time to pay for nuisance abatement charges from 45 days to seven days and to allow for a \$50 administrative fee to offset costs associated with the filing of a lien.)

**AN ORDINANCE AMENDING SECTION 36-8 OF THE WASHINGTON CITY CODE
REGARDING THE TIMELINE FOR LIEN FILING AND
NUISANCE ABATEMENT COSTS**

WHEREAS, pursuant to Article 11 of the Illinois Municipal Code (65 ILCS 5/11-1-1, *et seq.*), and its home-rule authority, the City of Washington has the authority to define, prevent, and abate nuisances within the City; and

WHEREAS, Chapter 36 of the Washington City Code sets forth a procedure for the abatement of nuisances within the City, together with a procedure for cost recovery for uncured nuisance violations for which the City has had to undertake abatement; and

WHEREAS, the City Council desires and finds it to be in the best interests of the City to amend the City's cost recovery procedure for such nuisance abatement as set forth herein;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WASHINGTON, TAZEWELL COUNTY, ILLINOIS, AS FOLLOWS:

Section 1. The foregoing recitals shall be and are hereby incorporated as findings of fact as if said recitals were fully set forth herein.

Section 2. Chapter 36, Section 8 of the Code of Ordinances of the City of Washington is hereby amended as follows (additions are indicated by **bold underline**; deletions by ~~strikeout~~):

Sec. 36-8 - Penalty.

- (d) ~~Abatement costs; lien on property~~ **time for payment.** If the city corrects the nuisance violation or arranges for the violation to be corrected on its behalf, **the property owner or occupant shall be notified in writing of the costs incurred for the nuisance abatement, which such costs must be paid within seven (7) days of the notice date.** ~~a lien for the amount of time and expense involved in correcting the nuisance violation shall be imposed against the real estate where the violation occurred.~~

The hourly rate for abatement is \$50.00 per hour subject to a \$100.00 minimum regardless of whether the nuisance abatement is accomplished by city employees. Abatement costs taxable against the property owner and the property may also include the city's costs for materials and equipment required for abatement. Abatement charges constitute a lien on the premises.

- (e) ~~Notice of abatement costs; time for payment.~~ The property owner or occupant shall be notified in writing of the cost incurred for the nuisance abatement which must be paid within 45 ~~7~~ days of the notice date.
- ~~(e)(f)~~ *Filing of notice and claim of lien.* If the costs of abatement are not paid within the time period provided in this section, the clerk may file a notice of lien with the county recorder of deeds **for the costs of abatement, together with recording costs and a \$50 administrative fee.** The claim of lien statement shall contain a legal description of the premises, the expenses and costs incurred, the date of abatement, and a notice that the city claims a lien in this amount. Notice of such lien claim shall be mailed to the owner of the premises if the address is known.
- ~~(f)(g)~~ *Lien foreclosure.* Property subject to a lien under this section shall be sold for nonpayment of the amounts owed the city for abatement of the nuisance and the proceeds of such sale shall be applied to pay the charges after deducting costs, as is the case in the foreclosure of statutory liens. Such foreclosure shall be in equity in the name of the city.
- ~~(g)(h)~~ *Foreclosure procedure.* The city attorney shall institute foreclosure proceedings, at the direction of the city council in the name of the city, in any court having jurisdiction over such matter, against any property for which such nuisance abatement bill has remained unpaid for a period of 60 days after the filing of the notice of lien and for such service a reasonable attorney's fee shall be allowed against the owner of the premises in the foreclosure action.
- ~~(h)(i)~~ *Applicability of abatement remedies.* Prior to utilizing this section, the city must first follow the abatement procedure set forth in section 36-7.

Section 3. This Ordinance is hereby ordered to be published in pamphlet form by the City Clerk and said Clerk is ordered to keep at least three (3) copies hereof available for public inspection in the future and in accordance with the Illinois Municipal Code.

Section 4. This Ordinance is in addition to all other ordinances on the subject and shall be construed therewith except as to that part in direct conflict with any other ordinance, and in the event of such conflict, the provisions hereof shall govern.

Section 5. This Ordinance shall be in full force and effect from and after its passage, approval and publication in the manner provided by law.

**PASSED BY THE CITY COUNCIL OF THE CITY OF WASHINGTON,
TAZEWELL COUNTY, ILLINOIS, IN REGULAR AND PUBLIC SESSION THIS _____
DAY of _____, 2025.**

AYES: _____

NAYS: _____

APPROVED:

Mayor

ATTEST:

City Clerk