

CITY OF AURORA, ILLINOIS
ORDINANCE NO. _____
DATE OF PASSAGE _____

**AN ORDINANCE AMENDING CHAPTER 29, ARTICLE VII, ENTITLED
“CRIMINAL NUISANCE ABATEMENT”**

WHEREAS, the City of Aurora has a population of more than 25,000 persons and is, therefore, a home rule unit under subsection (a) of Section 6 of Article VII of the Illinois Constitution of 1970; and

WHEREAS, subject to said Section, a home rule unit may exercise any power and perform any function pertaining to its government and affairs for the protection of the public health, safety, morals and welfare; and

WHEREAS, in order to protect the health, safety and welfare of the citizens of the City of Aurora, it is desirable to amend the city’s ordinances to further refine and provide for the abatement of nuisance activities on private property in the City of Aurora.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Aurora, Illinois, as follows:

Section One: That Chapter 29, Article VII, entitled “Criminal Nuisance Abatement” be amended to add a new Section 29-125 declaring the findings of the City Council, and renumbering former Section 29-125 as Section 29-126, amending and renumbering certain other sections, and adding a new Section 29-129 entitled “Charge for nuisance services” as follows:

Sec. 29-125. Findings of the City Council.

The City Council hereby finds as follows:

- (1) The repeated commission of criminal offenses and violations of the City’s Municipal Code substantially annoys and injures the health, comfort, repose and safety of the public.

- (2) The failure of owners or managers of certain real property to control the activity occurring on their property causes repeated and substantial expenditures of public funds in order to enforce State, Federal and City laws upon or near their property. Among the property management practices that contribute to the existence of activities which disturb neighborhoods are the failure of owners or managers of real property to require tenants to obey laws as a condition of leases, the failure to enforce existing provisions of leases, the failure of owners or managers to respond to or take affirmative steps to address complaints by adjoining owners, and the overall tolerance by owners or managers of criminal activity on property by tenants or their guests, all of which substantially annoys and injures the health, comfort, repose and safety of the public.
- (3) The decline in or depression of surrounding property values and the expenditures of public funds results in part from the fact that certain property owners or managers fail to adequately manage and control their property.
- (4) The provisions of this article will assist the City in the long term to renew certain neighborhoods by lessening the expenditures of public funds, increasing property values, preserving the tranquility of neighborhoods, and deterring property owners and managers from adopting inadequate management practices.

Sec. 29-1256. Definitions.

* * * *

Nuisance activities means any of the following activities, behaviors, or conduct, as defined by federal, state or municipal statute and/or ordinance where a citation is given, an arrest is made or a violation has been documented:

* * * *

~~(14) Unlawful manufacture, sale, distribution, possession, or use of controlled substances.~~

(14) Disorderly conduct.

* * * *

(20) Criminal damage to property.

(21) Illegal consumption, sale or possession of alcohol.

(22) Theft.

(23) Interference with Public/Peace Officer.

(24) Harassment.

(25) Indecent exposure.

(26) Zoning violations.

(27) Loitering.

(28) Unlawful possession, sale, distribution or use of fireworks.

(29) Aiding and abetting.

(30) Conspiracy.

(31) Trespass.

(32) Drug paraphernalia.

(33) Violation of noise ordinance.

(34) Parking on the lawn.

- (35) Junk vehicles.
- (36) Unlicensed vehicles.
- (37) Occupancy violations.
- (38) Garbage, junk or trash violations.
- (39) Vandalism, graffiti.
- (40) Violations of any animal regulations.
- (41) Any violation of 720 ILCS.
- (42) Any violation of Chapter 29 of the Aurora Code of Ordinances.
- (43) Misdemeanor possession of cannabis.
- (44) Violation of 15 ILCS 235 illegal dumping

Aggravated nuisance activities means any of the following activities, behaviors, or conduct as defined by federal, state, or municipal statute and/or ordinance where a citation is given, an arrest is made or a violation has been documented:

- (1) Homicide.
- (2) Kidnapping.
- (3) Criminal housing management.
- (4) Possession of explosives or incendiary devices.
- (5) Any offense involving unlawful use of weapons.
- (6) Mob action.
- (7) Child Pornography.
- (8) Any controlled substance violation.
- (9) Felony production, sale, distribution or possession of cannabis.
- (10) Gang activity violations as described in the Street Gang Omnibus Prevention Act.

- (11) Unlawful contact with a gang member.
- (12) Violation of Methamphetamine Control and Community Protection Act.

Sec. 29-1267. Violations.

- (a) Any property on which nuisance activity occurs may be declared a nuisance property. No property shall be declared a nuisance property unless it is proven by a preponderance of the evidence that there has been two (2) or more instances of nuisance activity within a ~~six-month~~ one (1) year period of time arising out of or arising from the property.
- (b) Any property on which aggravated nuisance activity occurs may be declared an aggravated nuisance property. No property shall be declared an aggravated nuisance property unless it is proven by a preponderance of the evidence that there has been one (1) or more instances of aggravated nuisance activity within a one (1) year period of time.
- ~~(b)~~(c) Any person or person in charge who (1) encourages or permits a property to become a nuisance property as defined in sec. 29-1256; (2) allows a property to continue as a nuisance property; and (3) fails to implement reasonable and warranted measures, as specified by the police chief, shall be in violation of this ~~section~~ article.
- ~~(e)~~(d) Each day that a violation of this ~~section~~ article continues shall be considered a separate and distinct offense.

Sec. 29-1278. Procedure.

- (a) When the chief of police receives ~~two (2)~~ one (1) or more ~~police reports~~ documenting the occurrences of nuisance activities on a property, he may, at his discretion, independently review such reports to determine whether they describe the

activities, behaviors, or conduct enumerated under sec. 29-125(b)6. Upon such a finding, the chief may, at his discretion, do the following:

* * * *

(b) When the chief of police receives a ~~police report~~ documentation of the occurrence of additional nuisance activity on the same property after notice has been given, as specified in sec. 29-127(a)(1)8, the chief, at his discretion, may do the following:

(1) Notify the person in charge, in writing, that the property has been determined to be a nuisance property. If the chief sends such notice, the notice shall contain the following information:

* * * *

Sec. 29-1289. Burden of proof; procedure; fines and remedies.

* * * *

(e) If the hearing officer makes a finding that a property was, or is, a nuisance property, he may impose any or all of the following remedies:

* * * *

(2) Order the person in charge/owner/occupant to take reasonable, timely and lawful measures to abate the nuisance activity, including specifying deadlines for the same, and in furtherance thereof, may order a period of continued compliance wherein the matter will be returned before the hearing officer to update him/her as to the continued nuisance-free status of the property for a period of up to one year.

(3) Suspend/revoke the rental license for the rental unit(s) involved in the nuisance or aggravated nuisance activity if such property is rented or leased. The hearing officer ~~shall~~ may order that the property said rental unit(s) be closed and secured against all unauthorized

access, use, and occupancy for a period of ~~not less than sixty (60) days, nor more than up to~~ one (1) year. If the hearing officer suspends or revokes the rental license of a property for the rental unit(s) involved in the nuisance activity, the person in charge, or the owner/occupant of the ~~property~~ rental unit(s) if those persons are different than the person in charge, shall receive written notice from the law department that ~~his~~ the license to operate said rental property or the right to lease said unit(s) property within the corporate limits of the city is suspended or revoked, as the case may be. The suspension or revocation of any license, or any right to lease unit(s), shall not release or discharge the license holder from paying fees or fines under this Code, nor shall such license holder be released from criminal prosecution or further civil proceedings.

(4) Suspend or revoke the occupancy permit that has been issued by the city for the establishment, business, club or any commercial entity that currently occupies the property. The hearing officer ~~shall~~ may order that the property be closed and secured against all unauthorized access, use, and occupancy for a period of ~~not less than sixty (60) days, nor more than up to~~ one (1) year.

(5) Close any business; office; commercial warehouse; manufacturing, industrial, office or research operation, plant, or any other commercial property, entity, or use located on or in the nuisance property. The hearing officer ~~shall~~ may order that the property be closed and secured against all unauthorized access, use, and occupancy for a period of ~~not less than sixty (60) days, nor more than up to~~ one (1) year.

(6) Order that a vacant or unused nuisance property of whatever use or a vacant lot which is a nuisance property, whether residential or commercial, be closed and secured against all unauthorized access, use, and occupancy. The hearing officer ~~shall~~ may order that

the property be closed and secured against all unauthorized access, use, and occupancy for a period of ~~not less than sixty (60) days, nor more than~~ up to one (1) year. The hearing officer may further require that the nuisance property be fenced and/or gated to physically restrict access. He may also require the hiring of security personnel to assure there is no unauthorized access, use, and occupancy.

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Sec. 29-130. Charge for nuisance services.

The City Council finds that any premises that has generated more calls for police service for nuisance activities after being declared a nuisance property has received more than the level of general and adequate police service and has placed an undue and inappropriate burden on the taxpayers of the city. The City Council therefore directs the Chief of Police to charge the owners of such premises the costs associated with abating nuisance violations as defined herein at such premises for a period of one (1) year, after which, charging for the services will cease unless the Council shall reconsiders the facts and determines whether to continue to charge for such services or ~~discontinue such charge.~~

Sec. 29-131. Retaliation prohibited.

It shall be unlawful for an owner to terminate the lease agreement of a tenant or otherwise retaliate against any tenant because that tenant complained or otherwise notified the police department about nuisance activities at the owner's premises. Such eviction or retaliation shall be enforceable as a violation of this article.

Section Two: That this ordinance shall be in full force and effect, and shall be controlling immediately upon its passage and approval.

Section Three: That all ordinances or parts of ordinances thereof in conflict herewith are hereby repealed to the extent of any such conflict.

Section Four: That any Section or provision of this ordinance that is construed to be invalid or void shall not affect the remaining Sections or provisions which shall remain in full force and effect thereafter.

PASSED by the City Council of the City of Aurora, Illinois, on _____.

AYES _____ NAYS _____

APPROVED AND SIGNED by the Mayor of the City of Aurora, Illinois, on _____.

Mayor

ATTEST:

City Clerk

City of Aurora
Law Department
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Aurora, IL 60507
(630) 844-4777