VILLAGE OF LINCOLNWOOD

ORDINANCE NO. 2008-2820

AN ORDINANCE AMENDING CHAPTER 13, ARTICLE 3
(SANITARY AND STORM SEWERS)
OF THE MUNICIPAL CODE OF LINCOLNWOOD

ADOPTED BY THE
PRESIDENT AND BOARD OF TRUSTEES
OF THE VILLAGE OF LINCOLNWOOD
THIS 16TH DAY OF OCTOBER, 2008.
ORDINANCE NO. 2008-2820

AN ORDINANCE AMENDING CHAPTER 13, ARTICLE 3
(SANITARY AND STORM SEWERS)
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WHEREAS, the Village of Lincolnwood is a home rule municipal corporation in accordance with Article VII, Section 6(a) of the Constitution of the State of Illinois of 1970; and

WHEREAS, the Village has the authority to adopt ordinances and to promulgate rules and regulations that pertain to its government and affairs that affect the purchasing powers of goods and services; and

WHEREAS, the President and the Board of Trustees desire to amend Article 3 of Chapter 13 of the Municipal Code of Lincolnwood to update and clarify its provisions regarding connections to, and discharges into, the Village sewer systems;

NOW, THEREFORE, BE IT ORDAINED by the President and the Board of Trustees of the Village of Lincolnwood, as follows:

SECTION 1. The facts and statements contained in the preamble to this Ordinance are found to be true and correct and are hereby adopted as part of this Ordinance.

SECTION 2. Section 1 of Article 3 of Chapter 13 of the Municipal Code of Lincolnwood shall be amended in its entirety, and shall read as follows:

"13-3-1: USE OF PUBLIC SEWERS REQUIRED;

APPLICABILITY;

DEFINITIONS:

(A) Applicability.

(1) It shall be unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner upon public or private property within the municipality or in any area under the jurisdiction of the municipality, any human or animal excrement, garbage, or other objectionable waste.

(2) This article shall apply to all water entering the storm drain system generated on any developed and undeveloped lands unless explicitly exempted by the Village."
(3) All buildings, structures and premises located within the municipality shall be connected to the sanitary sewer system of the municipality.

(B) Definitions.

For the purposes of this Article, the following terms shall have the meanings set forth in this section:

(1) Authorized Enforcement Agency. Employees or designees of the director of the Village.

(2) Best Management Practices (BMPs). Schedules of activities, prohibitions of practices, general good house keeping practices, pollution prevention and educational practices, maintenance procedures, and other management practices to prevent or reduce the discharge of pollutants directly or indirectly to storm water, receiving waters, or storm water conveyance systems. BMPs also include treatment practices, operating procedures, and practices to control site runoff, spillage or leaks, sludge or water disposal, or drainage from raw materials storage.


(4) Construction Activity. Activities subject to NPDES Construction Permits. These include construction projects resulting in land disturbance of one acre or more. Such activities include but are not limited to clearing and grubbing, grading, excavating, and demolition.

(5) Hazardous Materials. Any material, including any substance, waste, or combination thereof, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause, or significantly contribute to, a substantial present or potential hazard to human health, safety, property, or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

(6) Illegal Discharge. Any direct or indirect non-storm water discharge to the storm drain system, except as exempted in Section 10 of this Article.

(7) Illicit Connections. An illicit connection is defined as either of the following:
(a) Any drain or conveyance, whether on the surface or subsurface, that allows an illegal discharge to enter the storm drain system including but not limited to any conveyances that allow any non-storm water discharge including sewage, process wastewater, and wash water to enter the storm drain system and any connections to the storm drain system from indoor drains and sinks, regardless of whether said drain or connection had been previously allowed, permitted, or approved by an authorized enforcement agency or,

(b) Any drain or conveyance connected from a commercial or industrial land use to the storm drain system that has not been documented in plans, maps, or equivalent records and approved by an authorized enforcement agency.

(8) Industrial Activity. Activities subject to NPDES Industrial Storm Water Permits as defined in 40 CFR, Section 122.26 (b) (14).

(9) Municipal Separate Storm Sewer System (MS4). The system of conveyances (including sidewalks, roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, manmade channels, or storm drains) owned and operated by the Village and designed or used for collecting or conveying storm water, and that is not used for collecting or conveying sewage.

(10) National Pollutant Discharge Elimination System (NPDES) Storm Water Discharge Permit. A permit issued by EPA (or by a State under authority delegated pursuant to 33 USC §1342(b)) that authorizes the discharge of pollutants to waters of the United States, whether the permit is applicable on an individual, group, or general area-wide basis.

(11) Non-Storm Water Discharge. Any discharge to the storm drain system that is not composed entirely of storm water.

(12) Person. Any individual, association, organization, partnership, firm, corporation or other entity recognized by law and acting as either the owner or as the owner's agent.

(13) Pollutant. Anything which causes or contributes to pollution. Pollutants may include, but are not limited to: paints, varnishes, and solvents; oil and other automotive fluids; non-hazardous liquid and solid wastes and yard wastes; refuse, rubbish, garbage, litter, or other discarded or abandoned objects, ordinances, and accumulations, so that same may cause or contribute to pollution;
floatables; pesticides, herbicides, and fertilizers; hazardous substances and wastes; sewage, fecal coliform and pathogens; dissolved and particulate metals; animal wastes; wastes and residues that result from constructing a building or structure; and noxious or offensive matter of any kind.

(14) Premises. Any building, lot, parcel of land, or portion of land whether improved or unimproved including adjacent sidewalks and parking strips.

(15) Storm Drainage System. Publicly-owned facilities by which storm water is collected and/or conveyed, including but not limited to any roads with drainage systems, municipal streets, gutters, curbs, inlets, piped storm drains, pumping facilities, retention and detention basins, natural and human-made or altered drainage channels, reservoirs, and other drainage structures.

(16) Storm Water. Any surface flow, runoff, and drainage consisting entirely of water from any form of natural precipitation, and resulting from such precipitation.

(17) Storm Water Management Plan. A document which describes the Best Management Practices and activities to be implemented by a person or business to identify sources of pollution or contamination at a site and the actions to eliminate or reduce pollutant discharges to Storm Water, Storm Water Conveyance Systems, and/or Receiving Waters to the Maximum Extent Practicable.

(18) Wastewater. Any water or other liquid, other than uncontaminated storm water, discharged from a facility."

SECTION 3. Section 3 of Article 3 of Chapter 13 of the Municipal Code of Lincolnwood shall be amended in its entirety, and shall read as follows:

"13-3-3: SEPARATE SEWERS REQUIRED FOR INDUSTRIAL USE:

(A) All buildings, structures or premises zoned for industrial use shall be connected to separate sewers for storm water and sanitary sewage.

(B) Without limitation of the general authority of the Village to amend this Code, in the event that the Village determines that non-domestic discharges from industrial uses tributary to the combined sewer outflow are significantly impacting water quality in downstream areas, the village may, but shall not be obligated to, amend this Article 3 to control pollutants in those discharges."
SECTION 4. Section 4 of Article 3 of Chapter 13 of the Municipal Code of Lincolnwood shall be amended in its entirety, and shall read as follows:

"13-3-4: STORM SEWERS:

(A) No storm water drainage system draining vacant lands of one acre or more in area within the municipality shall be connected to any storm water sewers or combination storm water and sanitary sewers of the municipality until such time as the storm water facilities of the municipality are expanded or otherwise made adequate to serve such vacant tracts without endangering the public health, safety and welfare of the municipality and the residents thereof.

(B) Upon installation of a new storm sewer in an area served by a combined sanitary and storm sewer system, all inflow sources that exist in immediate proximity of the new storm sewer shall be: (1) connected to the new storm sewer within one year of completion thereof; and (2) completely disconnected from the combined sewer system. All remaining connections to the combined sewer system shall be permanently abandoned to prevent any future connection of inflow sources."

SECTION 5. Section 6 of Article 3 of Chapter 13 of the Municipal Code of Lincolnwood shall be amended in its entirety, and shall read as follows:

"13-3-6: DOWNSPOUTS:

(A) Downspouts, rainwater leaders, cisterns and overflows shall not be connected to any sanitary or combined sewer within the municipality.

(B) Downspouts and rainwater leaders may be connected to separate storm sewers upon the prior written approval of the Building Commissioner."

SECTION 6. Article 3 of Chapter 13 of the Municipal Code of Lincolnwood shall be amended further to add a new Section 10, which Section 10 shall read as follows:

"13-3-10: ILLICIT DISCHARGES:

(A) The commencement, conduct or continuance of any illegal discharge to the storm drain system is prohibited except as described as follows:

(1) The following discharges are exempt from discharge prohibitions established by this Article: water line flushing, landscape irrigation, diverted stream flows, rising ground waters, uncontaminated ground water infiltration, uncontaminated pumped ground water, discharges from potable water sources, foundation drains, air conditioning condensation, irrigation water, springs,
water from crawl space pumps, footing drains, lawn watering, individual residential car washing, flows from riparian habitats and wetlands, de-chlorinated swimming pool discharges, and street wash water.

(2) Discharges or flow from firefighting, and other discharges specified in writing by the Village as being necessary to protect public health and safety.

(3) Discharges associated with dye testing, however this activity requires a verbal notification to the Village prior to the time of the test.

(4) The prohibition shall not apply to any non-storm water discharge permitted under an NPDES permit, waiver, or waste discharge order issued to the discharger and administered under the authority of the United States Environmental Protection Agency (EPA), provided that the discharger is in full compliance with all requirements of the permit, waiver, or order and other applicable laws and regulations, and provided that written approval has been granted for any discharge to the storm drain system.

(B) Illicit connections are prohibited as follows:

(1) The construction, use, maintenance or continued existence of illicit connections to the storm drain system is prohibited.

(2) This prohibition expressly includes, without limitation, illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.

(3) A person is considered to be in violation of this Article if the person connects a line conveying sewage to the MS4, or allows such a connection to continue.

(4) Improper connections in violation of this Article must be disconnected and redirected, if necessary, to an approved on-site wastewater management system or the sanitary sewer system upon approval of the Village.

(C) Any drain or conveyance that has not been documented in plans, maps or equivalent, and which may be connected to the storm sewer system, shall be located by the owner or occupant of that property upon receipt of written notice of violation from the Village requiring that such locating be
completed. Such notice will specify a reasonable time period within which the location of the drain or conveyance is to be determined, that the drain or conveyance be identified as storm sewer, sanitary sewer or other, and that the outfall location or point of connection to the storm sewer system, sanitary sewer system or other discharge point be identified. Results of these investigations are to be documented and provided to the Village.”

SECTION 7. Article 3 of Chapter 13 of the Municipal Code of Lincolnwood shall be amended further to add a new Section 11, which Section 11 shall read as follows:

"13-3-11: NEW CONSTRUCTION AND DEVELOPMENT:

(A) Any new construction or development which is tributary to an existing or proposed combined sewer system shall be designed to minimize and/or delay inflow contribution to the combined sewer system. Techniques, methods, or devices that delay or restrict inflow into the sewer system shall be incorporated into any proposed construction and shall be approved by the Village Engineer prior to installation. All restriction or delaying methods shall be designed in accordance with all storm water management requirements and policies of the Metropolitan Water Reclamation District of Greater Chicago.

(B) All new buildings shall include a domestic waste connection distinctly separate from the building inflow connection in order to facilitate a disconnection to the combined sewer system upon the availability of a connection to a storm sewer. The size, depth, and location of each building connection shall be recorded on the final plat of subdivision. Any connection that is not in service shall be properly capped and sealed to prevent any inflow from entering the system.

(C) Any person subject to an industrial or construction activity NPDES storm water discharge permit shall comply with all provisions of such permit. Proof of compliance with said permit may be required in a form acceptable to the Village prior to the allowing of discharges to the MS4.

(D) The operator of a facility, including construction sites, required to have an NPDES permit to discharge storm water associated with industrial activity shall submit a copy of the Notice of Intent (NOI) to the Village at the same time the operator submits the original NOI to the EPA as applicable.

(E) The copy of the NOI may be delivered to the Village either inperson or by mailing it to:

Village of Lincolnwood - Department of Public Works
Notice of Intent to Discharge Storm Water
6900 N. Lincoln Ave.
Lincolnwood, IL 60712

(F) A person commits a violation if the person operates a facility that is discharging storm water associated with industrial activity without having submitted a copy of the required Notice of Intent to the Village.

SECTION 8. Article 3 of Chapter 13 of the Municipal Code of Lincolnwood shall be amended further to add a new Section 12, which Section 12 shall read as follows:

"13-3-12: WATERCOURSE PROTECTION:

Every person owning property through which a watercourse passes, or such person's lessee, shall keep and maintain that part of the watercourse within the property free of trash, debris, excessive vegetation, and other obstacles that would pollute, contaminate, or significantly retard the flow of water through the watercourse. In addition, the owner or lessee shall maintain existing privately owned structures within or adjacent to a watercourse, so that such structures will not become a hazard to the use, function, or physical integrity of the watercourse."

SECTION 9. Article 3 of Chapter 13 of the Municipal Code of Lincolnwood shall be amended further to add a new Section 13, which Section 13 shall read as follows:

"13-3-13: COMPLIANCE MONITORING:

The Village shall be permitted to enter and inspect facilities subject to regulation under this Article as often as may be necessary to determine compliance with this Article.

(A) If a discharger has security measures in force which require proper identification and clearance before entry into its premises, the discharger shall make the necessary arrangements to allow access to representatives of the Village.

(B) Facility operators shall allow the Village ready access to all parts of the premises for the purposes of inspection, sampling, examination and copying of records that must be kept under the conditions of an NPDES permit to discharge storm water, and the performance of any additional duties as defined by state and federal law.

(C) The Village may set up on any permitted facility such devices as are necessary in the opinion of the Village to conduct monitoring and/or sampling of the facility's storm water discharge.
(D) The Village may require the discharger to install monitoring equipment as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the discharger at its own expense. All devices used to measure storm water flow and quality shall be calibrated to ensure their accuracy.

(E) Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the operator at the written or oral request of the Village and shall not be replaced. The costs of clearing such access shall be borne by the operator.

(F) Unreasonable delays in allowing the Village access to a permitted facility is a violation of a storm water discharge permit and of this Article. A person who is the operator of a facility with an NPDES permit to discharge storm water associated with industrial activity violates this Article if the person denies the Village reasonable access to the permitted facility for the purpose of conducting any activity authorized or required by this Article."

SECTION 10. Article 3 of Chapter 13 of the Municipal Code of Lincolnwood shall be amended further to add a new Section 14, which Section 14 shall read as follows:

"13-3-14: REQUIREMENT TO PREVENT, CONTROL, AND REDUCE STORM WATER POLLUTANTS BY THE USE OF BEST MANAGEMENT PRACTICES:

(A) The Village will adopt requirements identifying Best Management Practices for any activity, operation, or facility which may cause or contribute to pollution or contamination of storm water, the storm drain system, or waters of the United States. The owner or operator of such activity, operation, or facility shall provide, at their own expense, reasonable protection from accidental discharge of prohibited materials or other wastes into the municipal storm drain system or watercourses through the use of these structural and non-structural BMPs.

(B) Further, any person responsible for a property or premise that is, or may be, the source of an illicit discharge, may be required to implement, at said person's expense, additional structural and nonstructural BMPs to prevent the further discharge of pollutants to the MS4. Compliance with all terms and conditions of a valid NPDES permit authorizing the discharge of storm water associated with industrial activity, to the extent practicable, shall be deemed compliance with the provisions of this section. These BMPs shall be part of a storm water management plan (SWMP) as necessary for compliance with requirements of the NPDES permit."
SECTION 11. Article 3 of Chapter 13 of the Municipal Code of Lincolnwood shall be amended further to add a new Section 15, which Section 15 shall read as follows:

"3-3-15: NOTIFICATION OF SPILLS:

Notwithstanding other requirements of law, as soon as any person responsible for a facility or operation, or responsible for emergency response for a facility or operation has information of any known or suspected release of materials which are resulting or may result in illegal discharges or pollutants discharging into storm water, the storm drain system, or waters of the United States, said person shall take all necessary steps to ensure the discovery, containment, and cleanup of such release. In the event of such a release of hazardous materials said person shall immediately notify emergency response agencies of the occurrence via emergency dispatch services. In the event of a release of non-hazardous materials, said person shall notify the Village in person or by phone or facsimile no later than the next business day. Notifications in person or by phone shall be confirmed by written notice addressed and mailed to the Village within 7 business days of the phone notice. If the discharge of prohibited materials emanates from a commercial or industrial establishment, the owner or operator of such establishment shall also retain an on-site written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least 3 years. Failure to provide notification of a release as provided above is a violation of this Article."

SECTION 12. Article 3 of Chapter 13 of the Municipal Code of Lincolnwood shall be amended further to add a new Section 16, which Section 16 shall read as follows:

"3-13-16: VIOLATIONS, ENFORCEMENT, AND PENALTIES:

(A) It shall be unlawful for any person to violate any provision or fail to comply with any of the requirements of this Article. Any person who has violated or continues to violate the provisions of this Article, may be subject to the enforcement actions outlined in this section or may be restrained by injunction or otherwise abated in a manner provided by law. In the event the violation constitutes an immediate danger to public health or public safety, the Village is authorized to enter upon the subject private property, without giving prior notice, to take any and all measures necessary to abate the violation and/or restore the property. The Village is authorized to seek costs of the abatement as outlined in Section 19.

(B) When the Village finds that any person has violated, or continues to violate, any provision of this Article, or any order issued hereunder, the Village may serve upon that person a written Warning Notice, specifying the particular violation believed to have occurred and requesting the discharger to immediately investigate the matter and to seek a resolution whereby any offending discharge will cease.
(C) Investigation and/or resolution of the matter in response to the Warning Notice in no way relieves the alleged violator of liability for any violations occurring before or after receipt of the Warning Notice. Nothing in this section shall limit the authority of the Village to take any action, including emergency action or any other enforcement action, without first issuing a Warning Notice.

(D) Whenever the Village finds that a person has violated a prohibition or failed to meet a requirement of this Article, the Village may order compliance by written notice of violation to the responsible person. The Notice of Violation shall contain all of the following:

(1) The name and address of the alleged violator;

(2) The address when available or a description of the building, structure or land upon which the violation is occurring, or has occurred;

(3) A statement specifying the nature of the violation;

(4) A description of the remedial measures necessary to restore compliance with this Article and a time schedule for the completion of such remedial action;

(5) A statement of the penalty or penalties that shall or may be assessed against the person to whom the notice of violation is directed;

(6) A statement that the determination of violation may be appealed to the Village by filing a written notice of appeal within 30 days of service of notice of violation; and

(7) A statement specifying that, should the violator fail to restore compliance within the established time schedule, the work will be done by a designated governmental agency or a contractor and the expense thereof shall be charged to the violator.

(E) Such notice may require any of the following, without limitation:

(1) The performance of monitoring, analyses, and reporting;

(2) The elimination of illicit connections or discharges;

(3) That violating discharges, practices, or operations shall cease and desist;
(4) The abatement or remediation of storm water pollution or contamination hazards and the restoration of any affected property

(5) Payment of a fine to cover administrative and remediation costs; and

(6) The implementation of source control or treatment BMPs.

(F) In lieu of enforcement proceedings, penalties, and remedies authorized by this Article, the Village may impose upon a violator alternative compensatory actions, including but not limited to, storm drain stenciling, attendance at compliance workshops, and creek cleanup."

SECTION 13. Article 3 of Chapter 13 of the Municipal Code of Lincolnwood shall be amended further to add a new Section 17, which Section 17 shall read as follows:

"13-3-17: SUSPENSION OF MS4 ACCESS:

(A) When the Village finds that any person has violated, or continues to violate, any provision of this Article, or any order issued hereunder, or that the person’s past violations are likely to recur, and that the person’s violation(s) has (have) caused or contributed to an actual or threatened discharge to the MS4 or waters of the United States which reasonably appears to present an imminent or substantial endangerment to the health or welfare of persons or to the environment, the Village may issue an order to the violator directing it immediately to cease and desist all such violations and directing the violator to:

(1) Immediately comply with all Article requirements; and

(2) Take such appropriate preventive action as may be needed to properly address a continuing or threatened violation, including immediately halting operations and/or terminating the discharge. Any person notified of an emergency order directed to it under this Subsection shall immediately comply and stop or eliminate its endangering discharge. In the event of a discharger’s failure to immediately comply voluntarily with the emergency order, the Village may take such steps as deemed necessary to prevent or minimize harm to the MS4 or waters of the United States, and/or endangerment to persons or to the environment, including immediate termination of a facility’s water supply, sewer connection, or other municipal utility services. The Village may allow the person to recommence its discharge when it has demonstrated to the satisfaction of the Village that the period of endangerment has passed, unless further termination proceedings are initiated against the discharger under this Article. A person that
is responsible, in whole or in part, for any discharge presenting imminent endangerment shall submit a detailed written statement, describing the causes of the harmful discharge and the measures taken to prevent any future occurrence, to the Village within 7 days of receipt of the emergency order. Issuance of an emergency cease and desist order shall not be a bar against, or a pre-requisite for, taking any other action against the violator.

(B) The Village may, without prior notice, suspend MS4 discharge access to a person when such suspension is necessary to stop an actual or threatened discharge which presents or may present imminent and substantial danger to the environment, or to the health or welfare of persons, or to the MS4 or waters of the United States. If the violator fails to comply with a suspension order issued in an emergency, the Village may take such steps as deemed necessary to prevent or minimize damage to the MS4 or waters of the United States, or to minimize danger to persons.

(C) Any person discharging to the MS4 in violation of this Article may have their MS4 access terminated if such termination would abate or reduce an illicit discharge. The Village will notify a violator of the proposed termination of its MS4 access. The violator may petition the Village for a reconsideration and hearing.

(D) A person violates this Article if the person reinstates MS4 access to premises terminated pursuant to this Section, without the prior approval of the Village."

SECTION 14. Article 3 of Chapter 13 of the Municipal Code of Lincolnwood shall be amended further to add a new Section 18, which Section 18 shall read as follows:

"13-3-18: CIVIL PENALTIES:

(A) In the event the alleged violator fails to take the remedial measures set forth in the notice of violation or otherwise fails to cure the violations described therein within 30 days, or such greater period as the Village shall deem appropriate, after the Village has taken one or more of the actions described above, the Village may impose a penalty as provided in Chapter 1, Article 1, Section 1A of this Code.

(B) Any person that has violated or continues to violate this Article shall be liable to criminal prosecution to the fullest extent of the law. Each act of violation and each day upon which any violation shall occur shall constitute a separate offense."

SECTION 15. Article 3 of Chapter 13 of the Municipal Code of Lincolnwood shall be amended further to add a new Section 19, which Section 19 shall read as follows:
"13-3-19: APPEAL OF NOTICE OF VIOLATION:

Any person receiving a Notice of Violation may appeal the determination of the Village. The notice of appeal must be received within 30 days from the date of the Notice of Violation. Hearing on the appeal before the appropriate authority or his/her designee shall take place within 30 days from the date of receipt of the notice of appeal. The decision of the municipal authority or their designee shall be final."

SECTION 16. Article 3 of Chapter 13 of the Municipal Code of Lincolnwood shall be amended further to add a new Section 20, which Section 20 shall read as follows:

"13-3-20: ENFORCEMENT MEASURES AFTER APPEAL:

If the violation has not been corrected pursuant to the requirements set forth in the Notice of Violation, or, in the event of an appeal, within 30 days of the decision of the municipal authority upholding the decision of the Village, then representatives of the Village shall enter upon the subject private property and are authorized to take any and all measures necessary to abate the violation and/or restore the property. It shall be unlawful for any person, owner, agent or person in possession of any premises to refuse to allow the government agency or designated contractor to enter upon the premises for the purposes set forth above."

SECTION 17. Article 3 of Chapter 13 of the Municipal Code of Lincolnwood shall be amended further to add a new Section 21, which Section 21 shall read as follows:

"13-3-21: COST OF ABATEMENT OF THE VIOLATION:

Within 30 days after abatement of the violation, the owner of the property will be notified of the cost of abatement, including administrative costs. The property owner may file a written protest objecting to the amount of the assessment within 10 days. If the amount due is not paid within a timely manner as determined by the decision of the municipal authority or by the expiration of the time in which to file an appeal, the charges shall become a special assessment against the property and shall constitute a lien on the property for the amount of the assessment.

SECTION 18. Article 3 of Chapter 13 of the Municipal Code of Lincolnwood shall be amended further to add a new Section 22, which Section 22 shall read as follows:

"13-3-22: VIOLATIONS DEEMED A PUBLIC NUISANCE:

In addition to the enforcement processes and penalties provided, any condition caused or permitted to exist in violation of any of the provisions of this Article is a threat to public health, safety, and welfare, and is declared and deemed a nuisance, and may be summarily abated or restored at the violator's expense,
and/or a civil action to abate, enjoin, or otherwise compel the cessation of such
nuisance may be taken."

SECTION 19. 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 20. This Ordinance shall be in full force and effect from and after its passage,
approval, and publication in the manner provided by law.

PASSED this 16th day of October, 2008
AYES: Trustees Patel, Sprogis-Marohn, Elster, Lebovits, Heidtke, Froman
NAYS: None
APPROVED this 16th day of October, 2008

Gerald C. Turry, President
Village of Lincolnwood, Cook County, Illinois

ATTESTED and FILED in my office the
16th day of October, 2008

Beryl Herman, Village Clerk
Village of Lincolnwood, Cook County, Illinois

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