

**VILLAGE OF BUCKNER
STATE OF ILLINOIS**

ORDINANCE NO. 26-01-02

**AN ORDINANCE REGULATING AND MARKING GARBAGE AND DEBRIS AS A
NUISANCE WITHIN VILLAGE LIMITS**

**PASSED BY THE BOARD OF TRUSTEES
OF THE VILLAGE OF BUCKNER
ON THIS 15th DAY OF JANUARY, 2026**

**Published in pamphlet form by authority of the
Board of Trustees of the Village of Buckner,
Franklin County, Illinois**

This 15th day of January, 2026.

ORDINANCE NO. 26 - 01 - 02

AN ORDINANCE REGULATING AND MARKING GARBAGE AND DEBRIS AS A NUISANCE WITHIN VILLAGE LIMITS

WHEREAS, the Illinois Municipal Code, 65 ILCS 5/1-2-1, provides that the corporate authorities of each municipality may pass all ordinances and make all rules and regulations proper or necessary, to carry into effect the powers granted to municipalities; and

WHEREAS, 65 ILCS 5/11-60-2 of the Illinois Municipal Code provides that the corporate authorities of each municipality may define, prevent, and abate nuisances; and

WHEREAS, 65 ILCS 5/11-20-13 of the Illinois Municipal Code authorizes the corporate authorities of each municipality to provide for the removal of garbage, debris, and graffiti on private property; and

WHEREAS, the Board of Trustees of the Village of Buckner believes it to be in the best interests of the Village, its residents, and the public-at-large, that Chapter 02 be added to the Village Code of Ordinances to ensure adequate due process is provided by the Village in its enforcement actions.

NOW, THEREFORE, BE IT ORDAINED by the Board of Trustees of the Village of Buckner, Franklin County, Illinois, as follows:

SECTION 1: Chapter 02 (hereinafter "Chapter") of the Code of Ordinances of the Village of Buckner (hereinafter "Village"), is hereby added to with the following provisions:

CHAPTER 02

GARBAGE AND DEBRIS

DEFINITIONS.

Garbage and Debris, as defined in this Chapter and utilized throughout these Sections, shall include, but is not limited to, any and all waste matter, whether reusable or not, which is offensive to the public health, safety or to the aesthetics of the neighborhood and the Village's residents, which is not within a closed building, and is specifically intended to include, but not be limited to, demolition materials, food and industrial processing waste, garden trash, land clearing wastes, mixed refuse, noncombustible refuse, rubbish and trash, refrigerators, stoves, washers, dryers, and/or other unused and inoperable appliances. The Village, in its sole discretion, shall have the authority to determine what constitutes garbage and debris.

ACCUMULATION PROHIBITED.

No person shall permit any garbage and debris to accumulate on his or her premises or private property. It is hereby declared to be a nuisance and it shall be unlawful for the owner or occupant of real estate to refuse or neglect to remove the garbage and debris.

REMOVAL OF GARBAGE AND DEBRIS; NOTICE; HEARING.

(A) Removal Required: Any owner or occupant of private property that has been declared a nuisance as a result of the accumulation of garbage and debris, in violation of the Village's Code of Ordinances entitled "Garbage and Debris," must remove the garbage and debris from his or her property within fourteen (14) days of having received notice from the Village President and/or his or her designees.

(B) Notice: The Village President and/or his or her designees, shall issue a written notice to the owner and/or occupant of private property by certified or registered mail, restricted delivery, return receipt requested, or notice may be personally served on the owner and/or current occupant of the property. Said notice shall contain substantially the following information:

- 1) Street address and legal description of the property sufficient for identification of the property;
- 2) A statement that the property is a nuisance and in violation of the Village's Code of Ordinances;
- 3) A statement that the property must be cleaned up within fourteen (14) days from the date of receipt of the notice;
- 4) A list of the garbage and debris present on the property that the owner and/or occupant needs to remove in order to become compliant with the Village's Code;
- 5) A statement that the Village intends to abate the nuisance on its own accord and record a lien for its removal costs, if owner and/or occupant fails to remove the garbage and debris within the time prescribed; and
- 6) A hearing date, time and location on which the Village will hold a hearing to determine whether or not the condition of the property remains to be a nuisance after providing the owner and/or occupant the opportunity to remedy the property's condition, and to determine whether or not the Village should abate the nuisance on its own accord.

(C) Hearing: On the date and time stated on the aforementioned notice described in subsection B of this section, the Village President, or other Village Official appointed by the Village President shall hold a hearing:

- 1) If the owner and/or occupant of the property appears and indicates that he or she has removed the garbage and debris from the property, he or she shall present sufficient evidence to show that the garbage and debris has

been removed, and that the property is compliant with the Village's Code of Ordinances.

- 2) If the owner and/or occupant of the property appears and indicates that he or she has not removed the garbage and debris from the property, he or she shall present sufficient evidence to show cause as to why the Village should not take action to remove the garbage and debris, and otherwise abate the nuisance, on its own accord.
- 3) If the owner and/or occupant of the property fails to appear, the Village President, or Village Official appointed by the Village President, shall receive a written statement from the complaining witness as to why the complaining witness believes the garbage and debris should be removed.
- 4) If the Village President, or other Village Official appointed by the Village President, finds the property to be in violation of this Ordinance, the Village shall make a notation of the garbage and debris to be removed and may begin the process of abatement on its own accord.

ABATEMENT BY VILLAGE.

If the Village President, or other Village Official appointed by the Village President, finds the property to be in violation of this Ordinance, the Village shall have the authority to proceed to abate such nuisance by entering the property and removing the garbage and debris outlined in its notice described in this Ordinance.

RECORDKEEPING.

Whenever the Village determines that a property is in violation of this Ordinance, and proceeds to abate the nuisance by removing the garbage or debris from the property, the Village shall keep a record of its costs and expenses of abatement, and such costs and expenses shall be charged against and paid by such owner and/or occupant of the property.

LIEN FOR ABATEMENT AND REMOVAL COSTS.

Charges for such abatement and removal of garbage or debris shall be a lien upon the premises. Within thirty (30) days of completing the abatement, the Village shall send the owner and/or occupant of the property a bill representing the cost and expense incurred by the Village as part of the removal of the garbage and debris situated on the property. If said bill is not paid by the owner and/or occupant within thirty (30) days of receipt, a Notice of Lien of the cost and expenses thereof incurred by the Village shall be recorded with the Franklin County Clerk and Recorder in the following manner:

- (A) A description of the real estate sufficient to identify it with reasonable certainty;

- (B) The amount of the removal cost and expense incurred by the Village; and
- (C) The date or dates in which the removal cost was incurred by the Village.

NOTICE OF LIEN TO OWNER AND/OR OCCUPANT.

Upon recording a lien against the underlying parcel for the Village's removal costs, the Village shall provide the owner and/or occupant with a notice, along with a copy of the recorded Notice of Lien, by certified or registered mail, restricted delivery, return receipt requests, or by personal service on the owner and/or current occupant of the property. Said notice shall contain the following information:

- (A) A statement that the Lien was recorded pursuant to 65 ILCS 5/11-20-15 and this Ordinance and Chapter of the Village's Code of Ordinances, including the substance of said provisions;
- (B) A common description of the underlying parcel sufficient to identify it with reasonable certainty; and
- (C) A description of the removal activities.

PAYMENT BY OWNER AND/OR OCCUPANT.

Upon payment by the owner and/or occupant of the property in which a Notice of Lien has been recorded, the Village shall prepare and record a Release of Lien with the Franklin County Clerk and Recorder, with a copy of said Release being sent to the owner and/or occupant of the property after said Release has been recorded.

FORECLOSURE OF LIEN.

As authorized under 65 ILCS 5/11-20-15, the Village shall have the right and authority to initiate foreclosure proceedings, similar to that of a mortgage or mechanic's lien, to enforce a Notice of Lien recorded pursuant to this Ordinance and Chapter of the Village's Code of Ordinances. Such foreclosure action shall be in the name of the Village, and said action may be initiated after its Notice of Lien is in effect for sixty (60) days.

PENALTY.

Any person who violates any provision of this Section entitled "Garbage and Debris," shall be fined in an amount of not less than One Hundred Fifty Dollars and Zero Cents (\$150.00) for the first offense, Four Hundred Fifty Dollars and Zero Cents (\$450.00) for the second offense, and Seven Hundred Fifty Dollars and Zero Cents (\$750.00) for the third and all subsequent offenses. Each day such violation is committed or allowed to continue shall constitute a separate offense and shall be punishable as such.

SECTION 2: All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 3: This ordinance shall be in full force and effect from and after its passage, approval, and publication as required by law.

PRESENTED and PASSED by the Board of Trustees of the Village of Buckner, Franklin County, Illinois, on this 15th day of January, 2026.

AYES	<u>4</u>
NAYS	<u>0</u>
ABSENT	<u>1</u>
ABSTAIN	<u>0</u>

**APPROVED BY THE PRESIDENT OF THE VILLAGE OF BUCKNER, THIS 15th
DAY OF JANUARY, 2026.**


Aaron Eubanks, President

ATTEST:


Toni Young, Village Clerk

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