

CITY OF COLUMBIA, ILLINOIS

ORDINANCE NO. 2536

**AN ORDINANCE TO REQUIRE ABATEMENT OF
METHAMPHETAMINE CONTAMINATION OF BUILDINGS
OR STRUCTURES IN THE CITY OF COLUMBIA, ILLINOIS**

**Adopted by the
City Council
of the
City of Columbia, Illinois
this 19th day of March, 2007**

**Published in pamphlet form by
authority of the City Council
of the City of Columbia,
Illinois, this 20th day
of March, 2007.**

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City Clerk

WHEREAS, the illegal manufacture or storage of methamphetamine (meth) poses a serious health risk to the citizens of the City, to law enforcement and public safety officers and to others due to exposure to contaminants (such as but not limited to paint thinner, phosphorous from matches and road flares, lithium strips from lithium batteries, sodium metal and anhydrous ammonia) which contaminants can cause health problems including respiratory (breathing) problems, skin and eye irritation, headaches, nausea and dizziness and acute (short-term) exposures to high concentrations of some of said chemicals can cause severe health problems (including lung damage and burns to different parts of the body); and,

WHEREAS, structures or buildings in which meth is manufactured or stored may become contaminated with toxic substances and until that contamination is abated in accordance with the requirements of this Ordinance, said buildings or structures shall be a toxic nuisance and a dangerous building or structure the human occupancy of which should be prohibited; and,

WHEREAS, for the uses, purposes and reasons aforesaid, the City Council of the City of Columbia, Illinois (the "City") has found and determined that it is in the public interest and the health, safety and welfare of the citizens of the City that this Ordinance be enacted.

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

Section 1. The recitals contained above in the preamble of this Ordinance are hereby incorporated herein by reference, the same as if set forth in this Section of this Ordinance verbatim, as findings of the City Council of the City of Columbia, Illinois.

Section 2. Chapter 15.20 (DANGEROUS BUILDINGS) of the Municipal Code of the City of Columbia, Illinois is hereby changed and amended to add thereto Section 15.20.045 (Abatement of methamphetamine contamination), to read as follows:

"Section 15.20.045 Abatement of methamphetamine contamination.

A. Methamphetamine Contamination of Buildings or Structures Illegal. It is unlawful to maintain or permit the existence of a building or other structure in the city which has been used for the manufacture or storage of methamphetamine (meth) until the abatement and cleaning practices required by this section of the Dangerous Buildings Code have

been complied with, and it is unlawful to occupy such building or structure or to permit the same to be occupied until said abatement has been fully completed and an occupancy permit for the same has been issued by the city's building inspector.

B. Methamphetamine Contamination Abatement. Whenever a building or other structure or definable portion thereof is determined to have been exposed to toxic chemicals from the manufacture and/or storage of methamphetamine (meth) by a law enforcement officer, a health inspector, a city building inspector or other public safety officer, the building or structure or definable portion thereof suspected to be contaminated shall be required to be vacated and to remain unoccupied until cleaned and the contamination abated in accordance with the requirements of subsection "C" of this section of the city's Dangerous Buildings Code.

C. Methamphetamine Abatement Procedure. The owner(s) or other person or party having the occupancy or control of a building or other structure, or definable portion thereof, determined to be a dangerous building or structure due to meth contamination shall be required to have performed, by persons certified in Hazardous Material Awareness and Response, the following before an occupancy permit to allow the occupancy and use of the same will be issued by the city's building inspector:

1. Contact the local law enforcement agency to ensure that a hazardous materials response team has removed all bulk chemicals and equipment used to make meth.
2. Ventilate the building or structure before, during and after cleanup.
3. Do not attempt to perform cleanup activities without using personal protective equipment including gloves, long sleeves, long pants, sturdy shoes, a dust mask and protective eyewear.
4. Remove and dispose of all upholstered furniture, mattresses, carpet, and other non-machine washable items. These materials should be double bagged when possible, and quickly disposed of in a landfill to prevent reuse.
5. Remove and dispose of clothing, toys, bedding, bottles, and other personal items used by infants and toddlers. Clothing

and personal items for older children and adults may be machine washed two (2) times in hot water and detergent.

6. Inspect appliances, wall board, ceiling tiles, and plumbing fixtures throughout the entire building or structure. Remove and dispose of all visibly contaminated items, or any items that have an odor. Follow the disposal practices described above. If any plumbing fixtures or drains need to be flushed, removed or replaced, contact a professional.
7. Thoroughly clean all surfaces using a detergent and water solution. Be sure to wear proper personal protection including gloves, long sleeves, long pants, sturdy shoes, a dust mask and protective eyewear. Be sure to change cleaning solution frequently. Rinse all surfaces with clean water after using the detergent solution. Repeat the cleaning and rinsing procedure two (2) additional times.
8. Repaint surfaces after cleaning. An oil-based primer followed by another coat of paint is recommended.
9. Replace all filters in the heating, ventilating and air conditioning (HVAC) system, including window units. For HVAC systems with sheet metal surfaces, each opening into the duct should be vacuumed and washed at least two (2) feet inside the duct. If this is not possible, contact a HVAC professional.
10. Ventilate the building for three (3) to five (5) days after cleaning.
11. Contact a professional cleaning contractor if odors or stains remain or reappear after cleaning.
12. Have the premises inspected and cultures taken for environmental testing by a State of Illinois licensed Hazardous Materials Team.
13. Submit a request for an occupancy permit and a report from a state licensed environmental laboratory to the Columbia police chief and the Columbia building inspector showing the subject premises to have a minimum reportable limit of contamination of less than 0.1 ug/wipe.

D. Notice to Abate Toxic Contamination.

(1) Abatement Notice. Whenever a law enforcement officer, building inspector, health officer, fire chief or fire marshal, or other public safety officer has reasonable grounds to believe that a building or other structure or a definable portion thereof may be contaminated by toxic chemicals created by meth manufacture and/or storage, he or she shall file a written statement to that effect with the city's chief of police and/or the city's building inspector. The building inspector and/or the police chief or their designee shall thereupon cause written notice to be served upon the owner(s) of record of the building or structure and/or the person in charge of or in control of the same and any lien holder(s) of record, by registered mail or by personal service. The notice shall state that the toxic nuisance must be abated in accordance with the requirements of subsection "C" hereof and that the premises must be immediately vacated and an occupancy permit to be issued by the city's building inspector shall not be issued and the occupancy thereof may not be restored until the contamination abatement has been completed to the satisfaction of the city's police chief and/or the city's building inspector or their designee.

(2) Form of Abatement Notice. Such notice may be in the following form:

TO: _____ (owner/occupant/lien holders) of the premises known and described as (or having the assigned address of).

YOU ARE HEREBY NOTIFIED that (describe building or structure applicable thereto) on the premises above-mentioned has been condemned as a nuisance and a dangerous building or structure after inspection by _____. The cause for this decision is the manufacture and/or storage of methamphetamine causing the likely contamination of the same by toxic chemicals. You must immediately vacate the premises or cause the same to be vacated until the toxic nuisance is abated following the procedures required by Subsection "C" of Section 15.20.045 of the City's Municipal Code (a copy of which is attached hereto) and an occupancy permit has been issued by the City's Building Inspector to allow the building or structure to be occupied and used for occupancy. You are to clean the subject building or structure and abate said nuisance as required by said Subsection C of this Section 15.20.045 of the City's Municipal Code within sixty (60) days of date of this Notice (unless you are granted an extension by the City's Police Chief or Building Inspector or their designee) or the City will seek a Court Order

allowing the City to abate the nuisance or demolish the building or structure, at the expense of the property owner.

E. Abatement by City. The city may abate the methamphetamine contamination or demolish the building or structure upon the granting of a court order. If the person receiving the notice has not commenced to comply therewith within fifteen (15) days from the date of the service of the notice or has commenced compliance but is not making a reasonable effort to complete the same in the opinion of the city's city council (based upon advise received from the city's police chief and/or building inspector), the city may file suit in a court of competent jurisdiction seeking an order allowing the city to abate the toxic nuisance or demolish the building or structure, at the expense of the property owner.

F. City's Costs Recoverable from Property Owner. The city's cost of toxic nuisance abatement or demolition of a dangerous building or structure due to methamphetamine contamination shall be recoverable by a property lien and/or an action at law against the property owner to be filed within one hundred eighty (180) days after the remedial action."

Section 3. Section 15.20.010 (Dangerous building defined) of Chapter 15.20 (DANGEROUS BUILDINGS) of Title 15 (BUILDINGS AND CONSTRUCTION) of the City of Columbia, Illinois Municipal Code is hereby changed and amended to add thereto Subsection "E", to read as follows:

"E. Any building, shed or other manmade structure used to manufacture or store methamphetamine until it is cleaned up and the contamination abated in compliance with Section 15.20.045 of this chapter."

Section 4. All ordinances or resolutions, or parts of ordinances or resolutions, in conflict herewith, to the extent of such conflict, are hereby changed and amended to read in compliance with the requirements of this Ordinance; and to the extent an ordinance or resolution or part of an ordinance or resolutions cannot be changed to comply with the requirements of this Ordinance, the same is hereby repealed.

Section 5. This Ordinance shall be in full force and effect from and after its passage and publication in pamphlet form, as provided by law.

Alderman Agne moved the adoption of the above and foregoing Ordinance; the motion was seconded by Alderman Koesterer, and the roll call vote was as follows:

YEAS: Aldermen Conrad, Ebersohl, Agne, Niemietz, Unnerstall, Koesterer, Row, Huch

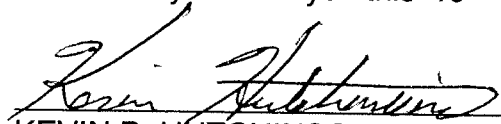
and Mayor Hutchinson.

NAYS: None.

ABSENT: None.

ABSTENTIONS: None.

PASSED by the City Council and APPROVED by the Mayor this 19th day of March, 2007.



KEVIN B. HUTCHINSON, Mayor

ATTEST:



WESLEY J. HOEFFKEN, City Clerk

(SEAL)

STATE OF ILLINOIS)
) SS
COUNTY OF MONROE)

CERTIFICATE OF PUBLICATION

I, Wesley J. Hoeffken, certify that I am the duly elected and acting Municipal Clerk of the City of Columbia, Illinois.

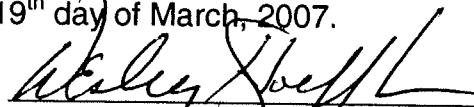
I further certify that on the 19th day of March, 2007, the Corporate Authorities of the City of Columbia, Illinois passed and approved Ordinance No. 2536, entitled:

"AN ORDINANCE TO REQUIRE ABATEMENT OF METHAMPHETAMINE CONTAMINATION OF BUILDINGS OR STRUCTURES IN THE CITY OF COLUMBIA, ILLINOIS"

which provided by its terms that it should be published in pamphlet form.

The pamphlet form of Ordinance No. 2536, including the ordinance and a cover sheet thereof, was prepared and a copy of such ordinance will be posted in the Columbia City Hall, commencing on the 20th day of March, 2007 and continuing for at least ten (10) days thereafter. Copies of such ordinance were also available for public inspection upon request at the office of the City Clerk.

DATED at Columbia, Illinois this 19th day of March, 2007.



WESLEY J. HOEFFKEN, City Clerk

(SEAL)

STATE OF ILLINOIS)
) SS
COUNTY OF MONROE)

CERTIFICATE OF TRUE COPY

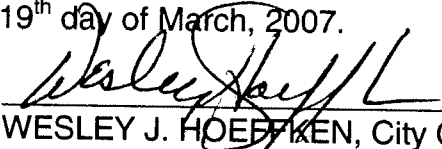
I, Wesley J. Hoeffken, hereby certify that I am the duly elected and acting City Clerk of the City of Columbia, Illinois and as such I am the keeper of the books, records, files and corporate seal of said City.

I do further certify that Ordinance No. 2536, entitled:

"AN ORDINANCE TO REQUIRE ABATEMENT OF METHAMPHETAMINE CONTAMINATION OF BUILDINGS OR STRUCTURES IN THE CITY OF COLUMBIA, ILLINOIS"

to which this certificate is attached, is a true, perfect, complete and correct copy of said ordinance as adopted at a regular meeting of the Columbia, Illinois City Council held on the 19th day of March, 2007.

IN WITNESS WHEREOF, I have made and delivered this certificate for the uses and purposes hereinabove set forth this 19th day of March, 2007.



WESLEY J. HOEFFKEN, City Clerk

(SEAL)