

IN THE CIRCUIT COURT OF THE SIXTH JUDICIAL CIRCUIT
CHAMPAIGN COUNTY, ILLINOIS

FILED
SIXTH JUDICIAL CIRCUIT

APR 18 2011

Linda S. Frank
CLERK OF THE CIRCUIT COURT
CHAMPAIGN COUNTY, ILLINOIS

THE COUNTY OF CHAMPAIGN)
)
Plaintiff.)
)
v.)
)
BERNARD RAMOS)
EDUARDO RAMOS)
)
Defendants.

No. 10-OV-148

ORDER

The Court has considered the offered evidence and arguments and has made assessments as to reliability of the evidence and credibility of witnesses.

The Court FINDS:

1) Defendants Bernard Ramos and Eduardo Ramos have owned and operated the Cherry Orchard Apartments during the time set forth in the Complaint and are persons within the meaning of Champaign County Health Ordinance.

2) During the time period from March 15, 2010, continuously until at least March 31, 2011, Defendants discharged domestic sewage or wastewater into the environment at that premises and not by means of a public or private sewer system maintained in accord with the ordinance contrary to section 6.1.1 of the ordinance.

3) During the time period from October 22, 2010 to at least until March 31, 2011 Defendants made available for human occupancy the above premises while discharging domestic sewage and wastewater contrary to the ordinance as specified above.

4) On or about March 5-8, 2010, Defendants on the above premises

constructed and altered, albeit unsuccessfully, a portion of a private sewage disposal system without first obtaining a permit contrary to section 6.3 of the ordinance.

5) On or about March 5-8, Defendants on the above premises constructed or modified, albeit unsuccessfully, a private sewage disposal system without possessing a valid permit contrary to section 6.2.1 of the ordinance

6) The ordinance in section 11.12 provides: Each day a condition exists or is allowed to exist after notice of the violation has been served on the person responsible shall be deemed a separate offense subject to penalties under this ordinance. The Court finds that notice of the violation specified in Counts I, II, III and IV had been served on Defendants as of March 18, 2010 after service of the Complaint in this cause as evidenced by their entry of Defendants appearance that date. Each day after March 18, 2010 of a violation as set forth in Count I and II are separate offenses.

7) Due to the above, the continued operation of the above premises is contrary to the health, safety and welfare of citizens of Champaign County.

The Court FURTHER FINDS that the Plaintiff has proven the offenses alleged in Counts I, II, III and IV of the Third Amended Complaint by a preponderance of the evidence. The Defendants are each found GUILTY of the offenses as alleged in Counts I, II, III and IV of the Third Amended Complaint.

It is ORDERED:

The Defendants each are adjudged GUILTY of Counts I, II, III and IV respectively.

As to Count I the Defendants are fined jointly and severally \$100 per day for 379 days, totaling \$37,900.

As to Count II the Defendants are fined jointly and severally \$100 per day for 160 days, totaling \$16,000.

As to Count III the Defendants are fined jointly and severally the sum of \$100.

As to Count IV the Defendants are fined jointly and severally the sum of \$100.

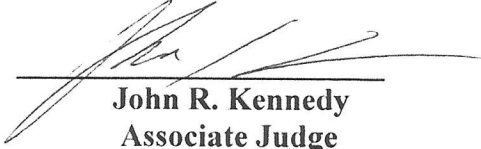
The Defendants are ordered to pay court costs.

The fines and costs ordered herein are to be paid to the Circuit Clerk within 180 days.

It is FURTHER ORDERED:

The Prayer for Injunction is allowed. The Defendants shall immediately cease and desist from allowing any person to occupy the premises known as the Cherry Orchard Apartments. The Defendants further shall immediately cease and desist from discharging domestic sewage or wastewater into the environment at the premises known as the Cherry Orchard Apartments.

ENTERED: 4/18/11



John R. Kennedy
Associate Judge