

**ORDINANCE NO. 11-141**

**AN ORDINANCE ESTABLISHING VACANT PROPERTY REGULATIONS  
AND PRIORITY LIEN PROCEDURES**

**WHEREAS**, this ordinance is intended as, and is in the exercise of certain powers and functions pertaining to the government and affairs of the City of Blue Island, Illinois; and

**WHEREAS**, buildings that are indefinitely vacant or in a state of disrepair or boarded are public nuisances in that they contribute to the decrease in value of surrounding properties, precipitate disinvestment by neighboring owners, provide a location for criminal activity, undermine the aesthetic character of the neighborhood and City, and have other undesirable effects; and

**WHEREAS**, vacant buildings, especially those which remain boarded for more than three (3) months, are unsightly and diminish neighboring-property values and neighbors' sense of well-being and are a public nuisance; and

**WHEREAS**, allowing certain buildings to remain indefinitely vacant even in the absence of code violations or boarding is detrimental to the public health, safety, and welfare; unreasonably interferes with the reasonable and lawful use and enjoyment of other premises within the neighborhood; may pose an extraordinary danger to police officers or firefighters entering the premises in time of emergency; and detracts from the appearance and good order of the neighborhood; all of which are especially associated with such buildings which have been vacant for over two years; and

**WHEREAS**, registration of vacant properties and implementation of a maintenance plan will discourage property owners from allowing their properties to remain indefinitely vacant or in a state of disrepair and will thereby provide a basis for the return of vacant properties to the housing stock; and

**WHEREAS**, the City of Blue Island has the authority to regulate the maintenance of properties and buildings within the City in order to protect the public health, safety, and welfare of its citizens; and

**WHEREAS**, the definition, prohibition, and abatement of public nuisances pertain to the government and affairs of the City of Blue Island; and

**WHEREAS**, the City has statutory power to define, prohibit, and abate public nuisances pursuant to 65 ILCS 5/11-60-2 of the Illinois Municipal Code; and

**WHEREAS**, the City Council adopts the "broken window" concept among the rationale for this ordinance. The "broken window" concept is that one broken window, left unrepaired, leads to more broken windows as it gives the appearance that no one cares or protects the property; that that building becomes increasingly more deteriorated, and that the deterioration may have a ripple effect; and

**WHEREAS**, the abatement of nuisances caused by vacant buildings, repair and rehabilitation of vacant properties and their subsequent occupancy is in the best interests of the citizens of Blue Island; and

**WHEREAS**, an ordinance providing for the declaration of certain boarded and/or vacant buildings as a public nuisance and providing for their abatement is a means for the City to use in maintaining sanitation and health standards, preventing crime, and avoiding fire, health, and safety hazards and minimizing or eliminating the effect such buildings have on the personal and economic well-being of the neighborhood; and

**WHEREAS**, various state statutes authorize the City to provide for the removal of certain nuisances from private properties within the City, including cutting and removal of neglected weeds, grass, trees, and bushes, 65 ILCS 5/11-20-7, pest control activities, 65 ILCS 5/11-20-8, removal of infected trees, 65 ILCS 5/11-20-12, removal of garbage, debris, and graffiti, 65 ILCS 5/11-13, and removal, securing, and enclosing abandoned residential properties, 65 ILCS 5/11-20-15.1; and

**WHEREAS**, the City incurs costs in abating these nuisances by performing property maintenance activities on these properties; and

**WHEREAS**, Section 11-20-15 of the Illinois Municipal Code, 65 ILCS 5/11-20-15, authorizes municipalities to record traditional liens against a property for these nuisance abatement and property maintenance costs; and

**WHEREAS**, the Illinois General Assembly recently adopted 65 ILCS 5/11-20-15.1, effective March 1, 2010, authorizing municipalities to record “priority liens” against abandoned residential properties for costs incurred in certain property maintenance activities that would be senior to all other liens with the exception of tax liens; and

**WHEREAS**, the corporate authorities of the City of Blue Island deem it to be in the interest of the public health, safety, and welfare of the residents of the City to set forth specific registration requirements for vacant buildings, as well as a procedure for liens regarding property maintenance activities;

**NOW THEREFORE, BE IT ORDAINED**, by the Mayor and City Council of the City of Blue Island, Illinois, as follows:

### **SECTION ONE**

Recitals.

The foregoing recitals shall be, and are hereby, incorporated into and made part of this Ordinance as if fully set forth in this Section One.

### **SECTION TWO**

Title.

This ordinance shall be known as and may be cited as the “Blue Island Vacant Property and Priority Lien Ordinance” of the City of Blue Island, Illinois.

### **SECTION THREE**

Scope of Ordinance.

The purpose of this ordinance is to protect the public health, safety, and welfare by enactment which:

- 1) Establishes a program for identification, registration, and regulation of buildings that are or become vacant on and after the effective date of this ordinance.
- 2) Determines the responsibilities of owners of vacant buildings.
- 3) Provides for administration, enforcement of property regulations, including prevention and abatement of public nuisances, and imposition of penalties.

This ordinance shall be construed liberally to affect its purposes.

### **SECTION FOUR**

Other Ordinances.

This ordinance shall not be construed to prevent the enforcement of other applicable ordinances, codes, legislation, and regulations prescribing standards other than those provided herein, and in the event of conflict, the most restrictive shall apply.

### **SECTION FIVE**

Definitions.

Unless otherwise expressly stated or clearly indicated by the context, the following terms shall, for the purpose of this ordinance, have the meanings indicated in this section:

*Boarded Building:* A building which has had, in a manner intended to be temporary or permanent, any or all openings, which openings are windows or doors which were present for the purpose of light, ventilation or egress, some material whether opaque, solid or transparent, affixed to such openings, from the interior or exterior of the building, for the purpose of securing or preventing access or damage to the building or its components.

*Building:* Any industrial, commercial, single-family residential structure, or multi-family residential structure intended for supporting or sheltering any occupancy.

*Dangerous or Unsafe Building:* All buildings or structures that are found to pose a danger to the life, health, property or safety of the public by not providing minimum safeguards to protect or warn the public in the event of a fire, or because such structure contains unsafe equipment, or is so damaged, decayed, dilapidated, structurally unsafe or of such faulty or incomplete construction or unstable, that partial or complete collapse or systems failures are possible; or any building or structure defined as a "public nuisance" in Ordinance 2494 as now existing or hereafter amended.

*Building Commissioner:* The Director of the City of Blue Island Building Department or his or her designee.

*Owner:* Any person, agent, operator, firm, partnership, association, limited liability company, corporation or other entity having a legal or equitable interest in the property; or recorded in the official records of the state, county, or municipality as holding title to the property; or otherwise having control of the property, including the guardian of the estate of any such person, and the executor or administrator of the estate of such person if ordered to take possession of real property by a court.

*Person:* Any individual, trustee, firm, corporation, partnership, limited liability company, association or any other legal entity.

*Premises:* A lot, plot, or parcel of land, including any structure thereon.

*Public nuisance:* Includes the following:

- 1) The physical condition, or uses of any building, structure or premises regarded as a public nuisance at common law, under the Illinois Compiled Statutes, or under any applicable ordinance for the City of Blue Island; or
- 2) Any physical condition, use or occupancy of any premises, structure, building or appurtenances considered an attractive nuisance to children, including, but not limited to, abandoned wells, shafts, basements, excavations, and unsafe fences or structures; or
- 3) Any building which has unsanitary sewerage or plumbing facilities; or
- 4) Any building designated by the Building Commissioner as unsafe for human habitation or use; or
- 5) Any building which is manifestly capable of being a fire hazard, or manifestly unsafe or insecure so as to endanger life, limb or property; or
- 6) Any building or premises which is unsanitary, or which is littered with rubbish or garbage, or which has an uncontrolled growth of weeds; or
- 7) Any building that is dangerous, in a state of dilapidation, deterioration or decay; faulty construction; unsecure; vacant and the doors, windows, or other openings are boarded up or secured by any means other than conventional methods used in the design of the building or permitted for new construction of similar type; damaged by fire to the extent as not to provide shelter, in danger of collapse or failure; and dangerous to anyone on or near the premises; or
- 8) Any building or structure defined as a "dangerous building" hereinabove.

*Unoccupied Building:* A building or portion thereof which lacks the habitual presence of human beings who have a legal right to be on the premises, including buildings ordered vacated by the Building Commissioner pursuant to authority granted to him or her by applicable ordinances and/or State Statutes.

In determining whether a building is "unoccupied", the Building Commissioner may consider these factors, among others:

- 1) Substantially all lawful residential or business activity at the Building has ceased.

- 2) The percentage of the overall square footage of occupied to unoccupied space or the overall number of occupied and unoccupied units shall be considered.
- 3) The Building is substantially devoid of contents. The condition and value of fixtures or personal property in the building are relevant to this determination.
- 4) The Building lacks utility services, i.e., water, sewer, electric or natural gas.
- 5) The Building is the subject of a foreclosure action.
- 6) The Building is not actively for sale as part of a contractual agreement to sell the Building, the Building lacks “for sale”, “for rent” or similar signage.
- 7) The presence or recurrence of uncorrected code violations.

*Vacant Building:* Any Building or portion of a Building which is an Unoccupied Building and is:

- 1) Unsecured; or
- 2) Secured by boarding or other similar means; or
- 3) A Dangerous Building; or
- 4) Condemned by the Building Commissioner pursuant to applicable provisions of this ordinance; or
- 5) Has multiple code violations; or
- 6) Has been, or the Premises upon which it is located has been, the site of unlawful activity within the previous six (6) months; or
- 7) Condemned by the Building Commissioner; or
- 8) Unlawfully occupied; or
- 9) Unoccupied for over one hundred eighty (180) days and during which time the Building Commissioner has issued an order to correct public nuisance conditions and the order has not been implemented for at least 60 days; or
- 10) Unoccupied for over one (1) year
- 11) An “abandoned residential property,” as defined in 65 ILCS 5/11-20-15.1 as a residential dwelling unit that has been unoccupied by any lawful occupant or occupants for at least 90 days, and for which after such 90 day period the City has made good faith efforts to contact the legal owner or owners of the property or, if known, the agent of the owner, and no contact has been made.

But not including:

Unoccupied Buildings for which a permit has been issued and is undergoing construction, renovation, or rehabilitation and which are in compliance with all applicable ordinances, codes, legislation, and regulations, and for which construction, renovation or rehabilitation is proceeding diligently to completion.

## SECTION SIX

### Determination.

- 1) Within sixty (60) days after the effective date of this ordinance, the Building Commissioner shall evaluate all buildings in the City he or she believes to be unoccupied on the effective date of this ordinance and make a determination for each as to whether the Building is a Vacant Building. The Building Commissioner may determine that a Vacant Building is not to be regulated under this ordinance for a stated period, if, upon consideration of reliable evidence, he or she determines that regulation of the Building under this ordinance would not serve the public health, welfare, and safety and makes written findings in support of his or her decision. For Buildings the Building Commissioner determines to be Vacant Buildings, he shall, within seven (7) days of making that determination, send notice of the written determination with the factual findings to the last taxpayer of record listed on the most recent Cook County tax records. Said notice of determination shall be sent certified mail, return receipt requested. Failure of delivery shall not excuse a person from complying with this ordinance. Any person making such service shall execute an affidavit attesting to the facts of service. The Building Commissioner shall maintain a record of such mailing for each Notice of Determination sent.
- 2) The Notice of Determination shall set a tentative date and time for the code compliance inspection of the interior of the vacant building to determine the extent of compliance with City property, building codes, health, fire, water and sewer codes. After receipt of the notice of determination, if the owner does not appeal the determination, the owner shall either confirm the tentative date for the inspection or shall schedule a new date and time for same. If the owner fails to confirm the tentative date and time for the inspection or refuses to schedule or permit the inspection it shall be the responsibility of the City to obtain an administrative search warrant to accomplish the inspection. The owner shall pay the Inspection Fees specified in Section Seven (7) to the city within thirty (30) days of receipt of the bill for same.
- 3) The Notice of Determination shall contain a statement of the obligations of the Owner of a Building determined to be a Vacant Building, a copy of the registration form the Owner is required to file pursuant to Section Nine (9) and a notice of the owner's right to appeal the determination.

## SECTION SEVEN

### Inspection Fees.

- 1) For each initial Vacant Building inspection there shall be a five hundred dollar (\$500.00) fee. No unused inspections or re-inspections may be accumulated, banked, transferred to another unit or building, bought, sold or transferred at the time of sale.
- 2) The fee for each additional re-inspection for correction of cited violations shall be:
  - a) Seventy-five dollars (\$75.00) per dwelling unit with remaining uncorrected violations
  - b) Seventy-five dollars (\$75.00) per residential common exterior or public area with remaining uncorrected violations
  - c) Seventy-five dollars (\$75.00) per street address exterior or public area with remaining

uncorrected violations

- d) Seventy-five dollars (\$75.00) per nonresidential building with remaining uncorrected violations
- 3) Additional inspection and re-inspection fees may be charged when the City has scheduled the inspection and provided notice and the responsible party does not provide the required access as required in this ordinance.
- 4) Any unpaid fees shall be a lien upon the Premises

## **SECTION EIGHT**

Appeal of Determination.

- 1) An owner of a building determined to be a vacant building as provided for in this ordinance may appeal that determination to the Community Development Committee. Such appeal shall be in writing and shall be filed with the Community Development Committee within fifteen (15) days of the date of mailing of the notice of determination. The filing of an appeal stays the owner's obligation to register his or her building as required by section 9. The appeal shall contain a complete statement of the reasons the owner disputes the determination, shall set forth specific facts in support thereof, and shall include all evidence the owner relies upon to support the appeal. The Community Development Committee shall decide the appeal on the basis of facts presented by the owner in his or her written appeal and the building department's written determination.
- 2) The burden is upon the owner to present sufficient evidence to persuade the Community Development Committee that it is more likely than not that the subject building is not a "vacant building" within the meaning of this ordinance.
- 3) The Community Development Committee shall convene a special meeting within seven (7) days from the date of notice of owners appeal. The Community Development Committee must send written notice of its decision to owner. The Community Development Committee may, but is not required to, seek additional information from the owner. The Community Development Committee, upon written notice thereof to the owner, take no more than ten (10) additional days to decide the appeal if the committee determines that such additional time is required for consideration of the appeal.

## **SECTION NINE**

Obligation to Register.

- 1) The Owner of a Building who knows, or from all the facts and circumstances should know, that his or her Building is or has become a Vacant Building within the meaning of this ordinance after the effective date of this ordinance or the Owner of a Building, which the Building Commissioner determines at any time to be a Vacant Building, or the Owner of a Building whose appeal from the Building Commissioner's determination has been denied by the Community Development Committee shall take the actions provided for below within fifteen (15) days after either the date of the Building Commissioner's Notice of Determination or occurrence of the facts which would cause a reasonable person to believe that the Building is a Vacant Building, or denial of the appeal, whichever is applicable.

Registration requirements:

- a) Register the building with the building department on a form provided and pay the two hundred dollar (\$200.00) annual nonprorated vacant building registration fee. The form shall include, as a minimum, the name, street address, and telephone number of the owner; the case name and number of any litigation pending concerning or affecting the building, including bankruptcy cases; and the name, street address, and telephone number of all persons with any legal interest in the building or the premises. The form shall require the owner to identify a natural person at least twenty-one (21) years of age who maintains a permanent address in Cook County, Illinois to accept 24-hour service on behalf of the owner with respect to any notices the Building Commissioner sends pursuant to this ordinance or service of process in any proceeding commenced to enforce any provision of this ordinance, and file with the City of Blue Island on the registration form, the name, address, telephone number, of said person. A street address is required. A post office box is not an acceptable address.
  - b) Renew the Vacant Building registration on September 1<sup>st</sup> of each year for the remainder of the time the Building remains vacant and pay the required two hundred dollar (\$200.00) annual fee.
  - c) Require the Owner to indicate his or her “acceptance of notice by posting” consenting to service of notices sent or required to be sent, pursuant to this ordinance, by posting on the Building if the Owner fails to renew the registration.
  - d) File an amended registration within fifteen (15) days of any change in the information contained in the annual registration. A new registration is required for any change in ownership whatsoever.
  - e) Registration does not exonerate the owner from compliance with all applicable codes and ordinances, nor does it preclude any of the actions the City of Blue Island is authorized to take pursuant to this ordinance or elsewhere in the Municipal Code.
2. Inspection: Allow for a code-compliance inspection of the interior of the Vacant Building and the owner shall pay the initial five hundred dollar (\$500.00) inspection fee therefore within thirty (30) days of the inspection. Such inspection will determine the extent of compliance with the City of Blue Island property maintenance, building, health, fire, water and sewer codes. The City of Blue Island shall send the inspection report to the owner within thirty (30) days. Periodic reinspections shall take place, as necessary, until code compliance is achieved. Timely code compliance is required.
  3. Insurance: Obtain liability insurance and maintain such insurance for as long as the Building is vacant, and file evidence of such insurance with the Building Commissioner or his/her designee, as follows: five hundred thousand dollars (\$500,000.00) for a vacant residential building of one to three (3) units; seven hundred fifty thousand dollars (\$750,000.00) for a vacant residential building of four (4) to eleven (11) units; one million dollars (\$1,000,000.00) for a vacant residential building of twelve (12) to forty eight (48) units; two million dollars (\$2,000,000.00) for a vacant residential building of more than forty eight (48) units; and two million dollars (\$2,000,000.00) for a vacant manufacturing, industrial, storage, or nonresidential commercial building.
  4. Vacant Building Plan: At the time a Building is registered as required herein, the owner shall submit a Vacant Building plan. The Building Commissioner or his/her designee may prescribe a form for the plan. If the owner fails to submit the plan as provided for by this ordinance, the Building Commissioner or his/her designee may determine the plan. The plan shall contain the following as a minimum:
    - a) A plan of action to repair any doors, windows, or other openings which are boarded up or otherwise secured or covered by any means other than conventional methods used in the design of the building or permitted for new construction or similar type. The proposed repair shall result in openings being secured by conventional methods used in the design of the building or by methods permitted for new construction



of similar type with board removed. Boarding shall be accomplished with materials and methods described by the Building Commissioner or his/her designee. The owner shall maintain the building in an enclosed and secure state until the building is reoccupied or made available for immediate occupancy. If the owner demonstrates that securing of the building will provide adequate protection to the public, the Building Commissioner may waive the requirement of an enclosure.

- b) For Buildings and/or Premises which are determined as being or containing Public Nuisances, as defined in Section Five (5), then the vacant building/premises plan shall contain a plan of action to remedy such public nuisance(s).
  - c) A time schedule identifying a date of commencement of repair and date of completion of repair for each improperly secured opening and nuisance identified.
  - d) When the owner proposes to demolish the vacant building, then the owner shall submit a plan and time schedule for such demolition.
  - e) A plan of action to maintain the Building or Premises, thereof in conformance with this ordinance.
  - f) A plan of action, with a time schedule, identifying the date the building will be habitable and occupied or offered for occupancy or sale. The time schedule shall include date(s) of commencement and completion of all actions required to achieve habitability. No plan which fails to provide for compliance with this ordinance or, which will not, as determined by the Building Commissioner or his/her designee, achieve such compliance, within three (3) months, in the case of a vacant boarded building, and two (2) years, in the case of a vacant, unboarded, and code-compliant building will be approved, except that the Building Commissioner may approve an extension of the time during which the building will be unoccupied beyond two (2) years to a date certain but then only based upon clear and documented evidence of good cause shown by the owner as determined.
  - g) The Owner shall conduct, at a minimum, bi-weekly inspections of all premises upon which unoccupied or vacant buildings are located and the exteriors shall at all times be maintained in compliance with this ordinance.
  - h) Exterior lighting shall be maintained according to standards established by the City of Blue Island and
  - i) All ground floor windows facing street frontage in the Commercial District, including but not limited to, all display windows in Unoccupied Buildings or Vacant Buildings shall be kept in a well maintained and clean condition and shall be covered on the interior side in a professionally finished manner with an opaque window covering material manufactured for that purpose and approved by the Building Commissioner, or in the case of display windows, such windows shall be kept in a well maintained and clean condition and the display area shall be enclosed with a professionally finished backdrop, floor, side walls and ceiling all of which shall be kept in a well maintained and clean condition and shall be well lighted from 10:00 a.m. to 10:00 p.m. each day. Photographs, paintings and other works of art or other tasteful forms of decoration may be professionally displayed in these properly enclosed clear glass display windows. If opaque window covering material is used, a 1' x 1' clear glass opening through which the interior space is clearly visible shall be maintained at standing eye level along one (1) edge of one (1) such window.
- 5) Security Guard Service: On written notice, the owner shall provide bonded, licensed, and insured security guard service at the building from 3:00p.m.through 8:00 a.m. daily. Such service shall remain in place until the Building Commissioner or his/her designee gives written notice that the service is no longer required. Such service shall be required when the Building Commissioner or his/her designee makes a written determination that the vacant building constitutes a fire hazard, is otherwise dangerous to human life or the public welfare, involves illegal or improper use, occupancy, or maintenance, under such conditions that securing the building is insufficient to prevent the actual or threatened harm.

## SECTION TEN

### Approval of Plan:

1. **Review Building Plan:** The Building Commissioner shall review the proposed Vacant Building Plan in accordance with the standards below. The Building Commissioner shall send notice to the owner of the vacant building of his or her determination.
2. **Standards For Plan Approval:** In considering the appropriateness of a Vacant Building Plan, the Building Commissioner shall include the following in his or her consideration and shall make written findings as to each:
  - a) The purposes of this ordinance and intent of the City of Blue Island to minimize the time a Building is boarded or otherwise vacant.
  - b) The effect of the Building and the proposed plan on adjoining property.
  - c) The length of time the Building has been vacant.
  - d) The presence of any Public Nuisances on the Premises.
  - e) The likelihood that the plan or portion(s) thereof will prevent or ameliorate the condition it is designed to address.
3. **Authority to Modify Plan.** The Building Commissioner shall, upon notice to the vacant building owner, have the right to modify the vacant building plan by modifying the dates of performance, the proposed methods of action, or by imposing additional requirements consistent with this ordinance he or she deems necessary to protect the public health, safety, or welfare.
4. **Appeal.** An Owner may appeal any modification of a Vacant Building plan instituted by the Building Commissioner to the Community Development Committee. Such appeal shall be in writing and shall be filed with the Community Development Committee within fifteen (15) days of the date of mailing of the notice of determination. The filing of an appeal stays the Owner's obligation to commence implementation of the Vacant Building Plan. The appeal shall contain a complete statement of the reasons the Owner disputes the Building Commissioner's modification, shall set forth specific facts in support thereof, and shall include all evidence the owner relies upon to support the appeal. The Community Development Committee shall convene a special meeting within seven (7) days from the date of notice of owners appeal. The Community Development Committee shall decide the appeal on the basis of facts presented by the Owner in his or her written appeal and the Building Commissioner's written determination.
  - a) The burden is upon the Owner to present sufficient evidence to persuade the Community Development Committee that the modification is not required by the ordinance or is arbitrary.
  - b) The Community Development Committee shall send written notice of its determination to the owner within ten (10) days of his or her receipt of the appeal. The Community Development Committee may, but is not required to, seek additional information from the Owner. The Community Development Committee may, upon written notice thereof to the Owner, take no more than ten (10) additional days to decide the appeal if the committee determines that such additional time is required for consideration of the appeal.
5. **Failure To Comply With Vacant Building Plan.** Failure to have an approved plan within thirty (30) days of filing the registration form or failure to comply with the approved plan shall constitute a violation of this ordinance subjecting the owner of the building to penalties as provided in this ordinance and to any

remedies the City of Blue Island may avail itself of as provided for herein and elsewhere in the Municipal Code, including but not limited to, an action to compel correction of property maintenance violations.

## **SECTION ELEVEN**

Other Enforcement.

The registration of a Vacant Building shall not preclude action by the City of Blue Island to demolish or to take other action against the building pursuant to other provisions of this ordinance, the Illinois Municipal Code, or other applicable legislation, including the action authorized in Section Twelve (12).

## **SECTION TWELVE**

Property Maintenance:

1. Nuisance Abatement. The City is authorized to perform or provide for property maintenance activities to abate a nuisance caused by a vacant building, including the following:
  - a) Cutting and removal of neglected weeds, grass, trees, and bushes as authorized by Ordinance number 2494 and 65 ILCS 5/11-20-7;
  - b) Pest control activities, as authorized by 65 ILCS 5/11-20-8;
  - c) Removal of infected trees as authorized by Ordinance number 2494 and 65 ILCS 5/11-20-12;
  - d) Removal of garbage, debris, and graffiti as authorized by Ordinance number 2494 and 65 ILCS 5/11-20-13, and
  - e) Removal, securing, and enclosing abandoned residential properties, as authorized by Ordinance number 2494 and 65 ILCS 5/11-31-1.01.
2. Charges for Nuisance Abatement. The City shall have the authority to collect from the Owner the costs incurred in performing the property maintenance activities to abate the nuisances described in this ordinance. The City shall send a bill for the cost to the Owner, his agent, legal representative, or occupant in legal possession or control of the premises.
3. Traditional Lien Procedure. If a bill sent pursuant to paragraph 2 is not paid in full within 30 days of the date of the bill, the City shall have the authority to file and record a lien against the property, pursuant to Section 11-20-15 of the Illinois Municipal Code, 65 ILCS 5/11-20-15. If, for any one property, the City engaged in any nuisance abatement activity described in paragraph 1 on more than one occasion during the course of one year, the City may combine any or all of the costs of those activities into a single notice of lien. The lien must be filed in accordance with the lien procedure established by the specific code provision of which the property is alleged to be in violation or, if no such procedure exists, then the following procedure shall apply
  - a) Notice of Lien. The City or the person performing the service by authority of the City, in its, his or her own name, may file a notice of lien in the office of the recorder of deeds in the county in which the real estate is located. The notice of lien shall be filed within one year after the cost and expense is

incurred. If, for any one property, the City engaged in any nuisance abatement activity described in Paragraph 2 on more than one occasion during the course of one year, then the City may combine any or all of the costs of those activities into a single notice of lien.

The notice of lien shall consist of a sworn statement setting forth:

- 1) A description of the real estate that sufficiently describes the parcel;
- 2) The amount of the cost and expense incurred or payable for the activities; and
- 3) The date or dates when such cost and expense was incurred by the City or someone working on behalf of the City.

After recording, the notice of lien shall be sent by certified mail to the property owner, his agent or legal representative or occupant in legal possession or control of the premises and, if different, to the person who received the tax bill for the preceding year.

- b) Release of Lien. Upon payment of the cost after the notice of lien has been filed as provided herein, the lien shall be released by the City or person in whose name the lien has been filed, and the release shall be recorded of record in the same manner as recording the notice of lien.
- c) Foreclosure of Lien. Subsequent to the filing of the above-described lien, the City may cause to be filed a complaint for foreclosure of such lien, or upon becoming a defendant in a pending lawsuit affecting the premises or real estate, by answer to the complaint or in the nature of an intervening petition or cross-complaint the City may proceed in its corporate name to foreclose such lien. An action to foreclose a lien under this Section must be commenced within two years after the date of filing notice of lien. The property subject to a lien arising under this article shall be sold for nonpayment of the same, and the proceeds of such sale shall be applied to pay the monies owing the City of Blue Island.

4. Priority Lien Procedure. The priority lien procedure described in this Paragraph 4 shall apply only to costs incurred for activities performed on abandoned residential properties, as defined in subsection 65 ILCS 5/11-20-15.1 and is an alternative to the traditional lien authorized by paragraph 3. If a bill sent pursuant to paragraph 2 is not paid in full within 60 days of the date of the bill, the City shall have the authority to file and record a priority lien against the property,

- a) Notice of Lien. The City or the person performing the service by authority of the City, in its, his or her own name, may file a notice of lien in the office of the recorder of deeds in the county in which the real estate is located. The notice of lien shall be filed within one year after the cost and expense is incurred. If, for any one property, the City engaged in any nuisance abatement activity described in paragraph 2 on more than one occasion during the course of one year, then the City may combine any or all of the costs of those activities into a single notice of lien.

The notice of lien shall consist of a sworn statement setting forth:

- 1) A description of the real estate that sufficiently describes the parcel
- 2) The amount of the cost and expense incurred or payable for the activities; and

- 3) The date or dates when such cost and expense was incurred by the City or someone working on behalf of the City.
- 4) A statement that the lien has been filed pursuant to one or more of the property maintenance activities described in Paragraph 1 of this section and authorized by 65 ILCS 5/11-20-7(d), 65ILCS 5/11-20-8(d), 65 ILCS 5/11-20-12(d), 65 ILCS 5/11-20-13(e), 65 ILCS 5/11-21-1.01, as applicable.

After recording, the notice of lien shall be sent by certified mail to the Owner, his agent or legal representative or occupant in legal possession or control of the premises and, if different, to the person who received the tax bill for the preceding year.

The City may not file a lien if the lender has provided notice to the City that the lender has performed, or will perform, remedial actions; provided, however, that the remedial actions must be performed or initiated in good faith within 30 days of the lender's notice to the City.

b) **Recordkeeping.** To enforce a lien pursuant to this paragraph 4, the City must maintain contemporaneous records that include, at a minimum:

- 1) A dated statement of a finding by the City that the property has become abandoned residential property;
- 2) the date when the property was first observed to be unoccupied by any lawful occupant;
- 3) a description of the actions taken by the City to contact the legal owner of the property, or if known, any agent of the owner;
- 4) a statement that no contacts were made with the legal owner or, if known, any agent of the owner;
- 5) a dated certification by a City official of the necessity and specific nature of the work performed;
- 6) a copy of the agreement with the person or company performing the work and the rates and estimated cost of the work, if applicable;
- 7) detailed invoices and payment vouchers for the work;
- 8) a statement whether the work was competitively bid, and if so, a copy of all proposals submitted by the bidders.

c) **Release of Lien.** Upon payment of the cost after the notice of lien has been filed as provided herein, the lien shall be released by the City or person in whose name the lien has been filed, and the release shall be recorded of record in the same manner as recording the notice of lien.

d) **Enforcement of Lien.** Subsequent to the filing of the above-described lien, the City may cause to be filed a complaint for foreclosure of such lien, or upon becoming a defendant in a pending lawsuit affecting the premises or real estate, by answer to the complaint or in the nature of an intervening petition or cross-complaint the City may proceed in its corporate name to foreclose such lien. An action to foreclose a lien under this Section must be commenced within two years after the date of filing notice

of lien. The property subject to a lien arising under this article shall be sold for nonpayment of the same, and the proceeds of such sale shall be applied to pay the monies owing the City.

### **SECTION THIRTEEN**

Certification.

A certificate of compliance for vacant buildings must be issued by the City of Blue Island and payment in full of all fees imposed pursuant to this ordinance are required prior to any occupancy of a vacant building.

### **SECTION FOURTEEN**

Boarding of Buildings.

It is the policy of the City of Blue Island that boarding is a temporary solution to prevent unauthorized entry into a vacant building and that boarded buildings are a public nuisance. A vacant building may not remain boarded longer than three (3) months unless an extension of that time is part of a plan approved by the Building Commissioner. A vacant building which is unboarded and code compliant and for which boarding is determined by the Building Commissioner on the basis of police reports, citizen complaints, and other information of other type considered reliable by reasonable persons, to not require boarding to prevent unauthorized entry may not remain vacant for more than two (2) years without an approved plan for occupancy, sale, demolition, or other disposition of the building.

### **SECTION FIFTEEN**

Enforcement and penalties.

1. Any person, firm, or corporation found to have violated any provision of this article shall be subject to a minimum fine of one hundred dollars (\$100.00) per day per violation to a maximum of seven hundred fifty dollars (\$750.00) per day per violation, in addition to any other legal or equitable remedies available to the City of Blue Island. Such other remedies include, but are not limited to, injunctive relief, application to a court of competent jurisdiction for a receiver, demolition, or condemnation, contracting for the repair or purchase of the premises, or foreclosure of any lien the City of Blue Island may have thereon.
2. A separate and distinct offense shall be committed each day on which such person or persons shall violate the provisions of this ordinance.
3. The City of Blue Island may enforce this ordinance in its administrative adjudication system or through the circuit court.
4. Nothing herein contained shall prohibit the City of Blue Island from immediately condemning as provided for in the Illinois Municipal Code or taking other immediate action upon a determination that the building is a public nuisance or poses an imminent danger to the occupants of the building, or the public, health, safety and welfare.

**SECTION SIXTEEN**

Notice to City Council

Once every six (6) months, the Building Commissioner or his/her designee shall send notice to the City Council a list of all vacant buildings which have become known during the preceding six (6) months, as well as a list of all previously declared buildings which are no longer vacant. The notice shall include a summary of fees and fines assessed and collected, the compliance and non-compliance rate of property owners, and other pertinent information in order for the City Council to make sound decisions regarding future affairs. Said reports will also be provided to the Police Department, Fire Department and Community Development Department.

**SECTION SEVENTEEN**

Severability.

In the event any section of this ordinance or any part of any section of this ordinance is declared to be unconstitutional, such decision shall in no way affect the operation of any other section or part thereof, the remainder of this ordinance shall remain in full force and effect.

**PASSED** this \_\_\_\_\_ day of \_\_\_\_\_, 2011.

\_\_\_\_\_  
**CITY CLERK OF THE CITY OF BLUE ISLAND  
COUNTY OF COOK AND STATE OF ILLINOIS**

**VOTING AYE:** \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**VOTING NAY:** \_\_\_\_\_  
\_\_\_\_\_

**ABSENT:** \_\_\_\_\_

**ABSTAIN:** \_\_\_\_\_

**APPROVED:** this \_\_\_\_\_ day of \_\_\_\_\_, 2011.

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**MAYOR OF THE CITY OF BLUE ISLAND,  
COUNTY OF COOK AND STATE OF ILLINOIS**

**ATTESTED and Filed** in my office this

\_\_\_\_\_ day of \_\_\_\_\_, 2011.

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**CITY CLERK**

**PUBLISHED** in pamphlet form this

\_\_\_\_\_ day of \_\_\_\_\_, 2011.

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**CITY CLERK**