
**THE CITY OF BLUE ISLAND
COOK COUNTY, ILLINOIS**

**ORDINANCE
NUMBER 2021-29**

**AN ORDINANCE OF THE CITY OF BLUE ISLAND, COOK
COUNTY, ILLINOIS, AMENDING TITLE IX, CHAPTER 95 OF
THE CODE OF BLUE ISLAND, ILLINOIS REGARDING
CHRONIC NUISANCE PROPERTIES**

**FRED BILOTTO, Mayor
RAEANN CANTELO-ZYLMAN, City Clerk**

**DEXTER JOHNSON
LUIZ MONTOYA
NANCY RITA
BILL FAHRENWALD
GABRIEL McGEE
CANDACE CARR
JOSH ROLL**

Aldermen

ORDINANCE NUMBER 2021-29

**AN ORDINANCE OF THE CITY OF BLUE ISLAND, COOK COUNTY, ILLINOIS,
AMENDING TITLE IX, CHAPTER 95 OF THE CODE OF BLUE ISLAND, ILLINOIS
REGARDING CHRONIC NUISANCE PROPERTIES**

WHEREAS, the City of Blue Island, Cook County, Illinois (the “*City*”) is a duly organized and existing city created under the provisions of the laws of the State of Illinois and is now operating under the provisions of the Illinois Municipal Code, and all laws amendatory thereof and supplementary thereto, with full powers to enact ordinances and adopt resolutions for the benefits of the residents of the City; and

WHEREAS, the Mayor and the Aldermen of the City of Blue Island previously adopted Chapter 95 of Title IX (“General Regulations”) of the Code of Ordinances of the City (the “*City Code*”), relating to nuisances; and

WHEREAS, the City currently has an interest in revising this section of the Code in order to address resident complaints and enable uniform enforcement of the City’s Code; and

WHEREAS, the Mayor and Aldermen of the City of Blue Island find that the amendment of the City Code to ensure the effective administration of government is in the best interests of the health, safety and welfare of the City and its residents.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Aldermen of the City of Blue Island, Cook County, Illinois as follows:

Section 1. That the above recitals and legislative findings are found to be true and correct and are hereby incorporated herein and made a part hereof, as if fully set forth in their entirety.

Section 2. That the Mayor and Aldermen find and determine that the adoption of this Ordinance is in the best interests of the City as well as in the public interest.

Section 3. Accordingly, Title IX (“General Regulations”), Chapter 95 (“Nuisance”), is hereby amended by adding the underlined language:

CHRONIC NUISANCE PROPERTIES

§95.50 **TITLE**

This chapter shall be known as “Chronic Nuisance Property Regulations.”

§ 95.51 **PURPOSE**

The purpose of this chapter is to establish the obligation of owners of property to register so the City can advise such an owner whether there are nuisances regarding the owner’s property that have become chronic and require immediate abatement of those nuisances on and from that property and to establish a registry for any property requiring certain inspections as a result of being adjudged a chronic nuisance property in violation of this chapter.

§ 95.52 **DEFINITIONS**

The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

CHRONIC NUISANCE PROPERTY

Defined in § 95.55

CONTACT

Includes any communication made by an owner, tenant, guest, neighbor, or other individual to police or other emergency services.

CONTROL

The ability to regulate, restrain, dominate, counteract, or govern conduct that occurs on that property either directly or by intervention of any governmental authority.

DIRECTOR

The City’s Building Official.

DISABILITY

With respect to a person:

- (a) A physical or mental impairment which substantially limits one or more of such

person's major life activities;

(b) A record of having such an impairment; or

(c) Being regarded as having such an impairment, but such term does not include current illegal use of, or addiction to, a controlled substance, as defined in the Federal Controlled Substance Act, 21 U.S.C. § 802.

DOMESTIC VIOLENCE

Physical abuse, harassment, intimidation of a dependent, interference with personal liberty or willful deprivation, but does not include reasonable direction of a minor child by a parent or person in loco parentis.

DWELLING UNIT

One or more rooms which are arranged, designed, or used as living quarters for a family, or for a community residence as a single housekeeping unit. A dwelling unit includes bathroom and kitchen facilities in addition to sleeping and living areas.

NUISANCE ACTIVITY or NUISANCE ACTIVITIES

Any City Building Code or Property Maintenance Code violations; criminal activities, behaviors, or conduct, as defined by federal or state law; including, but not limited to, the physical conditions and criminal activities set forth in § 95.54A and B, respectively, but excluding any activities set forth in § 95.54C.

OWNER

Any person, partnership, land trust, or corporation having any legal or equitable interest in the property. "Owner" includes, but is not limited to:

(A) Mortgagee in whom is vested:

(1) All or part of the legal title to the property.

(2) All or part of the beneficial ownership and the rights to the present use.

(3) A right to pursue foreclosure when mortgage is in default.

(B) An occupant who can control what occurs on the property.

(C) Any person acting as an agent of an owner as defined herein.

PERMIT

To suffer, allow, consent to, acquiesce by failure to prevent, or attempt to prevent, or expressly assent or agree to the doing of an act.

PERSON

Any natural person, association, partnership, corporation, or other entity capable of owning, occupying, or using property in the City.

PERSON IN CHARGE

Any person in actual or constructive possession of a property, including, but not limited to, an owner, property manager, tenant or occupant of the property in question under his or her ownership or control.

PROPERTY

Any real property, including its land and that which is affixed, incidental, or pertinent to land, including, but not limited to, any premises, room, house, building, or structure, or any separate part or portion thereof.

SEXUAL VIOLENCE

Has the meaning provided under Section 10 of the Safe Homes Act, 765 ILCS 750/10.

TENANT

A person who has entered into an oral or written lease with an owner whereby the person is the lessee under the lease.

§ 95.53 **APPLICABILITY**

Nothing in this chapter shall limit or prohibit the authority of City officers or employees from enforcing any other provision of the Code of Blue Island, Illinois or any state or federal law under their jurisdiction. None of the inspection provisions shall prohibit, condition, or otherwise limit any inspection conducted under any other provision of this Code of Blue Island, Illinois or other applicable law.

§ 95.54 **NUISANCE CONDITIONS**

(A) The following physical conditions, inside or outside the property, shall constitute a nuisance:

- (1) Two or more separate violations after disposition of a finding of guilty by the circuit court of Cook County for those violations, or similar finding of liability by the City Administrative Hearing Officer for violation of the City's Property Maintenance Code, Building Code, Residential Code, Mechanical Code, Fuel Gas Code, Fire Code, Energy Conservation Code, Plumbing Code, Electrical Code or Accessibility Code.
- (2) Criminal housing management as defined in 720 ILCS 5/12-5.1.
- (3) Structure unfit for human occupancy or unsafe structure as defined in the

Building Code or Property Maintenance Code as adopted by the City.

(4) Unlawful structure as defined in the Building Code or Property Maintenance Code as adopted by the City.

(B) The following criminal activity and events occurring on a property, inside or outside the structure or dwelling unit, shall constitute a nuisance:

(1) Any offense defined and prohibited by Act 5 of the Illinois Criminal Code of 2012, 720 ILCS 1-1 et seq.

(2) Any offense defined and prohibited by the Cannabis Control Act, 720 ILCS 550/1 et seq.

(3) Any offense defined and prohibited by the Illinois Controlled Substances Act, 720 ILCS 570/100 et seq.; or any offense defined and prohibited by the Methamphetamine Control and Community Protection Act, 720 ILCS 646/1 et seq.;

(4) Any offense defined and prohibited by Section 6-16 (prohibited sales and possession) or Section 6-20 (purchase or acceptance of gift of liquor by persons under age 21) of the Liquor Control Act of 1934, 235 ILCS 5/6-16 and 5/6-20;

(5) Illegal consumption or possession of alcohol as defined in 235 ILCS 5/1 et seq.; and

(6) Failure to pay property taxes and other fees owed the City.

(C) Notwithstanding the foregoing provisions set forth in Subsection B above, pursuant to Section 1-2-1.5 of the Illinois Municipal Code, 65 ILCS 5/1-2-1.5, the following activities, behavior or conduct are hereby excluded as being nuisance activities:

(1) Contact made to police or other emergency services, if:

(a) The contact was made with the intent to prevent or respond to domestic violence or sexual violence;

(b) The intervention of emergency assistance was needed to respond to or prevent domestic violence or sexual violence;

(c) The contact was made by, on behalf of, or otherwise concerns an individual with a disability and the purpose of the contact was related to that individual's disability;

(2) An incident or incidents of actual or threatened domestic violence or sexual

violence against an owner, tenant, household member, guest, or other party occurring on the property within the City; or

(3) Criminal activity or a local ordinance violation occurring on the property that is directly relating to domestic violence or sexual violence engaged in by an owner, a tenant, member of a tenant's household, guest, or other party, and against an owner, a tenant, household member, guest or other party.

(D) Notwithstanding the exclusions set forth in Subsection C(1)(a), (b) and/or (c) of this section, nothing set forth therein limits the enforcement of (i) Section 15.2 of the Emergency Telephone System Act, 50 ILCS, 750/15/2; (ii) Article 26 of the Criminal Code of 2012, 720 ILCS, 5/26-1, et seq.; or (iii) Article X of the Code of Civil Procedure, 735 ILCS 5/10-101 et seq; or (iv) prohibits the City from enacting or enforcing ordinances to impose penalties on the basis of the underlying criminal activity or local ordinance violation not covered by Subsection C(1)(a), (b), and/or (c) of this section to the extent otherwise permitted by state and federal laws; or (v) limits or prohibits the eviction of or imposition of penalties on the perpetrator of the domestic violence or other criminal activity.

§ 95.55 **CHRONIC NUISANCE PROPERTY**

(A) "Chronic nuisance property" means any property upon which three or more nuisance activities within a six-month period have occurred as a result of any three separate factual events that have been independently investigated and verified by any law enforcement agency or the Building Department and the owner has failed to correct within the time period provided for compliance or they have reoccurred; or three or more citations for offenses defined as nuisance activities within a six-month period, which have been adjudicated and findings of liable or findings of guilty have been entered either by the City's administrative Adjudication Hearing Officer or a court of competent jurisdiction.

(B) A chronic nuisance property is hereby declared to be a public nuisance.

(C) It shall be unlawful for any residential property within the City to become or remain a chronic nuisance property in violation of this chapter.

(D) It shall be unlawful for any owner, owner representative, or tenant in possession to:

(1) Encourage, aid, abet or permit a property to become a chronic nuisance property;
or

(2) Allow a property to continue as a chronic nuisance property after receipt of notice to abate the nuisance activity.

(E) Each day that a violation of this section continues shall be considered a separate and distinct offense.

§ 95.56 **OUTCOME OF CHRONIC NUISANCE DETERMINATION;
NUISANCE PROPERTY REGISTRATION**

The City hereby creates a Nuisance Property Registry and a property that is determined to be a chronic nuisance property shall be placed on that registry.

§ 95.57 **INSPECTION; REINSPECTION**

(A) Upon a property being placed on the Nuisance Property Registry, it shall be subject to a health and safety or nuisance inspection limited to but covering all the relevant nuisance activities. A property shall be placed on the Nuisance Property Registry for 12 months until its end of the registry period performance evaluation is performed as provided in this chapter.

(B) Notice of inspection. The Building Department shall serve written notice of the date and time of any inspection to be conducted under this chapter, by mailing such notice by first-class mail at least 14 calendar days prior to the date of inspection to the owner at the address of the property and to the taxpayer of record at the address shown on the county tax rolls. If the property has been rented, the Building Department shall also mail the notice to the occupants of each rental dwelling unit, the owner, and the owner representative (if applicable). The Building Department shall also post official notice of the inspection in a conspicuous area upon the property. In the case of multiple owners of the same property, notice to any one of the owners shall comply with the notice requirement under this section.

(C) Entry.

(1) The owner shall provide the Inspector from the Building Department with access to the property.

(2) If the property is rented, the owner is responsible for obtaining the consent of the tenant of any rental dwelling unit to permit entry. If the tenant does not consent to the entry for inspection, the Building Department is authorized to seek an inspection warrant from a court of competent jurisdiction. If a tenant or occupant of a rental dwelling unit refuses to allow the inspection, the owner is not in violation of this section.

(3) If the Inspector is prevented from inspecting the property and has reasonable cause to believe that the property is so hazardous, unsafe, or dangerous as to require immediate inspection to safeguard the public health or safety, the Inspector shall have the right to immediately enter and inspect the property and may use any reasonable means required to effect the entry and make an inspection.

(D) Results of inspection.

(1) If the Inspector finds no Code of Blue Island, Illinois violations, the Inspector shall issue a notice of compliance that shall state in plain language that the property is in compliance with all applicable laws in the same manner as the notice of inspection provided for in § 95.57B hereof.

(2) If, upon inspection, the Inspector discovers one or more Code of Blue Island, Illinois violations and any other applicable law, the Inspector shall cause to be issued a notice and order to the owner to correct the violations. The order shall state in plain language the violations of law found and the sections of law with which the property is not in compliance.

(a) The order shall also state that failure to correct the violations may result in additional inspection fees and other enforcement actions. The Inspector shall mail the notice in the same manner as the notice of inspection provided for in § 95.57B hereof and order to the occupants of each dwelling unit, the owner, and the owner representative to the addresses provided on the registration application.

(3) If the Inspector determines that the conditions pose a present, imminent, extreme and immediate hazard to health or safety, he or she shall order abatement of the conditions within 48 hours. Within 24 hours after the time to abate, the Building Department shall conduct a reinspection of the property to determine compliance with the order. If the condition has not been abated, the Building Department is authorized to make the necessary repairs to ensure immediate repair of dangerous, life-threatening conditions.

(4) Except as provided in Subsection D(3), the Building Department shall specify a reasonable time period for correction of the violations, depending on the severity of the condition, between 48 hours and 30 days from receipt of the order to correct the violations and schedule a reinspection of the property. A fee for the additional inspection required under this subsection shall be imposed. The City may also commence any other enforcement actions.

(5) Except for conditions specified in Subsection D(3), if the violation has not been corrected by the compliance date, but the owner has made significant progress in correcting the violation since the prior inspection, the Building Department may grant a single extension of time not to exceed 30 days. In determining whether to grant the extension of time, the Building Department shall consider the frequency of prior inspections, the current condition of the property, prior Code of Blue Island, Illinois violations and whether the owner has other property with Code of Blue Island, Illinois violations.

(E) After being added to the Nuisance Property Registry and having an initial inspection,

the property shall also be required to have a subsequent inspection six months after being placed on the registry.

§ 95.58 **ANNUAL PERFORMANCE EVALUATION**

(A) At the end of the 11th month on the Nuisance Property Registry, the Building Department shall do a review of the status of the property to determine if the property should be removed from the registry or be required to remain on the registry for an additional twelve-month registry period.

(B) Those owners who have resolved the issue(s) that caused their property to be placed on the nuisance property registry and have had no or few violations will be removed from the registry while those who have properties that continue to have violations shall remain on the registry.

§ 95.59 **FEES ESTABLISHED**

(A) Inspection fee. An owner of property determined to be a chronic nuisance property shall pay a fee of \$150 per building, plus an additional \$50 for each dwelling unit above two dwelling units. This inspection fee shall cover the initial inspection, first reinspection at six months and the annual performance evaluation provided for in § 95.58.

(B) An owner shall pay a fee of \$150 for any additional inspection not provided for in Subsection A above.

(C) The fee for rescheduling an inspection shall be \$50.

§ 95.60 **ALTERNATIVE CHRONIC NUISANCE PROPERTY PROCEDURE**

Whenever the Chief of Police of the City receives one or more police reports documenting the occurrence of a nuisance activity, as herein defined, on or within a property, the Chief of Police shall independently review such reports and any other relevant facts or evidence to determine whether criminal activity, nuisance activity or other prohibited conduct as provided in this chapter has occurred at the property in question. Upon a finding that the complained of activity has occurred, the Chief of Police may notify the owner, in writing, that the property is in danger of becoming a chronic nuisance property. The notice shall contain the following information:

(A) The street address and property index number sufficient for identification of the property.

(B) A statement that the police department has information that the property may be a chronic nuisance property, with a concise description of the criminal or nuisance activity(ies) that may exist or that has occurred.

(C) Service of notice shall be provided by either personal delivery or by first-class mail, postage prepaid, addressed to the owner at the address of the property believed to be a chronic nuisance property, or such other place which is likely to give notice of the determination by the Chief of Police.

(D) A copy of the notice shall also be served on the taxpayer of record at such address as shown on the tax rolls of the county and/or the occupant, at the address of the property, if these persons are different from the owner and shall be made either personally or by first-class mail, postage prepaid.

(E) Demand that the owner respond and meet with the Chief of Police within 20 days of receipt of the notice. Refusal of receipt of the notice by any party to whom notice is sent shall be deemed receipt of the notice for purposes of this section.

§ 95.61 **CHRONIC NUISANCE PROPERTY PROCEDURE FOR ADDRESSING NUISANCE PROPERTY**

(A) At the meeting, the Chief of Police may request that the owner implement a reasonable abatement plan designed to alleviate and prevent future occurrences of criminal activity or nuisance activity upon the property. The mitigation or abatement plan shall be reasonable under the circumstances in its objective, cost and scope, and shall be implemented within 60 days of the meeting with the Chief of Police or such longer period if not practically feasible to do so within 60 days.

(B) If the criminal activity or nuisance activity complained of has or is being conducted by a tenant leasing the property, and such activity is a violation of the material terms of a lease agreement, the Chief of Police may request that the owner evict the tenant and further request that future tenants execute a “crime free lease addendum.” If eviction is requested, the owner shall proceed with such an action in good faith. The City shall assist in the eviction action by reasonably cooperating with the owner, manager(s) or person(s) in charge of the property, including, but not limited to, providing law enforcement officers or other municipal employees as witnesses regarding the nuisance activity if relevant.

(C) When any party affected by this section responds and meets with the Chief of Police as required above, no statements made in connection with the furnishing of that response or in a meeting shall constitute or be used in any judicial or quasijudicial proceeding as an admission that any nuisance activity has or is occurring at or on the property. This subsection does not require the exclusion of any other evidence which is otherwise admissible and offered for any other purpose than an admission by a person affected by this section.

§ 95.62 **CHRONIC NUISANCE PROPERTY ABATEMENT; ADMINISTRATIVE ADJUDICATION HEARING**

(A) At any hearing before the administrative adjudication hearing officer held in accordance with Chapter 11 to determine whether the property in question is a chronic nuisance property, the City shall have the initial burden of proof to show, by a preponderance of evidence, that the property in question is a chronic nuisance property. Notice of the hearing shall be provided to all persons or entities that may be adversely affected by a decision declaring the property to be a chronic nuisance property.

(B) The City's representative shall present evidence in support of its claim that the property is a chronic nuisance property. The owner shall be permitted to rebut such evidence.

(C) No continuances shall be authorized by the Administrative Hearing Officer in proceedings under this section unless for good cause shown or except where a continuance is absolutely necessary to protect the rights of any party to the proceeding. Lack of preparedness shall not be grounds for a continuance.

(D) At any time prior to the hearing date, the Administrative Hearing Officer may, at the request of either party(ies), direct witnesses to appear and give testimony at the hearing. The formal rules of evidence will not apply at the hearing and hearsay evidence including police reports shall be admissible only if it is the type commonly relied upon by reasonable, prudent persons in the conduct of their affairs.

§ 95.63 **CHRONIC NUISANCE PROPERTY ALTERNATIVE
ENFORCEMENT**

(A) Nuisance abatement: The City, as an alternative to administrative adjudication, may commence an action in the circuit court of Cook County for a determination that the property is a chronic nuisance property and/or to abate a chronic nuisance property.

(B) Nothing with respect to this section:

(1) Limits enforcement pursuant to 50 ILCS 750/15.2 against any person calling the number "911" for the purpose of making a false alarm or complaint and reporting false information, from being charged with disorderly conduct as defined in 720 ILCS 5/26-1 or a similar ordinance of this code; or

(2) Prohibits claims made pursuant to 735 ILCS 5/9-1 et seq., of the forcible entry and detainer statute, except where the tenant, lessee, or household member who was the victim of domestic violence, sexual violence, stalking, or dating violence did not knowingly consent to the barred person entering the premises or a valid court order permitted the barred person's entry onto the premises; or

(3) Prohibits the City from enacting or enforcing ordinances to impose penalties on the basis of the underlying criminal activity or local ordinance violation to the extent

otherwise permitted by existing state and federal law; or

(4) Shall prevent the owner or City from seeking possession solely against a tenant, household member, or lessee of the premises who perpetrated the domestic violence, sexual violence, or other criminal activity; or

(5) Shall prevent the owner or City from seeking possession against a tenant, lessee or household member who is a victim of domestic violence, dating violence and stalking, sexual violence, or has a disability, if that tenant, lessee, or household member has committed the nuisance activity on which the demand for possession is based.

Section 4. If any section, paragraph, clause or provision of this Ordinance shall be held invalid, the invalidity thereof shall not affect any other provision of this Ordinance.

Section 5. All ordinances, resolutions, motions or orders in conflict with this Ordinance are hereby repealed to the extent of such conflict.

Section 6. This Ordinance shall be in full force and effect immediately upon its passage and approval to ensure the public health, safety and welfare of the residents of the City

(Left intentionally blank)

ADOPTED this 24th day of August, 2021, pursuant to roll call as follows:

	YES	NO	ABSENT	PRESENT	ABSTAIN
Alderman JOHNSON	X				
Alderman MONTOYA	X				
Alderman RITA	X				
Alderman FAHRENWALD	X				
Alderman MCGEE	X				
Alderman CARR	X				
Alderman ROLL	X				
Mayor BILOTTO					
	7				

APPROVED by the Mayor on August 24, 2021.

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

ATTESTED and Filed in my office this
 24th day of August, 2021.

RAEANN CANTELO-ZYLMAN, CITY CLERK

PUBLISHED in pamphlet form this
 24th day of August, 2021.

RAEANN CANTELO-ZYLMAN, CITY CLERK

STATE OF ILLINOIS)
) SS
COUNTY OF COOK)

CERTIFICATE

I, RAEANN CANTELO-ZYLMAN, certify that I am the duly elected and acting Municipal Clerk of the City of Blue Island of Cook County, Illinois.

I further certify that on **August 24, 2021** the Corporate Authorities of such municipality passed and approved Ordinance No. **2021 - 029** Entitled:


AN ORDINANCE OF THE CITY OF BLUE ISLAND, COOK COUNTY, ILLINOIS AMENDING TITLE IX, CHAPTER 95 OF THE CODE OF BLUE ISLAND, ILLINOIS REGARDING CHRONIC NUISANCE PROPERTIES.

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

The pamphlet form of Ordinance No. **2021 - 029** including the Ordinance and a cover sheet thereof, was prepared, and a copy of such Ordinance posted in the municipal building commencing on **August 24, 2021** and continuing for at least ten days thereafter. Copies of such Ordinance were also available for public inspection upon request in the office of the municipal clerk.

DATED at Blue Island, Illinois, this **24th** day of **August, 2021**.

CORPORATE SEAL



CITY CLERK