

**VILLAGE OF SOUTH CHICAGO HEIGHTS
COOK COUNTY, ILLINOIS**

ORDINANCE NO. 2010-ORD-12

**AN ORDINANCE AMENDING THE VILLAGE OF
SOUTH CHICAGO HEIGHTS MUNICIPAL CODE TO ESTABLISH
VACANT PROPERTY REGULATIONS**

**ADOPTED BY THE
PRESIDENT AND BOARD OF TRUSTEES
OF THE
VILLAGE OF SOUTH CHICAGO HEIGHTS
THIS 19TH DAY OF APRIL, 2010**

Published in pamphlet form
by the authority of the President
and Board of Trustees of the
Village of South Chicago Heights,
Cook County, Illinois this 19TH day of
April, 2010.

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WHEREAS, buildings that are indefinitely vacant or indefinitely vacant and 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 Village, and have other undesirable effects; and

WHEREAS, vacant buildings, especially those which remain boarded for more than six (6) 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 effects 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 indefinitely vacant and in a state of disrepair and will thereby provide a basis for the return of vacant properties to the housing stock; and

WHEREAS, the Village of South Chicago Heights has the authority to regulate the

maintenance of properties and buildings within the Village in order to protect the public health, safety, and welfare of its citizens; and

WHEREAS, the Village 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 Village Board adopts the “broken window” concept among the rationales 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 for 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 nuisance caused by vacant buildings, repair and rehabilitation of vacant properties and their subsequent occupancy is in the best interests of the citizens of the Village; 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 Village 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;

NOW, THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of South Chicago Heights, Cook County, Illinois, that:

SECTION 1. Recitals. The recitals set forth above are hereby incorporated into and made a part of this Ordinance as though set forth in this Section 1.

SECTION 2. Amendment. Chapter 14 of the Village of South Chicago Heights Municipal Code is hereby amended to add a new Section 14-10, which shall read as follows:

Sec. 14-10: VACANT BUILDING AND PROPERTY REGULATIONS:

A. Declaration of Policy: The purpose of this section 14-10 is to protect the public health, safety, and welfare by enactment of this section which:

1. Establishes a program for identification, registration, and regulation of buildings which are or become vacant on and after the effective date of this section 14-10.
2. Determines the responsibilities of owners of vacant buildings.
3. Provides for administration, enforcement, including abatement of public nuisances, and imposition of penalties.

This section 14-10 shall be construed liberally to effect its purposes.

B. Other Ordinances: This section 14-10 shall not be construed to prevent the enforcement of other applicable ordinances, codes, legislation, and regulations which prescribe standards other than are provided herein, and in the event of conflict, the most restrictive shall apply.

C. Definitions: Unless otherwise expressly stated or clearly indicated by the context, the following terms shall, for the purpose of this section 14-10, 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 structure occupied or intended for supporting or sheltering any occupancy.

DANGEROUS BUILDING: A building defined as a "dangerous building" in the Village building code, as it may be amended. Such buildings are public nuisances.

BUILDING DIRECTOR: The Village Director of Building and Zoning or his or her designee.

OWNER: Any person, agent, operator, firm, or corporation 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: Includes a corporation, a partnership, or other entity as well as an individual.

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 regarded as a public nuisance at common law, under the Illinois Compiled Statutes, or under this code; or
2. Any physical condition, use or occupancy or any building or its 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 Director 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 as to endanger life, limb or property; or
6. Any building 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; open or 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 defined as a "dangerous building" by section 14-10 of this code, as it may be amended.

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 Director pursuant to authority granted to him by this code.

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

1. A building at which substantially all lawful residential or business activity 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: A building or portion of a building which is:

1. Unoccupied and unsecured; or
2. Unoccupied and secured by boarding or other similar means; or
3. Unoccupied and a dangerous structure; or
4. Unoccupied and condemned by the Building Director pursuant to applicable provisions of this code; or
5. Unoccupied and has multiple code violations; or
6. Unoccupied and the building or its premises has been the site of unlawful activity within the previous six (6) months; or
7. Condemned by the Building Director and unlawfully occupied; or
8. Unoccupied for over one hundred eighty (180) days and during which time the Building Director has issued an order to correct public nuisance conditions and same have not been corrected in a code compliant manner; or
9. Unoccupied for over two (2) years.
10. 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 Village 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 which are 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.

D. Determination: Within sixty (60) days after the effective date of this section 14-10, the Building Director shall evaluate all buildings in the Village he believes to be unoccupied on the effective date of this section 14-10 and make a determination for each as to whether the building is a "vacant building" within the meaning of section 14-10(C) of this code. The

Building Director may determine that a building which meets any of the criteria set forth in this section is not to be regulated under this section 14-10 for a stated period, if upon consideration of reliable, substantiated and sufficient evidence, he or she determines that regulation of the building under this section 14-10 would not serve the public health, welfare, and safety and makes written findings in support of this decision. The determination shall be in writing and shall state the factual basis for the determination. For buildings the Building Director determines to be "vacant buildings," notice of the determination will be sent to the last taxpayer of record listed on the most recent Cook County tax roll. The notice of determination shall be sent first class United States mail. Failure of delivery shall not excuse a person from complying with this section 14-10. The Building Director may personally serve or cause personal service of the notice of determination. Any person making such service shall execute an affidavit attesting to the facts of service. The Building Director shall maintain a record of such mailing for each notice of determination sent.

The notice shall specify a date and time on which the owner shall allow for a code compliance inspection of the interior of the vacant building to determine the extent of compliance with Village property, building codes, health, fire, water and sewer codes. The owner shall pay the five hundred dollar (\$500.00) inspection fee to the Village within thirty (30) days of the inspection. An unpaid fee shall be a lien upon the premises.

The notice 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 14-10(F) of this code, and a notice of the owner's right to appeal the Building Director's determination.

E. Appeal of Determination: An owner of a building determined by the Building Director to be a vacant building as provided for in this section 14-10 may appeal that determination to the Building Director. Such appeal shall be in writing and shall be filed with the Building Director 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 building as required by section 14-10(F) of this code. The appeal shall contain a complete statement of the reasons the owner disputes the Building Director's determination, shall set forth specific facts in support thereof, and shall include all evidence the owner relies upon to support the appeal. The Building Director shall decide the appeal on the basis of facts presented by the owner in his or her written appeal and the Building Director's written determination.

1. The burden is upon the owner to present sufficient evidence to persuade the Building Director that had the evidence been known to the Building Director at the time the Building Director made the determination, the Building Director would more likely than not have determined that the subject building was not a "vacant building" within the meaning of this section 14-10.
2. The Building Director shall send written notice of his decision to the owner within ten (10) days of his or her receipt of the appeal. The Building Director may, but is not required to, seek additional information from the owner. The Building Director may, upon written notice thereof to

the owner, take no more than ten (10) additional days, to decide the appeal if he or she determines that such additional time is required for consideration of the appeal.

3. An owner who wishes to challenge applicability of this section 14-10 to his/her building without the Building Director's determination having been made, shall set forth specific facts to support nonapplicability in a writing to the Building Director. In the event the Building Director determines that the subject building is a "vacant building," the owner shall have the right to appeal the Building Director's determination to the Building Director as provided for herein.

F. **Obligation To Register:** 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 section 14-10 after the effective date of this section 14-10 or the owner of a building which the Building Director determines at any time to be a "vacant building," or the owner of a building whose appeal from the Building Director's determination has been denied by the Building Director shall take the actions provided for in this section within fifteen (15) days after either the date of the Building Director's notice of determination or occurrence of the facts which would cause a reasonable person to believe that the building was a "vacant building," or denial of the appeal, whichever is applicable. Registration does not exonerate the owner from compliance with all applicable codes and ordinances, including this section 14-10, nor does it preclude any of the actions the Village is authorized to take pursuant to this section 14-10 or elsewhere in this code.

1. **Registration Requirements:**

- a. Register the building with the Building Director, on a form provided by the Building Director 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 twenty one (21) years of age or older who maintains a permanent address in Cook County, Illinois, to accept service on behalf of the owner with respect to any notices the Building Director sends pursuant to this section 14-10 or service of process in any proceeding commenced to enforce any provision of this section 14-10, and file with the Building Director 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 each year on the

anniversary date of the first filing for the time the building remains vacant and pay the required two hundred dollar (\$200.00) annual fee; and

- c. 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.
2. Notice; Inspection: The form shall 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 section 14-10, by posting on the building if the owner fails to renew the registration if required, or maintain as current with the Building Director the information required regarding the person designated to accept notice and service of process.

The owner shall allow for a code compliance inspection of the interior of the vacant building and shall pay the five hundred dollar (\$500.00) fee therefore within thirty (30) days of the inspection. Such inspection will determine the extent of compliance with Village property, building codes, health, fire, water and sewer codes. The Village shall send the inspection report to the owner within thirty (30) days.

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 Director, 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 Director may prescribe a form for the plan. If the owner fails to submit the plan as provided for by this section 14-10, the Building Director 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 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 Director. 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 Director may waive the requirement of an enclosure.
- b. For buildings and premises thereof which are determined by the Building Director as being or containing public nuisances, as defined in section 14-10(C) of this code, then the vacant building 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 by the Building Director.
 - 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 and premises thereof in conformance with this section 14-10.
 - 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 provides for compliance with this section 14-10 or, which will not, as determined by the Building Director, achieve such compliance, within six (6) 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.
 - g. All premises upon which unoccupied or vacant buildings are located and the exteriors shall at all times be maintained in compliance with this code.
 - h. Exterior lighting according to standards established by the Building Director and available from the Building Director.
5. Security Guard Service: On written notice of the Building Director, provide bonded, licensed, and insured security guard service at the building between the hours of three o'clock (3:00) P.M. and eight o'clock (8:00) A.M. Such service to remain in place until the Building Director gives written notice that the service is no longer required. Such service shall be required when the Building Director 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 boarding and securing the building are insufficient to prevent the actual or threatened harm.

6. Signage: Affixed to any building which is boarded, no smaller than two feet by two feet (2' x 2') and compliant with the Village's sign regulations and providing the following information: The name, address, and telephone number of the owner, and in addition, for buildings which are the subject of a foreclosure action, the name, address, and telephone number of the plaintiff and the plaintiff's attorney, if any, in the foreclosure action. The sign must be placed so that its message is legible from the public way.
7. Approval of Plan.
 - a. Review Building Plan: The Building Director shall review the proposed vacant building plan in accordance with the standards below. The Building Director shall send notice to the owner of the vacant building of his determination.
 - b. Standards For Plan Approval: In considering the appropriateness of a vacant building plan, the Building Director shall include the following in his or her consideration and shall make written findings as to each:
 - (1) The purposes of this section 14-10 and intent of the Village Board to minimize the time a building is boarded or otherwise vacant.
 - (2) The effect of the building and the proposed plan on adjoining property.
 - (3) The length of time the building has been vacant.
 - (4) The presence of any public nuisances on the property.
 - (5) The likelihood that the plan or portion(s) thereof will prevent or ameliorate the condition it is designed to address.
8. Authority To Modify Plan, Right Of Appeal. The Building Director 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 section 14-10 he or she deems necessary to protect the public health, safety, or welfare.
9. Failure To Comply With 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 section 14-10 subjecting the owner of the building to penalties as provided in this section 14-10 and to any remedies the Village may avail itself of as provided for herein and elsewhere in this code, including, but limited to, an action to compel correction of property maintenance violations.

G. Other Enforcement: The registration of a vacant building shall not preclude action by the Village to demolish or to take other action against the building pursuant to other provisions of this section 14-10, this code, or other applicable legislation.

H. Certification: A certificate of code compliance for vacant buildings issued by the Village and payment in full of all fees imposed pursuant to this Section 14-10 are required prior to any occupancy of a vacant building.

I. Boarding of Buildings: It is the policy of the Village of South Chicago Heights 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 six (6) months unless an extension of that time is part of a plan approved by the Building Director. A vacant building which is unboarded and code compliant and for which boarding is determined by the Building Director 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.

J. Enforcement and Penalties:

1. Any person found to have violated any provision of this section 14-10 shall be subject to the general penalties set forth in section 1-8 of this code, in addition to any other legal or equitable remedies available to the Village. 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 Village 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 section 14-10.
3. Nothing herein contained shall prohibit the Village from immediately condemning as provided for in this code a building 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 3: Effective. This Ordinance shall be in full force and effect from and after its passage, approval and publication in pamphlet form as provided by law.


PASSED this 19th day of April, 2010.

AYES: 5

NAYS: 0

ABSENT: 1

APPROVED this 19th day of April, 2010.


Village President

Attest:


Village Clerk