
THE VILLAGE OF ALSIP
COOK COUNTY, ILLINOIS

ORDINANCE
NUMBER 2009-9-3

**AN ORDINANCE AMENDING CHAPTER 6 (“BUILDINGS AND
BUILDING REGULATIONS”), ARTICLE XVIII (“VACANT BUILDINGS”)
OF THE MUNICIPAL CODE FOR THE VILLAGE OF ALSIP, ILLINOIS**

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Published in pamphlet form by authority of the President and Board of Trustees of the Village of Alsip on September 21, 2009

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AN ORDINANCE AMENDING CHAPTER 6 (“BUILDINGS AND BUILDING REGULATIONS”), ARTICLE XVIII (“VACANT BUILDINGS”) OF THE MUNICIPAL CODE FOR THE VILLAGE OF ALSIP, ILLINOIS

WHEREAS, allowing certain buildings to remain indefinitely vacant even in the absence of Code violations or securing 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 detract from the appearance and good order of the neighborhood; and

WHEREAS, for this reason, the Board of Trustees of the Village of Alsip (“Village”) has determined to amend Chapter 6 (“Buildings and Building Regulations”), Article XVIII (“Vacant Buildings”) of the Municipal Code for the Village of Alsip, Illinois (“Municipal Code”) to adopt procedures by which the Building Commissioner may determine when a building is vacant pursuant to said article; and

WHEREAS, the Village has also determined to amend the Municipal Code to require vacant building plans be submitted by property owners for the review and approval of the Village.

NOW THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of Alsip, Cook County, Illinois, in the exercise of their home rule powers, as follows:

Section 1. Village Code Amended. Chapter 6 (“Buildings and Building Regulations”) Article XVIII (“Vacant Buildings”) of the Municipal Code for the Village of Alsip, Illinois, is amended by adding the following underlined language and deleting the overstricken language to read as follows:

Sec. 6-600. Definitions.

* * * *

PERSON: A person ~~includes~~ includes a corporation, a partnership, or other entity as well as an individual.

PUBLIC NUISANCE: A 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 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 designed 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 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 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.

SECURED 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, material permitted pursuant to this Code 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.

* * * *

Sec. 6-601. Determination.

(a) The building commissioner may determine, at his or her discretion, that a building is a "vacant building" within the meaning of section 6-600 of this article. For buildings the building commissioner determines to be "vacant buildings," the building commissioner 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 or Will County tax roll. Said notice of determination shall be sent first class United States mail, with property postage prepaid. Failure of delivery shall not excuse a person from complying with this article. The building commissioner 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 commissioner shall maintain an affidavit of such mailing for each notice of determination sent pursuant to this section.

(b) The notice served pursuant to this section may 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 village shall provide any inspection report to the owner within thirty (30) days.

(c) The notice served pursuant to this section shall contain a statement of the obligations of the owner of a building determined to be a vacant building, and a copy of the registration form the owner is required to file pursuant to section 6-604 of this article.

~~Sec. 6-601.~~ Sec. 6-602. Obligation to register vacant buildings.

(a) An owner of any vacant building shall within thirty (30) days after the building becomes vacant, or within thirty (30) days after the effective date of this article, whichever is later, file a registration statement for each such building with the building commissioner on a form provided by the building commissioner. The registration shall be valid for a period of one (1) year from the date of registration.

(b) Each vacant building shall be registered pursuant to an executed and completed form provided by the building commissioner and filed with the building commissioner.

(c) A registration for a vacant building shall be valid for a period of one (1) year from the date of registration.

(d) An annual, nonprorated registration fee of two hundred dollars (\$200.00) shall be required to register each vacant building.

~~Sec. 6-602.~~ Sec. 6-603. Registration requirements.

The registration statement required by this article shall include the name, street address, and telephone number of a natural person twenty-one (21) years of age or older, designated by the owner, as the authorized agent for receiving notices of code violations and for receiving process in any court proceeding or administrative enforcement proceeding on behalf of such owner in connection with the enforcement of this code. Said person must maintain an office in Cook County, Illinois, or must actually reside within Cook County, Illinois. A street address is required; a post office box is not an acceptable address. An owner who is a natural person and who meets the requirements of this section as to location of residence or office may designate himself or herself as agent. By designating an authorized agent pursuant to this section, the owner consents to receive any and all notices of code violations concerning the registered building and all process in any court proceeding or administrative enforcement proceeding brought to enforce this code concerning the registered building by service of the notice or process on the authorized agent. Any owner who fails to register a vacant building under the provisions of this section shall further be deemed to consent to receive, by posting at the building, any and all notices of code violations and all process in an administrative proceeding brought to enforce code provisions concerning the building.

~~Sec. 6-603.~~ Sec. 6-604. Changes in registration information.

An owner shall notify the building commissioner within twenty (20) days of any change in the registration information by filing an amended registration statement

on a form provided by the building commissioner. A new registration is required for any change in ownership whatsoever. The registration statement shall be deemed prima facie proof of the statements therein contained in any administrative enforcement proceeding or court proceeding instituted by the village against the owner of the building.

~~Sec. 6-604.~~ Sec. 6-605. Renewal of registration.

An owner shall be required to annually renew on the anniversary date of the first filing registration as long as the building remains vacant ~~and shall pay an annual registration fee of one hundred dollars (\$100) for each registered building.~~

~~Sec. 6-605.~~ Sec. 6-606. Owner responsibility to secure a vacant building.

An owner of any vacant building shall within thirty (30) days of the building becoming vacant enclose and secure the building and maintain the building in a secure and closed condition until the building is no longer a vacant building as defined herein.

~~Sec. 6-606.~~ Sec. 6-607. Owner to maintain alarm and sprinkler systems.

Whenever pursuant to this Code an owner is required to maintain an alarm and/or sprinkler system, the owner shall continue to be required to maintain said alarm and/or sprinkler system during all times that a building is vacant. This shall include any and all necessary systems and appurtenances incident thereto to keep said alarm and/or sprinkler operable, including, but not limited to, source(s) of water, heat and/or electricity.

~~Sec. 6-607.~~ Sec. 6-608. Liability insurance.

An owner of any vacant building must 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 as follows: for a vacant residential building of one (1) to three (3) units, \$500,000 in coverage; for a vacant residential building of four (4) to eleven (11) units, \$750,000 in coverage; for a vacant residential building of twelve (12) to forty-eight (48) units, \$1,000,000 in coverage; for a vacant residential building of more than forty-eight (48) units, \$2,000,000 in coverage; and for a vacant manufacturing, industrial, storage, or nonresidential commercial building, \$2,000,000 in coverage. Written notice shall be supplied to the building commissioner within thirty (30) days of any lapse, cancellation or change in the coverage required by this section. An owner shall supply evidence of the insurance required by this section at any time upon the request of the building commissioner.

Sec. 6-609. Vacant building plan.

At the time a building is registered as required herein, the owner shall submit a vacant building plan. The building commissioner may prescribe a form for the plan. If the owner fails to submit the plan as provided for by this section, the

building commissioner may determine the plan. At a minimum, the plan shall contain the following:

(1) A plan of action to repair any doors, windows, or other openings which are 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. Securing a building shall be accomplished with materials and methods permitted pursuant to this Code. The owner shall maintain the building in an enclosed and secure state so that it is a secured building as defined pursuant to this article 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.

(2) For buildings and premises thereof which are determined by the building commissioner as being or containing public nuisances, as defined in section 6-600 of this article, then the vacant building plan shall contain a plan of action to remedy such public nuisance(s).

(3) 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 commissioner.

(4) When the owner proposes to demolish the vacant building, then the owner shall submit a plan and time schedule for such demolition.

(5) A plan of action to maintain the building and premises thereof in conformance with this article.

(6) 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 article or, which will not, as determined by the building commissioner, achieve such compliance, within six (6) months, in the case of a vacant and secured building, and two (2) years, in the case of a vacant and unsecured building will be approved.

Sec. 6-610. Approval of plan.

(a) *Review of building plan.* The building commissioner shall review the proposed vacant building plan required by section 6-609 in accordance with the standards below. The building commissioner shall send notice to the owner of the vacant building of the building commissioner's determination.

(b) Standards for plan approval. In considering the appropriateness of a vacant building plan, the building commissioner shall include the following in the building commissioner's consideration and shall make written findings as to each:

(1) The purposes of this section 6-610 and intent of the village to minimize the time a building is secured 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 premises.

(5) The likelihood that the plan or portions(s) thereof will prevent or ameliorate the condition it is designed to address.

Sec. 6-611. 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 article that the building commissioner deems necessary to protect the public health, safety, or welfare.

Sec. 6-612. Failure to comply with plan.

Failure to have an approved vacant building plan as required by section 18-512 within thirty (30) days of filing the registration form or failure to comply with the approved plan shall constitute a violation of this article subjecting the owner of the building to penalties as provided in this article 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.

Sec. 6-613. Owner responsibility to secure a vacant building; signage.

(a) Enclosure of vacant building. An owner of any vacant building shall within thirty (30) days of the building becoming vacant enclose and secure the building so that it is a secured building as defined pursuant to this article and maintain the building in a secure and closed condition until the building is no longer a vacant building as defined herein.

(b) Security guard service. On written notice of the building commissioner, an owner of any vacant building shall 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 shall remain in place until the building commissioner gives written notice that the service is no longer required. Such service shall be required when the building commissioner 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 are insufficient to prevent the actual or threatened harm.

~~Sec. 6-608.~~ Sec. 6-614. Promulgation of rules and regulations.

The building commissioner may issue rules and regulations for the administration of this article. These rules may designate materials and methods which must be used to secure a building.

~~Sec. 6-609.~~ Sec. 6-615. Enforcement and penalties.

A. Any person found to have violated any provision of this article shall be guilty of a Class B ordinance violation 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. Each day upon which a violation occurs constitutes a separate offense.

B. The village may enforce this article as part of its administrative adjudication system as set forth in chapter 23 of this Code, as amended, or through the circuit court.

~~B.~~ C. Nothing herein contained shall prohibit the village from condemning a vacant building as provided by applicable law or taking other actions 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 2. Severability and Repeal of Inconsistent Ordinances. If any section, paragraph, clause or provision of this Ordinance shall be held invalid, the invalidity thereof shall not affect any of the other provisions of this Ordinance. All ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 3. Effective Date. This Ordinance shall be in full force and effect from and after its passage, approval, and publication in pamphlet form in the manner provided by law.

ADOPTED by the President and Board of Trustees of the Village of Alsip, Cook County, Illinois, on September 21, 2009 by the following roll call vote:

	YES	NO	ABSENT	ABSTAIN
Shapiro	X			
Godfrey	X			
McGreal	X			
Michaels	X			
Daddona	X			

Quinn	X			
President Kitching				
TOTAL	6	0	0	0

Patrick E. Kitching
PRESIDENT

ATTEST:

Deborah Venhuizen
VILLAGE CLERK