

**VILLAGE OF NORTH UTICA,
COUNTY OF LASALLE,
STATE OF ILLINOIS**

ORDINANCE NO. 2018 - 31

**AN ORDINANCE AMENDING THE VACANT AND ABANDONED
STRUCTURES, ORDINANCE OF THE VILLAGE OF NORTH UTICA CODE,
OF THE VILLAGE OF NORTH UTICA, LASALLE COUNTY, ILLINOIS
(Title 9, Ch 8)**

Date Passed: October 11, 2018

Date Posted: October 11, 2018

**DO NOT REMOVE FOR 10 DAYS
FROM DATE OF POSTING**

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LASALLE COUNTY,
ILLINOIS**

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WHEREAS, the Village of North Utica (the “Village”) is a Home Rule Municipality in accordance with the Constitution of the State of Illinois, 1970; and

WHEREAS, The Board of Trustees of the Village of North Utica, LaSalle County, Illinois (“the Village”), after full investigation and consideration, has determined it to be in the best interests of the citizens of the Village, and further believe it to be necessary and appropriate that Title 9, Chapter 8, Vacant and Abandoned Structures, of the Village’s Ordinances, be amended as follows below:

NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF NORTH UTICA, LASALLE COUNTY, ILLINOIS, AS FOLLOWS:

Section 1: Title 9, Chapter 8, Vacant and Abandoned Structures, shall have the following sections amended:

9-8-2: DEFINITIONS.

- C. “Abandoned residential structure” means any building which has been used or was intended for use as a residential dwelling, in whole or in part, including an accessory building, which has become vacant or abandoned for a period of at least forty-five (45) consecutive days and which also meets at least one of the following conditions:
(Amd Ord#2018-31, 10-11-2018; Ord.#2017-30, 11-8-2017)

9-8-5: REGISTRATION AND ADMINISTRATIVE FEE.

- A. An owner of an abandoned structure, whether registered or not, shall pay an abandoned structure registration fee and a monthly administrative fee for the time during which such structure remains an abandoned structure. The abandoned structure registration fee shall be Fifty One Hundred Dollars (\$50 100.00) and the monthly administrative fee shall be Twenty-five Dollars (\$25.00). (Amd Ord#2018-31, 10-11-2018; Ord#2017-30, 11-8-2017)

- E. If the Registration is incomplete, the Village may reject such in its entirety and, unless the Registration is corrected by the owner within ten (10) days of rejection by the Village, such shall be subject to fines under Section 9-8-11. (Amd Ord#2018-31, 10-11-2018; Ord#2017-30, 11-8-2017)

9-8-12: ENFORCEMENT OFFICER.

- A. The Village Code Enforcement Officer shall have the authority to enforce this Ordinance.
- B. The Code Enforcement Officer shall have within his/her discretion, the authority to waive any fee or penalty imposed hereunder or grant an extension of time (up to 60 days) if he/she believes extenuating circumstances exist so that strict enforcement of the Ordinance would be unduly burdensome. (Amd Ord#2018-31, 10-11-2018; Ord#2017-30, 11-8-2017)

Section 2: A complete Title 9, Chapter 8, Vacant and Abandoned Structures, as amended, is attached hereto as *Exhibit A*.

Section 3: This Ordinance shall be in full force and effect as of January 1, 2019, and after its passage, approval and publication as provided by law. This Ordinance may be published in pamphlet form.

UPON MOTION by Trustee M. Pawlak seconded by Trustee Schweickert, adopted at its regular meeting of the Board of Trustees of the Village of North Utica, Illinois on the 11th day of October, 2018, by roll call vote as follows:

PRESENTED, PASSED and ACCEPTED at its regular meeting of the Board of Trustees of the Village of North Utica, Illinois on the 11th day of October, 2018.

ROLL CALL VOTE:

TRUSTEE	AYE	NAY	ABSENT
Pawlak, R.	✓		
Bernardoni	✓		
Schweickert	✓		
Schrader	✓		
Pawlak, M.	✓		
Krizel	✓		

APPROVED this 11th day of October, 2018.

Dave M. Stewart
Dave Stewart, Village President

ATTEST:

Laurie A. Gbur
Laurie Gbur, Village Clerk

PUBLISHED in Pamphlet form this 11th day of October, 2018.

Laurie A. Gbur
Village Clerk

STATE OF ILLINOIS)
)
COUNTY OF LASALLE)

SS

I, Laurie Gbur, do hereby certify that I am the duly appointed, qualified and acting municipal Clerk of the Village of North Utica, the County and State aforesaid, and, as such Clerk, I am the keeper of the records and files of the President and Board of Trustees of the Village.


I do further certify that the attached and foregoing is a true and current copy of:

AN ORDINANCE AMENDING THE VACANT AND ABANDONED STRUCTURES,
ORDINANCE OF THE VILLAGE OF NORTH UTICA CODE,
OF THE VILLAGE OF NORTH UTICA, LASALLE COUNTY, ILLINOIS
(Title 9, Ch 8)

as passed by the Board of Trustees of the said Village of North Utica, Illinois, at its regular meeting held on October 11, 2018, and as approved by the President of said Village on October 11, 2018.

IN WITNESS WHEREOF, I have hereto affixed my official signature and the corporate seal of said Village of North Utica, Illinois.

(SEAL)


Village Clerk

STATE OF ILLINOIS)
)
COUNTY OF LASALLE)

SS

Certificate of Pamphlet Publication

I, Laurie Gbur, certify that I am the duly appointed and acting municipal Clerk of the Village of North Utica, LaSalle County, Illinois. I further certify that on October 11, 2018, the Corporate Authorities of the above municipality passed and approved Ordinance No. 2018-31 entitled:

AN ORDINANCE AMENDING THE VACANT AND ABANDONED STRUCTURES,
ORDINANCE OF THE VILLAGE OF NORTH UTICA CODE,
OF THE VILLAGE OF NORTH UTICA, LASALLE COUNTY, ILLINOIS
(Title 9, Ch 8)

which provided by its terms that it should be published as required by law. The Pamphlet Form of Ordinance No. 2018-31 and a cover sheet thereof was prepared, and a copy of the Ordinance was posted in the Village Hall, commencing on October 11, 2018 and continuing for at least ten days thereafter. Copies of the Ordinance were also available for public inspection upon request in the office of the municipal clerk.

Dated this 11th day of October, 2018.


Village Clerk

EXHIBIT A

THE VILLAGE OF NORTH UTICA CODE

TITLE 9

CHAPTER 8

VACANT AND ABANDONED STRUCTURES

CHAPTER 8

VACANT AND ABANDONED STRUCTURES

SECTION:

- 9-8-1: Findings
- 9-8-2: Definitions
- 9-8-3: Registration
- 9-8-4: Registration Information
- 9-8-5: Registration and Administrative Fee
- 9-8-6: Recovery of Fees
- 9-8-7: Securing Structures
- 9-8-8: Right of Entry and Inspection
- 9-8-9: Reuse and Occupancy
- 9-8-10: Responsibility for Violations
- 9-8-11: Penalty

9-8-1: **FINDINGS.** The Village Board of Trustees determines that the presence of vacant and abandoned structures creates blight. It is recognized that blight lowers property values, leads to deteriorating conditions, undermines the quality of life, affects the public health, safety and general welfare and also results in human injury and criminal activities. It is also determined that vacant and unoccupied structures demand an inordinate amount of Village administrative and ordinance enforcement resources. As such, the Village Board of Trustees finds the prolonged presence of vacant and abandoned structures to be unacceptable to the citizens of the Village of North Utica.

9-8-2: **DEFINITIONS.** As used in this Chapter:

A. "Abandoned commercial or office structure" means and includes:

1. Any single tenant building located in a C-1, C-2, or C-3 zoned district which has been unoccupied by a tenant for a period of ninety (90) consecutive days or which satisfies one of the supplementary conditions defined in Subsection H.1 through H.11; or
2. Any multi-tenant building located in a C-1, C-2, or C-3 zoned district which is more than fifty percent (50%) unoccupied (based on building square footage) for a period of ninety (90) consecutive days or which satisfies one of the supplementary conditions defined in Subsection H.1 through H.11.

B. "Abandoned industrial structure" means and includes:

1. Any single tenant building located in a I-1 or I-2 zoned district which has been unoccupied by a tenant for a period of ninety (90) consecutive days or which satisfies one of the supplementary conditions defined in Subsection H.1 through H.11; or

2. Any multi-tenants building located in a I-1 or I-2 zoned district which is more than fifty present (50%) unoccupied (based on building square footage) for a period of ninety (90) consecutive days or which satisfies one of the supplementary conditions defined in Subsection H.1 through H.11.

C. “Abandoned residential structure” means any building which has been used or was intended for use as a residential dwelling, in whole or in part, including an accessory building, which has become vacant or abandoned for a period of at least forty-five (45) consecutive days and which also meets at least one of the following conditions:
(Amd Ord#2018-31, 10-11-2018; Ord.#2017-30, 11-8-2017)

1. Is open to casual entry or trespass;
2. Is damaged by fire, flood, weather, or vandalism to an extent which prohibits safe human occupancy;
3. Is the site of loitering or vagrancy;
4. Demonstrates a lack of property maintenance and upkeep as evidenced by one or more violations of the Village Code or State Construction Code;
5. Is under notice for being in violation of Village ordinances;
6. Has been secured or boarded up for at least thirty (30) days;
7. Has outstanding bills/fees/taxes in arrears to the Village for a period of time exceeding three hundred sixty-five (365) days;
8. Has utilities disconnected or not in use;
9. Is under a condemnation notice or legal order to vacate;
10. Is structurally unsound; or
11. Is a potential hazard or danger to persons.

D. “Abandoned structure” means and includes an abandoned residential, commercial, office, or industrial structure as defined herein.

E. “Accessory building” means a subordinate structure on the same premises as the main structure, the use of which would be naturally and normally incidental to that of the main structure, whether the main structure is an abandoned structure or not, such as, but not limited to, a garage, barn or storage shed.

- F. "Owner" means any person with a legal or equitable ownership interest in the structure.
- G. "Secured" means a building which has all points of entry into the structure either:
1. Closed by use of windows and doors which are in proper working order, intact, without holes, broken elements, and are locked;
 2. Secured by exterior grade plywood in compliance with this chapter.
- H. "Supplementary conditions" shall mean and include the following:
1. Is open to casual entry or trespass;
 2. Is damage by fire, flood weather, or vandalism;
 3. Is the site of loitering or vagrancy;
 4. Demonstrates a lack of property maintenance and upkeep as evidenced by one or more violations of the Property Maintenance Code, Fire Prevention Code, Heating Code, Building Code, or State Construction Code;
 5. Is under notice for being in violation of a Village ordinance;
 6. Has been secured or boarded up for at least ninety (90) days;
 7. Has taxes in arrears to the Village for more than three hundred sixty-five (365) days;
 8. Has utilities disconnected or not in use;
 9. Is under a condemnation notice or legal order to vacate;
 10. Is structurally unsound; or
 11. Is a potential hazard or danger to persons.

9-8-3: **REGISTRATION.** Owners of abandoned structures shall register such properties with the Village and pay a monthly administration fee as set forth in Section 9-8-5. The duty to register an abandoned structure shall not require prior notice to the owner by the Village. Registration of an abandoned structure does not preclude the Village from taking appropriate actions to secure the property or to issue orders to repair or abate dangerous, hazardous or unlawful conditions or from acting to eliminate an imminent hazard to public health and safety.

9-8-4: REGISTRATION INFORMATION.

- A. For each abandoned structure each owner shall register with the Village and provide the following information on an Abandoned Structure Registration Form available from the Village:
1. The address of the abandoned structure;
 2. The legal names of all owners of the property and each owner's date of birth, if applicable;
 3. The complete mailing address of all owners;
 4. Telephone numbers of each owner, including cell phone and mobile phone numbers;
 5. Proof of identification of each owner;
 6. The name, address and telephone number of any local agent or representative authorized by the owner to handle the affairs of the property;
 7. The reason for vacancy of the property;
 8. The estimated length of time the property is expected to remain vacant; and
 9. Any plans for restoration, reuse or removal with an accompanying timeline and work schedule.
- B. An owner shall notify the Village and file an amended form within seven (7) days of any change in the registration information required by this Section.

9-8-5: REGISTRATION AND ADMINISTRATIVE FEE.

- A. An owner of an abandoned structure, whether registered or not, shall pay an abandoned structure registration fee and a monthly administrative fee for the time during which such structure remains an abandoned structure. The abandoned structure registration fee shall be One Hundred Dollars (\$100.00) and the monthly administrative fee shall be Twenty-five Dollars (\$25.00). (Amd Ord#2018-31, 10-11-2018; Ord#2017-30, 11-8-2017)
1. **Exception to Registration Fee:** Upon approval of the Zoning Enforcement Officer, the registration fee may be waived during the period that an abandoned structure is actively undergoing repairs/renovations for up to ninety (90) days at a time, with a maximum waiver period of the fee being for four (4) consecutive ninety (90) day periods. During a waiver period, the property is still required to be registered as provided in this ordinance. (Amd. Ord#2018-08, 3-8-2018; Ord#2017-30, 11-8-2017)

- B. Fees under this Section shall be established to support the services rendered by the Village in the course of its duties related to abandoned structures. Failure to register an abandoned structure or pay the monthly administrative fee shall be cause for penalties to be assessed and are criminal violations of this Chapter.
- C. The monthly administrative fee shall be paid so that it is received by the Village on or before the seventh (7th) day of each month, following each month during which the structure was an abandoned structure for fifteen (15) days or more.
- D. A late fee, in an amount equal to fifty percent (50%) of the Registration Fee rounded up to the next whole dollar amount shall also be payable by an owner of an abandoned structure when the monthly administrative fee is not paid by the due date.
- E. If the Registration is incomplete, the Village may reject such in its entirety and, unless the Registration is corrected by the owner within ten (10) days of rejection by the Village, such shall be subject to fines under Section 9-8-11. (Amd Ord#2018-31, 10-11-2018; Ord#2017-30, 11-8-2017)

9-8-6: **RECOVERY OF FEES.** If all or part of the fees required by this Chapter are not paid or are overdue, the Village may recover such sums by filing suit against the owner for entry of civil money judgment or any other means available by law. The village shall be entitled to all attorney fees and costs incurred in obtaining a warrant or to obtain a judgment against an owner for any overdue or unpaid fee associated with any abandoned structure.

9-8-7: **SECURING STRUCTURES.**

- A. Unless otherwise specified by the Zoning/Building Enforcement Officer, a Village order to secure an abandoned structure shall be complied with by the owner within seventy-two (72) hours. If the securing has not been completed or does not comply with the requirements for securing the structure under this Chapter, the Village may secure the structure and bill the owner of record for all costs incurred, including service fee and administrative costs. The amount so billed shall constitute a personal debt of the owner and may be recovered in the same manner as permitted for the recovery of fees under this Chapter.
- B. All points of entry on an abandoned structure that are suitable for animal or human entry shall be secured as follows:
 - 1. Unless otherwise specified by the Zoning/Building Enforcement Officer, on all first story and ground accessible points of entry, such shall be secured by use of exterior grade plywood or its equivalent, of at least one-half inch thickness, cut to the size of the opening and secured by the use of Phillips-headed two-inch long screws: and
 - 2. Unless otherwise specified by the Zoning/Building Enforcement Officer, on entry points being secured above the first story or were not accessible from ground level, such shall be secured by use of exterior grade plywood or its equivalent of at least one-

half inch thickness, cut to the size of the opening and secured by the use of 16 penny common nails.

9-8-8: **RIGHT OF ENTRY AND INSPECTION.** If the owner has failed to secure a property the Village may, after obtaining lawful authority, enter to secure the structure or reenter the structure to conduct necessary inspections to ensure compliance with the requirements of this Chapter and to determine if there are any emergency or hazardous conditions.

9-8-9: **REUSE AND RE-OCCUPANCY.** Re-occupancy of abandoned residential structure. No abandoned residential structure shall be reoccupied until it has been inspected and found to be in full compliance with all applicable Village and State Codes and is approved by the Zoning/Building Enforcement Officer; all fees are paid in full; and all other conditions set forth in this subsection are satisfied.

9-8-10: **RESPONSIBILITY FOR VIOLATIONS.** All nuisance, housing, building and related code violations will be cited and noticed to the owner of record and shall become the owner's responsibility. The owner of any abandoned structure shall be obligated to provide written notice to any prospective purchaser of an abandoned structure of any violations, fees, or obligations imposed by the Village regarding that abandoned structure. Failure by an owner to comply with this Section shall constitute a violation of this Chapter. If the owner sells or otherwise disposes of the property to another party, the new owner shall not be entitled to any extension of time to correct or address such violations as existed at the time of sale, transfer or conveyance of the property.

9-8-11: **PENALTY.**

- A. A person who violates or fails to comply with the requirements of this Chapter is guilty of a misdemeanor and shall be fined not more than Seven Hundred Fifty Dollars (\$750.00) for each offense in accordance with Section 1-4-1 of the Village Code.
- B. Each day that an owner of an abandoned or vacant structure fails to comply with the requirements of this Chapter shall constitute a separate offense.
- C. In addition to any other penalty provided for in this Section, this Chapter may be enforced by suit for injunction, action for damages, or any equitable relief appropriate to the enforcement of this Chapter. Additionally, the Village is authorized to file a lien against the property for any unpaid sums owed to the Village including the cost of preparing and filing the lien.

9-8-12: **ENFORCEMENT OFFICER.**

- A. The Village Code Enforcement Officer shall have the authority to enforce this Ordinance.
- B. The Code Enforcement Officer shall have within his/her discretion, the authority to waive any fee or penalty imposed hereunder or grant an extension of time (up to 60 days) if he/she

believes extenuating circumstances exist so that strict enforcement of the Ordinance would be unduly burdensome.

(Amd Ord#2018-31, 10-11-2018; Ord#2017-30, 11-8-2017)

(BACK OF PAMPHLET)