

COUNTY OF Mc LEAN, STATE OF ILLINOIS

ORDINANCE NO. 17-06-02-70

**AN ORDINANCE AMENDING THE CITY CODE OF THE CITY OF
LE ROY TO ESTABLISH PROPERTY REGULATIONS AND
PRIORITY LIEN PROCEDURES FOR VACANT AND
UNOCCUPIED BUILDINGS**

ADOPTED BY THE CITY COUNCIL OF THE CITY OF LE ROY THIS
19th Day of June 2017

PRESENTED: June 19, 2017

PASSED: June 19, 2017

APPROVED: June 19, 2017

RECORDED: June 19, 2017

PUBLISHED: June 19, 2017

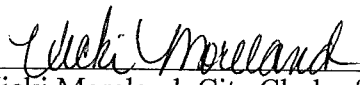
In Pamphlet Form

Voting "Aye" 8

Voting "Nay" 0

The undersigned being the duly qualified and Acting City Clerk of the City of LeRoy does hereby certify that this document constitutes the publication in pamphlet form, in connection with and pursuant to Section 1-2-4 of the Illinois Municipal Code, of the above-captioned **ordinance** and that such **ordinance** was presented, passed, approved, recorded and published as above stated.

(SEAL)



Vicki Moreland, City Clerk of the
City of Le Roy, McLean County, Illinois

Dated: June 19, 2017

**CITY OF LEROY
MCLEAN COUNTY, ILLINOIS**

ORDINANCE NO. 17-06-02-70

**AN ORDINANCE AMENDING THE CITY CODE
OF THE CITY OF LEROY
TO ESTABLISH PROPERTY REGULATIONS
AND PRIORITY LIEN PROCEDURES
FOR VACANT AND UNOCCUPIED BUILDINGS**

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 City, 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.

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

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

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

WHEREAS, the City Council adopts the "broken window" concept among the 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 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 LeRoy; and

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

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

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

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

WHEREAS, Section 11-20-15.1 of the Illinois Municipal Code, 65 ILCS 5/11-20-15.1, authorizes municipalities to record "priority liens" against abandoned residential properties for costs incurred in certain property maintenance activities that are senior to all other liens with the exception of tax liens; and

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

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of LeRoy, as follows:

SECTION 1: Recitals. The foregoing recitals shall be, and are hereby, incorporated into and made a part of this Ordinance as if fully set forth in this Section 1.

SECTION 2: Amendment. Title 4 of the City Code of the City of LeRoy is amended by adding a new Chapter 9 to said Title 4 to read as follows:

CHAPTER 9

UNOCCUPIED AND VACANT BUILDING AND PROPERTY REGULATIONS:

4-9-1.

A. **Declaration of Policy:** The purpose of this Chapter 9 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 unoccupied or vacant on and after the effective date of this Chapter 9.
2. Determines the responsibilities of owners of unoccupied or vacant buildings.
3. Provides for administration, enforcement, including abatement of public nuisances, and imposition of penalties.

This Chapter 9 shall be construed liberally to effect its purposes.

B. **Other Ordinances:** This Chapter 9 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.

4-9-2.

A. **Definitions:** Unless otherwise expressly stated or clearly indicated by the context, the following terms shall, for the purpose of this Chapter 9, 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), boarded or enclosed with 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 intended for supporting or sheltering any occupancy, whether or not actually occupied.

CODE ENFORCEMENT OFFICIAL: The City Administrator or his or her designee.

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

EXTERIOR PROPERTY AREAS: The open space on the premises and on adjoining

property under the control of owners or operators of such premises.

MAINTENANCE: Acts of repair and other acts to prevent a decline in the condition of grounds, structures, and equipment; such that the condition does not fall below the standards established by this code and other applicable statutes, codes and ordinances.

OCCUPANT: Any person (including domestic service employees) living and/or sleeping in a dwelling unit or having possession of a space within a building.

OPERATOR: Any person who has charge, care or control of a structure or premises which is let or offered for occupancy.

OWNER: Any person, agent, occupant, 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 premises 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 of any premises 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 premises which has unsanitary sewerage or plumbing facilities; or
4. Any premises designated by the Code Enforcement Official as unsafe for human habitation or use; or
5. Any premises which is manifestly capable of being a fire hazard, or manifestly unsafe or insecure as to endanger life, limb or property; or
6. Any premises which is unsanitary, or which is littered with rubbish or garbage, or which has an uncontrolled growth of weeds; or
7. Any building that is dangerous, in a state of dilapidation, deterioration or decay; faulty construction; 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 Chapter 9, Title 4 of this code, as it may be amended.

RENOVATION: A building and its facilities made to conform to present day minimum standards of sanitation, fire and life safety.

RUBBISH: Combustible and noncombustible waste materials, except garbage, and terms shall include the residue from the burning of wood, coal, coke, and other combustible materials, paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass crockery and dust and other similar materials.

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 Code Enforcement Official pursuant to authority granted to him by this code.

In determining whether a building is "unoccupied", the Code Enforcement Official 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.
8. In the C-1 Central Business District the business occupancy is open for business less than 24 hours per week and business hours are not displayed on the front of the building.

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 Code Enforcement Official 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 Code Enforcement Official and unlawfully occupied; or
8. Unoccupied for over one hundred eighty (180) days and during which time the Code Enforcement Official 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 City has made good faith efforts to contact the legal owner or owners of the property or, if known, the agent of the owner, and no contact has been made.

But not including:

Unoccupied buildings 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.

WORKMANLIKE: Whenever the words "workmanlike state of maintenance and repair" are used in this code, they shall mean that such maintenance and repair shall be made in a reasonably skillful manner, and by licensed professionals where required by law and work shall comply with all applicable codes and laws.

YARD: An open unoccupied space on the same lot with a building extending along the entire length of street, or rear or interior lot line.

4-9-3.

A. **Determination:** Within sixty (60) days after the effective date of this Chapter 9, the Code Enforcement Official shall evaluate all buildings in the City he believes to be unoccupied on the effective date of this Chapter 9 and make a determination for each as to whether the building is a "vacant building" within the meaning of this Chapter or an "unoccupied building" within the meaning of this Chapter. The Code Enforcement Official has discretion to conduct evaluations by zoning district and phase in evaluations of all buildings over time. The Code Enforcement Official may determine that a building which meets any of the criteria set forth in this section is not to be regulated under this Chapter for a stated period, if upon

consideration of reliable, substantiated and sufficient evidence, he or she determines that regulation of the building under this Chapter would not serve the public health, welfare, and safety and makes written findings in support of his decision. The determination shall be in writing and shall state the factual basis for the determination. For buildings the Code Enforcement Official determines to be "vacant buildings" or "unoccupied buildings," notice of the determination will be sent to the last taxpayer of record listed on the most recent 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 Chapter. The Code Enforcement Official 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 Code Enforcement Official 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 or unoccupied building to determine the extent of compliance with City property, building codes, health, fire, water and sewer codes. The owner shall pay the five hundred dollar (\$500.00) inspection fee to the City 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 or an unoccupied building to register the building with the City, a copy of the registration form the owner is required to file pursuant to this Chapter, and a notice of the owner's right to appeal the Code Enforcement Official's determination.

B. Appeal of Determination: An owner of a building determined by the Code Enforcement Official to be a vacant building or unoccupied building as provided for in this Chapter may appeal that determination to the City Council. Such appeal shall be in writing and shall be filed with the City Clerk 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 this Chapter. The appeal shall contain a complete statement of the reasons the owner disputes the Code Enforcement Official's determination, shall set forth specific facts in support thereof, and shall include all evidence the owner relies upon to support the appeal. The City Council shall decide the appeal on the basis of facts presented by the owner in his or her written appeal and the Code Enforcement Official's written determination.

1. The burden is upon the owner to present sufficient evidence to persuade the City Council that had the evidence been known to the Code Enforcement Official at the time the Code Enforcement Official made the determination, the Code Enforcement Official would more likely than not have determined that the subject building was not a "vacant building" or "unoccupied building" within the meaning of this Chapter.
2. The City Council shall send written notice of its decision to the owner within ten (10) days of his or her receipt of the appeal. The City Council may, but is not required to, seek additional information from the owner. The City Council 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 Chapter to his/her building without the Code Enforcement Official's determination having been made, shall set forth specific facts to support nonapplicability in a writing to the Code Enforcement Official. In the event the Code Enforcement Official determines that the subject building is a "vacant building" or "unoccupied building," the owner shall have the right to appeal the Code Enforcement Official's determination to the City Council as provided for herein.

4-9-4.

Obligation to Register Any Unoccupied or Vacant Buildings. Whenever any building in the City is vacant or unoccupied for more than sixty (60) days or whenever any building in the City is vacant or unoccupied and such building or premises thereof contains one or more of the public nuisances described in this Chapter, then the owner of such building shall, within ten (10) days of notification from the City, or within ten (10) days of final determination of any appeal, register such building with the City and submit a remedial building plan.

4-9-5.

Notice of Public Nuisance. In the event any public nuisance exists in connection with the building or premises thereto, then the Code Enforcement Officer shall specify in the notice of the vacant or unoccupied building the existence of such nuisance.

4-9-6.

Registration of Unoccupied or Vacant Buildings. Any owner required to register a vacant or unoccupied building pursuant to this Chapter shall supply the following information to the Code Enforcement Officer:

- a. Name, address and telephone number of owner.
- b. Name, address and telephone number of any local agent or representative.
- c. Name, address and telephone number of all persons with any legal interest in the property, building and premises.
- d. Legal description and tax parcel identification number of the premises on which the building is situated.
- e. The common address of the building.
- f. Date on which building became vacant or unoccupied.
- g. Remedial building plan.

The building registration shall be filed with the Code Enforcement Officer accompanied with a \$10.00 filing fee. Registration shall be valid for a period of six (6) months. If the building is vacant or unoccupied at the expiration of any registration period and the requirements of the remedial building plan are not completed, then the owner shall re-register such building, file a revised remedial building plan, if requested, and pay a \$100 filing fee. If the building is vacant or unoccupied at the expiration of any registration and the requirements of the remedial building plan are completed, the owner shall re-register such building without filing a new remedial building plan and shall pay a \$50.00 filing fee.

4-9-7.

Other Enforcement. The registration of a vacant or an unoccupied building shall not preclude any action by the City to demolish or force rehabilitation of the building, pursuant to other provisions of this code or other law, or take other lawful action to abate any nuisances.

4-9-8.

Remedial Building Plan. When a building is registered as required herein, the owner or agent shall submit a remedial building plan. The Code Enforcement Officer may determine the Remedial Building Plan if the owner or agent fails to file a plan or such plan does not conform with this Chapter. The Plan shall contain the following:

- 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 of similar type. The proposed repair shall result in openings secured by conventional methods used in the design of the building or by methods permitted for new construction of similar type.
- b. For buildings and premises thereof which are identified as being or containing public nuisances, then the Remedial Building Plan shall contain a plan of action to remedy such public nuisances.
- c. For buildings and premises thereof which are identified as being code deficient, then the remedial building plan shall contain a plan of action to remedy such deficiencies.
- d. For each required plan a time schedule shall be submitted identifying a date of commencement of repair and date of completion of repair for each improperly secured opening, identified nuisance and identified code deficiency.
- e. When the owner proposes to demolish the building, then the owner shall submit a plan and time schedule for such demolition.
- f. A plan of action to maintain the building and premises thereof in conformance with applicable law.

- g. 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 dates of commencement and completion of all actions required to achieve habitability. No plan which does not provide for compliance with this Chapter or which will not, as determined by the Code Enforcement Official, achieve such compliance within six (6) months, will be approved.
- h. All premises upon which unoccupied or vacate buildings are located and all exteriors shall, at all times, be maintained in compliance with this code.
- i. Exterior lighting according to standards established by the Code Enforcement Official and available from the Code Enforcement Official.
- j. A Plan shall additionally provide evidence of liability insurance for the property in a minimum amount of \$500,000.00.

4-9-9.

Code Compliance Inspection. The owner shall allow for a code compliance inspection of the interior of the vacant or unoccupied building and shall pay a \$500.00 fee therefor within thirty (30) days of the inspection. Such inspection will determine the extent of compliance with City property, building codes, health, fire, water and sewer codes. The City shall send the inspection report to the owner within thirty (30) days.

4-9-10.

Approval of the Plan.

- a. Review Remedial Building Plan: The Code Enforcement Official shall review the proposed remedial building plan in accordance with the standards below. The Code Enforcement Official shall send notice to the owner of the building of his determination.
- b. Standards For Plan Approval: In considering the appropriateness of a Remedial Building Plan, the Code Enforcement Official shall include the following in his or her consideration and shall make written findings as to each:
 - (1) The purposes of this Chapter and intent of the City to minimize the time a building is boarded or otherwise vacant or unoccupied;
 - (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.

- c. 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 Chapter subjecting the owner of the building to penalties as provided in this Chapter and to any remedies the City 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.

4-9-11.

Authority to Modify Plan and Appeal Right. The Code Enforcement Officer shall, upon notice to the building owner or agent, have the right to modify the Remedial Building Plan by altering the dates of performance or the proposed methods of action. If the owner or agent of the building objects to the modifications made by the Code Enforcement Officer, such owner shall have the right of appeal to the City Council for final determination. Such appeal shall be filed with the City Clerk within ten (10) days of receipt of the Code Enforcement Officer's notice of modification.

4-9-12.

Standards Governing City Council Review. In considering the appropriateness of a Remedial Building Plan, the City Council shall consider the following:

- a. The purposes of this Chapter and intent of the Council to minimize the period of time a building is boarded up or otherwise vacant or unoccupied.
- b. The effect of the proposed plan on adjoining property.
- c. The general economic conditions of the community.
- d. The financial condition of the owner.
- e. The cost to implement the proposed plan.
- f. The length of time the building has been vacant.
- g. The presence of any public nuisances on the property.
- h. The relative hardship on or gain to the public as contrasted and compared to the hardship or gain of the owner resulting from approval or modification of the proposed plan.

4-9-13.

Decision by City Council of Appeal. The City Council, after considering the testimony of the Code Enforcement Officer, the building owner and any interested persons shall render its decision on the owner's appeal of the modifications to the Remedial Building Plan. The Council shall have authority to fashion its own building plan or approve the plan submitted by the owner, or the plan modified by the Code Enforcement Officer. The decision of the City Council shall be final and constitute the approved Remedial Building Plan.

4-9-14.

Failure To Comply With The Plan. Failure to comply with the approved Plan shall constitute a violation of this Chapter, subjecting the owner of the building to penalties upon conviction as provided in this Chapter.

4-9-15.

Change Of Ownership. The Remedial Building Plan shall remain in effect, notwithstanding a change in ownership. The new owner is required to file a new registration with the Code Enforcement Officer and supply the name, address and telephone number of the new owners. The new registration shall be in the same form as the original registration, however, the \$10.00 filing fee shall be waived.

4-9-16.

Maintenance Standards. The owner of a vacant or unoccupied building shall comply with the International Property Maintenance Code, as amended from time to time, with specific additions, deletions assertions and modifications as set forth in this code and with all other applicable codes and ordinances of the City of LeRoy.

4-9-17.

1. **Nuisance Abatement.** The City is authorized to perform or provide for property maintenance activities to abate a nuisance on the premises of a vacant or unoccupied building, including the following:
 - a. Cutting and removal of neglected weeds, grass, trees, and bushes as authorized by this code and 65 ILCS 5/11-20-7;
 - b. Pest control activities, as authorized by 65 ILCS 5/11-20-8;
 - c. Removal of infected trees as authorized by 65 ILCS 5/11-20-12;
 - d. Removal of garbage, debris, and graffiti as authorized by this code and 65 ILCS 5/11-20-13, and
 - e. Removal, securing, and enclosing abandoned residential properties, as authorized by 65 ILCS 5/11-31-1.01.
2. **Charges for Nuisance Abatement.** The City shall have the authority to

collect from the property owner the costs incurred in performing the property maintenance activities to abate the nuisances described in this subsection. The City shall send a bill for the cost to the property owner, his agent, legal representative, or occupant in legal possession or control of the premises.

3. **Traditional Lien Procedure.** If a bill sent pursuant to paragraph 2 is not paid in full within 30 days of the date of the bill, the City shall have the authority to file and record a lien against the property, pursuant to Section 11-20-15 of the Illinois Municipal Code, 65 ILCS 5/11-20-15. If, for any one property, the City engaged in any nuisance abatement activity described in paragraph 1 on more than one occasion during the course of one year, then the City may combine any or all of the costs of those activities into a single notice of lien. The lien must be filed in accordance with the lien procedure established by the specific Code provision of which the property is alleged to be in violation or, if no such procedure exists, then the following procedure shall apply

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

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

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

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

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

- c. Foreclosure of Lien. Subsequent to the filing of the above-described lien, the City may cause to be filed a complaint for foreclosure of such lien, or upon becoming a defendant in a pending lawsuit affecting the premises or real estate, by answer to the complaint or in the nature of an intervening petition or cross-complaint the City may proceed in its corporate name to foreclose such lien. An action to foreclose a lien under this Section must be commenced within two years after the date of filing notice of lien. The property subject to a lien arising under this article shall be sold for nonpayment of the same, and the proceeds of such sale shall be applied to pay the monies owing the City.

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

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

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

- (1) A description of the abandoned residential property that sufficiently describes the parcel;
- (2) The amount of the cost incurred or payable for the activities; and
- (3) The date or dates when such cost was incurred by the City or someone working on behalf of the City; and
- (4) A statement that the lien has been filed pursuant to one or more of the property maintenance activities described in Paragraph 2 and authorized by 65 ILCS 5/11-20-7D, 65 ILCS 5/11-20-8D, 65 ILCS 5/11-20-12D, 65 ILCS 5/11-20-13E, 65 ILCS 5/11-31-1.01, as applicable.

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

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

- b. Recordkeeping. To enforce a lien pursuant to this paragraph 4, the City must maintain contemporaneous records that include, at a minimum:
 - (1) a dated statement of a finding by the City that the property has become abandoned residential property;
 - (2) the date when the property was first observed to be unoccupied by any lawful occupant;
 - (3) a description of the actions taken by the City to contact the legal owner of the property, or if known, any agent of the owner;
 - (4) a statement that no contacts were made with the legal owner or, if known, any agent of the owner;
 - (5) a dated certification by a City official of the necessity and specific nature of the work performed;
 - (6) a copy of the agreement with the person or company performing the work and the rates and estimated cost of the work, if applicable;
 - (7) detailed invoices and payment vouchers for the work;
 - (8) a statement whether the work was competitively bid, and if so, a copy of all proposals submitted by the bidders.
- c. Release of Lien. Upon payment of the cost after the notice of lien has been filed as provided herein, the lien shall be released by the City or person in whose name the lien has been filed, and the release shall be recorded of record in the same manner as recording the notice of lien.
- d. Enforcement of Lien. A lien under this paragraph 4 is enforceable by the City, or entity or person who performs work on behalf of the City, at the hearing for confirmation of the foreclosure sale of the

abandoned residential property and is limited to a claim of interest in the proceeds of the sale. The priority lien is superior to all other liens and encumbrances, except tax liens.

4-9-18.

Boarding of Buildings: It is the policy of the City of LeRoy that boarding is a temporary solution to prevent unauthorized entry into a vacant or unoccupied building and that boarded buildings are a public nuisance. A vacant or unoccupied building may not remain boarded longer than six (6) months unless an extension of that time is part of a plan approved by the Code Enforcement Official. A vacant or unoccupied building which is unboarded and code compliant and for which boarding is determined by the Code Enforcement Official 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 or unoccupied for more than two (2) years without an approved plan for occupancy, sale, demolition, or other disposition of the building.

4-9-19.

Enforcement and Penalties:

1. Any person found to have violated any provision of this Chapter shall be subject to a minimum fine of one hundred dollars (\$100.00) per day per violation to a maximum of seven hundred fifty dollars (\$750.00) per day per violation, in addition to any other legal or equitable remedies available to the City. Such other remedies include, but are not limited to, injunctive relief, application to a court of competent jurisdiction for a receiver, demolition, or condemnation, contracting for the repair or purchase of the premises, or foreclosure of any lien the City 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 Chapter.
3. Nothing herein contained shall prohibit the City 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: Severability. In the event a court of competent jurisdiction finds this ordinance or any provision hereof to be invalid or unenforceable as applied, such finding shall not affect the validity of the remaining provisions of this ordinance and the application thereof to the greatest extent permitted by law.

SECTION 4: Repeal and Savings Clause. All ordinances or parts of ordinances in conflict herewith are hereby repealed; provided, however, that nothing herein contained shall affect any rights, actions, or causes of action which shall have accrued to the City prior to the effective date of this ordinance.

SECTION 5: Effective Date. This Ordinance shall be in full force and effect ten days from and after its passage, approval and publication in pamphlet form as provided by law.

SECTION 6. Publication. That the City Clerk be is hereby authorized and directed to publish this Ordinance in pamphlet form, as required by law.

PASSED by the City Council of the City of Le Roy, Illinois, upon the motion
Made by Dawn Hanafin, and seconded by Hilary Neal by roll call vote on the 19th Day
of June 2017, as follows

Aldermen elected 8

Aldermen Present 8

Voting Aye: Dawn Hanafin, Rick Kline, Kyle Merkle, Brad Poindexter, Glenn Reinhart,
Ron Legner, Hilary Neal, Greg Steffen.


Voting Nay: None

Absent: None

Abstain: None


Other: None

and deposited and filed in the office of the City Clerk in said municipality on the 19th
Day of June 2017




Vicki Moreland, City Clerk of the City of
Le Roy, Mc Lean County, Illinois

APPROVED BY the Mayor of the City of Le Roy, Illinois, this 19th Day of June 2017



Steven M. Dean, Mayor of the City of Le Roy,
Mc Lean County, Illinois

ATTEST: (SEAL)



Vicki Moreland, City Clerk of the City of
Le Roy, Mc Lean County, Illinois

CERTIFICATE

I, Vicki Moreland, certify that I am the duly appointed and acting municipal clerk of the City of Le Roy, of McLean County, Illinois.

I further certify that on **June 19, 2017** the Corporate Authorities of such municipality passed and approved **Ordinance No. 17-06-02-70** entitled:

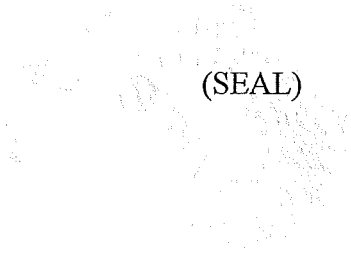
**AN ORDINANCE AMENDING THE CITY CODE OF THE CITY OF
LE ROY TO ESTABLISH PROPERTY REGULATIONS AND
PRIORITY LIEN PROCEDURES FOR VACANT AND
UNOCCUPIED BUILDINGS**

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

The pamphlet form of Ordinance No. **17-06-02-70**, including the Ordinance and a cover sheet thereof, was prepared, and a copy of such Ordinance was posted at the municipal building, commencing on **June 19, 2017** 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 Le Roy, Illinois this 19th Day of June 2017

(SEAL)


Vicki Moreland
Vicki Moreland, City Clerk of the City of
Le Roy, McLean County, Illinois

STATE OF ILLINOIS)
) SS:
COUNTY OF MCLEAN)

I, Vicki Moreland, do hereby certify that I am the duly qualified and acting City Clerk of the City of Le Roy, McLean County, Illinois, and as such City Clerk that I am the keeper of the records and files of the Mayor and the City Council of said City.

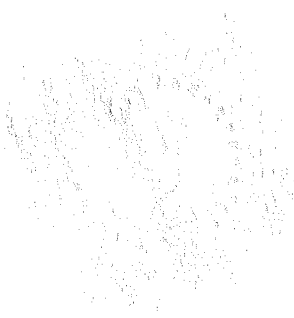
I do further certify that the foregoing is a true, correct and complete copy of an ordinance entitled:

**AN ORDINANCE AMENDING THE CITY CODE OF THE CITY OF
LE ROY TO ESTABLISH PROPERTY REGULATIONS AND
PRIORITY LIEN PROCEDURES FOR VACANT AND
UNOCCUPIED BUILDINGS**

I do further certify said *ordinance* was adopted by the City Council of the City of Le Roy at a regular meeting on the 19th Day of June 2017, and prior to the making of this certificate the said ordinance was on file with the permanent records of said City where it now appears and remains as a permanent record of said ordinance in the record books.

Dated this 19th Day of June 2017

(SEAL)


Vicki Moreland
Vicki Moreland, City Clerk of the
City of Le Roy, McLean County, Illinois