

Examples of Statutory Language

This appendix includes examples of statutory provisions that address the main features of vacant building ordinances (VBOs). The examples are intended to illustrate different, clearly drafted approaches used by municipalities to address these key program features. There is a good deal of duplication among municipal ordinances and many others not included here may have the same (or nearly the same) language as in the examples below. You can find copies of complete ordinances organized by state on the Safeguard Properties website: http://www.safeguardproperties.com/Resources/Vacant_Property_Registration.aspx.

The appendix is organized to track the key questions identified in the subheadings under Section 1 in the main document. Before jumping into program design, however, municipalities should ask themselves why they need a vacant property ordinance and what purposes they want it to serve. Many ordinances begin with a statement of findings about the conditions that require the municipality to regulate vacant properties. Many also include a statement of the purpose of the ordinance. Following are two examples:

Mount Prospect, IL

- A. From time to time there are structures within the village that are not in compliance with village regulations, have become a threat to life and property or are vacant or abandoned. Therefore, the village board of Mount Prospect makes the following findings and declarations:
1. Noncomplying structures must promptly be made safe and secure to protect the public safety and are declared to be a nuisance subject to the abatement process set forth in this article.
 2. Noncomplying structures are dangerous and unsafe in that they are extremely vulnerable to fire, flooding, collapse or other hazards.
 3. Noncomplying structures are a blight on their neighborhoods, cause deterioration and instability in their neighborhoods and have an adverse impact on other properties.
 4. Structures that were previously used or occupied and have since become vacant have a significant and detrimental impact on the local real estate market.
 5. Structures that are vacant and not properly secured attract vagrants and criminals and are prime locations to conduct illegal activities, including arson and drug use.
 6. Structures that are vacant and unsecured pose serious threats to the public's health and safety and therefore are public nuisances.
 7. Immediate abatement of these hazards or rehabilitation of these structures is necessary to prevent unsightly blight and the deterioration of neighborhoods with the consequent adverse impact on the value of adjacent and nearby properties. Such actions are also necessary to secure the public safety and to ensure and enhance the vitality and livability of our neighborhoods.
 8. Communication between owners of noncomplying structures and the village is essential for effective allocation of public resources and the maintenance of public health, welfare and safety in regards to such structures.
- B. The purpose of this article is to establish necessary measures to abate the public nuisances, blight, negative housing market impact and other harmful effects associated with noncomplying and vacant structures.

Oak Forest, IL

The purpose of this subchapter is to protect the public health, safety, and welfare by enactment of this subchapter which:

1. Establishes a program for identification, registration, and regulation of buildings which are or become vacant. . . .
2. Determines the responsibilities of owners of vacant buildings.
3. Provides for administration, enforcement, including abatement of public nuisances, and imposition of penalties.

Who Should Register?

Mokena, IL

Owner: Any person, agent, operator, firm, partnership, association, limited liability company, corporation or other entity having a legal or equitable ownership interest in the property. . .

Evanston, IL and South Chicago Heights, IL

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.

Waukegan, IL

Owner. Every person, entity, or service company, who alone or jointly or severally with others:

1. Has the legal or equitable title to any dwelling, dwelling unit, building, land, or structure;
2. Has the legal or equitable title care, charge, or control of any dwelling, dwelling unit, building, land, or structure, in any capacity including but not limited to agent, executor, administrator, trustee, or guardian of the estate of the holder of legal title; or
3. Is a mortgagee under the terms of a mortgage, where the mortgagor no longer takes responsibility for the property, and where the mortgage in question contains a provision authorizing the mortgagee to act to secure or repair the property; or is a mortgagee in possession of any such property; or is a mortgagee that has instituted foreclosure proceedings against the mortgagor; or
4. Is an agent, trustee, or other person appointed by the courts and vested with possession or control of any such property.

What Does It Mean for a Building to Be Vacant?

Evanston, IL

VACANT BUILDING: A building or portion of a building which is:

- (A) Unoccupied and unsecured; or
- (B) Unoccupied and secured by boarding or other similar means; or
- (C) Unoccupied and a dangerous structure; or
- (D) Unoccupied and condemned by the director pursuant to applicable provisions of this code; or
- (E) Unoccupied and has multiple code violations; or
- (F) Unoccupied and the building or its premises has been the site of unlawful activity within the previous six (6) months; or
- (G) Condemned by the director and unlawfully occupied; or

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- (H) Unoccupied for over one hundred eighty (180) days and during which time the director has issued an order to correct public nuisance conditions and same have not been corrected in a code compliant manner; or
 - (I) Unoccupied for over two (2) years.

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.

Waukegan, IL

For purposes of this section, “vacant” means a structure that is lacking the habitual presence of human beings, who have a legal right to be on the premises, for 30 consecutive days, or at which substantially all lawful business or construction activity or residential occupancy has ceased, or which is substantially devoid of contents. A multi-family residential property containing ten or more dwelling units shall be considered vacant when 90 percent or more of the dwelling units are unoccupied. Residential structures which have been used as a residence by a person entitled to possession for a period of at least three months in the preceding nine months and person entitled to possession intends to resume residing at the property shall not be deemed vacant. For the purposes of this article, exceptions to this definition of “vacant” shall be made for properties that are actively listed for sale and are covered by a current city zoning inspection letter...; and for those properties which are under active, ongoing rehabilitation or reconstruction and are under permit with the city building department.

Mount Prospect, IL

VACANT STRUCTURE: Any structure that is:

- A. Condemned or declared an immediate hazard;
- B. Unoccupied and unsecured for five (5) days or more (for purpose of this definition, “unsecured” shall mean that the doors or windows have not been locked or are broken permitting entry);
- C. Unoccupied with more than one housing maintenance, fire or building code violation existing for thirty (30) days or more;
- D. Unoccupied and boarded up for thirty(30) days or more; or
- E. Unoccupied for a period of time over one hundred eighty (180) days during which an order has been issued to correct a code violation.

When Should a Property Be Registered?

Evanston, IL

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 chapter after the effective date of this chapter or the owner of a building, which the director determines at any time to be a “vacant building,” or the owner of a building whose appeal from the director’s determination has been denied by the city manager shall take the actions provided for in this section within fifteen (15) days after either the date of the 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 chapter, nor does it preclude any of the actions the city is authorized to take pursuant to this chapter or elsewhere in this code.

Waukegan, IL

Within ten days of a structure becoming vacant, as defined herein, the owner of the structure shall apply for a vacant structure registration certificate and pay the fee of \$250.00....

What Should the Registration Fee Be and How Should It Be Structured?

Mount Prospect, IL (flat fee, renewable annually)

When a structure becomes vacant, as defined by section 23.2502 of this article, the owner of the structure shall apply for and obtain a vacant structure registration certificate and pay the fee, as set forth in appendix A, division II of this code. If the structure is still vacant at the time of expiration of the original vacant structure registration certificate, the owner shall immediately renew the certificate. All renewed permits shall be subject to all conditions and obligations imposed by this article on the initial certificate.

Waukegan, IL (flat fee, renewable semi-annually)

Within ten days of a structure becoming vacant, as defined herein, the owner of the structure shall apply for a vacant structure registration certificate and pay the fee of \$250.00. If the structure is still vacant at the time of expiration of the original vacant structure registration certificate (six months...), the owner shall immediately apply to renew the certificate.

Burlington, VT (flat fee, renewable quarterly, and waiver provision)

A fee of five hundred dollars (\$500.00) shall be charged for a vacant building permit or renewal of such permits.* The fee is to be paid at the time of application or renewal. No permit shall be issued prior to payment of the permit or renewal fee.

* The permit shall be effective for a period of up to 3 months.

- (1) All but \$75.00 of this fee shall be waived upon a showing that the building or structure is being actively marketed for sale or lease and maintained pursuant to the requirements of this article and its vacant building permit or renewal thereof. An owner shall be eligible for the waiver of the fee for no more than 8 permit periods, not including any interim permit period that occurs within a permit period. The full fee shall be tendered with the request for a waiver and shall be refunded if the waiver is granted but for the \$75.00. A person who purchases a vacant building shall have this fee waived for the remainder of the permit period and the permit period immediately following.
- (2) All but \$75.00 of this fee shall be waived when a building is being rehabilitated pursuant to applicable building, fire, and zoning permits and the owner has spent at least 5% of the assessed valuation of the building or structure on rehabilitation, not including the cost of permits, in the prior 3 month period. The full fee shall be tendered with the request for a waiver and shall be refunded if the waiver is granted but for the \$75.00.
- (3) All but \$75.00 of this fee shall be waived if an owner has secured all the duly required state and local permits to demolish the building or structure. The full fee shall be tendered with the request for a waiver and shall be refunded if the waiver is granted but for the \$75.00. The owner shall demolish the building or structure within 3 months of securing said permits; this waiver shall be void and the vacant building permit fee shall be owed if the owner fails to demolish within this time. The time to demolish may be extended upon a showing of good cause.

Wilmington, DE (progressive fee and waiver provision)

The owner of the vacant property as of November 1 of each calendar year shall be responsible for the payment of the non-refundable registration fee. Said fee shall be billed by the DLI and based on the duration of the vacancy as determined by the following scale:

- i. No fee for properties that are vacant for less than one year;
- ii. \$500.00 for properties that are vacant for at least one year but less than two years;
- iii. \$1,000.00 for properties that are vacant for at least two years but less than three years;
- iv. \$2,000.00 for properties that are vacant for at least three years but less than five years;
- v. \$3,500.00 for properties that are vacant for at least five years but less than ten years; and
- vi. \$5,000.00 for properties that are vacant for at least ten years, plus an additional \$500.00 for each year in excess of ten years.

(5) One-year waiver. A one-time waiver of the registration fee, or an extension of a waiver for up to 12 months from the date of the billing statement immediately following the waiver, may be granted by the commissioner of licenses and inspection upon application of the owner and upon review and advice of the law department, within 30 calendar days from the date of the bill for the registration fee, or if denied by the commissioner of licenses and inspections, upon appeal to the license and inspections review board, if the owner:

- i. Demonstrates with satisfactory proof to the commissioner and designee that he/she is in the process of demolition, rehabilitation or other substantial repair of the vacant building; and
- ii. Objectively demonstrates to the commissioner and designee the anticipated length of time for the demolition, rehabilitation, or other substantial repair of the vacant building; or
- iii. Provides satisfactory proof to the commissioner and designee that he/she was actively attempting to sell or lease the property during the vacancy period; and
- iv. Has paid all past due vacant registration fees and all other financial obligations and/or debts owed to the City of Wilmington which are associated with the vacant property. . .

With regard to an extension of a waiver only, the time period of the extension shall commence from the date of the billing statement (November 1 of the applicable calendar year) and, in no event, shall the extension exceed 12 months. An extension of a waiver shall only be granted once.

(6) Two-year waiver. Upon application by the owner and satisfaction of [the criteria above], the commissioner may, upon advice and review of the law department, grant a one-time two-year waiver of the registration fee, or an extension of a waiver for up to 12 months from the date of the billing statement immediately following the waiver, if the owner meets the criteria for non-profit organizations as defined by Section 501(c)(3) of the Internal Revenue Code. With regard to an extension of a waiver only, the time period of the extension shall commence from the date of the billing statement (November 1 of the applicable calendar year) and, in no event, shall the extension exceed 12 months. An extension of a waiver shall only be granted once.

Chicago, IL (modified progressive, renewable semi-annually)

The registration and renewal fee for each registered building shall be \$250 (the “base registration fee”).^{*} Provided, however, that any vacant building subject to the base registration fee that is in violation of any provision of the building code or fire code at the time renewal is required shall be assessed a renewal fee of \$500 for such renewal period (the “doubled period”). If a vacant building in the doubled period is in violation of any provision of the building code or fire code at the time renewal is required, the fee shall be \$750 for such renewal (the “tripled period”). If a vacant building in the tripled period is in violation of any provision of the building code or fire code at the time renewal is required, the fee shall be \$1,000 for such renewal, and shall remain at \$1,000 for each subsequent renewal, if, at the time such renewal is required, the building is in violation (the “quadrupled period”).

^{}The registration shall remain valid for six months from the date of registration. The owner shall be required to renew the registration for successive six-month periods as long as the building remains vacant. . .*

What Contact and Property Information Should Registrants Provide?

Mokena, IL

Each vacant building registration. . . shall contain:

1. The name, street address, and telephone number of all persons with any legal interest(s) in the building.
2. The name, street address, and telephone number of a natural person twenty-one (21) years of age or older who resides in the Chicago metropolitan area, 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 processing on behalf of such owner in connection with the enforcement of this code.

3. An emergency contact name and telephone number.
4. The case name, number, court, and all parties to any litigation pending concerning or affecting the building, including bankruptcy or foreclosure cases.
5. Type and location of any toxic, flammable or hazardous materials stored or used at said location.
6. Any other relevant information about the vacant building for police, paramedics, the fire department, or other emergency responders.
7. The registration fee.

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

Park Forest, IL

The registration form 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 proceedings 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 or Will County, as applicable, or must actually reside within Cook County or Will County. 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.

An owner shall notify the building commissioner within fifteen (15) days of any change in the registration information by filing an amended registration. . . .

An owner of any vacant building must affix a sign to the building that provides the name, address and telephone number of the owner and the owner's authorized agent for the purpose of service of process. The name, address and telephone number of a person responsible for day-to-day supervision and management of the building, if such person is different from the owner holding title or authorized agent, shall also be set forth on the sign. The sign shall be of a size and placed in such a location so as to be legible from the nearest public street or sidewalk, whichever is nearer. The sign shall be in compliance with the village's sign regulations as contained in article VII of Chapter 118 of this Code, with the exception that no permit shall be required for the sign.

What Other Requirements Should Be Included?

Securing and Maintaining Vacant Buildings

Park Forest, IL

- 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.

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- 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 3:00 p.m. and 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.

Waukegan, IL

The owner of a vacant structure shall immediately lock, barricade or secure all doors, windows and other openings in the structure to prohibit entry by unauthorized persons, in accordance with the vacant structure maintenance standards. . . . The owner shall, as needed, provide additional security in the event of increased danger to human life or the public welfare, as determined by the city in light of police call logs and the records of the city code compliance department.

Boston, MA

Properties subject to this [ordinance] must be maintained in accordance with all applicable Sanitary Codes, Building Codes, and local regulations concerning external and/or visible maintenance.

Hinsdale, IL

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.

Mount Prospect, IL

The owner of a vacant structure shall comply with all regulations of the village. To this end, the owner shall apply for all building, fire prevention and zoning permits necessary to bring the structure into compliance within ten (10) days of obtaining a vacant structure registration certificate.

. . . The owner of a vacant structure shall, within ten (10) days of receipt of the vacant structure registration certificate, complete the removal of all: 1) combustible materials from the structure in compliance with the applicable fire prevention regulations; 2) waste, rubbish or debris from the interior of the structure; and 3) waste, rubbish, debris or excessive vegetation from the yards surrounding the vacant structure in accordance with the vacant structure maintenance standards of this article.

. . . A vacant structure shall be subject to the following vacant structure maintenance standards:

1. **Structure Openings:** Doors, windows, areaways and other openings shall be weather tight and secured against entry by birds, vermin and trespassers. Missing or broken doors, windows and other such openings shall be covered by glass or other rigid transparent materials, which are weather protected, and tightly fitted and secured to the opening.
2. **Roofs:** The roof and flashings shall be sound and tight, not admit moisture or have defects which might admit moisture, rain or roof drainage, and allow for drainage to prevent dampness or deterioration in the interior walls or interior of the structure.
3. **Drainage:** the structure storm drainage system shall be functional and installed in a manner consistent with village regulations and allow discharge in a manner consistent with village regulations.

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4. **Structure:** The structure shall be in good repair, not in violation of village regulations, structurally sound and free from debris, rubbish and garbage. The structure shall be sanitary. The structure shall not pose a threat to the public health and safety.
 5. **Structural Members:** The structural members shall be free of deterioration and capable of safely bearing imposed dead and live loads.
 6. **Foundation Walls:** The foundation walls shall be structurally sound and in a sanitary condition so as not to pose a threat to public health and safety. The walls shall be capable of supporting the load of normal use and shall be free from open cracks and breaks, free from leaks and be rodentproof.
 7. **Exterior Walls:** The exterior walls shall be free of holes, breaks and loose or rotting materials. Exposed metal, wood, or other surfaces shall be protected from the elements and against decay or rust by periodic application of weather coating materials, such as paint or similar surface treatment.
 8. **Decorative Features:** The cornices, belt courses, corbels, terra cotta trim, wall facings and similar decorative features shall be safe, anchored and in good repair. Exposed metal, wood or other surfaces shall be protected from the elements and against decay or rust by periodic application of weather coating materials, such as paint or similar surface treatment.
 9. **Overhanging Extensions:** All balconies, canopies, marquees, signs, metal awnings, stairways, fire escapes, standpipes, exhaust ducts and similar features shall be in good repair, anchored, safe and sound. Exposed metal and wood surfaces shall be protected from the elements and against decay or rust by periodic application of weather coating materials, such as paint or similar surface treatment.
 10. **Chimneys And Towers:** Chimneys, cooling towers, smokestacks and similar appurtenances shall be structurally safe and in good repair. Exposed metal and wood surfaces shall be protected from the elements and against decay or rust by periodic application of weather coating materials, such as paint or similar surface treatment.
 11. **Walkways:** Walkways shall be safe for pedestrian travel.
 12. **Accessory And Appurtenant Structures:** Accessory and appurtenant structures such as garages, sheds and fences shall be free from safety, health and fire hazards and shall comply with all village regulations.
 13. **Premises:** The premises upon which the structure is located shall be clean, safe and sanitary. It shall be free from waste, rubbish, debris or excessive vegetation in compliance with village regulations and shall not pose a threat to public health and safety.

Requiring and Recovering Costs for Property Inspections

Chicago, IL

After filing a registration statement, the building owner shall provide access to the city to conduct an exterior and interior inspection of the building to determine compliance with the municipal code, following reasonable notice, during the period covered by the initial registration or any subsequent renewal.

Oak Forest, IL

The owner shall allow for a code compliance inspection of the interior of the vacant building and shall pay the \$500 fee therefor within 30 days of the inspection. Such inspection will determine the extent of compliance with city property, building codes, health, fire, water and sewer codes....

Evanston, IL

The owner shall allow for a code inspection of the interior of the vacant building and shall pay the five hundred dollar (\$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.

Liability Insurance

Oak Forest, IL

Obtain liability insurance and maintain such insurance for as long as the building is vacant and file evidence of such insurance with the director, as follows: \$500,000 for a vacant residential building of one to three units; \$750,000 for a vacant residential building of four to 11 units; \$1,000,000 for a vacant residential building of 12 to 48 units; \$2,000,000 for a vacant residential building of more than 48 units; and \$2,000,000 for a vacant manufacturing, industrial, storage, or nonresidential commercial building.

Developing a Vacant Property Plan

Evanston, IL

At the time a building is registered as required herein, the owner shall submit a vacant building plan. The director may prescribe a form for the plan. If the owner fails to submit the plan as provided for by this [ordinance], the director may determine the plan. The plan shall contain the following as a minimum:

1. 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 Director and available from the Director or on the City website, www.cityofevanston.org. 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 director of community development may waive the requirement of an enclosure.
2. For buildings and premises thereof which are determined by the director as being or containing public nuisances, as defined in this chapter, then the vacant building plan shall contain a plan of action to remedy such public nuisances(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 director.

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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 chapter.
 6. A plan of action, with 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 [fails to provide] for compliance with this chapter or, which will not, as determined by the 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.
 7. All premises upon which unoccupied or vacant buildings are located and the exteriors shall at all times be maintained in compliance with this code.
 8. Exterior lighting according to standards established by the director and available from the director or on the city web site: www.cityofevanston.org.

... In considering the appropriateness of a vacant building plan, the director shall include the following in his or her consideration and shall make written findings as to each:

1. The purpose of this chapter and intent of the city council 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.

Mount Prospect, IL

The application by the owner of a vacant structure [for a vacant structure registration certificate] shall include a “statement of intent” that shall set forth information as to: 1) the expected period of vacancy (including the date of initial vacancy); 2) the plan for regular maintenance during the vacancy to comply with the vacant structure maintenance standards...; 3) a plan and time line for the lawful occupancy, rehabilitation or removal or demolition of the structure; 4) measures to be taken to ensure that the structure will be kept weather tight and secure from trespassers and that it is safe for entry by police officers and firefighters in times of exigent circumstances or emergency; 5) measures to be taken to assure that the premises remain free from nuisance and in good order in conformance with the vacant property maintenance standards; and 6) list all persons authorized to be present in the structure and provide notices of trespass to the police authorizing the arrest for trespass of individuals not on the list. (The owner shall update the authorized person list as needed.)

What Happens If Someone Doesn't Comply?

Evanston, IL

A premises upon which is situated a vacant building for which inspection fees or registration fees imposed pursuant to this chapter have not been paid in full is not eligible for city real estate transfer tax stamps. Unpaid fees shall be a lien upon the property.

... A certificate of code compliance for vacant buildings issued by the community development department and payment in full of all fees imposed pursuant to this chapter are required prior to any occupancy of a vacant building. ...

(A) Any person found to have violated any provision of this chapter shall be subject to a minimum fine of two hundred fifty dollars (\$250.00) per day per violation to a maximum of one thousand dollars (\$1,000.00) 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.

(B) A separate and distinct offense shall be committed each day on which such person or persons shall violate the provisions of this chapter.

(C) The city may enforce this chapter in its administrative adjudication system or through the court system. ...

(D) 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.

(E) Priority Liens: The priority lien procedure described in this Subsection (E) shall apply only to costs incurred for those property maintenance activities, described in Section 4-16-10 of this Code, as amended, performed on abandoned residential properties and is an alternative to traditional liens. If a bill sent pursuant to this Chapter is not paid in full within sixty (60) days of the date of the bill, the City shall have the authority to file and record a priority lien against the abandoned residential property, pursuant to 65 ILCS 5/11-20-15.1, as amended, in the following manner:

1. *Notice of Lien.* The City or the person performing the service by authority of the City, in its, his/her own name, may file a notice of a priority lien in the Office of the Cook County Recorder of Deeds. The notice of lien shall be filed within one (1) year after the cost and expense is incurred. If, for any one property, the City engaged in any nuisance abatement activity described in Section 10 of this Chapter, as amended, on more than one occasion during the course of one (1) 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:

- a. A description of the abandoned residential property that sufficiently describes the parcel;
- b. The amount of the cost incurred or payable for the activities;
- c. The date or dates when such cost was incurred by the City or someone working on behalf of the City; and

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- d. A statement that the lien has been filed pursuant to one or more of the property maintenance activities described in Section 8.40.030 and authorized by 65 ILCS 5/11-20-7(d), 65 ILCS 5/11-20-8(d), 65 ILCS 5/11-20-12(d), 65 ILCS 5/11-20-13(e), 65 ILCS 5/11-31-1.01, as applicable.

After recording, the notice of lien shall be sent by certified mail to the owner, his/her 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 a lender has provided notice to the City that said owner has performed, or will perform, remedial actions; provided, however, that the remedial actions must be performed or initiated in good faith within thirty (30) days of the lender's notice to the City.

2. *Recordkeeping.* To enforce a priority lien pursuant hereto, the City must maintain contemporaneous records that include, at a minimum:
 - a. A dated statement of a finding by the City that the property has become abandoned residential property;
 - b. The date when the property was first observed to be unoccupied by any lawful occupant;
 - c. 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;
 - d. A statement that no contacts were made with the legal owner or, if known, any agent of the owner;
 - e. A dated certification by the Director of the necessity and specific nature of the work performed;
 - f. A copy of the agreement with the person or company performing the work and the rates and estimated cost of the work, if applicable;
 - g. Detailed invoices and payment vouchers for the work;
 - h. A statement whether the work was competitively bid, and if so, a copy of all proposals submitted by the bidders.
3. *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.
4. *Enforcement of Lien.* A priority lien pursuant to this Section is enforceable by the City, or entity or person who performs work on behalf of the City, only 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.

Mount Prospect, IL

- A. Any person found to be in violation of any provision of this article shall be subject to a fine as set forth in appendix A, division III of this code. Each day's failure to comply with an order of the director shall constitute a separate offense. Prosecution under this section is a remedy cumulative to any and all other remedies at law and equity, and in no way preempts, supersedes or bars prosecution for violation of this article under subsection B of this section.
- B. Any violation of this article is also declared to be a nuisance and subject to removal or abatement as set forth in this article. An abatement action pursuant to section 23.2505 of this article is discretionary and is not a precondition to prosecution under this section.

Appeals

Evanston, IL

- (A) An owner of a building determined by the director to be a vacant building as provided for in this chapter may appeal that determination to the city manager. Such appeal shall be in writing and shall be filed with the city manager 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. . . . The appeal shall contain a complete statement of the reasons the owner disputes the 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 city manager shall decide the appeal on the basis of facts presented by the owner in his or her written appeal and the director's written determination.
- (B) The burden is upon the owner to present sufficient evidence to persuade the city manager that had the evidence been known to the director at the time the director made the determination, the director would more likely than not have determined that the subject building was not a "vacant building" within the meaning of this chapter.
- (C) The city manager shall send written notice of his decision to the owner within ten (10) days of his or her receipt of the appeal. The city manager may, but is not required to, seek additional information from the owner. The city manager 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.
- (D) An owner who wishes to challenge applicability of this chapter to his/her building without the director's determination having been made, shall set forth specific facts to support nonapplicability in a writing to the director. In the event the director determines that the subject building is a "vacant building", the owner shall have the right to appeal the director's determination to the city manager as provided for herein.

Mount Prospect, IL

A party aggrieved by an action of the director pursuant to this article may appeal such action by requesting a hearing before the village's administrative law judge.

Burlington, VT

- (a) A party aggrieved by an action of the director shall appeal such action by requesting a hearing to the board of appeals
- (b) Any person subject to the provisions of this article may seek a variance from the provisions of this article before the board of appeals in the same manner that an appeal is taken to the board, and subject to the same procedures as an appeal.
- (c) Where a variance is requested by an applicant, the board of appeals may grant such a variance, and render a decision in favor of the appellant, if the following are found by the board:
 - 1) That there are circumstances or conditions that make strict compliance with the provisions of this article unusually difficult or unduly extensive, or would create an undue hardship;
 - 2) That such a hardship or condition has not been created by the applicant; and
 - 3) That the variance requested will represent the minimum relief necessary and will represent the least deviation possible from the requirements of this article.
- (d) In rendering a decision in favor of an applicant, the board of appeals shall attach such conditions to such variance as it considers necessary and appropriate under the circumstances to implement the purposes of this article.

