

CHAPTER 3

BUILDINGS

ARTICLE I - DANGEROUS BUILDINGS

3-1-1 DEFINITIONS. The term "dangerous building" as used in this Chapter is hereby defined to mean and include:

(A) any building, shed, fence, or other man-made structure which is dangerous to the public health because of its construction or condition, or which may cause or aid in the spread of disease or cause injury to the health of the occupants of it or of neighboring structures;

(B) any building, shed, fence, or other man-made structure which, because of faulty construction, age, lack of proper repair or any other cause, is especially liable to fire, and constitutes or creates a fire hazard;

(C) any building, shed, fence, or other man-made structure which, by reason of faulty construction, age, lack of proper repair or other cause, is liable to cause injury or damage by collapsing or by a collapse or fall of any part of such structure;

(D) any building, shed, fence, or other man-made structure which, because of its condition or because of lack of doors or windows is available to and frequented by malefactors or disorderly persons who are not lawful occupants of such structure.

Any such dangerous building in the Village is hereby declared to be a nuisance.

3-1-2 MAINTENANCE UNLAWFUL. It shall be unlawful to

maintain or permit the existence of any dangerous building in the Village; and it shall be unlawful for the owner, occupant, or person in custody of any dangerous building to permit the same to remain in a dangerous condition, or to occupy such building or permit it to be occupied while it is or remains in a dangerous condition.

3-1-3 ABATEMENT. Whenever the Mayor or his designated representative of the Village shall find that any building or structure in the Village is a dangerous building, he shall file a written statement to this effect with the Village Clerk. The Village Clerk shall thereupon cause written notice to be served upon the owner thereof, if any, by registered mail or by personal service.

Such notice shall state that the building has been declared to be in a dangerous condition and that such dangerous condition must be removed or remedied by repairing or altering the building or by demolishing it; and that the condition must be remedied at once. Such notice may be in the following form:

"TO: _____: (OWNER/OCCUPANT of the premises) or the premises known and described as _____.

'You are hereby notified that _____ (describe building) on the premises above described has been condemned as a nuisance and a dangerous building after inspection by _____

'The causes for this decision are _____
(insert here the facts as to the dangerous condition)

'You must remedy this condition or demolish the building immediately or the Village will proceed to do so."

If the person receiving such notice has not complied therewith within 15 days from the time when this notice is served upon such person by personal service or by registered mail, the Village may proceed to remedy the condition or demolish the dangerous building.

3-1-4 UNKNOWN OWNERS. If the owner(s) of the premises concerned is unknown, or if his address is unknown, service of any notice provided for in this Article may be made by posting a copy thereof on the premises and by publishing a copy thereof one time in a newspaper within the municipality.

3-1-5 ALTERNATE ACTION. In addition to the actions

authorized by other selections of this Article, the Fire Chief, if any, or any other municipal official whose duty it is to investigate fires may make the investigation authorized by the statute found in Illinois Revised Statutes, Chapter 127 1/2, Paragraphs 9 to 14. If such officer shall find that any building or structure is so occupied or situated as to endanger persons or property, or by reason of faulty construction, age, lack of repair, or for any other cause, is especially liable to fire or is liable to cause injury by collapsing or otherwise, he shall order the dangerous condition removed or remedied, and shall so notify the owner or occupant of the premises. Service of such notice may be in person or by registered mail, and any person so notified may appeal from the decision of such officer in the manner provided by law.

3-1-6 LIEN. Charges for the abatement of the nuisance shall be a lien upon the premises. A bill representing the cost and expense incurred or payable for the service shall be presented to the owner. If this bill is not paid within 30 days of submission of the bill, a notice of lien of the cost and expenses thereof incurred by the Village shall be recorded in the following manner:

(A) A description of the real estate sufficient for identification thereof.

(B) The amount of money representing the cost and expense incurred or payable for the service.

(C) The date or dates when said cost and expense was incurred by the Village and shall be filed within 60 days after the cost and expense is incurred.

(D) The cost and expense of the attorney's services.

3-1-7 PAYMENT. Notice of such lien claim shall be mailed to the owner of the premises if his address is known. Upon payment of the cost and expense after notice of lien has been filed, the lien shall be released by the Village or person in whose name the lien has been filed and the release shall be filed of record in the same manner as filing notice of the lien.

3-1-8 FORECLOSURE OF LIEN. Property subject to a lien for unpaid charges shall be sold for non-payment of the same, and the proceeds of such sale shall be applied to pay the charges after deducting costs, as is the case in the foreclosure of statutory liens. Such foreclosure shall be in the name of the Village after lien is in effect for 60 days. Suit to foreclose this lien shall be commenced within 2 years after the date of filing notice of lien.

3-1-9 ENFORCEMENT AND INJUNCTION. The Illinois Revised Statutes, Chapter 24, Section 11-31-1, as passed, approved, and amended by the Illinois General Assembly, entitled "Unsafe Buildings" shall prevail in the enforcement of this Article.

The Village Board may proceed under the provisions of the Illinois Revised Statutes, Chapter 24, Section 11-3-2, which authorizes an injunction to require compliance with building, fire, health, and safety standards.