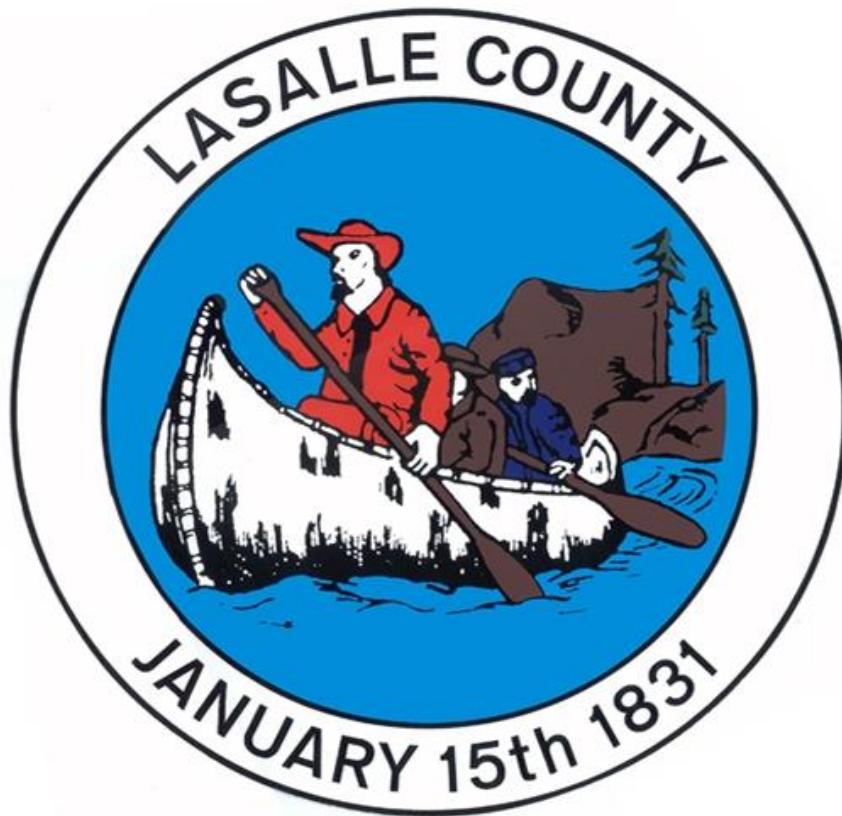


**LaSalle County**

**ORDINANCE ESTABLISHING**

**REGULATION OF VACANT**

**BUILDINGS**



**December 2014**

# **Ordinance Establishing the Regulation of Vacant Buildings**

This, the Ordinance Establishing the Regulation of Vacant Buildings was adopted by the full County Board of LaSalle County on December 29, 2014 by ordinance # 14-163. This Ordinance has been amended by the County Board of LaSalle County on the following dates:

The following Ordinance Establishing Regulation of Vacant Buildings contains all amendments approved by the LaSalle County Board.  
Copies of such amendments can be researched and tracked at:

LaSalle County Clerk's Office  
707 East Etna Road  
Ottawa, IL 61350

ORDINANCE NO. 14-163

## **ORDINANCE ESTABLISHING REGULATION OF VACANT BUILDINGS**

**“WHEREAS**, the County of LaSalle has the authority to adopt Ordinances and to promote rules and regulations that pertain to its government and affairs, and protect public health, safety and welfare of its citizens; and

**WHEREAS**, the County of LaSalle additionally has police power and the powers of a County within the State of Illinois; and

**WHEREAS**, pursuant to laws including but not limited to 55 ILCS 5/5-1121, the County Board of LaSalle has the authority to demolish, repair, or enclose or cause the demolition, repair, or enclosure of dangerous and unsafe buildings or uncompleted and abandoned buildings within the territory of the county, but outside the territory of any municipality, and may remove or cause the removal of garbage, debris, and other hazardous, noxious, or unhealthy substances or materials from those buildings to prevent and abate; and

**WHEREAS**, vacant and unsafe buildings have caused significant problems for the County of LaSalle, including but not limited to animal and rodent infestation, solid waste accumulation, vectors, vermin, flooding caused by frozen pipes, property maintenance issues, property devaluation, other nuisance and ordinance violations, and/or becoming dilapidated and unsafe; and

**WHEREAS**, it is the intent of this ordinance to protect the public health, safety, and welfare of the public by preventing and/or abating public nuisance, to prevent deterioration, unsightly blight and consequent adverse impact on the value of nearby property, and to further have owners of vacant buildings abide by appropriate responsibilities pursuant to regulations as provided herein; and

**WHEREAS**, it is the intent that this ordinance should be liberally construed in order to justly carry out and effectuate the intent and purposes of this ordinance; and

**WHEREAS**, the County of LaSalle has determined that it is in the best interests of the County and its citizens and further an appropriate exercise of the powers of the LaSalle County Board, to set forth above in reference to the policing power to promote and protect the public health, safety and welfare, and the power to define, prevent and abate nuisances that this Ordinance establishing further regulations of vacant buildings be enacted; and

**WHEREAS**, this ordinance establishing regulations for vacant buildings in the unincorporated areas of LaSalle County shall be designated as the LaSalle County Vacant Property Ordinance.

**NOW, THEREFORE, BE IT ORDAINED BY THE County of LaSalle, Illinois that the LaSalle County Vacant Building Ordinance is adopted as follows:**

# **LaSalle County VACANT BUILDING ORDINANCE**

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## **Section 1 Purpose**

That this Ordinance shall not be construed to prevent the enforcement of other laws, codes, ordinances and regulations which prescribe standards other than are provided herein, and in the event of conflict, the most restrictive shall apply; additionally all remedies provided to the County of LaSalle herein shall be in addition to and not to the exclusion of any and all other remedies allowable at law and/or in equity.

## **Section 2 Definitions**

The following words, terms and phrases, when used in this ordinance, shall have the meanings ascribed to them in this Section, except where the context clearly indicates a different meaning:

- A. *Building* – A structure built for the support, shelter, occupancy, or enclosure of a person, a person's animals, chattels, or moveable property of any kind and which is permanently affixed to the ground.
- B. *Enforcement Officer* – The appointed Enforcement Officer or Assistant Enforcement Officer for LaSalle County.
- C. *Exterior Property Areas* – The open space on the premises and on adjoining property under the control of owners or operators of such premises.
- D. *Imminent Danger* – A condition which could cause serious or life-threatening injury or death at any time.
- E. *Maintenance* – Acts of repair and other acts to maintain the premises in conformity with all regulations of the County of LaSalle and/or 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 ordinance and all other applicable statutes, Codes and Ordinances of the County of LaSalle including but not limited to those requirements set forth within *LaSalle County's Zoning Ordinance, Floodplain Regulations Ordinance, LaSalle County Building Ordinance, and the LaSalle County Health Ordinance*.
- F. *Man Trap* – A small room with an entry door on one wall and an exit door on the opposite wall, when one door is unlocked the opposite door is locked.
- G. *Occupant* – Any person (including domestic service employees) living and/or sleeping in a building and/or having possession of a space within a building.
- H. *Open Building* – Any existing building or part thereof which is unoccupied and is deemed hazardous due to the fact that the building is open to trespass or is a fire hazard as identified by the Enforcement Officer or the local fire jurisdiction. Buildings under construction which have a valid building permit assigned to them are not to be considered "open buildings".
- I. *Open to Trespass* – Any building or part thereof that is in such condition as to allow entry without the use of keys or special tools by unauthorized persons, animals or fowl.

J. *Operator* – Any person who has charge, care or control of a structure or premises which is let or offered for occupancy.

K. *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, the executor or administrator of the estate of such person if ordered to take possession of real property by a court and/or otherwise pursuant to law, and any mortgagee of the premises in possession and/or control of the premises.

L. *Person* – Includes an individual, corporation, partnership, co-partnership or limited liability company, as well as an individual.

M. *Premises* – A lot, plot or parcel of land including the buildings or structures thereon.

N. *Public Nuisances* – Include the following:

- (1) The physical condition, or use of any premises regarded as a public nuisance by common law, under the Illinois Compiled Statutes, or described in article IV of the LaSalle County Health Ordinance 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 building which has unsanitary sewage or plumbing facilities; or
- (4) Any building designated by the enforcement officer or the LaSalle County Health Department as unsafe for human habitation or use, based on the guidelines of this ordinance or the LaSalle County Health Ordinance; or by
- (5) Any building which constitutes a fire hazard, or is unsafe or insecure to a degree that endangers 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.

O. *Rubbish* – Combustible and noncombustible waste materials, except garbage, and the term 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/or other similar materials.

P. *Secured Building* – Any building or part thereof which is unoccupied but does not constitute an open building, as defined herein, and upon which the owner has enclosed any door, window, or other openings into that building by any means other than conventional construction methods used in the design of the building.

Q. *Vacant* - Vacant building means any building, which is:

- (1) An “Open Building”, as defined in this chapter.
- (2) Any building which is unoccupied for over ninety (90) days.

Vacant buildings shall not include unoccupied buildings which are undergoing construction, renovation or rehabilitation and which are in compliance with all other applicable County Ordinances and regulations and for which construction, renovation or rehabilitation is proceeding diligently to completion.

R. *Wire Mesh* –Wire mesh shall not be less than 23 gauge with  $\frac{1}{4}$ " holes. Additionally wire mesh shall be installed as one continuous piece.

### **Section 3 Declaration of Vacant Buildings**

- A. Evaluation: The Enforcement Officer may evaluate buildings in the unincorporated areas of LaSalle County and determine as to whether a building meets the definition of a vacant building and based on vacancy factors, make a declaration of a vacant building. The declaration shall be in writing and shall state the factual basis. Additionally, in the event of any public nuisance or other health hazards existing on the property as defined herein, existing in connection with the building or premises as determined by the Enforcement Officer or any other governing agency (LaSalle County Health Department), then the Enforcement Officer may additionally specify in the notice the existence of such nuisance(s).
- B. Notice: Within seven (7) days of making a declaration, the Enforcement Officer shall send notice of the declaration with the factual findings to the owner. The notice of declaration shall be sent by certified mail, return receipt requested, or by personal substitute service, and posted on a conspicuous location on the building. Proof of mailing shall be *prima facie* evidence of receipt of the notice. The notice shall contain a statement of the obligations of the owner of a building determined to be a vacant building, and a notice of the owner's right to appeal the Enforcement Officer's decision.
- C. An owner of a building determined by the Enforcement Officer to be a vacant building as provided for in this section may appeal the declaration to the LaSalle County Development Committee. Such appeal shall be in writing and shall be filed with the Director of LaSalle County Department of Environmental Services and Land Use within thirty (30) days of the date of mailing of the notice of declaration. The appeal shall contain a complete statement of the reasons the owner disputes the declaration, shall set forth specific facts in support thereof, and shall include all evidence the owner relies upon to support the appeal. The Director of the LaSalle County Department of Environmental Services and Land Use shall set the matter on the next available agenda of the Development Committee and provide at least fifteen (15) days written notice to the owner of the date of said meeting.
- D. Grounds for Appeal: An appeal of the declaration of vacant building shall be based solely on whether the building is deemed to be a vacant building.
- E. Decision: The Development Committee shall decide the appeal after discussion at a regularly scheduled meeting of the Development Committee. The Director of the LaSalle County Environmental Services and Land Use Department shall send written notice of the decision to the owner within fifteen (15) days after the hearing. Any party may appeal the decision of the Development Committee to the Circuit Court of LaSalle County within thirty days of the decision pursuant to appropriate provisions of proceedings governing administrative review under the Illinois Compiled Statutes.

## **Section 4 Provisions Regarding Open and Vacant Buildings**

All open and vacant buildings, as defined in this chapter, shall be enclosed by the owner. The enclosure shall comply with the following provisions:

- (1) All windows shall be secured and all doors covered with a wire mesh, securely attached to the frame work of either the doors or windows so as to restrict or prohibit access to the premises. This method shall be done in a way to create an appearance of occupancy to premises and reduce neighborhood blight. The wire mesh shall be as provided and defined within Section 2, herein.
- (2) All other exterior openings allowing entry of fowl or animals shall be covered from the exterior with wire mesh. This method shall be done in a way to create an appearance of occupancy to premises and reduce neighborhood blight. The wire mesh shall be as provided and defined within Section 2, herein.
- (3) Water and gas service to the building shall be disconnected. Electrical service to the building shall be disconnected at the pole, transformer, or distribution can.
- (4) All garbage, rubbish and solid waste shall be removed from the interior and exterior of the property.
- (5) All mantraps existing within the building shall be covered or repaired.
- (6) The property owner and/or permit holder shall call the Enforcement Officer prior to completion of enclosure in order to schedule a compliance inspection

## **Section 5 Failure of Owner to Comply with the Enclosure Requirements**

The failure of owner to comply with the enclosure requirements shall include, but not necessarily be limited to, the following provisions and remedies.

- (1) If the owner of the building does not file an appeal and fails to comply with the notice to enclose within thirty (30) days after the date of mailing of the notice, the Enforcement Officer may file a complaint in the circuit court requesting the enclosure of the building by the owner. If the owner fails to comply with an order from the court, the County may cause the structure to be enclosed in compliance with this Ordinance.
- (2) Any open structure which poses an immediate health hazard shall be enclosed within twenty four (24) hours. In the event the structure is not enclosed within twenty four (24) hours, the department may enclose or cause the enclosure of the structure. Should the open structure be in a location or condition so as to be an emergency, the department may enclose or cause the enclosure of the structure without delay without first issuing any notice.
- (3) The cost of enclosure by the County shall constitute a lien on the property where the building is located. The lien shall consist of a sworn statement setting out a description, the amount of money representing the cost and expense incurred, and the date or dates when the cost and expense was incurred by the county. Upon payment of the costs and expense by the owner or other persons interested in the property after the notice of lien has been filed, the lien shall be released and the

release may be filed by the owner or other person interested in the property. The lien may be enforced by proceedings to foreclose as in cases of mortgages or mechanic's liens.

- (4) If the County corrects the violation itself or causes the violation to be corrected on its behalf, the owner of the property shall nevertheless be subject to a fine for the ordinance violation as provided for in this chapter in addition to a lien being placed on the owner's property. In addition, the County may also obtain a personal judgment against the owner of the property for the costs of correcting the violation.

## **Section 6 Changes in Ownership Information**

An owner shall notify the Enforcement Officer within twenty-one (21) days of any change in the ownership information. Failure to notify the Enforcement Officer of the County of LaSalle of any change in ownership within said twenty-one (21) day period shall constitute a violation of this Ordinance.

## **Section 7 Additional Responsibilities of the Owner**

An owner of any vacant building shall 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. A building shall be deemed secured and closed if the building is maintained pursuant to the minimum standards set forth in by this ordinance and any other applicable regulation.

Additionally, the owner of any vacant building shall also:

- (1) Keep the premises on which a building is located clean, safe and sanitary, maintained free of weeds, trash, junk, debris, junk cars, and litter.
- (2) Keep the property maintained free of graffiti, tagging, or similar markings.
- (3) Keep pools and spas in working order so that the water is not stagnant and remains clear and free of pollutants, debris and insects, or drained and kept dry.
- (4) Post on the front door of the building in a conspicuous manner an emergency contact name and telephone number for use by the police, paramedics, fire department or other emergency responders.

## **Section 8 Promulgation of Rules and Regulations**

The Enforcement Officer in consultation with the Development Committee, the County Sheriff, or the County Health Department may jointly issue lawful, usual and customary rules and regulations for the administration of this Ordinance. These rules may designate materials and methods to assist in the compliance process and may additionally designate materials and methods to be used to secure a building.

## **Section 9 Enforcement and Penalties**

LaSalle County shall send a notice to the owner by certified mail, return receipt requested, or by personal or substitute service, for the failure to comply with this ordinance. Proof of mailing of said notice shall be *prima facie* evidence of receipt of the notice. The owner shall have twenty-one (21) days in which to mitigate any nuisance and/or ordinance violations as set forth in the notice; if the violation is not resolved within twenty-one (21) days, the fine amount shall be the amount of not less than one hundred dollars (\$100.00) and not more than one thousand dollars (\$1,000.00) for each violation per day that the violation persists; additionally, in the event that the County is required to perform a search to ascertain the owner, the owner is responsible to reimburse the County for said costs.

Additionally, any person who violates any other provision of this Ordinance shall be fined not less than one hundred dollars (\$100.00) and not more than one thousand dollars (\$1,000.00) for each offense, and each day that a violation occurs shall constitute a new and additional offense in violation of this Ordinance. Further, again, the remedies as provided herein are in addition to all other legal and/or equitable remedies available to the County of LaSalle. Such other remedies include, but are not limited to, injunctive relief, application to a court of competent jurisdiction for receiver, demolition, or condemnation, contracting for the repair or purchase of the premises, or foreclosure of any lien that the County may have thereon. Each day that a violation of this Article shall be permitted to continue shall constitute a separate offense in violation.

## **Section 10 Ordinance Validity**

That in the event that any provision of this Ordinance should be declared invalid, the invalidity of said provision should not affect the remainder of this Ordinance.

## **Section 11 Ordinance Effective Date**

That this Ordinance shall be in full force and effect from and after its passage, approval and publication, if necessary, as provided by law, but this amendatory Ordinance shall not apply prior to the fiscal year commencing December 1, 2014 and shall not be enforced prior to December 29, 2014 in reference to the amendatory provisions provided herein.