

ORDINANCE NO. 09112023-01

AN ORDINANCE RELATING TO DILAPIDATED AND UNSAFE BUILDINGS

BE IT ORDAINED by the Mayor and the Board of Alderman of the City of Shawneetown, Gallatin County, Illinois, as follows:

Section 1: Adoption of Municipal Code Provisions Relating to Unsafe Buildings

The City hereby adopts by reference all of the provisions of the Illinois Municipal Code relating to control over unsafe property and dilapidated buildings, (65 ILCS 5/11-31-1 through 65 ILCS 5/11-31-2.3) as existing on the effective date of this ordinance and as may be amended after the effective date thereof.

Section 2: Maintenance, Occupancy, Etc., Unlawful.

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

Section 3: Definition of “dilapidated and unsafe building”.

- (1) any building, shed, fence or other man-made structure which is dangerous to 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;
- (2) 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;
- (3) any building, shed, fence or other man-made structure which, by reason of faulty construction, lack of proper repair or any other cause, is liable to cause injury or damage by a total or partial collapse;
- (4) 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 persons who are not owners or lessees of such structure;

- (5) any building, shed, fence or other man-made structure which, by reason of its condition, poses a threat to the physical integrity of adjacent structures;
- (6) any building, shed, fence or other man-made structure which harbors rats or other pests.

Section 4: Abatement

Should the Board of Alderman (or committee appointed by Board) determine that any structure within the City of Shawneetown constitutes a dilapidated and unsafe building, the City shall notify the owner of said premises and demand that the violation be abated.

**Section 5: Reports of Violations of Ordinance or Statutory Provisions
(65 ILCS 5/11-31-2.3)**

Any owner or tenant of real property located within the corporate limits of the City of Shawneetown may file with the City of Shawneetown a written complaint, requesting that any dilapidated and unsafe building located within the corporate limits of the City of Shawneetown be demolished, repaired, or enclosed.

Upon receipt of a complaint, the Board of Alderman (or appointed committee) shall determine whether the building constitutes an “dilapidated and unsafe building”. If it is determined by the Board that the building, subject to the complaint, is unsafe the City shall notify the owner of said premises and demand that the violation be abated.

Section 6: Notice

Notices, under Sections Four (4) and Five (5) of this Ordinance, shall be served upon the owner or owners of the premises by personal service or by certified mail to their last known address. Where, upon diligent search, the identity or whereabouts of the owner or owners of any such building including the lienholders of record, is not ascertainable, notice mailed to the person or persons in whose name such real estate was last assessed is sufficient notice under this Section.

Such notice shall be in substantially the following form:

TO: _____

YOU ARE HEREBY NOTIFIED that the City of Shawneetown has determined that the building or other structure owned by you at _____ (address), located within the City limits of the City of Shawneetown, is in a dilapidated and unsafe condition. You are hereby required to put the building, or other structure, in a safe condition or demolish it, within thirty (30) days of receipt of this Notice. If no action is taken within said thirty (30) day period, the City authorities may apply to the Circuit Court of Gallatin County for a repair or demolition order, in accordance with 65 ILCS 5/11-31-1 et. Seq. and City of Shawneetown Ordinance No. 09112023-01. The city may also assess a fine of \$100 if no recognizable action is taken within the first 30 days with fines of \$200 after 60 days, and \$500 after 90 days of no recognizable action. A lien may be placed upon said property for any costs incurred by the City of Shawneetown as a result of their causing the same to be demolished, repaired, or enclosed.

CITY OF SHAWNEETOWN

By: _____

Section 7: Repair or Demolition Order.

If no action is taken within thirty (30) days of receipt of the Notice outlined in Section Six (6) of this Ordinance, by the owner or owners of an building, the City of Shawneetown may apply to the Circuit Court of Gallatin County for a repair or demolition order in accordance with 65 ILCS 5/11-31-1 et. seq.

The hearing on such application to the Circuit Court shall be expedited by the Court and shall be given precedence over all other suits. Upon a showing that a building or structure is unsafe or abandoned, the Court shall grant relief as outlined in 65 ILCS 5/11-31-1 et. Seq.

If the City or a person or persons other than the owner or owners of record pay the costs of demolition, repairs or enclosure pursuant to Court Order, the costs, including court costs, attorney's fees and other costs related to the enforcement is recoverable from the owner or owners of the real estate and is a lien on the real estate.

Section 8: Responsibility for Cost of Repairing/Demolition Lien.

The cost of such repair or demolition incurred by the City or by a lienholder of record, is recoverable from the owner or owners of such real estate and is a lien thereon, which lien is superior to all prior existing liens and encumbrances except taxes. Within one hundred eighty (180) days after repair or demolition, the City or the lienholder of record who incurred the cost and expense of such demolition or repair of such building shall file a Notice of Lien of cost and expense in the office of the Recorder of Deeds of Gallatin County.

The Notice shall consist of a sworn statement containing:

- (1) a description of the real estate sufficient for identification thereof;
- (2) the amount of money representing the cost and expense incurred;
- (3) the date or dates when the cost and expense was incurred by the City or by the lienholder of record.

For purposes of this Section, the cost of repair or demolition shall be deemed to have been incurred by the City of Shawneetown at the time the City of Shawneetown pays any person with whom it has contracted to do the repair or demolition work, or the date of the last payment to said person if there is more than one payment.

Upon payment of the cost and expense by the owner of or the persons interested in the property after a Notice of Lien has been filed, the lien shall be released by the City or the person in whose name the lien has been filed and the release may be filed of record as in the case of filing a Notice of Lien. Costs and expenses for which a lien may be filed shall include any costs incurred in determining ownership or interest of parties in the property, attorneys' fees, court costs, costs incurred in proving the cost of improvements required on said building or structure and all costs incidental to or required for repair or demolition.

Section 9: Foreclosure.

The aforesaid lien may be enforced by proceedings to foreclose as in case of mortgages or mechanics liens, or in any other method as outlined in 65 ILCS 5/11-31-1 et. seq, as existing on the effective date of this ordinance and as may be amended after the effective date thereof. An action to foreclose this lien may be commenced at any time after the date of filing of the Notice of Lien. The costs of foreclosure incurred by the City, including court costs, reasonable

attorney fees, advances to preserve the property, and other costs related to this enforcement, plus statutory interest, are a lien on the real estate and recoverable by the City from the owner or owners of the real estate.

Section 10:

All actions brought to enforce this Ordinance shall be brought in the name of the “City of Shawneetown” as plaintiff.

Section 11:

This Ordinance shall take effect in full force ten (10) days after its passage, approval, and publication.

Section 12:

This Ordinance shall be in full force and effect from and after its passage, approval, and publication according to the law of the State of Illinois. Passed, approved, and adopted by the Board of Alderman of the City of Shawneetown, Gallatin County, Illinois, this _____ day of _____, 2023, on roll call vote as follows:

AYES: _____

NAYS: _____

ABSTAIN: _____

ABSENT: _____

THIS ORDINANCE ADOPTED THIS _____ DAY OF _____, 2023.

City of Shawneetown, Mayor

ATTEST:

City Clerk

