CITY OF QUINCY

REPORT OF THE
QUINCY NEIGHBORHOOD BEAUTIFICATION
AD HOC COMMITTEE

Submitted to

Quincy City Council

December 14, 2020

Prepared by

Planning and Development Department

The Report of the
Quincy Neighborhood Beautification
Ad Hoc Committee

The members of the committee are:

- Alderman Jeff Bergman, Chair
- Alderman Tonia McKiernan
- Alderman Jason Finney
- Alderman Ben Uzelac
- Bruce Alford, Assistant Corporation Council
- Michael Seaver, Director of Code Enforcement
- Kevin McClean, Director of Central Services

Alderman Participants
- Alderman Eric Entrup
- Alderman Dave Bauer
- Alderman Jack Holtschlag
- Alderman Mike Rein

Staff
- Linda Moore, City Treasurer
- Jeff Mays, Director of Administration
- Chuck Bevelheimer, Planning Director
- Elizabeth Clow, Human Resource Director

Executive Summary

On June 15, 2020, the Neighborhood Beautification Ad-Hoc Committee was formed to review the city of Quincy's current nuisance abatement policies and practices as well as existing staffing levels. In addition, the committee was tasked with offering suggestions on how to improve the city's efforts regarding nuisance abatements. Mayor Moore appointed Aldermen Bergman, McKiernan, Finney, & Uzelac as well as Seaver, McClean, & Alford to serve on the committee.

Alderman Bergman chaired the committee, which met seven times between the months of June and December. The committee also produced the attached report, which identifies the following findings:

- From 2017-2020, the number of nuisance abatement cases has nearly doubled with annual averages of 494 tall grass complaints, 541 litter complaints, and 351 Central Service work orders.
- From 2016-2020, the average annual cost to Central Services for working on nuisance abatements was $44,849, based on an average of 1,390 labor hours per year.
- From 2016-2019, the city addressed 41 Fix or Flatten properties
    - 25 were demolished by the city at a cost of $230,000 ($9,300/dwelling)
    - 7 were demolished by the property owners
    - 10 were secured or renovated by the property owner.
- From 2015-2019, the Police Department tagged an average of 207 abandoned vehicles and towed an average of 63 vehicles each year, at a cost of $12,500.
- From January 1, 2020-October 20, 2020, the city sent 271 invoices to property owners for nuisance abatements, of which:
    - 49 were paid
    - 100 unpaid
    - 13 written off
    - 109 sent to collections.
    - Total cost of nuisance abatements invoiced was $62,665 with the average cleanup cost of $231.
- From 2016-2020, the average annual cost to Quincy tax payers to address vacant buildings, derelict or overgrown lawns, uncollected litter and abandoned vehicles was $241,630 per year.

Policy Recommendations:

1. Develop an agreement with Adams County to create a mechanism so that the City-identified "Fix or Flatten" properties are not subject to tax sale, which can result in the granting of a tax deed.
2. Support establishment of a Land Bank.
3. Budget $200,000 annually to maintain aggressive Fix or Flatten Program.
4. Budget $200,000 annually to re-establish the Small Rental Rehab Program.
5. Support Central Services Department addition of 3-4 fulltime staff for nuisance abatements.

Introduction

Vacant buildings, derelict or overgrown lawns, uncollected litter, abandoned vehicles and overall blight negatively impact the quality of life for neighborhoods and erode the value of properties. The city of Quincy has struggled for decades to develop effective policies and programs to address blight in the city's older neighborhoods. The Quincy Neighborhood Beautification Ad Hoc Committee was formed to review the city's current nuisance abatement policies and practices as well as existing staffing levels and to offer suggestions on how to improve the city's efforts regarding nuisance abatements.

The first meeting of the Quincy Neighborhood Beautification committee was held June 6, 2020. The committee has met monthly since that first meeting. The following report summarizes the finding of the committee, nuisance abatement efforts during the past five fiscal years, the financial impact of those efforts, and policy suggestions moving forward regarding neighborhood beautification efforts in the city of Quincy.

Nuisance Abatement - Action

Code Enforcement Nuisance Inspector

The city of Quincy has operated a nuisance abatement program for years. In the summer of 2018, the city took a major step to elevate its code enforcement efforts by creating the position of a full-time, dedicated code enforcement inspector. The creation of this position was made possible through the optimization of staffing across all inspection functions, as opposed to adding to the employee count. Prior to the addition of this position, the city responded to enforcement issues on a complaint-only basis, utilizing its Building, Electrical, and Plumbing inspectors, who performed these functions as additional duties. This method proved to not be the most effective use of staff resources as addressing nuisance abatement complaints was secondary to the process of building, plumbing and electrical inspections.

The new position was created to develop expertise and efficiency and to *proactively* address issues of nuisance abatement in the community. The position can also help educate the community about nuisance issues in an effort to gain voluntary compliance of abatement efforts and to prevent the deterioration of neighborhoods, thus improving the quality of life. Based on the number of cases generated during the first year of the new position, the need for additional nuisance abatement resources was borne out. The proactive approach eliminates any suggestion of selective or discriminatory enforcement of the City's nuisance ordinances. It also serves to identify issues in an incipient stage, at a point in which they are easier to correct before they become a problem for neighboring residents.

Nuisance Abatement

The most common nuisance cases are related to tall grass, garbage, litter, and debris accumulation. A nuisance inspection requires an inspector to visit the property, issue notices as warranted, and then follow up after a notice expires with appropriate abatement action.

In many cases, crews from the Department of Central Services perform necessary abatement, with the cost being charged to the owner of the property. In reviewing the 5-year history of nuisance abatement cases (see table below), the addition of the full-time Code Enforcement Officer has resulted in a near doubling of the number of nuisance cases. Work orders range from 300-400 per year. The combination of the tall grass and litter accumulation cases do not equal the total cases for each year as an inspection often receives one complaint with multiple violations.

Nuisance Abatement – Cases – FY2016 to FY2020				
Fiscal Year	Cases	Tall Grass	Litter Accumulation	Work Orders
2015/16	751	188**	133**	*
2016/17	760	430	371	*
2017/18	780	309	319	399
2018/19	878	723	806	305
2019/20	1298	514	669	350
Total	**4376**	**2164**	**2295**	**1054**

*Not reported. Inspection began utilizing Smart Sheet in 2016/17.

** 2015-16 data for tall grass and debris litter is not complete.

Nuisance Abatement – Cost

The amount of money committed to the maintenance of abandoned properties, the demolition of Fix or Flatten properties, and the abatement of nuisances such as tall grass, weeds, and abandoned vehicles vary from year to year. The cost of the Nuisance Enforcement position in the Inspection Department is $58,500 (including fringe benefits). The Department of Central Services dedicates one staff person to nuisance abatements and brings in members of the concrete or forestry crews to assist as necessary. The total number of employee hours, the total cost for labor/benefits and the total overall cost for the Department of Central Services is shown in the table below.

Nuisances Abatement – Costs by Central Service – FY 2016-FY 2020			
Fiscal Year	**Total Hours - Employees**	**Total Cost – Labor/Benefits**	**Total Cost – All Expenses**
2016	1066	$21,287	$32,053
2017	1829	$37,156	$53,463
2018	538	$11,118	$24,952
2019	1957	$40,817	$64,611
2020	1561	$33,755	$54,168
Total	**6951**	**$144,133**	**$229,247**

The average annual cost to the Department of Central Services, over the past five years, is approximately $44,849, based on an average of 1,390 labor hours/year working on nuisance abatements. The total cost for labor of $144,133 with an annual average amount of approximately $28,826. The total cost category includes labor/benefits, materials, some demolition and some landfill costs. It does not include the cost of the gas required to fuel the nuisance abatement activities.

Nuisance Report for 2020

The information below was compiled from nuisances reported between January 1, 2020 and October 20, 2020. Cases were sorted by type of nuisance, then each invoice was referenced for man hours billed, ward, and outcomes.

Nuisances Abatement - By Complaint - 1/1/2020 to 10/20/20		
Complaint	**#s**	**Man Hours Billed**
Accumulation of Litter	97	267.50
Tall Grass/Weeds	141	593.50
Accumulation of Litter and Tall Grass/Weeds	34	175.00
TOTAL	**272**	**1036.00**

Nuisances Abatement – Ward Breakdown - 1/1/2020 to 10/20/20			
	Abatements	**Properties**	**Man Hours Billed**
Ward 1	58	42	239
Ward 2	98	62	423.50
Ward 3	6	6	17.00
Ward 4	12	9	38.50
Ward 5	1	1	1.00
Ward 6	20	14	73.50
Ward 7	77	60	243.50
Total	**272**	**195**	**1036**

Nuisances Abatement – Outcomes - 1/1/2020 to 10/20/20		
Outcome	**#**	**$**
Closed (In Compliance)	1	n/a
Invoices - Paid	49	$7,612.00
Invoices - Unpaid	100	$23,672.00
Invoices - Written Off	13	$2,621.00
Invoices – Collection Services	109	$28,760.00
Total	**272**	**$62,665.00**

Please note, due to a large percentage of invoices after July 1, the number of unpaid invoices appears high. Typically, a significant number of invoices are resolved between 30 and 90 days. After 30 days, if the owner is identified through the Illinois Local Debt Recovery program, a claim is filed in Local Debt. If no match is found, a warning letter is sent to the owner. If there is no response after 60 days, a second letter is sent or a lien if filed, if there is value in the property. (Lien fees are $71 for filing and $71 for

release.) If payment has not been received after 90 days, invoices are sent to collections for action, including any lien fees associated with the nuisance property.

To understand the challenges faced in collecting nuisance abatement fees, the chart below shows issues faced in the process of collecting on billed invoices. More than 36% of the properties are billed but can't be recovered due to the issues identified below. Identifying these issues up front doesn't resolve the nuisance. We need a way to intervene before a property gets to this level.

Nuisance Abatement – Unforeseen Issues - 1/1/2020 to 10/20/20						
Ward	**Wrong Owner**	**Trustee Owned**	**Deceased Owners**	**Unpaid 2019 Taxes**	**Foreclosures/Sales**	**Parcel Taxes Sold**
1	-	2	2	4	-	9
2	-	7	1	5	3	14
3	-	-	-	-	-	1
4	-	-	-	-	-	-
5	-	-	-	-	-	-
6	-	-	-	1	1	4
7	3	1	1	7	-	5
Total	**3**	**10**	**4**	**17**	**4**	**33**

Complex Nuisance Cases & Repeat Offenders

When a nuisance case is not voluntarily brought into compliance by a property owner or occupant, the City must take steps to begin enforcement. In many situations – if not most - the City is authorized to immediately abate the nuisance once notice has been served and a reasonable time for correction has been allowed. Typical abatement actions include mowing and cutting of weeds and brush and removal of garbage and rubbish. There are some cases, however, for which abatement is not an option. Right-of-entry complications, out of town defendants, corporations as defendants (rather than individuals), complex cases, and cases in which the magnitude of the violation is beyond the norm often make it necessary to bring a defendant into court in order to achieve compliance. To begin a court proceeding, the Inspection Office will often issue a citation for an Ordinance Violation, the form of which is identical to those issued for traffic violations or other minor infractions of City Code. A citation marks a momentary violation (an exact time and date of occurrence) and carries a defined punishment (a fixed monetary fine as specified in Ordinance). Along with the fine, the City Attorney will often additionally ask the court for authorization to abate the nuisance and/or an order enjoining the defendant from continuing the action causing the nuisance. Most of the time, this course of action achieves the City's principal aim of obtaining compliance.

In other more complicated or extreme cases, a citation may not be the optimal instrument for achieving the desired result. Cases in which multiple violations exist, or in which the size and scope and ongoing nature of the problem are acute will require that a more extensive litigation process be undertaken. Instead of issuing a ticket or citation, a complaint is drafted by a City attorney and a summons is served on the defendant. A hearing is then held separate from all other cases. The key advantages to following this process are:

- Multiple counts may be incorporated into one proceeding
- Daily fines may be assessed for each day a violation exists, often leading to a very substantial amount
- Court may be inclined to oversee the progress of compliance to completion

Contract Grass Cutting

In March, the city advertised an RFP for lawn maintenance of city properties. The city council authorized a grass mowing contract for 11 street right-of-ways and 19 city-owned lots. The cost of the contract, which runs May 1-Oct. 30, is $32,773. The purpose of the lawn maintenance contract was to reduce the lawn maintenance workload on the Department of Central Services so the department can focus on concrete work, forestry services and debris abatement. The tables below presents the City owned lots t and City Right-of- Ways that were mowed under the private contract.

City Owned Lots	
1.	717 North 5th Street
2.	1422 North 9th Street
3.	925 North 6th Street
4.	230 Cherry Street
5.	824 Cherry Street
6.	511 College Ave.
7.	616 – 618 College Ave
8.	326 Lind Street
9.	328 Lind Street
10.	535 Lind Street
11.	217 Locust Street
12.	435 Locust Street
13.	400 Maine Street
14.	637 Maple Street
15.	1122 Monroe Street
16.	720 Oak Street
17.	633 State Street
18.	513 Sycamore Street
19.	517 Sycamore Street

Right-of-Ways	
1.	Amtrak
2.	City Hall
3.	Reservoir
4.	Vermont Street Water Tower
5.	Wismann Lane
6.	3rd & Cherry
7.	7th & Lind
8.	12th & Jackson
9.	North 12th (by Outdoor Power)
10.	4214 Harrison Water Tower
11.	408 Scenic Drive

Fix or Flatten Program

The City's Fix or Flatten program identifies buildings that are open to the public and are considered a health and safety threat. Specifically, the building must meet one or more of the following criteria, as mandated by the State of Illinois under the Unsafe Property Statute (65 ILCAS 5/11-31-1):

1. The property has been tax delinquent for two (2) or more years or the water service bill for the property has been outstanding for two (2) or more years (lack of utilities).
2. The property is unoccupied by the person legally in possession (abandoned); and
3. The property is open to the public, subject to vandalism, attractive to nuisance and dangerous or unsafe to occupy.

Buildings that meet one or more of these criteria can be issued a Fix or Flatten notice. Owners of these properties are given 30 days to improve the building, demolish the building, or even offer to hand over the deed to the property to the city.

The Quincy City Council typically authorizes 10-12 properties to be on the city's Fix or Flatten property list each year. However, in 2018, the city council authorized the pursuit of 20 unsafe and dangerous properties at an estimated cost of $200,000 (Legal-$40,000 & Demolitions-$160,000). Below is the number of Fix or Flatten properties approved by the city council since 2015.

Between Fiscal Years 2016-2019, the city addressed 41 Fix or Flatten properties

- 25 were demolished by the city at a cost of $230,000 ($9,300/dwelling).
- 7 were demolished by the owners
- 10 were secured/rehabbed by the property owner.

In Fiscal Year 2020, the city council approved 12 properties for the Fix or Flatten program.

- 1 has been demolished by the owner
- 2 have been secured/rehabbed by the property owner
- 1 has had the judicial deed secured by the city
- 8 remain in various stages of legal action.

Fix or Flatten Program - Summary – Fiscal Years 2016-2020					
Fiscal Year	**Fix or Flatten Property Lists**	**City Demolition**	**Owner Demolition**	**Owner Secured/Rehabbed**	**Demolition Expenses**
2015/16	9	5	4		$36,000
2017/18	12	9	1		$84,000
2018/19	20	11	2	7	$110,000*
2019/20	12		1	2	

Additional $40,000 in legal fees in FY 2018/2019 resulting in total of $150,000

Abandoned Vehicles

From 2015 to 2019, the Quincy Police Department tagged 1,046 abandoned vehicles for towing. Of the abandoned vehicles tagged for towing, approximately 315 vehicles were actually towed. The table below represents the number of abandoned vehicles tagged/towed each year by QPD.

Abandoned Vehicles Identified in Quincy (2015-2019)						
	2015	**2016**	**2017**	**2018**	**2019**	**Total**
Vehicles - Tagged	176	234	206	236	194	1046
Vehicles - Towed	54	70	62	71	58	315

The Quincy Police Department says the time it takes to tag an abandoned vehicle on private property is approximately 30 minutes for two officers per vehicle tagged. The time it takes to assist in the towing of a vehicle is 30 minutes for two offices. In total, the QPD says the time spent to tag 1,046 vehicles and tow 315 vehicles is approximately 1,361 employee hours, which averages to 272 hours per year. The average hourly pay for a QPD patrol officer is $46 (including fringe benefits), so the staff time spent addressing abandoned vehicles each year is approximately $12,500. In addition, $340/year is spent on certified mail to service notices for abandoned vehicles on private property ($1,697 over five years).

Cost Summary of Nuisance Abatement Program

The average annual cost to Quincy tax payers to address vacant buildings, derelict or overgrown lawns, uncollected litter and abandoned vehicles from 2016 to 2020 was $241,630. The table below presents the 5 year total of cost to for department that addresses nuisance abatements.

Nuisance Abatement Cost Summary 2015 to 2020		
City Departments	**5 Year Total**	**Average Annual Cost**
Inspection – Staffing	*	$58,500
Inspection – Fix or Flatten	$270,000	$90,000
Central Services – Staff	$237,000	$47,490
Central Services – Grass Mowing Contract	**	$32,700
QPD - Abandoned Vehicles	$62,600	$12,840
Total	**$569,000**	**$241,630**

*Fulltime nuisance abatement inspection position started in 2018. City does not have 5 year of data.
** FY20/21 was first year of contract mowing of properties. City does not have 5 years of data.

City/County Coordination

There have been a number of "Fix or Flatten" properties that, at one time or another, have come under the control of the Adams County Trustee Agent or other property tax investor through the property tax sale process. The 2019 "Fix or Flatten" resolution listed 12 properties, six of which were held by the Trustee were otherwise acquired through tax deed at some point in time. By law, the county's Trustee cannot be held responsible for the maintenance of the properties it is holding, which tends to result in the grass not being mowed and the property not being secured or being used as a dumping ground. The Trustee can acquire properties at any time – before, during, or even after any legal action undertaken by the City. This has led to, on more than one occasion, ownership of a property being transferred during or even after a "Fix or Flatten" proceeding, complicating or even nullifying the City's efforts.

Properties that are acquired by the Trustee are offered for sale at an annual auction, during which a bidder can acquire a property for as little as $700-$800. The city has found that new owners seldom make any significant improvements to the properties they acquire, which creates a cycle of delinquent ownership, leading to further deterioration.

A cooperative agreement was forged through a series of meetings during the past year between representatives of the city and the county that will create a new path forward in dealing with many troubled properties. The county, through the County Treasurer, has agreed to set aside any properties the city intends to pursue under its "Fix or Flatten" program. Normally, these properties would be subject to the tax sale which results in the granting of a tax deed. Once notified by the city of its intent to take up legal action against a certain property, the Treasurer will remove the property from the upcoming tax sale, thereby preventing the Trustee or any other investor from acquiring control of the property. This agreement will ensure that the city ultimately obtains deeds to properties that it can take successful action against, breaking the cycle of negligent ownership and giving the city the ability to recapture a portion of its costs and more importantly, provide for the responsible and productive future use of such properties.

Land Bank

Two Rivers Regional Council (TRRC) received an Illinois Housing Development Authority (IHDA) grant to perform a feasibility study to determine if there are enough properties of value in City of Quincy and Adams County that could fund a land bank. The study concluded that there were enough vacant housing units to warrant establish a regional land bank. The land bank would buy blighted properties, do minor repairs, and resell property as a small profit. The profits would than fund other acquisitions. City and County officials have met and with TRRC staff and concur the city and county could benefit from establishment of the land bank. TRRC has submitted a grant to IHDA to establish a land bank to start up the land bank and pay of operational cost.

Land Bank Advantages

- The benefits of the land banking are alleviating abandonment and blight in the older neighborhoods.
- In areas with persistent nuisance abatement, a land banking program can reduce the impact blight properties have on the neighborhood.
- An aggressive land bank program pushes responsible owners to act early, opening up options for the owners to convey the property voluntarily.
- By obtaining properties earlier in the abandonment process, the property is in better condition (i.e. less blight in the neighborhood) and avoids the tax buyer process.
- Land Banks short circuit the tax buyer process by acquiring vacant properties as a tool to fight blight, reduce government expenses and hopefully increase tax revenue by selling the vacant properties for redevelopment.

Policy Recommendations

Two Rivers Land Bank Initiative

A Land Bank provides a means to acquire property and return it to productive use. The purpose of a Land Bank is to reduce the inventory of vacant units in a community as a way to stabilize and improve the local housing market. Officials from the city of Quincy and Adams County have met with Two Rivers Regional Council, which is coordinating with the Illinois Housing Development Authority on the establishment of a Land Bank for Western Illinois.

Recommendation:

The city of Quincy and Adams County should support establishment of a Land Bank.

Adams County Property Tax Sale

Adams County conducts an annual property tax sale, during which all unpaid property taxes are sold. During the sale, investors pay the balance of the property tax bill on a property on behalf of the property owner. The property owner then owes the amount of the taxes paid, plus interest, to the investor during the redemption period. If the owner of a residential property does not redeem the taxes within 2 ½ years, through the payment to the investor, the owner could lose their property. Many times, the properties cycle through the system multiple times, allowing them to further deteriorate. The condition of the property can result in the late property taxes not being purchased during the annual tax sale, thus the county's Trustee Agent forecloses on the property due to the property tax lien.

Recommendation:

A Land Bank would have the ability to acquire the properties that normally cycle through the property tax sale process multiple times. The city of Quincy and Adams County need to work together to identify such properties and coordinate with a Land Bank to reduce the number of properties that make their way to the county's annual property tax sale.

Fix or Flatten Program

Since 1993, the city has targeted distressed buildings that are open to the public and are considered a health/safety threat under the Illinois Unsafe Property statute (65 ILCAS 5/11-31-1). The Department of Planning & Development typically budgets $80,000/year for demolitions and landfill fees as well as miscellaneous expenses related to recordings, process servicing, and title work. This figure generally covers the expenses related to 10-12 properties. The annual financial commitment to the Fix or Flatten program, though, often gets reduced due to budget constraints. For example, during FY 2020/2021, the city's budget for the Fix or Flatten program is $46,000.

Recommendation:

The Fix or Flatten program needs a dedicated, guaranteed funding source to maintain a consistent effort to reduce blighted structures. The goal should be $200,000 as this would allow the city to double the annual number of distressed properties in the Fix or Flatten program from 12 to 24. In addition, a more significant funding commitment would allow for the contracting of legal counsel to expedite the Unsafe Property litigation process to reduce the amount of time required to receive court orders for demolitions or judicial deeds.

Re-establish Small Rental Rehab Program (SRRP)

The Illinois Housing Development Authority awarded the city of Quincy multiple grants (1998-2008) to assist the owners of small rental properties (four units or less) in bringing the properties up to minimum housing standards. The Small Rental Rehab Program funds were provided to property owners as 0% interest loans, which would be forgiven after five years. The property owner was eligible for up to $15,000 per unit as long as they provided a 25% match. The property owner was required to rehabilitate the existing residential structure, to maintain the structure's compliance with the city's minimum housing standards, to retain ownership of the property and to not appeal the property taxes during the term of the loan. The SRRP funded the renovation of 50 rental units in the Riverside neighborhood during that ten-year period.

Recommendation:

The city should dedicate $200,000 in funding to re-establish the Small Rental Rehab Program to fund the rehabilitation of 10-11 existing apartment units each year.

Department of Central Services Staffing for Nuisance Abatement

The Department of Central Services has one staff person who is dedicated to nuisance abatement, which includes the mowing of tall grass and the removal of weeds, junk and debris. This position is also responsibility for the mowing and maintenance of 30 street right-of-ways. There are many times, though, that a case requires more than one person to operate the equipment necessary to abate the nuisance. In these instances, the Department of Central Services shifts crews working in Concrete and in Forestry to aid in the nuisance abatements. As a result, these crews are not able to keep up with their regular duties in Concrete & Forestry.

Recommendation:

The Department of Central Services should dedicate 3-4 full-time staff persons to respond to nuisance abatement cases.

Appendix
(Attached)

Appendix A
City Code Chapter 92 – Nuisances

Appendix B
City Code Chapter 79 – Abandoned & Derelict Autos

Appendix C
Illinois Municipal Code – 65 ILCS 5/Art. 11 Div. 31
Unsafe Property

Appendix D
City Code Chapter 154.20 – Unsafe Property/Actions Authorized

Appendix E
2019 Fix or Flatten Properties

Appendix A
City Code Chapter 92 – Nuisances

CHAPTER 92: NUISANCES

Section

92.01 Definitions and prohibition
92.02 Nonsummary abatement notice and review
92.03 Nonsummary abatement
92.04 Summary abatement
92.05 Costs of abatement
92.06 Immunity
92.07 Other remedies
92.08 Practice

92.99 Penalty

§ 92.01 DEFINITIONS AND PROHIBITION.

The following acts, conduct, circumstances and conditions are hereby declared and defined to be nuisances and, when committed, performed or permitted to exist by any person, firm or corporation (herein collectively referred to as "person") within the corporate limits of the city, whether on public or private property, are hereby declared to be unlawful and prohibited:

(A) Common law nuisances. To commit, perform or permit any act or offense which is a nuisance according to the common law of the state;

(B) Defined nuisance. To commit, perform or permit any act or offense declared or defined to be a nuisance by this chapter, by this code, by any of the ordinances of the city or any laws of the state;

(C) Undefined nuisances. To commit, perform or permit any act, conduct, circumstances or condition which constitutes an unreasonable, unwarrantable or unlawful use by a person of property, real or personal, or from the person's own improper, indecent or unlawful personal conduct which works an obstruction or injury to a right of another or of the public and produces the material annoyance, inconvenience, discomfort, hurt or injury that the law will presume an actionable nuisance;

(D) Litter.

(1) To dump, deposit, drop, throw, discard, leave, cause or permit the dumping, depositing, dropping; throwing, discarding or leaving of litter upon any public or private property in the city or upon or into any river, lake, pond, creek or other stream or body of water in the city (even if owned by the person) unless:

(a) The property has been designated by the state or any of its agencies, political subdivisions, units of local government or school districts for the disposal of litter, and the litter is disposed of on that property in accordance with all applicable laws, rules and regulations;

(b) The litter is placed into a receptacle or other container designed for and intended by the owner or tenant in lawful possession of that property for the lawful deposit of litter;

(c) The person is the owner or tenant in lawful possession of the property or has first obtained the consent of the owner or tenant in lawful possession, or the act is done under the personal direction of the owner or tenant, and the same does not create a public health or safety hazard, a public nuisance or a fire hazard;

(d) The person is acting under the direction of a proper public official during special cleanup days; and

(e) The person is lawfully acting in or reacting to an emergency situation where health and safety is threatened and removes and properly disposes of litter when the emergency no longer exists.

(2) For the purpose of this division, the following definition shall apply unless the context clearly indicates or requires a different meaning

LITTER. Any discarded, used or unconsumed substance or waste. LITTER may include, but is not limited to, any garbage, trash, refuse, debris, rubbish, grass clippings or other lawn or garden waste, newspaper, magazines, glass, metal, plastic or paper containers or other packaging or construction material, cigarette butts or portions of cigarettes, or filtered cigars or portions of filtered cigars, abandoned vehicle or derelict vehicle as otherwise defined by this code, motor vehicle parts, furniture, appliances,

brush, oil, carcass of a dead animal, any nauseous or offensive matter of any kind, any object likely to injure any person or create a traffic hazard, any offal or noisome substance or anything else of any unsightly nature.

(E) Litter accumulation. To allow litter to accumulate upon real property, of which the person charged is the owner, agent, occupant or person in possession, charge or control, in a manner as to constitute a public nuisance or in a manner that the litter may be blown or otherwise carried by the natural elements onto the real property of another person. For purposes of this division, litter shall have the meaning as defined immediately above. While any of those named may be charged under this division, if the property is a single-family dwelling or otherwise occupied by or in the possession, charge or control of one person or group, the person or each of the members of the group shall be considered responsible for the accumulation unless the facts indicate to the contrary;

(F) Trees and plants. To allow any tree, shrub, vine, cutting, scion, grass, plant, plant part, plant product or any part thereof within the city to remain if the same is dead, dangerous or liable to fall upon neighboring buildings or other improvements other than those belonging to the owner of the tree or other plant; the same is infested with injurious insect pests or infected with plant diseases which are liable to spread to other plants, plant product or places to the injury thereof, or to the injury or damage of a person or animal; or the same is one of any species or variety of tree, shrub, vine or other plant not essential to the welfare of the people of the city which may serve as a favorable host plant and/or promote the prevalence and abundance of insect pests or plant diseases, or any stage thereof, injurious to other plants essential to the welfare of the people of the city or to the injury or damage of a person or animal including, but not necessarily limited to, the female individuals of the box elder variety of tree, further known as acer negundo;

(G) Water pollution.

(1) To corrupt or render unwholesome or impure the water of any spring, river, stream, pond or lake to the injury or prejudice of others; and

(2) To own, maintain, construct, use or control any unsafe or dangerous plumbing system, in violation of the standards and provisions of §§ 52.075 through 52.084 of this code.

(H) Obstructions. To obstruct or encroach upon public highways, private ways, streets, alleys, commons, landing places and ways to burying places;

(I) Noxious exhalations. To erect, continue or use any building or other place for the exercise of any trade, employment or manufacture, which, by occasioning noxious exhalations, offensive smells or otherwise, is offensive or dangerous to the health of individuals or of the public;

(J) Advertisement. To advertise or expose wares or occupations, or notices or materials by painting notice of the same or affixing them to fences, walls, windows, building exteriors, utility poles, or on hydrants, other public or private property, or on rock or other natural objects, without the consent of the owner, or if in the highway or other public place, without permission of the proper authorities;

(K) Unfit, unsafe or dangerous structures.

(1) To own, maintain, keep, let, use or occupy any building, structure, shed, tent, lot, premises, improvement, fence or any other manmade structure (in this chapter collectively referred to as structure) which is unfit, unsafe or dangerous;

(2) For purposes of this division, a structure shall be considered unfit, unsafe or dangerous if any one or more of the following conditions exist with respect to the structure or any portion thereof:

(a) The structure or any portion thereof is designed or intended for human habitation and is unfit for the purpose;

(b) The structure or any portion thereof is in violation of the housing standards imposed by Chapter 154 or Chapter 159 of this code or otherwise fails to comply with requirements imposed by local, state or federal law;

(c) The structure or any portion thereof is unfit, unsafe or dangerous because of lack of repair or maintenance or it is otherwise in a condition so that it is detrimental to life, health or safety;

(d) The structure or any portion thereof is dangerous to life, health or safety because of the existence of contagious diseases or unsanitary conditions likely to cause sickness, disease, illness or harm to its occupants, if any, or other persons or neighboring structures;

(e) The structure or any portion hereof is kept in a condition that it or its contents occasion noxious exhalations or offensive smells;

(f) The structure or any portion hereof, because of faulty construction, age, deterioration, lack of proper repair, previous fire or any other cause or condition, is especially liable to fire and constitutes or creates a fire hazard;

(g) The structure or any portion hereof, because of faulty construction, age, deterioration, lack of proper repair, previous fire or other cause, is liable to collapse;

(h) The structure or any portion hereof, because of lack of windows or doors, or because of the presence of openings, is available to or opened to malefactors, disorderly persons, minors or any other persons who are not the lawful or proper occupants of the structure;

(i) The structure or any portion hereof is under construction or has been under construction and remains uncompleted for an unreasonable period of time or the construction thereof is not diligently and promptly pursued to completion;

(j) The structure or any portion hereof contains violations of any city ordinance, law, rule, regulation or code or provision which establishes construction, plumbing, heating, electrical, fire prevention, sanitation or other health and safety standards with respect thereto;

(k) The structure or any portion thereof has been damaged or destroyed by fire and is not promptly demolished, removed, reconstructed, rebuilt or repaired or any hole resulting after demolition or removal of a structure not promptly filled with earth, stone, concrete or solid fill to ground level; and

(l) The structure or any portion thereof is otherwise a dangerous and unsafe structure or an uncompleted and abandoned structure.

(3) It shall not be a defense to any of the foregoing that the structure is boarded up or otherwise enclosed nor may any court order a structure to be boarded up or otherwise enclosed. It shall also not be a defense to any action that a structure is not occupied or utility services terminated or suspended;

(L) Rats. To store or place any materials in a manner which may or is likely to harbor rats;

(M) Weeds. To allow any weeds such as jimsonweed, burdock, ragweed, thistle, cocklebur or other weeds of a like kind found growing in any lot or tract of land in the city or weeds which excel unpleasant or noxious odor or which may conceal filthy deposits or which are a breeding place for mosquitoes, flies or insects or which because of uncleanliness and sanitation are menace to public health;

(N) Weed height. To permit any weeds, grass or plants other than lawful trees, shrubs, vines, flowers or other similar plants commonly and generally considered ornamental plants, to grow to a height exceeding ten inches anywhere in the city;

(O) Specified plants. To plant or allow any bush of the species of tall or common barberry, or europena barberry, further known as berberis vulgaris, or its like horticultural varieties, in the city; and

(P) Noncompliance with demolition of buildings or structures and requirement of a fire protection guard ordinance. To undertake, permit or allow the demolition of buildings or structures or to not place a fire protection guard as is required without complying with the demolition of buildings and structures and requirement of a fire protection guard ordinance, Chapter 152 of the municipal code of the city.

(1980 Code, § 21.101) (Ord. 9124, passed 4-14-2008; Ord. 9250, passed 12-23-2013) Penalty, see § 92.99

§ 92.02 NONSUMMARY ABATEMENT NOTICE AND REVIEW.

(A) Generally. The owner, agent, occupant or person in possession, charge or control of any land, structure, premises, item or object, real or personally in or upon which any nuisance exists shall be served a notice to abate the same within a specified reasonable time in a manner as the notice shall direct or in any other reasonable manner. The time allowed by the notice shall, in any event, be considered reasonable if seven days notice is given, except that in the case of nuisances describe in § 92.01(M), (N) and (O), three days notice shall be deemed sufficient in case of nuisances described in § 92.01(E).

(B) Person giving notice. A notice to abate a nuisance may be given by the Building Inspector, the Director of Utilities and Engineering, the Chief of the Police Department, the Chief of the Fire Department, any assistant or designee of any of the foregoing, any member of the Police Department, any member of the Fire Department, any person designated by the Mayor as having authority to give the notice and any other person or officer of the city possessing police powers.

(C) Service of notice. It shall be considered sufficient to notify the owner, agent, occupant or person in possession, charge or control of the land, structure, premises, item or object in or upon which the nuisance exists in person or by ordinary mail sent to the owner of the premises as disclosed in the current tax records of the county. A notice shall be deemed sufficient although the person to which it is directed refused delivery of the same or it is not deliverable. The notice shall be presumed delivered if not returned to the city as not deliverable. In the event the owner, agent, occupant or person in possession, charge or control of the land, structure, premises, item or object is unknown or on reasonable search is not ascertainable, it shall be sufficient to give notice by posting on the premises. If notice is served on anyone other than the owner as shown in the tax records of the county, a copy thereof shall be delivered personally to the owner or sent by ordinary mail to the owner at the same time as notice is given to the other person. If any nuisance relates to an unfit, unsafe or dangerous structure, a copy of the notice shall also be sent to any lien holders of record, provided the lack of the notice not affect any proceedings hereunder.

(D) Contents of notice. Every notice served under this chapter shall, in addition to requiring the abatement of the nuisance, state the proposed method of abatement and warn the person to which the notice is directed that a failure to accomplish the abatement within the time stated herein may result in the abatement of the nuisance by the city and that the cost or expenses related to the removal by the city shall be charged to the person. The proposed method of abatement shall not limit the method of abatement to be used.

(E) Posting property.

(1) Any real or personal property relative to which a notice has or is about to be given may be posted advising that the property has been declared a nuisance, has been condemned, has been declared dangerous and unsafe or has been declared unsafe for human occupancy or use. The form of notice shall be determined by the person giving the notice. No person shall remove any sign or poster without the permission of the person posting the notice, or if unknown, the Director of Utilities and Engineering, the Building Inspector or any assistant of the Building Inspector.

(2) It shall be a violation of this code for any person to use or occupy any real or personal property which has been posted as unsafe for human occupancy or use in accordance herewith. Any person lawfully entitled to use, possession or occupancy of the property may seek review of the posting with the Director of Planning and Development as provided in division (F) below.

(F) Review. When a person shall have received a notice to abate a nuisance under these provisions, he, she or any other materially interested person, shall have the right to have the notice reviewed in accordance with this division.

(1) Director of Planning and Development. Any person who or which has received a notice to abate a nuisance, or other materially interested person, may within the time prescribed in the notice file a written request with the Director of Planning and Development that the Director review the notice, stating the reason or reasons why the act, conduct, circumstance or condition referred to in the notice does not constitute a nuisance. The written notice must have been received by the Director of Planning and Development or in the Director's office prior to the period set forth in the notice or the first late of the Director's office is open for business after the date if closed on the date. Mailing the notice on the date shall be insufficient. The Director of Planning and Development, or another person designated by the Director, shall promptly give the person an opportunity to personally be heard and present whatever information as he or she considers pertinent. After reviewing the determination, the Director of Planning and Development or designee may revoke the notice, modify the notice or allow the notice to stand, prescribing a subsequent date within which the nuisance should be abated, not less than seven days following the decision of the Director of Planning and Development or designee.

(2) Judicial determination. If the person does not agree with the decision of the Director of Planning and Development or designee, the person may within the subsequent period designated by the Director of Planning and Development or designee notify the Director of Planning and Development and the person who gave the original notice to abate nuisance that he or she does not agree with the decision made. In that event, the person shall be charged with the violation of this chapter, if not already charged. The existence or nonexistence of a nuisance will then be determined in conjunction with the disposition of the charge. Review by the Director of Planning and Development or designee may be waived in writing. In that event, a judicial determination shall be pursued as if the review had been pursued.

(3) Stay. Pending any review under the previous provisions and the disposition of a charge (if the review proceedings have been pursued), a nuisance shall not be abated by the city except when summary abatement is authorized or becomes authorized as the nuisance becomes more substantive or aggravated or otherwise warrants summary abatement. The review provisions herein contained shall in no way limit the right of the city or an officer of the city to abate a nuisance summarily under the provisions of this chapter or as otherwise may be allowed by law or by nonsummary abatement after notice if the review proceedings are not pursued. It is intended that under the circumstances, action may be taken to abate a nuisance immediately or without disposition of a charge, if filed.

(1980 Code, § 21.102) (Ord. 9035, passed 4-18-2005) Penalty, see § 92.99

§ 92.03 NONSUMMARY ABATEMENT.

(A) Review not sought. If a nuisance is not timely abated after notice is given in accordance with this chapter and review of the notice is not sought, the city may immediately proceed to abate or remove the nuisance after the time limit stated in the notice has expired irrespective of whether a charge is filed alleging violation of this chapter. It is intended that nonsummary abatement will be delayed only if review of a notice is timely sought.

(B) Review sought. If review of the notice is sought and a nuisance is not abated prior to completion of the review process and the disposition of the charge, the city may immediately proceed to abate a nuisance if the person is found guilty, pleads guilty or is placed on supervision after a plea of guilty whether or not ultimately accepted by the court. The court may on motion enter any appropriate orders regarding abatement of the nuisance, including, but not necessarily limited to, an order directing that the person be provided an additional reasonable time to abate the nuisance, an order modifying the method of abatement proposed by the city, an order specifically authorizing the city to proceed with the abatement of the nuisance, an order directing the person to abate the nuisance or an order restraining the person from continuing the nuisance in the future.

(C) Methods of abatement.

(1) If abatement, is authorized under this chapter, the city may abate or remove the nuisance in any and all of the following manners, except as may be otherwise ordered by a court of competent jurisdiction:

(a) Proceeding to abate or remove the nuisance using city employees or others in any reasonable manner. In the case of a structure, abatement may, as appropriate, be by demolition or repair of a structure or causing the demolition or repair or a structure;

(b) Any other manner allowed by law or in equity or reasonable under the circumstances; or

(c) Any manner authorized by a court of competent jurisdiction.

(2) The proposed method of abatement shall not limit the method of abatement which may be used unless otherwise ordered by the court or diminish the discretion of the court to order that the person charged abate a nuisance or enter any other appropriate order.

(1980 Code, § 21.103) Penalty, see § 92.99

§ 92.04 SUMMARY ABATEMENT.

Whenever, in the opinion of the officer of the city entitled to give notice pursuant to this chapter, the maintenance or continuation of nuisance creates an imminent threat of serious or unreasonable injury to persons or serious or unreasonable damage to personal or real property, the officer may immediately proceed to abate the nuisance in any reasonable manner if circumstances do not allow implementation or full implementation of nonsummary abatement procedures. Whenever the owner, occupant, agent or person in possession, charge or control of the real or personal property which has become a nuisance is unknown or cannot readily be found or circumstances do not allow, the officer may proceed to abate the nuisance without notice. Any reasonable order may be entered by the official to abate a nuisance summarily when circumstances require and may include, but shall not be limited to, prohibiting occupancy of a structure. A copy of the order or other notice thereof may be posted on the real or personal property involved. It shall be unlawful for any person to disobey, remove or deface any order or notice. Where the abatement of the nuisance requires continuing acts by the corporate authorities beyond the initial summary abatement or any other additional summary abatements, it may seek abatement of the nuisance on a permanent basis through the nonsummary procedures as soon as reasonably possible.

(1980 Code, § 21.104) Penalty, see § 92.99

§ 92.05 COSTS OF ABATEMENT.

(A) Generally. Whenever the city is required to abate or remove a nuisance pursuant to this chapter or as otherwise allowed by ordinances of the city, the costs of expenses shall be a lien on the property to which they apply. If the property is personal property, the lien shall be on the real estate on which or at which the personal property is located. The city may collect the costs and expenses thereof in accordance with this section or by use of the Local Debt Recovery Program administered by the State of Illinois.

(B) Notice of cost. Within 60 days after the costs or expenses are incurred to abate or remove a nuisance, the City Treasurer or the Treasurer's designee shall give, or cause to be given, a statement notifying the person to whom or which the notice to abate a nuisance was sent, setting forth the cost or expenses incurred by the city to abate or remove the nuisance. It shall be considered sufficient to give the statement personally or by ordinary mail sent to the same address as the original notice. If the owner, occupant, agent or person in possession, charge or control of the real or personal property cannot be ascertained, even from the tax records of the county, the statement may be posted on the premises.

(C) Certification. If the statement is not paid within 30 days after the date thereof, the City Treasurer may certify the same to the County Clerk of the county or place the matter for collection with the Local Debt Recovery Program administered by the State of Illinois. If seeking a lien, the certification shall be filed not later than December 31 following the expiration of the 30-day period. The certification shall contain, to the best of the knowledge and belief of the City Treasurer, the name of the owner of the real estate as disclosed on the tax records of the county, a description of the real estate sufficient for identification thereof, the real estate tax number of the real estate and the amount of the costs and expenses incurred. In determining the last date for filing the certification, the last date of payment within the 30 days prescribed shall apply rather than the date the work is performed or the notice originally given. The amount so certified shall be deemed to be levied by the city as an individual assessment against the property involved. No further action need be taken by the corporate authorities to levy the amount.

(D) Extension of assessment. The County Clerk of the county shall extend, in the same manner as other taxes relative to real estate, an individual assessment equal to the total of the amount certified to the County Clerk by the Treasurer of the city. The assessment shall be collected in the same manner as other taxes and paid to the city.

(E) Recorded notice of assessment. In addition to filing the above certificate with the County Clerk, the Treasurer, if not collecting through the Local Debt Recovery Program administered by the State of Illinois, shall cause a notice of the assessment to be filed in the office of the Recorder of Deeds in the county at that time. The notice shall certify the description of the real estate sufficient for identification thereof and the amount of the assessment. The recorded copy of the certification to the County Clerk shall be considered sufficient.

(F) Bona fide purchasers. The claim of the city pursuant to these provisions shall not be valid as to any purchasers for good and sufficient value and without notice whose rights in and to the real estate have arisen subsequent to the abatement or removal of the nuisance and prior to the filing of the notice with the Recorder of Deeds in the county. If the City Treasurer is notified of the existence of a bona fide purchaser for value, the Treasurer, or the Treasurer's designee, shall, if satisfied that the purchaser is bona fide, abate the individual assessment. The assessment may also be abated if earlier paid. Notice of abatement shall be filed with the County Clerk and Recorder of Deeds of the county. The abatement shall not terminate any claim against the prior owner of the real estate.

(G) Other remedies. The above divisions shall not limit any other remedies of the city to collect costs or expenses. A court may, when considering a charge of violating this chapter, order payment of the charges incurred by the city. The city may also enforce a lien as in cases of foreclosure.

(H) Determination of costs. The determination of costs of abatement shall be made by the Director of Planning and Development. The determination shall equal the actual costs of abatement or removal, provided that the costs, if performed by employees of the city, shall not be less than $60 per man-hour or part thereof. The costs of abatement shall also include the actual costs of mailing or serving documents, recording documents and any other incidental expenses.

(1980 Code, § 21.105) (Ord. 9261, passed 8-4-2014) Penalty, see § 92.99

§ 92.06 IMMUNITY.

Neither the city nor any person abating or removing a nuisance pursuant to this chapter or engaged in any matters related to the operations of this chapter shall be held to answer or be liable for any damage for an action brought by the owner, agent, occupant, person in possession charge or control of the property involved or others. This immunity shall be in addition to any immunity otherwise existing by law.
(1980 Code, § 21.106)

§ 92.07 OTHER REMEDIES.

This chapter shall not limit any other rights or remedies of the city provided in this code or any other ordinance, statute, law, rule or regulation regarding the subject matter of this chapter. These remedies are deemed cumulative.
(1980 Code, § 21.107)

§ 92.08 PRACTICE.

The purpose of this chapter is to provide a prompt and efficient means of abating or having abated nuisances within the city. It is not intended that this chapter shall affect or regulate practice before the courts of the state.
(1980 Code, § 21.108)

§ 92.99 PENALTY.

In addition to any other relief which may be granted under this chapter or otherwise, any person, firm or corporation who or which violates any of the provisions of this chapter shall, in addition to other relief as the law may afford, be punishable as set forth in § 10.99 of this code. A violation may be charged under the provisions of this chapter regardless of whether a notice to abate a nuisance has been given or whether the time to abate the nuisance has expired. It shall be sufficient in charging a violation of this chapter to merely cite "Section 92.01 (Nuisance)" or some equivalent, provided a court may direct that more specific pleadings be filed.
(1980 Code, § 21.110)

Appendix B
City Code Chapter 79 – Abandoned & Derelict Autos

CHAPTER 79: ABANDONED AND DERELICT AUTOS

Section

79.01 Definitions
79.02 Public property
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79.04 Notification to City Police Department
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§ 79.01 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ABANDONED VEHICLE. Any motor vehicle or other vehicle, boat, trailer or mobile home which is in a state of disrepair, partially dismantled, wrecked, or otherwise inoperable so as to render the vehicle incapable of being driven or used in its condition; or any motor vehicle or other vehicle, boat, trailer or mobile home which has not been moved or used for seven consecutive days or more and is apparently deserted. Any evidence that a motor vehicle has not been moved, under its own power (as distinct from being towed, pushed or pulled) for seven consecutive days or more and is unregistered, shall be prima facie evidence that the vehicle is abandoned within the meaning hereof. The term ABANDONED VEHICLE as aforesaid shall not be construed to include for the purposes of this chapter, any vehicle, boat, trailer or mobile home which is kept in an enclosed building; on the premises of a business enterprise operated in a lawful place and manner, when necessary to the operation of the business enterprise; or in an appropriate storage place or depository maintained in a lawful place and manner by the city or other party.

DERELICT VEHICLE. Any inoperable currently unregistered, discarded motor vehicle, regardless of title having lost its character as a substantial property or left unattended without justification contrary to the public policy expressed in this chapter. The exclusions relative to abandoned vehicle shall also apply to derelict vehicles.

VEHICLE. Every device in, upon or by which any person or property is or may be transported or drawn upon a street or highway, whether subject to or exempt from registration, excepting however, bicycles, snowmobiles and devices used exclusively upon stationary rails or tracks. It shall include, for purposes hereof, any motor vehicle or other vehicle, boat, trailer or mobile home.

(1980 Code, § 20.1001)

§ 79.02 PUBLIC PROPERTY.

(A) The City Council finds that abandoned and derelict vehicles: constitute a safety hazard and a public nuisance; are detrimental to the health, safety and welfare of the general public by harboring disease, providing breeding places for vermin, inviting plundering, creating fire hazards and presenting physical dangers to children and others; produce scenic blights which degrade the environment and adversely affect land values and the proper maintenance and continuing development of the city; represent a resource out of place and an energy loss to the economy and require local governmental attention in order to assure the expeditious removal of these abandoned and derelict vehicles.

(B) The City Council declares, therefore, that it is the policy of the city to prohibit the abandonment of vehicles and the retention of derelicts and to enforce the prohibition by law.

(1980 Code, § 20.1002)

§ 79.03 ABANDONMENT OF VEHICLES PROHIBITED.

It shall be unlawful to cause or permit any motor vehicle or other vehicle, boat, trailer or mobile home, or any part thereof, to be abandoned on private or public property, and in view of the general public, including without limitation any highway, with the city, or otherwise to be considered an abandoned or derelict vehicle. Any abandoned or derelict vehicle is hereby declared a nuisance whether on private or public property, including, but not limited to, the property of the owner or bartee of the same.
(1980 Code, § 20.1003) Penalty, see § 70.99

§ 79.04 NOTIFICATION TO CITY POLICE DEPARTMENT.

When any abandoned or derelict vehicle comes into the temporary possession or custody of any person in this city not the owner of the vehicle, the person shall immediately notify the City Police Department of the abandoned or derelict vehicle. Upon receiving the notification or otherwise discovering an abandoned or derelict vehicle, the vehicle shall be disposed of in accordance with § 79.05, or as otherwise allowed by law.
(1980 Code, § 20.1004) Penalty, see § 70.99

§ 79.05 DISPOSITION OF ABANDONED OR DERELICT VEHICLES.

Any vehicle abandoned or derelict in violation of this chapter shall be disposed of in accordance with this section or as otherwise allowed by law.

(A) Identifying and tracing vehicle ownership. Upon receiving notification of or otherwise discovering an abandoned or derelict vehicle the city Police Department shall, if it does not already know the identity of the registered owner or other person legally entitled thereto, cause the vehicle and license registration records of the Secretary of State of the state, or foreign state if applicable, to be searched utilizing the vehicle identification number and license plate year and number displayed on the vehicle, if any. The owner of the vehicle as disclosed from the search shall be the owner of the vehicle for the purposes of the disposition of the vehicle. The City Police Department shall further cause the motor vehicles files of the State Police to be searched by a directed communication to the State Police for stolen or wanted information on the vehicle. When the State Police files are searched with negative results, the information contained in the National Crime Information Center (NCIC) files shall be searched in accordance with state law by the State Police. When the registered owner or other person legally entitled to the possession of a vehicle cannot be identified from the registration files of the state or from the registration files of a foreign state, if applicable, the City Police Department shall so notify the State Police for the purpose of identifying the vehicle owner or other person legally entitled to the possession of the vehicle. The information obtained by the State Police shall be immediately forwarded to the City Police Department.

(B) Notification of owner.

(1) When the identity of the owner or other person legally entitled to an abandoned or derelict vehicle is known or has been determined in accordance with division (A), above, the Chief of Police, or his or her designate, shall cause the owner or other person to be given notice that the vehicle has been determined to be an abandoned or derelict vehicle in violation of this chapter and that unless the vehicle is removed within seven days from the date the notice is mailed, postage prepaid, by certified mail, the vehicle will be towed and impounded in accordance herewith, and the owner will be charged with having violated this chapter. The Chief of Police, or his or her designate, may cause, but is not required to personally serve the notice on the owner or other person, and need not establish whether the notice is actually received if mailed. In those instances where the certified notification specified herein has been returned by the postal authorities to the Police Department due to the addressee having moved, being unknown at the address obtained from the registration records of this state, or having refused delivery, the sending of a second certified notice is not required. A copy of the notice shall also be served upon any lienholder if the same has been disclosed by the title search required above.

(2) The notice required by this section may be in substantially the following form:

Date:_____

TO:_____ NAME:_____

ADDRESS:_____

The Quincy Police Department has determined that a certain vehicle registered in your name for to which you are legally entitled) is abandoned or derelict within the meaning of the abandoned and derelict vehicle regulations of the City of Quincy. The vehicle was found is now located at_____in the City of Quincy, Illinois. It is described as follows:

Year of manufacture:

Manufacturer's trade name:

Manufacturer's series name:

Body style:

Color:

Vehicle identification number:

License plate year and number:

In accordance with the abandoned and derelict vehicle regulations, this vehicle will be towed, impounded and disposed of by the Quincy Police Department in accordance with the regulations if the vehicle is not removed within seven days from the date of this notice. Also, you may be charged with violating the regulations.

Note: Removal of the vehicle to another location (on the right of way or on private property) will not abate the nuisance unless the vehicle is kept in an enclosed building or removed to another lawful storage area (for example, a licensed salvage yard commercial body shop and the like).

In the event that you disagree with the determination that the vehicle is an abandoned or derelict vehicle, you are entitled to a hearing on this determination on in accordance with the abandoned or derelict vehicle regulations. Basically, you are required to file a written request for a hearing within seven days of the date of this notice with the Chief of Police of the Quincy Police Department who will promptly review the matter with you and consider whatever pertinent information you wish to present. The decision of the Chief of Police may then be appealed to the Mayor. Ultimately, you may demand that the vehicle not be towed and impounded until a judicial hearing has been held on a charge of violation of the regulations. These rights and other matters are described in the abandoned and derelict vehicle regulations themselves, which are available at the Quincy Police Department.

If you are not the owner of the described vehicle or have no interest in the vehicle at this time please contact the Quincy Police Department and so advise it.

QUINCY POLICE DEPARTMENT

BY:_____

(3) When the identity of the owner or other person legally entitled to an abandoned or derelict vehicle is not known and has not been determined in accordance with the provisions hereof, and in addition to the notice required above when the identity of the owner or other person legally entitled to a vehicle is known, the Chief of Police, or his or her designate, shall cause a prominent notice to be placed on the abandoned motor vehicle stating that the vehicle has been determined to be abandoned in accordance with the abandoned or derelict vehicle regulations of the city and that it will be towed and impounded unless removed within seven days from the date the notice was posted. The date the notice is posted shall be endorsed on the notice, the officer posting the notice and the telephone number of the City Police Department at which information may be obtained relative to the notice. The Chief of Police, or his or her designate, shall further cause the owner or party in possession of private property on which the vehicle is located to be informed that the vehicle will be towed and impounded after seven days, unless the vehicle is located on private property of the owner of the vehicle or the private property owner notified the City Police Department of the abandoned or derelict vehicle. The private property owner shall have all rights of review under this chapter if the private property owner is a person legally entitled to the vehicle. Notice to the owner or party in possession is informational only and not jurisdictional.

(C) Review of determination. When a vehicle has been determined to be an abandoned or derelict vehicle within the meaning of this chapter, the owner thereof or other person legally entitled thereto shall have the right to have the determination reviewed in accordance with this division.

(1) Chief of Police or Deputy Chief of Police. Any owner of or other person legally entitled to a vehicle determined to be an abandoned or derelict vehicle within the meaning of this chapter may within seven days the notification required under division (B) above is mailed or personally delivered, as the case may be, file a written request with the Chief of Police that he or she review the determination stating the reason or reasons why the vehicle is not an abandoned or derelict vehicle within the meaning of this chapter. Within seven days of the written request, the Chief of Police shall review the determination giving the owner or other person an opportunity to personally be heard and present whatever information as the owner or other person considers pertinent. After reviewing the determination, the Chief of Police shall render a written decision thereon which shall be promptly mailed, postage prepaid, by certified mail, to the owner or other person, or delivered personally as stated heretofore.

(2) Judicial determination. If the owner or other person legally entitled to a vehicle determined to an abandoned or derelict vehicle within the meaning of this chapter does not agree with the decision of the Chief of Police or Deputy Chief, the person may, within seven days after the decision of the Chief of Police or Deputy Chief, is mailed to the owner or the person, file a written notice with the Chief of Police or Deputy Chief that the person does not agree with the decision made and further request that the vehicle not be towed or impounded pending disposition of a charge of violation with this chapter. In that event, the person, if not already charged, shall be charged with violating this chapter and the vehicle shall not be towed and impounded

until the charge has been disposed of. After the charge has been disposed of, finding the owner or other person guilty, the vehicle shall then be towed and impounded in accordance with this chapter unless the nuisance has been abated.

(3) Stay of towing and impounding. Pending any review of a determination that a vehicle is an abandoned or derelict vehicle within the meaning of this chapter, any vehicle shall not be towed or impounded except as is permitted for emergency tows.

(D) Towing and impounding of vehicles. Subject to review of any determination pursuant hereto that a vehicle is an abandoned or derelict vehicle within the meaning of this chapter, the abandoned or derelict vehicle may be towed and impounded after a waiting period of seven days or more from the date the notification required pursuant to division (B) above has been mailed or delivered, as the case may be. The Chief of Police, or his or her designate, shall authorize a towing service to remove and take possession of the abandoned vehicle. The towing service shall safely keep the towed vehicle and its contents, maintain a record of the town until the vehicle is claimed by the owner or any other person legally entitled to possession thereof, or until it is disposed of as provided in this chapter. When any vehicle is authorized to a towed away, the City Police Department shall keep and maintain a record of the vehicle towed, listing the color, year of manufacturer, manufacturer's trade name, manufacturer's series name, body style vehicle identification number and license plate year and number displayed on the vehicle. The record shall also include the date and hour of the tow, the location towed from, the location towed to, the reason for towing and the name of the officer authorizing the tow. A record search of the vehicle shall also be made.

(E) Reclaiming vehicles. At any time before a vehicle is sold at public sale or disposed of as provided in this chapter, the owner or other person legally entitled to its possession may reclaim the vehicle by presenting to the City Police Department proof of ownership or proof of the right of possession of the vehicle. No vehicle shall be released to the owner thereof or other person entitled thereto until and unless the owner or the person has paid all towing and storage charges on account of the vehicle.

(F) Disposal of unclaimed vehicles. Abandoned or derelict vehicles which have been towed and impounded shall be disposed of in accordance with this division.

(1) Disposal with notice. Whenever an abandoned or derelict vehicle, seven years of age or newer, remains unclaimed by the registered owner or other person legally entitled to its possession for a period of 30 days after notice has been given by mail or delivered as provided in division (B) above, the City Police Department shall cause the vehicle to be sold at public sale to the highest bidder. Notice of the time and place of the sale shall be posted in a conspicuous place for at least ten days prior to the sale on the premises where the vehicle has been impounded. At least ten days prior to the sale, the City Police Department, or the towing service where the vehicle is impounded, shall cause a notice of the time and place of the sale to be sent by certified mail to the registered owner or other person known by the City Police Department or the towing service to be legally entitled to the possession of the vehicle. The notice shall contain a complete description of the vehicle to be sold and what steps must be taken by any legally entitled person to reclaim the vehicle. Whenever an abandoned or derelict vehicle more than seven years of age is towed or impounded, it may be sold as provided above or disposed of as junk only at the discretion of the Chief of Police, or his or her designate. A vehicle classified as antique (25 years of age or older) may also be sold to any person desiring to restore the same.

(2) Disposal without notice. When the identity of the registered owner or other person legally entitled to the possession of an abandoned or derelict vehicle of seven days of age or newer cannot be determined in accordance with this section, the vehicle may be sold as provided in division (F)(1) above, but without notice of the time and place of the sale being mailed to the registered owner or other person legally entitled to the possession of the vehicle. Whenever an abandoned or derelict vehicle is more than seven years of age is towed and impounded, it may be sold as provided above or disposed of as junk only at the discretion of the Chief of Police, or his or her designate.

(G) Proceeds of sale. When a vehicle located within the city is authorized to be towed, impounded and disposed of as set forth in this chapter, the proceeds of the public sale or other disposition after the deduction of towing, storage and processing charges shall be deposited in the city's treasury.

(H) Police reports. When a vehicle in the custody of the City Police Department is reclaimed by the registered owner or other legally entitled persons, or when the vehicle is sold at public sale or otherwise disposed of as provided in this chapter, a report of the transaction shall be maintained by the City Police Department for a period of one year from the date of the sale or disposal.
(1980 Code, § 20.1005) Penalty, see § 70.99

§ 79.06 EMERGENCY TOWS.

Notwithstanding anything in this chapter to the contrary, when a vehicle is creating a traffic hazard because of its position in relation to a highway, its physical appearance is causing the impeding of traffic, or it otherwise presents a danger to the public health and safety on public or private property, the Chief of Police, or his or her designate, may authorize and direct the immediate towing and impounding of the vehicle without notice to the owner thereof or other person legally entitled thereto. Immediately thereafter, the owner or other person legally entitled thereto shall be identified and notified in accordance with this chapter. The determination may also be reviewed and vehicle disposed of in accordance with this chapter, provided that if it is concluded that the vehicle is not an abandoned or derelict vehicle within the meaning of this chapter, the vehicle shall be released without charge to the owner thereof or other person legally entitled thereto.
(1980 Code, § 20.1006) Penalty, see § 70.99

§ 79.07 IMMUNITY.

Any police officer, towing service owner, operator or employee shall not be held to answer or be liable for damages in any action brought by the registered owner, former registered owner, or his or her legal representative, or any other person legally entitled to the possession of a vehicle a when the vehicle was processed and sold or disposed of as provided by this chapter. All necessary parties shall have the full right and authority to enter upon private property for the enforcement of this chapter when any vehicle is in view of the general public.

(1980 Code, § 20.1007) Penalty, see § 70.99

§ 79.08 NOT EXCLUSIVE.

The provisions hereof shall be considered in addition to any procedures established, otherwise by law or ordinance for the removal and disposition of abandoned or derelict vehicles.

(1980 Code, § 20.1008)

Appendix C
Illinois Municipal Code – 65 ILCS 5/Art. 11 Div. 31
Unsafe Property

Division 31. Unsafe Property.

(65 ILCS 5/11-31-1) (from Ch. 24, par. 11-31-1)

Sec. 11-31-1. Demolition, repair, enclosure, or remediation.

(a) The corporate authorities of each municipality may 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 municipality and may remove or cause the removal of garbage, debris, and other hazardous, noxious, or unhealthy substances or materials from those buildings. In any county having adopted by referendum or otherwise a county health department as provided by Division 5-25 of the Counties Code or its predecessor, the county board of that county may exercise those powers with regard to dangerous and unsafe buildings or uncompleted and abandoned buildings within the territory of any city, village, or incorporated town having less than 50,000 population.

The corporate authorities shall apply to the circuit court of the county in which the building is located (i) for an order authorizing action to be taken with respect to a building if the owner or owners of the building, including the lien holders of record, after at least 15 days' written notice by mail so to do, have failed to put the building in a safe condition or to demolish it or (ii) for an order requiring the owner or owners of record to demolish, repair, or enclose the building or to remove garbage, debris, and other hazardous, noxious, or unhealthy substances or materials from the building. It is not a defense to the cause of action that the building is boarded up or otherwise enclosed, although the court may order the defendant to have the building boarded up or otherwise enclosed. Where, upon diligent search, the identity or whereabouts of the owner or owners of the building, including the lien holders of record, is not ascertainable, notice mailed to the person or persons in whose name the real estate was last assessed is sufficient notice under this Section.

The hearing upon the application to the circuit court

shall be expedited by the court and shall be given precedence over all other suits. Any person entitled to bring an action under subsection (b) shall have the right to intervene in an action brought under this Section.

The cost of the demolition, repair, enclosure, or removal incurred by the municipality, by an intervenor, or by a lien holder of record, including court costs, attorney's fees, and other costs related to the enforcement of this Section, is recoverable from the owner or owners of the real estate or the previous owner or both if the property was transferred during the 15 day notice period and is a lien on the real estate; the lien is superior to all prior existing liens and encumbrances, except taxes, if, within 180 days after the repair, demolition, enclosure, or removal, the municipality, the lien holder of record, or the intervenor who incurred the cost and expense shall file a notice of lien for the cost and expense incurred in the office of the recorder in the county in which the real estate is located or in the office of the registrar of titles of the county if the real estate affected is registered under the Registered Titles (Torrens) Act.

The notice must consist of a sworn statement setting out (1) a description of the real estate sufficient for its identification, (2) the amount of money representing the cost and expense incurred, and (3) the date or dates when the cost and expense was incurred by the municipality, the lien holder of record, or the intervenor. Upon payment of the cost and expense by the owner of or persons interested in the property after the notice of lien has been filed, the lien shall be released by the municipality, the person in whose name the lien has been filed, or the assignee of the lien, and the release may be filed of record as in the case of filing notice of lien. Unless the lien is enforced under subsection (c), the lien may be enforced by foreclosure proceedings as in the case of mortgage foreclosures under Article XV of the Code of Civil Procedure or mechanics' lien foreclosures. 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 municipality, including court costs, reasonable attorney's fees, advances to preserve the property, and other costs related to the enforcement of this subsection, plus statutory interest, are a lien on the real estate and are recoverable by the municipality from the owner or owners of the real estate.

All liens arising under this subsection (a) shall be assignable. The assignee of the lien shall have the same power to enforce the lien as the assigning party, except that the lien may not be enforced under subsection (c).

If the appropriate official of any municipality determines that any dangerous and unsafe building or uncompleted and abandoned building within its territory fulfills the requirements for an action by the municipality under the Abandoned Housing Rehabilitation Act, the municipality may petition under that Act in a proceeding brought under this subsection.

(b) Any owner or tenant of real property within 1200 feet in any direction of any dangerous or unsafe building located within the territory of a municipality with a population of

500,000 or more may file with the appropriate municipal authority a request that the municipality apply to the circuit court of the county in which the building is located for an order permitting the demolition, removal of garbage, debris, and other noxious or unhealthy substances and materials from, or repair or enclosure of the building in the manner prescribed in subsection (a) of this Section. If the municipality fails to institute an action in circuit court within 90 days after the filing of the request, the owner or tenant of real property within 1200 feet in any direction of the building may institute an action in circuit court seeking an order compelling the owner or owners of record to demolish, remove garbage, debris, and other noxious or unhealthy substances and materials from, repair or enclose or to cause to be demolished, have garbage, debris, and other noxious or unhealthy substances and materials removed from, repaired, or enclosed the building in question. A private owner or tenant who institutes an action under the preceding sentence shall not be required to pay any fee to the clerk of the circuit court. The cost of repair, removal, demolition, or enclosure shall be borne by the owner or owners of record of the building. In the event the owner or owners of record fail to demolish, remove garbage, debris, and other noxious or unhealthy substances and materials from, repair, or enclose the building within 90 days of the date the court entered its order, the owner or tenant who instituted the action may request that the court join the municipality as a party to the action. The court may order the municipality to demolish, remove materials from, repair, or enclose the building, or cause that action to be taken upon the request of any owner or tenant who instituted the action or upon the municipality's request. The municipality may file, and the court may approve, a plan for rehabilitating the building in question. A court order authorizing the municipality to demolish, remove materials from, repair, or enclose a building, or cause that action to be taken, shall not preclude the court from adjudging the owner or owners of record of the building in contempt of court due to the failure to comply with the order to demolish, remove garbage, debris, and other noxious or unhealthy substances and materials from, repair, or enclose the building.

If a municipality or a person or persons other than the owner or owners of record pay the cost of demolition, removal of garbage, debris, and other noxious or unhealthy substances and materials, repair, or enclosure pursuant to a court order, the cost, including court costs, attorney's fees, and other costs related to the enforcement of this subsection, is recoverable from the owner or owners of the real estate and is a lien on the real estate; the lien is superior to all prior existing liens and encumbrances, except taxes, if, within 180 days after the repair, removal, demolition, or enclosure, the municipality or the person or persons who paid the costs of demolition, removal, repair, or enclosure shall file a notice of lien of the cost and expense incurred in the office of the recorder in the county in which the real estate is located or in the office of the registrar of the county if the real estate affected is registered under the Registered Titles

(Torrens) Act. The notice shall be in a form as is provided in subsection (a). An owner or tenant who institutes an action in circuit court seeking an order to compel the owner or owners of record to demolish, remove materials from, repair, or enclose any dangerous or unsafe building, or to cause that action to be taken under this subsection may recover court costs and reasonable attorney's fees for instituting the action from the owner or owners of record of the building. Upon payment of the costs and expenses by the owner of or a person interested in the property after the notice of lien has been filed, the lien shall be released by the municipality or the person in whose name the lien has been filed or his or her assignee, and the release may be filed of record as in the case of filing a notice of lien. Unless the lien is enforced under subsection (c), the lien may be enforced by foreclosure proceedings as in the case of mortgage foreclosures under Article XV of the Code of Civil Procedure or mechanics' lien foreclosures. 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 municipality, including court costs, reasonable attorneys' fees, advances to preserve the property, and other costs related to the enforcement of this subsection, plus statutory interest, are a lien on the real estate and are recoverable by the municipality from the owner or owners of the real estate.

All liens arising under the terms of this subsection (b) shall be assignable. The assignee of the lien shall have the same power to enforce the lien as the assigning party, except that the lien may not be enforced under subsection (c).

(c) In any case where a municipality has obtained a lien under subsection (a), (b), or (f), the municipality may enforce the lien under this subsection (c) in the same proceeding in which the lien is authorized.

A municipality desiring to enforce a lien under this subsection (c) shall petition the court to retain jurisdiction for foreclosure proceedings under this subsection. Notice of the petition shall be served, by certified or registered mail, on all persons who were served notice under subsection (a), (b), or (f). The court shall conduct a hearing on the petition not less than 15 days after the notice is served. If the court determines that the requirements of this subsection (c) have been satisfied, it shall grant the petition and retain jurisdiction over the matter until the foreclosure proceeding is completed. The costs of foreclosure incurred by the municipality, including court costs, reasonable attorneys' fees, advances to preserve the property, and other costs related to the enforcement of this subsection, plus statutory interest, are a lien on the real estate and are recoverable by the municipality from the owner or owners of the real estate. If the court denies the petition, the municipality may enforce the lien in a separate action as provided in subsection (a), (b), or (f).

All persons designated in Section 15-1501 of the Code of Civil Procedure as necessary parties in a mortgage foreclosure action shall be joined as parties before issuance of an order of foreclosure. Persons designated in Section 15-1501 of the Code of Civil Procedure as permissible parties may also be

joined as parties in the action.

The provisions of Article XV of the Code of Civil Procedure applicable to mortgage foreclosures shall apply to the foreclosure of a lien under this subsection (c), except to the extent that those provisions are inconsistent with this subsection. For purposes of foreclosures of liens under this subsection, however, the redemption period described in subsection (b) of Section 15-1603 of the Code of Civil Procedure shall end 60 days after the date of entry of the order of foreclosure.

(d) In addition to any other remedy provided by law, the corporate authorities of any municipality may petition the circuit court to have property declared abandoned under this subsection (d) if:

(1) the property has been tax delinquent for 2 or more years or bills for water service for the property have been outstanding for 2 or more years;

(2) the property is unoccupied by persons legally in possession; and

(3) the property contains a dangerous or unsafe building for reasons specified in the petition.

All persons having an interest of record in the property, including tax purchasers and beneficial owners of any Illinois land trust having title to the property, shall be named as defendants in the petition and shall be served with process. In addition, service shall be had under Section 2-206 of the Code of Civil Procedure as in other cases affecting property.

The municipality, however, may proceed under this subsection in a proceeding brought under subsection (a) or (b). Notice of the petition shall be served in person or by certified or registered mail on all persons who were served notice under subsection (a) or (b).

If the municipality proves that the conditions described in this subsection exist and (i) the owner of record of the property does not enter an appearance in the action, or, if title to the property is held by an Illinois land trust, if neither the owner of record nor the owner of the beneficial interest of the trust enters an appearance, or (ii) if the owner of record or the beneficiary of a land trust, if title to the property is held by an Illinois land trust, enters an appearance and specifically waives his or her rights under this subsection (d), the court shall declare the property abandoned. Notwithstanding any waiver, the municipality may move to dismiss its petition at any time. In addition, any waiver in a proceeding under this subsection (d) does not serve as a waiver for any other proceeding under law or equity.

If that determination is made, notice shall be sent in person or by certified or registered mail to all persons having an interest of record in the property, including tax purchasers and beneficial owners of any Illinois land trust having title to the property, stating that title to the property will be transferred to the municipality unless, within 30 days of the notice, the owner of record or any other person having an interest in the property files with the court a request to demolish the dangerous or unsafe building or to put the building in safe condition, or unless the owner of

record enters an appearance and proves that the owner does not intend to abandon the property.

If the owner of record enters an appearance in the action within the 30 day period, but does not at that time file with the court a request to demolish the dangerous or unsafe building or to put the building in safe condition, or specifically waive his or her rights under this subsection (d), the court shall vacate its order declaring the property abandoned if it determines that the owner of record does not intend to abandon the property. In that case, the municipality may amend its complaint in order to initiate proceedings under subsection (a), or it may request that the court order the owner to demolish the building or repair the dangerous or unsafe conditions of the building alleged in the petition or seek the appointment of a receiver or other equitable relief to correct the conditions at the property. The powers and rights of a receiver appointed under this subsection (d) shall include all of the powers and rights of a receiver appointed under Section 11-31-2 of this Code.

If a request to demolish or repair the building is filed within the 30 day period, the court shall grant permission to the requesting party to demolish the building within 30 days or to restore the building to safe condition within 60 days after the request is granted. An extension of that period for up to 60 additional days may be given for good cause. If more than one person with an interest in the property files a timely request, preference shall be given to the owner of record if the owner filed a request or, if the owner did not, the person with the lien or other interest of the highest priority.

If the requesting party (other than the owner of record) proves to the court that the building has been demolished or put in a safe condition in accordance with the local safety codes within the period of time granted by the court, the court shall issue a quitclaim judicial deed for the property to the requesting party, conveying only the interest of the owner of record, upon proof of payment to the municipality of all costs incurred by the municipality in connection with the action, including but not limited to court costs, attorney's fees, administrative costs, the costs, if any, associated with building enclosure or removal, and receiver's certificates. The interest in the property so conveyed shall be subject to all liens and encumbrances on the property. In addition, if the interest is conveyed to a person holding a certificate of purchase for the property under the Property Tax Code, the conveyance shall be subject to the rights of redemption of all persons entitled to redeem under that Act, including the original owner of record. If the requesting party is the owner of record and proves to the court that the building has been demolished or put in a safe condition in accordance with the local safety codes within the period of time granted by the court, the court shall dismiss the proceeding under this subsection (d).

If the owner of record has not entered an appearance and proven that the owner did not intend to abandon the property, and if no person with an interest in the property files a timely request or if the requesting party fails to demolish

the building or put the building in safe condition within the time specified by the court, the municipality may petition the court to issue a judicial deed for the property to the municipality. A conveyance by judicial deed shall operate to extinguish all existing ownership interests in, liens on, and other interest in the property, including tax liens, and shall extinguish the rights and interests of any and all holders of a bona fide certificate of purchase of the property for delinquent taxes. Any such bona fide certificate of purchase holder shall be entitled to a sale in error as prescribed under Section 21-310 of the Property Tax Code.

(e) Each municipality may use the provisions of this subsection to expedite the removal of certain buildings that are a continuing hazard to the community in which they are located.

If a residential or commercial building is 3 stories or less in height as defined by the municipality's building code, and the corporate official designated to be in charge of enforcing the municipality's building code determines that the building is open and vacant and an immediate and continuing hazard to the community in which the building is located, then the official shall be authorized to post a notice not less than 2 feet by 2 feet in size on the front of the building. The notice shall be dated as of the date of the posting and shall state that unless the building is demolished, repaired, or enclosed, and unless any garbage, debris, and other hazardous, noxious, or unhealthy substances or materials are removed so that an immediate and continuing hazard to the community no longer exists, then the building may be demolished, repaired, or enclosed, or any garbage, debris, and other hazardous, noxious, or unhealthy substances or materials may be removed, by the municipality.

Not later than 30 days following the posting of the notice, the municipality shall do all of the following:

(1) Cause to be sent, by certified mail, return receipt requested, a Notice to Remediate to all owners of record of the property, the beneficial owners of any Illinois land trust having title to the property, and all lienholders of record in the property, stating the intent of the municipality to demolish, repair, or enclose the building or remove any garbage, debris, or other hazardous, noxious, or unhealthy substances or materials if that action is not taken by the owner or owners.

(2) Cause to be published, in a newspaper published or circulated in the municipality where the building is located, a notice setting forth (i) the permanent tax index number and the address of the building, (ii) a statement that the property is open and vacant and constitutes an immediate and continuing hazard to the community, and (iii) a statement that the municipality intends to demolish, repair, or enclose the building or remove any garbage, debris, or other hazardous, noxious, or unhealthy substances or materials if the owner or owners or lienholders of record fail to do so. This notice shall be published for 3 consecutive days.

(3) Cause to be recorded the Notice to Remediate mailed under paragraph (1) in the office of the recorder

in the county in which the real estate is located or in the office of the registrar of titles of the county if the real estate is registered under the Registered Title (Torrens) Act.

Any person or persons with a current legal or equitable interest in the property objecting to the proposed actions of the corporate authorities may file his or her objection in an appropriate form in a court of competent jurisdiction.

If the building is not demolished, repaired, or enclosed, or the garbage, debris, or other hazardous, noxious, or unhealthy substances or materials are not removed, within 30 days of mailing the notice to the owners of record, the beneficial owners of any Illinois land trust having title to the property, and all lienholders of record in the property, or within 30 days of the last day of publication of the notice, whichever is later, the corporate authorities shall have the power to demolish, repair, or enclose the building or to remove any garbage, debris, or other hazardous, noxious, or unhealthy substances or materials.

The municipality may proceed to demolish, repair, or enclose a building or remove any garbage, debris, or other hazardous, noxious, or unhealthy substances or materials under this subsection within a 120-day period following the date of the mailing of the notice if the appropriate official determines that the demolition, repair, enclosure, or removal of any garbage, debris, or other hazardous, noxious, or unhealthy substances or materials is necessary to remedy the immediate and continuing hazard. If, however, before the municipality proceeds with any of the actions authorized by this subsection, any person with a legal or equitable interest in the property has sought a hearing under this subsection before a court and has served a copy of the complaint on the chief executive officer of the municipality, then the municipality shall not proceed with the demolition, repair, enclosure, or removal of garbage, debris, or other substances until the court determines that that action is necessary to remedy the hazard and issues an order authorizing the municipality to do so. If the court dismisses the action for want of prosecution, the municipality must send the objector a copy of the dismissal order and a letter stating that the demolition, repair, enclosure, or removal of garbage, debris, or other substances will proceed unless, within 30 days after the copy of the order and the letter are mailed, the objector moves to vacate the dismissal and serves a copy of the motion on the chief executive officer of the municipality. Notwithstanding any other law to the contrary, if the objector does not file a motion and give the required notice, if the motion is denied by the court, or if the action is again dismissed for want of prosecution, then the dismissal is with prejudice and the demolition, repair, enclosure, or removal may proceed forthwith.

Following the demolition, repair, or enclosure of a building, or the removal of garbage, debris, or other hazardous, noxious, or unhealthy substances or materials under this subsection, the municipality may file a notice of lien against the real estate for the cost of the demolition, repair, enclosure, or removal within 180 days after the

repair, demolition, enclosure, or removal occurred, for the cost and expense incurred, in the office of the recorder in the county in which the real estate is located or in the office of the registrar of titles of the county if the real estate affected is registered under the Registered Titles (Torrens) Act; this lien has priority over the interests of those parties named in the Notice to Remediate mailed under paragraph (1), but not over the interests of third party purchasers or encumbrancers for value who obtained their interests in the property before obtaining actual or constructive notice of the lien. The notice of lien shall consist of a sworn statement setting forth (i) a description of the real estate, such as the address or other description of the property, sufficient for its identification; (ii) the expenses incurred by the municipality in undertaking the remedial actions authorized under this subsection; (iii) the date or dates the expenses were incurred by the municipality; (iv) a statement by the corporate official responsible for enforcing the building code that the building was open and vacant and constituted an immediate and continuing hazard to the community; (v) a statement by the corporate official that the required sign was posted on the building, that notice was sent by certified mail to the owners of record, and that notice was published in accordance with this subsection; and (vi) a statement as to when and where the notice was published. The lien authorized by this subsection may thereafter be released or enforced by the municipality as provided in subsection (a).

(f) The corporate authorities of each municipality may remove or cause the removal of, or otherwise environmentally remediate hazardous substances and petroleum products on, in, or under any abandoned and unsafe property within the territory of a municipality. In addition, where preliminary evidence indicates the presence or likely presence of a hazardous substance or a petroleum product or a release or a substantial threat of a release of a hazardous substance or a petroleum product on, in, or under the property, the corporate authorities of the municipality may inspect the property and test for the presence or release of hazardous substances and petroleum products. In any county having adopted by referendum or otherwise a county health department as provided by Division 5-25 of the Counties Code or its predecessor, the county board of that county may exercise the above-described powers with regard to property within the territory of any city, village, or incorporated town having less than 50,000 population.

For purposes of this subsection (f):

(1) "property" or "real estate" means all real property, whether or not improved by a structure;

(2) "abandoned" means;

(A) the property has been tax delinquent for 2 or more years;

(B) the property is unoccupied by persons legally in possession; and

(3) "unsafe" means property that presents an actual or imminent threat to public health and safety caused by the release of hazardous substances; and

(4) "hazardous substances" means the same as in Section 3.215 of the Environmental Protection Act.

The corporate authorities shall apply to the circuit court of the county in which the property is located (i) for an order allowing the municipality to enter the property and inspect and test substances on, in, or under the property; or (ii) for an order authorizing the corporate authorities to take action with respect to remediation of the property if conditions on the property, based on the inspection and testing authorized in paragraph (i), indicate the presence of hazardous substances or petroleum products. Remediation shall be deemed complete for purposes of paragraph (ii) above when the property satisfies Tier I, II, or III remediation objectives for the property's most recent usage, as established by the Environmental Protection Act, and the rules and regulations promulgated thereunder. Where, upon diligent search, the identity or whereabouts of the owner or owners of the property, including the lien holders of record, is not ascertainable, notice mailed to the person or persons in whose name the real estate was last assessed is sufficient notice under this Section.

The court shall grant an order authorizing testing under paragraph (i) above upon a showing of preliminary evidence indicating the presence or likely presence of a hazardous substance or a petroleum product or a release of or a substantial threat of a release of a hazardous substance or a petroleum product on, in, or under abandoned property. The preliminary evidence may include, but is not limited to, evidence of prior use, visual site inspection, or records of prior environmental investigations. The testing authorized by paragraph (i) above shall include any type of investigation which is necessary for an environmental professional to determine the environmental condition of the property, including but not limited to performance of soil borings and groundwater monitoring. The court shall grant a remediation order under paragraph (ii) above where testing of the property indicates that it fails to meet the applicable remediation objectives. The hearing upon the application to the circuit court shall be expedited by the court and shall be given precedence over all other suits.

The cost of the inspection, testing, or remediation incurred by the municipality or by a lien holder of record, including court costs, attorney's fees, and other costs related to the enforcement of this Section, is a lien on the real estate; except that in any instances where a municipality incurs costs of inspection and testing but finds no hazardous substances or petroleum products on the property that present an actual or imminent threat to public health and safety, such costs are not recoverable from the owners nor are such costs a lien on the real estate. The lien is superior to all prior existing liens and encumbrances, except taxes and any lien obtained under subsection (a) or (e), if, within 180 days after the completion of the inspection, testing, or remediation, the municipality or the lien holder of record who incurred the cost and expense shall file a notice of lien for the cost and expense incurred in the office of the recorder in the county in which the real estate is located or in the

office of the registrar of titles of the county if the real estate affected is registered under the Registered Titles (Torrens) Act.

The notice must consist of a sworn statement setting out (i) a description of the real estate sufficient for its identification, (ii) the amount of money representing the cost and expense incurred, and (iii) the date or dates when the cost and expense was incurred by the municipality or the lien holder of record. Upon payment of the lien amount by the owner of or persons interested in the property after the notice of lien has been filed, a release of lien shall be issued by the municipality, the person in whose name the lien has been filed, or the assignee of the lien, and the release may be filed of record as in the case of filing notice of lien.

The lien may be enforced under subsection (c) or by foreclosure proceedings as in the case of mortgage foreclosures under Article XV of the Code of Civil Procedure or mechanics' lien foreclosures; provided that where the lien is enforced by foreclosure under subsection (c) or under either statute, the municipality may not proceed against the other assets of the owner or owners of the real estate for any costs that otherwise would be recoverable under this Section but that remain unsatisfied after foreclosure except where such additional recovery is authorized by separate environmental laws. 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 municipality, including court costs, reasonable attorney's fees, advances to preserve the property, and other costs related to the enforcement of this subsection, plus statutory interest, are a lien on the real estate.

All liens arising under this subsection (f) shall be assignable. The assignee of the lien shall have the same power to enforce the lien as the assigning party, except that the lien may not be enforced under subsection (c).

(g) In any case where a municipality has obtained a lien under subsection (a), the municipality may also bring an action for a money judgment against the owner or owners of the real estate in the amount of the lien in the same manner as provided for bringing causes of action in Article II of the Code of Civil Procedure and, upon obtaining a judgment, file a judgment lien against all of the real estate of the owner or owners and enforce that lien as provided for in Article XII of the Code of Civil Procedure.

(Source: P.A. 95-331, eff. 8-21-07; 95-931, eff. 1-1-09.)

(65 ILCS 5/11-31-1.01)

Sec. 11-31-1.01. Securing or enclosing abandoned residential property.

(a) In the case of securing or enclosing an abandoned residential property as defined in Section 11-20-15.1, the municipality may elect to secure or enclose the exterior of a building or the underlying parcel on which it is located under this Section without application to the circuit court, in which case the provisions of Section 11-20-15.1 shall be the exclusive remedy for the recovery of the costs of such

activity.

(b) For the purposes of this Section:

(1) "Secure" or "securing" means boarding up, closing off, or locking windows or entrances or otherwise making the interior of a building inaccessible to the general public; and

(2) "Enclose" or "enclosing" means surrounding part or all of the abandoned residential property's underlying parcel with a fence or wall or otherwise making part or all of the abandoned residential property's underlying parcel inaccessible to the general public.

(c) This Section is repealed upon certification by the Secretary of the Illinois Department of Financial and Professional Regulation, after consultation with the United States Department of Housing and Urban Development, that the Mortgage Electronic Registration System program is effectively registering substantially all mortgaged residential properties located in the State of Illinois, is available for access by all municipalities located in the State of Illinois without charge to them, and such registration includes the telephone number for the mortgage servicer.

(Source: P.A. 96-856, eff. 3-1-10.)

(65 ILCS 5/11-31-1.1) (from Ch. 24, par. 11-31-1.1)

Sec. 11-31-1.1. No owner of property who held title to the property when property taxes became delinquent and which taxes were still delinquent at the time of the foreclosure of a demolition lien by the corporate authorities of a municipality or the acceptance of a deed of conveyance in lieu of foreclosing such lien and no person, firm, association, corporation or other entity related to or associated with any such owner shall within 10 years after title vests in the municipality reacquire any right, title or interest in or to such property.

(Source: P.A. 80-1386.)

(65 ILCS 5/11-31-2) (from Ch. 24, par. 11-31-2)

Sec. 11-31-2. (a) If the appropriate official of any municipality determines, upon due investigation, that any building or structure therein fails to conform to the minimum standards of health and safety as set forth in the applicable ordinances of such municipality, and the owner or owners of such building or structure fails, after due notice, to cause such property so to conform, the municipality may make application to the circuit court for an injunction requiring compliance with such ordinances or for such other order as the court may deem necessary or appropriate to secure such compliance.

If the appropriate official of any municipality determines, upon due investigation, that any building or structure located within the area affected by a conservation plan, adopted by the municipality pursuant to the Urban Community Conservation Act, fails to conform to the standards and provisions of such plan, and the owner or owners of such building or structure fails, after due notice, to cause such property so to conform, the municipality has the power to make

application to the circuit court for an injunction requiring compliance with such plan or for such other order as the court may deem necessary or appropriate to secure such compliance.

The hearing upon such suit shall be expedited by the court and shall be given precedence over all other actions.

If, upon application hereunder, the court orders the appointment of a receiver to cause such building or structure to conform, such receiver may use the rents and issues of such property toward maintenance, repair and rehabilitation of the property prior to and despite any assignment of rents; and the court may further authorize the receiver to recover the cost of such maintenance, repair and rehabilitation by the issuance and sale of notes or receiver's certificates bearing such interest as the court may fix, and such notes or certificates, after their initial issuance and transfer by the receiver, shall be freely transferable and when sold or transferred by the receiver in return for a valuable consideration in money, material, labor or services, shall be a first lien upon the real estate and the rents and issues thereof, and shall be superior to all prior assignments of rents and all prior existing liens and encumbrances, except taxes; provided, that within 90 days of such sale or transfer for value by the receiver of such note or certificate, the holder thereof shall file notice of lien in the office of the recorder in the county in which the real estate is located, or in the office of the registrar of titles of such county if the real estate affected is registered under the Registered Titles (Torrens) Act. The notice of the lien filed shall set forth (1) a description of the real estate affected sufficient for the identification thereof, (2) the face amount of the receiver's note or certificate, together with the interest payable thereon, and (3) the date when the receiver's note or certificate was sold or transferred for value by the receiver. Upon payment to the holder of the receiver's note or certificate of the face amount thereof together with any interest thereon to such date of payment, and upon the filing of record of a sworn statement of such payment, the lien of such certificate shall be released. Unless the lien is enforced pursuant to subsection (b), the lien may be enforced by proceedings to foreclose as in the case of mortgages or mechanics' liens, and such action to foreclose such lien may be commenced at any time after the date of default. For the purposes of this subsection (a), the date of default shall be deemed to occur 90 days from the date of issuance of the receiver's certificate if at that time the certificate remains unpaid in whole or in part.

In the event a receiver appointed under this subsection (a) completes a feasibility study which study finds that the property cannot be economically brought into compliance with the minimum standards of health and safety as set forth in the applicable ordinances of the municipality, the receiver may petition the court for reimbursement for the cost of the feasibility study from the receivership feasibility study and fee fund. The court shall review the petition and authorize reimbursement from the fund to the receiver if the court finds that the findings in the feasibility report are reasonable, that the fee for the feasibility report is reasonable, and

that the receiver is unable to obtain reimbursement other than by foreclosure of a lien on the property. If the court grants the petition for reimbursement from the fund and, upon receiving certification from the court of the amount to be paid, the county treasurer shall order that amount paid from the fund to the receiver. If the court grants the petition for reimbursement from the fund, the court shall also authorize and direct the receiver to issue a certificate of lien against title. The recorded lien shall be a first lien upon the real estate and shall be superior to all prior liens and encumbrances except real estate taxes. The court shall also order the receiver to reimburse the fund to the extent that the receiver is reimbursed upon foreclosure of the receiver's lien upon sale of the property.

In any proceedings hereunder in which the court orders the appointment of a receiver, the court may further authorize the receiver to enter into such agreements and to do such acts as may be required to obtain first mortgage insurance on the receiver's notes or certificates from an agency of the Federal Government.

(b) In any case where a municipality has obtained a lien pursuant to subsection (a), the municipality may enforce such lien pursuant to this subsection (b) in the same proceeding in which the lien is authorized.

A municipality desiring to enforce a lien under this subsection (b) shall petition the court to retain jurisdiction for foreclosure proceedings under this subsection. Notice of the petition shall be served, by certified or registered mail, on all persons who were served notice under subsection (a). The court shall conduct a hearing on the petition not less than 15 days after such notice is served. If the court determines that the requirements of this subsection (b) have been satisfied, it shall grant the petition and retain jurisdiction over the matter until the foreclosure proceeding is completed. If the court denies the petition, the municipality may enforce the lien in a separate action as provided in subsection (a).

All persons designated in Section 15-1501 of the Code of Civil Procedure as necessary parties in a mortgage foreclosure action shall be joined as parties prior to issuance of an order of foreclosure. Persons designated in Section 15-1501 of the Code of Civil Procedure as permissible parties may also be joined as parties in the action.

The provisions of Article XV of the Code of Civil Procedure applicable to mortgage foreclosures shall apply to the foreclosure of a lien pursuant to this subsection (b), except to the extent that such provisions are inconsistent with this subsection. However, for purposes of foreclosures of liens pursuant to this subsection, the redemption period described in subsection (b) of Section 15-1603 of the Code of Civil Procedure shall end 60 days after the date of entry of the order of foreclosure.

(Source: P.A. 91-554, eff. 8-14-99.)

(65 ILCS 5/11-31-2.1) (from Ch. 24, par. 11-31-2.1)

Sec. 11-31-2.1. (a) If a municipality petitions for

appointment of a receiver pursuant to Section 11-31-2 of this Act and it clearly appears from specific facts shown by affidavit or by verified petition or verified complaint that immediate and irreparable injury, loss or damage will result before personal service can practicably be had, a receiver may be appointed upon a showing that the municipality attempted to give notice by any means practicable and reasonably calculated to give actual notice under the circumstances, including by telephone to the defendant's last known phone number or by mailing to the defendant's last known address. If a receiver is appointed pursuant to this subsection, another hearing shall be set at the earliest practicable date.

(b) Within 10 days after the appointment of a receiver pursuant to subsection (a) of this Section, the municipality shall attempt to obtain personal service, but if unable to obtain personal service and a summons duly issued in such action is returned without service stating that service cannot be obtained, then the municipality, its agent or attorney, may file an affidavit stating that the defendant is not a resident of this State or has departed from this State, or on due inquiry cannot be found or is concealed within this State so that process cannot be served upon him or her, and also stating the place of residence of the defendant, if known, or if not, that upon diligent inquiry affiant has not been able to ascertain the defendant's place of residence, and the defendant may be notified by mailing to the defendant's last known address and posting at the real estate in receivership, or by such mailing and by publication pursuant to Section 2-206 of the Code of Civil Procedure. In cases where a defendant is notified by mailing and posting or by mailing and publication and the defendant does not appear generally, the court may not enter a personal judgment against the defendant, but may continue the receivership and authorize the issuance of receiver's certificates to become liens upon the real estate, as provided in Section 11-31-2 of this Act.

(c) For purposes of notice by mail to owners as provided in Section 11-31-2.1, if the municipality in which the real estate subject to receivership is located has an owner registration ordinance, mailing to the addresses of unserved owners at the addresses registered with the municipality pursuant to the ordinance shall be sufficient. Notice shall be deemed provided 4 days after mailing. The notice shall state the caption and case number of the action, the address of the affected real estate, the fact that a receiver may be or has been appointed, the possibility that a lien may be filed against the real estate as a result of the appointment, and the date, time and place of the next court hearing on the matter.

(Source: P.A. 85-634.)

(65 ILCS 5/11-31-2.2) (from Ch. 24, par. 11-31-2.2)

Sec. 11-31-2.2. If a receiver is appointed pursuant to Section 11-31-2 of this Code, the receiver may file in the appointing Court an eviction action as provided in Article IX of the Code of Civil Procedure. Filing fees and court costs shall be waived for a receiver filing under this Section.

(Source: P.A. 100-173, eff. 1-1-18.)

(65 ILCS 5/11-31-2.3) (from Ch. 24, par. 11-31-2.3)

Sec. 11-31-2.3. If a receiver is appointed pursuant to Section 11-31-2 of this Act, the applicant's bond shall be excused. The court also may excuse the surety on the receiver's bond upon a showing that the receiver is especially qualified for the appointment. Evidence of special qualifications shall include but not be limited to: (a) satisfactory past performance as a receiver; (b) prior real estate management or development experience; (c) licensure or certification in a relevant profession or occupation; or (d) specialized training as a receiver.

(Source: P.A. 85-634.)

Appendix D
City Code Chapter 154.20 – Unsafe Property/Actions Authorized

UNSAFE PROPERTY

§ 154.20 ACTIONS AUTHORIZED.

(A) The Director of Planning and Development shall present to the City Council annually, on or before the date provided in § 43.20 for delivery of the proposed annual budget to the City Clerk, and from time to time thereafter, a list of buildings which the Department of Planning and Development has identified and believe are dangerous and unsafe or uncompleted and abandoned buildings within the territory of the city which are determined by the Department of Planning and Development to be in need of demolition, repair, enclosure or remediation. The list shall include, at a minimum, the following information:

(1) Street address, parcel identification number or other information necessary to identify the location of the property; and

(2) For budgetary purposes, the aggregate sum estimated by the Department of Planning and Development to pay the costs of demolition, repair, enclosure or remediation of the listed properties. Properties shall be listed in order of priority according to each property's relative deterioration or danger.

(B) Upon review and approval of the list by the City Council, the Director of Planning and Development may take all actions necessary, including the commencement of proceedings under ILCS Ch. 65, Act 5, §§ 1-1-1 et seq. to demolish, repair, enclose or remediate the listed buildings.

(C) The list may be supplemented and resubmitted for further review if, in the judgment of the Director of Planning and Development, a listed property requires higher priority due to subsequent deterioration, or if previously unlisted properties subsequently become sufficiently dangerous or unsafe to warrant inclusion on the list, or due to remediation by an owner or other interested party a property should be removed from the list.

(D) The provisions of this subchapter shall supplement, and shall not exclude, any other enforcement activities available to the Inspection Office under the provisions of this chapter and Chapter 93.

(Ord. 9196, passed 10-24-2011)

§ 154.99 PENALTY.

(A) It shall be unlawful for any person, as defined in § 10.02 of the municipal code, to erect, construct, alter, extend, repair, remove, demolish, use or occupy any building or structure or equipment regulated by the IBC in violation of any of the provisions of the IBC as adopted under this chapter.

(B) The code official shall, if practicable, serve a notice on any person responsible for the erection, construction, alteration, extension, repair, removal, demolition, use or occupancy of a building, structure, equipment or appliance which violates any provision of the IBC, any plan approved under the provisions of the IBC, or which violates a permit or certificate issued under any provisions of the IBC. The notice shall order the discontinuance or abatement of the violation. Service of notice shall be by first class mail to the violator's last known address, personal service or by posting of the property in question. If the notice is not obeyed within seven days, the Building Inspector or other code official may initiate appropriate enforcement proceedings.

(C) Any person in violation of the provisions of this chapter may, in addition to other relief available in law or in equity, be subject to fines and other penalties as provided in § 10.99 of the municipal code.

(D) The imposition of fines and penalties shall not preclude the institution by the code official of appropriate actions to enjoin unlawful construction, to restrain, correct or abate a violation, abate a nuisance, prevent illegal occupancy of a building, structure or other premises, or to stop the use of a building or structure in violation of any provision of the municipal code.

(1980 Code, § 23.504) (Ord. 8926, passed 11-13-2001; Ord. 9124, passed 4-14-2008)

Appendix E
2019 Fix or Flatten Properties

2019 Fix or Flatten Properties - Approved by City Council

Address	Attorney	Owner	Title Search Received	Date Notice Sent	Expiration of 15-day Notice	Petition Filed	Lis Pendens Recorded	Defendant(s) Served (See Case Notes Below)	Notice of Pendency of Action sent to newspaper	Certificate of Publication Filed	Default Date (30 days from service)	Motion for Default Judgement Entered	Hearing Date on Motion	Demolition Order Entered	Notice of Default Judgement sent to Defendant	Date of Demolition
903 Kentucky St.	Schnack	Jeffrey L. Stupavsky	10/17/19	11/13/19	11/28/19	1/21/20	1/31/20	1								
~~1222 Lind St.~~	~~Alford~~	~~Todd R. Eyler~~	~~10/17/19~~	Property	Demolished											11/6/19
1433 Monroe St.	Dunn	John H. & Donna M. Jacobs	10/17/19	11/13/19	11/28/19	1/2/00	10/29/20	2	10/29/20							
~~416 Oak St.~~	~~Alford~~	~~Ronald & Glenna Sorrill~~	~~10/17/19~~	Property	Repaired											
635-637 Lind St.	Dunn	James O. Stolp	10/17/19	11/13/19	11/28/19	2/24/20	6/22/20		6/30/20		Notice Sent					
1112 N. 7th St.	Schnack	Amy M. Liebig	10/17/19	11/13/19	11/28/19			3								
~~1706 Oak St.~~	~~Dunn~~	~~Edward & Lillian Burten (dec).~~	~~10/17/19~~	Judical	Deed	10/8/20										
717 S. 17th St.	Alford	Michael A. & Patricia A. Creek	10/17/19	11/13/19	11/28/19		Yes	4								
316 Ohio St.	Alford	Boyd M. & Cynthia S. Hatfield	10/17/19	11/13/19	11/28/19		Yes	Yes	Court date 10/19					11/2/20		
525-527 N. 3rd St.	Dunn	Charles Campbell	10/17/19	11/13/19	11/28/19	2/24/20	6/22/20	5								
610 S. 7th St.	Schnack	ETC Cust FBO Soonran Gursslin	10/17/19	11/13/19	11/28/19	1/31/20	1/31/20	Wait on Service								
~~632 Spruce St.~~	~~Schnack~~	~~ETC Robert Mikesell IRA~~	~~10/17/19~~	Property	Secured	1/31/20	1/31/20	6								

CASES Notes

1. 903 Kentucky St. Prove up hearing 7/6/20. Stupavsky found guilty. State St. Bank is not objecting to the demolition.
2. 1433 Monroe St. Waiting for service on the Jacobs
3. 1112 N. 7th St. New owners - Anne McNair & Samba Koita were to demolish but did not. Will proceed with filing court case. 7-6-20
4. 717 S. 17th St. Creek can not be found for service. Alias summons has been issued. If no serivce will publish and move forward. 10-5- Trying to serve new address.
5. 525-527 N. 3rd St. Waiting on service in Racine County Wisconsin, waiting to get appearance and consents from the Adams County Treasurers and Trustee.
6. 632 Spruce St. New owner. Mark DeGregg who request to rehab. No Rehab Agreement. Last email update on rehab was August 14th.