

ORDINANCE NO. 2021-02

**AN ORDINANCE REGARDING REPAIR
OR DEMOLITION OF UNSAFE OR DANGEROUS BUILDINGS**

WHEREAS, the Village Board seeks to establish and clarify the Village's authority to address dangerous or unsafe buildings located in the Village; and

WHEREAS, the Village Board finds that dangerous or unsafe buildings located in the Village are a general nuisance for the Village and its citizens and further jeopardizes the health, safety, and welfare of Village citizens and the general public; and

WHEREAS, the Village Board hereby finds that it is in the best interests of the Village to update the Village ordinances to include regulations addressing dangerous or unsafe buildings located in the Village as provided herein and to ensure and protect the health, safety, and welfare of Village citizens and the general public from the nuisance created by dangerous or unsafe buildings located in the Village;

BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF SECOR, WOODFORD COUNTY, ILLINOIS, THAT:

Section 1. The following provisions are hereby added to the Ordinances of the Village of Secor:

DANGEROUS OR UNSAFE BUILDINGS:

1.1 Statutory Authority. Pursuant to the power vested in the Village by Section 11-31-1 of the Illinois Municipal Code (65 ILCS 5/11-31-1), as amended from time to time, the Village hereby adopts in whole all provisions of Section 11-31-1 of the Illinois Municipal Code.

1.2 Declared Nuisance. Any dangerous or unsafe building or structure within the Village is hereby declared to be a nuisance, and all such buildings or structures shall be abated by demolition, repair, rehabilitation, or removal in accordance with the applicable provisions of the Village Code.

1.3 Notice to Demolish or Repair. When Village officials determine that a building is dangerous or unsafe, uncompleted or abandoned, or unfit for human occupancy, Village officials shall provide notice to the owner of the property, and all lien holders of record, to demolish or repair such building. Notice shall set forth a description of the real estate and a description of how the building is dangerous or unsafe, uncompleted or abandoned, or unfit for human occupancy. Notice shall also provide the property owner at least fifteen (15) days to remedy the problems with the building by demolishing or repairing such building. The designated Village official or law enforcement officer shall provide this notice by mail or by both personal service and mail. If after a diligent search, the identity or

whereabouts of the property owner, which may include the lien holders of record, cannot be determined, notice mailed to the person in whose name the real estate was last assessed shall be sufficient notice, even if such notice to the person is subsequently returned undeliverable.

1.4 Court Action. If the property owner fails, neglects, or refuses to comply with the notice to demolish or repair after a notice period of at least fifteen (15) days, Village officials may seek court approval authorizing the Village to demolish, repair, enclose, or remove the building under the authority of Section 11-31-1 of the Illinois Municipal Code. It shall not be a defense to any cause of action brought by the Village under this Chapter of the Village Code that the building has been boarded up or otherwise enclosed. After the Village has received court approval to demolish, repair, enclose, or remove the building, Village officials shall take appropriate action to have the building demolished, repaired, enclosed, or removed.

1.5 Other Action. Any action taken by the Village pursuant to this Chapter of the Village Code shall not impede or supersede the Village's authority to take any other action permitted against the property owner, occupant of the property, or person in control of the property under the Village Code, including the issuance of ordinance violation notices that impose a fine for the violation.

1.6 Filing of Lien for Demolition or Repair Costs. The cost of the demolition, repair, enclosure, or removal incurred by the Village, including court costs, attorney's fees, and other costs related to the enforcement of this Chapter of the Village Code, is recoverable from the property owner and shall become a lien against the property. The lien shall be superior to all prior existing liens and encumbrances, except taxes, provided that within one hundred eighty (180) days after the repair, demolition, enclosure, or removal, the Village shall file a notice of lien for the cost and expense incurred by the Village in the office of the Recorder of Deeds for Woodford County. The notice of lien shall consist of a sworn statement setting forth the description of the real estate, the amount of the cost and expense incurred, and the date or dates when such costs and expense were incurred by the Village. Upon payment of the cost and expense by the property owner or persons interested in such property after notice of lien has been filed, the lien shall be released by the Village. The Village may enforce this lien at any time by initiating foreclosure proceedings pursuant to Section 11-31-1 of the Illinois Municipal Code, and the costs of the foreclosure proceedings, including court costs, attorney's fees, and other costs related to the enforcement of this Section of the Village Code, is also a lien against the property and recoverable from the property owner.

Section 2. This Ordinance is hereby ordered to be published in pamphlet form by the Clerk of the Village of Secor and said Clerk is ordered to keep at least three (3) copies hereof available for public inspection.

Section 3. This Ordinance is in addition to all other ordinances on the subject and shall be construed therewith excepting as to that part in direct conflict with any other ordinance, and in the event of such conflict, the provisions hereof shall govern.

Section 4. This Ordinance shall be in full force and effect from and after its passage, approval and ten (10) day period of publication in the manner provided by law.

PASSED BY THE BOARD OF TRUSTEES OF THE VILLAGE OF SECOR AND APPROVED BY ITS PRESIDENT THIS 14 DAY OF June, 2021.

APPROVED:



President

ATTEST:



Village Clerk