

CHAPTER XII - DANGEROUS AND ABANDONED BUILDINGS AND STRUCTURES

SECTION 1200 - DEFINITIONS

As used in this CHAPTER, the following words and terms shall have the meanings prescribed herein:

Abandoned Building or Structure

- A. Any vacant building which is frequented by persons who are not lawful occupants of such structure.
- B. Any vacant building which, by reason of lack of maintenance, or by reason of the boarding up of its doors and windows, or other reasons, has a substantial adverse effect on the value of the property in the immediate neighborhood.
- C. A building or structure, the principal use of which has been abandoned, and that no longer has any function or use.
- D. Any vacant building which has had its doors or windows boarded up for emergency reasons for a period of in excess of eight (8) weeks.
- E. Any railroad trestle or siding no longer in use.

Building or Structure

Includes anything constructed or erected, the use of which requires permanent or temporary location on or in the ground including, but not limited to, buildings of all types and use groups, advertising signs, billboards, swimming pools, sheds, garages, fences or any other manmade structure.

Dangerous Building or Structure

- A. Any building or structure which is dangerous to the public health or safety because of its construction or condition, or which may cause or aid in the spread of disease or which may become a harborage for rodents or other animals, or which may cause injury to the occupants thereof or of a neighboring building or structure.
- B. Any building or structure which, because of faulty construction, age, lack of proper repair or any other cause, constitutes or creates a fire hazard.
- C. A building or structure, the principal use of which has been abandoned, and that no longer has any function or use.
- D. Any vacant building which has had its doors or windows boarded up for emergency reasons for a period of in excess of eight (8) weeks.

- E. Any railroad trestle or siding no longer in use.

Building or Structure

Includes anything constructed or erected, the use of which requires permanent or temporary location on or in the ground including, but not limited to, buildings of all types and use groups, advertising signs, billboards, swimming pools, sheds, garages, fences or any other manmade structure.

SECTION 1201 – NUISANCE DECLARED

Any dangerous or abandoned building or structure, as defined by Section 1200 of this CHAPTER, within the Village is hereby declared to be a nuisance.

SECTION 1202 – MAINTENANCE/OCCUPANCY OF DANGEROUS OR ABANDONED BUILDINGS OR STRUCTURES

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

SECTION 1203 – OCCUPYING UNSANITARY BUILDINGS OR STRUCTURES

It shall be unlawful to occupy for human habitation any building or structure which is declared by the Code Enforcement Official or Health Officer to be unfit for such habitation by reason of defective sanitary conditions until such conditions have been remedied and the premises approved by the Code Enforcement Official or Health Officer as fit for occupancy.

SECTION 1204 – ACTION BY VILLAGE OFFICIALS

- A. Notice: Whenever it shall come to the knowledge of the Building Commissioner, or any Village Inspector, that a building or structure is in a dangerous or abandoned condition, such officer shall affix a notice on the building or structure, in a conspicuous place on the exterior wall thereof, informing all persons to keep out of said building.
- B. Evacuation of Building: Whenever it shall come to the knowledge of the Building Commissioner, or any Village Inspector that a dangerous building exists with structural faults that may cause the imminent collapse of the said building, or if any building is in such condition as to make it dangerous to the health, morals, safety or general welfare of its occupants, or that other conditions exist of an emergency nature which may cause the death or injury of the occupants thereof, such officer shall order the immediate evacuation of the occupants from any such building.

- C. Emergency Repair, Vacation or Demolition: In cases where it reasonably appears that there is immediate danger to the life or safety of any person, unless a "dangerous building or structure", as defined herein, is immediately repaired, vacated or demolished, the Building Commissioner or his designee shall cause the immediate repair, vacation or demolition of such dangerous building or structure. The costs of such emergency repair, vacation or demolition shall be collected in the same manner as provided in Section 1209.

SECTION 1205 – AUTHORITY TO CLOSE BUILDING, SUSPEND OR REVOKE LICENSE

- A. The Building Commissioner or any Village Inspector may order that no person shall be permitted to enter, occupy or use a dangerous building or structure or any portion thereof until the same shall have been made safe and habitable, and may post such order in a conspicuous place on the exterior of such building or structure. No person shall enter, occupy or use (except for the purpose of repairing and making safe) any building or structure, or portion thereof, after the posting of such notice until such building or structure or portion thereof shall have been made safe and habitable.
- B. If any building or structure or portion thereof which is dangerous or abandoned shall be devoted to any purpose requiring a license, the Village President together with the Village Licensing Committee may suspend such license pending the making of repairs and begin revocation proceeding the regard to such license if the owner or person having an interest in such dangerous or abandoned building or structure or portion thereof fails to make the same safe immediately and at his own expense.

SECTION 1206 – COST TO OWNERS

If work has been done and expense incurred by the Village in connection with the repair and demolition of any dangerous building or structure as provided herein, a bill for such expense shall be rendered by the Village to the owner, lessee, occupant or agent of the property. The Village may refuse to issue a permit for the reconstruction, alteration or repair of any such building or portion thereof until the expenditures incurred by the Village on account of such repairs or demolition have been repaid.

SECTION 1207 – BOARDING UP BUILDINGS

- A. Every owner or occupant of a building shall maintain all doors and windows therein with glass or such other glazing materials as are permitted by the Village of Tinley Park Comprehensive Building Code.
- B. No owner or occupant of a building shall enclose, nor permit the enclosure, of any door or window by enclosing or covering any door or window with plywood, masonite, particle board or other lumber product (so-called boarding-up).
- C. Nothing in this CHAPTER shall prohibit:

1. the boarding-up of buildings damaged by fire, tornado or other catastrophe for a period not to exceed eight (8) weeks, provided, however, the period of such permitted board-up may be extended by the Building Commissioner.

2. the Chiefs' of Police and Fire Department, Building Commissioner or any Village Inspector, from causing a building to be boarded up when it is otherwise authorized by law for such official to do so, or when the public health, safety and welfare are endangered by the condition of any such building.

SECTION 1208 - ABATEMENT

A. The Building Commissioner or any Village Inspector may, prior to the action of the Board of Trustees authorized in Section 1209 hereof, give written notice to the owner or owner's agent of a dangerous or abandoned building or structure, as defined herein, to repair or demolish it within fifteen (15) days. Where, upon diligent search, the identity or whereabouts of the owner or owner's agent of any building or structure is not ascertained, notice mailed to the person or persons in whose name such real estate was last assessed is sufficient notice under this Section.

B. If, at the end of no less than fifteen (15) days from the date of the aforesaid written notice, the owner or owner's agent has failed to take positive action to put such building or structure in a satisfactory condition or to demolish it, the Building Commissioner, or his designee shall notify the Village Manager of such failure, and the Village Manager shall advise the President and Board of Trustees that a dangerous or abandoned building or structure exists and that no action has been taken by the owner or owner's agent after written notice to repair or demolish it.

SECTION 1209 – COURT PROCEEDINGS

After notification to the President and Board of Trustees by the Village Manager that no action is being taken to demolish or repair a dangerous or abandoned building or structure, the President and Board of Trustees may authorize the Village Attorney to apply to the Circuit Court of Cook County for an order authorizing the demolition or repair of a dangerous or abandoned building or structure, as defined herein, in addition to the penalties provided for in Section 1211, if the owners thereof, including the lien holders of record after at least fifteen (15) days' written notice by mail to do so, have failed to put such building or structure in a satisfactory condition or to demolish it. It is not a defense to such cause of action that the building is boarded up or otherwise enclosed, where, upon diligent search, the identity or whereabouts of the owner or owners of any such building or structure, including the lien holders of record, is not ascertainable, notice mailed to the person or persons in whose name such real estate was last assessed is sufficient notice under this Section. The cost of such demolition or repair incurred by the Village or by a lien holder of record is recoverable from the owner or owners of such real estate and is a lien thereon, which lien is superior to all prior existing liens and encumbrances, except taxes, provided that the Village or the lien holders of

record who incurred such cost and expense shall file notice of lien of such cost and expense incurred in the office of the Recorder of Deeds of Cook or Will County or in the Office of the Registrar of Titles of Cook County, if the real estate affected is registered under the Torrens system, whichever is applicable. The notice must consist of a sworn statement setting out:

- A. A description of the real estate sufficient for identification thereof.
- B. The amount of money representing the cost and expense incurred.
- C. The date or dates when the cost and expense was incurred by the Village or by the lien holder of record.

Upon payment of the cost and expense, including the cost of recording the notice and, in addition, the payment of a \$50.00 release fee, by the owner of or persons interested in the property after notice of lien has been filed, a release of the lien by the Village or person in whose name the lien has been filed shall be delivered to the person so paying the cost and expenses. The lien may be enforced by proceedings to foreclose as in case of mortgage or mechanic's lien.

SECTION 1210 – ALTERNATIVE ACTIONS

In addition to the other remedies provided for herein, the Village may proceed in accordance with the provisions of Chapter 24, Sections 11-31-1 or 11-31-2 of Illinois Revised Statutes, or may pursue any other remedy provided by law.

SECTION 1211 - PENALTY

The violation of any provision of this CHAPTER shall be punished by a fine of not less than One hundred dollars (\$100.00), nor more than seven hundred fifty dollars (\$750.00). Each day a violation of any provision of this CHAPTER shall continue shall constitute a separate offense. Imposition of any penalty for a violation of this CHAPTER shall not be construed as a waiver of the right of the Village to collect the costs of demolition or repair of any dangerous or abandoned building or structure as provided by the provisions of this CHAPTER.

END OF CHAPTER XII