

**ORDINANCE 2013-09**

**AN ORDINANCE AMENDING TITLE 9 OF THE BARTLETT MUNICIPAL  
CODE, CHAPTER 25, ENTITLED "VACANT BUILDINGS"**

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**PASSED BY THE BOARD OF TRUSTEES ON FEBRUARY 19, 2013**

**PRINTED AND PUBLISHED IN PAMPHLET FORM ON FEBRUARY 19, 2013**

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**PRINTED AND PUBLISHED IN PAMPHLET FORM BY THE AUTHORITY OF THE  
PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF BARTLETT,  
COOK, DUPAGE AND KANE COUNTIES, ILLINOIS**

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**I HEREBY CERTIFY THAT THIS DOCUMENT  
WAS PROPERLY PUBLISHED ON THE DATE  
STATED ABOVE.**

**/s/ LORNA GILESS**

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**VILLAGE CLERK**

**ORDINANCE 2013-09**

**AN ORDINANCE AMENDING TITLE 9 OF THE BARTLETT MUNICIPAL  
CODE, CHAPTER 25, ENTITLED "VACANT BUILDINGS"**

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**PREAMBLE:**

**WHEREAS**, the Village of Bartlett, an Illinois municipal corporation of Cook, DuPage and Kane Counties, is a home rule unit of government that has authority to adopt ordinances and to promulgate rules and regulations that pertain to its government and affairs and to protect the public health, safety and welfare of its citizens (ILL.CONST. Art VII, §6); and

**WHEREAS**, all municipalities have certain police powers granted by statute, including the power to define, prevent, and abate nuisances (65 ILCS 5/11-60-2); and

**WHEREAS**, mortgage foreclosures and vacant buildings and properties create challenges for the Village and its residents, reducing neighboring property values, reducing the tax base, increasing crime, place neighbors at greater risk of foreclosure, imposing additional costs for the Village and demand for its services; conversely, maintaining and securing vacant buildings and properties stabilizes property values and the tax base, decreases crime, reduces the risk of foreclosure for nearby properties thus reducing costs for the Village and the demand for its services;

**NOW, THEREFORE, BE IT ORDAINED** by the President and Board of Trustees of the Village of Bartlett, Cook, DuPage and Kane Counties, Illinois, pursuant to its home rule and police powers, as follows:

**SECTION ONE:** That Title 9 of the Bartlett Municipal Code is hereby amended to add new Chapter 25 entitled "Vacant Buildings" as follows:

**CHAPTER 25  
VACANT BUILDINGS**

Sections:

- 9-25-1: Declaration of Policy
- 9-25-2: Other Ordinances
- 9-25-3: Definitions
- 9-25-4: Vacant Building Determination
- 9-25-5: Appeal of Vacant Building Determination
- 9-25-6: Obligation to Register Vacant Buildings and Foreclosed Unoccupied Buildings
- 9-25-7: Approval of Plan
- 9-25-8: Authority to Modify Plan; Right to Appeal
- 9-25-9: Failure to Comply with Plan

- 9-25-10: Other Enforcement
- 9-25-11: Real Estate Transfer Stamps
- 9-25-12: Certification
- 9-25-13: Time Restrictions; Vacant Buildings
- 9-25-14: Enforcement and Penalties

9-25-1: DECLARATION OF POLICY:

The purpose of this chapter is to protect the public health, safety, and welfare by enactment of this chapter which:

- A. Establishes a program for identification, registration, and regulation of buildings which are or become “vacant” as defined herein; and
- B. Determines the responsibilities of owners of vacant buildings; and
- C. Provides for administration, enforcement, abatement of public nuisances, and the imposition of penalties.

This chapter shall be liberally construed to affect its purposes.

9-25-2: OTHER ORDINANCES:

This chapter shall not be construed to prevent the enforcement of other applicable ordinances, codes, legislation, and regulations which prescribe standards other than are provided herein. When a provision of this chapter conflicts with any other provision of the code regulating the same subject matter, the more stringent or restrictive provision shall apply.

9-25-3: DEFINITIONS:

Unless otherwise expressly stated or clearly indicated by the context, the following terms shall, for the purpose of this chapter, have the meanings indicated in this section:

**BOARDED BUILDING:** A building that has had, in a manner intended to be temporary or permanent, any or all of its openings covered by some material for the purpose of securing or preventing access or damage to the building or its components, whether such material is opaque, solid or transparent, and whether such material is affixed to the interior or exterior of the building. For the purpose of this section, such openings shall include any doors, windows or other openings that exist for the purpose of providing light, ventilation, ingress and egress to the building or other access to a part or portion of the building.

**BUILDING:** Any residential structure, or portion thereof, containing one or more dwelling units used or intended to be used for human habitation, or any business or commercial structure occupied or intended for supporting any occupancy.

**DANGEROUS BUILDING:**

- A. Any building that is dangerous to the public health because of its construction or condition, or which may cause or aid in the spread of disease or cause injury to the health of its occupants or to neighboring structures; or,
- B. Any building which, because of faulty construction, age, lack of proper repair or any other cause, is especially liable to fire and constitutes or creates a fire hazard; or,
- C. Any building, which, by reason of faulty construction, age or lack of repair is likely to collapse or fall.

**DANGEROUS STRUCTURE:** Any structure which is in a condition that is dangerous to the public health in any way.

**DIRECTOR:** The Building Director, or his or her designee. All references to the Director in this chapter shall be deemed to include the Building Director or his or her designee.

**DWELLING:** A structure, or portion thereof, used for human habitation.

**DWELLING UNIT:** One or more rooms containing individualized cooking, sleeping and sanitary facilities which is designated, occupied or intended for use by one household.

**EVIDENCE OF VACANCY:** Any condition that on its own or combined with other conditions present would lead a reasonable person to believe that the property is vacant. Such conditions include, but are not limited to the following:

- A. Substantially all lawful residential or business activity has ceased.
- B. The percentage of the overall square footage of occupied to unoccupied space or the overall number of occupied and unoccupied units.
- C. The building is substantially devoid of contents.
- D. The condition and value of fixtures or personal property in the building.
- E. Lack of utility services (water, sewer, electric or natural gas).
- F. The building is the subject of a foreclosure action.
- G. The presence or recurrence of uncorrected code violations.
- H. Overgrown and/or dead vegetation.
- I. Accumulation of newspapers, circulars, fliers and/or mail.

J. Abandonment by owner.

**OWNER:** Any person, agent, operator, firm, corporation, limited liability company, partnership, joint venture, land trust, intervivos trust, or other entity having a legal or equitable interest in a property; or recorded in the official records of the State, county, or municipality as holding title to the property; or otherwise having control of the property, including, but not limited to, the guardian of the estate of any such person if ordered to take possession of real property by a court, the executor or administrator of the estate of any such person if authorized by statute or ordered to take possession of real property by a court, or any person maintaining, operating or collecting rent with respect to a property.

**PERSON:** Includes a corporation, a partnership, a limited liability company, a joint venture, or other entity as well as an individual.

**PREMISES:** A lot, plot or parcel of land including any structures thereon.

**PUBLIC NUISANCE:** A “public nuisance” shall include the following:

- A. Any physical condition or uses of any premises that is regarded as a public nuisance at common law, under the Illinois Compiled Statutes, or under the Bartlett Municipal Code, as amended; or,
- B. Any physical condition, use or occupancy of any premises or its appurtenances considered an attractive nuisance to children, including, but not limited to, abandoned wells, shafts, basements, excavations, swimming pools and unsafe fences or structures; or,
- C. Any building that has unsanitary sewage or plumbing facilities; or,
- D. Any building designated by the Director as unsafe for human habitation or use; or,
- E. Any building that constitutes a fire hazard, or is unsafe or insecure to a degree that endangers life, limb or property; or,
- F. Any premises that is unsanitary, or which is littered with rubbish or garbage, or which has an uncontrolled growth of weeds; or,
- G. Any building that is: in a state of dilapidation, deterioration or decay; improperly constructed; unsecured; vacant and boarded; damaged by fire to the extent that it no longer provides shelter; in danger of collapse or structural failure; or dangerous to anyone on or near the premises; or,
- H. Any premises that contains evidence of unlawful activity to a degree that such activity may endanger, threaten or otherwise negatively impact the users and value of adjacent premises;

- I. Any premises found by a court of competent jurisdiction to be a criminal public nuisance under Article 5, Chapter 10, of the Bartlett Municipal Code; or
- J. Any building deemed to be a “dangerous building” or any structure deemed to be a “dangerous structure” under this section.

UNOCCUPIED BUILDING: Any business, industrial, retail, or commercial building, or any single family or multi-family building, or portion thereof, which is vacant and lacks the habitual presence of human beings who have a legal right to be on the premises, including buildings ordered vacated by the Director pursuant to authority granted to him by this code.

In determining whether a building is “unoccupied,” the Director may consider these factors, among others:

- A. A building at which substantially all lawful residential or business activity has ceased.
- B. The percentage of the overall square footage of occupied to unoccupied space or the overall number of occupied and unoccupied units.
- C. The building is substantially devoid of contents. The condition and value of fixtures or personal property in the building are relevant to this determination.
- D. The building lacks utility services, i.e., water, sewer, electric or natural gas.
- E. The building is the subject of a foreclosure action.
- F. The building is not actively for sale as part of a contractual agreement to sell the building, and lacks “For Sale”, “For Rent” or similar signage.
- G. The presence or recurrence of uncorrected code violations.

VACANT BUILDING: A building or portion of a building which is:

- A. Unoccupied and unsecured; or
- B. Unoccupied and secured by boarding or other similar means for more than thirty (30) days; or
- C. Unoccupied and a dangerous structure; or
- D. Unoccupied as a result of having been declared unsafe for occupancy by the Director pursuant to applicable law; or

- E. Unoccupied and having multiple violations of the Bartlett Municipal Code, 1976, as amended; or
- F. Unoccupied and the building or its premises have been the site of unlawful activity within the previous six (6) months; or
- G. Condemned or declared unsafe for occupancy by the Director and unlawfully occupied; or
- H. Unoccupied for over ninety (90) days and during which time the Director has issued an order to correct public nuisance conditions and the same have not been corrected in a code compliant manner; or
- I. Unoccupied and the subject of either pending mortgage foreclosure proceedings or mortgage foreclosure proceedings that have been completed within the past two (2) years and the building has not since been reoccupied; or
- J. Unoccupied for over one (1) year;
- K. Abandoned by persons who surrender their claim, right or interest in the property; or
- L. Unoccupied residential property found by a court of competent jurisdiction to be “abandoned residential property” as defined in Sections 15-1200.5 and 15-1200.7 of the Code of Civil Procedure (735 ILCS 5/15-1200.5 and 15-1200.7).

But not including an:

Unoccupied building: (1) which is undergoing construction, renovation, or rehabilitation and which is in compliance with all applicable ordinances, codes, legislation, and regulations, and for which a building permit has issued therefor, and for which construction, renovation or rehabilitation is proceeding diligently to completion; or (2) which is unoccupied as a result of the owner who is a member of the military and is deployed for military service and is otherwise secure; or (3) which is secure but is the subject of a probate action, action to quiet title or other ownership dispute; or (4) which is occupied only on a seasonal basis and is otherwise secure and in substantial compliance with all applicable codes, regulations and laws.

VILLAGE: The Village of Bartlett, an Illinois municipal corporation of Cook, DuPage and Kane Counties, Illinois.

9-25-4: VACANT BUILDING DETERMINATION:

- A. The Director may evaluate buildings in the Village that he or she believes to be unoccupied by means of any lawful inspection and based on evidence of vacancy factors and make a determination as to whether the building is a “vacant

building” within the meaning of section 9-25-3 of this chapter. For the purposes of conducting this evaluation, the Director is authorized to enter upon any and all premises and within any and all unsecured structures. The Director may determine that a building which meets any of the criteria set forth in the definition of “vacant building” in section 9-25-3 of this chapter is not to be regulated under this chapter for a stated period, if upon consideration of reliable, substantiated and sufficient evidence, he or she determines that the circumstances which give rise to the building being eligible for regulation hereunder are clearly temporary in nature and are either in the process of being addressed or will soon be addressed by the owner and that therefore regulation of the building under this chapter would not serve the public health, welfare, and safety and makes written findings in support of his or her decision. The determination shall be in writing and shall state the factual basis for the determination. For buildings the Director determines to be “vacant buildings,” he or she shall, within seven (7) days of making that determination, send notice of his/her written determination with the factual findings to the name and address of the last taxpayer of record for such parcel listed on the most recent Cook County, DuPage County or Kane County tax roll. Said notice of determination shall be sent by certified mail, return receipt requested, and by regular first class United States mail, with proper postage prepaid, or by personal substitute service and posted in a conspicuous location on the building. Failure of delivery shall not excuse a person from complying with this chapter. The Director may personally serve or cause personal service of the notice of determination. Any person making such service shall execute an affidavit attesting to the facts of service. The Director shall maintain a record of such mailing for each notice of determination sent.

- B. Unless waived by the Director for good cause, the notice shall specify a date and time upon which the owner shall allow for a code compliance inspection of the interior of all “vacant buildings” to determine the extent of any compliance with Village property maintenance, building, zoning, health, fire, water and sewer codes, and/or to determine whether there is any unsecured access to the building (doors, windows and other points of entry); whether flammable liquids or other hazardous materials are stored on the premises or in the vacant building; whether the utilities, including water, sanitary sewer, gas and/or electricity are running or have been shut off; whether the sump pump is working; whether there is any standing water in the basement or crawl space; whether the furnace and/or hot water heater are operable if the gas has not been turned off to the vacant building; whether the roof or other exterior surface or enclosures are leaking or have been water damaged, whether there are any visible signs of mold; whether there are animals, rodents, vermin or insects present on the premises or in the building; and whether all outdoor pools and/or hot tubs are securely covered and/or drained. Said inspection shall also determine the existence of any unlawful improvements to the property and any portions of the building, including attic and basement areas, that appear to have been unlawfully occupied.

- C. If the Director requests a code compliance inspection of the interior of the building at the time he or she issues the notice of determination, the Director shall set a tentative date and time for the code compliance inspection of the interior of the vacant building. After receipt of the notice of determination that includes a tentative walk-through inspection date, if the owner does not appeal the determination, the owner shall either confirm the tentative date for the inspection or shall schedule a new date and time for same. If the owner fails to confirm the tentative date and time for the inspection or refuses to schedule or permit the inspection within a reasonable time, the Village may obtain an administrative search warrant to accomplish the inspection, and will not conduct an interior inspection of the premises without obtaining such warrant, except when there is evidence of vacancy and access to the building is unsecured or there is an actual emergency or if the Village Administrator or the Chief of Police determine that there is an actual threat to health or safety based on reliable, substantiated and sufficient evidence.
- D. The Village shall charge the owner a fee of two hundred fifty dollars (\$250.00) to offset the cost to the Village of said inspection. The owner shall pay the inspection fee to the Village within thirty (30) days of the initial inspection.
- E. Village real estate transfer stamps will not be issued by the Village for the sale of such property until such inspection has taken place, if requested by the Director, and the fee therefor or the fee without inspection has been paid and, if deemed necessary by the Director, an administrative search warrant for the same has been timely obtained.
- F. The notice of determination shall contain a statement of the obligations of the owner of a building determined to be a vacant building, a copy of the registration from the owner is required to file pursuant to section 9-25-6 of this chapter, and a notice of the owner's right to appeal the Director's determination.

9-25-5: APPEAL OF VACANT BUILDING DETERMINATION:

- A. An owner of a building determined by the Director to be a vacant building as provided for in this chapter may appeal that determination to the Village Administrator. Such appeal shall be in writing and shall be filed with the Village Administrator within fifteen (15) days of the date of mailing of the notice of determination. The filing of an appeal stays the owner's obligation to register his or her building as required by section 9-25-6 of this chapter. The appeal shall contain a complete statement of the reasons the owner disputes the Director's determination, shall set forth specific facts in support thereof, and shall include all evidence the owner relies upon to support the appeal. The Village Administrator or her designee shall decide the appeal on the basis of facts presented by the owner in his or her written appeal and the Director's written determination.

- B. The burden is upon the owner to present sufficient evidence to persuade the Village Administrator that it is more likely than not that the subject building is not a “vacant building” within the meaning of this chapter.
- C. The Village Administrator, or her designee, shall send a written decision to the owner within ten (10) days of her receipt of the appeal. The Village Administrator may, but is not required to, seek additional information from the owner. The Village Administrator, or her designee, may, upon written notice thereof to the owner, take ten (10) additional days, to decide the appeal if she determines that such additional time is required for consideration of the appeal.
- D. An owner who wishes to challenge applicability of this chapter to his/her building prior to the Director’s determination having been made shall set forth specific facts to support inapplicability in a writing to the Director. In the event the Director determines that the subject building is a “vacant building,” the owner shall have the right to appeal the Director’s determination to the Village Administrator as provided for herein.
- E. If the Village Administrator, or her designee, fails to grant or deny an appeal within the time periods set forth in this section, the appeal shall be deemed denied.
- F. All references to the Village Administrator in this chapter shall be deemed to include the Village Administrator or her designee.

9-25-6: OBLIGATION TO REGISTER VACANT BUILDINGS AND FORECLOSED UNOCCUPIED BUILDINGS

Owners of “vacant buildings” and mortgage lenders who acquire title to unoccupied buildings shall be required to register the same with the Director as prescribed below:

- A. Owner’s Obligation To Register Vacant Buildings: The owner of a building that the Director has determined to be a “vacant building,” or the owner of a building whose appeal from the Director’s determination has been denied by the Village Administrator, or the owner of a building who knows, or from all the facts and circumstances should know, that his or her building is or has become a “vacant building” within the meaning of this chapter, shall take the actions provided for in this section within fifteen (15) days after either the date of Director’s notice of determination, the denial of the owner’s appeal, or the occurrence of facts that would cause a reasonable person to believe that the building was a “vacant building.”
  - 1. Registration of Building: The owner of a “vacant building” shall be required to register the building with the Director on a form provided by the Director and pay a two hundred dollar (\$200.00) annual non-prorated vacant building registration fee. This annual registration fee shall be in addition to the two hundred and fifty dollar (\$250.00) inspection fee set forth in Section 9-25-4:D.

- a. The form shall include, as a minimum, the name, street address, and telephone number of the owner; the case name and number of any litigation pending concerning or affecting the building, including bankruptcy cases; and the name, street address, and telephone number of all persons with any legal, equitable or beneficial interest in the building or the premises. The form shall require the owner to identify and authorize a natural person twenty-one (21) years of age or older who maintains a permanent address in Cook, DuPage or Kane County to accept service on behalf of the owner with respect to any notices the Director sends pursuant to this chapter or service of process in any proceeding commenced to enforce any provision of this chapter, and file with the Director on the registration form, the name, address, telephone number, of said person. A street address is required; a post office box is not an acceptable address.
  - b. The form shall state that the owner, by affixing his or her signature, is advised that the Village will not issue real estate transfer stamps without the Director, or his designee, having first conducted an interior inspection for code compliance and the other items listed in Section 9-25-4:B.
  - c. The form shall require the owner to:
    - (1) Indicate his or her "Acceptance of Notice by Posting" consenting to service of notices sent or required to be sent, pursuant to this chapter, by posting on the building if the owner fails to renew the registration if required, or maintain as current with the Director the information required regarding the person designated and authorized to accept notice and service of process;
    - (2) Renew the vacant building registration each year on the anniversary date of the first filing for the time the building remains vacant and pay the required two hundred dollar (\$200.00) annual fee; and,
    - (3) File an amended registration within fifteen (15) days of any change in the information contained in the annual registration. A new registration is required for any change in ownership whatsoever.
  - d. Registration does not exonerate the owner from compliance with all applicable codes and ordinances, including this chapter, nor does it preclude any of the actions that the Village is authorized to take pursuant to this chapter or elsewhere in this code, or elsewhere in the Bartlett Municipal Code.
2. Inspection Conducted: The Village shall send the inspection report to the owner within thirty (30) days. The owner shall allow for a code compliance inspection of the interior of the vacant building and pay the \$250 fee therefor

to defray the cost of said inspection. The inspection report shall include a reasonable date by which code compliance shall be required, and periodic reinspections shall take place, as necessary, until code compliance is achieved.

3. Insurance Required: The owner shall obtain liability insurance and maintain such insurance for as long as the building is vacant, and file evidence of such insurance with the Director, as follows: five hundred thousand dollars (\$500,000.00) for a vacant residential building of one (1) to three (3) units; seven hundred fifty thousand dollars (\$750,000.00) for a vacant residential building of four (4) to eleven (11) units; one million dollars (\$1,000,000.00) for a vacant residential building of twelve (12) to forty-eight (48) units; two million dollars (\$2,000,000.00) for a vacant residential building of more than forty-eight (48) units; and two million dollars (\$2,000,000.00) for a vacant manufacturing, industrial, storage, or nonresidential commercial building.
4. Vacant Building Plan: Unless waived in writing by the Director at the time of his or her determination that the building is a “vacant building”, the owner submit a vacant building plan at the time a building is registered as required herein. The Director may prescribe a form for the plan. If the owner fails to submit the plan if so requested and as provided for by this chapter, the Director may determine the plan, which he may allow to be modified after conducting a code compliance inspection and follow up inspections for code compliance. The plan shall contain the following as a minimum:
  - a. A plan of action to repair any doors, windows, or other openings which are boarded up or otherwise secured or covered by any means other than conventional methods used in the design of the building or permitted for new construction or similar type. The proposed repair shall result in openings being secured by conventional methods used in the design of the building or by methods permitted for new construction of similar type with board removed. Boarding shall be accomplished with materials and methods described by the Director and available from the Director. The owner shall maintain the building in an enclosed and secure state until the building is reoccupied or made available for immediate occupancy. If the owner demonstrates that securing of the building will provide adequate protection to the public, the Director may waive the requirement of an enclosure.
  - b. For buildings and/or premises which are determined by the Director as being or containing public nuisances, as defined in section 9-25-3 of this chapter, then the vacant building/ premises plan shall contain a plan of action to remedy such public nuisance(s).
  - c. A time schedule identifying a date of commencement of repair and date of completion of repair for each improperly secured opening and nuisance identified by the Director.

- d. When the owner proposes to demolish the vacant building, then the owner shall submit a plan and time schedule for such demolition. The owner shall insure all necessary permits and approvals are obtained prior to commencing demolition.
- e. A plan of action to maintain the building and/or premises thereof in conformance with this chapter.
- f. A plan of action, with a time schedule, identifying the date the building will be habitable and occupied or offered for occupancy or sale. The time schedule shall include date(s) by which all necessary permits shall be procured, date(s) of commencement and completion of all actions required to achieve habitability. No plan which fails to provide for compliance with this chapter or, which will not, as determined by the Director, achieve such compliance, within thirty (30) days, in the case of a vacant boarded building, and within one year, in the case of a vacant, unboarded, and code compliant building will be approved, except that the Director may approve an extension of the time during which the building will be unoccupied beyond one year to a date certain but then only based upon clear and documented evidence of good cause shown by the owner as determined by the Director.
- g. All premises upon which unoccupied or vacant buildings are located shall at all times be maintained in compliance with the Bartlett Municipal Code, as amended, including, but not limited to, the following:
  - (1) Interior: All interior structures shall be maintained in a clean, safe, secure and sanitary condition. Special attention shall be made to utilities and, if applicable, sump pumps and other related devices shall be kept operational. Winterization of structures shall be completed as necessary.
  - (2) Exterior: All exterior structures and property shall be maintained and kept free of items that give the appearance that the property is abandoned, including, but not limited to, overgrown and/or dead vegetation, accumulation of newspapers, circulars, flyers and/or mail, past due utility notices and/or disconnected utilities, or the accumulation of junk or debris.
- h. For vacant commercial property exterior lighting shall be maintained according to standards established by the Director and available from the Director.
- i. For vacant commercial property, all ground floor windows facing street frontage, including, but not limited to, all display windows in unoccupied or vacant commercial buildings shall be kept in a well maintained and clean

condition and shall be covered on the interior side in a professionally finished manner with an opaque window covering material manufactured for that purpose and approved by the Director, or in the case of display windows, such windows shall be kept in a well maintained and clean condition and the display area shall be enclosed with a professionally finished backdrop, floor, side walls and ceiling all of which shall be kept in a well maintained and clean condition and shall be well lighted from ten o'clock (10:00) A.M. to ten o'clock (10:00) P.M. each day unless waived by the Director in the event electricity has been shut off to the commercial building. Photographs, paintings and other works of art or other tasteful forms of decoration may be professionally displayed in these properly enclosed clear glass display windows. If opaque window covering material is used, a one foot by one foot (1' x 1') clear glass opening through which the interior space is clearly visible shall be maintained at standing eye level along one edge of one such window.

5. Security Guard Service: In the event the Director makes a written determination that the vacant commercial or industrial building constitutes a fire hazard, is otherwise dangerous to human life or the public welfare, involves illegal or improper use, occupancy, or maintenance, under such conditions that securing the building is insufficient to prevent the actual or threatened harm, the Director shall provide notice thereof to the owner and may require the owner to provide bonded, licensed and insured security guard service at the building between the hours of 4:00 p.m. and 8:00 a.m. as part of its vacant building plan.
  6. Additional Information Posted: Affix to any building which is boarded, a weatherproof eight and one-half (8.5) inch by eleven (11) inch sign which provides the following information: the name, address, and telephone number of the owner, the name, address and telephone number of the person authorized to accept notice and service of process and in addition, for buildings which are the subject of a foreclosure action, the name, address, and telephone number of the plaintiff and the plaintiff's attorney, if any, in the foreclosure action. The sign must be placed so that its message is legible from the public way.
- B. Mortgage Lender's Obligation to Register Unoccupied Buildings Acquired through Mortgage Foreclosure: The obligation to register buildings shall extend to mortgage lenders that have obtained title to unoccupied buildings through a mortgage foreclosure action.
1. Mortgage lenders shall register unoccupied buildings with the Director within fifteen (15) days of the date it knew or should have known that the building was unoccupied after the initiation of mortgage foreclosure proceedings, or within fifteen days of obtaining title to same.

2. Mortgage lenders obtaining title to properties containing an unoccupied building shall comply with all of the requirements of this chapter with respect to ownership of vacant buildings.
3. An amended registration form shall be filed in accordance with subsection A. of this section, within fifteen (15) days of any change in the information provided in any registration form provided hereunder, and a vacant building plan shall be filed in accordance with paragraph 4, subsection A, of this section within thirty (30) days of obtaining title to an unoccupied building, unless said requirement has been waived or extended in writing by the Director prior to the expiration for said thirty (30) days.

9-25-7: APPROVAL OF PLAN:

- A. Review of Vacant Building Plan: If required by this chapter, the Director shall review the proposed vacant building plan in accordance with the standards below. The Director shall send notice to the owner of the vacant building of his or her determination.
- B. Standards For Vacant Building Plan Approval: In considering the appropriateness of a vacant building plan, the Director shall include the following in his or her consideration and shall make written findings as to each:
  1. The purposes of this chapter and intent of the Village Board to minimize the time a building is boarded or otherwise vacant.
  2. The effect of the building and the proposed plan on adjoining property.
  3. The length of time the building has been vacant.
  4. The presence of any public nuisances on the property.
  5. The likelihood that the plan or portion(s) thereof will prevent or ameliorate the condition it is designed to address.

9-25-8: AUTHORITY TO MODIFY PLAN; RIGHT TO APPEAL:

The Director shall, upon notice to the vacant building owner, have the right to request an interior inspection and/or to request a vacant building plan at any time after making his or her initial written determination of a vacant building and to require the owner to modify the vacant building plan by modifying the dates of performance, the proposed methods of action, or by imposing additional requirements consistent with this chapter he or she deems necessary to protect the public health, safety, or welfare. The owner may appeal the Director's determination under this section by filing an appeal in writing with the Village Administrator within fifteen (15) days from the date of mailing such a determination. Appeals under this section shall be reviewed in accordance with the procedures set forth in section 9-25-5.

9-25-9: FAILURE TO COMPLY WITH PLAN:

Failure to have an approved vacant building plan within thirty (30) days of filing the registration form or failure to comply with the approved plan shall constitute a violation of this chapter subjecting the owner of the building to penalties as provided in this chapter and to any remedies the Village may avail itself of as provided for herein and elsewhere in this code, as amended, including, but not limited to, an action to compel correction of property maintenance violations.

9-25-10: OTHER ENFORCEMENT:

The registration of a vacant building shall not preclude action by the Village to demolish or to take other action against the building pursuant to other provisions of this chapter, this code, or other applicable legislation.

9-25-11: REAL ESTATE TRANSFER STAMPS:

A premises upon which is situated a vacant building for which an interior inspection has been requested by the Director, but which has not been conducted, or for which inspection fees or registration fees imposed pursuant to this chapter have not been paid in full, or which is not otherwise eligible under this chapter for the Village real estate transfer stamps shall not be permitted to acquire same until such inspection has been conducted, all fees are paid and/or the eligibility issues are addressed. Unpaid fees shall be a lien upon the property.

9-25-12: OCCUPANCY PERMIT:

An occupancy permit for vacant buildings issued by the Building Department and payment in full of all fees imposed pursuant to this chapter shall be required prior to any occupancy of a vacant building. Nothing contained in this chapter shall be construed to waive or modify the requirements to procure a building permit for any work or improvements to any vacant building or structure as provided in this code.

9-25-13: TIME RESTRICTIONS FOR BOARDED BUILDINGS:

Boarded buildings are declared to be a public nuisance. Boarding is only a temporary solution to prevent unauthorized entry into a vacant building. A vacant building may not remain boarded longer than sixty (60) days unless an extension of that time is part of a Vacant Building plan approved by the Director.

9-25-14: ENFORCEMENT AND PENALTIES:

- A. Any person found to have violated any provision of this chapter shall be subject to a minimum fine of one hundred dollars (\$100.00) per day per violation to a maximum of seven hundred fifty dollars (\$750.00) per day per violation, in addition to any other legal or equitable remedies available to the Village. Such

other remedies include, but are not limited to, injunctive relief, application to a court of competent jurisdiction for a receiver, demolition, or condemnation, contracting for the repair or purchase of the premises, or foreclosure of any lien the Village may have thereon.

- B. A separate and distinct offense shall be committed each day on which such person or persons shall violate the provisions of this chapter.
- C. The Village may enforce this chapter through filing an appropriate action in the Circuit Court of Cook County, Illinois; in the Circuit Court for the Eighteenth Judicial Circuit, DuPage County, Illinois; or in the Circuit Court for the Sixteenth Judicial Circuit, Kane County, Illinois.
- D. Nothing herein contained shall prohibit the Village from immediately condemning as provided in this code, a building or taking other immediate action upon a determination that the building is a public nuisance or poses an imminent danger to the occupants of the building, or the public, health, safety and welfare.

**SECTION TWO: SEVERABILITY.** If any section, paragraph or provision of this Ordinance shall be held to be invalid or unenforceable for any reason, the invalidity or unenforceability of such section, paragraph or provision shall not affect any of the remaining provisions of this Resolution.

**SECTION THREE: REPEAL OF PRIOR ORDINANCES.** All prior Ordinances and Resolutions in conflict or inconsistent herewith are hereby expressly repealed only to the extent of such conflict or inconsistency.

**SECTION FOUR: EFFECTIVE DATE.** This Ordinance shall be effective ten (10) days after its passage, approval and publication in pamphlet form, as required by law.

**ROLL CALL VOTE:**

**AYES:** Trustees Kelly, Martin, Nolan, Shipman

**NAYS:** None

**ABSENT:** Trustees Arends, Napolitano

**PASSED:** February 19, 2013

**APPROVED:** February 19, 2013

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Michael A. Airdo, Village President

**ATTEST:**

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Lorna Giles, Village Clerk

**CERTIFICATION**

I, the undersigned, do hereby certify that I am the Village Clerk of the Village of Bartlett, Cook, DuPage and Kane Counties, Illinois, and that the foregoing is a true, complete and exact copy of Ordinance 2013-09 enacted on February 19, 2013, and approved on February 19, 2013, and published in pamphlet form on February 20, 2013, as the same appears from the official records of the Village of Bartlett.

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Lorna Giles, Village Clerk