

AN ORDINANCE REGULATING DANGEROUS BUILDINGS

BE IT ORDAINED by the President of the Board of Trustees and the Board of Trustees of the Village of Mendon, Illinois, as follows:

Section 1

Definitions. The term "dangerous building", as used in this article, is hereby defined to mean and include as follows:

(1) Any building, shed, fence or other man-made structure which 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 the occupants of it or of neighboring structures;

(2) Any building, shed, fence or other man-made structure which because of faulty construction, age, lack of proper repair or any other cause, is especially liable to fire, and constitutes or creates a fire hazard;

(3) Any building, shed, fence or other man-made structure which, by means of faulty construction, age, lack of proper repair or any other cause, is liable to cause injury or damage by collapsing or by a collapse or fall of any part of such structure;

(4) Any building, shed, fence or other man-made structure which, because of its condition or because of lack of doors or windows, is available to and frequented by malefactors or disorderly persons who are not lawful occupants of such structure.

Section 2

Nuisance. Any such dangerous building in the Village is hereby declared to be a nuisance.

Section 3

Maintaining Nuisance. It shall be unlawful to maintain or permit the existence of any dangerous building 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 4

Abatement. Whenever the Board of Trustees, the fire chief, or the director of the Adams County Health Department shall be of the opinion that any building or structure in the Village is a dangerous building, they shall file a written statement to this effect with the city attorney. The city attorney shall thereupon cause written notice to be served upon the owner thereof, and upon the occupant thereof, if any, by registered mail or by personal service. Such notice shall state that the building has been declared to be in dangerous condition, and that such dangerous condition must be removed or remedied by repairing or altering the building or by demolishing it; and that the condition must be remedied at once. Such notice may be in the following form:

"To _____ (Owner-occupant of this premises) of the premises known and described as _____.

"You are hereby notified that (describe building) on the premises above described has been condemned as a nuisance and is a dangerous building after inspection by _____.

"The causes for this decision are (here insert the facts as to the dangerous condition).

"You must remedy this condition or demolish the building immediately or the village will proceed to do so."

If the person receiving such notice has not complied therewith within ten (10) days from the time when this notice is served upon such person by personal service or by registered mail, the fire chief may, upon orders of the council, proceed to remedy the condition or demolish the dangerous building.

Section 5

Fire Limits. Any building or structure within the corporate limits of the village which has or may be damaged by fire, decay, or other cause to the extent of fifty per cent (50%) of its value, shall be torn down or removed.

Upon written notice by the Board of Trustees, the fire chief, or the Adams County Health Department, filed with the village clerk, the clerk shall notify the president of the village board of the receipt of such notice. The president shall then appoint two trustees and a building contractor to determine whether or not such building or structure has been damaged to the extent of fifty per cent (50%) of its value. A copy of said notice, together with a notice of the appointment of the committee to determine the damage,

shall be served upon the owner of the premises by personal service or by registered mail to his last known address.

Such notice may be in substantially the following form:

"To _____ (owner of the premises).

"You are hereby notified that _____ has determined that the building owned by you at _____ located within the fire limits of the village has been damaged by fire, decay or otherwise to the extent of fifty per cent (50%) of its value; and that a committee of three members has been appointed to verify this finding, which committee will hold its first meeting in the council chambers of the village hall on the _____ day of _____, 19 ____ at the hour of _____ o'clock at which time it will determine whether this finding is correct.

"If this finding is verified by the board, you must tear down and remove the said building.

If the committee of three members determines that the building in question has been damaged to the extent of fifty per cent (50%) of its value, it shall be the duty of the owner to tear down or remove the said building within twenty (20) days after the finding of the committee; and it shall be unlawful to occupy or permit such building to be occupied after such finding.

Section 6

Unknown Owners. If the owner of the premises concerned is unknown, or if his address is unknown, service of any notice provided for in this article may be made by posting a copy thereof on the premises and by publishing one time a copy thereof in a newspaper published within the village.

Section 7

Alternative Action. In addition to the actions authorized by other sections of this article, the chief of the fire department or any other municipal official whose duty it is to investigate fires, may make the investigation authorized by the Illinois Revised Statutes, Chapter 127½, paragraphs 9 to 14. If such officer shall find that any building or structure is so occupied or situated as to endanger persons or property, or by reason of faulty construction, age, lack of repair or for any other cause is especially liable to fire, or is liable to cause injury by collapsing or otherwise, he shall so notify the owner or occupant of the premises. Service of such notice may be made in person or by registered mail, and any person so notified may appeal from the decision of such officer in the manner provided by law.

Further Alternative Action.

(1) Unsafe Buildings: The corporate authorities of the Village of Mendon may demolish, repair or cause the demolition or repair of dangerous and unsafe buildings or uncompleted and abandoned buildings within the territory of the Village of Mendon. No building may be boarded up or otherwise enclosed.

(2) Complaint in Circuit Court: Notice: The corporate authorities shall apply to the circuit court of the county in which said building is located for an order authorizing such action to be taken with respect to any such building if the owner or owners thereof, including the lien holders of record, after at least 15 days' written notice by mail so to do, have failed to put such building in a safe condition or to demolish it. It is not a defense to such cause of action that the building is boarded up or otherwise enclosed nor may the court order such building boarded or otherwise enclosed. Where, upon diligent search, the identity or whereabouts of the owner or owners of any such building, 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.

(3) Lien: The cost of such demolition or repair incurred by such municipality or by a lien holder of record is recoverable from the owner or owners of such real estate and is a lien thereof, which lien is superior to all prior existing liens and encumbrances, except taxes; provided that, within sixty (60) days after such repair or demolition, the corporate authorities or the lien holder 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 for Adams County. The notice must consist of a sworn statement setting out the following:

- (a) A description of the real estate sufficient for identification thereof;
- (b) The amount of money representing the cost and expense incurred; and

(c) The date or dates when the cost and expense was incurred by the Village of Mendon or by the lien holder of record.

Upon payment of the cost and expense by the owner of or persons interested in the property after notice of lien has been filed, the lien shall be released by the Village of Mendon or person in whose name the lien has been filed and the release may be filed of record as in the case of filing notice of lien.

(4) Foreclosure of Lien: The lien may be enforced by proceedings to foreclose as in case of mortgages or mechanics' liens as provided by state statute. Suit to foreclose this lien must be commenced within three years after the date of filing notice of lien.

Section 9

Penalty. Any person, firm or corporation who violates any of the provisions of this ordinance shall be fined not less than Fifty Dollars (\$50.00) or more than Two Hundred Dollars (\$200.00) for each offense, and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

Section 10

This ordinance shall take effect and be in full force from and after its passage, approval and publication as provided by law.

Passed by the Board of Trustees of the Village of Mendon this 1st day of Sept, 1981.



Village Clerk

Approved: The 1st day of September, 1981.



President, Board of Trustees

Published: The 1st day of September, 1981.