VILLAGE OF FLANAGAN
LIVINGSTON COUNTY, ILLINOIS

ORDINANCE NO. 2022-03

AN ORDINANCE ESTABLISHING VACANT BUILDING REGISTRATION WITHIN THE VILLAGE OF FLANAGAN

ADOPTED BY
THE PRESIDENT AND BOARD OF TRUSTEES
OF THE
VILLAGE OF FLANAGAN

This 19th day of July 2022

VILLAGE OF FLANAGAN, ILLINOIS

ORDINANCE NO. 2022-03

AN ORDINANCE ESTABLISHING VACANT BUILDING REGISTRATION WITHIN THE VILLAGE OF FLANAGAN

FINDINGS AND INTENT.

(A) The Village Board of Trustees finds that vacant buildings have caused significant problems for the village including but not limited to frozen pipes, leaks in water lines and utilities, building becoming dilapidated and unsafe, and the building becoming attractive nuisances, and negative impacts on nearby property values. The Village Board of Trustees finds that boarded-up windows and doors should only be a temporary solution to prevent unauthorized entry into a building. The Village Board of Trustees finds that windows and doors boarded up for an extended time negatively impact the property values and serve as a notice that the building is vacant.

(B) this chapter intends to protect the public health safety and welfare by:

(1) Establishing a program for identification registration and maintenance of buildings that are or become vacant on and after the effective date of this ordinance.

(2) Determining the responsibilities of the owners of record of vacant buildings; and

(3) Providing for additional means of avoidance and abatement of public nuisances.

DEFINITIONS.

The following terms shall apply to this chapter as written unless the context indicates or requires different meanings:

OWNER. Any person, agent, operator, partnership, corporation, or entity having a legal or equitable interest in a Vacant Building; or recorded in the official records of the state, county, or municipality as holding title to the same; or otherwise having control of the same, including the guardian of the estate of any such person, and the executor or administrator of the estate or a mortgage holder in possession of a mortgage holder after the entry of an order for foreclosure and sale.

VACANT BUILDING.

(1) A building with one or more of the following conditions:

(a) A building or portion thereof which lacks the habitual presence of human beings who have a legal right to be on the premises; or

(b) A building within which substantially all lawful residential or business activity has ceased.

(c) A building substantially devoid of contents.

(d) A building that lacks active utility services such as water, sewer, electric, or natural gas.

(e) A building having open doors or windows.

(f) A building without functioning doors or windows or with boarded-up doors or windows.

(g) A building subject to a mortgage foreclosure action for one year or longer or held by a lender following a foreclosure action for one year or longer.

(h) A building located on a property that shows signs of a lack of any regular maintenance with the presence of nuisance greenery.

(2) A ***VACANT BUILDING*** does not include a building:

(a) That is listed for sale provided the buildings have not been listed for sale for more than six consecutive months within the past 24 months.

(b) That is listed for rent provided the property has not been listed for rent for more than six months within the past 24 months.

(c) That is subject to an active building permit provided the building permit has not been in effect for more than six months and provided the total of all building permits for the property has not exceeded six months within the last 24 months.

DECLARATION OF VACANT BUILDINGS.

(A) The Zoning Committee or their designee shall determine in writing if a building is vacant. A copy of such a written determination shall be sent to the person designated by the County of Livingston as receiving the real estate tax bill regarding said premises. The written determination shall be sent by certified mail, return receipt requested, or by personal or substitute service, and posted on a conspicuous location on the building. Proof of mailing shall be prima facie evidence of receipt of the notice. The written determination shall include the following:

(1) The street address of the building or a description sufficient for identification;

(2) A statement requiring the proper owner to register the building with the Office Administrator within 30 days of the mailing of the notice;

(3) A statement identifying any maintenance work required for the building.

(4) A vacant building registration form.

(5) A form to be completed to appeal the determination that the property is vacant.

(B) An appeal of the declaration finding a building vacant may be made to the Board of Trustees. The appeal must be made in writing and shall be filed with the Office Administrator within 30 days of the date of mailing, service, or posting of the notice of declaration. The appeal shall contain a complete statement of the reasons the owner

disputes the declaration, shall set forth specific facts in support thereof, shall include all evidence the owner relies upon to support the appeal and shall provide means for making immediate contact with the owner. The filing of an appeal states the owner's obligation to register the building. The Office Administrator shall set the matter for hearing before the Board of Trustees and provide at least ten days' written notice to the owner of the date of said hearing. The burden is upon the owner to present sufficient evidence to show that the building is not vacant. The Board of Trustees shall decide the appeal after a hearing. If the owner is not present at the hearing, the Office Administrator shall send written notice of the decision to the owner within ten days after the hearing.

REGISTRATION OF VACANT BUILDINGS.

(A) Whenever any building is declared vacant, then the owner of such building shall within 30 days complete and file with the Office Administrator a vacant building registration and pay the vacant Building registration fee. The form shall include, as a minimum:

(1) The names of all owners which shall include the principals of any partnership, corporation, trust, or other entity, and their contact information include mailing address, telephone number, and/or e-mail including contact information for emergency purposes. A post office box is not an acceptable address.

(2) The case name and number of any litigation pending concerning or affecting the vacant building, including bankruptcy cases; and the name, street address, email address, and telephone number of all persons with any legal interest in the vacant building or the premises.

(5) Identify building and repair plans to comply with maintenance requirements for vacant buildings.

(6) Identify if the building is intended to be demolished and if so the intended time frame and contractor for demolition.

(7) Identify if the building is intended to be sold and if so when the building will be placed on the market for sale and the identity of a licensed realtor or other means for listing the property for sale.

(B) Renewal registration requirements. The owner of a vacant building shall renew the vacant building registration annually.

(C) Fees. The initial registration fee for a building shall be $300. The building shall be re-registered annually. The annual registration fee for each renewal shall increase by $100 each year from the prior year but shall not exceed $1,000.

(D) Amendment to registration. An amended registration form shall be filed within 30 days of any change of information provided on the registration form or if the owner requests that the building no longer be declared vacant. The burden is on the owner to illustrate that the building is no longer vacant. There is no charge to amend the owner's registration information or to request a village finding that the building is no longer vacant.

(E) Registration does not exonerate the owner from compliance with all applicable codes and ordinances adopted by the village including this ordinance or found elsewhere in the Board of Trustees.

MAINTENANCE REQUIREMENTS FOR VACANT BUILDINGS.

Any owner of a vacant building shall maintain such building to comply with the following minimum standards.

(A) Any vacant building shall contain secure windows, and doors, and have a functioning roof to protect the building from weather conditions and be protected from entry by birds and other animals.

(B) Any vacant building shall be maintained to prevent nuisance greenery.

(C) Any vacant building shall be protected from rodents or other pests.

(D) Garbage, debris, and graffiti shall be removed from the building within 60 days of any required vacant building registration or within 60 days from any demand for repairs made by the Board of Trustees.

(E) Any boarded-up windows or doors shall be improved with functioning doors and windows within 60 days of any required vacant building registration or within 60 days from any demand for repairs made by the Board of Trustees.

(F) Any failed roof or building condition not protecting the building from weather conditions or entry by birds and other animals shall be corrected within 60 days of any required vacant building registration or within 60 days from any demand for repairs made by the Board of Trustees.

(G) Utility connections including water, electricity, and gas shall be disconnected from any vacant building remaining or declared by the village to be vacant for a year.

ENFORCEMENT AND PENALTIES.

(A) Failure to comply with any requirement of Ordinance 2022-03 shall be subject to a fine of no less than $300 and no more than $750 plus court costs. A separate offense shall be deemed committed upon each day during which a violation occurs or continues.

(B) The failure to abide by Ordinance 2022-03, shall be considered a basis for the village requesting and obtaining an administrative search warrant to enter a building for health safety and general welfare purposes, to inspect for ordinance violations and nuisance conditions to treat and remediate any nuisance conditions or as a basis to seek any equitable remedy.

(C) The failure to abide by Ordinance 2022-03, shall be considered a basis for the village filing an action to remediate a nuisance.

(D) Any violation of this ordinance also constituting a violation of any other ordinance of the Code of Flanagan may be enforced by any means otherwise authorized by the Code of Flanagan.

(E) The Board of Trustees may grant an extension of time-to-time limits established by this Ordinance 2022-03 if made in writing and incorporated into the terms of the building permit or demolition permit.

(F) The listing for sale or rent of a vacant property shall not be an affirmative defense against the Village enforcing the requirements of this Ordinance 2022-03.

PRESENTED to the Board of Trustees of the Village of Flanagan, Livingston County, Illinois this 19th of July 2022.

PASSED by the Board of Trustees of the Village of Flanagan, Livingston County, Illinois, this 19th day of July 2022.

SIGNED by the President of the Board of Trustees of the Village of Flanagan, Livingston County, Illinois, this 19th day of July 2022.

AYES: 5

NAYES: 0

ABSENT: 1

David Iverson
Village President
Village of Flanagan

ATTEST:

Abbi L. Tower Simpkins
Village Clerk
Village of Flanagan

IL (SEAL)

VACANT PROPERTY REGISTRATION

Fee payable to Village of Flanagan ($300 initial fee)

Vacant Property Address & Identification:

Street Address:

_____

PIN: _____

Ownership:

Individual(s): _____

Entity name(if applicable):_____

Type of entity _____

Contact person and information (mail, phone, e-mail, fax etc.) (list all principals of entities)

_____

_____

_____

Identify any current litigation involving property (i.e. foreclosure, estate) (case #, name, location)

_____

Is property for sale or to be listed for sale? (If so, when to be listed and how listed)

_____

Are improvements on property to be demolished? (If so, when and anticipated contractor)

_____

Utilities & Services:

Electricity: ON ( ) OFF ( )

Gas: ON ( ) OFF ( )

Water: ON ( ) OFF ( )

Identify contractor or person to perform repairs and time frame to complete repairs for any repair demands made the City Zoning Officer/Building Inspector:

_____

_____

All Fees Must Be Paid with Application.

This Registration is subject to approval by the Village of Flanagan.

This registration does excuse the Owner from compliance with all applicable codes and ordinances adopted by the Village of Flanagan.

Vacant Property Registration shall be signed by the property owner or authorized agent:

_____ _____

signature printed name

Title: _____

(owner, occupant, president, manager etc)