

**VILLAGE OF DOLTON  
COOK COUNTY, ILLINOIS**

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**ORDINANCE NO. 17-013**

**AN ORDINANCE REPEALING TITLE 3, CHAPTER 24, "VACANT BUILDINGS; OWNER REQUIRED TO ACT; ENFORCEMENT AUTHORITY", AS AMENDED, AND AMENDING TITLE 8, "BUILDING REGULATIONS", BY ADDING NEW CHAPTER 16, "VACANT BUILDING AND FORECLOSURE REGISTRATION PROGRAM", OF THE VILLAGE OF DOLTON MUNICIPAL CODE THERETO**

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**WHEREAS**, the Village of Dolton is a home rule unit of local government pursuant to the provisions of Article VII, Section 6, of the Illinois Constitution; and

**WHEREAS**, as a home rule unit of local government, the Village may exercise any power and perform any function pertaining to its government and affairs, except as limited in accordance with Article VII, Section 6, of the Illinois Constitution; and

**WHEREAS**, the Village previously adopted Ordinance No. 09-485, "An Ordinance of the Village of Dolton Establishing the Vacant Building Owner Required to Act; Enforcement Authority at Title 3, Business and License Regulations, Chapter 24, of the 1988 Municipal Code of the Village of Dolton"; and

**WHEREAS**, Ordinance No. 09-485 was subsequently amended by Ordinance No. 10-499, "An Ordinance of the Village of Dolton Amending Ordinance 09-485 Entitled An Ordinance Establishing the Vacant Building Owner Required to Act; Enforcement Authority at Title 3, Business and License Regulations, Chapter 24, of the 1988 Municipal Code of the Village of Dolton; and

**WHEREAS**, Ordinance 09-485 was further amended by Ordinance No. 17-008, "An

Ordinance Amending Section 3-24 of the Dolton Village Code, “Vacant Building, Owner Required to Act; Enforcement Authority“; and

**WHEREAS**, following the recession, the Village of Dolton, like many communities throughout the United States, experienced a rise in the number of foreclosures village-wide; and

**WHEREAS**, foreclosed properties can lead to an increased number of vacant properties, which, when vacant for an extended period of time, may constitute a detriment to the public health, safety and welfare of the community; and

**WHEREAS**, vacant and foreclosed properties may pose a danger to police officers, firefighters, and building inspectors/code enforcers entering the premises in response to emergencies or in the normal course of their duties; and

**WHEREAS**, vacant properties are unsightly and diminish neighboring property values and neighbors' sense of well-being and allowing vacant properties to remain indefinitely vacant, even in the absence of code violations, is detrimental to the interests of the public health, safety and welfare of the residents of the Village; and

**WHEREAS**, vacant properties require greater code enforcement activities that result in greater financial costs to the Village; and

**WHEREAS**, properties with defaulted mortgages that are neglected and have unsecured, accessible structures have a negative impact on community value, create conditions that invite criminal activity, and foster an unsafe and unhealthy environment for children; and

**WHEREAS**, oftentimes, the foreclosing party (mortgagee) or property owners are often out of state, making it difficult to notify the proper party of Village code violations and to maintain the requisite level of maintenance and security on such structures or lots; and

**WHEREAS**, the corporate authorities of the Village of Dolton recognize that a more

regulated method is needed to discourage registrable property owners and mortgagees from allowing their properties to be abandoned, neglected or left unsupervised; and

**WHEREAS**, the corporate authorities find that these foreclosing and/or vacant properties and implementation of maintenance and monitoring plans will discourage property owners and mortgagees responsible for such properties from allowing such properties to remain vacant indefinitely and may prevent these properties from becoming a burden to the residents and taxpayers of the Village and provide the basis for returning these properties to their intended use and to the tax rolls highest asset property tax value; and

**WHEREAS**, the abatement of nuisances caused by such properties, the repair and rehabilitation of such properties and their subsequent occupancy is recognized in the best interests of the residents of the Village; and

**WHEREAS**, the corporate authorities have concluded that it is in the best interests of the health, safety and welfare of its residents to impose registration requirements of registrable property within the Village to discourage registrable property owners and mortgagees from allowing their properties to be abandoned, neglected or left unsupervised; and

**WHEREAS**, the corporate authorities have determined that it is in the best interests of the Village and its citizens to repeal Ordinances 09-485, 10-499 and 17-008 and to create a new Chapter to regulate both vacant and foreclosed properties.

**NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND BOARD OF TRUSTEES OF THE VILLAGE OF DOLTON, COOK COUNTY, ILLINOIS**, in the exercise of its home rule authority, as follows:

**SECTION 1: Recitals.** The recitals set forth hereinabove, are hereby incorporated as of fully set forth herein.

**SECTION 2: Repealed.** Chapter 24 of Title 3, “Business and License Regulations”, of the Municipal Code of the Village of Dolton (Ordinance No. 09-485), “An Ordinance of the Village of Dolton Establishing the Vacant Building Owner Required to Act; Enforcement Authority at Title 3, Business and License Regulations, Chapter 24, of the 1988 Municipal Code of the Village of Dolton”, Ordinance No. 10-499, “An Ordinance of the Village of Dolton Amending Ordinance 09-485 Entitled An Ordinance Establishing the Vacant Building Owner Required to Act; Enforcement Authority at Title 3, Business and License Regulations, Chapter 24, of the 1988 Municipal Code of the Village of Dolton”, and Ordinance No. 17-008, “An Ordinance Amending Section 3-24 of the Dolton Village Code, “Vacant Buildings; Owner Required to Act; Enforcement Authority”, are **HEREBY REPEALED** in their entirety.

**SECTION 3:** Title 8, “Building Regulations”, of the Municipal Code of the Village of Dolton, as amended, is hereby further amended by adding new Chapter 16, “Vacant Building and Foreclosure Registration Program”, thereto, to read as follows:

## **CHAPTER 16**

### **VACANT BUILDING AND FORECLOSURE REGISTRATION PROGRAM**

**SECTION:**

- 8-16-1: Purpose and Intent
- 8-16-2: Other Ordinances
- 8-16-3: Definitions
- 8-16-4: Enforcement Authority; Vacant Building Determination
- 8-16-5: Obligation to Register Vacant Structures
- 8-16-6: Required Registration Information and Procedure
- 8-16-7: Owner Obligation to Post a Sign
- 8-16-8: Registration of Defaulted/Foreclosed Properties
- 8-16-9: Registration Fees; Renewal
- 8-16-10: Obligation to Secure Building
- 8-16-11: Interior Maintenance Standards
- 8-16-12: Minimum Maintenance Requirements for Lot
- 8-16-13: Public Nuisance/Abatement

- 8-16-14: Enforcement and Penalties
- 8-16-15: Administrative Adjudication

8-16-1: **PURPOSE AND INTENT:**

The purpose of this Chapter is to promote the health, safety and general welfare of the residents, workers, visitors, property owners, and proprietors of the Village and the economic stability and viability, and livability of neighborhoods in the Village by requiring the registration and monitoring of vacant properties, foreclosed and defaulted properties. This program will protect and preserve the livability, appearance and social fabric of the Village and will also protect the public from the health and safety hazards and impairment of property values resulting from the neglect and deterioration of real property and improvements.

It is the intent of the Mayor and Village Board, through the adoption of this Chapter, to establish a mechanism to protect neighborhoods from becoming blighted through the lack of maintenance and security of vacant property, occupied and vacant foreclosed property, and vacant defaulted properties, to establish a vacant property registration program and a foreclosed and defaulted property registration and abatement program; and to set forth guidelines for the maintenance of occupied and vacant and/or distressed properties. In addition, this Chapter provides for the registration and inspection of occupied properties to aid on foreclosure, prevention efforts and because such properties have an increased potential to become vacant or blighted.

This Chapter shall be construed liberally to affect its purposes.

8-16-2: **OTHER ORDINANCES:**

This Chapter shall not be construed to prevent the enforcement of other applicable ordinances, codes, legislation, and regulations that prescribe standards other than those provided herein, and in the event of conflict, the most restrictive shall apply.

8-16-3: **DEFINITIONS:**

Except as may otherwise be provided or clearly implied by context, all terms shall be given their commonly accepted definitions. For the purposes of this Chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**ABANDONED:**

Any building, structure or real property that is vacant, as defined herein, or occupied by a person or persons without a legal right of occupancy. Abandoned also includes any real property that is vacant or shows evidence of vacancy and is the subject to a lis pendens, or Notice of default and/or Notice of Sheriff's Sale, or a foreclosure sale where title was retained by the mortgagee in the foreclosure, or has been transferred under a deed in lieu of foreclosure or sale to

the mortgagee.

**ACCESSIBLE PROPERTY/  
STRUCTURE**

Property or a structure that unauthorized persons may gain access or entry to the interior space through a compromised/breached/unsecured gate, door, fence, wall, window, or other point of entry.

**AGREEMENT:**

Any agreement or written instrument which provides that title to real property shall be transferred or conveyed from owner to another owner after the sale, trade, transfer or exchange.

**ASSIGNMENT OF RENTS:**

An instrument that transfers the beneficial interest under a deed of trust from one lender/entity to another.

**BENEFICIARY:**

A lender or other person or entity holding, owning, participating in, or otherwise having an interest in the proceeds for a loan represented by a note secured by a deed of trust.

**BLIGHTED PROPERTY:**

Property that has broken or severely damaged windows, doors, walls, or roofs which create hazardous conditions and encourage trespassing; property whose maintenance is not in conformance with the maintenance of other neighboring properties causing a decrease in the value of neighboring properties; properties cited for a public nuisance pursuant to the Village Municipal Code; or property that endangers the public health, safety or welfare because the property or improvements thereon are dilapidated, deteriorated or violates minimum health and safety standards or lacks maintenance as required by applicable codes. *See also* "Dangerous or Unsafe Building".

**BOARDED:**

The partial or full covering, securing, or reinforcing with plywood, lumber, or comparable materials of windows, skylights, doors/sidelights/transoms, underfloor access, and similar exterior openings in buildings or portions thereof which is intended to dissuade, mitigate, and prevent vandalism and unauthorized entry.

**BUILDING (STRUCTURE):**

Any physical edifice that is built or installed and is located on and affixed to the land and used for or intended for supporting or sheltering any use or occupancy. These terms "building" and "structure", as used in this Chapter, shall be

synonymous and shall include any portion thereof.

CODE ENFORCEMENT  
OFFICER or INSPECTOR:

Any authorized agent or employee of the Village of Dolton whose duty it is to assure code compliance.

DANGEROUS OR UNSAFE  
BUILDING:

Any building or structure that is found to pose a danger to the life, health, property or safety of the public by failing to provide minimum safeguards and which may cause or aid in the spread of disease or cause injury to emergency personnel or to neighboring buildings, or because the building contains unsafe equipment, or is so damaged, decayed, dilapidated, or structurally unsafe or of such faulty or incomplete construction or unstable, that partial or complete collapse or systems failures are possible. *See also* "Blighted Property".

DAYS:

Consecutive calendar days.

DEED IN LIEU OF  
FORECLOSURE/SALE

A recorded document that transfers ownership of a property from the trustor to the holder of a deed of trust upon consent of the beneficiary of the deed of trust, without completion of a foreclosure proceeding.

DEED OF TRUST:

An instrument by which title to real estate is transferred to a third party trustee as security for a real estate loan. This definition applies to any and all subsequent deeds of trust, *i.e.*, second trust deed, third trust deed, *etc.*

DEFAULT:

The failure to fulfill a contractual obligation for which a mortgagee, lender or trustor files or has the ability to file a foreclosure action or public notice of default on the mortgage.

DEPARTMENT:

The Village of Dolton Housing Department.

DISTRESSED:

Any property that is subject to a current notice of default and/or notice of trustee's sale, pending tax assessors lien sale and/or any real property conveyed via a foreclosure sale resulting in the acquisition of title by an interested beneficiary of a deed of trust, and/or any real property conveyed via deed in lieu of foreclosure/sale, regardless of vacancy or occupancy by a person with no legal right to occupancy.

**EVIDENCE OF OCCUPANCY:** Any condition visible from the exterior that on its own, or combined with other conditions present, would lead a reasonable person to believe that the property is legally occupied. Such conditions include, but are not limited, secured/locked structures; active utility services; the absence of overgrown and/or dead vegetation; the absence of an accumulation of newspapers, circulars, flyers and/or mail; the absence of an accumulation of shutters; the presence of furnishings and/or personal items consistent with residential habitation; statements by neighbors, passersby, delivery agents, or government employees that the property is legally occupied; or actual contact with occupants.

**EVIDENCE OF VACANCY:** Any condition visible from the exterior 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, overgrown and/or dead vegetation; accumulation of newspapers, circulars, flyers and/or mail; past due utility notices and/or disconnected utilities; accumulation of trash, junk, and/or debris; abandoned vehicles, auto parts or materials; the absence of window coverings such as curtains, blinds and/or shutters; the absence of furnishings and/or personal items consistent with occupancy or habitation; the presence of an unsanitary, stagnant swimming pool; statements by neighbors, passersby, delivery agents, or government employees that the property is vacant; the presence of boards over doors, windows or other openings in violation of applicable codes; unsecured doors or other openings; habitation by vagrants/transients/trespassers, and lack of marketing for purposes of selling or renting property.

**FORECLOSED or FORECLOSED PROPERTY:** Property that was the subject of a foreclosure sale where the title was transferred to the beneficiary or the trustee of a deed of trust involved in the foreclosure or transferred under a deed in lieu of foreclosure or sale, and for which the trustee's deed upon sale or deed in lieu of foreclosure has been recorded.

**FORECLOSURE:** The legal process by which the mortgagee, or other lien holder, terminates a property owner's equitable right of redemption to obtain legal and equitable title to the real property pledged as security for a debt or the real property subject to the lien. This definition shall include, but is not



limited to, public notice of default, a deed-in-lieu of foreclosure, sale to the mortgagee or lien holder, certificate of title and all other processes, activities and actions, by whatever name, associated with the described process. The process is not concluded until the property obtained by the mortgagee, lien holder, or its designee, by certificate of title, or any other means, is sold to a non-related bona fide purchaser in an arm's length transaction to satisfy the debt or lien.

**INSPECTION:**

A physical investigation at a property to obtain evidence of occupancy or vacancy, or the physical condition of the property and/or to verify compliance with this Chapter and any other applicable code or law. In the case of a property that is the subject of a notice of default, but has not yet been foreclosed, the inspection need only consist of a visual inspection of the exterior of the property.

**LIEN:**

The legal claim of the Village upon the property of another to secure the payment of a debt or the performance of a legal obligation.

**LOCAL PROPERTY  
MANAGEMENT COMPANY:**

A property manager, property management company or similar entity responsible for the maintenance and security of registrable property within twenty (20) miles of the Village limits. The local property management company or its employees must be able to be located and served at the local address during a majority of the working week (Monday through Friday, 8:00 a.m. to 5:00 p.m.). Upon review of credentials, the Village or its designee, may allow a non-local property manager to be listed.

**MORTGAGEE:**

The creditor, including, but not limited to, trustees, mortgage service companies, banks, lenders, seller under an installment contract, articles of deed, articles of agreement for deed, or other such similar agreement, or other such financial entities in a mortgage agreement, and any agent, servant, or employee of the mortgagee, or any successor in interest and/or assignee of the mortgagee's rights, interests, or obligations under the mortgage contractual agreement.

**NOTICE OF DEFAULT:**

A recorded notice that a default has occurred under a deed of trust and that the beneficiary intends to proceed with a trustee's sale.

NUISANCE PROPERTY:

Any property, whether residential or commercial, which has remained vacant more than twenty-four (24) months from the original issuance of a Vacant Structure Registration Certificate. All properties which are vacant on May 1, 2016 and have been vacant for five (5) years prior thereto, shall be automatically deemed a Nuisance Property by the Village Housing Department.

OWNER:

Without limitation, every person, agent, operator, firm, corporation, entity, or service company, who alone or jointly or severally with others, and with or without the right of possession:

1. Has the legal or equitable title to, or having control of, any building, dwelling, dwelling unit, land or structure; or
2. Has care, charge, or control of any building, dwelling, dwelling unit, building, land or structure, in any capacity, including, but not limited to agent, executor, administrator, trustee, or guardian of the estate of the holder of legal title pursuant to a court order, trust agreement or other such similar agreement; or
3. Is a mortgagee which, under the terms of a mortgage, has a contractual responsibility for the property, or pursuant to a provision in the mortgage agreement, the mortgagee is authorized to act to secure or repair the property under any circumstance or where mortgagor no longer takes responsibility for the property; or is a mortgagee in possession of any such property; or is a mortgagee that has instituted foreclosure proceedings against the mortgagor; or
4. Is an officer, member of a board of managers, or trustee of the association of unit owners of a condominium or townhouse complex with direct control over the property pursuant to applicable State law, declaration and/or bylaws; or
5. Is an agent, trustee or other person appointed by the courts and vested with possession or control of any property; or

6. Is a party under an installment contract, articles of agreement for deed, articles of deed, or any other such similar agreement.

OWNER OF RECORD:

The person holding recorded title to the property in question at any point in time when official records are produced by the Cook County Recorder's Office.

PERSON:

Any natural individual, corporation, partnership, limited liability company or any such entities.

PREMISES:

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

PROPERTY:

Any improved residential or commercial real estate, buildings, leasehold improvements and anything affixed to the land, or portion thereof, identified by a property parcel identification number (PIN), located within the corporate limits of the Village. Developed lots are considered improved land.

PROPERTY MANAGEMENT COMPANY:

A local property manager, property maintenance company or similar entity responsible for the maintenance of registrable real property.

REGISTRABLE PROPERTY:

Registrable property means:

1. Any property located within the Village that is vacant as defined in this Chapter; or
2. Any property located within the Village, whether vacant or occupied, that is encumbered by a mortgage in default, is subject to an ongoing foreclosure actions by the mortgagee or trustee, is subject to an application for a tax deed or pending tax assessor's lien sale, or has been the subject of a foreclosure sale where the title was transferred to the beneficiary of a mortgage involved in the foreclosure and any properties transferred under a deed in lieu of foreclosure/sale. The designation of a "default/foreclosure" property as "registrable" shall remain in place until such time as the property is sold to a non-related bona fide purchaser in an arm's

length transaction or the foreclosure action has been dismissed and any default on the mortgage has been cured.

**RENTAL PROPERTY:**

Property that contains a single-family rental dwelling unit or multi-family rental dwelling units for use by residential tenants including but not limited to the following: mobile homes, mobile home spaces, town homes and condominium units. A rental dwelling unit includes property that is provided to an individual or entity for residential purposes upon payment of rent or any other consideration in lieu of rent, regardless of the relationship between the lessor and lessee.

**RESPONSIBLE PARTY:**

Any and all owners, as defined hereinabove, tenants, occupiers, property managers and lessees of any building, whether residential or commercial, alone or jointly or severally.

**REGISTRATION STATEMENT OF INTENT:**

The form that is to be completed by the owner or mortgagee of a vacant structure and/or responsible parties, which contains specific information regarding the structure and the owners/mortgagees/responsible parties plans for it rehabilitation, maintenance, sale, demolition or removal.

**UNOCCUPIED BUILDING:**

A building or portion thereof which lacks the habitual presence of human beings who have a legal right to be on the premises, including buildings ordered vacant pursuant to a hearing relating to code violations.

**VACANT:**

A building that shows evidence of vacancy, as defined hereinabove, and/or is lacking the habitual presence of human beings who have a legal right to be on the premises, or at which substantially all lawful business or construction operations or residential occupancy has ceased, or which is devoid of content, or does not have a certificate of occupancy. In addition to evidence of vacancy, in determining whether a building is vacant, it is relevant to consider, among other factors, the percentage of overall square footage of the building or floor to the occupied space, and the condition and value of any items in the building; provided that a residential property shall not be deemed vacant if, a person or entity with an interest in the property proves, by a preponderance of the evidence that it has been

used as a residence by a person entitled to possession for at least three (3) months within the previous nine (9) months and a person entitled to possession intends to resume residing at the property; and further providing that a multi-family property containing five (5) or more dwelling units shall be considered vacant when ninety percent (90%) or more of the dwelling units are unoccupied. For non-residential property, such property shall be considered vacant for purposes of this Chapter if business operations are conducted daily on less than ten percent (10%) of the overall square footage of the building. A property shall not be considered vacant if there is a building that is secure, but is the subject of a probate action, action to quiet title, or other ownership.

WINTERIZED:

Cleaning all toilets and completely draining all plumbing and heating systems.

**8-16-4: ENFORCEMENT AUTHORITY; VACANT BUILDING DETERMINATION:**

- A. The Village Housing Department is authorized to administer and enforce the provisions of this Chapter, including, but not limited to, maintaining lists setting forth the status of vacant structures. The Department may delegate its powers and duties under this Chapter to an appropriate administrator, inspector or designated consultant.
- B. The Department shall evaluate all buildings within the Village limits which it believes to be unoccupied and make a determination for each as to whether the building is vacant as defined in this Chapter. In making the determination as to whether a structure is vacant for purposes of this Chapter, the Department shall also consider other factors, including, without limitation, the presence of rental or for sale signs on the property; whether there has been any construction or legal repairs within the preceding three (3) months; whether windows and/or doors are broken, boarded up, removed, or unhinged; the status of utility services; and/or police activity for trespassers, vandalism or other illegal acts being committed at the property within the preceding three (3) months. For purposes of non-residential property, such structures may be deemed vacant where the business operations are conducted daily on less than ten percent (10%) of the total square footage of the building, or where all lawful business has ceased for at least three (3) months. For non-residential buildings that are less than ten (10) years old on the date that the Department makes its vacancy determination, and such buildings have no ordinance violations, then in that event the Department shall require that such non-residential buildings shall be registered and pay the appropriate fees.
- C. For buildings the Department has designated as vacant, a notice of determination shall be sent to all owners and responsible parties requiring the registration of the vacant building. The notice of determination shall be mailed via first class United States mail to the last

known address based on mailing information found in public records, including, without limitation, information in the most recent Cook County tax roll or information kept in the records of the Illinois Secretary of State. Failure of delivery shall not excuse a person from complying with this Chapter. The Department may also 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. Proof of service shall be kept in the records prepared in the normal course of the Department's duties.

8-16-5: **OBLIGATION TO REGISTER VACANT STRUCTURES:**

- A. Notice of Determination by Housing Department. Within ten (10) days of the issuance of a notice of determination by the Department, the owner of the structure shall register the vacant structure with the Department and pay the appropriate fee as set forth in this Chapter.
- B. Notification to Village. The owner of any building that has become vacant shall within thirty (30) days, after the building has become vacant or within thirty (30) days after assuming ownership of the building, whichever is later, shall register the vacant structure with the Department and pay the appropriate fee as set forth in this Chapter.
- C. Registration of vacant structures shall be done semi-annually.
- D. Eleemosynary, religious, educational, benevolent or charitable associations organized on a not-for-profit basis and all governmental agencies shall be exempt for the payment of the registration fee.
- E. The owner shall be required to renew the registration semi-annually and shall be required to renew such registration as long as the building remains vacant.
- F. The registration statement shall be deemed *prima facie* proof of the statements therein contained in any administrative enforcement proceedings or court proceeding instituted by the Village against the owner or owners of the building.
- G. During the period of registration, the owner shall provide access to the Village to conduct inspections of the property, both interior and exterior, as deemed necessary by the Village, following reasonable notice, to determine compliance with this Chapter and any other relevant codes and ordinances of the Village.
- H. The owner shall comply with all applicable ordinances of the Village and/or State laws, including, without limitation, property maintenance, building, fire and zoning ordinances in the Village Code, and as amended from time to time. To this end, the owner shall apply for all building, fire, zoning or other permits necessary to bring the structure into

compliance within thirty (30) days of registering the property.

8-16-6:                    **REQUIRED        REGISTRATION        INFORMATION        AND  
PROCEDURE:**

- A. All owners or persons required to register a property pursuant to this article, shall file with the Village the registration form provided, which shall contain, among other things, the following information:
1. The exact street address of the property, the primary intended use of the property, and if the property is a multi-unit structure, the total number of dwelling units in each building on the property.
  2. The owners' name(s), mailing address(es), email address(es) and telephone number(s), including cell phone number(s). The address may not be a post office box. If the property is owned by a corporation, limited liability company, partnership, limited partnership, trust, or real estate investment trust, the name and address of any following shall be provided:
    - (i) For corporation, a corporate officer and the chief operating officer;
    - (ii) For a partnership, the managing partner;
    - (iii) For a limited liability company, the managing member;
    - (iv) For a limited partnership, the general partner;
    - (v) For a trust, the trustee; and
    - (vi) For a real estate investment trust, the general partner or an officer.
  3. The name, street address and telephone number of a natural person 21 years of age or older, designated by the owner(s) as the authorized local property agent for receiving notice of code violations and for receiving process, in any court proceeding or administrative enforcement proceeding, on behalf of the owner(s) in connection with the enforcement of this Chapter. This local property agent must be located within twenty (20) mile of the corporate boundaries of the Village. The registration shall include the name of the designated local agent, the mailing address, telephone number and email address. Mailing address of the designated local agent may not be a post office box.
    - (i) An owner who is a natural person and who meets the requirements of this subsection as to location of residence or office may designate him/herself as agent.

- (ii) By designating an authorized agent under the provisions of this subsection, the owner(s) is consenting to receive any and all notices of code violations concerning the registered building by service of the notice or process on the authorized agent.
  - (ii) Any owner who has designated an authorized agent under the provisions of this subsection shall be deemed to consent to the continuation of the agent's designation for the purposes of this subsection until the owner notifies the Department of a change of authorized agent or until the owner files a new registration statement.
  - (iii) Any owner who fails to register a vacant building under the provisions of this Chapter shall further be deemed to consent to receive, by posting at the building, any and all notices of code violations and all process in an administrative proceeding to enforce code provisions concerning the building.
- B. The registering party will also be required to fill out a "Registration Statement of Intent" setting forth the expected period of vacancy and plans for the property, including plans to rehabilitate, maintain, sell, or demolish the property.
  - C. An amended registration must be filed within seven (7) days of any change in the information contained in the semi-annual registration. A new registration fee is required for any change in ownership, regardless of the nature of the transfer of title.

**8-16-7: OWNER OBLIGATION TO POST A SIGN:** The owner of any building that has become vacant, shall within thirty (30) days:

- A. Post a sign affixed to the building indicating: the vacant building registration number and the name, address and telephone number of the owner or owner's authorized agent for the purpose of service of process. The name, address and telephone number of a person responsible for day-to-day supervision and management of the building, if such person is different from the owner, the authorized agent shall be indicated on the sign as well. The sign shall be legible, be no smaller than 8.5 inches by 11 inches (8.5" x 11") and placed in such location so as to be visible from the nearest public street or sidewalk, whichever is nearer; and
- B. Maintain the building in a secure and closed condition and maintain the sign, until the building is again occupied or demolished.

**8-16-8: REGISTRATION OF DEFAULTED/FORECLOSED PROPERTIES:**

- A. Any mortgagee who holds a mortgage on property located within the Village shall perform an inspection of the property to determine vacancy or occupancy, upon default of the



mortgagor. The mortgagee shall, within ten (10) days of the inspection, register the property with the Housing Department, or its duly authorized designee, on forms or other manner as directed, and indicate whether the property is vacant or occupied. A separate registration is required for each property, whether it is found to be vacant or occupied.

- B. Registration pursuant to this section, shall contain the name, direct mailing address, a direct contact name, telephone number, and email address for the mortgagee and the name, address, and twenty-four (24) hour contact phone number of the local property management company responsible for security and maintenance of the property who has the authority to make decisions concerning the abatement of nuisance conditions at the property, as well as any expenditure in connection therewith. Mailing address of the mortgagee and the local property management company may not be a post office box.
  - 1. By designating a local property management company under the provisions of this subsection, the mortgagee consenting to receive any and all notices of code violations concerning the registered building by service of the notice or process on the local property management company.
  - 2. A mortgagee who has designated local property management company under the provisions of this subsection shall be deemed to consent to the continuation of the local property management company's designation for the purposes of this subsection until the mortgagee notifies the Department of a change of local property management property or until the mortgagee files a new registration statement.
- C. Mortgagees who have existing registrable property as of May 1, 2017, have thirty (30) calendar days to register the property with the Department or its authorized designee, on forms or other manner as directed, and indicate whether the property is vacant or occupied. A separate registration is required for each property, whether vacant or occupied.
- D. If the mortgage on a registrable property is sold or transferred, the new mortgagee is subject to all the provisions of this Chapter and within five (5) days of the transfer, register the property and pay a registration fee in accordance with this Chapter. Any previous unpaid registration fees are the responsibility of the new mortgagee or trustee and are due and payable with the initial registration.
- E. If the mortgagee owner of a foreclosed property sells or transfers the property to a non-arm's length related person or entity, the transferee is subject to all the provisions of this Chapter and within five (5) days of the transfer, register the property and pay the registration fee in accordance with this Chapter. Any previous unpaid registration fees are the responsibility of the new registrable property owner and are due and payable with the initial registration.
- F. As long as the property is registrable, it shall be inspected by the mortgagee, or designee,

monthly. If an inspection shows a change in the property's occupancy status the mortgagee shall, within ten (10) days of that inspection, update the occupancy status of the property registration.

- G. A non-refundable registration fee, as provided below, shall accompany each registration. All registration fees must be paid directly from the mortgagee or owner. Third party registration fees are not allowed without the consent of the Department and/or its authorized designee.
- H. Properties subject to this Section shall be subject to the semi-annual registration requirement, and inspection, security and maintenance standards as provided by this Chapter as long as they remain registrable.
- I. Until the mortgage or lien on the property in question is satisfied, or legally discharged, the desire to no longer pursue foreclosure, the filing of a dismissal of lis pendens and/or summary of final judgment and/or certificate of title, voluntary or otherwise, does not exempt any mortgagee holding the defaulted mortgage, from all requirements of this Chapter as long as the borrower is in default.
- J. Any person or legal entity that has registered a property under this Section must report any change of information contained in the registration within ten (10) days of the change.
- K. Failure of a mortgagee to properly register or to modify the registration form from time to time to reflect a change in circumstances as required by this Chapter is a violation of the Chapter and shall be subject to enforcement and any resulting monetary penalties.
- L. The mortgagee will also be required to fill out a "Registration Statement of Intent" setting forth the expected period of vacancy and plans for the property, including plans to rehabilitate, maintain, sell, or demolish the property. Any subsequent mortgagee or transferee shall be required to fill out a new "Registration Statement of Intent".

8-16-9:                   **REGISTRATION FEES; RENEWAL:**

- A. The fee for registering a vacant, a defaulted/foreclosed occupied property or a defaulted/foreclosed vacant property shall be \$200.00.
- B. The registration shall be renewed semi-annually, with a renewal fee of \$200.00.
- C. Payment of the registration fee does not relieve or exempt the owner, mortgagee, or other person from paying any and all fines, penalties, costs or other charges assessed for non-compliance with the property maintenance standards set forth in this Chapter or other applicable Village Code provisions and ordinances.

8-6-10: **OBLIGATION TO SECURE BUILDING:**

- A. Owner obligation. The owner of any building that has become vacant, and any person maintaining, operating or collecting rent for any building that has become vacant, shall within thirty (30) days, do the following to enclose and secure the building:
1. Secure the building so that all building openings shall be closed and secured, using secure doors, windows without broken or cracked panes, commercial-quality steel security panels, filled with like-kind material as the surrounding wall, or boarded with plywood installed and secured in accordance with the rules and regulations issued by the Housing Department or Building Department, as applicable, to prevent entry by unauthorized persons.
  2. Secure the building so that at least one building entrance shall be accessible from the exterior and secured with a door that is locked to allow access only to authorized persons.
  3. Maintain the building in a secure and closed condition and maintain the sign until the building is reoccupied or demolished, repaired or completed with all permits required by the Housing and/or Building Department. If during the registration period and following initial boarding and securing of the property in compliance with this Section, the Housing Department notifies the owner in writing that the property was found open or it has been judicially or administratively found to be open, in each case on two separate occasions at least thirty (30) days apart, then the building shall thereafter be secured with only commercial-quality steel security panels or a method deemed equivalent by the Housing or Building Department.
  4. Foundations, basements, cellars, and crawlspaces shall be maintained in sound and watertight condition adequate to support the building, and protected against the entry of rodents and other animals.
  5. Exterior walls shall be free of holes, breaks, loose or rotting boards or timbers, and any other conditions which might admit rain or dampness to the interior portions of the walls or the interior spaces and shall be protected against the entry of rodents and other animals.
  6. Exterior windows and doors shall be maintained in sound condition and good repair. Windows and doors shall fit tightly within their frames and the frames shall be constructed and maintained in such relation to the adjacent wall construction as to prevent rain from entering the building.
  7. Exterior windows and doors shall be equipped with hardware for locking and the locking mechanism shall be maintained in properly functioning condition.

8. All points of possible ingress and egress including, but not limited to, exterior windows and doors shall be secured to prevent unauthorized entry.
  9. Any window which is broken, cracked or missing glass or glazing shall be replaced and maintained in good repair or the building opening shall otherwise be adequately secured pursuant to this Section.
10. The roof shall be adequately supported, and shall be maintained in a weather tight condition; the gutters, downspouts, scuppers and appropriate flashing shall be in good repair and adequate to remove the water from the building or structure.
11. Chimneys and flues shall be kept in sound, functional, weather tight condition and in good repair.
12. Every outside stair or step shall be maintained in sound condition and in good repair; every porch, stoop, deck, veranda, balcony and walk shall be maintained in sound condition for its purpose.
13. All exit areas shall have continuous exterior lighting from dusk to dawn; normal intensity of lighting shall be not less than two (2) foot-candles per square foot on the floor surfaces within an eight-foot (8') radius around said exit. This requirement may be met by the use of battery-powered or solar-powered lighting if such lighting meets the performance standards set by this paragraph.

B. Mortgagee obligation.

1. Defaulted/foreclosed properties subject to this Chapter shall be maintained in a secure manner so as not to be accessible to unauthorized persons.
2. A "secure manner" shall include, but not be limited to, the closure and locking of windows, doors, gates and other openings of such size that may allow a child to access the interior of the property or structure. Broken windows, doors, gates and other openings of such size that may allow a child to access the interior of the property or structure must be repaired. Broken windows shall be secured by reglazing of the window.
3. If the property is registrable, and the property has become vacant, a local property manager shall be designated by the mortgagee or owner to bring the property into compliance with subsection 8-16-10A., above. The property manager must perform regular inspections to verify compliance with the requirements of this Chapter and any other applicable Village Code or ordinance.

8-16-11: **INTERIOR MAINTENANCE STANDARDS:**

A. Owner obligation. In addition to any other applicable Village Code or ordinance which may apply to the property, the interior of any vacant building shall be maintained by the owner as follows:

1. It is prohibited to accumulate or permit the accumulation of junk, trash and debris, boxes, lumber, scrap metal, junk, vehicles or any other materials in such a manner that may produce any health, fire, or safety hazard, or provide harborage for rodents and other animals on the premises; materials stored by the owner or permitted to be stored by the owner shall be stacked safely, and away from stairs or hallways, and any other places of ingress and egress.
2. Every foundation, roof, floor, wall, stair, ceiling, and any other structural support shall be safe and capable of supporting the loads that normal use may cause to be placed thereon and shall be kept in sound condition and in good repair; floors and stairs shall be free of holes, grooves and cracks that could be potentially hazardous.
3. Any plumbing fixtures shall either be winterized as defined in Section 8-16-4 or heated to resist being frozen.
4. Every exit door shall be secured with an internal deadlock bolt, or with a locking mechanism deemed equivalent or better by the Housing or Building Department, and every such exit door shall be capable of being opened from the inside easily and without the use of a key or special knowledge.
5. Interior stairs shall have treads and risers that have uniform dimensions, are sound, securely fastened, and have no rotting, loose, or deteriorating supports.
6. Every owner shall be responsible for the extermination of insects, rodents and other vermin in or about the premises.

B. Mortgagee obligation. If the property is registrable, and the property has become vacant, the mortgagee through its local property manager, shall bring the interior of the property into compliance with subsection 8-16-11A., above, and any other applicable Village Code and ordinance.

**8-16-12: MINIMUM MAINTENANCE REQUIREMENTS FOR LOT:**

In addition to any other applicable Village Code or ordinance requirement, for each vacant and defaulted/foreclosed occupied and vacant property, the owner or mortgagee, or their local property manager must keep the lot on which the vacant building stands in compliance with the following requirements for as long as the property remains vacant:

1. The lot the building stands on, and the surrounding public way shall be maintained as follows: All grass and weeds on the premises including the abutting sidewalks, gutters and alleys shall be kept below ten inches (10") in height, and all dead or

broken tree limbs or shrubbery shall be cut and removed from the premises.

2. The interior walkway leading to the main entry door, and any public sidewalk adjoining the lot shall be shoveled clear of snow.
3. Junk, rubbish, waste, and any material that creates a health, safety or fire hazard including, but not limited to, any mail, flyers or notices that have been delivered to the building, except those required by federal, state or local law, discarded personal items, including, but not limited to, furniture, clothing, large and small appliances, printed material or other items that give the appearance that the property is abandoned, shall not be permitted to accumulate on any portion of the exterior lot of the building.
4. No portion of the lot nor any structure, vehicle, receptacle or object thereon shall be maintained or operated in any manner that causes or produces any health or safety hazard or permits the premises to become a rodent harborage or is conducive to rodent harborage.
5. The lot shall be maintained so that water does not accumulate or stand on the ground.
6. All fences and gates shall be maintained in sound condition and in good repair.
7. The property shall be maintained free of graffiti or similar marking by removal or painting over with an exterior grade paint that matches the color of the exterior structure.
8. Front, side and rear yards, including landscaping, shall be maintained in accordance with the applicable provisions of Village Code and ordinances at the time registration was required.
9. Yard maintenance shall include, but not be limited to, grass, ground covers, bushes, shrubs, hedges or similar plantings, decorative rock or bark or artificial turf/sod designated specifically for residential installation. Acceptable maintenance of yards and/or landscape shall not include weeds, gravel, broken concrete, asphalt or similar material.
10. Maintenance shall include, but not be limited to, watering, irrigation, cutting and mowing of required ground cover or landscape and removal of trimmings.
11. Pools and spas shall be maintained so the water remains free and clear of pollutants and debris and shall comply with the applicable provisions of the Village Code and ordinances.

8-16-13: **PUBLIC NUISANCE<ABATEMENT:**

A. Public nuisance. The following buildings and structures are hereby declared to be a public nuisance subject to abatement proceedings pursuant to this Chapter:

1. A building or structure found to be vacant and open after the effective date of an order to secure and enclose issued by a court of competent jurisdiction or an administrative adjudication hearing officer within the previous twelve (12) months, unless stayed by a court of competent jurisdiction.
2. A building or structure that contains any violation of a health, fire, electrical, plumbing, building or zoning provision of the Village Code or ordinance which is imminently dangerous and hazardous.
3. A building or structure for which the costs of the repairs necessary to bring the building or structure into compliance with applicable provisions of the Village Code and ordinances would exceed the market value of the building or structure after the repairs would have been made, or when the owner or mortgagee cannot show that it has readily available and sufficient assets to make such repairs or where such repairs otherwise are economically infeasible.
4. A building or structure where an owner or mortgagee has failed to correct the code violation(s) that form the basis of an adverse order or judgment involving that building or structure, issued by a court of competent jurisdiction or an administrative adjudication hearing officer, within sixty (60) days of entry, unless such adverse order or judgment has been stayed by a court of competent jurisdiction.

B. Abatement.

1. If the enforcement officer has reason to believe that a property subject to the provisions of this Chapter is posing a serious threat to the public health, safety, welfare, the code enforcement officer may temporarily secure the property at the expense of the owner or mortgagee, and may bring the violations before the administrative adjudication hearing officer as soon as possible to address the conditions of the property.
2. The Administrative Adjudication Hearing Officer shall have the authority to require the owner or mortgagee to implement additional maintenance and/or security measures including, but not limited to, securing any and all doors, windows or other openings, employment of an on-site security guard, or other measures as may be reasonably required to help prevent further decline of the property.
3. If there is a finding that the condition of the property is posing a serious threat to the public health, safety and welfare, the Administrative Adjudication Hearing Officer

may direct the Village to abate the violations.

8-16-14: **ENFORCEMENT AND PENALTIES:**

- A. Except as otherwise set forth, any person found to be in violation of provision of this Chapter, shall be subject to a fine of not less than five hundred dollars (\$500.00) and not to exceed one thousand dollars (\$1,000.00). Each day a violation continues after due notice has been served shall be deemed a separate offense. Prosecution under this Section is a remedy cumulative to any and all other remedies at law and equity, including remedies provided in any applicable provision of the Village Code or ordinances, and/or under any applicable State Statute.
- B. All fees, costs, or charges assessed or incurred by the Village pursuant to this Chapter shall be a lien upon the real property. The lien shall be superior to all subsequent liens and encumbrances. The Housing Department shall file a notice of lien within two (2) years after such costs and expenses are incurred in the Office of the Cook County Recorder of Deeds. The lien may be enforced by proceedings to foreclose, such as in the case of mortgage and mechanic's liens.

8-16-15: **ADMINISTRATIVE ADJUDICATION:**

Any violation of any provision of this Chapter, unless otherwise provided for, may be enforced pursuant to Title 13, "Municipal Code Violations, Chapter 1, Administrative Adjudication and Enforcement of Code Violations", of the Village of Dolton Municipal Code, and as amended from time to time, which provides for the administrative adjudication of certain ordinance violations. The Village Administrator may also direct the Village Prosecutor or the Village Attorney to proceed before any court having competent jurisdiction to enforce the provisions of this Chapter, including injunctive relief.

**SECTION 4: Repealer; Severability.** Any provision of the Village Code or ordinance heretofore adopted which is in conflict with the provisions of this Ordinance is, to the extent of such conflict, hereby repealed. If any provision of this Ordinance is determined to be void or illegal for any reason, such determination shall not affect the validity of the remaining terms thereof.

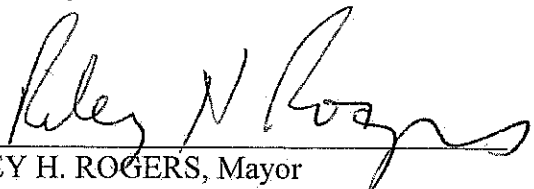
**SECTION 5:** This Ordinance and each of its terms shall be the effective legislative act of a home rule municipality without regard to whether such ordinance should (a) contain terms contrary to the provisions of current or subsequent non-preemptive state law, or (b) legislate in a



manner or regarding a matter not delegated to municipalities by state law. It is the intent of the corporate authorities of the Village of Dolton that to the extent that the terms of this Ordinance should be inconsistent with any non-preemptive state law, that this Ordinance shall supersede state law in that regard within its jurisdiction.

**SECTION 6: Effective Date.** This Ordinance shall be in full force and effect as May 1, 2017 and upon its passage, approval, and publication as required by law.

PASSED AND APPROVED this 1st day of May, 2017.

  
RILEY H. ROGERS, Mayor

ATTEST:

  
MARY KAY DUGGAN, Clerk

Ayes: 6      Denton, Henyard, House, Muhammad, Pierson, Stubbs  
Nays: 0  
Absent: 0  
Abstain: 0