

**VILLAGE OF DOLTON COOK COUNTY, ILLINOIS**

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**ORDINANCE NO. 17-020**

**AN ORDINANCE AMENDING TITLE 8, "BUILDING REGULATIONS", CHAPTER 16, "VACANT BUILDING AND FORECLOSURE REGISTRATION PROGRAM", OF THE VILLAGE OF DOLTON MUNICIPAL CODE**

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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 adopted 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; and

**WHEREAS**, the corporate authorities have concluded that it is in the best interests of the health, safety and welfare of its residents to amend Ordinance No. 17-013 to require liability insurance, to obtain compliance with village ordinances and to collect village fines and fees;

**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:** Title 8, "Building Regulations", Chapter 16, "Vacant Building and Foreclosure Registration Program" of the Municipal Code of the Village of Dolton, is hereby amended as follows:

**Section 8-16-6: Required Registration Information and Procedure**, subsection A, shall be amended to add at the end 4., to read as follows:

4. A Certificate of Insurance showing proof of liability insurance, in an amount of not less than \$100,000.00 per occurrence/\$300,000 combined limits for bodily injury, personal injury and property damage. Any such insurance policy shall provide for written notice to the Village Housing Department within 30 days of any lapse, cancellation or change in coverage. The owner shall maintain the insurance required under this subsection in full force and effect throughout the period that the property is required to be registered. Such insurance shall be issued by an insurer authorized to insure in Illinois. The owner and the owner's authorized agent for service of process shall provide evidence of the insurance, upon request, to the Village Housing Department.

**Section 8-16-9: Registration Fees; Renewal**, shall be amended in its entirety to read as follows:

**Section 8-16-9: Registration Fees; Renewal:**

- A. The registration and renewal fee for each registered property shall be \$200.00. The registration shall be renewed semi-annually. Provided, however, that any vacant/foreclosed occupied property or a defaulted/foreclosed vacant property that is in violation of any provision of the building code or fire code or the owner has outstanding village fines or fees associated with the property at the time of registration or renewal is required shall be assessed a fee of \$500.00.
- B. 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 charges assessed for non-compliance with the property maintenance standards set forth in this Chapter or other applicable Village Code provisions and ordinances.

**SECTION 3: 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 4:** 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 5: Effective Date.** This Ordinance shall be in full force and effect upon its passage, approval, and publication as required by law.

Roll Call:

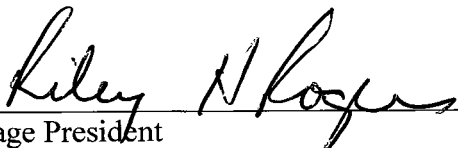
Ayes: 4      Henyard, Muhammad, Pierson, Stubbs

Nays: 0

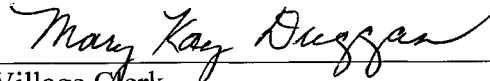
Absent: 2      Denton, House

Abstain: 0

PASSED and APPROVED by the Village President and Board of Trustees of the Village of Dolton this 21st day of July, 2017.

  
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Village President

ATTEST:

  
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Village Clerk