

CHAPTER 6

BUILDING REGULATIONS

ARTICLE I – DANGEROUS BUILDINGS

6-1-1 **DEFINITIONS.** The term “dangerous building” as used in this Article is hereby defined to mean and include:

(A) Any building, mobile home, shed, fence, or other man-made structure which is dangerous to the public health because of its condition, and which may cause or aid in the spread of disease, or injury to the health of the occupants of its or neighboring structures;

(B) Any house, apartment, mobile home, or other man-made structure designed for human habitation which does not meet minimal building code standards and public health standards. Such structures designed for human habitation must have operable and properly functioning water and sewer services, including at least one operable toilet and sink, an operable source of heat, reasonably secure roof, exterior walls and floor, and operable windows and doors for every such opening.

(C) Any building, mobile home, shed, or other man-made structure which contains garbage not contained in suitable enclosed garbage receptacles or debris, or other hazardous, noxious, or unhealthy substances or materials.

(D) Any building, mobile home, shed, fence, or other man-made structure which, by reason of faulty construction 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;

(E) Any vacant building, mobile or manufactured home, shed, fence, or other man-made structure which is substantially uncompleted or partially demolished.

(F) Any building, mobile home, 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.

(G) Any building, mobile home or other man-made structure with unguarded openings shall be deemed to constitute a fire hazard and to be unsafe within the provisions of this Code.

(H) Any house, mobile home, or other man-made structure having inadequate facilities for egress in case of fire or panic or those having insufficient stairways, elevators, fire escapes, or other means of evacuation.

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

(J) Any house, mobile home, or other man-made structure existing in violation of any provision of the Building Code of this Village, or any provision of the Fire Prevention Code or any other ordinance of the Village.

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

6-1-2 **PROHIBITION.** It shall be unlawful to maintain or permit the existence of any dangerous building in the Village and it shall be unlawful for any owner, occupant, or person in custody or control 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.

6-1-3 **ABATEMENT.** Whenever the President of the Board of Trustees, the Zoning Administrator, or any other authorized officer of the Village shall be of the opinion that any building or structure in the Village is a dangerous building, he shall file a written statement to this effect at Village Hall to be maintained with the official records of the Village. The Zoning Administrator or his designated representative shall thereupon cause written notice to be served upon the owner thereof, lien holders of record, and upon the occupant thereof, if any, by certified or registered mail or by personal service. Such notices shall state that the building has been declared to be in a 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 within **fifteen (15) days**. Such notice shall be served upon the proper parties not less than **fifteen (15) days** before the Village may file application with the County Circuit Court for an order authorizing the demolition or repair of said building. Such notice may be in the following terms.

TO: _____
(owner, lien holder, or occupant of premises) of the premises known and described as:

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

The cause for this decision is _____

(here insert the facts as to the dangerous condition)

You must remedy this condition or demolish the building immediately within **fifteen (15) days** from the date of this notice or the Village may proceed to do so.

Where, upon diligent search, the identity or whereabouts of the owner or owners of the building, including the lien holders of record, is not ascertainable, notice mailed to the person or persons in whose name the real estate was last assessed is sufficient notice under this Section. In the event that the building is not demolished or repaired or altered to remedy the condition within the **fifteen (15) day** period of time elapsing from the date of the service of notice, then the Village may institute application before the County Circuit Court requesting an order authorizing the demolition, alteration, or repair of the unsafe building premises. It is not a defense to the cause of action that the building is boarded up or otherwise enclosed, although the court may order the defendant to have the building boarded up or otherwise enclosed.

Upon rendition of the proper order by the Circuit Court, the Village may then direct the demolition, alteration or repair of said building premises and the cost of such proceedings, including attorney fees, court costs, and interest shall be recovered from the owner or owners of such real estate jointly and severally and shall be a lien thereon.

6-1-4 LIEN. Charges for demolishing, repairing or altering of such building including attorney fees, court costs, and interest shall be a lien upon the premises. A bill representing the cost and expense incurred or payable for the service shall be presented to at least one of the owners. If this bill is not paid within **thirty (30) days** of submission of the bill, a notice of lien for the cost and expense thereof incurred by the Village shall be recorded within **one hundred eighty (180) days** after the cost and expense is incurred. The date of the lien shall relate back to the date of the first activities to enforce this ordinance if mailed and recorded within **one hundred eighty (180) days**. The lien notice shall be a sworn statement setting forth the following information:

- (A) A description of the real estate sufficient for identification thereof.
- (B) The amount of money representing the costs and expenses incurred or payable for the service.
- (C) The date or dates when said costs and expenses were incurred or payable for the service by the Village and shall be filed within **one hundred eighty (180) days** after the cost and expense is incurred. The lien is fully assignable.

6-1-5 **PAYMENT.** Notice of such lien claim shall be mailed to the owner of the premises if his address is known. Upon payment of the cost and expense after notice of lien has been filed, the lien shall be released by the Village or person in whose name the lien has been filed and the release shall be filed of record in the same manner as filing notice of the lien.

6-1-6 **FORECLOSURE OF LIEN.** The lien may be foreclosed by the procedures described in **65 ILCS 5/11-31-1(a)** including attorney fees and costs of foreclosure.

(See also Chapter 25, Article V)

ARTICLE II – EXPEDITED REMOVAL OF HAZARDOUS BUILDINGS

6-2-1 NOTICE OF HAZARDOUS BUILDING. If a residential or commercial building or mobile home within the Village is **three (3) stories** or less in height as defined by the Building Code, and the Zoning Administrator or his designated representative determines that the building is open and vacant and an immediate and continuing hazard to the community, then the official shall be authorized to post a notice not less than **two (2) feet** by **two (2) feet** in size on the front of the building. The notice shall be dated as of the date of the posting and shall state that unless the building is demolished, repaired, or enclosed, and unless any garbage, debris, and other hazardous, noxious, or unhealthy substances or materials are removed so that an immediate and continuing hazard to the community no longer exists, then the building may be demolished, repaired, or enclosed, or any garbage, debris, and other hazardous, noxious, or unhealthy substances or materials may be removed, by the Village.

It shall be unlawful for any person to remove such notice except the Zoning Administrator of the Village or his or her designated agent.

If any building or mobile home within the Village is open and vacant and also meets any of the other definitions of a dangerous building under **Article I** of this Chapter, such building or structure shall be deemed an immediate and continuing hazard to the community.

6-2-2 ADDITIONAL NOTICE. Not later than **thirty (30) days** following the posting of the notice, the Village shall do all of the following:

(A) Cause to be sent, by certified mail, return receipt requested, a Notice to Remediate to all owners of record of the property, the beneficial owners of any Illinois land trust having title to the property, the occupants of the property, and all lienholders of record of the property, stating the intent of the Village to demolish, repair, or enclose the building or remove any garbage, debris, or other hazardous, noxious, or unhealthy substances or materials if that action is not taken by the owner or owners.

(B) Cause to be published, in a newspaper published or circulated in the Village where the building is located, a notice setting forth:

- (1) the permanent tax index number and the address of the building,
- (2) a statement that the property is open and vacant and constitutes an immediate and continuing hazard to the community, and
- (3) a statement that the Village intends to demolish, repair, or enclose the building or remove any garbage, debris, or other hazardous, noxious, or unhealthy substances or materials if the owner or owners or lienholders of record fail to do so. The notice shall be published for **three (3) consecutive days**.

(C) Cause the Notice to Remediate mailed under paragraph (A) to be recorded in the office of the Recorder of Deeds in Clinton County.

6-2-3 OBJECTIONS. Any person or persons with a current legal or equitable interest in the property objecting to the proposed actions of the corporate authorities may file his or her objection in an appropriate form in a court of competent jurisdiction.

6-2-4 DEMOLITION. If the building is not demolished, repaired, or enclosed, or the garbage, debris, or other hazardous, noxious, or unhealthy substances or materials are not removed, within **thirty (30) days** of mailing the notice to the owners of record, the beneficial owners of any Illinois land trust having title to the property, the occupants of the property, and all lienholders of record of the property, or within **thirty (30) days** of the last day of publication of the notice, whichever is later, the corporate authorities shall have the power to demolish, repair, or enclose the building or to remove any garbage, debris, or other hazardous, noxious, or unhealthy substances or materials.

The Village may proceed to demolish, repair, or enclose a hazardous building or remove any garbage, debris, or other hazardous, noxious, or unhealthy substances or materials under this Section within a **one hundred twenty (120) day** period following the date of the mailing of the notice if the appropriate official determines that the demolition, repair, enclosure, or removal of any garbage, debris, or other hazardous, noxious, or unhealthy substances or materials is necessary to remedy the immediate and continuing hazard. If, however, before the Village proceeds with any of the actions authorized by this Section, any person with a legal or equitable interest in the property has sought a hearing under this Section before a court and has served a copy of the complaint on the chief executive officer of the Village, then the Village shall not proceed with demolition, repair, enclosure, or removal of garbage, debris, or other substances until the court determines that the action is necessary to remedy the hazard and issues an order authorizing the Village to do so.

6-2-5 **LIEN.** Following the demolition, repair, or enclosure of a building, or the removal of garbage, debris, or other hazardous, noxious, or unhealthy substances or materials under this Section, the Village may file a notice of lien against the real estate for the cost and expense of the demolition, repair, enclosure, or removal including attorney fees and expenses in enforcing this ordinance within **one hundred eighty (180) days** after the repair, demolition, enclosure, or removal incurred, in the office of the recorder in Clinton County; this lien has priority over the interests of those parties named in the Notice to Remediate mailed under paragraph (A), but not over the interests of third party purchasers or encumbrances for value who obtained their interests in the property before obtaining actual or constructive notice of the lien. The notice of lien shall consist of a sworn statement setting forth:

- (A) a description of the real estate, such as the address or other description of the property, sufficient for its identification;
- (B) the expenses incurred by the Village in undertaking the remedial actions authorized under this subsection;
- (C) the date of dates the expenses were incurred by the Village;
- (D) a statement by the corporate official responsible for enforcing the Building Code that the building was open and vacant and constituted an immediate and continuing hazard to the community;
- (E) a statement by the corporate official that the required sign was posted on the building, that notice was sent by certified mail to the owners of record, and that notice was published in accordance with this subsection; and
- (F) a statement as to when and where the notice was published. The lien authorized by this subsection may thereafter be released or enforced by the Village.

6-2-6 **FORECLOSURE OF LIEN.** The lien may be foreclosed by the procedures described in **65 ILCS 5/11-31-1(a)**, as hereinafter amended from time to time including attorney fees and costs of foreclosure, or by any other appropriate proceeding. **(See Chapter 25, Article VII)**

6-2-7 **PROHIBITION.** It shall be unlawful to maintain or permit the existence of any home, mobile home, building or other structure in the Village which is open and vacant and an immediate and continuing hazard to the community and it shall be unlawful for any owner, occupant, or person in custody or control of any such building to permit the same to remain in a such condition, or to occupy such building or permit it to be occupied while it is or remains in such dangerous condition.

ARTICLE III – OUTDOOR POOLS

6-3-1 PREAMBLE; PURPOSE. Drowning is a leading cause of death and serious injury nationwide for children under **five (5) years** of age; and,

Persons who own, or are in possession or control of swimming pools and other bodies of water, and the parents of young children, are all responsible for the safety of premises under their control and supervision of children and this Article only represents basic minimal security measures which will be required in all events; and,

Persons in ownership or possession of swimming pools and other bodies of water are encouraged to provide safety barriers and other protections greater than the minimum protection described in this Article.

6-3-2 POOLS. In this Article the word "Pool" includes any body of water constructed, kept, or utilized for swimming purposes or bathing or immersing of human beings in which the depth of water from any part of the bottom of the pool to the surface of the water equals or exceeds **twenty-four (24) inches**. The definition of pool does not include creeks, lakes, or ponds with earth sides and bottoms. Pools which are entirely within a residence or secure building are not included within the scope of this Article.

6-3-3 BARRIERS. It is unlawful for any person who owns, possesses, or is in control of any pool as defined in this Article to permit such pool to contain water of a depth of **twenty-four (24) inches** or more at any time unless the pool is protected by all of the following:

(A) The pool must be completely surrounded by a secure barrier at least **four (4) feet** in height. The barrier may be permanent or removable, however at all times that the pool contains the specified amount of water, such barrier shall be secure from entry by children.

(B) To be secure, such barrier shall have no opening greater than **four (4) inches** in its narrowest dimension and shall have no physical features which could provide convenient foot supports or hand grips which could be used to climb over the barrier. Taut wire mesh with openings no greater than **one and three-fourths (1 ¾) inch** in any dimension or smooth vertical wood, metal, or plastic slats are recommended.

(C) All doors or gates which enter the pool are must include properly functioning self-closing devices and self-latching devices with the latch release located on the interior portion of the barrier in a manner that it can only be reached by reaching over the barrier to unlatch the gate. Doors which serve as entry doors from residences and buildings on the premises are not required to comply with this subparagraph.

6-3-4 HOT TUBS. Hot tubs, whirlpools, and similar fixtures which would otherwise be subject to this Article are not required to have the barrier and gates if they are covered with a solid attached lid that can support a weight of at least **one hundred (100) pounds** at all times that they are not occupied by at least **one (1) person** of the age of **eight (8) years** or older.

6-3-5 DRAINING POOLS AND FLUSHING FILTERS. It shall be unlawful for any person to drain a pool or flush the filters thereof in such manner as to cast or allow water to come upon the property of adjacent property owners or to run the same into public drainage ditches in such manner as to cause water to stand in ditches for unreasonably long periods of time so as to harbor mosquitoes or cause odor, or to otherwise disturb or annoy nearby property owners.

(See Section 1-1-20)