

Ordinance No. _____

An Ordinance Establishing Regulations Governing the Registration,
Maintenance, Security and Monitoring of Vacant Properties by their Owners

Whereas, vacant structures and properties, if left unattended, are likely to fall into disrepair, create public nuisance, drain City resources, contribute to the decrease in value of surrounding properties, precipitate disinvestment by neighboring owners, provide locations for illegal activities and undermine the aesthetic character of the City; and

Whereas, structures and properties that remain vacant over an extended period of time are detrimental to the public health, safety and welfare and can pose an extraordinary danger to police officers, firefighters and City officials when entering the premises in response to emergencies or in the normal course of their duties; and

Whereas; vacant structures and properties often are owned or controlled by individuals or other entities, including court appointed receivers who should be responsible for property preservation; and

Whereas; the registration of these vacant structures and properties and the implementation of maintenance and monitoring plans will help encourage property owners and those responsible to properly maintain the structure and property, therefore preventing these properties from becoming a burden to the residents and tax payers of the City and provide an impetus for returning these properties to their intended use and to the tax rolls; and

Whereas; the City of Farmer City is empowered to enact legislation to define, prohibit and abate public nuisances; and

Whereas; the City Council of the City has determined that the abatement of nuisances caused by vacant structures and properties, the repair and rehabilitation of vacant structures and properties with a subsequent occupancy is in the best interests of the citizens of the City, and further, the City Council desires to enact an ordinance providing for the declaration of vacant structures and properties, whether boarded up or not, as public nuisances and providing for their abatement is a means of maintaining sanitation, health and safety standards, preventing illegal activities, avoiding fire and eliminating or minimizing the detrimental effect such properties have on the economic wellbeing of the City.

NOW, Therefore, be it ordained by the Mayor and City Council of the City of Farmer City as follows, to-wit:

Section 1. Chapter 97, entitled "Registration and Maintenance of Vacant Structures and Properties", of the Farmer City Code, is hereby added as set forth below:

CHAPTER 97: REGISTRATION AND MAINTENANCE OF VACANT STRUCTURES AND PROPERTIES

§97.01 -- DEFINITIONS

For the purposes of this chapter, the following words and phrases shall have the meanings set forth below:

Owner: Every person, entity or service company who alone or jointly or separately with others:

(a) have the legal or equitable title to any dwelling, dwelling unit, building, land or structure; or

(b) has care, charge or control of any dwelling, dwelling unit, building, land or structure in any capacity, including but not limited to executor, administrator, trustee or guardian of the estate of the holder of legal title; or

(c) is a mortgagee under the terms of a mortgage, where the mortgagor is no longer taking responsibility for the property, and where the mortgage in question contains a provision authorizing the mortgagee to act to secure or repair the property; or

(d) is a mortgagee in possession of any such property; or

(e) is a mortgagee that has instituted proceedings against the mortgagor; or

(f) is a trustee or other person appointed by the courts invested with possession or control of any such property.

Responsible Party: Includes owners, tenants, occupiers, property managers, lessees or agents

Statement of Intent: A form completed by the owner, as defined, of a vacant structure or responsible party which contains specific information regarding the structure and the owners' plans for rehabilitation, maintenance, demolition and/or removal.

Structure: Any physical object or edifice that is built or installed and is located on and affixed to the land. The term "structure" shall include any part of a structure.

Substantial Rehabilitation: Any rehabilitation, the cost of which exceeds fifty percent (50%) of the market value of the existing structure.

Vacant: Vacant means a structure that is:

- (a) lacking the habitual presence of human beings, who have a legal right to be on the premises for ninety (90) consecutive days; or;
- (b) a structure at which substantially all lawful business or construction activity or residential occupancy has ceased, or;
- (c) which is substantially devoid of contents, or;
- (d) a multi-family residential property when ninety percent (90%) of the dwelling units are unoccupied.

For the purposes of this chapter, exceptions to the definition of vacant shall be made for properties that are actively listed for sale and for those properties which are under active, ongoing rehabilitation or reconstruction and have a building permit issued by the appropriate jurisdiction, if required.

Vacant Structure Maintenance Standards: The maintenance standards to which the vacant structures are subject under this chapter, are set forth in all of the applicable ordinances and regulations of the City and County, as amended from time to time.

Vacant Structure Registration Certificate: Document issued by the City for structures meeting the definition of "vacant structure."

§97.02 -- ENFORCEMENT AUTHORITY

The City Police 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 City Police Department may delegate his/her powers and duties to an appropriate designee or inspector.

§97.03 -- RESPONSIBLE PARTIES; LIENS

Every responsible party with respect to any vacant property shall be jointly and severally liable with every other responsible party for the obligations set forth in this chapter. In reference to an owner in this chapter shall include all responsible parties. All fees, costs and charges assessed and incurred by the City shall constitute a lien on the real estate upon which such vacant structure is situated.

§97.04 -- OBLIGATIONS OF OWNERS OF VACANT STRUCTURES

- (a) Within thirty (30) days of a structure becoming vacant, as defined herein, the owner of the structure shall apply for a Vacant Structure Registration Certificate and pay a fee of \$200. If the structure is still vacant at the time of expiration of the original Vacant Structure Registration Certificate (six (6) months as defined below), the owner shall immediately

apply to renew the certificate. At the City's sole discretion, renewal may be had upon demonstrated need for a maximum of two 6-month periods, for an aggregate maximum of eighteen (18) months total vacancy registration. Renewed permits shall be subject to all conditions and obligations imposed by this chapter on the initial certificate, including the payment of a \$250 fee at the first renewal and a fee of \$300 at the second renewal. It shall be the responsibility of the registered owner to file an amended registration within ten (10) days of any changes contained in the initial application, including occupancy or transfer. During the period of registration, the owner shall provide access to the City to conduct inspections of the structure, both interior and exterior if deemed necessary by the City, and, following reasonable notice, to determine compliance with this ordinance and any other relevant codes and ordinances of the City.

(b) The owner of a vacant structure shall comply with all regulations of the City. To this end, the owner shall apply for all applicable building, fire prevention and zoning permits necessary to bring the structure into compliance within ten (10) days of obtaining a Vacant Structure Registration Certificate.

(c) The owner of a vacant structure shall, within ten (10) days of receipt of the Vacant Structure Registration Certificate, complete the removal of all:

(1) combustible materials from the structure in compliance with the applicable fire prevention regulations;

(2) waste, rubbish or debris from the interior of the structure; and

(3) waste, rubbish, debris or excess vegetation including grass in excess of eight (8) inches from the yards surrounding the vacant structure in accordance with the City's Ordinances.

(d) The owner of a vacant structure shall immediately lock, barricade or secure all doors, windows and other openings in the structure to prevent entry by unauthorized persons, in accordance with the vacant structure maintenance standards of this chapter. The owner shall, as needed, provide additional security in the event of increased danger to human life or the public welfare, as determined by the City.

(e) The obligations of the owner of a vacant structure are continuing obligations which are effective throughout the time that the structure is vacant as that term is defined in this chapter.

§97.05 -- VACANT STRUCTURE REGISTRATION CERTIFICATE

(a) Application by the owner of a vacant structure for a vacant structure certificate shall be made on a form provided by the City. The application shall include a "statement of intent" which will set forth information as to:

1) the expected period of vacancy (including the date of initial vacancy);

2) the plan for regular maintenance during the vacancy to comply with the vacant structure maintenance standards of this subsection and all of the applicable property maintenance, building and nuisance codes of the City;

3) a plan and time line for the lawful occupancy, rehabilitation, removal or demolition of the structure;

4) measures to be taken to ensure that the structure will be kept weather tight and secure from trespassers and that it will be safe for entry by police officers, firefighters and code or building inspectors in time of exigent circumstances or emergency as well as at times of reasonable inspection as provided in Section 97.06 below;

5) measures to be taken to assure that the premises remain free from nuisance conditions and in good order in conformance with the vacant structure maintenance standards; and

6) list all persons authorized to be present in the structure and provide notices of trespass to the police authorizing the arrest for trespass of individuals not on the list (The owner shall update the authorized person list as needed).

(b) No Vacant Structure Registration Certificate shall be effective for more than six months from the date of issuance. Only two six-month renewals at the City's sole discretion, upon demonstrated need, may be allowed as above.

§97.06 -- VACANT STRUCTURE MAINTENANCE STANDARDS

A vacant structure shall be subject to the maintenance standards as set forth in the applicable provisions of City Ordinances.

§97.07 -- VACANT STRUCTURE REGISTRATION CERTIFICATE FEE

The Vacant Structure Registration Certificate application fee of \$50 shall also be charged upon application for certificate renewal. The fee shall be paid at the time of application or renewal.

§97.08 -- REQUIRED LIABILITY INSURANCE

It shall be the responsibility of the owner or owner's agent to maintain liability insurance on all vacant and registered properties under their control. Proof of evidence of such insurance shall be filed with the City. Minimum

insurance amounts shall be determined by the City on an individual basis.

§97.09 -- AFFIXING CONTACT/EMERGENCY INFORMATION TO VACANT PROPERTY

The owner or owner' agent shall affix to the vacant structure a copy of the Vacant Structure Registration Certificate in a front window so that it is able to be read by law enforcement or City personnel as needed.

§97.10 -- ENFORCEMENT AND PENALTIES

(a) Any person found to be in violation of any provision of this chapter shall be subject to a minimum fine of \$150, not to exceed \$750. Each day that said violation continues shall be considered a new and separate violation. Prosecution under this section is a remedy cumulative to any and all other remedies at law and equity, including but not limited to the City's remedies under 65 ILCS 5/11-13-15.

(b) All fees, costs or charges assessed or incurred by the City pursuant to this chapter shall be a lien upon the real property. The lien shall be superior to all subsequent liens and encumbrances. The City Attorney shall file a notice of lien, within two (2) years after such cost and expense is incurred, in the office of the DeWitt County Recorder of Deeds. The lien may be enforced by proceeding to foreclose, as in case of mortgages or mechanic's liens.

(c) At the expiration of eighteen (18) months from the original issuance of the Vacant Structure Registration Certificate, the structure must be reoccupied, removed or demolished. Any structure which is vacant beyond the eighteen (18) month maximum registration period shall be considered abandoned and a public nuisance and the City may pursue whatever legal action is afforded to it by law for the removal and/or abatement of public nuisance.

§97.11 -- REQUEST FOR WAIVER

(a) Any owner of a vacant residential property of one to three units, who is a natural person with insufficient income or resources to fulfill all of the obligations imposed herein, may petition the City for a waiver of the annual fee, a reduction of the minimum amount of liability insurance, and/or a waiver of some or all of the property rehabilitation requirements (hereinafter "financial requirements") under this ordinance for a period of time not to exceed twelve (12) months. Application for a waiver of financial requirements shall be in writing on forms provided by the City. The decision of the City Manager, to be made within fourteen (14) days of receiving the petition, shall be made in writing and shall forthwith be mailed or delivered to the petitioner. An appeal of the decision may be made to the City Council, in writing, within fourteen (14) days of the mailing or delivery of the decision. Individuals who are granted a twelve (12) month waiver under this

Section are still obligated to keep the registered property secure and safe, and the exterior property areas free from debris, with grass regularly mowed.

(b) A request for a waiver from the provisions of Section 97.04 for good cause as set forth in the waiver request, shall be made by the owner to the City Manager, in writing. The waiver request shall be reviewed by the City Manager within thirty (30) days of receipt and the decision of the City Manager shall be in writing and mailed or delivered to the petitioner.

Section 3. Effective Date. The provisions of this Ordinance shall become effective immediately following its passage, approval and publication as required by law.

Section 4. Conflict. All other ordinances or parts of ordinances which are in conflict with the provisions of this Ordinance are, to the extent of such conflict, hereby superseded.

Section 5. Publication. The City Clerk is hereby authorized and directed to cause this Ordinance to be published in pamphlet form immediately after passage.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF FARMER CITY, COUNTY OF DEWITT, ILLINOIS THIS _____ DAY OF _____, 2021.

AYES: ____ NAYES: ____ ABSTAIN: ____ ABSENT: ____

ATTESTED:

Scott Testory, Mayor

Angie Wanserski, City Clerk

CITY OF FARMER CITY
105 S MAIN ST
FARMER CITY, IL 61842
(309) 928-3412

VACANT STRUCTURE REGISTRATION FORM

Dear Property Owner:

Pursuant to Ordinance No. 1077 of the City of Farmer City, any structure which has been determined to be "Vacant" as defined in the Ordinance, must be registered with the City of Farmer City, 105 S Main St, Farmer City, IL 61842.

Please complete this form, parts 1 and 2, submit \$100 registration fee with initial application and Certificate of Liability Insurance (\$200 for 1st renewal; \$300 for 2nd renewal). Application must be submitted within 30 days of knowledge that the property is vacant. Any and all changes to the information provided on this form shall be reported to the City of Farmer City within 10 days or faxed to 309-928-2228.

Vacant Structure Address: _____

Type of Structure:

Residential 1-2 units

Commercial structures

Residential 3-11 units

Owner Information:

Name _____

Company Name _____

Address _____

City _____ ST _____ Zip _____

Daytime Number _____

Emergency Number _____

Email _____

Other

Name _____

Company Name _____

Address _____

City _____ ST _____ Zip _____

Agent:

Name _____

Company Name _____

Address _____

City _____ ST _____ Zip _____

Daytime Number _____

Emergency Number _____

Email _____

Vacant Building Liability Ins Co

Name _____

Company Name _____

Address _____

City _____ ST _____ Zip _____

Daytime Number _____

Daytime Number _____

Emergency Number _____

Amount of Coverage \$ _____

Email _____

By affixing my signature to this form, I understand that the City will not issue a Registration Certificate, required by the City Ordinance, until the required registration process is complete. I accept service by "Notice of Posting" on the property.

Signature

Date

Printed Name

STATEMENT OF INTENT

1. What is the expected period of vacancy (including the date of initial vacancy)?

2. What is the plan for regular maintenance during the vacancy to comply with all of the applicable property maintenance and zoning codes of the County and City?

3. What is the plan and time line for the lawful occupancy, rehabilitation, removal or demolition of the structure?

4. What are the measures to be taken to ensure that the structure will be kept weather tight and secure from trespassers and that it will be safe for entry by police officers, firefighters and code or building inspectors in time of exigent circumstances or emergency as well as at times of reasonable inspection as provided in the Ordinance?

5. What measures will be taken to assure that the premises remain free from nuisance conditions and in good order in conformance with the vacant structure maintenance standards?

6. List all persons authorized to be present in the structure and, if deemed necessary, provide notices of trespass to the police authorizing the arrest for trespass of individuals not on the list. (The owner shall update the authorized person list as needed).

No Vacant Structure Registration Certificate shall be effective for more than six months from the date of issuance. Only two six-month renewals at the City's sole discretion, upon demonstrated need, may be allowed as above. A renewal fee of \$200 will be charged for the first renewal and a renewal fee of \$300 will be charged for the second renewal.

Signature

Date

Printed Name