

CHAPTER 6

BUILDING REGULATIONS

ARTICLE I – DANGEROUS BUILDINGS

6-1-1 **DEFINITIONS.** The term "**Dangerous Building**" as used in this Article is hereby to mean and include:

(A) Any building, 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 building, 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;

(C) Any building, 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;

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

Any such dangerous building in the City 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 City and it shall be unlawful for the owner, occupant, or person in custody 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 Mayor or his designated representative, or any other authorized officer of the City shall be of the opinion that any building or structure in the City is a dangerous building, he shall file a written statement to this effect with the City Clerk. The Clerk shall thereupon cause written notice to be served upon the owner thereof and upon the occupant thereof, if any, by 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 at once. Such notice shall be served upon the proper parties not less than **fifteen (15) days** before the City shall 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/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 causes for this decision are _____.

(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 City will proceed to do so."

In the event that the building is not demolished or repaired or altered **within the fifteen (15) day** period of time elapsing from the date of the service of notice, then the City shall institute application before the County Circuit Court requesting an order authorizing the demolition, alteration, or repair of said building premises and the cost of such entailments shall be recovered from the owner or owners of such real estate and shall be a lien thereon.

6-1-4 **LIEN.** Charges for demolishing, repairing or altering of such building shall be a lien upon the premises. A bill representing the cost and expense incurred or payable for the service shall be presented to the owner. If this bill is not paid **within thirty (30) days** of submission of the bill, a notice of lien of the cost and expense thereof incurred by the City shall be recorded in the following manner:

- (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 City and shall be filed **within sixty (60) days** after the cost and expense is incurred.

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 City 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.** Property subject to a lien for unpaid charges shall be sold for non-payment of the same, after deducting costs, as is the case in the foreclosure of statutory liens. Such foreclosure shall be in the name of the City, after lien is in effect for **sixty (60) days.**

ARTICLE II - BUILDING AS NUISANCE

6-2-1 BUILDING CONDITION - NUISANCE. The Mayor or his designated representative shall report to the City Council when any building in the City is in a dangerous condition and constitutes a nuisance.

6-2-2 TIME LIMIT. The owner of such building shall repair or alter it so as to make it safe **within ninety (90) days** from the time the notice is served upon him in the manner provided by law.

6-2-3 NOTIFICATION. The Mayor or his designated representative shall place a notice on all "dangerous and unsafe buildings", which notice shall read as follows:

"This building has been found to be a dangerous and unsafe building by the Mayor. This notice shall remain on this building until it is repaired, vacated or demolished in accordance with the notice which has been given the owner, occupant, lessee, mortgagee, or agent of this building, or person or persons in whose name or names such building was last assessed, and all other persons having an interest in said building as shown by the land records of the County Recorder of Deeds. It is unlawful to remove this notice until such notice is complied with."

6-2-4 DANGEROUS AND UNSAFE BUILDINGS DEFINED. All buildings or structures which have any or all of the following defects shall be deemed "dangerous and unsafe buildings".

(A) Those whose interior walls or other vertical structural members list, lean or buckle to such an extent that a plumb line passing through the center of gravity falls outside of the middle third of its base.

(B) Those which, exclusive of the foundation, show **thirty-one percent (31%) or more** of damage or deterioration of the supporting member or members, or **fifty percent (50%)** of damage or deterioration of the non-supporting enclosing or outside walls or covering.

(C) Those which have improperly distributed loads upon the floors or roofs or in which the same are overloaded, or which have insufficient strength to be reasonably safe for the purpose used.

(D) Those which have been damaged by fire, wind, or other causes so as to have become dangerous to life, safety, morals, or the general health and welfare of the occupants or the people of the City.

(E) Those which have become or are so dilapidated, decayed, unsafe, unsanitary or which so utterly fail to provide the amenities essential to decent living that they are unfit for human habitation or are likely to cause sickness or disease, so as to cause injury to the health, morals, safety or general welfare of those living therein.

(F) Those having light, air, and sanitation facilities which are inadequate to protect the health, morals, safety, or general welfare of human beings who live or may live therein.

(G) Those having inadequate facilities for egress in case of fire or panic or those having insufficient stairways, elevators, fire escapes, or other means of communication.

(H) Those which have parts thereof which are so attached that they may fall and injure members of the public or property.

(I) Those which, because of their condition, are unsafe, unsanitary, or dangerous to the health, morals, safety or general welfare of the people of this City.

(J) Those buildings existing in violation of any provision of the Building Code of this City, or any provision of the Fire Prevention Code, or any other ordinances of the City.

- (K) Those vacant buildings with unguarded openings shall be deemed to constitute a fire hazard and to be unsafe within the provisions of this Code.
- (L) Those buildings which are uncompleted or abandoned.

6-2-5 STANDARDS FOR REPAIR, VACATION OR DEMOLITION. The following standards shall be followed in substance by the Mayor or his authorized representative in ordering repair, vacation, or demolition:

(A) If the "dangerous and unsafe building" is in such condition as to make it dangerous to the health, morals, safety, or general welfare of its occupants, it shall be ordered to be vacated.

(B) If the "dangerous and unsafe building" can reasonably be repaired so that it will no longer exist in violation of the terms of this Code, it shall be ordered repaired.

(C) In any case where a "dangerous and unsafe building" is **fifty percent (50%)** damaged or decayed, or deteriorated from its original value or structure, it shall be demolished, and in all cases where a building cannot be repaired so that it will no longer exist in violation of the terms of this Code, it shall be demolished. In all cases where a "dangerous and unsafe building" is a fire hazard existing or erected in violation of the terms of this Code, or any ordinance of the City, or statute of the State of Illinois, it shall be demolished.

(See "Non-conforming Uses" of the Zoning Code)

6-2-6 DANGEROUS AND UNSAFE BUILDINGS - NUISANCES. All dangerous and unsafe buildings within the terms of this Article are hereby declared to be public nuisances and shall be repaired, vacated, or demolished as hereinbefore and hereinafter provided.

6-2-7 DUTIES OF THE ATTORNEY. The City Attorney shall apply to the Circuit Court for an order authorizing the demolition, repair, or vacation of dangerous and unsafe buildings or uncompleted or abandoned buildings when notices have not been complied with and when requested to do so by the Mayor or his authorized representative.

6-2-8 LIENS. The cost of repair, demolition, vacation, or enclosure shall be recoverable from the owner or owners of such real estate and shall be a lien thereon, which lien shall be subordinate to all prior existing liens and encumbrances; provided that **within sixty (60) days** after said cost and expense is incurred, the City or person performing the service by authority of the City, in his or its own names, shall file notices of lien in the office of the County Recorder of Deeds. The notice shall consist of a sworn statement setting out:

- (A) A description of the real estate sufficient for identification therefor;
- (B) The amount of money representing the cost and expense incurred or payable for the service; and
- (C) The date or dates when said cost and expense was incurred by the City.

Upon payment of said cost and expense by the owner of or persons interested in said property after notice of lien has been filed, the lien shall be released by the City or person in whose name(s) the lien has been filed and said release may be filed of record as in the case of filing notice of lien. The lien may be enforced by proceedings to foreclose as in the case of mortgages or mechanics of lien. Suit to foreclose this lien shall be commenced **within three (3) years** after the date of filing notice of lien.

ARTICLE III - BUILDING OPERATIONS

6-3-1 **USE OF STREETS.** The use of streets for the storage of materials in the process of construction or alteration of a building may be granted where the same will not unduly interfere with traffic and will not reduce the usable width of the roadway to less than **eighteen (18) feet**; provided that no portion of the street other than that directly abutting on the premises on which work is being done shall be used except with the consent of the owner or occupant of the premises abutting on such portion. Any person seeking to make such use of the street shall file with the City Clerk a bond with corporate sureties to be approved by the City Council, to indemnify the City for any loss or damage which may be incurred by it by reason of such use and occupation.

6-3-2 **NIGHT OPERATIONS.** No construction or alteration operations shall be carried on at nighttime if the same are accompanied by loud noises.

6-3-3 **SIDEWALKS.** No sidewalk shall be obstructed in the course of building, construction or alteration without a special permit from the Mayor or his authorized representative being first obtained.

6-3-4 **SAFEGUARDS.** It shall be the duty of the person doing any construction, altering or wrecking work in the City to do the same with proper care for the safety of persons and property. Warnings, barricades and lights shall be maintained wherever necessary for the protection of pedestrians or traffic; and temporary roofs over sidewalks shall be constructed wherever there is a danger to pedestrians from falling articles or materials. **(See Chapter 33 - Streets for additional requirements)**

ARTICLE IV – CANNABIS LOCATION REGULATIONS

6-4-1 DEFINITIONS.

(A) **Adult-Use Cannabis Business Establishment.** An adult-use cannabis cultivation center, craft grower, processing organization, infuser organization, dispensing organization or transporting organization.

(B) **Adult-Use Cannabis Craft Grower.** A facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to cultivate, dry, cure and package cannabis and perform other necessary activities to make cannabis available for sale at a dispensing organization or use at a processing organization, per the Cannabis Regulation and Tax Act, (P.A. 101-0027), as it may be amended from time to time, and regulations promulgated thereunder.

(C) **Adult-Use Cannabis Cultivation Center.** A facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to cultivate, process, transport and perform necessary activities to provide cannabis and cannabis-infused products to licensed cannabis business establishments, per the Cannabis Regulation and Tax Act, (P.A. 101-0027), as it may be amended from time to time, and regulations promulgated thereunder.

(D) **Adult-Use Cannabis Dispensing Organization.** A facility operated by an organization or business that is licensed by the Illinois Department of Financial and Professional Regulation to acquire cannabis from licensed cannabis business establishments for the purpose of selling or dispensing cannabis, cannabis-infused products, cannabis seeds, paraphernalia or related supplies to purchasers or to qualified registered medical cannabis patients and caregivers, per the Cannabis Regulation and Tax Act, (P.A. 101-0027), as it may be amended from time to time, and regulations promulgated thereunder.

(E) **Adult-Use Cannabis Infuser Organization or Infuser.** A facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to directly incorporate cannabis or cannabis concentrate into a product formulation to produce a cannabis-infused product, per the Cannabis Regulation and Tax Act, (P.A. 101-0027), as it may be amended from time to time, and regulations promulgated thereunder.

(F) **Adult-Use Cannabis Processing Organization or Processor.** A facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to either extract constituent chemicals or compounds to produce cannabis concentrate or incorporate cannabis or cannabis concentrate into a product formulation to produce a cannabis product, per the Cannabis Regulation and Tax Act, (P.A. 101-0027), as it may be amended from time to time, and regulations promulgated thereunder.

(G) **Adult-Use Cannabis Transporting Organization or Transporter.** An organization or business that is licensed by the Illinois Department of Agriculture to transport cannabis on behalf of a cannabis business establishment or a community college licensed under the Community College Cannabis Vocational Training Pilot Program, per the Cannabis Regulation and Tax Act, (P.A. 101-0027), as it may be amended from time to time, and regulations promulgated thereunder.

6-4-2 ADULT-USE CANNABIS.

(A) **Purpose and Applicability.** It is the intent and purpose of this Section to provide regulations regarding the cultivation, processing and dispensing of adult-use cannabis occurring within the corporate limits of the City. Such facilities shall comply with all regulations provided in the Cannabis Regulation and Tax Act (P.A. 101-0027) (Act), as it may be amended from time to time, and regulations promulgated thereunder, and the regulations provided below. In the event that the Act is amended, the more restrictive of the state or local regulations shall apply.

(B) **Conditional Use.** Adult-Use Cannabis Business Establishment facilities, as defined herein, requiring approval of a conditional use in the respective areas in which they are requested shall be processed in accordance with this Section.

(C) **Adult-Use Cannabis Facility Components.** In determining compliance with this Article, the following components of the Adult-Use Cannabis Facility shall be evaluated based on the

entirety of the circumstances affecting the particular property in the context of the existing and intended future use of the properties:

- (1) Impact of the proposed facility on existing or planned uses located within the vicinity of the subject property.
- (2) Proposed structure in which the facility will be located, including co-tenancy (if in a multi-tenant building), total square footage, security installations/security plan and building code compliance.
- (3) Hours of operation and anticipated number of customers/employees.
- (4) Anticipated parking demand based on this Section and available private parking supply.
- (5) Anticipated traffic generation in the context of adjacent roadway capacity and access to such roadways.
- (6) Site design, including access points and internal site circulation.
- (7) Proposed signage plan.

(D) **Adult-Use Cannabis Craft Grower.** In those areas in which an Adult-Use Cannabis Craft Grower may be located, the proposed facility must comply with the following:

- (1) Facility may not be located within **one thousand five hundred (1,500) feet** of the property line of a pre-existing public or private nursery school, preschool, primary or secondary school, day care center, day care home or residential care home. Learning centers and vocational/trade centers shall not be classified as a public or private school for purposes of this Article.
- (2) Facility may not be located within **one thousand five hundred (1,500) feet** of the property line of a pre-existing property zoned or used for residential purposes.
- (3) Facility may not conduct any sales or distribution of cannabis other than as authorized by the Act.
- (4) Petitioner shall file an affidavit with the City affirming compliance with all ordinances in existence at the time of the issuance of the license.

(E) **Adult-Use Cannabis Cultivation Center.** In those areas in which an Adult-Use Cannabis Cultivation Center may be located, the proposed facility must comply with the following:

- (1) Facility may not be located within **one thousand five hundred (1,500) feet** of the property line of a pre-existing public or private nursery school, preschool, primary or secondary school, day care center, day care home or residential care home. Learning centers and vocational/trade centers shall not be classified as a public or private school for purposes of this Article.
- (2) Facility may not be located within **one thousand five hundred (1,500) feet** of the property line of a pre-existing property zoned or used for residential purposes.
- (3) Facility may not conduct any sales or distribution of cannabis other than as authorized by the Act.
- (4) Petitioner shall file an Affidavit with the City affirming compliance with all ordinances in existence at the time of the issuance of the license.

(F) **Adult-Use Cannabis Dispensing Organization.** In those areas in which an Adult-Use Cannabis Dispensing Organization may be located, the proposed facility must comply with the following:

- (1) Facility may not be located within **one thousand five hundred (1,500) feet** of the property line of a pre-existing public or private nursery school, preschool, primary or secondary school, day care center, day care home or residential care home. Learning centers and vocational/trade centers shall not be classified as a public or private school for purposes of this Article.

- (2) Facility may not be located in a dwelling unit or within **two hundred fifty (250) feet** of the property line of a pre-existing property zoned or used for residential purposes.
- (3) At least **seventy-five percent (75%)** of the floor area of any tenant space occupied by a dispensing organization shall be devoted to the activities of the dispensing organization as authorized by the Act, and no dispensing organization shall also sell food for consumption on the premises other than as authorized below in the same tenant space.
- (4) Petitioner shall file an Affidavit with the City affirming compliance with all ordinances in existence at the time of the issuance of the license.

(G) **Adult-Use Cannabis Infuser Organization.** In those areas in which an Adult-Use Cannabis Infuser Organization may be located, the proposed facility must comply with the following:

- (1) Facility may not be located within **one thousand five hundred (1,500) feet** of the property line of a pre-existing public or private nursery school, preschool, primary or secondary school, day care center, day care home or residential care home. Learning centers and vocational/trade centers shall not be classified as a public or private school for purposes of this Article.
- (2) Facility may not be located in a dwelling unit or within **two hundred fifty (250) feet** of the property line of a pre-existing property zoned or used for residential purposes.
- (3) At least **seventy-five percent (75%)** of the floor area of any tenant space occupied by an infusing organization shall be devoted to the activities of the infusing organization as authorized by the Act. Facility may not conduct any sales or distribution of cannabis other than as authorized by the Act.
- (4) Petitioner shall file an Affidavit with the City affirming compliance with all ordinances in existence at the time of the issuance of the license.

(H) **Adult-Use Cannabis Processing Organization.** In those areas in which an Adult-Use Cannabis Processing Organization may be located, the proposed facility must comply with the following:

- (1) Facility may not be located within **one thousand five hundred (1,500) feet** of the property line of a pre-existing public or private nursery school, preschool, primary or secondary school, day care center, day care home or residential care home. Learning centers and vocational/trade centers shall not be classified as a public or private school for purposes of this Article.
- (2) Facility may not be located in a dwelling unit or within **two hundred fifty (250) feet** of the property line of a pre-existing property zoned or used for residential purposes.
- (3) At least **seventy-five percent (75%)** of the floor area of any tenant space occupied by a processing organization shall be devoted to the activities of the processing organization as authorized by the Act. Facility may not conduct any sales or distribution of cannabis other than as authorized by the Act.
- (4) Petitioner shall file an Affidavit with the City affirming compliance with all ordinances in existence at the time of the issuance of the license.

(I) **Adult-Use Cannabis Transporting Organization.** In those areas in which an Adult-Use Cannabis Transporting Organization may be located, the proposed facility must comply with the following:

- (1) Facility may not be located within **one thousand five hundred (1,500) feet** of the property line of a pre-existing public or private nursery school, preschool, primary or secondary school, day care center, day care home or residential care home. Learning centers and vocational/trade centers shall not be classified as a public or private school for purposes of this Article.
- (2) Facility may not be located in a dwelling unit or within **two hundred fifty (250) feet** of the property line of a pre-existing property zoned or used for residential purposes.
- (3) The transporting organization shall be the sole use of the tenant space in which it is located. Facilities may not conduct any sales or distribution of cannabis other than as authorized by the Act.
- (4) Petitioner shall file an Affidavit with the City affirming compliance with all ordinances in existence at the time of the issuance of the license.

6-4-3 **ADDITIONAL REQUIREMENTS.** Petitioner shall install building enhancements, such as security cameras, lighting or other improvements, as set forth in the conditional use permit, to ensure the safety of employees and customers of the adult-use cannabis business establishments, as well as its environs. Said improvements shall be determined based on the specific characteristics of the floor plan for an Adult-Use Cannabis Business Establishment and the site on which it is located, consistent with the requirements of the Act.

6-4-4 **CO-LOCATION OF CANNABIS BUSINESS ESTABLISHMENTS.** The City may approve the co-location of an Adult-Use Cannabis Dispensing Organization with an Adult-Use Cannabis Craft Grower Center or an Adult-Use Cannabis Infuser Organization, or both, subject to the provisions of the Act and the Conditional Use criteria within the City Revised Code. In a co-location, the floor space requirements of this Article shall not apply, but the co-located establishments shall be the sole use of the tenant space.

(Ord. No. 2064; 04-27-20)

ARTICLE V – NEIGHBORHOOD PRESERVATION

6-5-1 CITATION. This Article shall be known as the “Nokomis Neighborhood Preservation Ordinance” and shall apply to all buildings and premises thereof in the City.

6-5-2 DEFINITIONS. For purposes of this Article, the following words and phrases shall have the meanings set forth below:

- (A) **Article.** Article V of Chapter 6 of the City Code.
- (B) **City.** Nokomis, Montgomery County, Illinois.
- (C) **City Code.** The Revised Code of Ordinances of Nokomis, Illinois.
- (D) **Code Enforcement Officer.** A person designated by the Mayor with the advice and consent of the City Council, who is charged with the administration and enforcement of this Article, or any person duly authorized by the designated Code Enforcement Officer to act on his or her behalf. In the absence of any such designation by the Mayor, the “Code Enforcement Officer” shall be the Chief of Police or his/her designee(s).
- (E) **Enclose or Enclosing.** Surrounding part or all of the Premises underlying parcel with a fence or wall or otherwise making part or all of Premises inaccessible to the general public.
- (F) **Garbage.** Any organic waste material, including, but not limited to, unused food and food residue.
- (G) **Open Building.** Any existing Structure or part thereof which is Open to Trespass. Structures under construction and which have a valid buiding permit are not to be considered “Open Buildings.”
- (H) **Open to Trespass.** Any Structure or part thereof that is in such condition so as to allow entry without the use of keys or special tools by people, animals, or fowl.
- (I) **Owner.** Any person or entity who, alone or jointly or severally with others, has the legal or equitable title to any Premises, including executors, executrixes, administrators, administratrixes, trustees, or guardians of the estate of the owner, and any purchaser or assignee under a certificate of sale pursuant to a mortgage foreclosure.
- (J) **Premises.** A lot, plot, or parcel of land, easement, or public way, including any Structures thereon.
- (K) **Responsible Party.** Any person or entity who has care, charge, or control of any Premises or Structure, including Owners, tenants, occupiers, property managers, lessees, agents, 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 Structure or property, a mortgagee in possession of any such Structure or property, a mortgagee that has instituted foreclosure proceedings against the mortgagor, a tax purchaser with an order of possession, or a tax purchaser that has received an order directing issuance of a tax deed.
- (L) **Rubbish.** Inorganic waste material, including, but not limited to, metal and glass.
- (M) **Secure or Securing.** Closing off, locking windows or entrances, or otherwise making the interior of a Structure inaccessible to the general public.
- (N) **Statement of Intent.** A form completed by the Owner of a Vacant Structure that contains specific information regarding the Structure and the Owner’s or Owner’s plans for rehabilitation, maintenance, demolition, and/or removal.
- (O) **Structure.** Anything that is installed, built, or constructed and is located on or affixed to the land, including, but not limited to, any building, dwelling, dwelling unit, improvement, property, or other physical object.
- (P) **Structure Maintenance Standards.** Those standards set forth in **Section 6-5-4** below.
- (Q) **Vacant.** Any Structure or part thereof that lacks the habitual presence of human beings who have a legal right to be on the Premises for a period of **sixty (60) consecutive days** or that has ceased substantially all lawful business or construction activity or occupancy, or that is substantially devoid of contents, or, if a multi-family residential property, that contains **six (6)** or more

units with **eighty percent (80%)** of the units being unoccupied. This term, however, shall not include single family homes or owner-occupied two-family properties that have been used as a residence by the owner for a period of at least **five (5) months** within the previous **twelve (12) months** and the owner intends to resume residing at the property.

(R) **Vacant Structure.** Any Structure that is Vacant, as those terms are defined herein.

(S) **Vacant Structure Registration Certificate.** Document issued by the Code Official to an Owner or Responsible Party upon receipt of (1) a complete and satisfactory application for a Vacant Structure Registration Certificate and (2) the fee required for the same.

6-5-3 ENFORCEMENT AUTHORITY. The Code Enforcement Officer is authorized to administer and enforce the provisions of this Article, including, but not limited to, maintaining lists setting forth the status of Vacant Structures. The Code Enforcement Officer is further authorized to enlist the assistance of such inspectors, engineers, electricians, plumbers, and other professionals as may be authorized by the Commissioner of Public Health and Safety, as well as the Chief of Police and other officers, employees, and agents of the City and officers, employees, and agents other government agencies.

6-5-4 STRUCTURE MAINTENANCE STANDARDS. All Structures within the City shall be subject to the following maintenance standards, in addition to any other applicable federal, state, or local ordinances, regulations, or codes:

(A) **Structure Openings.** Doors, windows, areaways and other openings shall be weather tight, Secure, and prevent entry by birds, vermin, and trespassers. Missing or brokwn doors, windows, and other such openings shall be covered by glass or other rigid transparent materials, which are weather protected, and tightly fitted and secured to the opening.

(B) **Roofs.** The roof and flashings shall be sound and tight, not admit moisture or have defects which might admit moisture, rain or roof drainage, and allow for drainage to prevent dampness or deterioration in the interior walls or interior of the Structure.

(C) **Drainage.** The Structure storm drainage system shall be functional and installed in a manner consistent with City ordinances and allow discharge in a manner consistent with City ordinances.

(D) **Structure.** The Structure shall be in good repair, not in violation of City ordinances, structurally sound and free from waste, Garbage, Rubbish, and debris. The Structure shall be sanitary. The Structure shall not pose a threat to the public health and safety.

(E) **Structural Members.** The structural members shall be free of deterioration and capable of safely bearing imposed dead and live loads.

(F) **Foundation Walls.** The foundation walls shall be structurally sound and in a sanitary condition so as not to pose a threat to public health and safety. The walls shall be capable of supporting the load of normal use and shall be free from open cracks and breaks, free from leaks, and be rodent proof.

(G) **Exterior Walls.** The exterior walls shall be free of holes, breaks or loose or rotting materials. Exposed metal, wood, or other surfaces shall be protected from the elements and against decay or rust by periodic application of weather coating materials, such as paint or similar surface treatment.

(H) **Decorative Features.** The cornices, belt courses, corbels, terra cotta trim, wall facings, and similar decorative features shall be safe, anchored, and in good repair. Exposed metal, wood, or other surfaces shall be protected from the elements and against decay or rust by periodic application of weather coating materials, such as paint or similar surface treatment.

(I) **Overhanging Extensions.** All balconies, canopies, marquees, signs, metal awnings, stairways, fire escapes, standpipes, exhaust ducts, and similar features shall be in good repair, anchored, safe, and sound. Exposed metal and wood surfaces shall be protected from the elements and against decay or rust by periodic application of weather coating materials, such as paint or simialr surface treatment.

(J) **Chimneys and Towers.** Chimneys, cooling towers, smokestacks and similar appurtenances shall be structurally safe and in good repair. Exposed metal and wood surfaces shall be protected from the elements and against decay or rust by periodic application of weather coating materials, such as paint or similar surface treatment.

(K) **Walkways.** Walkways shall be safe for pedestrian travel.

(L) **Accessory and Appurtenant Structures.** Accessory and appurtenant Structures such as garages, sheds and fences shall be free from safety, health, and fire hazards and shall comply with City ordinances.

(M) **Premises.** The Premises upon which the Structure is located shall be clean, safe, and sanitary. It shall be free from waste, Garbage, Rubbish, debris, or excessive vegetation in compliance with City ordinances and shall not pose a threat to the public health or safety.

(N) **Fences.** All fences shall be maintained in a state of good repair and in safe and secure condition, with all braces, bolts, nails, supporting frames, and fastenings free from deterioration, termite infestation, rot, rust, or loosening and be able to withstand, at all times, the wind pressure for which they are designed. Additinoally, a Responsible Party shall maintain and keep the area between the fence and the property line free and clear of debris and unlawful grass or weed growth.

6-5-5 VACANT STRUCTURE REQUIREMENTS. All Vacant Structures within the City shall be subject to the following requirements, effective throughout the time a Structure or any portion thereof remains Vacant:

(A) The Premises shall be insured by a Responsible Party. Liability insurance with the following coverage is required:

- (1) \$300,000.00 minimum coverage is required for residential Structures.
- (2) \$1,000,000.00 minimum coverage is required for commercial Structures.

(B) Within **thirty (30) days** of a Structure becoming Vacant, a Responsible Party shall apply for a Vacant Structure Registration Certificate. If the Structure is still Vacant at the time of expiration of the original Vacant Structure Registration Certificate, the Owner shall immediately apply to renew the certificate. At the City's sole discretion, renewal may be granted upon demonstrated need for a maximum of **three (3) month** periods, for an aggregate maximum of **twelve (12) months** total registration, which shall be measured from the date that the initial Vacant Structure Registration Certificate is issued. Changes in ownership shall not extend or otherwise affect the maximum total months of registration allowed for a Vacant Structure. Renewed Vacant Structure Registration Certificates shall be subject to all requirements, conditions, and obligations imposed by this Article on the initial Vacant Structure Registration Certificate, including the payment of a fee at each renewal. Renewed certificates shall be effective as of the date that the previous certificate expired. It shall be the responsibility of the Owner to file an amended registration within **ten (10) business days** of any changes to the conditions contained in the initial or renewal applciation, including occupancy or transfer. During the period of any Vacant Structure Registration Certificate, the Owner shall, upon reasonable notice, provide the City access to the Structure to conduct inspections of the interior and exterior of same to determine compliance with the City Code. If a responsible party refuses to allow an inspection to be conducted, an administrative search warrant may be requested from the Montgomery County Circuit Court, who may consider any factors or such other matters as it deems pertinent in its decision as to whether a warrant shall be issued, including:

- (1) Eyewitness account of violation;
- (2) Citizen complaints;
- (3) Tenant complaints;
- (4) Violations in plain view;
- (5) Violations apparent from City records;
- (6) Property deterioration;
- (7) Age of property;
- (8) Nature of alleged violation;
- (9) Similar properties in the area;
- (10) Documented violations of similar properties in the area;
- (11) Passage of time since last inspection;

(12) Previous violations on the property.

Cause for issuance of a warrant shall be deemed to exist in light of reasonable legislative and administrative standards which show that there is reason to believe that a condition of nonconformity exists with respect to a particular property in violation of the City Code.

(C) Within **ten (10) days** of receipt of the Vacant Structure Registration Certificate, a Responsible Party shall apply for all permits required that are necessary to bring the Structure into compliance with all applicable ordinances, laws, or regulations.

(D) Within **ten (10) days** of receipt of the Vacant Structure Registration Certificate, and as necessary to bring the Structure into compliance with all applicable Ordinances, laws, or regulations, a Responsible Party shall complete the removal of all:

- (1) combustible materials from the Structure and the Premises; and
- (2) waste, Garbage, Rubbish, or debris from the interior of the Structure; and
- (3) waste, Garbage, Rubbish, debris, or excess vegetation (see Chapter 25 and Chapter 29, as applicable) from the exterior of the Structure or on the Premises.

(E) A Responsible Party shall immediately Secure the Structure to prohibit entry by unauthorized persons or animals in accordance with this Article. The Responsible Party shall, as needed, additionally Secure the Structure in the event of increased danger to human life or the public welfare, as determined by the City. Where securing the Structure is insufficient to abate any nuisance or protect the health, safety, and welfare of the City and its residents, the Code Enforcement Officer may order any Owner to immediately Enclose the Premises of a Structure that is Vacant and specify the manner of Enclosing the Structure.

6-5-6 VACANT STRUCTURE REGISTRATION CERTIFICATE. All Vacant Structures within the City shall be registered with the Code Enforcement Officer.

(A) Application for a Vacant Structure Registration Certificate shall be made on a form approved by the Code Enforcement Officer and provided by the City Clerk or Code Enforcement Officer. 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 (including timeline) to achieve and maintain compliance with the requirements of this Article;
- (3) a plan and timeline for the lawful occupancy, rehabilitation, removal, or demolition of the Structure;
- (4) measures and/or plans (including timelines) to be taken to ensure that the Structure will be kept weather tight and Secure and that it will be safe for entry by police officers, firefighters, and other officers, employees, or agents of the City in times of exigent circumstances or emergencies, as well as at times of reasonable inspection;
- (5) measures (and timeline) to be taken to assure that the Premises remain free from nuisance conditions;
- (6) list of all persons authorized to be present in the Structure (and, as an ongoing obligation, update this list so as soon as reasonably practicable following any changes by the Owner to who may access the Structure); and
- (7) The plan (including timeline and measures taken) for regular maintenance, including but not limited to mowing, landscaping, usual and customary repairs, etc.

(B) No Vacant Structure Registration Certificate shall be effective for more than **three (3) months** from the date of issuance. The Code Enforcement Officer may grant no more than **three (3) renewals** of a Vacant Structure Registration Certificate, each for a subsequent **three (3) month** period. Such renewals shall be granted in the sole discretion of Code Enforcement Officer and only upon a demonstrated need by the Owner.

(C) Failure of an Owner to secure a Vacancy Structure Registration Certificate where and when required is a violation of this Article. Each day that a Structure remains Vacant without a Vacant Structure Registration Certificate shall be considered a new and separate violation.

(D) Failure of a Responsible Party to abide by its Statement of Intent shall be a violation of this Article.

6-5-7 VACANT STRUCTURE REGISTRATION CERTIFICATE FEES. The Vacant Structure Registration Certificate application fee shall be **Fifty Dollars (\$50.00)** for the initial application. The fee for the first certificate renewal shall be **Fifty Dollars (\$50.00)**, and the fee for the second and each subsequent certificate renewal shall be **One Hundred Dollars (\$100.00)**. If a renewal is requested after a certificate has expired, an additional fee of **One Hundred Twenty-Five Dollars (\$125.00)** shall apply. The appropriate fee shall be paid at the time of application or renewal.

6-5-8 REQUEST FOR WAIVER. Any Responsible Party may petition the City for a waiver of the registration or re-registration fee, a reduction of the minimum amount of liability insurance, and/or a waiver of some or all of the Structure Maintenance Standards. Application for a waiver of the Structure Maintenance Standards shall be in writing on forms provided by the City. The decision of the Code Enforcement Officer shall be made in writing within **fourteen (14) days** of receiving the petition and shall forthwith be mailed or delivered to the petitioner. In making such decision, the Code Enforcement Officer shall consider all relevant factors, including, but not limited to: (1) whether the property in question cannot yield a reasonable return if permitted to be used only under the conditions allowed by this Article; (2) whether the plight of the Responsible Party is due to unique circumstances; or (3) whether the waiver, if granted, will alter the essential character of the locality. 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. Responsible Parties who are granted a waiver under this Section are still obligated to comply with this Article other than the portions so waived.

6-5-9 ENFORCEMENT AND PENALTIES.

(A) Any Responsible Party found to be in violation of any provision of this Article shall be subject to a fine not to exceed **Seven Hundred Fifty Dollars (\$750.00)**. Each day that said violation continues shall be considered a new and separate violation. Prosecution under this Article is a remedy cumulative to any and all other remedies at law and equity, including but not limited to, the City's remedies under the Illinois Municipal Code.

(B) Unless otherwise granted a waiver as provided herein, at the expiration of **twelve (12) months** from the original issuance of the Vacant Structure Registration Certificate, the Structure must be reoccupied, removed, or demolished. Any Structure that is vacant beyond the **twelve (12) 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.

(C) Every Responsible Party with respect to any Structure shall be jointly and severally liable with every other Responsible Party for the obligations set forth in this Article.

(D) The provisions of this Article and the requirements, obligations, penalties, and remedies contained herein, are in addition to requirements, obligations, penalties, and remedies found elsewhere in the City Code and Illinois law generally.

(E) This Article shall not be construed to limit or prevent the enforcement of other laws, codes, ordinances, or regulations. In the event of conflict, the provision setting the highest standard for health and safety shall prevail.

(Ord. No. 2107; 06-26-23)