

ORDINANCE NO. 314/19

AN ORDINANCE RELATING TO DILAPIDATED AND UNSAFE BUILDINGS

BE IT ORDAINED by the President and the Village Board of Trustees of the Village of Galatia, Saline County, Illinois, as follows:

Section 1: Adoption of Municipal Code Provisions Relating to Unsafe Buildings

The Village hereby adopts by reference all of the provisions of the Illinois Municipal Code relating to control over unsafe property and dilapidated buildings, (65 ILCS 5/11-31-1 through 65 ILCS 5/11-31-2.3) as existing on the effective date of this ordinance and as may be amended after the effective date thereof. This Ordinance hereby repeals and replaces Village Ordinance number 314.

Section 2: Maintenance, Occupancy, Etc., Unlawful.

It shall be unlawful to maintain or permit the existence of any unsafe building in the Village, and it shall be unlawful for the owner, occupant or person in custody of any dangerous building to permit the same to remain in an unsafe condition or to occupy such building or permit it to be occupied while it is or remains in a dangerous condition.

Section 3: Definition of "unsafe building".

- (1) any building, shed, fence or other man-made structure which is dangerous to public health because of its construction or condition, or which may cause or aid in the spread of disease or cause injury to the health of the occupants of it or of neighboring structures;
- (2) 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;
- (3) any building, shed, fence or other man-made structure which, by reason of faulty construction, lack of proper repair or any other cause, is liable to cause injury or damage by a total or partial collapse;
- (4) 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 persons who are not owners or lessees of such structure;
- (5) any building, shed, fence or other man-made structure which, by reason of its condition, poses a threat to the physical integrity of adjacent structures;

Published 5/21/19

(6) any building, shed, fence or other man-made structure which harbors rats or other pests.

Section 3: Abatement

Should the Village Board (or committee appointed by Board) determine that any structure within the Village of Galatia constitutes an unsafe building, the Village shall notify the owner of said premises and demand that the violation be abated.

Section 4: Notice

Notices, under Sections Three (3) and Four (4) of this Ordinance, shall be served upon the owner or owners of the premises by personal service or by certified mail to their last known address. Where, upon diligent search, the identity or whereabouts of the owner or owners of any such building including the lienholders of record, is not ascertainable, notice mailed to the person or persons in whose name such real estate was last assessed is sufficient notice under this Section.

Such notice shall be in substantially the following form:

TO: _____

YOU ARE HEREBY NOTIFIED that the Village of Galatia has determined that the building or other structure owned by you at _____ (address), located within the Village limits of the Village of Galatia, is in an unsafe condition. You are hereby required to put the building, or other structure, in a safe condition or demolish it, within fifteen (15) days of receipt of this Notice. If no action is taken within said fifteen (15) day period, the Village authorities may apply to the Circuit Court of Saline County for a repair or demolition order, in accordance with 65 ILCS 5/11-31-1 et. Seq. and Galatia Village Ordinance No. 314/19. A lien may be placed upon said property for any costs incurred by the Village of Galatia as a result of their causing the same to be demolished, repaired, or enclosed.

VILLAGE OF GALATIA

By: _____

Section 5: Repair or Demolition Order.

If no action is taken within fifteen (15) days of receipt of the Notice outlined in Section five (5) of this Ordinance, by the owner or owners of an building, the Village of Galatia may apply to the Circuit Court of Saline County for a repair or demolition order in accordance with 65 ILCS 5/11-31-1 et. seq.

The hearing on such application to the Circuit Court shall be expedited by the Court and shall be given precedence over all other suits. Upon a showing that a building or structure is unsafe or abandoned, the Court shall grant relief as outlined in 65 ILCS 5/11-31-1 et. Seq.

Section 6: Responsibility for Cost of Repairing/Demolition Lien.

The cost of such repair or demolition incurred by the Village or by a lienholder of record, is recoverable from the owner or owners of such real estate and is a lien thereon, which lien is superior to all prior existing liens and encumbrances except taxes. Within one hundred eighty (180) days after repair or demolition, the Village or the lienholder of record who incurred the cost and expense of such demolition or repair of such building shall file a Notice of Lien of cost and expense in the office of the Recorder of Deeds of Saline County.

The Notice shall consist of a sworn statement containing:

- (1) a description of the real estate sufficient for identification thereof;
- (2) the amount of money representing the cost and expense incurred;
- (3) the date or dates when the cost and expense was incurred by the Village or by the lienholder of record.

For purposes of this Section, the cost of repair or demolition shall be deemed to have been incurred by the Village of Galatia at the time the Village of Galatia pays any person with whom it has contracted to do the repair or demolition work, or the date of the last payment to said person if there is more than one payment.

Upon payment of the cost and expense by the owner of or the persons interested in the property after a Notice of Lien has been filed, the lien shall be released by the Village or the person in whose name the lien has been filed and the release may be filed of record as in the case of filing a Notice of Lien. Costs and expenses for which a lien may be filed shall include any costs incurred in determining ownership or interest of parties in the property, attorneys' fees, court costs, costs incurred in proving the cost of improvements required on said building or structure and all costs incidental to or required for repair or demolition.

Section 7: Foreclosure.

The aforesaid lien may be enforced by proceedings to foreclose as in case of mortgages or mechanics liens, or in any other method as outlined in 65 ILCS 5/11-31-1 et. seq, as existing on the effective date of this ordinance and as

may be amended after the effective date thereof. An action to foreclose this lien may be commenced at any time after the date of filing of the Notice of Lien. The costs of foreclosure incurred by the Village, including court costs, reasonable attorney fees,

Section 8:

All actions brought to enforce this Ordinance shall be brought in the name of the "Village of Galatia" as plaintiff.

Section 9:

This Ordinance shall take effect in full force ten (10) days after its passage, approval, and publication.

Section 10:

This Ordinance shall be in full force and effect from and after its passage, approval, and publication according to the law of the State of Illinois.

Passed, approved, and adopted by the Village Board of the Village of Galatia, Saline County, Illinois, this 13 day of May, 2019, on roll call vote as follows:

Ayes: 6; Nays: 0;

Present: 6; Absent: 0

David Harrawood
David Harrawood, Mayor

ATTEST:

Paulette Herron
Village Clerk, Village of Galatia,
Saline County, Illinois