

VILLAGE OF DUPO, ILLINOIS

ORDINANCE NO. 22-06

ORDINANCE ADDING ARTICLE VI TO CHAPTER 25
OF THE VILLAGE CODE OF THE VILLAGE OF DUPO, ILLINOIS,
"VACANT BUILDING REGISTRATION REQUIRED"

ADOPTED BY THE
VILLAGE BOARD OF TRUSTEES
OF THE
VILLAGE OF DUPO, ILLINOIS
THIS 5th DAY OF JULY 2022

Published in pamphlet form by
authority of the Village Board
of Trustees of the Village of
Dupo, St. Clair County, Illinois,
this 5TH day of July 2022.

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**ORDINANCE ADDING ARTICLE VI TO CHAPTER 25
OF THE VILLAGE CODE OF THE VILLAGE OF DUPO, ILLINOIS,
“VACANT BUILDING REGISTRATION REQUIRED”**

WHEREAS, the Village of Dupo, St. Clair County, Illinois, is a duly created, organized and validly existing municipality of the State of Illinois under the 1970 Illinois Constitution and the laws of the State of Illinois, including particularly the Illinois Municipal Code, and all laws amendatory thereof and supplementary thereto; and

WHEREAS, a duly noticed public meeting was held in the Village of Dupo, Illinois at the Dupo Village Hall, 107 N. Second Street, on July 5, 2022, at 7:00 p.m., before the Village Board of Dupo; and

WHEREAS, commercial or residential buildings that are indefinitely vacant or indefinitely vacant and in the state of disrepair or boarded (hereinafter “vacant buildings”) are public nuisances in that they contribute to the decrease in value of surrounding properties precipitate disinvestment by neighboring business and homeowners, provide a location for criminal activity, undermine the aesthetic character of the Village and have other undesirable effects; and

WHEREAS, vacant commercial and residential buildings, especially those which remain vacant for more than six (6) months, are unsightly and diminish neighboring property values and neighbors’ sense of well-being, and are a public nuisance; and

WHEREAS, allowing commercial and residential buildings to remain indefinitely vacant even in the absence of Code violations or boarding is detrimental to the public health, safety, and welfare; unreasonably interferes with the reasonable and lawful use and enjoyment of other premises within the neighborhood; may pose an extraordinary danger to police officers or firefighters entering the premises in time of emergency; and detracts from the appearance and good order of the Village; all of which effects are especially associated with such buildings which have been vacant for over two years; and

WHEREAS, registration of vacant commercial and residential properties and implementation of a maintenance plan will discourage property owners from allowing their properties to remain indefinitely vacant or in a state of disrepair and will thereby provide a basis to return the limited number of commercial and residential properties in the Village to productive use; and

WHEREAS, the abatement of nuisances caused by vacant commercial and residential buildings, repair and rehabilitation of vacant commercial and residential properties and their subsequent occupancy and productive use is in the best interests of the citizens of the Village of Dupo; and

WHEREAS, an ordinance providing for the declaration of certain boarded and/or vacant commercial and residential buildings as a public nuisance and providing for their abatement is a means for the village to use in maintaining sanitation and health standards, preventing crime, and avoiding fire, health, and safety hazards and minimizing or eliminating the effect such buildings have on the personal and economic well-being of the Village.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND THE BOARD OF TRUSTEES OF THE VILLAGE OF DUPO, ILLINOIS:

Section 1: Recitals. The aforementioned recitals are hereby adopted as findings by the Village Board and incorporated herein.

Section 2: Amendment. The Village of Dupo Code is hereby amended by adding a new Article VI to Chapter 25 (Nuisances), titled "Vacant Building Registration Required" with the language thereunder to read as follows:

**ARTICLE VI
VACANT BUILDING REGISTRATION REQUIRED**

25-6-1 Definitions:

- a. Enforcement Officer: The chief of Police or his designee.
- b. Vacant Building: A building or portion thereof which lacks the habitual presence of human beings who have a legal right to be on the premises.

In determining whether a building is "vacant," these factors shall be determined to be conclusive evidence by the enforcement officer that the building is vacant:

1. A building at which substantially all lawful residential or business activity has ceased and is not actively for sale as part of a contractual agreement to sell the building;
2. The building lacks utility services, i.e., water, sewer, electric or natural gas for a period of more than three (3) months;
3. The real estate taxes for the property have been unpaid for a period of two years or more;
4. The presence or recurrence of uncorrected Code violations.

But not including:

Unoccupied buildings which are undergoing construction, renovation, or rehabilitation and which are in compliance with all applicable ordinances, codes,

legislation, and regulations, and for which construction, renovation or rehabilitation is proceeding diligently to completion.

25-6-2 “Vacant Building” Determination:

Within six (6) months after the effective date of this Ordinance, the Enforcement Officer shall evaluate all commercial and residential buildings in the Village (s)he believes to be unoccupied on the effective date of this Article and make a determination for each as to whether the building is a “vacant building” within the meaning of this Section.

For buildings the Enforcement Officer determines to be “vacant buildings,” (s)he shall, within seven (7) days of making that determination, send notice of his/her written determination with the factual findings to the last taxpayer of record listed on the most recent St. Clair County, Illinois tax roll. Said notice of determination shall be sent first-class United States Mail, with proper postage prepaid. Failure of delivery shall not excuse a person from complying with this Article. The Enforcement Officer may personally serve or cause personal service of the notice of determination. The Enforcement Officer shall also provide with notice the necessary forms for the Owner to register the vacant building as hereafter provided for.

25-6-3 Obligation to Register Vacant Buildings:

The owner of a building who knows, or from all the facts and circumstances should know, that his or her building is or has become a “vacant building” within the meaning of this Section after the effective date of this Article or the owner of a building, which has been provided with a notice of determination in the manner prescribed herein shall register the building with the Village on the form provided by the Enforcement Officer and shall pay a \$500.00 annual non-prorated vacant building registration fee. The form shall include, as a minimum, the name, street address, and telephone number of the owner; the case name and number of any litigation pending concerning or affecting the building, including bankruptcy cases; and the name, street address, and telephone number of all persons or entities with any legal interest in the building or the premises.

25-6-4 Vacant Building Plan. At the time a building is registered as required herein, the owner shall submit a vacant building plan. The plan shall contain the following as a minimum:

- a. A plan of action to repair any doors, windows, or other openings which are boarded up or otherwise secured by any means other than conventional methods used in the design of the building or permitted for new construction or similar type. The proposed repair shall result in openings being secured by conventional methods used in the design of the building or by methods permitted for new construction of similar type with board removed.

- b. A time schedule identifying a date of commencement of repair and date of completion of each repair for each improperly secured opening and nuisance.
- c. When the owner proposes to demolish the vacant building, then the owner shall submit a plan and time schedule for such demolition.
- d. A plan of action, with a time schedule, identifying the date the building will be habitable and occupied or offered for occupancy or sale. The time schedule shall include date(s) of commencement and completion of all actions required to achieve habitability. No plan which provides for compliance with this Section or, which will not, as determined by the Enforcement Officer, achieve such compliance, within six (6) months, in the case of a vacant boarded building, and two (2) years, in the case of a vacant, unboarded, and code compliant building will be approved.

25-6-5 Other Enforcement. The registration of a vacant building shall not preclude action by the Village to demolish or to take other action against the building pursuant to provisions of this Chapter and Article, the Village Code, or other applicable legislation.

25-6-6 Enforcement and Penalties.

- a. Any person found to have violated any provision of this Chapter shall be subject to a minimum fine of \$100.00 per day, per violation, to a maximum of \$750.00 per day, per violation, in addition to any other legal or equitable remedies available to the Village. Such other remedies include, but are not limited to, injunctive relief, application to a court of competent jurisdiction for a receiver, demolition, or condemnation, contracting for the repair or purchase of the premises, or foreclosure of any lien the Village may have thereon.
- b. A separate and distinct offense shall be committed each day on which such person or persons shall violate the provisions of this Article.
- c. Nothing herein contained shall prohibit the Village from immediately condemning as provided for in the Village Code a building or taking other immediate action upon a determination that the building is a public nuisance or poses an imminent danger to the occupants of the building, or the public, health, safety and welfare.

25-6-7 Trespass on Owners Premises.

- a. The owner shall acknowledge in writing to the Village of Dupo Police Chief that no one is permitted by the owner on the premises between 6:00 p.m. to 6:00 a.m. and the owner shall acknowledge that any persons found on his premises between 6:00 p.m. and 6:00 a.m. shall be considered trespassers subject to all applicable laws and ordinances prohibiting trespass and shall be subject to arrest and/or fine. Further,

owner shall place "no trespass" signs on the premises in the front and in the back and at each entrance to any building on the premises.

25-6-8 Severability.


- a. If any paragraph of this ordinance shall be deemed to be unconstitutional or otherwise legally improper by a court of proper jurisdiction, then the remaining paragraphs of this ordinance shall remain in full force and effect.

This Ordinance shall become effective after its passage, approval and publication as provided by law.

PASSED this 5TH day of July 2022 by the Village Mayor and the Village Board of Trustees of the Village of Dupo, St. Clair County, Illinois, and deposited and filed in the office of the Village Clerk in said Village on that date.

| <u>Trustees</u> | <u>Aye</u> | <u>Nay</u> | <u>Absent</u> | <u>Abstain</u> |
|-----------------|------------|------------|---------------|----------------|
| Dawn Keys | X | — | — | — |
| Ronnie C. Dell | X | — | — | — |
| Tammy Taylor | — | — | X | — |
| Joe Basinski | X | — | — | — |
| Ken Phillips | X | — | — | — |
| Kerry Foster | X | — | — | — |

APPROVED AND PASSED by the Mayor of the Village of Dupo, Illinois this 5th day of July 2022.



Jerry Wilson, Mayor
Village of Dupo, Illinois

ATTEST:



MARK NADLER, VILLAGE CLERK

(SEAL)

STATE OF ILLINOIS)
) SS
COUNTY OF ST. CLAIR)

CERTIFICATE OF PUBLICATION

I, Mark Nadler, certify that I am the duly elected and acting Village Clerk of the Village of Dupo, Illinois.

I further certify that on the 5th day of July 2022, the Corporate Authorities of the Village of Dupo, Illinois, passed and approved Ordinance No. 22-06, entitled:

**ORDINANCE ADDING ARTICLE VI TO CHAPTER 25
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which provided by its terms that it should be published in pamphlet form.

The pamphlet form of Ordinance No. 22-06, including the ordinance and a cover sheet thereof, was prepared, and a copy of such ordinance was posted in the Dupo Village Hall, commencing on July 5, 2022 and continuing for at least ten (10) days thereafter, and filed with the St. Clair County Recorder of Deeds pursuant to Section 32-3-10 of the Village’s Revised Code of Ordinances. Copies of such ordinance were also made available for public inspection upon request in the office of the Village Clerk.

DATED at Dupo, Illinois this 5th day of July 2022.



MARK NADLER, Village Clerk

(SEAL)

STATE OF ILLINOIS)
) SS
COUNTY OF ST. CLAIR)

CERTIFICATE OF TRUE COPY

I, Mark Nadler, certify that I am the duly elected and acting Village Clerk of the Village of Dupu, Illinois, and as such I am the keeper of the books, records, files and corporate seal of said Village.

I do further certify that Ordinance No. 22-06, entitled:

**ORDINANCE ADDING ARTICLE VI TO CHAPTER 25
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to which this certificate is attached, is a true, perfect, complete and correct copy of said ordinance as adopted at a regular meeting of the Dupu, Illinois Village Council held on the 5th day of July 2022.

IN WITNESS WHEREOF, I have made and delivered this certificate for the uses and purposes hereinabove set forth this 5th day of JULY, 2022.



MARK NADLER, Village Clerk

(SEAL)