

**VILLAGE OF SOUTH CHICAGO HEIGHTS
COOK COUNTY, ILLINOIS**

ORDINANCE NO. 2021-ORD-25

**AN ORDINANCE OF THE VILLAGE OF SOUTH CHICAGO HEIGHTS, COOK
COUNTY, ILLINOIS, AMENDING CHAPTER 14 OF THE CODE OF ORDINANCES OF
THE VILLAGE OF SOUTH CHICAGO HEIGHTS RELATED TO VACANT
BUILDINGS AND FORECLOSED PROPERTIES**

**ADOPTED BY THE
PRESIDENT AND BOARD OF TRUSTEES
OF THE
VILLAGE OF SOUTH CHICAGO HEIGHTS
THIS 6th DAY OF DECEMBER, 2021**

Published in pamphlet form
by the authority of the President
and Board of Trustees of the
Village of South Chicago Heights,
Cook County, Illinois this 6th day
of December, 2021.

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AN ORDINANCE OF THE VILLAGE OF SOUTH CHICAGO HEIGHTS, COOK COUNTY, ILLINOIS, AMENDING CHAPTER 14 OF THE CODE OF ORDINANCES OF THE VILLAGE OF SOUTH CHICAGO HEIGHTS RELATED TO VACANT BUILDINGS AND FORECLOED PROPERTIES

WHEREAS, the Village of South Chicago Heights, Cook County, Illinois (the “*Village*”) is a home rule municipality pursuant to Section 6(a), Article VII of the 1970 Constitution of the State of Illinois, and as such may exercise any power and perform any function pertaining to its government and affairs (the “*Home Rule Powers*”); and

WHEREAS, the Village President and Board of Trustees of the Village of South Chicago Heights, Cook County, Illinois (the “*Corporate Authorities*”) may from time to time amend the text of the South Chicago Heights Municipal Code when it is determined to be in the best interests of the residents of the Village; and

WHEREAS, the Corporate Authorities are charged with the responsibility of protecting the health, safety and welfare of the residents of the Village; and

WHEREAS, the Village is authorized by Illinois law to impose land use regulations as appropriate for public health, safety, and welfare; and

WHEREAS, vacant and foreclosed properties possess certain specific concerns that can threaten the welfare of tenants and cause a negative impact on surrounding properties and the Village as a whole, such as life-safety concerns, quality of neighborhood and related life concerns, security concerns, and fire safety concerns; and

WHEREAS, the Corporate Authorities have previously adopted ordinances which regulate vacant buildings and property within the Village; and

WHEREAS, pursuant to the authority granted by the Illinois Municipal Code and the Code of Ordinances of the Village of South Chicago Heights, Illinois, among other applicable statutes and ordinances, the Corporate Authorities wish to adopt additional means for regulating vacant and foreclosed properties, and for the promotion of responsible management of vacant and foreclosed properties within the Village; and

WHEREAS, the Corporate Authorities have the power pursuant to 65 ILCS 5/1 *et. seq.*, to pass ordinances proper and necessary, including imposing civil fines up to \$750; and

WHEREAS, the Corporate Authorities find that it is necessary to implement rules for the regulation, registration and inspection of vacant and foreclosed properties in the Village to ensure the safety of these properties, the health and safety of Village residents, and to prevent further deterioration of these properties; and

WHEREAS, in connection with the foregoing, the Corporate Authorities find that it is in the best interests of the public health, safety, morals and welfare of the Village and its residents to provide for the regulations herein specified.

NOW, THEREFORE, BE IT ORDAINED by the Village President and Board of Trustees of the Village of South Chicago Heights, Cook County, Illinois, by and through its Home Rule Powers, as follows:

Section 1. That the above recitals and legislative findings are found to be true and correct and are hereby incorporated herein and made a part hereof, as if fully set forth in their entirety.

Section 2. Section 14-10 (“*Vacant buildings and property regulations*”) of Article I (“*In General*”) of Chapter 14 (“*Buildings and Building Regulations*”) of the Code of Ordinances of the Village of South Chicago Heights, Illinois, is hereby amended by deleting the stricken language and by adding the underlined language to read, as follows:

• **Sec. 14-10. - Vacant buildings and property regulations.**

(c) *Definitions*

Dangerous building.

Evidence of vacancy. Any condition that on its own, or combined with other conditions present, would lead a reasonable person to believe that the property is vacant. Such conditions may include, but are not limited to: overgrown and/or dead vegetation; past due utility notices and/or disconnected utilities; accumulation of trash, junk or debris; abandoned vehicles, auto parts and/or materials; the absence of furnishings and/or personal items consistent with habitation or occupancy; the presence of an unsanitary, stagnant swimming pool; accumulation of newspapers, circulars, flyers and/or mail; statements by neighbors, passers-by, delivery agents or government agents; and/or the presence of boards over doors, windows or other openings in violation of applicable ordinance(s).

Foreclosure Action. The legal process by which a mortgagee, or other lien holder, terminates or attempts to terminate a property owner's equitable right of redemption to obtain legal and equitable title to the real property pledged as security for a debt or the real property subject to the lien. The legal process is not concluded until the real property obtained by the mortgagee, lien holder, or their designee, by certificate of title, or any other means, is sold to a non-related bona fide purchaser in an arm's length transaction to satisfy the debt or lien.

Mortgagee: The creditor, including but not limited to, trustees; mortgage servicing companies; lenders in a mortgage agreement; any agent, servant, or employee of the creditor; any successor in interest; or any assignee of the creditor's rights, interests or obligations under the mortgage agreement; or any other person or entity with the legal right to foreclose on the real property, excluding governmental entities.

Owner. Any person, agent, operator, firm, or corporation having a legal or equitable interest in the property; or recorded in the official records of the state, county, or municipality as holding title to the property; or otherwise having control of the property, including the guardian of the estate of any such person, and the executor or administrator of the estate of such person if ordered to take possession of real property by a court. *Owner shall also include any person, agent, operator, firm, or corporation foreclosing or seeking to foreclose any interest in the property, and any such entity possessing an interest by virtue of a mortgage or lease agreement, including landlords, mortgagees and guarantors of the property.*

(d) *Determination.* Within 60 days after the effective date of this section 14-10, the building director shall evaluate all buildings in the village he believes to shows evidence of vacancy or evidence of being ~~be~~ unoccupied on the effective date of this section 14-10 and make a determination for each as to whether the building is a "vacant building" within the meaning of section 14-10(c) of this Code. The building director may determine that a building which meets any of the criteria set forth in this section is not to be regulated under this section 14-10 for a stated period, if upon consideration of reliable, substantiated and sufficient evidence, he or she determines that regulation of the building under this section 14-10 would not serve the public health, welfare, and safety and makes written findings in support of this decision. The determination shall be in writing and shall state the factual basis for the determination. For buildings the building director determines to be "vacant buildings," notice of the determination will be sent to the last taxpayer of record listed on the most recent Cook County tax roll. The notice of determination shall be sent first class United States mail. Failure of delivery shall not excuse a person from complying with this section 14-10. The building director may personally serve or cause personal service of the notice of determination. Any person making such service shall execute an affidavit attesting to the facts of service. The building director shall maintain a record of such mailing for each notice of determination sent.

The notice shall specify a date and time on which the owner shall allow for a code compliance inspection of the interior of the vacant building to determine the extent of compliance with village property, building codes, health, fire, water and sewer codes. The owner shall pay the following for inspection fees ~~\$500~~ inspection fee to the village within 30 days of the inspection.

Inspection Fee Schedule:

<u>Single Dwelling</u>	\$175.00
<u>(Includes 2 inspections - initial report and final inspection)</u>	

<u>Multiple Unit Dwelling - 2 flats</u>	\$175.00
<u>Additional per unit fee</u>	<u>\$25.00</u>
<u>(Includes 2 inspections - initial report and final inspection)</u>	

<u>Commercial Dwelling - 3 or more units</u>	\$200.00
<u>Additional per unit fee</u>	<u>\$25.00</u>
<u>(Includes 2 inspections - initial report and final inspection)</u>	

<u>Commercial/Industrial Dwelling</u>	\$200.00
<u>Additional per unit fee</u>	<u>\$25.00</u>

Additional Re-Inspection Fee Schedule: **\$50.00**

Any unpaid fees shall be a lien upon the premises.

The notice shall contain a statement of the obligations of the owner of a building determined to be a vacant building, a copy of the registration form the owner is required to file pursuant to section 14-10(f) of this Code, and a notice of the owner's right to appeal the building director's determination.

(f) *Obligation to register.*

(1) *Registration requirements.*

- a. Register the building with the building director, on a form provided by the building director and pay the ~~\$200.00~~ \$300.00 annual nonprorated 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 with any legal interest in the building or the premises. The form shall require the owner to identify a natural person 21 years of age or older who maintains a permanent address in Cook County, Illinois, to accept service on behalf of the owner with respect to any notices the building director sends pursuant to this section 14-10 or service of process in any proceeding commenced to enforce any provision of this section 14-10, and file with the building director on the registration form, the name, address, and telephone number of said person. A street address is required. A post office box is not an acceptable address.

- b. Renew the vacant building registration each year on the anniversary date of the first filing for the time the building remains vacant and pay the required ~~\$200.00~~ \$300.00 annual fee; and

(2) *Notice; inspection.*

The owner shall allow for a code compliance inspection of the interior of the vacant building and shall pay the ~~\$300.00~~ \$500.00 fee therefore within 30 days of the inspection. Such inspection will determine the extent of compliance with village property, building codes, health, fire, water and sewer codes. The village shall send the inspection report to the owner within 30 days.

Section 2. Section 14-11 (*Foreclosure and mortgage default regulations*”), of Article I (“*In General*”) of Chapter 14 (“*Buildings and Building Regulations*”) of the Code of Ordinances of the Village of South Chicago Heights, Illinois, is hereby created by adding the underlined language immediately following Section 14-10 to read, as follows:

- **Sec. 14-11. -Reserved. Foreclosure and mortgage default regulations.**

- (a) In addition to the requirements of Section 14.10 of the Village Code, any mortgagee who holds a mortgage on real property located within the Village shall perform an inspection of the property upon it being in default or defaulted on by the mortgagor or prior to the issuance of a notice of default.
- (b) Property inspected pursuant to subsection (A) of this section that remains in default or defaulted, shall be inspected every thirty (30) days by the mortgagee or mortgagee's designee. If an inspection shows a change in the property's occupancy status the mortgagee shall, within ten (10) days of that inspection, update the occupancy status of the property registration.
- (c) Within ten (10) days of the date any mortgagee declares its mortgage to be in default or defaulted, the mortgagee shall register the real property with the Village's registry, and at the time of registration, indicate whether the property is vacant, and if so shall designate in writing a property manager to inspect, maintain and secure the real property subject to the mortgage in default or defaulted. A separate registration is required for each defaulted property.
- (d) Initial registration pursuant to this section shall contain at a minimum the name of the mortgagee, the mailing address of the mortgagee, e-mail address, telephone number and name of the property manager and said person's address, e-mail address, and telephone number.
- (e) At the time of initial registration each registrant shall pay a non-refundable semi-annual registration fee of two hundred fifty dollars (\$250.00) for each defaulted property. Subsequent semi-annual registrations of defaulted properties and fees in the amount of two hundred fifty dollars (\$250.00) are due within ten (10) days of the expiration of the previous registration. Any registerable property remaining vacant after two (2) years shall pay subsequent registration fees in the amount of three hundred dollars (\$300.00) semi-annually as provided by this chapter. Said fees shall be used to offset the costs of: 1) registration and registration enforcement, 2) code enforcement and mitigation related to defaulted properties, and 3) for any related purposes as may be adopted in the policy set forth in this chapter. The Village's Director of Building, Zoning and Code Enforcement, of his designees, shall be authorized to waive the fee requirements of this chapter upon written petition of non-profit entities whose purpose and effect are to reduce the number of registerable properties as provided for in this chapter.
- (f) If the defaulted mortgage and/or servicing on a property is sold or transferred, the new mortgagee is subject to all the terms of this chapter. Within ten (10) days of the transfer, the new mortgagee shall register the defaulted property or update the existing registration. Any and all previous unpaid fees, fines, and penalties, including but not limited to unregistered periods during the foreclosure process shall be the responsibility of the mortgagee at the time initial registration and/or semi-annual registrations when required and are subject to enforcement per this chapter. If the mortgage on a registerable property is sold or transferred, the new mortgagee is subject to all the terms of this chapter, and within ten (10) days of the transfer or sale shall update the existing registration. The previous mortgagee will not be released from the responsibility of paying all previous unpaid fees, fines, and penalties accrued during that mortgagee's involvement with the defaulted property. The provisions of this subsection are cumulative with and in addition to other available remedies. Moreover, the Village is authorized and empowered to collect on the previous mortgagee's non-payment of previous fees, fines, and penalties in any lawful manner.

(g) If the mortgagee sells or transfers the defaulted property in a non-arm's length transaction to a related entity or person, the transferee is subject to all the terms of this chapter, and within ten (10) days of the transfer, shall register the defaulted property or update the existing registration. Any and all previously unpaid fees, fines, and penalties, regardless of who the mortgagee was at the time registration was required, including but not limited to unregistered periods during the foreclosure process, are the responsibility of the new owner of the foreclosed property and are due and payable with the updated registration. The previous mortgagee will not be released from the responsibility of paying all previously unpaid fees, fines, and penalties accrued during that mortgagee's involvement with the defaulted property. The provisions of this subsection are cumulative with and in addition to other available remedies.

(h) If the defaulted property is not registered, or either the registration fee or the semi-annual registration fee is not paid within thirty (30) days of when the registration or semi-annual registration is required pursuant to this section, a late fee equivalent to ten percent (10%) of the semi-annual registration fee shall be charged for every thirty-day period, or portion thereof, the property is not registered and shall be due and payable with the registration. This section shall apply to the initial registration and registrations required by subsequent owners of the defaulted mortgage and/or defaulted property. Registrations delinquent greater than thirty (30) days are also subject to additional fines as described herein.

(i) This section shall also apply to properties that have been the subject of a foreclosure sale where title is transferred to the mortgagee as well as any properties transferred to the mortgagee under a deed in lieu of foreclosure or by any other legal means.

(j) Properties subject to this section shall remain subject to the semi-annual registration requirement, and the inspection, security, and maintenance standards of this section as long as the mortgage is under foreclosure or in default or defaulted. The satisfaction or discharge of a lien, the filing of a dismissal of lis pendens and/or summary of final judgment and/or certificate of title, voluntary or otherwise, does not exempt any mortgagee holding the defaulted mortgage, from all the requirements of this chapter as long as the borrower is in default.

(k) Failure of the mortgagee and/or property owner of record to properly register or to modify the registration to reflect a change of circumstances as required by this chapter is a violation of this chapter and shall be subject to enforcement by any of the enforcement means available to the Village.

(l) If any property is in violation of this chapter the Village may take the necessary action to ensure compliance and recover the cost of the outstanding obligation and/or any additional cost incurred to bring the property into compliance.

Section 3. Any non-preemptive state statute in conflict hereof with this Ordinance is hereby superseded to the full extent of such conflict pursuant to the exercise of the Home Rule Powers of the Village.

Section 4. The officials and officers of the Village are hereby authorized to undertake

actions on the part of the Village to implement the newly adopted schedule of fines.

Section 5. This Ordinance, and its parts, are declared to be severable and any section, paragraph, clause, provision, or portion of this Ordinance that is declared invalid shall not affect the validity of any other provision of this Ordinance, which shall remain in full force and effect.

Section 6. All ordinances, resolutions, motions or orders in conflict with this Ordinance are hereby repealed to the extent of such conflict.

Section 7. This Ordinance shall be in full force and effect upon its passage, approval and publication as provided by law.

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ADOPTED by the President and Board of Trustees of the Village of South Chicago Heights, Cook County, Illinois this 6th day of December 2021, pursuant to a roll call vote, as follows:

VOTE:

AYES:

6

NAYS:

8

ABSENT:

APPROVED by the President of the Village of South Chicago Heights, Cook County, Illinois on this 6th day of December 2021.



VILLAGE PRESIDENT

ATTEST:



VILLAGE CLERK