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VILLAGE OF MELROSE PARK
COOK COUNTY, ILLINOIS

ORDINANCE NO. 1246

AN ORDINANCE CREATING CHAPTER 15.30, VACANT BUILDINGS, OF THE VILLAGE OF MELROSE PARK MUNICIPAL CODE, FOR THE VILLAGE OF MELROSE PARK, COUNTY OF COOK, STATE OF ILLINOIS.

ADOPTED BY THE
PRESIDENT AND BOARD OF TRUSTEES
OF THE
VILLAGE OF MELROSE PARK

THIS 12TH DAY OF JANUARY 2009

RONALD M. SERPICO, Village President
MARY ANN PAOLANTONIO SALEMI, Village Clerk

Board Of Trustees

JOHN S. CONTEDEUCA
CATHLEEN COSSIDENT ITALIA
ARTURO J. MOTA
ANTHONY J. PRIGNANO
MARY RAMIREZ TACONI
JAIME ANGUIANO

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Published by authority of the
President and Board of Trustees
Of the Village of Melrose Park,
Cook County, Illinois on
This 13TH day of JANUARY 2009

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**AN ORDINANCE CREATING CHAPTER 15.30, VACANT BUILDINGS,
OF THE VILLAGE OF MELROSE PARK MUNICIPAL CODE, FOR THE
VILLAGE OF MELROSE PARK, COUNTY OF COOK, STATE OF
ILLINOIS.**

* * * * *

WHEREAS, the Village of Melrose Park, County of Cook, State of Illinois (the “Village”) is a duly organized and existing municipality and unit of local government created under the provisions of the laws of the State of Illinois, and is operating under the provisions of the Illinois Municipal Code, and all laws amendatory thereof and supplementary thereto, with full powers to enact ordinances and adopt resolutions for the benefit of the residents of the Village; and

WHEREAS, the Village President, the Honorable Ronald M. Serpico (the “President”), the Village Clerk, the Honorable Mary Ann Paolantonio Salemi, having taken office on May 2, 2005, and the Board of Trustees of the Village, the Honorable John S. Conteduca, Cathleen Cossident Italia, Arturo J. Mota, Anthony J. Prignano, and Mary Ramirez Taconi, having taken office on May 14, 2007, and the Honorable Jaime Anguiano, having taken office on March 10, 2008 (the “Village Board”), constitute the duly elected, qualified and acting officials of the Village; and

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

WHEREAS, Vacant Buildings, especially those which remain boarded 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 certain buildings to remain indefinitely vacant even in the absence of violations of the Village Municipal Code (the "Village Code") or boarding is detrimental to the public health, safety, and welfare of the Village; 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 neighborhood; all of which effects are especially associated with such buildings that have been vacant for over two (2) years; and

WHEREAS, registration of Vacant Buildings and implementation of a maintenance plan will discourage property owners from allowing their properties to remain indefinitely vacant or indefinitely vacant and in a state of disrepair and will thereby provide a basis for the return of Vacant Buildings to the building stock; and

WHEREAS, the Village has the statutory power to define, prohibit, and abate public nuisances pursuant to 65 ILCS 5/11-60-2 of the Illinois Municipal Code, as amended; and

WHEREAS, the "broken window" concept generally refers to the concept that one broken window, if left unrepaired, leads to more broken windows giving the appearance that no one maintains or protects property, and that property then becomes more deteriorated, and that the deterioration may have a ripple effect to other properties; and

WHEREAS, the Village Board hereby adopts the aforesaid "broken window" concept among the rationales of and among the purposes of this Ordinance; and

WHEREAS, the abatement of nuisances caused by Vacant Buildings, repair and rehabilitation of Vacant Buildings and their subsequent occupancy is in the best interests of the

Village and its residents; and

WHEREAS, an ordinance providing for the declaration of Vacant Buildings as public nuisances and providing for their abatement, establishes an effective mechanism for the Village to maintain sanitation and health standards, to prevent crime, to lessen or avoid fire, health, and safety hazards, and to minimize or eliminate the effect Vacant Buildings have on the personal and economic well-being of the neighborhoods in which they are located; and

WHEREAS, as such, the Village Board deems it advisable and necessary for the benefit of the Village and the health, safety, and welfare of its residents to amend the Village Code by adding new Chapter 15.30, "Vacant Buildings," as described herein; and

NOW, THEREFORE, BE IT ORDAINED by the Village President and the Board of Trustees of the Village of Melrose Park, County of Cook, State of Illinois, as follows:

**ARTICLE I.
IN GENERAL**

Section 01. Incorporation Clause.

All of the recitals hereinbefore stated as contained in the preambles to this Ordinance are full, true and correct, and the Village Board does hereby, by reference, incorporate and make them part of this Ordinance as legislative findings.

Section 02. Purpose.

The purpose of this Ordinance is to amend the Village Code by adding new Chapter 15.30, "Vacant Buildings," to accomplish various goals, among them the following: (a) to establish a program for the identification, registration, and regulation of Vacant Buildings and certain unoccupied buildings, as defined, on and after the effective date of this Ordinance; (b) to determine the responsibilities of owners of Vacant Buildings; and (c) to provide for the administration, enforcement, including abatement of public nuisances, and imposition of

penalties with respect to the same.

Section 03. Invocation of Authority.

This Ordinance is adopted pursuant to the authority granted to the Village by the Constitution of the State of Illinois and the Illinois Compiled Statutes.

Section 04. State Law Adopted.

All applicable provisions of the Illinois Compiled Statutes, including the Illinois Municipal Code, as may be amended from time to time, relating to the purposes of this Ordinance are hereby incorporated herein by reference.

Sections 05 - 09. Reserved.

**ARTICLE II.
NEW CHAPTER 15.30, VACANT BUILDINGS**

Section 10.00 New Chapter 15.30, Vacant Buildings.

That Title 15 of the Village Code is hereby amended, notwithstanding any provision, ordinance, resolution, or Village Code section to the contrary, by adding a New Chapter 15.30, "Vacant Buildings," by inserting the following language:

"Chapter 15.30

VACANT BUILDINGS

Sections:

- 15.30.010 Definitions.**
- 15.30.020 Vacant Building Determination.**
- 15.30.030 Appeal of Director's Determination of Vacant Buildings.**
- 15.30.040 Obligation to Register Vacant Buildings and Unoccupied Buildings Acquired through Mortgage Foreclosure.**
- 15.30.050 Approval of Plan.**
- 15.30.060 Authority to Modify Plan, Right to Appeal.**
- 15.30.070 Failure to Comply with Plan.**
- 15.30.080 Other Enforcement.**
- 15.30.090 Real Estate Transfer Stamps.**
- 15.30.100 Certification.**
- 15.30.110 Time Restrictions—Vacant Buildings.**
- 15.30.120 Enforcement and Penalties.**

15.30.010 Definitions.

Unless otherwise expressly stated or clearly indicated by the context, the following terms shall, for the purpose of this Chapter, have the meanings indicated in this Section.

A. "Building": Any structure occupied or intended for supporting or sheltering any occupancy.

B. "Dangerous Building": A Building defined as a "Dangerous Building" in Chapter 15.28 of the Village Code, as amended. Dangerous Buildings are Public Nuisances.

C. "Boarded Building": A Building which has had, in a manner intended to be temporary or permanent, any or all openings, which openings are windows or doors which were present for the purpose of light, ventilation or egress, some material whether opaque, solid or transparent, affixed to such openings, from the interior or exterior of the Building, for the purpose of securing or preventing access or damage to the building or its components, other than conventional methods used in the design of a Building or permitted for new construction of similar type.

D. "Director": The Director of Public Works (also sometimes referred to in the Village Code as the Commissioner of Public Works) or his or her designee.

E. "Unoccupied" or "Unoccupied Building": A Building or portion thereof which lacks the habitual presence of human beings who have a legal right to be on the Premises, including Buildings ordered vacated by the Director pursuant to authority granted to him by the Village Code. In determining whether a Building is "Unoccupied," the Director may consider these factors, among others:

1. A Building at which substantially all lawful residential or business activity has ceased.

2. The percentage of the overall square footage of occupied to unoccupied space or the overall number of occupied and unoccupied units.

3. The Building is substantially devoid of contents. The condition and value of fixtures or personal property in the Building are relevant to this determination.

4. The Building lacks utility services, i.e., water, sewer, electric or natural gas.

5. The Building is the subject of a foreclosure action.

6. The Building is not actively for sale as part of a contractual agreement to sell the Building.

7. The presence or recurrence of uncorrected Village Code violations.

F. "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.

G. "Person" includes a corporation, a partnership, or other entity as well as an individual.

H. "Premises": A lot, plot or parcel of land including any structure or Building thereon.

I. "Public Nuisance" includes the following:

1. The physical condition, or uses of any Premises regarded as a

public nuisance at common law, under the Illinois Compiled Statutes, or under the Village Code; or

2. Any physical condition, use or occupancy of any Premises or its appurtenances considered an attractive nuisance to children, including, but not limited to, abandoned wells, shafts, basements, excavations, and unsafe fences or structures; or

3. Any Building which has unsanitary sewerage or plumbing facilities; or

4. Any Building designated by the Director as unsafe for human habitation or use; or

5. Any Building which constitutes a fire hazard, or is unsafe or insecure to a degree that endangers life, limb or property; or

6. Any Premises which is unsanitary, or which is littered with rubbish or garbage, or which has an uncontrolled growth of weeds; or

7. Any Building that is: dangerous; in a state of dilapidation, deterioration or decay; improperly constructed; unsecure; vacant with the doors, windows, or other openings boarded up or secured by any means other than conventional methods used in the design of the Building or permitted for new construction of similar type; damaged by fire to the extent that it no longer provides shelter; in danger of collapse or structural failure; or dangerous to anyone on or near the Premises; or

8. Any Dangerous Building or Vacant Building.

J. "Vacant Building": A Building or portion of a Building, which is:

1. Unoccupied and unsecured; or

2. Unoccupied and secured by boarding or other similar means for more than three (3) months; or

3. Unoccupied and a dangerous structure; or

4. Declared unsafe for occupancy by the Director pursuant to applicable provisions of the Village Code; or

5. Unoccupied and containing multiple Village Code violations; or

6. Unoccupied where the Building or its Premises had been used for unlawful activity at any time during the previous six (6) months, whether the unlawful activity had occurred when the Building was occupied or not; or

7. Declared unsafe for occupancy by the Director and unlawfully occupied; or

8. Unoccupied for over one hundred eighty (180) days and during which time the Director has issued an order to correct Public Nuisance conditions and same have not been corrected in compliance with the Village Code; or

9. Unoccupied for over one (1) year.

Excluded from the definition of Vacant Building, at the determination of the Director, is an Unoccupied Building (a) that is undergoing construction, renovation, or rehabilitation, (b) is in compliance with all applicable ordinances, codes, legislation, and regulations, including the Village Code, and (c) for which construction, renovation or rehabilitation is proceeding diligently to completion.

K. "Village Code": The Village of Melrose Park Municipal Code.

L. "Inspection": A comprehensive inspection of the interior and exterior of a

Building to determine compliance with the Village Code regarding property maintenance, building, health, fire and water and sewer codes, as determined by the Director.

15.30.020 Vacant Building Determination.

A. Following the effective date of this Chapter, the Director shall routinely evaluate all Buildings in the Village, which he or she believes to be unoccupied and make a determination for each as to whether or not the Building is a Vacant Building. The Director may determine that a Building which meets any of the criteria set forth in Section 15.30.010.J is not to be regulated under this Chapter for a stated period, if upon consideration of reliable, substantiated and sufficient evidence, he or she determines that the circumstances which give rise to the Building being eligible for regulation hereunder are clearly temporary in nature and are either in the process of being addressed or will soon be addressed by the Owner and that therefore regulation of the Building under this Chapter would not serve the public health, welfare, and safety and makes written findings in support of his or her decision. The determination shall be in writing and shall state the factual basis for the determination. For any Building the Director determines to be a Vacant Building, he or she shall, within seven (7) days of making that determination, send a written Notice of Determination (the "Notice of Determination") with the factual findings to the name and address of the last taxpayer of record for such parcel listed on the most recent Cook County tax roll. Said Notice of Determination shall be sent via either (1) first-class United States Mail, proper postage prepaid, and certified or (2) personal service of the Notice of Determination. Any Person making such personal service shall execute an affidavit attesting to the facts of service. The Director shall maintain an affidavit of such mailing for each Notice of Determination sent. Failure of delivery shall not excuse a Person from complying with this Chapter.

B. The Director shall cause to be conducted an Inspection of every Vacant Building.

C. The Notice of Determination shall set a tentative date and time for the Inspection. If the Owner does not timely file a written appeal of the Notice of Determination, then the Owner shall either confirm the tentative date for the Inspection or shall schedule a new date and time with the Director for same. If the Owner fails to confirm or schedule the Inspection as aforesaid, the Village shall obtain an administrative search warrant to accomplish the Inspection.

D. The Village shall charge the Owner a fee of Five Hundred and No/100 U.S. Dollars (\$500.00) to offset the cost to the Village of the Inspection. The Owner shall pay to this fee to the Village within thirty (30) days of receipt of the bill for same.

E. Village real estate transfer stamps will not be issued by the Village for the sale or transfer of such property until the Inspection has taken place and the fee therefore has been paid and, if necessary, an administrative search warrant for same has been timely obtained. Such stamps shall be issued, however, if the Village is required to obtain an administrative search warrant and has failed to obtain same in a timely manner.

F. The Notice of Determination 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 15.30.040, and a notice of the Owner's right to appeal the Director's determination.

15.30.030. Appeal of Director's Determination of Vacant Buildings.

A. An Owner of a Building determined by the Director to be a Vacant Building may appeal that determination to the Village combined Zoning and Planning Board of Appeals

("PZBA"). Such appeal shall be in writing and shall be filed with the Village Clerk within fifteen (15) days of the date of mailing of the Notice of Determination. The filing of an appeal stays the Owner's obligation to register his or her Building as required by Section 15.30.040. The appeal shall contain a complete statement of the reasons the Owner disputes the Director's determination, shall set forth specific facts in support thereof, and shall include all evidence the Owner relies upon to support the appeal. At the next regular meeting of the PZBA, the PZBA shall by a simple majority vote, make a recommendation to the Village Board on the appeal on the basis of facts presented by the Owner in his or her written appeal, the Director's written determination, and any other evidence or testimony the PZBA deems appropriate. The PZBA may, but is not required to, seek additional information from the Owner or other Persons, in its discretion. The PZBA may delay its decision on the appeal if it determines that additional time is required for consideration of the appeal. The PZBA shall adopt written Findings of Fact for its recommendation on the appeal to the Village Board and shall forward same to the Village Board within thirty (30) days of the PZBA recommendation. The Village Board, following receipt of the PZBA recommendation and Findings of Fact, at its next regular meeting shall by a simple majority vote make a final determination on the appeal. The Village Board may delay its decision on the appeal if it determines that additional time is required for its decision.

B. The burden is upon the Owner to present sufficient evidence to persuade the Village Board that it is more likely than not that the subject Building is not a Vacant Building.

C. The Village Clerk shall send written notice of the Village Board decision to the Owner within ten (10) days of the date of the decision and shall be sent via either (1) first-class United States Mail, proper postage prepaid, and certified or (2) personal service. Any Person making such personal service shall execute an affidavit attesting to the facts of service.

15.30.040 Obligation to Register Vacant Buildings and Unoccupied Buildings Acquired through Mortgage Foreclosure.

Owners of Vacant Buildings shall register with the Director as prescribed hereinbelow and otherwise comply with Section 15.30.040.A. Mortgage lenders who acquire title to Unoccupied Buildings shall be required to register as set forth in Section 15.30.040.B hereinbelow.

A. Owner's Obligation to Register Vacant Buildings. The Owner of a Building (1) who knows, or from all the facts and circumstances should know, that his or her Building is or has become a Vacant Building, or (2) which Building the Director determines at any time to be a Vacant Building, or (3) the Owner of a Building whose appeal from the Director's determination has been denied by the Village Board, shall take the actions provided for in this Section within fifteen (15) days after either the date of the Director's Notice of Determination or occurrence of the facts which would cause a reasonable Person to believe that the Building was a Vacant Building, or the Village Board's denial of the appeal, whichever is applicable.

1. a. (i) Register the Building with the Director, on a form provided by the Director and pay the Two Hundred and No/100 U.S. Dollars (\$200.00) 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 with any legal interest in the Building or the Premises. The form shall require the Owner to identify a natural Person twenty-one (21) years of age

or older who maintains a permanent address in the State of Illinois to accept service on behalf of the Owner with respect to any notices the Director sends pursuant to this Chapter or service of process in any proceeding commenced to enforce any provision of this Chapter, and file with the Director on the registration form, the name, address, telephone number, of said Person. A street address is required. A post office box is not an acceptable address.

(ii) The form shall state that the Owner, by affixing his or her signature, is advised that the Village will not issue real estate transfer tax stamps without Village inspectors having first conducted an Inspection and, if necessary, having first timely obtained an administrative search warrant for same.

(iii) The form shall require the Owner to indicate his or her "Acceptance of Notice by Posting" consenting to service of notices sent or required to be sent, pursuant to this Chapter, by posting on the Building if the Owner fails to renew the registration if required, or maintain as current with the Director the information required regarding the Person designated to accept notice and service of process;

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 Two Hundred and No/100 U.S. Dollars (\$200.00) annual fee; and

c. File an amended registration within fifteen (15) days of any change in the information contained in the annual registration. A new registration is required for any change in ownership whatsoever.

d. Registration does not exonerate the Owner from compliance with all any chapter of the Village Code, including this Chapter, nor does it preclude any of the actions the Village is authorized to take pursuant to this Chapter or elsewhere in the Village Code.

2. The Village shall conduct an Inspection and the Owner shall pay a Five Hundred and No/100 U.S. Dollars (\$500.00) fee to the Village to defray the Village's cost of same. The Owner shall pay to this fee to the Village within thirty (30) days of receipt of the bill for same. The Village shall send the report of Inspection to the Owner within thirty (30) days. A subsequent follow-up Inspection(s) may take place, as determined by the Director, until compliance with the Village Code is achieved (The cost of any such re-inspection shall not exceed \$500.00). Timely Village Code compliance is required.

3. Obtain liability insurance and maintain such insurance for as long as the Building is vacant, and file evidence of such insurance with the Director, as follows: \$500,000 for a vacant residential Building of one to three units; \$750,000 for a vacant residential Building of four to eleven units; \$1,000,000 for a vacant residential Building of twelve to forty-eight units; \$2,000,000 for a vacant residential Building of more than forty-eight units; and \$2,000,000 for a vacant manufacturing, industrial, storage, or nonresidential commercial Building.

4. Vacant Building Plan. At the time a Building is registered as required herein, the Owner shall submit a Vacant Building Plan. The Director may prescribe a form for the plan. If the Owner fails to submit the plan as provided for by this Chapter, the Director may determine the 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 or covered 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. The Owner shall maintain the Building in an enclosed and secure state until the Building is reoccupied or made available for immediate occupancy. If the Owner demonstrates that the securing of the Building will provide adequate protection to the public, the Director may waive the requirement of an enclosure.

b. For Buildings and/or Premises, which are determined by the Director as being or containing Public Nuisance(s), then the plan shall contain an approach to abate such Public Nuisance(s).

c. A time schedule identifying a date of commencement of repair and date of completion of repair for each improperly secured opening and abatement of each Public Nuisance or Village Code violation identified by the Director.

d. When the Owner proposes to demolish the Vacant Building, then the Owner shall submit a plan and time schedule for such demolition.

e. A plan of action to maintain the Building and/or Premises thereof in conformance with this Chapter.

f. A plan of action and 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 fails to provide for compliance with this Chapter or, which will not, as determined by the Director, achieve such compliance, within three (3) months, in the case of a Vacant Boarded Building, and two (2) years, in the case of a Vacant, unboarded Building otherwise in compliance with the Village Code, will be approved, except that the Director may approve an extension of the time during which the Building will be unoccupied beyond two (2) years to a date certain but then only based upon clear and documented evidence of good cause shown by the Owner as determined by the Director.

g. All Premises upon which unoccupied or Vacant Buildings are located and the exteriors shall at all times be maintained in compliance with the Village Code.

h. Exterior lighting shall be maintained according to standards established by the Director and available from the Director.

i. All ground floor windows facing street frontage, including but not limited to, all display windows in unoccupied or vacant commercial Buildings shall be kept in a well-maintained and clean condition and shall be covered on the interior side in a professionally finished manner with an opaque window covering material manufactured for that purpose and approved by the Director, or, in the case of display windows, such windows shall be kept in a well-maintained and clean condition and the display area shall be enclosed with a professionally finished backdrop, floor, side walls and ceiling all of which shall be kept in a well-maintained and clean condition and shall be well-lighted from 10:00 A.M. to

10:00 P.M. each day. Photographs, paintings and other works of art or other tasteful forms of decoration may be professionally displayed in these properly enclosed clear glass display windows. If opaque window covering material is used, a 1' x 1' clear glass opening through which the interior space is clearly visible shall be maintained at standing eye level along one edge of one such window.

5. On written notice from the Director, provide bonded, licensed, and insured security guard service at the Building at times as set forth by the Director. Such service shall remain in place until the Director gives written notice that the service is no longer required. Such service shall be required when the Director makes a written determination that the Vacant Building constitutes a fire hazard, is otherwise dangerous to human life or the public welfare, involves illegal or improper use, occupancy, or maintenance, under such conditions that securing the Building is insufficient to prevent the actual or threatened harm.

6. At the discretion of the Director, at the time of registration or any time thereafter, affix to any Boarded Building, a 2' x 2' sign compliant with the Village Code and approved by the Director, that clearly displays the following information: name, address, and telephone number of the Owner, and in addition, for Buildings subject to a foreclosure action, the name, address, and telephone number of the plaintiff and the plaintiff's attorney, if any, in the foreclosure action. The sign must be placed prominently so that its contents are legible and clearly visible from the public way.

B. Mortgage Lender's Obligation to Register Unoccupied Buildings Acquired through Mortgage Foreclosure. Mortgage lenders that have obtained title to Unoccupied Buildings through a mortgage foreclosure action are obligated to register Unoccupied Buildings as follows:

1. Mortgage lenders shall register Unoccupied Buildings with the Director within fifteen (15) days of obtaining title to same.

2. The registration obligation of mortgage lenders under Section 15.30.040.B shall be limited to providing the Director with the same information required under Section 15.30.040.A(1)(a)(i) on the registration form prescribed by the Director.

3. Mortgage lenders shall not be responsible for paying the Two Hundred and No/100 U.S. Dollars (\$200.00) registration fee and shall not be required to comply with Subsections 15.30.040.A2 through 15.30.040.A6.

4. An amended registration form shall be filed in accordance with Section 15.30.040.A(1)(c) within fifteen (15) days of any change in the information provided in any registration form provided hereunder.

5. If such unoccupied, registered Building is later determined to have become a "Vacant Building" as defined in Section 15.30.010.J then such Building and Building Owner shall be required to comply with all of the provisions of Section 15.30.040.A.

15.30.050 Approval of Plan.

A. The Director shall review the proposed Vacant Building plan in accordance with the standards set forth in Section 15.30.050.B. The Director shall send notice to the Owner of the Vacant Building of his or her determination.

B. Standards for Plan Approval. In considering the appropriateness of a Vacant Building plan, the Director shall include the following in his or her consideration:

1. The purposes of this Chapter including the goal to minimize the length of time a Building is Unoccupied, Boarded or Vacant.
2. The effect of the Building and the proposed plan on adjoining property.
3. The length of time the Building has been vacant.
4. The presence of any Public Nuisance or hazard on the Premises.
5. The likelihood that the Vacant Building plan or portion(s) thereof will prevent or ameliorate the condition it is designed to address.

15.30.060 Authority to Modify Plan, Right to Appeal.

The Director shall, upon notice to the Vacant Building Owner, have the right to modify the Vacant Building plan by modifying the dates of performance, the proposed methods of action, or by imposing additional requirements consistent with this Chapter as the Director deems necessary to protect the public health, safety, or welfare.

15.30.070 Failure to Comply with Plan.

Failure to have an approved plan within thirty (30) days of filing the registration form or failure to comply with an approved plan shall constitute a violation of this Chapter subjecting the Owner of the Building to penalties as provided in this Chapter and to any remedies the Village may avail itself of as provided for herein and elsewhere in the Village Code, including but not limited to, an action to compel correction of property maintenance violations.

15.30.080 Other Enforcement.

The registration of a Vacant Building, the issuance of a written Notice of Determination, or any other Village action pursuant to this Chapter shall not preclude the Village from taking any other action authorized by the Village Code, state statute, or other applicable law, ordinance, or legislation, including, but not limited to, demolition, condemnation.

15.30.090 Real Estate Transfer Stamps.

A Premises upon which is situated a Vacant Building for which inspection fees or registration fees imposed pursuant to this Chapter have not been paid in full or which is not otherwise eligible under this Chapter for the Village real estate transfer tax stamps shall not be permitted to acquire same until the fees are paid and/or the eligibility issues are addressed. Unpaid fees shall be a lien upon the property.

15.30.100 Certification.

A Certificate of Village Code Compliance for Vacant Buildings issued by the Director and payment in full of all fees imposed pursuant to this Chapter are required prior to any occupancy of a Vacant Building.

15.30.110 Time Restrictions—Vacant Buildings.

A. It is the policy of the Village that boarding is a temporary solution to prevent unauthorized entry into a Vacant Building and that Boarded Buildings are a public nuisance. A Vacant Building may not remain boarded longer than three (3) months unless an extension of

that time is part of a plan approved by the Director.

B. A Vacant Building that is otherwise Village Code-compliant and secure as determined by the Director (based on sources, including, but not limited to, police reports, citizen complaints, other information considered reliable by reasonable Persons) may not remain Vacant for more than two (2) years and must have an approved plan for occupancy, sale, demolition, or other disposition of the Building in place within the timeframes established in this Chapter.

15.30.120 Enforcement and Penalties.

A. Any Person found to have violated any provision of this Chapter shall be subject to a minimum fine of \$100 per day per violation to a maximum of \$750 per day per violation, in addition to any other legal or equitable remedies available to the Village, including, but 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 Chapter.

C. The Village may enforce this Chapter by Village administrative adjudication or directly through the Circuit Court of Cook County.

D. Nothing herein contained shall prohibit the Village from immediately condemning, as provided for in the Village Code or the Illinois Compiled Statutes, a Building or taking any 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.”

Section 11.00 Other Actions Authorized.

The officers, employees and/or agents of the Village shall take all action necessary or reasonably required to carry out, give effect to and consummate the amendments contemplated by this Ordinance and shall take all action necessary in conformity therewith including, without limitation, the execution and delivery of any and all documents required to be delivered in connection with this Ordinance.

Sections 12.00 – 15.00. Reserved.

**ARTICLE III.
HEADINGS, SAVINGS CLAUSES,
PUBLICATION, EFFECTIVE DATE**

Section 16.00 Headings.

The headings for the articles, sections, paragraphs and sub-paragraphs of this Ordinance

are inserted solely for the convenience of reference and form no substantive part of this Ordinance nor should they be used in any interpretation or construction of this Ordinance.

Section 17.00 Severability.

The provisions of this Ordinance are hereby declared to be severable and should any provision, clause, sentence, paragraph, sub-paragraph, section, or part of this Ordinance be determined to be in conflict with any law, statute or regulation by a court of competent jurisdiction, said provision, clause, sentence, paragraph, sub-paragraph, section, or part shall be excluded and deemed inoperative, unenforceable, and as though not provided for herein, and all other provisions shall remain unaffected, unimpaired, valid and in full force and effect. It is hereby declared to be the legislative intent of the Village Board that this Ordinance would have been adopted had not such unconstitutional or invalid provision, clause, sentence, paragraph, sub-paragraph, section, or part thereof been included.

Section 18.00 Superseder.

All code provisions, ordinances, resolutions and orders, or parts thereof, in conflict herewith are, to the extent of such conflict, hereby superseded.

Section 19.00 Publication.

A full, true and complete copy of this Ordinance shall be published in pamphlet form or in a newspaper published and of general circulation within the Village as provided by the Illinois Municipal Code, as amended.

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Section 20.00 Effective Date.

This Ordinance shall be in full force and effect ten (10) days following its passage, approval and publication, as provided by law.

On The Individual Poll And Voice Vote Of The Board of Trustees:

AYE VOTES: Trustee Conteduca, Trustee Italia, Trustee Mota,
Trustee Prignano, Trustee Taconi, Trustee Anguiano

NAY VOTES:

ABSTAIN:

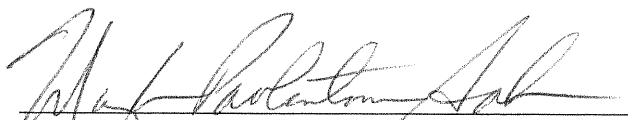
ABSENT:

SO PASSED, ADOPTED, APPROVED AND ENACTED IN AND AT THE VILLAGE
OF MELROSE PARK, COUNTY OF COOK, STATE OF ILLINOIS, THIS TWELFTH DAY
OF JANUARY, 2009 A.D.

APPROVED:


RONALD M. SERPICO
VILLAGE PRESIDENT

ATTEST:


Mary Ann Paolantonio Salemi
Village Clerk

(SEAL)

Recorded in the Municipal Records: January 12, 2009
Published in Pamphlet Form: January 13, 2009