

ORDINANCE NO. 174

AN ORDINANCE AUTHORIZING
THE ABATEMENT OF NUISANCES
RESPECTING BUILDINGS

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

SECTION 1: It is hereby declared to be unlawful and a nuisance for any person, firm or corporation to maintain any dangerous or unsafe building, to maintain any building that is a fire, safety or health hazard, to maintain any uncompleted building, to board up or otherwise enclose any building, or to abandon any building within the Village of Gifford, Illinois.

SECTION 2: A violation of any provision of Section 1 of this Ordinance shall be punishable by a fine not to exceed \$200.00. A separate violation shall be deemed to have been committed on each day a violation occurs.

SECTION 3: The corporate authorities may abate any nuisance as defined in this Ordinance in accordance with the provisions of Section 11-31-1 of Chapter 24 of the Illinois Revised Statutes as it now exists or may hereafter be amended.

SECTION 4: This Ordinance shall take effect from and after its adoption, approval and publication as by law required.

Adopted and approved this 6th day of May, 1982.

Loren R. Halston
Mayor

ATTEST:

Martin E. Osborn
Clerk

CERTIFICATE OF PUBLICATION IN The News-Gazette

The undersigned M. S. Duca THE CHAMPAIGN NEWS-GAZETTE, INCORPORATED, by its controller, does hereby

certify that said Corporation is the publisher of The News-Gazette and that the same is a daily secular newspaper of general circulation published in Champaign, Champaign County, Illinois, and which said newspaper had been regularly published for more than six months prior to the first publication of the annexed notice; said publisher further certifies that the annexed notice was published once each week for _____ consecutive weeks in said newspaper, namely on the following dates:

May 12, A. D. 1988
_____, A. D. 19_____
_____, A. D. 19_____
_____, A. D. 19_____
_____, A. D. 19_____

Said publisher further certifies that the date of the first paper containing the said notice was on the first date hereinabove set forth, and that the date of the last paper containing the said notice was on the last date hereinabove set forth.

The Champaign News-Gazette, Incorporated

By [Signature] Controller
PUBLISHER OF THE NEWS-GAZETTE

Publisher's fee \$ 20.16

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6024—May 12, 1982

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MUNICIPAL CODE

24 ¶ 11-31-1

Division 31. Unsafe Buildings

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11-31-1.1. Demolition liens—Foreclosure—
Reacquisition of property by
former owner [New].

Law Review Commentaries

Real estate crisis of the inner city; sanctions
against the slumlord. Franklin J. Kral, 1972,
53 Chicago Bar Rec. 367.

Receiver's certificates; valid first liens for
slum rehabilitation. 1970 Law Forum 379.

11-31-1. Demolition or repair—Lien

§ 11-31-1. The corporate authorities of each municipality may demolish, repair or cause the demolition or repair of dangerous and unsafe buildings or uncompleted and abandoned buildings within the territory of any such municipality, except that in any county having adopted by referendum or otherwise, a county health department as provided by "An Act in relation to the establishment and maintenance of county and multiple-county public health departments", approved July 9, 1943, as amended,¹ the county board of any such county may demolish, repair or cause the demolition or repair of dangerous and unsafe buildings or uncompleted and abandoned buildings within the territory of any city, village or incorporated town having less than 50,000 population. No building may be boarded up or otherwise enclosed. The corporate authorities shall apply to the circuit court of the county in which such building is located for an order authorizing such action to be taken with respect to any such building if the owner or owners thereof, including the lien holders of record, after at least 15 days' written notice by mail so to do, have failed to put such building in a safe condition or to demolish it. It is not a defense to such cause of action that the building is boarded up or otherwise enclosed nor may the court order such building boarded up or otherwise enclosed. Where, upon diligent search, the identity or whereabouts of the owner or owners of any such building including the lien holders 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. The hearing upon such application to the circuit court shall be expedited by the court and shall be given precedence over all other suits. The cost of such demolition or repair incurred by such municipality or by a lien holder 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: provided that, within 60 days after such repair or demolition, the municipality or the lien holder of record who incurred such cost and expense shall file notice of lien of such cost and expense incurred in the office of the recorder of deeds in the county in which the real estate is located or in the office of the registrar of titles of such county if the real estate affected is registered under the Torrens system. The notice must consist of a sworn statement setting out (1) a description of the real estate sufficient for identification thereof, (2) the amount of money representing the cost and expense incurred, and (3) the date or dates when the cost and expense was incurred by the municipality or by the lien holder of record. Upon payment of the cost and expense by the owner or persons interested in the property after notice of lien has been filed, the lien shall be released by the municipality or person in whose name the lien has been filed and the 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 case of mortgages or mechanics' liens. Suit to foreclose this lien must be commenced within 3 years after the date of filing notice of lien.

This amendatory Act of 1971 does not apply within the jurisdiction of any home rule unit.

Amended by Laws 1963, p. 3313, § 1; Laws 1965, p. 3170, § 1; P.A. 76 1334, § 1, eff. Sept. 16, 1969; P.A. 77-1416, § 1, eff. Sept. 1, 1971.

¹ Chapter 111½, ¶ 20c et seq.

Law Review Commentaries

Conversion control and neighborhood conser-
vation. 1963, 48 N.W.L.Rev. 599.

Impact of urban renewal on real property
law. Julian H. Levi, 1960, 41 Chicago Bar Rec.
443.

Procedure of municipalities in ordering un-
safe or dangerous buildings repaired or demol-
ished. Matthew A. Hutmacher, 1968, 56
Ill.Bar J. 1016.