

VILLAGE OF WYANET

ILLINOIS

ORDINANCE #O-5-17-11-14

AN ORDINANCE PROVIDING FOR THE VACATION, REMOVAL, REPAIR, OR DEMOLITION
OF ANY OPEN OR VACANT BUILDING OR STRUCTURE THAT IS AN IMMEDIATE AND
CONTINUING HAZARD TO THE VILLAGE OF WYANET

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Wyanet, Illinois.

November 14, 2017

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WHEREAS, in the Village of Wyanet, there are or may in the future be buildings or structures which are dilapidated, unsafe, dangerous, unsanitary, a menace to the health, morals, safety, and general welfare of the people of this Village, and which might tend to constitute a fire menace, and which are a public nuisance.

BE IT THEREFORE ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF WYANET:

A. If a residential or commercial building is 3 stories or less in height and determined by the Village President that the building is open and vacant and an immediate and continuing hazard to the Village of Wyanet, then the Village President shall be authorized to post a notice not less than 2 feet by 2 feet in size on the front of the building. The notice shall be dated as of the date of the posting and shall state that unless the building is demolished, repaired, or enclosed, and unless any garbage, debris, and other hazardous, noxious, or unhealthy substances or material are removed so the an immediate and continuing hazard to the community no longer exists, then the building may be demolished, repaired, or enclosed, or any garbage, debris, and other hazardous, noxious, or unhealthy substances or materials may be removed by the Village.

Not later than 30 days following the posting of the notice, the Village shall do all of the following:

(1) Cause to be sent, by certified mail, return receipt requested, a Notice to Remediate to all owners of record of the property, the beneficial owners of any Illinois land trust having title to the property, and all lienholders of record in the property, stating the intent of the municipality to demolish, repair, or enclose the building or remove any garbage, debris, or other hazardous, noxious, or unhealthy substances or materials if that action is not taken by the owner or owners.

(2) Cause to be published, in a newspaper published or circulated in the Village of Wyanet, a notice setting forth (i) the permanent tax index number and the address of the building, (ii) a statement that the property is open and vacant and constitutes an immediate and continuing hazard to the community, and (iii) a statement that the municipality intends to demolish, repair, or enclose the building or remove any garbage, debris, or other hazardous, noxious, or unhealthy substances or materials if the owner or owners or lienholders of record fail to do so. This notice shall be published for 3 consecutive days.

(3) Cause to be recorded the Notice to Remediate mailed under paragraph (1) in the office of the Bureau County recorders office or in the office of the registrar of titles of the county if the real estate is registered under the Registered Title (Torrens) Act.

B. Any person or persons with a current legal or equitable interest in the property objecting to the proposed actions of the Village Board of Trustees may file his or her objection in an appropriate form in a court of competent jurisdiction.

C. If the building is not demolished, repaired or enclosed, or the garbage, debris, or other hazardous, noxious, or unhealthy substances or materials are not removed, within 30 days of mailing the notice to the owners of record, the beneficial owners of any Illinois land trust having title to the property, and all lienholders of record in the property, or within 30 days of the last day of publication of the notice, whichever is later, the corporate authorities shall have the power to demolish, repair, or enclose the building or to remove any garbage, debris, or other hazardous, noxious, or unhealthy substances or materials.

D. The Village of Wyanet may proceed to demolish, repair, or enclose a building or remove any garbage, debris, or other hazardous, noxious, or unhealthy substances or materials under this subsection within a 120 – day period following the date of the mailing of the notice if the appropriate official determines that the demolition, repair, enclosure, or removal of any garbage, debris, or other hazardous, noxious or unhealthy substances or materials is necessary to remedy the immediate and continuing hazard. If, however, before the Village of Wyanet proceeds with any of the actions authorized by this subsection, any person with a legal or equitable interest in the property has sought a hearing under this subsection before a court and has served a copy of the complaint on the Village President of the Village of Wyanet, then the Village of Wyanet shall not proceed with the demolition, repair, enclosure, or removal of garbage, debris, or other substances until the court determines that that action is necessary to remedy the hazard and issues an order authorizing the Village of Wyanet to do so. If the court dismisses the action for want of prosecution, the Village of Wyanet must send the objector a copy of the dismissal order and a letter stating that the demolition, repair, enclosure, or removal of garbage, debris, or other substances will proceed unless, within 30 days after the copy of the order and the letter are mailed, the objector moves to vacate the dismissal and serves a copy of motion on the Village President of the Village of Wyanet. Notwithstanding any other law to the contrary, if the objector does not file a motion and give the required notice, if the motion is denied by the court, or if the action is again dismissed for want of prosecution, then the dismissal is with prejudice and the demolition, repair, enclosure, or removal may proceed forthwith.

E. Following the demolition, repair, or enclosure of a building, or the removal of garbage, debris, or other hazardous, noxious, or unhealthy substances or materials under this subsection, the Village of Wyanet may file a notice of lien against the real estate for the cost of the demolition, repair, enclosure, or removal within 180 days after the repair, demolition enclosure, or removal occurred, for the cost and expense incurred, in the office of the Bureau County recorder in which the real estate is located or in the office of the registrar of titles of the county if the real estate affected is registered under the Registered Titles (Torrens) Act; this lien has priority over the interests of those parties named in the Notice to Remediate mailed under paragraph (1), but not over the interests of third party purchasers or encumbrancers for value who obtained their interests in the property before obtaining actual or constructive notice of the lien. The notice of lien shall consist of a sworn statement setting forth (i) a description of the real estate, such as the address or other description of the property, sufficient for its identification; (ii) the expenses incurred by the Village of Wyanet in undertaking the remedial actions authorized under this subsection; (iii) the date or dates the expenses were incurred by the Village of Wyanet; (iv) a statement by the Village President that the building was open and vacant

and constituted an immediate and continuing hazard to the community; (v) a statement by the Village President that the required sign was posted on the building, that notice be sent by certified mail to the owners of record, and that notice was published in accordance with this subsection; and (vi) a statement as to when and where the notice was published. The lien authorized by this subsection may hereafter be released or enforced by the Village of Wyanet as provided in subsection (a).

F. ORDINANCES REPEALED: All ordinances or parts of ordinances conflict with the provisions of this ordinance are hereby repealed.

G. SEPARABILTIY: It is the intention of the Village Board that each separate provision of this ordinance shall be deemed independent of all other provisions herein, and it is further the intention of the Village board that if any provision of this Ordinance be declared invalid, all other provisions thereof shall remain valid and enforceable.

H. EFFECTIVE DATE: This ordinance shall take effect after its passage and publication as required by law.

Presented. Passed, and approved on a roll call vote this 14th day of November, 2017.

AYE NAY ABSENT

Board of Trustees:

Dave Bickett
Jim Etheridge, Jr.
Marilyn Johnson
Joe Law
Cory Peterson
Jeramie Spears

APPROVED:

By: _____
Bruce Hand, Village President

ATTEST:

By : _____
Shelly Teske, Village Clerk