

ORDINANCE NO. 2011 - _____

BE IT ORDAINED by the City Council of the City of Bloomington, Illinois:

Section 1: That Chapter 45 of the Bloomington City Code, 1960, as amended be further amended by adding the following Article III:

ARTICLE III

SEC. 1100.0 NEIGHBORHOOD PRESERVATION

SEC. 1100.1 TITLE AND SCOPE OF ARTICLE.

This article shall be known as the “Neighborhood Preservation Ordinance” and shall apply to all derelict buildings and premises thereof in the City of Bloomington now existing or hereafter becoming derelict.

SEC. 1100.2 INTENT.

It is the intent of this Article to protect the public health, safety, and welfare by establishing a registration process for derelict buildings and requiring responsible parties to implement a maintenance plan for such buildings to prevent deterioration, unsightly blight and consequent adverse impact on adjacent property and neighborhoods. This Article shall be liberally construed to effect its purposes.

SEC. 1100.3 EFFECT ON OTHER LAWS.

This Article shall not be construed to limit or prevent the enforcement of other laws, codes, ordinances or regulations. In the event of conflict, the provision setting the highest standard for health and safety shall prevail.

SEC. 1100.4 DEFINITIONS.

(a) **Building:** A structure built for the support, shelter, or enclosure of people, animals, chattels, or movable property of any kind and which is permanently affixed to the ground.

(b) **Director of Planning and Code Enforcement:** As used herein, shall refer to the Director of Planning and Code Enforcement, or to his or her designee.

(c) **Owner:** Any person, agent, operator, firm, corporation, limited liability company or other entity having a legal or equitable interest in the property, or holding a mortgage on 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.

(d) Premises: A lot, plot or parcel of land including the buildings or structures thereon.

(e) Unoccupied: No person or persons actually, currently conduct a lawfully licensed business, or lawfully reside or live in any part of the building as the legal or equitable owner(s) or tenant(s).

(f) Derelict Building: A building that is:

- (1) Condemned; or
- (2) Unoccupied and unsecured for five days or more; or
- (3) Unoccupied and unsecured by means other than those normally used in the design of buildings of similar structure or design for thirty (30) days or more; this includes buildings whose doors, windows, or other openings are boarded up; or
- (4) Unoccupied and having more than two property maintenance, fire or building code violations existing for thirty (30) days or more; or
- (5) Unoccupied for more than ninety (90) days and during which time an order has been issued to correct one or more code violations or to abate a nuisance.

SEC. 1100.5 OBLIGATION TO REGISTER DERELICT BUILDINGS.

(a) Any owner of a derelict building as defined in Section 4 of this Ordinance shall register such building as a derelict building and submit a derelict building plan. The derelict building registration and plan shall be filed with the Department of Planning and Code Enforcement, together with a registration fee of \$30. Registration of a derelict building shall be valid for a period of one year from the date of registration. If the building remains derelict at the expiration of any registration period, the owner shall renew registration of such building and pay a fee of \$100.00. Each subsequent annual registration for said building shall be assessed a registration fee of \$100.00. All fees provided for in this Section are in addition to any other fees, fines or penalties provided for by the ordinances of the City of Bloomington, State or Federal law.

(b) Notification of derelict building status. If the Director of Planning and Code Enforcement or code official designated by the Director determines that a building is derelict within the meaning of Section 4 of this Ordinance, the Director or enforcement official shall provide notice to the last known owner by letter sent by first class mail requesting the owner of the building to register the building and submit a derelict building plan. Such notice shall state the reasons for determination of derelict building status. If the owner's address cannot be determined upon due inquiry, notice may be posted upon the building. The owner of such

building shall, within ten days of notification, register such building as a derelict building and submit a derelict building plan to the Department of Planning and Code Enforcement. In lieu of registration, the owner may, within ten days of notification, remedy the reasons for determination of derelict building status specified in the notice and arrange for an inspection by the Department of Planning and Code Enforcement for verification. Notification shall have been deemed to have been received within four days of the mailing and/or posting of the notification of derelict building status.

(c) If more than fourteen (14) days elapse from the day notice of derelict building status is mailed and/or posted and the building remains unregistered, the Director of Planning and Code Enforcement may:

- (1) apply through the Legal Department for an administrative search warrant allowing inspection of the premises to determine the condition of the property;
- (2) abate any nuisance or city code violations existing on the premises and place a lien for the cost of such abatement on the property;
- (3) apply to the Circuit Clerk through the Legal Department for a judgment, injunctive or other appropriate relief.

SEC. 1100.6 REQUIRED REGISTRATION INFORMATION.

The owner registering a derelict building shall supply the following information:

(a) The common description (street address), legal description and tax parcel identification number of the premises on which the derelict building is situated.

(b) (1) The names and physical addresses of all owners of the property; (no post office box address will be acceptable in lieu of required physical addresses) or

(2) If the property is owned by a corporation, partnership, limited liability company, land trust or other business entity, the registering owner or agent must provide the name, physical address and telephone number of an agent, authorized to accept service of process and residing in McLean County, Illinois.

(c) The name, physical address and telephone number of a person maintaining a work or residential address in McLean County authorized to act in control of the property in matters of maintenance and who may be contacted in case of emergency.

(d) The date on which the building became derelict.

(e) A derelict building plan, as described in Section 1100.8 of this Ordinance.

(f) The name, street address, mailing address and telephone number of the person preparing the registration statement and a certification by that person that the information on said statement is true and correct to the best of that person's information, knowledge and belief.

(g) The person signing the registration form must certify that they are either the owner of the property or a person acting with direct authority from the owner in matters pertaining to the registration, control and maintenance of the property.

(h) Any registration lacking the information required by this Section will not be considered complete and will not be accepted for purposes of derelict building registration. An owner who fails to provide the information required by this Section shall be deemed to have failed to register and be subject to fines as provided in Section 1100.10 of this Article.

(i) Any owner required to register a property must report any change of information required on the registration within ten (10) days after the change. Failure to report changes as required by this subsection will be punishable by a fine as provided in Section 1100.10 of this Article.

(j) Statements made on the registration form shall be accepted as prima facie true and correct in any administrative or court proceeding.

SEC. 1100.7 REQUIREMENTS OF OWNERS, AGENTS AND OTHER RESPONSIBLE PARTIES.

Owners, agents and other responsible parties are required:

(a) to register derelict properties as required by this Article and to report any change of information required on the registration within ten (10) days after the change;

(b) to obtain and maintain general liability insurance in an amount not less than \$300,000 for buildings designed primarily for residential use containing not more than four dwelling units, and not less than \$1,000,000 for any other building.

(c) to maintain properties in compliance with all applicable provisions of the Bloomington City Code, State and Federal law.

(d) to repair and maintain any doors, windows, or other openings and to secure all openings by conventional methods used in the design of the building or by methods permitted for new construction of similar type.

(e) to place upon the front door of the building, in a legible, weatherproof format, the name and contact information of a responsible party maintaining a work or residential address in McLean County who may be contacted in case of emergency.

SEC. 1100.8 DERELICT BUILDING PLAN.

When a derelict building is registered as required herein, the owner or agent shall submit a derelict building plan. The plan shall contain the following:

- (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 of similar type.
- (b) A plan for the continued care, maintenance and upkeep of the premises and any building, or structure located upon it.
- (c) A timetable for repair, return to occupancy, sale or demolition of the building.
- (d) A specific date for the abatement of any nuisance existing in or on the premises.

SEC. 1100.9 APPROVAL OF PLAN.

(a) The Director of Planning and Code Enforcement shall have discretion to approve, deny or modify the proposed derelict building plan, subject to the right to appeal as described in paragraph (b) of this Section. Notice will be sent to the owner or owner's agent of the approval, rejection or modification of the plan.

In considering the appropriateness of a derelict building plan, the following factors shall be considered:

1. The purposes of this Article and the intent of the City Council to minimize the period of time a building is boarded up or otherwise derelict.
2. The effect of the proposed plan on adjoining property.
3. The general economic conditions of the community.
4. The cost to implement the proposed plan.
5. The length of time the building has been derelict.
6. The presence of any public nuisance on the property as defined in Chapter 21, Section 200.4.
7. The relative hardship on or gain to the neighborhood or public, as compared to the hardship or gain of the owner resulting from approval or modification of the proposed plan.

(b) The Director of Planning and Code Enforcement shall, upon notice to the derelict building owner or owner's agent, have the right to modify the plan by altering the dates of performance or the proposed methods of action. If the owner of the building objects to the modifications made by the Director, such owner shall have the right to appeal to the City of

Bloomington Property Maintenance Review Board for final determination in accordance with the standards set forth in Section 1100.9(a). Such appeal shall be filed with the Director of Planning and Code Enforcement within fifteen days of the date of receipt of the Director's notice of modification or denial. The notice shall be deemed received four days after having been mailed to an address listed as the owner's address on the building registration form.

(c) The Property Maintenance Review Board, after considering the testimony and evidence presented, shall render its decision on the owner's appeal of the Director of Planning and Code Enforcement's proposed modifications of the derelict building plan. The Property Maintenance Review Board shall have the authority to fashion its own derelict building plan or approve the plan submitted by the owner or the modified plan submitted by the Director. The decision of the Property Maintenance Review Board shall be final and constitute the derelict building plan.

SEC. 1100.10 PENALTIES.

(a) Violation of any of the provisions of this Ordinance shall be deemed a strict liability offense and shall subject the violator to penalties as provided herein.

(b) Failure to register a derelict building within ten days of notification as required by this Ordinance shall be punishable as an ordinance violation with a fine of \$50.00 to \$500.00 per day in addition to any other fees, fines or penalties provided by law.

(c) Any person who provides false information on a registration statement shall be subject to a fine of not less than \$250.00 nor more than \$1,000.00 for each false statement made.

(d) Failure to comply with the requirements of the derelict building plan as approved by the Director of Planning and Code Enforcement or modified by the Property Maintenance Board of Review, shall constitute a violation of this Article and shall subject the owner to a fine of from \$50 to \$500 per day in addition to any other fees, fines or penalties provided by law.

(e) Failure to comply with any of the requirements of Section 1100.7 of this Ordinance shall subject the owner, agent or other responsible party to a fine of \$50.00 to \$500.00 per day. Each violation shall be deemed a separate offense. Each day any violation continues shall also be deemed a separate offense.

(f) The City of Bloomington may file in the Circuit Court of McLean County to recover unpaid fees, fines and costs associated with the registration and maintenance of derelict buildings. The City may also file a lien on the property on which a derelict building is located for unpaid fees, fines and costs associated with the registration and maintenance of a derelict building.

SEC. 1100.11 CHANGE OF OWNERSHIP.

The derelict building plan shall remain in effect notwithstanding a change in ownership. The new owner is required to file a new registration with the Department of Planning and Code

Enforcement and supply the name, address and telephone number of the new owners within 30 days of acquiring title to the premises.

SEC. 1100.12 REMOVAL OF DERELICT BUILDING STATUS.

In order to obtain removal of a building from the derelict building registry, the owner or agent for said property shall contact the Department of Planning and Code Enforcement in order to request the change in status and arrange for inspection of the property to occur prior to occupancy. If, after inspection, the Department determines the property no longer falls within the definition of derelict building as defined in Section 1100.4 of this Ordinance, the property shall be removed from the registry of derelict buildings.

Section 2: That except as amended by this Ordinance, the Bloomington City Code, 1960, as amended, shall remain in full force and effect.

Section 3: That the City Clerk shall publish this ordinance as provided by law.

Section 4: That this Ordinance shall go into full effect 10 days after the date of its publication.

Section 5. That this Ordinance is adopted pursuant to the home rule authority granted the City of Bloomington by Article VII, Section 6 of the 1970 Illinois Constitution.

Passed this _____ day of March, 2011.

Approved this _____ day of March, 2011.

APPROVED:

STEPHEN F. STOCKTON
MAYOR

ATTEST:

TRACEY COVERT
CITY CLERK