

ORDINANCE NO. 650

VILLAGE OF BELLEVUE, ILLINOIS

AN ORDINANCE ESTABLISHING VACANT  
PROPERTY REGULATIONS AND PRIORITY LIEN PROCEDURES

RECITALS

**WHEREAS**, buildings that are indefinitely vacant or indefinitely vacant and in a state of disrepair or boarded 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;

**WHEREAS**, allowing certain buildings to remain indefinitely vacant even in the absence of Code violations or boarding is detrimental to the public health, safety, and welfare; 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;

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

**WHEREAS**, the Village has the authority to regulate the maintenance of properties and buildings within the Village in order to protect the public health, safety and welfare of its citizens;

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

**WHEREAS**, the abatement of nuisance caused by vacant buildings, repair and rehabilitation of vacant properties and their subsequent occupancy is in the best interests of the citizens of the Village;

**WHEREAS**, an ordinance providing for the declaration of certain boarded and/or vacant buildings as a public nuisance and providing for their abatement is a means for the Village to use in maintaining sanitation and health standards, preventing crime and avoiding fire, health, and safety hazards and minimizing or eliminating the effect such buildings have on the personal and economic well-being of the neighborhood;

**WHEREAS**, various state statutes authorize the Village to provide for the removal of certain nuisances from private properties within the Village, including cutting and removal of neglected weeds, grass, trees and bushes, 65 ILCS 5/11-20-7, pest control activities, 65 ILCS 5/11-20-8, removal of infected trees, 65 ILCS 5/11-20-12, removal of garbage, debris and graffiti, 65 ILCS 5/11-13, and removal, securing and enclosing abandoned residential properties, 65 ILCS 5/11-20-15.1;

**WHEREAS**, the Village incurs costs in abating these nuisances by performing property maintenance activities on these properties;

**WHEREAS**, Section 11-20-15 of the Illinois Municipal Code, 65 ILCS 5/11-20-15, authorizes municipalities to record traditional liens against a property for these nuisance abatement and property maintenance costs;

**WHEREAS**, the Illinois General Assembly recently adopted Public Act 96-856, effective March 1, 2010, authorizing municipalities to record "priority liens" against abandoned residential properties for costs incurred in certain property maintenance activities that would be senior to all other liens with the exception of tax liens; and

**WHEREAS**, the authorities of the Village deem it to be in the interest of the public health, safety and welfare of the residents of the Village to adopt specific registration requirements for vacant buildings as well as a procedure for liens for property maintenance activities.

## **ORDINANCE**

**NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF BELLEVUE, PEORIA COUNTY, ILLINOIS, AS FOLLOWS:**

**SECTION 1. RECITALS:** The foregoing Recitals shall be and are hereby incorporated into and made a part of this Ordinance as if fully set forth in this Section 1.

**SECTION 2. PURPOSE:** The purpose of this Ordinance is to protect the public health, safety and welfare by enactment of this Ordinance which:

1. Establishes a program for identification, registration and regulation of buildings which are or become vacant on and after the effective date of this Ordinance.
2. Determines the responsibilities of owners of vacant buildings.
3. Provides for administration, enforcement, including abatement of public nuisances and imposition of penalties.

This Ordinance shall be construed liberally to affect its purposes.

**SECTION 3. OTHER ORDINANCES:** This Ordinance shall not be construed to prevent the enforcement of other applicable ordinances, codes, legislation and regulations which prescribe standards other than are provided herein, and in the event of conflict, the most restrictive shall apply.

**SECTION 4. DEFINITIONS:** Unless otherwise expressly stated or clearly indicated by the context, the following terms shall, for the purpose of this Ordinance, have the meanings indicated in this Ordinance:

***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.

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

**Enforcing Officer:** The Officer designated by the Mayor and approved by the Board of Trustees charged with the responsibility of enforcing this Ordinance.

**Dangerous Building:** A building defined as a "dangerous building" in the Village building code, as it may be amended. Such buildings are public nuisances.

**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.

**Person:** Includes a corporation, partnership or other entity as well as an individual.

**Premises:** A lot, plot, or parcel of land including any structure thereon.

**Public Nuisance:** Includes the following:

1. The physical condition or uses of any building regarded as a public nuisance at common law, under the Illinois Compiled Statutes, or under this Ordinance;
2. Any physical condition, use or occupancy or any building or its appurtenances considered an attractive nuisance to children, including, but not limited to, abandoned wells, shafts, basements, excavations, and unsafe fences or structures;
3. Any building which has unsanitary sewerage or plumbing facilities;
4. Any building designated by the Enforcing Officer as unsafe for human habitation or use;
5. Any building which is manifestly capable of being a fire hazard or manifestly unsafe or insecure as to endanger life, limb or property;
6. Any building which is unsanitary or which is littered with rubbish or garbage or which has an uncontrolled growth of weeds;
7. Any building that is dangerous, in a state of dilapidation, deterioration or decay; faulty construction; open or vacant and the doors, windows, or other openings are 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 as not to provide shelter, in danger of collapse or failure and dangerous to anyone on or near the premises; or
8. Any building defined as a "dangerous building" by section 4-11-5 of this code.

**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 Enforcing Officer pursuant to authority granted to him/her by this Ordinance.

In determining whether a building is "unoccupied", the Enforcing Officer 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 shall be considered.
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, the building lacks "for sale", "for rent" or similar signage.
7. The presence or recurrence of uncorrected code violations.

**Vacant Building:** A building or portion of a building which is:

1. Unoccupied and unsecured;
2. Unoccupied and secured by boarding or other similar means;
3. Unoccupied and a dangerous structure;
4. Unoccupied and condemned by the Enforcing Officer pursuant to applicable provisions of this Ordinance;
5. Unoccupied and has code violations;
6. Unoccupied and the building or its premises has been the site of unlawful activity within the previous 6 months;
7. Condemned by the Enforcing Officer and unlawfully occupied;
8. Unoccupied for over 180 days and during which time the Enforcing Officer has issued an order to correct public nuisance conditions and the same have not been corrected in a code compliant manner;
9. Unoccupied for over 2 years.
10. An "abandoned residential property," as defined in 65 ILCS 5/11-20-15.1 as a residential dwelling unit that has been unoccupied by any lawful occupant or occupants for at least 90 days and for which after such 90 day period the Village has made good faith efforts to

contact the legal owner or owners of the property or, if known, the agent of the owner, and no contact has been made.

The definition of Vacant Building does not include unoccupied buildings which are undergoing construction, renovation or rehabilitation and which are in compliance with all applicable ordinances, codes, legislation and regulations, and for which construction, renovation or rehabilitation is proceeding diligently to completion.

**SECTION 5. DETERMINATION:** Within 60 days after the effective date of this Ordinance, the Enforcing Officer shall evaluate all buildings in the Village he/she believes to be unoccupied on the effective date of this Ordinance and make a determination for each as to whether the building is a "vacant building" within the meaning of Section 4 of this Ordinance. The Enforcing Officer may determine that a building which meets any of the criteria set forth in this section is not to be regulated under this Ordinance for a stated period, if upon consideration of reliable, substantiated and sufficient evidence, he/she determines that regulation of the building under this Ordinance would not serve the public health, welfare, and safety and makes written findings in support of his/her decision. The determination shall be in writing and shall state the factual basis for the determination. For buildings the Enforcing Officer determines to be "vacant buildings", notice of the determination will be sent to the last taxpayer of record listed on the most recent Peoria 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 Ordinance. The Enforcing Officer 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 Enforcing Officer 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 \$500 inspection fee to the Village within 30 days of the inspection. An unpaid fee 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 7 of this code and a notice of the owner's right to appeal the Enforcing Officer's determination.

**SECTION 6. APPEAL OF DETERMINATION:** An owner of a building determined by the Enforcing Officer to be a vacant building as provided for in Section 4 of this Ordinance may appeal that determination to the Enforcing Officer. Such appeal shall be in writing and shall be filed with the Enforcing Officer within 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/her building as required by section 4-11-5(F) of this code. The appeal shall contain a complete statement of the reasons the owner disputes the Enforcing Officer's determination, shall set forth specific facts in support thereof and shall include all evidence the owner relies upon to support the appeal. The Enforcing Officer shall decide the appeal on the basis of facts presented by the owner in his/her written appeal and the Enforcing Officer's written determination.

1. The burden is upon the owner to present sufficient evidence to persuade the Enforcing Officer, that had the evidence been known to the Enforcing Officer at the time the Enforcing Officer made the determination, the Enforcing Officer would more likely than not have

determined that the subject building was not a "vacant building" within the meaning of this Ordinance.

2. The Enforcing Officer shall send written notice of his/her decision to the owner within 10 days of his/her receipt of the appeal. The Enforcing Officer may, but is not required to, seek additional information from the owner. The Enforcing Officer may, upon written notice thereof to the owner, take no more than 10 additional days to decide the appeal if he/she determines that such additional time is required for consideration of the appeal.

3. An owner who wishes to challenge applicability of this Ordinance to his/her building without the Enforcing Officer's determination having been made, shall set forth specific facts to support nonapplicability in a writing to the Enforcing Officer. In the event the Enforcing Officer determines that the subject building is a "vacant building", the owner shall have the right to appeal the Enforcing Officer's determination to the Enforcing Officer as provided for herein.

**SECTION 7. OBLIGATION TO REGISTER:** The owner of a building who knows or from all the facts and circumstances should know that his/her building is or has become a "vacant building" within the meaning of this section Ordinance after the effective date of this Ordinance or the owner of a building, which the Enforcing Officer determines at any time to be a "vacant building" or the owner of a building whose appeal from the Enforcing Officer's determination has been denied by the Enforcing Officer shall take the actions provided for in this section within 15 days after either the date of the Enforcing Officer'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 denial of the appeal, whichever is applicable. Registration does not exonerate the owner from compliance with all applicable codes and ordinances, including this section, nor does it preclude any of the actions the Village is authorized to take pursuant to this Ordinance or elsewhere in this code.

**1. Registration Requirements:**

- (a) Register the building with the Enforcing Officer on a form provided and pay the \$200 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 Peoria County, Illinois, to accept service on behalf of the owner with respect to any notices the Enforcing Officer sends pursuant to this Ordinance or service of process in any proceeding commenced to enforce any provision of this Ordinance and file with the Enforcing Officer on the registration form, the name, address, telephone number, of the person. A street address is required and a post office box is unacceptable.
- (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 annual fee; and
- (c) File an amended registration within 15 days of any change in the information contained in the annual registration. A new registration is required for any change in ownership whatsoever.

**2. Notice; Inspection:** The form shall require the owner to indicate his/her "acceptance of notice by posting" consenting to service of notices sent or required to be sent, pursuant to this Ordinance, by posting on the building if the owner fails to renew the registration if required or maintain as current with the Enforcing Officer the information required regarding the person designated to accept notice and service of process. The owner shall allow for a code compliance inspection of the interior of the vacant building and shall pay the \$500 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.

**3. Insurance:** Obtain liability insurance and maintain such insurance for as long as the building is vacant and file evidence of such insurance with the Enforcing Officer, as follows: \$500,000 for a vacant residential building of 1-3 units; \$750,000 for a vacant residential building of 4-11 units; \$1,000,000 for a vacant residential building of 12-48 units; \$2,000,000 for a vacant residential building of more than 48 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 Enforcing Officer may prescribe a form for the plan. If the owner fails to submit the plan as provided for by this Ordinance, the Enforcing Officer 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 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. Boarding shall be accomplished with materials and methods described by the Enforcing Officer and available from the Enforcing Officer. 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 securing of the building will provide adequate protection to the public, the Enforcing Officer may waive the requirement of an enclosure.
- (b) For buildings and premises thereof which are determined by the Enforcing Officer as being or containing public nuisances, as defined in this Ordinance, then the vacant building plan shall contain a plan of action to remedy 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 nuisance identified by the Enforcing Officer.
- (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 premises thereof in conformance with this Ordinance.
- (f) A plan of action, with 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 provides for compliance with this Ordinance or, which will not, as determined by the Enforcing Officer, achieve such compliance, within 6 months, in the case of a vacant boarded building, and 2 years, in the case of a vacant, unboarded, and code compliant building will be approved.

- (g) All premises upon which unoccupied or vacant buildings are located and the exteriors shall at all times be maintained in compliance with this Ordinance.
- (h) Exterior lighting according to standards established by the Enforcing Officer and available from the Enforcing Officer.

**5. Signage:** Affixed to any building which is boarded, no smaller than 2' x 2' and compliant with the Village's sign regulations and providing the following information: the name, address, and telephone number of the owner and in addition, for buildings which are the subject of 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 so that its message is legible from the public way.

**6. Approval of Plan:**

- (a) Review Building Plan: The Enforcing Officer shall review the proposed vacant building plan in accordance with the standards below. The Enforcing Officer shall send notice to the owner of the vacant building of his determination.
- (b) Standards For Plan Approval: In considering the appropriateness of a vacant building plan, the Enforcing Officer shall include the following in his/her consideration and shall make written findings as to each:

- 1. The purposes of this Ordinance and intent of the Village Board to minimize the time a building is boarded or otherwise 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 nuisances on the property.
- 5. The likelihood that the plan or portion(s) thereof will prevent or ameliorate the condition it is designed to address.

**7. Authority to Modify Plan, Right Of Appeal.** The Enforcing Officer 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 Ordinance he/she deems necessary to protect the public health, safety or welfare.

**8. Failure to Comply With Plan.** Failure to have an approved plan within 30 days of filing the registration form or failure to comply with the approved plan shall constitute a violation of this Ordinance subjecting the owner of the building to penalties as provided in this Ordinance and to any remedies the Village may avail itself of as provided for herein and elsewhere in this



code, including, but limited to, an action to compel correction of property maintenance violations.

**SECTION 8. OTHER ENFORCEMENT:** The registration of a vacant building shall not preclude action by the Village to demolish or to take other action against the building pursuant to other provisions of this Ordinance, this code or other applicable legislation, including the activities authorized by subsection 9.

**SECTION 9. PROPERTY MAINTENANCE:**

**1. Nuisance Abatement.** The Village is authorized to perform or provide for property maintenance activities to abate a nuisance caused by a vacant building, including the following:

- (a) Cutting and removal of neglected weeds, grass, trees and bushes as authorized by the Village Code and 65 ILCS 5/11-20-7;
- (b) Pest control activities as authorized by 65 ILCS 5/11-20-8;
- (c) Removal of infected trees as authorized by the Village Code and 65 ILCS 5/11-20-12;
- (d) Removal of garbage, debris and graffiti as authorized by the Village Code and 65 ILCS 5/11-20-13, and
- (e) Removal, securing and enclosing abandoned residential properties as authorized by 65 ILCS 5/11-31-1.01.

**2. Charges for Nuisance Abatement.** The Village shall have the authority to collect from the property owner the costs incurred in performing the property maintenance activities to abate the nuisances described in this subsection. The Village shall send an invoice for the cost to the property owner, his/her agent, legal representative or occupant in legal possession or control of the premises.

**3. Traditional Lien Procedure.** If a bill sent pursuant to paragraph 2 is not paid in full within 30 days of the date of the bill, the Village shall have the authority to file and record a lien against the property, pursuant to Section 11-20-15 of the Illinois Municipal Code, 65 ILCS 5/11-20-15. If, for any one property, the Village engaged in any nuisance abatement activity described in paragraph 1 on more than one occasion during the course of 1 year, then the Village may combine any or all of the costs of those activities into a single notice of lien. The lien must be filed in accordance with the lien procedure established by the specific code provision of which the property is alleged to be in violation or, if no such procedure exists, then the following procedure shall apply:

- (a) Notice of Lien. The Village or the person performing the service by authority of the Village, in its, his/her own name, may file a notice of lien in the office of the recorder of deeds in the county in which the real estate is located. The notice of lien shall be filed within 1 year after the cost and expense is incurred. If, for any single property, the Village engaged in any nuisance abatement activity described in paragraph 2 on more than 1 occasion during the course of 1 year, then the Village may combine any or all of the costs of those activities into a single notice of lien.

The notice of lien shall consist of a sworn statement setting forth:

- (1) A description of the real estate that sufficiently describes the parcel;
- (2) The amount of the cost incurred or payable for the activities; and
- (3) The date or dates when such cost was incurred by the Village or someone working on behalf of the Village.

After recording, the notice of lien shall be sent by certified mail to the property owner, his/her agent or legal representative or occupant in legal possession or control of the premises and, if different, to the person who received the tax bill for the preceding year.

- (b) Release of Lien. Upon payment of the cost, after the notice of lien has been filed as provided herein, the lien shall be released by the Village or person in whose name the lien has been filed and the release shall be recorded of record in the same manner as recording the notice of lien.
- (c) Foreclosure of Lien. Subsequent to the filing of the above described lien, the Village may cause to be filed a complaint for foreclosure of such lien or upon becoming a defendant in a pending lawsuit affecting the premises or real estate, by answer to the complaint or in the nature of an intervening petition or cross-complaint the Village may proceed in its corporate name to foreclose such lien. An action to foreclose a lien under this Section must be commenced within 2 years after the date of filing notice of lien. The property subject to a lien arising under this article shall be sold for nonpayment of the same and the proceeds of such sale shall be applied to pay the monies owing the Village.

**4. Priority Lien Procedure.** The priority lien procedure described in this paragraph 4 shall apply only to costs incurred for activities performed on abandoned residential properties, as defined in this Ordinance and is an alternative to the traditional lien authorized by paragraph 3. If an invoice is sent pursuant to paragraph 2 is not paid in full within 60 days of the date of the invoice, the Village shall have the authority to file and record a priority lien against the property pursuant to Section 11-20-15.1 of the Illinois Municipal Code, 65 ILCS 5/11-20-15.1, in the following manner:

- (a) Notice of Lien. The Village or the person performing the service by authority of the Village, in its, his/her own name, may file a notice of a priority lien in the office of the recorder of deeds in the county in which the real estate is located. The notice of lien shall be filed within 1 year after the cost is incurred. If, for any 1 property, the Village engaged in any nuisance abatement activity described in paragraph 2 on more than 1 occasion during the course of 1 year, then the Village may combine any or all of the costs of those activities into a single notice of lien. The notice of lien shall consist of a sworn statement setting forth:
  - (1) A description of the abandoned residential property that sufficiently describes the parcel;
  - (2) The amount of the cost incurred or payable for the activities;

(3) The date or dates when such cost was incurred by the Village or someone working on behalf of the Village;

(4) A statement that the lien has been filed pursuant to one or more of the property maintenance activities described in paragraph 2 and authorized by 65 ILCS 5/11-20-7(d), 65 ILCS 5/11-20-8(d), 65 ILCS 5/11-20-12(d), 65 ILCS 5/11-20-13(e), 65 ILCS 5/11-31-1.01, as applicable.

After recording, the notice of lien shall be sent by certified mail to the property owner, his/her agent or legal representative or occupant in legal possession or control of the premises and, if different, to the person who received the tax bill for the preceding year. The Village may not file a lien if the lender has provided notice to the Village that the lender has performed or will perform remedial actions; provided, however, that the remedial actions must be performed or initiated in good faith within 30 days of the lender's notice to the Village.

(b) Recordkeeping. To enforce a lien pursuant to this paragraph 4, the Village must maintain contemporaneous records that include, at a minimum:

(1) a dated statement of a finding by the Village that the property has become abandoned residential property;

(2) the date when the property was first observed to be unoccupied by any lawful occupant;

(3) a description of the actions taken by the Village to contact the legal owner of the property, or if known, any agent of the owner;

(4) a statement that no contacts were made with the legal owner or, if known, any agent of the owner;

(5) a dated certification by a Village official of the necessity and specific nature of the work performed;

(6) a copy of the agreement with the person or company performing the work and the rates and estimated cost of the work, if applicable;

(7) detailed invoices and payment vouchers for the work; and

(8) a statement whether the work was competitively bid, and if so, a copy of all proposals submitted by the bidders.

(c) Release of Lien. Upon payment of the cost after the notice of lien has been filed as provided herein, the lien shall be released by the Village or person in whose name the lien has been filed, and the release shall be recorded of record in the same manner as recording the notice of lien.

(d) Enforcement of Lien. A lien under this paragraph 4 is enforceable by the Village, or entity or person who performs work on behalf of the Village, at the hearing for confirmation of the foreclosure sale of the abandoned residential property and is

limited to a claim of interest in the proceeds of the sale. The priority lien is superior to all other liens and encumbrances, except tax liens.

**SECTION 10. CERTIFICATION:** A certificate of code compliance for vacant buildings issued by the Village and payment in full of all fees imposed pursuant to this Ordinance are required prior to any occupancy of a vacant building.

**SECTION 11. BOARDING OF BUILDINGS:** 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 6 months unless an extension of that time is part of a plan approved by the Enforcing Officer.

A vacant building which is unboarded and code compliant and for which boarding is determined by the Enforcing Officer on the basis of police reports, citizen complaints, and other information of other type considered reliable by reasonable persons, to not require boarding to prevent unauthorized entry may not remain vacant for more than 2 years without an approved plan for occupancy, sale, demolition, or other disposition of the building.

**SECTION 12. ENFORCEMENT AND PENALTIES:**

1. Any person found to have violated any provision of this Ordinance 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. Such other remedies include, but are 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.

2. A separate and distinct offense shall be committed each day on which such person or persons shall violate the provisions of this Ordinance.

3. Nothing herein contained shall prohibit the Village from immediately condemning as provided for in this code a building or taking 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 13. EFFECTIVE.** This Ordinance shall be in full force and effect from and after its passage, approval and publication in pamphlet form as provided by law.

AYES: 5

NAYES: 0

ABSENT: 1

VILLAGE OF BELLEVUE

  
Larry Merriman, President

Attest:   
Carol S. Howard, Clerk