

CHAPTER 2

DANGEROUS BUILDINGS

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4-2-1: DEFINITION: A dangerous building as used in this Chapter is:

A. Any building, shed, fence or other man-made structure which is dangerous to the public health because of its construction or condition, or which may cause or aid the spread of disease or cause injury to the health of the occupants of it, or other neighboring structures; or

B. Any building, shed, fence or other man-made structure which, because of faulty construction, age, lack of proper repair or any other cause is especially liable to fire and constitutes a fire hazard; or

C. Any building, shed, fence or other man-made structure which by reason of faulty construction, age, lack of proper repair or any other cause is liable to cause injury or damage by collapsing or by a collapse or fall of any part of the structure; or

D. Any building, shed, fence or other man-made structure which because of its condition or because the lack of doors or windows is available to frequented by malefactors or disorderly persons who are not lawful occupants of such structure.

4-2-2: NUISANCE: Any such building in the Village is hereby declared to be a nuisance. It shall be unlawful to maintain or permit the existence of any dangerous building in the Village and it shall be unlawful for the owner, occupant, or person in custody of any dangerous building to permit the same to remain in a dangerous condition or to occupy such building or permit it to be occupied while it is or remains in a dangerous condition.

4-2-3: ABATEMENT PROCEDURE: Whenever the Inspector, the Fire Chief, or the Health Officer believes that any building or structure in the Village is a dangerous building he shall file a written statement to that effect with the Board of Trustees. The Clerk shall thereupon cause written statement to that effect with the Board of Trustees. The Clerk shall thereupon cause written notice to be served upon the owner thereof, and upon the occupant thereof, if any, by registered mail or by personal service. Such notice shall state that the building has

been declared to be in a dangerous condition and that such dangerous condition must be removed or remedied by repairing or altering the building or by demolishing it and that the condition must be remedied at once. Such notice may be in the following terms:

"To _____ (owner-occupant of the premises) of the premises known and described as _____ .

You are hereby notified that (describe dangerous building) on the premises above mentioned has been condemned as a nuisance and a dangerous building after inspection by _____ .

The causes for this decision are (here insert the facts as to the dangerous condition).

You must remedy this condition or demolish the building immediately or the Village will proceed to do so."

If the person receiving such notice does not comply therewith or take an appeal from the determination of the officer or employee finding that a dangerous building exists within ten (10) days from the time when the notice is served upon such person, the Fire Chief or the Health Officer may, upon orders of the Board of Trustees, proceed to remedy the condition or demolish the building.

4-2-4: STATUTORY REMEDY: The Board of Trustees shall apply to the Circuit Clerk of Madison County for an order authorizing such action to be taken with respect to any such building if the owner or owners thereof, after at least thirty (30) days written notice so to do, shall have failed to put such building in a safe condition or to demolish it. Where, upon diligent search, the identity or whereabouts of the owner of any such building is not ascertainable, notice mailed to the person in whose name such real estate was last assessed shall constitute sufficient notice under this Chapter. 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 the demolition, repair or enclosure shall be recoverable from the owner of such real estate and shall be a lien thereon, which lien shall be subordinate to all prior existing liens and encumbrances; provided that within (60) days after said cost and expense is incurred the Village, or person performing the service by authority of the Village in his or its own name shall file notice of the lien in the office of the Recorder of Deeds in Madison County. The notice shall 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 or payable for the service, and (3) the date or dates when said cost and expense was incurred by the Village. Upon payment of the cost and expense by the owner of or person interested in said property after notice of lien has been filed, the lien shall be released by the Village 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 proceeding to foreclose as in case of mortgages or mechanics liens. Suit to foreclose the lien shall be commenced within three (3) years after the date of filing the lien. (1963 Code, 12.13)

4-2-5: DANGEROUS BUILDING IN FIRE LIMITS: Any building or structure within the

Fire Limits of the Village of East Alton as herein prescribed in this Code which has or may be damaged by fire, decay, or other cause to the extent of fifty per cent (50%) of its value, shall be torn down and removed.

Upon written notice, by the Inspector, Fire Chief, or any other Village employee, filed with the Clerk, said Clerk shall notify the President of the receipt of such notice. The President shall then appoint three (3) persons to determine whether or not such building or structure has been damaged to the extent of fifty per cent (50%) of its value. A copy of the notice filed by the Village officer, together with a notice of the appointment of said board of three (3) persons to determine the damage, shall be served upon the owner of the premises by personal service or by registered mail to his last known address.

Such notice may be in substantially the following form:

To _____ .

You are hereby notified that _____ has determined that the building owned by you at _____ located within the Fire Limits of the Village of East Alton has been damaged by fire, decay or otherwise to the extent of fifty per cent (50%) of its value; and that a board of three (3) members has been appointed to verify this finding, which board will hold its first meeting in the Village Hall on the ___ day of _____ at the hour of _____ o'clock, at which time it will be determined whether this finding is correct.

If this finding is verified by the Board, you must tear down and remove said building.

If said Board of three (3) members determines that the building in question has been damaged to the extent of fifty per cent (50%) of its value, it shall be the duty of the owner to tear down or remove said building within twenty (20) days after the finding of the Board; and it shall be unlawful to occupy or permit such building to be occupied after such finding.

4-2-6: UNKNOWN OWNERS: If the owner of the premises concerned is unknown, or if his address is unknown, service of any notice provided for in this Chapter may be made by posting a copy thereof on the premises and by publishing, one time, a copy thereof in a newspaper published within the Municipality.

4-2-7: ALTERNATIVE ACTION: In addition to the actions authorized by other Sections of this Chapter, the Fire Marshal, Chief of the Fire Department or any other municipal official whose duty it is to investigate fires, may make the investigations authorized by the Statute found in Illinois Revised Statutes, Chapter 127 1/2, Paragraph 9 to 14. If such officer shall find that any building or structure is so occupied or situated as to endanger persons or property, or by reason of faulty construction, age, lack of repair or for any other cause is especially liable to fire, or is liable to cause injury by collapsing or otherwise, he shall order the dangerous condition removed or remedied, and shall notify the owner or occupant of the premises. Service of such notice may be in person or by registered mail, and any person so notified may appeal from the decision of such officer in the manner provided by law. (8-86)

SECTION 4-2-8: BOND FOR REPAIR OF POSTED PROPERTIES: For any property that has been declared a nuisance pursuant to 4-2-2 of this Chapter, any owner must:

1. Post a Two Thousand Dollar (\$2,000.00) Cash Bond with the Village prior to any building permits being issued;
2. Complete all repairs within 90 days, or any extension of time that may be granted by the Building and Zoning Department;
3. Present a construction plan with corresponding financial documentation that includes a timeline for rehabilitation, cost, and the means to pay;
4. Upon completion of the property rehabilitation according to Village Code standards and within the applicable timeframe, the Bond shall be returned to the Owner. Failure to complete the project will result in a forfeiture of the Bond.