

## CHAPTER 98: UNSAFE AND DANGEROUS BUILDINGS

### Section

#### *General Provisions*

98.01	Dangerous Buildings Generally
98.02	Definition of Unsafe, Dangerous, or Abandoned Buildings
98.03	Enforcements Powers
98.04	Notice of Unsafe Condition of Buildings
98.05	Lis Pendens
98.06	Placarding of Building of Structure
98.07	Demolition Lien: Personal Judgment
98.08	Nuisance Structures
98.09	Sanitation
98.10	Maintenance
98.11	Basic Equipment and Facilities

#### **GENERAL PROVISIONS**

### **§ 98.01 DANGEROUS BUILDINGS GENERALLY**

It shall be unlawful for an owner or agent thereof to keep or maintain any building or structure of part thereof in any unsafe, abandoned, or dangerous condition. The word “building” as used in this article, shall describe any walled or roofed structure including mobile homes, commercial establishments, dwellings, and any accessory structures.

### **§ 98.02 DEFINITIONS OF UNSAFE OR DANGEROUS BUILDINGS**

For the purpose of this article, any building or structure which has any of the following defects or is in any of the conditions hereinafter described shall be deemed a “dangerous building” and any conditions hereinafter described shall be deemed unsafe:

(A) Whenever any door, aisle, passageway, stairway, or other means of exit is not of sufficient width or size, or is not so arranged as to provide safe and adequate means of exit in case of fire or panic for all persons housed or assembled therein who would be required to or might use such door, aisle, passageway, stairway or other means of exit.

(B) Whenever any portion thereof has been damaged by wind, flood, fire, or by any other cause in such a manner that the structural strength or stability thereof is appreciably less than it was before the catastrophe and is less than the minimum requirements of this article.

(C) Whenever any portion or member or appurtenance thereof is likely to fail or to become detached or dislodged, or to collapse and thereby injure persons or damage property.

(D) Whenever any building or structure or any part thereof, because of dilapidation, deterioration, decay, faulty construction, or because of the removal or movement of some portion of the ground

necessary for the purpose of supporting such building or portion thereof, or for other reason, is likely to partially or completely collapse; or some portion of the foundation or underpinning is likely to fall or give away.

(E) Whenever for any reason whatsoever, the building or structure or any portion thereof is manifestly unsafe for the purpose for which it is used.

(F) Whenever the building or structure has been so damaged by fire, wind or flood, or has become so dilapidated or deteriorated as to become an attractive nuisance to children who might play in or about the building structure to their danger.

(G) Whenever the building or structure has been so damaged by fire, wind or flood, or has become so dilapidated or deteriorated as to afford a harbor for trespassers, or as to enable persons to resort thereto for the purpose of committing a nuisance or unlawful acts.

(H) Whenever a building or structure used or intended to be used for dwelling purposes because of dilapidation, decay, damage, or faulty construction or arrangement is unsanitary or unfit for human habitation and is likely to work injury to the health, safety, or general welfare of those living within.

(I) Whenever a building or structure is infested with rodents, insects, pests, or other vermin; or is likely to cause sickness or disease when so determined by the health inspector of the Peoria County Health Department.

(J) Whenever any building shall become vacant, dilapidated, or open at door or window, leaving the interior of the building exposed to the elements or accessible to entrance by trespassers.

(K) Whenever any unoccupied building or structure is deemed a nuisance and the structure or building has been secured by the owner or his agents by covering up the windows and exits with lumber or materials other than glazing materials for a period of 30 days or more, thereby causing a blighting influence on a neighborhood.

### **§ 98.03 ENFORCEMENT POWERS**

(A) The Corporate Authorities shall have full power to pass any question arising under the provisions of this article, subject to the conditions, modifications, and limitations contained in this chapter.

(B) The Corporate Authorities are hereby authorized to demolish or repair or cause the demolition or repair of dangerous buildings or uncompleted buildings or abandoned buildings within the territorial limits of the Village.

(C) The Corporate Authorities are further authorized, when removing or causing the demolition of a dangerous building, uncompleted building or abandoned building from a lot, to remove all private sidewalks, fences, concrete foundations and driveways located on the lot with such building.

### **§ 98.04 NOTICE OF UNSAFE CONDITION OF BUILDINGS; MEANS OF SERVICE**

(A) When a building or structure within the Village is found to be a "dangerous building" or contains an unsafe condition, the Corporate Authorities shall issue and mail a notice thereof upon all owners of record or persons having an interest therein as shown by documents recorded in the office of the County Recorder of Deeds and upon the persons in apparent possession of the premises.

(B) The notice shall briefly and concisely specify the conditions and factors of the building or

structure which render it dangerous and unsafe. The notice shall further specify that the owners make the building safe (by complete elimination of any unsafe conditions) or commence demolition at owner's costs within 15 days of such notice. The notice shall further specify that:

1. Repairs or demolition shall commence no later than 15 days of such notice, and
2. A date for completion of demolition or repairs.

The date for completion shall be reasonably set in light of the nature of the building, weather conditions, and other related factors. The 15-day time period shall commence upon receipt of the notice.

(C) The notice authorized by this section shall be served by either personal service or by certified mail with return receipt.

(D) When, 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 for general real estate taxes is sufficient notice under this section.

(E) In the event the owner fails to comply with any time period set forth in the notice, the Village Attorney is authorized to commence a civil action in the Circuit Court of the County seeking a court order authorizing demolition or repair of the building or structure subject to the notice provided by this section and to create the lien described in section 6. It shall not be a defense to this cause of action that the building is boarded up or otherwise enclosed. It further shall not be a defense that the building is put in a safe condition during the pendency of the civil action.

## **§ 98.05 LIS PENDENS**

Upon the commencement of the civil action set forth in Section 3, a lis pendens designating the property upon which the subject building is located shall be filed with the Peoria County Recorder of Deeds. Failure to file or the improper filing of the lis pendens does not, however, effect the civil action for demolition. Any person obtaining or recording in such office an interest in the property after such filing may become party to the civil action only if he intervenes by order of the Court.

## **§ 98.06 PLACARDING OF BUILDING OR STRUCTURE**

(A) Whenever any dwelling or building has been designated a dangerous building or contains unsafe conditions, the Corporate Authorities shall placard the building indicating that the condition is dangerous and unsafe. It shall be unlawful for any person to rent, to cause to rent, to occupy or allow another to occupy any premises, knowing that such premises has been designated a dangerous building.

(B) It shall be unlawful for any person to remove, cause to remove or cover up in any way any placard designating a building or structure a "dangerous building." A violation of this section shall be punishable by a fine not less than \$100.00 and not more than \$500.00.

## **§ 98.07 DEMOLITION LIEN; PERSONAL JUDGMENT**

(A) The cost of demolition or repair incurred by the Village, including court costs, attorney's fees, and other costs related to the enforcement of this article is recoverable from the owner or owners of the real estate and is a lien thereon, which lien shall be superior to all prior existing liens and encumbrances, except taxes; provided, however, that within 60 days after completion of the demolition or repair, the Village Attorney shall file a notice of lien for the cost and expense incurred by the Village, in the office of the Recorder of Deeds of the County. Upon payment of such cost of demolition by the owner or any person who has an interest in the property, the lien shall be released by the Village Attorney. The Village shall have the

right, but not the duty, to waive such lien where the cost of demolition is an extreme financial hardship to the owner and where demolition is agreed to by the owner.

(B) The lien may be enforced by proceedings to foreclose as in case of mortgages or mechanics liens. Suit to foreclose this lien shall be commenced by the corporation counsel within three years after the date of filing of Notice of Lien.

(C) If payment of the Village's cost of demolition is not paid to the Village within 15 days of the filing of the Notice of Lien, the Village Attorney may commence proceedings in the Circuit Court seeking a personal judgment from the owner of the subject property at the time the complaint for demolition was filed with the Circuit Clerk in the amount of such costs. The action authorized by this subsection shall be in addition to, and without waiver of, any other remedies.

## **§ 98.08 NUISANCE STRUCTURES**

(A) Any unsafe, dilapidated, or abandoned building, house, barn, or other structure situated within the limits of the Village is, and the same is hereby declared to be, a nuisance.

(B) The penalty for maintaining a nuisance shall be a fine not to exceed \$500.00 for each offense, and each and every day that such nuisance remains unabated shall constitute a new and separate offense.

## **§ 98.09 SANITATION**

No dwelling or dwelling unit not in compliance with any sub-section of this section will be considered safe and may be construed, ipso facto, to be unsafe and/or dangerous to human habitation.

(A) No owner or other person shall occupy or let to another person any dwelling unit unless it and the premises are clean, sanitary, fit for human occupancy, and comply with all applicable legal requirements of the state, county, and this Title.

(B) Every owner of a dwelling unit containing two (2) or more dwelling units shall maintain in a clean and sanitary condition the shared or public areas of the dwelling and premises thereof.

(C) Every occupant of a dwelling or dwelling unit shall maintain in a clean and sanitary condition that part or those parts of the dwelling, dwelling unit and premises thereof that he occupies and controls.

(D) Every occupant of a dwelling or dwelling unit shall store and dispose of all his rubbish, garbage, and any other organic waste in a clean, sanitary, and safe manner consistent with Village Title 94.09 and subsequent additions and amendments to same.

(E) Every occupant of a single dwelling or the occupant of a dwelling unit shall be responsible for extermination of rats and/or insects infesting said unit and premises. The owner of a multi-dwelling unit shall be responsible for such in common and public areas of a multiple unit dwelling and, if multiple units are infested simultaneously, all units infested. No occupant or owner of any dwelling unit shall store, place, or allow to accumulate any materials that may serve as food for rats in a site accessible to rats.

(F) No owner or occupant of a dwelling unit shall accumulate, or allow to accumulate rubbish, boxes, lumber, scrap metal, or any other materials in such a manner that may provide a rat harborage in or about any dwelling unit. Stored materials, including firewood, shall be stacked neatly in piles elevated at least 18 inches above the ground or floor.

## **§ 98.10 MAINTENANCE**

(A) At all times when the temperature outside of the building has dropped to sixty-five (65) degrees Fahrenheit, and at all time when below such temperature, in every dwelling unit and/or rooming unit when the control of the supplied heat is the responsibility of a person other than the occupant, a temperature of at least sixty-eight (68) degree Fahrenheit shall be maintained in all habitable rooms, bathrooms, and water closet compartments at a distance of eighteen (18) inches above the floor level, and in all other areas a temperature of at least 60 degrees.

(B) No owner, operator, or occupant shall cause any service, facility, equipment, or utility which is required under this Title to be removed or shut off from or discontinued for any occupied dwelling or dwelling unit let or occupied by him; except for such temporary interruptions as may be necessary while actual repairs or alterations are in process, or during temporary emergencies when discontinuance of service is approved by the appropriate authority.

(C) Every owner of a dwelling unit containing two (2) or more dwelling units shall maintain in a clean and sanitary condition the shared or public areas of the dwelling and premises thereof.

## **§ 98.11 BASIC EQUIPMENT AND FACILITIES**

In order to be considered safe and habitable, a dwelling or dwelling unit shall have working facilities for cooking, including at least a stove, storage areas appropriate for foodstuffs, a refrigerator and a kitchen sink; bathing, including at least a working flush water closet, a bathroom sink, and a bathtub or shower; dual means of egress with a minimum headroom of at least six feet and six inches leading to safe and open space at ground level; handrails on all stairways of more than five steps or rising over three feet; working locks on all outside doors at least one of which shall not pass through any other dwelling unit; and a safe place appropriate for storing medicinal drugs and household poisons. All these shall be provided by the owner and maintained in working order by the occupant unless there is a written agreement between owner and occupant stating otherwise.