

CITY OF WAUKEGAN

ORDINANCE NO 11-O-101

The Title of The
Ordinance

AMENDING CHAPTER 6 OF THE CITY CODE,
BUILDINGS AND BUILDING REGULATIONS,
IN PARTICULAR THE REQUIREMENTS OF
REGISTRATION AND MAINTENANCE OF
VACANT STRUCTURES

ADOPTED AND PASSED BY THE CITY COUNCIL

OF THE CITY OF WAUKEGAN

ON THE 7TH DAY OF NOVEMBER 2011

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County, Illinois, on the 14th day of November 2011


CITY CLERK

AN ORDINANCE OF THE CITY OF WAUKEGAN
AMENDING CHAPTER 6 OF THE CITY CODE, BUILDINGS AND
BUILDING REGULATIONS, IN PARTICULAR THE REQUIREMENT
OF REGISTRATION AND MAINTENANCE OF VACANT STRUCTURES

WHEREAS, on April 19, 2010, the City Council of the City of Waukegan passed Ordinance 10-O-24, which established the City's Vacant Structure Registry (VSR) program; and

WHEREAS, since that time the City has implemented the VSR program, which has resulted in the registration and maintenance of hundreds of vacant structures in the City by their owners and other responsible parties, including banks and financial institutions; and

WHEREAS, Ordinance 10-O-24 included a provision that properties could only be registered as vacant for three consecutive 6-month registration periods, for a total of eighteen months on the vacant structure registry, at which time Ordinance 10-O-24 provided that the structures were to be reoccupied or removed; and

WHEREAS, given the continuing economic circumstances of the country as a whole, the foreclosure crisis, and the proliferation of vacant homes which has resulted, it is taking much longer than eighteen months in many cases to obtain reoccupancy of these vacant homes; and

WHEREAS, it is important that structures which remain vacant continue to be registered and maintained, as such registration and maintenance has resulted in great benefit to the City and its neighborhoods, and so the maximum period of registration under the VSR program needs to be extended.

NOW, THEREFORE, be it ordained by the City Council of the City of Waukegan, as follows:

SECTION 1: Chapter 6 of the City Code of the City of Waukegan is amended as set forth below:

Sec. 6-405. Definitions.

[all definitions remain as existing, with the following exception]

Vacant. For purposes of this section, "vacant" means a structure that is lacking the habitual presence of human beings, who have a legal right to be on the premises, for 30 consecutive days, or at which substantially all lawful business or

construction activity or residential occupancy has ceased, or which is substantially devoid of contents. A multi-family residential property containing ten or more dwelling units shall be considered vacant when ninety percent or more of the dwelling units are unoccupied. Residential structures which have been used as a residence by a person entitled to possession for a period of at least three (3) months in the preceding nine (9) months and a person entitled to possession intends to resume residing at the property shall not be deemed vacant. For the purposes of this ordinance, exceptions to this definition of “vacant” shall be made for properties that are actively listed for sale and are covered by a current City of Waukegan zoning inspection letter under Ordinance 07 – O – 83; and for those properties which are under active, ongoing rehabilitation or reconstruction and are under permit with the City of Waukegan Building Department.

Sec. 6-406: Enforcement Authority.

The Building Official is authorized to administer and enforce the provisions of this article, including, but not limited to, maintaining lists setting forth the status of vacant structures. The Building Official may delegate his/her powers and duties under this article to an appropriate administrator or inspector.

Sec. 6-408: Obligations of Owners of Vacant Structures.

(a) Within ten (10) days of a structure becoming vacant, as defined herein, the owner of the structure shall apply for a vacant structure registration certificate and pay the fee of \$250.00. If the structure is still vacant at the time of expiration of the original vacant structure registration certificate (6 months as below), the owner shall immediately apply to renew the certificate. Renewal may be had, at the Building Official’s sole discretion, upon demonstrated need, for a maximum of seven (7) six-month periods, for a maximum of forty-eight (48) months’ total vacancy registration.
[remainder of this sub-section continues as existing]

Sec. 6-409: Vacant Structure Registration Certificate.

[sub-section (a) remains as existing]

(b) No vacant structure registration certificate shall be effective for more than six months from the date of issuance. Only seven (7) six-month renewals at the Building Official’s sole discretion, upon demonstrated need, may be allowed as above.

Sec. 6-414: Enforcement and Penalties.

[sub-section (a) remains as existing]

(b) All fees, costs, or charges assessed or incurred by the City pursuant to this article shall be a lien upon the real property. The lien shall be superior to all subsequent liens and encumbrances. The Building Official or his designate shall file a notice of lien, within two (2) years after such cost and expense is incurred, in the office of the Lake County Recorder of Deeds. The lien may be

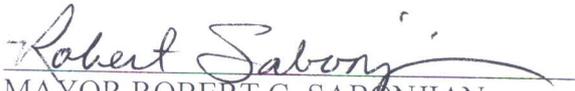
enforced by proceedings to foreclose, as in case of mortgages or mechanic's liens.

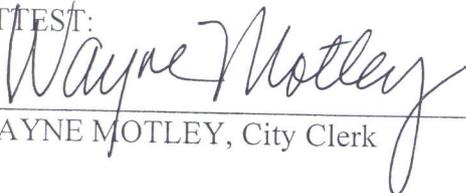
(c) At the expiration of forty-eight (48) months from the original issuance of the Vacant Structure Registration Certificate, the structure must be reoccupied, removed, or demolished. Any structure which is vacant beyond the forty-eight (48) month maximum registration period shall be considered abandoned and a public nuisance and the City may pursue whatever legal action is afforded to it by law for the removal and/or abatement of public nuisances.

SECTION 2: Any sections of Chapter 6 which are not changed by this amending ordinance remain in full force and effect.

SECTION 3: All ordinances or parts of ordinances in conflict herewith are hereby repealed, to the extent of such conflict.

SECTION 4: This ordinance shall be in full force and effect from and after its passage, approval, and publication as provided by law.


MAYOR ROBERT G. SABONJIAN

ATTEST:

WAYNE MOTLEY, City Clerk

Presented and Read at a regular meeting of the Waukegan City Council on the 17th
day of November, 2011.

Passed and Approved at a regular meeting of the Waukegan City Council on the 17th day of
November, 2011.

ROLL CALL: Aldermen Cunningham, Koncan, Moisió, Beadling, Newsome, May,
Valko, and Rivera

AYES: Aldermen Cunningham, Koncan, Moisió, Beadling, Newsome, May,
Valko, and Rivera

NAYS: None

ABSENT: Alderman TenPas

ABSTAIN: None