

10/03/97
10/30/97
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94-O-97

AN ORDINANCE

**Amending the Dangerous Buildings Code,
Title 4, Chapter 15 of the City Code,
to Provide for Public Notice of Nuisance Buildings**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EVANSTON, COOK
COUNTY, ILLINOIS:

SECTION 1: That Title 4, Chapter 15 of the Evanston City Code of 1979, as amended, "The Dangerous Buildings Code", is hereby amended by enacting a new Section 4-15-4 and renumbering existing Sections 4-15-4 et seq. as Sections 4-15-5 et seq., to read as follows:

4-15-4: Notice of Buildings in violation of the Building Code and Property Maintenance Code.

- (a) Whenever a court has determined that a building is in violation of the Building Code or Property Maintenance Code as adopted by the City, the Director of Community Development shall have authority to place a sign which is visible to the public on or near the building to provide public notice of the violation. The sign may state the address of the building, the owner or owners of record of the building, other information identifying the owner, the nature of the violation, the name, address and phone number of the management company, and any relevant information pertaining to a pending administrative hearing or court proceedings.
- (b) Whenever the Director of Community Development has cause to file a court complaint or administrative complaint for an alleged violation of the Building Code or Property Maintenance Code, he or she shall be authorized to have a public notice published in one or more newspapers which includes any information relating to the filing of said case in a court of law or administrative tribunal, or any other action taken by the City seeking enforcement of the said Codes. The public notice may include all the information listed in 4-15-4(a).
- (c) Any rental property which has more than fifty (50) violations of the Building Code and/or Property Maintenance Code at the time the court complaint is filed, or administrative proceeding is requested, which violations are either unresolved more than 180 days after written notice thereof to the owner or which are unresolved after the case has been on the court call or administrative proceeding call more than six (6) times after the court has jurisdiction over the defendant, whichever is less, is eligible for posting pursuant to this Section 4-15-4.

- (d) Prior to posting, the Director of Community Development shall meet with neighbors within 500 feet of the subject property and the ward alderman to advise them of a property eligible for posting, and the date after which the sign will be posted. Thereafter, if, in conjunction with the ward alderman, the Director determines to proceed with the posting, he or she shall send written notice to the owner(s) of record, informing him/her/them of the posting provisions of Section 4-15-4, and that the owner(s) may stay the posting by appealing to the Planning and Development Committee of the City Council as provided for in Section 4-15-4(4) hereof.
- (e) An owner desiring to appeal a posting pursuant to this Section 4-15-4 shall proceed as follows:
- 1.) The appeal must: a) be filed with the Director of Community Development within ten (10) calendar days from the date of the Director's written notice of posting; b) be in writing, and c) specify with particularity the ground(s) for objection.
 - 2.) After receiving the appeal, the Director of Community Development shall set the appeal for the next available regular Planning and Development Committee meeting and notify the appellant and owner(s) of record within 500 feet of the subject property in writing of the meeting. The notice shall advise that the said owners of record that any comments they wish to make must be submitted to the Director of Community Development, in writing, within ten (10) calendar days from the date of the Director's notice.
 - 3.) The Planning and Development Committee shall decide whether or not to hear the appeal, and if granted, set a hearing date for said appeal. A decision to not hear the appeal shall be in writing and shall be issued no later than the Committee's next regular meeting.
 - 4.) The hearing shall be confined to a review of the Director of Community Development's decision, and, if applicable, of the written objections submitted by the appellant and the record owners. No oral presentations shall be heard except upon invitation by the Committee and any such presentation(s) shall be confined to facts and matters contained in the written materials on file in the appeal.
 - 5.) The Planning and Development Committee shall either approve, approve with conditions, deny, or refer the matter back to the Director of Community Development for further investigation. The Committee's decision shall be in writing and shall be issued no later than the next regular meeting after the decision is made.

- 6.) It shall be unlawful for any person to remove, cover, or obliterate any sign, notice or notices lawfully posted by the Director of Community Development pursuant to this Section 4-15-4 without the said Director's prior written permission.
- 7.) Any person who removes, covers, or obliterates any sign posted pursuant to Section 4-15-4 without the prior written permission of the Director of Community Development shall be subject to a fine up to \$500 and/or incarceration for a period up to six (6) months. The penalty provision of Chapter 15 is inapplicable to this section 4-15-4.

SECTION 2: That all ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 3: That this ordinance shall be in full force and effect from and after its passage, approval, and publication in the manner provided by law.

Introduced: October 13, 1997

Adopted: October 27, 1997

Approved: November 7, 1997

Lorraine H. Norton
Mayor

ATTEST:

Mary P. Harris
City Clerk

Approved as to form:
[Signature]
Corporation Counsel

