

Effective Date: December 31, 2009

11/13/2009

**117-O-09**

**AN ORDINANCE**

**Amending Portions of Title 4, Chapter 20 of the City Code,  
"Vacant Buildings"**

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

**SECTION 1:** That Section 4-20-4 of the Evanston City Code of 1979, as amended (the "City Code"), is hereby further amended to read as follows:

**4-20-4: DETERMINATION:**

Within sixty (60) days after the effective date of this Chapter, the Director shall evaluate all buildings in the city he believes to be unoccupied on the effective date of this Chapter and make a determination for each as to whether the building is a "vacant building" within the meaning of Section 4-20-3 of this Chapter. The Director may determine that a building which meets any of the criteria set forth in Section 4-20-3 of this Chapter is not to be regulated under this Chapter for a stated period, if upon consideration of reliable, substantiated and sufficient evidence, he or she determines that regulation of the building under this Chapter would not serve the public health, welfare, and safety and makes written findings in support of his decision. The determination shall be in writing and shall state the factual basis for the determination. For buildings the Director determines to be "vacant buildings", he or she shall, within seven (7) days of making that determination, send notice of his or her written determination, with the factual findings, to the last owner of record listed by the Cook County Recorder of Deeds. Said notice of determination shall be sent first class United States mail, with proper postage prepaid. Failure of delivery shall not excuse a person from complying with this Chapter. The Director 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 Director shall maintain an affidavit 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 City property, building codes, health, fire, water and sewer codes. The owner shall pay the five hundred dollar (\$500.00) inspection

fee to the city within thirty (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 4-20-6 of this Chapter, and a notice of the owner's right to appeal the Director's determination.

**SECTION 2:** That Subsection 4-20-6-(A) of the City Code, is hereby further amended to read as follows:

**(A) Registration Requirements:**

1.
  - a. Register the building with the Director of community development, on a form provided by the Director and pay the four hundred dollar (\$400.00) 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 twenty-one (21) years of age or older who maintains a permanent address in Cook County, Illinois, to accept service on behalf of the owner with respect to any notices the Director sends pursuant to this Chapter or service of process in any proceeding commenced to enforce any provision of this Chapter, and file with the Director on the registration form, the name, address, telephone number, of said person. A street address is required. A post office box is not an acceptable address.
  - b. The form shall state that the owner, by affixing his or her signature, is advised that the City will not issue real estate transfer tax stamps without City inspectors having first conducted an interior inspection for code compliance.
2. 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 four hundred dollar (\$400.00) annual fee; and
3. File an amended registration within fifteen (15) days of any change in the information contained in the annual registration. A new registration is required for any change in ownership whatsoever.

**SECTION 3:** That Subsection 4-20-14-(A) of the City Code is hereby further amended to read as follows:

(A) Any person found to have violated any provision of this Chapter shall be subject to a minimum fine of two hundred fifty dollars (\$250.00) per day per violation to a maximum of one thousand dollars (\$1,000.00) per day per violation, in addition to any other legal or equitable remedies available to the City. 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 City may have thereon.

**SECTION 4:** That all ordinances or parts of ordinances in conflict herewith are hereby repealed.

**SECTION 5:** That if any provision of this ordinance or application thereof to any person or circumstance is held unconstitutional or otherwise invalid, such invalidity shall not affect other provisions or applications of this ordinance that can be given effect without the invalid application or provision, and each invalid application of this ordinance is severable.

**SECTION 6:** 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: November 23, 2009

Approved:

Adopted: December 14, 2009

December 16, 2009

Elizabeth B. Tisdahl  
Elizabeth B. Tisdahl, Mayor

Attest:

Rodney Greene  
Rodney Greene, City Clerk

Approved as to form:

W. Grant Farrar  
W. Grant Farrar, City Attorney

