

**ORDINANCE NO. 09-13**

**AN ORDINANCE ADOPTING A VACANT BUILDING REGISTRATION PROGRAM  
IN THE VILLAGE OF HILLSIDE, ILLINOIS**

WHEREAS, pursuant to a referendum held April 4, 1995, the Village of Hillside, Cook County, Illinois (the "Village"), is a home rule unit pursuant to Section 6 of Article VII of the 1970 Constitution of the State of Illinois, and as such is empowered to perform any function pertaining to its government and affairs including, but not limited to, the power to license, to tax, to incur debt, and to regulate for the protection of the public health, safety, morals and welfare;

WHEREAS the President and Board of Trustees (the "Corporate Authorities") have determined that it is necessary and advisable for the public health, safety, welfare and convenience of the residents of the Village to provide a system of control over vacant and abandoned buildings;

WHEREAS the Corporate Authorities have determined that it is necessary and advisable for the public health, safety, welfare and convenience of the residents of the Village to establish a Vacant Building Registration Program;

WHEREAS the Corporate Authorities further believe and hereby declare that the benefit to the Village and its residents support this amendment requiring owners of vacant buildings to register their buildings with the Village Administrator;

NOW THEREFORE, Be It Ordained by the Corporate Authorities and the Village, in the exercise of the Village's home rule powers, as follows:

(1) The recitals set forth above are hereby adopted as findings of fact as if said recitals were fully set forth in this Paragraph No. 1.

(2) Chapter 18, Code of Ordinances for the Village of Hillside shall be and is hereby amended as follows to add new Article IX, which shall hereinafter be and read as follows:

**Sec. 18-600. Definitions**

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Vacant* means a building which is lacking habitual presence of human beings who have a legal right to be on the premises or at which substantially all lawful business operations or residential occupancy has ceased. A residential property shall not be deemed vacant if it has been used as a residence by a person entitled to possession for a period of at least three months within the previous nine months and a person entitled to possession intends to resume residing at the property; further, a multi-family residential property containing 5 or more dwelling units shall be considered vacant when substantially all of the dwelling units are unoccupied.

**Sec.18-601. Liability**

Any person who violates any provision of this section or of the rules and regulations hereunder shall be fined not less than \$200.00 and not more than \$1,000.00 for each offense. Every day that a violation continues shall constitute a separate and distinct offense.

**Sec. 18-602. Owner Required to Act**

(a) Notification of Village

(1) The owner of any building that has become vacant shall within 30 days after the building becomes vacant, or within 30 days after the effective date of this ordinance, whichever is later, file a registration statement for each such building with the Village Administrator on forms provided by the Village Administrator for such purposes. The registration shall remain valid for one year from the date of registration. The owner shall be required to annually renew the registration as long as the building remains vacant and shall pay an annual registration fee of \$50.00 for each registered building, provided, however, that charitable, religious, educational or benevolent associations and all governmental agencies shall be exempt from the payment of the annual registration fee. The owner shall notify the Village Administrator, within 20 days, of any change in the registration information by filing an amended registration statement on a form provided by the Village Administrator for such purposes. The registration statement shall be deemed prima facie proof of the statements therein contained in any administrative enforcement proceeding or court proceeding instituted by the Village against the owner or owners of the building. Registration of

a building in accordance with this section shall be deemed to satisfy the registration and notification requirements set forth in this Code.

(2) In addition to other information required by the Village Administrator, the registration statement shall include the name, street address and telephone number of a natural person 21 years of age or older, designated by the owner or owners as the authorized agent for receiving notices of code violations and for receiving process, in any court proceeding or administrative enforcement proceeding, on behalf of such owner or owners in connection with the enforcement of this Code. This person must maintain an office in Cook County, Illinois, or must actually reside within Cook County, Illinois. An owner who is a natural person and who meets the requirements of this subsection as to location of residence or office may designate himself as agent. By designating an authorized agent under the provisions of this subsection the owner is consenting to receive any and all notices of code violations concerning the registered building and all process in any court proceeding or administrative enforcement proceeding brought to enforce code provisions concerning the registered building by service of the notice or process on the authorized agent. Any owner who fails to register a vacant building under the provisions of this subsection shall further be deemed to consent to receive, by posting at the building, any and all notices of code violations and all process in an administrative proceeding brought to enforce code provisions concerning the building.

(b) Responsibilities of Owner or Manager

(1) The owner of any building that has become vacant, and any person maintaining, operating or collecting rent for any building that has become vacant shall, within 30 days perform the following:

(i) Enclose and secure the building;

(ii) Post a sign affixed to the building indicating the name, address and telephone number of the owner and the owner's authorized agent for the purpose of service of process. The sign shall be of a size and placed in such a location so as to be legible from the nearest public street or sidewalk, whichever is nearer; and

(iii) Maintain the building in a secure and closed condition and maintain the sign until the building is again occupied or until repair or completion of the building has been undertaken.

**Sec. 18-603. Rules and Regulations to be Promulgated**

The Village Administrator may issue rules and regulations for the administration of this section. These rules may designate board-up materials and methods which must be used when securing a building so that the boarding is reasonably incapable of being removed by trespassers or others acting without the building owner's consent.

(3) The above-delineated amendments to the Code of Ordinances for the Village of Hillside supersede any policy, resolution, ordinance or part thereof adopted prior to this Ordinance which are in conflict herewith, and any such policy, resolution, ordinance or part thereof shall be and is hereby repealed to the extent of such conflict.

(4) This Ordinance shall take effect after its passage, approval and publication in the manner provided by law.

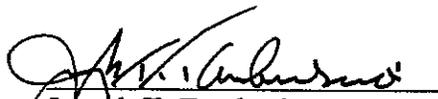
PASSED: This 18<sup>th</sup> day of May, 2009.

AYES: Trustees Andersen, Loneli, Delgado,  
Kramer, Bly, Montu

NAYS: None

ABSENT: None

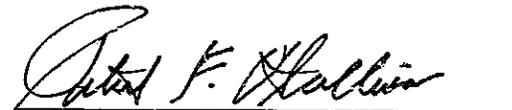
APPROVED: This 18<sup>th</sup> day of May, 2009.

  
Joseph T. Tamburino  
Village President

Filed in my office this 19<sup>th</sup>

Day of May, 2009.

ATTEST:

  
Patrick F. O'Sullivan  
Village Clerk