

Topic:	Vacant & Distressed Properties
Resource Type:	Regulations
State:	Illinois
Jurisdiction Type:	Municipal
Municipality:	Village of Bellwood
Year (adopted, written, etc.):	1995
Community Type - applicable to:	Suburban; Rural
Title:	Village of Bellwood Neighborhood Preservation Program
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Abstract

The Village of Bellwood passed an ordinance creating a Neighborhood Preservation Program in an effort to prevent the deterioration and abandonment of housing in traditional neighborhoods; preserve, coordinate, and concentrate maintenance efforts in designated areas; promote private investment in housing in those neighborhoods; and promote community involvement in all such activities. The Program sets forth six (6) criteria under which an area is eligible for designation as a Neighborhood Preservation Area, including but not limited to: where there are a substantial number of housing units in violation of existing building codes; where there have been recent increases in adverse housing indicators; and where economic development activities occur that alleviate physical and economic distress through public and private investment, expand economic opportunities for low and moderate income persons, enhance the viability of commercial enterprises serving low and moderate income areas, and meets the goals of a commercial development and/or revitalization strategy.

Under the Program, building residents/owners are required to register vacant buildings within 30 days of vacancy. These owners are also required to maintain the building in a safe and secure condition, post contact information on the building, and keep the building insured. The ordinance also established a Department of Community Relations charged with developing and implementing a residential housing recycling program to ensure a safe, clean, and viable housing market.

Resource

CHAPTER 153: NEIGHBORHOOD PRESERVATION

Neighborhood Preservation Program

- 153.01 Creation and goals
- 153.02 Criteria for designating neighborhood preservation areas

- 153.03 Implementation of program
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Vacant Buildings

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- 153.32 Registration required

Cross-reference:

For demolition of open, hazardous residential and commercial buildings, see Ch. 157

NEIGHBORHOOD PRESERVATION PROGRAM

§ 153.01 CREATION AND GOALS.

There is hereby established a Neighborhood Preservation Program. The goals of the Neighborhood Preservation Program are as follows:

- (A) To prevent the deterioration and abandonment of housing in transitional neighborhoods.
- (B) To preserve, coordinate and concentrate maintenance efforts by the village in designated neighborhoods.
- (C) To promote private investment in housing in those neighborhoods.
- (D) To promote community involvement in all such activities.

(95 Code, § 153.01) (Ord. 79-5, passed 4-11-79)

§ 153.02 CRITERIA FOR DESIGNATING NEIGHBORHOOD PRESERVATION AREAS.

(A) The village has conducted studies in consultation with community representatives to determine which neighborhoods within the village should be considered for designation as neighborhood preservation areas and will develop appropriate programs for each neighborhood so designated.

(B) An area meeting any of the following criteria will be eligible for designation as a neighborhood preservation area:

(1) Where the existing housing stock is now essentially sound but where private financial institutions and property owners have recently begun to withdraw financing;

(2) Where the housing stock has deteriorated but is in need of moderate rehabilitation only;

(3) Where there are substantial numbers of housing units in violation of existing village building codes;

(4) Where there have been recent increases in adverse housing indicators;

(5) Where existing unique community resources distinguish the neighborhoods, such as historic sites or buildings; and/or,

(6) Where economic development activities occur which alleviate physical and economic distress through public and private investment, expand economic opportunities for low and moderate income persons, enhance the viability of commercial enterprises serving low and moderate income areas, and meets the goals of a commercial development and/or revitalization strategy.

(95 Code, § 153.02) (Ord. 79-5, passed 4-11-79)

§ 153.03 IMPLEMENTATION OF PROGRAM.

(A) Upon designation of neighborhood preservation areas by the village, the village will transmit a communication to the County Bureau of Administration, Office of the Chief Administrative Officer.

(B) This communication will include the following:

(1) A legal description of the neighborhood preservation areas designated by the village, and an official village map delineating the area.

(2) A statement that the ordinance or resolution designating the neighborhood preservation area did not become final until members of the public have an opportunity to comment upon such designation.

(95 Code, § 153.03) (Ord. 79-5, passed 4-11-79)

§ 153.04 DESIGNATION OF AREAS.

The following area is designated as a neighborhood preservation area to be known as the North Central Neighborhood Preservation Area:

(A) That area bordered by Eastern Avenue on the east, from St. Charles Road north to the village limits; on the north, the village limits from Eastern Avenue west to 46th Avenue;

on the west, 46th Avenue south to Twining, Twining east to Mannheim Road, and Mannheim Road south to Miami; on the south, Miami and St. Charles Road.

(B) The legal description is more specifically shown upon a map which is appended to Ord. 82-12 as Exhibit A.

(95 Code, § 153.04) (Ord. 79-5, passed 4-11-79; Am. Ord. 80-4, passed 4-9-80; Am. Ord. 82-12, passed 4-28-82)

RESIDENTIAL HOUSING RECYCLING PROGRAM

§ 153.15 DEPARTMENT OF COMMUNITY RELATIONS.

There is hereby established a Department of Community Relations which shall develop and implement a residential housing recycling program to ensure a safe, clean and viable housing market.

(95 Code, § 153.15) (Ord. 86-02, passed 1-22-86)

§ 153.16 DIRECTOR.

(A) Appointment. There shall be a Director of the Department of Community Relations, appointed by the Village President with the advice and consent of the Board of Trustees.

(B) Duties. His duties shall be:

- (1) To design and implement programs to achieve the purpose of the Department;
- (2) To act as a liaison to the Bellwood Housing Authority; and
- (3) To direct and manage any residential housing recycling program developed by the Department of Community Relations.

(C) Responsibilities.

(1) The Director is responsible for the hiring, advancing, terminating, and supervising of any additional personnel in the Department.

(2) The Director shall render full monthly reports of his activities to the President and the Board of Trustees.

(95 Code, § 153.16) (Ord. 86-02, passed 1-22-86)

VACANT BUILDINGS

§ 153.30 CODE VIOLATIONS LIABILITY.

(A) Unless otherwise specifically provided, the owner, his or her agent for the purpose of managing, controlling or collecting rents, and any other person managing or controlling a building or premises in any part of which there is a violation of the provisions of this code enumerated in the ordinances of the Village of Bellwood, shall be liable for any violation therein, existing or occurring, or which may have existed or occurred, at or during any time when such person is or was the person owning or managing, controlling, or acting as agent in regard to said buildings or premises and is subject to injunctions, abatement orders or other remedial orders. Wherever used in said provisions of this code, the OWNER shall include any person entitled under any agreement to the control or direction of the management or disposition of the building or premises or of any part of the building or premises where the violation in question occurs.

(B) The liabilities and obligations hereunder imposed on an owner shall attach to a trustee under a land trust, holding title to such building, structure or premises without the right of possession, management or control, unless the trustee in a proceeding under the provisions of this code discloses in a verified pleading or in an affidavit filed with the court, the name and last known address of each person who was a beneficiary of the trust at the time of the alleged violation and of each person, if any, who was then acting as agent for the purpose of managing, controlling or collecting rent, as the same may appear on the records of the trust.

(C) The liabilities and obligation imposed on an owner shall attach to any mortgage company or any other person with or without an interest in the building or premises who knowingly takes any action in any judicial or administrative proceeding that is intended to delay issuance or enforcement of any remedy for any violation of the village codes then in existence; provided that with respect to fines such person shall be liable only for fines which accrue on or after the date of such action; and further provided that no liability shall be imposed under this section for any action taken in any proceeding, including a proceeding to foreclose on a lien, that does not delay or prevent the prosecution of any action brought by the village to enforce village codes.

(Ord. 02-26, passed 7-19-02)

§ 153.31 VACANT BUILDINGS; OWNER REQUIRED TO ACT; ENFORCEMENT AUTHORITY.

(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 subchapter, whichever is later, file a registration statement for each such building with the Building Department on forms provided by the Building Department 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 for each registered building; provided, however, that eleemosynary, religious, educational, benevolent, or charitable associations and all governmental agencies shall be exempt from the payment of the annual registration fee. The owner shall notify the Building Department, within 20 days, of any change in the registration information by filing an amended registration statement on a form provided by the Building Department 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 requirements set forth in the village ordinances and the notification requirement set forth in the village ordinances.

(2) In addition to other information required by the Building Commissioner, 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 requirement of this subsection as to location of residence or office may designate himself or herself 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 has designated an authorized agent or until the owner files a new annual registration statement. 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. 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, do the following:

(1) Enclose and secure the building;

(2) 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

(3) 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.

(C) Liability insurance. The owner of any building that has become vacant shall, within 30 days, acquire or otherwise maintain liability insurance, in an amount of not less than \$300,000 for buildings designed primarily for use as residential units and not less than \$1,000,000 for any other building, including, but not limited to, buildings designed for manufacturing, industrial, storage, or commercial uses, covering any damage to any person or any property caused by any physical condition of or in the building. Any insurance policy acquired after the building is vacant shall provide written notice to the Building Commissioner within 30 days of any lapse, cancellation or change in coverage. The owner and the owner's authorized agent for service of process shall provide evidence of the insurance, upon request, to the Building Commissioner within 30 days of any lapse, cancellation or change in coverage. The owner and the owner's authorized agent for service of process shall provide evidence of the insurance, upon request, to the Building Commissioner or his or her designee.

(D) Rules and regulations to be promulgated. The Building Commissioner 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 other acting without the building owner's consent. Any person who violates any provision of this section or of the rules and regulations issued hereunder shall be fined not less than \$200 and not more than \$1,000 for each offense. Every day that a violation continues shall constitute a separate and distinct offense.

(E) Definition. For the purpose of this subchapter, the following definition shall apply unless the context clearly indicates or requires a different meaning.

VACANT. 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, or which is substantially devoid of content. In determining whether a building is vacant, it is relevant to consider, among other factors, the percentage of the overall square footage of the building and the presence of rental or for sale signs on the property; provided that 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; and further provided that multi-family residential property containing five or more dwelling units shall be considered VACANT when substantially all of the dwelling units are unoccupied.

(Ord. 02-26, passed 7-19-02)

§ 153.32 REGISTRATION REQUIRED.

The owners or owners of any building shall file a registration statement for each such building with the Building Department on forms provided by the Building Department for such purposes; provided, however, that the registration of a vacant building pursuant to the village regulations shall satisfy the registration requirement of this section. Any such

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. A registration form shall be prepared by the Building Department to follow the rules and regulations and the terms of the regulations. A current copy of such shall be maintained on file in the Village Clerk's office.

(Ord. 02-26, passed 7-19-02)