

**CITY OF JONESBORO, ILLINOIS**

A Municipal Corporation

**ORDINANCE NO. 2024-01**

**PASSED and ADOPTED**

June 17, 2024

An Ordinance of the Jonesboro City Council,  
Modifying Chapter 25, Article V of the City Code

**ORDINANCE NO. 2024-01**

**AN ORDINANCE OF THE CITY OF JONESBORO REVISING AND AMENDING CHAPTER 25, ARTICLE V, SECTION 1 OF THE JONESBORO CITY CODE AND ALL PREVIOUS ORDINANCES AND RESOLUTIONS AMENDING SAID CODE OF THE CITY OF JONESBORO, ILLINOIS, REGULATING DANGEROUS AND UNSAFE PROPERTIES.**

WHEREAS, the City of Jonesboro, Illinois, is authorized by the Illinois Municipal Code (65 ILCS 5/11-31-1 and 5/11-31-1.1 to demolish, repair, or enclose or cause the demolition, repair, or enclosure of dangerous and unsafe buildings or uncompleted and abandoned buildings within the City and may remove or cause the removal of garbage, debris, and other hazardous, noxious, or unhealthy substances or material from those buildings; and

WHEREAS, the City Council of Jonesboro, Illinois previously adopted Chapter 25, Article V, Section 1 the City's Code to be in effect, which governed the regulation of dangerous and unsafe buildings in the City of Jonesboro, Illinois; and

WHEREAS, the City Council of Jonesboro, Illinois believes that the previously adopted Code regulating dangerous and unsafe buildings within the City of Jonesboro, Illinois, should be revised and amended.

**NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE OF THE CITY OF JONESBORO, STATE OF ILLINOIS, THAT CHAPTER 25, ARTICLE V SECTION 1 IS HEREBY REVISED AND AMENDED TO PROVIDE AS FOLLOWS:**

That the current Chapter 25, Article V, Section 1 is hereby amended by deleting the current section in its entirety and replacing it with the following:

**ARTICLE V DANGEROUS, UNCOMPLETED OR ABANDONED BUILDINGS**

**25-5-1: NUISANCE DECLARED:**

Any dangerous and unsafe building or uncompleted and abandoned building, as defined in this chapter, in the city is hereby declared a nuisance.

**25-5-2: DEMOLITION, REPAIR, ENCLOSURE OR REMOVAL:**

A. Statute Authority; Procedure: Pursuant to section 5/11-31-1 et. seq. of the Illinois municipal code, the city council may demolish, repair, or enclose or cause the demolition, repair, or enclosure of dangerous and unsafe buildings within the territory of the city and may remove or cause the removal of garbage, debris, and other hazardous, noxious, or

unhealthy substances or materials from those buildings. The city shall apply to the county circuit court: 1) for an order authorizing action to be taken with respect to a building if the owner or owners of the building, including the lienholders of record, after at least fifteen (15) days' written notice by mail so to do, have failed to put the building in a safe condition or to demolish it; or 2) for an order requiring the owner or owners of record to demolish, repair, or enclose the building or to remove garbage, debris, and other hazardous, noxious, or unhealthy substances or materials from the building. It is not a defense to the cause of action that the building is boarded up or otherwise enclosed, although the court may order the defendant to have the building boarded up or otherwise enclosed. Where, upon diligent search, the identity or whereabouts of the owner or owners of the building, including the lienholders of record, is not ascertainable, notice mailed to the person or persons in whose name the real estate was last assessed is sufficient notice under this section.

**B. Costs; Lien Provisions:**

1. The cost of the demolition, repair, enclosure, or removal incurred by the city, by an intervenor, or by a lienholder of record, including court costs, attorney fees, and other costs related to the enforcement of this section, is recoverable from the owner or owners of the real estate or the previous owner, or both, if the property was transferred during the fifteen (15) day notice period and is a lien on the real estate. The lien is superior to all prior existing liens and encumbrances, except taxes, if, within one hundred eighty (180) days after the repair, demolition, enclosure, or removal, the city, the lienholder of record, or the intervenor who incurred the cost and expense shall file a notice of lien for the cost and expense incurred in the county recorder's office.

2. The notice must consist of a sworn statement setting out: a) a description of the real estate sufficient for its identification; b) the amount of money representing the cost and expense incurred; and c) the date or dates when the cost and expense was incurred by the city, the lienholder of record, or the intervenor. Upon payment of the cost and expense by the owner or persons interested in the property after the notice of lien has been filed, the lien shall be released by the city, the person in whose name the lien has been filed, or the assignee of the lien, and the release may be filed of record as in the case of filing notice of lien. The lien may be enforced by way of the method and proceedings set forth in 65 Illinois Compiled Statutes 5/11-31-1.

**35-5-3: DECLARATION OF ABANDONMENT AN ADDITIONAL REMEDY:**

A. In addition to any other remedy provided by law, the corporate authorities of the city may petition the circuit court to have property declared abandoned if:

1. The property has been tax delinquent for two (2) or more years or bills for water service for the property have been outstanding for two (2) or more years;

2. The property is unoccupied by persons legally in possession; and

3. The property contains a dangerous or unsafe building for reasons specified in the petition.

All persons having an interest of record in the property, including tax purchasers and beneficial owners of any Illinois land trust having title to the property, shall be named as defendants in the petition and shall be served with process.

In addition, service shall be had under section 2-206 of the Illinois code of civil procedure as in other cases affecting property.

B. The city, however, may proceed in a proceeding brought under any provision of this chapter. Notice of the petition shall be served in person or by certified or registered mail on all persons who were served notice as set forth above.

C. If the city proves that the conditions described exist and: 1) the owner of record of the property does not enter an appearance in the action, or if title to the property is held by an Illinois land trust, if neither the owner of record nor the owner of the beneficial interest of the trust enters an appearance; or 2) if the owner of record or the beneficiary of a land trust, if title to the property is held by an Illinois land trust, enters an appearance and specifically waives his or her rights, the court shall declare the property abandoned. Notwithstanding any waiver, the city may move to dismiss its petition at any time. In addition, any waiver in a proceeding does not serve as a waiver for any other proceeding under law or equity.

D. If that determination is made, notice shall be sent in person or by certified or registered mail to all persons having an interest of record in the property, including tax purchasers and beneficial owners of any Illinois land trust having title to the property, stating that title to the property will be transferred to the city unless, within thirty (30) days of the notice, the owner of record or any other person having an interest in the property files with the court a request to demolish the dangerous or unsafe building or to put the building in safe condition, or unless the owner of record enters an appearance and proves that the owner does not intend to abandon the property.

E. If the owner of record enters an appearance in the action within the thirty (30) day period, but does not at that time file with the court a request to demolish the dangerous or unsafe building or to put the building in safe condition, or specifically waive his or her rights, the court shall vacate its order declaring the property abandoned if it determines that the owner of record does not intend to abandon the property. In that case, the city may amend its complaint in order to initiate proceedings, or it may request that the court order the owner to demolish the building or repair the dangerous or unsafe conditions of the building alleged in the petition or seek the appointment of a receiver or other equitable relief to correct the conditions at the property. The power and rights of a receiver appointed hereunder shall include all of the power and rights of a receiver appointed under section 11-31-2 of the Illinois municipal code.

F. If a request to demolish or repair the building is filed within the thirty (30) day period, the court shall grant permission to the requesting party to demolish the building within thirty (30) days or to restore the building to safe condition within sixty (60) days after the request is granted. An extension of that period for up to sixty (60) additional days may be given for good cause. If more than one person with an interest in the property files a timely

request, preference shall be given to the owner of record if the owner filed a request or, if the owner did not, the person with the lien or other interest of the highest priority.

G. If the requesting party (other than the owner of record) proves to the court that the building has been demolished or put in a safe condition in accordance with the local safety codes within the period of time granted by the court, the court shall issue a quitclaim judicial deed for the property to the requesting party, conveying only the interest of the owner of record, upon proof of payment to the city of all costs incurred by the city in connection with the action including, but not limited to, court costs, attorney fees, administrative costs, the costs, if any, associated with building enclosure or removal, and receiver's certificates. The interest in the property so conveyed shall be subject to all liens and encumbrances in the property. In addition, if the interest is conveyed to a person holding a certificate of purchase for the property under the property tax code, the conveyance shall be subject to the rights of redemption of all persons entitled to redeem under said property tax code, including the original owner of record. If the requesting party is the owner of record and proves to the court that the building has been demolished or put in a safe condition in accordance with the local safety codes within the period of time granted by the court, the court shall dismiss the proceeding.

H. If the owner of record has not entered an appearance and proven that the owner did not intend to abandon the property, and if no person with an interest in the property files a timely request, or if the requesting party fails to demolish the building or put the building in safe condition within the time specified by the court, the city may petition the court to issue a judicial deed for the property to the city. A conveyance by judicial deed shall operate to extinguish all existing ownership interests in, liens on, and other interest in the property, including tax liens, and shall extinguish the rights and interests of any and all holders of a bona fide certificate of purchase of the property for delinquent taxes. Any such bona fide certificate of purchase holder shall be entitled to a sale in error as prescribed under section 21-310 of the Illinois property tax code.

#### 25-5-4: EXPEDITED REMOVAL:

The city may use this section to expedite the removal of certain buildings that are a continuing hazard to the community.

A. Notice Posted On Property: If a residential or commercial building is three (3) stories or less in height as defined by the city building code, and the zoning division determines that the building is open and vacant and an immediate and continuing hazard to the community, then the zoning division shall be authorized to post a notice not less than two feet by two feet (2'x2') in size on the front of the building. The notice shall be dated as of the date of the posting and shall state that unless the building is demolished, repaired, or enclosed, and unless any garbage, debris, and other hazardous, noxious, or unhealthy substances or materials are removed so that an immediate and continuing hazard to the community no longer exists, then the building may be demolished, repaired, or enclosed, or any garbage, debris, and other hazardous, noxious, or unhealthy substances or materials may be removed by the city.

B. Other Notices: Not later than thirty (30) days following the posting of the notice, the city shall do all of the following:

1. Cause to be sent, by certified mail, return receipt requested, a notice to remediate to all owners of record of the property, the beneficial owners of any Illinois land trust having title to the property, and all lienholders of record in the property, stating the intent of the city to demolish, repair, or enclose the building or remove any garbage, debris, or other hazardous, noxious or unhealthy substances or materials if that action is not taken by the owner or owners.

2. Cause to be published in a newspaper published or circulated in the city a notice setting forth: a) the permanent tax index number and the address of the building; b) a statement that the property is open and vacant and constitutes an immediate and continuing hazard to the community; and c) a statement that the city intends to demolish, repair, or enclose the building or remove any garbage, debris, or other hazardous, noxious, or unhealthy substances or materials if the owner or owners or lienholders of record fail to do so. This notice shall be published for three (3) consecutive days.

3. Cause to be recorded the notice to remediate mailed under subsection B1 of this section in the county recorder's office.

C. Objections: Any person or persons with a current legal or equitable interest in the property objecting to the proposed actions of the corporate authorities may file his or her objection in an appropriate form in the county circuit court.

D. Action By City:

1. If the building is not demolished, repaired, or enclosed, or the garbage, debris, or other hazardous, noxious, or unhealthy substances or materials are not removed within thirty (30) days of mailing the notice to the owners of record, the beneficial owners of any Illinois land trust having title to the property and all lienholders of record in the publication of the notice or within thirty (30) days of the last day of publication of the notice, whichever is later, the corporate authorities shall have the power to demolish, repair, or enclose the building or to remove any garbage, debris, or other hazardous, noxious, or unhealthy substances or materials.

2. The city may proceed to demolish, repair, or enclose a building or remove any garbage, debris, or other hazardous, noxious, or unhealthy substances or materials under this subsection within a one hundred twenty (120) day period following the date of the mailing of the notice if the zoning division determines that the demolition, repair, or enclosure of a building, or removal of any garbage, debris, or other hazardous, noxious, or unhealthy substances or materials is necessary to remedy the immediate and continuing hazard. If, however, before the city proceeds with any of the actions authorized by this subsection, any person with a legal or equitable interest in the property has sought a hearing before a court and has served a copy of the complaint on the mayor of the city, then the city shall not proceed with the demolition, repair, or enclosure of a building, or removal of garbage, debris, or other substances until the court determines that that action is necessary to remedy the hazard and issues an order authorizing the city to do so. If the

court dismisses the action for want of prosecution, the city must send the objector a copy of the dismissal order and a letter stating that the demolition, repair, or enclosure of a building, or removal of garbage, debris, or other substances will proceed unless, within thirty (30) days after the copy of the order and the letter are mailed, the objector moves to vacate the dismissal and serves a copy of the motion on the mayor of the city.

Notwithstanding any other law to the contrary, if the objector does not file a motion and give the required notice, if the motion is denied by the court, or if the action is again dismissed for want of prosecution, then the dismissal is with prejudice, and the demolition, repair, enclosure, or removal may proceed forthwith.

E. Lien Provisions: Following the demolition, repair, or enclosure of a building, or the removal of garbage, debris, or other hazardous, noxious, or unhealthy substances or materials hereunder, the city may file a notice of lien against the real estate for the cost of the demolition, repair, enclosure, or removal within one hundred eighty (180) days after the repair, demolition, enclosure, or removal occurred, for the cost and expense incurred, in the county recorder's office. This lien has priority over the interests of those parties named in the notice to remediate mailed under subsection B1 of this section, but not over the interests of third-party purchasers or encumbrances for value who obtained their interests in the property before obtaining actual or constructive notice of the lien. The notice of lien shall consist of a sworn statement setting forth: 1) a description of the real estate, such as the address or other description of the property, sufficient for its identification; 2) the expenses incurred by the city in undertaking the remedial actions authorized hereunder; 3) the date or dates the expenses were incurred by the city; 4) a statement by the zoning division that the building was open and vacant and constituted an immediate and continuing hazard to the community; 5) a statement by the zoning division that the required sign was posted on the building, that notice was sent by certified mail to the owners of record, and that notice was published in accordance with this subsection; and 6) a statement as to when and where the notice was published. The lien authorized by this subsection may thereafter be released or enforced by the city as provided hereinabove.

#### 25-5-5: PROHIBITIONS

In addition to the actions authorized by this chapter, it shall be unlawful to maintain or permit the existence of any dangerous and unsafe building or uncompleted and abandoned building or to permit the unsafe or dangerous accumulation of garbage, debris, or other hazardous, noxious, or unhealthy substances or materials in the city, and it shall be unlawful for the owner, occupant or persons in custody of any dangerous and unsafe building or uncompleted and abandoned building or premises where garbage, debris, or other hazardous, noxious, or unhealthy substances or materials are allowed to accumulate to maintain the premises in such condition after notice as set forth in this chapter has been issued.

25-5-6: PENALTY:


Those persons violating any of the provisions of section 7-2-5 of this chapter shall, upon conviction, be fined not less than one hundred dollars (\$100.00) nor more than seven hundred fifty dollars (\$750.00). Each day any violation of any provision of section 25-5-5 of this chapter shall continue shall constitute a separate offense. Actions brought to enforce any fine or penalty or forfeiture under this chapter shall be brought in the corporate name of the City of Jonesboro, Illinois, as plaintiff. Fines for the violation of this chapter when collected shall be deposited into the city treasury.



Alderman Bart Hileman moved the adoption of the above and foregoing Ordinance; the motion was seconded by Alderman Steve Haldeman, and the roll call vote was as follows:

<u>RECORD OF VOTE</u>	<u>YEA</u>	<u>NAY</u>
ALDERMAN HILEMAN	<u>✓</u>	<u>      </u>
ALDERMAN HALDEMAN	<u>✓</u>	<u>      </u>
ALDERMAN LAMBDIN	<u>✓</u>	<u>      </u>
ALDERMAN SCHAEFER	<u>      </u>	<u>      </u>
ALDERMAN STEGLE	<u>✓</u>	<u>      </u>
ALDERMAN WAUN	<u>✓</u>	<u>      </u>

**PASSED** by the City Council and **APPROVED** by the Mayor, this 17th day of June 2024.

  
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Mayor Ken Blanford

(Corporate Seal)

  
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**BRANDI BOYD**, City Clerk