

ORDINANCE NO. 73-9

AN ORDINANCE RELATING TO UNSAFE  
AND DANGEROUS BUILDINGS

BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE  
VILLAGE OF CHATHAM, ILLINOIS:

Section 1. "Dangerous building" defined.) The term  
"dangerous building" as used in this article is hereby defined  
to mean and include:

(a) Any building, shed, fence or other man-made structure  
which is dangerous to the public health because of its construction  
or condition, or which may cause or aid in the spread of disease  
or cause injury to the health of the occupants of it or of neighbor-  
ing structures;

(b) Any building, shed, fence or other man-made structure  
which, because of faulty construction, age, lack of proper repair  
or any other cause, is especially liable to fire and constitutes  
or creates a fire hazard;

(c) Any building, shed, fence or other man-made structure  
which, by reason of faulty construction, age, lack of proper repair  
or any other cause, is liable to cause injury or damage by collapsing  
or by a collapse or fall of any part of such a structure; and

(d) Any building, shed, fence or other man-made structure  
which, because of lack of doors or windows is available to and fre-  
quented by malefactors or disorderly persons who are not lawful  
occupants of such structure.

Section 2. Declared nuisance.) Any dangerous building,  
as defined by the preceding section, in the Village is hereby  
declared to be a nuisance.

Section 3. Maintenance, occupancy etc., unlawful.) It shall be unlawful to maintain or permit the existence of any dangerous building in the village, and it shall be unlawful for the owner, occupant or person in custody of any dangerous building to permit the same to remain in a dangerous condition, or to occupy such building or permit it to be occupied while it is or remains in a dangerous condition.

Section 4. Statement as to dangerous condition; notice to abate.) Whenever the Superintendent or any other officer or employee of the village shall be of the opinion that any building or structure in the village is a dangerous building, he shall file a written statement to this effect with the Village Clerk. The Village Clerk shall thereupon cause written notice to be served upon the owner thereof, and upon the occupant thereof, if any, by registered mail or by personal service. Such notice shall state that the building has been declared to be in a dangerous condition, that such dangerous condition must be removed or remedied by repairing or altering the building or by demolishing it and that the condition must be remedied at once. Such notice may be in the following form:

"To \_\_\_\_\_ (owner-occupant of the premises) of the premises known and described as \_\_\_\_\_  
You are hereby notified that (describe building) on the premises above described has been condemned as a nuisance and a dangerous building after inspection by \_\_\_\_\_. The causes for this decision are (here insert the facts as to the dangerous condition). You must remedy this condition or demolish the building immediately, or the Willage will proceed to do so."

If the person receiving such notice has not complied therewith within ten days from the time when this notice is served upon such person by personal service or by registered mail, the Superintendent may proceed to remedy the condition or demolish the dangerous building.

Section 5. Removal of buildings within fire limits damaged to extent of fifty percent - Authorized.) Any building or structure within the fire limits of the village as before prescribed which has or may be damaged by fire, decay or other cause to the extent of fifty per cent of its value shall be torn down and removed.

Section 6. Same - Appointment of board to determine extent of damage; notice of appointment, etc., to owner.) Upon written notice by the Superintendent or any other village employee filed with the Village Clerk of the conditions described in the preceding section, the Clerk shall notify the President of the receipt of such notice. The President shall then appoint three persons to determine whether or not such building or structure has been damaged to the extent of fifty per cent of its value. A copy of the notice filed by the village officer, together with a notice of the appointment of this board of three persons to determine the damage, shall be served upon the owner of the premises by personal service or by registered mail to his last known address. Such notice may be in substantially the following form:

"To \_\_\_\_\_  
You are hereby notified that \_\_\_\_\_  
has determined the building owned by you  
at \_\_\_\_\_, located  
within the fire limits of the village has  
been damaged by fire, decay or otherwise  
to the extent of fifty per cent of its  
value and that a board of three members  
has been appointed to verify this finding,  
which board will hold its first meeting in  
the Village Hall on the \_\_\_\_\_ day of  
\_\_\_\_\_ at the hour of \_\_\_\_\_  
o'clock, at which time it will determine  
whether this finding is correct. If  
this finding is verified by the board,  
you must tear down and remove the said  
building."

If the said board of three members determines that the building in question has been damaged to the extent of fifty per cent of

its value, it shall be the duty of the owner to tear down or remove the said building within twenty (20) days after the finding of the board, and it shall be unlawful to occupy or permit such building to be occupied after such finding.

Section 7. Notice to unknown owners.) If the owner of the premises concerned is unknown, or if his address is unknown, service of any notice provided for in this article may be made by posting a copy thereof on the premises and publishing one time a copy thereof in a newspaper published within the Village.

Section 8. Alternative actions to provisions of Ordinance.) In addition to the actions authorized by other sections of this Ordinance, the Superintendent or any other village official whose duty it is to investigate fires, may make the investigations authorized by the Illinois Revised Statutes, 1971, Chapter 127 1/2, paragraphs 9 to 14, as amended. If such officer shall find that any building or structure is so occupied or situated as to endanger persons or property, or by reason of faulty construction, age, lack of repair or for any other cause is especially liable to fire, or is liable to cause injury by collapsing or otherwise, he shall order the dangerous condition removed or remedied, and shall so notify the owner or occupant of the premises. Service of such notice may be in person or by registered mail, and any person so notified may appeal from the decision of such officer in the manner provided by law.

In addition to the actions authorized by other sections of this Ordinance and by the preceding paragraph of this section, the village officials may proceed under the provisions of the Illinois Municipal Code, Chapter 24, Sec. 11-31-1 of the Illinois Revised Statutes, 1971, as amended, which authorizes the demolition, or repair of unsafe and dangerous buildings by applying to the Circuit Court for an order for the owners to do so and which

authorizes a lien when the village is compelled to take action. The village officials may also proceed under the provisions of the Illinois Municipal Code, Chapter 24, Sec. 11-31-2 of the Illinois Revised Statutes, 1971, as amended, which authorizes an injunction to require compliance with building, fire, health and safety standards.

Section 9. Effective date.) This Ordinance shall be in full force and effect ten days after its passage, approval and due publication.

PASSED October 4, 1973

APPROVED October 4, 1973

PUBLISHED \_\_\_\_\_, 1973

Jerry A. Purcell  
President, Village of Chatham

ATTEST:

James Chasteen  
Village Clerk