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**THE CITY OF BERWYN**  
COOK COUNTY, ILLINOIS

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3/15/2023  
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**ORDINANCE**  
NUMBER 23-06

**AN ORDINANCE AMENDING CHAPTER 1480: VACANT BUILDINGS AND  
PROPERTY OF THE CITY CODE FOR THE CITY OF BERWYN, COUNTY OF  
COOK, STATE OF ILLINOIS**

**Robert J. Lovero, Mayor**  
**Margaret Paul, City Clerk**

**James "Scott" Lennon**  
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day of March, 2023.

ORDINANCE 23-06

**AN ORDINANCE AMENDING CHAPTER 1480: VACANT BUILDINGS AND PROPERTY OF THE CITY CODE FOR THE CITY OF BERWYN, COUNTY OF COOK, STATE OF ILLINOIS**

**WHEREAS**, the City of Berwyn (the “City”) is a home rule unit of local government as is provided by Article VII, Section 6 of the Illinois Constitution of 1970 and, as such, may exercise various powers and perform numerous functions pertaining to its government and affairs in any manner not otherwise prohibited by law; and

**WHEREAS**, the Mayor of the City (the “Mayor”) and City Council (collectively, the “Corporate Authorities”) have considered the needs of the City and, in doing so, the Corporate Authorities have deemed and do now deem it advisable, necessary and for the best interest of the City in order to promote and protect the public health, welfare, safety and convenience of the residents of the City by regulating vacant properties; and

**WHEREAS**, the City desires to create a code compliance program, whereas vacant properties will be inspected. If after the owner of a vacant property is notified and the property is determined to be vacant, the owner shall be able to appeal the vacancy determination. If the vacancy determination is upheld, the owner will need to register the property, insure the property, remediate any code violations on the property, pay an annual fee and submit a plan to remediate the property. Failure to abide with the code compliance program will result in the City levying a fine of \$100.00 to \$750.00 per day, per violation; and

**WHEREAS**, the Corporate Authorities have determined that it is advisable, necessary and in the best interests of the City to take all actions required to create the Vacant Building code compliance program and any amendments thereof; and

**NOW, THEREFORE, BE IT ORDAINED** by the Mayor and the City Council of the City of Berwyn, County of Cook, State of Illinois, in the exercise of the City's home rule powers, as follows:

**Section 1.** The statements set forth in the preambles to this Ordinance are found to be true and correct and are incorporated into this Ordinance as if set forth in full.

**Section 2.** The Amendment is hereby adopted. The Corporate Authorities hereby approve the amendments and the additions to the City Code, as described below.

**Section 3.** Chapter 1480: Vacant Buildings and Property, Section 1048.02 of the City Code is hereby amended, notwithstanding any provision, ordinance, resolution or City Code section to the contrary, with all existing substantive language remaining in place and full force and effect, by adding the underlined language and ~~striking through~~ any deleted language:

**§ 1480.04 DETERMINATION OF VACANT BUILDING.**

(A) Upon the effective date of this chapter, the Director shall evaluate all buildings within the city he/she believes to be unoccupied and make a determination for each as to whether the building is a vacant building within the meaning of this chapter. For any building the Director determines to be a vacant building, he/she shall, within ~~14 days~~ 90 days of making that determination, send notice of the written determination with the factual findings to the last taxpayer of record listed on the public tax records for the property. This notice of determination shall be sent first class United States mail, proper postage prepaid. The Director may determine that a building which meets any of the criteria set forth in this chapter is not to be regulated under this chapter for a stated period, if upon consideration of reliable, substantiated and sufficient evidence he/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 any such decision.

(B) ~~The notice shall specify a date and time on which the owner shall allow for a code compliance inspection of the interior~~ will inform the owner that the Director will conduct a code compliance inspection of the exterior of the vacant building to determine the extent of compliance with the health, safety and welfare requirements of the City Code; ~~which may be rescheduled to another date and time within 14 days of the original notice date upon the mutual agreement of the owner and the city.~~ If the director suspects a nuisance, safety hazard, or any violations of the interior maintenance standards stated in this chapter during the exterior inspection, he/ she may order an inspection of the interior of the vacant building to determine the extent of compliance with the health, safety, and welfare requirements of the City Code. The owner shall then pay a ~~\$500~~ \$300 interior inspection fee

to the city within 30 days of the inspection. The owner shall be subject to an additional fine of \$100 if the owner does not provide access within 30 days of the receipt of the interior inspection notice. An unpaid fee shall be a lien upon the premises. If the owner of the vacant structure fails or refuses to consent to an inspection, the Director may seek an administrative warrant from the circuit court of Cook County for the purposes set forth in this chapter. The Mayor may require the owner to appear for a hearing to present their appeal of the Director's determination.

(C) 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, and a notice of the owner's right to appeal the Director's determination.

#### **§ 1480.05 APPEAL OF DETERMINATION.**

An owner of a building determined to be a vacant building by the Director as provided herein may appeal that determination to the Mayor. Such appeal shall be in writing and shall be submitted to the Mayor within 15 days of the date of mailing of the notice of determination. The appeal shall contain a complete statement of the reasons the owner disputes the Director's determination. The Mayor shall decide the appeal on the basis of the facts presented by the owner in his or her written appeal and the Director's written determination. The Mayor shall send written notice of his decision on appeal to the owner within 14 days of his or her receipt of the appeal. The Mayor may require the owner to appear for a hearing to present their appeal of the Director's determination.

#### **§ 1480.06 REGISTRATION OF VACANT BUILDINGS AND PREMISES.**

(A) The owner of any building or premises within the city who knows or should have known that his or her building is or has become a vacant building or premises within the meaning of this chapter, shall apply for ~~and obtain~~ a vacant building registration certificate and pay a registration fee of ~~\$200~~300 for a vacant building within 30 days of receiving the initial notice and ~~\$50 for any other vacant premises~~. At the time of such registration, the owner shall ~~submit a vacant building plan~~ submit a completed application, including the building plan statement of intent, and within 30 days acquire or otherwise maintain liability insurance, or a homeowner's insurance policy as required by this chapter.

(B) The application shall include the name, street address and telephone number of an individual 21 years of age or older, designated by the owner 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 chapter. The authorized agent must either reside in or maintain an office within Cook County, Illinois. Any owner who meets the residency or office requirement may designate him/herself as the authorized agent. By designating an authorized agent under the provisions of this section 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 under the provisions of this section shall be deemed to consent to the continuation of the agent's designation for the purposes of this section until the owner notifies the city of a change of authorized agent. The application shall also include a building plan statement of intent where the owner must select from the presented options to indicate what they plan to do with the building Any owner who fails to register a vacant building under the provisions of this section 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. If the building or lot is initially registered after ~~being cited for a violation~~ the 30 day period, the initial fee shall be doubled to \$600).

(C) The owner of a vacant building shall immediately lock, barricade or secure all doors, windows and other openings in the building to prohibit entry by unauthorized persons, in accordance with the vacant building maintenance standards of this chapter.

(BD) The owner of a vacant building shall comply with all regulations of the city. To this end, the owner shall apply for all building, fire prevention and zoning permits necessary to bring the structure into compliance ~~within ten days of~~ before obtaining a vacant building registration certificate. The owner of a vacant building shall, before obtaining the vacant building registration certificate, complete the removal of all: 1) combustible materials from the structure in compliance with the applicable fire prevention regulations; 2) waste, rubbish or debris from the interior of the building; and 3) waste, rubbish, debris or excessive vegetation from the yards surrounding the vacant building in accordance with the vacant building maintenance standards of this chapter.

(FE) The owner of a vacant building shall, within 30 days, acquire or otherwise maintain liability insurance, or a homeowner's insurance policy provided that such policy continues to cover third party liability, even if the insured building becomes occupied, 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 and maintain coverage until the building is no longer vacant. Any insurance policy acquired after the building has become vacant shall provide for written notice to the Building Department within 30 days of any lapse, cancellation, or change in coverage. The owner shall provide evidence of insurance, upon initial registration and all subsequent registration renewals. Failure to provide evidence of a valid insurance policy will be considered a violation of this chapter.

~~(C) The owner of a vacant building shall 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 name, address, and telephone number of a person responsible for day-to-day supervision and management of the building, if such person is different from the owner holding title or authorized agent shall be indicated on the sign as well. The sign shall be of a size and placed in such a location as to be legible from the nearest public street or sidewalk, whichever is nearer.~~

~~—(D) The owner of a vacant building shall, within ten days of receipt of the vacant building registration certificate, complete the removal of all: 1) combustible materials from the structure in compliance with the applicable fire prevention regulations; 2) waste, rubbish or debris from the interior of the building; and 3) waste, rubbish, debris or excessive vegetation from the yards surrounding the vacant building in accordance with the vacant building maintenance standards of this chapter.~~

~~—(E) The owner of a vacant building shall immediately lock, barricade or secure all doors, windows and other openings in the building to prohibit entry by unauthorized persons, in accordance with the vacant building maintenance standards of this chapter.~~

~~—(F) The owner of a vacant building shall, within 30 days, acquire or otherwise maintain liability insurance, or a homeowner's insurance policy provided that such policy continues to cover third party liability, even if the insured building becomes vacant, 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 and maintain coverage until the building is no longer vacant. Any insurance policy acquired after the building has become vacant shall provide for written notice to the Building Department within 30 days of any lapse, cancellation, or change in coverage. The owner shall provide evidence of insurance, upon initial registration and all subsequent registration renewals.~~

~~(GF) The obligations of the owner of a vacant building are continuing obligations which are effective throughout the time of vacancy, as that term is defined in this chapter.~~

~~(HG) The mortgagee of any residential building that has become vacant and which is not registered pursuant to this chapter shall, within the later of 30 days after the building becomes vacant and unregistered or 60 days after a default, file a registration statement with the Building Department as set forth herein, and shall have all the obligations of an owner as set forth herein.~~

(H) All previous violations and dues on a property must be settled before a vacant building certificate can be issued.

(I) The owner of a vacant building shall post the vacant building certificate provided by the Director 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 name, address, and telephone number of a person responsible for day-to-day supervision and management of the building, if such person is different from the owner holding title or authorized agent shall be indicated on the sign as well. All contact information posted in the sign must remain current and if the contact information is found to be outdated or invalid then the owner will be found in violation of this ordinance and subject to penalty according to this chapter. The sign shall be of a size and placed in such a location as to be legible from the nearest public street or sidewalk, whichever is nearer.

**§ 1480.07 VACANT BUILDING PLAN.**

(A) ~~At the time the vacant building is registered as required herein, the owner shall submit a vacant building plan. The Director may prescribe a form for the plan.~~ In addition to the vacant building plan statement of intent on the application, within 30 days of the vacant building being registered as required herein, the owner shall submit a vacant building plan. If the owner fails to submit such plan, the Director may determine the plan. The plan shall contain the following at a minimum.

(B) A plan of action to repair the building's doors, windows, or other openings which have been boarded up or otherwise secured by means other than conventional methods utilized in the design of the building. The proposed repair shall result in openings being secured by conventional methods used in the design of the building or by methods permitted for new construction of similar type with board removed. The owner shall maintain the building in an enclosed and secure state until the building is reoccupied or made available for immediate occupancy. If the owner demonstrates that securing of the building will provide adequate protection to the public, the Director may waive the requirement of enclosure.

(C) For any building determined by the Director as being or containing a public nuisance, a plan to remedy such public nuisance, including the identification of a licensed nuisance abatement service in place to remedy any nuisance, and a licensed extermination service to remedy any infestation.

(D) A time schedule identifying a date of commencement of repair and date of completion of repair for each improperly secured opening and nuisance identified by the Director.

(E) If the owner proposes to demolish the vacant building, the owner shall submit a plan and time schedule for such demolition; provided that prior to obtaining a demolition permit the owner must first have nuisance abatement of the structure from a licensed abatement provider for four weeks prior to the demolition and provides certification thereof. Nuisance abatement as provided herein is a precondition to obtaining a permit for demolition.

(F) A plan of action to maintain the building and its premises thereof in conformance with the requirements of the maintenance standards of this chapter as well as all other relevant property maintenance and building code requirements of the City Code.

(G) A plan of action, with a time schedule, identifying the date the building will be habitable and occupied or offered for occupancy or sale. The time schedule will include date(s) of commencement and completion of all actions required to achieve habitability.

(H) Fire alarm and sprinkler systems. All vacant commercial buildings must maintain in working order all fire alarm and fire sprinkler systems, maintain the heat on and set at a minimum of 42°F, keep current all building access keys in the Knox box, and post roof/truss indicators on the exterior of the building.

(I) Ground floor windows. All ground floor windows facing street frontage, including, but not limited to, all display windows in unoccupied or vacant commercial buildings, shall be kept in a well maintained condition. All ground floor windows facing street frontage, except display windows in unoccupied or vacant commercial buildings, shall be covered on the

interior side in a professionally finished manner with an opaque window covering material manufactured for that purpose and approved by the inspector or the Director.

**Section 4.** The officers, employees and/or agents of the City shall take all action necessary or reasonably required to carry out, give effect to and consummate the amendment contemplated by this Ordinance and shall take all action necessary in conformity therewith. The officers, employees and/or agents of the City are specifically authorized and directed to draft and disseminate any and all necessary materials to be utilized in connection with the amendments contemplated by this Ordinance.

**Section 5.** All prior actions of the City's officials, employees and agents with respect to the subject matter of this Ordinance are hereby expressly ratified.

**Section 6.** The provisions of this Ordinance are hereby declared to be severable, and should any provision of this Ordinance be determined to be in conflict with any law, statute or regulation by a court of competent jurisdiction, said provision shall be excluded and deemed inoperative, unenforceable and as though not provided for herein, and all other provisions shall remain unaffected, unimpaired, valid and in full force and effect.

**Section 7.** All ordinances, resolutions, rules and orders, or parts thereof, in conflict herewith are, to the extent of such conflict, hereby superseded.

**Section 8.** This Ordinance shall be in full force and effect ten (10) days after passage, approval and publication or as otherwise provided by law. A full, true and complete copy of this Ordinance shall be published in pamphlet form as provided by the Illinois Municipal Code, as amended.

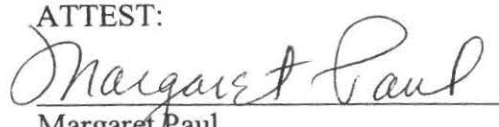


**ADOPTED** by the City Council of the City of Berwyn, Cook County, Illinois on this 14<sup>th</sup> day of March 2023, pursuant to a roll call vote, as follows:

	YES	NO	ABSENT	PRESENT
Lennon	✓			
Woywod	✓			
Leja	✓			
Fejt	✓			
Pabon	✓			
Ruiz	✓			
Arenella	✓			
Carmichael	✓			
(Mayor Lovero)				
<b>TOTAL</b>	8	0	0	0

**APPROVED** this 14<sup>th</sup> day of March 2023.

  
 Robert J. Lovero  
 MAYOR

ATTEST:  
  
 Margaret Paul  
 CITY CLERK

