

VILLAGE OF HANNA CITY  
PEORIA COUNTY, ILLINOIS

ORDINANCE NO. 20-12-02

AN ORDINANCE AMENDING CHAPTER 150 OF THE VILLAGE OF HANNA CITY  
CODE FOR THE PURPOSE OF ADDING A REGISTRATION REQUIREMENT FOR  
VACANT AND FORECLOSED PROPERTIES IN THE VILLAGE OF HANNA CITY,  
ILLINOIS

WHEREAS, the Village Board of the Village of Hanna City finds that there are a large number of commercial and residential properties that are vacant or foreclosed within the Village of Hanna City; and

WHEREAS, the Village Board of the Village of Hanna City finds that such vacant and foreclosed properties have frequently been the subject of numerous reports and complaints regarding nuisance conditions; and

WHEREAS, pursuant to Section 11-1-1 of the Illinois Municipal Code (65 ILCS 5/11-1-1), the Village has the authority to enact and enforce all necessary police ordinances for the health, safety and welfare of its residents; and

WHEREAS, pursuant to Section 11-20-5 of the Illinois Municipal Code (65 ILCS 5/11-1-20-5), the corporate authorities of the Village of Hanna City have the authority to do all acts and make all regulations necessary or expedient for the promotion of health or the suppression of diseases; and

WHEREAS, the corporate authorities of the Village of Hanna City find that vacant buildings pose risks to the health and safety of Village residents, threaten the value of adjacent properties, and frustrate local economic recovery efforts; and

WHEREAS, the corporate authorities of the Village of Hanna City have deemed it necessary and in the best interest of the Village to establish a registration requirement for vacant or foreclosed properties located within Village limits.

NOW, THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of Hanna City, Peoria County, Illinois, as follows:

**Section 1.** The foregoing recitals are hereby incorporated herein as if fully set forth.

**Section 2.** Adoption of Vacant and Foreclosed Property Registration Requirement

The Village of Hanna City hereby amends Title XV, Chapter 150 of the Village Code of Ordinances by the addition of Sections 12 through 24 as follows:

*Vacant and Foreclosed Property Registration*

## 150.12 Definitions

For the purposes of this sub-chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning:

***Enforcement officer.*** Any building inspector, code enforcement officer, law enforcement officer, fire inspector, or other person authorized by the Village to enforce the Village Code or the laws and regulations of the State of Illinois.

***Evidence of vacancy.*** Any condition that on its own, or combined with other conditions, would lead a reasonable person to believe that the property is vacant or unoccupied by persons legally in possession thereof. Such conditions include, but are not limited to, overgrown or dead vegetation; past due utility notices or bills; disconnected utilities; accumulation of trash, junk or debris; abandoned vehicles or parts thereof; the absence of furnishings or personal items consistent with habitation or occupancy; the presence of an unsanitary, stagnant swimming pool; the accumulation of newspapers, circulars, flyers or mail; statements by neighbors, passers-by, delivery agents or government agents that the property is vacant or unoccupied; or the presence of boards over doors, windows or other openings.

***Foreclosure or foreclosure action.*** The legal process by which a mortgagee terminates a property owner's interest in the real property pledged as security for a debt. This definition includes, but is not limited to, public notice of default, a deed-in-lieu of foreclosure, sale to the mortgagee, certificate of title, and all other processes, activities and actions, by whatever name, associated with the above-described process. The process is not concluded until the property obtained by the mortgagee, or their designee, by certificate of title, or any other means, is sold to a non-related bona fide purchaser in an arm's length transaction to satisfy the debt or lien.

***Mortgagee.*** The mortgage creditor, including but not limited to, trustees; mortgage service companies; lenders in a mortgage agreement; any agent, servant, or employee of the creditor; any successor in interest; or any assignee of the creditor's rights, interests or obligations under a mortgage agreement.

***Owner.*** An individual(s), legal entity, partnership, limited liability company, corporation, or governmental or private agency in whom legal title to the property is vested or purchased under a recorded land contract.

***Property manager.*** An individual (including the owner, if applicable), or property maintenance company or other similar entity responsible for the maintenance of registrable properties.

***Registrable property*** means:

- (A) Any real property that is vacant or subject to any cancellation of utilities to the property for a period of ninety (90) consecutive days or more; or

- (B) Any real property located within the Village, whether vacant or occupied, that is encumbered by a mortgage that is subject to a foreclosure action by the mortgagee, is subject to a judgement of foreclosure by the mortgagee, is subject to an application for a tax deed or a pending tax assessor's lien sale, or has been the subject of a foreclosure sale where the title was transferred to the beneficiary of a mortgage involved in the foreclosure and any property transferred under a deed in lieu of foreclosure.

**Semi-annual registration.** Six (6) months from the date of the first action that requires registration, as determined by the Village or its designee, and every subsequent six (6) months. The date of the initial registration may be different than the date of the first action that required registration.

**Utilities.** Any utility that is essential for a building or structure to be habitable, including but not limited to electrical, gas, water, and sewer.

**Vacant.** Any property in the Village that is improved by a building or structure that is not occupied by persons legally entitled to possession thereof and that exhibits evidence of vacancy as that term is defined herein. Vacant property does not mean property that is temporarily unoccupied while the persons legally entitled to possession thereof are away on vacation, personal matters or business, or is not intended by such persons to be left vacant for a period of more than ninety (90) days.

#### 150.13 Registration Requirement

The owner, or his or her agent, of a property that has become vacant or subject to foreclosure within the corporate limits of the Village of Hanna City shall cause to be registered each vacant or foreclosed property pursuant to the provisions of this sub-chapter.

#### 150.14 Registration of Property Subject to Foreclosure

- (A) A mortgagee that initiated a foreclosure action against a property within the corporate limits of the Village of Hanna City prior to the effective date of this sub-chapter, or its agent, shall register each property as provided in this sub-chapter within ten (10) days.
- (B) After the effective date of this sub-chapter, a mortgagee or its agent shall, within ten (10) days of the date of its initiation of a foreclosure action against a property within the corporate limits of the Village of Hanna City, register the property as provided in this sub-chapter. Registration shall include the following:
  - (1) Mortgagee's name, address, phone number, and e-mail address. If the mortgagee is a legal entity, partnership, limited liability company, corporation, the name, address, phone number, and e-mail address of each officer, director, individual, or entity having more than a 5% interest in such entity;

- (2) When applicable, the name, address, phone number, and e-mail address of the mortgagee's agent, property manager, other person responsible for the maintenance of the registerable property and whom is designated to receive any and all notices with respect to the property;
  - (3) Address and property tax index number of the registerable property;
  - (4) Type of property (commercial, single-family, duplex, multi-unit, apartment complex, etc.);
  - (5) A statement as to whether the property is vacant or occupied;
  - (6) Plan and timeline to abate existing nuisances or code violations (if applicable); and
  - (7) Any additional information as the Village may require from time to time.
- (C) Any property that has previously registered in accordance with this Section, and which later becomes vacant, shall not be required to re-register pursuant to this Section; provided, however, that such registration information shall be updated in accordance with this sub-chapter to reflect the change in occupancy status.
- (D) A designation as a registerable property under this Section shall remain until such time as the property is sold to a bona fide purchaser in an arm's length transaction or the foreclosure action has been dismissed.

#### 150.15 Registration of Vacant Property

- (A) The owner of a property that was vacant within the corporate limits of the Village of Hanna City prior to the effective date of this sub-chapter, or his agent, shall register each property as provided in this sub-chapter within ten (10) days.
- (B) After the effective date of this sub-chapter, an owner or his or agent shall, within fifteen (15) days after a property becomes vacant, register such property pursuant to this sub-chapter. The registration of a vacant property shall include the following:
  - (1) The owner's name, address, telephone number, and e-mail address. If the owner is a legal entity, partnership, limited liability company, or corporation, the name, address, telephone number, and e-mail address of each officer, director, individual, or entity having more than a five percent (5%) interest in such entity shall be provided in the registration;
  - (2) Where applicable, the name, address, telephone number, and e-mail address of the owner's agent, property manager, or other person responsible for the maintenance of the registrable property and whom is designated to receive any and all notices with respect to the vacant property shall be provided;
  - (3) Address and Property Tax Index Number of the registrable property;
  - (4) Type of property (i.e. commercial, single-family, duplex, multi-unit, apartment complex, etc.);
  - (5) A statement as to whether the property is vacant or occupied;
  - (6) Details as to a plan and timeline to remove existing nuisances or Code violations; and

- (7) Any additional information as the Village may require from time to time.
- (C) Any property previously registered in accordance with this Section, and which thereafter becomes subject to foreclosure, shall not be required to re-register pursuant to this Section; provided that such registration information shall be updated in accordance with this sub-chapter to reflect changes in the status of the registrable property.
  - (D) A designation as a registrable property pursuant to this sub-chapter shall remain until such time as the property is occupied for a period of thirty (30) consecutive days or sold to a bona fide purchaser with the intent to permanently occupy such registrable property.

#### 150.16 Registration Fee

- (A) Each mortgagee or owner of a vacant property shall pay a non-refundable semi-annual registration fee of \$300.00 for each registrable property. Subsequent registration fees in the amount of \$300.00 shall be paid to the Village within ten (10) days of the expiration of the previous registration.
- (B) If a registrable property is not registered, or the registration fee is not paid within thirty (30) days of the required initial registration or renewal pursuant to this sub-chapter, a late fee equal to ten percent (10%) of the registration fee shall be imposed for every thirty (30) day period in which the property is not registered, and shall be due and payable with the semi-annual registration.

#### 150.17 Changes in Registration Information

In the event of changes to registration information provided under Sections 150.14 and 150.15, any and all changes to such information shall be provided in writing to the Village within fifteen (15) days of such change(s) in information. There shall be no fees imposed for submitting changes in registration information.

#### 150.18 Transfer of Registrable Property

- (A) If a registrable property, or property that has been registered pursuant to this sub-chapter, has been sold or otherwise transferred, including but not limited to a transfer to a mortgagee under a foreclosure sale, deed in lieu of foreclosure, or any other legal means, the new owner shall be subject to all the provisions of this sub-chapter. Within fifteen (15) days of the sale or transfer, the new owner shall register the property or update the existing registration and registration information. The previous owner shall not be relieved of the responsibility of paying all unpaid fees, fines, and penalties that have accrued while such owner held an interest in the registrable property.
- (B) If a registrable property or property that is encumbered by a mortgage has been registered by the mortgagee pursuant to this sub-chapter, and such mortgage is sold, assigned, or otherwise transferred, the new mortgagee shall be subject to all provisions of this sub-chapter. Within fifteen (15) days of the date of sale, assignment, or transfer, the new mortgagee shall register the property or update

the existing registration and registration information. The previous mortgagee shall not be relieved of the responsibility of paying all unpaid fees, fines, and penalties that accrued during that mortgagee's interest in the registrable property.

#### 150.19 Notice of Determination of Registrable Property

After the effective date of this sub-chapter, the Village or its designee shall continually evaluate all properties within Village limits and make a determination for each as to whether the property is a registrable property. For each property determined to be a registrable property, the Village or its designee shall send a written notice of its determination by certified mail to the mortgagee or owner, whichever is applicable, to the address listed in the mortgage, or in the case of the owner to the address where the last property tax bill was sent, according to the official records of Peoria County, Illinois. If the mortgagee or owner cannot be found after diligent inquiry, service may be made by posting a notice in or on the registrable property or by publication in a newspaper of general circulation in Peoria County, Illinois for a period of three (3) consecutive days. The notice shall contain the following:

- (1) A statement to register the property in accordance with this sub-chapter within fifteen (15) calendar days of the date of the notice;
- (2) A statement of the obligations as a mortgagee or owner of registrable property;
- (3) The registry link or a copy of the Registration Form to be completed by the owner;
- (4) The penalties for failure to register the property; and
- (5) A notice of the right to appeal the determination.

#### 150.20 Maintenance of Registrable Property

- (A) Each registrable property or property that has been registered pursuant to this sub-chapter shall be maintained in accordance with all applicable provisions of the Village code and free of any nuisance, including but not limited to nuisance greenery, garbage, rubbish, refuse, graffiti, stagnant water, foul odors, and dilapidated or unsafe buildings or structures.
- (B) Each registrable property, or property that has been registered pursuant to this sub-chapter, shall be maintained in a secure manner so as to be reasonably inaccessible by unauthorized persons, including but not limited to boarding up, closing off, locking windows and entrances, or enclosing the exterior of the property with an appropriate fence or wall.

#### 150.21 Inspection; Enforcement

- (A) Enforcement officers are authorized and empowered to inspect or cause the inspection of each registrable property within the Village at any reasonable hour to determine compliance with this sub-chapter and any other applicable provision of the Village Code.

- (B) Compliance with this sub-chapter does not relieve the mortgagee or owner of a registerable property from any other obligations set forth in the Village Code, which may apply to the property. Failure of the mortgagee or owner to properly maintain a registerable property in accordance with all applicable provisions of the Village Code may result in a violation of the Village Code and issuance of a citation in accordance therewith. Registration under this sub-chapter shall not preclude the Village from taking any other action against the property pursuant to other applicable provisions of the Village Code or the Illinois Municipal Code or other applicable laws, including, but not limited to, the right of the Village to secure, demolish, or take remedial action with respect to the property or buildings or structures located thereon when it is in the best interest of the public safety and welfare. The Village may also pursue other legal or equitable remedies including, but not limited to, injunctive relief, application to a court of competent jurisdiction for a receiver, demolition or condemnation, contracting for the repair or purchase of the premises, or foreclosure of any lien the Village may have on the property.

#### 150.21 Records and Reports

- (A) The Village shall be responsible for maintaining all vacant and foreclosed property registration information and provide an annual report to the Director of Buildings and Inspections of the number of vacant and foreclosed properties in the Village, and the number of properties added to or deleted from the previous registration report.
- (B) The Department of Buildings and Inspections shall keep records of all complaints, inspections, reports, and actions taken with respect to each registerable property.

#### 150.22 Retention of Property Registration Company

- (A) The Village may, in its discretion, elect to contract with an outside company or entity to perform the actions and services authorized herein.
- (B) The actions and services to be performed by the property registration company retained by the Village may include, but shall not be limited to, maintaining a registry of registrable properties in the Village, contacting owners of registrable properties, identifying and monitoring changes to registrable properties and registration information, maintaining a record of all reported violations of registrable properties in the Village, and providing a website for the registration of registrable properties in order to facilitate compliance with this Chapter.

#### 150.23 Violations; Penalties

- (A) Every mortgagee or owner, whichever is applicable, who fails to register or renew the registration of a registerable property within the applicable time period prescribed in this sub-chapter shall, upon conviction thereof, be subject to a fine of not less than one hundred fifty dollars (\$150.00), nor more than seven hundred fifty dollars (\$750.00) per unregistered property. A separate offense shall be deemed committed for each day upon which said violation shall continue or exist.
- (B) Every mortgagee, owner, or agent thereof, whichever is applicable, who submits false information on the applicable registration form shall, upon conviction thereof, be subject to a fine of not less than one hundred fifty dollars (\$150.00), nor more than seven hundred fifty dollars (\$750.00).
- (C) Except as otherwise provided herein, any person who violates any provision of this sub-chapter shall, upon conviction thereof, be subject to a fine of not less than one hundred fifty dollars (\$150.00), nor more than seven hundred fifty dollars (\$750.00) for each offense. A separate offense shall be deemed committed for each day upon which said violation(s) shall continue or exist.
- (D) The fines provided in this Section shall not be construed to abridge or in any manner interfere with the right and power of the Village to enforce any other action provided in this sub-chapter or other applicable provision of the Village Code, or to seek injunctive relief or other appropriate legal remedy provided by law for a violation of this Chapter or other applicable provision of the Village Code.

#### 150.24 Appeals

A mortgagee, owner, or agent thereof, whichever is applicable, may appeal the determination of an enforcement officer that a property has been determined to be a registerable property or is in violation of this sub-chapter to the Board of Appeals pursuant to the provisions of Section 154.016 of the Village Code.

**Section 3. Severability.** Should any provision, section, paragraph, sentence or word of this Chapter be rendered or declared invalid by any final court action in a court of competent jurisdiction or by reason of any preemptive legislation, the remaining provisions, sections, paragraphs, sentences or words of this Chapter shall remain in full force and effect.

**Section 4.** This Ordinance is hereby ordered to be published in pamphlet form by the Village of Hanna City Clerk, and said Clerk is ordered to keep at least three (3) copies hereof available for public inspection in the future and in accordance with the Illinois Municipal Code.

**Section 5.** This Ordinance is an addition to all other ordinances on the same subject and shall be construed therewith excepting as to that part in direct conflict with any other ordinance, and in the event of such conflict, the provisions hereof shall govern.



**Section 6.** This Ordinance shall be in full force and effect from and after its passage, approval and ten (10) day period of publication in the manner provided by law.

PASSED, PUBLISHED IN PAMPHLET FORM AND APPROVED THIS 1<sup>ST</sup> DAY  
OF December, 2020, by a vote of 6 ayes and 0 nays.

APPROVED:


  
Fred Winterroth, Mayor

SEAL:

ATTEST:

  
Myrna Klatt, Village Clerk

PUBLISHED in pamphlet form in my office the 1st day of December, 2020.

  
Myrna Klatt, Village Clerk

COUNTY OF PEORIA

VILLAGE OF HANNA CITY

### CERTIFICATE

I, Myrna Klatt, being the duly elected, qualified and acting Village Clerk in and for the Village of Hanna City in the County of Peoria in the State of Illinois, and keeper of the records and files thereof, do hereby certify that the foregoing is a true and accurate original copy from the records of the Village.

In testimony whereof, I have hereunto set my hand and affixed the seal of the Village of Hanna City at my office this 1st day of December, 2020.