

**A SPECIAL ORDINANCE REPLACING CHAPTER 4 ARTICLE V “ABANDONED BUILDINGS” OF THE CODE OF ORDINANCES OF THE CITY OF ROCK ISLAND, ILLINOIS WITH “REGISTRATION AND MANAGEMENT OF FORECLOSED, VACANT, AND ABANDONED PROPERTY”**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ROCK ISLAND, ILLINOIS:

**Section One:**

WHEREAS, the City of Rock Island desires to protect the public health, safety, and welfare of its citizens and maintain a high quality of life through the maintenance of structures and properties in the City; and

WHEREAS, the City recognizes properties subject to foreclosure action or foreclosed upon as well as vacant and abandoned properties (hereinafter referred to as “Registrable Properties”) located throughout the City lead to a decline in community and property value; create nuisances; lead to a general decrease in neighborhood and community aesthetic; create conditions that invite criminal activity; and foster an unsafe and unhealthy environment; and

WHEREAS, the City has already adopted property maintenance codes to regulate building standards for the exterior of structures and the condition of the property as a whole; and

WHEREAS, the City recognizes in the best interest of the public health, safety, and welfare a more regulated method is needed to discourage Registrable Property Owners from allowing their properties to be abandoned, neglected, or left unsupervised; and

WHEREAS, the City has a vested interest in protecting neighborhoods against decay caused by Registrable Property and concludes that it is in the best interests of the health, safety, and welfare of its citizens and residents to impose registration requirements of Registrable Property located within the City to discourage Registrable Property Owners from allowing their properties to be abandoned, neglected or left unsupervised.

NOW THEREFORE, the City Council finds that the implementation of the following changes and additions will assist the City in protecting neighborhoods from the negative impact and conditions that occur as a result of vacancy, absentee ownership, and lack of compliance with existing City regulations and laws.

**Section Two:** The following Article titled “Registration and Management of Foreclosed, Vacant, and Abandoned Properties” hereby replaces Chapter 4 Article V “Abandoned Buildings” of the Code of Ordinances of the City of Rock Island, Illinois in its entirety.

## REGISTRATION AND MANAGEMENT OF FORECLOSED, VACANT, AND ABANDONED PROPERTY

1. **PURPOSE AND INTENT.** It is the purpose and intent of the City to establish a process to address the deterioration, crime, and decline in value of City neighborhoods caused by property with foreclosing or foreclosed mortgages located within the City, and to identify, regulate, limit and reduce the number of these properties located within the City. It has been determined that Owner-occupied structures are generally better maintained when compared to vacant structures, even with a diligent off-site property Owner. Vacant structures or structures owned by individuals who are economically strained and unable to meet their mortgage obligations are often not properly or diligently maintained, which contribute to blight, declined property values, and have a negative impact on social perception of the residential areas where they are located. It is the Council's further intent to establish a registration program as a mechanism to help protect neighborhoods from becoming blighted through the lack of adequate maintenance of properties that are in Foreclosure or Foreclosed, and to provide a mechanism to avert foreclosure actions through timely intervention, education, or counseling of property Owners.
2. **DEFINITIONS.** The following words, terms, and phrases, when used in this ordinance, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning.

*Abandoned Building* shall mean any building or part of a building which has deteriorated to become a dangerous building, unsecured and open to trespass. Such a building cannot be lawfully occupied and must be declared vacant, and therefore it is a Registrable Property per this ordinance. Such a building also constitutes a Public Nuisance.

*Boarded Building* shall mean a building that has had, in a manner intended to be temporary or permanent, any or all of its openings covered by some material for the purpose of securing or preventing access or damage to the building or its components, whether such material is opaque, solid or transparent, and whether such material is affixed to the interior or exterior of the building. For the purpose of this definition, such openings shall include any doors, windows or other openings that exist for the purpose of providing light, ventilation, ingress and egress to the building or other access to a part or portion of the building.

*Building* shall mean any structure occupied or intended for occupancy.

*Code Official* shall mean the Chief Building Official or their designee. All references to the code official in this ordinance shall be understood as such.

*Dangerous Building* shall mean:

1. Any building that is, in the opinion of the code official, 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 its occupants or to neighboring structures; or
2. Any building 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; or
  3. Any building, which, due to faulty construction, age, or lack of repair is likely to partially or wholly collapse or fall.

*Default* shall mean that the mortgagor has not complied with the terms of the mortgage on the property, or the promissory note, or other evidence of the debt, referred to in the mortgage.

*Enforcement Officer* shall mean any code official, law enforcement officer, building official, zoning inspector, fire inspector, building inspector, or other person authorized by the City to enforce the applicable code(s).

*Evidence of Vacancy* shall mean any condition that on its own, or combined with other conditions present, would lead a reasonable person to believe that the property is vacant. Such conditions may include, but are not limited to: overgrown and/or dead vegetation; past due Utility notices and/or disconnected Utilities; accumulation of trash junk or debris; abandoned vehicles, auto parts and/or materials; the absence of furnishings and/or personal items consistent with habitation or occupancy; the presence of an unsanitary, stagnant swimming pool; the accumulation of newspapers, circulars, flyers and/or mail; statements by neighbors, passers-by, delivery agents or government agents; and/or the presence of boards over doors, windows or other openings in violation of applicable code.

*Foreclosure or Foreclosure Action* shall mean the legal process by which a Mortgagee, or other lien holder, terminates or attempts to terminate a property Owner's equitable right of redemption to obtain legal and equitable title to the Real Property pledged as security for a debt or the Real Property subject to the lien. The legal process is not concluded until the property obtained by the Mortgagee, lien holder, 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* shall mean the creditor, including but not limited to, trustees; mortgage servicing 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 the mortgage agreement; or any other person or entity with the legal right to foreclose on the Real Property, excluding governmental entities.

*Owner* shall mean every person, entity, or Mortgagee, who alone or severally with others, has legal or equitable title to any Real Property as defined by this Ordinance; has legal care, charge, or control of any such property; is in possession or control of any such property; and/or is vested with possession or control of any such property. The Property Manager shall not be considered the Owner.

*Premises* shall mean a lot, plot, or parcel of land including any structures thereon.

*Public Nuisance* shall include but not be limited to the following:

1. Any physical condition or use of any premises that is regarded as a public nuisance at common law, under the Illinois Compiled Statutes, or under this Code; or
2. Any physical condition, use or occupancy of any premises or its appurtenances considered an attractive nuisance to children, including, but not limited to, abandoned wells, shafts, basements, excavations, swimming pools, and unsafe fences or structures; or
3. Any building that has unsanitary sewerage or plumbing facilities; or
4. Any building designated by the code official as unsafe for human habitation or use; or
5. Any building that constitutes a fire hazard, or is unsafe or unsecure to a degree that endangers life, limb or property; or
6. Any premises that is unsanitary, or which is littered with rubbish or garbage, or which has an uncontrolled growth of weeds; or
7. Any building that is in a state of dilapidation, deterioration or decay; improperly constructed; unsecured; vacant and boarded; damaged by fire to the extent that it no longer provides shelter; in danger of collapse or structural failure; or danger to anyone on or near the premises; or
8. Any premises that contains evidence of unlawful activity to a degree that such activity may endanger, threaten or otherwise negatively impact the users and value of adjacent premises; or
9. Any building deemed to be a dangerous building under this section or by a similar definition elsewhere within this Code.
10. Any building deemed to be Abandoned.

*Property Manager* shall mean any party designated by the Owner as responsible for inspecting, maintaining and securing the property as required in this Ordinance.

*Real Property* shall mean any residential or commercial land and/or buildings, leasehold improvements and anything affixed to the land, or portion thereof identified by a property parcel identification number, located in the City limits.

*Registrable Property* shall mean:

1. Any Real Property located in the City, whether vacant or occupied, that is encumbered by a mortgage subject to an ongoing Foreclosure Action by the Mortgagee or Trustee, has been the subject of a Foreclosure Action by a Mortgagee or Trustee and a Judgement has been entered, 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 properties transferred under a deed in lieu of foreclosure/sale. The designation of a "foreclosure" property as "registrable" shall remain in place until such time as the property is sold to a non-related bona fide purchaser in an arm's length transaction or the Foreclosure Action has been dismissed; or
2. Any property that is vacant for more than thirty (30) days or any cancellation of Utility or Service, whichever occurs first.
3. Any property that is declared to be abandoned and/or a public nuisance.

*Registry* shall mean a web-based electronic database of searchable Real Property records, used by the City to allow Mortgagees and Owners the opportunity to register properties and pay applicable fees as required in this Ordinance.

*Semi-Annual Registration* shall mean six (6) months from the date of the first action that requires registration, as determined by the City, 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 and Services* shall mean any utility and/or service that is essential for a building to be habitable and/or perform a service necessary to comply with all City codes. This includes, but is not limited to, electrical, gas, water, sewer, lawn maintenance, pool maintenance, and snow removal.

*Vacant* shall mean any building or structure, that is not lawfully occupied or inhabited by human beings as evidenced by the conditions set forth below, including buildings ordered vacated by the code official pursuant to authority granted by this or any other applicable code.

1. In determining whether a building is "vacant", the code official may consider any condition on its own, or combined with other conditions present, that would lead a reasonable person to believe the property is vacant. Such conditions may include, but are not limited to:
  - a. The building is unsecured or secured by boarding or other similar means for more than 30 days;
  - b. The building is unoccupied as a result of having been declared unsafe for occupancy by the code official pursuant to applicable provisions of this code;
  - c. The building is deemed a dangerous building;

- d. The building is deemed a public nuisance;
    - e. The building lacks utility services, i.e., water, sewer, electric or natural gas.
    - f. Overgrown and/or dead vegetation;
    - g. Accumulation of trash, junk, or debris;
    - h. Abandoned vehicles, auto parts, or materials;
    - i. The absence of furnishings and/or personal items consistent with habitation or occupancy;
    - j. The accumulation of newspapers, circulars, flyers and/or mail;
    - k. Statements by neighbors, passers-by, delivery agents or government agents;
    - l. The building is not actively for rent or for sale.
  2. The following shall not be considered a "vacant building" for purposes of this ordinance:
    - a. An unoccupied building, which is undergoing construction, renovation, or rehabilitation, and which is in compliance with all applicable ordinances, codes, legislation, and regulations, and for which construction, renovation or rehabilitation is proceeding diligently to completion;
    - b. A building which is unoccupied on a seasonal basis, but otherwise secure and which is in compliance with all applicable ordinances, codes, legislation, and regulations.
    - c. A building which is the subject of a probate action, action to quiet title, or other ownership dispute and is otherwise secure and which is in compliance with all applicable ordinances, codes, legislation, and regulations.
  3. Commercial and industrial properties, even when actively listed for sale with a licensed real estate broker on multiple listing services and otherwise secure and in compliance with all applicable ordinances, codes, legislation, and regulations, shall be considered Registrable Properties. Residential properties, when actively listed for sale or for rent in the same manner, shall not be considered Registrable Properties so long as they are secure and in compliance with all applicable ordinances, codes, legislation, and regulations.
3. **AUTHORITY AND APPLICABILITY.** The Chief Building Official or their designee(s) is hereby authorized and directed to enforce all the provisions of this ordinance. The provisions of this ordinance shall apply to all properties within the City.
4. **ESTABLISHMENT OF A REGISTRY.** The Chief Building Official or their designee(s) shall establish and maintain a registry cataloging all Registrable Property within the City, containing the information required by this ordinance.
5. **OBLIGATION TO REGISTER.** Except as otherwise provided in this ordinance, every owner of Registrable Property shall be required to register said property in the manner provided by the City semi-annually. Registration shall include:

- a. The name, street address, telephone number, and email of each owner. If the owner is a partnership, corporation, or voluntary unincorporated association, the registration shall include the name, street address, telephone number of each partner, officer, member, or shareholder. If the owner is a corporation, the registration shall include the name, street address, and telephone number of the registered agent therefor.
- b. The name, street address, and telephone number of a person designated by the owner as the authorized agent for receiving notices of code violations and receiving process in any court proceeding or administrative proceeding on behalf of such owners. Such person must reside or maintain an office within fifty (50) miles of the City of Rock Island. An owner who meets the requirements of this subsection as to location of residence or office may designate themselves as agent.
- c. The owner shall designate a property manager who either resides in or maintain an office within fifty (50) miles of the City of Rock Island to inspect, maintain, and secure the property. The registration shall include name, address, 24-hour telephone number, and email address of the property manager. An owner who meets the requirements of this subsection as to location of residence or office may designate himself as property manager.
- d. At the time of registration, the owner shall submit a vacant building plan. The code official may prescribe a form for the plan. If the owner fails to submit the plan as provided for by this ordinance, the code official may determine the plan. The plan shall include at a minimum provisions to address the following:
  - i. A plan of action to repair any doors, windows, or other openings which are boarded up or otherwise secured or covered by any means other than conventional methods used in the design of the building or permitted for new construction or similar type. The proposed repair shall result in openings secured by conventional methods used in the design of the building or by methods permitted for new construction of similar type with board removed. Boarding shall be accomplished with materials and methods described by the code official. 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 code official may waive the requirement of an enclosure.
  - ii. For buildings and/or premises, which are determined by the code official as being or containing public nuisances, as defined in this ordinance, then the vacant building plan shall contain future actions to remedy such public nuisance(s).
  - iii. 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 code official.
  - iv. When the owner proposes to demolish the vacant building, then the owner shall submit a plan and time schedule for such demolition. The

owner shall ensure all necessary permits and approvals are obtained prior to commencing demolition.

- v. A plan of action to maintain the building and thereof in conformance with this ordinance.
  - vi. 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 shall include date(s) of commencement and completion of all actions required to achieve habitability.
6. TIME OF REGISTRATION. The owner shall register the property:
- a. Within 30 days of receiving written notice indicating that the code official has determined a building to be a vacant building unless an appeal is filed within the time and manner proscribed by this ordinance. For purposes of this subsection, the date of notice shall be the date of personal service or hand delivery or, if notice was provided by first class mail, three days from the date of mailing.
  - b. Within 30 days of the city administrator's denial of an appeal from the code official's determination of vacancy.
  - c. Within 30 days of purchasing a vacant building.
  - d. Within 30 day of an owner having knowledge of fact or circumstances that he knows, or should have known, that the building has become a vacant building within the meaning of this ordinance.
7. SEMI-ANNUAL RENEWAL OF REGISTRATION. The owner shall renew the registration every six months following the date of the first filing and pay the required semi-annual registration fee so long as the building remains registrable.
8. AMMENDED REGISTRATION. The owner shall be required to file an amended registration within 30 days of any change in the information contained in the semi-annual registration. A new registration shall also be required for any change in ownership.
9. COMPLIANCE WITH ALL OTHE CODES WHILE REGISTERED. Registration does not exonerate the owner from compliance with all applicable codes and ordinances, including this ordinance, nor does it preclude any of the actions that the City is authorized to take pursuant to this or any other code or statute.
10. TERMINATION OF REGISTRATION OBLIGATION. The owner of a property subject to registration shall continue to register the property on a semi-annual basis until such time as a written request to remove the property from registration requirements is approved by the code official. Said request shall be made in writing on a form provided by the code official, include the required inspection fee, and provide at a minimum the name and contact information for a person that will provide access to the interior of the property for an inspection. The code official, upon receipt of a request made pursuant to this section, shall inspect the property to determine if registration remains necessary for the property. Within 30 days from the inspection of the property, the code official shall make a determination as to the necessity of registration of the property and notify the owner in writing. Should the code official determine that registration remains required, the owner shall continue semi-annual registration. An owner can file a new request under this section after making any necessary corrections and paying the



required inspection fee at any time. A determination that a building remains subject to registration may be appealed. Upon determination by the code official that the property is no longer required to be registered, the property shall be removed from the registry and no longer subject to the registration requirements as set forth in this ordinance.

#### 11. VACANT BUILDING DETERMINATION

- a. The code official shall evaluate all buildings in the city that the official believes to be unoccupied. The code official shall make a determination for each as to whether the building is a vacant building within the meaning of this ordinance.
- b. In order to conduct this evaluation, the code official is authorized to enter upon all premises and any unsecured structures.
- c. The code official may determine that a building, which meets any of the criteria that define a vacant building, shall not be regulated under this section for a defined period of time. The code official may reach this determination upon consideration of evidence that the circumstances, which give rise to the building being eligible for regulation hereunder, are clearly temporary in nature and are in the process of being addressed and regulation of the building under this ordinance would not serve the public health, welfare, and safety. The code official shall make written findings with the factual basis for this determination.
- d. For all vacant buildings so determined by the code official, the city shall send notice of the determination with supporting factual findings to the name and address of the last taxpayer of record for such parcel listed on the most recent tax roll. Said notice of determination shall be sent first class United States mail. Failure of mail delivery shall not excuse a person from complying with this ordinance. The code official may also personally serve or cause personal service of the notice of determination. Any person making such service shall execute an affidavit attesting to the facts of service. The code official shall maintain an affidavit of such mailing or personal service for each notice of determination sent.
- e. The code official shall cause an interior inspection of all vacant buildings to determine compliance with city property maintenance, building, zoning, health, fire, life safety, water, sewer and other codes. Said inspection shall also determine the existence of any unlawful improvements to the property and any portions of the building, including attic and basement areas that appear to have been unlawfully occupied.
- f. The notice of determination described in subsection (c) and (d) above shall set a tentative date and time for the code compliance inspection of the interior of the vacant building in subsection (e). If after receipt of the notice of determination, the owner does not appeal the determination, the owner shall either confirm the tentative date for the interior inspection or shall schedule a new date and time for same. If the owner fails to confirm the tentative date and time for the inspection or refuses to schedule or permit the inspection within a reasonable time, the city shall obtain an administrative search warrant to accomplish the interior inspection.

- g. The notice of determination described in subsection (c) and (d) above shall also contain:
  - i. A statement of the obligations of the owner of a building determined to be a vacant building;
  - ii. Information about how to register the vacant building pursuant to this section, and;
  - iii. A notice of the owner's right to appeal the code official's determination.

## 12. APPEAL OF VACANT BUILDING DETERMINATION

- a. An owner of a building determined by the code official to be a vacant building may appeal that determination to the Property Maintenance Board.
- b. The appeal shall be in writing and shall be filed with the Inspections Division within 30 days of the date of mailing of the notice of determination.
- c. The filing of an appeal stays the owner's obligation to register the building as required by this ordinance.
- d. The appeal shall contain:
  - i. A complete statement of the reasons the owner disputes the code official's determination and shall set forth specific facts support thereof; and
  - ii. All evidence the owner relies upon to support the appeal.
- e. The burden is upon the owner to present sufficient evidence to persuade the Board that it is more likely than not that the building is not a vacant building.
- f. The Board shall decide the appeal on the facts presented by the owner in the appeal and the code official's written determination. The Board may, but is not required to, seek additional information from the owner.
- g. The Board shall send written notice of decision to the owner within ten days of receipt of the appeal.
- h. The Board may, upon written notice thereof to the owner, take ten additional days to decide the appeal if additional time is required for consideration.
- i. If the Board fails to grant or deny an appeal within the time periods set forth in this section, the appeal shall be deemed denied.
- j. A determination by the Board shall be considered to be a final administrative determination.

## 13. INSPECTION AND REGISTRATION OF REAL PROPERTY UNDER FORECLOSURE

- a. Any Mortgagee who holds a mortgage on Real Property located within the City shall perform an inspection of the property upon default by the mortgagor as evidenced by the filing of a Foreclosure Action.
- b. Property inspected pursuant to subsection (a) above that remains in Foreclosure shall be inspected every thirty (30) days by the Mortgagee or Mortgagee's designee. If an inspection shows a change in the property's occupancy status the Mortgagee shall, within ten (10) days of that inspection, update the occupancy status of the property registration.
- c. Within ten (10) days of the date any Mortgagee files a Foreclosure Action, the Mortgagee shall register the Real Property with the City Registry, and, at the time of registration, indicate whether the property is Vacant, and if so shall

designate in writing a Property Manager to inspect, maintain, and secure the Real Property subject to the mortgage under a Foreclosure Action.

- d. Initial registration pursuant to this section shall contain at a minimum the name of the Mortgagee, the mailing address of the Mortgagee, e-mail address, telephone number and name of the Property Manager and said person's address, e-mail address, and telephone number. It shall also contain a brief explanation of the owner's intent for the property. The Property Manager shall be located within a fifty (50) mile radius of the City or Rock Island so that they are able to respond to a property in person within one day of notice to do so.
- e. At the time of initial registration each registrant shall pay a non-refundable Semi-Annual Registration fee of three hundred dollars (\$300.00) for each property. Subsequent non-refundable Semi-Annual renewal registrations of properties and fees in the amount of three hundred dollars (\$300.00) are due within ten (10) days of the expiration of the previous registration. Said fees shall be used to offset the costs of: (1) registration and registration enforcement, (2) code enforcement and mitigation related to Defaulted properties, (3) post-closing counseling and Foreclosure intervention limited to Owner-occupied persons in Default, which may not include cash and mortgage modification assistance, and (4) for any related purposes as may be adopted in the policy set forth in this Ordinance.
- f. If the mortgage and/or servicing on a Registrable Property is sold or transferred, the new Mortgagee is subject to all the terms of this Ordinance. Within ten (10) days of the transfer, the new Mortgagee shall register the property or update the existing registration. The previous Mortgagee(s) will not be released from the responsibility of paying all previous unpaid fees, fines, and penalties accrued during that Mortgagee's involvement with the Registrable Property.
- g. If the Mortgagee sells or transfers the Registrable Property to a related entity or person, the new owner or transferee is subject to all the terms of this Ordinance. Within ten (10) days of the transfer, the transferee shall register the property or update the existing registration. Any and all previous unpaid fees, fines, and penalties, regardless of who the Mortgagee was at the time registration was required, including, but not limited to, unregistered periods during the Foreclosure process, are the responsibility of the transferee and are due and payable with the updated registration. The previous Mortgagee will not be released from the responsibility of paying all previous unpaid fees, fines, and penalties accrued during that Mortgagee's involvement with the Foreclosed Property.
- h. If the Foreclosing or Foreclosed Property is not registered, or the registration fee is not paid within thirty (30) days of when the registration or renewal is required pursuant to this section, a late fee equivalent to five percent (5%) of the Semi-Annual Registration fee shall be charged for every thirty-day period (30), or portion thereof, the property is not registered and shall be due and payable with the registration.

- i. This section shall also apply to properties that have been the subject of a foreclosure sale where title is transferred to the Mortgagee as well as any properties transferred to the Mortgagee under a deed in lieu of foreclosure or by any other legal means.
  - j. Properties subject to this section shall remain subject to the Semi-Annual Registration requirement, and the inspection, security, and maintenance standards of this section as long as the property remains Registrable Property.
  - k. Failure of the Mortgagee and/or property Owner of record to properly register or to modify the registration to reflect a change of circumstances as required by this ordinance is a violation of this Ordinance and shall be subject to enforcement by any of the enforcement means available to the City.
  - l. If any property is in violation of this Ordinance the City may take the necessary action to ensure compliance with and/or place a lien on the subject property for the cost of the outstanding obligation and/or charge the applicable fees/fines, as well as any additional cost incurred by the City in the course of seeking compliance, to the subject property's utility (water/refuse) account.
14. INSPECTION AND REGISTRATION OF REAL PROPERTY THAT IS NOT SUBJECT TO A MORTGAGE IN FORECLOSURE
- a. Any Owner of Vacant property located within the City shall within ten (10) days after the property becomes Vacant, register the Real Property with the City Registry.
  - b. Initial registration pursuant to this section shall contain at a minimum the name of the Owner, the mailing address of the Owner, e-mail address, and telephone number of the Owner, and if applicable, the name and telephone number of the Property Manager and said person's address, e-mail address, and telephone number.
  - c. At the time of initial registration each registrant shall pay a non-refundable Semi-Annual Registration fee of three hundred dollars (\$300.00) for each Vacant property. Subsequent non-refundable Semi-Annual renewal registrations of Vacant properties and fees in the amount of three hundred dollars (\$300.00) are due within ten (10) days of the expiration of the previous registration. Said fees shall be used to offset the costs of: (1) registration and registration enforcement, (2) code enforcement and mitigation related to Vacant properties, and (3) for any related purposes as may be adopted in the policy set forth in this Ordinance. Said fees shall be deposited to a special account in the City's Department dedicated to the cost of implementation and enforcement of this Ordinance, and fulfilling the purpose and intent of this Ordinance.
  - d. If the property is sold or transferred, the new Owner is subject to all the terms of this Ordinance. Within ten (10) days of the transfer, the new Owner shall register the Vacant property or update the existing registration. The previous Owner(s) will not be released from the responsibility of paying all previous unpaid fees, fines, and penalties accrued during that Owner's involvement with the Vacant property.

- e. If the Vacant property is not registered, or either the registration fee or the Semi-Annual Registration fee is not paid within thirty (30) days of when the registration or Annual Registration is required pursuant to this section, a late fee shall be equivalent to five percent (5%) of the Semi-Annual Registration fee shall be charged for every thirty (30) day-period, or portion thereof, the property is not registered and shall be due and payable with the registration. This section shall apply to the initial registration and registrations required by subsequent Owners of the Vacant property.
- f. Properties subject to this section shall remain subject to the Annual Registration requirement, and the inspection, security, and maintenance standards of this section as long as the property is Vacant.
- g. Failure of the Owner to properly register or to modify the registration to reflect a change of circumstances as required by this ordinance is a violation of this Ordinance and shall be subject to enforcement by any of the enforcement means available to the City.
- h. If any property is in violation of this Ordinance the City may take the necessary action to ensure compliance with and place a lien on the property for the cost of the outstanding obligation and any additional cost incurred to the property into compliance.
- i. Properties registered as a result of this section are not required to be registered again pursuant to the Foreclosure mortgage property section.

#### 15. MAINTENANCE REQUIREMENTS

- a. Properties subject to this ordinance shall be kept free of weeds, overgrown brush, dead vegetation, trash, junk, debris, building materials, any accumulation of newspaper circulars, flyers, notices, except those required by federal, state or local law, discarded personal items including, but not limited to, furniture, clothing, large and small appliances, printed material, or any other items that give the appearance that the property is neglected.
- b. Registrable Property shall be maintained free of graffiti or similar markings by removal or painting over with an exterior grade paint that matches the color of the exterior structure.
- c. Front, side, and rear yards, including landscaping, of Registrable Property shall be maintained in accordance with the applicable code(s) at the time registration is required.
- d. Registrable yard maintenance shall include, but not be limited to, grass, ground covers, bushes, shrubs, hedges or similar plantings, decorative rock or bark or artificial turf/sod. Acceptable maintenance of yards and/or landscape shall not include weeds, gravel, broken concrete, asphalt or similar material.
- e. Maintenance shall include, but not be limited to, watering, irrigation, cutting and mowing of required ground cover or landscape and removal of all trimmings.
- f. Pools and spas of shall be maintained so the water remains free and clear of pollutants and debris and shall comply with the regulations set forth in the applicable code(s).

- g. Failure of the Mortgagee, Owner, and transferees to properly maintain the property as required by this Ordinance may result in a violation of the applicable code(s) and issuance of a citation or notice of violation in accordance with the applicable code of the City. Pursuant to a finding and determination by the enforcement officer or a court of competent jurisdiction, the City may take the necessary action to ensure compliance with this section.
- h. In addition to the above, the property is required to be maintained in accordance with all other applicable code(s) of the City.

#### 16. SECURITY REQUIREMENTS

- a. Properties subject to these Sections shall be maintained in a secure manner so as not to be accessible to unauthorized persons.
- b. A “secure manner” shall include, but not be limited to, the closure and locking of windows, doors, gates and other openings of such size that may allow a child to access the interior of the property or structure. Broken windows, doors, gates, and other openings of such size that may allow a child to access the interior of the property or structure must be repaired. Broken windows shall be secured by re-glazing of the window.
- c. If a property is Registrable, and the property has become vacant or blighted, a Property Manager shall be designated by the Mortgagee and/or Owner to perform the work necessary to bring the property into compliance with the applicable code(s), and the Property Manager must perform regular inspections to verify compliance with the requirements of this Ordinance, and any other applicable laws.
- d. In addition to the above, the property is required to be secured in accordance with all other applicable code(s) of the City.
- e. Failure of the Mortgagee and/or property Owner of record to properly inspect and secure a property subject to this Ordinance is a violation and shall be subject to enforcement by any of the enforcement means available to the City. The City may take the necessary action to ensure compliance with this section, and recover costs and expenses in support thereof. Such necessary action shall include but not be limited to entering the premises, boarding the building, and demolishing the building in whole or in part.

#### 17. PROPERTIES DECLARED ABANDONED OR A PUBLIC NUISANCE

- a. All Registrable Property is at risk of being a public nuisance and if vacant or blighted can constitute a public nuisance, the abatement of which pursuant to the police power is hereby declared to be necessary for the health, welfare, and safety of the residents of the City.
- b. No unauthorized person shall remove, tamper with, or otherwise alter any conventional or unconventional barrier which are used to secure a building from trespass and damage from the elements.
- c. No person shall occupy or permit to be occupied any boarded or abandoned building when it is not in reasonable compliance with the provisions of the housing code and a certificate of compliance/occupancy issued.

- d. No person shall enter any unoccupied building without permission in writing from the code official; however entry may be made by the owner or the owner's authorized representative and entry may be made by the code official with the consent of the owner or through any remedy provided by law to secure entry.
- e. The code official may enter upon the exterior of the premises for the purposes of determining whether an unoccupied building is secure, vacant, boarded, or abandoned.
- f. Entry may be made to repair, demolish, or remove such a building under permit.
- g. Entry may be made by employees of or contractors for the City for the purposes of removing trash and debris, weed and brush, and for the installation, removal, and reading of utility meters under the authority granted by ordinances covering those functions.

18. NOTICES AND ORDERS FOR AN ABANDONED BUILDING OR PUBLIC NUISANCE

- a. Commencement of Proceedings: Whenever the code official has inspected or caused to be inspected any building and has found and determined that the building is a public nuisance, unsecured, and/or abandoned, they shall commence proceedings to cause the building to be secured.
- b. Notice and Order: The code official shall issue a notice and order directed to the owner of the building. The notice and order shall contain:
  - i. The street address and a legal description sufficient for identification of the premises upon which the building is located.
  - ii. A statement that the code official has found the building to be a public nuisance, unsecured, and/or abandoned.
  - iii. A statement of the action required to be taken as determined by the code official.
    - 1. If the code official or has determined that the building must be secured, the order shall require that the work be commenced immediately and completed within such time not to exceed ten (10) days from the date of the notice and order.
    - 2. If the code official has determined that an interior inspection must be conducted in the building, the order shall require such inspection and state a date and time for said inspection to take place.
  - iv. A statement advising that the building, whether abandoned or boarded, must remain unoccupied and shall be posted until such time as inspections are completed and reasonable compliance with the Housing Code substantiated and a certificate of occupancy issued.
  - v. Statements advising that the building if open and unsecure or boarded, shall have no active utilities and that those utilities shall be discontinued as soon as practical after the order has become final and that the responsibility to protect the plumbing from freezing shall be the owner(s).
  - vi. Statements advising:

1. That service by certified mail, postage prepaid, return receipt requested and regular delivery, shall be complete upon mailing;
2. That the order shall become final at ten o'clock (10:00) A.M. on the tenth day from the date of the notice and order and that legal action or other action as the code official shall determine necessary to secure the building shall be commenced; that failure to complete any required action within the time frame specified may result in such required action to be completed at the owner's expense, a bill presented for such services and payment for said services to secure shall be made within thirty (30) days after billing for such services;
3. That any bill for such services if delinquent shall become a lien thereof and be charged against the property and judgment may also be sought.

c. Service of Notice and Order: The notice and order, and any amended or supplemental notice and order, shall be served upon the record owner or posted on the property as specified in the Abatement of Dangerous Buildings Code.

19. FAILURE TO SECURE OR ABATE AN ABANDONED BUILDING OR A PUBLIC NUISANCE.

Whenever the required abatement or securing is not commenced by the date of any final notice and order issued under this ordinance, the code official may make necessary arrangements for authorization to bring such building or structure into compliance with the regulations in this ordinance and upon completion bill all identified owner(s) for costs incurred. These costs shall reflect materials and labor at a rate to be determined by the code official, who may also file any such required action through the Abatement of Dangerous Buildings Code to cause the repair or demolition of the building and any materials, rubble or debris removed and the lot cleaned. The cost thereof shall be paid and recovered in the manner provided in the Abatement of Dangerous Buildings Code adopted by the City.

20. AUTHORITY TO ABATE AN ABANDONED BUILDING OR A PUBLIC NUISANCE

- a. If the Enforcement Officer has reason to believe that a property subject to the provisions of this Ordinance is posing a serious threat to the public health, safety, and welfare, the Code Enforcement Officer may temporarily secure the property at the expense of the Mortgagee or Owner, and may bring the violations before the code official as soon as possible to address the conditions of the property. Nothing herein shall limit the City from abating any nuisance or unsafe condition by any other legal means available to it.
- b. The Enforcement Officer shall have the authority to require the Mortgagee or Owner affected by this section, to implement additional maintenance and/or security measures including, but not limited to, securing any and all doors, windows or other openings, employment of an on-site security guard or other measures as may be reasonably required to help prevent further decline of the property.
- c. If there is a finding that the condition of the property is posing a serious threat to the public health, safety, and welfare, then the Enforcement Officer may direct



the City to abate the violations and charge the Mortgagee or Owner with the cost of the abatement.

- d. If the Mortgagee or Owner does not reimburse the City for the cost of temporarily securing the property, or of any abatement directed by Enforcement Officer, within thirty (30) days of the City sending the Mortgagee or Owner the invoice then the City may place a lien on the subject property for the cost of the outstanding obligation and/or charge the applicable fees/fines, as well as any additional cost incurred by the City in the course of seeking compliance, to the subject property's utility (water/sewer) account. In addition to filing a lien the City may pursue financial penalties against the Mortgagee or Owner.
- e. The City may contract with an entity to implement this Ordinance, and, if so, any reference to the Enforcement Officer herein shall include the entity the City contract with for that purpose.

#### 21. METHODS OF SECURING AN ABANDONED BUILDING OR A PUBLIC NUISANCE

- a. Securing: All windows and doors which are accessible from the grade, porches, decks or exterior stairways and which allow the elements and weather to enter shall be secured. At the option of the owner, an abandoned building or structure may be secured through the repair and/or replacement of the conventional equipment used for such purposes in the design of the building. Other methods of securing a building or structure will be subject to the approval of the code official and will be in accordance with standards on file in the Inspection Division office. Once a building or structure is secured following a notice and order directing such action, the building or structure shall not be reoccupied without a certificate of compliance/occupancy issued. If keys or working locks cannot be located, the building shall be secured at one door only with a padlock and hasp. The owner may obtain a key upon presentation of proper identification to the code official during normal office hours. Costs incurred for lock and hasp shall be recovered as specified in this Ordinance.
- b. Utilities Discontinued: Whenever any building or structure is abandoned or boarded, the active utilities of gas and electricity shall be discontinued, the water meter shall be removed and pipes drained and protected from freezing. Should a City-authorized contractor or department be requested to perform any required action because of failure to comply with any required action on the part of the owner, such action will be completed at the owner's expense and risk. The City will do no more toward the winterization of a building which it boards than to remove the water meter and open interior plumbing shutoff valves to allow natural draining of pipes. "Damages from freezing" is not warranted.

22. RECOVERY OF COSTS INCURRED BY THE CITY. Any costs incurred by the City and billed to the owner(s) of the property identified in a notice and order shall be due and payable without extension within thirty (30) days of the issuance of such billing. Nonpayment of any such demand for payment shall become a lien thereof and be charged against the property.

23. REFUSAL OF APPLICATION FOR BUILDING PERMITS. The code official may refuse application for building permits for the repair or demolition of a building or structure

when any liens for unpaid charges for work accomplished by the City in the performance of the requirements of this Ordinance are yet unpaid. A building permit may be issued when all requirements for said permit are met and proof of payment of liens filed under this Ordinance are presented.

24. **OPPOSING, OBSTRUCTING ENFORCEMENT OFFICER; PENALTY.** Whoever opposes obstructs or resists any Enforcement Officer or any person authorized by the enforcement office in the discharge of duties as provided in this ordinance shall be punishable as provided in the applicable code(s) or a court of competent jurisdiction.
25. **IMMUNITY OF ENFORCEMENT OFFICER.** Any Enforcement Officer or any person authorized by the City to enforce the sections here within shall be immune from prosecution, civil or criminal, for reasonable, good faith entry upon Real Property while in the discharge of duties imposed by this Ordinance.
26. **PENALTIES.** Except insofar as other sections of this ordinance may conflict, any person, firm, or corporation violating any of the provisions of this ordinance shall be subject to a fine of not more than seven hundred and fifty (\$750.00). Each day a violation continues shall be considered a separate offense.
27. **PROVISIONS SUPPLEMENTAL.** The provisions of this Ordinance are cumulative with and in addition to other available remedies. Nothing contained in this Ordinance shall prohibit the City from collecting on fees, fines, and penalties in any lawful manner; or enforcing its codes by any other means, including, but not limited to, injunction, abatement, or as otherwise provided by law or ordinance.
28. **AMENDMENTS.** Registration fees and penalties outlined in this Ordinance may be modified by resolution, administrative order, or an amendment to this Ordinance, passed and adopted by the Council.
29. **SEVERABILITY.** It is hereby declared to be the intention of the City that the sections, paragraphs, sentences, clauses, and phrases of this ordinance are severable, and if any phrase, clause, sentence, paragraph, or section of this ordinance shall be declared unconstitutional by the valid judgment or decree of a court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs, and sections of this Ordinance.

**Section Three:** All ordinances and parts of ordinances in conflict herewith are hereby repealed and replaced insofar as they do so conflict.

**Section Four:** This ordinance shall be in full force and effect from and after its passage and approval, as required by law.

\_\_\_\_\_  
MAYOR OF THE CITY OF ROCK ISLAND

PASSED: \_\_\_\_\_

APPROVED: \_\_\_\_\_

ATTEST: \_\_\_\_\_  
CITY CLERK