

ORDINANCE NO. 24-2018

**AN ORDINANCE AMENDING CHAPTER 11, LICENSES, TAXATION
AND MISCELLANEOUS BUSINESS REGULATIONS, BY ADDING
ARTICLE XIX, DEFAULTED PROPERTY REGISTRATION, TO THE
EVERGREEN PARK MUNICIPAL CODE**

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Village Clerk

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BE IT ORDAINED by the Mayor and Board of Trustees of the Village of Evergreen Park, Cook County, Illinois, as follows:

Section 1

That Chapter 11, Licenses, Taxation and Miscellaneous Business Regulations, of the Evergreen Park Municipal Code, be amended by adding Article XIX, Defaulted Property Registration, to read as follows:

ARTICLE XIX. DEFAULTED PROPERTY REGISTRATION

Sec. 11-550. Purpose and Intent.

This Article mandating the registration, inspection, and maintenance of defaulted properties is designed to prevent those conditions and activities that may lead to or create public nuisances, and that would ultimately adversely affect the condition or value of properties in the Village.

Sec. 11-551. Definitions.

The following words, terms and phrases, as used in this Article, shall have the following meanings ascribed to them unless the context clearly indicates a different meaning:

Applicable laws means any and all ordinances of the Village governing the condition, maintenance, use, or occupancy of property and structures thereon.

Defaulted property means any real property located in the Village, whether vacant or occupied, that (a) is encumbered by a mortgage in default and for which a notice of default has been issued to the owner, (b) is subject to a foreclosure action by a mortgagee, (c) has been the subject of a foreclosure action by a mortgagee and a judgment has been entered, (d) has been the subject of a foreclosure sale and title was held by the mortgagee or transferred to a beneficiary of a mortgagee, or (e) has been transferred to a beneficiary of a mortgagee by a deed in lieu of foreclosure.

Enforcement officer shall mean any officer of the Village authorized to enforce applicable laws including police officers, code inspectors and conservators of the peace.

Foreclosure or foreclosure action shall mean the legal process by which a mortgagee terminates or attempts to terminate a property owner's equitable right of redemption in order to obtain legal and equitable title to the property pledged as security for a debt.

Mortgagee shall mean any lender, creditor, trustee, or mortgage servicing company, and its successors and assigns, having a secured or equitable interest in real property, or having any legal right to foreclose or prosecute a foreclosure action. The term mortgagee shall exclude governmental entities and/or agencies.

Owner means each record owner, mortgagor, lessor, or any other person possessing a legal interest in real property.

Property manager shall mean any person designated by an owner/mortgagee as being responsible for management of real property.

Property shall mean any real property in the Village.

Registrable property shall mean any property qualifying as defaulted property.

Vacant means any building or structure that is not lawfully occupied by the owner or lessee thereof. A building or structure is vacant if any utility service (including water, electricity, or gas) is terminated to such property.

Village means the Village of Evergreen Park.

Sec. 11-552. Registry Established.

The Village does hereby create and establish a Defaulted Property Registry.

Sec. 11-553. Registration of Defaulted Property.

(a) A mortgagee shall register defaulted property with the Building Commissioner no later than 10 days of the same qualifies as defaulted property (the "initial registration"), and every 6 months thereafter (each a "semi-annual registration") while the property remains qualified as a defaulted property.

(b) A mortgagee shall identify in its registration, with respect to each defaulted property: (i) its name, address, and telephone number; (ii) the address of the property being registered; (iii) the qualifying event requiring registration; (iv) the name, e-mail, and telephone number of a contact person; and (v) a status of the property as vacant or occupied. The registration of any vacant defaulted property shall include the name, address, e-mail, and telephone number of a property manager responsible for the management of the vacant defaulted property.

(c) Prior to registration, and every 30 days thereafter while the property remains on the Defaulted Property Registry, a mortgagee shall inspect the defaulted property to determine whether the same is vacant or occupied.

(d) A mortgagee, and its successor or assign, shall update the information contained in its registration no later than 10 days following a change in circumstance that would make the information contained on the Defaulted Property Registry outdated, incorrect, or no longer valid.

(e) A non-refundable registration fee in the amount of \$300 shall be due and payable to the Village by the mortgagee for each defaulted property upon its initial registration and at each semi-annual registration thereafter.

(f) Defaulted property shall be and remain on the Defaulted Property Registry until such time as the same no longer qualifies as registrable property. Proof of the disqualifying event or circumstance shall be delivered to and approved by the Village before the defaulted property is removed from the Defaulted Property Registry.

Sec. 11-554. Maintenance of Registerable Property.

Any and all applicable laws, as applicable to owners, occupants, or persons in possession, shall be applicable to and govern each mortgagee and owner of defaulted property, respectively, while such real property qualifies as and remains registerable property, and those laws are incorporated herein as though set forth at length. Responsibility and liability under this Article for vacant defaulted property shall be joint and several among the owner and mortgagee.

Sec. 11-555. Security of Vacant Defaulted Property.

(a) Mortgagees and owners of vacant defaulted property shall maintain each registerable property in secure manner such that all buildings and structures thereon are inaccessible to unauthorized persons. A "secure manner" means that all doors, windows, gates, openings, and other points of access are shut, locked, and in a functioning state free of breaks or holes. No property may remain boarded up for more than 30 consecutive days.

(b) A property manager shall be required and be designated for each vacant defaulted property.

(c) Vacant defaulted property shall be posted with the name and 24-hour contact telephone number of the property manager or owner (if no property manager is required). The property manager shall be available to be contacted by the Village Monday through Friday between the hours of 9:00 a.m. and 5:00 p.m., legal holidays excepted. The sign shall be placed on the interior of a window facing the street to the front of the property, shall be no less than 18 inches by 24 inches, and shall be legible from a distance of 45 feet. The posting shall be in substantially the same form and contain the following information:

**THIS PROPERTY IS MANAGED BY
_____ AND IS INSPECTED ON A
REGULAR BASIS. THE PROPERTY MANAGER CAN BE
CONTACTED BY TELEPHONE AT _____.**

(d) In the event an interior posting cannot be made visible as required above, the property shall be posted on the exterior at a location that is visible from the street to the front of

the property at all times, but not readily accessible to vandals. Exterior postings shall be constructed of and printed with weather-resistant materials.

Sec. 11-556. Violations and Penalties.

It shall be unlawful for any person to violate any of the provisions of this Article. The penalty clause for this Article shall be Section 1-9 of the Evergreen Park Municipal Code.

Sec. 11-557. Administration.

Violations of this Article may be administered through the provisions of Chapter 12, Miscellaneous Provisions and Offenses, Article X, Administrative Adjudication of Non-Vehicular Regulations Violations, of the Evergreen Park Municipal Code, or by any other means permitted by law. Nothing in this Article shall be interpreted to limit the remedies or penalties available to the Village.

Section 2

This ordinance was passed pursuant to the home rule powers of the Village of Evergreen Park.

Section 3

If any section, paragraph, clause or provision of this ordinance shall be held invalid, the invalidity thereof shall not affect any of the other provisions of this ordinance.

Section 4

All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed insofar as they conflict herewith.

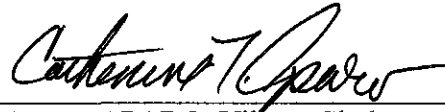
Section 5

All statutes of the State of Illinois or any parts thereof which are in conflict with the provisions of this ordinance are hereby superseded by this ordinance enacted under the home rule power of the Village of Evergreen Park. The Mayor and Village Clerk are hereby authorized to enter into an Agreement with Property Registration Champions, LLC to implement the provisions of this ordinance.

Section 6

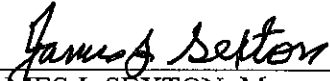
This ordinance shall be immediately in full force and effect after passage, approval and publication. This ordinance is authorized to be published in pamphlet form.

This ordinance was passed and deposited in the office of the Village Clerk of the Village of Evergreen Park this 4th day of September, 2018.



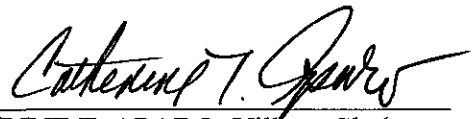
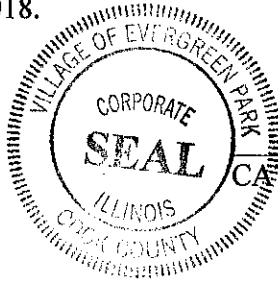
CATHERINE T. APARO, Village Clerk

APPROVED by me this 4th
day of September, 2018.



JAMES J. SEXTON, Mayor

I DO HEREBY CERTIFY that this ordinance was, after its passage and approval, published in pamphlet form by authority of the Village of Evergreen Park, in accordance with law, this 4th day of September, 2018.



CATHERINE T. APARO, Village Clerk