

**ORDINANCE NO. 2019-05**

**AN ORDINANCE AMENDING CHAPTER 18, SECTION 18-5 OF THE MUNICIPAL CODE, VILLAGE OF STICKNEY, ILLINOIS REGARDING BOARDING UP OF WINDOWS**

**WHEREAS**, the Village of Stickney (the "Village") is a home rule municipal corporation in accordance with Article VII, Section 6(a) of the Constitution of the State of Illinois of 1970; and

**WHEREAS**, the Village has the authority to adopt ordinances and to promulgate rules and regulations that pertain to its government and affairs, and to review, interpret and amend its ordinances, rules and regulations; and

**WHEREAS**, the Village President (the "President") and the Board of Trustees of the Village (the "Village Board" and with the President, the "Corporate Authorities") are committed to ensuring the health, safety and welfare of Village residents; and

**WHEREAS**, currently, the Code of Ordinances of the Village of Stickney, Illinois (the "Village Code") sets forth certain standards as it relates to the boarding up of windows however, the standards require certain updating and clarification; and

**WHEREAS**, the current Village Code also does not address the abatement and securing of windows and doors or the abatements of certain related nuisances by the Village and the boarding up of doors; and

**WHEREAS**, based upon the foregoing, the Corporate Authorities have determined that it is necessary, advisable and in the best interests of the Village and its residents to amend Chapter 18, Section 18-5 of the Village Code as set forth below;

**NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF STICKNEY, COOK COUNTY, ILLINOIS, as follows:**

**ARTICLE I.  
IN GENERAL**

**SECTION 1. INCORPORATION CLAUSE.**

The Corporate Authorities hereby find that all of the recitals hereinbefore stated as contained in the preambles to this Ordinance are full, true and correct and do hereby, by reference, incorporate and make them part of this Ordinance as legislative findings.

**SECTION 2. PURPOSE.**

The purpose of this Ordinance is to amend Chapter 18, Section 18-5 of the Village Code to clarify certain requirements related to the boarding up of windows and to further address the boarding up of windows and doors and the abatement by the Village of certain related nuisances within the Village and to authorize the President or his or her designee to take all actions necessary to carry out the intent of this Ordinance.

## ARTICLE II.

### AMENDMENT OF CHAPTER 18, SECTION 18-5 OF THE MUNICIPAL CODE, VILLAGE OF STICKNEY, ILLINOIS

#### SECTION 3.0. AMENDMENT OF CHAPTER 18, SECTION 18-5.

That the Village Code is hereby amended, notwithstanding any provision, ordinance, resolution or Village Code section to the contrary, by deleting Chapter 18, Section 18-5, and replacing said Section with the following:

Sec. 18-5. - Boarding up of windows, door or building.

Except as provided in this section, no person shall cause or allow any window of any building in the village to be boarded up or covered with any opaque material, including but not limited to such as wood, or pressed board or other opaque materials, not ordinarily used for windows. Notwithstanding the foregoing, any window which is broken may be temporarily covered with any such opaque material for a period not to exceed 30 days.

It shall be unlawful for any person owning, leasing or controlling any building upon any plot of ground within the corporate limits of the village to allow the windows and doors of such building to fall into a state of disrepair and remain open to the elements. This includes, but is not limited to, missing or broken windows and missing or broken doors.

The failure to repair the building shall constitute a violation of this section. The village may provide for the boarding up of such a building when the owners or occupants refuse or neglect to make the necessary repairs and can collect from the owners the reasonable costs and expenses incurred in doing so.

This cost is a lien upon the real estate affected, superior to all other liens and encumbrances, except tax liens; provided that within 60 days after such cost and expense is incurred the village or person performing the service by authority of the village, in his or its own name, files notice of lien in the office of the county recorder. The notice shall consist of a sworn statement setting out:

- (1) A description of the real estate sufficient for identification;
- (2) The amount of money representing the cost and expense incurred or payable for the service; and
- (3) The date or dates when such cost and expense was incurred by the village.

The village's lien shall not be valid as to any purchaser whose rights in and to such real estate have arisen subsequent to the boarding up of the property and prior to the filing of such notice, and the village lien shall not be valid as to any mortgagee, judgment creditor or other lienor whose rights in and to such real estate arise prior to the filing of such notice. Upon payment of the cost and expenses by the owner of or by persons interested in such property after notice of lien has been filed, the lien shall be released

by the village or person in whose name the lien has been filed and the release may be filed of record as in the case of filing notice of lien.

(e) The cost of boarding up a building shall not be lien on the real estate affected unless a notice is either personally served on, or sent by regular mail to, the person to whom the tax bill for the general taxes on the property for the last preceding year was sent. The notice shall be delivered or sent after the boarding up of the building located on the property. The notice shall state the substance of this section and shall identify the property, by common description, and the location of the building.

### **SECTION 3.1. OTHER ACTIONS AUTHORIZED.**

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

## **ARTICLE III. HEADINGS, SAVINGS CLAUSES, PUBLICATION, EFFECTIVE DATE**

### **SECTION 4. HEADINGS.**

The headings of the articles, sections, paragraphs and subparagraphs of this Ordinance are inserted solely for the convenience of reference and form no substantive part of this Ordinance nor should they be used in any interpretation or construction of any substantive provision of this Ordinance.

### **SECTION 5. SEVERABILITY.**

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 6. SUPERSEDER.**

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

### **SECTION 7. PUBLICATION.**

A full, true and complete copy of this Ordinance shall be published in pamphlet form or in a newspaper published and of general circulation within the Village as provided by the Illinois Municipal Code, as amended.

### **SECTION 8. EFFECTIVE DATE.**

This Ordinance shall be effective and in full force ten (10) days after its passage and approval.

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**PASSED this 4<sup>th</sup> day of June, 2019.**

**AYES: Trustees Hrejsa, Kapolnek, Milenkovic, Savopoulos, Torres and White**

**NAYS: none**

**ABSENT: none**

**ABSTENTION: none**

**APPROVED by me this 4<sup>th</sup> day of June, 2019.**

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**Jeff Walik, President**

**ATTESTED AND FILED in my  
office this 5<sup>th</sup> day of June, 2019.**

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**Audrey McAdams, Village Clerk**