

STATE OF ILLINOIS)
) SS
COUNTY OF WINNEBAGO)

CERTIFICATE OF PUBLICATION IN PAMPHLET FORM

I, the undersigned, do hereby certify that I am the duly qualified and acting Legal Director and ex officio Keeper of the Records and Seal of the City of Rockford, Winnebago and Ogle Counties, Illinois (the "City"), and as such official I am the keeper of the official journal of proceedings, books, records, minutes and files of the City and of the City Council (the "City Council") thereof.

I do further certify that on the 17th day of January 2019 there was published in pamphlet form, by authority of the City Council, a true, correct and complete copy of Ordinance No. **2019-17-O** and said resolution was so published on said date readily available for public inspection and distribution, in sufficient number, at my office as Legal Director and ex officio Keeper of the Records and Seal located in the City.

IN WITNESS WHEREOF I have affixed hereto my official signature and the seal of
the City, this 17th day of January 2019.

[SEAL]

**LEGAL DIRECTOR AND *EX OFFICIO*
KEEPER OF THE RECORDS AND SEAL**

NOM/cb

Committee report passed: 1/14/19

ORDINANCE NO. 2019-17-O

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ROCKFORD,
WINNEBAGO COUNTY AND OGLE COUNTY, ILLINOIS, THAT:**

By passage and approval of this Ordinance, the Mayor and Legal Director are hereby authorized to approve the attached **amendments to Chapter 17, creating Article IV, of the City of Rockford Code of Ordinances to be entitled, "Vacant & Foreclosing Property Registry."**

The provisions and sections of this Ordinance shall be deemed severable, and the invalidity of any portion of this Ordinance shall not affect the validity of the remainder.

All orders, resolutions, or ordinances in conflict herewith are hereby repealed insofar as such conflict exists, and this Ordinance shall take effect immediately upon its passage, approval and publication, as required by law.

A full, true and complete copy of this Ordinance shall be published within ten (10) days after passage in pamphlet form by and under authority of the Corporate Authorities.

AYES: DURKEE, LOGEMANN, TUNEBERG, HERVEY, ERVINS, THOMPSON-KELLY, HOFFMAN,
ROSE, BEACH, QUINONEZ, BECK, MCNEELY, CHIARELLI

NAYS: _____

ABSENT: FROST

ABSTAIN: _____

APPROVED: January 17, 2019

MAYOR

ATTESTED:

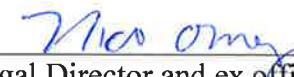
Nick Oney
LEGAL DIRECTOR

PASSED: 1/14/19

APPROVED: 1/17/19

PUBLISHED: 1/17/19

ATTESTED and FILED in my office this 17th day of January, 2019, and published in pamphlet form this 17th day of January, 2019 by order of the City Council of the City of Rockford, Illinois.



Legal Director and ex officio
Keeper of the Records and Seal

APPROVED BY:



Nicholas O. Meyer, Legal Director

RECOMMENDED BY:



Matthew Flores, Assistant City Attorney

ORDINANCE NO. 2019- 17 -O

**AN ORDINANCE, AMENDING CHAPTER 17, CREATING ARTICLE IV, OF THE
CITY OF ROCKFORD CODE TO BE ENTITLED, "VACANT & FORECLOSING
PROPERTY REGISTRY"**

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

WHEREAS, properties that are neglected and have unsecured, accessible structures have a negative impact on community value, create conditions that invite criminal activity, and foster an unsafe and unhealthy environment for children; and

WHEREAS, the mortgage foreclosures and vacant buildings have serious negative implications for all communities trying to manage the consequences of properties that are vacant, have defaulted mortgages, are in the foreclosure process, or foreclosed upon and/or mortgagee owned; and

WHEREAS, properties which are vacant and/or properties which have defaulted mortgages and are neglected or have unsecured, accessible structures have a negative impact on community value, create conditions that invite criminal activity, and foster an unsafe and unhealthy environment for children; and

WHEREAS, vacant property owners and/or foreclosing parties are often out of state, and there is no local contact for such a property, which makes it difficult to provide notice of the violations of the City Code, and to maintain the requisite level of maintenance and security on such structures or lots; and

WHEREAS, the City Council recognizes that vacant buildings and/or properties subject to foreclosure negatively impact property values, create nuisances and lead to a general decrease in neighborhood and community aesthetic; and

WHEREAS, the City Council recognizes that it is in the best interest of the public health, safety and welfare to discourage registrable property owners and mortgagees from allowing their properties to be abandoned, neglected or left unsupervised; and

WHEREAS, the City Council desires to amend the City Code in order to establish a property registration process that will identify a contact person to address safety and aesthetic concerns to minimize the negative impact and conditions that occur as a result of vacancy, absentee ownership and the foreclosure process; and

WHEREAS, the City Council hereby declares all properties subject to registration under this Article to be a public nuisance and/or likely to become a public nuisance and the that preventative and abatement measures set forth in this Article serve to protect the public health, safety, and welfare.

NOW THEREFORE, BE IT RESOLVED AND ORDAINED BY THE CITY COUNCIL AS FOLLOWS:

Article IV. -VACANT AND FORECLOSING PROPERTY REGISTRY

Sec. 17-60. – Purposes of this Article

- (a) Vacant properties and/or properties in the process of foreclosure are unsightly, unsafe, and have a negative impact on the public health, safety, and welfare and are hereby declared a public nuisance and/or likely to become a public nuisance and the preventative and abatement measures set forth in this Article serve to protect the public health, safety, and welfare.
- (b) This Article is enacted to protect the public health, safety, and welfare by (1) establishing a program for identifying, registering, and regulating residential and commercial buildings which are, or become, “vacant” as defined herein or are in the process of foreclosure; (2) determining the responsibilities of owners, mortgagees, and other persons or entities with interest in said properties; and (3) providing for administration and enforcement of this Article in order to abate nuisances and to foster rehabilitation and re-occupation of such properties.
- (c) This Article shall be liberally construed to affect its purpose.

Sec. 17-61. - Other Ordinances

This Article shall not be construed to prevent the enforcement of other applicable ordinances, codes, legislation, and regulations, which prescribe standards other than those provided herein. When a provision of this Article conflicts with any other provision of this code, regulating the same subject matter, the more stringent or restrictive provision shall apply.

Sec. 17-62. - Definitions

Unless otherwise expressly stated or clearly indicated by the context, the following terms shall, for the purpose of this Article, have the meanings indicated in this section:

- (a) *Boarded Building*: 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.
- (b) *Building*: Any structure occupied or intended for occupancy.
- (c) *Code Official*: The Building Code Official or designee. All references to the Code Official in this Article shall be deemed to include the Building Code Official or designee.
- (d) *Dangerous Building*:
 - 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.

- (e) *Default:* Shall mean that the mortgagor has not complied with the term of the mortgage on the property, or the promissory note, or other evidence of the debt, referred to in the mortgage.
- (f) *Foreclosure or Foreclosure Action:* 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. This definition shall include, but is not limited to, public notice of default, a deed in lieu of foreclosure, sale to the mortgagee or lien holder, certificate of title, and all other processes, activities and actions, by whatever name, associated with the described process. The process is not concluded until the default is resolved, or 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.
- (g) *Mortgagee:* Any creditor, including but including but not limited to, trustees, service companies, banks, lenders in a mortgage agreement, sellers under an installment contract or agreement for deed, or other such similar agreement, or other such financial entities in a mortgage agreement and any agent, servant, or employee of the mortgagee, or any successor in interest and/or assignee of a mortgagee's or creditor's rights, interests, or obligations under a mortgage contractual agreement; or any other person or entity with the legal right to foreclose on the real property, excluding governmental entities.
- (h) *Owner:* Any person, agent, operator, firm, partnership, trust, corporation or other entity having a legal or equitable interest in a property, or recorded in the official records of the state, county, or municipality as holding title to the property; or otherwise having control of the property, including the guardian of the estate of any such person, and the executor or administrator of the estate of such person if ordered to take possession of real property by a court.
- (i) *Premises:* A lot, plot, or parcel of land including any structures thereon.
- (j) *Public Nuisance:* Shall include 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.

(k) *Real Property.* 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 within the municipal boundaries of the City of Rockford.

(l) *Vacant Building.* 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 thirty (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 Article:

- a. A building listed for sale with a licensed real estate broker on the multiple listing service and is otherwise secure and which is in compliance with all applicable ordinances, codes, legislation, and regulations;
- b. 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;
- c. 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.

- d. 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.

Sec. 17-63. - Vacant Building Determination.

- (a) The *Code Official* shall evaluate all buildings in the city that the official believes to be unoccupied on or after the effective date of this Article. The Code Official shall make a determination for each as to whether the building is a *vacant building* within the meaning of this Article.
- (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 in Sec. 17-62 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 Article 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 Winnebago County 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 Article. 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:
 - (1) a statement of the obligations of the owner of a building determined to be a *vacant building*;
 - (2) information about how to register the *vacant building* pursuant to this section, and;
 - (3) a notice of the owner's right to appeal the *Code Official*'s determination.

Sec. 17-64. - 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 City Administrator.
- (b) The appeal shall be in writing and shall be filed with the Department of Law within thirty (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 Article.
- (d) The appeal shall contain:
 - (1) a complete statement of the reasons the owner disputes the *Code Official*'s determination and shall set forth specific facts support thereof; and
 - (2) all evidence the owner relies upon to support the appeal.

The burden is upon the owner to present sufficient evidence to persuade the City Administrator that it is more likely than not that the building is not a *vacant building*.

- (e) The City Administrator shall decide the appeal on the facts presented by the owner in the appeal and the Code Official's written determination. The City Administrator may, but is not required to, seek additional information from the owner.
- (f) The City Administrator shall send written notice of decision to the owner within ten days of receipt of the appeal.
- (g) The City Administrator may, upon written notice thereof to the owner, take ten additional days to decide the appeal if additional time is required for consideration.
- (h) If the City Administrator fails to grant or deny an appeal within the time periods set forth in this section, the appeal shall be deemed denied.
- (i) All references to the City Administrator in this Article shall include the City Administrator or his or her designee.
- (j) A determination by the City Administrator shall be considered to be a final administrative determination and subject to review under the Illinois Administrative Review Law.

Sec. 17-65. Establishment of Registry

The City, or its designee, shall establish a registry cataloging each property subject to registration under this Article containing the information required by this Article.

Sec. 17-66. - Obligation to Register Vacant Buildings

- (a) Registration Required.** Except as otherwise provided in this Article, every owner of a vacant building shall be required to register the building the *Code Official* in the manner provided by the City semi-annually. Registration pursuant to this Section shall include:
 1. 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.
 2. 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 in Winnebago County. An owner who meets the requirements of this subsection as to location of residence or office may designate himself as agent.

3. The owner shall designate a property manager who either resides in or maintain an office in Winnebago County to inspect, maintain, and secure the property. The registration shall include name, address, twenty-four (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.

(b) Time of Registration. The owner shall register the property:

1. Within thirty (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 Article. 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.
2. Within thirty (30) days of the City Administrator's denial of an appeal from the Code Official's determination of vacancy.
3. Within thirty (30) days of purchasing a *vacant building*.
4. Within thirty (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 Article.

(c) Semi-Annual Renewal. The owner shall renew the *vacant building* registration each March 1st and September 1st following the date of the first filing and pay the required semi-annual registration fee so long as the building remains vacant.

(d) Amended Registration. The owner shall be required to file an amended registration within thirty (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.

(e) Registration does not exonerate the owner from compliance with all applicable codes and ordinances, including this Article, nor does it preclude any of the actions that the city is authorized to take pursuant to this or any other code or statute.

(f) 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 as set forth in Sec. 17-64 of this Code. 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 Article.

Sec. 17-67. Inspection of Vacant Buildings

After registration, the city shall conduct a comprehensive code compliance inspection of the interior of the *vacant building* and the owner shall pay a fee as established by the city to defray the city's cost of the same as part of the initial registration process. Such inspection will determine the extent of compliance with city property maintenance, building, zoning, health, fire, life safety, water, and sewer 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. The city shall send the inspection report to the owner within thirty (30) days. The inspection report shall include a reasonable date by which code compliance shall be required, and periodic inspections shall take place, as necessary, until code compliance is achieved.

Sec. 17-68. Vacant Building Plan.

(a) Plan Requirements. 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 Article, the *Code Official* may determine the plan. The plan shall include at a minimum provisions to address the following:

1. 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.
2. For buildings and/or premises, which are determined by the *Code Official* as being or containing public nuisances, as defined in this Article, then the vacant building plan shall contain future actions to remedy such public nuisance(s).
3. 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*.
4. 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.
5. A plan of action to maintain the building and thereof in conformance with this Article.
6. 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.

(b) Failure to Submit a Sufficient Plan. A plan, which (a) fails to provide for compliance with this Article or, (b) which will not, as determined by the *Code Official*, achieve such compliance, within thirty days in the case of a vacant boarded building, and within one year in the case of a vacant and code compliant building, may be rejected by the *Code Official*. However, the Code Official may approve an extension of the time during which the building will be unoccupied beyond one year to a date certain, based upon clear and documented evidence of good cause shown by the owner as determined by the *Code Official*.

(c) Modification of Plan. The *Code Official* shall, upon notice to the *vacant building* owner, have the right to modify the *vacant building* plan by modifying (1) the dates of performance, (2) the proposed methods of action, or (3) by imposing additional requirements consistent with this Article the official deems necessary to protect the public health, safety, or welfare. The owner may appeal the *Code Official*'s determination under this section by filing an appeal with the City Administrator within thirty (30) days from the date of mailing such a determination.

(d) Failure to Comply with Plan. Failure to have an approved vacant building plan within thirty (30) days of filing the registration form or failure to comply with the approved plan shall constitute a violation of this section subjecting the owner of the building to penalties as provided by the Code of Ordinances and to any remedies which the city may avail itself of as provided for herein and elsewhere in this code, including, but not limited to, an action to compel correction of property maintenance violations.

Sec. 17-69. Obligation to Register Properties in Foreclosure

- (a) The provisions of this Sec. 17-69 do not apply to Freddie Mac or Fannie Mae.
- (b) Any lien holder or mortgagee holding a mortgage on real property located in the City of Rockford shall perform an inspection of the subject property to determine vacancy or occupancy within thirty (30) days of initiating proceedings seeking to foreclose any mortgage or other lien on said property.

- (c) The mortgagee shall register the property within thirty (30) days of completing the inspection and pay the required registration fee.
- (d) The person registering must certify that the property has been inspected within the immediately preceding thirty (30) days, and certify whether the property is vacant or occupied.
- (e) A separate registration and fee is required for each property, whether it is found to be vacant or occupied.
- (f) Registration pursuant to this section shall contain the name, direct mailing address, a direct contact name, telephone number, and e-mail address for the Mortgagee, and the loan servicer if applicable, and the name, address, email, and twenty-four (24) hour contact phone number of a property manager responsible for the security and maintenance of the property who has the authority to make decisions concerning maintenance of the property, the abatement of nuisance conditions at the property or, and compliance with maintenance requirement as stated herein, as well as any expenditure in connection therewith. The designated property manager shall be a resident of or maintain an office in Winnebago County.
- (g) If the property is not vacant at the time of registration, the mortgagee, or designee, shall inspect the property every month throughout the duration of the foreclosure proceeding. If an inspection shows a change in the property's vacancy status, or if the property is at any time determined to be vacant by the *Code Official*, the mortgagee or lien holder shall, within thirty (30) days of the inspection or determination, update the status of the property registration.
- (h) The mortgagee shall register the property semi-annually, and shall pay a semi-annual registration fee, until the foreclosure proceeding is terminated, except as set forth in subsection (i). Said registration fee shall not be prorated, and shall renew registration each March 1st and September 1st following the initial date of registration.
- (i) If the Defaulted mortgage and/or servicing on a property is sold or transferred, the new Mortgagee is subject to all the terms of this Chapter. Within thirty (30) 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.

- (j) If the Mortgagee sells or transfers the Registrable Property in a non-arm's length transaction to a related entity or person, the transferee is subject to all the terms of this Chapter. Within thirty (30) 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 Registrable Property.
- (k) If the Property is not registered, or the registration fee is not paid within thirty (30) days of when the registration is required pursuant to this section, a late fee equivalent to ten percent (10%) 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. This section shall apply to the initial registration and registrations required by subsequent transferees, Owners, and Mortgagees of the Registrable Property.
- (l) 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.
- (m) Until mortgage or lien on the property is satisfied or legally discharged, the default is cured, the property is obtained by the mortgagee, lien holder, or their designee by certificate of title, or any other means, or the property is sold to a non-related bona fide purchaser in an arm's length transaction to satisfy the debt or lien, the desire to no longer pursue foreclosure and/or the dismissal of any proceedings voluntary or involuntary does not exempt any mortgagee or lien holder from the requirements of this Article so long as the property is vacant.

Sec. 17-70. Inspection of Vacant Properties in Foreclosure.

If a property in foreclosure is registered as vacant or at any time determined to be vacant, within thirty (30) days of registration or determination of vacancy, the City shall conduct a comprehensive code compliance inspection of the interior of the *vacant building* and the mortgagee shall pay a fee as established by the city to defray the city's cost of the same within thirty (30) days of the inspection. Such inspection will determine the extent of compliance with city property maintenance, building, zoning, health, fire, life safety, water, and sewer 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. The city shall send the inspection report to the mortgagee within thirty (30) days. The inspection report shall include a reasonable date by which code compliance shall be required, and periodic inspections shall take place, as necessary, until code compliance is achieved.

Sec. 17-71. Maintenance Requirements

- (a) Owners, mortgagees and/or lien holders shall maintain properties subject to registration under this Article in compliance with city codes, including, but not limited to, the following:
 - a. All interior structures shall be maintained in a clean, safe, secure and sanitary condition. Special attention shall be given to utilities. If applicable, sump pumps and other related devices shall be kept operational. Winterization of structures shall be completed as necessary.
 - b. All exterior structures and property shall be maintained and kept free of items that give the appearance that the property is abandoned, including, but not limited to, overgrown and/or dead vegetation, accumulation of newspapers, circulars, fliers and/or mail, graffiti past due utility notices and/or disconnected utilities, or the accumulation of junk or debris.
 - c. Exterior maintenance shall include, but not be limited to, mowing in compliance with acceptable grass height as set forth by city code.
 - d. Exterior lighting shall be maintained according to standards established by the *Code Official*.

- e. All ground floor windows facing street frontage, including, but not limited to, all display windows in unoccupied or vacant commercial buildings shall be kept in a well maintained and clean condition and shall be covered on the interior side in a professionally finished manner with an opaque window covering material manufactured for that purpose and approved by the *Code Official*. In the case of display windows, such windows shall be kept in a well maintained and clean condition and the display area shall be enclosed with a professionally finished backdrop, floor, side walls and ceiling all of which shall be kept in a well maintained and clean condition and shall be well lighted from 10 A.M. to 10 P.M. each day. Photographs, paintings and other works of art or other tasteful forms of decoration may be professionally displayed in these property enclosed clear glass display windows. If opaque window covering material is used, a one foot by one foot clear glass opening through which the interior space is clearly visible shall be maintained at standing eye level along one edge of such window.
- f. Upon written notice of the *Code Official*, or as required within an approved *vacant building* plan, the owner or mortgagee shall provide bonded, licensed, and insured security guard services at the building between the hours of 3 P.M. and 8 A.M. Such service shall remain in place until the *Code Official* gives written notice that the service is no longer required. Such service shall be required when the *Code Official* makes a written determination that the vacant building constitutes a fire hazard, is otherwise dangerous to human life or the public welfare, involves illegal or improper use, occupancy, or maintenance, under such conditions that securing the building is insufficient to prevent the actual or threatened harm. This subsection f. shall not apply to single-family residential buildings or multi-family residential buildings with four (4) or fewer dwelling units.

(b) Failure of the mortgagee and/or owner to properly maintain the property 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 an administrative hearing officer or a court of competent

jurisdiction, the City may take the necessary action to ensure compliance with this section.

- (c) In addition to the above, the property is required to be maintained in accordance with the applicable code(s) of the City.
- (d) The owner of any vacant building or any mortgagee or lien holder foreclosing on a property which becomes vacant shall designate a property manager to perform any 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 article, and any other applicable laws.

Sec. 17-72. Security Requirements

- (a) All properties subject to registration under this Article 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 opening of such size that may allow a child to access the interior of the building 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.
- (c) The owner of any vacant building or any mortgagee or lien holder foreclosing on a property which becomes vacant shall designate a property manager to perform any work necessary to maintain the property in a secure manner as set forth in this Article.
- (d) Failure of the Mortgagee and/or property Owner of record to properly inspect and secure a property subject to this Chapter, and post and maintain the signage noted in this section, 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.

Sec. 17-73. - Other Enforcement

- (a) Registration of a vacant building shall not preclude action by the city to demolish or to take other action against the building pursuant to other provisions of this Article, this code, or other applicable legislation.

(b) Adherence to this article does not relieve any person, legal entity or agent from any other obligations set forth in any applicable codes or statutes, which may apply to the property.

Sec. 17-74. Public Nuisance

All property subject to registration under this Article is, or is at risk of, being a public nuisance; the prevention and 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 of Rockford.

Sec. 17-75. - Time Restrictions for Boarded Buildings

Boarding shall only be a temporary solution to prevent unauthorized entry into a *vacant building*. A *vacant building* may not remain boarded longer than thirty (30) days unless an extension of that time is part of a plan approved by the *Code Official*.

Sec. 17-76. - Enforcement and Penalties

- (a) Any person found to have violated any provision of this Article shall be subject to a minimum fine of fifty dollars (\$50.00) per day, per violation, in addition to any other legal or equitable remedies available to the city. Such other remedies include, but are not limited to, one or more of the following: (1) injunctive relief, (2) application to a court of competent jurisdiction for a receiver, (3) demolition, (4) condemnation, (5) contracting for the repair or purchase of the premises, or (6) foreclosure of any lien the city may have thereon.
- (b) A separate and distinct offense shall be committed each day on which such person or persons shall violate the provisions of this chapter.
- (c) The city may enforce this Article in its administrative adjudication system or through filing an appropriate action in the Circuit Court for the Seventeenth Judicial Circuit, Winnebago County, Illinois.
- (d) Nothing herein contained shall prohibit the city from immediately condemning as provided for in this code, a building or taking other immediate action upon a determination that the building is a public nuisance or poses an imminent danger to the occupants of the building, or the public health, safety and welfare.

Sec. 17-77. 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.