

VILLAGE OF SWANSEA, ILLINOIS

ORDINANCE NO. 19108

AN ORDINANCE ESTABLISHING CHAPTER 156,
OF THE SWANSEA MUNICIPAL CODE REGARDING
VACANT AND FORECLOSING PROPERTIES
AND DILAPIDATED STRUCTURES

ADOPTED BY THE BOARD OF THE TRUSTEES
OF THE
VILLAGE OF SWANSEA

THIS 19th DAY OF August 2024.

Published in pamphlet form by authority of the Board of Trustees of the Village of Swansea, St.
Clair County, Illinois, this 4th Day of September 2024.

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VILLAGE OF SWANSEA

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WHEREAS, the Village of Swansea Board of Trustees desires to improve the quality of life for residents and enhance the economic vitality of the Village; and

WHEREAS, the Village of Swansea finds that vacant properties and dilapidated structures contribute to blight, decrease property values, and can pose a threat to the health, safety, and welfare of the residents of the Village; and

WHEREAS, the presence of vacant property may necessitate expensive and disproportionate expenditures of public funds for preservation of the property, prevention of crime, and maintenance of adequate police, fire, and accident prevention; and

WHEREAS, residential property for which the mortgage foreclosure has commenced is at risk of abandonment resulting in vacant residential property, depreciating property values that would contribute to the deterioration of surrounding neighborhoods; and

WHEREAS, Village officials are hampered in their efforts to enforce municipal codes without information regarding the current status and ownership of vacant property; and

WHEREAS, it is in the best interest of the Village to ensure sufficient information is made available to Village officials to assure effective maintenance and preservation of vacant property; and

WHEREAS, the Village of Swansea finds that there is a need to establish a vacant and/or foreclosure real property registry as a mechanism to protect property values in neighborhoods for all property owners by requiring owners, creditors and other interested parties to provide the Village with official information for contacting a party responsible for bringing vacant and/or foreclosed real property into compliance with applicable provisions of the municipal code;

NOW THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND THE BOARD OF TRUSTEES OF THE VILLAGE OF SWANSEA, ILLINOIS:

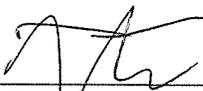
SECTION 1: The Board of Trustees of the Village of Swansea hereby adopts the recitals in the preamble of this Ordinance as its findings of facts.

SECTION 2: Chapter 156 is hereby amended a copy of which is attached hereto as Exhibit A and incorporated herein by reference.

SECTION 3: All ordinances or parts of ordinances in conflict herewith are repealed to the extent of such conflict.

SECTION 4: This ordinance shall be in full force and effect, following its passage, approval and publication in pamphlet form as provided by law.

Passed this 19th day of August, 2024 by the Board of Trustees of the Village of Swansea, St. Clair County, Illinois



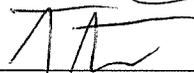
TYLER THOMPSON, VILLAGE CLERK

LANTER ave LEWIS ave MCDONALD ave THOUVENOT ave
NEUMEYER ave PARKER ave

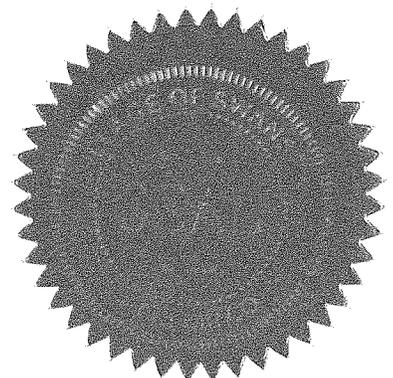
Approved by the President of the Board of Trustees of the Village of Swansea, St. Clair County, Illinois, this 19th day of August, 2024.



MICHAEL W. LEOPOLD, PRESIDENT
BOARD OF TRUSTEES

Attest:


TYLER THOMPSON, VILLAGE CLERK



STATE OF ILLINOIS}

COUNTY OF ST. CLAIR}

CERTIFICATION

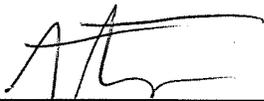
I, Tyler M. Thompson, do hereby certify that I am the duly appointed Clerk in and for the Village of Swansea, Illinois.

I further certify that on August 19th, 2024 the Corporate Authorities of the Village of Swansea passed and approved Ordinance No. 19108 entitled:

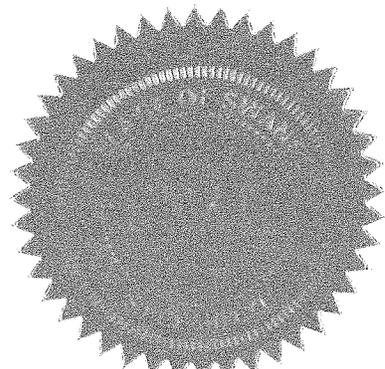
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The pamphlet form of Ordinance No. 19108, including the Ordinance and a cover sheet thereof was prepared and a copy of such Ordinance was posted in the municipal building, commencing on September 4th, 2024 and continuing for at least ten days thereafter. Copies of such Ordinance were also available for public inspection upon request in the office of the municipal clerk.

DATED at SWANSEA, Illinois, this 4th day of September, 2024.



Tyler M. Thompson, Village Clerk
Village of Swansea, Illinois



STATE OF ILLINOIS }
COUNTY OF ST. CLAIR }

AFFIDAVIT

I, Stefanie Proffitt, an employee of the Village of Swansea, St. Clair County, Illinois, do solemnly affirm that:

**AN ORDINANCE ESTABLISHING CHAPTER 156,
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VACANT AND FORECLOSING PROPERTIES
AND DILAPIDATED STRUCTURES**

was posted at the Swansea Government Center, 1444 Boul Avenue, Swansea, Illinois, commencing on

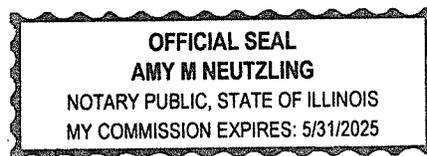
September 4th, 2024, at 10:30 o'clock AM.

Stefanie Proffitt
Written Signature

Subscribed and sworn before me on this 4th day of September 2024.

Amy Neutzling
Notary Public

(Notary Seal)



**CHAPTER 156. – REGISTRATION AND MAINTENANCE OF VACANT AND
FORECLOSING STRUCTURES AND PROPERTIES**

Sec. 156.01. Definitions.

Sec. 156.02. Enforcement authority.

Sec. 156.03. Responsible parties; liens.

Sec. 156.04. Obligations of owners of vacant and/or foreclosing structures.

Sec. 156.05. Vacant and/or foreclosing structure registration certificate.

Sec. 156.06. Vacant and/or foreclosing structure maintenance standards.

Sec. 156.07. Vacant and/or foreclosing structure registration certificate fee.

Sec. 156.08. Required liability insurance.

Sec. 156.09. Enforcement and penalties.

Sec. 156.10. Request for waiver.

Sec. 156.11. Exemptions.

Sec. 156.12. De-registration.

Sec. 156.01. Definitions.

For the purposes of this article, the following words and phrases shall have the meanings set forth below:

Agent: an individual with a place of business in this state in which he or she is authorized to accept inquiries, notices, and service of process on behalf of a vacant or foreclosed real property owner.

Commercial or Industrial Building: a commercial or industrial building is defined as any structure or part thereof, that is used, or designed to be used, for any private manufacturing, industrial, or commercial business purposes whether or not legally zoned for such use

Creditor: federal or state-chartered bank, savings bank, savings and loan association, credit union, mortgagee and any entity acting on behalf of the creditor named in the debt obligation including, but not limited to, servicers

Nuisance: Vacant, unused, or unoccupied buildings and structures within the village, which are allowed to become or remain open to entrance by unauthorized persons or the general public, because of broken, missing, or open doors, windows, or other openings, so that the same may be used by vagrants or other persons in a manner detrimental to the health and welfare of the inhabitants of the village.

Owner: Every person, entity or service company who alone or jointly or separately with others:

- (a) Have the legal or equitable title to any dwelling, dwelling unit, building, land or structure; or
- (b) Has care, charge, or control of any dwelling, dwelling unit, building, land or structure in any capacity, including but not limited to executor, administrator, trustee or guardian of the estate of the holder of legal title; or
- (c) Is a trustee or other person appointed by the courts invested with possession or control of any such property.

Responsible party: Includes owners, tenants, occupiers, property managers, lessees or agents.

Statement of intent: A form completed by the owner, as defined, of a vacant structure or responsible party which contains specific information regarding the structure and the owners' plans for rehabilitation, maintenance, demolition and/or removal.

Structure: Any physical object or edifice that is built or installed and is located on and affixed to the land. The term "structure" shall include any part of a structure.

Substantial rehabilitation: Any rehabilitation, the cost of which exceeds 50 percent of the market value of the existing structure.

Vacant: Vacant means a structure that is:

- (a) A residential property with no legal resident or tenant, or;
- (b) A structure at which substantially all lawful business or construction activity or residential occupancy has ceased, or;
- (c) Which is substantially devoid of contents, or;
- (d) A multifamily residential property as defined in Chapter 154: Zoning, or;
- (e) A structure that includes any condition that on its own, or combined with other conditions present, such as overgrown or dead vegetation, accumulation of flyers, mail, or trash, disconnected utilities, the absence of window coverings, and statements by neighbors or government employees, that would lead a reasonable person to believe that the property is vacant.

Vacant structure maintenance standards: The maintenance standards, to which the vacant structures are subject under this article, are set forth in the Swansea Property Maintenance Code, the International Property Maintenance Code as adopted by the Village Board of Trustees, and all other applicable building and zoning ordinances of the village, as amended from time to time.

Vacant structure registration certificate: Document issued by the village for structures meeting the definition of "vacant structure".

Sec. 156.02. Enforcement authority.

The village building official is authorized to administer and enforce the provisions of this article, including, but not limited to, maintaining lists setting forth the status of vacant structures. The village building official may delegate his/her powers and duties to an appropriate designee or inspector.

Sec. 156.03. Responsible parties; liens.

Every responsible party with respect to any vacant property shall be jointly and severally liable with every other responsible party for the obligations set forth in this article. In reference to an owner in this article shall include all responsible parties. All fees, costs and charges assessed or incurred by the village shall constitute a lien on the real estate upon which such vacant structure is situated.

Sec. 156.04. Obligations of owners of vacant and/or foreclosing structures.

- (a) Within 30 days of a residential, commercial, or industrial property being vacant, as defined herein, the owner and/or creditor of the structure shall apply for a vacant structure registration certificate and pay a fee of \$125.00. If the structure is still vacant at the time of expiration of the original vacant structure registration certificate (six months as defined below), the owner shall immediately apply to renew the certificate. At the village Board of Trustee's sole discretion, renewal may be had upon demonstrated need for a maximum of three six-month periods, for an aggregate maximum of 24 months total vacancy registration. Renewed permits shall be subject to all conditions and obligations imposed by this article on the initial certificate, including the payment of a \$125.00 fee at each renewal. It shall be the responsibility of the registered owner to file an amended registration within ten days of any changes contained in the initial application, including occupancy or transfer. During the period of registration, the owner shall provide access to the village to conduct inspections of the structure, both interior and exterior if deemed necessary by the village, and, following reasonable notice, to determine compliance with this article and any other relevant codes and ordinances of the village.
- (b) Upon filing a complaint of foreclosure or executing a deed in lieu of foreclosure on a residential property located in the Village of Swansea, and a registration as prescribed in Section 156.04 (a) has not yet been completed, the creditor shall within 7 days register the property as a property in foreclosure with the Village of Swansea for the purpose of minimizing hazards to persons and property as a result of the potential vacancy.
- (c) The creditor is required to update the registration form with all pertinent information if:
 - a. The residential, commercial or industrial property becomes vacant at any time after a creditor submits a registration as prescribed in Section 156.04 (b), or;
 - b. A creditor files a complaint of foreclosure or executes a deed in lieu of foreclosure at anytime after a creditor submits a registration as prescribed in Section 156.04 (a), or;
 - c. The creditor acquires title to the property at sheriff/foreclosure sale, or;
 - d. Any previously provided information (i.e., name or contact information of agent or property preservation vendor) changes.

- (d) The owner of a vacant structure shall comply with all regulations of the village. To this end, the owner shall apply for all building, fire prevention and zoning permits necessary to bring the structure into compliance within ten days of obtaining a vacant structure registration certificate.
- (e) The owner of a vacant structure shall, within ten days of receipt of the vacant structure registration certificate, complete the removal of all:
 - (1) Combustible materials from the structure in compliance with the applicable fire prevention regulations;
 - (2) Waste, rubbish or debris from the interior of the structure; and
 - (3) Waste, rubbish, debris or excess vegetation including grass in excess of eight inches from the yards surrounding the vacant structure in accordance with the Swansea Property Maintenance Code (the International Property Maintenance Code as adopted by the village board) and the Village Code.
- (f) The owner of a vacant structure shall immediately lock, barricade or secure all doors, windows and other openings in the structure to prohibit entry by unauthorized persons, in accordance with the vacant structure maintenance standards of this article. The owner shall, as needed, provide additional security in the event of increased danger to human life of the public welfare, as determined by the village.
- (g) The obligations of the owner of a vacant structure are continuing obligations which are effective throughout the time of the vacancy as that term is defined in this article.
- (g) The Village may utilize a third-party to administer the program and all relevant information is to be submitted to them.

Sec. 156.05. Vacant and/or foreclosing structure registration certificate.

- (a) Application by the owner of a vacant structure for a vacant structure certificate shall be made on a form provided by the building and zoning department.

The application shall include a "statement of intent" which will set forth information as to:

- (1) The expected period of vacancy (including the date initial vacancy);
- (2) The plan (including timeline) for regular maintenance during the vacancy to comply with the vacant structure maintenance standards of this subsection and all of the applicable property maintenance, building and zoning codes of the village;
- (3) A plan and time line for the lawful occupancy, rehabilitation, removal or demolition of the structure;
- (4) Measures/plans, including timelines, to be taken to ensure that the structure will be kept weather tight and secure from trespassers and that it will be safe for entry by police officers, firefighters and code or building inspectors in time of exigent circumstances or emergency as well as at times of reasonable inspection;
- (5) Measures and timeline to be taken to assure that the premises remain free from nuisance conditions and in good order in conformance with the vacant structure maintenance standards; and

- (6) List all persons authorized to be present in the structure and provide notices of trespass to the police authorizing the arrest for trespass of individuals not on the list. The owner shall update the authorized person list as needed.
- (b) No vacant structure registration certificate shall be effective for more than six months from the date of issuance. Only three six-month renewals at the village Board of Trustee's sole discretion, upon demonstrated need, may be allowed as above or as otherwise allowed pursuant to a waiver request provided herein.

Sec. 156.06. Vacant and/or foreclosing structure maintenance standards.

A vacant structure shall be subject to the following vacant structure maintenance standards in addition to the applicable provisions of the Property Maintenance Code and the applicable building and zoning codes of the village:

- (a) *Structure openings*: Doors, windows, areaways and other openings shall be weather tight and secured against entry by birds, vermin and trespassers. Missing or broken doors, windows and other such openings shall be covered by glass or other rigid transparent materials, which are weather protected, and tightly fitted and secured to the opening.
- (b) *Roofs*: The roof and flashings shall be sound and tight, not admit moisture or have defects which might admit moisture, rain or roof drainage, and allow for drainage to prevent dampness or deterioration in the interior walls or interior of the structure.
- (c) *Drainage*: The structure storm drainage system shall be functional and installed in a manner consistent with village ordinances and allow discharge in a manner consistent with village ordinances.
- (d) *Structure*: The structure shall be in good repair, not in violation of village ordinances, structurally sound and free from debris, rubbish and garbage. The structure shall be sanitary. The structure shall not pose a threat to the public health and safety.
- (e) *Structural members*: The structural members shall be free of deterioration and capable of safely bearing imposed dead and live loads.
- (f) *Foundation walls*: The foundation walls shall be structurally sound and in a sanitary condition so as not to pose a threat to public health and safety. The walls shall be capable of supporting the load of normal use and shall be free from open cracks and breaks, free from leaks, and be rodent proof.
- (g) *Exterior walls*: The exterior walls shall be free of holes, breaks and loose or rotting materials. Exposed metal, wood, or other surfaces shall be protected from the elements and against decay or rust by periodic application of weather coating materials, such as paint or similar surface treatment.
- (h) *Decorative features*: The cornices, belt courses, corbels, terra cotta trim, wall facings and similar decorative features shall be safe, anchored and in good repair. Exposed metal, wood or other surfaces shall be protected from the elements and against decay or rust by periodic application of weather coating materials, such as paint or similar surface treatment.

- (i) *Overhanging extensions:* All balconies, canopies, marquees, signs, metal awnings, stairways, fire escapes, standpipes, exhaust ducts and similar features shall be in good repair, anchored, safe and sound. Exposed metal and wood surfaces shall be protected from the elements and against decay or rust by periodic application of weather coating materials, such as paint or similar surface treatment.
- (j) *Chimneys and towers:* Chimneys, cooling towers, smokestacks and similar appurtenances shall be structurally safe and in good repair. Exposed metal and wood surfaces shall be protected from the elements and against decay or rust by periodic application of weather coating materials, such as paint or similar surface treatment.
- (k) *Walkways:* Walkways shall be safe for pedestrian travel.
- (l) *Accessory and appurtenant structures:* Accessory and appurtenant structures such as garages, sheds and fences shall be free from safety, health and fire hazards and shall comply with village ordinances.
- (m) *Premises:* The premises upon which the structure is located shall be clean, safe and sanitary. It shall be free from waste, rubbish, debris or excessive vegetation in compliance with village ordinances and shall not pose a threat to the public health or safety.

Sec. 156.07. Vacant and/or foreclosing structure registration certificate fee.

The registration fees are:

- (a) Registration each six months: \$125.00
- (b) Late registration: \$200.00

The vacant structure registration certificate application fee of \$125.00 payable to the village shall also be charged upon application for certificate renewal. The fee shall be paid at the time of application or renewal. Payments, registration, and proof of insurance received on or after the due date will be charged a late fee of \$200.00 in addition to the registration fee. Any person found to be in violation of any provision of this article shall be subject to a fine not to exceed \$750.00. Each day that said violation continues shall be considered a new and separate violation.

Sec. 156.08. Required liability insurance.

It shall be the responsibility of the owner or owner's agent to maintain liability insurance on all vacant and registered properties under their control. Proof of evidence of such insurance shall be filed with the village.

Minimum insurance amounts are as follows:

- (a) Residential properties of one or two units: \$250,000.00.
- (b) Residential properties of three or more units: \$500,000.00.
- (c) Commercial, manufacturing, storage or any nonresidential property: \$1,000,000.

Sec. 156.09. Enforcement and penalties.

- (a) Any person found to be in violation of any provision of this article shall be subject to a fine not to exceed \$750.00. Each day that said violation continues shall be considered a new and

separate violation. Prosecution under this section is a remedy cumulative to any and all other remedies at law and equity, including but not limited to the village's remedies under the Illinois Municipal Code.

- (b) All fees, costs or charges assessed or incurred by the village pursuant to this article shall be a lien upon the real property. The lien shall be superior to all subsequent liens and encumbrances. The village attorney shall file a notice of lien, within two years after such cost and expense is incurred, in the office of the St. Clair County Recorder of Deeds. The lien may be enforced by proceeding to foreclose, as in case of mortgages or mechanic's liens.
- (c) Unless otherwise granted a waiver as provided herein, at the expiration of 24 months from the original issuance of the vacant structure registration certificate, the structure must be reoccupied, removed or demolished. Any structure which is vacant beyond the 24-month maximum registration period shall be considered abandoned and a public nuisance and the village may pursue whatever legal action is afforded to it by law for the removal and/or abatement of public nuisance.

Sec. 156.10. Request for waiver.

Any owner of a vacant residential property of one or two units, who is a natural person with insufficient income or resources to fulfill all of the obligations imposed herein, may petition the village for a waiver of the registration or re-registration fee, a reduction of the minimum amount of liability insurance, and/or a waiver of some or all of the property rehabilitation requirements (hereinafter "financial requirements") under this article. Application for a waiver of financial requirements shall be in writing on forms provided by the village. The decision of the village building official, to be made within 14 days of receiving the petition, shall be made in writing and shall forthwith be mailed or delivered to the petitioner. An appeal of the decision may be made to the village Board of Trustees, in writing, within 14 days of the mailing or delivery of the decision. Individuals who are granted a waiver under this section are still obligated to keep the registered property secure and safe, and the exterior property areas free from debris, with grass regularly mowed.

Sec. 156.11. Exemptions.

The following circumstances may warrant an exemption from registration and/or payment of fees.

- (a) If the property is habitable wherein all building systems are in sound working order which is evidenced by the issuance of a Certificate of Occupancy, and the building and grounds are maintained in good order, and the building is being actively marketed for sale or rental and actively maintained. Evidence of property being marketed for sale or rent could include but not limited to, retaining a licensed real estate agent or broker to list the property for sale or rent, taking out advertisements in various media forms such as, newspapers and online services, and need to be provided to the designated municipal official. Designated municipal official may request additional information, for example any available photos, price, and agent information.
- (b) An owner submits plans to the designated municipal official demonstrating that

the property will be completely rehabilitated and restored to productive use and occupancy within twelve (12) months following the initial property registration along with a certified letter from a licensed contractor or architect stating that the property is capable of being completely rehabilitated and restored to productive use and occupancy within the twelve (12) months following the initial property registration. In the interim the property is actively maintained. Designated municipal official may request additional information, for example any available photos, plot plan, layout plan etc.

- (c) The owner certifies to the designated municipal official that the vacancy is a result of damage from a natural disaster in the past six (6) months and the owner is actively seeking insurance proceeds or Federal/State assistance to rehabilitate. Owner is required to update designated municipal official monthly until property is rehabilitated.
- (d) The owner certifies the vacancy is a result of a fire in the past 30 days and the owner is actively seeking insurance proceeds to rehabilitate. Owner is required to update designated municipal official monthly until property is rehabilitated.
- (e) The owner certifies to the designated municipal official that the vacancy is not an abandonment and is utilized as a vacation home for a period of at least five months within the previous 12 months and the owner intends to resume residing at the property.
- (f) The owner is on active duty with any branch of the U.S. Armed Services.
- (g) Properties which are under active, ongoing rehabilitation or reconstruction and have a building permit from the village.

In determining whether a request for exemption should be granted, designated municipal official shall consider the following:

- (a) the applicant's prior record as it pertains to the Village's Housing Code, Building Code, or Property Maintenance Code violations;
- (b) the amount of vacant property the applicant currently has within the Village; and the length of time that the building for which the exception is sought has been vacant.
- (c) The proximity of the vacant property to a school, which require additional safety considerations.

Sec. 156.12. De-registration

Any registered property that transfers to an unaffiliated third party, or the foreclosure action is dismissed, and the property is occupied, or is legally re-occupied and not subject to a foreclosure action, or the registering creditor releases the lien, a de-registration is to be completed. De-registration forms and instructions will be provided by the Village.