

1. Pledge of Allegiance led by Cub Scout Pack 85 from Middleton School.
2. Call meeting to order and roll call.
3. Approve Consent Agenda.
- \* 4. Approve, as submitted, minutes of regular meeting held February 17, 2009.
- \* 5. Approve Voucher List #20-FY09 of March 2, 2009.
- \* 6. Proclamations and Resolutions.
  - A. Proclamation:  
100<sup>th</sup> Anniversary of the NAACP
7. Recognition, Presentations and Awards.
- \* 8. Appointments, Reappointments and Resignations.
  - A. Reappointment:  
Traffic Safety Commission (Two-Year Term): Frank Ippolito
9. Report of the Village Manager.
  - \* A. Bid Report – Catch Basin & Inlet Cleaning – National Power Rodding, Chicago, IL - \$50,800.
10. Report of the Corporation Counsel.

CONSENT:

  - \* A. An ordinance designating bank depositories and authorizing signatories. This item is on the consent agenda for second reading and adoption.

SECOND READING

  - B. An ordinance amending Chapters 22 and 46 of the Skokie Village Code pertaining to vacant buildings, Chapter 2 pertaining to powers of the Administrative Law Officer and updating provisions of Chapters 1 and 106. This item is on the agenda for second reading and adoption.
11. Unfinished Business.
12. New Business.
  - A. Ordinance Pertaining to Nuisance Reduction
13. Plan Commission.
14. Citizen Comments.
15. Adjournment.



Meeting of the Mayor and Board of Trustees  
Tuesday, February 17, 2009 Page Two

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Report of the Corporation Counsel.

\* A. Ordinance 09-2-C-3664

Motion to adopt an ordinance amending certain sections of Chapters 22, 46, 82 and 106, of the Skokie Village Code, pertaining to additional references regarding the mixed-use zoning districts.

This item is on the consent agenda for second reading and adoption.

\* B. Ordinance 09-2-F-3665

Motion to adopt an ordinance providing for the issuance of a \$1,145,000 Special Service #9 Note, Series 2009, of the Village of Skokie, Cook County, Illinois and providing for the levy and collection of direct annual taxes for the payment of the principal and interest on said note the purpose of which is to provide for infrastructure improvements in Special Service #9 in the Village of Skokie. This item is on the consent agenda for second reading and adoption.

**Omnibus vote.**

FIRST READING

C. Resolution 09-2-R-1032

Motion to adopt a resolution authorizing the publication of the Official Zoning Map for the Village of Skokie, Illinois. This item is on the agenda for first reading and adoption.

**Moved: Trustee Gelder** **Seconded: Trustee McCabe**

**Ayes: Sutker, Bromberg, Gelder, McCabe and Mayor Van Dusen**

**Nays: None.**

**Absent: Perille, Roberts.**

**MOTION CARRIED**

D. An ordinance designating bank depositories and authorizing signatories. This item is on the agenda for first reading and will be on the March 2, 2009 agenda for second reading and adoption.

**Moved: Trustee McCabe** **Seconded: Trustee Gelder**

**Ayes: Sutker, Bromberg, Gelder, McCabe and Mayor Van Dusen**

**Nays: None.**

**Absent: Perille, Roberts.**

**MOTION CARRIED**

Finance Director Bob Nowak responded to Trustee McCabe's concerns regarding the safety of keeping significant sums of money in one bank.

Plan Commission.

Chairman Paul Luke presented the Plan Commission Cases.

A. Plan Commission Case 2008-40P – Special Use Permit (Outdoor Storage) at 3535 Oakton

Motion to concur with the Plan Commission's recommendation that a special use permit for the outdoor storage at 3535 Oakton of empty waste and recycling containers be granted subject to all conditions.

**Moved: Trustee Sutker** **Seconded: Trustee Gelder**

**Ayes: Sutker, Bromberg, Gelder, McCabe and Mayor Van Dusen**

**Nays: None.**

**Absent: Perille, Roberts.**

**MOTION CARRIED**

B. Plan Commission Case 2008-41P – Zoning Chapter Amendment: Taxi and Limousine Service.

Motion to concur with the Plan Commission that Chapter 118-209, 118-218 and Appendix A of the Zoning chapter of the Skokie Village Code be amended.

**Moved: Trustee McCabe** **Seconded: Trustee Sutker**

**Ayes: Sutker, Bromberg, Gelder, McCabe and Mayor Van Dusen**

**Nays: None.**

**Absent: Perille, Roberts.**

**MOTION CARRIED**

Meeting of the Mayor and Board of Trustees  
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Citizen Comments. None

Adjournment.

Motion to adjourn at 8:21 p.m.

**Moved: Trustee McCabe    Seconded: Trustee Sutker**

**Ayes:    Sutker, Bromberg, Gelder, McCabe and Mayor Van Dusen**

**Nays:    None.**

**Absent: Perille, Roberts**

**MOTION CARRIED**

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Marlene Williams, Village Clerk

Approved:

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George Van Dusen, Mayor

***WHEREAS, the National Association for the Advancement of Colored People (NAACP) is the oldest and largest United States grassroots based civil rights organization; founded February 12, 1909, by a diverse multi-racial group of activists of varying political and religious backgrounds, including Ida Wells-Barnett, W.E.B. DuBois, Henry Moscowitz, Mary White Ovington, Oswald Garrison Villiard and William English Walling. They were all committed to the cause of equality; and***

***WHEREAS, the mission of the NAACP is to ensure the political, educational, social and economic equality of rights of all persons and to eliminate racial hatred and racial discrimination; and***

***WHEREAS, the NAACP has advanced its mission through reliance upon the press, the petition, the ballot and the courts, and, even in the face of overt and sometimes violent hostility, has successfully utilized the legal system and moral persuasion to tear down the barriers of racism, discrimination, education, economic and political exclusion in this country; and***

***WHEREAS, the sustained efforts of the NAACP led to desegregation of America's public schools, military, public places of accommodation and election to public office; as well as ended the horrific practice of routine lynching of African Americans; and***

***WHEREAS, the NAACP was prominent in lobbying for the passage of the Civil Rights Act of 1957, 1960 and 1964, the Voting Rights Act of 1965, the Fair Housing Act of 1968, and the Fannie Lou Hamer, Rosa Parks and Coretta Scott King Voting Rights Act Reauthorization and Amendments Act of 2006, laws that ensured legislative protection for all Americans; and***

***WHEREAS, more than 1,700 NAACP units in the United States, Italy, Germany and Japan, are the life blood of the Association, acting as grassroots "freedom fighters" in their communities; and***

***WHEREAS, the NAACP mission of ensuring the political, educational, social and economic equality of rights of all persons remains relevant today, due to the continuing disparities in housing, health care, the workplace and elsewhere; and***

***WHEREAS, the NAACP's actions have improved the quality of life of African Americans, benefited all Americans well into the future and fostered lasting progressive spirit in this nation; and***

*WHEREAS, the local unit, the Evanston/North Shore Branch, which includes Skokie, was formed in 1915 and has been an advocate for the mission and objectives of the NAACP and a presence for equity in education, social justice, fair housing practices and improved race relations in our communities.*

*NOW, THEREFORE, I, GEORGE VAN DUSEN, Mayor of the Village Skokie, do commemorate the*

***“100<sup>th</sup> ANNIVERSARY OF THE NAACP”***

*and congratulate the NAACP on its many years of successful accomplishments.*

*Passed this 2<sup>nd</sup> day of March 2009*

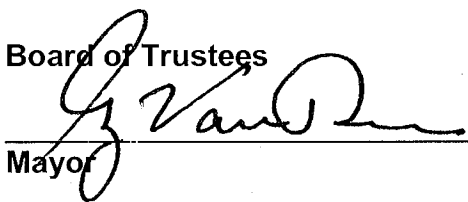
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*George Van Dusen  
Mayor*

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*Marlene Williams, Village Clerk*

**Memorandum**  
Mayor's Office

**TO:** Board of Trustees  
**FROM:**   
Mayor  
**DATE:** March 2, 2009  
**SUBJECT:** Reappointment

\*A Reappointment

**Traffic Safety Commission**

Frank Ippolito  
(Two-year term)

**Memorandum**  
**Manager's Office**

TO: The Honorable Mayor and  
Board of Trustees  
Village Clerk  
Corporation Counsel

FROM:   
Albert J. Rigoni, Village Manager

DATE: February 26, 2009

SUBJECT: **MANAGER'S REPORT**  
**BOARD MEETING OF MONDAY, MARCH 2, 2009**

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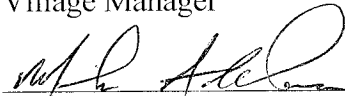
\* **A. Bid Report – Catch Basin & Inlet Cleaning – National Power Rodding, Chicago, IL - \$50,800.**

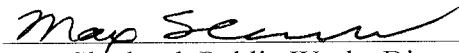
Seven bid responses were received for the above contract. The FY09 Flood Relief Operations budget provides for Catch Basin and Inlet cleaning throughout the Village. It is recommended that a contract be awarded to National Power Rodding, the low responsive and responsible bidder, for a price of \$50,800. The Village has successfully worked with National Power Rodding in the past. I concur with staff's recommendation and respectfully request Mayor and Board approval.



**MEMORANDUM**  
**Purchasing Division**  
**Public Works Department**

**Memo to:** Albert J. Rigoni  
Village Manager

**From:**   
Michael Aleksic, Purchasing Agent

  
Max Slankard, Public Works Director

**Date:** February 23, 2009

**Subject:** (Agenda Item) - Catch Basin & Inlet Cleaning

Bids for the above items were advertised and publicly opened on January 15, 2009. As a result of this solicitation, seven (7) bid responses were received.

Budget Account & Amount: 002-2392-431-03.30 \$70,000

Tabulation:

National Power Rodding, Chicago, IL	\$ 50,800.00
A-K Underground, Tinley Park, IL.	\$ 54,000.00
United Septic, Inc., Bristol, IL.	\$ 58,000.00
Midwest Trenchless Technologies, Belle, Plaine, MN.	\$ 58,000.00
Sheridan Plumbing & Sewer, Inc., Burr Ridge, IL.	\$ 71,600.00
Visu Sewer of Illinois, Bridgeview, IL.	\$ 74,000.00
Chicagoland Trenchless Rehabilitation, Glenview, IL.	\$114,400.00

Recommendation:

It is recommended that a contract be awarded to National Power Rodding, Chicago, IL., the lowest responsive and responsible bidder, in the amount of \$50,800.00.

Comments:

The FY09 Flood Relief Operations budget provides for Catch Basin and Inlet cleaning throughout the Village.

Over the last several decades, the Village has undertaken and completed an extensive Storm Water Runoff Control System. The system components which include inlets and catch basins, will be inspected and maintained through this contractual service. Maintenance performed on the system and components will ensure that they are clear of debris and are in good operational condition. In addition to this contractual maintenance,

in-house staff performs augmentary preventive maintenance on the system and components over a 2-year cycle.

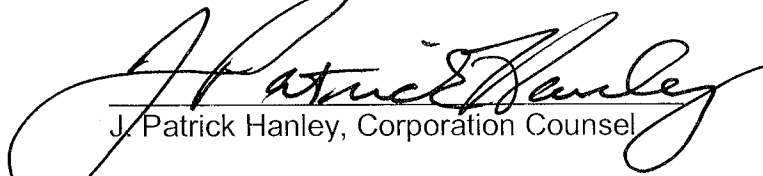
The Village has worked successfully with National Power Rodding in the past.

cc: John Lockerby, Assistant Village Manager  
Jean Scher, Superintendent of Water and Sewer

**Memorandum**  
**Corporation Counsel's Office**

To: The Honorable Mayor & Board of Trustees

From:



J. Patrick Hanley, Corporation Counsel

Date: February 25, 2009

**Subject: Corporation Counsel's Report**  
**March 2, 2009 Board Meeting**

**\*A. Ordinance, Designating Bank Depositories and Authorizing Signatories**

This ordinance updates the Village's allowable bank depositories and authorizes signatories for those accounts. The resolution in place currently that designates the financial institutions with which Village business can be transacted was adopted in November 1999. In the time since its passage, numerous banks have changed ownership and additional banks have located to Skokie. The primary changes in this ordinance compared to the current resolution are to update the names of the banks with which the Village currently does business plus adding banks with which future relationships may be necessary. This ordinance does not obligate the Village to open accounts but gives the Village the ability to do so should it be economically beneficial in the future. A memorandum from the Director of Finance, Robert Nowak, dated February 10, 2009, is attached for further explanation.

**B. Ordinance, Code Amendment, Chapters 22 and 46 Pertaining to Vacant Buildings, Chapter 2 Pertaining to Powers of Administrative Law Officer and Updating Provisions of Chapters 1 and 106**

On January 20, 2009, the Village Board concurred in the recommendation of the Village Manager and the Community Development Department for the adoption of a new inspection program focused on vacant buildings. The purpose of the proposed ordinance is to: assure the maintenance and safety of vacant nonresidential buildings, protect the public safety, preserve aesthetics and property values of the community and determine the responsibility of property owners.

This ordinance will: (i) amend Chapter 2 of the Skokie Village Code (the "Code") expanding the powers of the Administrative Law Officer; (ii) amend Chapters 22 and 46 pertaining to vacant buildings and (iii) update provisions of Chapters 1 and 106. While many of the recommended inspection requirements currently exist in the Zoning Chapter, State Health Code and International Property Maintenance Code, this ordinance assembles all inspection requirements for vacant buildings into a new Article in Chapter 22. Chapter 46 will be amended to include an inspection fee for a vacant building or building space to obtain a Certificate of Compliance.

The amendments to Chapter 2 of the Code would give the Administrative Law Officer (the "ALO") the express authority to order all Respondents to take such actions necessary to

bring the subject property into compliance with the Code, including, but not limited, those Respondents charged with violations regarding vacant buildings. If the person fails to come into compliance as ordered, the ALO would have the power to authorize the Village to enter the property and correct the violation. The Village would invoice the Respondent and ultimately, record a lien against any of the Respondent's real estate or personal estate, to collect unpaid Village fines and costs, pursuant to the order of the ALO.


Additionally, in reviewing various sections of the Village Code, the Corporation Counsel's office noted certain non-substantive language that needed updating and correcting and has recommended these changes be made as well.

cc: Marlene Williams, Village Clerk  
Albert J. Rigoni, Village Manager

**MEMORANDUM**  
**Finance Department**

**A**

To: J. Patrick Hanley, Corporation Counsel

From:   
Robert J. Nowak, Director of Finance

Date: February 10, 2009

**Subject: Agenda Item: Depository Ordinance**

The Village Board designates the financial institutions with which Village business can be transacted. The recent request for proposals (RFP) for the borrowing on behalf of Special Service Area (SSA) #9 revealed that the banking industry has changed significantly. Specifically, financial institutions are indicating that, due to the absence of a current depository relationship with the Village, they would not participate in the RFP process. This includes the fact that potential respondents were not capable of receiving Village business due to their absence from the current Resolution.

While the recent banking crisis was primarily the reason for the lower number of responses this year for the SSA borrowing, the fact that there are other potential barriers to bank participation in such RFP's has lead me to the recommendation to update the Village's depository resolution. The current Resolution was adopted in November 1999 and numerous banks have changed ownership as well as moved into the Skokie area over the last ten years.

Attached is an Ordinance that updates the Village's allowable depositories. The Ordinance, which will replace the previous Resolution, was jointly developed by the Corporation Counsel and the Finance Department. The primary changes have been to update the names of banks with which the Village currently does business plus adding banks with which future relationships may be necessary to obtain the most advantageous borrowing rates for the Village and private property owners in the SSA's. In addition, the language has been significantly simplified.

The Ordinance does not obligate the Village to open accounts but gives the Village the ability to do so should it be economically beneficial in the future. Finally, the Village must continue to abide by the Public Funds Investment Act which limits the type of investments that are allowable for public agencies.

Should you concur with my recommendation, please present the attached resolution to the Village Board for adoption at an upcoming Village Board meeting. Please let me know if you have any questions or concerns.

RJN:lmb  
Attachment

cc: Albert J. Rigoni

THIS ORDINANCE MAY BE CITED AS  
VILLAGE ORDINANCE NUMBER  
**09-3-F-**

**AN ORDINANCE DESIGNATING BANK DEPOSITORIES  
AND AUTHORIZING SIGNATORIES**

1           **WHEREAS**, the Village of Skokie (the “Village”), an Illinois municipality, is a home rule  
2 unit of government, pursuant to the *Constitution of the State of Illinois*, art. vii, sec. 6; and

3           **WHEREAS**, the Treasurer of the Village keeps all funds and money in the Treasurer’s  
4 custody belonging to the Village in places of deposit as designated by the corporate  
5 authorities; and

6           **WHEREAS**, pursuant to Section 3.1-35-50 of the Illinois Municipal Code, 65 ILCS  
7 5/3.1-35-50 (2006), the Village has the authority to designate one or more banks or savings  
8 and loan associations (the “Financial Institutions”) as a depository of funds and money; and

9           **WHEREAS**, at a public meeting held on February 17, 2009, the Treasurer has  
10 recommended that the Mayor and Board of Trustees approve the list of Financial Institutions  
11 listed below as potential depositories; and

12           **WHEREAS**, the Mayor and Board of Trustees concurred in the aforesaid  
13 recommendation;

14           **NOW, THEREFORE, BE IT ORDAINED** by the Mayor and Board of Trustees of the  
15 Village of Skokie, Cook County, Illinois:

16           **Section 1:** The above stated recitals are restated and incorporated herein as if  
17 stated in full.

18           **Section 2:** That the following named Financial Institutions: JP MORGAN CHASE;  
19 COLE-TAYLOR BANK; FIDELITY INVESTMENTS; ALBANY BANK & TRUST COMPANY,  
20 N.A.; GREATBANK; WINTRUST; NORTH SHORE COMMUNITY BANK & TRUST; BANK  
21 OF AMERICA; FIRST AMERICAN BANK; WELLS FARGO; BANK OF NEW YORK;  
22 NORTHERN TRUST; HARRIS BANK; ILLINOIS METROPOLITAN INVESTMENT FUND  
23 (IMET); THE ILLINOIS FUNDS; MB FINANCIAL BANK; FIRST BANK & TRUST; EDENS  
24 BANK; US BANK; NATIONAL CITY BANK; BRICKYARD BANK; THE PRIVATE BANK AND  
25 TRUST; BANK FINANCIAL; SUBURBAN BANK & TRUST; TCF NATIONAL BANK; BANK  
26 OF LINCOLNWOOD; FIFTH THIRD BANK; CHARTER ONE BANK; DIAMOND BANK;  
27 FIRST COMMERCIAL BANK; FIRST EQUITY BANK; and CITIBANK, be and the same are  
28 hereby designated depositories in which funds and money of the Village may be deposited.  
29 Financial Institutions will not cease to be authorized by virtue of a change of ownership.  
30 New parent corporations not specified above are hereby included in this Ordinance as if  
31 they were herein named. The Mayor, Director of Finance, Assistant Director of Finance, or  
32 the Village Manager or his or her designees (each being individually referred to as an

1 “Authorized Officer”) be and the same are hereby authorized to open, maintain or close an  
2 account or accounts (hereinafter a “Village Account”) and issue instructions for all activity  
3 within a Village Account with said Financial Institutions.  
4

5 **Section 3:** The Authorized Officers are authorized to execute any and all  
6 documents and all documents required to conduct business, perform investments, and  
7 execute documents incurring liabilities in the name of the Village as such are from time to  
8 time authorized by the Village Board.  
9

10 **Section 4:** Any Financial Institution serving as a depository is hereby directed to  
11 accept and pay without further inquiry any item drawn against a Village Account bearing the  
12 signature of The Mayor or the Director of Finance or his or her designee or the facsimile  
13 signatures of The Mayor and the Director of Finance.  
14

15 **Section 5:** That this Ordinance shall be in full force and effect from and after its  
16 passage, approval, and publication in pamphlet form as provided by law.  
17

18 **ADOPTED** this            day of March 2009.

19 \_\_\_\_\_  
20 Village Clerk

21 Ayes:  
22 Nays:  
23 Absent:

24  
25 Approved by me this            day of  
26 March 2009.

27 Attested and filed in my office this  
28            day of March 2009; and  
29 published in pamphlet form according  
30 to law from March            , 2009  
31 to March            , 2009.

32 \_\_\_\_\_  
33 Mayor, Village of Skokie

34 \_\_\_\_\_  
Village Clerk

THIS ORDINANCE MAY BE CITED AS  
VILLAGE ORDINANCE NUMBER  
  
**09-3-C-**

**AN ORDINANCE AMENDING CHAPTERS 22 AND 46 OF THE SKOKIE VILLAGE CODE PERTAINING TO VACANT BUILDINGS, CHAPTER 2 PERTAINING TO POWERS OF THE ADMINISTRATIVE LAW OFFICER AND UPDATING PROVISIONS OF CHAPTERS 1 AND 106**

1           **WHEREAS**, Chapter 2, Article X, of the Skokie Village Code (hereinafter the “Code”)  
2 provides for the establishment of a Code Hearing Department to conduct administrative  
3 adjudication hearings for the enforcement of the Skokie Village Code, other than parking and  
4 vehicle violations; and

5           **WHEREAS**, Chapter 22 of the Code includes a variety of regulations pertaining to  
6 buildings and property standards and, in part, the maintenance of buildings and property; and

7           **WHEREAS**, Chapter 46, Article IV, of the Code establishes fees for a variety of  
8 inspections, services, and reviews by Village of Skokie (the “Village”) employees or for  
9 applications for permits and certificates of occupancy relating to structures; and

10           **WHEREAS**, in order to assure the maintenance and safety of vacant nonresidential  
11 buildings within the Village, protect the public safety and preserve aesthetics and property  
12 values of the community, determine the responsibility of property owners, and provide for  
13 administration, enforcement and imposition of penalties, the Community Development  
14 Department developed a new inspection program, as described in the Community  
15 Development Director’s Memorandum, dated January 12, 2009, focused on vacant buildings  
16 and recommended that it be adopted by ordinance; and

17           **WHEREAS**, while many of the recommended inspection requirements currently exist  
18 in the Zoning Chapter, Health Code and International Property Maintenance Code, this  
19 ordinance will amend the Code by placing pertinent inspection requirements for vacant  
20 buildings in a new Article, Article XIII, in Chapter 22; and

21           **WHEREAS**, Chapter 46 will be amended to include an inspection fee for a vacant  
22 building or building space to obtain a Certificate of Compliance; and

23           **WHEREAS**, the Community Development Department and Corporation Counsel’s  
24 Office recommends that Chapter 2 of the Code be amended to give the Administrative Law  
25 Officer (the “ALO”) the express authority to order property owners to take such actions  
26 necessary to bring their property into compliance with Chapter 22, Article XIII, of the Code;  
27 and

28           **WHEREAS**, the Corporation Counsel’s Office recommends that the ALO be granted  
29 the express authority to order persons alleged to be in violation of the Code to come into



1 compliance with the Code, in all cases, not just vacant building situations. If the person fails to  
2 come into compliance, the ALO would have the power to authorize the Village to correct the  
3 violation and bill the violator. Ultimately, the Village would be authorized to record a lien  
4 against a noncompliant violator to collect unpaid Village expenses and fines, pursuant to  
5 authority granted in the Illinois Municipal Code, 65 ILCS 5/1-2.1-8; and

6 **WHEREAS**, in reviewing various Sections of the Code, the Corporation Counsel's  
7 Office noted certain language that needed updating or correcting and has recommended that  
8 these changes be made; and

9 **WHEREAS**, the Village Manager and Corporation Counsel recommended to the  
10 Mayor and Board of Trustees that the Skokie Village Code be amended accordingly; and

11 **WHEREAS**, the Mayor and Board of Trustees at a public meeting duly held on March  
12 2, 2009, concurred in the aforesaid recommendation of the Village Manager; and

13 **NOW, THEREFORE, BE IT ORDAINED**, by the Mayor and Board of Trustees of the  
14 Village of Skokie, Cook County, Illinois;

15 **Section 1:** That Chapters 2, 22 and 46, of the Skokie Village Code be and the  
16 same are hereby amended in the manner hereinafter indicated. The new material is  
17 **highlighted in bold** and the material to be deleted is ~~highlighted and stricken through~~.

18 **Sec. 1-2. Definitions.**

19 (a) Terms used in this Code, unless specifically defined in this Code, have the meanings  
20 prescribed by the Illinois ~~Revised~~ **Compiled** Statutes for the same terms.

21 (b) Terms used in this Code have the following meanings:

22 County means Cook County.

23 Illinois Compiled Statutes and statute mean the ~~1998~~ **latest** edition of the Illinois Compiled  
24 Statutes, ~~and when later editions are published the latest publication thereof~~, and any  
25 amendments thereto.

26 Illinois Municipal Code means Chapter 65 of the Illinois Compiled Statutes (65 ILCS 5/1-1-1  
27 et seq.).

28 Person means any natural individual, firm, partnership, trust, estate, club, association, ~~or~~  
29 corporation **or other entity**. As applied to partnership or associations the word includes the  
30 partners or members thereof; as applied to corporations it includes the officers, agents or  
31 employees thereof who are responsible for the act referred to. The singular includes the  
32 plural, and the plural includes the singular. The masculine gender includes the feminine and  
33 neuter genders.

34 State means the State of Illinois.

35 This Code means the Skokie Village Code.

1 Village means the Village of Skokie, Illinois.

2 Village Board and Board of Trustees mean the **Mayor and the** Board of Trustees of the  
3 Village of Skokie, Illinois.

4 ...

5 **Sec. 2-1071. Code Hearing Department.**

6 There is hereby established a Code Hearing Department, which shall be authorized to  
7 conduct administrative adjudication hearings for departments and agencies of the Village for  
8 the enforcement of provisions of the ordinances of the Village and this Code, **except for**  
9 **violations referenced in Article XII, Section 2-1090 of this Chapter.**

10 **Sec. 2-1072. Administrative Law Officer.**

11 (a) Generally. The position of Administrative Law Officer is hereby created. The  
12 Administrative Law Officer shall be appointed by the Mayor with the consent of the Board of  
13 Trustees. The term of the Administrative Law Officer shall be 1 year. The number of  
14 Administrative Law Officer positions and compensation shall be approved by the Mayor and  
15 Board of Trustees. The Administrative Law Officer shall be an attorney admitted to the  
16 practice of law in the State ~~in accordance with State statute.~~

17 (b) Powers. The Administrative Law Officer shall have all powers necessary to conduct  
18 fair and impartial hearings, including, but not limited to the power to:

19 (1) Hold conferences for the settlement or simplification of the issues.

20 (2) Administer oaths and affirmations.

21 (3) Hear testimony.

22 (4) Issue subpoenas.

23 (5) Rule upon motions, objections, and the admissibility of evidence.

24 (6) At the request of any party or on the Administrative Law Officer's own motion,  
25 subpoena the attendance of relevant witnesses and the production of relevant books,  
26 records, or other information.

27 (7) Preserve and authenticate the record of the hearing and all exhibits and  
28 evidence introduced at the hearing.

29 (8) Regulate the course of the hearing in accordance with this article or other  
30 applicable law.

31 (9) Issue an **final** order **or a judgment** which includes findings of fact and  
32 conclusions of law.

1 (10) Impose penalties and fines, issue orders **or judgments** that are consistent with  
2 applicable Code provisions and assess costs upon finding a **party Respondent** liable  
3 for the charged violation. An order may include the suspension, revocation or  
4 nonrenewal of a business license. In no event shall an Administrative Law Officer have  
5 the authority to impose a penalty of imprisonment.

6 **(11) Enter a judgment requiring a Respondent to: (A) comply with the Code, or**  
7 **other ordinances; (B) bring property owned by, or under the control of, the**  
8 **Respondent into compliance with the Code, or other ordinances; or (C) correct a**  
9 **violation of the Code or an ordinance. The judgment will include a provision**  
10 **indicating that the Respondent's failure to comply with the judgment may result**  
11 **in the Administrative Law Officer authorizing the Village to take necessary**  
12 **action to bring the property into compliance, correct all violations, bill the**  
13 **Respondent for the Village's expenses and record a lien against all of**  
14 **Respondent's real estate and personal estate, or both, to secure repayment of**  
15 **the Village's expenses.**

16 **(12) Enter an order authorizing the Village to enforce a judgment and take**  
17 **such actions as are necessary to cause the property owned by, or controlled by**  
18 **a Respondent, to come into compliance with the Code or other ordinance. Such**  
19 **authorization will only take place after the Administrative Law Officer has issued**  
20 **the judgment referenced in clause (11) and the Respondent has failed to**  
21 **comply. The Administrative Law Officer may authorize the Village to send an**  
22 **invoice to the Respondent for all costs or expenses incurred by the Village in**  
23 **causing the property to come into compliance.**

24 **(13) Conduct a supplemental proceeding to determine and fix the amount of:**  
25 **(A) expenses incurred by the Village to enforce the judgment that remain**  
26 **unpaid; and (B) any unpaid fines or penalties. Respondent shall be provided**  
27 **notice, at least seven days in advance of the supplemental proceeding, by**  
28 **personal service, first class mail or posting on the property where the violation**  
29 **occurred. The Village may, at its option, send notice by certified mail. Upon**  
30 **determining and fixing the amount of money owed to the Village, whether it be**  
31 **unpaid expenses or fines and penalties, the Administrative Law Officer shall**  
32 **authorize the Village to record a lien against all real estate or the personal**  
33 **estate, or both, of the Respondent in the amount of the debt due the Village.**

34 (c) Consideration of defenses and extenuating circumstances. Section 11-31.1-9 of the  
35 Illinois Municipal Code is not applicable to the administrative hearings referred to in this  
36 article. In determining the findings of fact and/or conclusions of law that will constitute **the an**  
37 order **or judgment** issued by the administrative law officer, he or she may, but need not  
38 consider any of the defenses listed in section 11-31.1-9 of the Illinois Municipal Code. The  
39 administrative law officer may consider any such defense, as well as any extenuating  
40 circumstances, including, but not limited to, the nature of the violation, the length of time its  
41 existence, the number of warnings or notices given, **the failure to comply**, and whether the  
42 party has been previously charged with the same violation.

43 ...

1 **Sec. 2-1074. Initiation of hearing process; hearing date.**

2  
3 (a) Any authorized department of the Village may institute an administrative adjudication  
4 hearing with the Code Hearing Department by forwarding a copy of a notice of violation or a  
5 notice of hearing, which **names the person alleged to be in violation of the Code or other**  
6 **ordinance, referred to as the "Respondent,"** ~~has been properly served,~~ to the Code  
7 Hearing Department, ~~which.~~ **The Code Hearing Department** shall coordinate hearing dates  
8 from the various departments. **Notice of the violation shall be served in a manner**  
9 **reasonably calculated to give them actual notice, including as appropriate, by: (1)**  
10 **personal service upon the Respondent, or employees or agents of Respondent; (2)**  
11 **service by first class mail at a Respondent's address; or (3) posting a notice upon the**  
12 **property. The Village may, at its option, serve the notice of violation by certified mail.**

13  
14 (b) The Code Hearing Department shall provide for the prompt disposition of alleged  
15 infractions of the ordinances of the Village or this Code and afford such other adjudications as  
16 provided by law. When a hearing is set by the Code Hearing Department, it must be set no  
17 sooner than 2 weeks from the date of the issuance of the notice of violation, unless an  
18 emergency involving public health and safety or the general welfare of the community is  
19 involved, in which instance a hearing could be set immediately.

20 ...

21  
22 **Sec. 2-1077. Conduct of hearings.**

23  
24 (a) Generally. The Administrative Law Officer shall conduct the hearings in an orderly  
25 manner and insist upon proper decorum by all persons present at the hearings. The intent of  
26 the hearings is to provide the Village and the Respondent a full and fair presentation of the  
27 issues.

28  
29 (b) Testimony and evidence. The strict laws of evidence shall not apply.

30  
31 (1) Testimony. Hearsay testimony may be admitted and relied upon by the  
32 Administrative Law Officer in making a determination.

33  
34 (2) Evidence. Relevant documents may be received into evidence without formal  
35 proof of authenticity. The Administrative Law Officer shall determine the weight, if any,  
36 to be afforded documents received into evidence.

37  
38 (c) ~~Transcript~~**Record** of proceedings. The Village shall determine the manner in which the  
39 ~~transcript~~**record** of proceedings shall occur. Either party may request that the proceedings be  
40 taken and transcribed by a certified court reporter. The cost of the reporter shall be borne by  
41 the party requesting the court reporter. If a recording is made, a Respondent may obtain a  
42 **transcripta copy of the record** at the Respondent's cost.

43  
44 (d) Continuances. All administrative law hearings shall be conducted on the date set for  
45 hearing. For good cause shown, a postponement may be granted in the discretion of the  
46 Administrative Law Officer. The purpose of administrative law hearings is to provide a prompt  
47 resolution of alleged Code or ordinance violations and, accordingly, the request for and the  
48 grant of continuances shall be curtailed to the extent fairness permits.

1 **Sec. 2-1078. Orders.**

2  
3 (a) Generally. The Administrative Law Officer shall issue orders **or judgments,**  
4 ~~including a final order,~~ in accordance with Section 2-1072(b).

5  
6 (b) **Respondent's failure to comply with the Code or other ordinance. Upon**  
7 **determining a Respondent liable for violation of the Code or other ordinance, the**  
8 **Administrative Law Officer may order the Respondent to comply with the Code or**  
9 **other ordinance within a specified period of time. If the Respondent fails to do so,**  
10 **the Administrative Law Officer, upon the request of the Village, may then authorize**  
11 **the Village to take the necessary actions to cause the property owned, or controlled,**  
12 **by Respondent, to come into compliance with the Code or other ordinance. In such**  
13 **case, the Respondent shall be liable for any and all costs incurred by the Village. The**  
14 **provisions of Section 2-1072(11), (12) and (13) shall be applicable.**

15  
16 (bc) Compliance bond. In order to ensure that Code or ordinance violations are remedied or  
17 fines are paid in a timely manner, an Administrative Law Officer, upon issuing a final  
18 determination of liability, may require a Respondent to post with the Village a compliance  
19 bond ~~or, as appropriate, to consent to the granting and recording of a lien against titled~~  
20 ~~property.~~ Whenever it is necessary for the Village to make repairs or otherwise expend  
21 funds relating to a Code or ordinance violation for which a bond was posted, ~~or whenever~~  
22 ~~finances or costs remain unpaid~~ after a Respondent has exhausted or failed to exhaust judicial  
23 review procedures, the Administrative Law Officer may, after giving the parties notice and  
24 opportunity to be heard, issue an order permitting the Village to draw against the bond in an  
25 appropriate amount, ~~or to foreclose on the lien.~~ The Administrative Law Officer shall order  
26 the bond ~~or the titled property or proceeds from the titled property,~~ less the costs incurred  
27 by the Village, returned to the Respondent upon proof of compliance with the applicable  
28 Code provisions and the payment of applicable fines or costs.

29  
30 (d) **Supplemental hearing. In the event a Respondent has failed to comply with a**  
31 **judgment ordering a Respondent to: (1) comply with the Code or other ordinance; (2)**  
32 **pay any costs incurred by the Village in enforcing the judgment; or (3) pay a fine or**  
33 **penalty, then the Village may, upon proper notice to Respondent, request the**  
34 **Administrative Law Officer to enter an order enforcing the prior judgment. Once**  
35 **determined and fixed by the Administrative Law Officer, the unpaid amount shall be**  
36 **considered a debt due and owing the Village. This debt may be collected in**  
37 **accordance with all applicable law.**

38  
39 **Subsequent to the Administrative Law Officer determining and fixing the**  
40 **amount owed the Village, the Village may cause a lien to be recorded on the real**  
41 **estate or personal estate, or both, of the Respondent in the amount of the debt due**  
42 **and owing the Village. The lien may be enforced in the same manner as a judgment**  
43 **lien pursuant to a judgment of a court of competent jurisdiction.**

44  
45 (ee) Violations of orders. Any person, having received notice and an opportunity for a  
46 hearing as provided in this article, who knowingly fails to comply with an order **or judgment**  
47 issued by an Administrative Law Officer under this article, including the issuance of a  
48 subpoena, shall, if the order **or judgment** is not stayed by a court of competent jurisdiction  
49 prior to its effective date, be guilty of contempt. Contempt shall be punishable as provided in

1 Section 1-6 for each offense. Each day that the violation continues shall be considered a  
2 separate and distinct offense. In a prosecution under this section, it shall not be a defense  
3 that a person came into compliance with an order **or judgment**, sought judicial review of it,  
4 or made efforts to comply with an order **or judgment**, subsequent to its effective date.

5 ...

### 6 **Sec. 2-1083. Appeals.**

7 Any party to an administrative adjudication hearing may appeal from an adverse ruling to  
8 the Circuit Court of Cook County in accordance with the Illinois **Code of** Civil Procedure ~~Act~~  
9 and applicable Cook County Circuit Court rules.

10 ...

## 11 **ARTICLE XIII. VACANT BUILDINGS**

### 12 **Sec. 22-410 Declaration of Policy.**

13 **The purpose of this Article is to protect the public health, safety, and welfare of the**  
14 **residents and property owners of the Village by enactment of this Article which:**

15 **(1) Establishes a program for identification and regulation of nonresidential buildings**  
16 **which are or become vacant on and after the effective date of this chapter.**

17 **(2) Determines the responsibilities relating to property maintenance and standards of**  
18 **owners of vacant buildings.**

19 **(3) Provides for administration and enforcement of the regulations contained herein.**

### 20 **Sec. 22-411 Definitions.**

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

24 **BOARDED BUILDING:** A building which has had, in a manner intended to be  
25 temporary or permanent, any or all openings, which openings are windows or doors  
26 which were present for the purpose of light, ventilation or egress, some material  
27 whether opaque, solid or transparent, affixed to such openings, from the interior or  
28 exterior of the building, for the purpose of securing or preventing access or damage  
29 to the building or its components.

30 **BUILDING:** Any structure occupied or intended for supporting or sheltering any  
31 occupancy.

32 **DIRECTOR:** The Director of Community Development or his or her designee.

33 **OWNER:** Any person, agent, operator, firm, trust, or entity: (i) having a legal or  
34 beneficial interest in the property; (ii) acting as agent by managing, controlling, or  
35 collecting rent; (iii) listed or recorded in the official records of the state, county, or

1 municipality as holding title to the property; or (iv) having control of the property,  
2 including, but not limited to, a mortgagee or the guardian, executor or administrator  
3 of the estate of any person described in the preceding clauses (i), (ii) and (ii).

4 **PERSON:** Any individual or an entity of any type.

5 **PROPERTY:** A lot, plot or parcel of land including any structure thereon.

6 **VACANT BUILDING:** A nonresidential building or portion of a nonresidential building  
7 which is:

8 (1) Unoccupied for over thirty 30 days.

9 (2) Unoccupied buildings which are undergoing construction, renovation, or  
10 rehabilitation and are in compliance with all applicable ordinances, codes,  
11 legislation, and regulations, and for which construction, renovation or  
12 rehabilitation has stopped for a period of sixty (60) days.

13 **But not including:**

14 Unoccupied buildings which are undergoing construction, renovation, or  
15 rehabilitation and are in compliance with all applicable ordinances, codes,  
16 legislation, and regulations, and for which construction, renovation or  
17 rehabilitation is proceeding diligently to completion.

18 **Sec. 22-412 Code Violation Liability**

19 (a) In the event property is in violation of the Code or other ordinance, then the  
20 owner of the property is liable for such violation, whether the violation is existing or  
21 occurring, or may have existed or occurred at or during any time in regard to said  
22 property, or any buildings thereon. The owner is subject to injunctions, judgments,  
23 abatement orders or other remedial orders.

24 (b) The liabilities and obligations imposed on an owner of property shall be  
25 applicable to any mortgagee, that holds a mortgage on the property, or any other  
26 person that knowingly takes any action in any judicial or administrative proceeding  
27 that is intended to delay the correction of a violation, or compliance with the Code or  
28 other ordinance.

29 **Sec. 22-413 Owner Responsibilities.**

30 The owner of any nonresidential building that is vacant, and any person maintaining,  
31 operating or collecting rent for any nonresidential building that has become vacant  
32 shall, within 30 days, shall do the following:

33 (1) Enclose and secure the building in a manner approved by the Village.  
34 Buildings shall only be boarded after application and receipt of a permit except for  
35 emergencies such as fire or wind damage for which an application shall be filed  
36 within 48 hours of the board up. A vacant building may not remain boarded longer  
37 than 90 days unless an extension of that time is part of a plan approved by the  
38 Director;

1 (2) Properties with 100 percent building vacancy shall have a sign affixed to the  
2 building indicating the name, address and telephone number of the owner and the  
3 owner's authorized agent. The sign shall be no smaller than two (2) feet by two (2)  
4 feet, but no larger than four (4) by four (4) feet and be placed in such a location so as  
5 to be legible from the nearest public street or sidewalk, whichever is nearer. In  
6 addition, for buildings which are the subject of a foreclosure action or have been  
7 foreclosed on, the name, address, and telephone number of the maintenance  
8 company shall be on the sign;

9 (3) Maintain the property including any building on the property, in a secure and  
10 closed condition;

11 (4) An alarm system shall be installed by the owner of any building that is 100  
12 percent vacant no later than eleven (11) months after notification that the building is  
13 vacant. The property owner shall pay for the alarm service one year in advance prior  
14 to the annual Certificate of Compliance renewal of the property or vacant tenant  
15 space. The alarm service company and level of detection shall be subject to  
16 approval by the Village Manager or designee;

17 (5) Install a Knox "Rapid Entry" key box at all vacant buildings/units within 30  
18 days of vacancy. Commercial and industrial buildings that already have a Knox box  
19 do not need to install a box for individual units;

20 (6) The owner of a vacant property with ground floor windows facing a street  
21 shall:

22  
23 **a. Window Covering.**

24 Cover the windows with a window display or decorative screening approved  
25 by the Village. Each window shall have at least 80 percent coverage so as to  
26 obscure a direct public view of the building interior. Allowable window  
27 coverage materials must be of one color and shall be in the form of one of the  
28 following:

- 29 1. Plastic film;
- 30 2. Horizontal, pleated and vertical shades;
- 31 3. Pleated paper;
- 32 4. A display of products, with a backdrop, which are sold by other businesses  
33 in a building, art work or an alternative window covering may be permitted if  
34 submitted to and approved by the Village Manager or designee.

35  
36 **b. Window Signage.**

37 The only type of window sign that shall be allowed is a real estate sign for the  
38 sale or rental of that property that does not exceed 25 percent of the total of a  
39 window pane area. Only one sign shall be allowed per street frontage for a  
40 building. A window sign shall not be allowed if a ground sign is used to  
41 advertise the sale or rental of the property;

42 (7) Maintain the building and property in compliance with the requirements of the  
43 most recently adopted International Property Maintenance Code, Zoning Chapter,  
44 and all other codes and ordinances of the Village. These regulations include but are  
45 not limited to the following:



1 **a. Maintenance of parking areas.**

2 1. All parking areas shall be maintained at all times in broom clean condition,  
3 without potholes, broken wheel stops and/or curbing or other surface  
4 irregularities.

5 2. All landscaping shall be maintained in a flourishing condition, free of weeds  
6 and debris, and all dead landscaping shall be replaced.

7 3. Pavement markings shall be visible at all times, and parking lot signage  
8 shall be readable at all times, with the signpost maintained in an upright  
9 manner.

10 4 All parking lot curbing shall be maintained and vehicle stop blocks securely  
11 mounted in their proper locations.

12 5. Compliance is required with all conditions of the Village's private property  
13 fire lane sign maintenance program and the Village's designation of private  
14 property handicapped parking spaces program.

15 6. All area lighting shall be maintained in functioning condition. Drainage  
16 systems shall be maintained in a free-flowing working condition.

17 7. It shall be unlawful to alter any aspects of an approved parking lot plan  
18 unless approval has been received through the Director of Engineering.

19 8. Parking areas shall be used exclusively for parking purposes and not for  
20 storage of vehicles, boats, trailers, campers or other personal property.

21 9. All parking lot drainage structures and facilities shall be maintained and in  
22 working order.

23 **b. Maintenance of Landscaping.**

24  
25 1. All landscaping on public or private property that is part of an approved  
26 development plan shall be properly maintained in a vigorous growing  
27 condition by the owner of the property. Any landscaping which has  
28 deteriorated shall be replaced.

29 2. All shrubbery shall be maintained to a height not to exceed 30 inches for a  
30 distance of 15 feet from any vehicular access point into or out of the site. All  
31 trees planted near the drives on the property are required to have a ground  
32 clearance of 6 feet minimum to the bottom of the foliage.

33 3. All property shall be maintained free from weeds or plant growth in excess  
34 of 6 inches in height. All noxious weeds shall be prohibited. Weeds shall be  
35 defined as all grasses, annual plants and vegetation, other than trees or  
36 shrubs provided; however, this term shall not include cultivated flowers or  
37 gardens.

38 **c. Maintenance of Exterior Property Areas**

39  
40 1. All property shall be maintained in a clean, safe and  
41 sanitary condition.

42 2. All property shall be graded and maintained to prevent the erosion of soil  
43 and to prevent the accumulation of stagnant water thereon, or within any  
44 structure located thereon.

45 3. All sidewalks, walkways, stairs, driveways, parking spaces and similar areas  
46 shall be kept in a proper state of repair, and maintained free from hazardous  
47 conditions including ice and snow.

- 1 4. No vehicles that are inoperable shall be permitted to be stored in the open.
- 2 5. Open off-street parking shall be located upon an approved surface.
- 3 6. There shall not be accumulations of decayed animal or vegetable matter,
- 4 trash, rubbish, rotting lumber, appliances, tires, landscape waste, bedding,
- 5 packing material, abandoned vehicles or machinery, scrap metal or any
- 6 material in which flies, mosquitoes, disease-carrying insects, rats or other
- 7 vermin may breed or which create a fire hazard.
- 8 7. There shall be no active rodent infestation.
- 9 8. Stagnant water in which mosquitoes, flies or other insects can multiply shall
- 10 not be allowed.
- 11 9 Substances or things on the property emitting or causing any foul, offensive,
- 12 noisome, nauseous, noxious, or disagreeable odors, effluvia or stench
- 13 extremely repulsive to the physical senses of ordinary persons which annoy,
- 14 discomfort, injure or inconvenience the health of any appreciable number of
- 15 persons within the Village shall not be allowed.
- 16 10. Garbage, paper products, rubbish, or any offensive substance shall not be
- 17 allowed.
- 18 11. Marking, carving or graffiti shall not be allowed on buildings, fixtures, or
- 19 other structures on the property.
- 20 12. The property shall not be used for nuisance activities.

#### 21 d. Maintenance of Building Exterior

- 23 1. The exterior of a structure shall be maintained in good repair, structurally
- 24 sound and sanitary so as not to pose a threat to the public health, safety, or
- 25 welfare.
- 26 2. All exterior surfaces, including but not limited to, doors, door and window
- 27 frames, cornices, porches, trim, balconies, decks and fences shall be
- 28 maintained in good condition. Exterior wood surfaces, other than decay-
- 29 resistant woods, shall be protected from the elements and decay by painting
- 30 or other protective covering or treatment. Peeling, flaking and chipped paint
- 31 shall be eliminated and surfaces repainted. All siding and masonry joints as
- 32 well as those between the building envelope and the perimeter of windows,
- 33 doors, and skylights shall be maintained weather resistant and water tight. All
- 34 metal surfaces subject to rust or corrosion shall be coated to inhibit such rust
- 35 and corrosion and all surfaces with rust or corrosion shall be stabilized and
- 36 coated to inhibit future rust and corrosion. Oxidation stains shall be removed
- 37 from exterior surfaces. Surfaces designed for stabilization by oxidation are
- 38 exempt from this requirement.
- 39 3. All exterior walls shall be free from dents, holes, breaks, and loose or rotting
- 40 materials; and maintained weatherproof and properly surface coated where
- 41 required to prevent deterioration.
- 42 4. All cornices, belt courses, corbels, terra cotta trim, wall facings and similar
- 43 decorative features shall be maintained in good repair with proper anchorage
- 44 and in a safe condition.
- 45 5. After the removal of wall signs or other fixtures the wall shall be repaired
- 46 and/or painted to have the same surface color and finish as the rest of the
- 47 building wall to which it was attached.

1 6. Every window, skylight, door and frame shall be kept in sound condition,  
2 good repair and weather tight.

3 7. All glazing materials shall be clean and maintained free from cracks, holes  
4 or other defects.

5 8. Marking, carving or graffiti shall not be allowed on buildings, fixtures, or  
6 other structures on the property.

7 9. Painted or color treated surfaces shall have a consistent surface color that  
8 is not faded, chipped, or discolored.

9 10. Buildings that have been approved by the Appearance Commission shall  
10 be maintained in accordance with the approved plan.

11  
12 **e. Maintenance of Building Interiors**

13 1. The building shall remain vacant unless a Certificate of Occupancy is  
14 obtained for a new use.

15 2. All interior fixtures, fire alarms, sprinkler system, utilities, and structural  
16 elements of the building shall be maintained and protected from the elements.

17 3. There shall be no harborage of rodents and active infestation in the building.

18 4. The interior of the building shall be free from any accumulation of rubbish or  
19 garbage.

20 5. The building shall not be used for nuisance activities.

21  
22 **f. Maintenance and Removal of Signs**

23 1. Every sign box or structure shall be maintained in a safe, presentable, and  
24 sound structural condition.

25 2. To prevent rust, peeling, flaking, fading or rotting, all sign boxes and  
26 supports shall be painted unless they have been anodized or similarly treated.

27 3. Broken panels, missing letters, defective illumination, torn fabric, flaking or  
28 peeling paint and other damage to a sign shall be replaced or repaired.

29 4. The owner shall be responsible for the removal of unused signs. A sign box  
30 may display a blank sign face until such unit is occupied.

31 5. All ground signs shall be removed if a building is 100 percent vacant or the  
32 building is removed.

33 6. Any sign which presents an immediate danger to the public may be removed  
34 at the direction of the Village Manager or designee in accordance with the  
35 procedures set forth in this section.

36 7. Signs that have been approved by the Appearance Commission shall be  
37 maintained in accordance with the approved plan.

38 **(8) Submit the property for a Certificate of Compliance inspection for the vacancy at**  
39 **the request of the Director. Submit the property for an annual inspection each fiscal**  
40 **year thereafter that the vacancy exists. Pay the initial inspection fee and an annual**  
41 **inspection fee as required in Sec. 46-117(c) as a condition of obtaining a Certificate**  
42 **of Compliance.**

43 **(9) Acquire or otherwise maintain commercial general liability insurance for as long**  
44 **as the building is 100 percent vacant, and file evidence of such insurance with the**  
45 **director, as follows: two million dollars (\$2,000,000.00) for a vacant manufacturing,**  
46 **industrial, storage, or commercial building. Any insurance policy acquired after the**

1 building is vacant shall require written notice to the Community Development  
2 Department of any lapse, cancellation or change in coverage. The owner and the  
3 owner's authorized agent for service of process shall provide evidence of the  
4 insurance, with certificates evidencing renewal or replacement of said policy of  
5 insurance at least fifteen (15) days prior to the expiration or cancellation of any such  
6 policy. The owner and the owner's authorized agent for service of process shall  
7 provide evidence of the insurance, upon request, to the Community Development  
8 Department.

9 **Sec. 22-414 Authority of the Village.**

10 **The Village shall have the following authority:**

11 (1) Inspect the exterior and interior of all vacant buildings, and the property on  
12 which the building is located, for compliance with all applicable codes. Such  
13 inspection will determine the extent of compliance with the Code or other  
14 ordinances. If the property is in compliance, a Certificate of Compliance will be  
15 issued, which will be valid for one year;

16 (2) To charge an initial inspection fee for all vacant buildings and an annual  
17 inspection fee each fiscal year thereafter that the vacancy exists. The Owner will be  
18 invoiced for the inspection fees as provided in Section 46-117(c), within thirty (30)  
19 days of the inspection;

20 (3) Access to property, and any building thereon, to turn off electrical, gas, and  
21 water utilities in case of system failures or emergencies that may threaten the safety  
22 of the building or surrounding property. The Owner shall pay all costs related to the  
23 Village's disconnection of utilities and securing the building;

24 (4) Secure a building that is opened by unauthorized entry by persons other than  
25 the owner or to turn off utilities for safety purposes. The owner shall pay all costs  
26 related to the Village's efforts to secure the building;

27 (5) Nothing herein contained prohibits the Village taking immediate action to the  
28 extent permitted under this Code to condemn or otherwise remediate a building  
29 which is determined to be a public nuisance or pose a danger to the occupants of the  
30 building, or the public, health, safety or welfare.

31 **Sec. 22-415 Notice.**

32 The Village will give written notice to the property owner a minimum of 10 days in  
33 advance of entering a building for inspection or other non emergency purposes.

34 **Sec. 22-416 Rules and regulations to be promulgated.**

35 The Village Manager or designee, may issue rules and regulations for the  
36 administration of this Article. These rules may designate materials for covering  
37 windows and securing materials and methods which must be used when securing a  
38 building so that the material is reasonably incapable of being removed by  
39 trespassers or others acting without the building owner's consent. Any person who  
40 violates any provision of this section or of the rules and regulations issued

1 hereunder shall be fined as set forth in Sec. 2-1095. Every day that a violation  
2 continues shall constitute a separate and distinct offense.

3 **Sec. 22-417 Certification.**

4 **A Certificate of Occupancy is required before occupancy by a new tenant or owner of**  
5 **a vacant building or unit in a building. The Director will require payment in full of all**  
6 **fees and liens imposed by the Village and the correction of all violations of the Code**  
7 **and other ordinances prior to any occupancy of a vacant building or unit in a**  
8 **building.**

9 ...

10 **Sec. 46-117. Certificate of occupancy.**

11 (a) Fees for certificates of occupancy for new businesses or nonresidential uses and  
12 changes of business ownership shall be as follows:

13 (1) Initial certificate of occupancy . . . \$200.00

14 (2) Southeast Industrial Area where a business street identification sign is  
15 provided by the Village . . . \$200.00 plus the cost of the business street identification  
16 sign.

17 (3) The following fees shall be in addition to the initial certificate of occupancy  
18 fee, based upon building size:

19 Size	Fee
20 Less than 1,000 sq. ft. . . .	\$25.00
21 1,001 to 3,000 sq. ft. . . .	50.00
22 3,001 to 10,000 sq. ft. . . .	100.00
23 10,001 to 100,000 sq. ft. . . .	200.00
24 Over 100,000 sq. ft. . . .	500.00

25 (b) The annual certificate of occupancy renewal fee shall be . . . . . \$75.00

26 **(c) The inspection fee for a vacant building or building space to obtain a**  
27 **Certificate of Compliance for which a Certificate of Occupancy is no longer active**  
28 **shall be as indicated in section (a) (1) and (3) for the initial inspection and (b) for the**  
29 **annual inspection.**

30 (Code 1979, § 7.05(5); Ord. No. 01-7-C-3001, § 2, 7-16-2001; Ord. No. 08-1-C-3573, § 6, 1-  
31 7-Sec. 106-145. 2008)

32 ...

33 **Sec. 106-145. Right to a hearing; posting of bond.**

34 (a) Any owner, or lien holder or lessor of record, shall have the right to a hearing before  
35 an administrative hearing officer to contest whether the seizure and impoundment was  
36 proper. All requests for a hearing shall be made in person at the Skokie Police Department.  
37 If a request for a hearing is made, a bond in the amount of five hundred dollars (\$500.00)

1 must be posted with the Skokie Police Department and it shall be held by the Village until  
2 the administrative hearing officer makes a final decision.

3 (b) Administrative hearings shall be held at the time and date as the Village may  
4 schedule for the conduct of business by the administrative hearing officer. If a request for a  
5 hearing is not made at the time the administrative and ~~enforcement~~ **public safety** fee is paid  
6 or the bond is posted, the owner shall be deemed to have waived the right to an  
7 administrative hearing. No party shall have a right to a hearing unless requested within 10  
8 days of the date of the notice referenced in Section 106-146.

9 (c) Administrative hearing procedures shall be as follows:

10 (1) All parties shall be given a reasonable opportunity to present testimony and  
11 evidence at the administrative hearing. Continuances of the administrative hearing  
12 date must be made in person before the administrative hearing officer and may be  
13 granted upon a showing of good cause. The formal rules of evidence will not apply at  
14 the hearing, and hearsay evidence shall be admissible, subject to the discretion of  
15 the administrative hearing officer.

16 (2) The Village shall not be required to produce any police officer or other  
17 witness at the administrative hearing. The Village may file any and all documents,  
18 records or other tangible items prepared or maintained in the normal course of  
19 business that it desires the administrative hearing officer to consider at the hearing.  
20 The filing of the documents, records or items shall be accompanied by a certification  
21 from a Skokie police officer of a rank of Commander or higher, certifying that the  
22 records, documents or items were prepared or maintained in the normal course of  
23 business. Any records, documents or items filed and certified, shall be admitted as  
24 evidence at the hearing, and the facts and contents contained therein shall be  
25 presumed true and correct without the need for any additional foundation.

26 (3) If an owner appears at the administrative hearing and the administrative  
27 hearing officer determines that the seizure and impoundment was proper, the case  
28 will be disposed of at that time. If the owner does not appear at the hearing, then the  
29 administrative hearing officer, upon a review of the file, shall make a determination  
30 on the question of whether the seizure and impoundment was proper.

31 (4) If the administrative hearing officer determines by a preponderance of  
32 evidence that the seizure and impoundment was proper, the administrative hearing  
33 officer shall enter a final order finding the owner of the vehicle liable to the Village for  
34 the administrative and public safety fee in the amount of five hundred dollars  
35 (\$500.00). In the event a bond was posted, it will be retained by the Village as final  
36 payment of the administrative and ~~enforcement~~ **public safety** fee. If the  
37 administrative hearing officer finds that the seizure and impoundment was not  
38 proper, the bond will be returned to the owner and the Department shall issue a  
39 release for the vehicle, if still impounded. A finding that the seizure and  
40 impoundment was not proper shall not have any bearing on whether the owner is  
41 obligated to pay the towing and storage fees and costs, and the owner must pay all  
42 fees and costs owed to the private towing company.

1 (5) The decision by the administrative hearing officer on the issue of whether the  
2 seizure and impoundment was proper, shall constitute a final determination for  
3 purposes of judicial review and shall be subject to review pursuant to the Illinois  
4 Administrative Review Act, 735 ILCS 5/3-101 et seq. (2006), as now or hereafter  
5 amended. A party must exhaust its administrative remedies prior to seeking judicial  
6 review.

7 **Sec. 106-146. Notice of seizure and impoundment.**

8 (a) The Village shall, within five (5) business days after a vehicle is seized and  
9 impounded pursuant to this Division, send a written notice by first class mail to all owners of  
10 the vehicle. Copies of the notice shall be sent to any lien holder or lessee or lessor, if  
11 determinable using reasonable efforts.

12 (1) The notice shall: (i) state that the motor vehicle was seized and impounded;  
13 (ii) contain all pertinent facts relating to the date, time and reason for the seizure and  
14 impoundment; (iii) specify the procedures by which possession of the vehicle may be  
15 regained; (iv) state that the failure to regain possession of the vehicle, pursuant to  
16 the provisions of this Division, shall result in the vehicle being disposed of pursuant  
17 to law; and (v) explain the right to request an administrative hearing. In the event an  
18 administrative hearing was requested, then the notice shall provide the date and  
19 time of the scheduled hearing and the identity of the person requesting the hearing.

20 (2) The notice shall not be mailed if: (i) the administrative and ~~enforcement~~**public**  
21 **safety** fee has been paid, and possession of the vehicle has been regained by an  
22 owner, within five (5) business days after the vehicle is seized and impounded; or (ii)  
23 possession of the vehicle may not be regained due to the vehicle being retained by  
24 the Skokie Police Department pursuant to the provisions of Section 106-149, below.

25 (Ord. No. 08-2-C-3593, § 1, 2-4-2008)

26 **Sec. 106-147. Collection of unpaid administrative and ~~enforcement~~**public safety** fee.**

27 If an administrative and ~~enforcement~~**public safety** fee is imposed pursuant to this Division,  
28 such fee shall constitute a debt due and owing the Village of Skokie. The Village may collect  
29 on the debt using all means permitted by law, including, without limitation, obtaining a  
30 judgment on the debt and enforcing such judgment against the owner, or disposing of the  
31 vehicle as unclaimed vehicle.

32 The Village may commence legal proceedings to collect an unpaid administrative and  
33 ~~enforcement~~**public safety** fee, or take actions to dispose of the impounded vehicle: (i) 35  
34 days after a determination was made at the requested administrative hearing that the  
35 seizure and impoundment was proper, and no petition was filed in the Circuit Court seeking  
36 judicial review of the administrative hearing officer's determination; (ii) 30 days after a final  
37 order is rendered by a judge of the Circuit Court whenever a petition seeking judicial review  
38 was filed by a party; or (iii) 15 days after the notice referenced in Section 106-146, above,  
39 was mailed and no administrative hearing was requested.

40 (Ord. No. 08-2-C-3593, § 1, 2-4-2008)

1           **Section 2:** That this Ordinance shall be in full force and effect from and after its  
2 passage, approval and publication in pamphlet form as provided by law.

3           **ADOPTED** this            day of March 2009.

4  
5 \_\_\_\_\_  
6 Village Clerk

7 Ayes:

8 Nays:

9 Absent:

10 Approved by me this            day of  
11 March 2009.

12 Attested and filed in my office this  
13            day of March 2009; and  
14 published in pamphlet form according  
15 to law from March            , 2009  
16 to March            , 2009.

17 \_\_\_\_\_  
18 Mayor, Village of Skokie

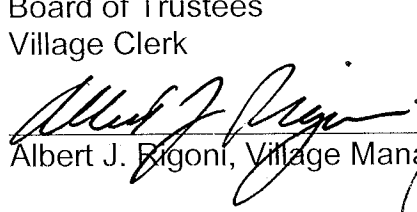
19 \_\_\_\_\_  
Village Clerk

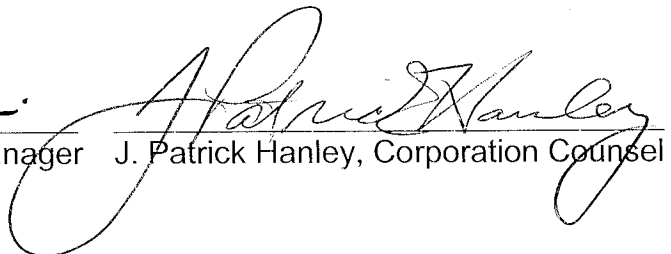


**Memorandum  
Manager's Office**

TO: Mayor Van Dusen  
Board of Trustees  
Village Clerk

FROM:

  
Albert J. Rigoni, Village Manager

  
J. Patrick Hanley, Corporation Counsel

DATE: February 23, 2009

**SUBJECT: ORDINANCE PERTAINING TO NUISANCE REDUCTION**

At various times throughout 2008, residents expressed concerns regarding conditions at neighboring properties and the activities that may be taking place on such properties. The Village Board had requested research be done following the presentation of a petition from a neighborhood which was concerned about criminal activity. For the last six to nine months, the Police Department and Community Development Department have been examining some of the concerns raised by residents, as well as issues identified by Village Board members.

In the last couple of weeks, we reviewed the ideas generated by the Departments and thought it was an appropriate time to bring some of the alternatives to the Board for discussion purposes. Attached is a draft of an ordinance that expresses a couple potential approaches.

There are two general categories, as follows:

- A. The declaration that property where criminal activity takes place will be deemed to become a nuisance property.
- B. A requirement that all landlords include a "crime free" condition in their leases. Tenants would be evicted if they used or allowed their premises to be used for criminal activity.

**A. Nuisance Property.** The strategy of the nuisance portion of the ordinance is the focus on the process used to implement it. The ordinance declares that a property is deemed to be a public nuisance: (i) on which a felony, or 2 or more Class A misdemeanors within twelve months, occurs; or (ii) an unreasonably high number of calls for services is generated.

Repeated calls to the same property consumes valuable resources, typically from the Police Department, and diverts their attention from other potentially more pressing matters.

Therefore the intent of the ordinance is to focus not just when there is criminality, but also when there are repeated calls to the same address for any number of nuisance activities ranging from loud music to animal control violations. Repetitive nuisance

activity can result in neighbor disputes which in turn can result in more serious issues in the neighborhood.

These matters will be referred to a staff Nuisance Intervention and Prevention Committee (“NIP Committee”). The NIP Committee will have the authority to call in the landlord or any property owner or resident and order them to implement a corrective and preventative action plan. The failure to appear before the NIP Committee or to implement a plan will be a violation of Village Code. The NIP Committee can recommend further action be taken against a recalcitrant property owner, such as administrative adjudication or the filing of a lawsuit in Circuit Court.

**B. Crime Free Lease Provisions.** This would require all property owners to include a provision in their lease that the tenant shall not use the leased premises, or allow it to be used, for the criminal activity. If the leased premises is used for criminal activity, then the landlord would be required to evict the tenant.

The staff found at least 21 suburban communities, including Des Plaines, Niles, Palatine and Schaumburg, that have some type of “crime free” lease requirement.

**Summary.** In summary, the ordinance provides a legal basis and a procedure to deal with serious criminal activity in a neighborhood or repetitive nuisance activity. In other words, the use of the ordinance will occur when there is an extraordinary situation based upon repeated calls to the Village from a neighborhood which involves the same address or addresses.

THIS ORDINANCE MAY BE CITED AS  
VILLAGE ORDINANCE NUMBER  
**09-3-C-**

**AN ORDINANCE AMENDING CHAPTER 42, ARTICLE II, OF THE  
SKOKIE VILLAGE CODE PERTAINING TO NUISANCE PREMISES**

1           **WHEREAS**, Article VII, Section 6, of the *Constitution of the State of Illinois* gives  
2 home rule units of government the authority to exercise any power and perform any function  
3 pertaining to its government and affairs, including but not limited to, the power to regulate  
4 for the protection of the public health, safety, morals and welfare; and

5           **WHEREAS**, the Village of Skokie is a home rule unit as defined by the *Constitution*  
6 *of the State of Illinois*; and

7           **WHEREAS**, Chapter 42, Article II, of the Skokie Village Code (hereinafter the  
8 “Code”) enumerates a list of conditions and activities that constitute public nuisances,  
9 provides for penalties and specifies abatement procedures; and

10           **WHEREAS**, concerns have been expressed by some residents regarding the  
11 condition of certain properties, the activities and conduct of the occupants of certain  
12 properties, and the affect that these conditions and activities and conduct have on their  
13 neighborhoods; and

14           **WHEREAS**, the interests of the residents of the Village of Skokie would be best  
15 served by amending Chapter 42 in order to better protect the health, safety, morals and  
16 welfare of the public to:

- 17           (i) declare criminal activity on properties to be a public nuisance;
- 18           (ii) declare an unreasonably high number of calls, or contacts initiated by Village  
19 personnel, including public safety officers, to be a public nuisance;
- 20           (iii) declares it to be a violation of the Code for any person that owns, manages,  
21 occupies, or controls property to encourage, permit or allow a public  
22 nuisance to occur on the property owned, managed, controlled or occupied  
23 by them; and
- 24           (iv) create a Nuisance and Intervention Prevention (“NIP”) Committee. The NIP  
25 Committee has the authority to (a) conduct a nuisance avoidance meeting  
26 with a person that owns, manages, occupies, or controls property believed to  
27 be a public nuisance, (b) impose an obligation on the Responsible Party to  
28 take reasonable and warranted actions to correct or prevent the activity or  
29 omission that constitute a violation of the Code, and (c) may recommend that  
30 the Village initiate the filing of a cause of action in the Circuit Court or a  
31 violation citation for administrative adjudication; and

1           **WHEREAS**, Section 5/9-120(a) of the Illinois Code of Civil Procedure, 735 ILCS 5/9-  
2 120, authorizes a lessor to declare a lease to be void if the lessee or occupant “uses or  
3 permits the use of the leased premises for the commission of any act that would constitute a  
4 felony or a Class A misdemeanor,” and entitles the lessor to regain possession; and

5           **WHEREAS**, the issue of “Crime Free” conditions in leases for tenancies in the Village  
6 has been discussed amongst the Village Manger, Police Department, Community  
7 Development Department and the Corporation Counsel. Other municipalities have adopted  
8 ordinances requiring lessors to include the Crime Free condition in all leases; and

9           **WHEREAS**, the “Crime Free” condition specifies that the tenant, or member of the  
10 tenant’s household, a guest, or invitee, shall not engage in criminal activity. If such activity is  
11 occurs on the leased premises, then the lessor must evict the tenant;

12           **NOW, THEREFORE, BE IT ORDAINED**, by the Mayor and Board of Trustees of the  
13 Village of Skokie, Cook County, Illinois, that:

14           **Section 1:** That Chapter 42, Article II, Section 42-35 of the Skokie Village Code be  
15 and the same is hereby amended in the manner hereinafter indicated. The new material is  
16 **highlighted in bold** and the material to be deleted is ~~highlighted and stricken through~~.

17           Sec. 42-35. Enumeration.

18           ...

19           (d) Public nuisances affecting peace and safety. The following acts, omissions,  
20 places, conditions and things are hereby declared to be public nuisances affecting peace  
21 and safety, but such enumeration shall not be construed to exclude other nuisances  
22 affecting public peace or safety coming within the provisions of subsections (a), (b) or (c) of  
23 this section:

24           ...

25           **(20) A property wherein a lessee, owner or occupant uses or permits**  
26 **the use of the premises for the commission of a criminal offense that**  
27 **would constitute a felony.**

28           **(21) A property wherein a lessee, owner or occupant uses or permits**  
29 **the use of the premises for the commission of criminal offenses that**  
30 **would constitute a Class A misdemeanor on two (2) or more occasions**  
31 **within a twelve (12) month period.**

32           **(22) A property wherein the Village has responded to an unreasonably**  
33 **high number of calls, or initiated an unreasonably high number of**  
34 **contacts based upon information and belief of a need, for: (i) police**  
35 **service; (ii) health inspectors or other health personnel regarding a**  
36 **public health concern; (iii) firefighters or fire inspectors concerning the**  
37 **safety of the property; and/or (iv) property standard inspectors or other**  
38 **Community Development staff concerning the condition of the property**  
39 **or the use of it by its occupants. The determination of whether the**  
40 **Village has responded to an unreasonably high number of calls, or**

1 initiated an unreasonably high number of contacts, will be made by the  
2 Village’s Nuisance Intervention and Prevention (“NIP”) Committee, as  
3 provided in subsection (e) The NIP Committee will compare the number  
4 and character of calls or initiated contacts at a property to other  
5 properties of a similar type, that reasonably indicate that the activity at  
6 this property is out of character for that type of property and is  
7 impacting the quality of life in the area or Village.

8 For the purposes of clauses (20), (21) and (22), the term property shall  
9 mean any parcel of real property, or part thereof, and may include any  
10 building and structure which is situated on the property. In the event a  
11 property includes more than one dwelling or residential unit, or one or  
12 more spaces available for occupation by a nonresidential use, then for  
13 the purposes of a determination as provided for in clause (22), above,  
14 all calls or initiated contacts, collectively made to the property, may be  
15 considered. Any activity or conduct occurring on a public way that  
16 abuts a property may be considered in the determination of whether a  
17 public nuisance is occurring, or has occurred, on the property.

18 **(e) *Property owner or occupant responsibility for certain nuisances.*** It is a  
19 violation of the Code for any person that owns, manages, occupies, or controls  
20 property (hereinafter the “Responsible Party”) to create, encourage, permit or allow a  
21 public nuisance to occur on the property owned, managed, controlled or occupied by  
22 them. For purposes of the section, a person shall have the same meaning as Section  
23 1-2 of the Code. A Responsible Party may be subject to the following procedures:

24 **(1)** The Village Manager shall appoint a five-person committee,  
25 comprised of one appointee from each of the following: Community  
26 Development Department, Police Department, Health Department,  
27 Human Services Division and the Manager’s Office. The committee shall  
28 be known as the Nuisance Intervention and Prevention (“NIP”) Committee. The NIP Committee may consult with other Village  
29 personnel as needed.  
30

31 **(2)** Whenever any information is made available to a Village  
32 employee indicating that a property may constitute a public nuisance  
33 based upon activities or omissions described in clauses (20), (21) and  
34 (22) of subsection (d), above, then that employee shall refer the matter  
35 to the NIP Committee. The NIP Committee shall convene and review all  
36 facts and information in relation to the referral. If the NIP Committee  
37 reasonably believes that the activity constitutes a public nuisance, it  
38 may authorize and initiate any actions permitted by the Code or State  
39 law.

40 **(3)** In addition to taking any other action, the NIP Committee may  
41 initiate a “nuisance avoidance” meeting with the Responsible Party. The  
42 NIP Committee shall establish a nuisance avoidance meeting with the  
43 Responsible Party by giving them any type of notice that is reasonable  
44 based upon the circumstances, including, but not limited to, written

1 notice via first class mail or telephonic or personal notice if the  
2 circumstances require expedient action.

3 (4) The purpose of the nuisance avoidance meeting between the NIP  
4 Committee and the Responsible Party is to discuss the facts and  
5 information and allow the Responsible Party to provide additional  
6 information. It is a violation of the Code for a Responsible Party to fail to  
7 appear at a nuisance avoidance meeting. The NIP Committee may  
8 decide to require the Responsible Party to take reasonable and  
9 warranted actions to correct or prevent the activity or omission that is a  
10 violation of the Code. Such decision shall be provided in writing. It is a  
11 violation of the Code for a Responsible Party not to implement the  
12 corrective or preventative actions.

13 (5) The corrective or preventative actions may require the  
14 Responsible Party to take such actions reasonably calculated to correct  
15 or prevent the recurrence of illegal activity. In ordering such actions, the  
16 NIP Committee shall consider the magnitude of the harm caused by the  
17 activities or omissions, the value of the property, the impact on  
18 neighbors or residents, property owners and businesses in the area or  
19 Village and other circumstances on a case by case basis. Such actions  
20 may include, but are not limited to:

- 21 Village.
- 22
- 23 a. Making improvements to the premises requested by the
- 24 b. Installing, alarms, lighting or other corrective measures to
- 25 enhance security.
- 26 c. Hiring of licensed and insured security personnel.
- 27 actions.
- 28 d. Hiring a third-party to take the corrective or preventative
- 29 e. The initiation and execution of eviction proceedings against
- 30 certain tenants.
- 31 f. Correction of a Code violation.

31 (6) The NIP Committee may recommend that the Village initiate the  
32 filing of a cause of action in the Circuit Court or a violation citation for  
33 administrative adjudication. Nothing in this Section will preclude the  
34 Village from initiating a cause of action in Circuit Court or issuing a  
35 violation notice for administrative adjudication without action or  
36 recommendation by the NIP Committee.

37 (7) Each day that a violation of this Section continues shall be a  
38 separate and distinct violation. The Village may enforce this Section  
39 through its administrative adjudication program, to the extent permitted  
40 by law, or through an action initiated in a court of competent  
41 jurisdiction. The Village Manager is authorized to conduct hearings to

1 determine whether any license, permit or certificate of occupancy held  
2 by the Responsible Party, or issued in connection within any property,  
3 should be revoked or suspended.

4 (8) No person evicted due to a notice of violation or nuisance  
5 abatement order issued or agreed to, pursuant to the terms of this  
6 section, shall be eligible to receive Village funded relocation assistance.

7 **Section 2:** That Chapter 42, Article II, Section 42-43 of the Skokie Village Code be  
8 and the same is hereby added in the manner hereinafter indicated. The new material is  
9 highlighted in bold.

10 **Sec. 42-43. Crime Free Lease Provisions. Obligations of landlords and tenants to**  
11 **commit to crime free tenancies.**

12 (a) Any property owner that leases property to another person shall utilize a  
13 "crime free" lease addendum or have a clause in the lease similar to a crime free  
14 lease addendum. The clause, or addendum, is to make the use of a leased  
15 premises in the commission of a crime, or in furtherance of the commission of  
16 criminal activity, by a tenant, a tenant's invitee, or other person authorized or  
17 allowed by the tenant or the tenant's family to be on the leased premises, a lease  
18 violation. The suggested language for a crime free clause is in subsection (f),  
19 below.

20 (b) In the event the criminal activity would constitute: (i) any class of felony, or (ii)  
21 criminal activity, which would constitute a Class A misdemeanor, occurs twice in  
22 one year, then a property owner, or authorized agent, shall initiate eviction  
23 proceedings as specified in the Illinois Code of Civil Procedure, 735 ILCS 5/9-101  
24 et seq. In the event the property owner, or authorized agent, believes that the  
25 circumstances are such that eviction should not be undertaken, then they shall  
26 notify the NIP Committee in writing, detailing the circumstances. The NIP  
27 Committee is authorized to meet with the property owner, or authorized agent,  
28 and any other person, including the tenant, that may have relevant information  
29 regarding the circumstances. The NIP Committee shall render a written  
30 determination on the question of whether eviction should be undertaken.

31 (c) A property owner, or authorized agent, shall initiate action to evict a tenant  
32 within 15 days of the date the property owner, or authorized agent: (1) becomes  
33 aware or should have become aware that criminal activity warranting eviction  
34 took place; or (2) the date that a written determination is delivered to the landlord  
35 by the NIP Committee pursuant to Section 42-35(d). The 15 day period also  
36 commences upon the date that information is published in a newspaper of  
37 general publication in the Village identifying the address and the criminal  
38 conduct.

39 (d) It is a violation of the Code for a property owner to not include a crime free  
40 clause or addendum in a written lease affecting property in the Village. If the  
41 leasing of a property is an oral arrangement, then the property owner must notify  
42 the tenant in writing that the crime free clause is a condition of the lease and the

1 tenant is obligated to adhere to its language. The property owner, or authorized  
2 agent, must keep sufficient records to demonstrate that such notice is provided. It  
3 is a violation of the Code for a property owner to not enforce the crime free clause  
4 or addendum.

5 (e) The Village may conduct “Crime Free Property” seminars from time to time.  
6 Any owner, or agent of an owner, occupant or tenant may be required to attend  
7 the Village’s Crime Free Property seminars at the request of the Village Manager  
8 or his designee based on the following considerations:

9 (1) If the property rented or leased by the owner is a nuisance property as  
10 defined in this Section 42-35.

11 (2) Criminal activity occurred on the property in excess of two incidents in a 6  
12 month period, which is initiated, permitted or perpetrated by owners, occupants,  
13 tenants, customers, or guests or visitors of the person having possession of the  
14 property.

15 (3) Upon the recommendation of the NIP Committee.

16 (f) *Crime free lease addendum.*

17 In consideration of the execution or renewal of a lease of property, Owner (or  
18 Owners’ agent or representative) and Tenant agree as follows:

19 (1) Tenant, any member of the Tenant’s household, a guest or invitee  
20 of the Tenant, including, but not limited to, a person that Tenant knows  
21 or should reasonably know, is present on the leased premises or the  
22 common grounds, shall not engage or in any way be involved in, any  
23 criminal activity, including drug related criminal activity, on or near the  
24 leased premises. Criminal activity shall include, but is not limited to,  
25 drug-related criminal activity. “Drug-related criminal activity” means  
26 illegal manufacture, sale, distribution, use or possession with intent to  
27 manufacture, sell, distribute, or use of a controlled substance or  
28 cannabis (as defined in the Illinois Compiled Statutes). This prohibition  
29 is applicable to all public ways abutting the leased premises or common  
30 grounds.

31 (2) Tenant, any member of the Tenant’s household, a guest or invitee  
32 of the Tenant or a member of Tenant’s household, including, but not  
33 limited to, a person that Tenant knows or should reasonably know, is  
34 present at the leased premises or on the common grounds shall not  
35 engage in any act intended to facilitate or that does facilitate criminal  
36 activity, including drug-related criminal activity, or on the said property.

37 (3) Tenant, and every member of Tenant’s household, shall not  
38 permit the leased premises or common grounds to be used for criminal  
39 activity, or to facilitate criminal activity, including drug-related criminal  
40 activity, regardless of whether the individual engaging in such activities



1 is a member of the household, a guest or invitee, and regardless of  
2 whether the Tenant is at home during any such offense.

3 (4) Tenant, and member of the Tenant's household, a guest or invitee  
4 of the leased premises or the common grounds, including, but not  
5 limited to, any person invited in any way, or allowed to be present, by  
6 Tenant or a member of Tenant's household, shall not engage in the  
7 unlawful manufacturing, selling, using, storing, keeping, or giving of a  
8 controlled substance, or cannabis, at any location whether in, at, on, or  
9 near the property.

10 (5) Tenant, any members of the Tenant's household, a guest or  
11 invitee of the leased premises or the common grounds, including, but  
12 not limited to, any person invited in any way, or allowed to be present,  
13 by Tenant or a member of Tenant's household shall not engage in any  
14 illegal activity, including, but not limited to, prostitution as defined in  
15 the Illinois Compiled Statutes, criminal street gang activity as defined in  
16 the Illinois Compiled Statutes, threatening, intimidating or assault as  
17 prohibited in the Illinois Compiled Statutes, the unlawful discharge of  
18 firearms on or near the leased premises or common grounds, or any  
19 breach of the lease agreement that otherwise jeopardizes the health,  
20 safety and welfare of the landlord, his agent or other Tenant or involving  
21 imminent or actual serious damage as defined in the Illinois Compiled  
22 Statutes.

23 (6) VIOLATION OF ANY OF THE ABOVE PROVISIONS SHALL BE A  
24 MATERIAL AND IRREPRARABLE VIOLATION OF THE LEASE AND  
25 GOOD CAUSE FOR TERMINATION OF THE TENANCY. A single violation  
26 of any of the provisions of this added addendum shall be deemed a  
27 serious violation and material non-compliance with the lease. It is  
28 understood and agreed that a single violation shall be good cause for  
29 IMMEDIATE termination of the lease. Unless otherwise provided by law,  
30 proof of violation shall not require criminal conviction, BUT SHALL BE  
31 BY A PREPONDERANCE OF THE EVIDENCE. Tenant consents to venue  
32 in Cook County.

33 Tenant agrees that service of process of any legal proceeding, including  
34 but not limited to, a special detainer or forcible detainer action, or  
35 service of any notice to Tenant, shall be effective and sufficient for the  
36 purposes of providing legal service and conferring personal jurisdiction  
37 upon any Illinois court as to any tenant, co-signor, occupant or  
38 guarantor, notwithstanding the fact that a Tenant, co-signor, occupant  
39 or guarantor may reside at a different location other than the property  
40 address described in the lease agreement. This agreement regarding  
41 service is in addition to, and not in lieu of, any manner of service  
42 authorized under Illinois law or rule. By signing this lease the  
43 undersigned hereby waives any objection to service carried out under  
44 the terms of this agreement. This provision shall be effective for any  
45 extension, renewal or modification of the initial lease.

1 (7) In case of conflict between the provision of this addendum and  
2 any other provision of the leases, the provisions of the addendum shall  
3 govern.

4 (8) This LEASE ADDENDUM is incorporated into the lease executed  
5 or renewed this day between the Owner and Resident.

6 **Section 3:** If any provision of this section or the application thereof to any person or  
7 circumstance is held invalid, the invalidity does not affect other provisions or applications of  
8 this section which can be given effect without the invalid provisions or applications thereof.

9 **Section 4:** That this Ordinance shall be in full force and effect from and after its  
10 passage, approval and publication in pamphlet form as provided by law.

11 **ADOPTED** this \_\_\_\_\_ day of March 2009.

12 \_\_\_\_\_  
13 Village Clerk

14 Ayes:  
15 Nays:  
16 Absent:

17  
18 Approved by me this \_\_\_\_\_ day of  
19 March 2009.

20 Attested and filed in my office this  
21 \_\_\_\_\_ day of March 2009; and  
22 published in pamphlet form according  
23 to law from March \_\_\_\_\_, 2009  
24 to March \_\_\_\_\_, 2009.

25 \_\_\_\_\_  
26 Mayor, Village of Skokie

27 \_\_\_\_\_  
Village Clerk