



93RD GENERAL ASSEMBLY
State of Illinois
2003 and 2004
HB4498

Introduced 02/03/04, by William Davis

SYNOPSIS AS INTRODUCED:

65 ILCS 5/11-13-15

from Ch. 24, par. 11-13-15

Amends the Illinois Municipal Code. Provides that, if suit is filed (now, if an owner or tenant files suit) for violation of certain municipal ordinances and the court finds that the defendant has engaged in certain prohibited activities, the court shall allow the plaintiff to recover a reasonable sum of money for the costs of litigation, including the services of the plaintiff's attorney and expert witness fees (now, for services of the plaintiff's attorney).

LRB093 18994 MKM 44729 b

1 AN ACT concerning municipalities.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Illinois Municipal Code is amended by
5 changing Section 11-13-15 as follows:

6 (65 ILCS 5/11-13-15) (from Ch. 24, par. 11-13-15)

7 Sec. 11-13-15. In case any building or structure, including
8 fixtures, is constructed, reconstructed, altered, repaired,
9 converted, or maintained, or any building or structure,
10 including fixtures, or land, is used in violation of an
11 ordinance or ordinances adopted under Division 13, 31 or 31.1
12 of the Illinois Municipal Code, or of any ordinance or other
13 regulation made under the authority conferred thereby, the
14 proper local authorities of the municipality, or any owner or
15 tenant of real property, within 1200 feet in any direction of
16 the property on which the building or structure in question is
17 located who shows that his property or person will be
18 substantially affected by the alleged violation, in addition to
19 other remedies, may institute any appropriate action or
20 proceeding (1) to prevent the unlawful construction,
21 reconstruction, alteration, repair, conversion, maintenance,
22 or use, (2) to prevent the occupancy of the building,
23 structure, or land, (3) to prevent any illegal act, conduct,
24 business, or use in or about the premises, or (4) to restrain,
25 correct, or abate the violation. When any such action is
26 instituted by an owner or tenant, notice of such action shall
27 be served upon the municipality at the time suit is begun, by
28 serving a copy of the complaint on the chief executive officer
29 of the municipality, no such action may be maintained until
30 such notice has been given.

31 In any action or proceeding for a purpose mentioned in this
32 section, the court with jurisdiction of such action or

1 proceeding has the power and in its discretion may issue a
2 restraining order, or a preliminary injunction, as well as a
3 permanent injunction, upon such terms and under such conditions
4 as will do justice and enforce the purposes set forth above.

5 If ~~an owner or tenant files~~ suit is filed hereunder and the
6 court finds that the defendant has engaged in any of the
7 foregoing prohibited activities, then the court shall allow the
8 plaintiff a reasonable sum of money for the costs of
9 litigation, including services of the plaintiff's attorney and
10 expert witness fees. This allowance shall be a part of the
11 costs of the litigation assessed against the defendant, and may
12 be recovered as such.

13 An owner or tenant need not prove any specific, special or
14 unique damages to himself or his property or any adverse effect
15 upon his property from the alleged violation in order to
16 maintain a suit under the foregoing provisions.

17 (Source: P.A. 80-419.)