

1 AN ACT concerning local government.

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 Sections 7-1-13, 10-2.1-6, 10-2.1-14, and 11-31-1 as
6 follows:

7 (65 ILCS 5/7-1-13) (from Ch. 24, par. 7-1-13)

8 Sec. 7-1-13. Annexation.

9 (a) Whenever any unincorporated territory containing 60
10 acres or less, is wholly bounded by (a) one or more
11 municipalities, (b) one or more municipalities and a creek in a
12 county with a population of 400,000 or more, or one or more
13 municipalities and a river or lake in any county, (c) one or
14 more municipalities and the Illinois State boundary, (d) one or
15 more municipalities and property owned by the State of
16 Illinois, except highway right-of-way owned in fee by the
17 State, (e) one or more municipalities and a forest preserve
18 district or park district, or (f) if the territory is a
19 triangular parcel of less than 10 acres, one or more
20 municipalities and an interstate highway owned in fee by the
21 State and bounded by a frontage road, that territory may be
22 annexed by any municipality by which it is bounded in whole or
23 in part, by the passage of an ordinance to that effect after

1 notice is given as provided in subsection (b) of this Section.
2 ~~The corporate authorities shall cause notice, stating that~~
3 ~~annexation of the territory described in the notice is~~
4 ~~contemplated under this Section, to be published once, in a~~
5 ~~newspaper of general circulation within the territory to be~~
6 ~~annexed, not less than 10 days before the passage of the~~
7 ~~annexation ordinance. When the territory to be annexed lies~~
8 ~~wholly or partially within a township other than that township~~
9 ~~where the municipality is situated, the annexing municipality~~
10 ~~shall give at least 10 days prior written notice of the time~~
11 ~~and place of the passage of the annexation ordinance to the~~
12 ~~township supervisor of the township where the territory to be~~
13 ~~annexed lies.~~ The ordinance shall describe the territory
14 annexed and a copy thereof together with an accurate map of the
15 annexed territory shall be recorded in the office of the
16 recorder of the county wherein the annexed territory is
17 situated and a document of annexation shall be filed with the
18 county clerk and County Election Authority. Nothing in this
19 Section shall be construed as permitting a municipality to
20 annex territory of a forest preserve district in a county with
21 a population of 3,000,000 or more without obtaining the consent
22 of the district pursuant to Section 8.3 of the Cook County
23 Forest Preserve District Act nor shall anything in this Section
24 be construed as permitting a municipality to annex territory
25 owned by a park district without obtaining the consent of the
26 district pursuant to Section 8-1.1 of the Park District Code.

1 (b) The corporate authorities shall cause notice, stating
2 that annexation of the territory described in the notice is
3 contemplated under this Section, to be published once, in a
4 newspaper of general circulation within the territory to be
5 annexed, not less than 10 days before the passage of the
6 annexation ordinance. The corporate authorities shall also,
7 not less than 15 days before the passage of the annexation
8 ordinance, serve written notice, either in person or, at a
9 minimum, by certified mail, on the taxpayer of record of the
10 proposed annexed territory as appears from the authentic tax
11 records of the county. When the territory to be annexed lies
12 wholly or partially within a township other than the township
13 where the municipality is situated, the annexing municipality
14 shall give at least 10 days prior written notice of the time
15 and place of the passage of the annexation ordinance to the
16 township supervisor of the township where the territory to be
17 annexed lies.

18 (c) When notice is given as described in subsection (b) of
19 this Section, no other municipality may annex the proposed
20 territory for a period of 60 days from the date the notice is
21 mailed or delivered to the taxpayer of record unless that other
22 municipality has initiated annexation proceedings or a valid
23 petition as described in Section 7-1-2, 7-1-8, 7-1-11 or 7-1-12
24 of this Code has been received by the municipality prior to the
25 publication and mailing of the notices required in subsection
26 (b).

1 (Source: P.A. 94-396, eff. 8-1-05.)

2 (65 ILCS 5/10-2.1-6) (from Ch. 24, par. 10-2.1-6)

3 Sec. 10-2.1-6. Examination of applicants;
4 disqualifications.

5 (a) All applicants for a position in either the fire or
6 police department of the municipality shall be under 35 years
7 of age, shall be subject to an examination that shall be
8 public, competitive, and open to all applicants (unless the
9 council or board of trustees by ordinance limit applicants to
10 electors of the municipality, county, state or nation) and
11 shall be subject to reasonable limitations as to residence,
12 health, habits, and moral character. The municipality may not
13 charge or collect any fee from an applicant who has met all
14 prequalification standards established by the municipality for
15 any such position.

16 (b) Residency requirements in effect at the time an
17 individual enters the fire or police service of a municipality
18 (other than a municipality that has more than 1,000,000
19 inhabitants) cannot be made more restrictive for that
20 individual during his period of service for that municipality,
21 or be made a condition of promotion, except for the rank or
22 position of Fire or Police Chief.

23 (c) No person with a record of misdemeanor convictions
24 except those under Sections 11-6, 11-7, 11-9, 11-14, 11-15,
25 11-17, 11-18, 11-19, 12-2, 12-6, 12-15, 14-4, 16-1, 21.1-3,

1 24-3.1, 24-5, 25-1, 28-3, 31-1, 31-4, 31-6, 31-7, 32-1, 32-2,
2 32-3, 32-4, 32-8, and subsections (1), (6) and (8) of Section
3 24-1 of the Criminal Code of 1961 or arrested for any cause but
4 not convicted on that cause shall be disqualified from taking
5 the examination to qualify for a position in the fire
6 department on grounds of habits or moral character.

7 (d) The age limitation in subsection (a) does not apply (i)
8 to any person previously employed as a policeman or fireman in
9 a regularly constituted police or fire department of (I) any
10 municipality, regardless of whether the municipality is
11 located in Illinois or in another state, or (II) a fire
12 protection district whose obligations were assumed by a
13 municipality under Section 21 of the Fire Protection District
14 Act, (ii) to any person who has served a municipality as a
15 regularly enrolled volunteer fireman for 5 years immediately
16 preceding the time that municipality begins to use full time
17 firemen to provide all or part of its fire protection service,
18 or (iii) to any person who has served as an auxiliary police
19 officer under Section 3.1-30-20 for at least 5 years and is
20 under 40 years of age, (iv) to any person who has served as a
21 deputy under Section 3-6008 of the Counties Code and otherwise
22 meets necessary training requirements, or (v) to any person who
23 has served as a sworn officer as a member of the Illinois
24 Department of State Police.

25 (e) Applicants who are 20 years of age and who have
26 successfully completed 2 years of law enforcement studies at an

1 accredited college or university may be considered for
2 appointment to active duty with the police department. An
3 applicant described in this subsection (e) who is appointed to
4 active duty shall not have power of arrest, nor shall the
5 applicant be permitted to carry firearms, until he or she
6 reaches 21 years of age.

7 (f) Applicants who are 18 years of age and who have
8 successfully completed 2 years of study in fire techniques,
9 amounting to a total of 4 high school credits, within the cadet
10 program of a municipality may be considered for appointment to
11 active duty with the fire department of any municipality.

12 (g) The council or board of trustees may by ordinance
13 provide that persons residing outside the municipality are
14 eligible to take the examination.

15 (h) The examinations shall be practical in character and
16 relate to those matters that will fairly test the capacity of
17 the persons examined to discharge the duties of the positions
18 to which they seek appointment. No person shall be appointed to
19 the police or fire department if he or she does not possess a
20 high school diploma or an equivalent high school education. A
21 board of fire and police commissioners may, by its rules,
22 require police applicants to have obtained an associate's
23 degree or a bachelor's degree as a prerequisite for employment.
24 The examinations shall include tests of physical
25 qualifications and health. A board of fire and police
26 commissioners may, by its rules, waive portions of the required

1 examination for police applicants who have previously been
2 full-time sworn officers of a regular police department in any
3 municipal, county, university, or State law enforcement
4 agency, provided they are certified by the Illinois Law
5 Enforcement Training Standards Board and have been with their
6 respective law enforcement agency within the State for at least
7 2 years. No person shall be appointed to the police or fire
8 department if he or she has suffered the amputation of any limb
9 unless the applicant's duties will be only clerical or as a
10 radio operator. No applicant shall be examined concerning his
11 or her political or religious opinions or affiliations. The
12 examinations shall be conducted by the board of fire and police
13 commissioners of the municipality as provided in this Division
14 2.1.

15 (i) No person who is classified by his local selective
16 service draft board as a conscientious objector, or who has
17 ever been so classified, may be appointed to the police
18 department.

19 (j) No person shall be appointed to the police or fire
20 department unless he or she is a person of good character and
21 not an habitual drunkard, gambler, or a person who has been
22 convicted of a felony or a crime involving moral turpitude. No
23 person, however, shall be disqualified from appointment to the
24 fire department because of his or her record of misdemeanor
25 convictions except those under Sections 11-6, 11-7, 11-9,
26 11-14, 11-15, 11-17, 11-18, 11-19, 12-2, 12-6, 12-15, 14-4,

1 16-1, 21.1-3, 24-3.1, 24-5, 25-1, 28-3, 31-1, 31-4, 31-6, 31-7,
2 32-1, 32-2, 32-3, 32-4, 32-8, and subsections (1), (6) and (8)
3 of Section 24-1 of the Criminal Code of 1961 or arrest for any
4 cause without conviction on that cause. Any such person who is
5 in the department may be removed on charges brought and after a
6 trial as provided in this Division 2.1.

7 (Source: P.A. 94-29, eff. 6-14-05; 94-984, eff. 6-30-06;
8 95-165, eff. 1-1-08.)

9 (65 ILCS 5/10-2.1-14) (from Ch. 24, par. 10-2.1-14)

10 Sec. 10-2.1-14. Register of eligibles. The board of fire
11 and police commissioners shall prepare and keep a register of
12 persons whose general average standing, upon examination, is
13 not less than the minimum fixed by the rules of the board, and
14 who are otherwise eligible. These persons shall take rank upon
15 the register as candidates in the order of their relative
16 excellence as determined by examination, without reference to
17 priority of time of examination. The board of fire and police
18 commissioners may prepare and keep a second register of persons
19 who have previously been full-time sworn officers of a regular
20 police department in any municipal, county, university, or
21 State law enforcement agency, provided they are certified by
22 the Illinois Law Enforcement Training Standards Board and have
23 been with their respective law enforcement agency within the
24 State for at least 2 years. The persons on this list shall take
25 rank upon the register as candidates in the order of their

1 relative excellence as determined by members of the board of
2 fire and police commissioners. Applicants who have been awarded
3 a certificate attesting to their successful completion of the
4 Minimum Standards Basic Law Enforcement Training Course, as
5 provided in the Illinois Police Training Act, may be given
6 preference in appointment over noncertified applicants.
7 Applicants for appointment to fire departments who are licensed
8 as an EMT-B, EMT-I, or EMT-P under the Emergency Medical
9 Services (EMS) Systems Act, may be given preference in
10 appointment over non-licensed applicants.

11 Within 60 days after each examination, an eligibility list
12 shall be posted by the board, which shall show the final grades
13 of the candidates without reference to priority of time of
14 examination and subject to claim for military credit.
15 Candidates who are eligible for military credit shall make a
16 claim in writing within 10 days after the posting of the
17 eligibility list or such claim shall be deemed waived.
18 Appointment shall be subject to a final physical examination.

19 If a person is placed on an eligibility list and becomes
20 overage before he or she is appointed to a police or fire
21 department, the person remains eligible for appointment until
22 the list is abolished pursuant to authorized procedures.
23 Otherwise no person who has attained the age of 36 years shall
24 be inducted as a member of a police department and no person
25 who has attained the age of 35 years shall be inducted as a
26 member of a fire department, except as otherwise provided in

1 this division.

2 (Source: P.A. 94-281, eff. 1-1-06.)

3 (65 ILCS 5/11-31-1) (from Ch. 24, par. 11-31-1)

4 Sec. 11-31-1. Demolition, repair, enclosure, or
5 remediation.

6 (a) The corporate authorities of each municipality may
7 demolish, repair, or enclose or cause the demolition, repair,
8 or enclosure of dangerous and unsafe buildings or uncompleted
9 and abandoned buildings within the territory of the
10 municipality and may remove or cause the removal of garbage,
11 debris, and other hazardous, noxious, or unhealthy substances
12 or materials from those buildings. In any county having adopted
13 by referendum or otherwise a county health department as
14 provided by Division 5-25 of the Counties Code or its
15 predecessor, the county board of that county may exercise those
16 powers with regard to dangerous and unsafe buildings or
17 uncompleted and abandoned buildings within the territory of any
18 city, village, or incorporated town having less than 50,000
19 population.

20 The corporate authorities shall apply to the circuit court
21 of the county in which the building is located (i) for an order
22 authorizing action to be taken with respect to a building if
23 the owner or owners of the building, including the lien holders
24 of record, after at least 15 days' written notice by mail so to
25 do, have failed to put the building in a safe condition or to

1 demolish it or (ii) for an order requiring the owner or owners
2 of record to demolish, repair, or enclose the building or to
3 remove garbage, debris, and other hazardous, noxious, or
4 unhealthy substances or materials from the building. It is not
5 a defense to the cause of action that the building is boarded
6 up or otherwise enclosed, although the court may order the
7 defendant to have the building boarded up or otherwise
8 enclosed. Where, upon diligent search, the identity or
9 whereabouts of the owner or owners of the building, including
10 the lien holders of record, is not ascertainable, notice mailed
11 to the person or persons in whose name the real estate was last
12 assessed is sufficient notice under this Section.

13 The hearing upon the application to the circuit court shall
14 be expedited by the court and shall be given precedence over
15 all other suits. Any person entitled to bring an action under
16 subsection (b) shall have the right to intervene in an action
17 brought under this Section.

18 The cost of the demolition, repair, enclosure, or removal
19 incurred by the municipality, by an intervenor, or by a lien
20 holder of record, including court costs, attorney's fees, and
21 other costs related to the enforcement of this Section, is
22 recoverable from the owner or owners of the real estate or the
23 previous owner or both if the property was transferred during
24 the 15 day notice period and is a lien on the real estate; the
25 lien is superior to all prior existing liens and encumbrances,
26 except taxes, if, within 180 days after the repair, demolition,

1 enclosure, or removal, the municipality, the lien holder of
2 record, or the intervenor who incurred the cost and expense
3 shall file a notice of lien for the cost and expense incurred
4 in the office of the recorder in the county in which the real
5 estate is located or in the office of the registrar of titles
6 of the county if the real estate affected is registered under
7 the Registered Titles (Torrens) Act.

8 The notice must consist of a sworn statement setting out
9 (1) a description of the real estate sufficient for its
10 identification, (2) the amount of money representing the cost
11 and expense incurred, and (3) the date or dates when the cost
12 and expense was incurred by the municipality, the lien holder
13 of record, or the intervenor. Upon payment of the cost and
14 expense by the owner of or persons interested in the property
15 after the notice of lien has been filed, the lien shall be
16 released by the municipality, the person in whose name the lien
17 has been filed, or the assignee of the lien, and the release
18 may be filed of record as in the case of filing notice of lien.
19 Unless the lien is enforced under subsection (c), the lien may
20 be enforced by foreclosure proceedings as in the case of
21 mortgage foreclosures under Article XV of the Code of Civil
22 Procedure or mechanics' lien foreclosures. An action to
23 foreclose this lien may be commenced at any time after the date
24 of filing of the notice of lien. The costs of foreclosure
25 incurred by the municipality, including court costs,
26 reasonable attorney's fees, advances to preserve the property,

1 and other costs related to the enforcement of this subsection,
2 plus statutory interest, are a lien on the real estate and are
3 recoverable by the municipality from the owner or owners of the
4 real estate.

5 All liens arising under this subsection (a) shall be
6 assignable. The assignee of the lien shall have the same power
7 to enforce the lien as the assigning party, except that the
8 lien may not be enforced under subsection (c).

9 If the appropriate official of any municipality determines
10 that any dangerous and unsafe building or uncompleted and
11 abandoned building within its territory fulfills the
12 requirements for an action by the municipality under the
13 Abandoned Housing Rehabilitation Act, the municipality may
14 petition under that Act in a proceeding brought under this
15 subsection.

16 (b) Any owner or tenant of real property within 1200 feet
17 in any direction of any dangerous or unsafe building located
18 within the territory of a municipality with a population of
19 500,000 or more may file with the appropriate municipal
20 authority a request that the municipality apply to the circuit
21 court of the county in which the building is located for an
22 order permitting the demolition, removal of garbage, debris,
23 and other noxious or unhealthy substances and materials from,
24 or repair or enclosure of the building in the manner prescribed
25 in subsection (a) of this Section. If the municipality fails to
26 institute an action in circuit court within 90 days after the

1 filing of the request, the owner or tenant of real property
2 within 1200 feet in any direction of the building may institute
3 an action in circuit court seeking an order compelling the
4 owner or owners of record to demolish, remove garbage, debris,
5 and other noxious or unhealthy substances and materials from,
6 repair or enclose or to cause to be demolished, have garbage,
7 debris, and other noxious or unhealthy substances and materials
8 removed from, repaired, or enclosed the building in question. A
9 private owner or tenant who institutes an action under the
10 preceding sentence shall not be required to pay any fee to the
11 clerk of the circuit court. The cost of repair, removal,
12 demolition, or enclosure shall be borne by the owner or owners
13 of record of the building. In the event the owner or owners of
14 record fail to demolish, remove garbage, debris, and other
15 noxious or unhealthy substances and materials from, repair, or
16 enclose the building within 90 days of the date the court
17 entered its order, the owner or tenant who instituted the
18 action may request that the court join the municipality as a
19 party to the action. The court may order the municipality to
20 demolish, remove materials from, repair, or enclose the
21 building, or cause that action to be taken upon the request of
22 any owner or tenant who instituted the action or upon the
23 municipality's request. The municipality may file, and the
24 court may approve, a plan for rehabilitating the building in
25 question. A court order authorizing the municipality to
26 demolish, remove materials from, repair, or enclose a building,

1 or cause that action to be taken, shall not preclude the court
2 from adjudging the owner or owners of record of the building in
3 contempt of court due to the failure to comply with the order
4 to demolish, remove garbage, debris, and other noxious or
5 unhealthy substances and materials from, repair, or enclose the
6 building.

7 If a municipality or a person or persons other than the
8 owner or owners of record pay the cost of demolition, removal
9 of garbage, debris, and other noxious or unhealthy substances
10 and materials, repair, or enclosure pursuant to a court order,
11 the cost, including court costs, attorney's fees, and other
12 costs related to the enforcement of this subsection, is
13 recoverable from the owner or owners of the real estate and is
14 a lien on the real estate; the lien is superior to all prior
15 existing liens and encumbrances, except taxes, if, within 180
16 days after the repair, removal, demolition, or enclosure, the
17 municipality or the person or persons who paid the costs of
18 demolition, removal, repair, or enclosure shall file a notice
19 of lien of the cost and expense incurred in the office of the
20 recorder in the county in which the real estate is located or
21 in the office of the registrar of the county if the real estate
22 affected is registered under the Registered Titles (Torrens)
23 Act. The notice shall be in a form as is provided in subsection
24 (a). An owner or tenant who institutes an action in circuit
25 court seeking an order to compel the owner or owners of record
26 to demolish, remove materials from, repair, or enclose any

1 dangerous or unsafe building, or to cause that action to be
2 taken under this subsection may recover court costs and
3 reasonable attorney's fees for instituting the action from the
4 owner or owners of record of the building. Upon payment of the
5 costs and expenses by the owner of or a person interested in
6 the property after the notice of lien has been filed, the lien
7 shall be released by the municipality or the person in whose
8 name the lien has been filed or his or her assignee, and the
9 release may be filed of record as in the case of filing a
10 notice of lien. Unless the lien is enforced under subsection
11 (c), the lien may be enforced by foreclosure proceedings as in
12 the case of mortgage foreclosures under Article XV of the Code
13 of Civil Procedure or mechanics' lien foreclosures. An action
14 to foreclose this lien may be commenced at any time after the
15 date of filing of the notice of lien. The costs of foreclosure
16 incurred by the municipality, including court costs,
17 reasonable attorneys' fees, advances to preserve the property,
18 and other costs related to the enforcement of this subsection,
19 plus statutory interest, are a lien on the real estate and are
20 recoverable by the municipality from the owner or owners of the
21 real estate.

22 All liens arising under the terms of this subsection (b)
23 shall be assignable. The assignee of the lien shall have the
24 same power to enforce the lien as the assigning party, except
25 that the lien may not be enforced under subsection (c).

26 (c) In any case where a municipality has obtained a lien

1 under subsection (a), (b), or (f), the municipality may enforce
2 the lien under this subsection (c) in the same proceeding in
3 which the lien is authorized.

4 A municipality desiring to enforce a lien under this
5 subsection (c) shall petition the court to retain jurisdiction
6 for foreclosure proceedings under this subsection. Notice of
7 the petition shall be served, by certified or registered mail,
8 on all persons who were served notice under subsection (a),
9 (b), or (f). The court shall conduct a hearing on the petition
10 not less than 15 days after the notice is served. If the court
11 determines that the requirements of this subsection (c) have
12 been satisfied, it shall grant the petition and retain
13 jurisdiction over the matter until the foreclosure proceeding
14 is completed. The costs of foreclosure incurred by the
15 municipality, including court costs, reasonable attorneys'
16 fees, advances to preserve the property, and other costs
17 related to the enforcement of this subsection, plus statutory
18 interest, are a lien on the real estate and are recoverable by
19 the municipality from the owner or owners of the real estate.
20 If the court denies the petition, the municipality may enforce
21 the lien in a separate action as provided in subsection (a),
22 (b), or (f).

23 All persons designated in Section 15-1501 of the Code of
24 Civil Procedure as necessary parties in a mortgage foreclosure
25 action shall be joined as parties before issuance of an order
26 of foreclosure. Persons designated in Section 15-1501 of the

1 Code of Civil Procedure as permissible parties may also be
2 joined as parties in the action.

3 The provisions of Article XV of the Code of Civil Procedure
4 applicable to mortgage foreclosures shall apply to the
5 foreclosure of a lien under this subsection (c), except to the
6 extent that those provisions are inconsistent with this
7 subsection. For purposes of foreclosures of liens under this
8 subsection, however, the redemption period described in
9 subsection (b) of Section 15-1603 of the Code of Civil
10 Procedure shall end 60 days after the date of entry of the
11 order of foreclosure.

12 (d) In addition to any other remedy provided by law, the
13 corporate authorities of any municipality may petition the
14 circuit court to have property declared abandoned under this
15 subsection (d) if:

16 (1) the property has been tax delinquent for 2 or more
17 years or bills for water service for the property have been
18 outstanding for 2 or more years;

19 (2) the property is unoccupied by persons legally in
20 possession; and

21 (3) the property contains a dangerous or unsafe
22 building for reasons specified in the petition.

23 All persons having an interest of record in the property,
24 including tax purchasers and beneficial owners of any Illinois
25 land trust having title to the property, shall be named as
26 defendants in the petition and shall be served with process. In

1 addition, service shall be had under Section 2-206 of the Code
2 of Civil Procedure as in other cases affecting property.

3 The municipality, however, may proceed under this
4 subsection in a proceeding brought under subsection (a) or (b).
5 Notice of the petition shall be served in person or by
6 certified or registered mail on all persons who were served
7 notice under subsection (a) or (b).

8 If the municipality proves that the conditions described in
9 this subsection exist and (i) the owner of record of the
10 property does not enter an appearance in the action, or, if
11 title to the property is held by an Illinois land trust, if
12 neither the owner of record nor the owner of the beneficial
13 interest of the trust enters an appearance, or (ii) if the
14 owner of record or the beneficiary of a land trust, if title to
15 the property is held by an Illinois land trust, enters an
16 appearance and specifically waives his or her rights under this
17 subsection (d), the court shall declare the property abandoned.
18 Notwithstanding any waiver, the municipality may move to
19 dismiss its petition at any time. In addition, any waiver in a
20 proceeding under this subsection (d) does not serve as a waiver
21 for any other proceeding under law or equity.

22 If that determination is made, notice shall be sent in
23 person or by certified or registered mail to all persons having
24 an interest of record in the property, including tax purchasers
25 and beneficial owners of any Illinois land trust having title
26 to the property, stating that title to the property will be

1 transferred to the municipality unless, within 30 days of the
2 notice, the owner of record or ~~enters an appearance in the~~
3 ~~action, or unless~~ any other person having an interest in the
4 property files with the court a request to demolish the
5 dangerous or unsafe building or to put the building in safe
6 condition, or unless the owner of record enters an appearance
7 and proves that the owner does not intend to abandon the
8 property.

9 If the owner of record enters an appearance in the action
10 within the 30 day period, but does not at that time file with
11 the court a request to demolish the dangerous or unsafe
12 building or to put the building in safe condition, or
13 specifically waive his or her rights under this subsection (d),
14 the court shall vacate its order declaring the property
15 abandoned if it determines that the owner of record does not
16 intend to abandon the property. In that case, the municipality
17 may amend its complaint in order to initiate proceedings under
18 subsection (a), or it may request that the court order the
19 owner to demolish the building or repair the dangerous or
20 unsafe conditions of the building alleged in the petition or
21 seek the appointment of a receiver or other equitable relief to
22 correct the conditions at the property. The powers and rights
23 of a receiver appointed under this subsection (d) shall include
24 all of the powers and rights of a receiver appointed under
25 Section 11-31-2 of this Code.

26 If a request to demolish or repair the building is filed

1 within the 30 day period, the court shall grant permission to
2 the requesting party to demolish the building within 30 days or
3 to restore the building to safe condition within 60 days after
4 the request is granted. An extension of that period for up to
5 60 additional days may be given for good cause. If more than
6 one person with an interest in the property files a timely
7 request, preference shall be given to the owner of record if
8 the owner filed a request or, if the owner did not, the person
9 with the lien or other interest of the highest priority.

10 If the requesting party (other than the owner of record)
11 proves to the court that the building has been demolished or
12 put in a safe condition in accordance with the local safety
13 codes within the period of time granted by the court, the court
14 shall issue a quitclaim judicial deed for the property to the
15 requesting party, conveying only the interest of the owner of
16 record, upon proof of payment to the municipality of all costs
17 incurred by the municipality in connection with the action,
18 including but not limited to court costs, attorney's fees,
19 administrative costs, the costs, if any, associated with
20 building enclosure or removal, and receiver's certificates.
21 The interest in the property so conveyed shall be subject to
22 all liens and encumbrances on the property. In addition, if the
23 interest is conveyed to a person holding a certificate of
24 purchase for the property under the Property Tax Code, the
25 conveyance shall be subject to the rights of redemption of all
26 persons entitled to redeem under that Act, including the

1 original owner of record. If the requesting party is the owner
2 of record and proves to the court that the building has been
3 demolished or put in a safe condition in accordance with the
4 local safety codes within the period of time granted by the
5 court, the court shall dismiss the proceeding under this
6 subsection (d).

7 If the owner of record has not entered an appearance and
8 proven that the owner did not intend to abandon the property,
9 and if ~~if~~ no person with an interest in the property files a
10 timely request or if the requesting party fails to demolish the
11 building or put the building in safe condition within the time
12 specified by the court, the municipality may petition the court
13 to issue a judicial deed for the property to the municipality.
14 A conveyance by judicial deed shall operate to extinguish all
15 existing ownership interests in, liens on, and other interest
16 in the property, including tax liens, and shall extinguish the
17 rights and interests of any and all holders of a bona fide
18 certificate of purchase of the property for delinquent taxes.
19 Any such bona fide certificate of purchase holder shall be
20 entitled to a sale in error as prescribed under Section 21-310
21 of the Property Tax Code.

22 (e) Each municipality may use the provisions of this
23 subsection to expedite the removal of certain buildings that
24 are a continuing hazard to the community in which they are
25 located.

26 If a residential or commercial building is 3 stories or

1 less in height as defined by the municipality's building code,
2 and the corporate official designated to be in charge of
3 enforcing the municipality's building code determines that the
4 building is open and vacant and an immediate and continuing
5 hazard to the community in which the building is located, then
6 the official shall be authorized to post a notice not less than
7 2 feet by 2 feet in size on the front of the building. The
8 notice shall be dated as of the date of the posting and shall
9 state that unless the building is demolished, repaired, or
10 enclosed, and unless any garbage, debris, and other hazardous,
11 noxious, or unhealthy substances or materials are removed so
12 that an immediate and continuing hazard to the community no
13 longer exists, then the building may be demolished, repaired,
14 or enclosed, or any garbage, debris, and other hazardous,
15 noxious, or unhealthy substances or materials may be removed,
16 by the municipality.

17 Not later than 30 days following the posting of the notice,
18 the municipality shall do all of the following:

19 (1) Cause to be sent, by certified mail, return receipt
20 requested, a Notice to Remediate to all owners of record of
21 the property, the beneficial owners of any Illinois land
22 trust having title to the property, and all lienholders of
23 record in the property, stating the intent of the
24 municipality to demolish, repair, or enclose the building
25 or remove any garbage, debris, or other hazardous, noxious,
26 or unhealthy substances or materials if that action is not

1 taken by the owner or owners.

2 (2) Cause to be published, in a newspaper published or
3 circulated in the municipality where the building is
4 located, a notice setting forth (i) the permanent tax index
5 number and the address of the building, (ii) a statement
6 that the property is open and vacant and constitutes an
7 immediate and continuing hazard to the community, and (iii)
8 a statement that the municipality intends to demolish,
9 repair, or enclose the building or remove any garbage,
10 debris, or other hazardous, noxious, or unhealthy
11 substances or materials if the owner or owners or
12 lienholders of record fail to do so. This notice shall be
13 published for 3 consecutive days.

14 (3) Cause to be recorded the Notice to Remediate mailed
15 under paragraph (1) in the office of the recorder in the
16 county in which the real estate is located or in the office
17 of the registrar of titles of the county if the real estate
18 is registered under the Registered Title (Torrens) Act.

19 Any person or persons with a current legal or equitable
20 interest in the property objecting to the proposed actions of
21 the corporate authorities may file his or her objection in an
22 appropriate form in a court of competent jurisdiction.

23 If the building is not demolished, repaired, or enclosed,
24 or the garbage, debris, or other hazardous, noxious, or
25 unhealthy substances or materials are not removed, within 30
26 days of mailing the notice to the owners of record, the

1 beneficial owners of any Illinois land trust having title to
2 the property, and all lienholders of record in the property, or
3 within 30 days of the last day of publication of the notice,
4 whichever is later, the corporate authorities shall have the
5 power to demolish, repair, or enclose the building or to remove
6 any garbage, debris, or other hazardous, noxious, or unhealthy
7 substances or materials.

8 The municipality may proceed to demolish, repair, or
9 enclose a building or remove any garbage, debris, or other
10 hazardous, noxious, or unhealthy substances or materials under
11 this subsection within a 120-day period following the date of
12 the mailing of the notice if the appropriate official
13 determines that the demolition, repair, enclosure, or removal
14 of any garbage, debris, or other hazardous, noxious, or
15 unhealthy substances or materials is necessary to remedy the
16 immediate and continuing hazard. If, however, before the
17 municipality proceeds with any of the actions authorized by
18 this subsection, any person with a legal or equitable interest
19 in the property has sought a hearing under this subsection
20 before a court and has served a copy of the complaint on the
21 chief executive officer of the municipality, then the
22 municipality shall not proceed with the demolition, repair,
23 enclosure, or removal of garbage, debris, or other substances
24 until the court determines that that action is necessary to
25 remedy the hazard and issues an order authorizing the
26 municipality to do so. If the court dismisses the action for

1 want of prosecution, the municipality must send the objector a
2 copy of the dismissal order and a letter stating that the
3 demolition, repair, enclosure, or removal of garbage, debris,
4 or other substances will proceed unless, within 30 days after
5 the copy of the order and the letter are mailed, the objector
6 moves to vacate the dismissal and serves a copy of the motion
7 on the chief executive officer of the municipality.
8 Notwithstanding any other law to the contrary, if the objector
9 does not file a motion and give the required notice, if the
10 motion is denied by the court, or if the action is again
11 dismissed for want of prosecution, then the dismissal is with
12 prejudice and the demolition, repair, enclosure, or removal may
13 proceed forthwith.

14 Following the demolition, repair, or enclosure of a
15 building, or the removal of garbage, debris, or other
16 hazardous, noxious, or unhealthy substances or materials under
17 this subsection, the municipality may file a notice of lien
18 against the real estate for the cost of the demolition, repair,
19 enclosure, or removal within 180 days after the repair,
20 demolition, enclosure, or removal occurred, for the cost and
21 expense incurred, in the office of the recorder in the county
22 in which the real estate is located or in the office of the
23 registrar of titles of the county if the real estate affected
24 is registered under the Registered Titles (Torrens) Act; this
25 lien has priority over the interests of those parties named in
26 the Notice to Remediate mailed under paragraph (1), but not

1 over the interests of third party purchasers or encumbrancers
2 for value who obtained their interests in the property before
3 obtaining actual or constructive notice of the lien. The notice
4 of lien shall consist of a sworn statement setting forth (i) a
5 description of the real estate, such as the address or other
6 description of the property, sufficient for its
7 identification; (ii) the expenses incurred by the municipality
8 in undertaking the remedial actions authorized under this
9 subsection; (iii) the date or dates the expenses were incurred
10 by the municipality; (iv) a statement by the corporate official
11 responsible for enforcing the building code that the building
12 was open and vacant and constituted an immediate and continuing
13 hazard to the community; (v) a statement by the corporate
14 official that the required sign was posted on the building,
15 that notice was sent by certified mail to the owners of record,
16 and that notice was published in accordance with this
17 subsection; and (vi) a statement as to when and where the
18 notice was published. The lien authorized by this subsection
19 may thereafter be released or enforced by the municipality as
20 provided in subsection (a).

21 (f) The corporate authorities of each municipality may
22 remove or cause the removal of, or otherwise environmentally
23 remediate hazardous substances and petroleum products on, in,
24 or under any abandoned and unsafe property within the territory
25 of a municipality. In addition, where preliminary evidence
26 indicates the presence or likely presence of a hazardous

1 substance or a petroleum product or a release or a substantial
2 threat of a release of a hazardous substance or a petroleum
3 product on, in, or under the property, the corporate
4 authorities of the municipality may inspect the property and
5 test for the presence or release of hazardous substances and
6 petroleum products. In any county having adopted by referendum
7 or otherwise a county health department as provided by Division
8 5-25 of the Counties Code or its predecessor, the county board
9 of that county may exercise the above-described powers with
10 regard to property within the territory of any city, village,
11 or incorporated town having less than 50,000 population.

12 For purposes of this subsection (f):

13 (1) "property" or "real estate" means all real
14 property, whether or not improved by a structure;

15 (2) "abandoned" means;

16 (A) the property has been tax delinquent for 2 or
17 more years;

18 (B) the property is unoccupied by persons legally
19 in possession; and

20 (3) "unsafe" means property that presents an actual or
21 imminent threat to public health and safety caused by the
22 release of hazardous substances; and

23 (4) "hazardous substances" means the same as in Section
24 3.215 of the Environmental Protection Act.

25 The corporate authorities shall apply to the circuit court
26 of the county in which the property is located (i) for an order

1 allowing the municipality to enter the property and inspect and
2 test substances on, in, or under the property; or (ii) for an
3 order authorizing the corporate authorities to take action with
4 respect to remediation of the property if conditions on the
5 property, based on the inspection and testing authorized in
6 paragraph (i), indicate the presence of hazardous substances or
7 petroleum products. Remediation shall be deemed complete for
8 purposes of paragraph (ii) above when the property satisfies
9 Tier I, II, or III remediation objectives for the property's
10 most recent usage, as established by the Environmental
11 Protection Act, and the rules and regulations promulgated
12 thereunder. Where, upon diligent search, the identity or
13 whereabouts of the owner or owners of the property, including
14 the lien holders of record, is not ascertainable, notice mailed
15 to the person or persons in whose name the real estate was last
16 assessed is sufficient notice under this Section.

17 The court shall grant an order authorizing testing under
18 paragraph (i) above upon a showing of preliminary evidence
19 indicating the presence or likely presence of a hazardous
20 substance or a petroleum product or a release of or a
21 substantial threat of a release of a hazardous substance or a
22 petroleum product on, in, or under abandoned property. The
23 preliminary evidence may include, but is not limited to,
24 evidence of prior use, visual site inspection, or records of
25 prior environmental investigations. The testing authorized by
26 paragraph (i) above shall include any type of investigation

1 which is necessary for an environmental professional to
2 determine the environmental condition of the property,
3 including but not limited to performance of soil borings and
4 groundwater monitoring. The court shall grant a remediation
5 order under paragraph (ii) above where testing of the property
6 indicates that it fails to meet the applicable remediation
7 objectives. The hearing upon the application to the circuit
8 court shall be expedited by the court and shall be given
9 precedence over all other suits.

10 The cost of the inspection, testing, or remediation
11 incurred by the municipality or by a lien holder of record,
12 including court costs, attorney's fees, and other costs related
13 to the enforcement of this Section, is a lien on the real
14 estate; except that in any instances where a municipality
15 incurs costs of inspection and testing but finds no hazardous
16 substances or petroleum products on the property that present
17 an actual or imminent threat to public health and safety, such
18 costs are not recoverable from the owners nor are such costs a
19 lien on the real estate. The lien is superior to all prior
20 existing liens and encumbrances, except taxes and any lien
21 obtained under subsection (a) or (e), if, within 180 days after
22 the completion of the inspection, testing, or remediation, the
23 municipality or the lien holder of record who incurred the cost
24 and expense shall file a notice of lien for the cost and
25 expense incurred in the office of the recorder in the county in
26 which the real estate is located or in the office of the

1 registrar of titles of the county if the real estate affected
2 is registered under the Registered Titles (Torrens) Act.

3 The notice must consist of a sworn statement setting out
4 (i) a description of the real estate sufficient for its
5 identification, (ii) the amount of money representing the cost
6 and expense incurred, and (iii) the date or dates when the cost
7 and expense was incurred by the municipality or the lien holder
8 of record. Upon payment of the lien amount by the owner of or
9 persons interested in the property after the notice of lien has
10 been filed, a release of lien shall be issued by the
11 municipality, the person in whose name the lien has been filed,
12 or the assignee of the lien, and the release may be filed of
13 record as in the case of filing notice of lien.

14 The lien may be enforced under subsection (c) or by
15 foreclosure proceedings as in the case of mortgage foreclosures
16 under Article XV of the Code of Civil Procedure or mechanics'
17 lien foreclosures; provided that where the lien is enforced by
18 foreclosure under subsection (c) or under either statute, the
19 municipality may not proceed against the other assets of the
20 owner or owners of the real estate for any costs that otherwise
21 would be recoverable under this Section but that remain
22 unsatisfied after foreclosure except where such additional
23 recovery is authorized by separate environmental laws. An
24 action to foreclose this lien may be commenced at any time
25 after the date of filing of the notice of lien. The costs of
26 foreclosure incurred by the municipality, including court

1 costs, reasonable attorney's fees, advances to preserve the
2 property, and other costs related to the enforcement of this
3 subsection, plus statutory interest, are a lien on the real
4 estate.

5 All liens arising under this subsection (f) shall be
6 assignable. The assignee of the lien shall have the same power
7 to enforce the lien as the assigning party, except that the
8 lien may not be enforced under subsection (c).

9 (g) In any case where a municipality has obtained a lien
10 under subsection (a), the municipality may also bring an action
11 for a money judgment against the owner or owners of the real
12 estate in the amount of the lien in the same manner as provided
13 for bringing causes of action in Article II of the Code of
14 Civil Procedure and, upon obtaining a judgment, file a judgment
15 lien against all of the real estate of the owner or owners and
16 enforce that lien as provided for in Article XII of the Code of
17 Civil Procedure.

18 (Source: P.A. 95-331, eff. 8-21-07.)