



Rep. Peter Breen

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10000HB4711ham001

LRB100 17388 AWJ 35863 a

1 AMENDMENT TO HOUSE BILL 4711

2 AMENDMENT NO. _____. Amend House Bill 4711 on page 2,
3 immediately after line 10, by inserting the following:

4 "Section 10. The Township Code is amended by changing
5 Section 110-65 as follows:

6 (60 ILCS 1/110-65)

7 Sec. 110-65. Violations; remedies; misdemeanor.

8 (a) If any building or structure is erected, constructed,
9 reconstructed, altered, repaired, converted, or maintained (or
10 any building, structure, or land is used) in violation of this
11 Article or of any ordinance, resolution, or other regulation
12 made under this Article, the proper authorities of the
13 township, or any person the value or use of whose property is
14 or may be affected by the violation, in addition to other
15 remedies, may institute any appropriate action or proceedings
16 (i) to prevent the unlawful erection, construction,

1 reconstruction, alteration, repair, conversion, maintenance,
2 or use, (ii) to restrain, correct, or abate the violation,
3 (iii) to prevent the occupancy of the building, structure, or
4 land, or (iv) to prevent any illegal act, conduct, business, or
5 use in or about the premises.

6 (b) The violation of the terms of any ordinance adopted
7 under this Article shall be deemed a Class B misdemeanor.

8 (c) Except in relation to township-owned property, this
9 Section does not authorize any suit against a township or its
10 officials for any act relating to the administration,
11 enforcement, or implementation of this Article or any
12 ordinance, resolution, or other regulation adopted pursuant to
13 this Article.

14 (Source: P.A. 79-1359; 88-62.)

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

17 (65 ILCS 5/11-13-15) (from Ch. 24, par. 11-13-15)

18 Sec. 11-13-15. In case any building or structure, including
19 fixtures, is constructed, reconstructed, altered, repaired,
20 converted, or maintained, or any building or structure,
21 including fixtures, or land, is used in violation of an
22 ordinance or ordinances adopted under Division 13, 31 or 31.1
23 of the Illinois Municipal Code, or of any ordinance or other
24 regulation made under the authority conferred thereby, the

1 proper local authorities of the municipality, or any owner or
2 tenant of real property, within 1200 feet in any direction of
3 the property on which the building or structure in question is
4 located who shows that his property or person will be
5 substantially affected by the alleged violation, in addition to
6 other remedies, may institute any appropriate action or
7 proceeding (1) to prevent the unlawful construction,
8 reconstruction, alteration, repair, conversion, maintenance,
9 or use, (2) to prevent the occupancy of the building,
10 structure, or land, (3) to prevent any illegal act, conduct,
11 business, or use in or about the premises, or (4) to restrain,
12 correct, or abate the violation. When any such action is
13 instituted by an owner or tenant, notice of such action shall
14 be served upon the municipality at the time suit is begun, by
15 serving a copy of the complaint on the chief executive officer
16 of the municipality, no such action may be maintained until
17 such notice has been given.

18 In any action or proceeding for a purpose mentioned in this
19 section, the court with jurisdiction of such action or
20 proceeding has the power and in its discretion may issue a
21 restraining order, or a preliminary injunction, as well as a
22 permanent injunction, upon such terms and under such conditions
23 as will do justice and enforce the purposes set forth above.

24 If an owner or tenant files suit hereunder and the court
25 finds that the defendant has engaged in any of the foregoing
26 prohibited activities, then the court shall allow the plaintiff

1 a reasonable sum of money for the services of the plaintiff's
2 attorney. This allowance shall be a part of the costs of the
3 litigation assessed against the defendant, and may be recovered
4 as such.

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

9 Except in relation to municipality-owned property, this
10 Section does not authorize any suit against a municipality or
11 its officials for any act relating to the administration,
12 enforcement, or implementation of this Division or any
13 ordinance, resolution, or other regulation adopted pursuant to
14 this Division.

15 (Source: P.A. 80-419.)".