



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

HB5810

by Rep. Frances Ann Hurley

SYNOPSIS AS INTRODUCED:

50 ILCS 810/1

from Ch. 111 1/2, par. 3401

50 ILCS 810/5 new

Amends the Building Code Violation Notice Posting Act. Provides that in addition to any other notice required by law, a police officer or firefighter who, while in the performance of his or her duties, believes that a building or structure may be an unsafe structure shall immediately notify the designated building official in the county, township, or municipality in which the building or structure is located. Provides that the building shall be examined or caused to be examined by the designated building official within 24 hours after receiving notice of an unsafe structure. Provides that if deemed necessary, the police officer or firefighter shall take the required action to clearly post a notice on or cordon off the building or structure to clearly notify anyone near the unsafe structure of impending danger until the designated building official can make the assessment and officially post a notice on the unsafe structure. Provides the wording of the notice the designated building official must post on the unsafe structure and whom the designated building official must notify. Limits home rule powers.

LRB100 20139 AWJ 35423 b

FISCAL NOTE ACT
MAY APPLY

HOME RULE NOTE
ACT MAY APPLY

STATE MANDATES
ACT MAY REQUIRE
REIMBURSEMENT

A BILL FOR

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 Building Code Violation Notice Posting Act
5 is amended by changing Section 1 and by adding Section 5 as
6 follows:

7 (50 ILCS 810/1) (from Ch. 111 1/2, par. 3401)

8 Sec. 1. Unless the context clearly indicates otherwise, the
9 following terms have the following meaning in this Act:

10 "Municipality" means any city, village or incorporated
11 town which has enacted a building code.

12 "County" means any county which has enacted a building
13 code.

14 "Building code" means any municipal or county ordinance or
15 resolution regulating the construction and maintenance of all
16 structures within the municipality or county.

17 "Building code department" means the agency or officer of
18 the municipality or county charged with administration of the
19 building code.

20 "Building official" means an officer or other designated
21 authority charged with the administration and enforcement of a
22 building code or a duly authorized representative.

23 "Unsafe structure" means a structure that is found to be

1 dangerous to the life, health, property, or safety of the
2 public or the occupants of the structure by not providing
3 minimum safeguards to protect or warn occupants in the event of
4 fire, or because such structure contains unsafe equipment or is
5 so damaged, decayed, dilapidated, structurally unsafe, or of
6 such faulty construction or unstable foundation, that partial
7 or complete collapse is possible. "Unsafe structure" also means
8 a vacant structure that is not secure against entry.

9 "Governmental unit" means a municipality, township, or
10 county that has a building code.

11 (Source: Laws 1963, p. 2414.)

12 (50 ILCS 810/5 new)

13 Sec. 5. Notices for unsafe structures.

14 (a) In addition to any other notice required by law, a
15 police officer or firefighter who, while in the performance of
16 his or her duties, believes that a building or structure may be
17 an unsafe structure shall immediately notify the designated
18 building official in the governmental unit in which the
19 building or structure is located. Within 24 hours after
20 receiving notice of an unsafe structure by a police officer or
21 firefighter, the designated building official shall examine or
22 cause to be examined the building or structure and determine if
23 the building or structure is an unsafe structure and whether
24 the structure shall be posted as such. If deemed necessary, the
25 police officer or firefighter shall take the required action to

1 clearly post a notice on or cordon off the building or
2 structure to clearly notify anyone near the unsafe structure of
3 impending danger until the designated building official can
4 make the assessment and officially post a notice on the unsafe
5 structure.

6 (b) Upon determining that a structure is unsafe, the
7 designated building official shall post at each entrance to the
8 structure the following statement or any other posting required
9 by locally adopted codes: "This structure is unsafe and its
10 occupancy has been prohibited by the building official. It is
11 unlawful for any person to enter this structure except for the
12 purpose of securing the structure, making the required repairs,
13 removing the hazardous condition, or demolishing the
14 structure."

15 The designated building official must: (1) notify the
16 building owner by registered mail of the unsafe structure
17 posting and to abate or cause to be abated or correct such
18 unsafe conditions either by repair, rehabilitation,
19 demolition, or other approved corrective action; and (2)
20 immediately notify in writing (or in electronic form) the
21 police and fire dispatch center in which the structure is
22 located of the unsafe structure and its condition so that any
23 emergency responders will be notified of its condition.

24 (c) A home rule county or home rule municipality that has a
25 building code may not regulate unsafe structures in a manner
26 inconsistent with this Section. This Section is a limitation

1 under subsection (i) of Section 6 of Article VII of the
2 Illinois Constitution on the concurrent exercise by home rule
3 units of powers and functions exercised by the State.