



Rep. Al Riley

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1 AMENDMENT TO SENATE BILL 2677

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 2677 by replacing  
3 everything after the enacting clause with the following:

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

1 State, (e) one or more municipalities and a forest preserve  
2 district or park district, or (f) if the territory is a  
3 triangular parcel of less than 10 acres, one or more  
4 municipalities and an interstate highway owned in fee by the  
5 State and bounded by a frontage road, that territory may be  
6 annexed by any municipality by which it is bounded in whole or  
7 in part, by the passage of an ordinance to that effect after  
8 notice is given as provided in subsection (b) of this Section.  
9 ~~The corporate authorities shall cause notice, stating that~~  
10 ~~annexation of the territory described in the notice is~~  
11 ~~contemplated under this Section, to be published once, in a~~  
12 ~~newspaper of general circulation within the territory to be~~  
13 ~~annexed, not less than 10 days before the passage of the~~  
14 ~~annexation ordinance. When the territory to be annexed lies~~  
15 ~~wholly or partially within a township other than that township~~  
16 ~~where the municipality is situated, the annexing municipality~~  
17 ~~shall give at least 10 days prior written notice of the time~~  
18 ~~and place of the passage of the annexation ordinance to the~~  
19 ~~township supervisor of the township where the territory to be~~  
20 ~~annexed lies.~~ The ordinance shall describe the territory  
21 annexed and a copy thereof together with an accurate map of the  
22 annexed territory shall be recorded in the office of the  
23 recorder of the county wherein the annexed territory is  
24 situated and a document of annexation shall be filed with the  
25 county clerk and County Election Authority. Nothing in this  
26 Section shall be construed as permitting a municipality to

1 annex territory of a forest preserve district in a county with  
2 a population of 3,000,000 or more without obtaining the consent  
3 of the district pursuant to Section 8.3 of the Cook County  
4 Forest Preserve District Act nor shall anything in this Section  
5 be construed as permitting a municipality to annex territory  
6 owned by a park district without obtaining the consent of the  
7 district pursuant to Section 8-1.1 of the Park District Code.

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

25 (c) When notice is given as described in subsection (b) of  
26 this Section, no other municipality may annex the proposed

1 territory for a period of 60 days from the date the notice is  
2 mailed or delivered to the taxpayer of record unless that other  
3 municipality has initiated annexation proceedings or a valid  
4 petition as described in Section 7-1-2, 7-1-8, 7-1-11 or 7-1-12  
5 of this Code has been received by the municipality prior to the  
6 publication and mailing of the notices required in subsection  
7 (b).

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

9 (65 ILCS 5/10-2.1-6) (from Ch. 24, par. 10-2.1-6)

10 Sec. 10-2.1-6. Examination of applicants;  
11 disqualifications.

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

23 (b) Residency requirements in effect at the time an  
24 individual enters the fire or police service of a municipality  
25 (other than a municipality that has more than 1,000,000

1 inhabitants) cannot be made more restrictive for that  
2 individual during his period of service for that municipality,  
3 or be made a condition of promotion, except for the rank or  
4 position of Fire or Police Chief.

5 (c) No person with a record of misdemeanor convictions  
6 except those under Sections 11-6, 11-7, 11-9, 11-14, 11-15,  
7 11-17, 11-18, 11-19, 12-2, 12-6, 12-15, 14-4, 16-1, 21.1-3,  
8 24-3.1, 24-5, 25-1, 28-3, 31-1, 31-4, 31-6, 31-7, 32-1, 32-2,  
9 32-3, 32-4, 32-8, and subsections (1), (6) and (8) of Section  
10 24-1 of the Criminal Code of 1961 or arrested for any cause but  
11 not convicted on that cause shall be disqualified from taking  
12 the examination to qualify for a position in the fire  
13 department on grounds of habits or moral character.

14 (d) The age limitation in subsection (a) does not apply (i)  
15 to any person previously employed as a policeman or fireman in  
16 a regularly constituted police or fire department of (I) any  
17 municipality, regardless of whether the municipality is  
18 located in Illinois or in another state, or (II) a fire  
19 protection district whose obligations were assumed by a  
20 municipality under Section 21 of the Fire Protection District  
21 Act, (ii) to any person who has served a municipality as a  
22 regularly enrolled volunteer fireman for 5 years immediately  
23 preceding the time that municipality begins to use full time  
24 firemen to provide all or part of its fire protection service,  
25 or (iii) to any person who has served as an auxiliary police  
26 officer under Section 3.1-30-20 for at least 5 years and is

1 under 40 years of age, (iv) to any person who has served as a  
2 deputy under Section 3-6008 of the Counties Code and otherwise  
3 meets necessary training requirements, or (v) to any person who  
4 has served as a sworn officer as a member of the Illinois  
5 Department of State Police.

6 (e) Applicants who are 20 years of age and who have  
7 successfully completed 2 years of law enforcement studies at an  
8 accredited college or university may be considered for  
9 appointment to active duty with the police department. An  
10 applicant described in this subsection (e) who is appointed to  
11 active duty shall not have power of arrest, nor shall the  
12 applicant be permitted to carry firearms, until he or she  
13 reaches 21 years of age.

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

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

22 (h) The examinations shall be practical in character and  
23 relate to those matters that will fairly test the capacity of  
24 the persons examined to discharge the duties of the positions  
25 to which they seek appointment. No person shall be appointed to  
26 the police or fire department if he or she does not possess a

1 high school diploma or an equivalent high school education. A  
2 board of fire and police commissioners may, by its rules,  
3 require police applicants to have obtained an associate's  
4 degree or a bachelor's degree as a prerequisite for employment.  
5 The examinations shall include tests of physical  
6 qualifications and health. A board of fire and police  
7 commissioners may, by its rules, waive portions of the required  
8 examination for police applicants who have previously been  
9 full-time sworn officers of a regular police department in any  
10 municipal, county, university, or State law enforcement  
11 agency, provided they are certified by the Illinois Law  
12 Enforcement Training Standards Board and have been with their  
13 respective law enforcement agency within the State for at least  
14 2 years. No person shall be appointed to the police or fire  
15 department if he or she has suffered the amputation of any limb  
16 unless the applicant's duties will be only clerical or as a  
17 radio operator. No applicant shall be examined concerning his  
18 or her political or religious opinions or affiliations. The  
19 examinations shall be conducted by the board of fire and police  
20 commissioners of the municipality as provided in this Division  
21 2.1.

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

26 (j) No person shall be appointed to the police or fire

1 department unless he or she is a person of good character and  
2 not an habitual drunkard, gambler, or a person who has been  
3 convicted of a felony or a crime involving moral turpitude. No  
4 person, however, shall be disqualified from appointment to the  
5 fire department because of his or her record of misdemeanor  
6 convictions except those under Sections 11-6, 11-7, 11-9,  
7 11-14, 11-15, 11-17, 11-18, 11-19, 12-2, 12-6, 12-15, 14-4,  
8 16-1, 21.1-3, 24-3.1, 24-5, 25-1, 28-3, 31-1, 31-4, 31-6, 31-7,  
9 32-1, 32-2, 32-3, 32-4, 32-8, and subsections (1), (6) and (8)  
10 of Section 24-1 of the Criminal Code of 1961 or arrest for any  
11 cause without conviction on that cause. Any such person who is  
12 in the department may be removed on charges brought and after a  
13 trial as provided in this Division 2.1.

14 (Source: P.A. 94-29, eff. 6-14-05; 94-984, eff. 6-30-06;  
15 95-165, eff. 1-1-08.)

16 (65 ILCS 5/10-2.1-14) (from Ch. 24, par. 10-2.1-14)

17 Sec. 10-2.1-14. Register of eligibles. The board of fire  
18 and police commissioners shall prepare and keep a register of  
19 persons whose general average standing, upon examination, is  
20 not less than the minimum fixed by the rules of the board, and  
21 who are otherwise eligible. These persons shall take rank upon  
22 the register as candidates in the order of their relative  
23 excellence as determined by examination, without reference to  
24 priority of time of examination. The board of fire and police  
25 commissioners may prepare and keep a second register of persons



1 who have previously been full-time sworn officers of a regular  
2 police department in any municipal, county, university, or  
3 State law enforcement agency, provided they are certified by  
4 the Illinois Law Enforcement Training Standards Board and have  
5 been with their respective law enforcement agency within the  
6 State for at least 2 years. The persons on this list shall take  
7 rank upon the register as candidates in the order of their  
8 relative excellence as determined by members of the board of  
9 fire and police commissioners. Applicants who have been awarded  
10 a certificate attesting to their successful completion of the  
11 Minimum Standards Basic Law Enforcement Training Course, as  
12 provided in the Illinois Police Training Act, may be given  
13 preference in appointment over noncertified applicants.  
14 Applicants for appointment to fire departments who are licensed  
15 as an EMT-B, EMT-I, or EMT-P under the Emergency Medical  
16 Services (EMS) Systems Act, may be given preference in  
17 appointment over non-licensed applicants.

18       Within 60 days after each examination, an eligibility list  
19 shall be posted by the board, which shall show the final grades  
20 of the candidates without reference to priority of time of  
21 examination and subject to claim for military credit.  
22 Candidates who are eligible for military credit shall make a  
23 claim in writing within 10 days after the posting of the  
24 eligibility list or such claim shall be deemed waived.  
25 Appointment shall be subject to a final physical examination.

26       If a person is placed on an eligibility list and becomes

1 overage before he or she is appointed to a police or fire  
2 department, the person remains eligible for appointment until  
3 the list is abolished pursuant to authorized procedures.  
4 Otherwise no person who has attained the age of 36 years shall  
5 be inducted as a member of a police department and no person  
6 who has attained the age of 35 years shall be inducted as a  
7 member of a fire department, except as otherwise provided in  
8 this division.

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

10 (65 ILCS 5/11-31-1) (from Ch. 24, par. 11-31-1)

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

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

1 population.

2       The corporate authorities shall apply to the circuit court  
3 of the county in which the building is located (i) for an order  
4 authorizing action to be taken with respect to a building if  
5 the owner or owners of the building, including the lien holders  
6 of record, after at least 15 days' written notice by mail so to  
7 do, have failed to put the building in a safe condition or to  
8 demolish it or (ii) for an order requiring the owner or owners  
9 of record to demolish, repair, or enclose the building or to  
10 remove garbage, debris, and other hazardous, noxious, or  
11 unhealthy substances or materials from the building. It is not  
12 a defense to the cause of action that the building is boarded  
13 up or otherwise enclosed, although the court may order the  
14 defendant to have the building boarded up or otherwise  
15 enclosed. Where, upon diligent search, the identity or  
16 whereabouts of the owner or owners of the building, including  
17 the lien holders of record, is not ascertainable, notice mailed  
18 to the person or persons in whose name the real estate was last  
19 assessed is sufficient notice under this Section.

20       The hearing upon the application to the circuit court shall  
21 be expedited by the court and shall be given precedence over  
22 all other suits. Any person entitled to bring an action under  
23 subsection (b) shall have the right to intervene in an action  
24 brought under this Section.

25       The cost of the demolition, repair, enclosure, or removal  
26 incurred by the municipality, by an intervenor, or by a lien

1 holder of record, including court costs, attorney's fees, and  
2 other costs related to the enforcement of this Section, is  
3 recoverable from the owner or owners of the real estate or the  
4 previous owner or both if the property was transferred during  
5 the 15 day notice period and is a lien on the real estate; the  
6 lien is superior to all prior existing liens and encumbrances,  
7 except taxes, if, within 180 days after the repair, demolition,  
8 enclosure, or removal, the municipality, the lien holder of  
9 record, or the intervenor who incurred the cost and expense  
10 shall file a notice of lien for the cost and expense incurred  
11 in the office of the recorder in the county in which the real  
12 estate is located or in the office of the registrar of titles  
13 of the county if the real estate affected is registered under  
14 the Registered Titles (Torrens) Act.

15 The notice must consist of a sworn statement setting out  
16 (1) a description of the real estate sufficient for its  
17 identification, (2) the amount of money representing the cost  
18 and expense incurred, and (3) the date or dates when the cost  
19 and expense was incurred by the municipality, the lien holder  
20 of record, or the intervenor. Upon payment of the cost and  
21 expense by the owner of or persons interested in the property  
22 after the notice of lien has been filed, the lien shall be  
23 released by the municipality, the person in whose name the lien  
24 has been filed, or the assignee of the lien, and the release  
25 may be filed of record as in the case of filing notice of lien.  
26 Unless the lien is enforced under subsection (c), the lien may

1 be enforced by foreclosure proceedings as in the case of  
2 mortgage foreclosures under Article XV of the Code of Civil  
3 Procedure or mechanics' lien foreclosures. An action to  
4 foreclose this lien may be commenced at any time after the date  
5 of filing of the notice of lien. The costs of foreclosure  
6 incurred by the municipality, including court costs,  
7 reasonable attorney's fees, advances to preserve the property,  
8 and other costs related to the enforcement of this subsection,  
9 plus statutory interest, are a lien on the real estate and are  
10 recoverable by the municipality from the owner or owners of the  
11 real estate.

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

16 If the appropriate official of any municipality determines  
17 that any dangerous and unsafe building or uncompleted and  
18 abandoned building within its territory fulfills the  
19 requirements for an action by the municipality under the  
20 Abandoned Housing Rehabilitation Act, the municipality may  
21 petition under that Act in a proceeding brought under this  
22 subsection.

23 (b) Any owner or tenant of real property within 1200 feet  
24 in any direction of any dangerous or unsafe building located  
25 within the territory of a municipality with a population of  
26 500,000 or more may file with the appropriate municipal

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

1 demolish, remove materials from, repair, or enclose the  
2 building, or cause that action to be taken upon the request of  
3 any owner or tenant who instituted the action or upon the  
4 municipality's request. The municipality may file, and the  
5 court may approve, a plan for rehabilitating the building in  
6 question. A court order authorizing the municipality to  
7 demolish, remove materials from, repair, or enclose a building,  
8 or cause that action to be taken, shall not preclude the court  
9 from adjudging the owner or owners of record of the building in  
10 contempt of court due to the failure to comply with the order  
11 to demolish, remove garbage, debris, and other noxious or  
12 unhealthy substances and materials from, repair, or enclose the  
13 building.

14 If a municipality or a person or persons other than the  
15 owner or owners of record pay the cost of demolition, removal  
16 of garbage, debris, and other noxious or unhealthy substances  
17 and materials, repair, or enclosure pursuant to a court order,  
18 the cost, including court costs, attorney's fees, and other  
19 costs related to the enforcement of this subsection, is  
20 recoverable from the owner or owners of the real estate and is  
21 a lien on the real estate; the lien is superior to all prior  
22 existing liens and encumbrances, except taxes, if, within 180  
23 days after the repair, removal, demolition, or enclosure, the  
24 municipality or the person or persons who paid the costs of  
25 demolition, removal, repair, or enclosure shall file a notice  
26 of lien of the cost and expense incurred in the office of the

1 recorder in the county in which the real estate is located or  
2 in the office of the registrar of the county if the real estate  
3 affected is registered under the Registered Titles (Torrens)  
4 Act. The notice shall be in a form as is provided in subsection  
5 (a). An owner or tenant who institutes an action in circuit  
6 court seeking an order to compel the owner or owners of record  
7 to demolish, remove materials from, repair, or enclose any  
8 dangerous or unsafe building, or to cause that action to be  
9 taken under this subsection may recover court costs and  
10 reasonable attorney's fees for instituting the action from the  
11 owner or owners of record of the building. Upon payment of the  
12 costs and expenses by the owner of or a person interested in  
13 the property after the notice of lien has been filed, the lien  
14 shall be released by the municipality or the person in whose  
15 name the lien has been filed or his or her assignee, and the  
16 release may be filed of record as in the case of filing a  
17 notice of lien. Unless the lien is enforced under subsection  
18 (c), the lien may be enforced by foreclosure proceedings as in  
19 the case of mortgage foreclosures under Article XV of the Code  
20 of Civil Procedure or mechanics' lien foreclosures. An action  
21 to foreclose this lien may be commenced at any time after the  
22 date of filing of the notice of lien. The costs of foreclosure  
23 incurred by the municipality, including court costs,  
24 reasonable attorneys' fees, advances to preserve the property,  
25 and other costs related to the enforcement of this subsection,  
26 plus statutory interest, are a lien on the real estate and are



1 recoverable by the municipality from the owner or owners of the  
2 real estate.

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

7 (c) In any case where a municipality has obtained a lien  
8 under subsection (a), (b), or (f), the municipality may enforce  
9 the lien under this subsection (c) in the same proceeding in  
10 which the lien is authorized.

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

1 If the court denies the petition, the municipality may enforce  
2 the lien in a separate action as provided in subsection (a),  
3 (b), or (f).

4 All persons designated in Section 15-1501 of the Code of  
5 Civil Procedure as necessary parties in a mortgage foreclosure  
6 action shall be joined as parties before issuance of an order  
7 of foreclosure. Persons designated in Section 15-1501 of the  
8 Code of Civil Procedure as permissible parties may also be  
9 joined as parties in the action.

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

19 (d) In addition to any other remedy provided by law, the  
20 corporate authorities of any municipality may petition the  
21 circuit court to have property declared abandoned under this  
22 subsection (d) if:

23 (1) the property has been tax delinquent for 2 or more  
24 years or bills for water service for the property have been  
25 outstanding for 2 or more years;

26 (2) the property is unoccupied by persons legally in

1 possession; and

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

4 All persons having an interest of record in the property,  
5 including tax purchasers and beneficial owners of any Illinois  
6 land trust having title to the property, shall be named as  
7 defendants in the petition and shall be served with process. In  
8 addition, service shall be had under Section 2-206 of the Code  
9 of Civil Procedure as in other cases affecting property.

10 The municipality, however, may proceed under this  
11 subsection in a proceeding brought under subsection (a) or (b).  
12 Notice of the petition shall be served in person or by  
13 certified or registered mail on all persons who were served  
14 notice under subsection (a) or (b).

15 If the municipality proves that the conditions described in  
16 this subsection exist and (i) the owner of record of the  
17 property does not enter an appearance in the action, or, if  
18 title to the property is held by an Illinois land trust, if  
19 neither the owner of record nor the owner of the beneficial  
20 interest of the trust enters an appearance, or (ii) if the  
21 owner of record or the beneficiary of a land trust, if title to  
22 the property is held by an Illinois land trust, enters an  
23 appearance and specifically waives his or her rights under this  
24 subsection (d), the court shall declare the property abandoned.  
25 Notwithstanding any waiver, the municipality may move to  
26 dismiss its petition at any time. In addition, any waiver in a

1 proceeding under this subsection (d) does not serve as a waiver  
2 for any other proceeding under law or equity.

3 If that determination is made, notice shall be sent in  
4 person or by certified or registered mail to all persons having  
5 an interest of record in the property, including tax purchasers  
6 and beneficial owners of any Illinois land trust having title  
7 to the property, stating that title to the property will be  
8 transferred to the municipality unless, within 30 days of the  
9 notice, the owner of record or ~~enters an appearance in the~~  
10 ~~action, or unless~~ any other person having an interest in the  
11 property files with the court a request to demolish the  
12 dangerous or unsafe building or to put the building in safe  
13 condition, or unless the owner of record enters an appearance  
14 and proves that the owner does not intend to abandon the  
15 property.

16 If the owner of record enters an appearance in the action  
17 within the 30 day period, but does not at that time file with  
18 the court a request to demolish the dangerous or unsafe  
19 building or to put the building in safe condition, or  
20 specifically waive his or her rights under this subsection (d),  
21 the court shall vacate its order declaring the property  
22 abandoned if it determines that the owner of record does not  
23 intend to abandon the property. In that case, the municipality  
24 may amend its complaint in order to initiate proceedings under  
25 subsection (a), or it may request that the court order the  
26 owner to demolish the building or repair the dangerous or

1 unsafe conditions of the building alleged in the petition or  
2 seek the appointment of a receiver or other equitable relief to  
3 correct the conditions at the property. The powers and rights  
4 of a receiver appointed under this subsection (d) shall include  
5 all of the powers and rights of a receiver appointed under  
6 Section 11-31-2 of this Code.

7 If a request to demolish or repair the building is filed  
8 within the 30 day period, the court shall grant permission to  
9 the requesting party to demolish the building within 30 days or  
10 to restore the building to safe condition within 60 days after  
11 the request is granted. An extension of that period for up to  
12 60 additional days may be given for good cause. If more than  
13 one person with an interest in the property files a timely  
14 request, preference shall be given to the owner of record if  
15 the owner filed a request or, if the owner did not, the person  
16 with the lien or other interest of the highest priority.

17 If the requesting party (other than the owner of record)  
18 proves to the court that the building has been demolished or  
19 put in a safe condition in accordance with the local safety  
20 codes within the period of time granted by the court, the court  
21 shall issue a quitclaim judicial deed for the property to the  
22 requesting party, conveying only the interest of the owner of  
23 record, upon proof of payment to the municipality of all costs  
24 incurred by the municipality in connection with the action,  
25 including but not limited to court costs, attorney's fees,  
26 administrative costs, the costs, if any, associated with

1 building enclosure or removal, and receiver's certificates.  
2 The interest in the property so conveyed shall be subject to  
3 all liens and encumbrances on the property. In addition, if the  
4 interest is conveyed to a person holding a certificate of  
5 purchase for the property under the Property Tax Code, the  
6 conveyance shall be subject to the rights of redemption of all  
7 persons entitled to redeem under that Act, including the  
8 original owner of record. If the requesting party is the owner  
9 of record and proves to the court that the building has been  
10 demolished or put in a safe condition in accordance with the  
11 local safety codes within the period of time granted by the  
12 court, the court shall dismiss the proceeding under this  
13 subsection (d).

14 If the owner of record has not entered an appearance and  
15 proven that the owner did not intend to abandon the property,  
16 and if ~~If~~ no person with an interest in the property files a  
17 timely request or if the requesting party fails to demolish the  
18 building or put the building in safe condition within the time  
19 specified by the court, the municipality may petition the court  
20 to issue a judicial deed for the property to the municipality.  
21 A conveyance by judicial deed shall operate to extinguish all  
22 existing ownership interests in, liens on, and other interest  
23 in the property, including tax liens, and shall extinguish the  
24 rights and interests of any and all holders of a bona fide  
25 certificate of purchase of the property for delinquent taxes.  
26 Any such bona fide certificate of purchase holder shall be

1 entitled to a sale in error as prescribed under Section 21-310  
2 of the Property Tax Code.

3 (e) Each municipality may use the provisions of this  
4 subsection to expedite the removal of certain buildings that  
5 are a continuing hazard to the community in which they are  
6 located.

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

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

26 (1) Cause to be sent, by certified mail, return receipt

1 requested, a Notice to Remediate to all owners of record of  
2 the property, the beneficial owners of any Illinois land  
3 trust having title to the property, and all lienholders of  
4 record in the property, stating the intent of the  
5 municipality to demolish, repair, or enclose the building  
6 or remove any garbage, debris, or other hazardous, noxious,  
7 or unhealthy substances or materials if that action is not  
8 taken by the owner or owners.

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

21 (3) Cause to be recorded the Notice to Remediate mailed  
22 under paragraph (1) in the office of the recorder in the  
23 county in which the real estate is located or in the office  
24 of the registrar of titles of the county if the real estate  
25 is registered under the Registered Title (Torrens) Act.

26 Any person or persons with a current legal or equitable



1 interest in the property objecting to the proposed actions of  
2 the corporate authorities may file his or her objection in an  
3 appropriate form in a court of competent jurisdiction.

4 If the building is not demolished, repaired, or enclosed,  
5 or the garbage, debris, or other hazardous, noxious, or  
6 unhealthy substances or materials are not removed, within 30  
7 days of mailing the notice to the owners of record, the  
8 beneficial owners of any Illinois land trust having title to  
9 the property, and all lienholders of record in the property, or  
10 within 30 days of the last day of publication of the notice,  
11 whichever is later, the corporate authorities shall have the  
12 power to demolish, repair, or enclose the building or to remove  
13 any garbage, debris, or other hazardous, noxious, or unhealthy  
14 substances or materials.

15 The municipality may proceed to demolish, repair, or  
16 enclose a building or remove any garbage, debris, or other  
17 hazardous, noxious, or unhealthy substances or materials under  
18 this subsection within a 120-day period following the date of  
19 the mailing of the notice if the appropriate official  
20 determines that the demolition, repair, enclosure, or removal  
21 of any garbage, debris, or other hazardous, noxious, or  
22 unhealthy substances or materials is necessary to remedy the  
23 immediate and continuing hazard. If, however, before the  
24 municipality proceeds with any of the actions authorized by  
25 this subsection, any person with a legal or equitable interest  
26 in the property has sought a hearing under this subsection

1 before a court and has served a copy of the complaint on the  
2 chief executive officer of the municipality, then the  
3 municipality shall not proceed with the demolition, repair,  
4 enclosure, or removal of garbage, debris, or other substances  
5 until the court determines that that action is necessary to  
6 remedy the hazard and issues an order authorizing the  
7 municipality to do so. If the court dismisses the action for  
8 want of prosecution, the municipality must send the objector a  
9 copy of the dismissal order and a letter stating that the  
10 demolition, repair, enclosure, or removal of garbage, debris,  
11 or other substances will proceed unless, within 30 days after  
12 the copy of the order and the letter are mailed, the objector  
13 moves to vacate the dismissal and serves a copy of the motion  
14 on the chief executive officer of the municipality.  
15 Notwithstanding any other law to the contrary, if the objector  
16 does not file a motion and give the required notice, if the  
17 motion is denied by the court, or if the action is again  
18 dismissed for want of prosecution, then the dismissal is with  
19 prejudice and the demolition, repair, enclosure, or removal may  
20 proceed forthwith.

21 Following the demolition, repair, or enclosure of a  
22 building, or the removal of garbage, debris, or other  
23 hazardous, noxious, or unhealthy substances or materials under  
24 this subsection, the municipality may file a notice of lien  
25 against the real estate for the cost of the demolition, repair,  
26 enclosure, or removal within 180 days after the repair,

1 demolition, enclosure, or removal occurred, for the cost and  
2 expense incurred, in the office of the recorder in the county  
3 in which the real estate is located or in the office of the  
4 registrar of titles of the county if the real estate affected  
5 is registered under the Registered Titles (Torrens) Act; this  
6 lien has priority over the interests of those parties named in  
7 the Notice to Remediate mailed under paragraph (1), but not  
8 over the interests of third party purchasers or encumbrancers  
9 for value who obtained their interests in the property before  
10 obtaining actual or constructive notice of the lien. The notice  
11 of lien shall consist of a sworn statement setting forth (i) a  
12 description of the real estate, such as the address or other  
13 description of the property, sufficient for its  
14 identification; (ii) the expenses incurred by the municipality  
15 in undertaking the remedial actions authorized under this  
16 subsection; (iii) the date or dates the expenses were incurred  
17 by the municipality; (iv) a statement by the corporate official  
18 responsible for enforcing the building code that the building  
19 was open and vacant and constituted an immediate and continuing  
20 hazard to the community; (v) a statement by the corporate  
21 official that the required sign was posted on the building,  
22 that notice was sent by certified mail to the owners of record,  
23 and that notice was published in accordance with this  
24 subsection; and (vi) a statement as to when and where the  
25 notice was published. The lien authorized by this subsection  
26 may thereafter be released or enforced by the municipality as

1 provided in subsection (a).

2 (f) The corporate authorities of each municipality may  
3 remove or cause the removal of, or otherwise environmentally  
4 remediate hazardous substances and petroleum products on, in,  
5 or under any abandoned and unsafe property within the territory  
6 of a municipality. In addition, where preliminary evidence  
7 indicates the presence or likely presence of a hazardous  
8 substance or a petroleum product or a release or a substantial  
9 threat of a release of a hazardous substance or a petroleum  
10 product on, in, or under the property, the corporate  
11 authorities of the municipality may inspect the property and  
12 test for the presence or release of hazardous substances and  
13 petroleum products. In any county having adopted by referendum  
14 or otherwise a county health department as provided by Division  
15 5-25 of the Counties Code or its predecessor, the county board  
16 of that county may exercise the above-described powers with  
17 regard to property within the territory of any city, village,  
18 or incorporated town having less than 50,000 population.

19 For purposes of this subsection (f):

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

22 (2) "abandoned" means;

23 (A) the property has been tax delinquent for 2 or  
24 more years;

25 (B) the property is unoccupied by persons legally  
26 in possession; and

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

4           (4) "hazardous substances" means the same as in Section  
5           3.215 of the Environmental Protection Act.

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

24          The court shall grant an order authorizing testing under  
25          paragraph (i) above upon a showing of preliminary evidence  
26          indicating the presence or likely presence of a hazardous

1 substance or a petroleum product or a release of or a  
2 substantial threat of a release of a hazardous substance or a  
3 petroleum product on, in, or under abandoned property. The  
4 preliminary evidence may include, but is not limited to,  
5 evidence of prior use, visual site inspection, or records of  
6 prior environmental investigations. The testing authorized by  
7 paragraph (i) above shall include any type of investigation  
8 which is necessary for an environmental professional to  
9 determine the environmental condition of the property,  
10 including but not limited to performance of soil borings and  
11 groundwater monitoring. The court shall grant a remediation  
12 order under paragraph (ii) above where testing of the property  
13 indicates that it fails to meet the applicable remediation  
14 objectives. The hearing upon the application to the circuit  
15 court shall be expedited by the court and shall be given  
16 precedence over all other suits.

17 The cost of the inspection, testing, or remediation  
18 incurred by the municipality or by a lien holder of record,  
19 including court costs, attorney's fees, and other costs related  
20 to the enforcement of this Section, is a lien on the real  
21 estate; except that in any instances where a municipality  
22 incurs costs of inspection and testing but finds no hazardous  
23 substances or petroleum products on the property that present  
24 an actual or imminent threat to public health and safety, such  
25 costs are not recoverable from the owners nor are such costs a  
26 lien on the real estate. The lien is superior to all prior

1 existing liens and encumbrances, except taxes and any lien  
2 obtained under subsection (a) or (e), if, within 180 days after  
3 the completion of the inspection, testing, or remediation, the  
4 municipality or the lien holder of record who incurred the cost  
5 and expense shall file a notice of lien for the cost and  
6 expense incurred in the office of the recorder in the county in  
7 which the real estate is located or in the office of the  
8 registrar of titles of the county if the real estate affected  
9 is registered under the Registered Titles (Torrens) Act.

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

21 The lien may be enforced under subsection (c) or by  
22 foreclosure proceedings as in the case of mortgage foreclosures  
23 under Article XV of the Code of Civil Procedure or mechanics'  
24 lien foreclosures; provided that where the lien is enforced by  
25 foreclosure under subsection (c) or under either statute, the  
26 municipality may not proceed against the other assets of the

1 owner or owners of the real estate for any costs that otherwise  
2 would be recoverable under this Section but that remain  
3 unsatisfied after foreclosure except where such additional  
4 recovery is authorized by separate environmental laws. An  
5 action to foreclose this lien may be commenced at any time  
6 after the date of filing of the notice of lien. The costs of  
7 foreclosure incurred by the municipality, including court  
8 costs, reasonable attorney's fees, advances to preserve the  
9 property, and other costs related to the enforcement of this  
10 subsection, plus statutory interest, are a lien on the real  
11 estate.

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

16 (g) In any case where a municipality has obtained a lien  
17 under subsection (a), the municipality may also bring an action  
18 for a money judgment against the owner or owners of the real  
19 estate in the amount of the lien in the same manner as provided  
20 for bringing causes of action in Article II of the Code of  
21 Civil Procedure and, upon obtaining a judgment, file a judgment  
22 lien against all of the real estate of the owner or owners and  
23 enforce that lien as provided for in Article XII of the Code of  
24 Civil Procedure.

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