

13-12-125 Vacant buildings – Owner required to act – Enforcement authority.

(a)

(1) The owner of any building that has become vacant shall within 30 days after the building becomes vacant or within 30 days after assuming ownership of the building, whichever is later, file a registration statement for each such building with the department of buildings on forms provided by that department for such purposes. The registration shall remain valid for six months from the date of registration. The owner shall be required to renew the registration for successive six-month periods as long as the building remains vacant and shall pay a registration or renewal fee in the amount prescribed in paragraph (3) of this subsection (a) for each registered building; provided, however, that all eleemosynary, religious, educational, benevolent or charitable associations organized on a not-for-profit basis and all governmental agencies shall be exempt from the payment of the registration fee. The owner shall notify the department of buildings, within 20 days, of any change in the registration information by filing an amended registration statement on a form provided by the department of buildings for such purposes. The registration statement shall be deemed prima facie proof of the statements therein contained in any administrative enforcement proceeding or court proceeding instituted by the city against the owner or owners of the building. Registration of a building in accordance with this section shall be deemed to satisfy the registration requirement set forth in Section [13-10-030](#) and the notification requirement set forth in Section [13-11-030](#). After filing a registration statement the building owner shall provide access to the city to conduct an exterior and interior inspection of the building to determine compliance with the municipal code, following reasonable notice, during the period covered by the initial registration or any subsequent renewal.

(2) In addition to other information required by the commissioner of buildings, the registration statement shall include the name, street address and telephone number of a natural person 21 years of age or older, designated by the owner or owners as the authorized agent for receiving notices of code violations and for receiving process, in any court proceeding or administrative enforcement proceeding, on behalf of such owner or owners in connection with the enforcement of this Code. This person must maintain an office in Cook County, Illinois, or must actually reside within Cook County, Illinois. An owner who is a natural person and who meets the requirements of this subsection as to location of residence or office may designate himself as agent. By designating an authorized agent under the provisions of this subsection the owner is consenting to receive any and all notices of code violations concerning the registered building and all process in any court proceeding or administrative enforcement proceeding brought to enforce code provisions concerning the registered building by service of the notice or process on the authorized agent. Any owner who has designated an authorized agent under the provisions of this subsection shall be deemed to consent to the continuation of the agent's designation for the purposes of this subsection until the owner notifies the department of buildings of a change of authorized agent or until the owner files a new annual registration statement. Any owner who fails to register a vacant building under the

provisions of this subsection shall further be deemed to consent to receive, by posting at the building, any and all notices of code violations and all process in an administrative proceeding brought to enforce code provisions concerning the building.

(3) The registration and renewal fee for each registered building shall be \$250 (the “base registration fee”). Provided, however, that any vacant building subject to the base registration fee that is in violation of any provision of the building code or fire code at the time renewal is required shall be assessed a renewal fee of \$500 for such renewal period (the “doubled period”). If a vacant building in the doubled period is in violation of any provision of the building code or fire code at the time renewal is required, the fee shall be \$750 for such renewal (the “tripled period”). If a vacant building in the tripled period is in violation of any provision of the building code or fire code at the time renewal is required, the fee shall be \$1,000 for such renewal, and shall remain at \$1,000 for each subsequent renewal, if, at the time such renewal is required, the building is in violation (the “quadrupled period”). If the owner of a building that is in the doubled, tripled or quadrupled period can show to the satisfaction of the building commissioner and the fire commissioner, at the time renewal is required, that the building is in full compliance with the building code and fire code, then such renewal shall revert to the base registration fee. For purposes of this subparagraph (3), “in violation” shall mean that a citation has been issued, and the conditions forming the basis for the citation have not been fully remedied. In the event of a final determination that issuance of the citation was not factually supported, the increased fee for the six-month period(s) at issue shall be refunded to the owner.

(b) The owner of any building that has become vacant, and any person maintaining, operating or collecting rent for any building that has become vacant shall, within 30 days, do the following:

(1) enclose and secure the building as provided in Section [13-12-135](#) of this Code;

(2) post a sign affixed to the building indicating the name, address and telephone number of the owner and the owner’s authorized agent for the purpose of service of process. The name, address and telephone number of a person responsible for day-to-day supervision and management of the building, if such person is different from the owner holding title or authorized agent shall be indicated on the sign as well. The sign shall be of a size and placed in such a location so as to be legible from the nearest public street or sidewalk, whichever is nearer; and

(3) maintain the building in a secure and closed condition and maintain the sign until the building is again occupied or demolished or until repair or completion of the building has been undertaken.

(c) The owner of any building that has become vacant shall, within 30 days, acquire or otherwise maintain liability insurance, in an amount of not less than \$300,000.00 for buildings designed primarily for use as residential units and not less than \$1,000,000.00 for any other building, including, but not limited to, buildings designed for manufacturing, industrial, storage

or commercial uses, covering any damage to any person or any property caused by any physical condition of or in the building. Any insurance policy acquired after the building has become vacant shall provide for written notice to the commissioner of buildings within 30 days of any lapse, cancellation or change in coverage. The owner and the owner's authorized agent for service of process shall provide evidence of the insurance, upon request, to the commissioner of buildings or his or her designee.

(d) The building commissioner may issue rules and regulations for the administration of this section. These rules may designate board-up materials and methods which must be used when securing a building so that the boarding is reasonably incapable of being removed by trespassers or others acting without the building owner's consent. Any person who violates any provision of this section or of the rules and regulations issued hereunder shall be fined not less than \$500.00 and not more than \$1,000.00 for each offense. Every day that a violation continues shall constitute a separate and distinct offense. Fines assessed under this chapter shall be recoverable from the owner and shall be a lien on the property.

(e) For purposes of this section, "vacant" means a building which is lacking habitual presence of human beings who have a legal right to be on the premises, or at which substantially all lawful business or construction operations or residential occupancy has ceased, or which is substantially devoid of content. In determining whether a building is vacant, it is relevant to consider, among other factors, the percentage of the overall square footage of the building or floor to the occupied space, the condition and value of any items in the building and the presence of rental or for sale signs on the property; provided that a residential property shall not be deemed vacant if it has been used as a residence by a person entitled to possession for a period of at least three months within the previous nine months and a person entitled to possession intends to resume residing at the property; and further provided that multi-family residential property containing ten or more dwelling units shall be considered vacant when ninety percent or more of the dwelling units are unoccupied.

(Added Coun. J. 10-2-91, p. 6032; Amend Coun. J. 4-12-00, p. 29471, § 1; Amend Coun. J. 12-4-02, p.99931, § 9.1; Amend Coun. J. 7-30-08, p. 36080, § 1)

13-12-130 Dangerous or unsafe buildings – Written notice – Demolition, repair – Costs.

If any building shall be found in a dangerous and unsafe condition or uncompleted and abandoned, the building commissioner or the fire commissioner shall notify in writing the owner or owners thereof, directing the owner or owners to put such building in a safe condition, to enclose or to demolish it. Where, upon diligent search, the identity or whereabouts of the owner or owners of any such building shall not be ascertainable, the notice shall be mailed to the person or persons in whose name such real estate was last assessed. If, after 15 days subsequent to the giving of such notice, the owner or owners fail to put the building in a safe condition, to enclose or to demolish it, the building commissioner or fire commissioner may notify the department of law and recommend initiation of proceedings in accordance with this section, and upon receipt of such recommendation, the corporation counsel is hereby authorized to apply to the Circuit Court of Cook County for an order authorizing the city to demolish, repair or enclose, or requiring the

owner of record to demolish, repair or enclose, the structure. The corporation counsel may initiate a court action to obtain the appropriate orders in the Circuit Court of Cook County to repair, enclose or demolish the building irrespective of whether a notice as described in this section is sent.

The cost of such demolition, repair or enclosure shall be recoverable from the owner or owners of such real estate, and shall be a lien thereon as provided by law.

Any owner who fails to take the action demanded in the notice shall also be fined not less than \$200.00 per day and not more than \$1,000.00 per day; for each day from the 16th day after the notice has been given until the building has been demolished, repaired or enclosed. If court action is initiated by the corporation counsel without notice as described in this section, the fine shall be imposed beginning on the day the summons is served on the owner.

(Prior code § 39-12; Amend Coun. J. 9-13-89, p. 4604; Amend Coun. J. 7-12-90, p. 18289; Amend Coun. J. 10-2-91, p. 6032)

13-12-131 City board up provision.

If, after ten days subsequent to the giving of the notice as provided in Section [13-12-130](#), the owner or owners fail to enclose the unsafe or uncompleted building, the city may board up such building at the owner's expense.

(Added Coun. J. 4-22-93, p. 31520; Amend Coun. J. 6-14-95, p. 2841)

13-12-135 Minimum requirements for vacant buildings.

For purposes of this section the term "vacant" shall be defined as provided in section [13-12-125](#). In addition to any other applicable code requirements each vacant building must be kept in compliance with the following requirements for as long as the building remains vacant:

(a) *Lot maintenance standards* – the lot the building stands on, and the surrounding public way shall be maintained as follows:

(1) all grass and weeds on the premises including abutting sidewalks, gutters and alleys shall be kept below ten (10) inches in height, and all dead or broken trees tree limbs or shrubbery* shall be cut and removed from the premises;

***Editor's note** – As set forth in Coun. J. 7-30-08, p. 36080, § 2. Correct text should apparently be "...trees, tree limbs, or shrubbery...."

(2) the interior walkway leading to the main entry door, and any public sidewalk adjoining the lot shall be shoveled clear of snow;

(3) junk, rubbish, waste, and any material that creates a health, safety or fire hazard including but not limited to any mail or flyers that have been delivered to the

building shall not be permitted to accumulate on any portion of the exterior lot of the building;

(4) no portion of the lot nor any structure, vehicle, receptacle or object thereon shall be maintained or operated in any manner that causes or produces any health or safety hazard or permits the premises to become a rodent harborage or is conducive to rodent harborage;

(5) the lot shall be maintained so that water does not accumulate or stand on the ground;

(6) all fences and gates shall be maintained in sound condition and in good repair.

(b) *Exterior maintenance standards* – The exterior of the building shall be enclosed secured and maintained as follows:

(1) foundations, basements, cellars, and crawlspaces shall be maintained in sound and watertight condition adequate to support the building, and protected against the entry of rodents or other animals;

(2) exterior walls shall be free of holes, breaks, loose or rotting boards or timbers, and any other conditions which might admit rain or dampness to the interior portions of the walls or the interior spaces and shall be protected against the entry of rodents or other animals;

(3) exterior windows and doors shall be maintained in sound condition and good repair. Windows and doors shall fit tightly within their frames and the frames shall be constructed and maintained in such relation to the adjacent wall construction as to prevent rain from entering the building;

(A) exterior windows and doors shall be equipped with hardware for locking and the locking mechanism shall be maintained in properly functioning condition;

(B) all points of possible ingress and egress including but not limited to exterior windows and doors shall be secured to prevent unauthorized entry;

(C) any window which is broken cracked or missing glass or glazing* shall be replaced and maintained in good repair or the building opening shall otherwise be adequately secured pursuant to Section [13-12-135\(d\)](#);

***Editor's note** – As set forth in Coun. J. 7-30-08, p. 36080, § 2. Correct text should apparently be "...broken, cracked, or missing glass or glazing...."

(4) the roof shall be adequately supported, and shall be maintained in weathertight condition; the gutters downspouts scuppers and appropriate flashing* shall be in good repair and adequate to remove the water from the building or structure;

***Editor's note** – As set forth in Coun. J. 7-30-08, p. 36080, § 2. Correct text is apparently "...the gutters, downspouts, scuppers, and appropriate flashing...."

(5) chimneys and flues shall be kept in sound, functional, weathertight condition and in good repair;

(6) every outside stair or step shall be maintained in sound condition and in good repair; every porch, stoop, deck, veranda, balcony and walk shall be maintained in sound condition for its purpose;

(7) all exit areas shall have continuous exterior lighting from dusk to dawn; normal intensity of lighting shall be not less than two footcandles per square foot on the floor surfaces within an eight-foot radius around said exit. This requirement may be met by the use of battery-powered or solar-powered lighting if such lighting meets the performance standards set by this paragraph.

(c) *Interior maintenance standards* – The interior of any building shall be maintained as follows:

(1) it is prohibited to accumulate or permit the accumulation of junk, trash and debris, boxes, lumber, scrap metal, junk vehicles or any other materials in such a manner that may produce any health, fire, or safety hazard, or provide harborage for rodents or other animals on the premises; materials stored by the owner or permitted to be stored by the owner shall be stacked safely, and away from stairs or hallways, and any other places of ingress and egress;

(2) every foundation, roof, floor wall stair, ceiling,* and any other structural support shall be safe and capable of supporting the loads that normal use may cause to be placed thereon and shall be kept in sound condition and in good repair; floors and stairs shall be free of holes, grooves and cracks that could be potentially hazardous;

***Editor's note** – As set forth in Coun. J. 7-30-08, p. 36080, § 2. Correct text is apparently "every foundation, roof, floor, wall, stair, ceiling, and any other structural support...."

(3) any plumbing fixtures shall be maintained with no leaking pipes; and all pipes for water shall be either completely drained or heated to resist being frozen;

(4) every exit door maintained as such in compliance with subsection (d)(3) shall be secured with an internal deadbolt lock, or with a locking mechanism deemed equivalent or better by the department of buildings and every such exit door shall be capable of being opened from the inside easily and without the use of a key or special knowledge;

(5) interior stairs shall have treads and risers that have uniform dimensions, are sound, securely fastened, and have no rotting, loose, or deteriorating supports;

(6) every owner shall be responsible for the extermination of insects, rodents and other vermin in or about the premises.

(d) *Building security standards* – The following standards apply to the securing of vacant buildings:

(1) all building openings shall be closed and secured, using secure doors, glazed windows, commercial-quality steel security panels, or filled with like-kind material as the surrounding wall, as applicable to prevent entry by unauthorized persons. Except as specifically authorized in this subsection (d), use of plywood is prohibited;

(2) openings less than one (1) square foot in area may be boarded with plywood, provided that the boarding is made weathertight and finished with varnish, or paint of a similar color to the exterior wall and cut to the inside dimension of the exterior of the opening, and otherwise secured in the manner prescribed by rules and regulations issued by the department of buildings;

(3) at least one building entrance shall be accessible from the exterior and secured with a door that is locked to allow access only to authorized persons; a minimum of two exit doors shall be available to exit from the interior of the building, with at least one exit door available per 150 linear feet of horizontal travel at ground-floor level;

(4) for the first six months a building is vacant but not thereafter, openings more than one square foot in area may be boarded with plywood, which shall be installed and secured as prescribed by this section and by rules and regulations issued by the department of buildings;

(5) if a building has been vacant for six months or longer, or upon any renewal of the registration statement required in Section [13-12-125](#), the building owner must implement and provide proof satisfactory to the department of buildings that, in addition to complying with the security standards set forth elsewhere in this subsection (d), said building either: (i) contains all of the security features set forth in subparagraph (A), or (ii) is unviolated, as described in subparagraph (B):

(A) every opening larger than one (1) square foot in area that is located less than eight feet above the ground or that is accessible from ground level or within eight feet in any direction of an exterior stairway, fire escape, or other means of access shall be closed and secured with a commercial-quality, 14-gauge, rust-proof steel security panel or door:

(i) security panels and doors shall have an exterior finish that allows for easy graffiti removal; and

(ii) security panels and doors shall be secured from the interior of the building to prevent unauthorized removal.

(B) For purposes of this paragraph (5), the term “unviolated” shall refer to a building: (i) that has a permanent door or window, as applicable, in each appropriate building opening, (in that has each such door or window secured to prevent unauthorized entry and (iii)* that has all its door and window components, including without limitation frames, jambs, rails, stiles, muntins, mullions, panels, sashes, lights and panes, intact and unbroken. A building that does not meet the definition of “unviolated” shall be deemed “violated”.

*Editor’s note – As set forth in Coun. J. 7-30-08, p. 36080, § 2. Correct text should probably be “that has a permanent door or window, as applicable, in each appropriate building opening, and that has each such door or window secured to prevent unauthorized entry, and (ii) that has....”

(C) It shall be a violation of this subparagraph (d)(5)(C) for a vacant building to become violated, if the owner has provided proof to the department of buildings that such building is unviolated. With respect to a vacant building represented by the owner as unviolated, if the commissioner of buildings determines, based on an inspection by the department of buildings or a report prepared by another city agency and provided to the department of buildings, that such building is violated, said commissioner shall send by certified mail a written notice of violation to the person responsible for day-to-day supervision and management of the building or to the authorized agent for service of process as identified on the sign required by Section [13-12-125\(b\)\(2\)](#), or if there is no such sign, then sent by certified mail to the owner of record. Within 30 days of the mailing of such notice of violation, the owner shall be required to either: (i) comply with subparagraph (5)(A) of this section, or (ii) restore the building to an unviolated state and also install and maintain a working burglar alarm system, as defined in Section 4-400-010, and have an active account with a third party burglar alarm company. The burglar alarm system shall connect to all areas of the building subject to unauthorized human entry, including, but not limited to, all exterior doors, windows or other readily accessible openings. The burglar alarm system shall, upon detecting unauthorized entry, send an automatic signal to a burglar alarm company that has twenty-four (24)-hour live operators who will monitor the system and telephone the building owner or designated agent of the unauthorized entry, and who will also telephone the police department to inform it of the unauthorized entry, if there is no adequate response from the building owner or designated agent.

(e) *Rules and regulations* – The building commissioner may issue rules and regulations for the administration of this section. These rules may specify additional board-up materials which may be used when securing a building, if proof is provided, satisfactory to the building commissioner, that such materials will perform in a manner equivalent to, or better than, the materials specified herein.

(f) *Fines and penalties* – Any person who violates any provision of this section or of the rules and regulations issued hereunder shall be fined not less than \$500.00 and not more than \$1,000.00 for each offense. Every day that a violation continues shall constitute a separate and distinct offense. Fines assessed under this chapter shall be recoverable from the owner and shall be a lien on the property.

(Added Coun. J. 7-30-08, p. 36080, § 2)

13-12-140 Vacant or open buildings – Watchman required – Violation – Penalty.

Any person or persons owning, maintaining, operating, collecting rents for, or having any legal or equitable interest in any vacant and open building, or any uncompleted abandoned building, or any vacant boarded-up building or any otherwise enclosed vacant building must have a watchman on duty upon the premises on which any one of such aforementioned buildings is situated every day continuously between the hours of 4:00 p.m. and 8:00 a.m., unless the building has been secured by methods approved by the commissioner of buildings.

Said watchman required under the provisions of this ordinance shall remain on duty daily during the required hours until such building is either occupied or razed.

Any person who violates the provisions of this section shall be punished by a fine of not less than \$100.00 nor more than \$300.00 for the first offense and not less than \$300.00 nor more than \$500.00 for the second and each subsequent offense. Any third or subsequent offense may be punishable as a misdemeanor by incarceration in the county jail for a term not to exceed six months under procedures set forth in Section 1-2-1.1 of the Illinois Municipal Code (65 ILCS 5/1-2-1.1) as amended, or by both fine and imprisonment. Any person who violates this section after having been notified in writing that a watchman has not been on duty on any premises as required by this section shall, if the building remains or subsequently becomes open and a forcible felony is then committed on those premises after such notice is given, be sentenced to a mandatory term of imprisonment of not less than 30 days. A separate and distinct offense shall be regarded as committed each day on which such person or persons shall violate the provisions of this section. For purposes of this section, “forcible felony” has the meaning ascribed to the term in Section 2-8 of the Criminal Code of 1961 (720 ILCS 5/2-8).

(Prior code § 39-13; Amend Coun. J. 8-30-00, p. 40306, § 2)

13-12-145 Improperly maintained buildings and structures subject to nuisance abatement proceedings.

(a) The following buildings and structures are hereby declared to be public nuisances subject to abatement proceedings under this section:

- (1) a building or structure found to be vacant and open after the effective date of an order to secure and enclose issued by a court of competent jurisdiction or the department of administrative hearings within the previous 12 months, unless stayed by a court of competent jurisdiction;
- (2) a building or structure that contains any violation of a health, fire, electrical, plumbing, building or zoning provision of this code which is imminently dangerous and hazardous;

(3) a building or structure for which the costs of the repairs necessary to bring the building or structure into compliance with applicable laws would exceed the market value of the building or structure after the repairs would have been made, or when the owner cannot show that it has readily available and sufficient assets to make such repairs or where such repairs otherwise are economically infeasible; or

(4) a building or structure where an owner has failed to correct the code violation(s) that form the basis of an adverse order or judgment involving that building or structure, issued by a court of competent jurisdiction or a hearing officer of the department of administrative hearings, within 60 days of entry, unless such adverse order or judgment has been stayed by a court of competent jurisdiction.

For purposes of this section “vacant” shall be defined as provided in Section [13-12-125](#); and “open” refers to a building that has any door, window or wall missing or unsecured, or has any other opening so as to allow entry by a human being.

(b)

(1) Whenever an inspection by the department of buildings or other appropriate department reveals that a building or structure is a public nuisance as described in this section, the commissioner of buildings, with the concurrence of the corporation counsel, may initiate an abatement proceeding under this section in the buildings hearings division of the department of administrative hearings by serving a complaint on all owners of record, beneficial owners of any Illinois land trust having title to the property, and all lienholders of record in the property, in person or, if the entity being served is a corporation, partnership, limited liability company or Illinois land trust, either in person or by certified mail, return receipt requested. As used in this section, “lienholders of record” includes persons owning certificates of purchase under the Property Tax Code. The notice shall:

(i) be in writing;

(ii) include a description of the building or structure sufficient for identification;

(iii) state that the building or structure has been declared a public nuisance and that an abatement proceeding has been initiated pursuant to this section;

(iv) state that a hearing will be held before the buildings hearings division of the department of administrative hearings and further setting forth the date, time and location of the hearing; and

(v) state that all owners of record, beneficial owners of any Illinois land trust having title to the property, and all lienholders of record in the property shall be given the opportunity to appear and present evidence at the hearing to contest the determination that the building or structure is a public nuisance.

(2) If after notice and hearing provided in this section, an administrative law officer of the department of administrative hearings finds that the city has established by a preponderance of the evidence that the building or structure identified in the notice is a public nuisance as described in this section, the administrative law officer shall enter an order of abatement which requires the owner or owners of record, including beneficial owners of any Illinois land trust, within the time frame specified in the order, to take all reasonable measures necessary to abate the public nuisance. The administrative law officer's order of abatement may include, but is not limited to: correcting all code violations; altering, repairing or improving the building or structure; rendering the building or structure fit for human use or habitation; vacating or enclosing the building or structure; removing or demolishing the building or structure; hiring a property manager or hiring a receiver appointed by the administrative law officer with powers specified in the order of abatement; or, if requested by the corporation counsel and reasonable in light of the magnitude of the harm caused or which can reasonably be expected to be caused by the nuisance, the market value of the property in its current condition, and the extent to which the defendant has failed to take effective measures to abate the nuisance, the assignment to the city or a third party designated by the city or forfeiture to the city of all of the defendant's rights, title and interest in the real estate.

(3) Any person who fails to comply with an administrative law officer's abatement order issued under this section shall be subject to the penalties set forth in Section [2-14-100](#) of this code. In addition, upon the failure to comply with the administrative law officer's order, unless stayed by a court of competent jurisdiction, the commissioner of buildings, with the concurrence of the corporation counsel, may seek an order from an administrative law officer authorizing the commissioner to repair, alter, improve, vacate, close, remove or demolish, the building or structure as specified in the administrative law officer's order.


(c) The corporation counsel is authorized to bring an action in a court of competent jurisdiction to abate a public nuisance described in this section. If the court finds that the city has established by a preponderance of the evidence that the building or structure identified in the notice is a public nuisance as described in this section, the court shall enter an order of abatement which requires the owner or owners of record, including beneficial owners of any Illinois land trust, within the time frame specified in the order, to take all reasonable measures necessary to abate the public nuisance. The court's order of abatement may include, but is not limited to: correcting all code violations; altering, repairing or improving the building or structure, rendering the building or structure fit for human use or habitation; vacating or enclosing the building or structure; removing or demolishing the building or structure; the appointment of a receiver; or, if requested by the corporation counsel and reasonable in light of the magnitude of the harm caused or which can reasonably be expected to be caused by the nuisance, the market value of the property in its current condition, and the extent to which the defendant has failed to take effective measures to abate the nuisance, the assignment to the city or to a third party designated by the city or forfeiture to the city of all of the defendant's rights, title and interest in the real estate.

(d) There shall be a rebuttable presumption that the issuance of an order of forfeiture or assignment of all of the defendant's rights, title and interest in the real estate shall be appropriate for any property that is determined to be a nuisance under subparagraphs (a)(1), (a)(2), or (a)(4) of this section. Whenever such an order of forfeiture or assignment issues under this section with respect to a vacant building or a building containing four or fewer residential units, the holder of the first or senior mortgage or lien on the property, disregarding any more senior mortgages or liens held by a unit of government, shall, beginning 60 days after the date the order is issued, be liable for any code violations on the property on and after that date, unless the holder has waived its rights under the mortgage or lien; provided that the 60 day period after which liability attaches may be extended by an administrative law officer or court upon a showing that the mortgage or lienholder has exercised reasonable diligence in abating the nuisance and that additional time is needed to complete the abatement. The holder of such a mortgage or lien shall have the right to take possession of the property in order to effect necessary repairs beginning on the date that an order of forfeiture or assignment issues. In any case in which an order of forfeiture or assignment is sought for property involving a vacant building or a building containing four or fewer residential units, the holder of any first or senior mortgage or lien, disregarding any more senior mortgage or lien held by a unit of government, shall be given notice and an opportunity to intervene as a party.

(e) For any building or structure that is a public nuisance subject to abatement proceedings under this section, the owner, the owner's agent for purposes of managing or controlling or collecting rents on the building or structure, the holder of a mortgage or lien with a right to possession of the building or structure under subsection (d) of this section, and any other person managing or controlling the building or structure shall be fined not less than \$200.00 nor more than \$1,000.00 for each day the nuisance has existed until the nuisance is abated. The amount of any fine issued under Section [2-14-100](#) or imposed under this section or under the building code in any proceeding involving a building or structure that is a public nuisance under this section, the cost of the repairs, alterations, improvements, or vacating and enclosing, or removal and demolition by the commissioner of buildings, and the costs of bringing the abatement proceeding under this section, including inspector's and attorney's fees, shall be recoverable from the owner or owners and shall be a lien on the property upon which the building or structure is or was located and shall also be enforceable against any person against whom the order issues as provided by law. Any lien created under this section may, upon a showing of good cause, be waived by the corporation counsel. The lien for the costs of repairs, alterations, improvements, demolition, receivership, vacating or enclosing shall be a first lien upon the real estate and the rents and issues thereof, and shall be superior to all prior assignments of rents and all prior existing liens and encumbrances, except taxes, and shall be enforced pursuant to applicable law. No license shall be issued relating to the property subject to such lien until the lien is satisfied or, upon a showing of good cause, the lien is waived by the corporation counsel. Nothing in this section shall prevent the city from seeking other remedies for code violations through the use of any other administrative procedure or court proceeding, including the imposition of fines set forth in Section [13-12-040](#) for violations of the building code.

(f) Any property assigned or forfeited to the city under this section may be disposed of as authorized by the city council.

(Added Coun. J. 8-30-00, p. 40306, § 2; Amend Coun. J. 11-1-05, p. 60443, § 1; Amend Coun. J. 7-39-08, p. 36080, § 3)

 **13-12-150 Severability.**

If any provision of this chapter, or the application of any provision hereof to any person or circumstance is held invalid, the invalidity of that provision or application shall not affect any of the other provisions of this chapter or the application of that provision to persons or circumstances other than those as to which it is held invalid.

(Prior code § 39-14)