

ORDINANCE NO. 17,974

**AN ORDINANCE AMENDING CHAPTER 5 OF THE CODE OF THE CITY OF PEORIA
PERTAINING TO PROPERTIES REMAINING BOARDED UP.**

WHEREAS, the City Council is a home rule unit of government pursuant to Article VII, Section 6 of the Constitution of the State of Illinois 1970, and may exercise any power and perform any function pertaining to its government and affairs; and

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PEORIA, ILLINOIS, as follows:

Sec. 5-408. Nuisance structures.

- (a) Any unsafe, dilapidated or abandoned building, house, barn or other structure situated within the limits of the city is, and the same is hereby declared to be, a nuisance.
- (b) If any such building or other structure is being constructed, altered, enlarged or repaired and the building permit issued for such building or structure expires or is revoked by the building official, and the owner of the building or structure fails within 30 days of the revocation or expiration to obtain a certificate of occupancy as provided by division 4 of article II of this chapter or to obtain another building permit, then that building or structure shall remain a declared nuisance.
- (c) The penalty for maintaining a nuisance shall be as provided in section 1-5 of this Code, and each and every day that such nuisance remains unabated shall constitute a new and separate offense.
- (d) Any building or structure that is open at a door, window, or any other opening, leaving the interior of the building exposed to the elements or accessible to entrance by trespassers shall be secured. The code official or their designee can order the unsecure property to be secured at the cost of the property owner. Any costs associated with the securing of the property and an administrative fee of \$100.00 will be the responsibility of the property owner and recoverable through the language in section 5-300 of this chapter. If the opening is not restored to its original condition and is temporarily boarded by the owner of the property, compliance with the following sections of City of Peoria board up specifications shall be required.
 - (1) The openings shall be covered completely from the exterior with a minimum of one-half-inch thick exterior grade plywood secured with screws of a minimum length of one and five-eighths inches placed a minimum of 12 inches on center around the entire perimeter of the opening being covered. The plywood shall be cut and fitted so it rests tightly against the exterior frame butting up to the molding, siding, etc.
 - (2) The use of paneling, OBS panels, waferboard, particleboard, or similar materials are not to be used for the boarding of any structures by the property owner.
 - (3) Nails are not approved for securing plywood to a structure. Screws shall be used per specifications.
 - (4) No temporary boarding shall exceed 90 days as specified in Sec. 5-409 even if boarded by the criteria above.

(5) Failure by a property owner to temporarily board up/secure a property by the described parameters above or a prior approved method by the building official is a violation.

(6) The penalty for violation of this section shall be a minimum fine of \$100.00 each and every day that the violation remains unabated.

Sec. 5-409. Limitations on temporary board-ups.

(a) Any building or structure that is temporarily boarded, whether in compliance with section 5-408(d) above, or otherwise temporarily boarded up or permanently boarded up, may remain so boarded up for a period not to exceed ~~180~~ 90 days; this section shall not constitute a defense for failure to comply with section 5-408(d) specifications.

(b) It shall be unlawful for the owner of any building or structure that is temporarily boarded to allow said building or structure to remain boarded for more than ~~180~~90 days.

(c) The owner of the building or structure that is temporarily boarded-up may apply to the code official, who in the case of a residential property shall refer said application to a hearing officer as defined in section 5-274 herein, for an extension of up to ~~180~~ 60 days of the period of board-up. ~~Unless there is a specific finding that the need for continued board-up is not attributable to the owner of the property but rather due to circumstances beyond that property owner's control, the total of extensions may not exceed 180 days. If such a finding is made that the continued boarding is not attributable to the owner, then the total extensions shall not exceed 360 days.~~ Extensions shall be granted for one or more of the following reasons:

~~(1) The boarding is necessary to continue to cover glazing material or glass, which is present such that if the boarding were removed the building or structure would not violate section 5-408(d).~~

~~(21)~~ The property is in the process of renovation and to remove the boarding after ~~180~~ 90 days would be impractical and a hardship to the owner. In order for the extension to be granted based on this reason, a renovation plan must be submitted and approved by the City of Peoria that includes a timeline of completion and proof that the financial capability exists to complete the renovation.

~~(32)~~ There is a pending contract for the sale of said building or structure, and/or a pending contract for renovation and repair of the building or structure pending at the time that the extension is applied for.

~~(43)~~ There has been an insurable loss which is still in the process of being adjusted.

~~(54)~~ The property owner has met all conditions set forth in the City of Peoria Mothball Regulations as adopted by the city council and has obtained an acceptance certificate from the city's community development department. There shall be no time limit on the mothball period if continued compliance with the Mothball Regulations is maintained. The City of Peoria Mothball Regulations is available for inspection or copying pursuant to office policy in the city clerk's office.

(d) The penalty for violation of this section shall be a minimum fine of \$100.00; each and every day that the violation remains unabated. ~~shall constitute a new and separate offense.~~

(e) It shall not be a defense to a violation of section 5-408 that the building or structure is open because the ~~180~~90-day period provided for in this section, or any extension granted, has run and the

owner is required to remove the boarding. Violation of this ordinance will not be resolved if the property owner removes the boards and leaves the structure unsecured.

(f) Upon sale to a bona fide purchaser, the ~~480~~90-day period provided for herein shall not reset. A new owner will have 30 days to remove the boards or request an extension based on the criteria above. ~~start anew~~. A bona fide purchaser is defined as a party who:

- (1) Pays at least \$~~35~~50,000.00 in cash for the property in question; like-kind exchanges or trades of goods other than cash shall not qualify; and
- (2) Is not an immediate family member (~~spouse, parent or sibling~~) of the seller; and
- (3) Is not a business entity in which the seller has an interest either as a partner, shareholder or officer.

(g) For purposes of this section, a building shall be deemed continuously boarded up unless it is unboarded and remains unboarded for at least 30 days.

(h) The fact that a building must be unboarded to comply with this ordinance shall not be a defense to a charge of nuisance structure under section 5-408 of this Code.

(i) It shall not be a violation of this section if a publicly owned housing development containing 200 or more housing units is subject to a declaration of trust by the United States Department of Housing and Urban Development (HUD) and the Peoria Housing Authority's required annual plan (as mandated by 42 U.S.C.A. 1437c-1(b)—(d) and 24 C.F.R. 903.1 et seq.) includes the property in the housing authority's renovation or demolition and disposition plan or if the property has a pending disposition application submitted to HUD (in which case if the disposition application is approved the housing authority shall have one year after receipt of the approval by HUD of the disposition plan to complete environmental abatement and demolition or rehabilitation of the property).

Section 2. This Ordinance shall be in full force and effect immediately after its passage.

PASSED BY THE CITY COUNCIL OF THE CITY OF PEORIA, ILLINOIS, this 24th
day of May, 2022.

APPROVED:

Rita Ali
Mayor

ATTEST:

Stephanie Burr
City Clerk

BY:

Kene D. Bonds
Chief Deputy City Clerk

EXAMINED AND APPROVED:

Christopher F. Kapuska
Corporation Counsel