



TO: The Honorable Mayor and the City Council

FROM: Ty Livingston, Director of Planning & Community Development

DATE: May 25, 2021

SUBJECT: An ordinance amending Chapter 10 of Title 9 of the East Peoria City Code regarding registration of vacant and foreclosed properties.

BACKGROUND:

In working with the City's vacant and foreclosed property program, staff recognized an issue when it comes to dealing with multiple living units on the same property. As it is currently written, the code only allows for a single incident to be addressed per zoning lot. So, there are situations where more than one vacant home (not typical) or multiple vacant mobile homes (more common) exist and only a single vacancy be identified (even though multiple vacancies exist).

The proposed code change attempts to address this issue and will be beneficial in addressing locations where multiple living units exist on the same property by allowing staff to address each vacant unit individually through our vacant and foreclosed property program.

RECOMMENDATION: Approval, as presented.

ORDINANCE NO. 4576

**AN ORDINANCE AMENDING CHAPTER 10 OF TITLE 9 OF
THE EAST CITY PEORIA CODE REGARDING REGISTRATION
OF VACANT AND FORECLOSED PROPERTIES**

WHEREAS, in 2019, the City adopted Chapter 10 of Title 9 of the City Code that implemented a new registration program for properties in the City with vacant and unoccupied structures and for properties in the City upon which foreclosure proceedings have been initiated in court (the “Registration Program”); and

WHEREAS, when approving the Registration Program, the City Council had determined that a large number of commercial and residential properties existed within the City that were vacant or foreclosed, and that such properties had frequently been the subject of numerous reports and complaints regarding nuisance conditions; and

WHEREAS, City staff have received similar reports and complaints for certain vacant and unoccupied structures in the mobile home parks that are located in the City, but the current Registration Program does not capture these individual mobile home dwelling units despite posing the same nuisance conditions found elsewhere in the City with vacant or foreclosed property; and

WHEREAS, the City now seeks to revise and update the Registration Program as set forth in Chapter 10 of Title 9 of the City Code to address vacant and foreclosed dwelling units in the mobile home parks; and

WHEREAS, the City Council finds that adoption of the proposed revisions and updates to the Registration Program as set forth in Chapter 10 of Title 9 of the City Code as set forth herein will serve the best interests of the City of East Peoria and its citizens;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF EAST PEORIA, TAZEWELL COUNTY, ILLINOIS, THAT:

Section 1. The following definitions in Title 9, Chapter 10, Section 2 of the East Peoria City Code is hereby amended to read as follows (additions are indicated by underline; deletions by ~~strikeout~~):

9-10-2. Definitions.

For the purposes of this Chapter:

Foreclosure or foreclosure action means the legal process by which a mortgagee terminates a property owner's interest in the ~~real~~-property pledged as security for a debt. This definition includes, but is not limited to, public notice of default, a deed-in-lieu of foreclosure, sale to the mortgagee, certificate of title, and all other processes, activities and actions, by whatever name, associated with the described process. The process is not concluded until the property obtained by the mortgagee, or their designee, by certificate of title, or any other means, is sold to a non-related bona fide purchaser in an arm's length transaction to satisfy the debt or lien.

Property or ~~real property~~ means any residential or commercial land, real property, building, leasehold improvements and/or anything affixed to the land or real property, or portion thereof identified by a property parcel identification number, located within the corporate limits of the City, or any building, structure, leasehold improvement, or anything affixed to the land that is specifically designed as a separate dwelling unit located within the corporate limits of the City; however, this definition shall not include individual apartment units in a multi-family residential building or structure.

Registrable property means:

- (1) Any ~~real~~-property that is vacant or subject to any cancellation of utilities to the property for a period of thirty (30) consecutive days or more; or
- (2) Any ~~real~~-property located within the city, whether vacant or occupied, that is encumbered by a mortgage that is subject to a foreclosure action by the mortgagee, is subject to a judgment of foreclosure by the mortgagee, is subject to an application for a tax deed or a pending tax assessor's lien sale, or has been the subject of a foreclosure sale where the title was transferred to the beneficiary of a mortgage involved in the foreclosure and any property transferred under a deed in lieu of foreclosure.

Registry shall mean a database of real property records maintained by the city regarding the mortgagees and owners of real property governed by this chapter, which may include a searchable web-based, electronic database maintained by the city or a contract administrator on behalf of the city.

Section 2. Title 9, Chapter 10, Section 5 of the East Peoria City Code is hereby amended to read as follows (additions are indicated by underline; deletions by ~~strikeout~~):

9-10-5. Registration of vacant property.

(a) The owner of a property that was vacant within the corporate limits of the City of East Peoria prior to the effective date of this Chapter, or his agent, shall register each property as provided in this Chapter on or before December 31, 2019.

(b) After the effective date of this Chapter, an owner or his agent shall, within fifteen (15) days after a property or separate unit used as a dwelling becomes vacant, register the property or dwelling as provided in this Chapter. Registration shall include the following:

- (1) Owner's name, address, phone number, and e-mail address. If the owner is a legal entity, partnership, limited liability company, corporation, the name, address, phone number, and e-mail address of each officer, director, individual, or entity having more than a 5% interest in such entity;
- (2) When applicable, the name, address, phone number, and e-mail address of the owner's agent, property manager, other person responsible for the maintenance of the registrable property and whom is designated to receive any and all notices with respect to the property;
- (3) Address and property tax index number of the registrable property;
- (4) Type of property (commercial, single-family, duplex, multi-unit, apartment complex, mobile home, etc.);
- (5) Whether the property is vacant or occupied;
- (6) Plan and timeline to abate existing nuisances or code violations (if applicable); and
- (7) Other information as the City may require from time to time.

(c) Any property or dwelling unit that has previously registered in accordance with this Section, and which later becomes subject to foreclosure, shall not be required to re-register pursuant to Section 9-10-4; provided, however, that such registration information shall be updated in accordance with this Chapter to reflect the change in status of the property.

(d) A designation as a registrable property under this Section shall remain until such time as the property or dwelling unit is occupied for a period of thirty (30) consecutive days or sold to a bona fide purchaser in

an arm's length transaction with the intent to permanently occupy the property.

(e) The registration for properties and dwelling units registered under this chapter shall be renewed every six (6) months from the expiration of the original registration renewal date and shall pay the fee as set forth in this chapter until such time the property or dwelling unit is no longer a vacant or foreclosed property or dwelling unit.

Section 3. Title 9, Chapter 10, Section 6 of the East Peoria City Code is hereby amended to read as follows (additions are indicated by underline; deletions by ~~strikeout~~):

9-10-6. Registration fee.

(a) At the time of initial registration each mortgagee or owner, whichever is applicable, shall pay a non-refundable semi-annual registration fee of two hundred fifty dollars (\$250.00) for each registrable property. Subsequent semi-annual registration ~~registrations~~ fees in the amount of two hundred fifty dollars (\$250.00) are due within ten (10) days of the expiration of the previous registration.

(b) If a registrable property is not registered, or the registration fee is not paid within thirty (30) days of when the initial registration or renewal is required pursuant to this chapter, a late fee equivalent to ten percent (10%) of the semi-annual registration fee shall be charged for every thirty-day (30) period or portion thereof in which the property is not registered, and shall be due and payable with the semi-annual registration.

Section 4. This Ordinance is hereby ordered to be published in pamphlet form by the East Peoria City Clerk and said Clerk is ordered to keep at least three (3) copies hereof available for public inspection in the future and in accordance with the Illinois Municipal Code.

Section 5. This Ordinance is in addition to all other ordinances on the subject and shall be construed therewith excepting as to that part in direct conflict with any other ordinance, and in the event of such conflict, the provisions hereof shall govern.

Section 6. This Ordinance shall be in full force and effect from and after its passage, approval and ten (10) day period of publication in the manner provided by law.

PASSED BY THE COUNCIL OF THE CITY OF EAST PEORIA, TAZEWELL COUNTY, ILLINOIS, IN REGULAR AND PUBLIC SESSION THIS _____ DAY OF _____, 2021.

APPROVED:

Mayor

ATTEST:

City Clerk

EXAMINED AND APPROVED:

Corporation Counsel