



# Office of the City Clerk

City Hall  
121 N. LaSalle St.  
Room 107  
Chicago, IL 60602  
www.chicityclerk.com

## Legislation Details (With Text)

**File #:** SO2011-50  
**Type:** Ordinance      **Status:** Passed  
**File created:** 1/13/2011      **In control:** City Council  
**Final action:** 2/9/2011

**Title:** Amendment of Municipal Code Chapter 13-12 by adding new Section 147 to expand penalty provisions for hazardous vacant buildings

**Sponsors:** Balcer, James

**Indexes:** Ch. 12 Enforcement of Building, Electrical & Fire Regulations

**Attachments:** 1. O2011-50.pdf, 2. SO2011-50.pdf

Date	Ver.	Action By	Action	Result
2/9/2011	1	City Council	Passed	Pass
1/13/2011	1	City Council	Referred	

### SUBSTITUTE ORDINANCE

#### BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHICAGO:

SECTION 1. Chapter 13-12 of the Municipal Code of Chicago is hereby amended by adding a new Section 13-12-147 and by deleting the language struck through, as follows:

#### **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 everyday 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).

#### **13-12-147 Hazardous vacant buildings.**

(a) In addition to any other penalty or fine provided for in this code, the owner of any vacant and open building, any uncompleted abandoned building, any vacant boarded-up building, or any otherwise enclosed vacant building shall be punished by a term of incarceration of not less than 30 days nor more than 6 months if:

(1) the building: (i) is in violation of section 13-12-135(d): or(ii) has a violation of any fire, electrical, or building provision of this code, which is imminently dangerous and hazardous: and

(2) as a result of any condition which arose because of the violation, a person suffers a severe injury or death.

(b) For purposes of this section the following definitions apply:

(1) "Vacant" shall have the same meaning ascribed to that term in section 13-12-125.

(2) "Open" means a building that has any door, window or wall missing unsecured, or has any other opening allowing entry by a human being.

(3) "Severe injury" means any physical injury that results in loss of soft tissue; a broken bone; hospital admittance; impairment of any bodily function; or disfiguring laceration.

SECTION 2. This ordinance shall be in full force and shall take effect 10 days after passage and publication.

Alderman James Balcer 11<sup>th</sup> Ward

50<sup>th</sup> Ward

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