

# Village of Berkeley

MICHAEL A. ESPOSITO  
Village President

PEGGY A. STANKO  
Village Clerk

May, 2009

## Board of Trustees

WILLIAM J. DAUGHERTY JR.  
ROBERT E. LEE JR.  
JERRY PEREZ  
LOUIS J. RODRIGUEZ  
DIANE SALEMI  
VALERIE S. WILLIAMS

Dear Property Owner,

Pursuant to Ordinance #09-03, the owner of any building that has become vacant must register with the Building Department within 30 days after it becomes vacant and each year thereafter. Please complete this form, enclose a check or money order for \$50.00 payable to the Village of Berkeley and mail to 5819 Electric Ave., Berkeley, IL 60163/

Please print or type the following information. Any changes to the information on this form shall be reported to the Building Department within 10 days of such changes.

### Section I-Property Information

- A. Date of application \_\_\_\_\_
- B. Complete address of property \_\_\_\_\_
- C. Permanent Real Estate Index Number (as printed on tax bill) \_\_\_\_\_
- D. Primary use of building/property [ ] Residential [ ] Commercial [ ] Industrial
- E. Number of units within the building \_\_\_\_\_

### Section II-Ownership Information

- A. Please list the complete name, address and phone number of the owner (If multiple owners, please attach additional sheets).

Name \_\_\_\_\_  
Address \_\_\_\_\_  
Phone Number \_\_\_\_\_  
Alternate Phone Number \_\_\_\_\_

- B. If the property is in a land trust, please list all beneficiaries of the trust (If multiple beneficiaries, please attach additional sheets).

Name \_\_\_\_\_  
Address \_\_\_\_\_  
Phone Number \_\_\_\_\_  
Alternate Phone Number \_\_\_\_\_

C. Please list an agent designate for receiving notices and service of process. Such people must maintain an office in or reside in Cook County, Illinois and must be at least 21 years of age. An owner that satisfies the criteria may designate himself or herself as agent.

Name \_\_\_\_\_  
Address \_\_\_\_\_  
Phone Number \_\_\_\_\_  
Alternate Phone Number \_\_\_\_\_

D. This ordinance imposes obligations and liabilities on any mortgage company with an interest in the property. Please list any such mortgage companies. If multiple companies, please attach additional sheets.

Name \_\_\_\_\_  
Address \_\_\_\_\_  
Phone Number \_\_\_\_\_  
Alternate Phone Number \_\_\_\_\_  
Account Number \_\_\_\_\_

Section III-Insurance

Section C of this ordinance requires that liability insurance be maintained in an amount no less than \$300,000 for residential buildings and not less than \$1,000,000 for non-residential buildings. Please supply insurance information.

Is evidence of insurance in the appropriate amount attached?      Yes    No

Note: Failure to provide suitable evidence of adequate insurance or submittal of an incomplete or inaccurate form shall be deemed not to satisfy the requirements of Ordinance #09-03 and will subject owners to fines of \$100-\$1,000 per day, per violation.

Section V-Certification

I certify that I have examined this Vacant Property Registration form and that, to the best of my knowledge and belief, it is true, accurate and complete.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Owner            or            Agent

Attachments: Ordinance #09-03 and #09-04

## **ORDINANCE 09-03**

### **AN ORDINANCE ESTABLISHING CERTAIN REQUIREMENTS FOR THE REGISTERING AND MAINTAINING OF VACANT PROPERTY**

**WHEREAS**, The Village of Berkeley has established the position of code enforcement officer for the purpose of ensuring safe and orderly condition of properties throughout the Village; and

**WHEREAS**, following a review of the current ordinance, the President and Board of Trustees of the Village have determined that amending the above section is in the best interest of the Village and its residents.

**NOW THEREFORE BE IT ORDAINED** BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF BERKELEY, COOK COUNTY, ILLINOIS as follows:

Section 1:

(A) Notification to village.

(1) The owner of any building that has become vacant shall within 30 days after the building becomes vacant file a registration statement for each such building with the Building Department on forms provided by the Building Department for such purposes. The registration shall remain valid for one year from the date of registration. The owner shall be required to annually renew the registration as long as the building remains vacant and shall pay an annual registration fee as set by the Village annual fee ordinance for each registered building; provided, however, that religious, educational, benevolent, or charitable associations and all governmental agencies shall be exempt from the payment of the annual registration fee. The owner shall notify the Building Department, within 20 days, of any change in the registration information by filing an amended registration statement on a form provided by the Building Department 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 village against the owner or owners of the building. Registration of a building in accordance with this section shall be deemed to satisfy the registration requirements set forth in the village ordinance and the notification requirement set forth in the village ordinance.

(2) In addition to other information required by the Building Commissioner, 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. 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 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.

(B) *Responsibilities of owner or manager.* 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;

(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 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 until repair or completion of the building has been undertaken.

(C) *Liability insurance.* 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 for buildings designed primarily for use as residential units and not less than \$1,000,000 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 is vacant shall provide written notice to the Building Commissioner 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 Building Commissioner 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 Building Commissioner or his or her designee.

(D) *Rules and regulations to be promulgated.* 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 \$100 and not more than \$1,000 for each offense. Every day that a violation continues shall constitute a separate and distinct offense.

(E) *Definition.* For the purpose of this subchapter, the following definition shall apply unless the context clearly indicates or requires a different meaning.

VACANT. 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 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 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 five or more dwelling units shall be considered vacant when substantially all of the dwelling units are unoccupied.

The owner or owners of any building shall file a registration statement for each such building with the Building Department on forms provided by the Building Department for such purposes; provided, however, that the registration of a vacant building pursuant to the village regulations shall satisfy the registration requirement of this section. Any such registration statement shall be deemed prima facie proof of the statements therein contained in any administrative enforcement proceeding or court proceeding instituted by the village against the owner or owners of the building. A registration form shall be prepared by the Building Department to follow the rules and regulations and the terms of the regulations. A current copy of such shall be maintained with the Village Clerk.

Section 2: The Village Clerk shall publish this ordinance in pamphlet form, and this Ordinance shall be in full force and effect from and after its publication in pamphlet form by the Village Clerk.

**ADOPTED** this 20<sup>th</sup> day of January 2009, pursuant to a vote as follows:

**YES:** Daugherty, Lee, Perez, Salemi, Williams

**NO:** \_\_\_\_\_

**ABSENT:** Rodriguez

**PRESENT:** Daugherty, Lee, Perez, Salemi, Williams

**APPROVED** by the Village President on January 20, 2009.

Michael A. Esposito  
VILLAGE PRESIDENT

ATTEST:

Janice McCallister  
VILLAGE CLERK

**ORDINANCE NO. 09-04**

**AN ORDINANCE ESTABLISHING FEES, CHARGES, FINES, PENALTIES AND OTHER REGULATORY MEASURES (ANNUAL FEE ORDINANCE)**

**NOW THEREFORE, BE IT ORDAINED** by the Mayor and Board of Trustees of the Village of Berkeley, County of Cook and State of Illinois, THAT: AN ORDINANCE ESTABLISHING FEES, CHARGES, FINES, PENALTIES AND OTHER REGULATORY MEASURES FOR FISCAL YEAR 2008-2009 shall be and is hereby adopted as follows:

**SECTION 1. Short Title.** This Ordinance shall be known as the “Annual Fee Ordinance” while it is in full force and effect as provided herein.

**SECTION 2. Applicability.** Each fee, rate, charge, fine, penalty, or other regulatory measure set forth in this Ordinance shall apply to the provisions of the Berkeley Village Code, as amended (“Code”), or other ordinance in which reference is made to the Annual Fee Ordinance. This Ordinance shall not apply to, or have any effect on, any fee, charge, fine, penalty, or other regulatory measure for which there is not an express reference to the Annual Fee Ordinance.

**SECTION 3. Amendments; Filing.**

**A. Amendments.** It is intended that the fees, rates, fines, penalties, or other regulatory measures set forth in this Ordinance will be reviewed periodically by the Village corporate authorities, and some or all of the provisions of this Ordinance may be amended from time to time.

**B. Filing.** A certified copy of the most current version of this Ordinance shall be kept and maintained and available during normal Village business hours for public inspection in the Office of the Deputy Village Clerk. A certified copy of the most current version of this Ordinance shall also be kept in each Village department with authority under the Code to collect fees, rates, charges, or otherwise levy fines and penalties for violations of the Code.

**SECTION 4. Effective Date; Amendments.**

**A. Effective Date.** This ordinance shall be in full force and effect from and after its passage, approval, and publication in the manner provided by law.

**B. Amendments.** Each provision of this Ordinance shall remain in full force and effect unless otherwise expressly provided or expressly amended by a subsequent ordinance, in which case the amended provision shall be immediately effective.

**SECTION 5. Schedule of Fees, Rates, Charges, Fines, Penalties, and Other Regulatory Measures.**

**QUICK REFERENCE TABLE**

Auto decal – 10.00	Truck decal – 18.00
Auto decal late – 20.00	Truck decal late – 36.00

Truck decal 8,001-12,000 lbs – 25.00	Motorcycle decal – 5.00
Truck decal 8,001-12,000lbs late – 50.00	Motorcycle decal late – 10.00
Truck decal 12,000+ lbs – 35.00	Garage sale – 2.00
Truck decal 12,000+ lbs late – 70.00	Over age 62 one passenger car decal -free
Disabled Veteran one passenger car - free	Over age 62 one passenger car decal late – 10.00
Disabled Veteran one passenger car late – 10.00	Decal transfer fee – 1.00
Zoning public hearing newspaper notice – full or prorated cost for multiple hearings	Zoning public hearing testimony – 4.00 per page
Zoning public hearing notice mailing – full cost for certified letters per property owner within 250 foot radius of applicant property	Zoning public hearing cost per plan commission member per meeting – 20.00 full or prorated cost for multiple hearings
Photocopy - .25 per page	Pet tag – 3.00
Extra trash bag\can – 1.00	Pet tag late – 5.00
Accident report – 5.00	Arrest process fee – 30.00
Asphalt permit – 50.00	Concrete permit – 50.00
Deck\porch permit – 115.00	Fence permit – 115.00
Garage permit – Project review fee plus 1% of cost	General permit (gutters, windows, roofing, siding) – 50.00
Shed permit – 115.00	Demolition\excavation contractor – 75.00
Contractor’s license - 50.00	Inspection fee – 75.00
Presale home inspection – 300.00	Vacant property registration – 50.00
Water meter (1.5 inch) – 325.00	Fittings – 25.00
MIU – 85.00	Water\sewer\trash late – 10% monthly compounded
Emergency fire service unit – 400.00 per unit (non-resident person)	Emergency fire service crew – 75.00 per member per hour (non-resident person)
Emergency transportation to hospital – 350.00 plus mileage (resident)	Emergency transportation to hospital – 600.00 plus mileage (non-resident)
Emergency transportation to hospital mileage charge – 15.00 per mile	This cell left blank.

Law enforcement officers, code enforcement officer, officers of the Court have the discretion to impose a fine for any violation of municipal ordinance on a scale of \$1.00 to \$1,000.00 per offence per day. In those instances when state statutes sets a fine, or limits the range of fine, for a particular offence or offences the Village will comply with those statutes.

**ADOPTED** this 20<sup>th</sup> day of January 2009, pursuant to a vote as follows:

**YES:** \_\_\_\_\_

**NO:** \_\_\_\_\_

**ABSENT:** \_\_\_\_\_

PRESENT: Daugherty, Lee, Perez, Salemi, Williams

*APPROVED* by the Village President on January 20, 2009.

Michael A. Esposito  
VILLAGE PRESIDENT

ATTEST:

Jessie MacCallister  
VILLAGE CLERK