



CITY OF WASHINGTON, ILLINOIS

City Council Agenda Communication

Meeting Date: July 21, 2025 (First Reading)
August 4, 2025 (Second Reading)

Prepared By: Jon Oliphant, AICP, Planning & Development Director

Agenda Item: First and Second Reading Ordinances – Section 14-36 Code Amendment

Explanation: In the course of discussing an on-going code-enforcement matter, the City Attorney observed that Section 14-36 of the City Code purports to codify the Illinois Demolition Statute (65 ILCS 5/11-31-1, *et seq.*). The City Attorney has advised that the state demolition statute is self-executing, meaning the City is not required to promulgate an ordinance before it can take action under the demolition statute. Moreover, codifying state law can create confusion as to the source of the City's authority and lead to situations in which the scope of the City's code enforcement authority becomes restricted if the demolition statute is amended at the state level and the City fails to amend its ordinance to match state law. Given that it is unnecessary to codify the demolition statute and such codification can only harm the City's interests, the City Attorney recommends completely striking Section 14-36 from the City Code.

Fiscal Impact: None.

Action Requested: Staff recommends approval of the attached code amendment to strike Section 14-36 from the City Code. A first reading ordinance is scheduled for the July 21 City Council meeting and a second reading ordinance will be scheduled for the August 4 meeting.

ORDINANCE NO. _____

(Approval of this ordinance would strike Chapter 14, Article II, Section 14-36 titled “Demolition or repair; lien” from the Municipal Code)

AN ORDINANCE AMENDING THE REGULATIONS PERTAINING TO THE DEMOLITION OR REPAIR OF DANGEROUS OR UNSAFE BUILDINGS

WHEREAS, the City of Washington, Tazewell County, Illinois (the “City”), is a home rule unit of government; and

WHEREAS, the City has established municipal regulations for the purpose of improving and protecting the public health, safety, comfort, convenience and general welfare of the people; and

WHEREAS, the corporate authorities of the City have determined that it is necessary and in the best interest to amend the Municipal Code regulations to revise the City’s ability to demolish, repair, or cause to demolish or repair dangerous or unsafe buildings within the city limits, the process for filing liens, and the process for foreclosing on liens.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WASHINGTON, TAZEWEEL COUNTY, ILLINOIS AS FOLLOWS:

Section 1. The City of Washington hereby finds as fact the recitals set forth above and are incorporated herein as though fully set forth;

Section 2. That Chapter 14, Article II, Sec. 14-36 of the City Code of the City of Washington, Tazewell County, Illinois, be, and the same hereby is deleted in its entirety.

Section 3. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed insofar as they are in conflict with this ordinance.

Section 4. If any provision of this ordinance is adjudged invalid, such adjudication shall not affect the validity of the ordinance as a whole or of any portion not adjudged invalid.

Section 5. This ordinance shall be in full force and effect from and after its passage, approval and publication as required by law.

PASSED AND APPROVED this _____ day of _____ 2025.

AYES: _____

NAYS: _____

ATTEST:

MAYOR

CITY CLERK

Sec. 14-36. - Demolition or repair; lien.

- (a) The city may demolish, repair, or cause the demolition or repair of dangerous or unsafe buildings or uncompleted or abandoned buildings within the city limits. No building may be boarded up or otherwise enclosed. The city council shall direct the city attorney to apply to the county circuit court for an order authorizing such action to be taken with respect to any building if the owner thereof, including the lien holders of record, after at least 15 days' written notice by mail to do so, have failed to put such building in a safe condition to demolish it. It is not a defense to such cause of action that the building is boarded up or otherwise enclosed nor may the court order such a building boarded up or otherwise enclosed.
- (b) Where, upon diligent search, the identity or whereabouts of the owner of any such building, including the lien holders of record, is not ascertainable, notice mailed to the person in whose name such real estate was last assessed is sufficient notice under this section.
- (c) The cost of such demolition or repair incurred by the city is recoverable from the owner of such real estate and is a lien thereon, which lien is superior to all prior existing liens and encumbrances, except taxes, provided that, within 60 days after such repair or demolition, the city shall file notice of lien of such cost and expense incurred in the office of the county recorder of deeds. The notice must consist of a sworn statement setting out a description of the real estate sufficient for identification thereof; the amount of money representing the cost and expense incurred; and the date or dates when the cost and expense was incurred. Upon payment of the cost and expense by the owner of or persons interested in the property after notice of lien has been filed, the lien shall be released and the release may be filed of record as in the case of filing notice of lien. The lien may be enforced by proceedings to foreclose as in the case of mortgages or mechanics' liens. Suit to foreclose this lien must be commenced within three years after the date of filing notice of lien.

(Code 2000, § 150.02)