

## Chapter 19 - Other Regulations

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## Article 1 - Alarm Systems

### 1901 Definitions

Unless the context otherwise requires, the following terms as used in this Section shall be construed according to the definitions given below.

**Alarm.** An “alarm”, as the term is used herein, shall be construed to include and mean any device known as a burglar, hold-up, panic, smoke or fire alarm, overload, shut down, or malfunction alarm.

**Alarm Business.** Any business operated by a person who is engaged in the activity of altering, installing, leasing, maintaining, moving, repairing, replacing, selling servicing, monitoring or responding to an emergency alarm system, or which causes any of these activities to take place.

**Alarm Detection Systems.** Any assembly of equipment arranged to signal the presence of a hazard requiring urgent attention to which the police or fire/ambulance service departments are expected to respond.

**Alarm User.** Any person or business on whose premises an alarm system is licensed and maintained other than alarm systems on a motor vehicle.

**Audible Alarms.** Any alarm that emits an audible alarm is required to have a cut-off timer that will shut the alarm off automatically after 15 minutes and remain off until manually reset.

**Burglar Alarm.** A security system designated to transmit an electronic signal upon an unauthorized entry onto private property.

**False Alarm.** The transmission of any alarm signal when no basis for the alarm signal exists or occurs, that is, no unauthorized entry, criminal activity, smoke or fire exists. Also, the activation of an alarm system through mechanical or electronic failure, malfunction, improper installation or the negligence of the owner or lessee of the alarm system or his employees or agents. A false alarm shall not include situations where:

- A. Alarms occur on a repeated basis without apparent cause within the first thirty (30) days after installation of the alarm detection system, and where continuous effort, in the opinion of the Police Chief, is being made jointly between the alarm user, the alarm business and any other concerned person to correct the malfunction expeditiously.
- B. Alarms are caused by actual illegal entry or attempted entry of which there is visible evidence.
- C. Alarms are caused by an on-premise fire.

- D. Alarms are intentionally caused by a person acting under a reasonable belief that a need exists to call the police or fire/ambulance department.
- E. Alarms are caused by tornadoes, earthquakes, major floods or other natural disaster or conditions.

**Hold-Up or Panic Alarm.** A security system designed to allow direct and indirect electronic or telephonic notification to the Police Department of a robbery or entry by unauthorized persons on private property or other criminal activity.

**Smoke or Fire Alarm.** A security system designed to allow direct or indirect, and electronic or telephonic notification to the Fire Department of the presence of smoke or fire on private property.

## 1902 Types of Alarm Systems

- 1902.1 **Receiving Station Alarms.** The system installed by a private contractor in a central headquarters such as a Police or Fire Department. The system constantly scans its customers' alarms and provides the central station with a coded tape if an alarm is triggered. The tape states the type of alarm, location, and alarm status.
- 1902.2 **Direct Dial System.** Customer's alarm system triggers a telephone call to the dispatch center stating the type of alarm and location.
- 1902.3 **Local Alarm System.** The local alarms system has no direct connection to the Police or Fire Department. When triggered, the alarm activates on audible signal device or visual warning mechanism on the premises.

## 1903 Installer License Required; Application Fee; Bond; Revocation; Suspension

- 1903.1 No person shall engage in, conduct or carry on the business of installing, causing to be installed, maintaining, servicing, repairing, altering, replacing or moving in or on any building, place or premises within the Village, any device known as a burglar, hold-up, panic, smoke or fire alarm without having first obtained a license to do so issued by the Village. However, no license shall be required for installations where the premises are owned by the installer.
- 1903.2 Licenses shall be issued on written application to the Chief of Police. Licenses shall not be issued to any person convicted of a felony or misdemeanor involving moral turpitude.
- 1903.3 Licenses shall be issued upon the applicant's payment of a license fee of \$50 to the Village.

- 1903.4 Licenses shall be for a 1 year period only. Licenses for less than a 1 year period shall not be accepted by the Village.
- 1903.5 Contractors shall file with the Village a surety bond in favor of the Village executed by such applicant with 2 or more sufficient sureties or a surety company authorized to do business in the State of Illinois, in the sum of \$5,000 providing for the faithful and honest conduct of the business of the licensee. Such bonds shall be filed prior to issuance or renewal of a contractor's license, and the form, execution and the sufficiency of the bond shall be approved by the Village.
- 1903.6 The licenses issued hereunder are not transferable.
- 1903.7 No alarm systems installer licensee shall employ and no person shall be employed by alarm system licensee who has been convicted of a felony or misdemeanor involving moral turpitude.
- 1903.8 Any such license may be revoked, suspended or denied renewal for cause which shall include, but not be limited to, the following:
- A. Conviction of a felony or any offense involving moral turpitude;
  - B. Violation of any provision of this section or of the Ordinance of the Village, or State or Federal laws;
  - C. A false statement by the licensee that any person has or has not been in his employ.

#### **1904 Receiving Station Alarms; Permit Required, Fees**

- 1904.1 No person shall be allowed to have a direct burglar, hold-up, smoke or fire alarm connection to the Police Department or Fire Department from any building, place or premises within the Village or any place within the jurisdiction of the Spring Grove Police Department without having first obtained a permit from the Chief of Police.
- 1904.2 Permits shall be issued only after receipt of a written application by the Chief of Police. The application shall contain a provision that the Village shall not be liable for any failure of service or any damages that might result from the installation or operation of the alarm system. All applicants must agree to indemnify the Village for all claims, demands, judgments, liability costs and expenses that may arise in any way as a result of the alarm connection and service. All applicants must certify that alarm system maintenance will be provided 24 hours per day, 7 days per week.

- 1904.3 Applicants asking to connect to the police alarm panel shall be required to furnish a suitable signal to the receiving station located in the communications center.
- 1904.4 Applicants shall pay all permit fees prior to connection to the receiving station. After installation, the annual permit fee for alarm systems of \$100.00 shall be payable May 1st of each year. The permit shall be issued by the Chief of Police and fees made payable to the Village of Spring Grove. The permits are not transferable, and fees are not subject to proration. A change of ownership shall be cause for a new license permit application to be filed with the Village and payment of all necessary fees.

### 1905 Automatic Dialing Devices

- 1905.1 Automatic dialing devices designed to transmit a prerecorded message directly to the Police or Fire Department may be programmed to dial a special trunk line designated by the Chief of Police. No automatic dialing device shall be programmed to dial a primary trunk line of the Police or Fire Department. Before such a device is programmed to dial a special trunk line, the person performing this operation shall first obtain instructions from the Chief of Police or his designated concerning the procedure to be followed.
- 1905.2 The owner or lessee of such an automatic dialing device shall pay the Village prior to making connection of this special trunk line, the annual permit fee of \$100.00.
- 1905.3 Every alarm business which has installed any automatic dialing device in the Village programmed to dial special trunk lines in the communications center shall maintain a current list of such installations for inspection by the Chief of Police during the course of his official duties and include in such lists:
- A. The name, address and all telephone numbers of the device's owner or lessee.
  - B. The address of the location where the device is installed and telephone number of that location.
- 1905.4 **Standards.** Such automatic dialing devices installed on any premises within the Village shall meet the following minimum standards:
- A. The contents of the recorded message to be transmitted by such device must be intelligible and in a format approved by the Chief of Police as appropriate for the type of emergency being reported.
  - B. Upon a single stimulus of the alarm device, an automatic dialing device may place only 2 separate calls for the same alarm to the dispatch center via the special trunk lines.

- C. Sensory apparatus comprising such devices shall be maintained by the owner or lessee in such physical condition that false alarms will be minimized.

## **1906 Local Alarms**

- 1906.1 A person shall be allowed to have a local alarm on any building, place or premises within the Village provided prior to installation a permit is obtained from the Chief of Police. No permit is required for residential smoke/fire alarms using only audible signals.
- 1906.2 Local alarms may be an addition to a central receiving station alarm. Local alarms shall not make a sound similar to that of sirens on emergency vehicles or civil defense warning systems. Owners of said local alarms will be responsible for maintenance of these alarms and for turning off the audible signals at the request of the Police Department or officer.
- 1906.3 Permits shall be issued only upon written application to the Chief of Police.
- 1906.4 Prior to putting a local system in operation, applicants shall pay a permit fee of \$20.00 to the Village.

## **1907 Inspection of Alarm Devices**

- 1907.1 For the purpose of enforcing the provisions of this Article, the Police Chief shall have the authority, at reasonable times and upon reasonable oral notice, to enter any premises in the Village in or upon which the alarm systems subject to this article are located, to inspect the installation and operation of such alarm systems.
- 1907.2 If such inspection reveals any violation of this Article, a written report detailing such violations shall be promptly sent to the Village President and Board of Trustees and to the owner, lessee, or other person responsible for the alarm system. Such report shall require the correction within 5 days after receipt of a notice of the violation discovered, and shall state that a failure to comply may result in the revocation of the annual license to operate. The alarm user or alarm business may be granted a reasonable extension of time to correct such violations upon good cause shown.

## **1908 Permit Revocation or Suspension**

- 1908.1 The Chief of Police shall have the authority to revoke or suspend the operation of an alarm system if an inspection as provided in Section 1907 reveals violations of this Article which are not corrected.

1908.2 The Chief of Police may also suspend or revoke the permit of any person whose system transmits more than 3 false alarms within any 12 month period. All persons owning or occupying the premises from which a false alarm is transmitted shall be liable for the civil penalties. Failure to pay the civil penalty imposed within 5 days of the notice thereof from the Chief of Police shall constitute a violation of this Article and shall result in a revocation of that party's permit, if any, and subject that party to criminal prosecution.

## 1909 Liability

The application to the Chief of Police shall contain a provision that the Village shall not be liable for any failure of service or damages including damages resulting from breaking to gain entrance, that might result from the installation or operation or monitoring of any receiving station alarm, automatic dialing device or local alarm. All applicants must agree to save, hold harmless and indemnify the Village from all claims, demands, judgments, liability, costs and expenses, including reasonable attorney's fees and costs, that may arise in any way as a result of the Village's involvement in issuing permits, monitoring or any act, omission or condition done or caused by the Village in connection with any alarm system.

## 1910 Registration

Any person who desires to install or continue use of an emergency alarm system, including on-premises alarm systems, shall register with the Police Department each alarm system installed. Any changes to the information on the application shall be reported, in writing, to the Police Department within 30 days of any change. Each application, which shall be provided by the Police Department, shall be signed by the applicant and shall include, among other things, the following:

- A. Name, address and telephone number of the establishment where the alarm is located.
- B. Name, address and telephone number of the owner or manager.
- C. Business hours of the establishment.
- D. List of persons authorized access to the establishment during non-business hours.
- E. Procedure to be followed in the event of an alarm.
- F. Emergency call list of personnel to notify in the event of an alarm.
- G. Description and location of the alarm on the premises.
- H. The name and address of the Alarm Business monitoring or maintaining the alarm.

## 1911 Automatic Dialer Alarms

Automatic dialer alarms that dial directly into the Police Department are not allowed to be used within the corporate limits of the Village, with the exception of those used by the Village.

## 1912 False Alarms

Any person owning or leasing an alarm system, and any owner of land on which the alarm is situated that transmits an alarm activation shall be deemed to have transmitted a false alarm and be in violation of this section if the person's alarm system transmits more than 3 false alarms within any 12 month period beginning May 1<sup>st</sup> through April 30<sup>th</sup>. For purposes of determining a violation of this Ordinance, a person's knowledge and intent are not elements of this offense.

## 1913 Administrative Warning Ticket Program

1913.1 **Definition.** An Administrative Warning Ticket (AWT) is a ticket issued at the discretion of the Spring Grove Police Department in cases of violations of this Chapter 19.

1913.2 **Procedure.** At the discretion of the Chief of Police of the Village, an AWT may be issued in lieu of a formal complaint being issued.

1913.3 The AWT program shall be administered as a three-step process:

- A. If there is a fourth false alarm, as defined in this Chapter, the police department may issue a warning letter to the accused advising that, if there is another false alarm within the twelve-month period defined in Paragraph 12 above, the accused will be assessed fines for the fourth and each subsequent false alarm.
- B. In the event of a fifth or subsequent false alarm, the Chief of Police may, at his discretion, issue an AWT for said false alarms. The accused may settle the charge by paying to the Village Treasurer a fine in the amount of \$150.00 per AWT issued, said fine to be paid within ten (10) days of the date the AWT is issued. Where compliance with the ordinance is required, the accused shall also satisfy the proper Village authorities that compliance is completed within the same ten-day period.



- C. In the event that payment of the \$150.00 fine and compliance as required are not satisfied within said ten-day period, the fine shall be increased to the amount of \$250.00 per AWT issued, said amount being due the beginning of the eleventh day and including the thirtieth day after the issuance of the AWT(s). The accused shall have until the close of business day on the thirtieth day to pay, in full, the \$250.00 charge for each AWT issued and to come into compliance with the Code.
  
- D. If the accused does not settle the charge, by the Thirtieth day, a complaint shall be filed in the Nineteenth Judicial Circuit, McHenry County, Illinois for each violation. The accused shall be subject to fines, in a sum of not less than \$250.00 per violation, as well as penalties and court costs, as fully set forth in the applicable provisions of the Village Code of the Village of Spring Grove and state statute.

## Article 2 - Animal Control Regulations

### 1914 McHenry County Animal Control Regulation Manual

*Article 17 of the McHenry County Animal Control Regulation Manual* is hereby adopted in its entirety unless otherwise noted and by reference made a part of this ordinance with the same force and effect as though set forth verbatim.

### 1915 Possession of Device to Remove Animal Excrement Required

It shall be unlawful for any owner or agent of the owner having control of any dog or other animal to knowingly cause or permit such animal to be on any lands or properties owned by the Village including without limitation, any street, sidewalk, parkway, park, conveyance or other public place or facility or upon any private property without the express consent of the owner or lawful occupant thereof, unless such person has in his immediate possession a device for the removal, and a depository for the transportation, of animal excrement from such property.

1915.1     **Duty to Remove Animal Excrement.** It shall be unlawful for any owner or agent of the owner having control of any dog or other animal, while causing or permitting such animal to be on any lands or properties owned by the Village to knowingly fail to remove from such property or from the private property of another, excrement left by such animal.

1915.2     **Penalty.** A person found guilty or who pleads guilty to violation of Section 1915 shall be fined not less than \$50.00 nor more than \$500.00 for each such offense.

## Article 3 - Plants and Weeds

### 1916 Weeds Defined

As used in this Article, the term “weeds” shall include but not be limited to, the following: burdock, giant ragweed, common ragweed, thistle, cocklebur, jimson, blue vervain, common milk weed, wild carrot, poison ivy, wild mustard, rough pigweed. Lambsquarter, wild lettuce, curled dock, all varieties of smart weeds, poison hemlock and wild hemp, and all varieties of grasses and plants.

### 1917 When Weeds, Grasses and Plants are Required to be Cut

It shall be unlawful for any owner of any property to refuse or neglect to cut weeds as follows:

- 1917.1 On improved real estate, weeds shall not exceed 8 inches in height;
- 1917.2 On unimproved real estate ( i.e. a vacant lot), weeds shall not exceed 12 inches in height.

### 1918 Authority of Village to Cut Grasses, Plants and Weeds

If the owner of real estate fails to comply with the provisions in the *When Weeds, Grasses and Plants are Required to be Cut*, the Village is hereby authorized to cut the weeds at owner’s expense without prior notice to owner. Owner shall be responsible for the costs of the cutting of the weeds, reasonable attorney fees incurred by the Village in carrying out all of the terms of this Ordinance, and an administration fee equal to the amount of the cost incurred for the actual cutting of the weeds.

### 1919 Recording of Lien

If grasses, plants or weeds are cut by the Village or by someone directed to cut them on behalf of the Village pursuant to this ordinance, a Notice of Lien of the cost and expenses thereof incurred by the Village shall be recorded in the following manner:

- 1919.1 The Village or the person performing the service by authority of the Village, in its or his own name, may file Notice of Lien in the office of the Recorder of Deeds in the County in which said real estate is located.
- 1919.2 The Notice of Lien shall consist of a sworn statement setting out the following information:
  - A. The description of the real estate sufficient for identification thereof.
  - B. The amount of money representing the cost and expense incurred or payable for the service.

C. The date or dates when said cost and expense was incurred by the Village.

1919.3 The sworn statement shall be filed within 60 days after the cost and expense is incurred.

1919.3 Notice of the recording of a lien shall be mailed to the owner in accordance with 65 ILCS 5/11-20-7.

### **1931 Release of Lien**

Upon payment of the cost and expense after notice of lien has been filed, pursuant to this ordinance, the lien shall be released by the Village or person in whose name the lien has been filed and the release shall be filed of record in the same manner as filing notice of the said lien.

### **1932 Foreclosure of Property**

Property subject to a lien for unpaid grasses, plants or weed cutting charges shall be sold for nonpayment of the same and the proceeds of such sale will be applied to pay the charges after deducting costs, as is the case in the foreclosure of statutory liens. Such foreclosure shall be in the name of the Village. The Village Board of Trustees may authorize and direct the Village attorney to institute such proceedings, in the name of the Village, in any court having jurisdiction over such matter, against any property for which such bill has remained unpaid 60 days after it has been rendered.

### **1919 Penalty**

Any owner found in violation of any of the terms and provisions of this Article shall be subject to a minimum fine of \$100 for the first offense within any calendar year, and a minimum fine of \$250 for each additional offense thereafter. Each day that a violation continues shall be considered a separate and distinct offense. In addition, the Village shall be entitled, as part of the same Court proceeding to determine a violation of this Ordinance, to seek restitution for all costs and expenses as set forth in the *Foreclosure of Property* section of this Ordinance

## Article 4 - Liens for Property Maintenance Activities for Vacant Buildings

### 1920 Vacant Building Defined

A vacant building is a building or portion of a building as defined in 65 ILCS 5/11-20-15.1 as an “abandoned residential property,” being a residential dwelling unit that has been unoccupied by any lawful occupant or occupants for at least 90 days, and for which after such 90 day period the Village has made good faith efforts to contact the legal owner or owners of the property or, if known, the agent of the owner, and no contact has been made.

### 1921 Nuisance Declared

Vacant buildings which are indefinitely vacant and in a state of disrepair or boarded are public nuisances in that they contribute to the decrease in value of surrounding properties, precipitate disinvestment by neighboring owners, provide a location for criminal activity, undermine the aesthetic character of the neighborhood and Village, and have other undesirable effects.

### 1922 Nuisance Abatement

The Village is authorized to perform or provide for property maintenance activities to abate the nuisance caused by a vacant building, including the following:

- A. Cutting and removal of neglected weeds, grass, trees, and bushes as authorized by Chapter 18, Article 7, Sections 1838 and 1839 and Chapter 19, Article 3 of this Code and 65 ILCS 5/11-20-7;
- B. Pest control activities, as may be authorized by this Code and 65 ILCS 5/11-20-8;
- C. Removal of infected trees as authorized by Chapter 18, Article 7, Section 1838 of this Code and 65 ILCS 5/11-20-12;
- D. Removal of garbage, debris, and graffiti and related activities as authorized by Chapter 11, Article 1, Sections 1108.4 and 1108. of this Code and 65 ILCS 5/11-20-13, and
- E. Removal, securing, and enclosing of abandoned residential properties as authorized 65 ILCS 5/11-31-1.01.

### 1923 Charges for Nuisance Abatement

The Village shall have the authority to collect from the property owner the costs incurred in performing the property maintenance activities to abate the nuisances described in this Section. The Village shall send a bill for the cost to the property owner, his agent, legal representative, or occupant in legal possession or control of the premises.

### 1924 Traditional Lien Procedure

If a bill sent pursuant to Section 1923 is not paid in full within 30 days of the date of the bill, the Village shall have the authority to file and record a lien against the property, pursuant to Section 11-20-15 of the Illinois Municipal Code, 65 ILCS 5/11-20-15. If, for any one property, the Village engaged in any nuisance abatement activity described in Section 1922 on more than one occasion during the course of one year, then the Village may combine any or all of the costs of those activities into a single notice of lien. The lien must be filed in accordance with the lien procedure established by the specific Code provision of which the property is alleged to be in violation or, if no such procedure exists, then the following procedure shall apply:

1924.1. **Notice of Lien.** The Village or the person performing the service by authority of the Village, in its, his or her own name, may file a notice of lien in the office of the recorder of deeds in the county in which the real estate is located. The notice of lien shall be filed within one year after the cost and expense is incurred.

The notice of lien shall consist of a sworn statement setting forth:

- A. A description of the real estate that sufficiently describes the parcel;
- B. The amount of the cost and expense incurred or payable for the activities; and
- C. The date or dates when such cost and expense was incurred by the Village or someone working on behalf of the Village.

After recording, the notice of lien shall be sent by certified mail to the property owner, his agent or legal representative or occupant in legal possession or control of the premises and, if different, to the person who received the tax bill for the preceding year.

1924.2 **Release of Lien.** Upon payment of the cost after the notice of lien has been filed as provided herein, the lien shall be released by the Village or person in whose name the lien has been filed, and the release shall be recorded of record in the same manner as recording the notice of lien.

1924.3 **Foreclosure of Lien.** Subsequent to the filing of the above-described lien, the Village may cause to be filed a complaint for foreclosure of such lien, or upon becoming a defendant in a pending lawsuit affecting the premises or real estate, by answer to the complaint or in the nature of an intervening petition or cross-complaint the village may proceed in its corporate name to foreclose such lien. An action to foreclose a lien under this Section must be commenced within two years after the date of filing notice of lien. The property subject to a lien arising under this article shall be sold for nonpayment of the same, and the proceeds of such sale shall be applied to pay the monies owing the Village.

## 1925 Priority Lien Procedure for Abandoned Residential Properties

The priority lien procedure described in this Section 1925 shall apply only to costs incurred for property maintenance activities performed on abandoned residential properties, as defined in Section 1920, and is an alternative to the traditional lien authorized by Section 1924. If a bill sent pursuant to Section 1923 is not paid in full within 30 days of the date of the bill, the Village shall have the authority to file and record a priority lien against the property, pursuant to Section 11-20-15.1 of the Illinois Municipal Code, 65 ILCS 5/11-20-15.1, in the following manner:

1925.1 **Notice of Lien.** The Village or the person performing the service by authority of the Village, in its, his or her own name, may file a notice of a priority lien in the office of the recorder of deeds in the county in which the real estate is located. The notice of lien shall be filed within one year after the cost and expense is incurred. If, for any one property, the Village engaged in any nuisance abatement activity described in Section 1922 on more than one occasion during the course of one year, then the Village may combine any or all of the costs of those activities into a single notice of lien.

The notice of lien shall consist of a sworn statement setting forth:

- A. A description of the abandoned residential property that sufficiently describes the parcel;
- B. The amount of the cost incurred or payable for the activities; and
- C. The date or dates when such cost was incurred by the Village or someone working on behalf of the Village; and
- D. A statement that the lien has been filed pursuant to one or more of the property maintenance activities described in Section 1922 and authorized by 65 ILCS 5/11-20-7(d), 65 ILCS 5/11-20-8(d), 65 ILCS 5/11-20-12(d), 65 ILCS 5/11-20-13(e), 65 ILCS 5/11-31-1.01, as applicable.

After recording, the notice of lien shall be sent by certified mail to the property owner, his agent or legal representative or occupant in legal possession or control of the premises and, if different, to the person who received the tax bill for the preceding year.

The Village may not file a lien if the lender has provided notice to the Village that the lender has performed, or will perform, remedial actions; provided, however, that the remedial actions must be performed or initiated in good faith within 30 days of the lender's notice to the Village.

1925.2 **Recordkeeping.** To enforce a lien pursuant to this Section 1925, the Village must maintain contemporaneous records that include, at a minimum:

- A. A dated statement of a finding by the Village that the property has become abandoned residential property;
- B. The date when the property was first observed to be unoccupied by any lawful occupant;
- C. A description of the actions taken by the Village to contact the legal owner of the property, or if known, any agent of the owner;
- D. A statement that no contacts were made with the legal owner or, if known, any agent of the owner;
- E. A dated certification by a Village official of the necessity and specific nature of the work performed;
- F. A copy of the agreement with the person or company performing the work and the rates and estimated cost of the work, if applicable;
- G. Detailed invoices and payment vouchers for the work;
- H. A statement whether the work was competitively bid, and if so, a copy of all proposals submitted by the bidders.

1925.3 **Release of Lien.** Upon payment of the cost after the notice of lien has been filed as provided herein, the lien shall be released by the Village or person in whose name the lien has been filed, and the release shall be recorded of record in the same manner as recording the notice of lien.



1925.4

**Enforcement of Lien.** A lien under this Section 1925 is enforceable by the Village, or entity or person who performs work on behalf of the Village, at the hearing for confirmation of the foreclosure sale of the abandoned residential property and is limited to a claim of interest in the proceeds of the sale. The priority lien is superior to all other liens and encumbrances, except tax liens.