

65 ILCS 5/11-20-15

Statutes current with legislation through P.A. 102-1102, of the 2022 Regular Session of the 102nd Legislature.

Illinois Compiled Statutes Annotated > Chapter 65 MUNICIPALITIES (§§ 5/1-1-1 — 120/99-99) > Illinois Municipal Code (Arts. 1 — 11) > Article 11. CORPORATE POWERS AND FUNCTIONS (§§ 5/11-1-1 — 5/11-152-4) > Health Regulations (Divs. 16 — 21.5) > Division 20. Food, Water, Disease, Other Regulations (§§ 5/11-20-1 — 5/11-20-16)

65 ILCS 5/11-20-15 Lien for removal costs

- (a) If the municipality incurs a removal cost under Section 11-20-7, 11-20-8, 11-20-12, or 11-20-13 [65 ILCS 5/11-20-7, 65 ILCS 5/11-20-8, 65 ILCS 5/11-20-12, or 65 ILCS 5/11-20-13] with respect to any underlying parcel, then that cost is a lien upon that underlying parcel. This lien is superior to all other liens and encumbrances, except tax liens and as otherwise provided in subsection (c) of this Section.
- (b) To perfect a lien under this Section, the municipality must, within one year after the removal cost is incurred, file notice of lien in the office of the recorder in the county in which the underlying parcel is located or, if the underlying parcel is registered under the Torrens system, in the office of the Registrar of Titles of that county. The notice must consist of a sworn statement setting out:
- (1) a description of the underlying parcel that sufficiently identifies the parcel;
 - (2) the amount of the removal cost; and
 - (3) the date or dates when the removal cost was incurred by the municipality.
- If, for any one parcel, the municipality engaged in any removal activity on more than one occasion during the course of one year, then the municipality may combine any or all of the costs of each of those activities into a single notice of lien.
- (c) A lien under this Section is not valid as to: (i) any purchaser whose rights in and to the underlying parcel arose after the removal activity but before the filing of the notice of lien; or (ii) any mortgagee, judgment creditor, or other lienor whose rights in and to the underlying parcel arose before the filing of the notice of lien.
- (d) The removal cost is not a lien on the underlying parcel unless a notice is personally served on, or sent by certified mail to, the person to whom was sent the tax bill for the general taxes on the property for the taxable year immediately preceding the removal activities. The notice must be delivered or sent after the removal activities have been performed, and it must: (i) state the substance of this Section and the substance of any ordinance of the municipality implementing this Section; (ii) identify the underlying parcel, by common description; and (iii) describe the removal activity.
- (e) A lien under this Section may be enforced by proceedings to foreclose as in case of mortgages or mechanics' liens. An action to foreclose a lien under this Section must be commenced within 2 years after the date of filing notice of lien.
- (f) Any person who performs a removal activity by the authority of the municipality may, in his or her own name, file a lien and foreclose on that lien in the same manner as a municipality under this Section.
- (g) A failure to file a foreclosure action does not, in any way, affect the validity of the lien against the underlying parcel.
- (h) Upon payment of the lien cost by the owner of the underlying parcel after notice of lien has been filed, the municipality (or its agent under subsection (f)) shall release the lien, and the release may be filed of record by the owner at his or her sole expense as in the case of filing notice of lien.

(i) For the purposes of this Section:

“Lien cost” means the removal cost and the filing costs for any notice of lien under subsection (b).

“Removal activity” means any activity for which a removal cost was incurred.

“Removal cost” means a removal cost as defined under Section 11-20-7, 11-20-8, 11-20-12, or 11-20-13.

“Underlying parcel” means a parcel of private property upon which a removal activity was performed.

“Year” means a 365-day period.

(j) This Section applies only to liens filed after August 14, 2009 (the effective date of Public Act 96-462).

(k) This Section shall not apply to a lien filed pursuant to Section 11-20-15.1 [65 ILCS 5/11-20-15.1].

History

P.A. 96-462, § 5; 96-856, § 10; 96-1000, § 245.

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