

VILLAGE OF ROUND LAKE PARK

ORDINANCE NO. 14-14

AN ORDINANCE AMENDING § 150.85 OF THE CODE OF ROUND LAKE PARK ENTITLED "OCCUPANCY CERTIFICATE" AND ADDING A NEW CHAPTER 154A TO THE CODE OF ROUND LAKE PARK ENTITLED "RENTAL RESIDENTIAL PROPERTY REGISTRATION AND INSPECTION" TO ADD PROVISIONS REQUIRING A REGISTRATION AND INSPECTION PROGRAM OF RENTAL RESIDENTIAL PROPERTY

ADOPTED BY THE PRESIDENT AND BOARD OF TRUSTEES

OF THE

VILLAGE OF ROUND LAKE PARK, ILLINOIS

ON

November 11, 2014

Published in pamphlet form by authority of the Village Board of the Village of Round Lake Park, Lake County, Illinois, this 11th day of November, 2014.

LINDA LUCASSEN	President	CANDACE KENYON	Trustee
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AN ORDINANCE AMENDING § 150.85 OF THE CODE OF ROUND LAKE PARK ENTITLED "OCCUPANCY CERTIFICATE" AND ADDING A NEW CHAPTER 154A TO THE CODE OF ROUND LAKE PARK ENTITLED "RENTAL RESIDENTIAL PROPERTY REGISTRATION AND INSPECTION" TO ADD PROVISIONS REQUIRING A REGISTRATION AND INSPECTION PROGRAM OF RENTAL RESIDENTIAL PROPERTY

WHEREAS, 65 ILCS 5/11-20-5 of the Illinois Municipal Code allows the corporate authorities of each municipality to do all acts and make all regulations which may be necessary or expedient for the promotion of health or the suppression of diseases; and

WHEREAS, 65 ILCS 5/11-60-2 of the Illinois Municipal Code allows the corporate authorities of each municipality to define, prevent, and abate nuisances; and

WHEREAS, the Corporate Authorities of the Village of Round Lake Park find that poorly maintained and deteriorated residential rental units are a danger to public health and safety, and declare such poorly maintained and deteriorated residential rental units a public nuisance; and

WHEREAS, the Corporate Authorities of the Village find that, in order to prevent poorly maintained and deteriorated residential rental units, there is a need to ensure proper regulation through minimum housing standards and regular inspections of such residential rental units; and

WHEREAS, the Village further finds that it is in the best interest of the citizens of the Village and the public to establish a rental housing inspection program and to monitor residential dwellings that have become vacant in order to minimize the risk of crime and safety hazards; and

WHEREAS, the Village further finds that it is in the best interest of the Village and the public to create a registry of rental housing units and vacant residential dwellings.

NOW, THEREFORE, BE IT ORDAINED, by the President and Board of Trustees of the Village of Round Lake Park, Illinois, as follows:

SECTION I: That the preceding "Whereas" clauses are hereby incorporated into this Ordinance as if they were fully set forth herein.

SECTION II: §150.85 of the Code of Round Lake Park entitled "OCCUPANCY CERTIFICATE" is hereby amended as follows, with double underline (insert) denoting inserted language and strikeout (~~delete~~) denoting deleted language:

“§ 150.85 - OCCUPANCY CERTIFICATE.

(A) *Required.*

- (1) No building or addition thereto, ~~constructed after April 12, 1973~~ shall be used or occupied until an occupancy certificate has been issued by the Building Inspector. No change in a use within the same zoning classification shall be made until an occupancy certificate has been issued by the Building Inspector. Every occupancy certificate shall state that the use or occupancy complies with all the provisions of this section. An occupancy certificate shall also be required for the extension of a main building or the remodeling of any building which includes a change in the bearing walls, supports, chimneys or roof.
- (2) Any existing home, business building, manufacturing building or any other type of structure shall require an occupancy certificate which must be applied for, prior to occupancy when the aforesaid existing homes, business buildings, manufacturing buildings or other structures have been vacant for any period of time, or being sold, leased or otherwise conveyed. Said certificate insuring that the building is free of electrical, plumbing, structural or zoning violations and complies with the current building, fire and zoning codes of the village.
- (3) Any rental dwelling unit, as defined in § 154A.02(I) of this code, shall require an occupancy certificate, which must be applied for annually, and shall be valid from January 1st until December 31st of the same year in which it was issued. Such occupancy permits shall not be prorated or rebated for an occupancy permit held for a fraction of a year. Such occupancy permit shall not be granted, unless the applicant complies with the provisions of Chapter 154A of this code.

(B) *Application.*

- (1) An application for an occupancy certificate shall accompany every application for a building permit and shall be paid for at the time of the application for construction of all main buildings located on any lot or parcel of land in the village.
 - (2) ~~Application for occupancy certificate of existing home, business building, manufacturing building and other structure.~~ An application for an occupancy certificate of an existing home, business building, manufacturing building and other structure shall be made together with the fees as required in the building permit fee schedule currently in force prior to any inspection by the Building Commissioner.
 - (3) Application for residential rental properties shall be made annually, together with the fees as required in the building permit fee schedule currently in force prior to any inspection by the Building Commissioner.
- (C) *Issuance.* No occupancy certificate for a building or addition thereto shall be issued until construction has been completed, all village fees have been paid.

and the premises have been inspected and certified by the Building Inspector to be in full and complete compliance with the plans and specifications and ~~the Building Code~~ all ordinances of the village.

SECTION III: There is hereby created within the Code of Round Lake Park a new Chapter 154A entitled "RENTAL RESIDENTIAL PROPERTY REGISTRATION AND INSPECTION" to provide as follows:

"CHAPTER 154A"
RENTAL RESIDENTIAL PROPERTY
REGISTRATION AND INSPECTION

§ 154A.01 RENTAL RESIDENTIAL PROPERTY

- (A) The purpose of this chapter is to provide for the registration and inspection of rental residential property so as to protect the health, safety and welfare of the people of the village including:
- (1) To protect the public health and safety by ensuring rental units comply with minimum housing standards as established by village ordinances.
 - (2) To protect the character and stability of residential areas.
 - (3) To correct and prevent housing conditions that adversely affect or are likely to adversely affect the life, safety, general welfare and health of persons occupying dwellings.
 - (4) To facilitate the enforcement of minimum standards for the maintenance of existing rental residential property and thus to prevent slums and blight.
 - (5) To preserve the value of land and buildings throughout the village.

§ 154A.02 MANDATORY RENTAL HOUSING INSPECTION PROGRAM:

- (A) Registration Required: It shall be unlawful for any person, individual, firm, trust, partnership, association, corporation or other legal entity to rent, lease or allow occupancy of any "rental dwelling unit", as defined hereafter, for any consideration within the corporate limits of the village without first registering with the village as provided in this chapter. The owner shall also be required to submit a copy of the written lease in effect at the date of registration.
- (B) Validity: Registration is valid from January 1st until December 31st of the same year in which issued. No registration shall be valid for a period exceeding one year.
- (C) Inspection Required: Registered residential rental units shall be inspected by an employee or agent of the village for compliance with the this code. No person shall lease, let, or otherwise allow in exchange for any consideration the use of any rental dwelling unit, within the village, unless that property has been inspected by employees or agents of the village. After the initial inspection, following the effective date hereof, which must

not reveal any violations presenting an imminent threat to the life, health and/or safety of the residents of the rental dwelling unit, a rental dwelling unit may continue to be leased until the next mandatory inspection.

(D) Inspections Authorized:

The village is hereby authorized and obligated to conduct inspections of any and all rental dwelling units within the village to determine compliance with the standards and regulations set forth in this code, as amended. All inspections shall occur at reasonable hours except in emergency situations where the life, health, and/or safety of any individual is threatened.

(E) Frequency, Access For And Notice Of Inspection:

(1) All rental dwelling units shall be inspected by the employees or agents of the village at least once every twelve months. Inspections may occur more frequently provided there is:

(a) Reasonable suspicion to believe that there exists within such rental dwelling unit conditions which present a threat to the health, safety, welfare or general comfort of the resident(s) of such rental dwelling unit; or

(b) A complaint lodged by the resident(s) of the rental dwelling unit to be inspected; or

(c) A request made by a prospective resident accompanied by the consent of the owner (or owner's agent) of the rental dwelling unit to be inspected; or

(d) A request made by the owner or owner's agent.

(2) Every owner or owner's agent of any rental dwelling unit shall provide access to such rental dwelling unit, or any unit thereof, to the employees or agents of the village for purposes of inspecting the rental dwelling unit for compliance with all applicable standards and regulations set forth in this code, as amended. Either the owner, the owner's agent, or the occupant shall accompany the inspector during the inspection.

(3) Notice shall be given to the owner or the owner's agent and the occupant of the rental dwelling unit at least one hundred twenty (120) hours in advance of such inspection except in those situations described in subsections (E)(1)(a) and (E)(1)(b), of this section.

(4) Notice of inspection shall be provided to both the owner or owner's agent and occupant and may consist of a letter sent by first class mail, personal service, telephone call or, for occupants only, the posting of a door hanger upon the doorknob of the rental dwelling unit. Where a rental dwelling unit is occupied by more than one person, notice to one occupant shall be deemed notice to all occupants of the rental dwelling unit.

(F) Identification Of Rental Dwelling Unit And Designation Of Owner's Agent:

- (1) Any person owning, managing, or supervising any rental dwelling unit shall, within thirty (30) days of assuming ownership, management or supervision of any rental dwelling unit inform the village on a form approved by the village of such residential dwelling.
 - (2) Every owner of any rental dwelling unit, who does not reside on the premises of such rental dwelling unit shall appoint and designate an individual to act as an agent in his behalf. Every owner shall notify, in writing, the village and each occupant of the rental dwelling unit, of the name, address and telephone number of the agent. Such written notice shall contain the signature of the agent accepting appointment and designation as agent of the owner.
 - (3) Any individual, who is appointed and designated as agent of the owner, shall reside within a seventy-five mile radius of the municipal limits of the village. An owner of a rental dwelling unit may act as his own agent provided he meets the residency requirements set forth herein.
- (G) Occupants To Provide Access For Inspections And Compliance With Code:
- (1) Each and every occupant of a rental dwelling unit shall give the owner thereof, his agent, or employee or agents of the village access to the rental dwelling unit, or unit thereof under their control, at all reasonable times to conduct inspections authorized by this chapter.
 - (2) Each and every occupant of a rental dwelling unit shall give the owner thereof, or his agent or his employees, access to any part of such rental dwelling unit at all reasonable times for the purpose of making such repairs or alterations as are necessary to effect compliance with the provisions of this chapter or with any standard regulation set forth in this code, as amended.
- (H) Fees:
Fees shall be as provided in § 150.82(C) of this code.
- (I) "Rental dwelling unit" shall be defined as any room or group of rooms located within a dwelling forming a single habitable unit with facilities which are used, designed or intended to be used for living, sleeping, working, and eating. The term "rental dwelling unit" shall not include hotels, motels, bed and breakfast establishments, nursing homes, retirement homes, rest homes, assisted living facilities or dwellings owned or controlled by government agencies and public housing authorities.
- (J) Penalty: Any person who violates any provision of this section shall be subject to a fine of not less than fifty dollars (\$50.00) nor more than seven hundred fifty dollars (\$750.00) for each offense, unless specified otherwise within this chapter. A separate offense shall be deemed committed on each day that a violation continues. All violations of this section are hereby determined to be a nuisance, which may be abated or

enjoined by the village. Nothing in this section shall exempt the village or any person from seeking civil remedies against any person who is in violation of this section.

- (K) Preservation Of Other Rights And Penalties: This section shall not be construed so as to restrict the right of the village to inspect any property nor to seek penalties for violations of other provisions of this code.

§ 154A.03 VACANT DWELLINGS; OWNER REQUIRED TO ACT; ENFORCEMENT AUTHORITY.

(A) Notification of Village.

(1) The owner of record or any person or entity with an interest of record (hereafter collectively "Owner") of or in any residential dwelling structure that has become vacant shall within 30 days after the residential dwelling structure becomes vacant, or within 30 days after the effective date of this subchapter, whichever is later, file a registration statement for each such residential dwelling structure with the village clerk on forms provided by the village clerk 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 dwelling remains vacant and shall pay an annual registration fee as provided in § 150.82(C) of this code; provided, however, that eleemosynary, 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 village clerk within 20 days of any change in the registration information by filing an amended registration statement on a form provided by the village clerk 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 of the residential dwelling structure. Registration of a residential dwelling structure in accordance with this section shall be deemed to satisfy the registration requirements set forth in this code and the notification requirement set forth in the code.

(2) In addition to other information required by the village clerk, 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 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 in connection with the enforcement of this code. This person must maintain an office within a seventy-five mile radius of the municipal limits of the village. An Owner who is a natural person and who meets the requirement of this subsection as to location of residence or office may designate himself or herself as

agent. 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 residential dwelling structure and all process in any court proceeding or administrative enforcement proceeding brought to enforce code provisions concerning the registered residential dwelling structure by service of the notice or process on the authorized agent. Any Owner who fails to register a vacant residential dwelling structure under the provisions of this subsection shall further be deemed to consent to receive, by posting at the residential dwelling structure, any and all notices of code violations and all process in the administrative proceeding brought to enforce code provisions concerning the residential dwelling structure .

(B) Responsibilities of Owner or Manager.

The Owner of any residential dwelling structure that has become vacant, and any person maintaining, operating or collecting rent for any residential dwelling structure that has become vacant shall, within 30 days, do the following:

- (1) Enclose and secure the residential dwelling structure;
- (2) Maintain the residential dwelling structure in a secure and closed condition sign until the residential dwelling structure is again occupied or until repair or completion of the residential dwelling structure has been undertaken.

(C) Liability Insurance.

The Owner of any residential dwelling structure that has become vacant shall, within 30 days, acquire or otherwise maintain liability insurance, in an amount of not less than \$300,000 covering any damage to any person or any property caused by any physical condition of or in the residential dwelling structure. Any insurance policy acquired after the residential dwelling structure is vacant shall provide written notice to the village clerk 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 village clerk 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 village clerk or his or her designee.

(D) Rules and Regulation to be Promulgated.

The village clerk 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 residential dwelling structure so that the boarding is reasonably incapable of being removed by trespassers or others acting without the residential dwelling structure Owner's consent.

(E) Definition.

For the purpose of this subchapter, the following definitions apply:

- (1) "Vacant" shall mean a residential dwelling structure 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 residential dwelling structure is vacant, it is relevant to consider, among, other factors, the percentage of the overall square footage of the residential dwelling structure 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 rental dwelling units shall be considered VACANT when substantially all of the rental dwelling units are unoccupied.

(2) "Rental Dwelling Structure" shall be defined as any structure containing a rental dwelling unit or rental dwelling units, as defined in § 154A.02(H) of this code. The term "rental dwelling structure" shall not include hotels, motels, bed and breakfast establishments, nursing homes, retirement homes, rest homes, assisted living facilities or dwellings owned or controlled by government agencies and public housing authorities.

(F) Registration Required.

The Owner of any residential dwelling structure shall file a registration statement for each such residential dwelling structure with the village clerk on forms provided by the village clerk for such purposes; provided, however, that the registration of a vacant residential dwelling structure 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 of the residential dwelling structure. A registration form shall be prepared by the village clerk.

(G) Penalty

Any person who violates any provision of this section shall be subject to a fine of not less than fifty dollars (\$50.00) nor more than seven hundred fifty dollars (\$750.00) for each offense, unless specified otherwise within this chapter. A separate offense shall be deemed committed on each day that a violation continues. All violations of this section are hereby determined to be a nuisance which may be abated or enjoined by the village. Nothing in this section shall exempt the village or any person from seeking civil remedies against any person who is in violation of this section.

§ 154A.04 INDEBTEDNESS TO THE VILLAGE. The processing of an application under this Chapter 154A shall not commence and no registration or occupancy permit shall be approved if the applicant therefore is indebted to the

village for any sum or if the applicant is in violation of any village code, regulation or ordinance at the time of application.

SECTION IV: § 150.82 of the Code of Round Lake Park entitled "BUILDING FEES" is hereby amended as follows, with double underline (insert) denoting inserted language and ~~strikeout~~ denoting deleted language:

"§ 150.82 - BUILDING FEES.

* * *

(C) *Other fees.* Listed below are other miscellaneous permit fees that are not covered by the above schedule:

Structure Alterations	
Residing	\$50.00
Reroofing	30.00
Patio or wooden deck or porch	50.00
Window replacement	30.00
Demolition -	
major structure	100.00
minor or accessory structure	30.00
Site Additions or Alterations	
Driveway permit -	
new construction	\$75.00
resurface or replacement	30.00
Sidewalks -	25.00
Fence permit -	30.00
Shed permit - 144 sq. ft. max.	50.00
Shed permit - 144 sq. ft. max. with concrete	70.00

Swimming pool - above ground	30.00
Swimming pool - below ground	200.00
Spa or hot tub -	30.00
Commercial swimming pool	500.00
Radio towers - TV towers -	50.00
Sewer service - repair	30.00
Water service - repair	30.00
Violation fees	
Stop work order	\$100.00
Violation I (working without a permit)	100.00
Violation II (working without the required	100.00
Commercial/Industrial Building	
New construction (0.05% of estimated cost)	\$600.00
Alterations (under 2,500 sq. ft.)	200.00
Additions (under 2,500 sq. ft.)	300.00
 <u>Rental Residential Property Inspection</u>	
 <u>Registration of rental dwelling unit</u>	<u>\$100.00</u>
 <u>First and subsequent reinspection</u>	<u>65.00</u>

Vacant Residential Dwelling Structure Registration

Registration fee per rental dwelling structure

\$100.00

SECTION V: Nothing in this Ordinance shall be construed to affect any suit or proceeding pending in any court, or any rights acquired, or liability incurred, or any cause or causes of action arising, acquired or existing under any act or ordinance or portion thereof hereby repealed or amended by this ordinance; nor shall any just or legal right, claim, penalty or remedy of any character of the corporate authority existing on the effective date hereof be lost, impaired or affected by this Ordinance.

SECTION VI: All ordinances or parts of ordinances in conflict herewith are, to the extent of such conflict, hereby repealed.

SECTION VII: If any provision, clause, sentence, paragraph, section, or part of this ordinance or application thereof to any person, firm, corporation, public agency or circumstance, shall, for any reason, be adjudged by a court of competent jurisdiction to be unconstitutional or invalid, said judgment shall not affect, impair or invalidate the remainder of this ordinance and the application of such provision to other persons, firms, corporation, or circumstances, but shall be confined in its operation to the provision, clause, sentence, paragraph, section, or part thereof directly involved in the controversy in which such judgment shall have been rendered and to the person, firm, corporation, or circumstances involved. It is hereby declared to be the legislative intent of the corporate authorities that this ordinance would have been adopted had such unconstitutional or invalid provision, clause, sentence, paragraph, section, or part thereof not been included.

SECTION VIII: That any person, firm or entity violating the terms and conditions of this Ordinance shall be subject to a fine not to exceed \$750.00 with each and every day that the violation exists constituting a distinct and separate offense under the terms of this Ordinance. In addition, the Corporate Authority may take whatever action it deems appropriate to enforce the terms of this Ordinance, including an action for injunction.

SECTION IX: This ordinance shall be in full force and effect from and after its passage, approval and publication in pamphlet form as required by law.

Passed this 11th day of November, 2014.

TRUSTEES

CANDACE KENYON
PATRICIA WILLIAMS
BOB CERRETTI
DONNA G. WAGNER
JEAN MCCUE
SCOTT MURAR

Ayes:

Nays:

Absent/Abstain

APPROVED:

By: *Frank M. Lencasser* Date: 11/11/14
Village President

ATTEST:

By: *Karen M. Eggert*
Village Clerk

Presented and read, or reading having been waived, at a duly convened meeting of the Corporate Authorities on November 11, 2014.

I hereby certify that the above ordinance was published in pamphlet form on November 11, 2014, as provided by law.

By: *Karen M. Eggert*
Village Clerk