

Chapter 13

RESIDENTIAL RENTAL PROPERTY REGISTRATION AND INSPECTION

8-13-1 DEFINITIONS

Unless otherwise expressly stated or clearly indicated by context, the following terms as used in this Chapter 13 shall have the meanings indicated in this section:

CODE: The Municipal Code of the village, as amended, all village rules, regulations, and policies, and all state laws, rules, regulations, and policies.

VILLAGE OFFICIAL: The Mayor of the village or the mayor's designee.

DWELLING UNIT: A building or portion thereof designed to be used as a residence; a single unit providing complete independent facilities for the exclusive use of a person or persons, including, but not limited to, provisions for living, sleeping, eating, cooking, and sanitation. A dwelling unit shall not include motels, hotels, nursing homes, or hospital patient housing.

INITIAL INSPECTION: The first inspection of a dwelling unit for the purpose of determining compliance with the code.

LET FOR OCCUPANCY OR LET: To permit, provide or offer possession or occupancy of a dwelling unit to a person who is or who is not the legal owner of record thereof, pursuant to a written or unwritten lease, agreement, license, or similar instrument, or pursuant to a recorded or unrecorded agreement or contract of sale for the premises.

OCCUPANT: A person occupying a dwelling unit or using the property as a legal address for any purpose.

OWNER: Any person, agent, operator, firm, or corporation having a legal or equitable ownership interest in a property.

PERSON: A corporation, firm, partnership, association, organization, or any group acting as a unit or legal entity, as well as a natural person.

PROPERTY AGENT: A person, operator, firm, partnership, corporation, or other legal entity designated in writing by the property owner on the owner's Residential Rental Property Registration application.

RE-INSPECTION: Any inspection of a residential rental property that occurs after the initial inspection.

RESIDENTIAL RENTAL PROPERTY: Any dwelling unit let for occupancy to a person or persons for any amount of rent or compensation and for use as a dwelling unit.

8-13-2 PROHIBITED CONDUCT

It is unlawful for any person to:

- A. Lease or operate a residential rental property without first registering it with the village and complying with the provisions of this Chapter, together with other applicable codes and ordinances of the village.
- B. Occupy a residential rental property that is not currently and validly registered with the village.

8-13-3 RESIDENTIAL RENTAL PROPERTY REGISTRATION – CONDITIONS AND TERMS

- A. Residential Rental Property Registration will remain valid until the sooner of any of the following occurs:
 - 1. The village revokes or suspends the registration in accordance with this Chapter 13;
 - 2. The second July 1st after the registration has been approved.
 - 3. The residential rental property is damaged or destroyed to the extent that it is no longer habitable; or
 - 4. A change in tenancy.
- B. Registration may not be transferred between owners.
- C. Registration may not be transferred from one residential rental property to another.
- D. Registration may be denied or may be revoked by the village as provided in this article.

8-13-4 RESIDENTIAL RENTAL PROPERTY REGISTRATION – APPLICATION

- A. Owners shall complete a Residential Rental Property Registration Application on a form provided by the village and provide all other information reasonably requested by the village. At a minimum, owners shall provide the following information for each residential rental property:
 - 1. Owner's legal name, address, telephone number, and email address;
 - 2. Emergency contact information including a name, cell phone number, email address, and home address;

3. Indicate who performs maintenance on the residential rental property. In the event that maintenance is performed by a Property Maintenance Company or Manager, include the Company or Manager's name, cell phone, email address, and home address;
 4. The address of the residential rental property;
 5. The residential rental property's square footage, number of bedrooms, number of bathrooms, and whether there is an attached garage;
 6. Whether the residential rental property contains a finished basement or attic. If the residential rental property does contain a finished basement or an attic, the owner shall indicate the number of bedrooms and/or bathrooms in those locations;
 7. The address of any and all other residential rental property owned by owner located in the village; and
 8. The legal name of each residential rental property's adult occupants.
- B. Every Applicant shall pay an application fee for each residential rental property as set forth in the annual fee ordinance contained in Section 1-16-3. This fee shall not be charged for unoccupied Residential Rental Properties and the fee shall be applicable during each two (2) year term regardless of tenant turnover.
- C. An owner shall submit a revised application to the village within 30 days of any modification to the information the owner previously provided on the registration application.
- D. Applications for Residential Rental Property Registration shall be filed within one hundred twenty (120) days of the effective date of this Chapter 13. Thereafter, applications for Rental Unit Registration shall be filed at least thirty (30) days before Residential Rental Property Registration's expiration.
- E. Owners that fail to submit a Rental Unit Registration Application in accordance with the timeframes set forth in Section 8-13-4 shall be required to pay a late application fee as set forth in the annual fee ordinance contained in Section 1-16-3.

8-13-5

INSPECTIONS

- A. Upon submitting a Residential Rental Property Registration Application, within thirty (30) days thereafter, the owner shall schedule with the village an inspection of the residential rental property.
- B. Each inspection made by the village official shall be for the purpose of determining compliance with the village ordinances.

- C. The village official shall approve a Residential Rental Property Registration Application only upon finding that there is no condition that would constitute a hazard to the health and safety of the occupants and the residential rental property is otherwise fit for occupancy. If such findings are not made, the village official shall issue notice to comply to the owner or property agent. Upon re-inspection and evidence of compliance, the village official shall approve the Residential Rental Property Registration Application.
- D. If upon re-inspection, evidence of non-compliance with village ordinances exist, which constitute a hazard to the occupants' health or safety, the village may immediately suspend or revoke the Residential Rental Property Registration by delivering or mailing notice to the owner or property agent.
- E. The village official may conduct periodic inspections of all residential rental property to ensure compliance with this chapter and the village code as a whole.
- F. The village official shall provide notice of the inspection to the owner and at least one of the occupants of the dwelling. Notice shall be given to the owner of record or the beneficial owner of the dwelling by either mailing notice to the address of the person or entity to whom real estate tax bills are mailed or by hand delivery to the owner. Notice shall be given to the occupant(s) by mailing the notice to the address of the dwelling to be inspected or by hand delivery of the notice to an occupant who is 18 years of age or older or by posting the notice on the front door of the dwelling.
- G. An inspection shall be conducted only if an occupant, who is 18 years of age or older, has given their consent to the inspection at a time agreed upon by the village official. In the event that the residential rental property is unoccupied, the owner shall give consent to the inspection at a time agreed upon with the village official.
- H. In the event an owner, property agent, or occupant of a residential rental property refuses consent to the inspection, schedule a time to inspect the residential rental property, or otherwise fails to comply with village ordinances, the village reserves all remedies to secure compliance with this Chapter 13, including, without limitation, seeking an administrative search warrant or suspending or revoking an owner's Residential Rental Property Registration.
- I. Violations discovered during inspection shall be identified in a written notice to the owner or the property agent. If the identity of the owner cannot be readily ascertained, the notice shall be mailed to the last taxpayer of record shown on the records of the McHenry or Lake County Treasurer. Violation notices shall be mailed to the owner or property agent within thirty (30) days of their discovery by the village official.
- J. The village official shall complete as many re-inspections as are reasonably necessary to ensure that appropriate corrective action has been taken to bring the

residential rental property into compliance with the code. If a re-inspection is conducted by the village, the owner shall pay a fee in the amount set forth in the annual fee ordinance as contained in Section 1-16-3.

- K. Nothing in this Chapter 13 shall restrict, limit, or alter the village's authority to inspect any property nor impose penalties for violations of the village ordinances.

8-13-6 APPEALS

- A. Any person receiving a violation notice pursuant to this Chapter 13, and any person whose Residential Rental Property Registration Application is denied, or any person whose Residential Rental Property Registration has been suspended or revoked shall have the right to appeal to the village board. Such an appeal shall be in writing and filed with the village official within fourteen (14) days of the date of the village official's action. The appeal shall contain a complete statement of the reasons for the appeal, the specific facts supporting the appeal, and all evidence the appellant intends to rely on to support the appeal.
- B. The village board shall schedule a meeting to consider the appeal within thirty (30) days of receiving the appeal. The village board may consider all facts, evidence, and testimony presented by the appellant and the village official, and all other information the village board determines to be relevant to the appeal.
- C. The village board shall send written notice of its decision to the owner within thirty (30) days of hearing the appeal and its decision shall be a final administrative decision.

8-13-8 EFFECT ON EXISTING RESIDENTIAL RENTAL PROPERTY

Owners of residential rental property with leases which began before the date this section was adopted shall be required to submit a Residential Rental Property Registration Application, but will be exempt from the initial inspection.

8-13-9 NO WARRANTY OF HABITABILITY

The approval of a Residential Rental Property Registration application shall not be construed as a warranty of habitability of the dwelling unit or any guarantee to the registrant or any occupant of the rental dwelling that the rental dwelling is free from all violations of all applicable property maintenance laws, ordinances, or regulations. Nothing in this article shall be construed as creating a duty of obligation of the village or its village official or agents and employees to any individual registered owners or occupant of or visitor to a rental dwelling.

8-13-10 PENALTY

- A. The village official may suspend, revoke, or refuse to renew the Residential Rental Property Registration held by the owner or person in charge of a rental

dwelling who violates any provisions of this Chapter 13 or any other ordinance of the village.

- B. In addition to any other remedy, including, without limitation, remedies at law and in equity, any person violating the terms of this Chapter 13 shall be fined not more than \$750.00 for each day the violation continues, nor less than \$100 for each day the violation continues, and shall be liable for the village's attorney fees relating to the prosecution and enforcement of these provisions. Each day a violation continues shall be a separate offense.

SECTION 3: Title 1, Chapter 16, Annual Fee Ordinance, Section 1-16-3 is amended to add the following provisions:

1-16-3 SCHEDULE OF FEES, FINES, AND PENALTIES

Corresponding section of the Island Lake village code	Description	Amount
* * *		
Sec. 8-13-4B	Residential Rental Property Application	\$50.00 upon submission of Application
Sec. 8-13-4E	Residential Rental Property Late Application Fee	\$150.00
Sec. 8-13-5I	Residential Rental Property Re-Inspection Fee	\$30.00 per re-inspection
* * *		

SECTION 4: Severability. In the event that any section, clause, provision, or part of this Ordinance shall be found and determined to be invalid by a court of competent jurisdiction, all valid parts that are severable from the invalid parts shall remain in full force and effect.

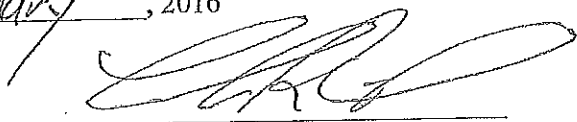
SECTION 5: Repeal and Savings Clause. All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

SECTION 6: Effective Date. This Ordinance shall be in full force and effect upon its passage.

PASSED on the ____ day of _____, 2016.

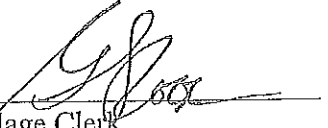
	AYES	NAYS	ABSTAIN	ABSENT
Debra Jenkins	X			
John Burke	X			
Sandy Hartogh	X			
Mark Beeson	X			
Keith Johns		X		
Eberhard Becker	X			

APPROVED on the 25 day of February, 2016



Charles R. Amrich, Mayor

ATTEST:



Village Clerk

Z:\IslandLake\Ordinances\Rental Unit Registration.docx