

Ordinance 1541-16

Passed on the 22nd day of
September, 2016

***An Ordinance Amending Title 8 of
the Island Lake
Village Code Regarding Building
Regulations***

ORDINANCE 1541-16

***An Ordinance Amending Title 8 of the Island Lake
Village Code Regarding Building Regulations***

WHEREAS, the registration of residential rental property is a matter of growing importance to protect the health, safety, and welfare of the residents of the Village of Island Lake and to eliminate public nuisances within the Village; and

WHEREAS, the Illinois Municipal Code provides the Corporate Authorities of the Village of Island Lake Illinois with certain powers to promote the public health, safety, comfort, morals and welfare of the community, 65 ILCS 5/11-13-1; and

WHEREAS, residential rental property directly affect the public health, safety and welfare of the residents of the Village of Island Lake; and

WHEREAS, the Illinois Municipal Code provides that the Corporate Authorities of the Village of Island Lake Illinois may define, prevent, and abate nuisances, 65 ILCS 5/11-60-2; and

WHEREAS, problems such as a lack of smoke detectors, inadequate egress, malfunctioning doors, faulty plumbing, inadequate heating, unsafe exterior structures, and other problems of a like nature, are nuisances associated with rental units that increase costs to the Village of Island Lake and pose a direct threat to the health, safety, and welfare of its residents; and

WHEREAS, the registration of rental property assists to prevent and abate such nuisances; and

WHEREAS, the Village of Island Lake recognizes that most landlords are responsible owners, and that a targeted approach that focuses on problem landlords and properties is the most effective way to reduce the number and recurrence of nuisance conditions; and

WHEREAS, the Mayor and Board of Trustees of the Village of Island Lake have determined that it is in the interest of the public health, safety and welfare of the citizens of the Village of Island Lake to require the registration of residential rental property.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Board of Trustees of the Village of Island Lake, Lake and McHenry Counties, Illinois, as follows:

SECTION 1: Chapter 13, Title 8, of the Island Lake Municipal Code which reads as follows, is hereby revoked and replaced as follows:

Chapter 13

RESIDENTIAL RENTAL PROPERTY REGISTRATION AND INSPECTION

8-13-1 DEFINITIONS

Definitions: For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning:

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

DWELLING UNIT: The permanent or temporary abode of a family, an individual, or group of individuals; a single unit providing complete independent facilities for the exclusive use of the family, individual, or group of individuals, including, but not limited to, permanent provisions for living, sleeping, eating, cooking and sanitation.

FAMILY: Any of the following: a) two (2) or more persons related to one another by blood, marriage, or legal adoption, living together as a single housekeeping unit in a dwelling unit; or b) up to four (4) unrelated persons living together as a single housekeeping unit in a single dwelling unit; or c) up to eight (8) persons with physical or developmental disabilities and attendant support staff living together as a single housekeeping unit in a single dwelling unit.

GUEST: A person who is a temporary resident (less than 10 percent of the time) of a dwelling unit and who does not utilize the unit as a legal address for any purpose. Guest shall also mean a person who occupies a rental unit without providing compensation for the privilege of occupying such rental unit.

INITIAL INSPECTION: The first inspection of a dwelling unit for the purpose of determining compliance with the property maintenance code, from adoption of this chapter.

LET FOR OCCUPANCY OR LET: To permit, provide or offer possession or occupancy of a dwelling, dwelling unit, rooming unit, building, premises or structure to a person who is or who is not the legal owner of records thereof, pursuant to a written or unwritten lease, agreement or license, or pursuant to a recorded or unrecorded agreement of contract for the sale of the premises. The term of the letting shall be the period of which has been agreed upon during which the rent or other compensation is fixed and/or no further agreement or permission is needed to remain in occupancy.

MAXIMUM ALLOWABLE OCCUPANCY: The maximum number of persons permitted to occupy a dwelling unit determined under the property maintenance code.

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 the fee title to the property.

PERSON: Includes a corporation, firm, partnership, association, organization or any group acting as a unit, as well as a natural person. References in the masculine gender include the feminine gender and the neuter. The present tense shall include the future tense, and the singular shall also include the plural.

PROPERTY AGENT: A person, operator, firm, partnership, corporation, or other legal entity designated in writing by the property owner to the village official to manage a rental residential property including the authority to receive notices or citations.

PROPERTY MAINTENANCE CODE: Those codes adopted, and as amended, under this chapter.

RE-INSPECTION: An inspection of a dwelling unit to determine the landlord's or owner's correction of code deficiencies cited during the initial inspection.

RESIDENTIAL RENTAL PROPERTY: Any dwelling unit or rooming unit let or intended to be let to a family, person or persons for any amount of rent or other compensation for the use of the rental property as a dwelling.

ROOMING UNIT: A room or a suite of rooms forming a single, separate, habitable unit to be used for living, or for living and sleeping, or for sleeping, but not for cooking and eating purposes.

8-13-2 CERTIFICATE REQUIRED; PROHIBITED CONDUCT

- a. All residential rental properties shall have a current and valid village certificate of compliance for such residential rental property.
- b. It shall be unlawful for any person to erect, construct, alter, extend, repair, remove, maintain, fail to maintain, provide, fail to provide, occupy, or permit another person to occupy any residential dwelling unit, premises, property building, dwelling unit, structure or equipment regulated by the property maintenance code or cause such things to be done contrary to, or in conflict with, or in violation of this chapter or in violation of any of the provisions of the property maintenance code, or to fail to obey a lawful order of the village official, or to remove or deface a placard or notice posted under the provisions of the property maintenance code.
- c. It is unlawful for any person, firm, partnership, corporation or other legal entity to operate, or maintain within the Village a residential rental property without first obtaining a certificate of compliance.

- d. It is unlawful for a person to occupy a rental residential property, or for any person, firm, partnership, corporation or other legal entity to cause, allow or permit anyone to occupy a rental residential property which does not have a certificate of compliance.
- e. Penalties for subsections 8-13-2(a) through 8-13-2(d) of this section can be found in section 8-13-7 of this Chapter.

8-13-3 CERTIFICATE

- a. Once a certificate is issued it shall be valid and continued until the sooner of any of the following occurs:
 - (1) Title to, or beneficial interest in, the property covered by the certificate is transferred or conveyed so that fifty percent (50%) or more of the record ownership or beneficial interest therein has changed;
 - (2) There is a change of occupancy of the residential dwelling unit covered by the certificate;
 - (3) The residential improvements to the property covered by the certificate are damaged or destroyed to the extent that the residential unit is uninhabitable; or
 - (4) Twenty four (24) months have passed from the first day of the next quarterly month (January, April, July, or October) following the date of issuance of the certificate.

8-13-4 APPLICATION

- a. No certificate of compliance shall be issued except upon legibly written application fully completed on a form provided by the village. Such application shall, at a minimum, contain:
 - (1) The full legal name, address, home, facsimile, and daytime telephone numbers, and electronic mail (e-mail) address of the principal owner; and, if applicable, the person designated as the agent of the owner for purposes of scheduling inspectors and/or receiving notices under section 8-13-4(a)(4) of this chapter;
 - (2) The address of the property to be occupied;
 - (3) The number of dwelling units within the premises and total square footage of each dwelling unit;
 - (4) The full name and mailing address of the person to whom any notices are to be sent under the provisions of this chapter (the notice address). Until written notification of a change of the notice address is received by the village, any notice to be provided under the provisions of this chapter or the property maintenance code shall be deemed sufficiently given if deposited in the United States mail, postage prepaid and addressed to the person at the address listed in this portion of the application. An owner may designate an agent for purposes of this subsection 8-13-4(a)(4);

- (5) The total square footage designed for living and sleeping purposes within the building and/or dwelling to be occupied, calculated consistent with property maintenance code; and
 - (6) The square footage of the floor area of each room, closet and basement, if any.
- b. Each application for a certificate of compliance shall be accompanied by an application fee as listed in the village fee schedule, section 1-16-3, for each separate dwelling unit, which will be inspected. The fee for late filing shall be that listed in the village fee schedule, section 1-16-3. So long as an application fee has been paid within the last two (2) years, no fee shall be charged for applications submitted due the expiration of a certificate under 8-13-3(a)(2).
 - c. The first application for a certificate of compliance and fee shall be due within one hundred twenty (120) days of the adoption and effective date of this amended chapter for all occupied residential rental property presently. For all other dwelling units that are intended to be leased for rental, for which title will be conveyed or transferred from one owner to another, an application for a certificate of compliance and fee shall be within thirty (30) days after the date of the conveyance or transfer. New rental properties shall file an application for certificate of compliance and fee within thirty (30) days of renting the property.
 - d. The Village shall mail notifications of renewal 30 days before a certificate is set to expire.

8-13-5 INSPECTION PROGRAM

- a. At the time of the receipt of a duly completed initial application or renewal application and the required verification, and if the necessary application fee has been paid, the village official, or his designee and the applicant and tenant, shall schedule an inspection of the subject premises; provided however, nothing in this chapter shall be construed to prevent the village official from scheduling and/or lawfully seeking an inspection of any dwelling unit where a certificate of compliance has expired and a renewal certificate has not been issued or when the village official has reasonable belief that a violation of the property maintenance code or other applicable building or zoning codes have been violated.
- b. The village official shall maintain a village-wide plan of all dwelling units occupied or held or offered for occupancy which, to the village official's best knowledge and belief, is based on the applications for certificate of compliance, their renewal, or any other reasonable information available, and establishing a schedule of inspections that will ensure that all such dwelling units and associated premises shall be inspected at least once; provided, however, upon probable cause that a violation exists, where required, additional inspections may be made to take steps needed to bring the subject building, dwelling unit and/or associated premises into compliance with the property maintenance code and health and safety codes and ordinances.
- c. Where the inspection is pursuant to an initial application or a renewal application, the village official shall endeavor to schedule the inspection with the applicant or the applicant's agent at a time and on a date during normal village business hours, which is convenient to the village official and the applicant or agent and the tenant, if any. In all other cases, the inspection shall be made on a date and at a time which the village official may reasonably and lawfully establish.

- d. In the event the applicant, owner or tenant of the premises to be inspected refuses entry to the premises to the village official or his designee, or in the event the owner or his agent are uncooperative in scheduling the inspection, the village official or his designee may seek the appropriate search warrant from the circuit court of the 22nd or 19th judicial circuit, McHenry County or Lake County, Illinois, for an administrative inspection. There shall be no issuance of a certificate, renewal certificate or temporary certificate until such inspection has been made. No applicant, owner or tenant shall be held in violation of this chapter for a refusal to allow an inspection, or operating or occupying a rental dwelling without a certificate as a result of an inspection being denied. Nothing in this chapter shall restrict the Village's ability to obtain an administrative search warrant.
- e. The village official shall provide notice of the inspection to the owner and at least one of the occupants of the dwelling. An inspection shall be conducted only if the owner or the occupant has given their consent to the inspection at a time agreed upon by the village official. 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 eighteen (18) years of age or older or by posting the notice on the front door of the dwelling.
- f. The village official, when inspecting the dwelling, shall limit the scope of the inspection to only those items that pertain to the property maintenance laws, ordinances, and regulations applicable to the dwelling being inspected. This includes, but is not limited to, the terms and provisions of the International Property Maintenance Code, as adopted by the village and as amended from time to time including the various codes incorporated by reference in the international property maintenance codes.
- g. Any violations found as a result of the inspection shall be set forth in a written notice to the owner(s) or owner's agent as designated on the application form. A copy of such notice of violation may, but need not be, left with the occupier or occupiers of the rental property. Notice of violations shall be sent to the owner at the address stated on the application or to the person designated on the application form as the owner's agent, within a reasonable amount of time. In the absence of a person designated to receive notice, the notice shall be sent by U.S. mail, postage prepaid, to the last taxpayer of record shown on the records of the McHenry County or Lake County treasurer as responsible for the ad valorem real estate taxes for the property in violation. Such mailing is deemed to be service of such notice.
- h. Re-inspections shall be made as often as reasonably necessary to ensure corrective action to cure any violations of the relevant ordinances or regulations and to bring the building, dwelling unit and premises into compliance. The inspections shall be scheduled with the village. The village may schedule the inspections if owner or owner's agent or tenant is or are unresponsive and if necessary, the appropriate administrative search warrant may be sought for these purposes based upon probable cause or causes noted as violations. If a re-inspection is required because a violation of this code was discovered during a previous inspection, a re-inspection fee, pursuant to section 1-16-3, shall be paid to the village.

- i. A temporary certificate of compliance with an expiration date not to exceed sixty (60) days from the date of issue, will be granted if the village official determines after an inspection that a violation exists.

8-13-6 VIOLATIONS - RENTAL OR LEASED PROPERTIES

It shall be unlawful to rent or lease residential property if one or more of the following conditions exist:

- a. Conditions that subject the property to condemnation pursuant the Village’s police powers;
- b. The failure of the owner or applicant to provide a completed application for a certificate of compliance or a renewal certificate of compliance as provided in this chapter;
- c. The occupancy of the dwelling unit exceeds the permitted maximum occupancy under the property maintenance code, as amended.

8-13-7 PENALTY

- a. Any person, firm or entity violating the provisions of this chapter shall be subject to a fine not to exceed seven hundred fifty dollars (\$750.00) for each and every day that the violation continues to exist and each such day constitutes a distinct and separate offense under the provisions of this chapter. In addition, the village may take whatever lawful action it deems appropriate to enforce the terms of this chapter, including, but not limited to, actions at law or actions seeking injunctive relief.
- b. In addition to fines provided in this chapter, the village may seek any other lawful and appropriate remedy to enforce compliance with the provisions of this chapter, including, but not limited to, an action in a court of competent jurisdiction for mandatory injunction, injunction, temporary restraining order, preliminary injunction, equitable relief, demolition or other lawful relief including, but not limited to, fines and costs of enforcement. The remedies available to the village shall be cumulative and not exclusive of another.

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

SCHEDULE OF FEES, FINES, AND PENALTIES

Corresponding section of the Island Lake village code	Description	Amount
* * *		
Sec. 8-13-4(b)	Residential Rental Property Application	\$50.00 upon submission of Application
Sec. 8-13-4(b)	Residential Rental Property Late Application Fee	\$150.00
Sec. 8-13-5(h)	Re-Inspection Fee	\$30.00
Sec. 8-13-7(a)	Residential Rental Property Penalty	Up to \$750.00 for each and every day the violation continues.
* * *		

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.

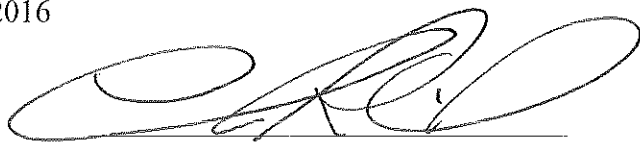
SECTION 5: Repeal and Savings Clause. All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

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

PASSED on the 22nd day of September, 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 22nd day of September, 2016



Charles R. Amrich, Mayor

ATTEST:



Georgine Cooper, Village Clerk

CERTIFICATION


I do hereby certify that I am the duly qualified Clerk of the Village of Island Lake, Lake and McHenry Counties, Illinois, and that as such Clerk, I am the keeper of the ordinances, records, corporate seal and proceedings of the Mayor and Board of Trustees of said Village of Island Lake.

I do hereby further certify that at a meeting of the Mayor and Board of Trustees of the Village of Island Lake, held on the 22nd day of September, 2016, the foregoing Ordinance 1540-16 entitled **An Ordinance Amending Title 8 of the Island Lake Village Code Regarding Building Regulations** was duly passed and approved by the Mayor and Board of Trustees of the Village of Island Lake in Lake and McHenry Counties, Illinois.

I do further certify that the original, of which the attached is a true and correct copy, is entrusted to me as the Clerk of said Village for safekeeping, and that I am the lawful custodian and keeper of the same.

IN WITNESS WHEREOF, I have affixed my name as Clerk and caused the seal of said Village to be affixed hereto 23rd day of September, 2016.





Georgine Cooper, Village Clerk,
Village of Island Lake
Lake and McHenry Counties, Illinois