

Ordinance No. 15-30

AN ORDINANCE OF THE VILLAGE OF EAST DUNDEE, ILLINOIS, ESTABLISHING LICENSING REGULATIONS FOR RENTAL BUILDINGS AND DWELLING UNITS

WHEREAS, the Village of East Dundee (the “*Village*”) is a duly organized and validly existing home-rule municipality created in accordance with the Constitution of the State of Illinois of 1970 and the laws of the State; and,

WHEREAS, the Village pursuant to its home rule authority and its property maintenance codes desires to license and enforce such codes upon all commercial and residential rental buildings and dwelling units in the Village.

NOW, THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of East Dundee, Kane and Cook Counties, Illinois, as follows:

Section 1: That the East Dundee Municipal Code, as amended, be and is hereby amended by adding Chapter 119, RENTAL LICENSE, to Title XI, Business Regulations, to read as follows:

“CHAPTER 119: - RENTAL LICENSE

§ 119.01 - Purpose

The purpose of this chapter is to provide for property maintenance standards, inspection and licensing of rental property so as to protect the public health, safety and welfare of the residents and guests of rental units including:

- (A) To protect the public health and safety by obtaining compliance with the property maintenance standards of the village.
- (B) To protect the character and stability of residential and commercial areas.
- (C) To correct and prevent housing conditions that adversely affect or are likely to adversely affect the life, safety, general welfare and health, including the physical, mental and social well-being, of persons occupying rental residential dwelling units.
- (D) To prevent the overcrowding of dwellings by requiring compliance with minimum space standards per occupant for each dwelling unit.
- (E) To facilitate the enforcement of property maintenance for the maintenance of existing buildings and thus to prevent deteriorating buildings and blight.

§ 119.02 – Definitions

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

PROPERTY: Any unimproved or improved real property or portion thereof, situated in the Village of East Dundee and includes the buildings or structures located on the property regardless of condition.

RENTAL LICENSE: A license required for any owner of a building, structure, dwelling or dwelling unit who rents, leases, or controls any portion of the property, building or structure to another person, business, corporation or entity for any fixed period of time.

§ 119.02 – Rental License Required

- (A) License Required: No person shall engage in the business of renting without having obtained a license.
 - (1) Residential Property: It shall be unlawful to rent a residential dwelling or dwelling unit without first obtaining a rental license issued by the building department for the specific location.
 - (2) Nonresidential Property: It shall be unlawful to rent a nonresidential building or structure without first obtaining a rental license issued by the building department for the specific location.
- (B) It is unlawful for a person to occupy a rental building or residential unit, or for any owner or property agent to allow anyone to occupy a rental building or residential unit, which is not licensed.
- (C) It is unlawful for any person to offer for rent or to occupy any vacant building or dwelling unit or any building or dwelling unit that becomes vacant for which a license is under suspension.
- (D) This chapter shall not apply to the following structures:
 - (1) Hotels, motels, and other structures which rent rooms to occupants which are primarily transient in nature.
 - (2) Dwellings, buildings, structures and uses licensed and inspected by village, state or federal government, including but not limited to nursing homes, retirement centers, rest homes, etc.
 - (3) Dwellings, buildings, structures and uses owned by governmental agencies and public housing authorities.
- (E) A license for a rental residential property cannot be transferred to another rental residential property or a succeeding owner.

§ 119.02 – Application, Inspection and Enforcement

- (A) Application for a license hereunder shall be made in writing and shall be processed in accordance with chapter 110 of this title and shall submit the following information in an application provided by the village:
 - (1) Name, address, and home and business telephone numbers of the owner of the property and, if property is held in trust, the name, address, home and business telephone numbers of the beneficiaries and the percentages of ownership of all the beneficiaries of

the trust, appropriate corporate or partnership information. The name, address and phone number of the management company and agent representing an owner shall be provided.

- (2) Name, address (no P.O. boxes), business and home telephone numbers of the owner or agent to be contacted when potential violations of municipal ordinances occur.
- (3) Telephone number of the owner or agent to be contacted when an emergency exists.
- (4) An acknowledgment that the agent or owner shall be reasonably accessible to the village and have a telephone number which shall be available to the village at any time. The owner or agent shall have a local office available for contact in Illinois.
- (5) In the event any of the information requested should change, it shall be the obligation of the owner to notify the village in writing within ten (10) days of the change.
- (6) No license shall be issued or renewed unless the owner or operator agrees in their application to an inspection pursuant to this chapter as the village administrator may require to determine whether the location in connection with which such license is sought is in compliance with the applicable provisions of this chapter and with the applicable rules and regulations pursuant thereto in this Code.

(B) Fees

- (1) Each application for a license shall be accompanied by the license fees established in the annual fee schedule.
- (2) Inspection fees. No inspection fee other than the license fee provided in subsection (a) of this section shall be charged for the first inspection made upon application for issuance or renewal of a license or one reinspection to determine if violations cited in the first inspection have been corrected if all units are in compliance at the time of the second inspection. Every failed third or subsequent inspection required thereafter to determine if a violation has been corrected, a reinspection fee as established in the annual fee schedule shall be charged per rental residential dwelling unit or for the common exterior area. If any third or subsequent inspection fee not paid prior to the inspection, then the inspection fee, an administrative fee as established in the annual fee schedule, and interest at six percent shall become a lien upon the property after notice as provided in subsection (4) of this section.
- (3) Inspection cancellation fees. An owner shall be permitted to reschedule one appointment per building per license year if notice is given to the village code official scheduled to conduct the inspection at least 24 hours before that inspection. If the owner fails to attend a scheduled inspection or cancels a scheduled inspection with less than 24 hours notice, a rescheduling fee as established in the annual fee schedule shall be paid prior to the issuance of the license.
- (4) Notice. Notice shall be given to the owner of the property or taxpayer of record by personal service or certified mail advising of the delinquent fees and penalties, and that if not paid within 30 days they shall become a lien upon the property.
- (5) Lien. If the delinquent fees and penalties are not paid, that amount shall become a lien on the property upon the filing of a notice of lien in the office of the recorder in the county in which the real estate is located. Such lien shall not be valid as to any

purchaser whose rights in and to such property have arisen prior to the filing of such notice of lien.

- (C) License term: The term of a license shall be for a calendar year beginning January 1 and ending December 31 of each year.
- (D) Notice of maximum occupancy: The owner of a rental residential property shall inform each tenant in writing, prior to occupancy, of the maximum number of persons allowable by the occupancy standards of the village's Property Maintenance Code as determined by the code official or the lease, whichever is less.
- (E) Inspections: The village administrator may require inspections to determine whether the location in connection with which such license is in compliance with the applicable provisions of this chapter and with the applicable rules and regulations pursuant thereto. After inspection, no such license shall be issued unless the location is found to meet all applicable requirements of this chapter and applicable rules and regulations pursuant thereto. Locations that change ownership may be required to be inspected before a new license can be issued.

After inspection, no such license shall be issued unless the location is found to meet all applicable requirements of the Code of the Village of East Dundee including but not limited to this chapter, chapter 50 garbage and refuse, chapter 52 cross-connection control, chapter 151 building regulations, chapter 156 signs, and chapter 157 zoning.

- (1) Whenever, upon inspection of the location, the building official or designee finds that conditions or practices exist which are in violation of the provisions of this chapter or of any applicable rules and regulations pursuant thereto, the owner shall be served with notice of such violation in the manner herein provided. Such notice shall state that unless the violations cited are corrected within reasonable time, the license may be suspended.
- (2) At the end of the time allowed for correction of any violation cited, the building official or designee shall reinspect the location, and if the reinspection reveals that such conditions have not been corrected, a request to the village administrator to suspend the license may be made.
- (3) In the alternative, the building official may file a complaint in the Village's administrative adjudication system or file a complaint against the owner in the circuit court.
- (4) Any person whose license has been recommended for suspension shall be entitled to an appeal to the village administrator in the manner provided by this title. Any written request for appeal shall be filed with the village administrator within fifteen (15) days following the issuance of the notice.
- (5) If, upon reinspection, the building official or designee finds that the location in connection with which the notice was issued is now in compliance with this chapter and with the applicable rules and regulations issued pursuant thereto, a recommendation of the reinstatement of the license may be made to the village administrator.

(6) When the building official or designee determines after an initial inspection that additional follow up inspections are necessary for enforcement of this chapter, one additional follow up inspection for noncompliance shall be granted each license holder without charge. In the event more than one follow up inspection is needed, the license holder shall be assessed a noncompliance inspection service charge to make the reinspection. Payments must be made in full prior to the license being renewed. Failure to pay any balance will serve as grounds to deny further permits or licenses from being issued by the village.

(F) Crime Free Housing: Any owner, agent or designee of residential rental property shall lease only pursuant to a written lease containing their rules and regulations and utilize a crime free lease addendum or have a clause in the lease similar to a crime free lease addendum. A copy of a sample crime free lease addendum shall be provided by the Village to any owner, agent or designee of residential rental property. The clause is to make criminal activity (not limited to violent criminal activity or drug related criminal activity engaged by, facilitated by or permitted by the renter, member of the household, guest or other party under the control of the renter) a lease violation. The landlord shall have authority under that clause to initiate an eviction proceeding as specified in the Illinois Compiled Statutes Forcible Entry and Detainer statutes. Proof of criminal violation in the Forcible Entry and Detainer Statutes shall be by a preponderance of the evidence.”

Section 2: This Ordinance shall be in full force and effect upon its passage, approval and publication as provided by law.

Adopted this 6th day of July, 2015

AYES: Trustees Skillicorn, Lynam, Selep and Wood

NAYS: Ø

ABSENT: Trustees Gorman and Hall

Approved this 6th day of July, 2015



Lael Miller, Village President

Attest:



Heather Maieritsch, Village Clerk

Published in pamphlet form:

July 7, 2015