

PUBLISHED IN PAMPHLET FORM FOR THE FOLLOWING:

ORDINANCE NO. 07-056

TITLED:

AMENDING CERTAIN PROVISIONS OF CHAPTER 27, ARTICLE 2 OF
THE MUNICIPAL CODE (LANDLORD RESPONSIBILITIES)

VILLAGE CLERK
VILLAGE OF BOLINGBROOK

ORDINANCE NO. 07-056

**ORDINANCE AMENDING CERTAIN PROVISIONS OF CHAPTER 27,
ARTICLE 2 OF THE MUNICIPAL CODE (LANDLORD RESPONSIBILITIES)**

WHEREAS, Section 6(a) of Article VII of the 1970 Constitution of the State of Illinois provides that any municipality which has a population of more than 25,000 is a home rule unit, and the Village of Bolingbrook, Will and DuPage counties, Illinois, with a population in excess of 25,000 is, therefore, a home rule unit and, pursuant to the provisions of said Section 6(a) of Article VII, may exercise any power and perform any function pertaining to its government and affairs, including, but not limited to, the power to tax and to incur debt; and

WHEREAS, the Village had enacted regulations relating to its rent/lease program, which regulations are codified as Article 2 of Chapter 27 of the Municipal Code; and

WHEREAS, the Mayor and Board of Trustees believe and hereby declare that, in order to insure that rental properties are properly maintained and to prevent activities that would constitute nuisances from occurring on such properties, it is in the best interests of the Village and its residents to amend certain portions of said Article 2 as hereinafter set forth;

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND BOARD OF TRUSTEES OF THE VILLAGE OF BOLINGBROOK, WILL AND DU PAGE COUNTIES, ILLINOIS, IN THE EXERCISE OF ITS HOME RULE POWERS, AS FOLLOWS:

SECTION ONE: The foregoing recitals shall be and are hereby adopted as findings of fact as if said recitals were fully set forth within this Section One.

SECTION TWO: Section 27-207 of Chapter 27, Article 2 of the Municipal Code of the Village of Bolingbrook shall be and is hereby amended in its entirety so that said Section 27-207 shall hereafter be and read as follows:

Section 27-207. RESPONSIBILITIES OF OWNER, AGENT AND/OR MANAGER.

(A) Definitions. For the purposes of this Section, the following terms shall have the meanings hereinafter ascribed to them

- (1) "Dwelling" means any enclosed space which is wholly or partly used or intended to be used, rented, leased, let or hired out to be occupied, or that is occupied for living purposes.
- (2) "Dwelling unit" means a single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

- (3) "Managing agent" means any person or firm, acting for another, with authority to rent, manage and make expenditures.
- (4) "Rental dwelling" means any multiple dwelling or dwelling unit which is not owner occupied and which is either rented, leased or made available for leasing or rental to others by the property owner or his/her agent. The rental of a single room or the sharing of a dwelling unit between the property owner of the dwelling unit and others shall not constitute a rental dwelling. The term "leased" shall include the occupancy of property pursuant to articles of agreement for purchase or a contract for deed until the deed is delivered by the owner.

(B) License Required. It shall be unlawful for any person to rent, lease or otherwise allow a dwelling or dwelling unit under their ownership to be occupied by others as a rental dwelling unit unless a Landlord License is in effect, as provided by this Section. Licenses shall be issued by the Village Finance Director or her designee for a period of one year from May 1 to April 30. Any Landlord License may be transferred to another person, subject to completion and approval of a new license application by the new licensee.

(C) Application. No Landlord License shall be issued except upon a receipt of a completed Village of Bolingbrook Landlord License application filed with the Finance Director or her designee. Such applications shall be submitted to the Finance Director or her designee no later than April 30 preceding the license year being applied for with the appropriate fees. The application shall set forth, but not be limited to, the following information.

- (1) Full name, address and date of birth of the legal owner; if owned by a Trust, a Trust Disclosure is required.
- (2) The license application shall designate three contacts, including the property owner, their names, addresses and phone numbers for twenty four hour contact in case of an emergency.
- (3) The license application shall list all the rental dwelling units owned or managed by the applicant.
- (4) The applicant shall certify that he/she has viewed the one hour Bolingbrook Good Neighbor Rent/Lease Program training video for landlords and managing agents.

(D) Reports. The licensee shall report to the Code Enforcement Department any changes in the information provided on the application, within seven (7) days of said change. Any conveyance in the legal or equitable interest in the building shall be reported to the Code Enforcement Department within seven (7) days after the execution of the contract to convey and at least fifteen (15) days prior to said conveyance to allow ample time to verify the status of compliance for the building and property.

(E) Issuance of License. No license shall be issued until all applicable license fees in the amount of twenty-five dollars (\$25.00) have been paid to the Village of Bolingbrook. Renewal shall be required annually.

SECTION THREE: Section 27-210 of Chapter 27, Article 2 of the Municipal Code of the Village of Bolingbrook shall be and is hereby amended in its entirety so that said Section 27-210 shall hereafter be and read as follows:

Section 27-210. CRIMINAL ACTIVITY ON THE PREMISES. In the event that the residential unit is used by the tenant or lessee for activities which would constitute a felony under the laws of the State of Illinois or the laws of the United States, including but not limited to (a) the wrongful using, keeping or selling of controlled substances or (b) use of the premises for purposes of lewdness, assignation or prostitution, the lease shall, at the option of the lessor, become void and the lessor or owner shall have the like remedy to recover possession thereof as against a tenant holding over after the expiration of his term. From and after July 1, 2007 all leases shall contain the following addendum in addition to all other terms of the lease:

Landlord and Tenant agree as follows:

1. The Tenant, any member of the Tenant's household, any guest or any other person associated with the Tenant on or near the leased premises:
 - (a) Shall not engage in criminal activity, including drug-related criminal activity, on or near the leased premises. "Drug related criminal activity" means the illegal manufacture, sale, distribution, use or possession of any illegal or controlled substance as defined in 21 U.S.C. 802;
 - (b) Shall not engage in any act intended to facilitate criminal activity;
 - (c) Shall not permit the dwelling unit to be used for or to facilitate any criminal activity; or
 - (d) Shall not maintain a "nuisance" on the premises as defined in Section 27-212 of the Municipal Code of the Village.

2. ANY ACTIVITY PROHIBITED BY THIS AGREEMENT SHALL CONSTITUTE A SUBSTANTIAL VIOLATION OF THE LEASE, MATERIAL NONCOMPLIANCE WITH THE LEASE, AND GROUNDS FOR TERMINATION OF TENANCY AND EVICTION.

SECTION FOUR: Those provisions of Chapter 27, Article 2 of the Municipal Code which have not been expressly amended herein are hereby ratified and affirmed and shall remain in full force and effect.

SECTION FIVE: Any policy, resolution or ordinance of the Village that conflicts with the provisions of this ordinance shall be and is hereby repealed to the extent of such conflict.

SECTION SIX: This ordinance shall be in full force and effect from and after July 1, 2007 after its passage and approval in the manner provided by law. The fee for a Landlord License from July 1, 2007 through April 30, 2008 shall be twenty-five dollars (\$25.00).

PASSED THIS 8th day of May, 2007.

AYES: 5 – Brown, Lawler, Morales, Schanks, Swinkunas

NAYS: None

ABSENT: 1 - Morelli

APPROVED THIS 8th day of May, 2007.

ATTEST:


VILLAGE CLERK


MAYOR

PUBLISHED BY THE VILLAGE CLERK, IN PAMPHLET FORM, BY AUTHORITY OF THE CORPORATE AUTHORITIES OF THE VILLAGE OF BOLINGBROOK ON MAY 9, 2007.

LKL116743WAREV5/3/07

STATE OF ILLINOIS)
COUNTIES OF WILL) SS
AND DU PAGE)

I, Carol S. Penning, certify that I am the duly elected and acting Village Clerk of the Village of Bolingbrook, Will and DuPage Counties, Illinois.

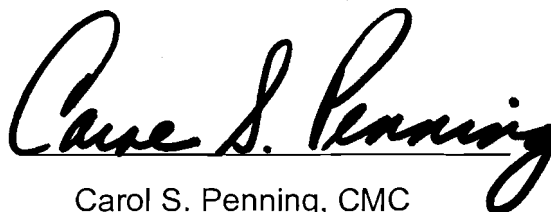
I further certify that on May 8, 2007 the Corporate Authorities of such municipality passed and approved Ordinance No. 07-056 entitled:

AMENDING CERTAIN PROVISIONS OF CHAPTER 27, ARTICLE 2 OF THE MUNICIPAL CODE (LANDLORD RESPONSIBILITIES)

which provided by its terms that it should be published in pamphlet form.

The pamphlet form of Ordinance No. 07-056 including the Ordinance and a cover sheet thereof, was prepared on May 9, 2007. Copies of such Ordinance are available for public inspection upon request in the office of the Village Clerk.

DATED at Bolingbrook, Illinois, this 9th day of May, 2007.



Carol S. Penning, CMC
VILLAGE CLERK

