

CHAPTER 27
PROPERTY MAINTENANCE REGULATIONS

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CHAPTER 27 -- PROPERTY MAINTENANCE REGULATIONS

ARTICLE 1 -- GENERAL PROVISIONS

Section 27-101. PURPOSE. The purposes of this chapter are to establish the minimum regulations governing the conditions and maintenance of all property, buildings and structures; to provide the standards for supplied utilities and facilities and other physical things and conditions essential to insure that structures are safe, sanitary and fit for occupation and use; to provide for the condemnation of buildings and structures unfit for human occupancy and use and the demolition of such structures. (Ordinance No. 84-57, 11.13.84)

Section 27-102. ADOPTION OF PROPERTY MAINTENANCE CODE. There is hereby adopted, for the aforementioned purposes, the International Property Maintenance Code, 2006, as published by the International Code Council, Inc., which Code shall be the property maintenance regulations for the Village. A copy of said International Property Maintenance Code is on file in the office of the Village Clerk of the Village. Each and all of the regulations of said International Property Maintenance Code are hereby referred to, adopted, and made a part hereof, as if said regulations were fully set out in this Article, with the additions, insertions, deletions, and changes prescribed in Section 27-103 hereof. (Ordinance 09-018, 03.10.09)

Section 27-103. ADDITIONS, INSERTIONS, DELETIONS AND CHANGES. The following sections of the said International Property Maintenance Code are revised as follows: (Changed in its entirety by Ordinance 05-030, 03.22.05)

PM-101.1 Title. These regulations shall be known as the Property Maintenance Code of the Village of Bolingbrook.

PM-103.1 General. The Code Enforcement Department is hereby created, and the executive official in charge thereof shall be known as the Code Enforcement Official.

PM-103.2 Delete.

PM-103.3 Delete.

103.5 Fees and Fines. The fees for activities performed by the Department in carrying out its responsibilities and fines for violation of this Article 1 of Chapter 27 are as follows. (Ordinance 09-018, 03.10.09)

103.5.1 Rental Inspections. A fee of One Hundred Twenty-Five Dollars (\$125.00) shall be charged for each compliance inspection of an unoccupied single family residence. A fee of One Hundred Dollars (\$100.00) shall be charged for each compliance inspection of an

unoccupied apartment made prior to the issuance of a Rent/Lease Permit, except where multiple unoccupied apartment inspections occur at the same time. For multiple unoccupied apartment inspections occurring at the same time, the fee shall be as follows:

- A. 2 apartments - \$195.
- B. 3 apartments - \$245.
- C. 4 or more apartments - \$75 each.

The inspection fee for occupied residential units shall be twice the aforesaid fee for unoccupied units.

In addition thereto, the owner or manager shall be charged One Hundred Fifteen Dollars (\$115.00) for each additional inspection required because the unit was not in compliance and for each "no show" inspection. However, there shall be no fee for an inspection of a unit scheduled within 12 months of the last paid and approved inspection. (Ordinance 09-108, 03.10.09)

103.5.2 Landlord License Fee. The landlord license fee shall be thirty five dollars (\$35.00). The initial license fee shall be prorated on a monthly basis if the term of the initial license is for less than one year. (Ordinance 10-029, 05.11.10)

103.5.3 Violation Penalties. Except as otherwise provided in Section 103.5.4, the fine for violation of any provision of this Article 1 of Chapter 27 during any 12 month period shall be as follows:

- 1st offense One Hundred Dollars (\$100.00)
- 2nd offense Two Hundred Fifty Dollars (\$250.00)
- 3rd offense Five Hundred Dollars (\$500.00)
- 4th and subsequent offenses One Thousand Dollars (\$1,000.00)

A separate offense shall be deemed committed on each day during or on which a violation occurs or continues. (Ordinance 09-018, 03.10.09)

103.5.4 Public Nuisance Fine. See Article 3 of Chapter 27. (Ordinance 09-018, 03.10.09)

103.5.5 Delete entire Subsection. (Ordinance 09-018, 03.10.09)

PM-106.4 Violation Penalties. The penalty for violation of any provision of this Code shall be Seventy Five Dollars (\$75.00), and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

PM-108.2 Closing of vacant structures. If the structure is vacant and unfit for human habitation and occupancy and is not in danger of structural collapse, the code official, after receiving approval from a supervisor, the building commissioner and the Mayor (or Village Attorney), is authorized to post a placard of condemnation on the premises and order the structure closed up so as not to be an attractive nuisance. Upon failure of the owner to close up the premises within the

time specified in the order, the code official shall cause the premises to be closed and secured through any available public agency or by contract or arrangement by private persons, and the cost thereof shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate and may be collected by any other legal resource.

PM-108.4 Placarding. Upon failure of the owner or person responsible to comply with the notice provisions within the time given, the code official shall post on the premises or on defective equipment a placard bearing the words "Not Approved for Occupancy" and a statement of the penalties provided for occupying the premises, operating the equipment or removing the placard.

PM-108.4.1 The code official shall remove the placard whenever the defect or defects upon which the placarding action was based have been eliminated. Any person who defaces or removes a placard without the approval of the code official shall be subject to the penalties provided by this Code.

PM-108.5 Prohibited occupancy. Any occupied structure placarded by the code official shall be vacated as ordered by the code official. Any person who shall occupy a placarded premises or shall operate placarded equipment and any owner or any person responsible for the premises who shall let anyone occupy a placarded premises or operate placarded equipment shall be liable for the penalties provided by the Code.

PM-109.1 Imminent danger. When, in the opinion of the code official, there is imminent danger of failure or collapse of a building or structure which endangers life, or when any structure or part of a structure has fallen and life is endangered by the occupation of the structure, or when there is actual or potential danger to the building occupants or those in the proximity of any structure because of explosives, explosive fumes or vapors or defective or dangerous equipment, the code official, after receiving approval from a supervisor, the building commissioner and the Mayor (or Village Attorney), is hereby authorized and empowered to order and require the occupants to vacate the premises forthwith. The code official shall cause to be posted at each entrance to such structure a notice reading as follows: "This Structure Is Unsafe and Its Occupancy Has Been Prohibited by the Code Official". It shall be unlawful for any person to enter such structure except for the purpose of securing the structure, making the required repairs, removing the hazardous condition or demolishing the same.

PM-109.2 Temporary safeguards. Notwithstanding other provisions of this Code, whenever in the opinion of the code official, there is imminent danger due to an unsafe condition, the code official may order the necessary work to be done, including the boarding up of openings, to render such structure temporarily safe, whether or not the legal procedure herein described has been instituted; and shall cause such other action to be taken as the code official deems necessary to meet such emergency.

PM-109.4 Emergency repairs. For the purposes of this section,

the code official shall employ the necessary labor and materials to perform the required work as expeditiously as possible after having received approval from a supervisor.

PM-109.6 Hearing. Any person ordered to take emergency measures shall comply with such order forthwith. Any affected person shall thereafter, upon petition directed to the appeals board, be afforded a hearing as described in Article 11 of Chapter 4 of the Municipal Code of the Village.

PM-110.5 State Law. (Addition). All orders for demolition shall be subject to and shall comply with Division 31 of the Illinois Municipal Code, as now existing or hereafter amended (65 ILCS 5/11-31-1 et seq.).

SECTION 111. MEANS OF APPEAL. Consisting of Subsections 111.1 through 111.8: hereby deleted in its entirety.

PM-301.3 Vacant structures and land. All vacant structures and premises thereof or vacant land shall be maintained in a clean, safe, secure and sanitary condition as provided herein so as not to cause a blighting problem or adversely affect the public health or safety.

PM-301.3.1 Vacant Dwelling Report required. (Addition). All owners or managers of vacant property must submit to the Village of Bolingbrook, Development Services Department, within five (5) days from vacation of such property, a Vacant Dwelling Report, which shall contain the following information:

- A. Address of dwelling;
- B. Owner of dwelling;
- C. Titleholder of property or mortgage company;
- D. Responsible party and phone number; and
- E. Reason for vacancy.

PM-302.1.1 Shared Area and Facilities. (Addition). Maintain in a clean, sanitary and safe condition the shared or public areas of the dwelling and premises, including parkways, and maintain and repair any equipment or facilities which said owner of operator supplied or is required by this Chapter 27 to supply.

PM-302.4 Weeds. All premises and exterior property shall be maintained free from weeds or plant growth in excess of six inches. All noxious weeds shall be prohibited. Weeds shall be defined as all grasses, annual plants and vegetation, other than trees or shrubs provided, however, this term shall not include cultivated flowers and gardens.

Upon failure of the owner or agent having charge of a property to cut and destroy weeds after service of a notice violation, they shall be subject to prosecution in accordance with Section 106.3 and as prescribed

by the authority having jurisdiction. Upon failure to comply with the notice of violation, any duly authorized employee of the jurisdiction or contractor hired by the jurisdiction shall be authorized to enter upon the property in violation and cut and destroy the weeds growing thereon, and the costs of such removal shall be paid by the owner or agent responsible for the property.

PM-302.7 Accessory structures. All accessory structures, including treehouses, playhouses, detached garages, fences and walls, shall be maintained structurally sound and in good repair.

PM-302.8 Delete.

PM-304.3 Premises identification. All principal structures shall be supplied with permanent numerals or letters, not less than three inches (3") in height, for the purpose of identifying the structure. Such numerals or letters shall be visible from a street, whether public or private, upon which the premise abuts. Such numerals or letters shall be affixed to the main entrance thereof, when possible. Such numerals or letters shall be maintained so as to be reasonably visible to police, fire and other emergency personnel. (Ordinance 09-018, 03.10.09)

PM-304.14 Insect screens. At all times, every door, window and other outside opening required for ventilation of habitable rooms, food preparation areas, food service areas or any areas where products to be included or utilized in food for human consumption are processed, manufactured, packaged or stored, shall be supplied with approved tightly fitting screens of not less than 16 mesh per inch (16 mesh per 25 mm) and every swinging door shall have a self-closing device in good working condition.

Exception: Screens shall not be required where other approved means, such as air curtains or insect repellent fans, are employed.

PM-308.1 Infestation. All structures shall be kept free from insect and rodent infestation. All structures in which insects or rodents are found shall be promptly exterminated by approved processes that will not be injurious to human health. After extermination, proper precautions shall be taken to prevent reinfestation. Single occupancy-attached: When two (2) or more units have infestation, the owners of each unit and the Association representing all of the owners in the structure shall be responsible for extermination of all units in the block of units in the structure.

PM-404.5 Dwelling units shall not be occupied by more than the number permitted by the minimum area requirements of Table 404.5 herein below. (Ordinance 09-018, 03.10.09)

| Table 404.5 | | | |
|----------------------------|---------------------------------|---------------|---------------------|
| Minimum area requirements | | | |
| Space | Minimum area in square feet | | |
| | 1-2 occupants | 3-5 occupants | 6 or more occupants |
| Living Room ^{a,b} | No Requirements | 120 | 150 |
| Dining room ^{a,b} | No requirements | 80 | 100 |
| Bedrooms | Shall comply with section 404.4 | | |

a. See section 404.5.2 for combined living room/dining room spaces

b. See section 404.5.1 for limitations on determining the minimum occupancy area for sleeping purposes

404.5.1 Sleeping Area. The minimum occupancy area required by Table 404.5 shall not be included as a sleeping area in determining the minimum occupancy area for sleeping purposes. All sleeping areas shall comply with section 404.4. (Ordinance 09-018, 03.10.09)

404.5.2 Combined living room and dining room spaces shall comply with the requirements of Table 404.5 if the total area is equal to that required for separate rooms if the space is located so as to function as a combination living room/dining room. (Ordinance 09-018, 03.10.09)

502.2 Delete text. See the definition of rooming house in the Village of Bolingbrook Zoning Ordinance. (Ordinance 09-018, 03.10.09)

PM-602.3 Heat supply. Every owner and operator of any building who rents, leases or lets one or more dwelling units, rooming units, dormitory or guestrooms on terms, either expressed or implied to furnish heat to the occupants thereof shall supply heat during the period from October 1st through May 31st to maintain a temperature of not less than 68°F (20°C) in all habitable rooms, bathrooms, and toilet rooms.

Exceptions:

1. When the outdoor temperature is below the winter outdoor design temperature for the locality, maintenance of the minimum room temperature shall not be required provided that the heating system is operating at its full design capacity. The winter outdoor design temperature for the locality shall be as indicated in Appendix D of the *International Plumbing Code*.
2. In areas where the average monthly temperature is above 30°F (-1°C), a minimum temperature of 65°F (18°C) shall be maintained.

PM-602.4 Occupiable work spaces. Indoor occupiable work spaces shall be supplied with heat during the period from October 1st to May 31st to maintain a temperature of not less than 65°F (18°C) during the period the spaces are occupied.

Exceptions:

1. Processing, storage and operation areas that require cooling or special temperature conditions.
2. Areas in which persons are primarily engaged in vigorous physical activities.

ARTICLE 2 -- RENTAL OCCUPANCY PERMIT PROGRAM

(AMENDED IN ITS ENTIRETY BY ORDINANCE 94-123, 11.15.94)

Section 27-201. RENTAL OCCUPANCY PERMITS FOR RESIDENTIAL UNITS.

(Ordinance 09-018, 03.10.09) It is unlawful for any owner, manager, or agent thereof to knowingly permit the occupation of any leased or rented residential unit, to include multi-family dwellings, apartment units, townhouses, condominiums, duplexes, or single-family rental units, or additions thereto, for any purpose until a Code Compliance Report as required in Section 27-205 herein has been issued by the Code Enforcement Department confirming conformity with this Chapter 27 (hereinafter referred to as a "Code Compliance Report") **AND** a Rental Occupancy Permit has been completed, signed by the prospective tenant(s), and approved by the Code Enforcement Department. No Rental Occupancy Permit shall be issued until all violations of this Article and all other applicable codes and ordinances of the Village have been brought into compliance. The possession of a Code Compliance Report in and of itself does not authorize occupancy of said property. The Rental Occupancy Permit issued to the tenant shall state that the premises and occupancy thereof comply with all the provisions of this Article at all times.

This section shall not apply to any hospital, nursing home, retirement home, or assisted living type facilities that has medical staff on duty and which is subject to regular inspections by the Health Department.

Section 27-202. APPLICABILITY. This Article shall be applicable to all residential properties in the Village that are rented or leased, which shall be defined as any residential dwelling unit, rooming unit or such other residential building or structure wherein the owner or owner's agent allows an individual or individuals to occupy space while charging a monthly, quarterly or annual fee for the privilege of occupying said space. All areas of the residential dwelling unit to which the lessee or renter has the right of use or access shall be subject to inspection for compliance with the applicable codes and ordinances of the Village. This Section shall not apply to any occupancy in existence at the time of the adoption of this Article by Ordinance No. 83-9 of the Village until the change of occupancy occurs. Further, this Section shall not apply to any Land Contract, Contract for Sale or any other property transaction wherein the new occupant (A) has legally committed to acquire legal fee ownership and title to the property and within sixty (60) days of the date of the Contract and (B) has occupied the premises within sixty (60) days of the date of the Contract. (Ordinance 08-077, 07.22.08)

Section 27-203. FEE. See Section 27-103 for fees.
(Ordinance 09-018, 03.10.09)

Section 27-204. PRE-INSPECTION OF RESIDENTIAL UNITS. The owner, agent or manager of a residential unit subject to the terms of this Article may request that the unit be inspected for code compliance even though there is no prospective new tenant for the unit.

Section 27-205. EFFECT OF ISSUANCE OF A CODE COMPLIANCE REPORT. A Code Compliance Report, whether issued as a result of the normal rent/lease inspection or a pre-inspection request, shall remain valid for a period of sixty days. (Ordinance 04-006, 01.13.04)

Section 27-206. APPLICATION FOR AND CONTENT OF RENTAL OCCUPANCY PERMIT. The Rental Occupancy Permit must be completed and signed by the tenant before the date of occupancy. The Rental Occupancy Permit will remain confidential. Rental Occupancy Permit may be completed at the Code Enforcement Department or completed in the presence of the landlord or the landlord's agent before the time of occupancy. A Rental Occupancy Permit completed in the presence of the landlord or the landlord's agent must contain the signature of the landlord or agent following a certification that the application form was completed in his presence and contains true and accurate information regarding the tenants who will be occupying the residential rental unit. All Rental Occupancy Permits must be submitted to the Code Enforcement Department no later than seven (7) days after completion. The Rental Occupancy Permit shall state the names, birth dates, relationships and the number of people who will occupy the residential rental unit. It shall be unlawful for any person to knowingly make any false statement in his/her application for a Rental Occupancy Permit as to the names, birth dates, relationships, or number of occupants of the dwelling unit. No more than one family, as defined in the Village Zoning Ordinance, shall occupy each individual unit. All persons who occupy the premises of a residential rental unit, including persons who are added to the household following the initial occupancy of the dwelling unit, with the exception of minor children born to the family, must be listed on the Rental Occupancy Permit. (Ordinance No. 04-006, 01.13.04)

Section 27-207. RESPONSIBILITIES OF OWNER, AGENT AND/OR MANAGER.
(Changed in its entirety by Ordinance 09-018, 03.10.09)

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

- (1) "Dwelling" means a building or portion thereof, but not a mobile home, designed or used for residential occupancy.
- (2) "Dwelling unit" means one or more rooms in a residential building or residential portion of a building which is arranged, designed, used or intended for use by one family, and which includes cooking space and lawful sanitary facilities reserved for the occupants thereof.
- (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. Each Landlord License shall be valid for only one building, and a separate Landlord License shall be required for each additional building containing a rental dwelling. 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 approvable of a new license application by the new licensee. Only one license fee, however, shall be required per Landlord.

(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 proceeding the license year being applied for with the appropriate fees. In the event the dwelling unit is part of an association, the owner, agent or manager shall provide a letter of verification signed by a designated officer of the association stating the unit is within the set rental cap. The application shall set forth, but not be limited to, the following information.

- (1) Full name, legal address (not a P.O. Box) and date of birth of the legal owner; if owned by a Trust, a Trust Disclosure is required. If owned by a trust or entity other than an individual, owners name must be on application plus the name and date of birth of the agent or manager representing the owner.
- (2) The address of the building containing a rental dwelling or dwellings for which the license is requested.
- (3) The license application shall designate three contacts, including the property owners, their names, addresses and phone numbers for twenty four hour contact in case of an emergency.
- (4) The license application shall list all the rental dwelling units owned or managed by the applicant.
- (5) 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 Landlord License for a building containing a rental dwelling or dwellings shall be issued until all applicable license fees have been paid to the Village of Bolingbrook. Renewal shall be required annually. See Section 27-103 for fees.

Section 27-208. FOSSIL FUELED EQUIPMENT. Whenever a compliance inspection is required by the provisions of this Article, an owner, agent or manager of residential rental units, who is responsible for renting or leasing the dwelling units, shall have all fossil fueled equipment inspected by a qualified service person registered with the Village in order to insure safe operation of all appliances and appurtenances attached thereto, provided that, such inspection of fossil fueled equipment shall not be required when the equipment has been inspected and approved less than twelve (12) months prior to such compliance inspection of a unit. The owner, agent or manager of the dwelling shall submit documentation to the Code Enforcement Department certifying the fossil fueled equipment is in compliance, and a Rental Occupancy Permit shall not be issued until such documentation is submitted. If any areas have been found to be deficient, a qualified service person registered with the Village shall repair the deficiency immediately or take such other action as is necessary to make the condition safe. When this is not possible, the device's operation shall be terminated immediately. Where any action is taken under this Section, the Community Development Department shall be notified within one (1) hour of such occurrence. (Ordinance 04-006, 01.13.04)

Section 27-209. RESPONSIBILITY OF TENANTS. Each tenant or lessee shall provide the Code Enforcement Department with the information required on the Rental Occupancy Permit. The tenant shall complete a new Rental Occupancy Permit if there is any change as to the names or number of tenants living in the residential unit, with the exception of minor children born to the family. Any falsification of the information on the Rental Occupancy Permit shall constitute a violation of this Article. Any person responsible for the falsification of information or failure to update information shall be subject to the penalties of this Article. Further, no tenant shall damage or cause to be damaged any unit or building leased, nor shall any damage be caused to the general premises of any building used by the tenants. Each tenant and the family of each tenant shall maintain his/their rental unit free of any litter, and tenants shall not litter any of the premises or the buildings provided for use by tenants. (Ordinance 04-006, 01.13.04)

Section 27-210. CRIMINAL ACTIVITY ON THE PREMISES. (Amended in its entirety by Ordinance 07-056) 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 27-211. REVOCATION OF RENTAL/OCCUPANCY PERMIT, LANDLORD LICENSE OR CODE COMPLIANCE REPORT DUE TO PHYSICAL DEFECTS IN THE RENTAL UNIT. (Replaced in its entirety by Ordinance 08-039, 05/27/08)

A Rental Occupancy Permit and/or Code Compliance Report may be revoked at any time during the occupancy of the rental unit for which the Code Compliance Report and/or Rental Occupancy Permit has been issued, should the Code Enforcement Officer determine, following a reasonable investigation, that the unit no longer complies with the provisions of this Article due to physical defects in the rental unit. In addition, a Landlord License may be suspended or revoked, as hereinafter provided, due to uncorrected physical defects in any rental unit or building. Prior to revoking a Rental Occupancy Permit, a Landlord License and/or a Code Compliance Report, hereunder, the Code Enforcement Officer shall provide the owner, agent or manager and the tenant with a written report stating the defects noted during the investigation and providing a reasonable time for the correction of said defects, except when the conditions of the unit pose an immediate threat to the life and safety of the occupants, in which case upon application by the Code Enforcement Officer, the Village Attorney and/or Mayor may issue an Emergency Notice of Revocation to the owner, agent or manager and the tenant immediately and shall then cause the

unit to be vacated without delay. Procedures for revocation of a Landlord License, Rental Occupancy Permit or Code Compliance Report shall be in accordance with Section 27-213 of this Article, except in the case of an Emergency Notice of Revocation.

Section 27-212. REVOCATION OF RENTAL OCCUPANCY PERMIT OR CODE COMPLIANCE REPORT DUE TO MAINTENANCE OF A NUISANCE. A Rental Occupancy Permit and/or Code Compliance Report may be suspended, not renewed or revoked at any time during the occupancy of the rental unit for which the Code Compliance Report has been issued, should the Code Enforcement Officer determine, following a reasonable investigation, that the unit no longer complies with the provisions of this Article due to maintenance of a nuisance on the premises. (Ordinance 04-006, 01.13.04)

(A) Cause for revocation, suspension or refusal to renew a tenant's Rental Occupancy Permit due to maintenance of nuisance shall include, but is not limited to, the following: (Ordinance 04-006, 01.13.04)

- (1) A tenant's knowingly permitting illegal drug activity to occur on or within the premises subject to inspection under this Article. The term "illegal drug-related activity," as used herein, shall mean any conduct which would violate any provision of the Illinois Controlled Substances Act, as amended, the Illinois Cannabis Control Act, as amended, the Illinois Drug Paraphernalia Control Act, as amended, or any other local, state, or federal law prohibiting the manufacture, distribution, delivery, use, or possession of a controlled substance.
- (2) A tenant's knowingly permitting prostitution-related activity to occur on or within the premises subject to inspection under this Article. The term "prostitution-related activity," as used herein, shall mean any conduct which violates any provision of the prostitution-related portions of the Illinois Criminal Code, as amended, or any other local, state, or federal law prohibiting prostitution-related activity.
- (3) Any activity by a tenant, or by a guest of the tenant with the tenant's sufferance or permission, which would constitute a nuisance. The term "nuisance," as used herein shall mean any conduct of individuals or condition of property that injures or endangers the health, safety, peace, and welfare of the surrounding community or that obstructs the reasonable use of the property. The term "nuisance" shall include that conduct or condition of property that has been defined by Illinois or local law to constitute a nuisance. In addition, a rental dwelling unit shall be treated as a nuisance if either:
 - (a) The rental dwelling unit has been the subject of three or more complaints for police service within a twelve-month period due to the misconduct either of the tenant(s) or of the guest(s) of the tenant(s) with the tenant's sufferance or permission. The twelve-month period referred to in this subsection shall

be a continuously rolling period that shall be measured not on a calendar year basis but on the basis of the twelve months immediately preceding the complaint, call for service, or violation;

Or

- (b) The Village has declared the rental dwelling unit or the lot on which dwelling is located a public nuisance due to the condition of the property or the conduct of the tenants or guests occupying the property.

Any policeman, building inspector or code enforcement officer, upon receipt of a tenant conduct complaint, shall issue a notice directed to the owner of record of the property on which the nuisance occurs, as shown in the records of the recorder of deeds, and to the tenant or occupant of the property or to both, which notice shall describe the nature of the complaint and the penalties which may be imposed if the nuisance is not abated.

(B) Cause for revocation, suspension or refusal to renew a Landlord License and/or a Code Compliance Letter due to maintenance of a nuisance shall include, but is not limited to, the following: (Ordinance 08-039, 05.27.08)

- (1) An owner, manager or agent's knowingly permitting illegal drug activity to occur on or within the premises subject to inspection under this Article. The term "illegal drug-related activity," as used herein, shall mean any conduct which would violate any provision of the Illinois Controlled Substances Act, as amended, the Illinois Cannabis Control Act, as amended, the Illinois Drug Paraphernalia Control Act, as amended, or any other local, state, or federal law prohibiting the manufacture, distribution, delivery, use, or possession of a controlled substance.
- (2) An owner, manager or agent's knowingly permitting prostitution-related activity to occur on or within the premises subject to inspection under this Article. The term "prostitution-related activity," as used herein, shall mean any conduct which violates any provision of the prostitution-related portions of the Illinois Criminal Code, as amended, or any other local, state, or federal law prohibiting prostitution-related activity.
- (3) Any activity by a tenant or guest of the tenant with the owner, manager or agent's sufferance or permission which would constitute a nuisance as set forth in Subsection A (3) above. (Ordinance No. 98-090, 08.11.98)

- (4) Failure to repair physical defects in a rental unit after notice has been provided pursuant to Section 27-211. (Ordinance 08-039, 05.27.08)

Section 27-213. HEARING PROCEDURES FOR REVOCATION, SUSPENSION OR NONRENEWAL OF A RENTAL OCCUPANCY PERMIT, LANDLORD LICENSE OR CODE COMPLIANCE REPORT (Amended in its entirety by Ordinance 08-039, 05.27.08)

(A) Upon the determination by the Supervisor of the Code Enforcement Department or the Supervisor of the Community Policing Unit that there is reasonable cause to believe that a Rental Occupancy Permit, Landlord License and/or Code Compliance Report should be revoked, suspended or not renewed because of a violation of this Article, notice of a hearing, together with a written statement of charges, shall be sent to the owner, manager or agent and the tenant(s). The Hearing Officer designated under Article 3 of Chapter 7 of the Municipal Code shall act as the Hearing Officer. Such a hearing shall be held not less than five (5) calendar days after notice of time, place and subject of the hearing has been received by the owner, manager, or agent and tenant, at their last known address or business address. The Village's representative shall present evidence in support of the suspension, revocation, or nonrenewal, and the owner, manager, agent and/or tenant shall be permitted to rebut such evidence and present any other evidence that is relevant and material. Based on the evidence presented at the hearing, the Hearing Officer shall issue a written decision. The Hearing Officer's decision shall be final and binding unless appealed as hereinafter provided. The suspension or revocation of any Rental Occupancy Permit, Landlord License, and/or Code Compliance Report shall not release or discharge the owner, manager, agent or tenant, as appropriate, from paying any fees due under this Article, nor shall such owner, manager, agent or tenant be released from prosecution for violating this Article.

(B) If the Hearing Officer determines that a violation has occurred, the Hearing Officer may fine the violator and may also revoke, suspend, or refuse to renew the Rental Occupancy Permit, Landlord License, and/or Code Compliance Report or may allow a time certain for abatement of the nuisance (the "Cure Period"). If a Cure Period is allowed by the Hearing Officer, immediately upon termination of the Cure Period, the policeman, Code Enforcement Officer, or inspector of the Building Department who served the notice, or any other policeman or inspector who shall be assigned by the Police (the AVillage Code Official@), shall investigate to determine whether or not the nuisance complained of has been abated.

(C) In the event the person upon whom notice has been served pursuant to this Article has failed within the prescribed time to demonstrate that the nuisance has been abated, in addition to the payment of any fines or costs ordered by the Hearing Officer as a penalty, the Village Code Official may request that the Village Attorney seek a restraining order and a preliminary injunction, as well as a permanent injunction, before a court with proper jurisdiction over such an action in order to remedy and abate the violation and to enjoin further violations of this Article.

(D) The Hearing Officer's decision may further authorize the

Village to recover any expenses incurred by the Village in abating a public nuisance under the provisions of this Article or as authorized by any other applicable law or ordinance.

(E) Any person whose Rental Occupancy Permit, Landlord License and/or Code Compliance Report has been suspended or revoked or not renewed by the Hearing Officer after a hearing under this Section may appeal the Hearing Officer's decision to the Board of Trustees or any standing or special committee designated by the Board of Trustees by filing a written notice of appeal with the Village Board within three (3) business days of the person's receipt of the Hearing Officer's decision. The Board of Trustees, or its designated hearing committee, shall review the Hearing Officer's decision and may affirm or reverse the decision or remand it to the Hearing Officer for further action or review.

Section 27-214. EXPENSES RELATED TO NUISANCE ABATEMENT. In addition to any penalty, fine or other remedy established by law or ordinance, all expenses incurred by the Village in abating a nuisance at a building, structure or premises that has been declared a public nuisance by the Village shall be chargeable to and collected from the person who created, continued or permitted the nuisance to exist. These expenses may include, but are not limited to, the cost of personnel, equipment and materials, including firefighting personnel and equipment, used to abate the nuisance. It is not a defense to the payment of these expenses that the Village may have otherwise experienced such costs in the ordinary course of business. (Ordinance 09-018, 03.10.09)

Section 27-215. PENALTY. In addition to suspension or revocation as hereinabove provided, the fine for violation of any provision of this Article shall be Five Hundred Dollars (\$500.00) for the first violation in any 12 month period and One Thousand Dollars (\$1000.00) for each subsequent violation in such 12 month period. A separate offense shall be deemed committed on each day during or on which a violation occurs or continues. (Ordinance 09-018, 03.10.09)

Section 27-216. VALIDITY AND SEVERABILITY. If any section, subsection, paragraph, sentence, clause or phrase of this Ordinance shall be declared invalid for any reason whatsoever, this decision shall not affect the remaining portions of this Ordinance, which shall continue in full force and effect, and to this end the provisions of this Ordinance are hereby declared to be severable. (Ordinance No. 98-090, 08.11.98)

Section 27-217. SAVINGS CLAUSE. This Ordinance shall not affect violations of any other ordinance, code or regulation of the Village existing prior to the effective date hereof, and any such violation shall be governed and shall continue to be punishable to the full extent of the law under the provisions of those ordinances, codes or regulations in effect at the time the violation was committed. (Ordinance No. 98-090, 08.11.98)

ARTICLE 3 -- **ABATEMENT OF PUBLIC NUISANCES**

(Added in its entirety by Ordinance 00-049, 03.28.00)

Section 27-301. DEFINITIONS: As used in the Article, the following words and phrases shall have the meanings ascribed to them herein:

(A) "Guest" or "invitee" means any person physically present on the property with the permission or sufferance of the owner(s) or occupant(s) of the property.

(B) "Nuisance offense" shall mean:

- (1) Any offense defined and prohibited by Article 9 (Homicide) of the Criminal Code of 1961, 720 ILCS 5/9-1 *et seq.*
- (2) Any offense defined and prohibited by Article 10 (Kidnapping and Related offenses) of the Criminal Code of 1961, 720 ILCS 5/10-1 *et seq.*
- (3) Any offense defined and prohibited by Section 11-14 (Prostitution), Section 11-15 (Soliciting for a Prostitute), Section 11-16 (Pandering), Section 11-17 (Keeping a Place of Prostitution), Section 11-20 (Obscenity), Section 11-20.1 (Child Pornography), or Section 11-21 (Harmful Material to Minors) of the Criminal Code of 1961, 720 ILCS 5/11-14, 5/11-15, 5/11-16, 5/11-17, 5/11-20, 5/11-20.1 and 5/11-21.
- (4) Any offense defined and prohibited by Article 12 (Bodily Harm) of the Criminal Code of 1961, 720 ILCS 5/12-1 *et seq.*
- (5) Any offense defined and prohibited by Article 16 (Theft and Related Offenses) of the Criminal Code of 1961, 720 ILCS 5/16-1 *et seq.*
- (6) Any offense defined and prohibited by Section 20-2 (Possession of Explosives or Incendiary Devices) of the Criminal Code of 1961, 720 ILCS 5/20-2 *et seq.*
- (7) Any offense defined and prohibited by Article 24 (Deadly Weapons) of the Criminal Code of 1961, 720 ILCS 5/16-1 *et seq.*, together with any violation of Section 19-415 of this Code (Discharge of Firearms).
- (8) Any offense defined and prohibited by Article 25 (Mob Action) of the Criminal Code of 1961, 720 ILCS 5/25-1 *et seq.*
- (9) Any offense defined and prohibited by Section 26-1 (Disorderly Conduct) of the Criminal Code of 1961, 720 ILCS 5/26-1 *et seq.*
- (10) Any offense defined and prohibited by Article 28 (Gambling) of the Criminal Code of 1961, 720 ILCS 5/28-1 *et seq.*
- (11) Any offense defined and prohibited by Article 31 (Interference with Public Officers) of the Criminal Code of 1961, 720 ILCS

5/31-1 *et seq.*

- (12) Any offense defined and prohibited by Section 6-16 (Prohibited Sales and Possession) or Section 6-20 (Purchase or Acceptance of Gift of Liquor by Persons under Age 21) of the Liquor Control Act of 1934, 235 ILCS 5/6-16 and 5/6-20.
- (13) Any offense defined and prohibited by the Illinois Controlled Substances Act, 720 ILCS 570/100 *et seq.*
- (14) Any offense defined and prohibited by the Cannabis Control Act, 720 ILCS 550/1 *et seq.*
- (15) Any inchoate offense defined and prohibited by Article 8 (Inchoate Offenses) of the Criminal Code of 1961, 720 ILCS 5/8-1 *et seq.*, which is relative to the commission of any of the aforesaid public offenses.
- (16) Any conduct of persons or condition of property that injures or endangers the health, safety, peace and welfare of the surrounding community or that obstructs the reasonable use of the property, including conduct or any condition of property that has been defined by Illinois or local law to constitute a nuisance.

(C) "Occupant" means any person in actual or constructive possession of any real property within the corporate limits of the Village, or any of the buildings, structures, fixtures of improvements located thereon.

(D) "One year period" means a 365 day period commencing on the date of commission of a nuisance offense.

(E) "Owner" means any person having any legal or equitable ownership interest whatsoever in any real property within the corporate limits of the Village, together with the buildings, structures, fixtures or improvements located thereon, or who, by any means whatsoever, has the ability, authority or right to regulate, restrain, control, direct or affect the conduct of persons present on any such property.

(F) "Permit" or "suffer" means to allow, approve, consent to, acquiesce in, agree to, or failure to prevent through inaction.

(G) "Person" means any natural individual, corporation, firm partnership, limited liability company, unincorporated association, or any other group, enterprise or entity capable of owning, using or occupying property.

(H) "Property" means any parcel of real property, together with the area within 100 feet of any property line of said parcel of property, and any buildings, structures, improvements or fixtures located thereon or affixed thereto.

(I) "Public Nuisance" means (1) the use by the owner(s) or

occupant(s) of a parcel of real property within the Village, including buildings, structures, fixtures or improvements thereon, in conjunction with the commission of three or more nuisance offenses within any given one year period; or (2) the use by guests or invitees of the owner(s) or occupant(s), with the owner's(s') or occupant's(s') permission or sufferance, of a parcel of real property within the Village, including buildings, structures, fixtures or improvements thereon, in conjunction with three or more nuisance offenses within any given one year period; or (3) any combination of nuisance offenses committed by either the owner(s), occupant(s) or their respective guest(s) or invitee(s), pursuant to Subsection (A)(1) or (A)(2), which in combination total three or more nuisance offenses within any given one year period.

Section 27-302. PUBLIC NUISANCES PROHIBITED: It shall be unlawful for any owner or occupant of a parcel of property in the Village to intentionally, knowingly, recklessly or negligently permit or suffer such property in which such person has an ownership interest to become, to exist or to be used as a public nuisance.

Section 27-303. PRE-ABATEMENT PROCEDURE: Upon determination by the Chief of Police or his designee that there is reasonable cause to believe that more than one nuisance offense has occurred on a parcel of property within any given one year period, the Chief of Police or his designee shall take the following action:

(A) Notify by certified mail, return receipt requested, or by personal service, the owner(s) and the occupant(s) of the property in question that said property may be in danger of becoming a public nuisance under the provisions of Chapter 27, Article 3 of the Municipal Code of the Village which notice shall identify the property in question by either street address, PIN number or legal description, describe the acts or conduct which have occurred on the property that could serve as part of the basis for determining that the property constitutes a public nuisance, and request that the owner(s) and occupant(s) contact the Chief of Police or his designee within fourteen (14) days of the date of the letter to discuss potential courses of action which will prevent and deter the property in question from becoming a public nuisance.

(B) After providing the aforesaid written notice, the Chief of Police or his designee shall use his/her best efforts in order to identify and agree with the owner(s) and/or occupant(s) upon a course of conduct to prevent the property from becoming a public nuisance under this Article.

(C) The pre-abatement procedures required in this Section shall be deemed satisfied if:

- (1) The owner(s) and/or occupant(s) fail to meet with the Chief of Police or his designee within fourteen days after the mailing of the pre-abatement notice or
- (2) After meeting with the Chief of Police or his designee, the owner(s) and/or occupant(s) refuse to enter into an agreement with respect to a pre-abatement course of conduct; or

- (3) The owner(s) and/or occupant(s), after agreeing to a pre-abatement course of conduct, breach that agreement; or
- (4) A Rent/Lease Permit or Code Compliance Letter has been revoked after notice and an administrative hearing as provided in Article 2 of this chapter because the property has been determined to be public nuisance as herein defined, in conjunction with the aforesaid administrative hearing.

Section 27-304. JUDICIAL ABATEMENT PROCEDURE: After the satisfaction of the pre-abatement procedures set forth in Section 27-303, upon determination by the Chief of Police or his designees shall so notify the Village Attorney to initiate judicial proceedings in the Circuit Court to abate the public nuisance and to seek the penalties and remedies provided with respect thereto by the provisions of this Article.

Section 27-305. JUDICIAL ABATEMENT REMEDY: In the event that the Village establishes during the course of a judicial action or administrative proceeding that property within the corporate limits of the Village constitutes a public nuisance, a court with appropriate jurisdiction has the power and in its discretion may issue a restraining order, a preliminary injunction, as well as a permanent injunction in order to abate the public nuisance under such conditions as will do justice and enforce the purposes of this Article. Judicial abatement may include an order restraining the owner(s) and occupant(s) from using the property for any purpose for a period of up to one year, which order may further provide that the owner(s) and occupant(s) shall have the right to use the property during the period of time specified in the order if any of them shall post a bond or other security payable to the Circuit Court and approved by the Court in an amount between Five Thousand Dollars (\$5,000) and Ten Thousand Dollars (\$10,000), which bond or security shall be forfeited and paid over to the Circuit Court by the obligor thereof in the event that any additional nuisance offense is committed upon such property within the period of time set forth in the court order.

Section 27-306. PENALTY: In addition to the judicial abatement remedy set forth hereinabove, any person who is an owner or occupant of any property determined in a judicial action, or in an administrative proceeding under Article 3 of Chapter 7 of the Municipal Code, to constitute a public nuisance who has intentionally, knowingly, recklessly or negligently permitted or suffered such property to become, be used as or exist as a public nuisance shall be fined as follows. For each violation of any of the provisions of Article 3 of this Chapter during any 12 month period, the fine shall be as follows:

| | |
|---|--------------------------------------|
| 1 st offense | One Hundred Dollars (\$100.00) |
| 2 nd offense | Two Hundred Fifty Dollars (\$250.00) |
| 3 rd offense | Five Hundred Dollars (\$500.00) |
| 4 th and subsequent offenses | One Thousand Dollars (\$1,000.00) |

A separate offense shall be deemed committed on each day during or on which a violation occurs or continues. (Ordinance 09-018, 03.10.09)