

2018-O-30

**AN ORDINANCE ESTABLISHING A RESIDENTIAL
RENTAL PROPERTY PROGRAM**

WHEREAS, the Village of Round Lake (the Village) is an Illinois municipality in accordance with the Constitution of the State of Illinois of 1970; and

WHEREAS, 65 ILCS 5/11-20-5 of the Illinois Municipal Code allows the corporate authorities of each municipality to do all acts and make all regulations which may be necessary or expedient for the promotion of health or the suppression of diseases; and

WHEREAS, 65 ILCS 5/11-60-2 of the Illinois Municipal Code allows the corporate authorities of each municipality to define, prevent and abate nuisances;

NOW, THEREFORE, be it ordained by the corporate authorities of the Village of Round Lake as follows:

SECTION ONE: The Board of Trustees hereby finds and determines that the facts set forth in the preamble hereto are true and correct and hereby adopts same as part of this Ordinance.

That Title 15 – Buildings and Construction, be Amended by adding the following Chapter 15.60 into said Title 15 of Round Lake’s Municipal Code, as follows:

15.60- RESIDENTIAL RENTAL PROPERTY REGISTRATION AND INSPECTION

15.60.10 Purpose.

The purpose of this chapter is to provide for the registration and inspection of residential rental property so as to protect the health, safety and welfare of the people of the Village, and to facilitate the enforcement of minimum standards for maintenance, while preserving character and property values throughout the Village.

15.60.20 Definitions.

Unless the context shall otherwise require, terms used in this chapter shall have the definitions given in this section or in property maintenance code, of Chapter 15.28 of the Village Code.

Agent or Representative: Any person or firm, acting for another, with authority to rent, manage and/ or make expenditures.

Dwelling Unit: Any rooms or group of rooms located within a dwelling and forming a single habitable unit with facilities which are used or intended to be used for living, sleeping, cooking and eating.

Multi-Family Building Common Areas: Any part of a building or property, not exclusively available to an individual tenant, including, but not limited to, building exterior, yard, basement, stairway, laundry facility, lobby, mailroom, or roof.

15.60.30 Registration required.

It shall be unlawful for any person, firm, trust, partnership, association, corporation, or other legal entity to lease or allow occupancy of any rental dwelling unit, within the corporate limits of the Village without registering the unit.

- A. Registration. The registration period shall run from February 1st to January 31st. Registration shall be required annually and shall be completed prior to February 1st of each year thereafter, regardless of

its initial registration date.

- B. Registration shall be on a form provided by the Village, which shall be filled out in its entirety, truthfully and accurately. The following shall be provided by the applicant:
 - 1. The address of the dwelling unit to be occupied;
 - 2. The number of separate dwelling units within the premises;
 - 3. The full legal name, address, telephone numbers (home, mobile and work) and email address of each and every owner;
 - 4. Name and contact information for agent or representative of the owner, where applicable; and
 - 5. The total square footage designed for living and sleeping purposes within the building or premises to be occupied.
- C. Change in registration information. The property owner of a rental unit, registered with the Village, shall re-register within thirty (30) days after any change occurs in registration information. Registration and/or inspection fees shall not apply.
- D. Transfer. Unless otherwise provided, no residential rental certificate of compliance shall be transferable or assignable.

15.60.40 Certificate of Compliance Required.

It shall be unlawful for any person, firm, trust, partnership, association, corporation, or other legal entity to lease or allow occupancy of any rental dwelling unit, within the corporate limits of the Village without obtaining a residential rental certificate of compliance.

- A. A residential rental certificate of compliance shall be required for each residential dwelling unit that is occupied solely by person(s) not holding the title to the dwelling unit and/or not residing in the dwelling unit with one holding the title to the dwelling unit as his/her principal residence. The certificate of compliance shall be issued only after both of the following are completed:
 - 1. Registration of the rental unit with the community development department; and
 - 2. Inspection by the Village building official or designee, demonstrating compliance with all ordinances adopted by the Village and state law.
- B. Validity. Once a certificate of compliance is issued, it shall be valid and continued until the sooner of any of the following occurs:
 - 1. The current occupant(s) vacate the residential dwelling unit; or
 - 2. The certificate of compliance is lawfully revoked or suspended.
- C. A residential rental certificate of compliance is not required for:
 - 1. Property owners renting to a family member; or
 - 2. Property owners who rent their dwelling unit for less than 120 consecutive days but occupy the dwelling unit during the remainder of the year; or
 - 3. Individuals who live in a property owned by a trust when they are the beneficiaries of that trust, or family members of the beneficiaries of that trust.
- D. Requirements pursuant to this section shall not be applicable to group homes governed by the specialized living centers act, 405 Illinois Compiled Statutes 25/1 et seq., as amended, for the developmentally disabled, or to other similar uses governed by federal or state laws, rules or regulations.

15.60.50 Fees.

- A. Registration. Fees for new and annual registration shall be as follows:

One & Two-Family Dwelling Units, Townhouse or Condo	Multi-Family Buildings with 3 or more units	Multi-Family Buildings with 10 or more units
\$10 per dwelling unit	\$10 per dwelling unit	\$10.00 per structure, plus \$5.00 per dwelling

Late Fees. A late payment penalty of twenty-five dollars (\$25.00) will be added to the renewal fee charged for any renewal registration received after February 1st, said fee will be added to the license fee charged.

B. Inspection. Inspection fees shall be as follows:

One & Two-Family Dwelling Units, Townhouse or Condo	Multi-Family Buildings with 3 or more units	Multi-Family Buildings with 10 or more units
\$75.00 per dwelling unit	\$100.00 per structure, plus \$25.00 per dwelling unit	\$150.00 per structure, plus \$25.00 per dwelling unit
Each additional re-inspection after the first re-inspection, \$25.00 per dwelling unit	Each additional re-inspection after the first re-inspection, \$50 per structure, and/or	Each additional re-inspection after the first re-inspection, \$50 per structure, and/or

Complaint-initiated inspections. If an inspection is initiated by a complaint and no violation is found to exist, no inspection fees will be assessed against the owner of the inspected rental unit.

15.60.60 Inspections.

- A. The Village shall utilize the property maintenance code, of Chapter 15.28 of the Village Code and other applicable ordinance regulations, as adopted and amended by the Board of Trustees, as the established standards for the inspection of residential rental dwelling structures and units.
- B. For each dwelling unit, inspection shall be made to obtain and maintain compliance with the standards of this article based upon any one of the following:
 1. Upon vacancy of a dwelling unit;
 2. A complaint received by the Village indicating that there is a violation of the standards or the provisions of the ordinances adopted by the Village;
 3. An observation by the Village of a violation of the standards or the provisions of the ordinances adopted by the Village; or
 4. A request for an inspection by the property owner.
- C. For each multi-family building, inspection of all common areas shall be made annually.

15.60.70 Minimum Standards.

No residential rental dwelling unit shall be occupied or continued to be occupied unless the structure in which said unit is located complies with the provisions and standards of the property maintenance code adopted by the Village, and is maintained in a structurally sound condition and kept free from health, fire and other hazards to life and property.

15.60.80 No Warranty of Habitability.

The issuance of a certificate of compliance shall not be construed as a warranty of habitability of the dwelling unit. Nothing in this chapter shall be construed as creating a duty or obligation of the Village or its code official or agents and employees to any individual certificate holder or occupant of or visitor to a rental dwelling.

15.60.90 Penalty.

Any person, firm, company, corporation or any agent, employees or contractors of such who shall violate, disobey, omit, neglect or refuse to comply with or resist enforcement of any provision of this title shall be fined not less than one hundred fifty dollars (\$150.00) nor more than seven hundred fifty dollars (\$750.00) for each offense.

15.60.100 Revocation.

If the building official, or designee, shall discover the failure of any property owner to comply with a notice of violation issued pursuant to the provisions of the ordinances adopted by the Village, the certificate of compliance may be revoked.

SECTION TWO: This ordinance shall not be held to repeal a former ordinance as to any offense committed against the former ordinance or as to any act done, any penalty, forfeiture or punishment so incurred, or any right accrued or claim arising under the former ordinance, or in any way whatsoever affect any such offense or act so committed or so done, or any penalty, forfeiture or punishment so incurred to any right accrued to claims arising before this ordinance takes effect, save only that the proceedings thereafter shall conform to the ordinance in force at the time of such proceedings, as far as practicable.

SECTION THREE: That if any part or parts of this ordinance shall be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity of the remaining parts of this ordinance. The Village Board hereby declares that they would have passed the remaining parts of this ordinance, if they had known that such part or parts thereof would be declared unconstitutional.

SECTION FOUR: The Village Clerk of the Village of Round Lake is directed hereby to publish this ordinance in pamphlet form.

SECTION FIVE: This ordinance shall be in full force and effect from and after its passage, approval, and publication in pamphlet form.

APPROVED:


Daniel A. MacGillis, Village President

ATTEST:


Deborah Perlino, Village Clerk

PASSED: October 15, 2018

APPROVED: October 15, 2018

AYES: Trustees Foy, Frye, Kraly, Mandelman, Newby, Patel

NAYS: None

ABSENT: None

PUBLISHED IN PAMPHLET FORM: October 15, 2018