

Ordinance No. 15-10-01

**AN ORDINANCE REPEALING AND REPLACING 6-1-3
OF THE VILLAGE CODE REGARDING
CHRONIC NUISANCE PROPERTY ABATEMENT AND
CRIME FREE MULTI-HOUSING REQUIREMENT**

WHEREAS, the Village of Round Lake Beach is a home rule municipality under the Illinois Constitution of 1970;

WHEREAS the Village has in place ordinances that protect the health, safety and welfare of its residents in accordance with the authority of the Illinois Municipal Code;

WHEREAS, the Village Board had previously approved Ordinance No. 01-11-04 which regulated chronic nuisance property;

WHEREAS the Village Board had also previously approved Ordinance 06-01-01 which regulated the licensing of multi-family dwelling units and sought to reduce criminal activity in such units:

WHEREAS the Police Department has reviewed the various provisions of the Village Code and found that certain changes are necessary to the Ordinances referenced above to better provide for the health, safety and welfare of the residents of the Village;

WHEREAS, the Village Board finds that the changes to the Village Code regarding chronic nuisance properties and crime free multi-housing are necessary and in the best interests of the residents of the Village.

NOW THEREFORE BE IT ORDAINED BY the Mayor and Board of Trustees of the Village of Round Lake Beach, Lake County, Illinois in the exercise of its home rule powers as follows:

Section 1: The above-stated recitals are incorporated by this reference.

Section 2: Section 6-1-3, Chronic nuisance property abatement is repealed and replaced with a new Section 6-1-3 Chronic Nuisance Property Abatement and Crime Free Multi-Housing Requirements which is attached hereto as Exhibit A.

Section 3: If any part of this Ordinance is found to be invalid, the invalid portion shall be deemed to be stricken and the remainder shall be in full force and effect.

Section 4: Any ordinance in conflict with this Ordinance is repealed to the extent of such conflict. Ordinance No. 01-11-04 and Ordinance No. 06-01-01 are expressly repealed by this Ordinance.

Section 5: This Ordinance shall be in full force and effect from and after its passage and approval.

Approved and passed this 12 day of OCT., 2015.

Ayes: 5 (TRUSTEES VALADEZ, WALLACE, BUTLER, MOUNT, BENES)

Nays: 0

Absent: 1 (TRUSTEE HUSK)

Abstain 0

VILLAGE OF ROUND LAKE BEACH

By: 

Mayor Richard H. Hill

Attest: 

Margaret Cleveland, Village Clerk

EXHIBIT A

Chronic Nuisance Property Abatement and Crime Free Multi-Housing Requirements Ordinance

- **Sec. 6-1-3. - Chronic nuisance property abatement and crime free multi-housing requirements.**

A.

Definitions: Unless otherwise expressly stated or unless the context clearly indicates a different intention, the following terms shall, for the purpose of this section, have the following meanings:

Nuisance activities shall mean any of the following activities when the police department has responded to a property three or more times in a 180-day period.

1. Unlawful use of weapons, as defined in 720 ILCS 5/24-1 et seq.;
2. Mob action, as defined in 720 ILCS 5/25-1;
3. Discharge of firearm, as defined in 720 ILCS 5/24-1.2 and 5/24-1.5;
4. Gambling, as defined in 720 ILCS 5/28-1;
5. Possession, manufacture or delivery of controlled substances, as defined in 720 ILCS 570/401 et seq.;
6. Assault, battery or offenses related thereto, as defined in 720 ILCS 5/12-1 et seq.;
7. Sexual abuse or related offenses, as defined in 720 ILCS 5/12-15 et seq.;
8. Public indecency, as defined in 720 ILCS 5/11-9;
9. Prostitution, as defined in 720 ILCS 5/11-14;
10. Criminal damage to property, as defined in 720 ILCS 5/21-1 et seq.;
11. Possession, cultivation, manufacture or delivery of cannabis, as defined in 720 ILCS 550/1 et seq.
12. Streetgang activity, as defined in 740 ILCS 147/1 et seq.
13. Any violation of a federal law or local ordinance which constitutes substantially similar conduct to the offenses set forth above.

Nuisance activities shall also mean four (4) or more instances of the following in a 180-day period:

1. Disorderly conduct, as defined in 720 ILCS 5/26-1;
2. Illegal consumption or possession of alcohol, as defined in 235 ILCS 5/1, et seq.
3. Any other criminal activity under the Illinois Criminal Code, United States Code or a village ordinance where the police department has found activity which is a felony not set forth specifically above or a misdemeanor as set forth in the Illinois Compiled Statutes.

Additionally, nuisance activity shall also mean four (4) or more Village ordinance violations in a 180-day period or an unreasonably high number of calls for police service including, but not limited to, calls that may fall within the descriptions listed above that when compared to other properties in the village of similar type, reasonably indicate that the activity at this property is out of character for the area and is impacting the quality of life of those in the area.

Owner: Any person, agent, firm, association, partnership, corporation, including a mortgagee in possession in whom is vested all or part of the legal title to the premises, or all or part of the beneficial ownership and the right to present use and enjoyment of the property, or an occupant of that premises or structures appurtenant thereto.

Person: Any individual, association, partnership, or corporation capable of owning, leasing or otherwise controlling, whether by actual or constructive possession thereof, the use of real property within the village.

Person in charge: Any person in actual or constructive possession of real property, including, but not limited to, an owner, person, lessee or occupant.

B.

Violation:

4. Any property within the village that becomes a chronic nuisance property is in violation of this section and shall be subject to its rules and regulations.
5. Any person in charge who permits real property within the village to become a chronic nuisance property is in violation of this section and shall be subject to its rules and regulations.

C.

Administrative procedure:

6. The police department shall keep an accurate record of all incidents of alleged nuisance activity and the property at which it allegedly occurred.
7. When an incident of alleged nuisance activity has occurred at any given parcel of real property in the village, the chief of police shall review the reports of those

incidents and if he finds that nuisance activity has occurred due to a felony as set forth in Section A, 1 through 12 above, then he shall make a determination that the property is in danger of being classified as a chronic nuisance property. If he so finds, he may then notify the property owner of his finding as provided in Section 5, below. After the initial notice is given, no additional notice shall be required unless a period of two (2) years has elapsed where no nuisance activity has occurred at the Subject Property.

8. If the chief of police finds that there is cause to believe that nuisance activity occurred at the subject property due to disorderly conduct, illegal consumption or possession of alcohol or any other felony or misdemeanor violation set forth in Section A, above, the chief of police may then notify the owner after the second incident in a 180 day period that the subject property is in danger of being classified as a chronic nuisance property. The notice shall be as provided in Section 5 below. After the initial notice is given, no additional notice shall be required unless a period of two (2) years has elapsed where no nuisance activity has occurred at the Subject Property.

9. If the chief of police finds that there is cause to believe that nuisance activity occurred at the subject property due to any other ordinance violations, or an unreasonably high number of calls for police service the chief of police may then notify the owner after the third incident in a 180-day period that the subject property is in danger of being classified as a chronic nuisance property. The notice shall be as provided in Section 5, below. After the initial notice is given, no additional notice shall be required unless a period of two (2) years has elapsed where no nuisance activity has occurred at the Subject Property.

10. The notice required by this Section shall contain:

- a. The street address or legal description of the property;
- b. A concise description of the nuisance activity that has occurred at this location;
- c. A statement that further reports of nuisance activity occurring at the property shall result in the property being classified as a chronic nuisance property, subject to the regulations and remedies of this section;
- d. A statement offering the owner an opportunity to propose a plan of action, to the chief of police, that will abate the nuisance activity;

e. A demand that the owner respond to the chief of police within ten days to discuss the presence of nuisance activity on the property.

11. After notification is made pursuant to this section, if the chief of police finds that there is cause to believe that another incident of nuisance activity occurred at the subject property which constitutes a felony under Section A, above or a fourth incident of any other nuisance activity, he shall then determine whether the property is a "chronic nuisance property" as defined by Section A, above.

7. Following a determination that the subject property is a chronic nuisance property, the chief of police shall notify the owner in writing that the property has been determined to be a chronic nuisance property. The notice shall contain:

a. The street and address or legal description of the property.

b. A statement that the property is a chronic nuisance property pursuant to the provisions of this section.

c. A concise description of the nuisance activity that supports this determination.

d. A demand that the owner propose a course of action, including commencing eviction proceedings against the tenants or occupants, that will abate the nuisance activity giving rise to this notification.

e. A demand that the owner respond to the chief of police within ten days.

8.

If the owner does not respond within ten days as required by the notice, with the concurrence of the village administrator, the chief of police may request the village attorney to commence legal proceedings to abate the nuisance. However, if prior to the commencement of the legal proceedings by the village, the owner advises the chief of police that he or she will pursue a course of action that the chief of police and the owner agree will abate the nuisance activity, the chief of police may agree to postpone legal proceedings for a period of not less than ten days nor more than 30 days. If the agreed course of action taken by the owner does not result in the abatement of the nuisance activity or does not proceed in a timely manner, the village is not precluded or estopped from commencing legal proceedings to abate the nuisance activity.

9.

Nothing in this section shall prohibit the village from filing an action for injunctive relief against the owners, tenants or occupants of a chronic nuisance property when such property constitutes an immediate threat and danger to the safety, health and welfare of the surrounding neighborhood and residents of the village.

10.

Any reference to the chief of police in this Section 6-1-3 shall be deemed to mean the chief of police or his designee.

D.

Notice:

1. A copy of the notice required by subsection C.5 of this section shall be served either personally or by mailing a copy of the notice by certified mail, postage prepaid, return receipt requested, to each owner at the address where the last tax bill was mailed according to the records of the Lake County Treasurer. Additionally, a copy of the notice shall be served on the occupants of the home or apartment unit if that person is different than the owner. In the event that notice is not possible as set further above, a copy of the notice shall be posted at the property if ten days have elapsed from the service or mailing of the notice to the owner and no response or reply has been received by the village from the owner or person in charge.

2. The failure of any person in charge to receive notice that the property is a chronic nuisance property shall not invalidate or otherwise affect the proceedings under this subsection.

E.

Penalties and remedies:

1. Any real property found to be a chronic nuisance property shall be closed and secured against all use and occupancy for a period of not less than 30 days, but not more than 180 days.

2. In determining the number of days to close the property, evidence of other conduct that has occurred on the property may be considered, including, but not limited to:

- a. The disturbance to neighbors.
- b. The recurrence of loud and obnoxious noises.
- c. Repeated consumption of alcohol in public.

3. Any owner found guilty of violating the provisions of this section shall be subject to a fine not to exceed \$500.00 for each day that the owner had actual knowledge that the property was a chronic nuisance property.

4. In determining the civil penalty to impose, any of the following factors may be considered:

- a. The actions or lack of action taken by the person in charge to mitigate or correct the problem at the property.

- b. Whether the problem at the property was repeated or continuous.
 - c. The magnitude or gravity of the problem.
 - d. The cooperation of the person in charge.
 - e. The cost of the village to investigate, correct, or attempt to correct the problem.
 - f. Any other relevant factors.
5. In addition to the foregoing remedies, any other sanction or remedy may be imposed which is deemed necessary and just.

F.

Injunctive relief and remedies:

1. In the event that the chief of police determines that the property is an immediate threat to the public safety and welfare of the residents of the village, the village may apply to the court for injunctive relief. In such an event, the village need not comply with the notification process set forth in subsection C. of this section. However, the village shall comply with the requirements of the Illinois Code of Civil Procedure regarding notice.
2. In the event the court finds the property constitutes a chronic nuisance property, the court may order the remedies set forth in subsection E. of this section.
3. The court may authorize the village to physically secure the property against use or occupancy, in the event the owner fails to do so within the time specified by the court. In the event the village is authorized to secure the property, all costs incurred by the village to affect a closure shall be assessed as a lien against the property. If used herein, "costs" means those expenses actually incurred by the village for physically securing the property.
4. The village shall prepare a statement of the cost to secure the property and shall thereafter submit said statement to the court for its review. If no objection to the statement, the court may order that a lien in said amount may be recorded against the property.

G.

Crime Free Multi-Housing Program.

5. In order to combat nuisance housing, any owner of property, which property is being rented out for residential purposes, shall attend and complete a Village of Round Lake Beach Crime Free Multi-Housing Program Seminar. The

owner, agent or designee shall attend the Seminar prior to obtaining or being issued a Village of Round Lake Beach residential rental certification.

6. In the event a Village of Round Lake Beach Crime Free Multi-Housing Program Seminar is not available prior to obtaining the rental certification, a conditional certification may be issued subject to the owner, agent or designee attending the Village of Round Lake Beach Crime Free Multi-Housing Program Seminar within four months of issuance of the certification. In the event that seminar is not attended within four months, the certification shall be void without any need of further action. After the seminar is attended, the certification shall be issued for the remainder of its term.

7. A property manager shall be considered an agent of the owner. If a new manager is hired or appointed, the new manager shall have four months after hire to attend the Village of Round Lake Beach Crime Free Multi-Housing Program Seminar.

8. Any owner, agent or designee shall attend the Village of Round Lake Beach Crime Free Multi-Housing Program Seminar every three years. Any owner, agent, or designee may be required to re-attend the Village of Round Lake Beach Crime Free Multi-Housing Program Seminar if the Crime Free Multi-Housing Coordinator recommends reattendance to the Village Administrator, and the Police Chief and they concur in said recommendation. In determining whether or not to have the person re-attend the Crime Free Multi-Housing Program Seminar the Village Administrator and Police Chief shall consider the following:

- a. If the property rented by the owner is close to becoming a nuisance residential rental property as defined herein.
- b. Criminal activity is occurring on the premises and the landlord has failed to initiate eviction proceedings.

9. The Crime Free Multi-Housing Coordinator, as designated by the Chief of Police, shall provide the Director of Inspection Services with a list of owners, agents and/or designees who have attended the Village of Round Lake Beach Crime Free Multi-Housing Program Seminar, with the date of attendance and verification that the owner, agent or designee has complied with this Ordinance and is eligible to obtain, maintain or renew the operating license.

10. All owners, agents or owner's designees of residential rental property are required to utilize a crime free lease addendum or have a clause in the lease similar to a crime free lease addendum for any leases executed after June 30, 2006. The Crime Free Multi-Housing Coordinator shall provide at no cost sample(s) of the

crime free lease addendum and may review any clauses within actual leases with the Village Attorney to determine if the clause is similar to the crime free lease addendum. 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.

11. Any property or unit occupied by one or more persons not holding title to the structure or premises and not residing in the premises with one holding the title to the premises as his/her principal residence, where the tenants or their guests, whether invited or uninvited, have documented incidents of nuisance activity as defined below either at the rental property or in the Village limits of Round Lake Beach shall be a nuisance rental property.

Any rental property to which the police department has responded at least one time and has found any of the following *nuisance activities* or multiple instances of nuisance activity.

- a. Unlawful use of weapons, as defined in 720 ILCS 5/24-1 et seq.;
- b. Mob action, as defined in 720 ILCS 5/25-1;
- c. Discharge of firearm, as defined in 720 ILCS 5/24-1.2 and 5/24-1.5;
- d. Gambling, as defined in 720 ILCS 5/28-1;
- e. Possession, manufacture or delivery of controlled substances, as defined in 720 ILCS 570/401 et seq.;
- f. Assault, battery or offenses related thereto, as defined in 720 ILCS 5/12-1 et seq.;
- g. Sexual abuse or related offenses, as defined in 720 ILCS 5/12-15 et seq.;
- h. Public indecency, as defined in 720 ILCS 5/11-9;
- i. Prostitution, as defined in 720 ILCS 5/11-14;
- j. Criminal damage to property, as defined in 720 ILCS 5/21-1 et seq.;
- k. Possession, cultivation, manufacture or delivery of cannabis, as defined in 720 ILCS 550/1 et seq.
- l. Streetgang activity, as defined in 740 ILCS 147/1 et seq.

- m. Any violation of a federal law or local ordinance which constitutes substantially similar conduct to the offenses set forth above.

Nuisance activities at rental properties shall also mean two (2) or more instances of the following:

- o Disorderly conduct, as defined in 720 ILCS 5/26-1;
- o Illegal consumption or possession of alcohol, as defined in 235 ILCS 5/1, et seq.
- o Any other criminal activity under the Illinois Criminal Code, United States Code or a village ordinance where the police department has found activity which is a felony not set forth specifically above or a misdemeanor as set forth in the Illinois Compiled Statutes.

Additionally, nuisance activity at rental properties shall also mean four (4) or more Village ordinance violations in a 180 day period or an unreasonably high number of calls for police service including, but not limited to, calls that may fall within the descriptions listed above that when compared to other properties in the village of similar type, reasonably indicate that the activity at this property is out of character for the area and is impacting the quality of life of those in the area.

- 8. The Director of Inspection Services or the chief of police may revoke a rental certificate for a property that becomes a nuisance rental property as set forth herein. During the revocation the owner shall not rent the nuisance rental property and the owner cannot secure a rental certificate for another property in the Village limits until the revocation period is over, unless a waiver is granted by the Director of Inspection Services or chief of police upon good cause shown.
 - a. The first revocation will not last more than twelve (12) months.
 - b. The second revocation will not last more than twenty-four (24) months.
 - c. The third revocation will be permanent and the owner, agent, corporation or firm may no longer be granted a rental certificate.
 - d. In addition to the revocation of the rental certificate, the owner shall be fined not less than \$250.00 nor more than \$500.00 for each offense.
- 9. Any person who fails to obtain a crime-free multi-housing program seminar certification seminar or to re-attend a seminar as required herein shall be fined \$500.00 for each day that the owner fails to have a crime-free multi-housing certificate.

H. No property shall be considered to be a chronic nuisance property or a nuisance property nor shall eviction proceedings be commence under the Crime Free Multi-Housing Program if:

12. contact is made to the police or other emergency services, if (a) the contact was made with the intent to prevent or respond to domestic violence or sexual violence; (b) the intervention or emergency assistance was needed to respond to or prevent domestic violence or sexual violence; or (c) the contact was made by, on behalf of, or otherwise concerns an individual with a disability and the purpose of the contact was related to that individual's disability;
13. an incident or incidents of actual or threatened violence or sexual violence against a tenant, household member, or guest occurs in the dwelling unit or on the premises; or
14. criminal activity or a local ordinance violation occurs in the dwelling unit or on the premises that is directly relating to domestic violence or sexual violence, engaged in by a tenant, member of a tenant's household, guest, or other party, and against a tenant, household member, guest, or other party.