

ORDINANCE NO. 17-08-01

**AN ORDINANCE AMENDING TITLE 8 OF THE VILLAGE CODE
REGARDING THE RENTAL PROGRAM CERTIFICATE OF COMPLIANCE**

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 has previously approved a rental inspection program which established a program regarding such inspections along with certain permit and inspection fees;

WHEREAS the Village Board desires to amend certain provisions relative to rental inspections in order to address changing conditions relative to the program;

WHEREAS, the Village Board finds that it is in the best interests of the Village to adopt this Ordinance.

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 8-1-1-8, B, 1 is amended to repeal and replace PM-106.0 as follows:

PM-106.0 Rental Program Certificate of Compliance: To ensure that the condition of structures and premises are consistent with the public health, safety and welfare, a Rental Program Certificate of Compliance shall be required annually 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. Such Certificates are not transferable from one owner to another. A Rental Program Certificate of Compliance is not required by title holders renting to an immediate family member (defined as a parent, sibling or child of an owner) or by property owners who rent their dwelling unit for less than 120 consecutive days but occupy the dwelling unit during the remainder of the year.

(a) No Rental Program Certificate of Compliance shall be issued except upon written application fully completed on the form provided by the Village. Such application shall contain:

- 1) the full legal name, address, telephone numbers (home, mobile and work) and email address of each and every owner;
- 2) the address of the dwelling unit to be occupied;
- 3) the number of dwelling units within the premises;
- 4) in the case of an owner who is not a resident of the Village and/or those owners that utilize a property manager, the name, address and telephone number of

his/her agent with authority for receipt of service or notice of violation of the provisions of this Chapter or other Chapters of the Village Code;

- 5) whenever there is a change of ownership of a property occupied pursuant to this division, or a change of the owner's property agent, the owner(s) shall within thirty (30) days of such change file an updated written notice with the code official indicating such change(s);
 - 6) the total square footage designed for living and sleeping purposes within the building or premises to be occupied, calculated and confirmed by a Village Inspector to be consistent with this code;
 - 7) the owner of a building and/or premises for occupancy who is not a resident within the Village shall designate a person whose residence or principal place of business is located not more than one hundred (100) miles distant from the Village of Round Lake Beach to manage his/her rental property, including the authority to receive notices.
- (b) Charges for water and/or sewer service for properties which are subject to a Rental Program Certificate of Compliance shall be the joint liability of the owner and tenant occupant. Water and sewer service accounts must be established and maintained in the name of the tenant occupant.
- (c) Single-unit properties shall have a comprehensive interior and exterior inspection conducted by a Village Inspector to insure compliance with all Village code provisions prior to issuance of a Rental Program Certificate of Compliance or renewal thereof. Reinspections are required as necessary to insure identified violations are remedied. This annual inspection does not preclude inspections that may occur through other Village inspection programs.
- (d) Each application for a Rental Program Certificate of Compliance or renewal thereof shall also require compliance with the Village's Crime-Free Housing (Sec. 6-1-3) and Nuisance ordinances (Sec. 6-1-1, et seq.) in the Village Code.
- (e) Each application for a Rental Program Certificate of Compliance or renewal thereof for a single-unit building shall be accompanied by a fee of Fifty Dollars (\$50.00). This fee includes the cost for the initial inspection. Owners shall be charged One Hundred Dollars (\$100.00) for every reinspection required after the initial inspection due to a dwelling unit failing the inspection. Owners shall be charged One Hundred Dollars (\$100.00) for failing to be present at a scheduled inspection or reinspection or for failing to have a representative 18 years of age or older present at such inspection or reinspection. Owners shall be charged One Hundred Dollars (\$100.00) in the event that an owner causes an inspection or reinspection to be cancelled within 48 hours of the scheduled appointment and/or if the owner fails to obtain the Rental Certification of Compliance or renewal thereof by the deadline.
- (f) Each application for a Rental Program Certificate of Compliance or renewal thereof for a building with more than one (1) dwelling unit shall be accompanied by an application fee of Twenty Five Dollars (\$25.00) per building plus an inspection fee of Twenty Five Dollars (\$25.00) for every dwelling unit to be inspected. Buildings with more than one (1) dwelling unit will require inspection of twenty-five percent (25%) of all dwelling units to be occupied.

When the calculation of twenty-five percent (25%) of the total dwelling units creates a fraction of a dwelling unit it shall be increased (rounded up) to the next full whole number of dwelling units to be inspected. In no case will less than one (1) dwelling unit per building be inspected. Individual dwelling units to be inspected will be at the Village's sole discretion. Owners shall be charged One Hundred Dollars (\$100.00) for every reinspection required after the initial inspection due to a building(s) and/or dwelling unit(s) failing the inspection. Owners shall be charged One Hundred Dollars (\$100.00) for every reinspection required after the initial inspection due to a building(s) and/or dwelling unit(s) failing the inspection. Owners shall be charged One Hundred Dollars (\$100.00) for failing to be present at a scheduled inspection or reinspection or for failing to have a representative 18 years of age or older present at such inspection or reinspection. Owners shall be charged One Hundred Dollars (\$100.00) in the event that an owner causes an inspection or reinspection to be cancelled within 48 hours of the scheduled appointment. Reinspection, no-show and cancellation fees will be limited to One Hundred Dollars (\$100.00) per appointment (rather than per dwelling unit) wherein multiple dwelling units are inspected and reinspected within the same appointment time. Owners shall be charged One Hundred Dollars (\$100.00) per dwelling unit, but no more than Twelve Hundred Dollars (\$1,200.00) per building, if the owner fails to obtain the Rental Certifications of Compliance or renewal thereof by the deadline.

- (g) Single unit properties may qualify for comprehensive interior and exterior biennial inspections as determined by guidelines published by the Village. The application for a renewal of a Rental Program Certificate of Compliance in which an inspection will not be required shall be accompanied by a fee of Twenty Five Dollars (\$25.00). Such eligibility does not preclude inspections that may occur through other Village inspection programs. Buildings with more than (1) dwelling unit are not eligible for biennial inspections.
- (h) The first application for a Rental Program Certificate of Compliance and fee shall be due within thirty days of the adoption and enactment of this Division of the Property Maintenance Code for all property presently occupied by non-owners, and for all property presently held out for occupancy by non-owners, or at least sixty (60) days prior to the holding out of any property for occupancy by non-owners at any time after the enactment of this Division, if not so occupied on the date of adoption and enactment hereof, and thereafter, all applications for renewal of this Certificate with accompanying application fee, shall be due thirty (30) days before the expiration of the existing and current Certificate.

Section 3: Section 8-1-1-8, B, 1 is amended to repeal PM-107.01. Further, the Village Code is amended as follows:

PM-107.01. This section is intentionally left blank.

Section 4: Section 8-1-1-8, B, 1 is amended to repeal and replace PM-108.3 as follows:

PM-108.3 Failure to Apply Annually or to Maintain a Current Rental Program Certificate of Compliance or Prevention of Inspection: Any building, dwelling unit, structure and/or premises for which an application for a Rental Program Certificate of Compliance has not been

made, or for which the Rental Program Certificate of Compliance has not been issued, has been revoked, and/or for which inspection has been prevented (except pursuant to a valid judicial determination disallowing said inspection), or since the last Rental Program Certificate of Compliance for inspection shall be deemed to be in violation of this code and incapable of meeting its terms and standards, and shall not be leased or occupied for residential purposes and any occupier(s) of said building, dwelling unit, structure and or/premises shall have no contract, property or lawful right to remain in occupancy of the structure and/or premise and must leave the premises at the end of the then-existing lease term and no owner shall allow the occupancy of the building, dwelling unit, structure and/or premises or to hold the same out or offer the dwelling unit for occupancy.

Section 5: Section 8,-1-1-8, B, 1 is amended to add a new section PM-108.4 as follows:

PM-108.4 Penalty: Any firm, person or business entity that violates this section relative to the Rental Program Certificate of Compliance shall be fined not less than \$100.00 nor more than \$1,500.00 for each offense. Additionally, the Village may seek injunctive relief in court to enforce its rights.

Section 6: 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 7: Any ordinance in conflict with this Ordinance is repealed to the extent of such conflict.

Section 8: This Ordinance shall be in full force and effect from and after its passage and approval.

Approved and passed this 14 day of August , 2017.

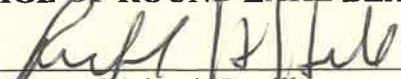
Ayes: 5 (TRUSTEES HUSK, VALADEZ, BUTLER, NICKLES, BENES)

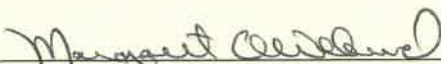
Nays: 0

Absent: 1 (TRUSTEE WALLACE)

Abstain 0

VILLAGE OF ROUND LAKE BEACH

By: 
Mayor Richard H. Hill

Attest: 
Margaret Cleveland, Village Clerk