

VILLAGE OF BRADLEY

ORDINANCE NO. O-10-11-3

AN ORDINANCE AMENDING CHAPTER 10 (“BUILDINGS AND
BUILDING REGULATIONS”), OF THE CODE
OF ORDINANCES OF THE VILLAGE OF BRADLEY
BY ADDING A NEW ARTICLE VIII (“RENTAL PROPERTY
REGISTRATION AND INSPECTION”)

ADOPTED BY THE
BOARD OF TRUSTEES
VILLAGE OF BRADLEY

This 13 day of FEBRUARY, 2012

Published in pamphlet form by authority of the Board of Trustees of the Village of
Bradley, Kankakee County, Illinois, this 13 day of FEBRUARY, 2012.

CERTIFICATE:



Michael J. LaGesse, Village Clerk

ORDINANCE NO. O-10-11-3

AN ORDINANCE AMENDING CHAPTER 10 (“BUILDINGS AND BUILDING REGULATIONS”), OF THE CODE OF ORDINANCES OF THE VILLAGE OF BRADLEY BY ADDING A NEW ARTICLE VIII (“RENTAL PROPERTY REGISTRATION AND INSPECTION”)

BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF BRADLEY, Kankakee County, Illinois, as follows:

Section 1. Village Code Amended. Chapter 10 (“Buildings and Building Regulations”), of the Code of Ordinances of the Village of Bradley (“Village Code”) is hereby amended by adding a new Article VIII (“Rental Property Registration and Inspections”) to read as follows:

ARTICLE VIII. RENTAL PROPERTY REGISTRATION AND INSPECTIONS

Sec. 10-390. Purpose.

The purpose of this Article is to improve and maintain the residential rental housing stock of the village by the enforcement of the Property Maintenance Code through annual registration and periodic inspections.

Sec. 10-391. Definitions.

For the purpose of this Article, and the interpretation and enforcement hereof, and notwithstanding any inconsistent definitions contained elsewhere in this Code, the following words and phrases shall have the following meanings, unless the context of the sentence in which they are used shall indicate otherwise:

CERTIFICATE OF COMPLIANCE: A written instrument issued by the village as evidence of the successful inspection of a rental residential premises pursuant to this Article.

DWELLING UNIT: Any single unit providing complete, independent living facilities for one or more occupants, including permanent provisions for living, sleeping, eating cooking and sanitation. For the purposes of this Article, a dwelling unit also includes a “manufactured home” as defined in the Mobile Home Park Act, 201 ILCS 115/1 *et seq.*, as amended.

OCCUPANT: Any person who is living or sleeping in a dwelling unit or having possession of any space within a dwelling unit.

OWNER: Any person or legal entity having a legal or equitable property interest in a dwelling unit, including, as applicable, any agent, heir, beneficiary, executor, administrator, legal representative, successor or assign thereof.

PROPERTY MAINTENANCE CODE: The most current International Property Maintenance Code as adopted by the village pursuant to Section 10-205 of this Code, as amended.

RENTAL RESIDENTIAL PREMISES: Any residential premises in which any two (2) or more of the dwelling units contained therein is a rental residential unit.

RENTAL RESIDENTIAL UNIT: Any dwelling unit which is occupied or used, or available to be occupied and used, by any occupant or occupants other than the legal owner.

RESIDENTIAL PREMISES: The land and any building or structure located thereon which contains one or more separate dwelling units. For the purposes of this Article, a residential premises also includes an individual condominium unit

SINGLE-FAMILY RENTAL RESIDENTIAL PREMISES: A building or structure containing one (1) dwelling unit that is occupied by a person(s) other than the legal owner.

VILLAGE INSPECTOR: The superintendent of building standards and utilities of the village, or the superintendent's designee(s).

Sec. 10-392. Registration required.

It shall be unlawful and a violation of this Article for the owner of any rental residential premises to fail to file an annual registration statement required to be filed pursuant to Section 10-393, to provide any false statement or information in connection with any such registration statement or to fail to notify the village's department of building standards and utilities of any material change in the information required to be included in any such registration statement which may affect the ability of the village to enforce the provisions of this Article.

Sec. 10-393. Registration.

(a) *Registration statement.* Except as otherwise provided in this section, the owner of any rental residential premises shall, on or before May 1st, and every year thereafter, file a registration statement with the department of building standards and utilities for all individual rental residential premises on a form provided by the village inspector. An owner shall be required to register all of the owner's rental residential premises one time for each required registration period, and not for each individual rental residential premises. Any such registration statement shall be prima facie proof of the statements therein contained in any

administrative enforcement proceeding or court proceeding instituted by the village against the owner of any such residential premises.

(b) *Owner occupancy.* The owner of any single-family rental residential premises shall be exempt from the registration requirements of this section if such owner has filed a sworn statement and provided a copy of a current State of Illinois driver's license or State of Illinois identification card with the village attesting to the fact that such single-family rental residential premises is owner-occupied. If any such single-family residential rental premises ceases to remain owner-occupied or vacant and not intended to be rented, the premises shall be registered and the registration fee paid at that time.

(c) *Exceptions.* The provisions of this section shall not apply to any of the following:

- (1) Hotels and motels;
- (2) Nursing homes, including any assisted living care facility licensed by the state; or
- (3) Bed and breakfast establishments.

(d) *Transfer of ownership.* The registration of any rental residential premises under this section is not transferable. Except as otherwise provided in this section, any residential premises shall be registered and the registration fee paid by any new owner within 30 days of any transfer of ownership.

(e) *Information required.* The registration statement of any residential premises under this section shall include, but not be limited to, the following:

- (1) Address of the residential premises;
- (2) Type of building or structure and number of rental residential units and the addresses for each dwelling unit, e.g. "1", "A", "upper";
- (3) Name, address and telephone number of the owner;
- (4) Name, address and telephone number of the manager or agent of the residential premises;
- (5) If the owner is a corporation or a limited liability company, the name and address of its registered agent; and
- (6) If there is a mortgage on the residential premises, the name and address of the mortgage holder.

(f) *Additional requirements.* The village inspector may, at any time, require additional relevant information of the owner or any manager or agent on behalf of such owner to clarify any item on the registration statement.

(g) *Updating information.* Any material change in the information included within any registration statement which affects the ability of the village to enforce the provisions of this Article shall be reported to the village inspector by the owner or any manager or agent on behalf of such owner within thirty (30) days of any such change in writing.

(h) *Registration fee.* Each owner required to file a registration statement under this section shall pay a nonrefundable fee as set forth in Section 18-1 of this Code. No registration application shall be considered filed unless accompanied by the required fee. Any registration application filed more than thirty (30) days after the applicable date when due shall be assessed a penalty as set forth in Section 18-1. Each day a registration application is not filed in violation of this section shall be considered a new violation of this Article.

Sec. 10-394. Certificate of compliance required.

Except as otherwise provided in this Article, it shall be unlawful and a violation of this section for the owner of any rental residential premises to permit any rental residential unit located therein to be occupied or to rent or lease any rental residential unit located therein without having a valid certificate of compliance issued by the department of building standards and utilities. The owner of any rental residential unit shall be required to apply for a new inspection under Section 10-395 within thirty (30) days of the expiration of an applicable certificate of compliance. Any owner who rents any rental residential unit without a valid certificate of compliance for that rental residential unit shall be guilty of an ordinance violation and subject to a fine as set forth in Section 18-2 of this Code. Each day that any rental residential unit is occupied without a certificate of compliance is a new violation of this Article.

Sec. 10-395. Inspection.

(a) All rental residential premises required to be registered under Section 10-393 shall be periodically inspected by the village inspector for the purpose of determining whether such rental residential premises complies with the applicable provisions of the Property Maintenance Code and other applicable codes of the village. A single-family rental residential premises shall not be subject to inspection pursuant to this section except on a complaint basis.

(b) Application for an inspection shall be made to the department of building standards and utilities as follows:

(1) For any rental residential premises required to be registered under Section 10-393, the owner(s) shall make an application to the department of building standards and utilities for an inspection under this Article no less than thirty (30) days prior to the need for such inspection. The application shall be accompanied by the inspection fee set forth in Section 18-1 of this Code for the first rental residential unit, plus an additional amount as set forth in Section 18-1 for each rental residential unit thereafter in the same building.

(2) No application under this Article shall be acted upon by the department of building standards and utilities until the applicable inspection fee(s) has been paid in full.

(c) All utilities must be turned on in each rental residential unit being inspected prior to the inspection. Failure to have all said utilities turned on will result in cancellation of the inspection, the village retaining the inspection fee and no certificate of compliance being issued.

(d) If an inspection reveals any violation of any applicable codes, no certificate of compliance shall issue and a re-inspection shall be required. Re-inspections to ascertain abatement of any code violations shall be performed by the village inspector. The first follow-up or re-inspection shall be conducted at no cost, and each subsequent follow-up or re-inspection shall require a re-inspection fee as set forth in Section 18-1 of this Code for each rental residential unit being re-inspected, which fee shall be pre-paid.

(e) Any certificate of compliance issued by the village under this Article shall not be deemed a release or waiver by the village of any requirement for compliance with any and all applicable provisions of this Code, nor shall it constitute a guarantee that no code violations exist. A certificate of compliance issued by the village shall not be valid if an applicable rental residential premises is in violation of this Code until such violation is corrected. Issuance of any certificate under this Article shall not restrain or prohibit the village from making further inspections of any dwelling unit and giving notice of any violation of this Code at any time, notwithstanding the validity of a certificate of compliance.

(f) A certificate of compliance shall be valid for a period of two (2) years.

(g) If the owner does not have the right to enter any rental residential unit for the purposes of inspection under the terms of any applicable lease or other agreement, it shall be the responsibility of the owner or the manager or agent on behalf of the owner to obtain the consent of the occupant of any such rental residential unit to enter such rental residential unit for the purpose of such inspection. The owner, or any manager or agent on behalf of the owner, shall be present at the time and date of any scheduled inspection to provide applicable access for such inspection. If any such owner, or any manager or agent on behalf of the owner, fails to be present at the time and date of any such scheduled

inspection or fails to reschedule any such scheduled inspection prior to the date of any such scheduled inspection, or if the owner refuses reasonable entry, such rental residential premises shall be scheduled for another inspection and such owner shall be subject to the forfeiture of the previously paid fee and be required to pay a new fee in the same amount for any future inspection. If the owner, including any manager or agent on behalf of the owner, or any occupant objects to a scheduled inspection of any rental residential premises or of any rental residential unit within such rental residential premises, or if the owner does not have the right to enter the rental residential premises under the terms of any applicable lease or other agreement or with the consent of the occupant for the purpose of such inspection, the village inspector may apply to the circuit court for an administrative search warrant to conduct any such inspection.

Sec. 10-396. Issuance of certificate of compliance, corrective actions.

(a) Upon the first and each subsequent inspection, if a rental residential premises has no violations of the Property Maintenance Code the village inspector shall issue a certificate of compliance.

(b) If upon the first and each subsequent inspection, a rental residential premises has violations of the Property Maintenance Code the village inspector shall not issue a certificate of compliance and the following shall apply:

(1) The village inspector shall cause written notice to be given to the owner, or to any manager or agent on behalf of such owner, including a list of deficiencies of all such applicable violations of the Property Maintenance Code and other village codes found to exist, if any, within fourteen (14) business days of the inspection. Such notice shall be personally delivered or mailed by first class mail, postage prepaid, to the owner at the address specified in the registration statement.

(2) Any owner who fails to register a rental residential premises as provided in this Article shall be deemed to consent to receiving such notice by means of having a copy of such notice posted at the rental residential premises and/or mailed to the rental residential premises. The notice to the owner shall additionally include a statement that the owner is subject to possible court and/or administrative penalties that may be imposed from and after the date of such notice in such amount per day as authorized by this Code for each day that any and all such violations remain uncorrected.

(c) If, upon completion of an inspection, a rental residential premises is found to be in violation of the Property Maintenance Code or any other provision of this Code, the owner, upon receipt of the notice specified in this section, shall correct all such deficiencies and obtain any applicable building permits for said corrections and provide the village inspector with a written statement signed by both owner, or any manager or agent on behalf of the owner, and any applicable

occupant with regard to deficiencies that the occupant must correct, that all such deficiencies will be completed within a timetable that is acceptable to the village inspector but that does not exceed a period of forty-five (45) days (any such timetable may include multiple timelines such that those more serious deficiencies which require a shorter period of time shall be corrected first while the owner is allowed more time to correct less urgent deficiencies); upon notice to the department of building standards and utilities that all remedial action addressing such deficiencies set forth in the notices has been completed within such timetable, accompanied by any applicable re-inspection fee as provided herein of this Article, the village inspector shall cause the rental residential premises to be re-inspected.

(d) If, upon completion of an inspection, a rental residential premises is found to be in violation of the Property Maintenance Code or any other provision of this Code, and is either unsafe, contains unsafe equipment, is unfit for human occupancy or is unlawful under the applicable provision of the Property Maintenance Code, the village inspector shall take such action as may be required under the applicable provision of the Property Maintenance Code to cause such residential rental premises to be condemned, and shall not issue any certificate of occupancy or compliance until all deficiencies have been corrected.

Sec. 10-397. Right to appeal.

Any person affected by any notice which has been issued in connection with the enforcement of the provisions of this Article shall have the right to appeal to the village code hearing department as set forth in Chapter 10, Article VII of this Code.

Sec. 10-398. Liability.

(a) Any certificate of compliance issued by the inspector shall not be construed in any way to be a warranty, guarantee or insurance against any violation of the provisions of this Code.

(b) Any village inspector, code official, officer or employee who acts in good faith and without malice in the discharge of his or her duties of enforcement of this Article is relieved of all personal liability pursuant to the applicable provisions of the Property Maintenance Code.

Sec. 10-399. Additional remedies; severability.

(a) This Article shall not prevent the village or any other person from exercising any right or seeking any remedy to which that person or entity might otherwise be entitled, or from filing any complaint, allegation or lawsuit with any other agency, court of law or court of equity.

(b) If any court of competent jurisdiction shall adjudge any section, subsection or provisions of this Article to be unconstitutional, void or ineffective, such judgment shall not affect any other section, subsection or provision of this Article not specifically included in said judgment. If any court of competent jurisdiction shall adjudge the application of any section, subsection or provisions of this Article to any person or circumstance to be unconstitutional, void or ineffective, such judgment shall not affect the application of said section, subsection or provision to any person or circumstance not specifically included in said judgment.

Sec. 10-400. Penalty.

Any person or entity that violates, fails to comply with or resists the enforcement of any of the provisions of this Article shall be subject to a fine as set forth in Section 18-2 of this Code. A separate offense shall be deemed committed each day a violation occurs.

Sec. 10-401. Other remedies

Nothing in this Article shall prevent the village from taking any action under any other applicable section of this code or any other statute, ordinance or code for any violation thereof or limit the authority of the village to seek injunctive relief or any other appropriate legal remedy for any violation of any such other section of this Code or any other statute, ordinance or code.

Section 2. Village Code Amended. Chapter 12 (“Business Regulation”), Article I (“In General”), Section 12-1 (“Definitions”) of the Code of Ordinances of the Village of Bradley (“Village Code”) is hereby amended by deleting the overstricken language to read as follows:

Sec. 12.1. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the means ascribed to them in this section, except where the context clearly indicates a different meaning:

Business includes all kinds of vocations, occupations, professions, enterprises, establishments, and all other kinds of activities and matters, together with all devices, machines, vehicles and appurtenances used therein, any of which are conducted for private profit, or benefit, either directly or indirectly on any premises in this village or anywhere else within its jurisdiction. ~~The term “business” includes the occupation of landlord of two or more units of residential real estate.~~

* * * *

Section 3. Code of Ordinances Amended. Chapter 18 (“Fees and Other Charges”), Section 18-1 (“Fees”) is amended by adding the following underlined language to read as follows:

Sec. 18-1. Fees.

Section	Description	Amount (in dollars)
*	*	*
Chapter 10-<i>Buildings and Building Regulations</i>		
<u>10-393</u>	<u>Rental property registration fee</u>	<u>25.00/25.00 per day late fee</u>
<u>10-395</u>	<u>Rental residential premises inspection fee</u>	<u>35.00 per unit/ 10.00 each additional unit</u>
<u>10-395</u>	<u>Rental residential premises re- inspection fee</u>	<u>First re-inspection, no charge/additional re-inspections, 50.00 per unit</u>
*	*	*

Section 4. Code of Ordinances Amended. Chapter 18 (“Fees and Other Charges”), Section 18-2 (“Penalty; fines”) is amended by adding the following underlined language to read as follows:

Sec. 18-2. Penalty; fines.

Section	Description	Min/Max (\$)
*	*	*

Chapter 10-*Buildings and Building Regulations*

<u>10-400</u>	<u>Violation of rental property and registration – per day</u>	<u>100.00/750.00</u>
*	*	*

Section 5. Registration Fee Waiver. The rental property registration fee set forth in Section 18-1 of the Village Code as established by this Ordinance shall be waived for any owner as defined herein who registers with the Village within sixty (60) days of the adoption of this Ordinance.

Section 6. Severability and Repeal of Inconsistent Ordinances. If any section, paragraph, clause or provision of this Ordinance shall be held invalid, the invalidity thereof shall not affect any of the other provisions of this Ordinance. All existing ordinances of the Village of Bradley are hereby repealed insofar as they may be inconsistent with the provisions of this Ordinance.

Section 7. Effective Date. This Ordinance shall be in full force and effect as of its passage, approval, and publication in pamphlet form in the manner provided by law. The Clerk of the Village of Bradley shall certify to the adoption of this Ordinance and shall cause it to be published in pamphlet form.

PASSED this 13 day of FEBRUARY, 2012.

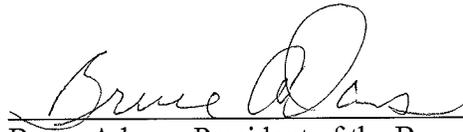
TRUSTEES:

Jerry Balthazor:	Aye - <input checked="" type="checkbox"/>	Nay - <input type="checkbox"/>	Absent - <input type="checkbox"/>
Robert Redmond:	Aye - <input checked="" type="checkbox"/>	Nay - <input type="checkbox"/>	Absent - <input type="checkbox"/>
Lori Gadbois:	Aye - <input checked="" type="checkbox"/>	Nay - <input type="checkbox"/>	Absent - <input type="checkbox"/>
George Golwitzer:	Aye - <input checked="" type="checkbox"/>	Nay - <input type="checkbox"/>	Absent - <input type="checkbox"/>
Michael A. Stump:	Aye - <input checked="" type="checkbox"/>	Nay - <input type="checkbox"/>	Absent - <input type="checkbox"/>
Eric Cyr:	Aye - <input checked="" type="checkbox"/>	Nay - <input type="checkbox"/>	Absent - <input type="checkbox"/>

Bruce Adams: Aye - Nay - Absent -

TOTALS: AYE - 6 NAY - 0 ABSENT - 0

APPROVED this 13 day of FEBRUARY, 2012



Bruce Adams, President of the Board
of Trustees of the Village of Bradley

ATTEST:



Michael J. LaGesse, Village Clerk