

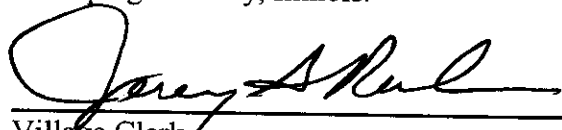
ORDINANCE NO. 2055

**AN ORDINANCE
ADOPTING A NEW DIVISION 2, ENTITLED "RENTAL PROPERTY
REGISTRATION AND INSPECTION", TO ARTICLE IV, OF CHAPTER 6 OF
THE VILLAGE OF RANTOUL CODE-1977, AS SUPPLEMENTED AND AMENDED**

**VILLAGE OF RANTOUL
CHAMPAIGN COUNTY, ILLINOIS**

CERTIFICATE OF PUBLICATION

Published in pamphlet form this 10th day of October, 2006, by authority of the President and Board of Trustees of the Village of Rantoul, Champaign County, Illinois.



Village Clerk

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WHEREAS, the President and Board of Trustees (the "**Corporate Authorities**") of the Village of Rantoul, Champaign County, Illinois (the "**Village**") have determined that the health, safety and welfare of the citizens of the Village will be promoted and protected by requiring certain residential housing to be subject to annual registration and periodic inspections in order to improve and maintain such residential housing within the Village; and

WHEREAS, the Village is authorized to adopt this Ordinance and to promulgate rules and regulations that protect the public health, safety and welfare of its citizens under and pursuant to its power and authority as a Home Rule Unit of Local Government under Section 6, Article VII of the Constitution of the State of Illinois and its general police powers under and pursuant to the Illinois Municipal Code (65 ILCS 5/1-1-1 *et seq.*), as supplemented and amended.

NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF RANTOUL, CHAMPAIGN COUNTY, ILLINOIS, as follows:

Section 1. Technical Amendment to Article IV. That Sections 6.4.1, 6.4.2 and 6.4.3 of Article IV, entitled "MINIMUM REGULATIONS GOVERNING THE CONDITIONS AND MAINTENANCE OF ALL PROPERTY, BUILDINGS AND STRUCTURES; BY PROVIDING 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; AND THE CONDEMNATION OF BUILDINGS AND STRUCTURES UNFIT FOR HUMAN OCCUPANCY AND USE AND THE DEMOLITION OF SUCH STRUCTURES; TO BE KNOWN AS THE PROPERTY MAINTENANCE CODE, of Chapter 6, entitled BUILDINGS AND STRUCTURES, be and the same are hereby renumbered as Sections 6.4.1.1, 6.4.1.2 and 6.4.1.3, respectively, and included under a new Division 1 to be entitled "PROPERTY MAINTENANCE CODE".

Section 2. Adoption. That Article IV, entitled "MINIMUM REGULATIONS GOVERNING THE CONDITIONS AND MAINTENANCE OF ALL PROPERTY, BUILDINGS AND STRUCTURES; BY PROVIDING 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; AND THE CONDEMNATION OF BUILDINGS AND STRUCTURES UNFIT FOR HUMAN OCCUPANCY AND USE AND THE DEMOLITION OF SUCH STRUCTURES; TO BE KNOWN AS THE PROPERTY MAINTENANCE CODE, of Chapter 6, entitled "Buildings", of the Village of Rantoul Code-1977, as supplemented and amended, be and the same is hereby further supplemented and amended by adding thereto a new Division 2, to be entitled "RENTAL PROPERTY REGISTRATION AND INSPECTION" to provide as set forth in the title, headings and text thereof as attached hereto and hereby incorporation herein by this reference thereto.

Section 3. Effective Date. The provisions of this Ordinance shall become effective following its passage, approval and publication as required by law and shall be applicable to all registration statements required to be filed on or before January 1, 2007.

Section 4. Publication. The Village Clerk is hereby authorized and directed to cause this Ordinance to be published in pamphlet form.

Section 5. Conflict. All ordinances or parts of ordinances which are in conflict with the provisions of this Ordinance are, to the extent of such conflict, hereby superseded.

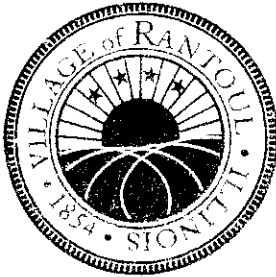
This ordinance is hereby passed, the "ayes" and "nays" being called, by the concurrence of a majority of the members of the Corporate Authorities then holding office at a regular meeting on the date set forth below.

PASSED this 10th day of October, 2006.


Village Clerk

APPROVED this 10th day of October, 2006.


Village President



**CHAPTER 6
BUILDINGS AND STRUCTURES**

ARTICLE IV

MINIMUM REGULATIONS GOVERNING THE CONDITIONS AND MAINTENANCE OF ALL PROPERTY, BUILDINGS AND STRUCTURES; BY PROVIDING 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; AND THE CONDEMNATION OF BUILDINGS AND STRUCTURES UNFIT FOR HUMAN OCCUPANCY AND USE AND THE DEMOLITION OF SUCH STRUCTURES; TO BE KNOWN AS THE PROPERTY MAINTENANCE CODE

DIVISION 2

RENTAL PROPERTY REGISTRATION AND INSPECTION

Section 6.4.2.1. Purpose.

The purpose of this Division 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.

Section 6.4.2.2. Definitions.

The following capitalized words, terms and phrases, when used in this Division, shall have the meanings respectively ascribed to them in this Section, except where the context or use clearly indicates another or different meaning:

Certificate of Inspection means the certificate issued after the first inspection of a Rental Residential Premises pursuant to Section 6.4.2.7 of this Division.

Dwelling Unit means 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 Division, a Dwelling Unit also includes a "Mobile Home" as defined in the Mobile Home Act.

Occupant means any person who is living or sleeping in a Dwelling Unit or having possession of any space within a Dwelling Unit.

Owner means 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.

Rental Residential Premises means any Residential Premises in which any one or more of the Dwelling Units contained therein is a Rental Residential Unit.

Rental Residential Unit means any Dwelling Unit which is occupied or used, or available for occupation and use, by any Occupant or Occupants for money or other consideration paid or given to any Owner.

Residential Premises means the land and any building or structure located thereon which contains one or more separate Dwelling Units. For the purposes of this Division, a Residential Premises also includes an individual condominium unit.

Village Inspector means the Village Inspector of the Village, including such other employee of the Inspection Department of the Village who is designated by the Village Inspector to exercise some or all of the powers, duties and functions of the Village Inspector in this Division.

Section 6.4.2.3. Registration Required.

It shall be unlawful and a violation of this Section for the Owner of any Residential Premises to fail to file the annual registration statement required to be filed under and pursuant to such Section 6.4.2.4 of this Chapter, to provide any false statement or information in connection with any such annual registration statement or to fail to notify the Inspection Department of any material change in the information required to be included in any such annual registration statement which may affect the ability of the Village to enforce the provisions of this Division.

Section 6.4.2.4. Registration.

(a) Except as otherwise provided in this Section, the Owner of any Residential Premises shall, on or before January 1 of each year, file a registration statement with the Inspection Department of the Village for each individual Residential Premises on forms provided by the Village Inspector. 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. Upon the initial registration, a temporary Certificate of Inspection shall be issued for each Rental Residential Premises which shall remain in force and effect until the first inspection.

(b) The Owner of any Residential Premises containing only a single Dwelling Unit shall be exempt from the annual registration requirements of this Section if such Owner has filed a sworn statement with the Village attesting to the fact that such single Dwelling Unit is owner-occupied or is vacant and is not intended to be rented. If any such Residential Premises containing only a single Dwelling Unit ceases to remain owner-occupied or vacant and not intended to be rented, such Residential Premises shall be registered and the registration fee paid at that time.

(c) The provisions of this Section shall not apply to any of the following:

- (i) Hotels and Motels (as defined in the Rantoul Zoning Ordinance);
- (ii) Nursing Homes (as defined in the Rantoul Zoning Ordinance), including any assisted living care facility licensed by the State of Illinois;
- (iii) Any dwelling owned or operated by the Champaign County Housing Authority, the Champaign County Housing Development Corporation, Inc. or any agency of the State of Illinois;
- (iv) Rooming Houses (as defined in the Rantoul Zoning Ordinance); or
- (v) Bed and breakfast establishments.

(d) Transfer of ownership. The registration of any 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:

- (i) Address of the Residential Premises;
- (ii) Type of building or structure and number of Rental Residential Units and the addresses for each Dwelling Unit, e.g. "1", "A", "upper";
- (iii) Name, address and telephone number of the Owner;
- (iv) Name, address and telephone number of the manager or agent of the Residential Premises;
- (v) If the Owner is a corporation or a limited liability company, the name and address of its registered agent;
- (vi) If there is a mortgage on the Residential Premises, the name and address of the mortgage holder; and
- (vii) If the Residential Premises is being sold or transferred under a contract for deed, the name, address and telephone number of both the seller or sellers and the buyer or buyers.

(f) 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) Any material change in the information included within any registration statement which affects the ability of the Village to enforce the provisions of this Division shall be reported to the Inspection Department by the Owner or any manager or agent on behalf of such Owner within 30 days of any such change.

(h) Each Owner required to file a registration statement under this Section shall pay a fee as indicated in Section 6.4.2.8 of this Division. No registration statement will be considered filed unless accompanied by the required fee. Any registration statement filed more than 30 days after the applicable date when due shall be assessed a late filing fee in the amount provided in Section 6.4.2.8 of this Division.

Section 6.4.2.5. Certificate of Inspection Required.

Except as otherwise provided in this Division, 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 Inspection issued by the Inspection Department of the Village for each such Rental Residential Premises.

Section 6.4.2.6. Inspection.

(a) All Rental Residential Premises required to be registered under Section 6.4.2.4 of this Division shall be periodically inspected by the Inspection Department of the Village for the purpose of determining whether such Rental Residential Premises complies with the applicable provisions of the Property Maintenance Code.

(b) The Village Inspector shall establish a schedule of such periodic inspections by systematic zones throughout the Village. The Village Inspector may exempt the requirement for an inspection of any Rental Residential Premises under circumstances where a certificate of occupancy has been issued

upon the new construction of any such Rental Residential Premises within the most previous five (5) year period.

(c) The Village Inspector shall send notice to the Owner of the date and time that the inspection is scheduled to take place at least fifteen (15) days prior to the scheduled inspection date. Such notice shall be mailed by first class mail, postage prepaid, to the address of the Owner and the manager or agent, if any, specified in the registration statement. Any Owner who fails to register a Rental Residential Premises as provided in this Division shall be deemed to consent to receiving such notice by means of having a copy of such notice posted at the Rental Residential Premises. The Owner, or any such manager or agent on behalf of the Owner, shall have five (5) days after the date of such notice to contact the Village Inspector to request that the inspection be rescheduled to a date not later than ten (10) days from the date specified for the inspection in the initial notice.

(d) It shall be the responsibility of the Owner or the manager or agent on behalf of the Owner to notify the Occupant of each Rental Residential Unit within the Rental Residential Premises of the time and date of any scheduled inspection and to provide access to all Rental Residential Units within such Rental Residential Premises at the scheduled time of 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, such Rental Residential Premises shall be scheduled for another inspection and such Owner shall be subject to a reinspection fee in the amount specified in Section 6.4.2.8 of this Division. If the Owner, including any manager or agent on behalf of the Owner, or any Occupant fails for any reason to permit access to any Rental Residential Premises or to any Rental Residential Unit within such Rental Residential Premises at the time and date of any such scheduled inspection, such failure shall be deemed a refusal of such inspection and the Village Inspector may apply to the Circuit Court for an administrative search warrant to conduct any such inspection.

Section 6.4.2.7. Issuance of Certificate of Inspection.

(a) Upon the first and each subsequent inspection, each Rental Residential Premises shall be classified as follows:

- (1) CLASS A – Rental Residential Premises has no violations of the Property Maintenance Code.
- (2) CLASS B – Rental Residential Premises has minor violations of the Property Maintenance Code that do not pose an immediate threat of danger to the life, health and safety of any Occupant of such Rental Residential Premises.
- (3) CLASS C – Rental Residential Premises has major violations or numerous minor violations of the Property Maintenance Code that affect the overall livability of such Rental Residential Premises but do not pose a threat of danger to the life, health or safety of any Occupant of the Rental Residential Premises.
- (4) CLASS D – Rental Residential Premises has critical violations and is either unsafe, contains unsafe equipment, is unfit for human occupancy or is unlawful under Section PM-108.0 of the Property Maintenance Code.

(b) The Village Inspector shall cause written notice to be given to the Owner, or to any manager or agent on behalf of such Owner, and to the Occupants of each applicable Rental Residential Unit of the results of such inspection, including the classification assigned to the Rental Residential Premises and a list of deficiencies of all such applicable violations of the Property Maintenance Code found to exist, if any, within five (5) business days of the inspection. Such notice shall be personally delivered or mailed by first class mail, postage prepaid, to: (i) the Owner and the manager or agent, if any, at the address specified in the registration statement; and (ii) the Occupants at the address of each applicable Rental Residential Unit. Any Owner who fails to register a Rental Residential Premises as provided in this Division shall be deemed to consent to receiving such notice by means of having a copy of such notice posted at the Rental Residential Premises. The notice to the Owner shall additionally include a statement that the Owner is subject to an administrative penalty that may be imposed from and after the date of such notice in such amount per day as is provided in Section 6.4.2.9 of this Division for each day that all such violations remain uncorrected.

(c) If, upon completion of an inspection, a Rental Residential Premises is classified as CLASS A and provided the registration statement for such Rental Residential Premises is on file with the Inspection Department and the applicable registration fee and any other applicable reinspection fee as provided in Section 6.4.2.8 of this Division have been paid to the Village, then the Village Inspector shall issue a Certificate of Inspection for such Rental Residential Premises.

(d) If, upon completion of an inspection, a Rental Residential Premises is classified as CLASS B, CLASS C or CLASS D, the Owner, upon receipt of the notice specified in this Section, shall:

- (i) when the Rental Residential Premises is classified as CLASS B, correct all such deficiencies and provide the Inspection Department with a written statement signed by both Owner, or any manager or agent on behalf of the Owner, and any applicable Occupant that all such deficiencies have been corrected within a period not greater than thirty (30) days; provided, however, that if and to the extent that any such deficiencies were caused by any intentional or negligent actions of the applicable Occupant, or any of the invitees or guests of such Occupant, as verified by a condition report for such Rental Residential Unit signed by any such Occupant at the time of initial occupancy, the Owner may correct all such Occupant-caused deficiencies upon a change in occupancy.
- (ii) when the Rental Residential Premises is classified as CLASS C, both correct all such deficiencies and advise the Inspection Department in writing that all such deficiencies will be completed within a timetable that is acceptable to the Village Inspector but does not exceed a period of 90 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 Inspection Department that all remedial action addressing such deficiencies noted in the notice has been completed within such timetable, accompanied by any applicable reinspection fee as provided in Section 6.4.2.8 of this Division, the Village Inspector shall cause the Rental Residential Premises to be reinspected.
- (iii) if, upon receipt of the written statement that all such deficiencies have been corrected in connection with a Rental Residential Premises classified as CLASS B, or, upon a finding that all deficiencies have been corrected upon a reinspection of a Residential Premises classified as CLASS C, and provided the registration statement

for such Rental Registration Premises is on file with the Inspection Department and the applicable registration fee and any applicable reinspection fees have been paid to the Village, then the Village Inspector shall issue a Certificate of Inspection for the Rental Residential Premises.

- (iv) when the Rental Residential Premises is classified as CLASS D, the Village Inspector shall take such action as may be required under Section PM-118.1 of the Property Maintenance Code to cause such Residential Rental Premises to be condemned, and shall not issue any Certificate of Occupancy until all deficiencies have been corrected.

Section 6.4.2.8. Fees.

The fee for each registration or reinspection as required under this Division shall be paid in advance in accordance with the respective Schedules of Fees set forth below.

For each registration to be filed and each reinspection conducted for or during the calendar year commencing January 1, 2007.

SCHEDULE OF FEES

TYPE OF FACILITY	FEE
<u>Residential Premises</u>	
Each Registration Statement for:	
(i) any single Dwelling Unit or condominium unit	\$0.00
(ii) any Residential Premises with multiple Dwelling Units	\$0.00
Each late Registration Statement	\$100.00
<u>Rental Residential Premises</u>	
Each Reinspection	\$100.00

For each registration to be filed and each reinspection conducted for or during the calendar year commencing January 1, 2008 and January 1 of each calendar year thereafter .

SCHEDULE OF FEES

TYPE OF FACILITY	FEE
<u>Residential Premises</u>	
Each Registration Statement for:	
(iii) any single Dwelling Unit or condominium unit	\$65.00
(iv) any Residential Premises with multiple Dwelling Units	\$80.00 plus \$10.00 for each Dwelling Unit
Each late Registration Statement	\$100.00
<u>Rental Residential Premises</u>	
Each Reinspection	\$100.00

Section 6.4.2.9. Penalties.

(a) The Owner of any Rental Residential Premises classified as CLASS B or CLASS C shall be subject to an administrative penalty of \$10.00 per day for each day that all applicable violations of the Property Maintenance Code as specified in a notice of deficiencies remains uncorrected, provided, however, that any such administrative penalty shall be waived if all such applicable violations of the

Property Maintenance Code are corrected within the timetable specified in Section 6.4.2.7 of this Division.

(b) If any such violations of the Property Maintenance Code continue for more than 14 days after the timetable specified in Section 6.4.2.7 of this Division or if the administrative penalty is not paid in full on or before such date, any such violations or failure shall be referred for prosecution under the applicable provisions of this Division, the Property Maintenance Code or this Chapter.

(c) Any Owner or other person who violates any provision of this Division shall be guilty of an offense and, upon conviction thereof, shall be subject to a fine of not less than twenty-five dollars (\$25.00) nor more than seven hundred fifty dollars (\$750.00) for each such violation. Each day that any such violation continues shall be deemed a separate offense.

Section 6.4.2.10. Appeals.

Any Owner or other person affected by a decision of the Village Inspector, including the issuance of any notice which includes a list of deficiencies, may appeal such decision before the Board of Code Appeals as provided in Article XXIII, Board of Code Appeals, of Chapter 2 of this Code.

Section 6.4.2.11. Other Remedies.

Nothing in this Division shall prevent the Village from taking any action under any other applicable Section of this Code or any other ordinance 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 ordinance.

Section 6.4.2.12. Repealer.

The provisions of this Division shall be repealed effective on December 31, 2009 unless prior to that date the President and Board of Trustees of the Village enact an ordinance providing for the continuation of this Division.