

ORDINANCE NO. 2012- 50

**AN ORDINANCE ADDING CHAPTER 15.36,
RESIDENTIAL RENTAL HOUSING PROGRAM, TO THE
BUFFALO GROVE MUNICIPAL CODE**

WHEREAS, the Village of Buffalo Grove is a Home Rule Unit by virtue of the provisions of the Constitution of the State of Illinois of 1970;

WHEREAS, various rental properties currently exist within the Village of Buffalo Grove; and

WHEREAS, the Village intends to enforce, minimum health and life safety requirements for all residential rental properties within the Village of Buffalo Grove in order to protect the health, safety and welfare of the occupants and visitors of such residential units as well as to preserve and protect the values, quality and safety of properties in the vicinity of such rental properties.

NOW, THEREFORE, BE IT ORDAINED BY THE VILLAGE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF BUFFALO GROVE, COOK AND LAKE COUNTIES, ILLINOIS, PURSUANT TO ITS HOME RULE AUTHORITY, as follows:

SECTION 1: Chapter 15.36 is added to the Buffalo Grove Municipal Code, to read as follows:

Chapter 15.36

RESIDENTIAL RENTAL HOUSING PROGRAM

Sections:

- 15.36.010 Purpose.**
- 15.36.020 Provisions of inspection rights and penalties.**
- 15.36.030 Definitions.**
- 15.36.040 License required.**
- 15.36.050 License application and requirements.**
- 15.36.060 Inspection requirements – Temporary certificate – License issuance or denial.**
- 15.36.070 Enforcement.**
- 15.36.080 Violations.**

- 15.36.090 License – Suspension and revocation.**
- 15.36.100 Owner responsibility.**
- 15.36.110 Inspection access.**
- 15.36.120 Violation – Penalty.**

15.36.010 Purpose.

The purpose of this Chapter is to provide for the licensing and inspection of rental residential property so as to protect the public health, safety, and welfare of the people of the Village including:

- A. To protect the public health and safety by insuring rental units comply with minimum housing standards of Village ordinances;
- B. To protect the character and stability of residential areas;
- C. To correct and prevent housing conditions that adversely affect or are likely to adversely affect the life, safety, general welfare and health, including the physical, mental and social well being of persons occupying dwellings;
- D. To prevent the overcrowding of dwellings by requiring compliance with minimum space standards per occupant for each dwelling unit;
- E. To facilitate the enforcement of minimum standards for the maintenance of existing residential building and thus to prevent slums and blight;
- F. To preserve the value of land and building throughout the Village.

15.36.020 Provisions of inspection rights and penalties.

This Chapter shall not be construed as to restrict the right of this Village to inspect any property nor to seek penalties for violations of other provisions of this Code.

15.36.030 Definitions.

- A. “Code Official” means the Deputy Building Commissioner/Administration or the Deputy Building Commissioner/Operations of the Village or their designated representative.
- B. “Conditional license” means a limited approval of the premises for a period of up to six months when a property cannot fully comply with all the applicable requirements of the Village of Buffalo Grove due to special circumstances (e.g. weather conditions, unavailability of required materials or services, or other circumstances approved by the Code Official).

- C. “Member of the owner’s family” means an individual related by blood, adoption or marriage.
- D. “Owner” shall include, but not by way of limitation, a beneficiary of a trust.
- E. “Premises” means a lot, plot or parcel of land including the interior and exterior of any structures thereon.
- F. “Property agent” means a person, operator, firm, partnership, corporation, or other legal entity designated in writing by the property owner to the Code Official to manage a rental residential property including the authority to receive notices or citations.
- G. “Rental residential property” means residential structures or individually titled dwelling units let or intended to be let for rent or lease including single-family detached structures.
- H. “Tenant” means an occupant of rental residential property.
- I. Words or phrases as used in this Chapter and not defined in this section shall be defined as provided by the Village of Buffalo Grove’s Property Maintenance Code and building codes.

15.36.040 License required.

- A. It is unlawful for any person, firm, partnership, corporation, or other legal entity to operate, maintain or offer to rent within the Village of Buffalo Grove a rental residential property whether vacant or not without first obtaining a license or a temporary certificate as provided in this Chapter.
- B. It is unlawful for a person to occupy a rental residential property, or for any owner or property agent to allow anyone to occupy a rental residential property which is not licensed or which is without a temporary certificate as provided in this Chapter.
- C. It is unlawful for any person, firm, partnership, corporation, or other legal entity to offer for rent or to occupy any vacant dwelling unit or any dwelling unit that becomes vacant in a rental residential property for which a license is under suspension.
- D. This Chapter shall not apply to the following structures:
 - 1. Owner-occupied residential dwelling units;

2. Residential dwelling units occupied by a member of the owner's family;
3. Residential buildings or dwelling units which are vacant and which are not intended to be let for rent;
4. Hotels, motels, and other structures which rent rooms to occupants which are primarily transient or extended stay in nature;
5. Dwellings, buildings, structures and uses owned by other governmental agencies and public housing authorities.
6. Nursing homes and convalescent care facilities.

E. A license or a temporary certificate for a rental residential property cannot be transferred to another residential property nor a succeeding owner.

15.36.050 License application and requirements.

A. Each applicant for a license to maintain a residential property for the purpose of renting it to others shall file a written application with the Code Official stating:

1. The full legal name, address, and home and work telephone numbers of each and every owner;
2. If the residential property is held in trust, state the name, address, work phone of the trustee and each beneficial interest holder;
3. The address of the rental residential property;
4. The number of dwelling units within the rental property;
5. The name, address, and phone number of any management company retained as property agent for the property and the name, address, and phone number of the person specifically assigned to the rental residential property;
6. The name, address, and twenty-four-hour phone number or numbers of a responsible person who, in emergency situations, will be available on a twenty-four-hour basis and who has the authority to make repairs as needed.

B. Whenever there is a change in ownership of a rental residential property or the owner's property agent, the owners shall with thirty days of such changes, file an updated written notice with the Code Official indicating such changes.

C. Each application for a new license or a renewal of any existing license shall be accompanied by an annual fee of \$75 for a single family home, including but not limited to, condominium, town home, or row house. The annual fee for an apartment complex is \$150 per building plus \$30 per dwelling unit. The annual fee includes the initial inspection and one reinspection (if applicable). Subsequent inspection fees are \$50 per inspection.

D. A license period shall commence on January 1st of a given year and shall terminate on December 31st of that year.

E. All license fees shall be due payable upon submission of the license application or renewal forms. If the annual registration fee is not paid by January 1st the fee shall be doubled except the annual fee for the initial application shall be doubled but only if as a result of enforcing a violation of this Chapter.

F. Units that were initially not a rental and converted to rental property after July 1st shall pay one-half (1/2) the annual license fee.

G. No structural, mechanical, electrical, or plumbing alterations or repairs, or any remodeling shall be made to the units in a licensed property unless all zoning and building code requirements have been met and applicable building permits obtained and inspections approved.

H. A copy of the record of tenant names required under Section 15.36.100.A. shall be kept on file by the property owner and/or property agent and made available upon request to the Code Official or designee.

15.36.060 Inspection requirements – Temporary certificate- license issuance or denial.

A. Upon submission of a completed application for a license or license renewal for any rental residential property and the payment of all required fees, an inspection of the rental residential property shall be scheduled.

B. Upon receipt of a completed application for a license or license renewal for any rental residential property and the payment of all required fees the Code Official shall issue a temporary certificate indicating that a license has been duly applied for, and that such license shall be issued or denied after the property has been inspected for compliance with applicable Village codes. A temporary certificate, as issued, shall authorize continued occupancy of the rental residential property pending the issuance or denial of the applied-for license. The temporary certificate shall be valid until the scheduled date of the licensing inspection, and following the licensing inspection until the date of reinspection issued by the Code Official.

C. A licensing inspection of rental residential property shall include the premises and, in the case of multi-family rental residential property, a percentage of the individual dwelling units with a minimum of at least one dwelling unit. The Code Official or designee shall determine which dwelling units are to be inspected.

D. When a licensing inspection of a rental residential property reveals any violations of applicable codes, a compliance time frame will be set by the Code Official. In establishing a compliance time frame, the Code Official shall determine the reasonable minimal time necessary to correct the violations based upon the number and severity of the violations. The Code Official shall provide notice by personal service or sent notice to the property owner or the listed property agent by regular U.S. mail at the last address provided on the most recent license application. Such notice shall include the following:

1. Description of the property sufficient for identification;
2. A statement listing the violations of applicable codes;
3. A statement of the date upon which the licensing reinspection will occur; and
4. An explanation that if upon completion of the licensing reinspection the requirements of applicable Village codes have not been met, then a written denial of the license and a revocation of the temporary certificate may be issued.

E. A licensing reinspection shall be conducted at the end of the compliance time frame. Upon completion of the licensing reinspection of the rental residential property, the Code Official shall;

1. Approve the license if the rental residential property meets the requirements of applicable Village codes; or
2. Approve a conditional license if the property cannot be fully licensed due to special circumstances; or
3. Issue a written denial of the license and revoke the temporary certificate if the requirements of Village codes have not been met. The written denial shall specify the defect(s) that remain and shall be transmitted by regular U.S. mail to the applicant.

A conditional license may be issued for a term not exceeding six months to those rental properties which cannot be fully licensed due to special circumstances, (e.g. weather conditions, unavailability of required materials or services, or other circumstances approved by the Code Official). Any property which has not met the requirements of the

applicable Village codes by the end of the conditional licensing term shall be considered unlicensed.

F. All additional inspections made necessary because of cited violations not being corrected at the time of the initial license reinspection shall be subject to a fee of fifty dollars per inspection, except that a single additional reinspection will be conducted at the end of the conditional license term without added fees for the purpose of determining compliance. The conditional license and the full rental residential license shall not be issued and the property shall not be considered property licensed until all reinspection fees are paid.

G. Applications for license renewals shall be made in the same manner as for new applications except that such applications shall state thereon such fact.

15.36.070 Enforcement.

It shall be the duty of the Village Building and Zoning Department to enforce the provisions of this Chapter as authorized by the Buffalo Grove Municipal Code and the Property Maintenance Code as adopted and amended from time to time by the Village of Buffalo Grove.

15.36.080 Violations.

The following shall constitute violations of this Chapter:

A. Failure of the owner or owners of the rental residential property to license such property with the Village;

B. Failure of the occupants of the rental residential property to vacate such property within sixty days after receiving notice from the Code Official that such property is not properly licensed or that the license of temporary certificate has been revoked;

C. Failure of the owner or owners of the rental property to vacate all tenants from such property within sixty days after the license or temporary certificate has been revoked;

D. Failure of the owner or owners of the rental property to maintain the structure and premises in compliance with applicable building, property maintenance and zoning ordinances;

E. Any person other than one authorized by the Code Official who removes or defaces any notices which have been posted pursuant to this Chapter shall be liable for the penalties provided for by this Chapter.

15.36.090 License – Suspension and revocation.

A. A license may be suspended when any violation of applicable Village codes has been identified by the Village and the property owner has been properly notified of the violation and given a reasonable period of time in which to correct the violation , but has failed to do so. A license may also be suspended when any information provided in the license application is determined by the Code Official to be false.

B. When an inspection of a licensed rental residential property reveals any violation of applicable codes, a compliance time frame will be set by the Code Official using the standard as set forth in Section 15.36.060.D. The Code Official shall provide notice by personal service or send notice to the property owner or the listed property agent by regular U.S. mail at the last address provided on the most recent license application. Such notice shall include the following:

1. Description of the property sufficient for identification;
2. A statement listing the violation(s) of applicable codes;
3. A statement indicating the date upon which a reinspection will occur; and
4. An explanation that if upon completion of the reinspection the requirements of applicable Village codes have not been met, then the license for the rental residential property will be suspended.

C. A reinspection will be conducted at the end of the compliance time frame. If the Code Official finds that the requirement of applicable Village codes have not been met upon the completion of such reinspection, then the license for the rental residential property shall be suspended.

D. When a license is suspended, the Code Official shall send notice to the property owner or the listed property agent at the last address provided on the most recent license application. Such notice shall be sent by certified mail, return receipt requested. The notice shall include the following:

1. Description of the property sufficient for identification;
2. A statement of the reasons for the suspension;
3. A statement of the property owner’s right to appeal the suspension;
4. If the property owner changes his address or changes property agents and fails to notify the Building and Zoning Department, such notice

shall be sufficient if sent by certified mail to the owner or his property agent's last address provided on the last license application.

E. A property owner whose license has been suspended may request a reinspection prior to revocation. If, upon reinspection, the Code Official finds that the licensed property in connection with which the notice was issued is now in compliance with this Chapter, then the Code Official may reinstate the license. The request for a reinspection shall not stay the revocation of the license unless the Code Official grants such request pursuant to a showing of good cause by the property owner.

F. Any person whose license has been suspended shall be entitled to appeal the suspension to the Village President by filing a petition within twenty days after the date of suspension. The Code Official shall transmit to the Village President copies of all records and notices upon which the suspension is based. A hearing shall be scheduled as soon as practical upon receipt of a timely petition. The Village President in considering any such petition may immediately revoke the license, continue the suspension to a definite compliance date with revocation being the penalty for noncompliance, or dismiss the charges and reinstate the license.

G. A license may be revoked when a petition for appeal has not been filed within twenty days following the date of issuance of an order of suspension, or, if the suspension is sustained after appeal. A license may also be revoked when in the opinion of the Code Official emergency conditions exist in a rental residential property that require the immediate vacating of a structure as specified in the Village's Property Maintenance Code.

H. A license which has been properly revoked as provided in this section shall not be reinstated. The property owner may, however, obtain a new license after all violations have been corrected and by following the procedures for obtaining a new license and payment of appropriate fee(s) as set forth in this Chapter.

I. If a license is revoked without having the opportunity of a suspension hearing, the property owner has the right to appeal that revocation. Such appeal shall conform to subsection F. of this section. Such an appeal shall operate as a stay of the revocation until such time as the Village President renders a decision on the appeal.

J. Whenever a temporary certificate or a license is revoked, the Code Official shall send notice to the property owner or the listed property agent at the last address provided on the most recent license application. Such notice shall be sent by certified mail, return receipt requested. The Code Official shall also notify all tenants of the rental residential property by posting a notice on all

entrances to the rental residential structure. The notice to the tenants shall include the following:

1. You are hereby notified that the temporary certificate or license for this structure has been revoked pursuant to Chapter 15.36 of the Buffalo Grove Municipal Code.
2. You must vacate this structure within sixty days of the date of this notice.
3. If you fail to vacate this structure, you will be in violation of Chapter 15.36 of the Buffalo Grove Municipal Code and subject to a fine pursuant to Chapter 1.08 of the Buffalo Grove Municipal Code.

K. Whenever an owner or property agent of a rental property fails to license such property with the Village, the Code Official shall notify all tenants of the rental property by posting a notice on all entrances to the rental property indicating the following:

1. You are hereby notified that the owner or agent of this rental structure has failed to license this rental property with the Village of Buffalo Grove in violation of Chapter 15.36 of the Buffalo Grove Municipal Code.
2. You must vacate this structure within sixty days of the date of this notice.
3. If you fail to vacate this structure, you will be subject to a fine pursuant to Chapter 1.08 of the Buffalo Grove Municipal Code.

15.36.100 Owner responsibility.

A. The owner of a rental residential property shall maintain a record for each property with the full legal names of every tenant in each dwelling unit.

B. The owner or property agent of a rental residential property shall provide each tenant with the name and telephone number of a responsible person who, in emergency situations, will be available on a twenty-four-hour basis and who has the authority to make repairs as needed.

15.36.110 Inspection access.

If any owner, property agent, occupant or other person in control of a rental residential property or a dwelling unit contained therein fails or refuses to consent to free access and entry to the property or a dwelling unit under his control for any inspection pursuant to this Chapter, the Code Official or their designee may apply to the circuit court for a

search warrant or other appropriate court order authorizing such inspections.

15.36.120 Violation – Penalty

Any person, firm or corporation violating any of the provisions of this Chapter, in addition to other legal and equitable remedies available to the Village shall be punished according to the provisions of Chapter 1.08, General Penalty. Each day during which a violation of this chapter continues or is permitted to exist shall be considered a separate and distinct offense.

SECTION 2: Should any section or provision of this Ordinance be declared invalid by a court of competent jurisdiction, such decision shall not affect the validity of the Ordinance as a whole or any part thereof other than the part declared to be invalid.

SECTION 3: This Ordinance shall be in full force and effect from and after its passage, approval and publication and shall be enforceable as of January 1, 2013. This Ordinance may be published in pamphlet form.

AYES: 5 – Berman, Trilling, Sussman, Terson, Ottenheimer

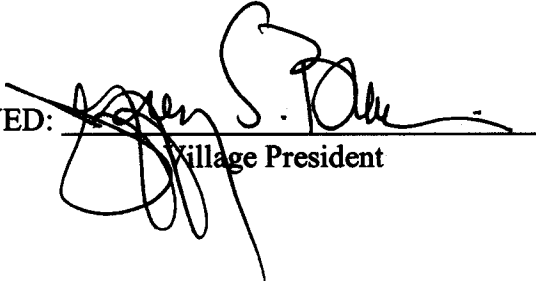
NAYES: 1 - Stein

ABSENT: 0 – None

PASSED: October 1, 2012.

APPROVED: October 1, 2012.

PUBLISHED: October 2, 2012.

APPROVED: 
Village President

ATTEST: 
Village Clerk