

ORDINANCE NO. 0-09-02

**ORDINANCE AMENDING CERTAIN PROVISIONS
OF CHAPTER 10 OF THE VILLAGE OF ADDISON CODE
RE ISSUANCE OF RENTAL DWELLING LICENSE**

WHEREAS, Section 6(a) of Article VII of the 1970 constitution of the State of Illinois provides that any municipality which has a population of more than 25,000 is a home rule unit, and the Village of Addison, DuPage County, Illinois, with a population in excess of 25,000 is, therefore, a home rule unit and, pursuant to the provisions of said Section 6(a) of Article VII, may exercise any power and perform any function pertaining to its government and affairs, including, but not limited to, the power to tax and to incur debt; and

WHEREAS, the Village requires persons who rent residential units within the Village to secure a license from the Village; and

WHEREAS, the exchange of information between landlords and the Police Department assists in reduction of the level of crime in rental units; and

WHEREAS, the Mayor and Board of Trustees believe and hereby declare that it is in the best interests of the Village to amend the Village Code as follows in order to reduce the level of crime in rental units;

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND BOARD OF TRUSTEES OF THE VILLAGE OF ADDISON, DU PAGE COUNTY, ILLINOIS, IN THE EXERCISE OF ITS HOME RULE POWERS, AS FOLLOWS:

SECTION ONE: The foregoing recitals are hereby incorporated in this Section One as if said recitals were fully set forth herein.

SECTION TWO: Section 10-84 of Chapter 10, Article XIII, of the Village Code of the Village of Addison shall be and is hereby amended in its entirety so that said Section 10-84 shall hereafter be and read as follows:

Sec. 10-84. Additional Conditions for Issuance of License.

- (A) No license shall be issued until all applicable inspection and license fees have been paid to the Village of Addison.
- (B) Any owner of a property that is being rented or leased out for residential purposes (excluding hotels, motels and individual rooms) shall attend and complete a Village of Addison Crime Free Multi-Housing Program Seminar (the "Seminar"). The owner, agent or designee shall attend the Seminar prior to obtaining or being issued a Village residential operator license. Any lessor who was required to have a residential rental license on or after May 1, 2009 shall have until November 1, 2010 to attend the Seminar. In the event such a Seminar is not offered prior to issuance of the Residential Rental License, a conditional license may be issued subject to the owner, agent or designee attending the Seminar within three months of the issuance of the license. In the event a Seminar is not attended within three months, the license shall be void.
- (C) A property manager shall be considered an agent of the owner. A new manager shall have three months from the date of hire to attend the Seminar. A new property owner shall have three months from the date of purchase of the property to attend the Seminar. Each owner, agent or designee shall attend the Village Seminar at least once every three years.
- (D) The Crime Free Multi-Housing Coordinator, as designated by the Chief of Police, shall provide the Director of Community Development with a list of owners, agents and/or designees who have attended the Seminar, with the date of attendance and verification that the owner, agent or designee has complied with the provisions of this section and is eligible to obtain, maintain or renew the Residential Rental License.
- (E) Any owner or agent of a residential rental property or their designee is required to utilize a crime free lease addendum (see Appendix 10-84 to Chapter 10 of the Village Code) or to provide a clause in the lease similar to the crime free lease addendum for any lease executed after May 1, 2009. The Crime Free Multi-Housing Coordinator shall provide, at no cost, samples of the crime free lease addendum and shall submit such clauses within actual leases to the Village Attorney for review and approval. The clause is intended to consider 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 said clause to initiate an eviction proceeding as specified in the Illinois Forcible Entry and Detainer statutes. Proof of criminal violation shall be by a preponderance of the evidence.

SECTION THREE: Subsection (A) of Section 10-86 of Chapter 10, Article XIII, of the Village Code of the Village of Addison shall be and is hereby amended in its entirety so that said Subsection 10-86(A) shall hereafter be and read as follows:

- (A) Whenever, upon inspection of the licensed rental dwelling or rental dwelling unit, it is determined by the appropriate officials of the Village of Addison that conditions or practices exist which are in violation of the provisions of this or any applicable ordinance of the Village of Addison, including, without limitation, Section 10-86.1 hereinbelow, Chapter 12 or Chapter 24 of the Village Code, the official making the determination shall serve the owner or agent with a notice of violation. Such notice shall identify the specific violations and state that unless they are corrected within the time specified in the notice the operating license may be suspended. Notice pursuant to this section shall be sent by U. S. mail to or hand delivered to the party designated in the application to receive notices or process or their authorized representative.

In addition and notwithstanding anything to the contrary set forth within this code, valid complaints regarding a non-responsive licensee shall be processed as follows: after a tenant has notified the licensee or his designated representative of a code violation regarding their dwelling unit, the licensee has an obligation to resolve the matter within a reasonable timeframe. If the Village is notified of the failure of the licensee to comply, they will investigate the same. If the complaint is valid the licensee shall be responsible for the payment of the inspection costs incurred by the Village and any subsequent reinspection costs. The licensee shall pay said costs within fifteen (15) days of notification of such inspection or reinspection. Such notification shall be either by the service of an inspection report indicating the fee or of a letter either mailed or hand delivered. Should the licensee fail to pay said costs in a timely manner, said failure shall be a violation of this Article and the licensee shall be subject to additional penalties as hereinafter set forth.

SECTION FOUR: A new Section 10-86.1 shall be and is hereby added to Chapter 10, Article XIII, of the Village Code of the Village of Addison, which new Section 10-86.1 shall hereafter be and read as follows:

Sec. 10-86.1. Nuisance Residential Rental Property.

It is hereby declared a nuisance and against the health, peace and comfort of the Village and its residents for any property owner, agent or manager to suffer or permit the following: (1) rental of a residential unit or residential building within an apartment community or governed by a homeowner's association to a tenant who allows any of the following offenses to occur relating to the tenant, member of the tenant's household, guest or other party under control of the tenant to occur: murder, kidnapping, aggravated kidnapping, prostitution, solicitation of prostitution, pandering,

obscenity, child pornography, sale of obscene publication, criminal housing management, possession of explosives, unlawful use of weapons, sale of firearms, gambling, keeping a gambling place, concealing a fugitive, violation of the Illinois Controlled Substances Act, violation of the Cannabis Control Act, or commission of any two or more of any other felonies or Class A misdemeanors under the laws of the State of Illinois or the federal government not specifically listed above; or (2) rental of a residential unit or residential building within an apartment community or governed by a homeowner's association to a tenant who allows any of the following offenses to occur relating to the tenant, member of the tenant's household, guest or other party under control of the tenant to occur: commission of three or more Village ordinance violations in a six month 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 the property is out of character for the area and is impacting the quality of life of those in the area.

SECTION FIVE: Subsection (B) of Section 10-88 of Chapter 10, Article XIII, of the Village Code of the Village of Addison shall be and is hereby amended in its entirety so that said Subsection 10-88(B) shall hereafter be and read as follows:

- (B) In addition to license suspension or revocation, a licensee shall further be subject to the penalties provided in Chapters 12 and 24 of this Village Code with respect to violations of those Chapters.

SECTION SIX: Appendix 10-86, attached to this ordinance, shall be and is hereby approved and shall be incorporated in the Village Code as an Appendix to Chapter 10 of the Village Code.

SECTION SEVEN: Any ordinance, resolution, policy, or part thereof which conflicts with the provisions of this ordinance is hereby expressly repealed to the extent of such conflict.

SECTION EIGHT: This ordinance shall be in full force and effect after its passage, approval and publication in the manner provided by law.

PASSED THIS 2nd day of February, 2009.

AYES: Trustee Hundley, Layne, Lynch, McDermott, Theodore, Veenstra

NAYS: None

ABSENT: None

APPROVED THIS 2nd day of February, 2009.

ATTEST:

Jocelyn A. Zuckero
Village Clerk

James Hartung
Mayor

PUBLISHED: 2/5/09

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