

ORDINANCE NO. 0-09-54

**ORDINANCE AMENDING CERTAIN PROVISIONS  
OF SECTION 10-86.1 OF CHAPTER 10 OF THE VILLAGE  
OF ADDISON CODE RE RENTAL PROPERTY**

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 Mayor and Board of Trustees believe and hereby declare that it is in the best interests of the Village to amend Section 10-86.1 of 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 10-86.1 of Chapter 10, Article XIII, of the Village Code of the Village of Addison, is hereby amended to 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 twelve 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 THREE: 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 FOUR: This ordinance shall be in full force and effect after its passage, approval and publication in the manner provided by law.

PASSED THIS 21<sup>st</sup> day of Sept., 2009.

AYES: Trustees Hendley, Layne, Lynch, Mc Dermott, Theodore

NAYS: None

ABSENT: Trustee Venstra

APPROVED THIS 21<sup>st</sup> day of Sept., 2009.

ATTEST:

Village Clerk

Lucille A. Zwick

Mayor

[Signature]

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