

ORDINANCE NO. 5619

**AN ORDINANCE AMENDING CHAPTERS 21
AND 23, AND APPENDIX A - DIVISION II OF
THE VILLAGE CODE OF MOUNT PROSPECT, ILLINOIS**

BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF MOUNT PROSPECT, COOK COUNTY, ILLINOIS, IN THE EXERCISE OF THEIR HOME RULE POWERS:

SECTION ONE: Subsection B(5) of Section 23.1802, entitled, "Scope", of Article 18, entitled "Residential Landlord and Tenant Regulations", of Chapter 23, entitled "Offenses and Miscellaneous Regulations", of the Village Code, shall be deleted in its entirety. The term "and" shall be inserted at the end of Subsection B(3).

SECTION TWO: The definitions in Section 23.1803, entitled "Definitions", of Article 18, entitled "Residential Landlord and Tenant Regulations", of Chapter 23, entitled "Offenses and Miscellaneous Regulations", of the Village Code, shall be amended as follows:

A. A new definition of "Certified Residential Operator" shall be inserted alphabetically to be and read as follows:

"Certified as a Residential Operator" or "Certification as a Residential Operator" means the annual certification of landlord of a residential rental unit or structure, who has been issued a Residential Operator's License, a security certificate, as described in Section 21.608(C)(2) of the Village Code, and a certificate of completion of a community awareness training program presented by the Mount Prospect Police Department.

B. A new definition of "Crime Free Housing Seminar" shall be inserted alphabetically to be and read as follows:

"Crime Free Housing Seminar" mean a seminar sponsored by the Mount Prospect Police Department to provide information to landlords and their designated agents regarding the landlord-tenant requirements under the Village Code, including the crime-free housing lease provision.

C. A new definition of "Chronic Public Nuisance Property" shall be inserted alphabetically to be and read as follows:

"Chronic Public Nuisance Property" means any rental unit at, in or on which any three (3) or more public nuisances have occurred within any one (1) year period, and any multi-family rental structure at, in or on which any six (6) or more public nuisances have occurred within any one (1) year period.

D. The definition of "Conditional License" shall be deleted and a new definition inserted to be and read as follows:

Conditional license: A temporary Residential Operator's License issued to permit the rental of a rental unit or structure that has a violation or violations of applicable

regulations, or to permit the rental of a rental unit or structure prior to attendance by the landlord, or a designated agent, at the required Crime Free Housing Seminar.

E. The definition of “Permit” shall be inserted alphabetically, to be and read as follows:

Permit: to suffer, allow, approve, consent to, acquiesce in or agree to the doing of an act, including the failure to prevent through inaction.

F. The definition of “Public Nuisance” shall be inserted alphabetically, to be and read as follows:

The following criminal offenses are hereby declared to be public nuisances and may be considered in determining whether or not a chronic public nuisance property exists:

- (i) Any offense defined and prohibited by Article 9 (Homicide) of the Criminal Code of 1961, 720 ILCS 3/9-1, et seq.
- (ii) Any offense defined and prohibited by Article 10 (Kidnapping and related offenses) of the Criminal Code of 1961, 720 ILCS 5/10-1, et seq.
- (iii) Any offenses defined and prohibited by Section 11-14 (Prostitution), Section 11-15 (Soliciting for a Prostitute), Section 11-16 (Pandering), Section 11-17 (Keeping a Place of Prostitution), Section 11-20 (Child Pornography), or Section 11-21 (Harmful Material to Minors) of the Criminal Code of 1961, 720 ILCS 5/11-14, 5/11-15, 5/11-16, 5/11-17, 5/11-20, 5/11-20.1, and 5/11-21.
- (iv) Any offense defined and prohibited by Article 12 (Bodily Harm) of the Criminal Code of 1961, 720 ILCS 5/12, et seq.
- (v) Any offense defined and prohibited by Article 16 (Theft) of the Criminal Code of 1961, 720 ILCS 5/16-1, et seq.
- (vi) Any offense defined and prohibited by Article 20-2 (Possession of Explosives or Incendiary Devices) of the Criminal Code of 1961, 720 ILCS 5/20-2, et seq.
- (vii) Any offense defined and prohibited by Article 24 (Deadly Weapons) of the Criminal Code of 1961, 720 ILCS 5/24-1, et seq.
- (viii) Any offenses defined and prohibited by Article 25 (Mob Action) of the Criminal Code of 1961, 720 ILCS 5/25-1 et seq.
- (ix) Any offense defined and prohibited by Section 26-2 (Disorderly Conduct) of the Criminal Code of 1961, 720 ILCS 5/26-1, et seq.
- (x) Any offense defined and prohibited by Article 18 (Gambling) of the Criminal Code of 1961, 720 ILCS 5/28-1, et seq.
- (xi) Any offense defined and prohibited by Article 31 (Interference with Public Officers) of the Criminal Code of 1961, 720 ILCS 5/31-1, et seq.
- (xii) Any offense defined and prohibited by Section 6-16 (Prohibited Sales and Possession) or Section 6-20 (Purchase or Acceptance of Gift of Liquor by Persons Under Age 21) of the Liquor Control Act of 1934, 235 ILCS 5/6-16 and 5/6-20.
- (xiii) Any offense defined and prohibited by the Illinois Controlled Substances Act, 720 ILCS 570/100, et seq.
- (xiv) Any offense defined and prohibited by the Cannabis Control Act, 720 ILCS 550/1, et seq.
- (xv) Any inchoate offense defined and prohibited by Article 8 (Inchoate Offenses) of the Criminal Code of 1961, 720 ILCS 5/8-1, et seq., which is relative to the commission of any of the aforesaid principal offenses.
- (xvi) Any offense defined and prohibited by Articles I through VIII of Chapter 23, “Offenses and Miscellaneous Regulations” of the Village Code.

G. The definition of “Public Nuisance Activity” shall be inserted alphabetically, to be and read as follows:

Public Nuisance Activity: the commission of any act or conduct, which constitutes any of the offenses declared to be a public nuisance.

H. The definition of “Rental Structure” shall be inserted alphabetically, to be and read as follows:

Rental Structure: any building, as defined in Section 21.501 of the Village Code, which building includes a dwelling unit or units for rent, to include single-family residences, multi-family rental structures, and buildings with less than three (3) dwelling units.

I. The definition of “Rental Unit” shall be amended by deleting the phrase “multi family”, to be and read as follows:

Rental Unit: A dwelling unit in a rental structure occupied or available for occupancy by one or more persons, other than the owner of record, under a rental agreement.

J. The definition of “Residential Operator’s License” shall be inserted alphabetically, to be and read as follows:

Residential Operator’s License: a license to rent a rental unit or rental structure as required by this Article.

SECTION THREE: A new Subsection A(2) shall be inserted in Section 23.1804, entitled “Rental Agreements”, of Article 18, entitled “Residential Landlord and Tenant Regulations”, of Chapter 23, entitled “Offenses and Miscellaneous Regulations”, with the remaining Subsections to be renumbered, to be and read as follows:

2. The landlord and tenant shall include in a rental agreement terms and conditions required by this Article.

SECTION FOUR: Section 23.1812, entitled “Civil Action by Village to Enforce Compliance”, of Article 18, entitled “Residential Landlord and Tenant Regulations”, of Chapter 23, entitled “Offenses and Miscellaneous Regulations”, of the Village Code, shall be amended by deleting in its entirety the sentence “In the event the court finds in favor of the landlord or tenant, the court shall award the landlord or tenant his costs, plus reasonable attorney fees.”

SECTION FIVE: A new Section 23.1813, entitled “Chronic Public Nuisance” shall be inserted into Article 18, entitled “Residential Landlord and Tenant Regulations”, of Chapter 23, entitled “Offenses and Miscellaneous Regulations”, of the Village Code, the remaining Articles to be renumber numerically, to be and read as follows:

23.1813 CHRONIC PUBLIC NUISANCE

A. Declaration of Chronic Public Nuisance Property. It shall be unlawful and a nuisance for any person to intentionally, knowingly, recklessly or negligently permit any rental unit and/or multi-family residential structure within the Village to become, exist or be used as a chronic public nuisance, and any chronic public nuisances found to exist within the Village shall be subject to abatement in accordance with this Section. For purpose of this Section, multi-family residential structure shall include the land

which is affixed, incidental or pertinent to that structure, including but not limited to any parking area, common area, premises, room, house, building or structure, or any separate part or portion thereof.

B. Pre-Abatement Procedure. Whenever the Chief of Police, or his/her designee, receives one (1) police report of any law enforcement agency lawfully exercising jurisdiction in the Village, which reports or describes public nuisance activity within the same one (1) year period at, in or on the same rental unit or the same multi-family residential structure, the Chief of Police, or his/her designee, may take the following action:

1. Notify the landlord that the property may be in danger of becoming a chronic public nuisance property. The notice shall contain the following information:

(a) The street address or legal description sufficient for identification of the dwelling unit and/or or at a multi-family residential structure.

(b) A statement that the Chief of Police has information that the property is in danger of becoming a chronic public nuisance property with a concise description of the public nuisance activities that may exist or that have occurred. Said notice shall further state the following:

- (i) Demand that corrective action be taken to insure that a third (3) or subsequent public nuisance activity does not occur in, on or at a rental unit within that one (1) year period, or, in the case of a multi-family residential structure, to insure that a sixth (6) or subsequent public nuisance activity does not occur within that one (1) year period;
- (ii) Explain that, in the event of a subsequent occurrence of a public nuisance activity on that property, the Chief of Police may declare the property a chronic public nuisance, such that the landlord's Residential Operator's License shall be subject to suspension or revocation; and
- (iii) Recommend that landlord enforce the crime free lease provision through eviction or take such other reasonable corrective action as the Chief of Police deems necessary.
- (iv) Notify the landlord that it has the right to request a hearing before the village manager to contest the determination of an occurrence of public nuisance activity. Said request for a hearing must be received by the village manager within eight (8) days following the date such notice was personally delivered or placed in the mail. If such a request for a hearing is not received within that time period, the Police Chief's determination shall become final.

(c) Said notice shall be served by regular U.S. mail or by personal service.

2. Whenever the Chief of Police, or his/her designee, receives subsequent police reports of any law enforcement agency lawfully exercising jurisdiction in the Village, which report or describe a second or subsequent public nuisance activity at, in or on the same rental unit or a second, third, fourth, or fifth or subsequent public nuisance activity at, in or on a multi-family residential structure within the same one (1) year period or the same multi-family residential structure, the Chief of Police, or his/her designee, shall send a notice in the form set forth in Subsection 1 above. For purpose of this Section, it is not necessary that notices be sent for each public nuisance activity that may occur, but that two (2) pre-abatement notices be sent in regard to public nuisance activities at a rental unit, and five (5) pre-

abatement notices be sent in regard to such activities at a multi-family residential structure, prior to commencement of the abatement proceedings set forth below.

C. Abatement Procedure. If, after complying with the notification procedures described in Subsection B of this Section, the Chief of Police receives a police report documenting the occurrence of a third or subsequent public nuisance activity at, in or on the rental unit and/or receives a police report documenting the occurrence a sixth or subsequent public nuisance activity at, in or on a multi-family residential structure within one (1) year of the acts or conduct with respect to which a notification was issued, and determines that the property has become a chronic public nuisance property, the Chief of Police shall:

1. Notify the landlord of the rental unit and/or multi-family residential structure that the property has been declared a chronic public nuisance property. The notice shall contain the following information:
 - (a) The street address or legal description sufficient for identification of the property.
 - (b) A statement that the Chief of Police has determined the property to be a chronic public nuisance property with a concise description of the public nuisance activities leading to that finding.
 - (c) A statement that the Chief of Police has recommended to the village manager to revoke or suspend the Residential Operator's License pursuant to Section 10.401(C) of the Village Code.
 - (d) Said notice shall be served by regular U.S. mail, or by personal service.

D. Burden of Proof, Notice.

1. In an action seeking abatement of a chronic public nuisance property by revocation or suspension of the Landlord's Residential Operator's License, the Village shall have the initial burden of showing by a preponderance of the evidence that the property is a chronic public nuisance property.
2. For purpose of showing that the property is a chronic public nuisance property and that a public nuisance has occurred on the property, the testimony of police officers to recount witness statements shall be admissible, subject to the discretion of the hearing officer.
3. The following are defenses to an action seeking suspension or revocation of a Residential Operator's License:
 - a. That the landlord, at the time in question, could not, in the exercise of reasonable care or diligence, determine that the property had become a chronic public nuisance property, or could not, in spite of the exercise of reasonable care and diligence, control the conduct leading to the findings that the property is a chronic public nuisance property.
 - b. That the public nuisance activities occurring at a rental unit were not related to the same tenant. Public nuisance activities at a rental unit are subject to abatement under this Section, if they occur while the rental unit is leased to the same tenant.

4. The failure of any person to receive the notices in Subsections B and C of this Section shall not invalidate or otherwise affect the proceedings under this Section.

E. Eviction or retaliation prohibited. It shall be unlawful for an owner to terminate the lease agreement of a tenant or otherwise retaliate against any tenant because that tenant complained to the Police Chief about nuisance activities on the owner's premises. Such eviction or retaliation shall be enforceable as a violation of Section 23.1809(1) of this Article.

SECTION FIVE: Section 23.1813, renumbered Section 23.1815, entitled, "License To Operate Multi-Family Rental Structures", of Article 18, entitled "Residential Landlord and Tenant Regulations", of Chapter 23, entitled "Offenses and Miscellaneous Regulations", of the Village Code, shall be amended as follows:

A. The phrase "Multi-Family" shall be deleted in its entirety from the title to be and read as follows:
License To Operate Rental Structures

B. Subsection A shall be deleted in its entirety and a new Subsection (A), inserted, to be and read as follows:

A. License Required:

1. It is unlawful for any person to operate, maintain or offer to rent for residential purposes within the village a rental unit or rental structure, whether vacant or not, without first obtaining a Residential Operator's License as provided in this Article. The license shall be issued only to an "Inspection Group", as defined in this Article.

2. It is unlawful for a person to enter into a residential lease, either as lessor or lessee, if the premises are posted as being unlicensed or having a revoked or suspended license.

3. It is unlawful for any person to occupy, renew a lease, offer for rent or permit occupancy of any dwelling unit that is unlicensed or whose license is revoked or suspended.

C. Subsection B(2) shall be deleted in its entirety, and replaced with the following:

2. All license fees for the period beginning June 1, 2007, shall be due and payable on or before June 1, 2007, with such licenses expiring on August 31, 2008. Thereafter, all licenses shall be due and payable on or before September 1, and the respective licenses shall expire on August 31 next after the date of issue.

D. The following sentence shall be added at the end of Subsection B(3), to be and read as follows:

If, at the time of application for a license or renewal license, an applicant has been Certified as a Residential Operator for the new licensing period, the fee shall be decreased by ten percent (10%) as to any Inspection Group to which that certification applies.

SECTION SIX: A new Section 23.1814, entitled "Crime Free Housing", shall be inserted into Article 18, entitled "Residential Landlord and Tenant Regulations", of Chapter 23, entitled "Offenses and Miscellaneous Regulations", of the Village Code, with the remaining sections to be renumbered numerically, to be and read as follows:

23.1814 Crime Free Housing.

A. A Residential Operator's License shall not be issued until the landlord, or designated agent, has attended and successfully completed the Crime Free Housing Seminar, sponsored by the Village of Mount Prospect. Licenses in effect at the time of adoption of this Section shall remain in effect for the remainder of the licensing year, but shall be null and void if the landlord, or designated agent, fails to comply with the seminar requirement by October 1, 2007.

B. In the event that a landlord makes application for a Residential Operator's License and has met all other license requirements, but a Crime Free Housing Seminar is not available, a conditional license may be issued, effective no more than three (3) months from the date of issuance, subject to attendance and successful completion by the landlord, or his/her designated agent, of that seminar within that time period. Upon completion of the Seminar within that time period, a Residential Operator's License shall be issued for the balance of the year.

C. In the event that a designated agent attended the Crime Free Housing Seminar to comply with this Section, and that agent is no longer employed by the landlord or designated by the landlord to be responsible for managing the rental unit and/or multi-family residential structure under the Residential Operator's License, the landlord, or a newly designated agent, shall attend and successfully complete the Seminar within three (3) months of that event.

D. A landlord of a residential rental unit or structure may be Certified as a Residential Operator upon issuance of a Residential Operators License, a security certificate, as described in Section 21.608(C)(2) of the Village Code, and a certificate of completion of the community awareness training program presented by the Mount Prospect Police Department. The Certification as a Residential Operator shall be issued on an annual basis, subject to annual compliance with the above requirements.

E. At any time after two (2) years from the date of the issuance of a Residential Operator's License, a Landlord or designated agent may be required to attend and successfully complete the Crime Free Housing Seminar. Such requirement shall be subject to the recommendation of the Crime Free Housing Coordinator to the Village Manager, who shall consider the following in making such determination:

1. Whether the rental unit or multi-family residential structure, subject to the Residential Operator's License, is in danger of becoming a nuisance residential rental property as defined in this Section, and
2. Whether criminal activity is occurring on the premises and the Landlord has failed to initiate eviction proceedings or take other appropriate action.

A Residential Operator's License shall not be renewed if attendance is required and not completed within three (3) months of the notice to that effect. Such notice shall be delivered or mailed to the landlord, or designated agent, at the address designated on the most recent license application.

F. A Crime Free Housing Coordinator, to be designated by the Chief of Police, shall provide the Finance Director with a list of landlords and/or designated agents, who have attended the Crime Free Housing Seminar and/or are Certified Residential Operators, along with the dates of attendance and verification that the landlord or designated agent has otherwise complied with the Village Code to be eligible for issuance or renewal of a Residential Operator's License.

G. After February 1, 2007, every lease, including lease extensions, shall contain a crime-free lease provision, the purpose of which is to make criminal activity, not limited to violent or drug-related criminal activity, engaged by, facilitated by or permitted by the lessee, member of the household, guest or other party under the control of the lessee, a lease violation, and to provide the landlord with authority under that clause to initiate eviction proceedings pursuant to state law. The crime-free lease provision shall be in substantially the following form:

Crime Free Housing Lease Provision
Prohibition against criminal activity on premises.

1. The Tenant, any member of the tenant's household, Tenant's guest(s), and any person under Tenant's control shall not engage in or facilitate criminal activity on the leased premises or on Lessor's property, which includes the leased premises, at _____.
2. The Tenant, any member of the tenant's household, Tenant's guest(s), and any person under Tenant's control shall not permit the leased premises to be used for, or to facilitate, criminal activity, regardless or whether the individual engaging in such activity is a member of the household, or a guest.
3. The Tenant, any member of the tenant's household, Tenant's guest(s), and any person under Tenant's control shall not engage in or facilitate any breach of the lease agreement that jeopardizes the health, safety, and welfare of the landlord, his agent, or other tenant, or involves imminent or actual serious property damage.
4. The Tenant is vicariously liable for the criminal activity of any member of the Tenant's household, Tenant's guest(s), and any person under Tenant's control, whether or not the Tenant had knowledge of the activity or whether or not the household member or guest was under the Tenant's control.
5. One or more violations of subsections 1, 2 or 3 of this Lease Section constitute a substantial violation and a material noncompliance with the Lease. Any such violation is grounds for termination of tenancy and eviction from the leased premises. Unless otherwise required by law, proof of violation shall not require a criminal conviction, but shall be by a preponderance of the evidence
6. In case of conflict between the provisions of this addendum and any other provisions of the lease, the provisions of this addendum shall govern.
7. For purposes of this Lease Section, criminal activity shall mean

- (i) Any offense defined and prohibited by Article 9 (Homicide) of the Criminal Code of 1961, 720 ILCS 3/9-1, et seq.
- (ii) Any offense defined and prohibited by Article 10 (Kidnapping and related offenses) of the Criminal Code of 1961, 720 ILCS 5/10-1, et seq.
- (iii) Any offenses defined and prohibited by Section 11-14 (Prostitution), Section 11-15 (Soliciting for a Prostitute), Section 11-16 (Pandering), Section 11-17 (Keeping a Place of Prostitution), Section 11-20 (Child Pornography), or Section 11-21 (Harmful Material to Minors) of the Criminal Code of 1961, 720 ILCS 5/11-14, 5/11-15, 5/11-16, 5/11-17, 5/11-20, 5/11-20.1, and 5/11-21.
- (iv) Any offense defined and prohibited by Article 12 (Bodily Harm) of the Criminal Code of 1961, 720 ILCS 5/12, et seq.
- (v) Any offense defined and prohibited by Article 16 (Theft) of the Criminal Code of 1961, 720 ILCS 5/16-1, et seq.
- (vi) Any offense defined and prohibited by Article 20-2 (Possession of Explosives or Incendiary Devices) of the Criminal Code of 1961, 720 ILCS 5/20-2, et seq.
- (vii) Any offense defined and prohibited by Article 24 (Deadly Weapons) of the Criminal Code of 1961, 720 ILCS 5/24-1, et seq.
- (viii) Any offenses defined and prohibited by Article 25 (Mob Action) of the Criminal Code of 1961, 720 ILCS 5/25-1 et seq.
- (ix) Any offense defined and prohibited by Section 26-2 (Disorderly Conduct) of the Criminal Code of 1961, 720 ILCS 5/26-1, et seq.
- (x) Any offense defined and prohibited by Article 18 (Gambling) of the Criminal Code of 1961, 720 ILCS 5/28-1, et seq.
- (xi) Any offense defined and prohibited by Article 31 (Interference with Public Officers) of the Criminal Code of 1961, 720 ILCS 5/31-1, et seq.
- (xii) Any offense defined and prohibited by Section 6-16 (Prohibited Sales and Possession) or Section 6-20 (Purchase or Acceptance of Gift of Liquor by Persons Under Age 21) of the Liquor Control Act of 1934, 235 ILCS 5/6-16 and 5/6-20.
- (xiii) Any offense defined and prohibited by the Illinois Controlled Substances Act, 720 ILCS 570/100, et seq.
- (xiv) Any offense defined and prohibited by the Cannabis Control Act, 720 ILCS 550/1, et seq.
- (xv) Any inchoate offense defined and prohibited by Article 8 (Inchoate Offenses) of the Criminal Code of 1961, 720 ILCS 5/8-1, et seq., which is relative to the commission of any of the aforesaid principal offenses.
- (xvi) Any offense defined and prohibited by Articles I through VIII of Chapter 23, "Offenses and Miscellaneous Regulations" of the Village Code.

SECTION SEVEN: Section 23.1814, renumbered 23.1816, entitled "Inspections by Village", of Article 18, entitled "Residential Landlord and Tenant Regulations", of Chapter 23, entitled "Offenses and Miscellaneous Regulations", of the Village Code, shall be amended as follows:

A. A new Subsection A(5) shall be inserted, the remaining Subsections to be renumbered numerically, to be and read as follows:

5. Rental structures, other than multi-family rental structures, shall be subject to inspection in response to complaints regarding noncompliance with applicable regulations. The exterior of such structures shall also be subject to inspection as part of the Village's routine property maintenance program. Inspections shall be conducted in accordance with Subsections A(6) through A(9) and A(11) of this Section.

B. Subsection A(5), renumbered A(6), shall be amended by deleting the phrase “multi family rental residential” and inserting in its place the term “rental”, to be and read as follows:

6. If any landlord, property agent, tenant or other person in control of a rental unit or multi-family residential structure fails or refuses to consent to free access and entry to the property for any inspection pursuant to this Article, the code official or designee may, upon approval of the village manager, apply to the circuit court for an administrative warrant or other appropriate court order authorizing such inspection. Such an application shall not be a waiver of the village’s right to seek other remedies pursuant to this article.

C. Subsection A(6), renumbered A(7), shall be amended by deleting the phrase “multi family” to be and read as follows:

7. When a licensing inspection of a rental structure reveals any violation, a time period for compliance shall be set by the code official in accordance with village property maintenance code. The code official shall send notice of the violations and the compliance period to the property owner or the listed property agent by regular U.S. mail at the address provided on the most recent license application. The notice shall include the following:

- a. Identification of the property.
- b. A statement listing the violations and applicable code sections;
- c. The time period for compliance;
- d. An explanation that if all violations have not been corrected within the compliance time period the license is subject to suspension, revocation and nonrenewal.

SECTION EIGHT: Section 23.1818, renumbered 23.1820, entitled “Violations, Notice of Court Proceedings”, of Article 18, entitled “Residential Landlord and Tenant Regulations”, of Chapter 23, entitled “Offenses and Miscellaneous Regulations”, of the Village Code, shall be amended as follows:

A. Subsection A(1) shall be deleted in its entirety and a new Subsection A(1) inserted to be and read as follows:

1. Violations of the licensing requirements in Section 23.1815(A).

B. Subsection B shall be deleted in its entirety and a new Subsection B inserted to be and read as follows:

B. Before filing a complaint in court with respect to a violation of this article, the village manager shall deliver or mail a violation notice to the landlord, operating licensee or other party designated to receive notices and service of process on behalf of such landlord or licensee requesting compliance, or, in the event that a tenant or lessee has committed a violation, such notice shall be delivered or mailed to the tenant or lessee. In the event that this Article is enforced through the Administrative Adjudication System, the provisions for service and notice contained in Chapter 8, Article 21, of this Code shall govern.

SECTION NINE: Section 23.1813, entitled, “License To Operate Multi-Family Rental Structures”, of Division II, “Fees, Rates and Taxes”, of Appendix A of the Village Code, shall be deleted and a new Section 23.1814, inserted as follows:

License application fee: \$40.00 per rental unit or \$75.00, whichever is greater.

SECTION TEN: Section 23.1814, entitled “Inspections by Village,” of Division II, “Fees, Rates and Taxes”, of Appendix A of the Village Code, shall be renumbered Section 23.1816.

SECTION ELEVEN: Section 21.607, entitled, “Enforcement Fees”, of Appendix II, “Fees, Rates and Taxes”, of the Village Code, shall be deleted and a new Section 21.607, inserted, to be and read as follows:

Monthly Enforcement Fees:

Properties with 1 to 4 dwelling units that are not in compliance within a particular complex: \$100.00.
Properties with 5 to 20 dwelling units that are not in compliance within a particular complex: \$200.00.
Properties with more than 20 dwelling units that are not in compliance within a particular complex: \$300.00.

SECTION TWELVE: This Ordinance shall be in full force and effect from and after its passage, approval and publication in pamphlet form in the manner provided by law.

AYES: Corcoran, Hoefert, Korn, Lohrstorfer, Skowron

NAYS: None

ABSENT: Zadel

PASSED and APPROVED this 6th day of March, 2007.