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ORDINANCE NO. 11-023

AN ORDINANCE ADDING CHAPTER 123, ENTITLED “RENTAL REGISTRATION AND INSPECTIONS”, OF THE CITY ORDINANCES OF THE CITY OF MONMOUTH, ILLINOIS

WHEREAS, the City Council for the City of Monmouth believes it to be in the City’s best interest to pass an Ordinance for the City of Monmouth that provides for the regulation and inspection of rental units located within the city limits of the City of Monmouth to ensure the safety of the rental units and to ensure that they are sanitary and fit for human occupancy and use;

BE IT ORDAINED by the City Council of the City of Monmouth, Warren County, Illinois, as follows:

Section 1:

CHAPTER 123: RENTAL REGISTRATION AND INSPECTIONS

Section 123.01 - Definitions

The following words and terms shall have the meanings respectively ascribed to them for purposes of this Chapter of the Code of Ordinances to the City of Monmouth, as follows:

Code. Any local or state adopted ordinances, statutes, rules or regulations including but not limited to the International Codes, National Fire Protection Code Standards, Life Safety Code, National Electrical Code, Illinois State Plumbing Code or other codes adopted by reference by the jurisdiction.

Entity. Any Corporation, Limited Liability Company, partnership or state recognized organization that is not a natural person.

Inspector. Any duly authorized representative(s) of local government including but not limited to building, electrical, fire, plumbing, trash/debris and zoning inspectors.

Landlord. The legal title holder of the premises, as shown by the records of the Warren County Recorder of Deeds Office, which has one (1) or more rental units on it. If the legal title holder is a land trust, however, the landlord shall mean the beneficial owner or owners of the land trust.

Local Agent. A person twenty-one (21) years of age or older who resides in Warren County or maintains an office in Warren County. The local agent shall be authorized by the landlord to receive notices of code violations and receive process in any court

proceedings or administrative enforcement proceeding on behalf of the landlord in connection with the enforcement of this Chapter to the Code of Ordinance for the City of Monmouth.

Occupant Load. The number of permanent residents allowed to occupy a rental unit. The occupant load is calculated by dividing the gross square footage of the rental space by 200 to determine the occupant load of the rental unit. (This calculation is based on the State of Illinois adopted Life Safety Code 2000 edition, Section 7.3.1.2, Occupant Load Factor for hotels, dormitories, apartment buildings and board and care facilities.)

Permanent resident. Any person who occupies, or has the right to occupy, any rental unit for at least thirty (30) consecutive days.

Person. A natural person.

Premises. A tract of land on which one (1) or more rental units is located.

Rental Unit. Each unit providing complete independent living facilities for one (1) or more permanent residents, other than the owner, which has provisions for sleeping, eating, cooking and sanitation.

Tenant. The person, or persons, occupying a rental unit who is not a legal title holder of the premises.

Zoning Office. Shall include any city employee who works in the Zoning Department as defined by the City of Monmouth Code of Ordinance including the Director of Community Development.

Section 123.02 - Registration of landlords and rental properties

(A) A landlord shall file a registration statement with the Zoning Office for each premises upon which a rental unit (or units) exists, notwithstanding whether the rental unit is occupied or vacant. The registration statement shall be prima facie evidence that the information in the statement is true. The City of Monmouth shall provide a form registration statement to be completed by the landlord. The registration statement, at a minimum shall include:

(1) The landlord's name, business address and telephone number. If the landlord is a partnership or corporation, the statement shall provide the name, business address and telephone number for all partners or officers. Further, if the landlord is a corporation, the statement shall include the name, business address and telephone number of the registered agent for the corporation.

(2) The name, business address and telephone number of the landlord's local agent for the purpose of managing, controlling, or collecting rent and the landlord's local agent as provided in subsection 123.02 (B) of this section.

(3)The name, business address and telephone number of each lending institution, or party holding a mortgage on the premises.

(4)The street address and property tax index number of the premises, the number of rental units and the date on which the rental units were built.

(5)The approximate square footage of each rental unit to determine the occupant load.

For the purpose of this section, a post office box is not sufficient as an address.

(B) Each landlord shall have a local agent. The local agent shall be authorized by the landlord to receive notices of code violations and receive process in any court proceeding or administrative enforcement proceeding on behalf of such landlord in connection with the enforcement of this code. The local agent must maintain an office in Warren County, Illinois, or must actually reside in Warren County, Illinois. The agent must be a person twenty-one (21) years or older. A landlord who is a natural person, however, and who meets the requirements of this subsection as to location of residence or office, may designate himself as the local agent.

Section 123.03 - Time of Registration and Registration Fees

(A)The registration statement must be filed annually with the Zoning Office on or before December 31st for the subsequent calendar year rental registration (i.e. December 31, 2012 for the calendar year 2013). Upon registration and payment of any applicable fee, the zoning administrator, or the administrator's designee, shall issue a certificate of registration receipt, which shall certify that the landlord has registered the premises.

(1)Initial registration for this program shall be from November 1, 2011 until December 31, 2011. There will be no fees (for 2012) for properties registered during this time period. Properties registered after the initial registration period shall be required to pay the indicated registration fee (see below).

(2)Starting in January, 2012, there shall exist an open registration period from October 1st through October 31st of each year for filing the requisite registration statement as set forth in Section 123.02(A) herein for the subsequent calendar year (i.e. by October 31, 2012 for the calendar year 2013). Properties registered after the open registration period and on or before December 31st of the same year, shall be required to pay the indicated registration fee for the year (see below).

(3)Any person or entity who makes a registration application on or after January 1st of each year shall be in violation of this Chapter and be subject to the

Penalties as set forth in Section 123.12, below. In addition the person or

entity shall be required to pay the indicated registration fee (see below). (4)The landlord shall notify the Zoning Office within ten (10) days of any change in the registration information by completing an amended registration statement. There is no additional fee

for filing an amended registration statement.

(5) It shall be the duty of any subsequent landlord of the premises to register it as required under this article within ten (10) business days after the transfer of ownership. There is no fee if registered within the ten (10) day period after the transfer of ownership.

(6) A new rental property may register within ten (10) business days after transfer of ownership without fee.

(7) Annual registration fees (after the open registration period) shall be: \$25.00 for single family dwelling containing one (1) rental unit, \$35.00 for dwellings containing two (2) - five (5) rental units, \$45.00 for dwellings containing five (5) or more units. For apartment complexes each separate building will be assessed a registration fee as outlined above (i.e. one (1) building containing five (5) rental units will cost \$45.00). For mobile home parks, a single trailer is considered one (1) rental unit and the entire contiguous park is considered one dwelling (i.e. a mobile home park containing nine (9) separate mobile homes will cost \$45.00).

(8) Failure to register after January 1st of any given year, or within ten (10) business day after transfer of ownership, a rental property, shall be in violation of this Chapter and be subject to the Penalties as set forth in Section 123.12, below.

(9) It is a violation of this article for a person, or other entity to submit, or cause to be submitted, false information on any registration form.

Section 123.04 - Minimum standards

(A) All rental units must meet certain minimum living standards for the health, safety and protection of the tenants. All rental units are hereby required to meet the International Codes (including, but not limited to the Building and Fire Codes) adopted by the City of Monmouth, Illinois, now or in the future, the National Fire Prevention Code Standards, the State of Illinois adopted Life Safety Code, the local and state adopted electrical, plumbing, smoke and carbon monoxide detector codes, the City of Monmouth, Illinois codes related to buildings and all local and state rules regulating electrical, plumbing and other work on non-owner occupied properties. A copy of the codes and standards shall be on file with the City Clerk. Inspections shall be made by using a standard inspection form. A copy of said inspection form, which may be changed from time to time, is on file in City Clerk's office. Any landlord, or person, owning a rental unit which does not meet the code and standards referred to above is in violation of this article.

(B) Occupancy limitations for each rental unit shall be in compliance with the Occupant Load as defined by this Chapter 123 of the Code of Ordinances to the City of Monmouth as adopted by the City of Monmouth, and any persons or entities failure to comply with such Occupancy limitations shall be a violation of this Chapter and subject that person or entity to the Penalties as set forth in Section 123.12, below.

Section 123.05 - Inspection of Premises

(A) Commencing after January 1, 2012, every rental unit which is rented, or offered for rent, to permanent residents shall be inspected at least one time every three (3) years for compliance with this article and all other applicable laws.

(B) The provisions of this section do not apply to:

(1) Owner occupied single-family dwellings.

(2) Dwellings, buildings or structures owned and operated by a nursing home

facility properly licensed by the State of Illinois.

(3) Dwellings, buildings or structures licensed and inspected by the state or federal

government or local government agency, provided that the inspection is based upon criteria at least as strict as required hereunder and further provided that a copy of the inspection report is filed with the City Clerk.

(4) Hotels, motels, bed and breakfast establishments and similar facilities that do not rent to permanent residents.

(5) Dormitory housing that does not provide independent cooking operations in each living unit.

(6) Single Family vacant dwellings.

Section 123.06 – Notice of Inspections

(A) The inspection of rental units shall either be by consent or pursuant to an administrative warrant. If the appropriate consent has not been given to enter or inspect a rental unit, no entry or inspection shall be made without the procurement of a warrant from a court of competent jurisdiction. The court may consider any of the following factors, along with such other matters that it deems relevant, in its decision as to whether a warrant shall be issued:

(1) Eyewitness account of violation. (2) Citizen complaints.

(3) Tenant complaints.

(4) Plain view violations.

(5) Violations apparent from city records.

(6) Property deterioration.

(7) Age of property.

(8) Nature of alleged violation.

(9) Conditions of similar properties in the area.

(B) If a complaint is received regarding a rental unit, however, the city may inspect the premises even though it may, or may not, have already been inspected.

Section 123.07 – Inspection Certificate Required

No person shall rent, or occupy, a rental unit without first having a valid certificate of inspection for said rental unit. However, proof of registration of the rental unit shall authorize the landlord to rent a rental unit until an inspection is performed.

Section 123.08 – Results of Inspection

(A) The city shall issue a certificate of inspection to a landlord if, after inspection, the rental unit meets applicable law.

(1) If a rental unit is in violation of any applicable law, the city shall mail a written report of said violation to the landlord within twenty-one (21) days of the inspection. The city shall allow the landlord twenty-one (21) days to correct the violations. The report shall state a re-inspection date. A copy of the report will be available at city hall. The landlord's failure to receive a copy of the report does not limit the city's right to enforce these requirements.

(2) The city shall issue a certification of inspection if the violations are corrected. If the violations are not corrected, a certificate of inspection shall not be issued and the city may take whatever action is necessary to enforce compliance with the applicable laws.

Section 123.09 – Expiration of Certificate

A certificate of inspection shall expire three (3) years from the date of its issuance. However, if a re-inspection of the premises has not been completed prior to the expiration of the certificate of inspection, the rental unit may continue to be rented until the re-inspection is completed.

Section 123.10 – Transferability of Certificate

A certificate of inspection may be transferred to a succeeding landlord. However, the new landlord's failure to register a premises as required by this article may result in the suspension or revocation of the certificate of inspection.

Section 123.11 – Display of Certificate

A landlord shall produce a current certificate of inspection upon request by a tenant or prospective tenant.

Section 123.12 – Penalties

(A) Any person found to be in violation of this Chapter shall be fined not less than Seventy-Five dollars (\$75.00) nor more than Seven Hundred Fifty dollars (\$750.00) for each day said violation exists, provided, however, the intentional submission of false information on a registration statement, or amended registration statement, filed pursuant to this article shall be a violation punishable by a fine of not less than one hundred fifty dollars (\$150.00) nor more than Seven Hundred Fifty dollars (\$750.00).

(B) In addition to the fine set forth in Section 123.12, the City may request an order

requiring the violator to come into compliance with this Chapter.

(C) The Illinois Criminal Housing Management statute, Chapter 38, 720 ILCS 5/12-5.1 is a method for achieving correction on violations.

Section 2:

In all other respects, Chapter 123 of the Monmouth Code of Ordinances previously enacted, if any, shall remain in full force and effect.

Section 3:

This ordinance shall be in full force and effect ten (10) days after this due publication in pamphlet form, passage and approval thereof as provided by law.