

ORDINANCE NO. 1701-11

AN ORDINANCE AMENDING CHAPTER 18 OF  
THE REVISED MUNICIPAL CODE OF THE VILLAGE OF NORRIDGE - 2002

An Ordinance Providing for the Licensing and Inspection of Rental Dwellings

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**WHEREAS**, the Village of Norridge (Village), as a home rule municipality in accordance with Article VII Section 6(a) of the Constitution of the State of Illinois of 1970, has enacted various ordinances providing for the protection of the health, safety and general welfare of the Village; and

**WHEREAS**, it is the policy of the Village to update the Revised Municipal Code of the Village of Norridge - 2002 to reflect current law to ensure that Village Ordinances are enforceable; and

**WHEREAS**, it is the general purpose of this ordinance to ensure that rental dwellings in the Village are safe for occupation and are in compliance with Village codes; and

**WHEREAS**, the Village, as a home rule municipality, has the authority to adopt ordinances and to promulgate ordinances, rules and regulations that pertain to its government and affairs; and

**WHEREAS**, this Ordinance is being adopted pursuant to the Village's home rule authority.

**NOW THEREFORE, BE IT ORDAINED** by the President and Board of Trustees of the Village of Norridge, Cook County, Illinois:

Section 1.

The facts and statements contained in the preamble to this Ordinance are found to be true and correct and are hereby adopted as part of this Ordinance.

Section 2.

Chapter 18, Article X of the Revised Municipal Code of the Village of Norridge - 2002 shall be enacted and will read as follows:

## Chapter 18

### BUILDINGS AND BUILDING REGULATIONS

#### Article X. Operation Of Dwellings - Licensing and Inspection

**Sec. 18-300. Applicability.** No person or entity shall operate any of the following types of dwellings unless such person or entity holds a current, valid operating license issued by the Village in his/her or its name for the specific-named type of dwelling:

- A. Single-family residential structures that are not occupied by the owner and are rented or leased to another person or entity.
- B. Any dwelling unit in a multi-family structure which is not occupied by the owner and is rented or leased to another person or entity.

**Sec. 18-301. Scope of License.**

Licenses shall be for an entire structure.

**Sec. 18-302. Exemptions From Licensing Requirements.**

The following types of dwelling units shall be exempt from licensing:

- A. All owner-occupied, single-family properties.
- B. All multi-family structures of four (4) or fewer dwellings in which the owner of the entire structure resides in the structure.
- C. Any property which is the subject of a contract sale and the seller or buyer resides in the property.

**Sec. 18-303. License Period.**

Every operating license shall expire 12 (twelve) months from the date of its issuance.

**Sec. 18-304. Issuance of Licenses.**

The Building Department is hereby authorized, upon application, to issue new operating licenses and renewals thereof, in the names of the applicant owner. No operating license shall be issued or renewed unless the applicant owner or the owner's local representative has first made application therefor on an application form provided by the Village and has paid the requisite fee.

**Sec. 18-305. Refusal to Issue License; Suspension or Revocation of License.**

The Building Commissioner may refuse to issue said license, and the Village may revoke or suspend said license, if the structure or premises is found, after inspection, not to meet all applicable requirements of the Village codes.

**Sec. 18-306. Inspections Required; Notice; Access.**

A. The Village shall make an annual inspection of all structures and premises subject to licensing under this Article X to determine whether the structures and premises, in connection with which such license is held, are in compliance with applicable provisions of Village codes and with any applicable rules and regulations adopted pursuant thereto.

B. Inspections may occur more frequently than annually provided there is:

1. Reasonable suspicion to believe that there exists within such rental dwelling conditions which present a threat to the health, safety, welfare or general comfort of the resident(s) of such rental dwelling; or
2. A complaint lodged by the resident(s) of the rental dwelling to be inspected; or
3. A request made by a prospective resident accompanied by the consent of the owner (or owner's agent) of the rental dwelling to be inspected; or
4. A request made by the owner or owner's agent.
5. A complaint lodged by a neighbor of the rental dwelling that there exists within such rental dwelling conditions which present a threat to the health, safety, welfare or general comfort of said neighbor.

C. Every owner or owner's agent or resident of any rental dwelling shall provide access to such rental dwelling to authorized Village employees or agents for purposes of inspecting the rental dwelling for compliance with all applicable standards and regulations set forth in Village codes. Either the owner, owner's agent, or the resident of the rental dwelling shall accompany the inspector during the inspection.

D. Notice shall be given to the owner or the owner's agent and the resident of the rental dwelling at least five (5) business days in advance of such inspection.

E. Notice of inspection shall be provided to both the owner or owner's agent and resident of the rental dwelling and may consist of a letter sent by first class mail, personal service, telephone call or, for residents only, the posting of a door hanger upon the door knob of the rental dwelling. The form of notice shall be at the Village's sole discretion; provided, however, the form used

shall substantially achieve the purpose of this notice requirement. Where a rental dwelling is occupied by more than one person, notice to one resident or occupant shall be deemed notice to all residents or occupants of the rental dwelling.

**Sec. 18 -307. Local Agent.**

In cases where the owner of a property subject to licensing under this Article X resides outside of Cook County, Illinois, no operating license shall be issued or renewed unless the owner designates, in writing to the Village, the name and address of an agent, who must be eighteen (18) years or older and a resident of Cook County, Illinois, as the owner's agent for the receipt of service of notice of violation of the provisions of Village codes and for service of process pursuant to Village codes, unless the owner so designates that the agent shall receive such notice and service in all instances instead of the owner.

**Sec. 18 -308. Transfer of Ownership.**

Every person or entity holding an operating license shall give notice in writing to the Village within three (3) working days after having transferred or otherwise disposed of the legal control of any dwelling or property licensed under this Article X. Such notice shall include the name and address of the person or persons succeeding to the ownership or control of such dwelling or property and any local agent required by Section 18-307. Any purchaser of a dwelling licensed hereunder who will not reside in the dwelling must obtain a license from the Village under this Article X.

**Sec. 18-309. Repairs; Reinspection of Premises.**

A. Each and every resident or occupant of a rental dwelling shall give the owner thereof, or his agent or his employees, access to any part of such rental dwelling at all reasonable times for the purpose of making such repairs or alterations as are necessary to effect compliance with the provisions of this Article or any Village code or regulation.

B. At the end of a thirty (30) day period allowed for correction of violations, the Village will re-inspect the structure and premises. If the violations have not been corrected, the Village may institute violation proceedings seeking the issuance of an order to correct the conditions and/or seek an order suspending or revoking the operating license.

**Section 18-310. Resident-Caused Violations.**

Resident- or occupant-caused violations of any provisions of Village codes are grounds for suspension, revocation or failure to issue a license.

**Section 18-311. Notice to Tenants.**

If the Village institutes proceedings to suspend or revoke an operating license, the licensee shall give notice, in writing, to the tenant on the affected property. Said notice shall

provide the following: the physical address of the property; the date and time that the property owner is to appear before the local adjudication officer; the fact that the appearance is due to alleged code violation; and the possible sanctions that may be imposed upon the property. The notice shall be delivered, either personally or by United States mail, to the tenant on the property and an additional copy of the notice must be posted in a prominent location on the property where the tenants will see it. The licensee must provide certification to the Village that it has so notified the tenant and posted such notice.

#### **Section 18-312. Violation Procedures.**

If the Village determines, after a hearing, that any person or entity has failed to comply with applicable Village codes including this Article X, or any applicable rules and regulations adopted pursuant thereto, a fine may be imposed, remediation and compliance may be ordered, or the license held by that person or entity may be suspended or revoked. Such a hearing shall be held in accordance with the provisions of Chapter 22, Article II of this Code. The Village's representative shall present evidence in support of the suspension or revocation, and the license holder or the license holder's local representative shall be permitted to rebut such evidence and present any other evidence that is, in the discretion of the local adjudication officer, as the case may be, relevant and reliable. Based upon the evidence presented at the hearing, the local adjudication officer, as the case may be, shall issue a written decision. The decision shall be final and binding. If a license is suspended or revoked, an order may be issued that the property, or portion thereof, be closed and secured against all unauthorized access, use, and occupancy for a period of not less than thirty (30) days nor more than one (1) year. If a suspension or revocation is ordered, a status date shall be set at which the order may be reconsidered or amended. The suspension or revocation of any license shall not release or discharge the license holder from paying fees or fines under Village codes, nor shall such license holder be released from criminal prosecution or further civil proceedings.

#### **Section 18-313. Appeal Procedures.**

A. Any person or entity whose license has been suspended or revoked by the Village after a hearing may appeal the local adjudication officer's decision in accordance with the provisions of Chapter 22, Article II, Section 40 of this Code. A written notice of appeal must be filed with the Village Clerk within thirty (30) days of receipt of the local adjudication officer's decision.

B. The filing of an appeal will not stay the effect of an order suspending or revoking a license hereunder. Request for stays of an order suspending or revoking a license pending appeal must be substantiated factually and in writing to the Building Commissioner and must be submitted to the Village Clerk within three (3) business days of the filing of the appeal. Stays of orders suspending or revoking a license hereunder shall be granted by the Building Commissioner only for good cause shown.

C. The Village Board may affirm or reverse the decision, modify the decision, or remand it to the local adjudication officer for further action or review.

**Section 18-314. Effect of Suspension or Revocation of License.**

Suspension or revocation is for the entire structure and shall be as specified in the order.

**Section 18-315. Recovery of Village Expenses.**

The Village shall be authorized to recover any expenses incurred by the Village in suspending or revoking a license under the provisions of this Article or as authorized by any other applicable federal, state, or local law or ordinance. These expenses may include, but are not limited to, the cost of personnel, equipment and materials. It is not a defense to the payment of these expenses that the Village may have otherwise experienced such costs in the ordinary course of business.

**Section 18-316. Compliance.**

If, upon re-inspection, the local adjudication officer, as the case may be, determines that the structure or premises in connection with which the order was issued is now in compliance with Village codes and with any applicable rules and regulations issued pursuant thereto, the local adjudication officer may reinstate the license.

**Section 18-317. Tenant-Caused Vandalism.**

No tenant or resident shall commit vandalism in the building in which the tenant's dwelling unit is located and no tenant shall permit vandalism to occur in such dwelling unit nor violate any of the provisions of Village codes.

**Section 18-318. Inspection Fees.**

A. There shall be an annual inspection fee of fifty dollars (\$50.00). Re-inspections during a year for which the annual fee was paid, shall incur a fee of fifty dollars (\$50.00) for each re-inspection of a dwelling subject to this Article until all violations are corrected.

B. Any inspection fees remaining unpaid after two (2) weeks following such inspection shall be a debt due and owing the Village, and, as such, may be collected in accordance with applicable law.

**Section 18-319. Penalty.**

A. Any person or entity cited for violating provisions of this Article X, upon conviction thereof by the local adjudicator, shall be fined a sum of not more than \$750.00 for each offense. Each day that the violation continues is a separate offense.

B. The imposition of a penalty does not prevent suspension or revocation of a license or other administrative sanctions.

Section 3.

All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 4.

This Ordinance shall be in full force and effect from and its passage, approval, and publication in pamphlet form as provided by law. All structures covered by this ordinance must be licensed by January 1, 2012.

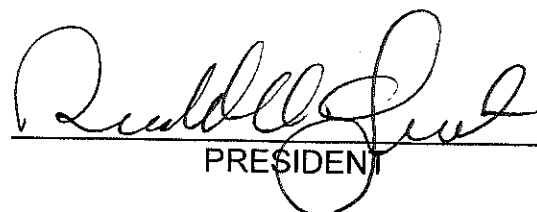
Section 5.

If any provision of this Ordinance, or the application of any provision of this Ordinance, is held unconstitutional or otherwise invalid, such occurrence shall not affect other provisions of this Ordinance, or their application, that can be given effect without the unconstitutional or invalid provision or its application. Each unconstitutional or invalid provision is severable, unless otherwise provided by this Ordinance.

PASSED by the President and Board of Trustees of the Village of Norridge, Cook County, Illinois, this 23<sup>rd</sup> day of March 2011.

  
VILLAGE CLERK

APPROVED by me this 23<sup>rd</sup> day of March 2011.

  
PRESIDENT

PUBLISHED by me this 23<sup>rd</sup>  
day March 2011 of in  
pamphlet form.

  
VILLAGE CLERK