A.L.

ORDINANCE NUMBER 16-_3084

AN ORDINANCE AMENDING THE NEW MILLENNIUM CODE OF THE VILLAGE OF SCHILLER PARK, COOK COUNTY, ILLINOIS, TITLE IX ("GENERAL REGULATIONS"), CHAPTER 98 ("MULTI-FAMILY DWELLINGS"), SECTIONS 98.40 THROUGH 98.46

(Crime Free Housing Program Amendments)

WHEREAS, the Village of Schiller Park, Cook County, Illinois (the "*Village*") is a home rule municipality pursuant to Section 6(a), Article VII of the 1970 Constitution of the State of Illinois, and as such may exercise any power and perform any function pertaining to its government and affairs (the "*Home Rule Powers*"); and

WHEREAS, as a home rule unit of government, the Village is expressly empowered to perform any function pertaining to its government and affairs, including, but not limited to, the power to regulate for the protection of the public health, safety, morals and welfare; and

WHEREAS, the repeated commission of criminal offenses and violations of the Code of the Village of Schiller Park, Illinois ("*Village Code*") substantially disturbs and harms the public health, safety, morals and welfare; and

WHEREAS, the failure of owners or managers of certain real property to control the activity occurring on their property causes repeated and substantial expenditures of public funds in order to enforce Federal, State and local Village laws upon or near their property; and

WHEREAS, among the property management practices that contribute to the existence of activities which disturb other property owners, homeowners and neighborhoods are the failure of owners or managers of real property to require tenants to obey laws as a condition of leases, the failure to enforce existing provisions of leases, the

failure of owners or managers to respond to or take affirmative steps to address complaints by adjoining owners, and the overall tolerance by owners or managers of criminal activity on property by tenants or their guests, all of which substantially harms the public health, safety, morals and welfare; and

WHEREAS, the President and Board of Trustees of the Village of Schiller Park (the "*Corporate Authorities*") have determined that it is desirable, necessary and in the best interests of the Village in order to protect, preserve and promote public health, safety, morals and welfare to amend Chapter 98 ("*Multi-Family Dwellings*"), Sections 98.40 through 98.46 of the Village Code, to better facilitate the crime-free housing program; and

WHEREAS, although not a condition of this Ordinance, it is recommended that property owners require that all prospective tenants submit to criminal background checks, credit checks, and checks for past evictions prior to entering into a lease agreement to protect themselves and the best interests of the Village; and

WHEREAS, the Village of Schiller park will require persons who rent residential units within the Village to secure a license from the Village of Schiller Park and require persons who rent residential units within the Village to attend a Crime Free Housing Seminar as of January 1, 2017; and

WHEREAS, the provisions of this Ordinance will assist the Village by lessening the expenditure of public funds, maintaining a higher quality of life, preserving the peace and tranquility of neighborhoods, and deterring property owners and managers from adopting inadequate management practices; and

WHEREAS, the Village strictly prohibits discrimination by property owners in the leasing of their properties in the Village on the basis of race, sex, religion, creed,

ancestry, sexual orientation, national origin, age, matriculation, familial status, source of income, handicap status of persons or any other constitutionally protected class; and

WHEREAS, the exchange of information between landlords and the Village of Schiller Park Police Department is a good way to reduce the level of crime in rental units; and

WHEREAS, the Corporate Authorities affirmatively state that the provisions of this Ordinance shall not be used as a tool to discriminate against tenants or prospective tenants pursuant to applicable State and Local laws, including, but not limited to, fair and open housing laws, which shall prevail in the Village.

NOW, THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of Schiller Park, Cook County, Illinois, by and through its Home Rule Powers, as follows:

Section 1: That the above recitals and legislative findings are found to be true and correct and hereby incorporated herein and made a part hereof, as if fully set forth in their entirety.

Section 2: Any owner of property, which property is being rented out for residential purposes, shall attend and complete a Village of Schiller Park Crime Free Housing Program Seminar ("*Seminar*"). The owner, agent, or designee of a new rental unit shall attend the Seminar prior to obtaining or being issued a new Village Rental Dwelling License. Any owner of property, which property is being rented out for residential purposes that does not complete the Seminar within three (3) months of the effective date of this ordinance will be fined daily until compliance is met.

Section 3: A property manager shall be considered and agent of the owner. If a new property manager is hired, the new property manager shall have three (3) months after hiring to attend the Village of Schiller Park's Crime Free Housing Program Seminar.

Section 4: The New Millennium Code of Schiller Park, Title IX ("*General Regulations*"), Chapter 98 ("*Multi-Family Dwellings*") is hereby amended as follows:

"Rental Property Rules and Regulations

§98.40 **Crime Free Housing Program.**

Crime Free Housing Program Seminar. Any owner of property, which property is being rented out for residential purposes shall attend and complete a Village of Schiller Park Crime Free Housing Program Seminar ("*Seminar*"). The owner, agent, or designee of a new rental unit shall attend the Seminar prior to obtaining or being issued a new Village Rental Dwelling License. Any owner of property, which property is being rented out for residential purposes that does not complete the Seminar will be fined, daily, until compliance is met in accordance with this Chapter. The following are terms, conditions and requirements by and for any owner of rental property:

(A) A property manager shall be considered an agent of the owner. If a new property manager is hired, the new property manager shall have three (3) months after hiring to attend the Village of Schiller Park's Crime Free Housing Program Seminar.

(B) In addition to attending the Village Crime Free Housing Seminar, all owners, agents or designees shall attend a refresher seminar once every three (3) years to be compliant with this Ordinance prior to the expiration of a license for that particular year or be fined daily thereafter in accordance with this Chapter.

(C) The Crime Free Housing Coordinator, as designated by the Chief of Police, shall provide the Finance Director and Community Development Department with a list of owners, agents and/or designees whom have attended the Seminar, with the date of attendance and verification that the owner, agent or designee has complied with the Ordinance and is eligible to obtain, maintain or renew the rental dwelling license.

(D) Any owner, agent or designee of residential rental property is required to utilize a crime free lease addendum or have a clause in the lease similar to a crime free lease addendum for any leases executed. At the Seminar, the Crime Free Housing Coordinator shall provide, at no cost, samples of the crime free lease

addendum and shall review any clauses within actual leases with the Village's Legal Department to determine if the clause is similar to the crime free lease addendum. The clause is to make criminal activity (not limited to violent criminal activity or drug related 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 that clause to initiate an eviction proceeding as specified in the Illinois Compiled Statutes Forcible Entry and Detainer statutes. Proof of criminal violation shall be by a preponderance of the evidence. An arrest, considered alone, is not enough evidence to begin the eviction process a tenant.

(E) *Nuisance Residential Rental Property*. It is hereby declared a nuisance and to be declared against the health, peace and comfort of the Village for any property owner, agent, or manager to allow 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, harmful materials, 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 crimes under the State of Illinois Statutes or under the Federal Government not specifically listed above; and

(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 4 or more Village ordinance violations in a six (6) month period that are not considered parking or compliance tickets by the Village of Schiller Park Police department.

(F) The Village may enforce this Ordinance by seeking any and all remedies under this Chapter, including the imposition of fines. In addition, the Crime Free Housing Coordinator may suspend and/or recommend revocation of any license issued hereunder if it appears to his satisfaction from the report of any village officer or village employee making an inspection, or any other available information that the licensee is violating this law or ordinance or any law or

ordinance, or is in violation of the nuisance section or his operating in a manner not conducive to the public health, morals or safety. Any suspension of a license pursuant to this Section may be appealed directly to the Mayor and Village Board of Trustees within 15 days of receiving the decision from the Crime Free Housing Coordinator. In the event the Crime Free Housing Coordinator determines that revocation of the license is appropriate, he shall so forward his recommendation to the Mayor and Village Board of Trustees for their review and determination.

(G) Every owner, agent or designee shall require the tenant to supply them with a list of people who will live in the rental dwelling; said list will be turned over to the Crime Free Housing Coordinator and Community Development Department.

(H) Every owner, agent or designee shall submit a Crime Free Housing Rental License application to the Department of Community Development and pay all applicable fees in order to be in compliance with this Chapter.

(I) All owners and/or agents must sign and be in compliance with the Crime Free Housing Rental Requirements Agreement for Owners/Agents of Rental Housing, which may be amended from time to time as is appropriate.

§98.41 **Rental Property Inspection.**

(A) The Community Development Department shall conduct inspections of all rental dwellings (regardless of the type of dwelling or size of the dwelling) in accordance with the terms and conditions set forth in any section of Chapter 98. All inspection sections previously applicable to only "Multiple Family Dwelling Unit" are hereby incorporated to Section 98.41 and now hereby also applicable to "Single Family Rental Dwellings". Therefore, any necessary sections from 98.01 to 98.31 are incorporated as part of section 98.41 for enforcement purposes. Additionally, the following shall apply

(1) *Multiple Family Dwelling Unit (i.e. apartments).* Inspections of multiple dwellings shall be performed annually with the units to be inspected chosen at random. The number of dwellings required to be inspected shall be determined using the current years inspection results and then applying the following.

(a) Twenty-five percent (25%) of dwelling units must be inspected annually if the average number of violations per dwelling unit and its common areas equal three (3) or less violations;

(b) Fifty percent (50%) of dwelling units must be inspected annually if the average number of violations per dwelling unit and its common areas equal four (4) to five (5) violations;

(c) One hundred percent (100%) of dwelling units must be inspected annually if the average number of violations per dwelling unit and its common areas equal six or more violations.

(i) In addition to part (c), when the average number of violations per dwelling unit and its common areas equal six (6) or more violations, one hundred percent (100%) of the dwelling units must be inspected again within sixty (60) days of the current inspection.

(d) The Director of Community Development or his designee shall conduct annual inspections of common areas of multiple dwellings. The inspection of the common areas shall include, but is not limited to, all hallways, stairways, lobbies, utility rooms, laundry rooms, storage rooms, recreation rooms, grounds, refuse areas, parking areas, building extensions, signs and other areas designed for common use by dwelling unit occupants. Such inspections are for the purpose of enforcing this article and any other sections of this Code applicable or pertaining thereto.

(2) *Single-family rental dwellings (attached, detached, townhouses and condos).* An inspection of a single-family rental dwelling shall be performed at least once every other year provided that the number of violations found on the premises equal three (3) or less.

(a) If the number of violations found on the premises equals more than three (3), the premises must be inspected twice within the next 12-month period.

§98.42 GROUP HOMES AND OTHER REGULATED HOUSING.

Minimum Spacing Requirements between Group Homes and Other Regulated Housing

(A) Group homes with up to 4 residents and staff shall be located a minimum of one thousand (1,000) feet *(measured lot line to lot line in any direction)* from any other group home or other residential use with paid professional staff provided by a sponsoring agency that is regulated by and/or that comes within the purview of the Federal Fair Housing Act Amendments (42 USCA 3601 et seq) because of the disabilities of its residents.

(B) Group homes with 5 or more residents and staff or any other residential use with paid professional staff provided by a sponsoring agency that is regulated by and/or that comes within the purview of the Federal Fair Housing Act Amendments (42 USCA 3601 et seq) because of the disabilities of its residents, shall be located a minimum of thirteen hundred (1,300) feet (*measured lot line to lot line in any direction*) from any group home or other residential use with paid professional staff provided by a sponsoring agency that

is regulated by and/or that comes within the purview of the Federal Fair Housing Act Amendments (42 USCA 3601 et seq) because of the disabilities of its residents.

§98.43 NOTICE OF VIOLATION PROCEDURES, LICENSE REQUIRED, PENALTIES, APPEALS AND CONFLICT OF ORDINANCES.

(A) Notice of violation; procedures.

If the code official determines that the alleged violation(s) arise out of the 2006 International Property Maintenance Code (IPMC), incorporated herein, or sections 98.40, 98.41 or 98.42 of this chapter, notice regulations set forth in the 2006 IPMC shall be followed.

(B) License(s) Required, Penalties and Rental Fees.

(1) Any owner of property, which property is being rented out for residential purposes shall be required to obtain a rental license for each and every piece of property or unit that is intended to be rented for residential use. (i.e. If an owner owns a 6-flat apartment complex, six separate licenses will be required—one for each unit being rented for residential use; if an owner owns a 2-flat building, a separate license is required for each unit being rented for residential use). There will be a separate fee for each license that is purchased by an owner from the Village, and each license is subject to the rules and parameters of this Chapter, individually.

(2) *Penalties.* Any person, firm or corporation who violates, disobeys, omits, neglects, or refuses to comply with, or who resists the enforcement of any of the provisions of this chapter, shall, upon conviction, be subject to a penalty of not less than fifty dollars ($50.00) nor more than seven hundred fifty dollars ($750.00) for such offense, and a separate offense shall be deemed committed on each day during or which a violation occurs or continues.

(3) *Rental Property Fees.*

(a) *License fees.* There is hereby established an annual rental license fee. The fees shall be as provided, per license, in the fee schedule supplement to the Schiller Park Code of Ordinances, which may be amended from time to time by Village administration.

(b) *Re-inspection fees.* There are hereby established, re-inspection fees associated with dwelling unit licenses authorized by said Code. Re-inspections shall be performed, as necessary, after each compliance date set forth in the inspection report. The first re-inspection for each such compliance date shall be free of charge. All subsequent re-inspections necessitated by the continued existence of violations shall be assessed a fee per dwelling unit and common areas to be inspected as provided in the

fee schedule supplement to the Schiller Park Code of Ordinances. No operating license shall be issued unless such fees are paid in full.

(c) *Cancellation and absentee fees.* There are hereby established, unauthorized cancellation and absentee fees. When an owner or agent fails to keep a scheduled inspection or re-inspection, or fails to cancel a scheduled appointment by 4:00 PM on the previous day for inspections scheduled for the next morning and by 11:00 AM on the day of for afternoon inspections. Inspections not cancelled in this manner shall be charged a minimum inspection fee as provided in the fee supplement to the Village of Schiller Park Code of Ordinances. Such fee shall be assessed per building or property, not for each individual dwelling unit. No operating license shall be issued unless said fees are paid in full.

(d) *Late charge fees.* There are hereby established, late charge fees. When an owner or agent fails to obtain a dwelling unit operating license after the first thirty (30) days and before sixty (60) days of the expiration of said license, a late charge fee of one hundred ($100.00) dollars shall be assessed. After sixty (60) days from the expiration of the license, the property will be considered to be unlicensed, in addition to the late charge fee of one hundred ($100.00) dollars previously assessed, an additional two hundred fifty dollars ($250.00) late fee shall be assessed and be subject to the penalty as stated in subsection (a) above. No operating license shall be issued unless such fees are paid in full.

§98.44 **Appeals.**

(A) Any person aggrieved by a notice of the code official issued in connection with any alleged violation of sections 98.40, 98.41, 98.42 or any applicable rules or regulations issued pursuant thereto, or by any order requiring repair or demolition, may apply to the Village Manager for an administrative conference concerning such notice or order, provided such application is made within fourteen (14) days after the date of the notice or order was issued. If the Village Manager holds an administrative conference for review of notice or order, the Village Manager shall prepare a summary of the conference and shall state the decision reached; such summary and statement shall become part of the public record. This appeal process shall only apply to the above-mentioned sections and shall not apply to any other administrative adjudication proceedings as set forth in chapter 37 of the Village of Schiller Park Code of Ordinances.

(B) Any person aggrieved by the decision of the Village Manager in regard to an alleged violation of this chapter, or any applicable rule or regulation issued pursuant thereto shall have the right to appeal to the Corporate Authorities. Such appeal shall be taken by filing with the Manager, within five days after receipt of the Millage Manager's decision. The Corporate Authorities shall appoint a hearing body to be composed of the Mayor or the Mayor's designee and two Board Members who shall thereupon set the time and place for a hearing of such appeal and notice of such hearing shall be given to the

appellant. The hearing body shall make a recommendation to the Corporate Authorities, which shall render a decision on such appeal, which shall be final. Any appeal from a decision of the Corporate Authorities shall be made directly to the Circuit Court of Cook County pursuant to the Administrative Review Act.

(C) All costs and expenses including but not limited to court reporters fees and attorneys' fees incurred by the Village in connection with any appeal of a Village Manager's decision in regard to an alleged violation of this chapter, or any applicable rule or regulation issued pursuant thereto shall be taxed to the appellant and shall be paid by the appellant as a condition of compliance.

§98.45 **Notice and Towing of Inoperable or Derelict Vehicles.**

Any vehicle that is deemed to be derelict or inoperable by the Village, in accordance with the definition provided by the 2006 International Property Maintenance Code is subject to be towed away and shall be served with seven (7) day notice as provided in this section prior to being towed. Owner of said vehicle will be responsible for all expenses, charges and any other reasonable fees that shall result from the towing of said vehicle.

§98.46 **Conflict of ordinances; effect of partial invalidity.**

(A) In any case where a provision of this chapter is found to be in conflict with a provision of any zoning, building, fire, safety, or health ordinance or code of this village existing on the effective date of this chapter, the provision which establishes the higher standard for the promotion and protection of the health and safety of the people shall prevail. In any case, where a provision of this chapter is found to be in conflict with a provision of any other ordinance or code of this village existing on the effective date of this chapter which establishes a lower standard for the promotion and protection of the health and safety of the people, the provisions of this chapter shall be deemed to prevail, and such other ordinances or codes are hereby declared to be repealed to the extent that they may be found in conflict with this chapter.

(B) If any section, subsection, paragraph, sentence, clause or phrase of this chapter should be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this chapter, which shall remain in full force and effect, and to this end, the provisions of this chapter are hereby declared to be severable."

Section 5: The New Millennium Code of Schiller Park, Title IX ("*General Regulations*"), Chapter 98 ("*Multi-Family Dwellings*"), Section 98.02 ("*Definitions*") is hereby amended to insert the below-mentioned additions, alphabetically, as follows:

CRIME FREE HOUSING COORDINANTOR. A member of the Schiller Park Police Department, designated by the Chief of Police to oversee the Crime Free Housing Program.

CRIME FREE HOUSING PROGRAM SEMINAR. A crime free housing seminar conducted and presented by the Village of Schiller Park's Crime Free Housing Coordinator. Such seminars shall be offered when deemed necessary by the Village.

CRIME FREE LEASE ADDENDUM. A required lease addendum for any and all owners to include in their rental leases to be in compliance with the Village of Schiller Park Crime Free Housing Program. This addendum will have been provided by the Village or, if not, a similar clause in a rental lease will have been approved by the Village Attorney.

RENTAL DWELLING LICENSE. A license required to be held by any and all owners that are renting property in the Village of Schiller Park, regardless of the size or designation of the property. Each unit will have its own license.

SINGLE FAMILY RENTAL DWELLING. For the purposes of this Chapter, single-family rental dwelling is a free-standing residential building, a condo or a duplex or townhouse that is a two-family home with separate entrances with the units stacked on top of one another or side-by-side, which is being rented out to anyone besides the actual owner of said premises.

Section 6: That all prior ordinances and resolutions, or parts thereof, in conflict or inconsistent herewith are, to the extent of such conflict, expressly repealed.

Section 7: Severability. If any section, paragraph or provision of this Ordinance is held to be invalid or unenforceable for any reason, the invalidity or

unenforceability of such section, paragraph or provision shall not affect any of the remaining provisions of this Ordinance.

Section 8: That the Village Clerk of the Village of Schiller Park be and is directed hereby to publish this Ordinance in pamphlet form, pursuant to the statutes of the State of Illinois.

Section 9: That this Ordinance shall be in full force and effect from and after its passage, approval and publication in a manner provided by law.

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ADOPTED by the President and Board of Trustees of the Village of Schiller Park, Cook County, Illinois this 15th day of December 2016, pursuant to a roll call vote, as follows:

AYES: Trustees Diaz, Klug, Fritz, Desecki, Lima and Gorzynski

NAYS: None

ABSENT: None

APPROVED by the President and Board of Trustees of the Village of Schiller Park, Cook County, Illinois this 15th day of December 2016.

BARBARA PILTAVER
VILLAGE PRESIDENT

ATTEST:

CLAUDIA L. IRSUTO
VILLAGE CLERK