

**VILLAGE OF SOUTH CHICAGO HEIGHTS
COOK COUNTY, ILLINOIS**

ORDINANCE NO. 2021-ORD-15

**AN ORDINANCE OF THE VILLAGE OF SOUTH CHICAGO HEIGHTS, COOK
COUNTY, ILLINOIS, AMENDING CHAPTERS 14 AND 18 OF THE CODE OF
ORDINANCES OF THE VILLAGE OF SOUTH CHICAGO HEIGHTS RELATED TO
INSPECTIONS OF RESIDENTIAL BUILDINGS**

**ADOPTED BY THE
PRESIDENT AND BOARD OF TRUSTEES
OF THE
VILLAGE OF SOUTH CHICAGO HEIGHTS
THIS 7th DAY OF SEPTEMBER, 2021**

Published in pamphlet form
by the authority of the President
and Board of Trustees of the
Village of South Chicago Heights,
Cook County, Illinois this 7th day
of September, 2021.

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AN ORDINANCE OF THE VILLAGE OF SOUTH CHICAGO HEIGHTS, COOK COUNTY, ILLINOIS, AMENDING CHAPTERS 14 AND 18 OF THE CODE OF ORDINANCES OF THE VILLAGE OF SOUTH CHICAGO HEIGHTS RELATED TO INSPECTIONS OF RESIDENTIAL BUILDINGS

WHEREAS, the Village of South Chicago Heights, 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, the Village President and Board of Trustees of the Village of South Chicago Heights, Cook County, Illinois (the “*Corporate Authorities*”) may from time to time amend the text of the South Chicago Heights Municipal Code when it is determined to be in the best interests of the residents of the Village; and

WHEREAS, the Corporate Authorities are charged with the responsibility of protecting the health, safety and welfare of the residents of the Village; and

WHEREAS, the Village is authorized by Illinois law to impose land use restrictions as appropriate for public health, safety, and welfare; and

WHEREAS, rental properties possess certain specific concerns that can threaten the welfare of tenants and cause a negative impact on surrounding properties and the Village as a whole, such as life-safety concerns, quality of neighborhood and related life concerns, security concerns, and fire safety concerns; and

WHEREAS, the Corporate Authorities have previously adopted ordinances which regulate

residential inspections in the Village; and

WHEREAS, pursuant to the authority granted by the Illinois Municipal Code and the Code of Ordinances of the Village of South Chicago Heights, Illinois, among other applicable statutes and ordinances, the Corporate Authorities wish to adopt additional means for the enforcement of its regulations and for the promotion of responsible rental of property within the Village; and

WHEREAS, the Corporate Authorities have the power pursuant to 65 ILCS 5/1 *et. seq.*, to pass ordinances proper and necessary, including imposing civil fines up to \$750; and

WHEREAS, the Corporate Authorities have determined that it is necessary to adopt this Ordinance to conform with current federal and state law, including recent caselaw; and

WHEREAS, the Corporate Authorities find that it is necessary to implement regulations for the registration and inspection of residential rental dwelling units in the Village to ensure that those units provide safe, decent and sanitary living conditions for tenants living in the residential dwelling unit and to prevent further deterioration of those units; and

WHEREAS, in connection with the foregoing, the Corporate Authorities find that it is in the best interests of the public health, safety, morals and welfare of the Village and its residents to provide for the regulations herein specified.

NOW, THEREFORE, BE IT ORDAINED by the Village President and Board of Trustees of the Village of South Chicago Heights, 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 are hereby incorporated herein and made a part hereof, as if fully set forth in their entirety.

Section 2. Section 14.4, Certificate of Occupancy, of Article I (“*In General*”) of Chapter 14 (“*Buildings and Building Regulations*”) of the Code of Ordinances of the Village of South Chicago Heights, Illinois, is hereby amended by deleting the stricken language and by adding the underlined language to read, as follows:

Sec. 14.4 - Certificate of occupancy.

(c) Any Village inspection required of any residential unit, structure or property, pursuant to this Section 14.4, shall be administered as follows:

(1) The Village shall notify the owner, and current tenant if applicable, of the request/requirement for an inspection in writing and provide the owner with a consent to inspect form. Reasonable notice for required scheduled inspections shall be defined as a minimum of five (5) business days advance written notice. The notice must be either personally delivered or mailed to the last known address of the owner and to the address of the property to be inspected. The notice must identify the property to be inspected, the general date and time frame of the scheduled inspection, provide the basis for inspection, and the name and contact information of the Building Director or authorized designee, with an invitation to contact the director or representative with any questions, concerns, or request to reschedule the inspection date and time.

(2) If the owner or current tenant responds that he or she will not consent to the inspection or allow voluntary admittance, the Building Director or designee shall proceed to obtain an administrative search warrant or other court order for said inspection, authorizing the Building Director or authorized representative entry into the property to conduct the inspection for compliance with the International Property Maintenance Code of 2006 and International Residential Code of 2006 as adopted by the Village pursuant to Section 14-2(c), as may be amended from time to time.

(3) Following the inspection, the Village will issue to the owner a report or notice of violation pursuant to this Code. If the inspection establishes that the structures and/or buildings and premises are in compliance with all of the provisions of this Section and all relevant codes and regulations, the Building and Code Enforcement Department shall issue a certificate of occupancy.

(4) Should any owner, or current tenant if applicable, be required by the Village to have an inspection hereunder and disagree with the findings of the inspection and/or required repairs,

alterations, or other correct action that must be completed, that person shall have the right to appeal the inspection to the Village Adjudication Hearing Officer. The appeal shall be initiated by filing with the Village Clerk within ten (10) calendar days of the issuance of an inspection report, a written statement setting forth specifically the grounds for the appeal. The Adjudication Hearing Officer shall set the time and place for hearing such appeal and notice of such time and place shall be mailed to appellant. The Adjudication Hearing Officer may find a code violation, code compliance, or no violation of Village Code.

~~(e)(d) Any person who violates the provisions of this section shall be fined in an amount not exceeding \$500.00. The village building inspector shall have the authority to discontinue water service to any residence and business occupied in violation of this section.~~

Section 3. Section 14-273, Inspections, of Article VII ("*Transfer Certificate Before Sale of Building*") of Chapter 14 ("*Buildings and Building Regulations*") of the Code of Ordinances of the Village of South Chicago Heights, Illinois, is hereby amended by deleting the stricken language and by adding the underlined language to read, as follows:

Sec. 14-273 – Forms and Inspections.

A) The building department shall provide the forms for:

- a. Application for Inspection and issuance of transfer certificate and consent to inspect form.
- b. Transfer Certificate.
- c. Conditional Transfer certificate of noncompliance.
- d. Prior to issuance of any transfer certificate as provided herein, the owner shall submit to the village a certified termite pest inspection report that is dated not later than sixty days prior to the date of submission.
- e. In addition to all other requirements, the electrical service for any residential building shall be not less than one hundred amps with circuit breakers and the service must be approved by the Village of South Chicago Heights electrical inspector.

B) Any Village inspection or reinspection of any residential building or property required pursuant to this Sections 14-268 through 14-272 (inclusive) shall be administered as follows:

(1) The Village shall notify the owner, and current tenant if applicable, of the request/requirement for an inspection in writing and provide the owner with a consent to inspect form. The consent form must identify: a) the property to be inspected; b) the general date and time frame of the scheduled inspection; c) the bases for inspection is to determine compliance with the Village building code, housing code, plumbing code electrical code and property maintenance code; d) the name and contact information of the Building Director or authorized designee, with an invitation to contact the director or representative with any questions, concerns, or request to reschedule the inspection date and time.

(2) If the owner or current tenant responds that he or she will not consent to the inspection or allow voluntary admittance, the Building Director or designee shall proceed to obtain an administrative search warrant or other court order for said inspection, authorizing the Building Director or authorized representative entry into the property to conduct the inspection for compliance with Village Code.

(3) Following the inspection, the Village will issue to the owner a certificate or noncompliance notice pursuant to this Code Section.

Section 4. Section 14-274, Appeal, of Article VII (“*Transfer Certificate Before Sale of Building*”) of Chapter 14 (“*Buildings and Building Regulations*”) of the Code of Ordinances of the Village of South Chicago Heights, Illinois, is hereby amended by deleting the stricken language and by adding the underlined language to read, as follows:

Any owner or occupant or proposed new occupant aggrieved by the issuance of a noncompliance notice may appeal to Village Adjudication Hearing Officer. The appeal shall be initiated by filing with the Village Clerk within ten (10) calendar days of the issuance of an inspection report, a written statement setting forth specifically the grounds for the appeal. The Adjudication Hearing Officer shall set the time and place for hearing such appeal and notice of sch time and place shall be mailed to appellat. The Adjudication Hearing Officer may find a code violation, code compliance, or no violation of Village Code. ~~the president and board of trustees by following the procedure established under the rules and regulations of the board; provided, that such application must be made within ten days from the date the notice was issued~~

Section 5. Article XX (“*Rental Housing Nuisance*”) of Chapter 18 (“*Businesses and Business Regulations*”) of the Code of Ordinances of the Village of South Chicago Heights, Illinois, is hereby amended by deleting the stricken language and by adding the underlined language to read, as follows:

ARTICLE XX. CRIME FREE HOUSING

Sec. 18-801. - Application for license.

Application for a residential rental license shall be made in the name of the legal owner of the premises to be rented and shall be submitted to the village clerk on forms provided by the village. The application shall identify the location of the property; the name, address, email address and telephone number of the owner; the name, address, email address and 24-hour telephone(s) of the manager or custodian of the property; the owner's agent for service of process; and such other information as the village may reasonably require. Every applicant shall be given a packet of materials containing the following: An inspection checklist; a crime-free housing lease addendum; a letter to tenant; a current crime-free housing seminar schedule; ~~and~~ the village's crime-free housing contact information; and a consent for inspection form.

Sec. 18-804. - Transfer prohibited; renewal.

(c) No original or renewal license, nor any occupancy permit, shall be issued to any owner, manager or agent of an owner of any real estate operated as a rental dwelling unit if that owner, or any of the rental properties listed by said owner under this section, owes any overdue, past due or other outstanding debt to the village. Such overdue or outstanding debt shall include, but is not limited to: any code violation fines, fees, or hearing costs, including unpaid and past due water bills owed for any of the owners listed properties, village liens against the property for water use, repairs or service, grass cutting, board up or any other maintenance or nuisance remediation type services provided to any of the owner's rental dwelling units by the village that would otherwise be the owner or tenants responsibility. No license shall issue if an owner has ~~Such debt shall also include~~ past due property taxes ~~owed the village~~ and if the property has been tax delinquent for two or more years.

Sec. 18-805.- Inspection ~~required~~.

~~No~~ Upon issuance or renewal, a residential rental license shall be issued or renewed shall thereafter be subject to an annual inspection for compliance with Village building and life safety codes, including the International Property Maintenance Code of 2006 and the International Residential Code of 2006, as adopted by the Village unless the dwelling unit(s) and common area(s) in connection with which the license is sought are found after inspection by the village enforcement department to meet all applicable laws and regulations. Rental dwelling units that change ownership shall be required to be inspected before a new license can be issued, notwithstanding any other required inspection as a condition precedent to transfer of title or otherwise required under this Code. See Section 810 (B) regarding inspection procedures. The owner will be provided with an inspection report describing any condition which constitutes a violation of any applicable law or regulation, and shall correct any such conditions within 30 days from the date of the inspection report. In the event that more than two follow-up inspections are required to determine compliance, the owner shall pay an additional inspection service charge of \$50.00 for each additional inspection. Payment

of said service charge must be made in full prior to the inspection issuance of a license. Failure to correct said conditions may result in a nonrenewal, suspension or revocation of an existing license or, in the case of a new license application, the denial of a license or a revocation.

Sec. 18-808 Crime Free Lease Addendum

6. Tenant agrees that service of process of any legal proceeding, including but not limited to, a civil inspection warrant or similar court order for residential inspection, special detainer or forcible detainer action, or service of any notice to Tenant, shall be effective and sufficient of purpose of providing legal service and conferring personal jurisdiction upon any Illinois court as to any tenant, co-signer, occupant or guarantor, if waived upon any occupant or other person of suitable age and discretion who is present at the premises and residing therein, notwithstanding the fact that a Tenant, co-signer occupant or guarantor may reside at a different location other than the property address described in the lease agreement. This agreement regarding service is in addition to, and not in lieu of, any manner of service authorized under Illinois law or rule. By signing this lease the undersigned hereby waives any objection to service carried out under the terms of this agreement. This provision shall be effective for any extension, renewal or modification of the Initial lease.

Sec. 18-810. - Periodic Other Inspections and Inspection Procedures.

A) Every residential rental property and dwelling unit is may be also subject to periodic inspection by the village under the following circumstances: 1) Upon owner or tenant request or complaint with consent from both the owner and tenants; 2) when there is probable cause to believe a code violation may exist.; and 3) a complaint is made to the village of a code violation. at reasonable times and in a reasonable manner to ensure continuing compliance with all applicable laws and regulations. Such inspections shall be made safeguard the health, safety, and welfare of the occupants of any such dwellings and of the general public to ensure continuing compliance with all applicable laws and regulations. Inspections based upon complaints received will be conducted as received and determined as necessary by the Village. See Section 810(B) regarding inspection procedures. Whenever it appears by inspection that conditions or practices exist which are in violation for the provisions of this chapter or of any applicable laws and regulations, the village shall serve the owner or operator with notice of such violation, stating what action is required to correct the violation and the time period allowed for correction. Such notice shall state that unless the violations cited are corrected within the time allowed, the residential rental license may be suspended or revoked.

B) Any Village license inspection, follow-up inspection or other inspection required pursuant to Sections 18-805 and 18-810 of this Code shall be administered as follows:

(1) The Village shall notify the owner, and current tenant if applicable, of the request/requirement for an inspection in writing and provide the owner with a consent to inspect form. Reasonable notice for inspections under Sections 18-805 and 18-810 shall be defined as a minimum of five (5) business days advance written notice. The notice must be either personally delivered or mailed to the last known address of the owner and to the address of the property to be inspected. The notice must identify the property to be inspected, the general date and time frame of the scheduled inspection, provide the basis for inspection, and the name and contact information of the Building Director or authorized designee, with an invitation to contact the director or representative with any questions, concerns, or request to reschedule the inspection date and time.

(2) If the owner or current tenant responds that he or she will not consent to the inspection or refuses to allow Building Director voluntary admittance, the Director or designee shall proceed to obtain an administrative search warrant or other court order for said inspection, authorizing the Building Director or authorized representative entry into the property to conduct the inspection for compliance with Village building and life safety codes, including the International Property Maintenance Code of 2006 International Residential Code of 2006 as adopted by the Village pursuant to Section 14-2(c), as may be amended from time to time.

(3) Following the inspection, the Village will issue to the owner an inspection report as set forth in Sections 18-805 and 18-810 of this Code.

(4) Any person aggrieved by an inspection, shall have the right to appeal the inspection to the Village Adjudication Hearing Officer. The appeal shall be initiated by filing with the Village Clerk within ten (10) calendar days of the issuance of an inspection report, a written statement setting forth specifically the grounds for the appeal. The Village Adjudication Hearing Officer shall set the time and place for hearing such appeal and notice of such time and place shall be mailed to appellant. The Village Adjudication Hearing Officer may find a code violation, code compliance, or no violation of Village Code.

Sec. 18-814. – Non-renewal, Ssuspension or revocation of license; hearing; appeal.

The village may enforce the ordinance codified in this article by seeking any and all remedies under this Code, including the imposition of fines. In addition, the village administrator or his or her designee may recommend the denial of an initial application or renewal, suspension or revocation of any license issued hereunder if it appear to his or her satisfaction from the report of any village officer or agent of village making an inspection, or any other available information that the licensee is violating this or any other law ordinance, or is in violation of the nuisance section of this ordinance or is operating in such a mannger as to endanger the public health, safety or welfare, after reasonable notice and opportunity to take corrective action. The license issued pursuant to this section may be suspended or revoked, or denied renewal, by the village president and board of trustees upon recommendation of the village administrator or designee and upon a

hearing held before the village president ~~and board or his or her designee~~ if it appears that the licensee is in violation of this section or is operating in a manner not conducive to the public, health, morals or safety. Such action, if ordered, shall not preclude the prosecution and imposition of any other penalties provided for the violation of other applicable provisions of this code or other ordinances of the village. Said determination shall be made upon a preponderance of the evidence standard. Any person whose license has been suspended or revoked shall be entitled to an appeal to the village board of trustees within 15 days of the village president's decision.

Notice of the hearing for suspension, revocation or non-renewal of a license shall be given in writing, setting forth the grounds of the complaint and the time and place of the hearing. Such notice shall be personally delivered or sent by certified mail (return receipt requested) to the licensee at the last known address, at least five days prior to the date set for the hearing.

At the hearing, the village attorney shall present the complaint and shall represent the village. The licensee shall be permitted counsel and shall have the right to submit evidence and cross-examine witnesses. All testimony is to be given under oath, and determination shall be made upon preponderance of the evidence. The village president shall preside over the hearing, and the president and board of trustees shall render the decision. A stenographic or electronically recorded record of the hearing shall be kept.

Within a reasonable time after the conclusion of the hearing, but not later than thirty days after such conclusion, the president and board of trustees shall file a written decision. The licensee shall have thirty-five days thereafter to file an appeal with the Circuit Court of Cook County pursuant to 735 ILCS 5/3-103.

Section 6. Any non-preemptive state statute in conflict hereof with this Ordinance is hereby superseded to the full extent of such conflict pursuant to the exercise of the Home Rule Powers of the Village.

Section 7. The officials and officers of the Village are hereby authorized to undertake actions on the part of the Village to implement the newly adopted schedule of fines.

Section 8. This Ordinance, and its parts, are declared to be severable and any section, paragraph, clause, provision, or portion of this Ordinance that is declared invalid shall not affect the validity of any other provision of this Ordinance, which shall remain in full force and effect.

Section 9. All ordinances, resolutions, motions or orders in conflict with this Ordinance

are hereby repealed to the extent of such conflict.

Section 10. This Ordinance shall be in full force and effect upon its passage, approval and publication as provided by law.

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ADOPTED by the President and Board of Trustees of the Village of South Chicago Heights, Cook County, Illinois this 7th day of September 2021, pursuant to a roll call vote, as follows:

VOTE:

AYES: 4

NAYS: 0

ABSENT: 2

APPROVED by the President of the Village of South Chicago Heights, Cook County, Illinois on this 7th day of September 2021.


VILLAGE PRESIDENT

ATTEST:


VILLAGE CLERK