

THE CITY OF NORTH CHICAGO
LAKE COUNTY, ILLINOIS
ORDINANCE

2016 - 40

AN ORDINANCE AMENDING THE
CITY CODE OF THE CITY OF NORTH CHICAGO, AS AMENDED,
TITLE 5, CHAPTER 1 CONCERNING GENERAL LICENSE AND PERMIT CONDITIONS
TITLE 5, CHAPTER 14 CONCERNING LANDLORD LICENSING
TITLE 12, CHAPTER 1 CONCERNING BUILDING CODES; GENERAL PROVISIONS AND
TITLE 12, CHAPTER 12 CONCERNING VACANT BUILDING REGISTRATION

Passed by the City Council, November 07, 2016

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By Authority of the City Council

CITY OF NORTH CHICAGO
LAKE COUNTY, ILLINOIS

I hereby certify that this document
was properly published on the date
stated above.



City Clerk

ORDINANCE NO. 2016- 40

BE IT ORDAINED by the Mayor and City Council of the City of North Chicago, Lake County, Illinois, THAT:

AN ORDINANCE AMENDING THE
CITY CODE OF THE CITY OF NORTH CHICAGO, AS AMENDED,
TITLE 5, CHAPTER 1 CONCERNING GENERAL LICENSE AND PERMIT CONDITIONS
TITLE 5, CHAPTER 14 CONCERNING LANDLORD LICENSING
TITLE 12, CHAPTER 1 CONCERNING BUILDING CODES; GENERAL PROVISIONS AND
TITLE 12, CHAPTER 12 CONCERNING VACANT BUILDING REGISTRATION

shall be, and is hereby, adopted as follows:

Section 1. BACKGROUND.

The City licenses and regulates the landlords and rental housing in the City pursuant to its home rule and statutory powers. City staff has been reviewing these licensing requirements and regulations and has suggested a number of amendments to improve the City's administration and efficiency of these licensing program and application and enforcement of these regulations.

Section 2. AMENDMENT TO TITLE 5, CHAPTER 1, SECTION 5-1-5.

Section 5-1-5 will be and are hereby amended and will be and read as follows (~~double stricken text removed~~, **bold and highlighted text added**):

- A. New Applications:** Upon receipt of an application for a license or permit where provisions of this code necessitate an inspection or investigation before the issuance of such permit or license, the comptroller shall refer such application to the proper office for making such investigation within forty eight (48) hours of the time of such receipt. The officer charged with the duty of making the investigation shall make a report thereon, favorable or otherwise, within ~~ten (10)~~ **fourteen (14) business** days after receiving the application or a copy thereof. ~~The office of the building commissioner shall make or cause to be made an inspection in regard to such licenses concerning the care and handling of food, to prevent nuisances and the spread of disease, for the protection of health. The building commissioner shall make or cause to be made any such inspections relative to the construction of buildings or other structures.~~ **The office of the building commissioner shall make or cause to be made an inspection in regard to such licenses concerning the construction of buildings, and compliance with applicable building and property maintenance codes.** All other investigations except where otherwise provided, shall be made by the chief of police or by some other office designated by the mayor. A fee for inspection is included in the license fee.
- B. Renewals:** **Upon submittal of an application for renewal of a business license, provided the nature of the business, owners, location or other such features have not substantively changed since the issuance of the initial or prior years license, the comptroller shall, within fourteen (14) business days after receiving the application or a copy thereof, issue a provisional license to the**

applicant. Said provisional license is issued subject to subsequent inspections and investigations by the City of North Chicago. Concurrently, the Comptroller's office shall refer such application to the proper office for making such inspection and/or investigation. The recipient office shall within six (6) months of receipt of such renewal application make a report thereon, favorable or otherwise, within fourteen (14) business days after receiving the application or a copy thereof. The office of the building commissioner shall make or cause to be made an inspection in regard to such licenses concerning the construction of buildings, and compliance with applicable building and property maintenance codes. All other investigations, except where otherwise provided, shall be made by the chief of police or by some other office designated by the mayor. Any provisional license as issued by the Comptroller's office may be revoked and/or a subsequent renewal license denied if any items as identified by the respective office have not been resolved in the time specified. A fee for inspection is include in the license fee.

Section 3. AMENDMENTS TO TITLE 5, CHAPTER 14.

The following sections and subsections in Title 5, Chapter 14 will be and are hereby amended and will be and read as follows (~~double stricken text removed~~, **bold and highlighted text added**):

A. Section 5-14-4.

- A. The landlord license shall expire each year on the ~~30th of April~~ **September 30**, or when one of the following occurs:

* * *

B. Section 5-14-5.

- A. The occupancy certificate for each dwelling unit shall expire two (2) years from the date of issue or when the following occurs:

* * *

5. In the event of new construction, the initial occupancy certificate shall be valid for a period of four years, after which subsequent occupancy certificates shall be valid for a period of not more than two years, or as indicted in items one thru four above of this Section.

C. Section 5-14-6.

- B. Each application for landlord licensing shall be accompanied with a fee listed under the fee section of this chapter. ~~This fee may be waived for other units of government or public housing authorities when such entity is the owner of said residential rental property.~~

D. Section 5-14-10.

- A. Each dwelling unit must have a valid occupancy certificate ~~(an indicator that an inspection has been conducted within the last two (2) years)~~ at the time of application for landlord licensing. ~~Owners will have one hundred eighty (180) days from the adoption and effective date of this chapter to schedule and pay for necessary occupancy inspections for those dwellings that have not been inspected within the previous two (2) years.~~ Subsequent renewal of occupancy certificates due to expire shall be initiated by the owner, forty-five (45) days before the expiration date.

* * *

- C. Inspection of dwelling units, to the extent reasonable and possible, shall be conducted with the consent and cooperation of the owner(s) or the property agent and tenants.

* * *

2. If the dwelling unit is occupied, a member of the tenant household over the age of eighteen (18) must be present during the inspection, or a signed **and notarized release, dated not more than three (3) days prior to the inspection date,** authorizing the owner and the inspector to enter the unit for purpose of inspecting.

* * *

H. With respect to multi-family developments containing fifty or more units, under single ownership, having been constructed on or after January 1, 1990, and at the discretion of the City of North Chicago, may be eligible for a multi-year certificate in which case:

1. **Only twenty-five (25) percent of the units need to be inspected during any 12 month period except as provided in Section 5-14-19 herein.**
2. **All public areas, including common hallways, storage areas, etc., shall be inspected on an annual basis.**
3. **All mechanical equipment, including furnaces, water heaters, air conditioning compressors, etc. shall be inspected and certified no less than once every twenty four months, and management shall maintain a file attesting to the certification of all such units.**

E. Section 5-14-18.

- A.** The fee for a one-year landlord license shall be as follows:

~~Thirty five dollars (\$35.00) per building address~~ **Fifty Dollars (\$50.00) per building address**

- B.** **The fee for a multi-year certificate landlord license shall be as follows:**

One Hundred Dollars (\$100.00) per building address

F. Section 5-14-19.

Renewals received after June October 1st	\$50.00 \$100.00
July 1st November 1st	\$100.00 \$150.00
August 1st December 1st	\$200.00 \$250.00
Sept. 1st January 1st	\$400.00 \$500.00

Section 4. AMENDMENTS TO TITLE 12, CHAPTER 1, SECTION 12-1-6.

The Permit Fee Schedule Table in Section 12-1-6 will be and are hereby amended and will be and read as follows (~~double-stricken text removed~~, **bold and highlighted text added**):

* * *

Certificates of Occupancy		
New Construction	Single Family Homes	\$150.00
	Multi Family (per unit)	\$100.00
Existing Buildings	Single Family Homes	\$50.00
	Multi Family 1st living unit <u>each unit</u>	\$50.00
	Multi Family each additional unit	\$35.00

* * *

Section 5. AMENDMENTS TO TITLE 12, CHAPTER 12.

The following sections and subsections in Title 12, Section 12 will be and are hereby amended and will be and read as follows (~~double-stricken text removed~~, **bold and highlighted text added**):

A. Section 12-12-1.

BUILDING (STRUCTURE):

* * *

DEFAULT: means that the mortgagor has not complied with the terms of the mortgage relative to the property, or the promissory note, or other evidence of the debt, referred to in the mortgage.

FORECLOSURE: means the legal process by which a Mortgagee, or other line holder, terminates a property owner's equitable right of redemption to obtain legal and equitable title to the real property pledged as security for a debt or the real property subject to the lien. This definition shall include, but is not limited to, public notice of default, a deed-in-lieu of foreclosure, sale to the Mortgagee or lien holder, certificate of title and all other processes, activities, and actions by whatever name, associated with the described process. The process is not concluded until the property obtained the mortgagee, lien holder, or their designee, by certificate of title, or any other means, is sold to a non-related bona fide purchaser in an arm's length transaction to satisfy the debt or lien.

MORTGAGEE: means the creditor, including but not limited to, trustees, mortgage service companies; lenders in a mortgage agreement, any agent, servant, or employee of the creditor; any successor in interest; or any assignee of the creditor's rights, interests or obligations under the mortgage agreement.

OWNER:

* * *

PROPERTY MANAGEMENT ENTITY – means an individual (including the owner, if applicable), property manager, property maintenance company or similar entity responsible for the maintenance of the property.

* * *

B. Section 12-12-4.

a. Within ten (10) days of a building becoming vacant, as defined herein, the owner of the building shall apply for a vacant building registration certificate and pay the fee according to the fee schedule contained herein; ~~provided, however, that all eleemosynary, religious, educational, benevolent or charitable associations and all governmental agencies shall be exempt from the payment of the registration fee. If the structure is still vacant at the time of expiration of the original vacant building registration certificate, the owner shall immediately apply to renew the certificate. Renewal may be approved, at the discretion of the Director of Building and Community Development, upon demonstrated need, for a maximum of two (2) additional six month periods, for a maximum of eighteen (18) months total vacancy registration.~~ Renewed certificates shall be subject to all conditions and obligations imposed by this article on the initial certificate, including the payment of the fee at each renewal. It shall be the responsibility of the registered owner to file an amended registration within ten (10) days of any changes contained in the initial application, including occupancy or transfer. During the period of registration, the owner shall provide access to the city to conduct inspections of the building, both interior and exterior if deemed necessary by the city, and, following reasonable notice, to determine compliance with this chapter and any other relevant codes and ordinances of the City of North Chicago.

C. Section 12-12-5.

a. Application by the owner of a vacant building for a vacant building registration certificate shall be made on a form provided by the Building and Community Development Department and will be available in the office or on the City website. The application shall include a "statement of intent" that shall set forth information as to: 1) the expected period of vacancy (including the date of initial vacancy); 2) the plan for regular maintenance during the vacancy to comply with the vacant building maintenance standards of this subsection and all of the applicable property maintenance, building and zoning codes of the City of North Chicago; 3) a plan and time line for the lawful occupancy, rehabilitation,

removal or demolition of the building; 4) measures to be taken to ensure that the structure will be kept weather tight and secure from trespassers and that it will be safe for entry by police officers, firefighters and building inspectors in times of exigent circumstances or emergency as well as at times of reasonable inspection as provided in Section 12-12-4(a) above; 5) measures to be taken to ensure that the premises remain free from nuisance conditions and in good order in conformance with the vacant building maintenance standards; and 6) list all persons authorized to be present in the building and provide notices of trespass to the police authorizing the arrest for trespass of individuals not on the list. The owner shall update the authorized person list as needed.

b. ~~No vacant building registration certificate shall be effective for more than six (6) months from the date of issuance. Only two six month renewals at the Director of Building and Community Development's sole discretion, upon demonstrated need, may be allowed as above.~~ **Vacant Building Registration Certificates shall be effective for 12 months, and shall be renewed annually.**

c. **Structures that the City of North Chicago has boarded-up or has caused to be boarded-up shall automatically be registered and lien placed on the property to recover the registration fee and cost of board-of service. The City reserves the right to invoice the property owner in lieu of lien recording.**

D. Section 12-12-7.

The Vacant Building Registration Certificate application fee shall be paid at the time of initial application or renewal. The application and ~~renewal fee shall~~ **will be as follows** ~~be three hundred dollars (\$300.00):~~

Initial Application: Six Hundred Dollars (\$600.00)

First Renewal: Nine Hundred Dollars (\$900.00)

Subsequent Renewals: Twelve Hundred Dollars (\$1,200.00)

Section 6. ADDITION OF NEW SECTION 12-12-4A TO TITLE 12, CHAPTER 12.

A new Section 12-12-4A will be and is hereby added to Title 12, Chapter 12 and will be and read as follows:

12-12-4-A REGISTRY OF DEFAULTED MORTGAGE REAL PROPERTY

Registration of Defaulted Mortgage Real Property

A. Upon the default of the mortgagor, any Mortgagee who holds a mortgage on Real Property located within the City shall, within thirty (30) calendar days, inspect and register the property with the City or its designee. Alternatively, Mortgagees may choose to file an Appeal of Determination as provided for in this section.

B. Registration pursuant to this Section shall be completed either on a form or in another manner as proscribed by the City or its designee, and which shall include at least all of the following:

1. A report if the Building is vacant, unoccupied or occupied;
 2. Complete contact information for the Mortgagee or a third party servicer;
 3. Complete contact information, including a twenty-four hour contact phone number of the individual or company responsible for the abatement of nuisance conditions, code compliance, and an expenditures in connection therewith;
 4. A plan of action and timeline to, as applicable, (i) remove unsightly boarding and securing the building from unlawful entry; (ii) meet and maintain all applicable codes; (iii) declare the intent to occupy or to extend the vacancy; (iv) declare the intent to rehabilitate and repair, demolish, sell and/or rent the property;
 5. Voluntary scheduling of an inspection by the City Code Enforcement Officer;
 6. Other information as requested by the City or its designee; and
 7. A non-refundable, non-prorated fee of One Hundred Dollars (\$100.00).
- C. A separate registration is required for each property, whether it is found to be Vacant, Unoccupied or occupied.
- D. So long as the borrower is in default under the terms of the mortgage, the Mortgagee shall comply with the requirements of this Section until such time as the Mortgagee provides written notice to the Owner and the City that the Mortgage has been reinstated or released.
- E. Failure of the Mortgagee to properly register or to modify the registration from time to time to reflect a change of circumstances as required by the Section is a violation of this Section.
- F. At such time as the building become vacant, as defined herein, the Mortgagee shall be required to register the building as a vacant building, as provided for herein.

Section 7. EFFECTIVE DATE.

This Ordinance shall be in full force and effect upon its passage, approval and publication in the manner required by law.

PASSED AND APPROVED THIS 7th DAY OF NOVEMBER, 2016 ON A ROLL CALL VOTE AS FOLLOWS:

AYES: FISHER, MAYFIELD, EVANS, ALLEN, MARKHAM, RUNNELS, JANUARY

NAYS: NONE

ABSENT: NONE


LEON ROCKINGHAM, JR., MAYOR

ATTEST:


LORI COLLINS, CITY CLERK

