

VILLAGE OF FOX LAKE

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ORDINANCE NO. 2000 - 05

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AN ORDINANCE ESTABLISHING A SYSTEMATIC INSPECTION FOR RENTAL HOUSING IN THE VILLAGE OF FOX LAKE.

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ADOPTED BY THE  
PRESIDENT AND BOARD OF TRUSTEES  
OF THE  
VILLAGE OF FOX LAKE

THIS 20 DAY OF March, 2000.

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PUBLISHED IN PAMPHLET FORM BY THE AUTHORITY OF THE  
PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF FOX LAKE,  
ILLINOIS, THIS 21 DAY OF March 2000.

ORDINANCE NO. 2000 - 05

**AN ORDINANCE ESTABLISHING A SYSTEMATIC INSPECTION FOR RENTAL HOUSING IN THE VILLAGE OF FOX LAKE.**

**WHEREAS**, the President and Board of Trustees of the Village of Fox Lake have determined that it is necessary for the Village of Fox Lake to inspect all units of rental housing in the Village for the purpose of maintaining compliance with the Village's property maintenance laws, ordinances, and regulations; and

**WHEREAS**, the President and Board of Trustees acknowledge that most residential dwellings within the Village are owner occupied, and the on-site presence of the owners helps ensure that residential dwellings are maintained in compliance with applicable property maintenance laws, ordinances, and regulations; and

**WHEREAS**, the President and Board of Trustees have determined that, for those few residential dwellings that are not owner occupied, the need for systematic inspections has arisen from numerous complaints regarding the condition of rental housing in the Village and documented cases of owners and occupants of rental housing failing to maintain compliance with basic property maintenance laws, ordinances, and regulations; and

**WHEREAS**, the President and Board of Trustees have determined that requiring the owners or persons in charge of all units of rental housing to have those units subject to inspections will reduce the number of complaints regarding the condition of rental housing and will promote the condition and property values of residential neighborhoods within the Village; and

**WHEREAS**, the passage of this Ordinance constitutes an exercise of the police power of the Village of Fox Lake and is intended to protect the health, safety, and welfare of the community.

**NOW, THEREFORE**, be it ordained by the President and Board of Trustees of the Village of Fox Lake, Lake and McHenry Counties, Illinois as follows:

**Section I:** The Village Code of the Village of Fox Lake is amended by repealing Paragraph C of Section 1-9-3-3, by redesignating Paragraph D of Section 1-9-3-3 as Paragraph C of Section 1-9-3-3 and the addition of the following as Section 1-9-3-5, through and including Section 1-9-3-15.

**1-9-3-5: Inspection of Dwellings.**

- (a) **Inspection.** Any dwelling that is leased or rented shall be subject to inspection by a code official upon change of occupancy, upon a request of a tenant or owner, or for probable cause, for the purpose of determining whether that dwelling is in compliance with all applicable property maintenance laws, ordinances and regulations.
- (b) **Notice of inspection: Consent to inspection.** The code official shall provide notice of the inspection to the owner or at least one of the occupants of the dwelling. An inspection shall be conducted only if the owner or the occupant has given their consent to the inspection at a time agreed upon by the code official. Notice shall be given to the owner of record or the beneficial owner of the dwelling by either mailing notice to the address of the person or entity to whom real estate tax bills are mailed or by hand delivery to the owner. Notice shall be given to the occupant(s) by mailing the notice to the address of the dwelling to be inspected or by hand delivery of the notice to an occupant who is 14 years of age or older or by posting the notice on the front door of the dwelling. If the owner or the occupant (or both) refuse consent to the inspection, then the code official shall be authorized to obtain an administrative search warrant as provided in section 1-9-3-10.
- (c) **Scope of inspections.** The code official, when inspecting the dwelling, shall limit the scope of the inspection to only those items that pertain to the property maintenance laws, ordinances, and regulations applicable to the dwelling being inspected. This includes, but is not limited to, the terms and provisions of the BOCA National Property Maintenance Code, as adopted by the Village and as amended from time to time including the various codes incorporated by reference in the BOCA National Property Maintenance Codes.

**1-9-3-6 Frequency of Inspections.**

- (a) **Inspection Based On Cause.** Nothing in this article shall preclude the inspection of a rental dwelling when the code official has notice or a reasonable suspicion that the dwelling has one or more violations of any applicable property maintenance law, ordinance, or regulation.
- (b) **Reinspections.** The code official shall be authorized to conduct reinspections of rental dwellings following an initial inspection if the code official has found code violations and has given the owner or occupant notice of the violations with a directive to correct those violations within a specific time.

**1-9-3-7 Certificate of Compliance.**

- (a) **Issuance of Certificate.** After the code official has determined that a rental dwelling is in compliance with all applicable property maintenance laws, ordinances, and regulations, the code official shall issue a certificate of compliance to the owner or person in charge of a rental dwelling. The certificate of compliance shall be valid until another inspection is required.
- (b) **Certificate Required.** Subject to the provisions of subsection (c), no owner or person in charge of a rental dwelling may permit the occupancy of the dwelling by any lessee or tenant without having a valid certificate of compliance for the dwelling.
- (c) **Interim Occupancy.** During the first year of the effective date of this article, any owner or person in charge of a rental dwelling may continue to permit the occupancy of the dwelling by the lessee or tenant until the code official has conducted an inspection of the dwelling.

**1-9-3-8 Correction of Violations.**

- (a) **Violations.** The owner or person in charge of a rental dwelling shall correct violations of any applicable property maintenance laws, ordinances, or regulations within the time allowed by the code official. When the code official finds violations that threaten the life safety of the occupants of the rental dwelling or the occupants of nearby dwellings, the code official may order the evacuation of the dwelling in accordance with applicable law. The code official's decision shall be subject to appeal as provided by applicable law. If the violations do not pose an immediate threat to life safety, the owner or person in charge of the rental dwelling will then be permitted to allow the interim occupancy of the rental dwelling during the time specified for corrective action. If the owner or person in charge of the rental dwelling fails to bring the rental dwelling into compliance within the applicable time, the code official shall be authorized to order the vacation of the dwelling and to seek the revocation or suspension of any previously issued certificate of compliance still in effect

**1-9-3-9 Suspension or Revocation, or Refusal to Renew Certificate.**

- (a) **Procedure.** The suspension, revocation, or nonrenewal to renew of any certificate of compliance shall not release or discharge the certificate holder from the payment any fees due under this article, nor shall the certificate holder be released from prosecution for violating this article.

- (b) **Public Nuisance.** The Code Official may suspend, revoke, or refuse to renew the certificate of compliance held by the owner or person in charge of a rental dwelling who knowingly permits the rental dwelling to be used in a manner that constitutes a public nuisance after (1) having received written notice from the village or any other governmental entity that the use of the rental dwelling constitutes a public nuisance and (2) having failed to take action to terminate the public nuisance after receipt of notice of such condition. The term "public nuisance" shall mean any conduct of the occupants or guests of the rental dwelling or condition of the rental building (including exterior portions of the property) that injures or endangers the health, safety, and welfare of the occupants or of the surrounding community. The term "public nuisance" shall include that conduct or condition or property that has been defined by federal, state, or local law to constitute a public nuisance.

**1-9-3-10 Inspections required.**

The inspections required by this article shall be administrative in nature. When the owner, person in charge, or occupant of a rental dwelling refuses to allow the code official to inspect the rental dwelling, nothing in this article shall be construed as prohibiting the code official from obtaining an administrative search warrant issued by a court of competent jurisdiction. The code official's decision whether to obtain an administrative search warrant shall not preclude the code official from ordering the vacation of a rental dwelling not having a valid certificate of compliance and seeking judicial relief for the unlawful occupancy of a rental dwelling with a valid certificate.

**1-9-3-11 Fees**

- (a) The owner or person in charge of a rental dwelling shall pay the fees for inspections and reinspections as hereinafter set forth.

1.	Houses and each apartment	\$ 50.00 each
2.	Hotel and Motel rooms	\$ 10.00 each
3.	Studio apartments	\$ 20.00 each
4.	Second Reinspection	\$ 25.00
5.	Third Reinspection	\$ 50.00

- (b) Once a house or an apartment has met the criteria established by this Ordinance and a Certificate of Compliance issued for such house or apartment, then the fee for subsequent inspections shall be \$25.00 for each house and each apartment

**1-9-3-12 No Warranty of Habitability.**

The issuance of a certificate of compliance shall not be construed as a warranty of habitability of the dwelling unit or any guarantee to the certificate holder or any occupant of the rental dwelling that the rental dwelling is free from all violations of all applicable property maintenance laws, ordinances, or regulations. Nothing in this article shall be construed as creating a duty or obligation of the village or its code official or agents and employees to any individual certificate holder or occupant of or visitor to a rental dwelling.

**1-9-3-13 Certificate of Compliance Not Transferable.**

A certificate of compliance shall be personal to the owner or person in charge of a rental dwelling and is not transferable to a subsequent purchaser. When a sale of a rental dwelling is subject

to contract and the purchaser will use the dwelling as rental housing, the purchaser shall be required to obtain a new certificate of compliance from the Village prior to allowing the occupancy of a rental dwelling by a lessee or tenant.

**1-9-3-14 Definitions.**

As used in this article, the following terms shall have the meanings ascribed to them:

- (a) **Code Official:** Building Commissioner, Deputy Building Commissioner, Code Enforcement Officer, Fire Marshall or such other person designated by the Village President or the Building Commissioner.
- (b) **Dwelling:** A building or portion thereof, including hotels or motels, containing as principal uses one or more dwelling units, but excluding house trailers, and recreational vehicles.
- (c) **Lease or Rent:** To permit possession and occupancy of a dwelling for consideration. The occupant(s) shall be defined as "lessee(s)" or "tenant(s)". The housing unit leased or rented shall be defined as a "rental dwelling."
- (d) **Property Maintenance Laws, Ordinances, and Regulations:** Any national code or village ordinance applicable to the maintenance and condition of a dwelling, including but not limited to building, electrical, and plumbing regulations and life safety regulations such as smoke and fire detector regulations.

**1-9-3-15 Notice to Village of Rental Dwelling.**

The owner or person in charge of a rental dwelling shall provide the Building Commissioner or his or her designee with written notice that a residential dwelling is being leased or rented. Such notice shall be given within 30 days of the effective date of this article. For any residential dwelling that is intended to become a rental dwelling after the effective date of this article, the owner or person in charge of the rental dwelling shall provide the same written notice prior to allowing the occupancy of the rental dwelling by a lessee or tenant.

**Section II:** This Ordinance shall be in full force and effect from and after its passage, approval and publication as provided by law.

**Section III:** Ordinance No. 98-32 is hereby repealed in its entirety upon the effective date of this Ordinance.

**1-9-3-16 Penalties.**

- a. Failure to pay an inspection fee will result in a Certificate of Compliance not being issued and the Village may, if it elects to do so, prosecute a code violation for failure to have a Certificate of Compliance pursuant to this Section 1-9-3-5 and all subsections thereof.
- b. Any person violating any provision of Sections 1-9-3-5 through and including Section 1-9-3-15 shall be fined not less than \$50.00 nor more than \$750.00, and each day upon which a violation occurs or continues shall be deemed a separate offense.

Passed and approved by the President and the Board of Trustees of the Village of Fox Lake, Lake and McHenry Counties, Illinois this 20 day of March, 2000.

  
VILLAGE PRESIDENT

ATTEST:

  
Village Clerk

Pursuant to a roll call vote:

TRUSTEES

Dona Shearer

J. Kevin Hunter

Greg Murrey

Ted Beskow

Cindy Irwin

Steve Moulis

AYE

NAY

## CERTIFICATIONS

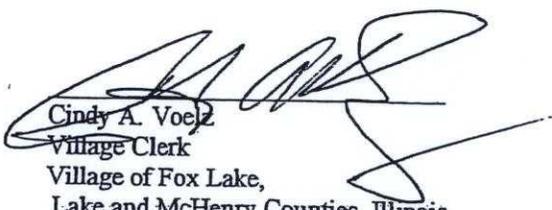
I, Cindy A. Voelz, do hereby certify that I am the duly appointed, acting and qualified Clerk of the Village of Fox Lake, Lake and McHenry Counties, Illinois, and that as such Clerk, I am the keeper of the records and minutes and proceedings of the President and Trustees of said Village of Fox Lake.

I do hereby further certify that at a regular meeting of the President and Trustees of the Village of Fox Lake, held on the 20<sup>TH</sup> day of MARCH, the foregoing Ordinance entitled: "AN ORDINANCE ESTABLISHING A SYSTEMATIC INSPECTION FOR RENTAL HOUSING IN THE VILLAGE OF FOX LAKE" was duly passed by the President and Trustees of the Village of Fox Lake.

The pamphlet form of Ordinance 2000-05, including the Ordinance and a cover sheet thereof, was prepared, and a copy of such Ordinance was posted in the Village Hall, commencing on the 21<sup>ST</sup> day of MARCH 2000, and continuing for at least 10 days thereafter. Copies of such Ordinance were also available for public inspection upon request in the office of the Village Clerk.

I DO FURTHER certify that the original, of which the attached is true and correct copy, is entrusted to me as the Clerk of said Village for safekeeping, and that I am the lawful custodian and keeper of the same.

GIVEN under my hand and seal this 21<sup>ST</sup> day of MARCH 2000.

  
Cindy A. Voelz  
Village Clerk  
Village of Fox Lake,  
Lake and McHenry Counties, Illinois