

**AN ORDINANCE
AMENDING CHAPTER 10 OF THE ZION MUNICIPAL CODE TO
ESTABLISH RENTAL HOUSING INSPECTION AND CERTIFICATION
REGULATIONS**

Sec. 10-180. – Rental housing inspection and certification.

(1) *Definitions:* Unless otherwise expressly stated or clearly indicated by context, the following terms as used in section 10-180 shall have the meanings indicated in this section:

Code means the Municipal Code of the City of Zion, as amended, all city rules, regulations, and policies, and all state laws, rules, regulations, and policies.

Code official means the director of building and zoning or the director's designee.

Dwelling unit means a building or portion thereof designed to be used as a residence; a single unit providing complete independent facilities for the exclusive use of a person or persons, including, but not limited to, provisions for living, sleeping, eating, cooking, and sanitation. A dwelling unit shall not include motels, hotels, nursing homes, boardinghouses, hospital patient housing, or rooming houses, as those terms are defined in section 102-281.

Initial inspection means the first inspection of a dwelling unit for the purpose of determining compliance with the code.

Let for occupancy or let means to permit, provide or offer possession or occupancy of a dwelling unit to a person who is or who is not the legal owner of record thereof, pursuant to a written or unwritten lease, agreement, license, or similar instrument, or pursuant to a recorded or unrecorded agreement or contract of sale for the premises.

Occupant means a person occupying a dwelling unit or using the property as a legal address for any purpose.

Owner means any person, agent, operator, firm, or corporation having a legal or equitable ownership interest in a property.

Person means a corporation, firm, partnership, association, organization, or any group acting as a unit or legal entity, as well as a natural person.

Property agent means a person, operator, firm, partnership, corporation, or other legal entity designated in writing by the property owner on the owner's certificate of compliance application.

Re-inspection means any inspection of a residential rental property that occurs after the initial inspection.

Residential rental property means any dwelling unit let for occupancy to a person or persons for any amount of rent or compensation and for use as a dwelling unit.

(2) *Prohibited conduct*

- (a) It shall be unlawful for any person to let to another for use or occupancy any residential rental property without a current and valid city-issued certificate of compliance.
- (b) It is unlawful for any person to occupy a residential rental property that does not have a valid city-issued certificate of compliance.
- (c) It is unlawful to allow any person to occupy a residential rental property that does not have a valid city-issued certificate of compliance.
- (d) It is unlawful for any person to violate any provision of this section 10-180.

(3) *Certificate of compliance – conditions and term*

- (a) A certificate of compliance will remain valid until the sooner of any of the following occurs:
 - (i) The city revokes or suspends the certificate of compliance in accordance with this section 10-180;
 - (ii) For properties having to correct violations, twelve (12) months after the date of the certificate of compliance's issuance; For properties having received a certificate of compliance from the City without having to correct any violations, twenty-four (24) months after the date of certificate of compliance's issuance;
 - (iii) The residential rental property is damaged or destroyed to the extent that it is no longer habitable;
- (b) A certificate of compliance may not be transferred between owners.
- (c) A certificate of compliance may not be transferred from one residential rental property to another.

(4) *Certificate of compliance – application*

- (a) Owners shall complete a certificate of compliance application on a form provided by the city and provide all other information reasonably requested by the city. At a minimum, owners shall provide the following information for each residential rental property:
 - (i) Owner's legal name, home and business address, home, business, and mobile telephone numbers, and e-mail address;
 - (ii) Property agent's legal name, business address, business and mobile telephone numbers, and e-mail address;
 - (iii) The address of the residential rental property;
 - (iv) The residential rental property's square footage; and
 - (v) The application and inspection fee listed in the city's fee schedule.
- (b) An owner shall submit a revised application to the city within 30 days of any modifications to the information the owner previously provided on a certificate of compliance application.
- (c) Applications for certificates of compliance shall be filed within one hundred eighty (180) days of the effective date of this section 10-180. Thereafter, applications for certificates of compliance shall be filed at least thirty (30) days before the certificate of compliance's expiration.
- (d) Each certificate of compliance shall contain the certificate's date of issuance, the owner's name, and the address of the residential rental property that the certificate of compliance covers.
- (e) Owners that fail to submit a certificate of compliance application in accordance with the timeframes set forth in section 10-180(4) shall be required to pay an application and inspection fee equaling 200% of the application and inspection fee listed in the city's fee schedule.
- (f) The city may issue a temporary certificate of compliance when, in the opinion of the code official, none of the violations observed threaten life-safety or health. Temporary certificates of compliance shall expire no later than 60 days after issuance.

(5) *Inspections*

- (a) Upon submitting a certificate of compliance application, the owner shall schedule with the city an inspection of the residential rental property.
- (b) Each inspection made by the code official shall be for the purpose of determining compliance with the code.
- (c) The code official shall issue a certificate of compliance only upon finding that there is no condition that would constitute a hazard to the health and safety of the occupants and the residential rental property is otherwise fit for occupancy. If such findings are not made, the code official shall issue a notice to comply to the owner or property agent. Upon re-inspection and evidence of compliance, the code official shall issue a certificate of compliance.
- (d) The code official shall issue certificates of compliance on the condition that the residential rental property remains in a safe, habitable, and code-compliant condition. If upon re-inspection the city determines that conditions exist which constitute a hazard to the occupants' health or safety, the city may immediately suspend or revoke the certificate of compliance by mailing notice to the owner or property agent.
- (e) The code official shall maintain a city-wide plan of all residential rental properties occupied or held or offered for occupancy based on certificate of compliance applications and other reasonably available information.
- (f) The code official shall establish and maintain a schedule of inspections necessary to carry out the intent and purpose of this section 10-180.
- (g) In the event an owner, property agent, or occupant of a residential rental property refuses to allow the code official to inspect a residential rental property, schedule a time to inspect the residential rental property, or otherwise fails to comply with the code, the city reserves all remedies to secure compliance with this section 10-180, including, without limitation, seeking an administrative search warrant or suspending or revoking an owner's certificate of compliance.
- (h) Violations discovered during inspection shall be identified in a written notice to the owner or the property agent. If the identity of the owner cannot be readily ascertained, the notice shall be mailed to the last taxpayer of record shown on the records of the Lake County Treasurer. Violation notices shall be mailed to the owner or property agent within thirty (30) days of their discovery by the code official.

(i) The code official shall complete as many re-inspections as are reasonably necessary to ensure that appropriate corrective action has been taken to bring the residential rental property into compliance with the code.

(6) *Appeals*

(a) Any person receiving a violation notice pursuant to this section 10-180, any person denied a certificate of compliance, or any person whose certificate of compliance has been suspended or revoked shall have the right to appeal to the planning and zoning commission. Such an appeal shall be in writing and filed with the code official within 14 days of the date of the code official's action. The appeal shall contain a complete statement of the reasons for the appeal, the specific facts supporting the appeal, and all evidence the appellant intends to rely on to support the appeal.

(b) The planning and zoning commission shall schedule a meeting to consider the appeal within 30 days of receiving the appeal. The planning and zoning commission may consider all facts, evidence, and testimony presented by the appellant and the code official, and all other information the planning and zoning commission determines to be relevant to the appeal.

(c) The planning and zoning commission shall send written notice of its decision to the owner within 30 days of hearing the appeal.

(7) *Other inspections:* Nothing in this section 10-180 shall restrict, limit, or alter the city's authority to inspect any property nor impose penalties for violations of the code.

(8) *Penalty*

(a) In addition to any other remedy, including, without limitation, remedies at law and in equity, any person violating the terms of this section 10-180 shall be fined not more than \$750.00 for each day the violation continues nor less than \$100.00 for each day the violation continues. Each day a violation continues shall be a separate offense.

(b) Every act or omission by any person that constitutes a violation of section 10-180 shall be deemed to be an act or omission of the owner and punishable in accordance with the terms section 10-180.

Sec. 10-9. Permit fee schedule.

Building and other permit fees shall be computed in accordance with the following:

(c) Certificate of occupancy/miscellaneous inspections:

Residential, one or two units	\$100.00
Residential over two units, first unit	\$100.00
Each additional unit	\$ 50.00
Rental Certification Inspection	\$ 75.00 per dwelling unit

Residential buildings containing more than 132 multiple-family dwelling units, as those terms are defined in Chapter 102 of this Code: Not to exceed \$10,000 per calendar year.

Residential buildings containing more than 132 multiple-family dwelling units, as those terms are defined in Chapter 102 of this Code, and part of a single, geographically contiguous, complex of multiple-family dwelling units, as determined by the Director of Building and Zoning: Not to exceed \$10,000 per calendar year.

Commercial, per unit	\$250.00
Industrial and warehouse	\$500.00
Vacant residential, one or two units	\$100.00
Vacant residential over two units, first unit	\$100.00
Each additional unit	\$ 50.00
Vacant commercial, per unit	\$500.00