

ORDINANCE NO. 5918-11-13

AN ORDINANCE AMENDING CHAPTER 22, ARTICLE VIII OF THE CODIFIED ORDINANCES OF THE CITY OF EDWARDSVILLE, ADOPTING A REGISTRATION AND INSPECTION PROGRAM FOR RESIDENTIAL PROPERTIES BEING RENTED WITHIN THE CITY OF EDWARDSVILLE, ILLINOIS

WHEREAS, the City Council finds there are a growing number of residential rental properties within the City, and that many of these properties are in a declining state of maintenance, and;

WHEREAS, inadequate maintenance directly affects the health, life, safety and welfare of the citizens of Edwardsville and impacts the health and vitality of the surrounding neighborhood and the City as a whole, and;

WHEREAS, the City of Edwardsville promotes the use of community policing efforts and cooperation with property owners and residents to help ensure the safety of the entire community, including residential rental properties, and;

WHEREAS, the regular collection and maintenance of accurate, up-to-date information about residential rental properties and the identification of responsible persons for the property who are easily accessible will assist the City to ensure their safety and compliance with relevant property maintenance codes, and;

WHEREAS, the City Council, after appointing an ad hoc committee to review the matter and considering the committee's recommendations, concludes that a rental registration and inspection program is a reasonable step toward insuring suitable housing, safe and viable neighborhoods and a healthy City.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF EDWARDSVILLE, ILLINOIS, as follows:

Chapter 22, Article VIII of the Codified Ordinances of the City of Edwardsville is hereby amended to read as follows:

Sec. 22-261. Purpose. It is the purpose of the City of Edwardsville Rental Registration and Inspection Program to assure that rental housing in the City is maintained in a good, safe and sanitary condition and does not create a nuisance or blighted conditions to its surroundings, and to aid in the enforcement of the property maintenance code, building safety code, zoning ordinance, and other relevant provisions of the City Code for all applicable residential rental units within the City. ~~adopted herein to collect current and accurate information identifying existing rental properties and to assist with efforts of various City officials and departments, including the Public Works Director, City Clerk, Police Department and Fire Department in maintaining accurate records of residential rental properties and their tenants to enable said officials and departments to perform their respective duties.~~

Sec. 22-262. Scope. This Ordinance applies to any dwelling unit and its accessory units that are leased as rental units located within the City of Edwardsville, with the following exceptions:

- (1) nursing homes, as defined in the Edwardsville Zoning Ordinance;
- (2) hotels and motels, as defined in the Edwardsville Zoning Ordinance;
- (3) publicly-owned housing, owned by a governmental agency; and
- (4) housing owned and operated by a State university.

Sec. 22-263. Definitions. The following words and phrases, when used in this Ordinance, shall have the meanings respectively ascribed to them in this section, except where the context otherwise requires.

Building Official means the Director of Public Works, or his/her authorized designee.

Duplex means a building with two (2) ~~Rental~~ Units.

Local Agent means one or more persons or business entity who has charge, care, or control of a building in whole, or part thereof, in which rental units are maintained.

Multi-Family Building means a structure that contains three (3) or more Rental Units.

Owner means one (1) or more persons, jointly, severally or in common, or any organization, in whom is vested all or part of the legal title to property, or all or part of the beneficial ownership and a right to present use and enjoyment of the premises, including a mortgage in possession. As used herein, an organization shall include a corporation, trust, estate, partnership, association or any other legal or commercial entity. The term shall not include a lessee who previously occupied a rental unit and who is subleasing the unit for the remaining part of his or her lease.

Property Maintenance Code means the International Property Maintenance Code as adopted by the City of Edwardsville, as amended.

Rental Property means a structure with one or more residential units which are leased for occupancy. However, it does not include property excluded under section 22-262.

Rental Agreement means all agreements, written or oral, and rules and regulations embodying the terms and conditions concerning the use and enjoyment of rented premises. It shall also include subleases.

Rental Unit means one (1) or more rooms in a structure arranged, designed and used as a residence or living quarters by one (1) or more persons who are not its owner(s), and contained within a rental property as defined herein.

Rent, Rented or Rental means any payment made to an Owner or an Owner's agent pursuant to a rental agreement.

Single Family Dwelling means a residential structure with one (1) rental unit.

Sec. 22-264. Registration of Rental Property.

a) After the effective date of this Ordinance, it shall be unlawful for any owner, as defined herein, to lease or operate a rental property without first registering it with the City of Edwardsville and complying with the provisions of this Ordinance, together with other applicable codes and ordinances of the City of Edwardsville. The registration of rental properties required herein shall expire on the 1st day of ~~June~~ January of each year.

b) No owner shall be allowed to register any property if the owner has outstanding fees or fines due and owing to the City.

c) Registration may be denied or may be revoked by the City of Edwardsville as provided in this Ordinance. If registration is denied or revoked, the City shall notify the Owner or Owner's Agent, in writing, of the denial and the reasons therefore, and provide an opportunity to appeal the decision pursuant to this Ordinance.

Sec. 22-265. Application Requirements. Applications for registration shall be filed with the City Clerk and be accompanied by the appropriate registration fee. Such application shall include the following information:

- a) Name, street address and telephone number(s) of the owner of the rental unit.
- b) Name, street address and telephone number(s) of the owner's agent responsible for the management of the rental unit.
- c) Owner's or owner's agent emergency contact information for 24/7 notifications by the City.
- d) Legal address of the premises.
- e) Number of units in each building within the rental property.
- f) Occupancy as permitted under the applicable Zoning Ordinance or Special Use.
- g) Signed statement of owner and owner's agent indicating that he/she is aware of the City's Building Safety codes and Zoning (occupancy) codes and the legal ramifications for *knowingly* violating said codes.
- h) The name and address of the registered agent, if the Owner is a corporation.
- i) Name and telephone number(s) of each tenant occupying the rental unit.
- j) The name and address of the mortgage holder, if there is a mortgage on the Rental Property.
- k) The name and address of any buyer(s) on a Contract for Deed.

Sec. 22-266. Registration Renewal. If there are no changes in ownership or agent representation, renewals of the registration may be made by completing a Registration Renewal form furnished by the City and paying the appropriate registration fee.

Sec. 22-267. Changes in Ownership. Within thirty (30) days of any change of ownership of a rental property, the new owner shall reregister the property by filing the registration information and form(s) as required by this Chapter. There shall be no additional charge for the remaining period of the annual registration. A change of ownership shall include any change in ownership rights, including execution of a Contract for Deed, whether recorded or not.

Sec. 22-268. Fees. It being the goal of the City that the rental registration and inspection program be self-supporting, the registration/inspection fees are:

(a) <u>Single Family/Mobile Home – Per Building</u>	<u>\$40.00</u>
(b) <u>Duplexes – Per Building</u>	<u>\$60.00</u>
(c) <u>Multi-Family (3+ Units) – Per Unit</u>	<u>\$25.00</u>
(d) <u>Late Registration</u>	<u>\$250.00</u>
(e) <u>1st Re-inspection</u>	<u>\$50.00</u>
(f) <u>Subsequent Re-inspection(s)</u>	<u>\$250.00</u>

The annual registration/inspection fees are payable to the City upon registration of each property.

Sec. 22-269. Inspections. Both the interior and exterior of properties registered under the Rental Registration and Inspection program shall be subject to periodic inspections by the City as set forth herein.

a) Appropriate officials of the City of Edwardsville may conduct periodic inspections of Multi-Family, Single Family, and Duplex Rental Units to ensure compliance with this ordinance as well as the property maintenance and building codes contained within the City Code and the permitted use and residential occupancy provisions contained within the Edwardsville Zoning Ordinance. Residential rental property located in the City’s R-1 Zoning District shall be subject to annual inspections. Residential rental property located in all other Zoning Districts shall be subject to inspection once every three years.

b) The inspection for Multi-Family, Single Family, and Duplex Rental Units may be initiated by tenant or neighbor complaints about a particular structure or area of rental properties, and/or as indicated by Fire and Police calls for service, public complaints made to elected or appointed officials having municipal or other legal jurisdiction or exterior nuisance complaints about a structure or area.

c) Notice of Inspection and Right to Refuse.

(1) Notice of inspections of rental units, pursuant to this Section, shall be given in writing to each owner and each tenant of such rental unit, a minimum of five (5) days prior to the inspection. Such notice shall be presumed to have been received as of the time it was served personally on such person, or if mailed by first class certified U.S. Mail ten (10) days prior to the inspection, it will be presumed to have been received at least five (5) days prior to the inspection. In such notice, the tenants may be addressed as “occupants” and one such notice mailed to the address of the rental unit, shall be regarded as notice to all tenants. Notice to the owner, if mailed, shall be addressed to such owner at the address provided for such Owner or Agent in the application to register the Rental Property.

(2) The notice shall advise that objections to such inspection may be lodged by telephone, fax, or e-mail or in person at the Office of ~~City Clerk~~ the Director of Public Works.

(3) If any owner or any occupant objects to an inspection, no inspection of the rental unit shall be undertaken without an administrative search warrant issued by a court of competent jurisdiction, setting forth the general scope of the inspection. The Director of Public Work's City Clerk's office shall promptly advise appropriate City officials of the objection.

(4) Failure to reschedule an inspection or respond to a notice of inspection shall be treated as agreement to the date and time of the proposed inspection. The Owner shall pay a ~~seventy-five~~ two hundred and fifty dollar (\$~~75~~250.00) re-inspection fee if the Owner or his/her Agent fails to provide access to the Rental Property as scheduled. Failure to provide access as scheduled or rescheduled, shall also constitute a violation of this Ordinance.

(5) The notice and warrant requirements of this sub-section do not apply to inspections conducted pursuant to other parts of the City Code.

Sec. 22-270. Local Agent Required. The owner of any rental unit covered by this ordinance shall be available to respond to an emergency on a 24 hour per day basis. This requirement may be met by maintaining an operating business or owner residence within Madison County, Illinois, or by use of a local agent who resides within Madison County or an adjoining county, either of whom can be contacted on a 24 hour per day basis. If a local agent is used, the owner shall provide the City with the name, address, and telephone number of the local agent in addition to owner information. A post office box, mailing address, or long distance toll free (e.g. 800 numbers) shall not be deemed sufficient to meet the provisions of this section.

Sec. 22-271. Safety and Security. To ensure the safety of all residents of rental properties, every Owner shall:

a) Cooperate with the City and its Police and Fire Departments to continually address public safety issues and crime problems at any rental property. This cooperation shall take the form of meeting with City officials, if necessary, an inspection of the property to review security and crime issues for formulation of remedies as may be identified. The resulting security plan may include, but is not limited to, a review of access and security issues, lighting, fire safety measures and prevention, access to common areas, crime prevention, neighborhood watch programs, graffiti removal, No Trespass Notices, lease clauses, and such other measures which are appropriate to the individual property and the type of problems at issue.

b) Every Owner or Local Agent of a Multi-Family Building containing twenty (20) or more units shall attend a city-sponsored training program about crime prevention and other safety matters at rental properties. Said training shall be conducted on an as-needed basis as determined by the Edwardsville Police Department and other relevant City staff.

c) The Edwardsville Police Department, Fire Department and Public Works Department shall compile and provide educational materials to assist Owners and tenants with safety and security concerns. Such materials may include assistance with developing security plans, crime prevention information, emergency contact information, etc. The information shall be available at the respective departments and at the Office of City Clerk.

Sec. 22-272. Violations.

(a) Violations of this Ordinance shall be punishable by fine of not less than ~~One~~ Two Hundred and Fifty (~~\$1250.00~~) dollars nor more than Seven Hundred Fifty (\$750.00) dollars for each violation. Each day may constitute a separate and continuing violation. The City may seek remedies which include corrective action or prohibitions as a part of its relief.

(b) In the event that the City of Edwardsville denies or revokes registration of a Rental Property, the tenants of the subject property shall be informed by the City of the decision and of their need to obtain other housing. An owner, or the Agent of the owner, may appeal a registration denial or revocation according to the provisions of this Chapter.

Sec. 22-273. Notices. Any written notice required to be given to the Owner of a Rental Property under this Ordinance shall be addressed to such Owner at the address provided for such Owner in the application for registration.

Sec. 22-274. Administrative Appeals. An Owner, or Agent of the Owner, may appeal a registration denial or revocation to the City Administrator within ten (10) days of the date of written notice to such Owner, or Agent, of the denial or revocation of registration. The Appeal must be in writing and state the reasons the Owner or Agent disagrees with the determination to deny registration or the reasons for the revocation. The City Administrator shall appoint a Hearing Officer to conduct a hearing and make a determination of whether the denial or revocation should be upheld. The Hearing Officer shall promptly schedule a hearing at a time and date no later than fourteen (14) days from the date of receipt of the appeal by the City Administrator, or at a later date at the request of the Owner/Agent. The Hearing Officer shall have the power to administer oaths and require the attendance of any City employees. The hearing shall be recorded. The Hearing Officer shall make written findings of fact and issue a written decision which shall be promptly mailed to the Owner and Agent, if any.

Sec. 22-275. Enforcement. Pursuant to the duties and responsibilities of that office for administration of day-to-day operations and the administrative direction of all departments, department heads and their employees, it shall be the duty of the City Administrator to establish procedures intended to ensure delegated enforcement and enforcement coordination of this Chapter.

Severability. If any section, provision, or part of this Ordinance is held invalid or unconstitutional by a court of competent jurisdiction, the remainder of this ordinance shall remain in full force and effect and the application thereof to other persons, entities, or circumstances shall not be affected thereby.

Effective Date. This Ordinance shall become effective January 1, 2014.


PASSED by the City Council this 19TH day of NOVEMBER, 2013.

AYES: **ALDERMEN SHORT, STAMER, LOUER, STACK, BUTTS, RISAVY, MALLON**

NAYS:

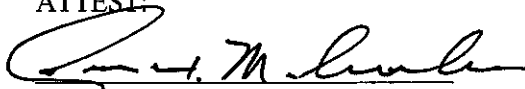
ABSTAINS:

APPROVED by the Mayor this 19TH day of NOVEMBER, 2013.



Hal Patton, Mayor

ATTEST:



Dennis McCracken, City Clerk