

COUNTY OF Mc LEAN, STATE OF ILLINOIS

ORDINANCE NO. 24-03-02-53

AN ORDINANCE CREATING CHAPTER 9-7 ENTITLED “RENTAL HOUSING INSPECTION AND CERTIFICATION” OF THE CITY OF LE ROY CODE OF ORDINANCES

ADOPTED BY THE CITY COUNCIL OF THE CITY OF LE ROY THIS
4th Day of March 2024

PRESENTED: March 4, 2024

PASSED: March 4, 2024

APPROVED: March 4, 2024

RECORDED: March 4, 2024

PUBLISHED: March 4, 2024

In Pamphlet Form

Voting “Aye” 6

Voting “Nay” 0

The undersigned being the duly qualified and Acting Deputy City Clerk of the City of LeRoy does hereby certify that this document constitutes the publication in pamphlet form, in connection with and pursuant to Section 1-2-4 of the Illinois Municipal Code, of the above-captioned **ordinance** and that such **ordinance** was presented, passed, approved, recorded and published as above stated.

(SEAL)



Anita Corso, City Clerk of the
City of Le Roy, McLean County, Illinois

Dated: March 4, 2024



ORDINANCE NO. 24-03-02-53

AN ORDINANCE CREATING CHAPTER 9-7 ENTITLED “RENTAL HOUSING INSPECTION AND CERTIFICATION” OF THE CITY OF LE ROY CODE OF ORDINANCES

WHEREAS, the City of Le Roy (“City”) is an Illinois non-home rule municipality organized and operating under the Illinois Municipal Code (65 ILCS 5/1, *et seq.*); and

WHEREAS, the Illinois Municipal Code (65 ILCS 5/11-31-1; 65 ILCS 5/1-3-1(b)) authorizes the City to adopt and enforce property maintenance standards and minimum quality standards for buildings and structures; and

WHEREAS, there are many non-owner occupied residential rental properties located throughout the City; and

WHEREAS, residential rental properties are subject to a greater likelihood of deterioration, abuse, over-crowding, and other conditions that can adversely impact the safety of occupants, neighbors, structures, and property values and in particular these impacts are most adverse in the C-1 Central Commercial zoning district; and

WHEREAS, the City Council finds that it is in the best interests of the City and its residents to inspect residential rental properties to ensure compliance with all laws and regulations of the City and the State of Illinois, including property maintenance regulations; and

WHEREAS, the City Council finds that this Ordinance is intended to protect the public health, safety, and welfare by ensuring Code compliance; and

WHEREAS, the City Council finds that it is in the best interests of the City’s residents to amend the Le Roy Municipal Code in accordance with this Ordinance.

NOW, THEREFORE, BE IT RESOLVED by the City Council for the City of Le Roy, McLean County, Illinois, as follows:

Section 1. Recitals. The foregoing Recitals are incorporated herein and form a part of this Ordinance.

Section 2: Amendments. Title 9 of the City Code entitled “Building Regulations” is hereby amended to include a new chapter 9-7 entitled “Rental Housing Inspection and Certification” as follows (additions in **bold and underline**):

Chapter 9-7. – Rental Housing Inspection and Certification

§ 9-7-1 Definitions.

Unless otherwise expressly stated or clearly indicated by context, the following terms as used in this chapter shall have the meanings indicated in this section:

CODE

The Le Roy City Code, as amended, all city rules, regulations, and policies, and all state laws, rules, regulations, and policies.

CODE OFFICIAL

The Code Compliance Officer (CCO) and his/her designee.

DWELLING UNIT

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.

INITIAL INSPECTION

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

LET FOR OCCUPANCY

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

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

OWNER

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

PERSON

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

PROPERTY AGENT

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

Any inspection of a residential rental property that occurs after the initial inspection.

RESIDENTIAL RENTAL PROPERTY

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.

§ 9-7-2 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 operate, maintain, or offer to rent a residential rental property without first obtaining a certificate of compliance from the city.**
- C. It is unlawful for any person to occupy a residential rental property that does not have a valid city-issued certificate of compliance.**
- D. It is unlawful to allow any person to occupy a residential rental property that does not have a valid city-issued certificate of compliance.**
- E. It is unlawful for any person to violate any provision of this chapter.**

§ 9-7-3 Fees.

- A. The application fee for a certificate of compliance under this chapter shall be \$50.00.**
- B. The inspection fee for any initial rental certification inspection or re-inspection under this chapter shall be \$75.00 per dwelling unit.**

§ 9-7-4 Certificate of Compliance – Conditions and Term.

- A. A certificate of compliance will remain valid until the sooner of any of the following occurs:**
- 1. The city revokes or suspends the certificate of compliance in accordance with this chapter;**
 - 2. Twelve (12) months have passed since the date of the certificate of compliance's issuance; or**
 - 3. 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.**
- D. The owner must maintain the certificate of compliance on the premises of the residential rental property for which the certificate was issued. The owner shall produce the certificate of compliance at the city's reasonable request.**

§ 9-7-5 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:**
- 1. Owner's legal name, home and business address, home, business, and mobile telephone numbers, and e-mail address;**
 - 2. Property agent's legal name, business address, business and mobile telephone numbers, and e-mail address;**
 - 3. The address of the residential rental property;**
 - 4. The residential rental property's square footage;**
 - 5. The legal name of each residential rental property's occupant; and**
 - 6. The application and inspection fee listed Section 9-7-3.**
- B. An owner shall submit a revised application to the city within thirty (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 twenty (120) days of the effective date of this chapter. 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 this section shall be required to pay an application and inspection fee equaling 200% of the application and inspection fee listed in Section 9-7-3.**
- 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. A temporary certificate of compliance may only be issued after the owner deposits with the city a cash bond or cashier's check payable to the city in the amount of \$500.00. The city will retain the owner's cash bond or cashier's check until the code official re-inspects the property, determines code compliance, and issues a certificate of compliance. Temporary certificates of compliance shall expire no later than sixty (60) days after issuance.**

§ 9-7-6 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 chapter.
- 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 chapter, 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 McLean County Treasurer & Tax Collector. 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.

§ 9-7-7 Appeals.

- A. Any person receiving a violation notice pursuant to this chapter, 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 zoning board of appeals. Such an appeal shall be in writing and filed with the code official within fourteen (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 zoning board of appeals shall schedule a meeting to consider the appeal within thirty (30) days of receiving the appeal. The zoning board of appeals may consider all facts, evidence, and testimony presented by the appellant and the code official, and all other information the zoning board of appeals determines to be relevant to the appeal.
- C. The zoning board of appeals shall send written notice of its decision to the owner within thirty (30) days of hearing the appeal.

§ 9-7-8 Other Inspections.

Nothing in this chapter shall restrict, limit, or alter the city's authority to inspect any property nor impose penalties for violations of the code.

§ 9-7-9 Penalty.

A. In addition to any other remedy, including, without limitation, remedies at law and in equity, any person violating the terms of this chapter 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 this chapter shall be deemed to be an act or omission of the owner and punishable in accordance with the terms of this chapter.

§ 9-7-10 Initial Enforcement Area.

The code official shall begin enforcement of this chapter in the C-1 Central Commercial zoning district. Upon direction from the city administrator the code official shall expand enforcement to other areas of the city.

Section 3. Publication. The City Clerk be and is hereby authorized and directed to publish this Ordinance in pamphlet form as provided by law.

Section 4. Severability. In the event any part of this Ordinance shall be found and determined to be invalid by a Court of competent jurisdiction, all valid parts that are severable from this invalid part shall remain in full force and effect.

Section 5. Repealer. All ordinances or parts of ordinances in conflict herein, are hereby repealed, provided, however, that nothing herein contained shall affect any rights, action, or causes of action, which have accrued to the City of Le Roy, prior to the effective date of this Ordinance.

Section 6. Effective Date. This Ordinance shall be in full force and effect ten (10) days following its publication in pamphlet form as provided by law.

PASSED by the City Council of the City of Le Roy, Illinois, upon the motion
Made by Kyle Merkle and seconded by Matt Steffen by roll call vote on the 4th Day
of March 2024, as follows

Aldermen elected 8

Aldermen Present 6

Voting Aye: Justin Morfey, Kyle Merkle, Patti Welander, Ron Legner, Matt Steffen,
Sarah Welte.

Voting Nay: None

Absent: Dawn Hanafin, Kelly Lay

Abstain: None

Other: None

and deposited and filed in the office of the Deputy City Clerk in said municipality on
the 4th Day of March 2024.



Anita Corso, City Clerk of the City
of Le Roy, Mc Lean County, Illinois

APPROVED BY the Mayor of the City of Le Roy, Illinois, this 4th Day of March, 2024.



Steven M. Dean, Mayor of the City of
Le Roy, Mc Lean County, Illinois

ATTEST: (SEAL)



Anita Corso City Clerk of the City of
Le Roy, Mc Lean County, Illinois

CERTIFICATE

I, Anita Corso, certify that I am the duly appointed and acting municipal City Clerk of the City of Le Roy, of McLean County, Illinois.

I further certify that on March 4, 2024 the Corporate Authorities of such municipality passed and approved **Ordinance No. 24-03-02-53** entitled:

AN ORDINANCE CREATING CHAPTER 9-7 ENTITLED “RENTAL HOUSING INSPECTION AND CERTIFICATION” OF THE CITY OF LE ROY CODE OF ORDINANCES

which provided by its terms that it should be published in pamphlet form.

The pamphlet form of **Ordinance No. 24-03-02-53**, including the Ordinance and a cover sheet thereof, was prepared, and a copy of such Ordinance was posted at the municipal building, commencing on **March 4, 2024** and continuing for at least ten days thereafter. Copies of such Ordinance were also available for public inspection upon request in the office of the municipal clerk.

Dated at Le Roy, Illinois this 4th Day of March 2024.

(SEAL)



Anita Corso, City Clerk of the
City of Le Roy, McLean County, Illinois



STATE OF ILLINOIS)
) SS:
COUNTY OF MCLEAN)

I, Anita Corso, do hereby certify that I am the duly qualified and acting City Clerk of the City of Le Roy, McLean County, Illinois, and as such City Clerk that I am the keeper of the records and files of the Mayor and the City Council of said City.


I do further certify that the foregoing is a true, correct and complete copy of an ordinance entitled:

AN ORDINANCE CREATING CHAPTER 9-7 ENTITLED “RENTAL HOUSING INSPECTION AND CERTIFICATION” OF THE CITY OF LE ROY CODE OF ORDINANCES

I do further certify said *ordinance* was adopted by the City Council of the City of Le Roy at a regular meeting on the 4th Day of March 2024, and prior to the making of this certificate the said ordinance was on file with the permanent records of said City where it now appears and remains as a permanent record of said ordinance in the record books.

Dated this 4th Day of March 2024

(SEAL)


Anita Corso, City Clerk of the
City of Le Roy, McLean County, Illinois

