CHAPTER 1482 – RENTAL DWELLINGS

1482.01 DEFINITIONS.

As used in this chapter:

(a) "Certificate of compliance" means a certificate issued by the Building Department, which certificate certifies compliance with these Codified Ordinances.

(b) "Common utility areas" means all areas of a rental dwelling other than the dwelling units themselves, including, but not limited to, all mechanical rooms, utility rooms, storage areas, exit facilities, recreational areas and other public spaces within or connected to the building.

(c) "Lease" means any written or oral agreement that sets forth conditions concerning the use and occupancy of rental dwellings or rental units.

(d) "Notice of violation" means a notice issued to the owner or registered agent stating that there has been a violation of this chapter or any other applicable code, ordinance, rule or regulation concerning the premises.

(e) "Occupancy" includes all tenants, lessees and persons residing within a rental dwelling or rental unit.

(f) "Owner" means any person having a legal or equitable interest in the premises.

(g) "Premises" means any lot or piece of land, inclusive of the rental dwellings, rental units, common utility areas and all other improvements or any part thereof.

(h) "Rental dwelling" means any structure, building or other facility promised and/or leased in whole or in part to a residential tenant for use as a home, residence or sleeping unit, regardless of the type, form or amount of renumeration received as a result of any such lease or other arrangement. "Rental dwelling" includes, but is not limited to, all two-family dwellings, multiple dwellings, apartment buildings, boarding houses, rooming houses, hotels, motels and flats, and all single-family houses (excluding those houses which are owner-occupied and are not rented in whole or in part). "Owner-occupied" shall only include the following: The actual owner of record, surviving spouse, children, parents or grandparents. It shall be the burden of the prospective landlord (owner) and tenant to establish by a preponderance of the evidence that the family relationship described herein exists.

(Res. 91-481. Passed 7-29-91; Res. 02-522A. Passed 9-23-02.)

1482.02 PURPOSES.

(a) The City of Lincoln Park recognizes the need for an organized inspection and registration program for rental properties located with the City in order to ensure rental dwellings meet all applicable building, existing structures, fire, health, safety, and zoning codes, and to provide an efficient system for compelling both absentee and local landlords to correct violations and maintain, in proper condition, rental property within the City. The City recognizes that the most efficient system is the creation of a program requiring the registration and inspection of rental property within the City as defined in this Ordinance, so that orderly inspection schedules can be made by the City officials.

The purposes of this chapter are to protect the public health, safety and welfare by establishing minimum standards governing the state of repair and maintenance of rental dwellings, rental units and the premises on which they are located; to establish minimum standards governing utilities, facilities and other physical components and conditions essential to make and keep such premises fit for residential occupancy and use; to prevent blight and its detrimental effects from destroying the character and viability of the community; to fix certain responsibilities and duties upon owners and tenants; to authorize and establish procedures for registering, inspecting and requiring that such premises be maintained in a compliant manner; to establish service and administrative fees to be charged through the enforcement of this chapter; and to fix penalties for violations of this chapter.
(b) This chapter is declared to be essential for the public health, safety and welfare, and it is intended that this chapter be liberally construed to effectuate the purposes stated in this section. (Res. 91-481. Passed 7-29-91.)

1482.03 REQUIREMENTS

(a) No Person shall lease, rent, occupy, or otherwise allow a Rental dwelling within the City to be occupied, unless all of the following requirements have first been met.

(1) The Owner of the Rental dwelling shall have registered the Rental dwelling with the Department by completing and filing a current registration form with the Department as provided in Section 1482.04.

(2) An inspection shall have been completed to the satisfaction of the Department.

(3) A valid certificate of compliance shall have been issued by the Department.

(4) The current Certificate of compliance shall be maintained at the office of The Responsible Agent.

(5) All fees charged by the City for the registration and inspection of the Rental dwelling shall be paid in full.

(6) The Owner of an existing Rental dwelling shall have thirty (30) days from the effective date of this Ordinance to comply with the requirements therein.

(b) Every owner of a rental dwelling or rental shall comply with each of the various requirements of this chapter so as to obtain and keep current a certificate of compliance for the premises of each rental dwelling and all dwelling units therein. The Building Superintendent may revoke a certificate of compliance for any violation of this Code, the Codified Ordinances, rules and regulations of the City or any State-mandated codes or regulations. (Res. 91-481. Passed 7-29-91; Res. 02-535A. Passed 9-23-02.)

1482.04 REGISTRATION OF RENTAL DWELLINGS.

(a) The owner of a rental dwelling, occupied or unoccupied, shall register with the Building Department his or her name and business address, the location of each dwelling, the number of rental units within such dwelling, a current copy of the owner’s driver’s license and a copy of the resident agent’s driver’s license when there is a resident agent. Notification of change in ownership or use of any rental dwelling shall be officially provided within thirty days after such change for the purpose of maintaining an accurate registry of such information. This requirement does not relieve the registered owner of any such property of the responsibility to fully comply with the inspection, maintenance and code compliance requirements of this chapter. (Res. 97-320. Passed 6-9-97; Res. 97-327. Passed 6-9-97.)

(b) A registry of owners and premises shall be maintained by the Building and Department. Such registry shall be kept as a public record and shall be available for public inspection. Owners who do not reside within a fifty mile radius of the City shall appoint a resident agent or other responsible party upon whom notices and services of process may be made. (Res. 02-524A. Passed 9-23-02.)
(c) If rental dwellings are managed or operated by an agent or representative, the agent or representative's name and business address shall be provided to the Department, and shall be placed with the owner's name and business address in the registry. Both the owner and the agent shall sign the registration form.

(d) If the owner is a corporation, the names and addresses of its officers shall be provided and recorded in the registry. A post office box shall not be used as a legal address for the owner/agent. An actual property address shall be listed.

(Res. 02-525A. Passed 9-23-02.)

(e) Any change in address of the owner, agent or representative shall be provided by such owner, agent or representative to the Department within thirty days of such change.

(f) If any rental dwelling is sold, it shall be the obligation of the seller or his or her agent to provide the purchaser with a current certificate of compliance for such dwelling and to also notify the Department, within thirty days, of the name and address of the purchaser. If the certificate of compliance was last issued more than twelve months prior to the date of the sale, then the premises must be inspected prior to the sale. Correction of identified violations may be assumed by the purchaser if the Department is provided with an affidavit of such assumption from the purchaser. This requirement shall not relieve any owner of a rental dwelling of the responsibility to keep registrations current and to comply with every provision of this chapter.

(g) Registration of a rental dwelling unit shall be effective up to the following December 31st of that year. Res. 91-481. Passed 7-29-91.)

1482.05 REGISTRATION FEES.

(a) There shall be an initial registration fee for each rental dwelling. Such fees shall be paid by the owner or his or her agent or representative at the time of registration.

Calculation of registration or registration renewal fees shall be based on the total number of dwelling units in the same building for which a unique certificate of compliance is required.

(Res. 97-321. Passed 6-9-97; Res. 97-327. Passed 6-9-97.)

(b) There shall also be an annual renewal registration fee for a single-family rental dwelling; for registered common utility areas; and for rental dwellings containing two or more units, excluding two-family structures partially owner occupied. Every owner, agent or representative of a rental property shall make payment for the required annual renewal registration prior to December 31 of each year.

(c) Each annual renewal registration shall expire on the December 31 of each year. The owner of a rental property shall be responsible for ensuring that the registration is kept current at all times. A late fee shall be added to the annual renewal registration fee for every registration which has expired.

(d) Each new owner of a currently registered rental dwelling shall pay, within thirty days of the transfer of ownership interest, a re-registration fee equal to the renewal registration fee.

(e) Any change in address of the owner, agent or representative shall be provided by such owner, agent or representative to the Department within thirty days of such change.

(f) All initial registration, annual renewal registration and registration late fees shall be set from time to time by resolution of the Mayor and Council. Additional fees, fines, assessments and penalties may be adopted from time to time by Council resolution.

(Res. 91-481. Passed 7-29-91.

1482.06 INSPECTIONS; RIGHT OF ENTRY.

(a) The Superintendent of the Building Department and such other code enforcement officials as the Superintendent may designate are hereby authorized to make inspections of rental dwellings, occupied or unoccupied, as follows:
(1) Prior to the sale thereof, if a certificate of compliance has not been issued within the twelve months preceding such sale;

(2) Upon identification of external violations documented by the Superintendent or upon receipt of a complaint registered by a tenant, resident and/or neighborhood association if, after investigation, the Superintendent determines that such inspections are reasonably required to accomplish the intent of this chapter; and

(3) Every dwelling unit shall be inspected at least once every three years.

(Res. 91-481. Passed 7-29-91; Res. 97-322. Passed 6-9-97; Res. 97-327. Passed 6-9-97.)

(b) (EDITOR’S NOTE: Subsection (b) was repealed by Resolution 97-323, passed June 9, 1997.)

(c) All owners, agents, representatives and tenants shall comply with inspection requests of the Superintendent and such other code enforcement officials as are provided for in subsection (a) hereof.

A request for inspection shall read in part:

NOTICE: PURSUANT TO CHAPTER 1482 OF THE CODIFIED ORDINANCES OF THE CITY OF LINCOLN PARK, A RENTAL INSPECTION IS REQUIRED. YOU MAY REFUSE ENTRY TO AN INSPECTOR WHO DOES NOT HAVE A SEARCH WARRANT. SHOULD AN OWNER, AGENT, REPRESENTATIVE OR TENANT REFUSE TO CONSENT TO AN INSPECTION, A SEARCH WARRANT SHALL BE REQUIRED AND MAY BE OBTAINED TO CONDUCT AN INSPECTION.

The owner of such property shall pay the prescribed fees and schedule the required inspections within ten days of the date of the notice of inspection. The owner shall inform all tenants of the scheduled inspection and assure entry into each unit and access to all areas at the time of inspection. The Superintendent or his or her representative shall provide seven days notice of inspection for the premises, and every owner, agent, representative and tenant shall provide unrestricted access to the premises for the purpose of making such inspections. In the event of an emergency or life threatening situation, the owner, agent, representative or tenant shall allow immediate inspection. Refusal to grant access for inspection will not preclude the Superintendent from obtaining a search warrant to allow inspection.

(Res. 96-328. Passed 6-10-96.)

1482.07 RECORDS OF VIOLATIONS; NOTICE TO CORRECT; CERTIFICATE OF COMPLIANCE.

(a) If, upon inspection of a rental dwelling and premises, any unit or any part thereof is found to be in violation of this chapter or any applicable building code, zoning regulation or other code relating to the maintenance or conditions of said property, such violation shall be recorded by the Building Department. Notice thereof, by regular mail, shall be given to the owner, agent or representative as such appears in the registry.

(b) It shall be the property owner's responsibility to correct all life-safety code violations immediately and to maintain such property in a safe and compliant manner at all times. All violations shall be corrected within sixty days.

(Res. 02-526A. Passed 9-23-02.)

(c) Correction of maintenance violations which can be performed without obtaining a permit must be verified and documented by an inspector; this will be done without additional cost provided that the owner corrects all violations and request verification within the prescribed time.

(d) Correction of violations which must be performed by an appropriately licensed or qualified person shall be done in compliance with the permit requirements specified in these Codified Ordinances. (Res. 91-481. Passed 7-29-91.)
e) A certificate of compliance shall be issued by the Superintendent of the Building Department for each rental dwelling when it is established that such dwelling or facility is in compliance with all of the code requirements applicable to existing structures or residential occupancies. A certificate of compliance shall be valid for three years. A valid certificate of compliance may be transferred to a new owner of the property, provided that the new owner has properly registered the change in ownership and that the date of the sale is within twelve months of the date on which the certificate of compliance was issued.

(f) No Person shall own, operate, lease, rent, occupy, or otherwise allow a Rental dwelling within the City to be occupied unless there is a valid certificate of compliance issued by the Department for the Rental Unit. A certificate of compliance shall be issued for each building and Rental dwelling.

Requirements. A certificate of compliance shall be issued only after all of the following requirements have been satisfactorily completed:

1. Registration of the Rental dwelling with the Building Department;
2. Designation of the Responsible Local Agent, if applicable;
3. Payment in full of any and all required fees for registration, plus any penalties that may have been imposed on the property; and
4. Inspection by the Building Department resulting in a determination that the Rental dwelling and the property complies with all City ordinances and state law.

1482.08 INSPECTION FEES.

Each unit in a rental dwelling shall be inspected as required by this chapter. The fees shall be set from time to time by resolution of the Mayor and Council. The applicable fees shall be paid within ten days of the date of the notice. Accounting of the inspection fees collected and the distribution thereof shall be made through the Rental Ordinance Accounts.

1482.09 ENFORCEMENT.

The Superintendent of Building Department and/or his or her authorized representative shall serve as ordinance officers for purposes of enforcement of this chapter and shall be authorized to issue notices, orders, violations and court appearance tickets relative to violations of this chapter.

(a) If any owner of any rental dwelling fails to comply with the registration requirements specified herein, a final notice and order to comply shall be issued. Failure to comply with the order shall result in the addition of an administrative fee of one hundred dollars ($100.00) and the total of the unpaid fees shall then be assessed as a lien against the real property containing such rental dwelling.

(b) If any owner of any rental dwelling fails to comply with the inspection requirements specified herein after being properly notified, a final notice and order to comply shall be issued. If the order is not promptly complied with, each dwelling unit contained therein shall be posted with a notice requiring that the occupant of the unit provide entry for inspection purposes at a specified date and time, and an administrative fee of one hundred dollars ($100.00) per unit shall be added to the prescribed inspection fees and assessed as a lien against the real property containing such units.
(c) If any owner of any rental dwelling fails to correct the violations identified in the inspection report, as required by this chapter, a final notice and order to comply shall be issued. If the order is not promptly complied with, each dwelling unit which is in violation of the applicable codes shall be posted with a notice that said unit is substandard and in violation of these Codified Ordinances. An administrative fee of one hundred dollars ($100.00) per noncomplying unit shall be charged to the owner of the substandard rental property and court action to force compliance will be initiated.
(Res. 91-481. Passed 7-29-91.)

1482.10 CONFLICT OF LAWS.
In any case where a provision of this chapter is found to be in conflict with any provision of any State statute or any zoning, building, fire, safety or health ordinance or code of the City, the provision which established the higher standard for the promotion and protection of the health, safety and welfare of the public shall prevail.
Nothing in this chapter shall be deemed or construed to impair the rights of the City under Chapter 1444, under any ordinance or code relating to condemnation of structures or under any related code or ordinance regarding the maintenance, condition or safety of structures.
(Res. 91-481. Passed 7-29-91.)

1482.11 APPEALS.
Any person affected by any notice which has been issued in connection with the enforcement of this chapter may request and shall be granted a hearing on the matter before the Hearing Board on Dangerous Buildings and Code Appeals provided that such person files, in the office of the Building Department, a written petition requesting such hearing and containing a statement of the grounds of the appeal within twenty days after the day the notice was served.
The Hearing Board on Dangerous Buildings and Code Appeals shall serve as the code appeals board, with all the powers and duties afforded to it under Chapter 1444 of these Codified Ordinances.
(Res. 91-481. Passed 7-29-91.)

1482.12 INTENT.
It is the intent of this chapter to have all rental dwellings maintained according to the minimum codes governing existing buildings and residential occupancies. It is not intended to have such rental dwellings brought up to the current code requirements for new buildings.
(Res. 91-481. Passed 7-29-91.)

1482.99 PENALTY AND SANCTION - MUNICIPAL CIVIL INFRACTION-MISDEMEANOR.
Any Person who violates this Ordinance shall be responsible for a municipal civil infraction subject to the procedures and sanctions contained in Section 202.101. Increased civil fines shall be imposed for repeated violation, which means a second or subsequent municipal civil infraction violation committed by a Person within any twenty-four (24) month period and for which a Person admits responsibility or is determined to be responsible. After the third violation of this Ordinance committed by a Person within any twenty-four (24) month period shall be punishable by a misdemeanor with fines up to $500.00 and/or 90 days in jail.
The imposition of penalties provided herein shall not preclude the initiation of appropriate legal action to restrain, correct or abate a violation, to prevent illegal occupancy of a rental dwelling or to stop an illegal act, conduct of a business or use of a structure.