

**AN ORDINANCE AMENDING CHAPTER 5 OF THE
CODE OF THE CITY OF PEORIA
PERTAINING TO REGISTRATION OF LOTS AND INSPECTION OF DWELLINGS**

WHEREAS, the City of Peoria is a home rule municipality pursuant to Article VII, Section 6 of the Illinois Constitution of 1970; and

WHEREAS, the City Council of the City of Peoria desires to use its home rule authority to regulate written aspects of rental housing pertaining to registration of rental housing units and the inspection of rental dwellings;

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Peoria, Illinois, as follows:

Section 1: Section 5-273 of the Code of the City of Peoria is hereby amended by adding the following underlined words and deleting the following stricken words:

Sec. 5-273. Adoption of code hearing department.

There is hereby adopted by the city for the purpose of expeditiously processing housing code violations and providing a forum for same that is ~~exclusive, optional,~~ the following Sections 5-274 through 5-285 statute.

Section 2: Section 5-521 of the Code of the City of Peoria is hereby amended by adding the following underlined words and deleting the following stricken words:

Sec. 5-521. Registration required.

(a) Except as provided hereafter, every owner of a lot, or lots upon which is located an occupied or vacant dwelling(s), unless exempted under section 5-528 hereof, shall file an annual registration statement for each such lot on forms provided by the department of inspections for such purposes. Any such registration statements shall be prima facie proof of the statement therein contained in any administrative enforcement proceeding or court proceeding instituted by the city against the owner or owners of the dwelling.

(1) The name, street address, telephone number and ~~social security number or the driver's license number of a current driver's license of each owner of the dwelling or a copy of a State of Illinois identification card or other comparable identification~~. If the owner is a partnership, corporation or voluntary unincorporated association, the statement shall further include the name, street address, the telephone number, ~~social security number or the driver's license number of a current driver's license~~, and position of all partner(s) or officer(s). If the owner is a corporation, the statement shall further include the name, street address and telephone number of the registered agent therefor. ~~Provision of a person's social security number is optional and not mandatory and the refusal to provide same will not prevent issuance of the certificate of registration under~~

~~section 5-222 hereunder. Use of a person's social security number by employees of the city shall be limited to locating the property owner for the purpose of service of process.~~

(2) The name, street address and telephone number of a natural person 21 years or older, designated by the owner or owners as the authorized agent for receiving notices of code violations and receiving process in any court proceeding or administrative enforcement proceeding, on behalf of such owner or owners in connection with the enforcement of this Code. This person must maintain an office in Peoria County, Illinois, or must actually reside within Peoria, Tazewell or Woodford County, Illinois. An owner who is a natural person and who meets the requirement of this subsection as to location of residence or office may designate himself as agent.

(3) The name, street address and telephone number of the owner's agent for the purpose of managing, controlling or collecting rents and other person not an owner who is controlling such dwelling, if any.

~~(4) The name, street address and telephone number of each lending institution or party holding a mortgage on the property on which the dwelling is located, if any.~~

(5) The street address and property index number(s) of the lot or lots upon which the dwelling is located, the number of dwelling units, and the date on which the dwelling was built.

(6) The maximum number of occupants permitted by the owner in each dwelling unit. For the purposes of this section, a post office box does not suffice as an address.

(b) Exception. The owner of a lot or lots which would otherwise be required to be registered under part (a) of this section shall not be required to register if said owner files a statement on a form provided by the Director of Inspections setting forth that the property in question is occupied by an immediate family member, which means a parent, sibling, spouse, or child of said owner. Said statement shall be effective until there is a change in ownership or occupancy.

Section 3: Section 5-522 is hereby amended by adding the following underlined words and deleting the following stricken words.

Sec. 5-522. Time of registration.

(a) The owner of a lot not exempt under section 5-528 or 5-521(b) hereof shall register the property with the department of inspections within 30 days of purchase or acquisitions of such property; if a parcel becomes subject to registration because it is no longer exempt under section 5-528 hereof, then the owner shall have 30 days from the date on which the property ceased to be exempt under section 5-528 to register the property.

Upon registration, and payment of the fee, if applicable, the director of the department of inspections or his designee shall issue a certificate of registration to the owner which shall certify that the owner has registered the lot in compliance with section 5-521 of this chapter. ~~Upon issuance of a certificate of registration to the owner of a lot, no further registration of the lot, except, as required under section 5-523, shall be required of such owner until ownership has been transferred wholly or partially to another person, partnership, corporation, voluntary association, or land trust.~~ It shall be the duty of any subsequent owner of the lot to register it as required under section 5-521 within ten business days after the transfer of ownership.

Upon demonstration by an owner that the lot is not required to be registered under the provision of these sections, the code official or his/her designee shall issue a waiver of registration.

(b) Registration shall be required annually. For 2009, registration shall be required on or before September 30, 2009. Every registration, whether new or renewed, shall expire on February 28 and must be renewed on or before March 1 of each calendar year if the property is required to be registered under this article. Said annual registration shall not occur earlier than January 1 of the calendar year.

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Section 4: Section 5-526 is hereby amended by adding the following underlined words and deleting the following stricken words:

Sec. 5-526. Penalties.

(a) Each date that any lot is not registered in accordance with the provisions of sections 5-521 and 5-523 this article shall constitute a separate and distinct violation.

(b) In addition to any of the penalties provided in this article, any person committing an offense under sections 5-521 or 5-523 of this article, shall, upon conviction thereof, be fined not less than \$150.00 nor more than \$500.00 for the first offense, and not less than \$250.00 nor more than \$500.00 for the second and each subsequent offense in any 180-day period.

(c) The intentional submission of false information on a registration statement or an amended registration statement filed pursuant to section 5-521 and 5-523 of this article shall be a violation punishable by a fine of not less than \$150.00 nor more than \$500.00. Each day that such violation remains uncorrected by the owner(s) shall constitute a separate and distinct violation.

(d) Violations of this Article XIII on registration of lots shall constitute an ordinance violation and shall not be pursued through the code hearing process set forth in section 5-273 through 5-284.

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Section 5: Section 5-529 is hereby amended by adding the following underlined words and deleting the following stricken words:

Sec. 5-529. Registration fee.

(a) Every owner registering a property pursuant to section 5-521 shall pay an annual registration fee of \$25.00 for every lot required to be registered under section 5-521.

For purposes of this section, each property identification number constitutes a single lot ~~an apartment complex or any other similar housing project or complex which consists of several dwellings located upon one or more contiguous lots are operated as an integrated enterprise with a common name and ownership for the entire project/complex, shall be regarded as a single lot~~ and subject to the payment of the registration fee of \$25.00.

(b) The registration fee shall not be prorated.

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Section 6: Section 5-532 is hereby amended by adding the following underlined words and deleting the following stricken words:

Sec. 5-532. Frequency of inspections.

(a) All dwellings constructed prior to 1961 subject to this article shall not be inspected more frequently than ~~at least once every three years~~ unless a complaint is received concerning said property. All dwellings constructed prior to 1961 subject to this article shall be inspected at least once every seven years. In addition, all dwellings ~~constructed prior to 1961~~ subject to this article shall be inspected by the Landlord and tenant prior to the time at which the tenant moves in or at least once a year. This provision shall not apply to 12-unit or more properties inspected annually by the Fire Department. ~~within six months after transfer of ownership and shall be subject thereafter to triennial inspection~~. The landlord and tenant shall review the property using a form provided by the Director of Inspections and said form shall be filled out and signed by both the landlord and the tenant. In cases where an authorized agent other than the owner has been designated to receive notices of code violations pursuant to section 5-521, written notice of the date of the inspection shall be given to the agent and dwelling occupant at least 15 days prior to the date of the inspection. Otherwise, written notice of the date of inspection shall be given to the owner of the property as defined under section 5-520 and the dwelling unit occupant 15 days prior to the date of its inspection. Said notice shall advise the owner or authorized agent and occupant of the inspection, his/her right to refuse inspection of the dwelling unit, and the city's right to seek issuance of an administrative search warrant in the event of any such refusal. No inspection of an occupied dwelling shall occur without the consent of the tenant/occupant unless an administrative search warrant is obtained. It shall be the responsibility of the owner or the designated agent or the occupant to be present at the dwelling unit on the date and time of inspection to provide access for inspection. Property owners wishing to deny access to their property and wishing to have the

city obtain an administrative search warrant shall provide the following to the city in writing for each property: (1) owner name and address (agent if applicable) and; (2) property address and tax identification number. The city will recognize and record these denials for access when the above information is provided for each property. An owner's denial of access shall not preclude a tenant from granting access.

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Section 7: Section 5-533 is hereby amended by adding the following underlined words and deleting the following stricken words:

Sec. 5-533. Inspection certificate required.

No person shall allow the occupancy of a dwelling subject to this article without having a valid, current certificate of inspection for that dwelling.

Proof of registration of a lot under Article XIII shall constitute a temporary certificate of inspection and shall authorize the owner to rent such dwelling unit until the initial inspection is performed pursuant to section 5-532; provided, however, that a registration renewal will supersede a pending violation of this Article XIV.

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Section 8: Section 5-534 is hereby amended by adding the following underlined words and deleting the following stricken words:

Sec. 5-534. Inspection procedure.

(a) If, upon completion of the ~~triennial~~ City of Peoria inspection, the premises are found to be in compliance with all applicable city codes or ordinances and other applicable laws, the property registration statement is on file with the city and the appropriate registration and inspection fees have been paid to the city, the city shall issue a certificate of inspection for the dwelling.

(b) If, upon completion of the inspection, the dwelling is found to have one or more health or life-threatening violations, or exterior housing code or environmental violations, the city shall provide written notice of such violations to the designated agent or to the owner where the owner and designated agent are the same person. When such violations have been corrected, the city shall issue a certificate of inspection for the premises. The city shall not issue the certificate of inspection and may take any action necessary to enforce compliance with applicable city codes and ordinances until the violations are corrected. During the period between the initial inspection and the issuance of the certificate of inspection, the owner may continue to rent such premises unless the violations are so serious as to threaten the health or safety of the occupants.

(c) If violations exist, the city shall commence administrative hearing proceedings not less than 30 and no more than 90 days after the violation is reported by the code enforcement inspector.

(d) Inspections required by the tenant and landlord prior to tenant occupancy or annually will be documented on the inspection form provided by the Director of Inspections. This inspection will consist of such portions of the interior Health and Life-Threatening Violations listed in Section 5-531 as the Director of Inspections deems appropriate, and which are listed on the form. Additional information will include the legal number of occupants allowed by City of Peoria Code, number of bedrooms, name of tenant on the lease, tenant's drivers license number or form of identification and date and signature of tenant and landlord. This inspection form will be the responsibility of the landlord to maintain and made readily available at the request of the City. Failure to provide the inspection form at the request of the City will result in a fine of not less than \$200.00 nor more than \$500.00

Section 9: Section 5-535 is hereby amended by adding the following underlined words and deleting the following stricken words:

Sec. 5-535. Certificate expiration.

(a) The certificate of inspection issued pursuant to this division shall expire three years from the date of the ~~triennial~~ inspection, provided, however, that if a reinspection of the premises has not been completed prior to the expiration of the certificate of inspection, the dwelling covered by the certificate may continue to be rented and occupied until the reinspection is completed and a new certificate of inspection is either issued or denied.

(b) The certificate of inspection shall have the expiration date prominently displayed on its face.

Section 10: Section 5-536 is hereby amended by adding the following underlined words and deleting the following stricken words:

Sec. 5-536. Fee schedule.

The following fee schedule is imposed in connection with the inspection and reinspection of a dwelling or dwellings:

(1) Initial Inspection ~~Fee~~ and the first reinspection fees are waived

(1) ~~1 and 2 units = . . . 100.00~~
~~3 and 4 units = . . . 150.00~~
~~5 and 6 units = . . . 220.00~~
~~7 and 8 units = . . . 300.00~~
~~9 and 10 units = . . . 380.00~~
~~11 and 12 units = . . . 460.00~~
~~13 and 14 units = . . . 540.00~~
~~15 and 16 units = . . . 620.00~~
~~17 and 18 units = . . . 700.00~~
~~19 and 20 units = . . . 780.00~~
~~21 through 25 units = . . . 920.00~~
~~26 through 30 units = . . . 1,020.00~~

31 through 40 units = . . . 1,420.00
41 through 50 units = . . . 1,820.00
51 through 100 units = . . . 3,020.00
101 + units = . . . 4,000.00

(Units per tax identification number)

Reinspection Fee

(2) When a any subsequent reinspection is required an additional ~~\$50.00~~ \$100.00 reinspection fee will be charged for each unit that is reinspected. ~~This fee will apply for all additional reinspections.~~

(3) For the purposes of this subsection, dwelling unit shall mean a single unit providing complete independent living facilities for one or more persons including permanent provision for living, sleeping, eating, cooking and sanitation.

(4) The owner as defined under section 5-520 of Article XIII shall be responsible for payment of the inspection fee(s) hereunder.

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Section 11: Section 5-540 is hereby amended by adding the following underlined words and deleting the following stricken words:

Sec. 5-540. Appeal process.

Any owner or other person aggrieved by any action taken by the city pursuant to this ~~Article XIV~~ Article XIV may request a review by or may make an appeal to the ~~housing commission~~ Administrative Hearing Officer. Upon receipt of the request or appeal, ~~the housing commission~~ Hearing Officer shall hear and consider the matter. ~~An appeal must be taken within ten days from the city's action and shall be in writing addressed to the housing commission.~~ The owners shall have the right to appear and be represented by counsel. The hearing shall be held within 45 days after a request is received by the ~~commission~~ Administrative Hearing Officer. ~~The housing commission, after due and proper hearing, shall issue its order of decision and the decision shall be final.~~

Section 12: Section 5-541 is hereby amended by adding the following underlined words and deleting the following stricken words:

Sec. 5-541. Filing of decision with director of inspections, copy to be sent to appellant.

Every decision of the ~~housing commission~~ Administrative Hearing Officer shall be promptly filed in the department of inspections. A copy of the decision shall be sent by mail or otherwise to the person appealing.

Section 13: Section 5-542 is hereby amended by adding the following underlined words and deleting the following stricken words:

Sec. 5-542. Proceedings to be public records.

The proceedings at the hearings held pursuant to this article, including the findings and decision of the ~~housing commission~~ Hearing Officer and the reasons there for, shall be summarized and reduced to writing and entered as a matter of public record in the Legal department of ~~planning and growth management~~. The record shall also include a copy of every notice and order issued in connection with the matter.

* * *

Section 14: This ordinance shall be in full force and effect ten (10) days after passage and publication according to law.

PASSED BY THE CITY COUNCIL OF THE CITY OF PEORIA, ILLINOIS this
_____ day of _____, 2009.

APPROVED:

Mayor

ATTEST:

City Clerk

EXAMINED AND APPROVED:

Corporation Counsel