
VILLAGE OF ANTIOCH

22-01-06

***AN ORDINANCE AMENDING TITLE 5 OF THE MUNICIPAL CODE OF ANTIOCH
REGARDING PUBLIC HEALTH AND SAFETY***

**ADOPTED BY THE PRESIDENT AND BOARD OF TRUSTEES
OF THE
VILLAGE OF ANTIOCH, ILLINOIS
ON
JANUARY 26, 2022**

**Published in pamphlet form by authority of the Village Board of the Village of
Antioch, Lake County, Illinois,
this 27th day of January, 2022.**

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DEL GALDO LAW GROUP, LLC	Attorney	PETRINA A. BURMAN	Trustee
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Ordinance No. 22-01-06

AN ORDINANCE AMENDING TITLE 5 OF THE MUNICIPAL CODE OF ANTIOCH REGARDING PUBLIC HEALTH AND SAFETY

WHEREAS, the Village of Antioch ("Village") is an Illinois non-home rule municipality organized and operating under the Illinois Municipal Code (65 ILCS 5/1, et seq.) (the "Code"); and

WHEREAS, the Village President (the "President") and the Village Board of Trustees (the "Village Board", and together with the President, the "Corporate Authorities") are committed to promoting the health, safety, and general welfare of the residents of the Village; and

WHEREAS, the Village recognizes that maintaining a diversity of housing opportunities including a healthy supply of rental units is important to maintaining a diverse and vibrant community;

WHEREAS, it is in the public interest to mitigate against any negative impact against the public health, safety, and property values that a poorly maintained rental unit can have on a neighborhood; and

WHEREAS, it is in the public interest to mitigate against any public nuisance that rental units can create when not properly maintained, and the Village is given the express authority to define, prevent, and abate nuisances pursuant to 65 ILCS 5/11-60-2 to protect the public health, safety and welfare; and

WHEREAS, the Village acknowledges that the majority of rental units landlords maintain their property and provide a critically important supply of attainable housing for the community, however, creating a targeted inspection process based on performance of the landlords is in the public interest as a way of mitigating against a chronic nuisance; and

WHEREAS, based on the foregoing, the Corporate Authorities have determined that it is necessary, advisable, and in the best interests of the Village, and its residents, to amend Title 5 of the Village Code of Ordinances (the "Village Code") in order to establish certain regulations regarding rental housing;

NOW, THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of Antioch, Lake County, Illinois, as follows:

SECTION 1: The Village Code is hereby amended, notwithstanding any provision, ordinance, resolution, or Village Code section to the contrary, by amending Title 5 as follows (additions underlined):

**CHAPTER 8
RENTAL HOUSE REGULATIONS**

5-8-1: Definitions:

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

CODE: Municipal Code of the Village of Antioch, as amended, all village rules, regulations, and policies, and all state laws, rules, regulations, and policies.

CODE OFFICIAL: the Community Development Director or the director's designee.

DWELLING UNIT: a building or portion thereof designed to be used as a residence; or 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.

IMMEDIATE FAMILY MEMBER: husband, wife, father, mother, stepfather, stepmother, father-in-law, mother-in-law, son, daughter, stepson, stepdaughter, brother, sister, grandchild, grandparent, domestic partner, or ward.

INITIAL INSPECTION: the first inspection of a dwelling unit for the purpose of determining compliance with the code.

LET FOR OCCUPANCY OR LET: 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.

5-8-1: 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 Village-issued certificate of compliance.

B. It is unlawful for any person to occupy a residential rental property that does not have a valid Village-issued certificate of compliance.

C. It is unlawful to allow any person to occupy a residential rental property that does not have a valid Village-issued certificate of compliance.

5-8-3: 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 Village revokes or suspends the certificate of compliance in accordance with this chapter.
2. For properties having to correct violations, 12 months after the date of the certificate of compliance's issuance; for properties having received a certificate of compliance from the

village without having to correct any violations, 24 months after the date of certificate of compliance's issuance.

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.

5-8-4: Certificate of Compliance—Application:

A. Owners shall submit a certificate of compliance application on a form provided by the village and provide all other information reasonably requested by the village. At a minimum, owners shall provide the following information for each residential rental property:

- a. Owner's legal name, home and business address, home, business, and mobile telephone numbers, and e-mail address.
- b. Property agent's legal name, business address, business and mobile telephone numbers, and e-mail address.
- c. The address of the residential rental property.
- d. The residential rental property's square footage.
- e. The application and inspection fee listed in the village's fee schedule.

B. An owner shall submit a revised application to the village 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 120 days of the effective date of this chapter. Thereafter, applications for certificates of compliance shall be filed at least 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 cover.

E. Owners that fail to submit a certificate of compliance application in accordance with the timeframes set forth shall be required to pay an application and inspection fee equaling 200 percent of the application and inspection fee listed in the village's fee schedule.

F. The village 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.

5-8-5: Inspections:

A. Upon submitting a certificate of compliance application, the owner, in consultation with any occupants, shall schedule with the village an inspection of the residential rental property within 30 days of submission of said application.

B. Each inspection made by the code official shall be for the sole purpose of determining compliance with portions of the code related to life and safety.

C. The code official shall issue a certificate of compliance only upon finding that there is (i) no condition that would constitute a hazard to the health and safety of the occupants and (ii) that the residential rental property is otherwise fit for occupancy. (iii) That the rental property complies with the Village's parking requirements as outlined in the Village's Zoning Ordinance. If such findings are not made, the code official shall issue a notice to comply to the owner or property agent. Upon a re-inspection which demonstrates compliance with items (i) and (ii) in the preceding sentence, the code official shall issue a certificate of compliance.

D. The code official shall issue a certificate of compliance on the condition that the residential rental property remains in a safe, habitable, and code-compliant condition. If upon re-inspection the village determines that conditions exist which constitute a hazard to the occupants' health or safety, the village 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 Village-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 either (i) allow the code official to inspect a residential rental property or schedule a time for the code official to inspect the residential rental property within the timeframe described in this ordinance, the village reserves the right to seek an administrative search warrant in the Circuit Court of Lake County, Illinois solely for the purpose of conducting said inspection. In the event that an inspection is refused, a temporary certificate shall be issued for a period of 60 days to allow the Village, in its discretion, to seek an administrative search warrant to conduct an inspection. In the event the Village does not seek an administrative search warrant or the Village's request for an administrative search warrant is denied, the Village shall not use the lack of an inspection as a basis for denial of a certificate of compliance under this chapter.

H. Violations discovered during an inspection shall be identified in a written notice to the owner or the property agent of the residential rental property. If the identity of the owner or property agent 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 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. In the event an owner, property agent, or occupant fails to schedule a time for re-inspection or refuses to consent to re-inspection, the village reserves the right to seek an administrative search warrant in the Circuit Court of Lake County, Illinois. In the event that a re-inspection is refused, a temporary certificate shall be issued for a period of 60 days to allow the Village, in its discretion, to seek an administrative search warrant to conduct an inspection. In the event the Village does not seek an administrative search warrant or the Village's request for an administrative search warrant is denied, the lack of a re-inspection shall not serve as the basis of a violation under this chapter.

5-8-6: Adjudication of Violations and Appeals:

A. Any violation of this chapter shall be adjudicated by the code hearing department pursuant to the procedures set in the village code.

B. 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 code official. 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. Within 14 days of receipt of such an appeal, the code official shall file a written sworn pleading or complaint with the code administrator regarding such appeal. Such an appeal shall be adjudicated pursuant to appeal process incorporated within the village code.

5-8-7: Other Inspections:

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

5-8-8: Penalty:

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

C. An owner, property agent, or occupant's refusal to permit the village to perform an inspection or re-inspection shall not be considered a violation of this chapter and shall not result in the issuance of any fines or penalties.

5-8-9: Fees

The applicable fees related to this ordinance are as follows:

- | | |
|--------------------------|---------|
| A. Application Fee | \$25.00 |
| B. Rental Inspection Fee | \$50.00 |
| C. Re-Inspection Fee | \$50.00 |

5-8-10: Severability:

If any provision, clause, sentence, paragraph, section, or part of this chapter or application thereof to any person, firm, corporation, public agency or circumstance, shall, for any reason, be adjudged by a court of competent jurisdiction to be unconstitutional or invalid, said judgment shall not affect, impair or invalidate the remainder of this ordinance and the application of such provision to other persons, firms, corporation, or circumstances, but shall be confined in its operation to the provision, clause, sentence, paragraph, section, or part thereof directly involved in the controversy in which such judgment shall have been rendered and to the person, firm, corporation, or circumstances involved. It is hereby declared to be the legislative intent of the corporate authorities that this ordinance would have been adopted had such unconstitutional or invalid provision, clause, sentence, paragraph, section, or part thereof not be included.

SECTION 3: The Corporate Authorities hereby approve the amendment of Title 5 of the Village Code.

SECTION 4: All ordinances, resolutions and orders or parts of ordinances, resolutions and orders in conflict with this Ordinance are repealed to the extent of such conflict.

SECTION 5: The Village Clerk shall cause this Ordinance to be published in pamphlet form.

SECTION 6: This Ordinance shall be in full force and effect after passage and publication as provided by law.

PASSED by the President and Board of Trustees of the Village this 26th day of January, 2022.

Voting Aye (list names): 6: Pierce, Macek, Pedersen, Bluthardt, Burman and Dominiak.

Voting Nay (list names): 0.

Abstaining (list names): 0.

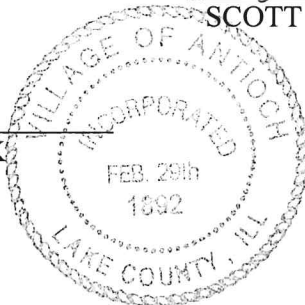
Absent (list names): 0.

APPROVED:


SCOTT J. GARTNER, MAYOR

ATTEST:


LORI K. ROMINE, VILLAGE CLERK



STATE OF ILLINOIS)
) SS
COUNTY OF LAKE)

CERTIFICATE

I, Lori K. Romine, certify that I am the duly appointed Municipal Clerk of the Village of Antioch, Lake County, Illinois.

I certify that on January 26, 2022, the Corporate Authorities of such municipality passed and approved Ordinance No. 22-01-06, entitled **“AN ORDINANCE AMENDING TITLE 5 OF THE MUNICIPAL CODE OF ANTIOCH REGARDING PUBLIC HEALTH AND SAFETY”** which provided by its terms that it should be published in pamphlet form.

The pamphlet form of **Ordinance No. 22-01-06**, including the Ordinance and cover sheet thereof, was prepared, and a copy of such Ordinance was posted in the municipal building, commencing on January 27, 2022 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 Antioch, Illinois, this 27th day of January, 2022

Lori K. Romine

Lori K. Romine, RMC/CMC
Village Clerk

