



VILLAGE OF SAUK VILLAGE

**ORDINANCE
NUMBER 20-008**

AN ORDINANCE AMENDING ARTICLE I "IN GENERAL" OF CHAPTER 14 "BUILDINGS AND BUILDINGS REGULATIONS" TO REGULATE INSPECTIONS WITHIN THE VILLAGE OF SAUK VILLAGE, ILLINOIS

**DERRICK BURGESS, Village President
MARVA CAMPBELL-PRUITT, Clerk**

**GARY T. BELL
BERNICE BREWER
RODRICK GRANT
SHERRY JASINSKI
LINDA L. TODD
DEBRA L. WILLIAMS
Trustees**

ORDINANCE NO. 20-008

AN ORDINANCE AMENDING ARTICLE I "IN GENERAL" OF CHAPTER 14 "BUILDINGS AND BUILDINGS REGULATIONS" TO REGULATE INSPECTIONS WITHIN THE VILLAGE OF SAUK VILLAGE, ILLINOIS

WHEREAS the Village of Sauk Village, Cook County, Illinois, ("the Village") is a municipality in the state of Illinois with full powers to enact ordinances and adopt resolutions for the benefit of the residents of the Village; and

WHEREAS, the President and Board of Trustees of the Village (the "Corporate Authorities") may from time to time amend the text of the Village Code when it is determined to be in the best interests of the residents of the Village; and

WHEREAS, pursuant to the authority granted by the Illinois Municipal Code and the Village Municipal Code, among other applicable statues and ordinances, the President and Board of Trustees wish to adopt an additional means for the enforcement of its regulations and for the promotion of responsible ownership, maintenance, and transfer of interest in buildings and structures within the Village.

WHEREAS, in connection with the foregoing, the Corporate Authorities have determined that it is necessary and in the best interests of the Village to amend the Village Code to add provisions regarding inspections as further provided below.

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

SECTION 1: RECITALS.

That the above recitals and legislative findings are found to be true and correct and are hereby incorporated herein and made a part hereof, as if fully set forth in their entirety.

SECTION 2:

Section 14-1 ("Single Family Home Inspections") of Article I ("In General") of Chapter 14 ("Buildings and Building Regulations") of the Village Code is hereby amended by eliminating the stricken language and adding the underlined language as follows:

Sec. 14-1 ~~Single Family Home~~ Point of Sale Inspections

A. Definitions.

For the purposes of this section, the following terms shall have the following meanings:

"single-family "dwelling" means a residential building containing one dwelling unit, structure or portion thereof, designed or used exclusively for residential occupancy, including single-family, two-family, townhouse, and multifamily dwellings.

"the Department" means the Community Development Department of the Village of Sauk Village.

"sale" means the conveyance of title to a dwelling for consideration, including conveyances through foreclosure, tax sales, and other involuntary conveyances.

B. Inspections Required.

- (1) In order to safeguard the health, safety and welfare of the occupants of dwellings and the general public, preserve property values, and enhance property tax revenues, point of sale inspections shall be conducted within the Village according to this section.
- (2) Prior to the transfer in ownership sale of a single-family dwelling unit, the Department shall inspect the unit for compliance with any applicable law designed to protect the health and safety of the occupants and to ensure the habitability of the unit. For purposes of this ordinance, the protection of "health and safety" shall include, and is limited to, the inspection of the following components of the unit: heating/cooling; electrical components; plumbing; roofing; fireplace; fire suppression systems and to ensure minimal standards for basic habitability.
- (3) The inspections may be performed by any qualified member of the Department, building official, zoning inspector, code enforcement officer, fire inspector, building inspector, or other person or contractor authorized by the Village.

C. Inspection Procedure, Certificates of Occupancy and Appeals.

- (1) The owner or legal authorized agent of the owner shall notify the Department of the owner's intent to transfer ownership of sell the property.
- (2) The Department shall then notify the owner or the agent of the date and approximate time of the planned inspection. The Department shall contact the owners or their legal

authorized agent to schedule an inspection within 5 business days of the owner's notice to the Department of the intent to ~~transfer ownership or change in tenants~~ sell the property.

- (3) All inspections shall occur between the hours of 9 am and 4 pm.
- (4) The inspection shall occur only after consent is given by signature on a form provided by the Department by the unit owner or legal authorized agent. If tenants are living in the property at the time of the inspection, their consent is required. Where consent to inspect is refused, the Department shall seek an administrative warrant in compliance with Section 14-4 of this Article.
- (5) If, upon completion of an inspection, the premises are found to be in compliance with ~~this Code~~ applicable laws and the fee has been paid pursuant this section, the Department shall issue a Certificate of Occupancy for the premises within 2 business days after receipt of the inspection report. If another ~~transfer of ownership~~ sale of the property occurs within ~~45 days~~ one year of the issuance of the Certificate, the unit shall not be inspected prior to that transfer.
- (6) If, upon completion of an inspection, the premises are found to be in violation of ~~any provisions of an applicable Village code~~ an applicable law, the Department shall provide to the owner, as soon as practicable, a written notice of such violations. ~~and shall set a reinspection date before which such violations shall be corrected. The reinspection date shall occur no less than five (5) business days after~~ The owner or legal authorized agent shall notifyies the Department in writing that when the violations have been corrected and a reinspection shall be scheduled within 5 business days. If the reinspection shows that such violations have been corrected ~~within that period~~, the Department shall issue a Certificate of Occupancy for the premises.
- (7) Any person aggrieved by ~~an inspection~~ the denial of a Certificate of Occupancy, shall have the right to appeal ~~the inspection~~ to the Village Adjudication Hearing Officer. The appeal

shall be initiated by filing with the Village Clerk, within ten (10) calendar days of the issuance of an inspection report, a written statement setting forth specifically the grounds for the appeal. The Village Adjudication Hearing Officer shall set the time and place for hearing such appeal and notice of such time and place shall be mailed to the appellant. The Village Adjudication Hearing Officer shall have the power to reverse, affirm, or modify an inspection report.

D. ~~Temporary Certificate of Occupancy. Sale of property without Certificate of Occupancy.~~

~~(1) The Department shall not prohibit the sale of a dwelling without a Certificate of Occupancy. However, the buyer of the dwelling shall be responsible for correcting all violations and obtaining a Certificate of Occupancy. The Department may issue a Temporary Certificate of Occupancy to the transferee if the unit is habitable as determined by the Department or any individual or entity authorized to perform inspections pursuant to Subsection B and if the transferee agrees to correct all violations which the Department cited pursuant to Subsection C. Such An agreement shall be made in writing between the Village and the buyer and shall require the transferee-buyer to correct all violations within 90 days of the date of the transfer-sale. The Department may extend that period of time for violation corrections, in its discretion, in consideration of weather conditions and where the transferee is showing a good faith effort to remediate violations and no violations pose a threat to the health, safety and welfare of the occupants.~~

~~If the unit is not safe enough to be occupied, and the transferee has agreed to correct all violations, the Department shall not issue a Temporary Certificate of Occupancy, but in no case shall the Department or the Village prohibit the transfer of ownership of the unit.~~

E. Fees.

The owner shall pay:

- 1) all inspection costs incurred, and;
- 2) an administrative fee in the amount of \$75 prior to the performance of the required inspection.

The owner is responsible for both categories of charges. The administrative fee is waived for the first reinspection. If an owner fails their first reinspection, they will be required to pay an additional 75.00 administrative fee for each additional reinspection.

F. Inspection Checklist.

The Department shall make available to the public a checklist which shows the basic health and safety items for which dwellings units shall be inspected pursuant to this ordinance. The original inspection checklist shall be used by the inspector and a copy of the completed checklist shall be provided to the owner along with the written notice of code violations after the inspection occurs.

~~G. Other Inspections.~~

~~———— In addition to the inspections authorized in Subsection D, the Department may inspect a single family dwelling unit after the Department has notified the owner of a reasonable belief that violation of a health, safety or occupancy code exists. In such case, the Department shall petition the circuit court for an administrative warrant allowing the Department to enter and inspect the dwelling unit.~~

~~———— If the premises are found not to be in compliance with the health, safety or occupancy codes, the Department shall, as soon as practicable, provide the owner or the agent of the owner with a written report of the violations to be corrected. The owner shall be given a reasonable time in which to correct such violations.~~

~~H. Inspection of Vacant Single Family Homes.~~

~~If the Department is notified of, or determines, that a single family home is vacant, the Department may notify the owner or person or entity responsible for the maintenance of the premises of the Department's intent to inspect the premises.~~

~~The Department shall also notify the owner or the agent or other responsible party of the date and approximate time of the planned inspection. All inspections shall occur between the hours of 9 am and 4 pm. The inspection shall occur only after consent is given by the unit owner or other responsible party.~~

~~If the premises are found not to be in compliance with the health, safety or occupancy codes, the Department shall, as soon as practicable, provide the owner or the agent of the owner or other responsible party with a written report of the violations to be corrected. The owner shall be given a reasonable time in which to correct such violations. In determining the length of time to correct violations, the Department shall take into account any known and imminent occupancy of the premises.~~

~~For purposes of this section, "vacant" shall mean any single family home that is unoccupied for 90 days or more.~~

SECTION 3: Section 14-2 ("Rental Inspections") of Article I ("In General") of Chapter 14 ("Buildings and Building Regulations") of the Village Code is hereby amended by eliminating the

stricken language and adding the underlined language as follows:

1. A. Definitions

"Rental Dwelling" means a dwelling that is leased or rented to one or more tenants. However, a dwelling unit occupied in part by the owner thereof shall not be construed to be a rental dwelling unless a tenant occupies a part of the dwelling unit that has its own bathroom, cooking and sleeping areas.

B. Inspections Required.

(1) In order to safeguard the health, safety and welfare of the occupants of dwellings and the general public, preserve property values, and enhance property tax revenues, rental inspections shall be conducted within the Village according to this section.

(2) Prior to a change in occupancy of a rental dwelling, the Community Development Director is authorized and directed to make inspections of rental dwellings for compliance with any applicable law designed to protect the health and safety of the occupants and to ensure the habitability of the dwelling. ~~to determine the condition of dwellings, dwelling units, rooming units and premises located within the village, not otherwise occupied, or to be occupied, by the owner in order that the Community Development Director may perform his or her duty of safeguarding the health, safety, and welfare of the occupants of any such dwellings and of the general public, preserve property values, and enhance property tax revenues.~~ All inspections made under this section will be performed in strict compliance with the guidelines established in this section.

(3) The inspections may be performed by the Village Community Development Director or at the direction of the Village, any qualified building official, zoning inspector, code enforcement officer, fire inspector, building inspector, or other person or contractor authorized by the Village.

~~2. The Community Development Director is authorized to enter, examine and survey the interior of the dwelling unit under the following circumstances:~~

~~a. Upon a vacancy or change of occupancy at the property;~~

~~b. Upon owner or tenant request or complaint with consent from both the owner and tenant; or~~

~~c. When there is probable cause to believe a code violation may exist. Probable cause may exist, but is not limited to, observation of the exterior of the property which leads the Community Development Director or his authorized representative to conclude that code violations may exist on the interior of the property, or upon request of the fire or police departments, who, after entering the interior of the property, have reason to believe that building code violations may exist.~~

~~3. Under subsections (2)(a) and (2)(b) of this section, the Community Development Director or his authorized representative will strictly limit the inspection to the specific dwelling, dwelling unit, or rooming unit that is changing or has changed occupancy or for which the owner or tenant has identified in his or her complaint for determining whether or not there is compliance with all relevant provisions of this chapter. Under subsection (2)(c) of this section, the Community Development Director or his authorized representative may examine and survey all dwellings, dwelling units, rooming units and the premises of the reported property, for the purpose of determining whether or not there is compliance with all relevant provisions of this chapter. Under all subsections of Section 14-2(2),~~

(4) The inspection shall include, and is limited to, the following components: heating/cooling; electrical components; plumbing; roofing; fireplace; fire suppression systems and to ensure minimal standards for basic habitability.

6-C. Timing of Inspections

(1) The owner or legal authorized agent of the owner shall notify the Department at least thirty (30) days prior to an initial tenancy of a rental dwelling or a change in occupants. Regardless of a change in occupancy, every rental dwelling shall be inspected at least once every three (3) years.

(2) The Department shall provide a notice of inspection within five (5) business days of receipt of notice of an intent to rent or change occupancy. Owners of nonowner occupied dwellings, dwelling units, or rooming units must contact the Community Development Director after a dwelling, dwelling unit, or rooming unit has been vacated or upon change in occupancy to schedule an inspection as required under subsection (2)(a) of this section.

(3) Failure of an owner to comply with the provisions of this subsection (6 C) may result in a suspension or revocation of the owner's Certificate of Occupancy ~~for the building and~~ imposition of a fine as established in this chapter.

4. D. Notice of Inspection

No inspection will be made under this subsection unless and until the Community Development Director has provided the owner of the rental dwelling, ~~dwelling unit, or rooming unit~~ and, if occupied, the tenant of the rental dwelling, ~~dwelling unit, or rooming unit~~ with at least three (3) business days' written notice of an inspection. The notice must be either personally delivered or mailed, return receipt requested, to the last known address of the owner and to the address of the property to be inspected. The notice, at a minimum, must:

a. Identify the property to be inspected and date and general time frame of the scheduled inspection, set no more than within a three (3) hour block and in no event any earlier than nine o'clock (9:00) A.M. or later than four o'clock (4:00) P.M., Monday through Friday,

b. ~~Provide the basis for the inspection, with specific reference to the relevant basis set forth in subsection (2)(B) of this section,~~ Inform the parties that the inspection is a rental inspection pursuant to this section.

c. Explain the scope of the inspection, with specific reference to all relevant building and life safety codes establishing the code requirements, and

d. Provide the name and contact information of the Community Development Director or his authorized representative, with an invitation to contact the director or representative with any questions, concerns, or requests to reschedule the inspection date and time.

5. E. Consent, Refusal.

(1) The rental inspection shall occur only after the owner or the owner's authorized agent and the tenant, if occupied on the date of inspection, of every the rental dwelling, ~~dwelling unit and rooming unit will give~~ have given the Community Development Director or his authorized representative ~~access to such~~ consent to inspect the rental dwelling, ~~dwelling unit or rooming unit and its premises upon presentation of proper identification and a written schedule of the specific areas and facilities to be inspected, examined and surveyed on a form prepared and signed by the Community Development Director.~~

(2) If any owner or the owner's authorized agent, or the occupant, if occupied as of the date of the inspection, refuses to permit access or entry into such rental dwelling, dwelling unit or rooming unit or any part thereof with respect to a scheduled inspection authorized by this section, the Community Development Director ~~will file a petition setting forth the basis for the inspection with and obtain a warrant to inspect or an order from a court of competent jurisdiction authorizing the Community Development Director or his authorized representative entry into the property for the purposes of conducting the scheduled inspection.~~ shall petition for an administrative warrant in accordance with Section 14-4 of this Article.

7. F. Certificate of Occupancy

(1) If, upon completion of an inspection, the premises are found to be in compliance with applicable laws and the fee has been paid pursuant this section, the Department shall issue a Certificate of Occupancy for the premises within 2 business days after receipt of the inspection report. If another change in occupancy occurs within one year of the issuance of the Certificate, the unit need not be inspected prior to the change.

(2) If, upon completion of the inspection, the premises are found to be in violation of applicable laws, the Community Development Director or his authorized representative will deliver within five (5) business days after an inspection a written inspection report either personally or by mail, return receipt requested, to the addresses where the inspection notification was sent. The report will, at a minimum, provide:

- a. Date and time of the inspection,
- b. Name and contact information of the person who conducted the inspection,
- c. Basis for the inspection, as provided in the notice,
- d. Areas of the property inspected,
- e. Findings of the inspection, with specific references to specific code violations, if any,

f. Required repairs, alterations, or other corrective actions with a date upon which all repairs, alterations, or other corrective actions must be completed,

g. Date and general time frame of a follow up inspection, set no more than within a three (3) hour block and in no event any earlier than nine o'clock (9:00) A.M. or later than four o'clock (4:00) P.M., Monday through Friday, and

h. Provide the name and contact information of the Community Development Director or his authorized representative, with an invitation to contact the director or representative with any questions, concerns, or requests to reschedule the inspection date and time.

8. G. Access to Owner to make repairs.

Every occupant of a rental dwelling, ~~dwelling unit, or rooming unit~~ will give the owner thereof or his agent or employee access to any part of such dwelling, ~~dwelling unit, or rooming unit~~ or its premises at all reasonable times for the purpose of making such repairs, alterations, or other corrective actions as are necessary to bring the rental dwelling, ~~dwelling unit, or rooming unit~~ into compliance with this chapter or with any lawful rule or regulation adopted or order issued pursuant to this chapter.

9. H. Fees

The owner of the rental dwelling, ~~dwelling units, rooming units and premises~~ shall pay:

- 1) all inspection costs incurred, and;
- 2) an administrative fee in the amount of \$75 prior to the performance of the required inspection.

The owner is responsible for both categories of charges. The administrative fee is waived for the first reinspection. If an owner fails their first reinspection, they will be required to pay an additional 75.00 administrative fee for each additional reinspection.

10. I. Appeal

Any person aggrieved by ~~an inspection~~ the denial of a Certificate of Occupancy, shall have the right to appeal ~~the inspection~~ to the Village Adjudication Hearing Officer. The appeal shall be initiated by filing with the Village Clerk, within ten (10) calendar days of the issuance of an inspection report, a written statement setting forth specifically the grounds for the appeal. The Adjudication Hearing Officer shall set the time and place for hearing such appeal and notice of such time and place shall be mailed to the appellant. The Adjudication Hearing Officer shall have the power to reverse, affirm, or modify an inspection report.

SECTION 4: Article I ("In General") of Chapter 14 ("Buildings and Building Regulations") of the Village Code is hereby amended by adding the following section:

Sec. 14-3 Inspection of Vacant Dwellings.

- (a) If the Department is notified of, or determines, that a dwelling is vacant, the Department may notify the owner or person or entity responsible for the maintenance of the premises of the Department's intent to inspect the premises.
- (b) The Department shall also notify the owner or the agent or other responsible party of the date and approximate time of the planned inspection. All inspections shall occur between the hours of 9 am and 4 pm. The inspection shall occur only after consent is given by the unit owner or other responsible party or an administrative warrant is obtained pursuant to Sec. 14-4 of this Article.
- (c) If the premises are found not to be in compliance with the health, safety or occupancy codes, the Department shall, as soon as practicable, provide the owner or the agent of the owner or other responsible party with a written report of the violations to be corrected. The owner shall be given a reasonable time in which to correct such violations. In determining the length of time to correct violations, the Department shall take into account any known and imminent occupancy of the premises.
- (d) For purposes of this section, "vacant" shall mean any residential property that is unoccupied for 90 days or more.

SECTION 5: Article I ("In General") of Chapter 14 ("Buildings and Building Regulations") of the Village Code is hereby amended by adding the following section:

Sec. 14-4: Administrative Warrants.

In applicable situations, the Director or his authorized representative shall petition a Judge in the Circuit Court of Cook County or Will County, as applicable, seeking an administrative warrant for an inspection of property. The petition shall specify the purpose and scope of the inspection and the address of the property to be inspected. The Court may consider the following factors along with such other appropriate matters as to whether a warrant shall issue:

- (1) Eyewitness account of violation;
- (2) Citizen complaints
- (3) Tenant complaints
- (4) Plain view violations
- (5) Violations apparent from city records
- (6) Property deterioration
- (7) Age of property;
- (8) Nature of alleged violation
- (9) Condition of similar properties in the area
- (10) Documented violations on similar properties in the area
- (11) Passage of time since last inspection
- (12) Previous violations on the property.

SECTION 6: Article I ("In General") of Chapter 14 ("Buildings and Building Regulations") of the Village Code is hereby amended by adding the following section:

Sec. 14-5: Certificate of Occupancy

- (a) It shall be unlawful for any family unit to occupy a dwelling unit within the village by rental, lease, purchase or otherwise or for any owner or agent thereof to permit the occupation of a dwelling unit within the village by any family unit for any purpose until a certificate of occupancy has been issued by the Community Development Director.
- (b) A new certificate of occupancy is required if the occupancy or ownership of any dwelling is changed through sale, transfer, lease or tenancy.

- (c) An owner shall apply to the Community Development Director no less than seven days nor more than three months prior to occupancy. The Community Development Director shall then cause an inspection to be made pursuant to this Article.
- (d) A violation of this section shall be punishable by a fine between \$50.00 and \$500.00. Each day a violation occurs shall constitute a separate violation.

SECTION 7: EFFECTIVE DATE.

This Ordinance shall be in full force and effect upon its passage, approval and publication as provided by law.

SECTION 8: REPEAL OF CONFLICTING PROVISIONS.

All ordinances and resolutions, or parts, thereof, in conflict with the provisions of this Ordinance are, to the extent of the conflict, expressly repealed on the effective date of this Ordinance.

SECTION 9: SEVERABILITY.

If any provision of this Ordinance or application thereof to any person or circumstances is ruled unconstitutional or otherwise invalid, such invalidity shall not affect other provisions or applications of this Ordinance that can be given effect without the invalid application or provision, and each invalid provision or invalid application of this Ordinance is severable.

ADOPTED AND APPROVED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF SAUK VILLAGE, COOK COUNTY, ILLINOIS, ON THIS 24th DAY OF MARCH, 2020.

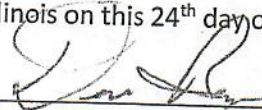
Ayes: Trustees Bell, Brewer, Jasinski, Todd, Williams (5)

Nays: Grant (1)

Abstain: None

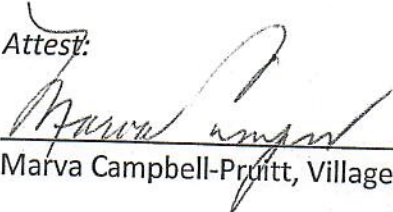
Absent: None

APPROVED by the Mayor of the Village of Sauk Village, Illinois on this 24th day of March,



Derrick Burgess, Village President

Attest:



Marva Campbell-Pruitt, Village Clerk



Chapter 14- BUILDINGS AND BUILDING REGULATIONS

ARTICLE I. IN GENERAL

Sec. 14-1 Point of Sale Inspections.

A. Definitions.

For the purposes of this section, the following terms shall have the following meanings:

“dwelling” means a structure or portion thereof, designed or used exclusively for residential occupancy, including single-family, two-family, townhouse, and multifamily dwellings.

“the Department” means the Community Development Department of the Village of Sauk Village.

“sale” means the conveyance of title to a dwelling for consideration, including conveyances through foreclosure, tax sales, and other involuntary conveyances.

B. Inspections Required.

- (1) In order to safeguard the health, safety and welfare of the occupants of dwellings and the general public, preserve property values, and enhance property tax revenues, point of sale inspections shall be conducted within the Village according to this section.
- (2) Prior to the sale of a dwelling, the Department shall inspect the unit for compliance with any applicable law designed to protect the health and safety of the occupants and to ensure the habitability of the unit. For purposes of this ordinance, the protection of “health and safety” shall include, and is limited to, the inspection of the following components of the unit: heating/cooling; electrical components; plumbing; roofing; fireplace; fire suppression systems and to ensure minimal standards for basic habitability.
- (3) The inspections may be performed by any qualified member of the Department, building official, zoning inspector, code enforcement officer, fire inspector, building inspector, or other person or contractor authorized by the Village.

C. Inspection Procedure, Certificates of Occupancy and Appeals.

- (1) The owner or legal authorized agent of the owner shall notify the Department of the owner’s intent to sell the property.
- (2) The Department shall then notify the owner or the agent of the date and approximate time of the planned inspection. The Department shall contact the owners or their legal authorized agent to schedule an inspection within 5 business days of the owner’s notice to the Department of the intent to sell the property.

- (3) All inspections shall occur between the hours of 9 am and 4 pm.
- (4) The inspection shall occur only after consent is given by signature on a form provided by the Department by the unit owner or legal authorized agent. If tenants are living in the property at the time of the inspection, their consent is required. Where consent to inspect is refused, the Department shall seek an administrative warrant in compliance with Section 14-4 of this Article.
- (5) If, upon completion of an inspection, the premises are found to be in compliance with applicable laws and the fee has been paid pursuant this section, the Department shall issue a Certificate of Occupancy for the premises within 2 business days after receipt of the inspection report. If another sale of the property occurs within one year of the issuance of the Certificate, the unit shall not be inspected prior to that transfer.
- (6) If, upon completion of an inspection, the premises are found to be in violation of an applicable law, the Department shall provide to the owner, as soon as practicable, a written notice of such violations. The owner or legal authorized agent shall notify the Department in writing when the violations have been corrected and a reinspection shall be scheduled within 5 business days. If the reinspection shows that such violations have been corrected, the Department shall issue a Certificate of Occupancy for the premises.
- (7) Any person aggrieved by the denial of a Certificate of Occupancy, shall have the right to appeal to the Village Adjudication Hearing Officer. The appeal shall be initiated by filing with the Village Clerk, within ten (10) calendar days of the issuance of an inspection report, a written statement setting forth specifically the grounds for the appeal. The Village Adjudication Hearing Officer shall set the time and place for hearing such appeal and notice of such time and place shall be mailed to the appellant. The Village Adjudication Hearing Officer shall have the power to reverse, affirm, or modify an inspection report.

D. Sale of property without Certificate of Occupancy.

The Department shall not prohibit the sale of a dwelling without a Certificate of Occupancy. However, the buyer of the dwelling shall be responsible for correcting all violations and obtaining a Certificate of Occupancy. An agreement shall be made in writing between the Village and the buyer and shall require the buyer to correct all violations within 90 days of the date of the sale. The Department may extend that period of time for violation corrections, in its discretion, where the buyer is showing a good faith effort to remediate violations.

E. Fees.

The owner shall pay:

- 1) all inspection costs incurred, and;
- 2) an administrative fee in the amount of \$75 prior to the performance of the required inspection.

The owner is responsible for both categories of charges. The administrative fee is waived for the first reinspection. If an owner fails their first reinspection, they will be required to pay an additional 75.00 administrative fee for each additional reinspection.

F. Inspection Checklist.

The Department shall make available to the public a checklist which shows the basic health and safety items for which dwellings units shall be inspected pursuant to this ordinance. The original inspection checklist shall be used by the inspector and a copy of the completed checklist shall be provided to the owner along with the written notice of violations after the inspection occurs.

Sec. 14-2. Rental Inspections.

A. Definitions

“Rental Dwelling” means a dwelling that is leased or rented to one or more tenants. However, a dwelling unit occupied in part by the owner thereof shall not be construed to be a rental dwelling unless a tenant occupies a part of the dwelling unit that has its own bathroom, cooking and sleeping areas.

B. Inspections Required.

- (1) In order to safeguard the health, safety and welfare of the occupants of dwellings and the general public, preserve property values, and enhance property tax revenues, rental inspections shall be conducted within the Village according to this section.
- (2) Prior to a change in occupancy of a rental dwelling, the Community Development Director is authorized and directed to make inspections of rental dwellings for compliance with any applicable law designed to protect the health and safety of the occupants and to ensure the habitability of the dwelling. All inspections made under this section will be performed in strict compliance with the guidelines established in this section.
- (3) The inspections may be performed by the Village Community Development Director or at the direction of the Village, any qualified building official, zoning inspector, code enforcement officer, fire inspector, building inspector, or other person or contractor authorized by the Village.
- (4) The inspection shall include, and is limited to, the following components: heating/cooling; electrical components; plumbing; roofing; fireplace; fire suppression systems and to ensure minimal standards for basic habitability.

C. Timing of Inspections

- (1) The owner or legal authorized agent of the owner shall notify the Department at least thirty (30) days prior to an initial tenancy of a rental dwelling or a change in occupants. Regardless of a change in occupancy, every rental dwelling shall be inspected at least once every three (3) years.

- (2) The Department shall provide a notice of inspection within five (5) business days of receipt of notice of an intent to rent or change occupancy.
- (3) Failure of an owner to comply with the provisions of this subsection (C) may result in a suspension or revocation of the owner's Certificate of Occupancy and imposition of a fine as established in this chapter.

D. Notice of Inspection

No inspection will be made under this subsection unless and until the Community Development Director has provided the owner of the rental dwelling, and, if occupied, the tenant of the rental dwelling with at least three (3) business days' written notice of an inspection. The notice must be either personally delivered or mailed, return receipt requested, to the last known address of the owner and to the address of the property to be inspected. The notice, at a minimum, must:

- a. Identify the property to be inspected and date and general time frame of the scheduled inspection, set no more than within a three (3) hour block and in no event any earlier than nine o'clock (9:00) A.M. or later than four o'clock (4:00) P.M., Monday through Friday,
- b. Inform the parties that the inspection is a rental inspection pursuant to this section.
- c. Explain the scope of the inspection, with specific reference to all relevant building and life safety codes establishing the code requirements, and
- d. Provide the name and contact information of the Community Development Director or his authorized representative, with an invitation to contact the director or representative with any questions, concerns, or requests to reschedule the inspection date and time.

E. Consent, Refusal.

- (1) The rental inspection shall occur only after the owner or the owner's authorized agent and the tenant, if occupied on the date of inspection, of the rental dwelling have given the Community Development Director or his authorized representative consent to inspect the rental dwelling.
- (2) If any owner or the owner's authorized agent, or the occupant, if occupied as of the date of the inspection, refuses to permit access or entry into such rental dwelling, the Community Development Director shall petition for an administrative warrant in accordance with Section 14-4 of this Article.

F. Certificate of Occupancy

- (1) If, upon completion of an inspection, the premises are found to be in compliance with applicable laws and the fee has been paid pursuant this section, the Department shall issue a Certificate of Occupancy for the premises within 2 business days after receipt of the inspection report. If another change in occupancy occurs within one year of the issuance of

the Certificate, the unit need not be inspected prior to the change.

(2) If, upon completion of the inspection, the premises are found to be in violation of applicable laws, the Community Development Director or his authorized representative will deliver within five (5) business days after an inspection a written inspection report either personally or by mail, return receipt requested, to the addresses where the inspection notification was sent. The report will, at a minimum, provide:

- a. Date and time of the inspection,
- b. Name and contact information of the person who conducted the inspection,
- c. Basis for the inspection, as provided in the notice,
- d. Areas of the property inspected,
- e. Findings of the inspection, with specific references to specific code violations, if any,
- f. Required repairs, alterations, or other corrective actions with a date upon which all repairs, alterations, or other corrective actions must be completed,
- g. Date and general time frame of a follow up inspection, set no more than within a three (3) hour block and in no event any earlier than nine o'clock (9:00) A.M. or later than four o'clock (4:00) P.M., Monday through Friday, and
- h. Provide the name and contact information of the Community Development Director or his authorized representative, with an invitation to contact the director or representative with any questions, concerns, or requests to reschedule the inspection date and time.

G. Access to Owner to make repairs

Every occupant of a rental dwelling will give the owner thereof or his agent or employee access to any part of such dwelling or its premises at all reasonable times for the purpose of making such repairs, alterations, or other corrective actions as are necessary to bring the rental dwelling into compliance with this chapter or with any lawful rule or regulation adopted or order issued pursuant to this chapter.

H. Fees

The owner of the rental dwelling shall pay:

- 1) all inspection costs incurred, and;
- 2) an administrative fee in the amount of \$75 prior to the performance of the required inspection.

The owner is responsible for both categories of charges. The administrative fee is waived for the first reinspection. If an owner fails their first reinspection, they will be required to pay an additional 75.00 administrative fee for each additional reinspection.

I. Appeal

Any person aggrieved by the denial of a Certificate of Occupancy, shall have the right to to the Village Adjudication Hearing Officer. The appeal shall be initiated by filing with the Village Clerk, within ten (10) calendar days of the issuance of an inspection report, a written statement setting forth specifically the grounds for the appeal. The Adjudication Hearing Officer shall set the time and place for hearing such appeal and notice of such time and place shall be mailed to the appellant. The Adjudication Hearing Officer shall have the power to reverse, affirm, or modify an inspection report.

Sec. 14-3: Inspection of Vacant Dwellings.

- (a) If the Department is notified of, or determines, that a dwelling is vacant, the Department may notify the owner or person or entity responsible for the maintenance of the premises of the Department's intent to inspect the premises.
- (b) The Department shall also notify the owner or the agent or other responsible party of the date and approximate time of the planned inspection. All inspections shall occur between the hours of 9 am and 4 pm. The inspection shall occur only after consent is given by the unit owner or other responsible party or an administrative warrant is obtained pursuant to Sec. 14-4 of this Article.
- (c) If the premises are found not to be in compliance with the health, safety or occupancy codes, the Department shall, as soon as practicable, provide the owner or the agent of the owner or other responsible party with a written report of the violations to be corrected. The owner shall be given a reasonable time in which to correct such violations. In determining the length of time to correct violations, the Department shall take into account any known and imminent occupancy of the premises.
- (d) For purposes of this section, "vacant" shall mean any residential property that is unoccupied for 90 days or more.

Sec. 14-4: Administrative Warrants.

In applicable situations, the Director or his authorized representative shall petition a Judge in the Circuit Court of Cook County or Will County, as applicable, seeking an administrative warrant for an inspection of property. The petition shall specify the purpose and scope of the inspection and the address of the property to be inspected. The Court may consider the following factors along with such other appropriate matters as to whether a warrant shall issue:

- (1) Eyewitness account of violation;
- (2) Citizen complaints
- (3) Tenant complaints

- (4) Plain view violations
- (5) Violations apparent from city records
- (6) Property deterioration
- (7) Age of property;
- (8) Nature of alleged violation
- (9) Condition of similar properties in the area
- (10) Documented violations on similar properties in the area
- (11) Passage of time since last inspection
- (12) Previous violations on the property.

Sec. 14-5: Certificate of Occupancy

- (a) It shall be unlawful for any family unit to occupy a dwelling unit within the village by rental, lease, purchase or otherwise or for any owner or agent thereof to permit the occupation of a dwelling unit within the village by any family unit for any purpose until a certificate of occupancy has been issued by the Community Development Director.
- (b) A new certificate of occupancy is required if the occupancy or ownership of any dwelling is changed through sale, transfer, lease or tenancy.
- (c) An owner shall apply to the Community Development Director no less than seven days nor more than three months prior to occupancy. The Community Development Director shall then cause an inspection to be made pursuant to this Article.
- (d) A violation of this section shall be punishable by a fine between \$50.00 and \$500.00. Each day a violation occurs shall constitute a separate violation.

Chapter 14- BUILDINGS AND BUILDING REGULATIONS

ARTICLE I. IN GENERAL

Sec. 14-1 Point of Sale Inspections.

A. Definitions.

For the purposes of this section, the following terms shall have the following meanings:

“dwelling” means a structure or portion thereof, designed or used exclusively for residential occupancy, including single-family, two-family, townhouse, and multifamily dwellings.

“the Department” means the Community Development Department of the Village of Sauk Village.

“sale” means the conveyance of title to a dwelling for consideration, including conveyances through foreclosure, tax sales, and other involuntary conveyances.

B. Inspections Required.

- (1) In order to safeguard the health, safety and welfare of the occupants of dwellings and the general public, preserve property values, and enhance property tax revenues, point of sale inspections shall be conducted within the Village according to this section.
- (2) Prior to the sale of a dwelling, the Department shall inspect the unit for compliance with any applicable law designed to protect the health and safety of the occupants and to ensure the habitability of the unit. For purposes of this ordinance, the protection of “health and safety” shall include, and is limited to, the inspection of the following components of the unit: heating/cooling; electrical components; plumbing; roofing; fireplace; fire suppression systems and to ensure minimal standards for basic habitability.
- (3) The inspections may be performed by any qualified member of the Department, building official, zoning inspector, code enforcement officer, fire inspector, building inspector, or other person or contractor authorized by the Village.

C. Inspection Procedure, Certificates of Occupancy and Appeals.

- (1) The owner or legal authorized agent of the owner shall notify the Department of the owner’s intent to sell the property.
- (2) The Department shall then notify the owner or the agent of the date and approximate time of the planned inspection. The Department shall contact the owners or their legal authorized agent to schedule an inspection within 5 business days of the owner’s notice to the Department of the intent to sell the property.

- (3) All inspections shall occur between the hours of 9 am and 4 pm.
- (4) The inspection shall occur only after consent is given by signature on a form provided by the Department by the unit owner or legal authorized agent. If tenants are living in the property at the time of the inspection, their consent is required. Where consent to inspect is refused, the Department shall seek an administrative warrant in compliance with Section 14-4 of this Article.
- (5) If, upon completion of an inspection, the premises are found to be in compliance with applicable laws and the fee has been paid pursuant this section, the Department shall issue a Certificate of Occupancy for the premises within 2 business days after receipt of the inspection report. If another sale of the property occurs within one year of the issuance of the Certificate, the unit shall not be inspected prior to that transfer.
- (6) If, upon completion of an inspection, the premises are found to be in violation of an applicable law, the Department shall provide to the owner, as soon as practicable, a written notice of such violations. The owner or legal authorized agent shall notify the Department in writing when the violations have been corrected and a reinspection shall be scheduled within 5 business days. If the reinspection shows that such violations have been corrected, the Department shall issue a Certificate of Occupancy for the premises.
- (7) Any person aggrieved by the denial of a Certificate of Occupancy, shall have the right to appeal to the Village Adjudication Hearing Officer. The appeal shall be initiated by filing with the Village Clerk, within ten (10) calendar days of the issuance of an inspection report, a written statement setting forth specifically the grounds for the appeal. The Village Adjudication Hearing Officer shall set the time and place for hearing such appeal and notice of such time and place shall be mailed to the appellant. The Village Adjudication Hearing Officer shall have the power to reverse, affirm, or modify an inspection report.

D. Sale of property without Certificate of Occupancy.

The Department shall not prohibit the sale of a dwelling without a Certificate of Occupancy. However, the buyer of the dwelling shall be responsible for correcting all violations and obtaining a Certificate of Occupancy. An agreement shall be made in writing between the Village and the buyer and shall require the buyer to correct all violations within 90 days of the date of the sale. The Department may extend that period of time for violation corrections, in its discretion, where the buyer is showing a good faith effort to remediate violations.

E. Fees.

The owner shall pay:

- 1) all inspection costs incurred, and;
- 2) an administrative fee in the amount of \$75 prior to the performance of the required inspection.

The owner is responsible for both categories of charges. The administrative fee is waived for the first reinspection. If an owner fails their first reinspection, they will be required to pay an additional 75.00 administrative fee for each additional reinspection.

F. Inspection Checklist.

The Department shall make available to the public a checklist which shows the basic health and safety items for which dwellings units shall be inspected pursuant to this ordinance. The original inspection checklist shall be used by the inspector and a copy of the completed checklist shall be provided to the owner along with the written notice of violations after the inspection occurs.

Sec. 14-2. Rental Inspections.

A. Definitions

“Rental Dwelling” means a dwelling that is leased or rented to one or more tenants. However, a dwelling unit occupied in part by the owner thereof shall not be construed to be a rental dwelling unless a tenant occupies a part of the dwelling unit that has its own bathroom, cooking and sleeping areas.

B. Inspections Required.

- (1) In order to safeguard the health, safety and welfare of the occupants of dwellings and the general public, preserve property values, and enhance property tax revenues, rental inspections shall be conducted within the Village according to this section.
- (2) Prior to a change in occupancy of a rental dwelling, the Community Development Director is authorized and directed to make inspections of rental dwellings for compliance with any applicable law designed to protect the health and safety of the occupants and to ensure the habitability of the dwelling. All inspections made under this section will be performed in strict compliance with the guidelines established in this section.
- (3) The inspections may be performed by the Village Community Development Director or at the direction of the Village, any qualified building official, zoning inspector, code enforcement officer, fire inspector, building inspector, or other person or contractor authorized by the Village.
- (4) The inspection shall include, and is limited to, the following components: heating/cooling; electrical components; plumbing; roofing; fireplace; fire suppression systems and to ensure minimal standards for basic habitability.

C. Timing of Inspections

- (1) The owner or legal authorized agent of the owner shall notify the Department at least thirty (30) days prior to an initial tenancy of a rental dwelling or a change in occupants. Regardless of a change in occupancy, every rental dwelling shall be inspected at least once every three (3) years.

- (2) The Department shall provide a notice of inspection within five (5) business days of receipt of notice of an intent to rent or change occupancy.
- (3) Failure of an owner to comply with the provisions of this subsection (C) may result in a suspension or revocation of the owner's Certificate of Occupancy and imposition of a fine as established in this chapter.

D. Notice of Inspection

No inspection will be made under this subsection unless and until the Community Development Director has provided the owner of the rental dwelling, and, if occupied, the tenant of the rental dwelling with at least three (3) business days' written notice of an inspection. The notice must be either personally delivered or mailed, return receipt requested, to the last known address of the owner and to the address of the property to be inspected. The notice, at a minimum, must:

- a. Identify the property to be inspected and date and general time frame of the scheduled inspection, set no more than within a three (3) hour block and in no event any earlier than nine o'clock (9:00) A.M. or later than four o'clock (4:00) P.M., Monday through Friday,
- b. Inform the parties that the inspection is a rental inspection pursuant to this section.
- c. Explain the scope of the inspection, with specific reference to all relevant building and life safety codes establishing the code requirements, and
- d. Provide the name and contact information of the Community Development Director or his authorized representative, with an invitation to contact the director or representative with any questions, concerns, or requests to reschedule the inspection date and time.

E. Consent, Refusal.

- (1) The rental inspection shall occur only after the owner or the owner's authorized agent and the tenant, if occupied on the date of inspection, of the rental dwelling have given the Community Development Director or his authorized representative consent to inspect the rental dwelling.
- (2) If any owner or the owner's authorized agent, or the occupant, if occupied as of the date of the inspection, refuses to permit access or entry into such rental dwelling, the Community Development Director shall petition for an administrative warrant in accordance with Section 14-4 of this Article.

F. Certificate of Occupancy

- (1) If, upon completion of an inspection, the premises are found to be in compliance with applicable laws and the fee has been paid pursuant this section, the Department shall issue a Certificate of Occupancy for the premises within 2 business days after receipt of the inspection report. If another change in occupancy occurs within one year of the issuance of

the Certificate, the unit need not be inspected prior to the change.

(2) If, upon completion of the inspection, the premises are found to be in violation of applicable laws, the Community Development Director or his authorized representative will deliver within five (5) business days after an inspection a written inspection report either personally or by mail, return receipt requested, to the addresses where the inspection notification was sent. The report will, at a minimum, provide:

a. Date and time of the inspection,

b. Name and contact information of the person who conducted the inspection,

c. Basis for the inspection, as provided in the notice,

d. Areas of the property inspected,

e. Findings of the inspection, with specific references to specific code violations, if any,

f. Required repairs, alterations, or other corrective actions with a date upon which all repairs, alterations, or other corrective actions must be completed,

g. Date and general time frame of a follow up inspection, set no more than within a three (3) hour block and in no event any earlier than nine o'clock (9:00) A.M. or later than four o'clock (4:00) P.M., Monday through Friday, and

h. Provide the name and contact information of the Community Development Director or his authorized representative, with an invitation to contact the director or representative with any questions, concerns, or requests to reschedule the inspection date and time.

G. Access to Owner to make repairs

Every occupant of a rental dwelling will give the owner thereof or his agent or employee access to any part of such dwelling or its premises at all reasonable times for the purpose of making such repairs, alterations, or other corrective actions as are necessary to bring the rental dwelling into compliance with this chapter or with any lawful rule or regulation adopted or order issued pursuant to this chapter.

H. Fees

The owner of the rental dwelling shall pay:

- 1) all inspection costs incurred, and;
- 2) an administrative fee in the amount of \$75 prior to the performance of the required inspection.

The owner is responsible for both categories of charges. The administrative fee is waived for the first reinspection. If an owner fails their first reinspection, they will be required to pay an additional 75.00 administrative fee for each additional reinspection.

I. Appeal

Any person aggrieved by the denial of a Certificate of Occupancy, shall have the right to to the Village Adjudication Hearing Officer. The appeal shall be initiated by filing with the Village Clerk, within ten (10) calendar days of the issuance of an inspection report, a written statement setting forth specifically the grounds for the appeal. The Adjudication Hearing Officer shall set the time and place for hearing such appeal and notice of such time and place shall be mailed to the appellant. The Adjudication Hearing Officer shall have the power to reverse, affirm, or modify an inspection report.

Sec. 14-3: Inspection of Vacant Dwellings.

- (a) If the Department is notified of, or determines, that a dwelling is vacant, the Department may notify the owner or person or entity responsible for the maintenance of the premises of the Department's intent to inspect the premises.
- (b) The Department shall also notify the owner or the agent or other responsible party of the date and approximate time of the planned inspection. All inspections shall occur between the hours of 9 am and 4 pm. The inspection shall occur only after consent is given by the unit owner or other responsible party or an administrative warrant is obtained pursuant to Sec. 14-4 of this Article.
- (c) If the premises are found not to be in compliance with the health, safety or occupancy codes, the Department shall, as soon as practicable, provide the owner or the agent of the owner or other responsible party with a written report of the violations to be corrected. The owner shall be given a reasonable time in which to correct such violations. In determining the length of time to correct violations, the Department shall take into account any known and imminent occupancy of the premises.
- (d) For purposes of this section, "vacant" shall mean any residential property that is unoccupied for 90 days or more.

Sec. 14-4: Administrative Warrants.

In applicable situations, the Director or his authorized representative shall petition a Judge in the Circuit Court of Cook County or Will County, as applicable, seeking an administrative warrant for an inspection of property. The petition shall specify the purpose and scope of the inspection and the address of the property to be inspected. The Court may consider the following factors along with such other appropriate matters as to whether a warrant shall issue:

- (1) Eyewitness account of violation;
- (2) Citizen complaints
- (3) Tenant complaints

STATE OF ILLINOIS)
) SS
COUNTY OF COOK)

CERTIFICATION

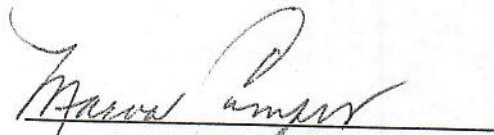
I, Marva Campbell-Pruitt, do hereby certify that I am the duly qualified and elected Clerk of the Village of Sauk Village, Cook County, Illinois, and that as such Clerk I do have charge of and custody of the books and records of the Village of Sauk Village, Cook County, Illinois.

I do hereby further certify that the foregoing is a full, true and correct copy of Ordinance No.20-008,

**“AN ORDINANCE AMENDING ARTICLE I “IN GENERAL” OF CHAPTER 14
“BUILDINGS AND BUILDINGS REGULATIONS” TO REGULATE INSPECTIONS
WITHIN THE VILLAGE OF SAUK VILLAGE, ILLINOIS”**

adopted and approved by the Mayor and Board of Trustees of the Village of Sauk Village, Illinois on March 24, 2020.

IN WITNESS WHEREOF, I have hereunto affixed my hand and the Corporate Seal of the Village of Sauk Village, Cook County, Illinois this 26th day of March 2020.



Marva Campbell-Pruitt
Village Clerk
Village of Sauk Village

