

**NEW  
HOUSING  
ORDINANCE**



**MUNDELEIN**

*Rooted in Our Past...  
Reaching for Our Future*

**INCORPORATED 1909**

MECHANICS GROVE • HOLCOMB  
ROCKFELLER • AREA • MUNDELEIN

## **BUILDING DEPARTMENT**



## **RENTAL REGISTRATION PROGRAM**

Building Department  
440 East Hawley Street  
Mundelein, Illinois 60060

(847) 949-3283

[www.building@mundelein.org](mailto:www.building@mundelein.org)

## **WHAT IS THE RENTAL REGISTRATION PROGRAM?**

Owners of dwelling units that are not owner occupied must now apply for a Certificate of Registration from the Village of Mundelein, regardless if rent is being paid or not. This registration provides the Village of Mundelein ownership and contact information for each rental property. This information is very important during times of an emergency or Code Enforcement matters. This program will also ensure that properties are maintained to meet the standards of the Village Codes.

## **HOW DOES THE PROGRAM WORK?**

Property owners who are seeking to rent their residential properties must complete an Application for Rental Dwelling Unit Registration with the Mundelein Building Department. The application requires contact information of the owners, managers and a 24-hour emergency contact. Rental property owners are also required to attend a Crime Free Housing Seminar hosted by the Mundelein Police Department. This will provide training and information on maintaining their properties free of items that may fester or encourage criminal activity. Upon successful completion of the Crime Free Housing Seminar, the owner will receive a Certificate of Registration for their rental unit(s). Each Certificate is issued to a single address, indicating each rental unit owned by the applicant. Certificates of Registration cannot be transferred to another property or to another owner.

## **WHAT IS THE COST FOR A REGISTRATION?**

Registrations are good through December 31<sup>st</sup> of each year at a cost of \$35.00 per address, plus an additional \$2.00 for each additional rental unit. After the first year of registration, the renewal fee is \$30.00. No additional per unit fee.

Any changes in ownership or physical changes to the rental unit will require fees to pay at the rate of a first year registration.

Late fee of \$70.00 will apply to all renewal applications received after January 15th each year.

## **WHERE CAN I GET AN APPLICATION FOR REGISTRATION?**

Applications are available at the Mundelein Village Hall, or on the Village website, [www.mundelein.org](http://www.mundelein.org). Select the Forms/Maps tab from the toolbar, and under the Building Department category, you will find a list of forms.

## **WHEN AND WHERE ARE THE CRIME FREE SEMINARS HELD?**

The Crime Free Seminars will be held at the Mundelein Police Department. Classes will be available over two-week nights, or on a Saturday. Please check with the Mundelein Police Department at 847-968-4600 or the Mundelein

Building Department 847-949-3283 for a current schedule of seminars. Seminar sign-up sheets will also be available upon submittal of the application to the Building Department.

### **HOW DOES THIS RENTAL REGISTRATION HELP ME AS A TENANT?**

Rental property owners are required to obtain a Certificate of Registration from the Village of Mundelein in order to rent their property. This Certificate can be revoked if the property owner fails to maintain their property to the codes established by the Village.

### **HOW DOES THIS RENTAL REGISTRATION HELP ME AS A LANDLORD?**

As part of this program, attendance to the Crime Free Housing Seminar is required. Through this seminar, property owners will be provided with information and training in the proper use of leases, tenant reference checks, indications of criminal activities and more.

### **WHO IS RESPONSIBLE FOR REPAIRS AND MAINTENANCE?**

Ultimately, the property owner is responsible for repairs and maintenance to the property and regardless of any arrangements that may have been made between the owner and the occupant. The property owner is also responsible to ensure that the property remains in compliance with Village Codes.

### **HOW MANY PEOPLE CAN I RENT TO?**

The Village Property Maintenance Code requires 70 square feet of bedroom floor space when only one person occupies a bedroom, and 50 square feet per person when occupied by more than one. The total number of people that can occupy a unit is based on the total of all bedroom calculations.

#### **Examples:**

##### Bedroom 1

10x10= 100 square feet, for a maximum of 2 people.

##### Bedroom 2

12x16=192 square feet.  $192/50=3.84$ , or a maximum of 3 people. The total occupancy for this unit would be 5 people.

### **ARE INSPECTIONS PERFORMED AS PART OF THIS PROGRAM?**

While there are no required inspections to obtain a Certificate of Registration, the Village conducts periodic inspections of properties daily throughout the Village. Interior inspections may also be conducted if generated by a complaint from a tenant or neighbor.

# CRIME FREE HOUSING



The Crime Free Housing Program is a crime prevention initiative designed to work in conjunction with the Community Policing Philosophy. The focus is to work with property owners to find solutions that will ultimately reduce police calls for service and help eliminate crimes associated with gangs and drugs. The Crime Free Housing Program consists of three phases including eight-hour management training, C.P.T.E.D (Crime Prevention Through Environmental Design) inspection, and safety social gathering. Our goal is to work with tenants and property owners to improve the overall quality of life for tenants and the community as a whole. In turn, it provides additional security to property owners, potential for increased occupancy, civil liability reduction, and strengthens partnerships with their tenants. This program provides another tool in the fight against crime, and if tenants and property managers make a dedicated effort to work with the police, our chances for success in reducing crime becomes greater.

For more information regarding the Crime Free Housing Program,  
contact the Mundelein Police Department—Code Enforcement Officer at  
(847) 968-3784

STATE OF ILLINOIS     )  
  )  
COUNTY OF LAKE        )

CERTIFICATE

I, Esmie M. Dahlstrom, certify that I am the duly elected Municipal Clerk for the Village of Mundelein, Lake County, Illinois.

I further certify that on August 27, 2012, the Corporate Authorities of such Village passed and approved

Ordinance No. 12-08-34

which is entitled

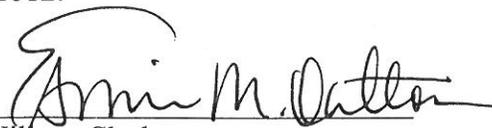
AN ORDINANCE AMENDING CHAPTER 16.44 OF THE VILLAGE  
CODE OF THE VILLAGE OF MUNDELEIN, LAKE COUNTY, ILLINOIS

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

The pamphlet form of said Ordinance, including the Ordinance and a cover sheet thereof was prepared and a copy of such Ordinance was posted in the Village Hall commencing on August 28, 2012 and was posted for at least ten days thereafter.

Copies of such Ordinance are available for public inspection upon request in the Customer Service Office.

Dated at Mundelein, Illinois this 28<sup>th</sup> day of August 2012.

  
\_\_\_\_\_  
Village Clerk

ORDINANCE NO. 12-08-34

AN ORDINANCE AMENDING CHAPTER 16.44 OF THE VILLAGE  
CODE OF THE VILLAGE OF MUNDELEIN, LAKE COUNTY, ILLINOIS

Published in pamphlet form by authority  
of the President and Board of Trustees  
of the Village of Mundelein, Illinois

Date of Publication: August 28, 2012

**ORDINANCE NO. 12-08-34**

**AN ORDINANCE AMENDING CHAPTER 16.44 OF THE VILLAGE  
CODE OF THE VILLAGE OF MUNDELEIN, LAKE COUNTY, ILLINOIS**

**WHEREAS**, in 2009 the Village of Mundelein passed Ordinance No. 12-08-34, now codified as Chapter 16.44.010, *et. seq.*, of the Village Code, regarding the regulation and registration of rental housing properties within the Village; and

**WHEREAS**, the Village Board deems it advisable to amend the Village Code with respect to the requirements for Crime Free Housing Seminars.

***NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF MUNDELEIN, COUNTY OF LAKE, STATE OF ILLINOIS as follows:***

**SECTION I.** Section 16.44.050(a) of the Village Code is amended to state:

Any owner, agent or designee who registers for a Crime Free Training Seminar but is unable to attend and fails to provide 48-hour notice to the Building Department will be subject to an Administrative fee of \$25 and shall be paid at the time of attendance at the next scheduled training seminar.

Any owner, agent or designee who fails to attend or cancels more than one scheduled Training Seminar is subject to Penalties outlined in Section 16.44.170 of this chapter.

Section 16.44.050(a) of the Village Code is amended to state:

The Crime Free training seminar may be required to be retaken by the owner, agent, or designee if it is determined by the Chief of Police or the Building Commissioner that said property has become a Residential Nuisance Property as defined in Chapter 9.76 of the Village Code, or if said property fits the criteria outlined in section 16.44.070 of the Village Code. If the property is determined to be a Residential Nuisance Property, the Chief of Police or Building Commissioner shall provide written Notice to the owner, agent or designee of the additional training requirement. The Chief of Police shall determine what portions of the Crime Free Training will be required.

**SECTION II.** There is hereby created section 16.44.050(e) of the Village Code, which shall state:

An additional 4-Hour Crime Free Seminar shall be required in the event that:

- (1) Any owner, agent or designee receives three or more Notices of Violations in any calendar year for any one or more properties subject to Chapter 16.44; or
- (2) Any one property of the owner, agent or designee subject to Chapter 16.44 receives three or more noise complaints in any calendar year; or
- (3) Any one property of the owner, agent or designee receives two Nuisance Abatement Notices in any calendar year.

The cost of the additional 4-Hour Crime Free Seminar shall be \$250.00 and shall be paid at the time of attendance.

**SECTION III.** There is hereby created Section 16.44.050(f) of the Village Code, which shall state:

An additional 8-Hour Crime Free Seminar shall be required in the event that:

- (1) Any owner, agent or designee who is found liable before the Administrative Hearing Officer for arbitration of Chapter 16.44; or
- (2) Any property of the owner, agent or designee receives a suspension or revocation of its Certificate of Registration; or
- (3) Any owner, agent or designee receives three Nuisance Abatement Notices in any calendar year for any one or more properties.

The cost of the additional 8-Hour Crime Free Seminar shall be \$500.00 and shall be paid at the time of attendance.

**SECTION IV.** There is hereby created Section 16.44.050(g) of the Village Code, which shall state:

If an owner, agent or designee fails to attend the additional 4-Hour Crime Free Seminar as required in Section 16.44.050(e), a Notice to Appear before the Administrative Hearing Officer shall be issued and such owner, agent or designee shall be subject to the penalty provisions of Section 16.44.170. If such owner, agent or designee is found liable by the Administrative Hearing Officer, such owner, agent or designee shall attend the additional 8-Hour Crime Free Seminar.

**SECTION V.** Section 16.44.160(c) of the Village Code is amended to state:

Late Fees. The first application for a certificate of registration and fee shall be due within sixty days of the adoption and effective date of the ordinance from which this chapter is derived. Subsequent year applications and fees shall be due on January 1st of each year. Applications and fees received after January 31 of each year shall be required to pay a late fee, in addition to the required registration fee, as outlined below:

Payments received after January 31 and before March 1	\$30.00
Payments received on or after March 1 and before April 1	\$50.00
Payments received on or after April 1	\$70.00

**SECTION VI.** If any provision, clause, sentence, paragraph, section, or part of this ordinance 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 been included.

**SECTION VII.** This ordinance shall be in full force and effect from and after its passage, approval, and publication, as required by law.

**SECTION VIII.** This Ordinance shall be published in pamphlet form and available in the Village Clerk's Office.

The foregoing ordinance was adopted on this 27<sup>th</sup> day of August 2012 by a roll call vote as follows:

AYES

Trustees:

Lentz  
Semple  
Nutschnig  
Voss

NAYS

Trustees:

Meier  
Sullivan

ABSENT AND/OR NOT VOTING

None



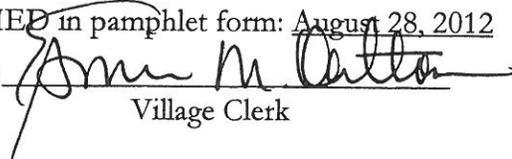
\_\_\_\_\_  
President

PASSED: August 27, 2012

APPROVED: August 27, 2012

PUBLISHED in pamphlet form: August 28, 2012

ATTEST:

  
Village Clerk

STATE OF ILLINOIS     )  
                                  )  
COUNTY OF LAKE        )

CERTIFICATE

I, Esmie M. Dahlstrom, certify that I am the duly elected Municipal Clerk for the Village of Mundelein, Lake County, Illinois.

I further certify that on January 24, 2011, the Corporate Authorities of such Village passed and approved

Ordinance No. 11-01-05

which is entitled

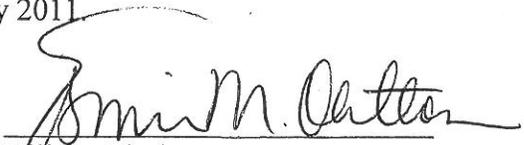
AN ORDINANCE AMENDING ORDINANCE NO. 09-12-77, AN ORDINANCE PROVIDING FOR THE REGULATION AND REGISTRATION OF RENTAL HOUSING PROPERTIES WITHIN THE VILLAGE OF MUNDELEIN

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

The pamphlet form of said Ordinance, including the Ordinance and a cover sheet thereof was prepared and a copy of such Ordinance was posted in the Village Hall commencing on January 27, 2011 and was posted for at least ten days thereafter.

Copies of such Ordinance are available for public inspection upon request in the Customer Service Office.

Dated at Mundelein, Illinois this 27<sup>th</sup> day of January 2011

  
\_\_\_\_\_  
Village Clerk

ORDINANCE NO. 11-01-05

AN ORDINANCE AMENDING ORDINANCE NO. 09-12-77, AN ORDINANCE  
PROVIDING FOR THE REGULATION AND REGISTRATION OF RENTAL  
HOUSING PROPERTIES WITHIN THE VILLAGE OF MUNDELEIN

Published in pamphlet form by authority  
of the President and Board of Trustees  
of the Village of Mundelein, Illinois

Date of Publication: January 27, 2011

ORDINANCE NO. 11-01-05

AN ORDINANCE AMENDING ORDINANCE NO. 09-12-77, AN ORDINANCE PROVIDING FOR THE REGULATION AND REGISTRATION OF RENTAL HOUSING PROPERTIES WITHIN THE VILLAGE OF MUNDELEIN

WHEREAS, in December 2009, the Mayor and Board of Trustees of the Village of Mundelein adopted Ordinance No. 09-12-77, An Ordinance Providing for the Regulation and Registration of Rental Housing Properties Within the Village of Mundelein (the "Ordinance"); and

WHEREAS, the Ordinance provided in part that it shall be unlawful to let for occupancy any residential property in the Village of Mundelein without a current and valid Certificate of Registration; and

WHEREAS, the Ordinance also established the following fees:

Registration Fee:	\$35.00 per address plus \$2.00 for each additional unit
Renewal Fees:	\$30.00 each year thereafter (no changes)

and

WHEREAS, the Ordinance required that subsequent years' applications and fees shall be due on January 1st of each year; and

WHEREAS, applications received after January 15th are required to pay a late fee in addition to the required registration fees as follows:

Payments received after	January 15th	\$ 70.00
	February 15th	\$140.00
	March 15th	\$280.00
	April 15th	\$560.00

and

WHEREAS, the Mayor and Board of Trustees of the Village of Mundelein have determined that it is in the best interest of the Village to modify the late fees as established in Ordinance No. 09-12-77.

NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF MUNDELEIN, COUNTY OF LAKE, STATE OF ILLINOIS, as follows:

SECTION I. The late fees provided for in Ordinance No. 09-12-77 shall be deleted and replaced with the following:

Late Fees. The first application for a Certificate of Registration and fee shall be due within 60 days of the adoption and effective date of this ordinance. Subsequent year applications and fees shall be due on January 1st of each year. Applications and fees received after January 15th shall be required to pay a late fee, in addition to the required Registration Fee, of \$70.00.

SECTION II. This Ordinance shall be in full force and effect on and after its passage, approval and publication in pamphlet form.

The foregoing Ordinance was adopted by a roll call vote as follows:

AYES

Trustees:  
Voss  
Nutschnig  
Lentz  
Meier  
Sullivan

NAYS

None

ABSENT AND/OR NOT VOTING

Trustee:  
Semple

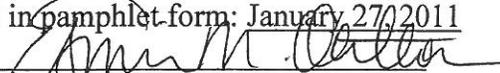


\_\_\_\_\_  
President

PASSED: January 24, 2011

APPROVED: January 24, 2011

PUBLISHED in pamphlet form: January 27, 2011

ATTEST:   
Village Clerk

STATE OF ILLINOIS     )  
                                  )  
COUNTY OF LAKE     )

CERTIFICATE

I, Esmie M. Dahlstrom, certify that I am the duly elected Municipal Clerk for the Village of Mundelein, Lake County, Illinois.

I further certify that on December 14, 2009, the Corporate Authorities of such Village passed and approved

Ordinance No. 09-12-77

which is entitled

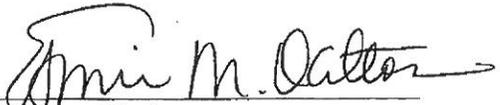
AN ORDINANCE PROVIDING FOR THE REGULATION AND REGISTRATION  
OF RENTAL HOUSING PROPERTIES WITHIN THE VILLAGE OF MUNDELEIN

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

The pamphlet form of said Ordinance, including the Ordinance and a cover sheet thereof was prepared and a copy of such Ordinance was posted in the Village Hall commencing on December 18, 2009 and was posted for at least ten days thereafter.

Copies of such Ordinance are available for public inspection upon request in the Customer Service Office.

Dated at Mundelein, Illinois this 18<sup>th</sup> day of December 2009.

  
\_\_\_\_\_  
Village Clerk

ORDINANCE NO. 09-12-77

AN ORDINANCE PROVIDING FOR THE REGULATION AND REGISTRATION OF  
RENTAL HOUSING PROPERTIES WITHIN THE VILLAGE OF MUNDELEIN

Published in pamphlet form by authority  
of the President and Board of Trustees  
of the Village of Mundelein, Illinois

Date of Publication: December 18, 2009

ORDINANCE NO. 09-12-77

AN ORDINANCE PROVIDING FOR THE REGULATION AND REGISTRATION OF RENTAL HOUSING PROPERTIES WITHIN THE VILLAGE OF MUNDELEIN

WHEREAS, there exists within the Village of Mundelein various residential rental housing properties; and

WHEREAS, such rental housing properties exist in most of the residentially zoned districts within the Village; and

WHEREAS, residential rental properties can be subject to deterioration, abuse, improvement without permit, over-occupancy or other conditions of construction or use that can adversely affect the safety of the occupants of such structures, the quality of living conditions within such structures, and the values of such structures, as well as the values of the properties and structures within the neighborhoods and vicinity of such structures; and

WHEREAS, the Mayor and Board of Trustees of the Village of Mundelein deem it in the public interest to be aware of who the owners of residential rental properties are so that they can be contacted in the event of an emergency or to abate nuisances; and

WHEREAS, by this ordinance, the Mayor and Board of Trustees of the Village of Mundelein are attempting to maintain a balance between the rights of residential rental property owners and the rights of the public at large.

*NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF MUNDELEIN, COUNTY OF LAKE, STATE OF ILLINOIS as follows:*

SECTION I. That there is hereby established as follows:

Legislative Finding and Purpose.

(A) It is hereby found that there now exists and may in the future exist, within the Village of Mundelein, units of rental housing, which, by reason of their condition, operation, use or

over-occupancy, adversely affect or are likely to adversely affect the public health (including the physical, mental and social well-being of persons and families), safety and general welfare.

(B) The Corporate Authority of the Village of Mundelein by and through its Building Code and Property Maintenance Code regulates minimum health and safety requirements for existing buildings and structures within the jurisdiction of the Village of Mundelein and, by this Ordinance, desires to establish a registration program of rental properties to ascertain compliance with the provisions of said Codes.

Definitions.

The following definitions shall apply in the interpretation and enforcement of this ordinance:

- (A) "Administrative Hearing Officer" means a person who hears testimony and accepts evidence that is relevant to the existence of a code violation by virtue of the Administrative Adjudication Process for the Village of Mundelein.
- (B) "Building Commissioner" shall mean "Code Official" and visa versa.
- (C) "Certificate of Registration" means the certificate issued by the Village to the owners of residential rental property.
- (D) "Crime Free Multi-Housing Coordinator" shall be a Police Officer from the Crime Prevention Bureau of the Mundelein Police Department.
- (E) "Dwelling Unit" means the permanent or temporary abode of a family, an individual, or group of individuals; a single unit providing complete independent facilities for the exclusive use of the family, individual, or group of individuals, including but not limited to permanent provisions for living, sleeping, eating, cooking and sanitation.
- (F) "Guest" shall mean a person who is a temporary resident (less than 10% of the time) of a dwelling unit and who does not utilize the unit as a legal address for

any purpose. "Guest" shall also mean a person who occupies a rental unit without providing compensation for the privilege of occupying such rental unit.

- (G) "Let for Occupancy or Let" means to permit, provide or offer possession or occupancy of a dwelling, dwelling unit, rooming unit, building, premise or structure to a person who is not the legal owner of record thereof, pursuant to a written or unwritten lease, agreement or registration, or pursuant to a recorded or unrecorded agreement of contract for the sale of the premises.
- (H) "Maximum Allowable Occupancy" shall be the maximum number of persons permitted to occupy a dwelling unit determined under the Building Code or Property Maintenance Code.
- (I) "Occupant" means a person occupying a dwelling unit, or using the property as a legal address for any purpose.
- (J) "Owner" means any person, agent, operator, firm or corporation having a legal or equitable ownership interest in the fee title to the property.
- (K) "Person" includes a corporation, firm, partnership, association, organization or any group acting as a unit, as well as a natural person. References in the masculine gender include the feminine gender and the neuter. The present tense shall include the future tense, and the singular shall also include the plural.
- (L) "Premises" shall mean a lot, plot or parcel of land, easement or public way, and any structures thereon.

- (M) "Property Agent" means a person, operator, firm, partnership, corporation, or other legal entity designated in writing by the property owner to the Building Commissioner to manage a residential rental property including the authority to receive notices or citations.
- (N) "Property Maintenance Code" shall mean those codes adopted, and as amended, under Chapter 16.07 of the Mundelein, Illinois Village Code.
- (O) "Building Code" shall mean those codes adopted, and as amended, under Chapter 16.04 of the Mundelein, Illinois Village Code.
- (P) "Residential Rental Property" means any Dwelling Unit let or intended to be let for any amount of rent or other compensation.
- (Q) "Rooming Unit" is a room or a suite of rooms forming a single, separate, habitable unit to be used for living and/or sleeping, but not for cooking and/or eating purposes.
- (R) "Inspection" means a visual examination by Code Officials to determine compliance with Village Ordinances.
- (S) "Re-Inspection" means an inspection to determine the landlord or owner's correction of ordinance violations cited during the initial inspection.
- (T) "Unable to Inspect" shall mean the inability of Code Officials to schedule an inspection with the owner, manager or agent after being properly served a request of inspection Notice.

**Prohibited Conduct.**

- (A) It shall be unlawful for any person to Let for Occupancy any Residential Rental Property without a current and valid Certificate of Registration.

(B) It shall be unlawful for any person to erect, construct, alter, extend, repair, remove, maintain, fail to maintain, provide, fail to provide, occupy, let to another, or occupy or permit another person to occupy any Residential Rental Property, premises, property, building, dwelling unit, structure or equipment regulated by the Building Code or the Mundelein Property Maintenance Code or cause such things to be done contrary to, or in conflict with, or in violation of, this ordinance or in violation of any of the provisions of said codes, or to fail to obey a lawful order of the Building Commissioner, or to remove or deface a placard or notice posted under the provisions of said Building Code or Property Maintenance Code.

(C) It is unlawful for any person, firm, partnership, corporation or other-legal entity to operate, maintain or offer to rent within the Village a Residential Rental Property without first obtaining a Certificate of Registration.

(D) It is unlawful for a person to occupy a Residential Rental Property, or for any owner or property agent to allow anyone to occupy a Residential Rental Property, that is without a Certificate of Registration as provided in this ordinance.

(E) It is unlawful for any person, firm, partnership, corporation or other legal entity to offer for rent or to occupy any vacant Dwelling Unit or any Dwelling Unit that becomes vacant in a Residential Rental Property, that is without a Certificate of Registration as provided in this ordinance.

(F) This chapter shall not apply to the following structures:

1. Single family owner occupied buildings.
2. Single family buildings that are vacant, but that are not intended to be let for rent.
3. Townhouse and condominium owner occupied units.

4. Hotels, motels, and other structures that rent rooms to occupants that are primarily transient in nature, and make use of the facilities for a period of less than thirty (30) days.
5. Buildings, structures and uses registered and inspected by the State of Illinois or the federal government, including but not limited to, nursing homes, retirement centers, rest homes, etc.

Certificate.

(A) 1. The Certificate of Registration shall expire each year on the 31<sup>st</sup> of December, or when one of the following occurs:

- (a) Title to the property covered by the Certificate of Registration is transferred or conveyed so that 50% or more of the record ownership or beneficial interest therein has changed.
- (b) The Residential Rental Property covered by the Certificate of Registration is damaged or destroyed to the extent that any Dwelling Unit is uninhabitable.
- (c) The Residential Rental Property is altered, remodeled, maintained, or repaired without a proper permit for work issued by the Village of Mundelein.
- (d) The Certificate of Registration is lawfully revoked or suspended.

(B) An application for a Certificate of Registration shall be on a form provided by the Village. Such application shall, at a minimum, contain:

1. The full legal name, address, home, cell phone and daytime telephone numbers of each Owner, and any Property Agents acting on behalf of the Owner, including a 24-hour contact number.

2. If the Residential Rental Property is held by a corporation or a limited liability company, the principal of said organization shall be listed as the principal Owner, subject to all requirements of this ordinance.
3. If the Residential Rental Property is held in trust, a trust disclosure form must accompany the application listing each trustee.
4. The address of the Residential Rental Property; and
5. The number of Dwelling Units within the Residential Rental Property;

(C) Each application for Certificate of Registration shall be accompanied with a fee listed under the Fee section of this ordinance. This fee may be waived for other units of government or public housing authorities when such entity is the Owner of said Residential Rental Property.

(D) The first application for a Certificate of Registration and fee shall be due within 60 days of the adoption and effective date of this ordinance for all Residential Rental Property presently occupied, and for all Residential Rental Property presently held out for occupancy, or at least 60 days prior to the occupancy of any Residential Rental Property at any time after the enactment of this ordinance.

(E) Each application form and Certificate of Registration issued thereon shall apply to a single address with the improvements thereon, and operated as one proprietary unit, listing each Dwelling Unit contained therein. Condominiums shall indicate the street address and unit number, and shall be considered as one proprietary unit.

(F) Once issued, a Certificate of Registration cannot be transferred or assigned to another Residential Rental Property or to a successor Owner.

(G) If a Certificate of Registration is revoked, suspended or is no longer valid, a Certificate of Registration shall be obtained using the same procedure, application, inspection and fee as is required for an original Certificate of Registration.

(H) A Certificate of Registration issued for an address containing more than one Dwelling Unit may be revoked in part for any Dwelling Unit or portion of the Residential Rental Property that is not in compliance with this ordinance. The letter of revocation or suspension issued by the Administrative Hearing Officer shall indicate which Dwelling Unit(s) or portions of the Residential Rental Property are in violation, and the corrective action necessary.

(I) Until written notification of a change of the address is received by the Village, any notice to be provided under the provisions of this ordinance or the Codes specified herein shall be deemed sufficiently given if deposited in the United States mail 1<sup>st</sup> class, postage prepaid and addressed to the person at the address listed on the application. If an Owner is not a resident of the Village, the Owner may designate an agent for purposes of this subparagraph.

**Crime Free Housing Seminar Requirement.**

(A) Any Owner of Residential Rental Property shall attend and complete a Village of Mundelein Crime Free Multi-Housing Program Seminar ("Seminar"). The Owner, agent or designee of a new Residential Rental Property shall attend the Seminar prior to obtaining or being issued a Certificate of Registration.

(B) If a new Property Agent is hired, the new Property Agent shall have three months after hiring to attend the Village of Mundelein's Crime Free Multi-Housing Program Seminar ("Seminar").

(C) Any Owner, agent, or designee shall attend the Seminar once every three years.

(D) The Crime Free Multi-Housing Coordinator, as designated by the Chief of Police, shall provide the Building Commissioner with a list of Owners, agents and/or designees who have attended the Seminar, the date of attendance and verification that the Owner, agent or designee has complied with the Ordinance and is eligible to obtain a Certificate of Registration.

**Crime Free Lease Addendum.**

Any Owner, agent or designee of a Residential Rental Property is required to utilize a crime free lease-addendum or have a clause in the lease similar to a crime free lease addendum for any leases executed. At the Seminar, the Crime Free Multi-Housing Coordinator shall provide, at no cost, samples of the crime free lease addendum and shall review any clauses within actual leases with the Village's Legal Department to determine if the clause is similar to the crime free lease addendum. The clause shall make criminal activity (not limited to violent criminal activity or drug related criminal activity engaged by, facilitated by or permitted by the renter, member of the household, guest or other party under the control of the renter) a lease violation. The Owner, agent or designee shall have authority under that clause to initiate an eviction proceeding for such a violation.

**Residential Nuisance Property.**

It is hereby declared a nuisance and to be declared against the health, peace and comfort of the Village for any Residential Rental Property Owner or Property Agent to knowingly allow or permit the following: the rental of a residential unit or residential building within an apartment community or governed by a homeowner's association to a tenant who allows a violation as defined in Ordinance 00-6-26, Abatement of Chronic Nuisance Properties as it relates to the tenant, member of the tenant's household, guest, or other party under control of the tenant.

**Inspections.**

(A) Should the Village Building Commissioner become aware of violations of any Village Code at any Dwelling Unit, the Building Commissioner is authorized to undertake an inspection of that Dwelling Unit to determine compliance with Village ordinances.

(B) In the event the applicant, Owner or tenant of the premises to be inspected refuses entry to the premises to the Building Commissioner or his designee, or in the event the Building Commissioner or his designee are unable to inspect due to a lack of a response by the Owner, manager or agent after being served Notice, the Building Commissioner shall contact the

appropriate Village of Mundelein attorney or State's Attorney to seek an administrative search warrant or other court order to conduct the requested inspection.

(C) Inspection of the premises, to the extent reasonable and possible, shall be conducted with the consent and cooperation of the Owner(s) or the Property Agent.

(D) The inspections provided for in this Ordinance shall be of the mechanical, sanitary, safety and structural components and characteristics of the subject Dwelling Unit or Residential Rental Property including, but not limited, to interior and exterior walls, walks and driveways, rooms, roofs and other areas open to plain view from the ground or from the air, and all internal common areas, such as vestibules, halls, stairways and basement areas, including furnace and other utility areas and components, and all other areas within the structure in which there is no reasonable expectation of privacy and which pertain to each of the construction elements and room configurations of the structure being inspected, or in which the Owner has an equal right to authorize entry. All Residential Rental Property leases, licenses or the letting arrangements entered into or renewed after the effective date of this ordinance shall be subject to the provisions of this ordinance.

(E) Each inspection shall be made by the Building Commissioner or his designee, and shall be for the purpose of determining compliance with the provisions of this ordinance, the Building Code or the Property Maintenance Code of the Village and all other applicable zoning, building and structural codes.

(F) Any violations found as a result of the inspection shall be set forth in a written notice to the Owner(s) or Owner's agent as designated on the application form. A copy of such notice of violation may, but need not be, left with the occupier or occupiers of the Residential Rental Property. Notice of violations shall be sent to the notice address. In the absence of a person designated to receive notice, the notice shall be sent by U.S. mail 1<sup>st</sup> class, postage prepaid to the last

taxpayer of record shown on the records of the Lake County Treasurer as responsible for the ad valorem real estate taxes for the property in violation. Such mailing is deemed to be service of such notice.

(G) Re-inspections shall be made as often as reasonably necessary to ensure corrective action to cure any violations of the relevant ordinances or regulations, and to bring the Dwelling Unit and/or Residential Rental Property into compliance, and if necessary, the appropriate warrant may be sought for these purposes based upon the probable cause or causes supplied by the noted violations.

(H) Nothing in this section shall prohibit or prevent the Village from requesting the Owner or tenant in possession to submit to a voluntary inspection of the Residential Rental Property covered by the Certificate of Registration if the Village has probable cause to believe that a violation of this ordinance has or is taking place upon the subject property or to confirm the provisions set forth in the application. Nothing in this section shall be construed to prevent the Village from seeking a lawful administrative search warrant at any time circumstances exist that would support the issuance of such a warrant.

#### Owner Responsibility.

(A) The Owner of a Residential Rental Property shall maintain a record for each Dwelling Unit with the full legal names and date of birth (D.O.B) of every tenant in each Dwelling Unit.

(B) The Owner or Property Agent of a Residential Rental Property shall provide each tenant with the name and telephone number of a responsible person who, in emergency situations, will be available on a 24-hour basis and who has the authority to make repairs as needed.

#### Interpretation and Implementation.

The Building Commissioner, or his designee, shall have the authority as necessary in the interest of public health and safety to interpret and implement the provisions of this ordinance and to achieve the intent thereof. Such interpretations shall be consistent with the standards, procedures, and requirements established by this Code and shall not have the effect of waiving structural or fire-performance requirements or violating accepted engineering practice involving public safety.

Organization.

The Building Commissioner may engage any number of officers, technical assistants, commissioners and other consultants or employees authorized by the Village and as shall be necessary for the administration of this ordinance.

Restriction of Employees - Conflicts of Interest.

An official or employee connected with the enforcement of this code shall not be engaged in, or directly or indirectly connected with, the furnishing of labor, materials or appliances for the construction, inspection, alteration or maintenance of a building or the preparation of construction documents unless that person is the owner of the building; nor shall any officer or employee connected with the enforcement, interpretation or application of this ordinance engage in any work that is considered a conflict of interest with his or her official duties or with the interests of the Village under the statutes and common law of the State of Illinois.

Official Records.

(A) An official record shall be kept of all business and activities of the Building Department specified in the provisions of this ordinance. All final decisions regarding permits, certificates and the like issued by the Building Commissioner shall be in writing and shall be officially recorded in the permanent records of the Building Department.

(B) All such records shall be open to public inspection consistent with the Freedom of Information Act of the State of Illinois.

Certificate-Revocation and Suspension.

A Certificate of Registration may be suspended or revoked by the Administrative Hearing Officer upon a finding of conditions or practices pertaining to such Residential Rental Property in violation of this ordinance, this ordinance as amended, the building code, the building code as amended, or other applicable Village codes, including the Property Maintenance Code, and regulations as amended.

Appeals.

Any person notified of violations as provided in this ordinance, or any person denied a Certificate of Registration, or any person whose Certificate of Registration has been suspended or revoked shall have the right of appeal to the Village Board of Trustees. The Residential Rental Property shall not be rented or leased pending the appeal if the decision being appealed is based upon one or more of the following:

1. Structural, Mechanical, Plumbing or Electrical Code violations, which present a substantial risk of harm to the health or safety of the occupants or the potential occupants of the Residential Rental Property;
2. The failure of the Owner or applicant to provide a completed application for a Certificate of Registration or a renewal Certificate of Registration.
3. The occupancy of the Residential Rental Property exceeds the permitted allowable occupancy under the Building Code or Property Maintenance Code.

Registration Fees.

The fees for a one-year registration shall be as follows:

Renewal Fees.                   \$35.00 per address plus \$ 2.00 for each additional unit  
  \$30.00 each year thereafter (no changes)

(Applications that have changed since applying for a “new” application because of ownership or contact information must pay fees associated to a new application.)

Late Fees.

The first application for a Certificate of Registration and fee shall be due within 60 days of the adoption and effective date of this ordinance. Subsequent year applications and fees shall be due on January 1<sup>st</sup> of each year. Applications and fees received after the January 15<sup>th</sup> shall be required to pay a late fee in addition to the required Registration Fee, as outlined below:

Payments received after January 15 <sup>th</sup>	\$ 70.00
February 15 <sup>th</sup>	\$140.00
March 15 <sup>th</sup>	\$280.00
April 15 <sup>th</sup>	\$560.00

These additional fees shall not apply to rental units that are newly constructed or have become rental properties for the first time within the calendar year.

Late fees for the calendar year following adoption of this Ordinance shall not exceed \$70.00 per application.

Violation-Penalty.

(A) A violation of this ordinance shall subject the violator to a fine of not less than \$100.00, nor more than \$750.00 per violation. Each day a violation of this ordinance occurs or continues shall be considered a separate and distinct violation of this ordinance.

(B) In addition to fines provided in this section, the Village may seek any other lawful and appropriate remedy to enforce compliance with the provisions of this ordinance including, but not limited to, an action in a court of competent jurisdiction for mandatory injunction, temporary restraining order, preliminary injunction, equitable relief, demolition or other

lawful relief including, but not limited to, fines and costs of enforcement. The remedies available to the Village shall be cumulative and not exclusive of another. The violator shall pay all reasonable attorneys' fees and costs incurred by the Village in enforcing the terms of this ordinance.

Other Inspections Not Affected.

This ordinance shall not be construed to restrict the authority of the Village to inspect any property nor to seek penalties for violations of other codes, ordinances or regulations of the Village.

No Effect on Leases.

This chapter is not intended to and does not affect the rights and obligations of the parties to a lease, oral or written, of a Residential Rental Property.

SECTION II. Nothing in this ordinance shall be construed to affect any suit or proceeding pending in any court, or any rights acquired, or liability incurred, or any cause or causes of action arising, acquired or existing under any act or ordinance or portion thereof hereby repealed or amended by this ordinance; nor shall any just or legal right, claim, penalty or remedy of any character of the corporate authority existing on the effective date hereof be lost, impaired or affected by this Ordinance.

SECTION III. If any provision, clause, sentence, paragraph, section, or part of this ordinance 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 been included.

SECTION IV. This ordinance shall be in full force and effect from and after its passage, approval, and publication, as required by law.

SECTION V. This Ordinance shall be published in pamphlet form and available in the Village Clerk's Office.

The foregoing ordinance was adopted by a roll call vote as follows:

AYES

Trustees:  
Voss  
Sullivan  
Lentz  
Nutschnig  
Semple

NAYS

Trustee:  
Meier

ABSENT AND/OR NOT VOTING

None

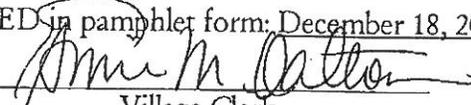


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President

PASSED: December 14, 2009

APPROVED: December 14, 2009

PUBLISHED in pamphlet form: December 18, 2009

ATTEST:   
Village Clerk