

## CHAPTER 9

**LICENSING OF MULTI-FAMILY DWELLINGS****SECTION:**

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3-9-1: **DEFINITIONS:** For the purposes of this Chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning:

**ABANDONED VEHICLE:** All motor vehicles or other vehicles in a state of disrepair which renders the vehicle incapable of being driven in its condition; or any motor vehicle or other vehicle that has not been moved or used for seven (7) consecutive days or more and is apparently deserted.

**BUILDING:** A structure that is designed and built as a group of individual dwelling units, and is separated from another building by virtue of a firewall or fire separation assembly.

**COMMON AREAS (EXTERIOR):** The private roads and streets and private sidewalks adjacent thereto, landscaping, detention ponds, utility facilities, trash enclosures, playground equipment, swimming pools, tennis courts, basketball courts or any other recreational facilities, trail areas, parking areas, private drives, detached garages, lighting fixtures, signage, mailboxes, street benches, entrance monuments, perimeter fencing and such other improvements or structures from time to time or at any time located or constructed on a common area. Such common areas may serve, in whole or in part, one or more multiple-family dwellings.

**COMMON AREAS (INTERIOR):** Any portion or part thereof of a multiple-family dwelling having communal areas (laundry, furnace, storage rooms, hallways, stairways, meeting rooms) and all other areas located within a dwelling, outside of a dwelling unit. Interior common areas shall also include stoops, entrance doors, roofs, attics, balconies, lighting fixtures, signage, railings, patios, storage areas, garages, exterior building surfaces, gutters and downspouts and any other areas of a multiple-family dwelling or building to which the owner is directly responsible for the proper maintenance thereof.

**DWELLING UNIT:** Any rooms or group of rooms located within a dwelling and forming a single habitable unit with facilities which are used or intended to be used for living, sleeping, cooking and eating.

**FOOT-CANDLE:** The quantity of light reaching a surface. It is equal of the number of lumens divided by the square footage of the surface the lumens are covering, i.e., one lumen covering one square foot equals one foot-candle.

**LUMEN:** The quantity of light emitted by a light source.

**MANAGING AGENT:** Any person or firm, acting for another, with authority to rent, manage and/or make expenditures.

**MULTIPLE-FAMILY DWELLING:** For the purpose of this Code: one or more residential buildings under one ownership, designed and built as a group of individual dwelling units, in which units may touch by virtue of common or party walls and floors and ceilings, and which contains three (3) or more dwelling units per building, at least seventy percent (70%) of which are offered for rental or lease. Each building that is separated by another building by virtue of a firewall or fire separation assembly, and has its own address, shall be considered a separate building. When a condominium association, homeowners' association or other legal entity has the charge, care or control of any common area which serves, in whole or in part, one or more multiple-family dwellings not owned by such condominium association, homeowners' association or other legal entity, then in that event such common area shall be deemed to be a multiple-family dwelling for purposes of this Chapter.

**OPERATOR:** Any person who has charge, care, control or management of a multiple-family dwelling or building, or part thereof, in which dwelling units or rooming units are let.

**OWNER:** Any person who alone, jointly or severally with others has legal title to any multiple-family dwelling, or dwelling unit, with or without accompanying actual possession thereof; or who has charge, care or control of any multiple-family dwelling or dwelling unit, as owner, or other person; or is an executor, administrator, trustee or guardian of the estate of the owner; is a mortgagee in possession, or is a senior officer or a trustee of the association of unit owners of a condominium or homeowners' association. Any person thus representing the actual owner shall be bound to comply with the provisions of this Chapter and the rules and regulations pursuant thereto, to the same extent as if he were the owner. Owner shall also mean any condominium association, homeowners' association or other legal entity having the charge, care or control of any common area which serves in whole or in part one or more multiple-family dwellings.

**PERSON:** Any individual, firm, association, partnership, corporation, trust or any other legal entity. (Ord. 93-66, 12-9-1993; amd. Ord. 99-01, 1-14-1999)

**3-9-2: LICENSE REQUIRED:** No person shall operate a multiple-family dwelling without having first obtained a license therefor. Licenses shall be issued by the Village Clerk in accordance with the provisions of this Chapter. (Ord. 93-66, 12-9-1993)

3-9-3: **LICENSE APPLICATION:** No such license shall be issued except upon written application filed with the Village Clerk. A complete application for a license shall be filed not less than thirty (30) days prior to the issuance thereof. Said application shall be signed by the legal title holder to the multiple-family dwelling. Any person seeking to renew a license issued pursuant to this Chapter shall file a completed application not less than thirty (30) days prior to the expiration of the currently valid license. Application forms may be obtained from the Village Clerk and shall contain such information as the Village Clerk may, from time to time, require, including, but not limited to:

- A. Name, address, birth date, work and home telephone numbers of each owner of the multiple-family dwelling. When the owner is a land trust, the application shall include the name and address of each person(s) holding a beneficial interest and/or power of direction therein.
- B. Name, address, birth date, work and home telephone numbers of any person appointed as managing agent of the multiple-family dwelling. If the managing agent is other than a natural person, the above information shall also be provided for that employee of the managing agent specifically assigned to the multiple-family dwelling.
- C. A copy of the written management agreement between the owner and the managing agent shall be attached to the application. If no written agreement exists, the owner and managing agent shall attach an executed statement setting forth the terms of the managing agent's authority to rent, manage, and make expenditures with respect to the multiple-family dwelling.
- D. Name, address, work and home telephone numbers of the janitor(s) or engineer(s) in charge of the maintenance of the multiple-family dwelling and its heating, cooling, plumbing and electrical systems. Attached to the application shall be a statement of the janitor(s) or engineer(s) authority to maintain and repair the multiple-family dwelling and its systems, including emergency repairs.
- E. Name, address, birth date, work and home telephone numbers of any person(s) (other than those listed pursuant to subsections A, B and D of this Section), if any, having authority to make any decision with respect to the management and/or maintenance of the multiple-family dwelling. Attached to the application shall be a statement of such person's authority to manage, lease and/or maintain the multiple-family dwelling.
- F. If no managing agent has been appointed, the name, address, birth date, work and home telephone numbers of an agent authorized by the owner to accept notices and process.
- G. The name, address and telephone number of each company that services the fire alarm systems and/or elevator(s).
- H. A copy of a plan evidencing what improvements, renovation(s) and/or replacements are budgeted for the license year.
- I. An irrevocable consent by the owner, permitting the Village and its inspec-

tors to enter upon any and all portions of the licensed multiple-family dwelling for purposes of making the inspections required and/or permitted under this Chapter, including the right to inspect individual dwelling units.

- J. An irrevocable consent and agreement to pay all enforcement costs provided for by Section 3-9-16 of this Chapter.
- K. A copy of the most recent test results required under subsection 3-9-10D of this Chapter. (Ord. 93-66, 12-9-1993)

3-9-4: **LICENSE TERM:** Each license granted hereunder shall be an annual license, the term of which shall commence on January 1 of a given year and shall terminate on December 31 of the same year. (Ord. 93-66, 12-9-1993)

3-9-5: **LICENSE FEES:**

- A. Each application for a license shall be accompanied by a license fee. The license fee shall be determined by the following schedule: (Ord. 93-66, 12-9-1993)

<u>Number Of Units Owned</u>	<u>License Fee</u>
3-50	\$145.00 per building and \$5.00 per unit
51-350	\$ 95.00 per building and \$5.00 per unit
351 or more	\$ 90.00 per building and \$5.00 per unit
Common area only	\$145.00

(Ord. 93-66, 12-9-1993; amd. Ord. 99-01, 1-14-1999)

- B. If a completed license application is not submitted together with the required license fee prior to January 1 in any given year, the license fee shall be increased by twenty percent (20%); and further, the base license fee shall be increased by an additional twenty percent (20%) on the first day of each subsequent month, until such time as a complete license application and the required license fee is paid.
- C. If the ownership of a building changes during the license year, the license fee for the new owner shall be determined on a prorated basis. No refund of any license fee paid shall be made.
- D. Notwithstanding any provisions contained hereinabove to the contrary, the owner of a multiple-family dwelling containing more than one hundred (100) dwelling units may elect to pay the license fee in two (2) installments. The first installment shall be in the amount of fifty percent (50%) of the applicable license fee and shall be paid at the time of application for a license hereunder. The balance of the applicable license fee shall be paid on or before July 1 of the license year. In the event the balance of the applicable license fee is not paid on or before July 1 of the license year, the license shall be deemed to have terminated on July 2 of the license year, without further action by the Village.
- E. Notwithstanding any provision contained hereunder to the contrary, no license shall be renewed until such time as all costs provided for by Section 3-9-16 of this Chapter have been paid. (Ord. 93-66, 12-9-1993)

**3-9-6: INSPECTIONS:**

- A. Compliance Required: Every multiple-family dwelling shall be owned, operated and maintained in full compliance with all applicable ordinances, codes and regulations of the Village.

1. The first license applied for with respect to any multiple-family dwelling unit under this Chapter shall not be issued to any owner for any multiple-family dwelling, in the event, at the time of application:

a. An existing inspection report identifies any code violation which has not been corrected, and the time for correction of said violation as noted in such inspection report has expired; or

b. Litigation is pending with respect to code violations at such multiple-family dwelling.

2. Thereafter, the Village shall conduct an annual inspection of every multiple-family dwelling during the license year to determine if said multiple-family dwelling is in full compliance with all applicable ordinances, codes and regulations of the Village.

- B. Scope Of Inspections: Any inspections conducted pursuant to this Section shall include the interior and exterior common areas. The inspection shall include the interior of the dwelling units according to the following schedule:

1. In buildings containing up to and including eight (8) dwelling units, a minimum of two (2) dwelling units in each building;

2. In buildings containing from nine (9) to and including eighteen (18) dwelling units, a minimum of four (4) dwelling units in each building;

3. In buildings containing more than eighteen (18) dwelling units, a minimum of twenty percent (20%) of the dwelling units in each building. (Ord. 93-66, 12-9-1993)

- C. Common Areas Classified As Multiple-Family Dwellings:

1. Where any common area is defined by this Chapter as a multiple-family dwelling, no multiple-family dwelling served in whole or in part by such common area shall be deemed to be in compliance with this Chapter unless and until such common area is in full compliance with this Chapter.

2. Where any multiple-family dwelling is served in whole or in part by any common area defined by this Chapter as a multiple-family dwelling, no such common area shall be deemed to be in compliance with this Chapter unless and until all multiple-family dwellings served in whole or in part by such common area are in full compliance with this Chapter. (Ord. 99-01, 1-14-1999)

**3-9-7: LICENSE LOCATION:** A license issued pursuant to this Chapter shall be valid with respect to one specific multiple-family dwelling and may not be transferred to any other multiple-family dwelling. (Ord. 93-66, 12-9-1993)

**3-9-8: LICENSE TERMINATES UPON SALE:** Notwithstanding any

provision contained in this Chapter to the contrary, a license issued pursuant to this Chapter shall terminate upon the sale of the multiple-family dwelling described in such license. (Ord. 93-66, 12-9-1993)

**3-9-9: INSPECTION UPON SALE:**

A. Inspection Report Required: No multiple-family dwelling shall be sold unless the seller furnishes the buyer with a presale inspection report dated no more than one hundred twenty (120) days prior to the date of closing and dated no later than the day of the closing on the sale of said multiple-family dwelling. Said report shall be based on a Village Building and Zoning Department inspection of all dwelling units and all interior and exterior common areas. The report shall state that the multiple-family dwelling complies with all applicable ordinances, codes and regulations of the Village or, in the alternative, list with specificity the manner in which the multiple-family dwelling does not comply with all applicable ordinances, codes and regulations.

B. Request For Inspection; Fee:

1. The request for a presale inspection must be made, in writing, not less than thirty (30) days prior to the scheduled date of the closing.

2. The presale inspection fee shall be based on the number of inspector hours required to make said inspections and prepare the required report. The fee shall be thirty five dollars (\$35.00) per hour per inspector. In the event a presale inspection report is requested and the annual inspection

required by this Chapter has not yet been performed for the current license year, the license fee paid for the current license year shall be credited towards the presale inspection fee. The presale inspection fee shall be paid at the time of delivery of the presale inspection report.

C. Violation: An inspection made pursuant to this Section satisfies the annual inspection requirement of Section 3-9-6 of this Chapter. A sale for purposes of this Section includes contract sales, exchanges, conversions to condominiums and transfers of possession or control of any multiple-family dwelling. Any person participating in such a sale in violation of this Section, either as seller, buyer or by receipt of a sales commission, in connection therewith, shall be deemed in violation of this Section and be subject to the penalties as provided for in this Code. Any contract executed in violation of this Section shall be voidable by the buyer. Notwithstanding the foregoing, any buyer shall be responsible for complying with each and every provision of this Chapter. (Ord. 93-66, 12-9-1993)

**3-9-10: ADDITIONAL REQUIREMENTS:** In addition to all other requirements set forth in this Code, the following additional requirements shall be applicable to multi-family dwellings:

A. No owner or other person shall occupy or allow another person to occupy any dwelling or dwelling unit unless it is clean, safe, sanitary, fit for human occupancy and complies with all applicable ordinances, codes and regulations of the Village.

- B. Every owner shall maintain in a safe, clean and sanitary condition, the interior and exterior common areas.
- C. The owner of any multi-family dwelling shall be responsible for the removal of any and all abandoned vehicles located on the premises of said multiple-family dwelling. Such removal shall be accomplished within seven (7) days. If any abandoned vehicle poses a hazard to human safety it shall be removed immediately. Such removals shall be accomplished as otherwise provided by law.
- D. The owner shall be responsible for the maintenance and annual testing of fire alarm and emergency lighting systems. Systems shall be tested by an approved service company and a written report provided. Owner shall retain all test results.
- E. No owner shall permit the maximum occupancy of any dwelling unit to be exceeded. The maximum occupancy of any dwelling unit shall be based on the following:

<u>Number Of Bedrooms</u>	<u>Maximum Number Of Persons In Household</u>
0-BR	1
1-BR	2
2-BR	4
3-BR	6
4-BR	8
5-BR	10
6-BR	12

- F. Every owner shall provide illumination for multiple-family dwellings, as follows:
  - 1. Entrances to dwellings containing more than one dwelling unit shall be

illuminated during the period from sunset to sunrise with at least the equivalent of a 100-watt bulb. Such bulb shall be covered and protected by a clear polycarbonate cover or cover of equal breaking resistant material.

2. Open parking lots and access thereto providing more than ten (10) parking spaces shall be provided with a maintained minimum of four-tenths (0.4) horizontal foot-candles of light on the parking surface from dusk until dawn.

3. Parking and other nonenclosed areas under or within dwellings containing more than one dwelling unit at grade shall be provided a maintained minimum of four-tenths (0.4) horizontal foot-candles of light on the parking or walking surface from dusk until dawn.

4. Sidewalks and walkways leading from parking lots to dwelling or from dwelling to dwelling shall be provided with a maintained minimum of four-tenths (0.4) horizontal foot-candles of light on the walking surface from dusk until dawn.

Notwithstanding any provision contained herein to the contrary, the Building Official shall have final approval of all illumination and may alter the regulations contained herein, including the times in which the illumination is to be provided, so as to lessen the impact on surrounding properties.

- G. In the event that the owner of a multiple-family dwelling resides outside the corporate limits of the Village, the

owner shall appoint a managing agent that:

1. Has an office at the multiple-family dwelling with regular business hours;
2. Lives at the multiple-family dwelling and has regular business hours there-at; or
3. Has an office within the corporate limits of the Village with regular business hours.

A managing agent shall be authorized to receive notices and process on behalf of the owner.

- H. Every owner, or managing agent, if one is required or otherwise appointed, shall have in its possession and immediately available for inspection or use by the Village:
1. Keys to all common area locks at the multiple-family dwelling.
  2. Copies of all current leases and their respective applications.
  3. Copies of all lease applications for the past year.
- I. If any clubhouse or recreation building or facility at a multiple-family dwelling is to be rented with or without consideration by thirty five (35) people or more, the owner shall be responsible for making sure a written application for such rental is completed stating the applicant's name, address, date of birth, home and work telephone numbers, reason for rental, if alcohol will be served or sold and the date, beginning time and ending time of rental. The owner is also responsible for

making sure that proper security is provided as approved by the Chief of Police or his designated representative. If alcohol is to be present, the owner shall be responsible for compliance with all applicable codes and ordinances of the Village relating to alcoholic liquor.

- J. Every owner shall report to the Village Clerk any change in the designation of any managing agent, at least seven (7) days prior to such change.
- K. Any contract for the sale of a multiple-family dwelling shall be reported to the Village Clerk within seven (7) days of the execution thereof, and a copy of said contract shall be provided to the Village.
- L. Every owner shall cause to be kept records itemizing all repairs, alterations and decorating expense in excess of one hundred dollars (\$100.00) per expenditure for a period of three (3) years after such expenditure. Upon request, such records shall be made available to the Village during normal business hours upon request of the Village Clerk.
- M. From and after the effective date of this Chapter, no dwelling unit shall be rented without a written lease having been executed on behalf of the owner and the tenant. Each such lease shall contain the following provisions:
1. The consent of the tenant to the inspections required or otherwise permitted under this Chapter, upon the giving of twenty four (24) hours' prior written notice posted on the door of each dwelling unit.

N. From and after the effective date of this Chapter, no dwelling unit shall be rented without the owner having first obtained a written application containing or having attached thereto the following information:

1. Name, address, birth date, social security number, driver's license number, work and home telephone numbers of each applicant.

2. A copy of each applicant's driver's license and work I.D. (if any) shall be attached to the application.

3. A list of the current and all residences during the previous three (3) years, including addresses, name of landlord and reason for leaving.

4. Name, address, birth date, social security number, driver's license number, work and home telephone numbers of all other persons who will be residing in the dwelling unit.

5. Name, address and telephone number of nearest relative or friends (at least 2) for emergency contact purposes.

6. The make, model, color, year and current license plate numbers of all cars, boats and trailers, campers, motorcycles, etc., owned or used by the persons who will reside in the dwelling unit.

7. A certification as to the correctness of the information being provided. (Ord. 93-66, 12-9-1993)

**3-9-11: INSPECTIONS; VIOLATIONS; SUSPENSION AND REVOCATION OF LICENSE:**

- A. Whenever, upon inspection of the licensed multiple-family dwelling, it is determined that conditions or practices exist which are in violation of the provisions of this Chapter or any applicable ordinance, code or regulation of the Village, the Village shall serve the owner with a notice of violation. Such notice shall identify the specific violations and state that unless they are corrected within the time specified in the notice, the owner shall be cited and its license may be suspended. Notice pursuant to this Section may be sent by U.S. certified mail or hand delivered to the party designated in the application to receive notices and process.
- B. At the end of the time allowed for correction of any violation cited, the multiple-family dwelling shall be re-inspected by the Village. If it is determined that the conditions have not been corrected, or they are not in the process of being corrected to the satisfaction of the Director of Building and Zoning, the Village may issue an order suspending the license. Tenant-caused violations will not be considered grounds for suspension of license as long as licensee cooperates in gaining compliance.
- C. Any person whose license to operate a multiple-family dwelling has been suspended shall be given the opportunity to be heard by the Village Clerk in connection with the violations. Said person must submit his or her request to be heard in writing and the written request must explain in detail, the

violations cited, why they have not been corrected, and a compliance time frame for completion. However, if no written request for hearing reaches the Village Clerk within twenty one (21) days following the issuance of the order of suspension, the license shall be revoked. The Village, as a result of such hearing, may grant additional time or may revoke the license. Prior to revocation any person whose license has been suspended may request a reinspection upon a showing that the violation or violations cited in the notice have been corrected.

- D. If, upon reinspection, it is determined by the Village that the violations cited in the notice have been corrected, the license shall be reinstated by the Village Clerk. A request for reinspection must be filed within the twenty one (21) day time period for requesting a hearing, unless the official responsible for sending the violation notice so requests. (Ord. 93-66, 12-9-1993)
- E. If the licensee is found guilty by a court of a violation of any provision of this Chapter or any applicable ordinance, code or regulation in connection with the licensed multiple-family dwelling, then the license shall be subject to revocation without further notice. (Ord. 93-66, 12-9-1993; amd. Ord. 99-01, 1-14-1999)
- F. In the event a condition of extreme hazard to health or safety is found to exist, the Village may immediately revoke the license.
- G. Each day a multiple-family dwelling continues to operate after a license

has been revoked shall constitute a separate violation of this Chapter.

- H. The first reinspection provided for in subsection B of this Section shall be without charge to the owner. Thereafter, each additional reinspection shall be at a cost of thirty five dollars (\$35.00) per hour per inspector, based on the number of inspector hours required to make said inspections and prepare the required report. The minimum charge for any reinspection shall be thirty five dollars (\$35.00). (Ord. 93-66, 12-9-1993)

**3-9-12: TENANT RESPONSIBILITY:** No tenant shall commit vandalism in the dwelling in which the tenant's dwelling unit is located, and no tenant shall permit vandalism to occur or shall violate any of the provisions of this Chapter or any applicable ordinance, code or regulation of the Village in the dwelling unit leased by the tenant. (Ord. 93-66, 12-9-1993)

**3-9-13: CONSENT TO INSPECTION; SEARCH WARRANTS:**

- A. Each owner, by operating under a license issued pursuant to this Chapter, irrevocably consents to inspections by the Village entering any and all portions of the multiple-family dwelling subject to owner's license, for purposes of making the inspections required and/or permitted pursuant to this Chapter, including the right to inspect individual dwelling units.
- B. Each lease entered into by an owner shall contain an irrevocable consent by the lessee granting unto the owner

and the Village the right to inspect as otherwise provided for in this Chapter.

- C. Upon forty eight (48) hours' notice to the owner (in the case of inspections to individual dwelling units, the owner shall notify the lessee), owner and/or lessee shall provide access to such portions of the multiple-family dwelling, including dwelling units, which are otherwise inaccessible to Village inspections. During any inspection of an inaccessible portion of the multiple-family dwelling, owner shall designate a representative to accompany the Village inspector(s) during such inspection.
- D. Despite the irrevocable consents to inspections provided by this Section, in the event that an owner or lessee objects to any such inspection, then prior to making any such inspection or taking any further action, the Village shall apply for an administrative search warrant to conduct such inspection. (Ord. 99-01, 1-14-1999)

**3-9-14: OWNER LIABILITY FOR ACTS AND OMISSIONS:** Every act or omission of whatsoever nature constituting a violation of any provision of this Chapter by any officer, director, manager, trustee, employer, agent or managing agent of any owner shall be deemed to be the act of such owner and such owner shall be punishable in the same manner as if such act or omission had been done or omitted by owner personally. (Ord. 93-66, 12-9-1993)

**3-9-15: NONRENEWAL OF LICENSE:** A license issued pursuant to this Chapter shall not be renewed unless the applicant is otherwise in conformance with

the provisions of this Chapter, including the correction of existing code violations in accordance with the provisions of this Chapter and all other provisions of this Code. (Ord. 93-66, 12-9-1993)

**3-9-16: ENFORCEMENT COSTS:**

- A. If any court of competent jurisdiction finds that any licensee has violated any provision(s) of this Code, such court shall award to the Village all of the Village's costs related to the enforcement of this Code, including, but not limited to, court costs, attorney fees, building inspector costs and administrative costs. (Ord. 93-66, 12-9-1993; amd. Ord. 99-01, 1-14-1999)
- B. In the event any court fails or refuses to award the Village all of its costs as provided for hereinabove, such unpaid costs shall constitute an additional license fee which shall be due and payable prior to the renewal of any license for the multiple-family dwelling in question. Such additional license fee shall be in addition to the license fee otherwise required by the provisions of Section 3-9-5 of this Chapter. No license shall be renewed until such time as all costs provided for by this Section have been paid. (Ord. 93-66, 12-9-1993)

**3-9-17: PENALTY:** In addition to any and all penalties provided for in this Chapter, any person found to have violated any provision of this Chapter shall be subject to the general penalty provided for in Section 1-4-1 of this Code. (Ord. 93-66, 12-9-1993)