

STATE OF ILLINOIS - COUNTY OF BOND
CITY OF GREENVILLE

ORDINANCE NO. 3192

AN ORDINANCE AMENDING CHAPTER 150: BUILDING
REGULATIONS TO ADD RESIDENTIAL RENTAL OCCUPANCY OF
THE CITY CODE OF ORDINANCES, BY THE CITY OF GREENVILLE,
BOND COUNTY, ILLINOIS

ADOPTED BY THE
CITY COUNCIL
OF
THE CITY OF GREENVILLE
THIS 21st DAY OF MARCH, 2019

Published in pamphlet form by authority of the City Council of the City of Greenville, Bond
County, Illinois, this 22nd day of March, 2019.

Ordinance No. 3192

AN ORDINANCE AMENDING THE CODE OF ORDINANCES,
CHAPTER 150: BUILDING REGULATIONS TO ADD RESIDENTIAL RENTAL OCCUPANCY
TO THE CITY CODE OF ORDINANCES

WHEREAS, the City of Greenville has adopted ordinances, pursuant to the Illinois Municipal Code, 65 ILCS 5/11-13-1, establishing building regulations within the City of Greenville, Bond County, Illinois; and

WHEREAS, the Mayor and City Council of the City of Greenville have adopted the International Property Maintenance Code; and

WHEREAS, the City has received reports of sub-standard living conditions in certain rental properties; and

WHEREAS, the City has determined that a wide variety of nuisance conditions, including physical conditions of certain residential properties, harm public health, safety, general welfare, and economic welfare for City residents; and

WHEREAS, the City has determined that most City landlords are responsible owners and an occupancy permit program is the most effective way to reduce the number and recurrence of residential rental property nuisance conditions in the City; and

WHEREAS, the City has determined it is in the best interests of public health, safety, general welfare and economic welfare to require Occupancy Permits of every residential rental property being rented to another person for occupancy as a residence whenever there is a change in tenant; and

WHEREAS, the Mayor and City Council of the City of Greenville intend to protect the health, safety and welfare of its citizens by ensuring that all existing structures shall meet certain minimum maintenance requirements for the protection of the occupants.

WHEREAS, it is desired that the Greenville Code of Ordinances, Chapter 150: Building Regulations be amended to add the following:

Residential Rental Occupancy

Section 150.50: Occupancy Permit Required – Change in Possession or Occupancy

- a. Except as otherwise provided herein, it shall be unlawful for the owner or any agent of an owner to permit the occupancy by any third party of any residential dwelling unit within the City of Greenville until such time as an occupancy permit has been issued by the City of Greenville. Nothing in this ordinance shall prohibit the transfer of ownership of the dwelling or dwelling unit prior to the issuance of an occupancy permit so long as sub-part b hereof is complied with fully.
- b. It shall be the responsibility of the owner or lessor of any residential property located within the City of Greenville to assure that an occupancy permit will be issued or is issued to any occupant assuming possession from the owner or lessor of the property; and, if necessary, to provide for the corrections of any violations whether such corrections take place prior to or after a transfer of ownership or possession of the property and before the issuance of the occupancy permit.

However, if the owner, seller, lessor or transferor provides a true and correct copy of this ordinance to the purchaser, transferee, or lessee and thereafter obtains the purchaser's, transferee's or lessee's written consent to assume full responsibility to obtain the occupancy permit and, if necessary, to correct any violations that may exist to obtain such occupancy permit then, upon filing an original of the written consent signed by the party to be so bound, with the City's Code Enforcement Officer, the obligation to correct any such violations prior to the issuance of any occupancy permit shall then be the responsibility of the purchaser, transferee, or lessee, who shall be bound thereby without further notice.

- c. This section shall not apply to transfers of residential real estate wherein the transferee notifies the Code Enforcement Officer, in writing, of intent to demolish within ninety (90) days of the transfer any building located thereon. The Code Enforcement Officer may, for good cause shown, extend the demolition period for one additional period of ninety (90) days. No overnight occupancy shall be allowed within any dwelling or dwelling unit that is subject to this demolition exception.

Section 150.51: Permit Fees

- a. The applicant for an occupancy permit shall pay an application fee of twenty-five dollars (\$25.00) and the fee shall be submitted to the City of Greenville along with the occupancy permit application. There shall be no fee in connection with the first inspection.
- b. The minimum standard for a property to pass an occupancy inspection for the issuance of an occupancy permit is that the property being inspected must not contain any deficiencies in construction or maintenance that could impact the life, safety, or health of the occupants of the dwelling or dwelling unit, including but not by way of limitation all state statutes for the installation of smoke and carbon monoxide detectors.
- c. If the inspection of a residential property identifies deficiencies that fail to meet the minimum standards for the issuance of an occupancy permit, then a written list of deficiencies shall be provided to the owner to be corrected. Once the deficiencies are corrected the Code Enforcement Officer shall reinspect at no charge and if the deficiencies have been corrected the Code Enforcement Officer shall issue an occupancy permit.
- d. An additional fee of twenty-five (\$25.00) shall be charged in connection with each subsequent inspection if an inspection of a residential property indicates that the residential dwelling fails to meet the minimum standards for the issuance of an occupancy permit.
- e. An additional fee of twenty-five dollars (\$25.00) shall be charged if the applicant or their agent fails to be present at the appointed time scheduled for an inspection unless, written, telephone, or email notice of the cancellation of a scheduled inspection is delivered to the Code Enforcement Officer at least twenty-four (24) hours in advance of the scheduled inspection.
- f. Any occupancy permit may be revoked or suspended by the Code Enforcement Official upon a showing that an occupancy permit or interim occupancy permit was issued through the use of a false or misleading application or any untruthful statement contained upon such application.

Section 150.52: Violations

- a. It shall be unlawful for any person required to obtain an occupancy permit to fail to obtain the permit as required by this ordinance or to knowingly make any false or misleading statement in an application for an occupancy permit including without limitation the names, ages, relationships, or number of occupants who will occupy the premises.
- b. Any person or entity found to be in violation of the foregoing sections, 150.50 through 150.52 shall be fined not less than \$200.00 and not more than \$250.00 per day for each day the violation is to have occurred. For any owner who is found to be in violation of this ordinance for a second or more offense, within a five (5) year period, the fine shall be \$500.00 per day for each day the violation is found to have occurred.
- c. The City of Greenville shall also be entitled to a reimbursement of its attorney fees, court costs, and expenses of litigation incurred in the successful prosecution of any violation of this ordinance.

Section 150.53: Inspections

- a. Upon proper application for an occupancy permit, the Code Enforcement Officer or his or her designee shall cause an inspection to be made of the premises in question to determine if an occupancy permit may be issued. If the inspection is satisfactory, the Code Enforcement Official shall issue an occupancy permit which shall be valid until the next change of occupancy or until said occupancy permit is revoked by the Code Enforcement Official as provided in Section 150.51.
- b. No new inspection or new occupancy permit shall be necessary or required at any location more often than twelve (12) months from the date of the previous occupancy permit issued.
- c. Properties that have a 3rd party inspection system such as a HUD housing inspection shall provide that inspection to the Code Enforcement Official as a substitute for the inspection in a. above with the consent of the Code Enforcement Official.
- d. The specifications for the occupancy permit inspection will be available at the City's Municipal Building and made available to the public. The specifications shall be based on the then adopted version of the International Property Maintenance Code.
- e. All inspections are to be conducted by the City's Code Enforcement Official or his or her designee.

Section 150.54: Reporting

- a. The Code Enforcement Officer shall prepare a monthly report and commentary and deliver it to the City Manager in order to assist the City Manager in evaluating the effectiveness and to propose any potential changes to the Occupancy Permit program.
- b. The monthly report shall include the number of applications, inspections, reinspections, and permits issued each month and annually. In addition a report shall be made of the items failing initial inspection and their frequency.
- c. The commentary of the report shall provide the City Manager with any recommendations for improvements and/or changes to the program

NOW THEREFORE, be it ordained by the Mayor and City Council of the City of Greenville, Bond County, Illinois, as follows:

SECTION 1-GENERAL STATEMENT: Upon passage and effective June 1, 2019, Chapter 150: Building Regulations shall be amended as outlined above.

SECTION 2-REPEAL: All prior Ordinances and/or Resolutions, that are inconsistent with the provisions of this Ordinance is hereby repealed.

SECTION 3-SAVINGS PROVISIONS: In the event any section, subsection, sentence or phrase of this Ordinance should be declared invalid, all other provisions hereof shall not be affected by such invalidity and shall remain in full force and effect.

SECTION 4-EFFECTIVE DATE: This Ordinance shall be published in pamphlet form as provided by law, and shall be in full force from its passage and become effective June 1, 2019.

Passed by the Mayor and City Council of the City of Greenville, Illinois the 21st day of March, 2019.

Bill Carpenter	<u>Aye</u>
John Gillard	<u>Aye</u>
Mike Heath	<u>Aye</u>
Kyle Littlefield	<u>Aye</u>
Alan Gaffner	<u>Aye</u>


Alan Gaffner, Mayor


Sue Ann Nelson, City Clerk

STATE OF ILLINOIS - COUNTY OF BOND
CITY OF GREENVILLE

CERTIFICATE

I, Sue Ann Nelson, certify that I am the duly appointed and acting City Clerk of the City of Greenville, Bond County, Illinois.

I further certify that on March 21, 2019, the Corporate Authorities of such municipality passed and approved Ordinance No. 3192 entitled:

“AN ORDINANCE AMENDING CHAPTER 150: BUILDING REGULATIONS TO ADD
RESIDENTIAL RENTAL OCCUPANCY TO THE CITY CODE OF ORDINANCES, BY THE
CITY OF GREENVILLE, BOND COUNTY, ILLINOIS”

Dated at Greenville, Illinois, this 22nd day of March, 2019.

{SEAL}

Sue Ann Nelson

Sue Ann Nelson, City Clerk