

ORDINANCE NO. O-13-12

ORDINANCE REGARDING THE LICENSING AND OPERATION OF MULTIPLE FAMILY DWELLING UNITS, ROOMING HOUSES AND ANY SINGLE FAMILY RENTAL RESIDENTIAL UNITS

WHEREAS, the Village of Hanover (“Village”) requires persons who rent a residential dwelling unit within the Village to secure a license from the Village of Hanover Park and the Corporate Authorities desire persons who rent a residential dwelling unit within the Village to attend a crime free multi-housing seminar; and

WHEREAS, it would be in the best interest of the Village and those landlords to have crime free housing; and

WHEREAS, the exchange of information between landlords and the Hanover Park Police Department is a good way to reduce the level of crime in rental properties; and

WHEREAS, the Village of Hanover Park is a home rule unit by virtue of the provisions of the 1970 Constitution of the State of Illinois and may exercise and perform any function pertaining to its government and affairs including adoption of this Ordinance; now, therefore,

BE IT ORDAINED by the President and Board of Trustees of the Village of Hanover Park, Cook and DuPage Counties, Illinois, as follows:

SECTION 1: That the Municipal Code of Hanover Park, as amended, be and is hereby amended by adding to (a) of Section 82-5 of Chapter 82, in their alphabetically appropriate order, the following new definitions of “Agent,” “Code Official,” and “Crime Free Housing Seminar” as follows:

Agent means a person authorized to act for and under the direction of another person when dealing with third parties.

Code Official means the official who is charged with the administration and enforcement of this chapter, or any duly authorized representative.

Crime Free Housing Seminar means a seminar sponsored by the Hanover Park Police Department to provide information to landlords and their designated agents regarding the landlord-tenant requirements under the Village Code, including the crime-free housing lease provision.

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SECTION 2: That Sections 82-16, 82-17, and 82-18 of Chapter 82 of the Municipal Code of Hanover Park, as amended, be and is hereby amended by renumbering them and modifying Section 82-16 as provided in Section 3. of this Ordinance.

SECTION 3: That Chapter 82 of the Municipal Code of Hanover Park, as amended, be and is hereby amended by: adding thereto a new Section 82-16, Crime Free Housing; and renumbering

former Sections 82-16 (as modified herein), 82-17, and 82-18, as referenced in Section 2. above, so that said latter three Sections shall become Sections 82-17, 82-18, and 82-19, all as follows:

Sec. 82-16. - Crime Free Housing.

- (a) Any owner of property, which property is being rented out as a rental residential dwelling unit shall attend and complete a Village of Hanover Park Crime Free Multi-Housing Program Seminar (“Seminar”). The owner, agent or designee of a new rental unit shall attend the Seminar prior to obtaining or being issued a new Village Rental Residential License. Any current rental dwelling license holders shall have until the expiration date of the current rental residential license to attend the Seminar.
- (b) A property manager shall be considered an agent of the owner. If a new property manager is hired, notification of the change will be made to the code official within seven days of the change and the new property manager shall have three months after hiring to attend the Village of Hanover Park’s Crime Free Multi-Housing Program Seminar (“Seminar”).
- (c) Any owner, agent or designee shall attend the Seminar once every four years, and be compliant with this Ordinance prior to the expiration of a license for that particular year.
- (d) The Crime Free Multi-Housing Coordinator, as designated by the Chief of Police, shall provide the Village Clerk’s Office and/or Finance Department with a list of owners, agents and/or designees who have attended the Seminar, with verification that the owner, agent or designee has complied with this Section 82-16 and is eligible to obtain, maintain or renew the operating license.
- (e) Any owner, agent or designee of residential rental property shall utilize a crime free lease addendum or have a clause in the lease similar to a crime free lease addendum for any leases executed. A copy of the Crime Free Lease addendum shall be provided to the Crime Free Multi-Housing Coordinator prior to expiration of the rental permit for renewals and within 60 days of initial application for new applicants. 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 is to 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 landlord shall have authority under that clause to initiate an eviction proceeding as specified in the Illinois Compiled Statutes Forcible Entry and Detainer statutes. Proof of criminal violation in the Forcible Entry and Detainer shall be by a preponderance of the evidence.
- (f) Nuisance Residential Rental Property. It is hereby declared a chronic nuisance for any property owner, agent, or manager to allow or permit nuisance activities as defined under Chapter 78, Article VI –Chronic Nuisance Property Abatement. The owner,

agent, or manager shall be subject to all the applicable provisions and penalties of Chapter 78, Article VI.

- (g) The Village may seek to enforce this Section 82-16 by seeking any and all remedies under this Chapter, including the imposition of fines. In addition, the Village Manager may suspend and/or recommend revocation of any license issued hereunder if it appears to his/her satisfaction from the report of any village officer or village employee or any other available information that the licensee is violating this Chapter 82 and/or is in violation of the provisions set forth in the Chronic Nuisance Property Abatement Ordinance, Chapter 78, Article VI. Any suspension or revocation of a license shall be pursuant to the provisions set forth in Chapter 58, Article 1, Section 58-17 and the penalties as set forth in Chapter 58, Article 1, Section 58-19.

Sec. 82-17. - Chapter does not affect leases.

Except as provided in Section 82-16 above, 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 rental residential property.

Sec. 82-18. - Severability.

If any provision or part thereof of this chapter is declared by a court of competent jurisdiction to be invalid and of no further force and effect, such invalidity shall not affect the remaining provisions of this chapter, which shall remain in full force and effect.

Sec. 82-19. - Penalty.

- (a) Any owner, property agent, occupant or person who fails to comply with any section of this chapter applicable to him, and continues in this failure after due notice and opportunity to correct, given pursuant to this chapter, upon conviction thereof, shall be subject to a fine of not less than \$100.00 nor more than \$750.00 for each day each section of this Code is violated after expiration of the time for correction of the violations.
- (b) Nothing in this chapter shall prevent the village from taking any other legal or equitable remedies available to the village, including any emergency action permitted by law when any portion of the rental residential building is a danger to persons or property.

SECTION 4: That each section, paragraph, sentence, clause and provision of this Ordinance is separable and if any provision is held unconstitutional or invalid for any reason, such decision shall not affect the remainder of this Ordinance nor any part thereof, other than the part affected by such decision.

SECTION 5: That except as to the amendments heretofore mentioned, all chapters and sections of the Municipal Code of Hanover Park shall remain in full force and effect.

SECTION 6: That this Ordinance shall, by authority of the Village Board of the Village of Hanover Park, be published in pamphlet form. From and after ten days after said publication, this Ordinance shall be in full force and effect.

ADOPTED this 18th day of April 2013, pursuant to a roll call vote as follows:

AYES: Roberts, Zimel, Kemper, Kunkel

NAYS: None

ABSENT: Konstanzer, Cannon

ABSTENTION: None

Approved: _____
Rodney S. Craig
Village President

ATTESTED, filed in my office, and published in pamphlet form this 19th day of April 2013.

Eira Corral, Village Clerk