

VILLAGE OF HOFFMAN ESTATES

AN ORDINANCE AMENDING  
CHAPTER 8 OF THE  
HOFFMAN ESTATES MUNICIPAL CODE

NOW, THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of Hoffman Estates, Cook and Kane Counties, Illinois, as follows:

Section 1: That the following Sections of Article 8-1, GENERAL PROVISIONS, of CHAPTER 8, LICENSES, of the Hoffman Estates Municipal Code be and the same are hereby amended to read as follows:

Article 1

GENERAL PROVISIONS

Section 8-1-2. PERSONS SUBJECT TO LICENSE

Whenever in this Code a license is required for the maintenance, operation or conduct of any business or establishment, or for doing business or engaging in any activity or occupation, any person, firm, corporation, association or limited liability company, shall be subject to the requirement if by himself or through an agent, employee or partner, he holds himself forth as being engaged in the business or occupation or solicits or attempts to perform any part of such business or occupation in the Village.

Section 8-1-9. PRO-RATED FEES

When any business license is issued after the first day of November in any year, the license fee charged shall be one-half of the annual license fee. When any General Business Premises license is issued after the first day of March in any year, that license fee shall be one-half of the annual license amount. Residential Rental Property license fees, however, shall not be pro-rated.

Section 8-1-10. TERMINATION OF LICENSES

All annual business licenses shall begin on May 1 and terminate on April 30 of the following year, except for General Business Premises licenses which shall begin on September 1 and terminate on August 31 of the following year, and Residential Rental Property licenses which shall begin on January 1 and terminate on December 31 of the calendar year in which issued.

Section 8-1-12. CHANGE OF LOCATION

The location of any licensed business or occupation, or of any permitted act, may be changed, provided ten days' notice thereof is given to the Village Clerk, in the absence of any provision to the contrary. The location for which a Residential Rental Property license or temporary certificate has been issued by the Village may not be changed.

Section 8-1-13. INSPECTIONS

Whenever inspections of the premises used for or in connection with the operation of a licensed business or occupation are provided for or required by ordinance, or are reasonably necessary to secure compliance with any ordinance provision or to detect

violations thereof, it shall be the duty of the licensee or the person in charge of the premises to be inspected, to admit any officer or employee of the Village who is authorized or directed to make such inspection at any reasonable time that admission is requested.

Whenever the analysis of any commodity or material is reasonably necessary to secure compliance with any ordinance provision or to detect violations thereof, it shall be the duty of any licensee of the Village whose business is governed by such provision to give to any authorized officer or employee of the Village requesting the same, sufficient samples of such material or commodity for such analysis upon request.

In addition to any other penalty which may be provided, the President may revoke the license of any licensed proprietor of any licensed business in the Village who refuses to permit any such officer or employee who is authorized to make such inspection or take such sample to make the inspection or take an adequate sample of the desired commodity or material, or who interferes with such officer or employee while in the performance of his duty in making such inspection or taking such sample. No license shall be revoked for such cause unless written demand is first made in the name of the Village upon the licensee or person in charge of the premises, stating that such inspection or sample is desired at the time it is sought to make the inspection or to obtain the sample.

Section 2: That Article 13, RESIDENTIAL RENTAL PROPERTY LICENSE, of Chapter 8, LICENSES, of the Hoffman Estates Municipal Code is created to read as follows:

### **Article 13**

#### **RESIDENTIAL RENTAL PROPERTY LICENSE**

##### **Section 8-13-1. DEFINITIONS**

Unless the context otherwise requires, the following terms as used in this Article shall be construed according to the definitions given below:

A. *Residential Rental Property* shall mean residential structures or dwelling units that are intended to be rented or leased for income or for payment to the Owner in return for the right to occupy or use the property of another and are not owner-occupied, including single-family detached and attached structures and condominium units, but excluding the following:

1. Apartments as defined in Section 12-1-1 of this Code.
2. Single-family owner-occupied residential structures or dwelling units.
3. Single-family residential structures or dwelling units which are vacant but which are not intended to be rented or leased.
4. Hotels and motels that rent rooms to occupants if such occupancy is transient only.

5. Assisted Residential Facilities, Independent Residential Facilities, Skilled Nursing Facilities, Nursing Homes, Intermediate Care Facilities, Sheltered Care Facilities, and Congregate Care Facilities.
- B. *Building Official* shall mean that person designated by the Village Manager as having Code enforcement authority relating to Residential Rental Property.
- C. *Owner* shall mean any person, agent, operator, firm, association or corporation having a legal or equitable interest in the Residential Rental Property, or having an interest that has been recorded in the Office of the Recorder of Deeds of the County of Cook, Illinois or in the Office of the Registrar of Titles if the property affected is under the Torrens System, or otherwise having control of the Residential Rental Property pursuant to an order of possession issued by a court.
- D. *Tenant* shall mean that person or persons occupying the Residential Rental Property pursuant to a rental agreement or lease for income or for payment to the Owner in return for the right to occupy or use the Residential Rental Property.

Section 8-13-2. LICENSE REQUIRED

- A. It shall be unlawful for any Owner to offer for rent or lease, or to cause the rental or lease for income or for payment in return for the right to occupy or use a Residential Rental Property unless the Owner has first made application to the Village for a Residential Rental Property license on the form provided by the Village Clerk together with payment in full of the appropriate license fee, and such application is deemed complete by the Village.
- B. The Village Clerk is hereby authorized, upon application and approval therefor, to issue Residential Rental Property licenses and renewals thereof in the name of the Owner.
- C. Each application for a Residential Rental Property license shall include at least the following:
1. The full legal name, postal address, email address (if applicable), and telephone number of each Owner of the Residential Rental Property.
  2. If the Residential Rental Property is held in a trust, the name, address and phone number of the trustee and each beneficial interest holder.
  3. The postal address of the Residential Rental Property.
  4. The square footage of the Residential Rental Property including individual room sizes.
  5. The name, postal address, email address (if applicable) and telephone number of the Tenant with whom the Owner has a rental agreement or lease for the Residential Rental Property.
  6. The name, postal address, email address (if applicable) and telephone number of any management company retained by the Owner to act as the Owner's authorized representative for the Residential Rental Property.
  7. The name, postal address, email address (if applicable) and 24-hour telephone number(s) of the person designated by the Owner as available and as having authority in emergency situations to make or to authorize others to make repairs as needed.

8. The starting and ending date of the rental agreement or lease permitting the Tenant to live at the Property.

D. Each application for a Residential Rental Property license or for renewal of a Residential Rental Property license shall be accompanied by the payment of a fee of One Hundred Fifty and No/100 Dollars (\$150.00) for each single family attached or detached unit, and Seventy-Five and No/100 Dollars (\$75.00) for each condominium unit. License and renewal application fees and related inspection fees are nonrefundable.

E. Following Village review and verification that the Owner's application is complete and the payment of the application fee has been made, the Village's Building Official shall issue to the Owner a temporary certificate indicating that this license has been applied for, and that the Tenant's occupancy may continue until such time as the license is issued or denied after the Residential Rental Property has been inspected by the Village for compliance with applicable laws of the State of Illinois, Cook County, and the Village's Municipal Code.

F. A separate Residential Rental Property license shall be required and issued for each Residential Rental Property from the date of issuance on or after January 1, 2014 and ending December 31 of the year issued unless sooner revoked, and may be renewed each January 1 for successive periods not exceeding one (1) calendar year and ending December 31 of the year issued.

G. No Residential Rental Property license shall be issued or renewed for any Residential Rental Property which is not in compliance with the applicable provisions of this Article and the Village's Municipal Code, or where monies are owed to the Village for that property or by that Owner for the payment of transfer taxes to the State, to the County and/or to the Village, or for other fees and services owed to the Village.

H. It shall be unlawful for any Tenant to occupy a Residential Rental Property for which no Residential Rental Property license has been applied for and issued by the Village, or where the Residential Rental Property temporary certificate has been suspended or the license revoked.

I. It shall be unlawful for any Owner to offer for rent or lease for income or for payment in return for the right to occupy or use any Residential Rental Property for which a Residential Rental Property temporary certificate has been suspended or the license has been revoked.

Section 8-13-3. LICENSE NOT TRANSFERABLE

A. The Residential Rental Property license and temporary certificate shall be purely a personal privilege, which shall expire on December 31 of the calendar year of issuance unless sooner suspended or revoked. Neither the temporary certificate nor the license shall constitute property nor shall either be subject to attachment, garnishment or execution, nor shall either be alienable or transferable except as otherwise provided herein, voluntarily or involuntarily, or subject to being encumbered or hypothecated. The Residential Rental Property temporary certificate and the license shall cease upon the death of the applicant or licensee, provided that executors or administrators of the estate

of any deceased applicant or licensee, and the trustee of any insolvent or bankrupt applicant or licensee, may exercise the privileges of the deceased or insolvent or bankrupt applicant or licensee after the death of such decedent, or such insolvency or bankruptcy, until the expiration of such license if issued, but not longer than six months after the death, bankruptcy or insolvency of such applicant or licensee.

B. If during the period for which the Residential Rental Property temporary certificate or license has been issued there is a change in the identity of the Owner or the Tenant or there is a change to any other information previously provided to the Village as part of the Residential Rental Property license application, then within ten (10) days of such change the Owner shall file with the Building Official an updated notice indicating all such changes to the information provided on the most recent Residential Rental Property license application.

C. If during the period for which the Residential Rental Property temporary certificate or license has been issued there is a change in the ownership of the Residential Rental Property, the previously issued temporary certificate or license shall automatically terminate without notice unless the new Owner submits a completed application and fee within ten (10) days of such ownership change.

D. If during the period for which a Residential Rental Property temporary certificate or license has been issued an Owner other than the licensee acquires a right to possession pursuant to court order, that subsequent Owner shall not be required during its right of possession to apply for a separate Residential Rental Property license unless the issued license expires, the temporary certificate is suspended or the license revoked, whichever first occurs.

#### Section 8-13-4. APPLICATION FOR RENEWAL

An Owner may renew his Residential Rental Property license at the expiration thereof, if that Owner intends to continue to rent the Property, provided that the Owner is then qualified to receive the license, has paid all other applicable business license fees and any other fees or monies owed to the Village, and provided further that the Residential Rental Property for which such renewal of the license is sought is suitable for that purpose. The renewal privileges herein provided for shall not be construed as a vested right.

#### Section 8-13-5. CHANGE OF LOCATION

A Residential Rental Property temporary certificate and the license apply only to the property described in the application and license. No change of location shall be permitted.

#### Section 8-13-6. INSPECTION

A. It shall be the further duty of the Village's Building Official and/or his designees to enforce the provisions of this Chapter 8-13 in all respects as adopted and as amended from time to time.

B. Within thirty (30) days of the Village's providing notice to the Owner by first class mail to the address provided by the Owner on his Residential Rental Property license application that an inspection is required, the Owner shall schedule an inspection

with the Village at which the Owner or an authorized representative shall be present to permit entry into the interior and exterior of the property. Failure of the Owner to schedule the required inspection within that thirty (30) day period or to provide entry to the property at the time of the scheduled inspection shall result in the inspection being deemed as a violation of this Section. Subsequent inspections shall be subject to re-inspection fees as applicable under this Chapter.

C. Each Residential Rental Property shall be subject to an annual inspection by the Village. Annual licensing inspections of Residential Rental Property shall include the interior and exterior of the Residential Rental Property. This annual licensing inspection shall be in addition to and not in lieu of any other inspections that may be required to be performed by the Village to determine and enforce compliance with the Village's Code and its rules and regulations.

D. At the time of any Village inspection, the Residential Rental Property must comply in all respects with the applicable laws of the State of Illinois, Cook County, and the Village's Municipal Code.

E. When any inspection of a Residential Rental Property by the Village reveals any violation of applicable state and local laws, the Village's Building Official shall establish a reasonable time period during which the Residential Rental Property must be brought into compliance. Notice of the violations and the time period for compliance shall be sent by the Village's Building Official to the Owner by first class mail to the address provided by the Owner on his Residential Rental Property license application, or may be delivered by the Village in person to the Owner or his authorized representative at the conclusion of the inspection.

F. A re-inspection of the Residential Rental Property shall occur on the earlier of compliance by the Owner or the conclusion of the time period for compliance, for which a re-inspection fee of Fifty and No/100 Dollars (\$50.00) shall be charged by the Village. The Owner shall be responsible for scheduling the re-inspection prior to the compliance deadline.

G. If upon re-inspection the Building Official determines that the Residential Rental Property continues to be not in compliance with applicable laws of the State of Illinois, Cook County and the Village's Municipal Code, the Building Official may authorize additional time for the Owner to comply, or the Building Official may order the Residential Rental Property's temporary certificate suspended and the property vacated. Notice of the continuing violations and suspension shall be sent by the Village's Building Official by first class mail to the Owner at the address provided by the Owner on his Residential Rental Property license application, and to the Tenant whose name appears on the license application provided by the Owner. The Village shall also post notices on all entrances to the Residential Rental Property, stating that the Residential Rental Property must be vacated within sixty (60) days if the Building Official has determined

that the violation(s) do not place the Tenant in imminent danger of harm. If, however, the Building Official determines that the violations do place the Tenant in imminent danger of harm, the Building Official shall order the Residential Rental Property vacated immediately.

H. An Owner whose Residential Rental Property temporary certificate has been suspended may request a re-inspection for which an additional re-inspection fee of Fifty and No/100 Dollars (\$50.00) shall be charged by the Village. If upon that further re-inspection the Village's Building Official determines that the Residential Rental Property is now in compliance, the Building Official shall authorize the license to be issued or renewed subject to payment of a reinstatement fee of Fifty and No/100 Dollars (\$50.00) to the Village.

I. Any inspection request initiated by the holder of a Residential Rental Property license or temporary certificate that is not considered part of the Village's annual required inspection process shall be subject to an inspection fee of Fifty and No/100 Dollars (\$50.00).

Section 8-13-7. RECORDS

Every Owner of a licensed Residential Rental Property shall keep or cause to be kept, an accurate record of all repairs, alterations and changes related to the provisions of this Section or to any rules and regulations pertaining thereto and of all corrections made as the result of inspections by the Village. The Owner, when requested, shall make such record available to the Building Official.

Section 8-13-9. VIOLATIONS

Whenever during the period of a Residential Rental Property license or temporary certificate pending the issuance of a license it is determined that there exist conditions or practices on the Residential Rental Property which are in violation of the provisions of this Section or of any applicable laws of the State of Illinois, Cook County or the Village's Municipal Code, the Building Official shall serve the Owner by first class mail with notice of such violation. Such notice shall further state that unless the violations cited are corrected within a time period specified by the Building Official, the Residential Rental Property license may be suspended or revoked. In addition, the Village has the power to prosecute violations of the Municipal Code through its Administrative Adjudication Process as provided by Section 12-4-6 of this Code.

Section 8-13-10. SEVERABILITY

If any section, subsection, sentence, clause, phrase or portion of this Article 8-13 is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such section, subsection, sentence, clause, phrase or portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the remaining portions thereof.

Section 8-13-11. PENALTY

Any person, firm, corporation or limited liability company violating any of the provisions of this Article 8-13 shall be fined as set out in the general penalty in Section 8-14-1 of this Chapter for each offense. A separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

Section 3: That Article 13, PENALTY, of Chapter 8, LICENSES, be and is hereby renumbered to be Article 14.

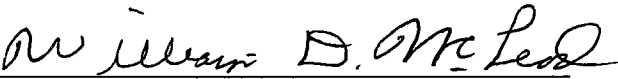
Section 4: The Village Clerk is hereby authorized to publish this ordinance in pamphlet form.

Section 5: This Ordinance shall be in full force and effect immediately from and after its passage and approval.

PASSED THIS 16th day of December, 2013

| VOTE                     | AYE      | NAY           | ABSENT        | ABSTAIN       |
|--------------------------|----------|---------------|---------------|---------------|
| Trustee Karen V. Mills   | <u>X</u> | <u>      </u> | <u>      </u> | <u>      </u> |
| Trustee Anna Newell      | <u>X</u> | <u>      </u> | <u>      </u> | <u>      </u> |
| Trustee Gary J. Pilafas  | <u>X</u> | <u>      </u> | <u>      </u> | <u>      </u> |
| Trustee Gary G. Stanton  | <u>X</u> | <u>      </u> | <u>      </u> | <u>      </u> |
| Trustee Michael Gaeta    | <u>X</u> | <u>      </u> | <u>      </u> | <u>      </u> |
| Trustee Gayle Vandenberg | <u>X</u> | <u>      </u> | <u>      </u> | <u>      </u> |
| Mayor William D. McLeod  | <u>X</u> | <u>      </u> | <u>      </u> | <u>      </u> |

APPROVED THIS 16th DAY OF December, 2013

  
Village President

ATTEST:

  
Village Clerk

Published in pamphlet form this 19th day of December, 2013.