

Chapter 10 EXISTING STRUCTURES' MAINTENANCE AND OCCUPANCY*

***Editor's note**--Section 1 of Ord. No. O-38-90, passed April 10, 1990, amended the Code of Ordinances by deleting provisions, formerly codified as Ch. 10, Housing, and by substituting therefor a new Ch. 10. The former provisions of Ch. 10, §§10-1--10-5, 10-16--10-26, 10-50, 10-52--10-54, were derived from Code 1961, §§26.201, 26.202, 26.601--26.603, 26.701--26.703, Art. VIII, 26.901--26.908, 26.1001--26.1012, and 26.1201--26.1204, and from Ord. No. O-34-82, §§ 1(a)--(c), 2, adopted April 12, 1982; Ord. No. O-25-84, § 1, adopted May 14, 1984; and Ord. No. O-22-86, §§ 1--4, adopted March 25, 1986.

In order to conform to already established Code format, the editor, at his discretion, has renumbered these new provisions as follows:

Enacted as	Renumbered as
10-5--10-9	10-15--10-19
10-10--10-17	10-30--10-37
10-18--10-22	10-48--10-52
10-23--10-26	10-63--10-66
10-27--10-29	10-77--10-79

The original numbering of these provisions has been preserved in the history notes following each section and in the Code Comparative Table at the back of this volume in order to aid the user in tracking.

Cross reference(s)--Powers and duties of board of health regarding housing, § 2-346; buildings and building regulations, Ch. 6; fire protection and prevention, Ch. 7; garbage and refuse, Ch. 8; health and sanitation, Ch. 9; minimum heat in apartments, § 9-10; streets and sidewalks, Ch. 16; water and sewer services, Ch. 19; zoning, App. A; subdivision regulations, App. B.

Editor's Note - Chapter 10, as described above, was amended throughout by Ordinance 0-198-99, adopted on November 22, 1999.

Editor's Note – Ordinance #0-177-07, passed on October 15, 2007, replaced Chapt.10 in its entirety.

Editor's Note – Ordinance #0-119-13, passed on October 14, 2013 replaced Article VI, Group Homes in its entirety.

Editor's Note – Ordinance #O-74-22, passed on July 11, 2022 amended Chapt. 10 throughout, replacing Article V, Rooming House, Rooming Units, Dormitories, Dormitory Rooms in its entirety to Short-Term Residential Rentals

- **Art. I. Intent and Scope, §§ 10-1**
Art. II. Definitions, §§ 10-2
Art. III. Property Maintenance Codes and Amendments, §§ 10-3--10-14
Art. IV. Rental Property Rules and Regulations, §§ 10-15--10-20
Art. V. Short-Term Residential Rentals 10-21--10-26
Art. VI. Group Homes and Other Regulated Housing §§ 10-27--10-41
Art. VII. Notice of Violation Procedures, Penalties, Appeals and Conflict of Ordinances,

§§ 10-42--10-46

ARTICLE I. INTENT AND SCOPE

Sec. 10-1. Intent and scope

(a) *Intent.* It is hereby declared that the intent of this chapter is to protect, preserve and promote the physical and mental health and social well-being of the people, to prevent and control the incidence of communicable diseases, to reduce environmental hazards to health, to regulate privately and publicly owned dwellings for the purpose of maintaining adequate sanitation and public health, to protect the safety of the people, and to promote the general welfare by legislation, which shall be applicable to all dwellings and commercial properties now in existence or hereafter constructed. It is hereby further declared that the purpose of this chapter is to ensure that the quality of buildings and structures are adequate for protection of public health, safety and general welfare, including establishment of minimum standards for basic equipment and facilities for light, ventilation and thermal conditions; for safety from fire and accidents; for the use and location and amount of space for human occupancy; for an adequate level of maintenance; a determination of the responsibilities of owners, operators and occupants of dwellings and commercial properties; and provision for the administration and enforcement thereof.

(b) *Legislative finding.* It is hereby found that there exists and may exist in the future within the village premises, commercial properties, dwelling units or parts thereof which, by reason of their structure, equipment, sanitation, maintenance, use or occupancy, affect, or are likely to affect, adversely the public health (including the physical, mental and social well-being of persons and families), safety and general welfare. To correct and prevent the existence of such adverse conditions, and to achieve and maintain such levels of residential environmental quality as will protect and promote public health, safety and general welfare, it is further found that the establishment and enforcement of minimum existing structure maintenance and occupancy standards are required.

(c) *Scope.* The provisions of this chapter shall apply to all existing residential and nonresidential structures and all existing premises and constitute minimum requirements and standards for premises, structures, equipment and facilities for light, ventilation, space, heating, sanitation, protection from the elements, life safety, safety from fire and other hazards, and for safe and sanitary maintenance; the responsibility of owners, operators and occupants; the occupancy of existing structures and premises of all existing buildings and structures within the jurisdiction of the village, irrespective of when or under what code or codes such buildings or structures were originally constructed or rehabilitated, and for administration, enforcement and penalties

ARTICLE II. DEFINITIONS

Sec. 10-2. Definitions.

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

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

Appropriate authority. That person within the governmental structure of the corporate unit who is charged with the administration of the appropriate code.

Ashes. The residue from burning or combustible materials.

Average maximum summer conditions. A temperature ten (10) degrees Fahrenheit (five and six-tenths (5.6) degrees Celsius) below the highest recorded temperature in the locality for the prior ten-year period.

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Average maximum winter conditions. A temperature fifteen (15) degrees Fahrenheit (eight and three-tenths (8.3) degrees Celsius) below the lowest recorded temperature in the locality for prior ten-year period.

Cellar. A room or group of rooms totally below the ground level and usually under a building.

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

Commercial property. All properties where the primary function is dealing with commerce or trade and are not residential in nature.

Common area. Common areas shall include, but are not limited to, all hallways, stairways, lobbies, utility rooms, laundry rooms, storage rooms, recreation rooms, grounds, refuse areas, parking areas, building extensions, signs and other areas designed for common use by dwelling unit occupants. A common area shall be counted as a single unit in the calculation of the average number of violations per dwelling unit as outlined in Sec. 10-17. (Ord. No. 0-159-10, §1, 12/13/10 effective 4/1/11)

Condominium shall mean any dwelling unit under individual ownership in multi-unit structure as provided in the Condominium Property Act of the Revised Statutes of the State of Illinois.

Condominium association shall mean any organization or association which governs the operation of common areas or services for two (2) or more condominiums.

Dilapidated. No longer adequate for the purpose or use for which it was originally intended.

Dwellings:

Hotel/Motel: Any building containing 3 or more guestrooms designed to be occupied, or which are rented or hired out to be occupied, for sleeping purposes by guests.

Single Family Dwelling: A building containing one dwelling unit intended for use by a one family as defined in this code.

Dwelling Unit. Any building or portion thereof that contains living facilities, including provisions for sleeping, eating, and sanitation.

Family:

- (1) One (1) person, his or her spouse, their offspring, legally adopted children or foster children, together with not more than three (3) other persons who are related to said person by blood, marriage or legal adoption, including, but not limited to, mother, father, sister, brother, mother-in-law, or father-in-law; or
- (2) A group of persons none of whom are related to each other by blood, marriage or adoption; provided, however, that such dwelling unit shall meet the density, space, and use requirements as set forth in this code, and the total number of occupants in such group not exceed three (3).
- (3) Group homes, as defined in below, shall be exempt from the preceding subparagraphs (1), (2) and (3).

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Garbage. The animal and vegetable waste resulting from the handling, preparation, cooking, serving and consumption of food.

Group home. A single dwelling unit occupied on a relatively permanent basis in a family-like environment by unrelated persons with disabilities, as identified and regulated within the Federal Fair Housing Act. Paid professional support staff, provided by a sponsoring agency, either living with the residents on a 24-hour basis, or present whenever residents are present at the dwelling, shall be required unless a Special Use approval is obtained to eliminate the requirement of supervision. A "Group Home" shall comply with the zoning regulations for the district in which the site is located and shall provide the necessary staff and resident parking on site, as more fully described within Article 10. For purposes of this definition, disability shall mean, with respect to a person: (1) a physical or mental impairment which substantially limits one or more of such person's major life activities; (2) a record of having such an impairment; or (3) being regarded as having such an impairment. However, "persons with disability" shall not include any person involved in the current, illegal use of or addiction to a controlled substance (as defined in section 802 of the Controlled Substance Act (21 U.S.C. Sec. 802), nor does it include any person whose residency would constitute a direct threat to the health or safety of other individuals or whose residency would result in substantial physical damage to the property of others. (Ord. #0-92-93 8/9/93; Ord. #0-32-12, §1, 3/12/12; Ord. #0-119-13, §2, 10/14/13)

Guest. An individual who shares a dwelling unit in a nonpermanent status for not more than thirty (30) days.

Household. One (1) or more individuals living together in a single dwelling unit and sharing common living, sleeping, cooking and eating facilities (see "Family" also).

Kitchen. Any room used for the storage and preparation of foods and containing the following equipment: sink and/or other device for dishwashing, stove or other device for cooking, refrigerator or other device for cool storage of food, cabinets and/or shelves for storage of equipment and utensils, and counter or table for food preparation.

Kitchenette. A small kitchen or an alcove containing cooking facilities.

Meaning of certain words. Whenever the words "dwelling," "dwelling unit," "premises," or "structure" are used in this chapter, they shall be construed as though they were followed by the words "or any part thereof." Words used in the singular include the plural, and the plural the singular; the masculine gender includes the feminine and the feminine the masculine.

Owner. Any person who, along or jointly or severally with others, shall have legal title to any premises, dwelling, dwelling unit or commercial property with or without accompanying actual possession thereof, or shall have charge, care or control of any premises, dwelling or dwelling unit as owner or agent of owner, or an executor, administrator, trustee or guardian of the estate of owner. Any such person thus representing the actual owner shall be bound to comply with the provisions of this chapter and of rules and regulations adopted pursuant thereto to the same extent as if he were the owner.

Permissible occupancy. The maximum number of individuals permitted to reside in a dwelling unit.

Privacy. The existence of conditions which will permit an individual or individuals to carry out an activity commenced without interruption or interference either by sight or sound or by unwanted individuals.

Rodent harborage. Any conditions or place where rodents can live, nest or seek shelter.

Rodent proofing. A form of construction which will prevent the ingress or egress of rodents to or from a given space or building, or from gaining access to food, water or harborage. It consists of the closing and keeping closed every opening in foundations, basements, cellars, exterior and interior walls, ground or first floors, roofs, sidewalk gratings, sidewalk openings and other places that may be reached and entered by rodents by climbing, burrowing or other methods, by the use of materials impervious to rodent gnawing, and

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by other methods as approved by the code official.

Refuse. All putrescible and nonputrescible solids (except body wastes), including garbage, rubbish, ashes and dead animals.

Refuse container. A watertight container that is constructed of metal, or other durable material impervious to rodents, that is capable of being serviced without creating unsanitary conditions or other containers as have been approved by the appropriate authority. Openings into the container such as covers and doors shall be tight-fitting.

Rent. The consideration paid by a tenant to the owner of a rental dwelling unit for the exclusive use by the tenant of part or all of the dwelling unit. The consideration is not limited to cash.

Rental Dwelling Unit. A building, dwelling unit or room occupied and leased by a tenant.

Safety. The conditions of being reasonably free from danger and hazards which may cause accidents or disease.

Stagnant water. shall be determined as any accumulation that has not dispersed within seven (7) days of the last recorded local rainfall.

Supplied. Paid for, furnished by, provided by or under the control of the owner, operator or agent.

Temporary housing. Any tent, trailer, mobile home or any other structure used for human shelter which is designed to be transportable and which is not attached to the ground, to another structure, or to any utility system on the same premises for more than thirty (30) consecutive days.

Tenant. Any adult person granted use of a rental dwelling unit or room pursuant to a lease with the owner of the rental dwelling unit.

Townhouse association shall mean any organization or association which governs the operation of common areas of two (2) or more townhouses.

Toxic substance. Any chemical product applied on the surface of or incorporated into any structural or decorative material which constitutes a potential hazard to human health at acute or chronic exposure levels.

Variance. A difference between that which is required or specified and that which is permitted.

Village manager. The village manager of the village or his designated representative.

Undefined words. Words not specifically defined in this chapter shall have the common definition set forth in a standard dictionary.

ARTICLE III. PROPERTY MAINTENANCE CODES AND AMENDMENTS

(Ordinance #O-39-18, passed on April 16, 2018 – Amending Article III Property Maintenance Codes and Amendments by adopting the 2015 Edition of the International Property Maintenance Code)

Sec. 10-3 Minimum standards.

The International Property Maintenance Code, 2015 Edition is hereby adopted with the following amendments:

Section 10-3.1. Title

Section 101.1 Insert: Village of Palatine

Section 10-3.2. Intent

Section 101.3 Delete the last sentence.

Section 10-3.3. Application of other codes

Section 102.3 This section shall be amended to read as follows:

Repairs, additions or alterations to a structure, or changes of occupancy, shall be done in accordance with the applicable codes and ordinances of the Village of Palatine.

Section 10-3.4. Historic buildings

Section 102.6 Delete this section in its entirety.

Section 202 General Definitions. Historic Building. Delete this definition in its entirety.

Section 10-3.5. Referenced codes and standards

Section 102.7 Delete this section in its entirety.

Section 10-3.6. Fees

Section 103.5 This section shall be amended to read as follows:

The fees for activities and services performed by the department in carrying out its responsibilities under this code shall be as indicated in sections of this chapter and in the following schedule.

Fee schedule supplement to the Code of Ordinances

Section 10-3.7. Violations

Section 106 Delete this section in its entirety.

Section 10-3.8. Regulation of Compost Piles and Location

(a) Regulation

1. Each compost bin shall be no larger than four feet (4') tall by four feet (4') long by four feet (4') wide.
2. No more than 3 compost bins shall be allowed on residential properties.
3. Each bin shall be constructed of commercial grade material such as heavy duty, cinder block, brick, wood or such other materials approved by the Village. Self contained, rotating, barrel type compost containers are acceptable.
4. Compost shall consist of primarily yard waste. The following items are specifically prohibited in a compost pile.
 - a. Oils, grease and lard

- b. Meat, bones and fish
- c. Dairy Products (e.g., butter, milk, sour cream, yogurt) and eggs.
- d. Human or animal waste
- e. Inorganic materials

- 5. All compost piles shall be enclosed in a freestanding compost bin and shall be maintained to inhibit the entrance of pests.
- 6. Compostable materials may be placed in a compost bin provided that such materials are maintained in a manner to not allow being windblown.
- 7. Compost bins cannot emit odorous matter in such quantities as to be readily detectable at any point along lot lines, or so as to produce a public nuisance or hazard.

(b) Location and required setback

- 1. Compost piles are permitted on residential properties.
- 2. Compost piles and bins may only be located in the rear yard (as defined by the Village of Palatine Zoning Ordinance) of the property.
- 3. Compost piles and bins must be set back according to minimum standards:
 - a. rear property line – 5 feet
 - b. side property line – 5 feet
 - c. setback from any neighboring home – 25 feet
- 4. Alternative composting locations may be considered as reviewed and approved by the Director of Community Services Department.

(Ord. #0-72-09, §1, 6/15/09; Ord. #0-63-13, §1, 6/3/13)

Section 10-3.9. Emergency Measures

Section 109.5 This section shall be amended to read as follows:

Costs incurred by the jurisdiction in the performance of emergency work shall be paid for by the jurisdiction. The legal counsel of the jurisdiction shall institute appropriate action against the owner of the premises where the unsafe structure is or was located for the recovery of such costs.

Section 10-3.10. Means of Appeal

Section 111 Delete this section in its entirety.

Section 10-3.11. Exterior Property Area

Section 202 General Definition. The following definition shall be amended to read as follows:

Rubbish. Combustible and noncombustible waste material, except garbage; the term shall include the residue from the burning of wood, coal coke and other combustible materials, paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree, branches, yard trimmings, tin cans, metals, mineral matter, glass, crockery and dust and other similar materials. Other examples of “rubbish” include, but are not limited to, empty bottles and jars; empty metal, plastic or paper products; discarded engine or motor parts; automobile and truck parts of all descriptions; used tires, wheels and inner tubes; discarded batteries; discarded and/or pre-used building materials; broken pieces of concrete; discarded or decomposing lumber or logs; discarded, broken, or

neglected electrical, gas or hand-operated appliances; previously used packing materials; discarded, broken, or neglected household goods and furnishing; or any household item located outdoors that is designed for indoor use; as well as parts and pieces of any of the foregoing.

(Ord. #O-39-18, 4/16/18)

Section 302.1 Sanitation. This section shall be amended to read as follows:

Exterior property and premises shall be maintained in a clean, safe and sanitary condition. The occupant shall keep that part of the exterior property that such occupant occupies or controls in a clean and sanitary condition, free of rubbish and garbage. (Ord. #O-39-18, 4/16/18)

Section 10-3.12. Stairways, decks, porches, balconies, patios and windows

Section 304.10 This section shall be amended to read as follows:

Stairways, decks, docks, porches and balconies. Every exterior stairway, deck, dock, porch and balcony, and all appurtenances attached thereto, shall be maintained structurally sound, in good repair, with proper anchorage and capable of supporting the imposed loads.

Section 304.10.1 Balconies, Patios, and Windows

1. Storage on balconies and patios shall be limited to outdoor lawn furniture, potted plants or approved barbeque grills.
2. Owners shall keep exterior balconies, patios, and windows clean and free of clutter. No laundry or unsecured items shall be placed on balcony rails or outside windows.
3. Storage of bicycles, push scooters, motorized scooters or similar items on balconies shall not be permitted.
4. Balconies and patios may not be enclosed or altered in anyway unless properly approved by the Village of Palatine Building Division.
5. Bicycles or motorized cycles shall not be secured to trees, railings or any other accessory structure except approved storage racks.
6. No occupant shall conduct activity on a balcony, patio or window that may harm the health or safety of the building, surrounding units, or general public.
7. Where there is a conflict between these requirements and the requirements imposed by home owner associations, condo associations or other such organizations the most restrictive shall govern.

(Ord. No. 0-53-14, §1, 5/5/14)

Section 10-3.13. Insect Screens

Section 304.14 Insert: April 15th to October 15th

Section 10-3.14. Interior Premises Identification

Every owner of a dwelling containing two or more units shall identify the assigned unit number or letter in a position easily observed and readable from the common hallway or entry way. The characters must be a minimum of one (1) inch (26 mm) high and 1/2 (one half) inch (13 mm) stroke.

Section 10-3.15. Rubbish Storage Facilities

Section 308.2.1 This section shall be amended to read as follows:

Rubbish storage facilities. The owner of every occupied premise shall supply approved covered containers of adequate capacity for rubbish, and the owner of the premises shall be responsible for the removal of rubbish.

Section 10-3.16. Multiple Occupancy

Section 309.4 This section shall be amended to read as follows:

Multiple occupancy. The owner of a structure containing two or more dwelling units, a multiple occupancy or a nonresidential structure shall be responsible for extermination in all areas of the structure and exterior property.

Section 10-3.17. Occupancy

Generally, no person shall occupy or let to be occupied any dwelling or dwelling unit for the purpose of living therein unless there is compliance with the following requirement:

- (1) Not more than one (1) family, plus two (2) occupants unrelated to the family, except for guests or domestic employees, shall occupy a dwelling unit.
- (2) Such dwelling unit shall meet the density, space and use requirements as set forth in this code.

Section 10-3.18. Pest Elimination

Section 309.1 Infestation. This section shall be amended to read as follows:

The structure shall be kept free from insect and rodent infestation. Structures in which insects or rodents are found shall be promptly exterminated by approved processes that will not be injurious to human health. After pest elimination, proper precautions shall be taken to prevent re-infestation. The use of a licensed Pest Control Operator shall be required upon written notice from the Village of Palatine. (Ord. #O-39-18, 4/16/18)

Section 309.5 This section shall be deleted in its entirety

Section 10-3.19. Heat Supply

Section 602.3 Insert: September 15th to May 1st

Section 10-3.20. Occupiable Work Spaces

Section 602.4 Insert: September 15th to May 1st

Section 10-3.21. Equipment and Facilities

Equipment and facilities. No person shall occupy as owner, occupant or let to another for occupancy any dwelling unit for the purposes of living, sleeping, cooking or eating therein which does not comply with the following requirements:

- (1) Every dwelling unit shall have a room or portion of a room in which food may be prepared and/or cooked, which shall have adequate circulation area, and which shall be equipped with

the following:

- a. Cabinets and/or shelves for the storage of eating, drinking and cooking equipment and utensils, and of food that does not, under ordinary summer conditions, require refrigeration for safe keeping, and a counter or table for food preparation. Said cabinets and/or shelves and counter or table shall be of sound construction, furnished with surfaces that are easily cleanable and that will not impart any toxic or harmful effect on food.
- b. A stove or similar device for cooking food and a refrigerator or similar device for the safe storage of food at temperatures less than forty-five (45) degrees Fahrenheit (seven (7) degrees Celsius), but more than thirty-two (32) degrees Fahrenheit (zero (0) degrees Celsius), under average maximum summer conditions, which are properly installed with all necessary connections for safe, sanitary and efficient operation; provided, that such stove, refrigerator and/or similar devices need not be installed when a dwelling unit is not occupied, and that sufficient space and adequate connections for the safe and efficient installation and operation of said stove, refrigerator, and/or similar devices are provided.
- c. Temporary wiring or extension cords shall not be used in any occupied building, except cords may be permitted for use on maintenance and/or cleaning equipment or devices provided:
 1. Cords are used in continuous lengths without splice;
 2. Cords are Underwriter Laboratory, Inc. approved for the location and use

Section 10-3.22. Continuation of Service

No owner, operator or occupant shall cause any service, facility, equipment or utility which is required under this chapter to be removed from, shut off from, or discontinued for any occupied dwelling or dwelling unit let or occupied by him except for such temporary interruption as may be necessary while actual repairs or alterations are in process or during temporary emergencies when discontinuance of service is approved by the appropriate authority.

Section 10-3.23. Demolition Restoration

Whenever a structure is demolished, whether carried out by the owner or by the code official, such demolition shall include the filling in of the excavation on which the demolished structure was located in such a manner as to eliminate all potential danger to the public health, safety or welfare arising from such excavation.

Section [A] 110.1 General. This section shall be amended to read as follow:

The code official shall order the owner or owner's authorized agent of any premises upon which is located any structure, which in the code official's or owner's authorized agent judgment after review is so deteriorated or dilapidated or has become so out of repair as to be dangerous, unsafe, insanitary or otherwise unfit for human habitation or occupancy, and such that it is unreasonable to repair the structure, to demolish and remove such structure; or if such structure is capable of being made safe by repairs, to repair and make safe and sanitary, or to board up and hold for future repair or to demolish and remove at the owner's option; or where there has been a cessation of normal construction of any structure for a period of more than two years, the code official shall order the owner or owner's authorized agent to demolish and remove such structure.

(Ord. #O-39-18, 4/16/18)

Section 10-3.24. Limiting board-ups of unoccupied buildings.

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(a) Board-ups shall be permitted only in unoccupied buildings wherein the uninhabitability is due to fire, explosion or act of God, and then only for thirty (30) days, unless a building permit for reconstruction or demolition permit is taken out, and then for only thirty (30) additional days.

(b) No unoccupied structure may be boarded up except as above; however, hardware screening may be employed to alleviate vandalism and protect the property.

(c) Board-up or hardware screening may not be used upon any dangerous and unsafe building or uncompleted and abandoned building.

Section 10-3.25.

Delete lines number 5 & 6 of Section 107.2 Form.
(Ord. #0-72-09, §2, 6/15/09)

Section 10-3.26

Delete line number 3 of section 107.3 Method of service and replace with the following:

3. If one (1) or more persons to who such notice is addressed cannot be found after diligent effort to do so, service may be made upon such persons by posting the notice in a conspicuous place in or about the dwelling, dwelling unit, rental dwelling unit or commercial property described in the notice.

(Ord. #0-72-09, §3, 6/15/09)

Section 10-3.27

Delete Section 107.5 Penalties in its entirety.
(Ord. #0-72-09, §4, 6/15/09)

Section 10-3.28

Add the following to Section 304.15 Doors

All entry areas of multifamily buildings with an existing intercom system shall be maintained in good working condition. The removal of such a device, item or fixture is prohibited and does not constitute repair or maintenance.

(Ord. #0-72-09, §5 6/15/09)

Section 10-3.29

Add the following to Section 304.18 Building Security

All apartment building main entrance doors must self-close and automatically lock with a spring loaded door latch when they close. A key (or electric door buzzer) is required to open them from the outside, and a knob, handle or panic bar from the egress side.

(Ord. #0-72-09, §6, 6/15/09)

Section 10-3.30

Garages and carports that are attached to a rental dwelling (single-family, townhouse, duplex, etc.) with an opening directly from the residence shall have a hinge type self-closer.
(Ord. #0-72-09, §7, 6/15/09)

Section 10-3.31 Carbon Monoxide Detector Act

Carbon monoxide alarms shall be provided as required under the Public Safety (430 ILCS 135 /) Carbon Monoxide Alarm Detector Act. (Ord. #O-39-18, 4/16/18)

Sec. 10-4 Inspections

The code official is hereby authorized and directed to develop and adopt plans for the inspection of dwelling units subject to the provisions of this chapter, including:

- (1) A plan for the periodic inspection of multiple dwelling subject to the provisions of section 10-15, governing the licensing of the operation of such dwellings.
- (2) A plan for the systematic inspection of dwelling units contained within the village as may from time to time be designated by the village manager.

Sec. 10-5. Inspections--Powers and duties of the code official.

(a) The code official shall enforce the provisions of this chapter and is hereby authorized and directed to make inspections pursuant to one (1) or more of the plans for inspection authorized by section 10-4; or in response to a complaint that an alleged violation of the provisions of this chapter, or of applicable rules and regulations pursuant thereto, may exist; or when the code official has valid reason to believe that a violation of this chapter or any rules or regulations pursuant thereto has been or is being committed.

(b) The code official is hereby authorized to inspect the premises surrounding dwellings, dwelling units and commercial properties subject to this chapter for the purpose of determining whether there is compliance with its provisions.

(c) The code official and the owner, occupant or other person in charge of a dwelling or dwelling unit, subject to this chapter may agree to an inspection by appointment at a time other than the hours provided in this section.

(d) The owner, occupant or other person in charge of a dwelling, dwelling unit or commercial property, upon presentation of proper identification by the code official or his representative, a copy of any relevant plan of inspection pursuant to which entry is sought, and a schedule of the specific areas and facilities to be inspected, shall give the code official entry and free access to every part of the dwelling, dwelling unit or commercial property, or to the premises surrounding any of these.

(e) The code official shall keep confidential all evidence, exclusive of the inspection record, which it may discover or obtain in the course of an inspection made pursuant to this section, and such evidence shall be considered privileged; provided, however, that such information shall be available to any appropriate public safety agency.

(f) If any owner, occupant or other person in charge of a dwelling, dwelling unit or of a multiple dwelling subject to licensing under section 10-15, fails or refuses to permit free access and entry to the structure or premises under his control, or any part thereof, with respect to which an inspection authorized by this chapter is sought to be made, the code official may petition a court of competent jurisdiction for an administrative search warrant.

Secs. 10-6--10-14. Reserved.

ARTICLE IV. RENTAL PROPERTY RULES AND REGULATIONS

Sec. 10-15. Licensing of the operation of multiple dwellings and rental dwelling units.

(a) No person shall operate a multiple dwelling or rental dwelling unit unless he holds a current, unrevoked operating license issued by the village manager or his designee in his name for the specifically named multiple dwelling or rental dwelling unit.

(b) All operating licenses for multiple dwellings under common ownership with common facilities (laundry, garage, furnace and storage rooms, etc.) and/or utilities (heat, water, etc.) for those multiple dwellings in the process of converting to condominiums, where the conversion of the entire building has not been completed, shall be used for a period of one (1) year from the date of application, unless sooner revoked, and may be renewed for successive periods not to exceed one (1) year.

1. Operating licenses for all other rental dwellings or dwelling units (single-family home, condominium, townhouse, duplex, etc.) shall be used for a period of one (1) year from the date of application, unless sooner revoked, and may be renewed for successive periods not to exceed one (1) year. The license shall not be transferable. Each new owner of the rental dwelling unit must obtain an operating license.
2. A conditional approval may be granted for a term not exceeding six months to those rental dwellings which cannot be fully licensed due to special circumstances, (e.g. weather conditions, unavailability of required materials or services, and other circumstances as approved by the code official). All requests for a conditional approval shall be submitted in writing and approved by the code official. The conditional term shall be subtracted from the remaining one year license period. All properties which have not completed full licensure by the end of the conditional term shall be considered unlicensed and shall forfeit all paid fees.

(Ord. 0-72-09, §8, 6/15/09)

(c) The village manager or his designee is hereby authorized, upon application therefor, to issue new operating licenses and renewals thereof in the names of applicant owners or operators of multiple dwellings and rental dwelling units. No such license shall be issued unless the multiple dwelling, in connection with which the license is sought, is found after inspection to meet all applicable rules and regulations pursuant thereto. Rental dwelling units that change ownership will be required to be inspected before a new operating license can be issued. No such license shall be issued unless the rental dwelling unit is found after inspection to meet all applicable requirements of this chapter and applicable rules and regulations pursuant thereto.

(d) No operating license shall be issued or renewed unless the applicant owner or operator has first made application therefor on a fully completed application form provided by the village manager or his designee. The village manager or his designee shall develop such forms and make them available to the public.

(e) All condominium associations, town home associations and/or management companies maintaining records of non-owner occupied units shall provide on an annual basis the names and current mailing addresses of all owners of said units and if available names of tenants occupying said units. (Ord. 0-140-08, §1, 10/6/08; Ord. 0-72-09 §9, 6/15/09)

(f) No rental property shall be scheduled or inspected, nor will an operating license be issued or

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renewed unless the completed application form for each building is accompanied by payment of the appropriate license fee, cancellation fee, re-inspection fee, and/or late fees, as applicable. (Ord. 0-72-09 §10, 6/15/09; Ord. 0-159-10, §2, 12/13/10 effective 4/1/11)

(g) No operating license shall be issued or renewed for a nonresident applicant, unless such applicant designates in writing to the code official the name of his agent for the receipt of service or notice of violation of the provisions of this chapter and for service of process pursuant to this chapter.

(h) No operating license shall be issued or renewed for a resident applicant unless such applicant has first designated an agent for the receipt of service for violations of the provisions of this chapter when said applicant is absent from the village for thirty (30) days or more. Such a designation shall be made in writing and shall accompany each application form.

(i) No operating license shall be renewed unless a notification therefore has been made within sixty (60) days prior to the expiration of the present operating license.

(j) Each license shall be displayed in a conspicuous place within the common ways of the multiple dwelling. No license shall be transferable to another multiple dwelling or rental dwelling unit. Every person holding an operating license shall give notice in writing to the code official within twenty-four (24) hours after having transferred or otherwise disposed of the legal control of any licensed multiple dwelling or rental dwelling unit. Such notice shall include the name and address of the person succeeding to the ownership or control of such multiple dwelling or rental dwelling unit.

(k) Every owner or operator of a licensed multiple dwelling or shall keep or cause to be kept an accurate record of all repairs, alterations and equipment changes related to the provisions of this chapter, or to any rules and regulations pertaining thereto, and of all corrections made as the result of inspection by the code official. Such record shall be made available to the code official by the owner or operator when requested. Every owner or operator subject to this chapter shall be notified that such record may be used in administrative or judicial proceedings pursuant to the provisions of this chapter. The administrative authority shall, upon the issuance of a license as required by this section, advise the licensee of the necessity for such record and the manner in which such record shall be kept.

(l) Whenever, upon inspection of the licensed multiple dwelling or rental dwelling unit, or of the records required to be kept by this section, the code official finds that conditions or practices exist which are in violation of the provisions of this chapter or of any applicable rules and regulations pursuant thereto, he shall serve the owner or operator with notice of such violation in accordance with article VI of this chapter. Unless the violations cited are corrected within the time frame indicated in the notice, the operating license may be suspended.

(m) Any person whose license to operate a multiple dwelling or rental dwelling unit has been suspended shall be entitled to a review of the order by the village manager in the manner hereinafter provided by this chapter. If no request for review or appeal is made within fourteen (14) days following the issuance of the order of suspension, the license shall be revoked; except that prior to revocation, any person whose license has been suspended may request inspection upon showing that the violation or violations cited in the notice have been corrected.

(n) If, upon re-inspection, the code official finds that the multiple dwelling or rental dwelling unit in connection with which the notice was issued, is now in compliance with this chapter and with the applicable rules and regulations issued pursuant thereto, he shall reinstate the license. A request for re-inspection shall not extend the suspension period unless the code official grants such request.
(Ord. O-74-22, 07/11/22)

Sec. 10-16. Criminal Nuisance Abatement and Crime Free Multi-Housing Program

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(a) Crime Free Multi-Housing Program Seminar. Any owner of property, which property is being rented out for residential purposes, shall attend and complete a Village of Palatine 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 Dwelling License. Agent or designee cannot for the purposes of the Seminar be the renter. The Crime Free Multi-Housing Coordinator ("Coordinator"), as designated by the Chief of Police, may maintain a list of other municipalities who offer similar Crime Free Multi-Housing Program Seminars. The Coordinator may accept these Seminars as compliant with this Ordinance provided the training received elsewhere has occurred within twelve (12) months prior to acceptance, mirrors Palatine's Seminar, and meets the program copyright guidelines. Acceptance of other municipality's Crime Free Multi-Housing Seminars will be at the discretion of the Coordinator.

(b) A property manager shall be considered an agent of the owner. If a new property manager is hired and is replacing the previous property manager who was the representative at the Seminar, the new property manager shall have 90 days after proof of change to attend the Village of Palatine's Crime Free Multi-Housing Program Seminar ("Seminar").

(c) Any owner, agent or designee shall attend the Seminar once, and a refresher course after three (3) years, and be compliant with this Ordinance prior to the expiration of a license for that particular year., or unless otherwise ordered by an administrative hearing.

(d) The Crime Free Multi-Housing Coordinator shall provide the Director of Community Services or their designee with a list of owners, agents and/or designees who have attended the Seminar, with the date of attendance and verification that the owner, agent or designee has complied with the Ordinance and is eligible to obtain, maintain or renew the operating license.

(e) All landlords shall incorporate in the body of all property leases or rental agreements, or renewals of property leases or rental agreements, wording substantially similar to the following (Landlords may use the exact language contained below or use standardized forms from the Division of Property Standards and shall tender a copy to the Crime Free Multi-Housing Coordinator as part the licensing requirements):

i. Notice of Village of Palatine Ordinances:

"The Village of Palatine has enacted the following in its Code of Ordinances:

Chapter 10, Article IV - Criminal Nuisance Abatement: This article prohibits criminal nuisance activity on properties or the public way located within the corporate limits of the Village of Palatine;

Any violations of the above ordinances or any other federal, state, or local criminal, nuisance, or property maintenance statutes, regulations, or ordinances may result in the EVICTION of the tenant who committed, allowed, or facilitated the violation.

Tenants and all persons who reside in the leased premises, by assuming possession of the same, agree that the landlord or his agents may release to the Police Department any information concerning the identity of all occupants."

ii. Crime free agreement:

"In consideration of the execution or renewal of a lease of the rental unit identified in this lease, Owner (or Owner's agent or representative) and resident/tenant agree as follows:

1. Tenant, any member of the tenant's household, a guest or invitee in the unit or on the common grounds, or any other person in the unit or on the common grounds invited there in any way by the tenant or a member of tenant's household, shall not engage or in any way be involved in, any criminal activity, including drug related criminal activity, on or near the said premises. Criminal activity shall include, but is not limited to, drug-related criminal activity. "Drug-related criminal activity" means illegal manufacture, sale, distribution, use or possession with intent to manufacture, sell, distribute or use of a controlled substance, cannabis or methamphetamine (as defined in the Illinois Compiled Statutes).

2. Tenant, any member of the tenant's household, a guest, or invitee at the unit, or on the common grounds, or any person in the unit or on the common grounds invited there in any way by the tenant or a member of the tenant's household shall not engage in any act intended to facilitate or that does facilitate criminal activity, including drug-related criminal activity, or on the said property.

3. Tenant, and every member of the household shall not permit the rental unit to be used for criminal activity, or to facilitate criminal activity, in the unit or on the common grounds, including drug-related criminal activity, regardless of whether the individual engaging in such activities is a member of the household, a guest or invitee, and regardless of whether the tenant is present during any such offense.

4. Tenant, and members of the tenant's household, a guest, or invitee in the unit or on the common grounds, or any other person in the unit or on the common grounds invited there in any way by tenant or a member of tenant's household, shall not engage in the unlawful manufacturing, selling, using, storing, keeping or giving of a controlled substance, cannabis, or methamphetamine at any location on the property.

5. Tenant, any members of the tenant's household, a guest, or invitee in the unit or on the common grounds, or any other person in the unit or on the common grounds invited there in any way by the tenant or a member of the tenant's household, shall not engage in any illegal activity, including prostitution as defined in the Illinois Compiled Statutes, criminal street gang activity as defined in the Illinois Compiled Statutes, threatening or intimidating as prohibited in the Illinois Compiled Statutes, assault as prohibited in the Illinois Compiled Statutes, including but not limited to the unlawful discharge of firearms on or near the dwelling unit or common grounds, or any breach of the lease agreement that otherwise jeopardizes the health, safety and welfare of the landlord, his agent or other tenants or involving imminent or actual serious damage as defined in the Illinois Compiled Statutes.

6. Violation of any of the above provisions shall be a material and irreparable violation of the lease and good cause for termination of the tenancy, provided, however, a tenant shall not be retaliated against nor evicted when merely a victim of any criminal act prohibited herein, including domestic violence, but shall be responsible for the acts of his/her guests and household members. A single violation of any of the provisions hereof shall be deemed a serious violation and material non-compliance with the lease. It is understood and agreed that a single violation shall be good cause for immediate termination of the lease under the Illinois Compiled Statutes. Unless otherwise provided by law, proof of violation shall not require criminal conviction, but shall be by a preponderance of the evidence. Tenant consents to venue in any justice court precinct within the county wherein the unit is located in the event Owner initiates legal action against the tenant. Tenant hereby waives any objection to any venue chosen by Owner.

To the extent permitted by law, tenant agrees that service of process of any legal proceeding, including but not limited to, a special detainer or forcible detainer action, or service of any notice to

tenant, shall be effective and sufficient for purposes of providing legal service and conferring personal jurisdiction upon any Illinois court as to any tenant, co-signor, occupant or guarantor, if served upon any occupant or other person of suitable age and discretion who is present at the premises and residing therein, notwithstanding the fact that a tenant, co-signor, occupant or guarantor may reside at a different location other than the property address described in the lease agreement. This agreement regarding service is in addition to, and not in lieu of, any manner of service authorized under Illinois law or rule. By signing this lease the undersigned hereby waives any objection to service carried out under the terms of this agreement."

Alternatively, landlords must include the above language, or substantially similar language, in an addendum to all leases or rental agreements or the renewal of leases or rental agreements. Such addendums to property leases and rental agreements must be signed and dated by all of the adult tenants occupying the rental property. Landlords who utilize oral leases or no lease agreements must provide a notice to tenants that contains wording substantially similar to the above language. Landlords must keep a copy of the notice, signed and dated by the tenant, which acknowledges receipt of said notice. The above mandatory lease provisions shall be effective for any extension, renewal or modification of the initial lease.

(f) All landlords shall incorporate into the body of all leases or rental agreements, or renewals of leases or rental agreements, the first and last names of all individuals who will reside at the subject property during the term of the lease. All such landlords shall also require their tenants, as a condition of their lease, to provide written notice containing the first and last names of any guests who will be temporarily residing at the subject property for more than seven (7) consecutive days. Landlords shall provide, upon either oral or written request, copies of the information required in subsections (1) and (2) to the Palatine Police Department. Any such oral request shall be followed by a written confirmation of the oral request from the interested party to the Palatine Police Department.

(g) Definitions

Abatement means the reduction or cessation of a nuisance through actions by the property owner that show a substantial and/or measurable decrease or alleviation of a nuisance.

Administrative Hearing Officer means a Village employee or an officer or agent of the Village, other than a police officer, whose duty it is to do the following:

- (1) Preside at an administrative hearing called to determine whether or not a property is or was a nuisance property;
- (2) Hear testimony and accept evidence from the police, the person in charge/owner/occupant, and all interested parties relevant to the existence of nuisance activity;
- (3) Preserve and authenticate the transcript and record of the hearing and all exhibits and evidence introduced at the hearing; and
- (4) Issue and sign a written finding, decision, order stating whether a violation of this article exists.

Aggravated nuisance activities means any of the following activities, behaviors, or conduct as defined by federal, state, or municipal statute and/or ordinance where a citation is given, an arrest is made or a violation has been documented:

Homicide; Kidnapping; Criminal housing management; Possession of explosives or incendiary devices; Unlawful use of weapons; Mob action; Child pornography; Controlled

substance violations; Production, sale, distribution or possession of cannabis in violation of the Cannabis Control Act; Gang activity violations as described in the Illinois Streetgang Terrorism Omnibus Prevention Act.

Nuisance activities means any of the following activities, behaviors, or conduct, as defined by federal, state or municipal statute and/or ordinance where a citation is given, an arrest is made or a violation has been documented:

Unlawful assembly; Assault; Battery; Prostitution, Soliciting or patronizing a prostitute; Keeping a house of prostitution; Pandering; Obscenity; Sexual assault and sexual abuse; Public indecency; Disorderly conduct; Illegal gambling; Keeping or maintaining a place of illegal gambling; Unlawful possession of gambling devices; Arson; Criminal damage to property; Illegal consumption, sale or possession of alcohol; Theft; Interference with public/peace officer; Harassment; Indecent exposure; Zoning violations; Loitering; Unlawful possession, sale, distribution or use of fireworks; Aiding and abetting; Conspiracy; Trespass; Drug paraphernalia; Violation of noise ordinance; Abandoned or Junk vehicles; Unlicensed vehicles; Occupancy violations; Garbage or trash violations; Vandalism or graffiti; Violations of any animal regulations; Any violation of 720 ILCS; Any violation of Chapter 12 of the Village of Palatine Code of Ordinances; Illegal dumping.

Nuisance property means any property on which the police department has had one (1) official police report of an aggravated nuisance activity, or two (2) or more official police reports of nuisance activity which has occurred within a six-month period, arising out of the property.

Person means any natural person, agent, association, firm, partnership, corporation or other entity capable of owning, occupying, or using property in the Village of Palatine.

Person in charge means any person, in actual or constructive possession of a property, including, but not limited to, an owner, agent, designee or occupant of property under his ownership or control.

Police Chief means the Chief of Police of the Village of Palatine Police Department or his designee.

Property means any property, including land and that which is affixed, incidental, or appurtenant to land, including, but not limited to, any business or residence, parking area, loading area, landscaping, building or structure or any separate part, unit, or portion thereof, or any business equipment, whether or not permanent. For property consisting of more than one unit, property may be limited to the unit or the portion of the property on which any nuisance activity has occurred or is occurring, but includes areas of the property used in common by all units of property, including, without limitation, other structures erected on the property and areas used for parking, loading, and landscaping.

(h) Nuisance Residential Property. It is hereby declared a nuisance and to be declared against the health, peace and comfort of the Village for any owner-occupied property, or rental property owner, agent, or manager to allow or permit the following: (a) the resident of an owner-occupied property, or 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 any of the following offenses to occur relating to the tenant, member of the tenant's household, guest, or other party under control of the tenant, to occur: murder, kidnapping, aggravated kidnapping, prostitution, solicitation of prostitution, pandering, obscenity, child pornography, harmful materials, sale of obscene publication, criminal

housing management, possession of explosives, unlawful use of weapons, sale of firearms, gambling, keeping a gambling place, concealing a fugitive, violation of the Illinois Controlled Substances Act, violation of the Cannabis Control Act or commission of any two or more of any other crimes under the State of Illinois or under the Federal Government not specifically listed above; (b) the resident of an owner-occupied property, or 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 any of the following offenses to occur relating to the tenant, member of the tenant's household, guest or other party under control of the tenant to occur: (1) commission of 4 or more Village ordinance violations in a six month period or an unreasonably high number of calls for police service including, but not limited to, calls that may fall within the descriptions listed above that, when compared to other properties in the Village of similar type, reasonably indicate that the activity at this property is out of character for the area and is impacting the quality of life of those in the area.

(i) Violations.

(1) Any property on which nuisance activity occurs may be declared a nuisance property. No property shall be declared a nuisance property unless it is proven by a preponderance of the evidence that there has been two (2) or more instances of nuisance activity within a six-month period of time arising out of or arising from the property.

(2) Any property on which aggravated nuisance activity occurs may be declared an aggravated nuisance property. No property shall be declared an aggravated nuisance property unless it is proven by a preponderance of the evidence that there has been one (1) or more instances of aggravated nuisance activity within a six-month period of time.

(3) Any person or person(s) in charge who (1) encourages or permits a property to become a nuisance property; (2) allows a property to continue as a nuisance property; and (3) fails to implement reasonable and warranted measures, as specified by this ordinance, shall be in violation of this article.

(4) Each day that a violation of this article continues shall be considered a separate and distinct offense.

(j) Criminal nuisances shall exclude, pursuant to Section 1-2-1.5 of the Illinois Municipal Code, 65 ILCS 5/1-2-1.5:

(1) Contacts made to police or other emergency services:

- a. With intent to prevent or respond to domestic violence or sexual violence; or
- b. Where intervention or emergency assistance was needed to respond to or prevent domestic violence or sexual violence; or

c. Contacts made by, on behalf of, or otherwise concerning an individual with a disability, for a purpose related to that individual's disability; or

(2) An incident or incidents of actual or threatened domestic violence or sexual violence against a tenant, household member, or guest occurring within the Village; or

(3) Public nuisances (which include criminal activity or a local ordinance violation as defined in 65 ILCS 5/1-2-1.5) occurring in the Village that is directly related to domestic violence, engaged in by a tenant, member of a tenant's household, guest or other party and against a tenant, household member, guest or other party.

(4) Not excluded under the circumstances described above are violations of Section 15.2 of the Emergency Telephone System Act, 50 ILCS 750/15.2, Article 26 (Disorderly Conduct) of the Criminal Code of 2012, 720 ILCS 5/26-1 et seq., and Article IX (Forcible Entry and Detainer) of the Code of Civil Procedure, 735 ILCS 5/9-101 et seq. (i) Criminal nuisances shall exclude, pursuant to Section 1-2-1.5 of the Illinois Municipal Code, 65 ILCS 5/1-2-1.5:

(k) Procedure.

(1) When the Chief of Police receives one (1) or more documented occurrences of nuisance activities on a property, he may, at his discretion, independently review such reports to determine whether they describe the activities, behaviors, or conduct enumerated under section (G). Upon such a finding, the Chief of Police may, at his discretion, do the following:

a. When feasible, notify the person in charge that the property is in danger of becoming a nuisance property. If the Chief of Police sends such notice, the notice shall contain the following information:

1. The street address of the property or a legal description for identification of the property;

2. A statement that the Palatine Police Department has information that the property may be a nuisance property along with a concise description of the nuisance activities that exist or that have occurred. The Chief of Police shall offer the person in charge an opportunity to propose a course of action that the Chief of Police agrees will abate the nuisance activities giving rise to the violation.

3. Demand that the person in charge respond to the Chief of Police within ten (10) business days to discuss the nuisance activities.

(2) When the Chief of Police receives documentation of the occurrence of additional nuisance activity on the same property after notice has been given, as specified in section the chief, at his discretion, may do the following:

a. Notify the person in charge, in writing, that the property has been determined to be a nuisance property. If the Chief of Police sends such notice, the notice shall contain the following information:

1. The street address of the property or a legal description sufficient for identification of the property.

2. A statement that the matter is being brought before an administrative hearing officer, as defined in section of this Code, for a hearing.

3. If the person in charge notifies the Chief of Police immediately, upon receipt of the notice and agrees to abate the nuisance within ten (10) days, or take other agreed upon, timely, and warranted measures, the Chief of Police may, at his discretion, postpone referring the matter to adjudication.

4. Service of notice shall be made either personally or by first-class mail, postage prepaid, addressed to the person in charge at the address of the nuisance property, or such other place which is likely to give the person in charge notice of the determination of the Chief of Police.

5. A copy of the notice shall be served to the owner listed on the owner-occupied property, the rental dwelling operator's license, or at the address shown on the tax rolls of the county in which the property is located, and/or the occupant at the address of the property, if these persons are different than the person in charge, and shall be made either personally or by first-class mail, postage prepaid.

6. The failure of any person to receive notice, as provided above, shall not invalidate or otherwise affect the proceedings under this chapter.

(l) Burden of proof; procedure; fines and remedies.

(1) At the hearing before the administrative hearing officer, the Village shall have the initial burden of proof to show, by a preponderance of evidence, that the property is a nuisance property.

(2) If a property owner is summoned before the hearing officer due to nuisance property, he shall give notice, in writing, to at least one of his leaseholder(s) on that property. Said notice shall provide the following: The physical address of the property; the date and time that the property owner is to appear before the hearing officer; the fact that the appearance is due to alleged nuisance activity; and the possible sanctions that may be imposed upon the property owner. The notice shall be delivered, either personally or by U.S. mail.

(3) Such a hearing shall be held in accordance with the procedures as specified in this Code. The Village's representative shall present evidence in support of its claim that the property is a nuisance property. The person in charge or his local representative shall be permitted to rebut such evidence and present any other evidence that is, in the discretion of the hearing officer, relevant and reliable.

(4) At the conclusion of the hearing, the hearing officer shall make a determination on the basis of the evidence presented at the hearing, whether or not a code violation exists. The determination shall be in writing and shall be designated as the findings, decisions and order. The hearing officer's decision shall be final and binding, except that the administrative review law, as specified in section of this Ordinance, shall be applicable. The findings, decision and order shall include the hearing officer's findings of fact, a decision whether or not a code violation exists based upon the finding of fact, and an order for abatement of the nuisance activity or sanctioning the person in charge/owner/occupant, as specified in subsection (5) below, or dismissing the case in the event a violation is not proven.

a. A copy of the findings, decision, and order shall be served upon the person in charge, or owner/occupant if different than the person in charge, within ten (10) business days. Service shall be in the same manner as specified in section (J).

b. Payment of any penalty or fine shall be made to the Village finance department.

c. In the event that the order provides for the abatement of nuisance activity, the hearing officer shall establish a status date, which would be after the date established for the abatement of the nuisance activity, in order to determine whether there has been compliance with the order. At such time, the hearing officer shall hear testimony and accept any evidence relevant to the compliance with the order and continued abatement of the nuisance activity.

(5) If the hearing officer makes a finding that a property was, or is, a nuisance property, he may impose any or all of the following remedies:

a. Fine the person in charge, and/or the owner/occupant of the property if those persons are different than the person in charge, not less than two hundred dollars (\$200.00) and not more than one thousand dollars (\$1,000.00) for each violation of this section. Each day a nuisance activity occurs or continues shall be considered a separate and distinct violation. The hearing officer may, at his discretion, impose such a fine for each day the nuisance activity goes unabated. No person shall be found in violation of this section unless the Village proves by a preponderance of the evidence that the person in charge/owner/occupant failed to take reasonable and warranted measures to abate the nuisance activity. In establishing the amount of any fine, the hearing officer may consider any of the following factors:

1. The actions taken by the person in charge/owner/occupant to mitigate or correct the nuisance activities at the property.

2. The repeated or continuous nature of the problem.

3. The magnitude or gravity of the problem.
4. How cooperative the person in charge/owner/occupant is with the Village.
5. The cost to the Village of investigating, correcting, or attempting to correct the nuisance activities.
6. Any other aggravating or mitigating factor deemed relevant by the hearing officer. Evidence of a property's general reputation and/or the reputation of the persons in or frequenting it shall be admissible.

b. Order the person in charge/owner/occupant to take reasonable, timely and lawful measures to abate the nuisance activity, including specifying deadlines for the same, and in furtherance thereof, may order a period of continued compliance wherein the matter will be returned before the hearing officer to update him/her as to the continued nuisance-free status of the property for a period of up to one (1) year.

c. Suspend/revoke the rental license for the rental unit(s) involved in the nuisance or aggravated nuisance activity if such property is rented or leased. The hearing officer may order that said rental unit(s) be closed and secured against all unauthorized access, use, and occupancy for a period of no less than one (1) year. If the hearing officer suspends or revokes the rental license for the rental unit(s) involved in the nuisance activity, the person in charge, or the owner/occupant of the rental unit(s) if those persons are different than the person in charge, shall receive written notice from the Village Manager that the license to operate said rental property or the right to lease said unit(s) is suspended or revoked, as the case may be. The suspension or revocation of any license, or any right to lease unit(s), shall not release or discharge the license holder from paying fees or fines under this Code, nor shall such license holder be released from criminal prosecution or further civil proceedings.

d. Order that a vacant or unused nuisance property of whatever use or a vacant lot which is a nuisance property, whether residential or commercial, be closed and secured against all unauthorized access, use, and occupancy. The hearing officer may order that the property be closed and secured against all unauthorized access, use, and occupancy for a period of up to one (1) year. The hearing officer may further require that the nuisance property be fenced and/or gated to physically restrict access. He may also require the hiring of security personnel to assure there is no unauthorized access, use, and occupancy.

e. Issue an order to close and secure any rented or leased, non-licensed, residential property against all unauthorized access, use, or occupancy for a period of not less than sixty (60) days, nor more than one (1) year.

f. If the landlord receives two (2) or more citations within an eighteen (18) month period, for separate incidents stemming from separate rental agreements from the same unit, that require the landlord to abate the nuisance, the license can be suspended indefinitely, or revoked by the Village Manager. The eighteen (18) month period begins from the date of the 1st citation issued to the landlord.

(6) The hearing officer may require each landlord who is found to have violated this article to attend the next available crime-free training class as administered by the Palatine Police Department or any other entity designated by the Village.

(m) Charge for nuisance services.

The Village council finds that any premises which has generated more calls for police service for nuisance activities after being declared a nuisance property, and has received a disproportionate level of police service, to be an undue and inappropriate burden on the taxpayers of the Village. The

Village council therefore directs the Chief of Police to charge the owners of such premises the costs associated with abating.

(n) Retaliation prohibited.

It shall be unlawful for an owner to terminate the lease agreement of a tenant or otherwise retaliate against any tenant because that tenant complained or otherwise notified the police department about nuisance activities at the owner's premises. Such eviction or retaliation shall be enforceable as a violation of this article.

(o) The Village may seek to enforce this Ordinance 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 satisfaction from the report of any village officer or village employee making an inspection, or any other available information that the licensee is violating this law or ordinance or any law or ordinance, or is in violation of the nuisance section or his operating in a manner not conducive to the public health, morals or safety. Any suspension of a license pursuant to this Section may be appealed directly to the Administrative Hearing Officer within 15 days of that decision by the Village Manager for an administrative hearing to be conducted pursuant to Article XXX of the Palatine Code of Ordinances. (Ord. No. O-105-18; 9/4/18)

(p) The Village or its agent will make its determination to enforce the Ordinance based upon the nature, severity, frequency, and proximity to the property the criminal conduct occurred and consider, in addition to arrest records, criminal history, charges brought as a result of the criminal activity, police reports detailing the criminal conduct, witness statements, and other relevant documentation to make a determination by preponderance of the evidence. The Village or its agent will also consider, prior to enforcement of the Ordinance, any mitigating circumstances, including but not limited to, the circumstances surround the criminal conduct, the age of the individual at the time of the conduct, the tenant's rental history, and evidence of any rehabilitation efforts. (Ord. No. O-105-18; 9/4/18)

(q) Upon enforcement of this ordinance, the owner, agent, or designee of the residential rental property must notify the tenant prior to the initiation of any eviction proceedings, that the tenant may request, within 15 business days of receiving notice of enforcement, an administrative hearing to be conducted pursuant to Article XXX of the Palatine Code of Ordinances of the Village's decision to enforce the Ordinance and may present any additional evidence to the Village or its Administrative Hearing Officer at that time. (Ord. No. O-105-18; 9/4/18)

(r) Notwithstanding anything to the contrary in Section 10-16 (e) and (f), the Village shall not enforce its crime free multi-housing program based on:

(1) contact made to police or other emergency services, if (i) the contact was made with the intent to prevent or respond to domestic violence or sexual violence; (ii) the intervention or emergency assistance was needed to respond to or prevent domestic violence or sexual violence; or (iii) the contact was made by, on behalf of, or otherwise concerns an individual with a disability and the purpose of the contact was related to that individual's disability;

(2) an incident or incidents of actual or threatened domestic violence or sexual violence against a tenant, household member, or guest occurring in the dwelling unit or on the premises; or

(3) criminal activity or a Village ordinance violation occurring in the dwelling unit or on the premises that is directly relating to domestic violence or sexual violence, engaged in by a tenant, member of a tenant's household, guest, or other party, and against a tenant, household member, guest, or other party.

(Ord. No. 0-139-15, §1, 11/16/15)

(s) However, nothing with respect to this Section:

(1) Limits enforcement of Section 15.2 of the Illinois Emergency Telephone System Act, Article 26 of the Criminal Code of 2012, or Article IX of the Code of Civil Procedure;

(2) Prohibits the Village from enacting or enforcing its crime free multi-housing program and ordinance to impose penalties on the basis of the underlying criminal activity or Village ordinance violation not covered by Section (h) subsections (1), (2), and (3) and to the extent otherwise permitted by existing State and federal law; or

(3) Limits or prohibits the eviction of or imposition of penalties against the perpetrator of the domestic violence, sexual violence, or other criminal activity.

(65 ILCS 5/1-2-1.5 effective November 19, 2015)

(Ord. No. 0-139-15, §1, 11/16/15, Ord. No. O-105-18; 9/4/18; Ord. No. O-94-22, 09/12/22)

Sec. 10-17. Rental Property Inspection

a) The Village Manager or his designee shall conduct inspections of rental dwellings as follows:

(1) *Multiple rental dwellings (i.e. apartments).* Inspections of multiple dwellings shall be performed annually with the units to be inspected chosen at random. The number of dwellings required to be inspected shall be determined using the current year's inspection results and then applying the following.

- a. Twenty five percent (25%) of dwelling units must be inspected annually if the average number of violations per dwelling unit and its common areas equal three or less violations;
- b. Fifty percent (50%) of dwelling units must be inspected annually if the average number of violations per dwelling unit and its common areas equal four to five violations;
- c. One hundred percent of dwelling units must be inspected annually if the average number of violations per dwelling unit and its common areas equal six or more violations.
 - i. In addition to part c., when the average number of violations per dwelling unit and its common areas equal six or more violations, the Village shall have the option to require one hundred percent (100%) of the dwelling units to be inspected within 60 days of the current inspection. (Ord. O-50-18, 5/7/18)

(2) *Single-family rental dwellings (attached, detached and condos).* An inspection of a single-family rental dwelling shall be performed at least every other year provided that the number of violations found on the premises equal three or less.

- a. If the number of violations found on the premises equals four or more, the premises must be inspected within the next 12-month period.

(b) The Village Manager or his designee shall conduct annual inspections of common areas of multiple dwellings. The inspection of the common areas shall include, but is not limited to, all hallways, stairways, lobbies, utility rooms, laundry rooms, storage rooms, recreation rooms, grounds, refuse areas, parking areas, building extensions, signs and other areas designed for common use by dwelling unit occupants. Such inspections are for the purpose of enforcing this article and any other sections of this Code applicable or pertaining thereto.
(Ord. 0-159-10, §3, 12/13/10 effective 4/1/11)

Secs. 10-18-10-20. Reserved.

ARTICLE V. SHORT-TERM RESIDENTIAL RENTALS

Sec. 10-21. Definitions

The following words and phrases shall, for the purposes of this Article have the meanings respectively ascribed to them by this Section, as follows:

Short-Term Residential Rental: A dwelling unit offered for rent for a period, which does not exceed thirty (30) consecutive days. The term "short-term residential rental" shall not include hotels, bed and breakfast establishments, or boarding facilities as those terms are defined in Appendix A hereof (Zoning Ordinance) as amended from time to time.

Short-Term Residential Rental Property Owner: The individual or entity, which has title to the property, which is the subject of a short-term residential rental.

Sec. 10-22. Purpose and Applicability

It is the intent and purpose of this Article (Short-Term Residential Rentals) is to preserve the character and integrity of residential neighborhoods within the Village by prohibiting residential structures from being used for the commercial purpose of providing short-term residential rentals.

Sec. 10-23. Short-Term Residential Rentals Prohibited

It shall be unlawful for any person or entity to operate, use, offer for rent or use, or advertise for rent or use, any property within the Village of Palatine as a short-term residential rental. Notwithstanding the provisions set forth in above, it shall not be considered a short-term residential rental when the preceding owner of a property maintains possession of a residential structure after closing for the sale thereof, but leases the property back from the successor owner for a period of time pursuant to a written agreement.

Sec. 10-24: Public Nuisance Declared

Operation of any short-term residential rental within the Village of Palatine in violation of the provisions of this Article may be deemed a public nuisance and abated pursuant to all available remedies, including but not limited to injunctive relief. In addition to the penalties provided for herein, the Village of Palatine shall be entitled to receive from the short-term residential rental owner reimbursement for the cost of the Village's reasonable attorney fees, costs and expenses incurred by the Village of Palatine to abate a short-term residential rental operating as a public nuisance.

(Ordinance O-74-22, 07/11/22)

Secs. 10-25--10-26. Reserved.

ARTICLE VI. GROUP HOMES AND OTHER REGULATED HOUSING

[Ordinance #0-119-13, passed on October 14, 2013 replaced Article VI, Group Homes in its entirety.]

Sec. 10-27. Minimum Spacing Requirements between Group Homes and Other Regulated Housing

- (a) Group homes with up to 4 residents and staff shall be located a minimum of one thousand (1,000) feet (*measured lot line to lot line in any direction*) from any other group home or other residential use with paid professional staff provided by a sponsoring agency that is regulated by and/or that comes within the purview of the Federal Fair Housing Act Amendments (42 USCA 3601 et seq) because of the disabilities of its residents.
- (b) Group homes with 5 or more residents and staff or any other residential use with paid professional staff provided by a sponsoring agency that is regulated by and/or that comes within the purview of the Federal Fair Housing Act Amendments (42 USCA 3601 et seq) because of the disabilities of its residents, shall be located a minimum of thirteen hundred (1,300) feet (*measured lot line to lot line in any direction*) from any group home or other residential use with paid professional staff provided by a sponsoring agency that is regulated by and/or that comes within the purview of the Federal Fair Housing Act Amendments (42 USCA 3601 et seq) because of the disabilities of its residents.

Secs. 10-28--10-41. Reserved.

ARTICLE VII. NOTICE OF VIOLATION PROCEDURES, PENALTIES, APPEALS AND CONFLICT OF ORDINANCES

Sec. 10-42. Notice of violation; procedures.

If the code official determines that the alleged violation(s) arise out of the 2003 International Property Maintenance Code (IPMC), incorporated herein, or Article IV, V, and VI of this chapter, notice regulations set forth in Section 107 of 2003 IPMC shall be followed. (Ord. #0-72-09, §11, 6/15/09)

Sec. 10-43. Reserved. (Ord. #0-72-09, §12, 6/15/09)

Sec. 10-44. Penalties and Rental Fees.

(a) *Penalties.* Any person, firm or corporation who violates, disobeys, omits, neglects, or refuses to comply with, or who resists the enforcement of any of the provisions of this chapter, shall, upon conviction, be subject to a penalty of not less than fifty dollars (\$50.00) nor more than seven hundred fifty dollars (\$750.00) for such offense, and a separate offense shall be deemed committed on each day during or which a violation occurs or continues.

(b) *Rental Property Fees.*

- (1) *License fees.* There is hereby established an annual rental license fee. The fees shall be as provided in the fee schedule supplement to the Palatine Code of Ordinances. (Ord. 0-159-10, §6, 12/13/10, effective April 1, 2011)

- (2) *Re-inspection fees.* There is hereby established re-inspection fees associated with dwelling unit license authorized by said Code. Re-inspections shall be performed, as necessary, after each compliance date set forth in the inspection report. Re-inspections necessitated by the continued existence of violations shall be assessed a fee per dwelling unit and common areas to be inspected as provided in the fee schedule supplement to the Palatine Code of Ordinances. No operating license shall be issued unless such fees are paid in full. (Ord. 0-159-10, §8, 12/13/10, effective April 1, 2011, Ord. 0-135-16; 12/5/16)
- (3) *Cancellation and absentee fees.* There are hereby established unauthorized cancellation and absentee fees. When an owner or agent fails to keep a scheduled inspection or re-inspection, or fails to cancel a scheduled appointment by 4:00 PM on the previous day for inspections scheduled for the next morning and by 11:00 AM on the day of for afternoon inspections. Inspections not cancelled in this manner shall be charged a minimum inspection fee as provided in the fee supplement to the Village of Palatine Code of Ordinances. Such fee shall be assessed per building or property, not for each individual dwelling unit. No operating license shall be issued unless said fees are paid in full.
- (4) *Late charge fees.* There are hereby established late charge fees. When an owner or agent fails to obtain a dwelling unit operating license after the first thirty (30) days and before sixty (60) days of the expiration of said license, a late charge fee of one hundred (\$100.00) dollars shall be assessed. After sixty (60) days from the expiration of the license, the property will be considered to be unlicensed, in addition to the late charge fee of one hundred (\$100.00) dollars previously assessed, an additional two hundred fifty dollars (\$250.00) late fee shall be assessed and be subject to the penalty as stated in subsection (a) above. No operating license shall be issued unless such fees are paid in full.

Sec. 10-45. Appeals.

(a) Any person aggrieved by a notice of the code official issued in connection with any alleged violation of this chapter, or any applicable rule or regulation issued pursuant thereto, or by any order requiring repair or demolition, may apply to the village manager for an administrative conference concerning such notice or order, provided such application is made within fourteen (14) days after the date of the notice or order was issued. If the village manager holds an administrative conference for review of notice or order, the village manager shall prepare a summary of the conference and shall state the decision reached; such summary and statement shall become part of the public record. This appeal process shall not apply to administrative adjudication proceedings as set forth in chapter 2; article XXX of the Village of Palatine Code of Ordinances.

(b) Any person aggrieved by the decision of the Manager in regard to an alleged violation of this chapter, or any applicable rule or regulation issued pursuant thereto shall have the right to appeal to the Corporate Authorities. Such appeal shall be taken by filing with the Manager, within five days after receipt of the village managers' decision. The Corporate Authorities shall appoint a hearing body to be composed of the Mayor or the Mayor's designee and two Council Members who shall thereupon set the time and place for a hearing of such appeal and notice of such hearing shall be given to the appellant.

The hearing body shall make a recommendation to the Corporate Authorities which shall render a decision on such appeal which shall be final. Any appeal from a decision of the Corporate Authorities shall be

made directly to the Circuit Court of Cook County pursuant to the Administrative Review Act.

(c) All costs and expenses including but not limited to court reporters fees and attorneys' fees incurred by the Village in connection with any appeal of a village managers decision in regard to an alleged violation of this chapter, or any applicable rule or regulation issued pursuant thereto shall be taxed to the appellant and shall be paid by the appellant as a condition of compliance.

Sec. 10-46. Conflict of ordinances; effect of partial invalidity.

(a) In any case where a provision of this chapter is found to be in conflict with a provision of any zoning, building, fire, safety, or health ordinance or code of this village existing on the effective date of this chapter, the provision which establishes the higher standard for the promotion and protection of the health and safety of the people shall prevail. In any case, where a provision of this chapter is found to be in conflict with a provision of any other ordinance or code of this village existing on the effective date of this chapter which establishes a lower standard for the promotion and protection of the health and safety of the people, the provisions of this chapter shall be deemed to prevail, and such other ordinances or codes are hereby declared to be repealed to the extent that they may be found in conflict with this chapter.

(b) If any section, subsection, paragraph, sentence, clause or phrase of this chapter should be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this chapter, which shall remain in full force and effect, and to this end, the provisions of this chapter are hereby declared to be severable.