

DIVISION 15. SYSTEMATIC INSPECTION OF RENTAL HOUSING

Sec. 8-150. Short title.

This division shall be known and may be cited as "the systematic inspection of rental housing ordinance."

(Ord. No. 8245, § 1, 4-1-86)

Sec. 8-151. Definitions.

For the purposes of this division whenever any of the following words, terms or definitions are used herein, they shall have the meaning ascribed to them in this section:

Dwelling unit. A single unit providing complete independent living facilities for one (1) or more persons including permanent provisions for living, sleeping, eating, cooking and sanitation.

Rooming unit. Any room or group of rooms forming a single habitable unit used or intended to be used for living and sleeping, but not for cooking or eating purposes.

Dwellings:

- (1) Single-family dwelling. A building containing one (1) dwelling unit.
- (2) Two-family dwelling (duplex). A building containing two (2) dwelling units.
- (3) Multifamily dwelling. A building or portion thereof containing more than two (2) dwelling units and not classified as one-or two-family dwelling.
- (4) Boarding house, rooming house, lodging house and tourist house. A building arranged or used for the lodging, with or without meals, for compensation, by individuals who are not members of the family.
- (5) Dormitory. A space in a building where group sleeping accommodations are provided for persons not members of the same family group in one (1) room, or in a series of closely associated rooms.
- (6) Hotel. A room or rooms in any building or structure kept, used, maintained, advertised or held out to the public to be an inn, motel, hotel, apartment hotel, lodging house, boarding house, rooming house, tourist house, dormitory or place, where sleeping, rooming, office, conference or exhibition accommodations are furnished for lease or rent, whether with or without meals.

Long term resident. Any person who occupies or has the right to occupy any room or rooms in a hotel or motel for at least seven (7) consecutive days.

Person. Any natural individual, firm, partnership, association, joint stock company, joint venture, public or private corporation, or receiver, executor, trustee, conservator or other representative appointed by order of any court.

Permanent resident. Any person who occupies or has the right to occupy any room or rooms in a hotel or motel for at least thirty (30) consecutive days.

Premises. A lot, plot or parcel of land including the buildings or structures thereon.

Rent, let or let for occupancy. To permit possession or occupancy of a dwelling, dwelling unit, rooming unit, building or structure for consideration.

(Ord. No. 8245, § 1, 4-1-86; Ord. No. 8794, § 1, 1-4-89)

Sec. 8-152. Inspection required.

- (a) All single-family dwellings that meet one (1) or more of the criteria set forth in subsection (g) of this section, the rental unit of all two-family dwellings in which the

other unit is owner-occupied and which rental meets (1) one or more of the criteria set forth in subsection (g) of this section, two-family dwellings, multifamily dwellings, boarding houses, rooming houses, lodging houses, tourist houses, hotels and dormitories shall be inspected systematically for compliance with this Code and all other applicable laws.

(b) The provisions of this section shall not apply to:

(1) Single-family dwellings that do not meet one (1) or more of the criteria set forth in subsection (g) of this section;

(2) Two-family dwellings in which one (1) unit is occupied by the owner and the rental unit does not meet (1) or more of the criteria set forth in subsection (g) of this section;

(3) Dwellings, buildings, structures and uses owned and operated by any governmental agency.

(4) Dwellings, buildings, structures and uses licensed and inspected by the state.

(c) Where a nonresidential business or activity, or a state licensed and inspected use occupies a portion of a building and premises which would be otherwise subject to this section, the section shall be applicable to the residential and common or public areas of such buildings and premises.

(d) Hotels shall be subject to a systematic rental inspection of the entire premises, including those rooms and units set aside for or rented to long term residents. However, the person owning or managing the property shall be required to pay inspection fees only for those rooms or units that are rented to or set aside for long term residents.

(e) The operator of the hotel shall be required to pay an inspection fee only for those rooms or units that are set aside for or rented to long term residents. The inspection fee shall be determined by the number of rooms or units rented to or set aside for long term residents during the preceding months of July, August and September or such other number stated by the operator in its hotel license application or renewal, but only if a license has been issued on the application.

(f) The license fee paid for the current year by the operator pursuant to section 8-193 of this Code shall be applied as a credit against any required inspection fee. In no event shall an operator be entitled to a refund or other credit.

(g) Single family dwellings that are not occupied by the owner and are rented or leased to another person or entity and the rental unit of a two-family dwelling in which the other unit is owner-occupied shall be subject to inspection and compliance with the systematic inspection of [the] rental housing ordinance if those dwellings or rental portion thereof meets one (1) or more of the following conditions:

(1) The dwelling or the lot on which the dwelling is located is the subject of three (3) or more calls for police service within a twelve-month period due to the misconduct of the tenant(s) or the guests of the tenant(s); or

(2) The dwelling or the lot on which the dwelling is located has three (3) or more violations of any applicable code, ordinance, or law within a twelve-month period as determined by the city manager or his designee; or

(3) The city council has declared the dwelling or the lot on which the dwelling is located a public nuisance due to the condition of the property or the conduct of the tenants or guests occupying the property.

The twelve-month period referred to in subsections (1) and (2) shall be continuously rolling period that shall be measured not on a calendar year basis but on the basis of the

twelve (12) months immediately preceding the complaint, call for service, or violation which triggers the city's intervention.

(h) A single-family dwelling and the rental unit of a two-family dwelling that are subject to the systematic inspection of [the] rental housing ordinance under section 8-152 shall be eligible to be removed and deleted from the inspection requirements of the ordinance [this section] if the dwelling or rental unit meets one (1) or more of the following conditions:

(1) For a period of two (2) years following the issuance of a certificate of compliance, the owner or occupant of the dwelling maintains the property in a condition that would keep the property from being eligible for inclusion in the inspection program as set forth in section 8-152(g) and there is no misconduct on the part of the tenant(s) or guests that would require the inclusion of the property in the inspection program as set forth in section 8-152(g); or

(2) At any time prior to the expiration of the two-year period following the issuance of a certificate of compliance, title to the dwelling is conveyed to a bona fide third party and the new owner corrects all violations and evicts the tenant(s) whose misconduct or guests' misconduct caused the dwelling to be subject to inspection under the ordinance [this section].

If either condition is satisfied, the dwelling shall be removed and deleted from the inspection requirements of the ordinance [this section].

(Ord. No. 8245, § 1, 4-1-86; Ord. No. 8794, §§ 1--4, 1-4-89; Ord. No. 10952, §§ 1--3, 10-17-95)

Sec. 8-153. Frequency of inspections.

(a) All rental dwellings subject to this section shall be inspected every two (2) years.

(b) Neither the common areas nor the dwelling or rooming units in structures newly constructed shall be further inspected after the completion and issuance of a certificate of occupancy for a period of three (3) years from the date of said certificate, unless a complaint is made thereof. Thereafter said areas and units shall be inspected in accordance with the requirements of this section.

(c) Nothing in this section shall preclude the inspection of said dwellings more frequently than every two (2) years.

(d) Any dwelling that has undergone a biennial inspection under this division shall be eligible for a two-year inspection extension so that the next inspection shall occur (4) years from the date of certificate of inspection if:

(1) The dwelling is cited for no violations during the inspection; or

(2) The dwelling is cited for no more than five (5) minor and non-life safety violations that are connected by the time of the first reinspection; any one (1) or more of the following conditions shall disqualify a dwelling from receiving a two-year inspection extension under the provisions of subsection (d)(2):

a. The physical condition or use of any dwelling constitutes a public nuisance at common law;

b. Any physical condition, use or occupancy of any dwelling or its appurtenances is considered an attractive nuisance to children, including, but not limited to, abandoned wells, shafts, basements, excavations and unsafe fences or structures;

c. Any dwelling that has unsanitary sewerage or plumbing facilities;

- d. Any dwelling that is designated as unsafe for human habitation or use;
 - e. Any dwelling that is manifestly capable of being a fire hazard or is manifestly unsafe or unsecured as to endanger life, limb or property;
 - f. Any dwelling from which the plumbing, heating or other facilities required by law have been removed, or from which utilities have been disconnected, destroyed, removed, or rendered ineffective, or the required precautions against trespassers have not been provided;
 - g. Any dwelling that is unsanitary or which is littered with rubbish or garbage, or which has an uncontrolled growth of weeds; or
 - h. Any dwelling that is in a state of dilapidation, deterioration or decay; faulty construction; overcrowded; open, vacant or abandoned; damaged by fire to the extent of not providing shelter; in danger of collapse or failure and dangerous to anyone on or near the dwelling.
- (e) Any dwelling receiving a two-year inspection extension under subsection (d) shall be subject to inspection during the four-year term for which the certificate of inspection is issued if:
- (1) The city receives a bona fide complaint regarding the condition of the property and inspection or reinspection is necessary; or
 - (2) Title to the dwelling is conveyed or otherwise transferred, either voluntarily or involuntarily, to a third party.
- (f) Any dwelling that is found to contain violations that disqualifies its owner from a two-year inspection extension under subsection (d) may be subject to an inspection program that requires inspections or reinspections on a more frequent basis than every two (2) years and, such inspection program shall be developed to reflect the seriousness of any violations that exist or may have existed.
- (g) The two-year inspection extension shall not be awarded or applicable to any hotel, as that term is defined in section 18-191 of this Code.
- (Ord. No. 8245, § 1, 4-1-86; Ord. No. 8795, § 2, 1-4-89)

Sec. 8-154. Inspection certificate required.

No person shall rent, let or let for occupancy any dwelling subject to this division without having a valid, current certificate of inspection for that dwelling.

(Ord. No. 8245, § 1, 4-1-86)

Sec. 8-155. Inspection procedure.

(a) If, upon completion of the biennial inspection, the premises are found to be in compliance with this Code and the appropriate fee has been paid, the city shall issue a certificate of inspection for the premises.

(b) If, upon completion of the biennial inspection, the premises are found to be in violation of one (1) or more provisions of this Code, the city shall provide written notice of such violations and shall set a reinspection date before which such violation(s) shall be corrected. If such violation(s) have been corrected within that period, the city shall issue a certificate of inspection for the premises. If such violations have not been corrected within that period, the city shall not issue the certificate of inspection and may take any action necessary to enforce compliance with this Code. If such uncorrected violations do not pose an immediate threat to the health, safety, and welfare of the occupants, the city

manager or the city manager's designee may authorize the occupancy of the premises for a period not to exceed ninety (90) days.
(Ord. No. 8245, § 1, 4-1-86)

Sec. 8-156. Request for inspection.

The owner of any dwelling subject to this division may request inspections of said dwelling pursuant to this division upon application to the city on forms prescribed by the city manager or his designee.
(Ord. No. 8245, § 1, 4-1-86)

Sec. 8-157. Certificate expiration date.

(a) The certificates of inspection issued pursuant to this division shall expire two (2) years from the date of the biennial inspection. When a dwelling qualifies for a two-year inspection extension under section 8-153(d) of this division, the expiration date of the certificate of inspection shall be four (4) years from the effective date of its issuance.
(b) The certificates of inspection shall have the expiration date prominently displayed on its face.
(Ord. No. 8245, § 1, 4-1-86; Ord. No. 8795, § 3, 1-4-89)

Sec. 8-158. Certificate transferability.

A certificate of inspection issued pursuant to this division shall be transferable to succeeding owners; provided, that within five (5) days of the transfer, the transferor shall provide written notice of said transfer to the city manager or the city manager's designee. Such notice shall contain the name and address of the succeeding owners. The failure to provide such notice may result in the suspension or revocation of the certificate of inspection.
(Ord. No. 8245, § 1, 4-1-86)

Sec. 8-159. Certificate availability.

Upon the request of an existing or prospective tenant, the owner or the owner's agent shall produce the certificate of inspection.
(Ord. No. 8245, § 1, 4-1-86)

Sec. 8-160. Suspension or revocation of certificate.

(a) If the city manager, after a hearing before the city manager or the city manager's designee determines that any person has failed to comply with this chapter, the city manager may suspend or revoke the certificate of inspection held by that person. Such a hearing shall be held not less than five (5) calendar days after notice of time, place and subject of the hearing has been received by the certificate holder at the holder's last known address or business address. The city's representative shall present evidence in support of the suspension or revocation, and the certificate holder shall be permitted to rebut such evidence and present any other evidence that is, in the discretion of the hearing officer, relevant and material. Based upon the evidence presented at the hearing, the hearing officer shall issue a written decision. The hearing officer's decision shall be final and binding. The suspension or revocation of any certificate of inspection shall not

release or discharge the certificate holder from paying any fees due under this division, nor shall such certificate holder be released from prosecution for violating this division.

(b) The city manager may suspend, revoke, or refuse to renew the certificate of inspection held by any person who knowingly permits illegal drug-related activity or prostitution-related activity to occur on or within the premises subject to inspection under this division after having received written notice from the city or any other governmental entity that such illegal activity was occurring on or in the premises but having failed to take action to prevent such illegal activity from occurring on the premises after receipt of the notice of such activity. The term "illegal drug-related activity" shall mean any conduct which violates any provision of the Illinois Controlled Substances Act, as amended, the Illinois Cannabis Control Act, as amended, the Illinois Drug Paraphernalia Control Act, as amended, or any other local, state, or federal law prohibiting the manufacture, distribution, delivery, use, or possession of a controlled substance. The term "prostitution-related activity" shall mean any conduct which violates any provision of the prostitution-related portions of the Illinois Criminal Code, as amended, or any other local, state, or federal law prohibiting prostitution-related activity. Any hearing to suspend, revoke, or refusal to renew any certificate of inspection under this subsection shall be held in accordance with the provisions of subsection (a) of this section.

(c) The city manager may suspend, revoke, or refuse to renew the certificate of inspection held by any person who knowingly permits the premises subject to inspection under this division to be used in a manner that constitutes a public nuisance after having received written notice from the city or any other governmental entity that premises constitute a public nuisance but having failed to take action to terminate the public nuisance after receipt of notice of such condition. The term "public nuisance" shall mean any conduct of individuals or condition of property that injures or endangers the health, safety, and welfare of the surrounding community or that obstructs the reasonable use of property. The term "public nuisance" shall include that conduct or condition of property that has been defined by Illinois common law or by federal, state, or local law to constitute a public nuisance. Any hearing to suspend, revoke, or refusal to renew any certificate of inspection under this subsection shall be held in accordance with the provisions of subsection (a) of this section.

Any person whose certificate of inspection has been suspended or revoked or not renewed by the city manager after a hearing held under this subsection may appeal the city manager's decision to the city council or any standing or special committee designated by the city council by filing a written notice of appeal with the city manager within three (3) business days of the person's receipt of the city manager's decision. The city council or its designated hearing committee may review the city manager's decision and may affirm or reverse the decision or remand it to the city manager for further action or review.

(d) The city shall be authorized to recover any expenses incurred by the city in abating a public nuisance under the provisions of subsections (b) and (c) as provided in section 20-9 of the Code of Ordinances or as authorized by any other applicable law or ordinance. Any misconduct resulting in the suspension, revocation, or refusal to renew a certificate of inspection under subsection (b) shall be deemed a public nuisance for which expenses may be recovered by the city.

(Ord. No. 8215, § 1, 4-1-86; Ord. No. 9453, § 1, 12-18-90; Ord. No. 10381, §§ 1, 2, 3-1-94)

Sec. 8-161. Fees.

(a) There is hereby established the following fee schedule for each inspection required by this division:

Number of Units Fee

1 (subject to section 8-152(g)) . . . \$ 15.00

2 . . . 30.00

3--6 . . . 30.00

Plus per each additional unit over 2 . . . 10.00

7--12 . . . 70.00

Plus per each additional unit over 6 . . . 7.00

13--20 . . . 112.00

Plus per each additional unit over 12 . . . 5.00

21 and over . . . 152.00

Plus per each additional unit over 20 . . . 3.00

(b) There is hereby established the following fee schedule for each reinspection required by this division which is not a biennial inspection and which is necessitated by the existence of violations of this Code ascertained during a biennial inspection:

(1) First reinspection, per unit or common area . . . \$10.00

(2) All subsequent reinspections . . . 18.00

(c) The units enumerated above shall include units used or occupied by the owner or the owner's representative.

(d) Where a rental dwelling does not have a current certificate of inspection, then for purposes of calculating the fee therefor the first inspections of the structure shall be deemed the biennial inspection.

(e) For purposes of this section the term "unit" shall mean either dwelling unit or rooming unit.

(f) The fee established herein for the first reinspection necessitated by the existence of any code violation(s) ascertained during a biennial inspection shall be eliminated if all such violations have been abated by the time of the first reinspection.

(Ord. No. 8245, § 1, 4-1-86; Ord. No. 8582, § 1, 2-2-88; Ord. No. 10952, § 4, 10-17-95)

Sec. 8-162. Division not a limitation.

This division shall not be construed as a limitation upon any other provisions of this Code.

(Ord. No. 8245, § 1, 4-1-86)

Secs. 8-163, 8-164. Reserved.

Editor's note: Ord. No. 9453, § 2, adopted Dec. 18, 1990, repealed § 8-163, transition schedule, derived from Ord. No. 8245, § 1, adopted Apr. 1, 1986.

DIVISION 16. HEATING FACILITIES IN RENTAL RESIDENTIAL BUILDINGS

Sec. 8-165. Definitions.

As used in this division, the following words and terms shall have the meaning ascribed thereto:

Boardinghouse. A building arranged or used for lodging, with or without meals, for compensation and not occupied as a single-family unit.

Dormitory. A space in a building where group sleeping accommodations are provided for persons not members of the same family group, in one room, or in a series of closely associated rooms.

Dwelling unit. A single unit in a single-family dwelling or a multifamily dwelling providing complete, independent living facilities for one (1) or more persons including permanent provisions for living, sleeping, eating, cooking, and sanitation.

Guest room. A room or group of rooms forming a habitable unit used or intended to be used for living and sleeping, but not for cooking or eating purposes.

Habitable space. Space in a structure for living, sleeping, eating, cooking, bathrooms, and toilet compartments.

Hotel. Any building containing six (6) or more guest rooms intended or designed to be used, or which are used, rented, or hired out to be occupied or which are occupied for sleeping purposes.

Let for occupancy or *let.* To permit possession or occupancy of a dwelling unit or a guest room in a boardinghouse, dormitory, or hotel by a person pursuant to a written or unwritten lease, agreement, or license.

Occupant. Any person living and/or sleeping in a dwelling unit or a guest room in a boardinghouse, dormitory, or hotel.

Owner. Any person, agent, operator, firm, corporation, or other legal entity having a legal or equitable interest in the property or otherwise having control of the property. (Ord. No. 8367, § 1, 10-21-86)

Sec. 8-166. Required; exception.

(a) Every owner of any structure who rents, leases, or lets one (1) or more dwelling units or guest rooms in a boardinghouse, dormitory, or hotel on terms, either express or implied, [shall be required] to furnish heat to the occupants thereof [and] shall supply sufficient heat during the period from September 1 to May 15 of the following year to maintain a room temperature of not less than sixty-five (65) degrees Fahrenheit (18 degrees C.) in all habitable spaces during the hours between 6:30 a.m. and 10:30 p.m. of each day and maintain a temperature of not less than sixty (60) degrees Fahrenheit (16 degrees C.) during other hours.

(b) Notwithstanding the provisions of subsection (a), when the exterior temperature falls below zero (0) degrees Fahrenheit (-18 degrees C.) and the heating system is operating at its full capacity, a minimum room temperature of sixty (60) degrees Fahrenheit (16 degrees C.) shall be maintained at all times.

(Ord. No. 8367, § 1, 10-21-86; Ord. No. 11432, § 1, 4-2-97)

Sec. 8-167. Measurement of temperature.

The temperature level to be maintained under this division shall be measured at a point three (3) feet (914 mm) above the floor and three (3) feet (914 mm) from exterior walls.

(Ord. No. 8367, § 1, 10-21-86)

Sec. 8-168. Heating equipment.

(a) All heating equipment, components, and accessories in every heating device shall be maintained free from leaks and obstructions and shall be kept functioning properly so as to be free from fire, health, and accident hazards.

(b) All installations of and repairs to heating equipment shall be made in accordance with all applicable federal, state, and local laws and ordinances.

(c) All portable or temporary heating equipment may be used only when that equipment complies with all applicable federal, state, and local laws and ordinances and that equipment poses no fire, health, or accident hazard.

(Ord. No. 8367, § 1, 10-21-86)

Sec. 8-169. Notice of violation.

When the code official determines that there has been a violation of this division or has reasonable grounds to believe that a violation has occurred, notice of the violation shall be given to the owner pursuant to the provisions of section 8-124 of the Code of Ordinances of the City of Joliet, as amended or may hereafter be amended, or any other applicable provision of the Code.

(Ord. No. 8367, § 1, 10-21-86)

Sec. 8-170. Penalty for violation.

(a) Any owner who violates any provision of this division shall be subject to the general penalty provision of the Code of Ordinances of the City of Joliet and to any remedy at law or in equity available to the City of Joliet in redressing the violation or in seeking compliance.

(b) Each day that a violation continues after due notice has been served in accordance with the provisions of this division shall be deemed a separate offense.

(Ord. No. 8367, § 1, 10-21-86)

Sec. 8-171. Other ordinances.

This division establishes minimum requirements for the provision of heating facilities in rental residential buildings and does not replace or modify requirements otherwise established by federal, state, or local law or ordinance which may be additional or more stringent for the construction, repair, alteration, or use of heating facilities or heating equipment.

(Ord. No. 8367, § 1, 10-21-86)

Secs. 8-172--8-174. Reserved.