

CHAPTER 1452

Certificates of Inspection and Rental Licenses for Residential Rental Units

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1452.01 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

- (a) "Owner" means any individual, person, firm, partnership, corporation or company acting on behalf of the property owner of a dwelling as defined in Section 1260.05 of the Planning and Zoning Code or single family dwelling as family is defined in Section 1260.05 of the Planning and Zoning Code.
- (b) "Residential rental unit" shall mean any dwelling, single family dwelling, two-family dwelling, duplex, suite or any part thereof used for residential purposes and used by persons who are not the owners of that unit, under rental or lease terms, either written or oral. If the unit is owned by a corporation or partnership and the occupier is less than 50% owner of the unit, a certificate of inspection and rental license will be required.

(Ord. 2013-12. Passed 11-15-13.)

1452.02 AUTHORITY AND ENTRY.

(a) The Chief Building Official, or their designee, is hereby authorized and directed to enforce all provisions of this chapter, all Codified Ordinances of the Village, all State Building Codes and all State Fire Codes.

(b) Upon presentation of proper credentials, the Chief Building Official or their duly authorized representatives may enter at reasonable times any building, structure or premises in the jurisdiction to perform any duty imposed upon them by this Code.

(Ord. 2013-12. Passed 11-15-13.)

1452.03 CERTIFICATE OF INSPECTION.

(a) No person or entity shall sell or enter into an agreement to sell or convey by land contract or otherwise, any interest in any residential rental unit or property intended to be rented

as a residential dwelling, or that is converted, without sale or conveyance into a residential rental unit, nor shall any person or entity sell or enter into an agreement to sell or convey by land contract or otherwise, any partial interest in any residential rental unit without furnishing the buyer, prior to such sale or conveyance, a current certificate of inspection, setting forth the authorized use of the residential rental unit and listing any code violations; and, when code violations still remain outstanding at the time of delivery of possession or transfer of title, an escrow shall be established, and there shall be deposited in that escrow both a statement from the buyer acknowledging receipt of the certificate of inspection and an amount of money equal to 100% of the value of the work required to bring the residential rental unit into compliance with Village ordinances and State Building Codes or State Fire Codes of all outstanding violations. However, a statement signed by both the seller and the buyer stating that the premises are undeveloped and contain no dwelling, building or structure may be deposited in escrow in lieu of documents and/or funds required herein.

(b) No owner of any dwelling, single-family dwelling, two-family dwelling, duplex or suite within a duplex shall rent or lease such building, or any part thereof for residential occupancy, nor shall any person occupy such building unless the owner thereof holds a current certificate of inspection issued by the Chief Building Official, or their designee, which certificate has not expired, been revoked or otherwise become null and void, and a current rental license that has not expired, been revoked, or otherwise become null and void.

(c) Application for a certificate of inspection required by the provisions of this chapter shall be made by the owner not less than 15 days prior to occupancy of the residential rental unit. Such application shall be made on a form prescribed by the Chief Building Official, which shall include the following information:

- (1) The street address of the premises or the specific address of the parts or part if the entire structure is not involved.
- (2) The name, address and phone number of the owner or agent in charge and where such person may be reached during normal business hours.
- (3) An indication as to why the application is being requested, i.e., rental, lease land contract, or sale.
- (4) The proposed date of occupancy.
- (5) The name, address and telephone number of the prospective or current tenant, their agent or representative. If the prospective tenant is unknown at the time application for a certificate of inspection is made, the owner, lessor or agent shall supply such information to the Chief Building Official as soon as it is known, but in any event, before the issuance of any rental license or certificate of inspection pursuant to the provisions of this chapter.

(Ord. 2013-12. Passed 11-15-13.)

1452.04 RESPONSIBILITIES OF AGENTS.

No person acting in the capacity of an escrow agent, title agent, real estate agent, realtor, loan officer or other agent, on either a full or part-time basis, in any real estate transaction involving the sale of a rental dwelling situated in the Village shall disburse any funds unless all parties to the transaction have complied with all provisions of this chapter.
(Ord. 2013-12. Passed 11-15-13.)

1452.05 SELLER; NOTICE TO THE CHIEF BUILDING OFFICIAL.

Any person acting in the capacity of real estate agent or broker or otherwise assisting buyers and sellers in real estate transactions shall notify the Chief Building Official when a parcel of land containing a residential rental unit has been listed with such person, firm, or corporation for sale. Such notice shall be filed in writing within five days of such listing and shall contain the address of the property, the name and address of the owner, and the nature of the present use thereof.
(Ord. 2013-12. Passed 11-15-13.)

1452.06 ISSUANCE OF THE CERTIFICATE OF INSPECTION.

(a) The application for a certificate of inspection may be made in person at the Village Hall or in such manner as prescribed from time to time by the Village or by fax. Such application shall include information and date to determine compliance with applicable ordinances and codes concerning the existing use or occupancy and the intended rental use or occupancy of the premises. The Chief Building Official may require the submission of an affidavit stating such information, and he shall thereafter cause a general inspection to be made.

- (b) The general inspection shall include the review of two general types of violations:
- (1) Conditions, usually found inside a residential rental unit, which constitute a hazard to the life or health of an occupant, including but are not limited to:
 - A. Basement walls must be free of cracks, loose mortar and excessive dampness. Floors must be concrete in a generally dry and hazard-free condition. Basement water and waste piping must be free of leaks and maintained in a safe and sanitary condition. Gas and/or water piping to furnace and hot water tank must be equipped with shut off valves within three feet of, and in the same room as, the appliance and be free of hazards. All gas valves must be of the quarter-turn ball valve style.
 - B. Basements and other parts of the structure must be free of infestation by rodents, insects, roaches, or other living organisms such as mold, which are injurious to life or health.
 - C. All stairways must be free of loose or damaged treads or other parts and be equipped with handrails on at least one side.

- D. All plumbing fixtures must be clean and sanitary and must operate properly and be free of leaks. Backflow devices and/or expansion tanks may be required on the water piping in certain instances.
 - E. Bathroom floors and walls must be water resistant and in a generally safe and sanitary condition.
 - F. An operable smoke detector must be currently installed on each heated level of any dwelling structure. Battery-powered smoke detectors are permitted only where electrical wiring is inaccessible.
 - G. Doors and windows must provide reasonable security to the occupants. Interior-keyed locking cylinders must be replaced with thumb-turn devices.
 - H. The structure must be free of electrical hazards and be equipped with ground fault protection where required by code.
 - 1. All 60 or 70-ampere services and service panels shall be upgraded to a minimum of a 100-ampere service equipped with a 100-ampere breaker panel. Multiple panel systems (located solely in the basement) shall be eliminated and consolidated.
 - 2. Outlets must be GFI protected adjacent to the kitchen sink, and in any bathroom, unfinished basements, exterior locations and in the garage. The laundry circuit outlet must be a grounded outlet.
 - 3. All electrical equipment such as lights, fans, outlets, switches, etc. must be clean and in working order. Missing globes or other miscellaneous lamp parts shall be replaced or the fixture shall be replaced.
 - 4. The electrical service breaker panel must be properly grounded to the water service piping within five feet of entrance to the structure and ahead of the water meter using #4 solid copper grounding conductor. The hot and cold water lines and the gas piping must be properly bonded also using #4 solid copper grounding conductor. Sizes of breakers in the panel must correspond with the wiring gauges. The maximum size of a 20-ampere breaker will be permitted on a 12-gauge, 110v circuit. A maximum of a 15-ampere breaker shall be permitted on any circuit using 14 gauge wiring and on all knob-and-tube circuits. Breakers in the panel shall be indexed.
 - 5. All splices must be enclosed in a workbox. All workboxes must be equipped with covers. All unused holes in panels and workboxes must be plugged.
 - 6. Habitable rooms must be equipped with at least one switched light and two duplex convenience outlets. Stairways must be properly lighted and equipped with necessary switching.
- (2) Conditions which can be found either inside or outside and which deal with property and building maintenance issues, including but not limited to:

- A. All exterior property areas must be free of trash, garbage, miscellaneous debris and stored materials as well as unlicensed or inoperative vehicles.
- B. Gutters and downspouts on main and accessory structures must be present and in good repair. Storm water must be disposed of properly and in a way that does not adversely impact any neighbor.
- C. Masonry assemblies such as foundations, porches and stairs, chimneys and chimney caps must be sound and in good repair. Tuck-pointing and similar repairs shall be performed in a neat and workman-like manner with materials that match in material, color and texture.
- D. Siding, window and doors and related trim, soffits and fascia, porches and all other related items on the main or accessory structures must be structurally sound and painted.
- E. Windows and doors shall be properly glazed and equipped with weather stripping to prevent the intrusion of excessive drafts. At least one window in each habitable room shall be operable and shall be equipped with insect screens. Rope weights and other systems to hold windows in the open position shall operate properly.
- F. Concrete walks and drives must be free of cracking and other hazardous conditions. Asphalt drives must be free of excessive cracking and damage. All drives and parking areas must be hard surfaced. Paving in the public right-of-way, including the drive apron and the public sidewalk, must be constructed of reinforced concrete construction.
- G. Roofing and siding must be free of missing or damaged sections and in a condition which protects the structure from the effects of the weather. Repairs must match the existing surface in color, texture and size. Three or more layers of roofing on a structure are not permitted.
- H. Fences, shrubbery and hedges must be maintained or trimmed in such a way as to be structurally sound and present an orderly appearance. Shrubby and hedges shall not be permitted to extend over the edges of the public sidewalk nor shall they block the line of sight of oncoming traffic at intersections or at the end of driveways. At least seven feet of clearance is required for tree limbs overhanging a sidewalk, and hedges/bushes adjacent to a driveway or intersection must be trimmed to a maximum height of 30 inches for the first 20 feet of driveway measuring from the edge of the public right-of-way.
- I. Interior and exterior painted surfaces must be free of cracking, blistering, peeling or other signs of deterioration. The surface of interior walls and ceilings must be clean and sanitary.
- J. Floor coverings, including carpet and tile surfaces, must be clean and sanitary and free of stains, excess wear or damage. Kitchen and bathroom

floor tile must be clean, sanitary and water resistive. Carpeting in the bathroom is not permitted. Floor surfaces must be completely free of the adverse effects of the harboring of pets.

- K. Kitchen and bathroom cabinets and countertops must be clean and sanitary, free of water or other miscellaneous damage and in good condition. Cabinet drawers and doors must open and close properly and must have all necessary hardware.

Such certificate of inspection shall not be valid beyond the last day of the twelfth month following the date of issuance, unless renewed prior thereto in the same manner as required for issuance of the original certificate.

If corrections cannot be made by the seller prior to the transfer of the title or tenant occupancy, the Chief Building Official may, at their sole discretion, permit the establishment of an escrow account, into which an amount of money shall be placed equal to 100% of the value of the uncompleted repairs or corrections. This amount shall be established by the Chief Building Official. These funds shall be disbursed only after verification from the Chief Building Official that the work is complete. While all work must be reviewed by the Chief Building Official for completeness and adequacy prior to the transfer of title or rental occupancy, the Chief Building Official and/or the Village assumes no responsibility that the amount of money held in escrow will be sufficient to finance the necessary corrections. It shall also be noted that the seller, their agents, or in specific cases when authorized by the Chief Building Official, the buyer, shall be held responsible for the abatement of all violations regardless of the amount of money held in escrow. The Chief Building Official shall establish on the certificate of inspection a reasonable time frame for the completion of the work. At the expiration date of the time period set forth in the certificate of inspection, the building official or his authorized representative shall inspect the work to determine compliance.

(Ord. 2013-12. Passed 11-15-13.)

1452.07 CERTIFICATE OF INSPECTION FEES.

Each application for a certificate of inspection shall be accompanied by a non-refundable inspection fee in accordance with the following schedule:

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| (a) Residential rental unit | minimum: \$150.00 and
maximum: \$250.00 |
| (b) Reinspection fee | minimum: \$75.00
maximum: \$125.00 |

(Ord. 2013-12. Passed 11-15-13.)

1452.08 ISSUING A RENTAL LICENSE.

(a) When it is determined by the Chief Building Official that the residential rental unit is in compliance with the provisions of these Codified Ordinances and all other applicable rules and

regulations applicable thereto, the Chief Building Official shall issue a rental license for the premises.

(b) Any certificate of inspection issued by the Chief Building Official, or their designee, shall expire on the date stated on the certificate of inspection, or one year after its date of issuance. Under no circumstances will a certificate of inspection be dated for a period longer than one year from its date of issuance.

(Ord. 2013-12. Passed 11-15-13.)

1452.09 VOIDING OF A RENTAL LICENSE.

A rental license issued under the provisions of this chapter shall become null and void whenever a change occurs in the ownership, use or occupancy, in whole or in part, of the residential rental unit and premises without first obtaining a new certificate of inspection and rental license for such premises.

(Ord. 2013-12. Passed 11-15-13.)

1452.10 VIOLATIONS AND PENALTY.

Any seller, buyer, sellers agent, buyers agent, escrow officer, lending institution, real estate agent, real estate broker, or any other person effectuating a sale of real property in the Village who fails to comply with the provisions of this chapter, or any rule, regulation or code promulgated hereunder or refuses to permit entry by the Chief Building Official or their duly authorized designee at a reasonable time for purposes of conducting an inspection, or who obstructs, interferes or hinders said inspection shall be guilty of a misdemeanor of the first degree and, upon conviction thereof, shall be fined not more than one thousand dollars (\$1,000.00) nor imprisoned for a period in excess of six months for each offense. Each day such a violation occurs or continues shall be deemed a separate offense.

(Ord. 2013-12. Passed 11-15-13.)

