

### **§ 129F.01 RESIDENTIAL RENTAL LICENSE.**

This chapter is being adopted pursuant to the home rule powers of the village and shall be known as the Residential Rental Licensing Chapter.

(Ord. 2008-O-008, passed 5-6-08)

### **§ 129F.02 LICENSE REQUIRED.**

No person, corporation or business entity of any kind or nature whatsoever, shall engage in the business of renting any dwelling unit to the public, or operating a rental dwelling or dwelling unit, rooming house or rooming unit, unless a valid and current residential rental license has been issued by the Village Clerk for the specific location. This requirement is not intended to apply to licensed professionals acting as brokers or agents, unless licensed professionals are owners or managers of property subject to this chapter. No person shall rent or occupy a dwelling unit or rent or occupy any rooming house unit unless a current valid license has been issued for that specific location. This licensing requirement shall not apply to group homes governed by the Specialized Living Centers Act, ILCS Ch. 405, Act 25, §§ 1 et seq., dealing with the developmentally disabled, or other similar uses governed by state or federal laws, rules or regulations. No license shall be issued or renewed unless the owner or operator agrees in the application to such inspections as may be required pursuant to this chapter.

(Ord. 2008-O-008, passed 5-6-08; Am. Ord. 2012-O-033, passed 8-21-12)

### **§ 129F.03 APPLICATION FOR LICENSE.**

Application for a residential rental license shall be made in the name of the legal owner of the premises to be rented and submitted to the Village Clerk on forms provided by the Clerk. The application shall identify the location of the property; the name, address and telephone number(s) of the owner; the name, address and 24-hour telephone(s) of the manager or custodian of the property; the owner's agent for service of process; and such other information as the Clerk may reasonably require.

(Ord. 2008-O-008, passed 5-6-08)

### **§ 129F.04 LICENSE FEE.**

The annual fee for a residential rental lease shall be paid at the time of application as follows:

(A) 1-2 units = \$50;

(B) 3-10 units = \$100;

(C) 11-20 units = \$200;

(D) 21-30 units = \$300; and

(E) 31-40 units = \$500.

(Ord. 2008-O-008, passed 5-6-08; Am. Ord. 2012-O-033, passed 8-21-12)

#### **§ 129F.05 TERM OF LICENSE; TRANSFER PROHIBITED; RENEWAL.**

A residential rental license shall be issued for a period of one calendar year. Such licenses shall expire on December 31 next after issuance, unless previously revoked. Such licenses shall not be transferable. Each new owner of a building that contains a rental dwelling unit must obtain a license. Application for renewal shall be made in the same manner as for a new license. No license shall be issued or renewed until payment in full of all license and inspection fees has been made.

(Ord. 2008-O-008, passed 5-6-08)

#### **129F.06 INSPECTION REQUIRED.**

No residential rental license shall be issued or renewed unless the building in connection with which the license is sought is found after inspection to meet all applicable laws and regulations. The inspection required by this section shall be an inspection of the exterior and public areas of the building only and shall not include the inspection of the interior of any dwelling unit. The owner will be provided with an inspection report describing any condition which constitutes a violation of any applicable law or regulation, and shall be afforded a reasonable opportunity to correct any such conditions. In the event that more than two follow-up inspections are required to determine compliance, the applicant shall pay an additional noncompliance inspection service charge of \$100 for each additional inspection. Payment must be made in full prior to issuance of the license. Inspections pursuant to this section shall not be required for single family homes or rental properties with two or fewer units.

(Ord. 2008-O-008, passed 5-6-08; Am. Ord. 2012-O-033, passed 8-21-12)

#### **§ 129F.07 CRIME-FREE HOUSING SEMINAR REQUIRED.**

All persons applying for a residential rental license and all persons administering, managing or controlling the operation of any rental dwelling unit must, except as otherwise provide by applicable law, attend a Crime-Free Multi-Housing Seminar, administered by the Village Police Department, prior to issuance of the license. The seminar may be attended after application has been submitted and the license will be issued after successful completion. Each licensee shall attend a Seminar every three years. In the event that a new owner acquires the rental dwelling or rooming house for which a license had been issued and/or a new manager is hired, the new owner and/or

manager, as the case may be, shall have three months after acquisition or hire to attend the seminar. The Village shall issue a written notice to every person or entity subject to this training requirement who has failed or refused to attend said training. Such persons or entities shall have three months from the date of said notice to comply with the training requirements and attend the seminar. If the training requirements are not satisfied within three months from the date of the notice, such persons or entities shall be subject to a fine of up to \$25 per day, with each day after the 90 days provided for in the notice to be considered a separate violation, in addition to any other penalties applicable under this Code, provided that at least one seminar is available within the three month time period after the date of the notice. In addition, an existing license may be suspended or revoked, or an initial license may be denied, for any person or entity that fails or refuses to comply with the training requirements set forth in this section.

(Ord. 2008-O-008, passed 5-6-08; Am. Ord. 2009-O-035, passed 7-28-09)

**§ 129F.08 CRIME-FREE LEASE ADDENDUM.**

Every lease or other agreement for rental of any residential property entered into after the effective date of this chapter shall include a "Crime-Free Lease Addendum" in substantially the following form, unless otherwise prohibited by law:

Crime-Free Lease Addendum
In addition to all other terms of the lease, Landlord and Tenant agree as follows:
1. The Tenant, any member of the Tenant's household, any guest or any other person associated with the Tenant on or near the leased premises:
a) Shall not engage in criminal activity, including drug-related criminal activity, on or near the leased premises. "Drug related criminal activity" means the illegal manufacture, sale, distribution, use, or possession of any illegal or controlled substance as defined in 21 U.S.C. 802.
b) Shall not engage in any act intended to facilitate criminal activity.
c) Shall not permit the dwelling unit to be used for or to facilitate any criminal activity.
d) Shall not engage in any act intended to facilitate any violation of local municipal ordinances or codes or any other violation as defined by local, state or federal law and/or obstruction or resistance of law enforcement efforts against criminal activity on or near the rental unit, common areas, or appurtenances.
e) Shall not permit on or near the rental unit, common areas, or appurtenances to be used for or to facilitate any violations of local, municipal ordinances or codes or any other violations of local, state or federal law.
2. ANY ACTIVITY PROHIBITED BY THIS AGREEMENT SHALL CONSTITUTE A SUBSTANTIAL VIOLATION OF THE LEASE, MATERIAL NONCOMPLIANCE WITH THE LEASE, AND GROUNDS FOR TERMINATION OF TENANCY AND EVICTION.

(Ord. 2008-O-008, passed 5-6-08; Am. Ord. 2012-O-033, passed 8-21-12)

### **§ 129F.09 PERIODIC INSPECTION.**

In addition to the inspection(s) required in § [129F.06](#), every residential rental property is further subject to periodic inspection by the village at reasonable times and in a reasonable manner to ensure continuing compliance with all applicable laws and regulations. Whenever it appears by inspection that conditions or practices exist which are in violation of the provisions of this chapter or of any applicable laws and regulations, the village shall serve the owner or operator with notice of such violation, stating what action is required to correct the violation and the time period allowed for correction. Such notice shall state that unless the violations cited are corrected within the time allowed, the residential rental license may be suspended or revoked.

(Ord. 2008-O-008, passed 5-6-08)

### **§ 129F.10 INSPECTIONS REQUIRED.**

The duty and obligations of each licensee in relation to inspections required or provided for in this chapter, and the authority of the village relating to such inspections, shall, to the extent not otherwise provided in this chapter, be as set forth in § [110.09](#).

(Ord. 2008-O-008, passed 5-6-08)

### **§ 129F.11 VIOLATION OF "CRIME-FREE LEASE ADDENDUM" PROHIBITED.**

It shall be unlawful for any licensee to knowingly permit any tenant to occupy any residential rental property in violation of any provision of the "Crime-Free Lease Addendum" required by this chapter. In the event that a tenant is found by the licensee to have violated said addendum, the licensee shall take all reasonable steps to enforce the terms of the addendum.

(Ord. 2008-O-008, passed 5-6-08)

### **§ 129F.12 NOTICE OF OWNERSHIP CHANGE.**

No license shall be transferable to another rooming house or rental dwelling unit. Every person holding a license shall give notice in writing to the Village Clerk within 24 hours after having transferred or otherwise disposed of the legal control of any licensed rooming house or rental dwelling unit. Such notice shall include the name and address of the person succeeding to the ownership, possession or control of such rooming house or rental dwelling unit.

(Ord. 2008-O-008, passed 5-6-08)

### **129F.13 NUISANCES; VIOLATIONS.**

It is hereby declared a nuisance and a violation of this Code against the health, peace and comfort of the village for any property owner, agent, or manager to allow or permit the following to occur on their property:

(A) Rental of a residential unit, rooming house unit or residential building within an apartment community, or 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, criminal housing management, possession of explosives, unlawful use of weapons, 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 or under the federal government not specifically listed above; and

(B) Rental of a residential unit, rooming house unit, or residential building within an apartment community 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: commission of three 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, or which otherwise 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.

(Ord. 2008-O-008, passed 5-6-08)

#### **§ 129F.14 DENIAL; SUSPENSION OR REVOCATION OF LICENSE; HEARING; APPEAL.**

No license shall be revoked unless the license holder has been given the opportunity to attend an informal meeting with representatives of the village to discuss activity at any rental premises which is or may be a violation of this chapter. The license holder will be given a reasonable amount of time after this informal meeting to resolve any problems or issues that may result in the suspension or revocation of the license holder's license. If the problems or issues are not resolved, to the satisfaction of the village, formal license suspension or revocation proceedings may be commenced pursuant to § [110.10](#). In the event an applicant has been denied a license the applicant shall have the right to appeal the denial under the provisions of § [110.10](#).

(Ord. 2008-O-008, passed 5-6-08; Am. Ord. 2012-O-033, passed 8-21-12)

**PAMPHLET**  
**FRONT OF PAMPHLET**

**ORDINANCE NO. 2012-O-033**

**AN ORDINANCE AMENDING CHAPTER 129F  
OF TITLE 11 OF THE TINLEY PARK MUNICIPAL CODE  
REGARDING RESIDENTIAL RENTAL LICENSING**

Published in pamphlet form this 21<sup>st</sup> day of August, 2012, by Order of the Corporate Authorities of the Village of Tinley Park, Cook and Will Counties, Illinois.

By:

  
PATRICK REA  
Village Clerk

STATE OF ILLINOIS     )  
COUNTY OF COOK       ) SS  
COUNTY OF WILL       )

**CLERK'S CERTIFICATE**

I, **PATRICK REA**, the duly elected and qualified Village Clerk of the Village of Tinley Park, Cook and Will Counties, Illinois, do hereby certify that attached hereto is a true and correct copy of the Ordinance now on file in my office, entitled:

**ORDINANCE NO. 2012-O-033**

**AN ORDINANCE AMENDING CHAPTER 129F  
OF TITLE 11 OF THE TINLEY PARK MUNICIPAL CODE  
REGARDING RESIDENTIAL RENTAL LICENSING**

which was passed by the Board of Trustees of the Village of Tinley Park at a regular meeting held on the 21<sup>st</sup> day of August, 2012, at which meeting a quorum was present, and approved by the President of the Village of Tinley Park on the 21<sup>st</sup> day of August, 2012.

I further certify that the vote on the question of the passage of the said Ordinance by the Board of Trustees of the Village of Tinley Park was taken by the Ayes and Nays and recorded in the Journal of Proceedings of the Board of Trustees of the Village of Tinley Park, and that the result of said vote was as follows, to-wit:

AYES:           Seaman, Hannon, Maher, Staunton, Grady

NAYS:           None

ABSENT:        Leoni

I do further certify that the original Ordinance, of which the attached is a true copy, is entrusted to my care for safe-keeping, and that I am the lawful keeper of the same.

**IN WITNESS WHEREOF**, I have hereunto set my hand and affixed the seal of the Village of Tinley Park, this 21<sup>st</sup> day of August, 2012.

  
\_\_\_\_\_  
Village Clerk

**ORDINANCE NO. 2012-O-033**

**AN ORDINANCE AMENDING CHAPTER 129F  
OF TITLE 11 OF THE TINLEY PARK MUNICIPAL CODE  
REGARDING RESIDENTIAL RENTAL LICENSING**

**WHEREAS**, the Village of Tinley Park, Cook and Will Counties, Illinois, (hereinafter sometimes referred to as the "Village") pursuant to the provisions of the Constitution of the State of Illinois of 1970, particularly Article VII, Section 6(a), is a home rule unit and as such may exercise any power and perform any function pertaining to its government and affairs; and

**WHEREAS**, the Village has adopted a Residential Rental Licensing Ordinance which is contained in Chapter 129F of the Tinley Park Municipal Code, and which, when originally adopted, exempted single family homes and rental properties with two or fewer units; and

**WHEREAS**, the Village of Tinley Park desires to amend the Tinley Park Municipal Code to expand the coverage of the Residential Rental Licensing Ordinance to single family homes and rental properties with two or fewer units; and

**WHEREAS**, the Village of Tinley Park finds that it is in the best interests of its residents to amend Chapter 129F of the Tinley Park Municipal Code as set forth below.

**NOW, THEREFORE, BE IT ORDAINED** by the President and Board of Trustees of the Village of Tinley Park, Cook and Will Counties, Illinois, as follows:

**SECTION 1:** That the Whereas clauses set forth above are hereby incorporated as substantive provisions of this Ordinance.

**SECTION 2:** That Title 11, Chapter 129F, Section 129F.02 of the Tinley Park Municipal Code is hereby amended to read in its entirety as follows:



No person, corporation or business entity of any kind or nature whatsoever, shall engage in the business of renting any dwelling unit to the public, or operating a rental dwelling or dwelling unit, rooming house or rooming unit, unless a valid and current Residential Rental License has been issued by the Village Clerk for the specific location. This requirement is not intended to apply to licensed professionals acting as brokers or agents, unless licensed professionals are owners or managers of property subject to this chapter. No person shall rent or occupy a dwelling unit or rent or occupy any rooming house unit unless a current valid license has been issued for that specific location. This licensing requirement shall not apply to group homes governed by the Specialized Living Centers Act, 405 ILCS 25/1 et seq., dealing with the developmentally disabled, or other similar uses governed by state or federal laws, rules or regulations. No license shall be issued or renewed unless the owner or operator agrees in the application to such inspections as may be required pursuant to this chapter.

**SECTION 3:** That Title 11, Chapter 129F, Section 129F.04 of the Tinley Park

Municipal Code is hereby amended to read in its entirety as follows:

The annual fee for a residential rental lease license shall be paid at the time of application as follows:

<b><u>(A)</u></b> 1-2 units	=	\$50;
<b><u>(B)</u></b> 3 – 10 units	=	\$100;
<b><u>(C)</u></b> 11-20 units	=	\$200;
<b><u>(D)</u></b> 21-30 units	=	\$300; and
<b><u>(E)</u></b> 31-40 units	=	\$500.

**SECTION 4:** That Title 11, Chapter 129F, Section 129F.06 of the Tinley Park

Municipal Code is hereby amended to read in its entirety as follows:

No Residential Rental License shall be issued or renewed unless the building in connection with which the license is sought is found after inspection to meet all applicable laws and regulations. The inspection required by this Section shall be an inspection of the exterior and public areas of the building only and shall not include the inspection of the interior of any dwelling unit. The owner will be provided with an inspection report describing any condition which constitutes a violation of any applicable law or regulation, and shall be afforded a reasonable opportunity to correct any such conditions. In the event that more than two (2) follow-up inspections are required to determine compliance, the applicant shall pay an additional noncompliance inspection service charge

of \$100.00 for each additional inspection. Payment must be made in full prior to issuance of the license. Inspections pursuant to this Section shall not be required for single family homes or rental properties with two (2) or fewer units.

**SECTION 5:** That Title 11, Chapter 129F, Section 129F.08 of the Tinley

Park Municipal Code is hereby amended to read in its entirety as follows:

Every lease or other agreement for rental of any residential property entered into after the effective date of this chapter shall include a "Crime-Free Lease Addendum" in substantially the following form, unless otherwise prohibited by law:

**Crime – Free Lease Addendum**

In addition to all other terms of the lease, Landlord and Tenant agree as follows:

1. The Tenant, any member of the Tenant's household, any guest or any other person associated with the Tenant on or near the leased premises:
  - a) Shall not engage in criminal activity, including drug-related criminal activity, on or near the leased premises. "Drug related criminal activity" means the illegal manufacture, sale, distribution, use, or possession of any illegal or controlled substance as defined in 21 U.S.C. 802.
  - b) Shall not engage in any act intended to facilitate criminal activity.
  - c) Shall not permit the dwelling unit to be used for or to facilitate any criminal activity.
  - d) Shall not engage in any act intended to facilitate any violation of local municipal ordinances or codes or any other violation as defined by local, state, or federal law and/or obstruction or resistance of law enforcement efforts against criminal activity on or near the rental unit, common areas, or appurtenances.
  - e) Shall not permit on or near the rental unit, common areas, or appurtenances to be used for or to facilitate any violations of local municipal ordinances or codes or any other violations of local, state or federal law.

2. ANY ACTIVITY PROHIBITED BY THIS AGREEMENT SHALL CONSTITUTE A SUBSTANTIAL VIOLATION OF THE LEASE, MATERIAL NONCOMPLIANCE WITH THE LEASE, AND GROUNDS FOR TERMINATION OF TENANCY AND EVICTION.

**SECTION 6:** That Title 11, Chapter 129F, Section 129F.14 of the Tinley Park

Municipal Code is hereby amended to read in its entirety as follows:

**§129F.14 DENIAL, SUSPENSION OR REVOCATION OF LICENSE; HEARING; APPEAL.**

No license shall be revoked unless the license holder has been given the opportunity to attend an informal meeting with representatives of the village to discuss activity at any rental premises which is or may be a violation of this chapter. The license holder will be given a reasonable amount of time after this informal meeting to resolve any problems or issues that may result in the suspension or revocation of the license holder's license. If the problems or issues are not resolved, to the satisfaction of the village, formal license suspension or revocation proceedings may be commenced pursuant to §110.10. In the event an applicant has been denied a license the applicant shall have the right to appeal the denial under the provisions of §110.10.

**SECTION 7:** This ordinance shall be in full force and effect from and after its adoption and publication in pamphlet form as provided by law.

**SECTION 8:** Any and all ordinances, sections or subsections of ordinances in conflict herewith are hereby repealed.

**SECTION 9:** In the event any part or parts of this Ordinance shall be found to be unconstitutional by a court of competent jurisdiction, such unconstitutionality shall not affect the validity of the remaining parts of this Ordinance.

**ADOPTED** this 21<sup>st</sup> day of August, 2012, pursuant to a roll call vote as follows:


**AYES:** Seaman, Hannon, Maher, Staunton, Grady

**NAYS:** None

**ABSENT:** Leoni

**APPROVED** by me this 21<sup>st</sup> day of August, 2012.

ATTEST:

  
Village Clerk

  
Village President

**PAMPHLET**  
**BACK OF PAMPHLET**

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