

NEW LAWS PROPOSED EFFECTING EVERY PROPERTY OWNER IN COLLINSVILLE

Brought to you by your CITY COUNCIL MEMBERS:

John Miller, Mayor (618) 345-6514

Nancy Moss (618) 345-5329

Liz Dalton (618) 345-4660

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ATTEND THE STRATEGIC SESSION AND COUNCIL MEETING MONDAY SEPT. 27TH 6:00 PM AT CITY HALL

The City of Collinsville is soon to vote on a

HEALTH AND SAFETY INSPECTION AND OCCUPANCY PERMIT CODE and CRIME FREE HOUSING PROGRAM

What this means to you:

- You cannot occupy any home without the inspection; this includes ALL properties, Owner occupied, Rental and/or Commercial including not for profit buildings.
- There will be a fee to have the building inspected (see below).
- Your property will have to have anything that is not in the current (2009) code fixed at your own expense before anyone can live in the property or use it for business, and anything found wrong must be updated before you can have utilities turned on, including cable and phone. There will be no "grandfathering."
- If you sell a home "as is" the house must pass the inspection for anyone to live in the house. This will mean that "granddaughter" can't move into "grandma's house" and fix it up little by little. The house must be brought up to code before *anyone* can live in it. If granddaughter cannot afford to make the repairs, the house will stay empty until a buyer who can afford to make the repairs comes along. That "someone" will most likely be an investor who will have the money to fix up the house, and therefore buy the family home for pennies on the dollar.
- You must tell the City how many persons that will live in your house.
- Homeowners are exempt from the occupancy limits, and so this law will be discriminatory towards anyone who cannot afford to own their own home.
- **Each and every separate unit** of occupancy of commercial building will have to be inspected and have a permit.
- The City contends this new law is necessary to keep citizens safe in their homes and businesses, yet the inspection does not guarantee the safety of the home or building.
- The City also contends that the current codes do not allow access to homes and buildings they think *might* have hazards. Sec. 1.12.010 of the current code does allow for Right of Officials to Enforce Ordinances or Resolutions.
- City may refuse Certificate of Occupancy until any overdue and unpaid City garbage, water, sewer bills for that premises have been paid in full.
- If you are a renter, you landlord will be required to "register" the names of everyone in your home with the city and pay a \$25 per unit per year fee, even if you have lived at your place for many years.

- If you are a landlord, you will have to pay \$25 per unit per year, register the names of all owners, all owners' addresses and home and office phone numbers, take a mandatory class every 3 years and include a new addendum to your lease. You must also register the names of all of your tenants with the city.

What this will cost you, the taxpayer?

Owner-occupied FEES

Inspection fee of \$50.00.

Non-Owner Occupied (rental) FEES

\$50.00 for a building containing one dwelling unit and \$35.00 per dwelling unit where a building contains more than one dwelling unit. PLUS \$25 per unit per year for the Crime Free Housing Program fee.

Administrative costs: Health and Safety Ordinance (every property)

2 inspectors part time salaries at \$49K –\$75K year.

1 administrative assistant at \$15K – \$18 K year

Cost after first year \$70k– \$97K

Program will not pay for itself; taxpayers will pay at least 20% of costs

Administrative costs: Crime Free Housing (rental property only)

1 Police Sargent salary plus benefits \$91K

1Assistant Police Chief salary plus benefits \$93K

Cost after first year \$139K

Program will not pay for itself; taxpayers will pay at least 30% of costs

UNHAPPY? Call your Council members!

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This message sponsored by the
METRO EAST REAL ESTATE INVESTORS ASSOCIATION
(618) 877-6352

for the text of the proposed ordinance, please visit www.collinsvilleil.org
(Program costs are listed in the Neighborhood Enhancement Plan document)

PUBLIC COMMENT FORM

PROPOSED HEALTH & SAFETY/CRIME FREE ORDINANCE

Through input received from the residents through various avenues (including Community Engagement Sessions, various Town Hall sessions, Neighborhood Meetings), and through the SWOT Analysis conducted with the City's Boards and Commissions, the issue of the City implementing a Health and Safety Permitting Program has gained increased attention and need. This issue was also identified through the National Citizen Survey that showed 87% of the respondents indicated their support for the need of some type of an occupancy permitting system. Staff has identified this program as the most critical need for the City to implement in stabilizing neighborhoods and property values.

As such, the City of Collinsville is contemplating a **Neighborhood Enhancement Plan** consisting of the following major components:

Health & Safety Program: this program is a critical need for the City to stabilize its neighborhoods through compliance with life health and safety requirements and make a positive impact on the quality of life and property values citywide.

Crime Free Housing Program: this program is a major part of addressing crime and declining neighborhoods. Now done on a voluntary basis, it is proposed that this program become mandatory for all landlords.

The draft ordinance is being provided in an effort to seek public input. You may return your comment form in person to City Hall or mail to 125 S. Center, Attention: NEP Comment, Collinsville, IL, 62234. You may also make comments on the City's website (www.collinsvilleil.org) by following the link entitled "Draft Health & Safety/Crime Free Ordinance" on the home page.

First Name: _____ Last Name: _____

Optional information:

- Tenant
- Landlord
- Owner-Occupied

Comments:

ORDINANCE NO. ____

AN ORDINANCE PROVIDING A CODE FOR A HEALTH AND SAFETY INSPECTION PROGRAM AND CRIME FREE HOUSING PROGRAM IN THE CITY OF COLLINSVILLE, ILLINOIS

WHEREAS, the City of Collinsville, Illinois (the "City") has lacked an effective health and safety code enforcement program to provide for periodic inspection of commercial and residential buildings throughout the City;

WHEREAS, the lack of such a health and safety enforcement program has permitted portions of the City's commercial and residential housing inventory to become substandard and deteriorated through the lack of maintenance, alterations, and/or uses in violation of building code laws;

WHEREAS, substandard and deteriorated commercial and residential housing has a detrimental effect upon the stability of neighborhoods, is environmentally undesirable and therefore is detrimental to City residents and to neighboring communities;

WHEREAS, improving the commercial and residential housing environment throughout the City requires inspection of buildings in the City to ensure that such premises conform to the City's Code and other applicable laws;

WHEREAS, the goal of the Health and Safety Inspection Program is to increase the health, safety, and general welfare of the public while strengthening the neighborhood vitality through a fair and objective property inspection program focused on addressing property maintenance issues;

WHEREAS, an additional goal of the Health and Safety Inspection Program is to make housing safe and indirectly reduce crime by preventing the "broken window" syndrome through the implementation of code compliance.

WHEREAS, in order to provide for such needed inspection of commercial and residential buildings, this ordinance establishes a Health and Safety Inspection Program to protect occupants from substandard commercial and residential buildings;

WHEREAS, the goal of the Crime Free Housing Program is to increase the quality of life of residents by partnering the City with landlords and property managers to decrease the incidents of public safety violations and criminal activity in rental properties;

WHEREAS, nothing in this ordinance shall limit the City's ability to inspect properties and issue citations for property-related conditions that may constitute an immediate health or safety threat.

NOW, THEREFORE, BE IT ORDAINED, by the City Council of the City of Collinsville, Illinois, as follows:

Section 1. Title 8 (Health and Safety) of the Collinsville Municipal Code adopted November 9, 2009, is hereby amended by the addition thereto of Chapter 8.02 entitled "Health and Safety Occupancy Code", which shall read in its entirety as follows:

"HEALTH AND SAFETY OCCUPANCY CODE"

8.02.010 Title

This Chapter 8.02 and the entire contents thereof, as amended, shall be commonly known as the "Health and Safety Occupancy Code" of the City of Collinsville, Illinois.

8.02.020 Application of Code

This Code shall apply to every commercial, single family residential, multi-family residential, and accessory building in the City, irrespective to any other classification such buildings may otherwise belong, and without regard to when such buildings may have been constructed, altered, or repaired.

8.02.030 Definitions

A. Generally. The following words, terms and phrases, when used in this Code, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning.

Accessory building means a subordinate building having a use customarily incident to and located on the lot occupied by the main building, or a use customarily incident to the main use of the property.

Building means any commercial structure, residential structure, dwelling unit or accessory building, which is built for the support, enclosure, shelter, or protection of persons, animals, chattels, or movable property of any kind, and which is affixed to the land including mobile homes and trailers.

City means the City of Collinsville, Illinois, or as appropriate, its employees, officers, agents, consultant, or contractors acting under and within the scope of authority of the City to carry out and enforce the provisions of this Code.

Code means this Chapter 8.02 of the Collinsville Municipal Code, commonly known as the Health and Safety Occupancy Code.

Commercial means being engaged in conduct with the purpose of carrying on commerce or trade involving tangible or intangible goods or services, and without regard to whether such actions are for profit or not for profit. Commercial shall not include Home Occupations legally authorized by a City issued permit pursuant to the City's Zoning Code.

Dwelling means a room or suite of rooms arranged, intended or designed as a place of residence; or any building which is designed, built, leased, rented, let, or hired to be occupied, or which is occupied as a home or residence; or a building designed exclusively for residential occupancy, including one-family, two-family, and multiple family dwellings, boarding and lodging houses, mobile homes, and trailers. Hotels, motels, nursing homes, travel trailers, recreational vehicles, shall not be considered dwellings.

Dwelling unit means a group of rooms or a room occupied or intended for occupancy as separate living quarters, and may encompass permanent provisions for sleeping, eating, cooking, and sanitation.

Family unit means one or more persons living, sleeping and cooking together as a single housekeeping unit, but shall not be construed to mean a boarding house, fraternity, sorority, club, or institutional group.

Health and Safety Permit means a currently effective permit issued by the City evidencing compliance with the requirements of this Health and Safety Code.

Immediate family member means another person as a parent, sibling, child by blood, adoption, or marriage; spouse, grandparent or grandchild.

Imminent danger means a condition which could cause serious or life-threatening injury or death at anytime.

Lease means offering a building or dwelling unit for use or occupation in exchange for remuneration, whether it be for money, property, or any other form of payment.

Municipal Code means the Code of Ordinances of the City of Collinsville, Illinois adopted November 9, 2009, as amended, including the Property Maintenance and Building Codes of the City.

Operator means any person who has charge, care or control of premises in which buildings or dwelling units are rented.

Owner means any person who, alone, jointly or severally with others, shall have:

1. Title to any building or dwelling unit with or without accompanying actual possession thereof; or
2. Charge, care or control of any building or dwelling unit as owner or agent of the owner, contract purchaser, or as executor, administrator, trustee or guardian of the estate of the owner. Any such person thus representing the actual owner shall be bound to comply with this Code and the rules and regulations adopted pursuant thereto to the same extent as if he were the owner.

Person means any natural person; firm; joint venture including all participants; partnership, including all partners; association, social club, or fraternal organization, including all officers and directors; corporation, including all officers, directors and significant stockholders; estate; trust; business trust; receiver; or any other group or combination acting as a unit.

Premises mean the lot, plot or parcel of land, and including the buildings, structures, and dwelling units thereon.

Property Agent means a person, operator, firm, partnership, corporation, or other legal entity designated in writing by the property owner to the code official to manager a residential rental property, including the authority to receive notices or citations.

Rent or rental means offering a building or dwelling for use or occupation in exchange for remuneration, whether it is for money, property, or any other form of payment.

Residential Rental Property means any single family residential building or any multiple family residential rental premises let or intended to be let for rent or lease.

Tenant means an occupant of leased or rented premises.

Utility Service(s) means to include for any building or dwelling unit, the services of electricity, gas, telephone, video transmissions, cable television, internet access, water, sanitary sewer, or garbage disposal.

B. *Meaning of certain words.* Whenever the words "building," "accessory building," "dwelling unit," "premises," and "property" are used in this Code, they shall be construed as though they were followed by the words "or any part thereof."

8.02.040 Health and Safety Permit Required

A. **Commercial.** It shall be unlawful for any person to occupy a building within the City by rental, lease, purchase or otherwise, or for any owner or agent thereof to permit the occupation of a building within the City by any person, for any commercial purpose until a Health and Safety Permit has been issued by the City for each and every separate unit of occupancy of commercial building, except that occupation may be permitted pending the approval of an Application for Health and Safety Permit that has been previously submitted to the City.

B. **Residential.** It shall be unlawful for any person to occupy a dwelling unit within the City as owners or by rental, lease, purchase or otherwise, or for any owner or agent thereof to permit the occupation of a dwelling unit within the City by any person for any purpose, until a Health and Safety Permit has been issued by the City for each new family unit to occupy a dwelling unit and every separate occupancy of any family unit, except that occupation may be permitted pending the approval of an Application for Health and Safety Permit that has been previously submitted to the City.

1. Subject to Section 8.02.060 (D):

- a. for any owner-occupied dwelling unit, a Health and Safety Permit is required for each new family or family unit to occupy a dwelling unit and every separate occupancy of any family or family unit whether as a result of sale, inheritance, assignment or gift.
- b. for rental or lease of a dwelling unit, a Health and Safety Permit is prior to the time a new family or family unit occupies the dwelling.

C. No person shall occupy as owner-occupant, or rent to another for occupancy, any building or dwelling unit for the purpose of living, sleeping, cooking or eating therein which does not comply with the requirements of this Code.

D. A Health and Safety Permit shall be issued by the City upon a determination that there are no violations of any applicable section of this Chapter after inspection of the premises has been made to ascertain Code violations.

E. A Health and Safety Permit issued under this Chapter of the Municipal Code shall be considered and is expressly distinguished from any permits issued under the City's Zoning or Building Codes and any permit issued under one Chapter shall not be deemed evidence of compliance of with the provisions of the other Chapter.

8.02.050 Fees

All application, inspection, or other fees relating to this Chapter shall be as provided for in the Municipal Code, as may be amended.

8.02.060 Applications for Health and Safety Permit

A. Application for the Health and Safety Permit required by this Code shall be made by the owner of the building or by his agent. Any application submitted by a person other than the owner shall be done so with local written authorization from the owner submitted to the City with the application. The application shall contain the full name and address of the owner or the names and addresses of the responsible officers if the owner is other than a natural person and the name and address of the applicant.

B. Application for a Health and Safety Permit shall be made to the City as follows:

1. For commercial buildings, an application shall be made by the owner, occupier, or contract purchaser and shall be made no less than 7 days and no more than 90 days prior to occupancy by any new person. Such application shall state the names of all the property owners and the business names and number of business occupants and shall be accompanied by an inspection.
2. For owner-occupied residential dwellings, an application shall be made by either the owner or contract purchaser and shall be made no less than 7 days and no more than 90 days prior to occupancy by any new family. Such application shall state the names of all the property owners and the number of occupants and shall be accompanied by an inspection fee.
3. For any residential dwelling not owner occupied, the owners shall make application to the City for a Health and Safety Permit for each dwelling unit within no less than 7 days and no more than 90 days prior to occupancy by any

new family. The application shall state the name and number of occupants and term of occupancy and shall be accompanied by an inspection.

4. No application shall be considered completed or acted upon until the applicable inspection fee has been paid in full. Inspections shall be made by the City within 7 calendar days of a completed application and inspection fee having been submitted to the City. Reinspections shall be made by the City within 7 business days after a request is made by the applicant for a reinspection. A report of an inspection or reinspection shall be delivered or made available to the applicant within 3 business days of the inspection or reinspection. All reinspections to ascertain abatement of any Code violations shall be performed by the City.
5. The application fees when using a private inspector shall be as otherwise provided for in the Municipal Code.

C. Any Health and Safety Permit issued by the City shall not be deemed a release or waiver by the City of any requirement for compliance with all applicable sections of this Code, nor shall it constitute a guarantee that no Code violations exist. Issuance of any Health and Safety Permit shall not restrain or prohibit the City from making further inspection of the dwelling unit and giving notice of any violation of this Code at any time, notwithstanding the validity of a Health and Safety Permit.

D. Without regard to any change in ownership or occupancy, or vacancy, a Health and Safety Permit shall be valid for 24 months from its date of issue.

8.02.070 Issuance of Health and Safety Permit

If a building or dwelling unit is in compliance with this Code, the City shall present a Health and Safety Permit to the applicant, owner, and resident. The City may refuse to issue a Health and Safety Permit for a building or a dwelling unit until any overdue and unpaid City garbage, water, or sewer bills, for that premises have been paid in full. The indebtedness to the City by a tenant of a dwelling unit or building shall not serve to prevent the owner of that building or dwelling unit from obtaining a Health and Safety Permit.

8.02.080 First Notice of Violation

A. Contents of Notice. Whenever the City determines that a building or dwelling unit is in violation of this Code, it shall so notify the owner and/or occupant in writing, and order appropriate corrective action. The Notice shall include the following information:

1. A description of the premises sufficient for identification;
2. A statement indicating the nature of the violation;
3. A statement of the remedial action (repairs, reduced number of occupants, etc.) necessary to effect compliance;
4. The date by which the violation must be corrected;
5. Statement that if the violation is not corrected or if the Notice is not appealed within five (5) days, if previously issued the Health and Safety Permit may be revoked, a citation issued, and/or the property may be declared unfit for human habitation with attendant consequences.

B. Service of Notice. The Notice shall be deemed properly served upon the owner, agent, or occupant if it is either:

1. Served upon them personally;
2. Sent by First Class U.S. Mail to their last known address; or
3. If either of the foregoing subsections (1) or (2) are impossible or refused, then posted in a conspicuous place on or about the building, dwelling or premises.

C. Correction. An owner receiving a Notice of Violations shall have 30 days in which to complete the necessary remedial actions and also request a reinspection from the City. Failure to satisfactorily complete the remedial actions, or failure to make a timely request for reinspection, shall result in the City's issuance of a municipal citation for violations of this Code. At the discretion of the City, an extension of time, in writing only, may be granted for the completion of remedial actions. The issuance of multiple citations in relation to the same premises may result in the denial of occupancy by persons or removal of occupying persons until all violations have been remedied. D. Transfer of Ownership Prohibited. It shall be unlawful for the owner of any building or dwelling unit who has been served a Notice to sell, transfer, mortgage, lease, or otherwise dispose of the building or dwelling unit, or its ownership interest therein, until they have either:

1. Effected compliance with the provisions of this Code; or
2. Furnished the grantee, transferee, mortgagee, or lessee a true copy of the Notice, and has given the City Clerk a signed and notarized Affidavit from said grantee, transferee, mortgagee, or lessee that acknowledges receipt of such Notice and unconditionally accepts responsibility for making the required repairs.

D. Renting Prohibited. It is unlawful for any person to occupy, rent, or hold out to another for occupancy, any building or dwelling unit for the purpose of living therein, where such dwelling unit does not comply with the steps required by the Notice.

8.02.090 Compliance with Zoning Code

No Health and Safety Permit shall be issued under the provisions of this Code for premises which have been newly constructed, newly altered, or on which a change in uses is proposed unless a Certificate of Use and Occupancy has first been issued under the provisions of the City's Zoning Code.

8.02.100 Inspections Authorized; Right of Entry

A. In accordance with the City's effective International Property Maintenance Code, and subject to constitutional restrictions on unreasonable searches and seizures, the City may examine and survey all buildings and dwelling units, and their premises, for the purpose of determining whether or not there is compliance with this Code. Except that when an inspection is at the request or complaint of a tenant, then the inspection shall be limited to that tenant's dwelling or dwelling unit, and to that of the common areas of the premises.

B. The owner or the owner's authorized agent and the occupant, if occupied on the date of inspection, of every building or dwelling unit, shall give the City access to such building and its premises, or dwelling unit, at all reasonable times, for the purposes as stated in this Code, at all reasonable times upon presentation of proper identification and a written inventory of the specific areas and facilities to be inspected, examined and surveyed on a form prepared by the City. If any owner or the owner's authorized agent, or the occupant, if occupied as of the date of the inspection, refuses to permit free access or entry into such building or any part thereof with respect to which an inspection authorized by this Code is sought to be made, the City may petition and obtain a warrant to inspect or an order from a court of competent jurisdiction directing compliance with the inspection requirement of this Code.

C. Regular inspections and regular re-inspections shall be scheduled for normal work days and times of the City, unless appointments for non business hours are otherwise agreed to by the City. It shall be the responsibility of the owner or the owner's agent or tenant to provide access to the building(s) within 7 business days from the date of a request by the City to gain entry and free access.

D. Every occupant of a building or dwelling unit shall give the owner thereof, or his agent, contractor, or employee, free access to any part of such building or dwelling unit, or their premises, at all reasonable times for the purpose of making such inspection, repair, maintenance, or alterations as are necessary to effect compliance with this Code or with any lawful rule or regulation adopted or order issued pursuant to this Code.

E. For residential buildings and dwelling units, inspections made pursuant to an Application for Health and Safety Permit may be done by a private home inspector with the following conditions:

1. The entire completed and signed report of the private inspector is no more than 30 days past and is submitted with the application.
2. The City's inspection checklist is completed and executed by the private inspector and submitted with the application.
3. The private inspector is certified by the International Code Council for property maintenance and housing inspections for the City's applicable property maintenance code under this Chapter, and submits proof of such certification with the application.
4. The valid use of a private inspection in this subsection does not serve to waive any other requirements provided for in this Chapter.

8.02.110 Reserved

8.02.120 Revocation of Permit

A. The City may deny occupancy, or refuse to issue or revoke a previously issued Health and Safety Permit, only under one or more of the following conditions:

1. The submission of false statements or misrepresentation of facts in the application on which a Permit was issued.
2. A violation that amounts to imminent danger that has not been removed within the time frames mandated by the City.
3. A reinspection performed pursuant to this Code which reveals a violation that that amounts to imminent danger.

8.02.130 Registration of Commercial and Residential Buildings for Rent

All owners or operators of commercial and residential buildings that are rented, or are available for rent, and that consist of three or more units, shall be required to register each unit of such building within 90 days of the effective date of this Code. After the effective date of this Chapter, it shall be unlawful for any person to rent a commercial or residential building or unit unless they have complied with the provisions of this Code.

8.02.140 Administrative Adjudication of Certain Ordinance Violations

If an owner of a building or dwelling unit, or the person or persons responsible therefore, fails to respond to any notice of a violation of any provision of this Code or any rule or regulation adopted pursuant thereto by proceeding with the abatement of such violation, then and in such

event, the City may seek enforcement by any remedies available to it and without the exclusion of any other available remedies.

8.02.150 Condemnation of Buildings

The designation of a building as dangerous or unfit for human habitation and the procedure for the demolition and placarding of such unfit buildings shall be in accordance with the provisions of Divisions 30 and 31.1 of the Illinois Municipal Code (65 ILCS 5/11-30-1 et seq. and 65 ILCS 5/11/31.1-1 et seq.), as applicable, or any other remedy provided by law.

8.02.160 Additional Remedies Preserved

A. All additional remedies granted to the City by the state statutes are hereby preserved and unimpaired by enactment of this Code and the following state statutes are hereby expressly incorporated by reference into and made a part of this Code:

1. Section 11-13-15 of the Illinois Municipal Code, (65 ILCS 5/11-13-15), as amended, concerning proceedings to prevent violation.
2. Section 11-13-17 of the Illinois Municipal Code (65 ILCS 5/11-13-17), as amended, concerning substandard structures- eminent domain.
3. Section 11-31-2 of the Illinois Municipal Code (65 ILCS 5/11-31-2), as amended, concerning injunction-receivership lien.
4. Section 11-31.1-1 through 11-31.1-12.1 of the Illinois Municipal Code (65 ILCS 5/11-31.1), as amended, concerning hearing officer procedures and civil liability for excess number of rentals.
5. Section 221a and 222b of An Act to Revise the Law in Relation to Criminal Jurisprudence, (740 ILCS 55/221a, 55/221b), as amended, concerning dumping of garbage.

8.02.170 Duties of Public Utilities

Every person that supplies or provides Utility Services as defined in this Code shall not commence such service or initiate providing such service to any building, dwelling unit, person, or party, unless the person or party intending to occupy the same, has presented to the Utility Services supplier or provider a Health and Safety Permit for that location wherein the signature of the appropriate City official is affixed thereto with its seal imprinted thereon. This Section shall not apply to any occupancy wherein the occupant is seeking restoration of utility service subsequent to a discontinuance or disconnection of same due to maintenance, repairs or nonpayment of the Utility Service, or where the occupant is seeking additional services at the same building or dwelling unit.

B. All applications shall be due and CFHM Certificate fees payable on the date the residential rental property begins to operate and thereafter by the year beginning the next Certificate term for that property.

C. All persons applying for a CFH Certificate to operate a residential rental property shall submit proof that they have successfully completed a mandatory Crime Free Housing Seminar, administered by the Collinsville Police Department, prior to issuance of the Certificate. The seminar may be attended after submittal of the application and the CFH Certificate may be issued after successful completion, as provided for in this Code.

D. All persons applying for a CFH Certificate to operate a residential rental property within the City shall submit an affidavit stating that for all leases commencing after the effective date of this Chapter, they will utilize a Crime Free Lease Addendum or have a clause in all leases substantially the same as a Crime Free Lease Addendum, as further related in this Code.

8.02.240 Certificate Transfer

Each CFH Certificate shall be issued only for the premises and the persons named in the application and shall not be transferable or assignable in any manner.

8.02.250 Certificate Issuance

A. After a determination of approval by the City has been made, a CFH Certificate should be issued to the applicant and the Certificate shall be posted in a conspicuous place in the premises for which it applies.

B. After a determination that a Certificate or renewal shall not be issued under this Chapter, the applicant shall be notified in writing setting forth specifically the grounds for denial.

8.02.260 Certificate Revocation or Suspension.

A. In addition to any other penalty provided herein, upon a determination that there exists probable cause, the City shall revoke the CFH Certificate of any holder for repeated violations of the provisions of this Code. Such volatile acts or omissions include, but are not limited to the following:

1. Intentional misstatement or falsification of any material information provided on the CFH Certificate application.
2. Operation of residential rental property which does not comply with the provisions of this Code or the other ordinances of the City.

3. Knowingly conducting, maintaining, or allowing to exist conditions or activities upon the premises which are unlawful or which constitute or may constitute a public nuisance, a breach of the peace, or which are a menace to the health, safety or general welfare of the public.

8.02.270 Crime Free Lease Addendum

A. Any owner or property agent entering into leases regarding residential rental property upon or after the effective date of this Chapter shall utilize a Crime Free Lease Addendum or have a clause in the lease substantially the same as a Crime Free Lease Addendum. Samples of Crime Free Lease Addendums shall be available at no cost from the City. The Crime Free Lease Addendums shall make criminal activity a lease violation and shall specify that criminal activity shall include, but is not limited to violent criminal activity or drug related criminal activity engaged in by, facilitated by, or permitted by the tenant, a member of the household, guest or other party under the control of the tenant.

B. Failure to include a Crime Free Lease Addendum or similar approved language may result in suspension or revocation of the CFH Certificate to rent property within the City.

8.02.280 Crime Free Housing Seminar

A. As scheduled from time to time by the City, any owner of residential rental property or residential property within the City, or their property agent, shall attend and complete a City of Collinsville Crime Free Housing Program Seminar prior to being issued a new or renewed CFH Certificate pursuant to this Code.

B. In the event a Crime Free Housing Program Seminar is not available prior to obtaining a CFH Certificate, a Temporary Certificate may be issued subject to the owner or property agent attending the Program Seminar within three months of issuance of the Temporary Certificate. In the event the seminar is not attended within three months, the Temporary Certificate shall be void without any need of further action. After the seminar is attended, a Certificate shall be issued for the balance of the term.

C. A property agent shall be considered an agent of the owner. If a new property agent is hired, the new agent shall have three months after hiring to attend the City of Collinsville Crime Free Housing Program Seminar.

D. An owner, agent or designee shall attend the City of Collinsville Crime Free Housing Program Seminar every three years.

8.02.290 Nuisance

It is hereby declared a nuisance and against the health, peace and comfort of the City for any property owner, property agent or manager to allow or permit the following:

Rental of a dwelling unit within a residential rental property, or rental of a residential rental property 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, any violation of the Illinois Controlled Substances Act, any violation of the Cannabis Control Act or commission of any two (2) or more of any other crimes under the laws of the State of Illinois or United States not specifically listed above; or the commission of

8.02.300 Forms, rules and regulations

The City Manager is authorized to adopt such forms and policies as may be necessary for the proper enforcement of this Code, provided that such forms and policies shall not be in conflict with this Code.

8.02.310 Appeals

Any person affected by a decision of the City or a notice or order issued under this Code shall have the right of appeal to the City's Building Board of Appeals..

8.02.320 Penalties for Violation

Any person who shall violate any of the provisions of this Code or shall fail to comply with any lawful order issued pursuant to any section of this Code, upon conviction therefore, shall be punished in accordance with the general penalty for violations of ordinances of the City. Each day that such violation or failure to comply continues after issuance of notice by the City shall constitute a separate offense."

Section 2. In the event any section, part of provision of this Ordinance or Chapter shall be held unconstitutional or invalid by any Court, such holding shall not affect the validity of this Ordinance or any remaining part of this Ordinance, other than the part held unconstitutional or invalid.

Section 3. All ordinances, or parts thereof, which are inconsistent with the provisions of this Ordinance, are hereby repealed to the extent of their inconsistencies.

Section 4. This Ordinance shall be effective on and as of January 1, 2011 after its passage by the City Council and approval by the Mayor. Publication shall be according to law.

Passed and approved this ____ day of _____, 2010.

Ayes: _____

Nays: _____

Absent: _____

Approved: _____

APPROVED: _____
JOHN MILLER, MAYOR

ATTEST: _____
CHERYL BROMBOLICH, CITY CLERK

RECORDED: _____, 2010.

ORDINANCE NO. _____

AN ORDINANCE PROVIDING A CODE FOR A HEALTH AND SAFETY INSPECTION PROGRAM AND CRIME FREE HOUSING PROGRAM IN THE CITY OF COLLINSVILLE, ILLINOIS

