

CITY OF SPRING VALLEY

ORDINANCE NO. 1643

THE SPRING VALLEY , ILLINOIS RESIDENTIAL RENTAL PROPERTY
NUISANCE PREVENTION ORDINANCE

ADOPTED BY THE CITY COUNCIL OF
THE CITY OF SPRING VALLEY
THIS 10th DAY OF October, 2016

Published in pamphlet form by authority of the City Council of the City of Spring Valley ,
Bureau County, Illinois, this 10th day of October, 2016.

STATE OF ILLINOIS)
) SS.
COUNTY OF BUREAU)

I, Rebecca Hansen, City Clerk of the City of Spring Valley , Bureau County, Illinois.

I further certify that on the 10th day of October, 2016, the corporate
authorities of the above municipality passed and approved Ordinance No.
1643, entitled "The Spring Valley , Illinois Residential Rental Property Nuisance
Prevention Ordinance", which provided by its terms that it should be published in
pamphlet form.

The pamphlet form of Ordinance No. 1643, including the
ordinance and cover sheet thereof , was prepared and a copy of such ordinance was
posted in the municipal building, commencing on the 10th day of October, 2016, and
continuing for at least ten days thereafter . Copies of the ordinance were also available
for public inspection upon request in the office of the municipal clerk.

Dated in Spring Valley , Illinois, this 10th day of October, 2016.

Rebecca Hansen
Rebecca Hansen, City Clerk

(SEAL)

ORDINANCE NO. 1643

THE SPRING VALLEY , ILLINOIS RESIDENTIAL RENTAL PROPERTY
NUISANCE PREVENTION ORDINANCE

WHEREAS , the corporate authorities of the City of Spring Valley have determined that certain residential rental property in the City of Spring Valley may be in such a condition or state of disrepair so as to constitute a public nuisance; and

WHEREAS , the corporate authorities of the City of Spring Valley find that certain residential rental properties in the City of Spring Valley may have significant building code violations which result in both a public nuisance and the possibility of harm to the public health, safety and welfare; and

WHEREAS , the corporate authorities of the City of Spring Valley find that residential rental properties within the corporate limits of the City of Spring Valley account for a disproportionate share of the violations of the building codes adopted by the City of Spring Valley and, in certain cases, have deteriorated to the point where these structures constitute either a public nuisance, or other problems affecting public health, safety and welfare and impose disproportionate municipal costs to the community ; and

WHEREAS , the City of Spring Valley finds that a wide variety of different nuisance conditions , including physical conditions of certain residential rental properties, harm public health and safety and welfare; and

WHEREAS , the City of Spring Valley finds that the conditions described in Exhibit A attached to this ordinance set forth examples of property conditions which , if left unabated and allowed to deteriorate , can or will inevitably lead to public nuisances;

and

WHEREAS , the corporate authorities of the City of Spring Valley believe that an ongoing regulatory inspection regime (as distinct from complaint driven enforcement) will likely reduce the number and reoccurrence of public nuisance conditions within the corporate limits of the City of Spring Valley; and

WHEREAS, while the City of Spring Valley recognizes that most residential landlords are responsible property owners, the corporate authorities of the City of Spring Valley have tried to develop a targeted approach to residential rental property inspections in an effort to address and avoid conditions which if unabated and not repaired could result in the real estate becoming a public nuisance; and

WHEREAS , the police power as well as the power to provide for the public health, safety and welfare of the residents of the City of Spring Valley is adversely impacted when residential rental properties are allowed to deteriorate to the point where they become a public nuisance; and

WHEREAS , the corporate authorities of the City of Spring Valley have determined that certain serious violations of the building, electrical and plumbing codes adopted by the City of Spring Valley , if unrepaired or unabated , can cause properties to deteriorate to the point where they become public nuisances and this ordinance is designed to provide for the inspection of residential real estate and the repair of any building code violations found during the course of an inspection before the property deteriorates to the point where the property becomes a public nuisance; and

WHEREAS, Section 11-60-2 of the Illinois Municipal Code (65 ILCS 5/11-60-2) authorizes the corporate authorities of the City of Spring Valley to define, prevent and

abate nuisances.

NOW, THEREFORE , BE IT ORDAINED BY THE CITY COUNCIL OF THE
THE CITY OF SPRING VALLEY , BUREAU COUNTY, ILLINOIS, AS FOLLOWS:

1. The findings contained in the preamble to this ordinance incorporated by
reference and restated herein as if set out in full verbatim .

2. This ordinance is adopted to prevent the deterioration of property and to
require the owner of rental real estate to correct any building code violations on the
property which, if not repaired or abated, could result in the property deteriorating to the
point where the property becomes a public nuisance . Attached to this ordinance and
incorporated by reference as if set out in full herein are examples of safety conditions
which , if not corrected or repaired can develop into public nuisances. Exhibit A is an
example of conditions which , if not repaired or abated can result in property
deteriorating to the point where the property becomes a public nuisance, but Exhibit A
is intended to be an example , but not an exhaustive list, of possible conditions leading to
public nuisances. The Building Inspector or designee.

3. Definitions.

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

CODE OFFICIAL. The Building Inspector or designee.

DWELLING. A building, or a portion thereof , used exclusively for human
habitation.

DWELLING UNIT. One or more rooms containing individualized cooking,
sleeping and sanitary facilities which is designed , occupied or intended for use
by 1 household.

HOTEL. A building in which lodging with accompanying bathrooms is provided and offered to temporary guests for compensation and in which ingress and egress to all rooms is provided through an interior lobby or office supervised by a person in charge at all hours. Maid service, linen laundering, telephone and secretarial or desk service are also provided for lodgers in contradistinction to a motel or a rooming house which are separately defined within this ordinance .

LANDLORD . Any person, firm, partnership, corporation or other legal entity operating , maintaining or offering to rent within the City of Spring Valley a rental residential property whether vacant or occupied .

MOTEL. A building or group of buildings in which lodging rooms with accompany ing bathrooms are provided and offered primarily for temporary guests for compensation in contradistinction to a hotel or a rooming house which are separately defined within this ordinance . A motel also furnishes services such as maid service and linen laundering and provides secretarial and desk service .

MULTIPLE-FAMILY RENTAL RESIDENTIAL PROPERTY. A rental residential property with 2 or more dwelling units.

PROPERTY AGENT . A person, operator , firm , partnership, corporation, or other legal entity designated in writing by the property owner to the Code Official to manage a rental residential property including the authority to receive notices or citations .

RENTAL RESIDENTIAL PROPERTY. Dwellings , dwelling units, rooming houses and rooming units let or intended to be let for rent or lease.

ROOMING HOUSE. A building containing rooming units in which meals may or may not be served in contradistinction to a hotel or motel which are separately defined within this ordinance .

ROOMING UNIT. A room rented or leased as sleeping and living quarters , but without cooking facilities and with or without an individual bathroom. In a suite of rooms without cooking facilities , each room which provides sleeping facilities shall be counted as 1 rooming unit for the purpose of this ordinance .

SINGLE-FAMILY RENTAL RESIDENTIAL PROPERTY. Rental residential property with 1 dwelling unit.

TENANT. Shall mean any adult lessee and/or adult occupant who is a resident of rental residential property other than a lessee who occupies the rental resident property pursuant to the lease of the lessee with the owner.

4. Inspection Rights and Penalties: No affect on Leases.

(A) The remedies provided by this Ordinance are also in addition to remedies provided and available to the City of Spring Valley and law enforcement agencies in reference to alleged violations of other Ordinances and/or alleged violations of criminal laws of the State of Illinois and/or the United States of America . This chapter shall not be construed as to restrict the right of this City to inspect any property nor to seek penalties for violations of other provisions of the other City ordinances, State and/or Federal law and/or State and/or Federal regulations .

(B) That in addition to the provisions regarding fees charged in regard to applications as provided within Section 5 (6) of this ordinance , there shall henceforth be the following additional fees and charges.

1. That in regard to fees in connection with inspections required and/or allowed by this Ordinance , the following additional charges shall be applicable:

- (a) Initial inspection and/or initial change of tenancy inspection as provided for in this ordinance -No Fee
- (b) First follow-up inspection in regard to initial required inspection and/or change of occupancy inspection in respect to compliance with the recommendations requirements of the initial inspection/change of tenancy inspection -No Fee
- (c) Second follow-up inspection in regard to compliance regarding the recommendations and requirements of the initial inspection and/or change of tenancy inspection -\$25.00
- (d) Third follow-up inspection in regard to compliance regarding the above referenced requirements and/or recommendations of the initial inspection and/or change of tenancy inspection -\$50.00
- (e) That there shall be an additional charge assessed and due from the owner in regard to any scheduled inspection missed by the owner -\$50.00

That additionally, it is provided that the above graduated fee for inspection Schedule and related charges shall be reinitiated upon each change of tenancy/occupancy provided that the landlord has previously complied with

any required remediation in accord with earlier inspections, i.e. in the event that there should be a change of occupancy following an initial inspection concerning which there had been compliance with the requirements of this Ordinance as approved by the building inspector, then the new change of tenancy/occupancy shall have no fee charged for the initial inspection on said change of occupancy.

(C) This ordinance is not intended to and does not affect the rights and obligations of the parties to a lease, oral or written, for rental residential property.

5. License Required.

(A) It is unlawful for any person, firm, partnership, corporation or other legal entity to operate, maintain or offer to rent within the city a rental residential property whether vacant or not without first obtaining a license as provided in this ordinance.

(B) It is unlawful for a person to occupy a rental residential property, or for any owner or property agent to allow anyone to occupy a rental residential property which is not licensed as provided in this chapter.

(C) It is unlawful for any person, firm, partnership, corporation or other legal entity to offer for rent or to occupy any vacant dwelling unit or rooming unit or any dwelling unit or rooming unit that becomes vacant in a rental residential property for which a license is under suspension.

(D) This ordinance shall not apply to the following structures:

- (1) Single-family owner-occupied dwellings.
- (2) Single-family dwellings occupied by a member of the owner's family. Said family is limited to the following relatives of the owner: Parents, children, mother-in-law, father-in-law, brothers, sisters, brother-in-law, sister-in-law, wife, and/or husband.
- (3) Single-family dwellings which are vacant but which are not intended to be let for rent.
- (4) Townhouse and condominium owner-occupied dwellings.
- (5) Hotels, motels and bed and breakfast inns.

- (6) Dwellings, buildings, structures and uses licensed and inspected by the state or the federal government, including, but not limited to, nursing homes, retirement centers, rest homes, etc.
 - (7) Dwellings, buildings, structures and uses owned by other governmental agencies and public housing authorities.
 - (8) Multiple-family rental residential property in which each dwelling unit is occupied by a record owner of the property.
- (E) A license for a rental residential property cannot be transferred to another rental residential property nor a succeeding owner.

6. License Application.

Each applicant for a license or renewal license to maintain a rental residential property, for the purpose of renting it to others or for the purpose of allowing others to occupy it as a dwelling unit or a rooming unit shall file a written application with the Code Official stating:

- (1) The full legal name, address, and home and work telephone numbers of each and every owner of the rental residential property.
- (2) The address of the rental residential property.
- (3) The number of dwelling units or rooming units within the rental residential property.
- (4) In the case of a rental residential property owner who does not reside within the a twenty-five mile radius of Spring Valley City Hall (215 North Greenwood Street, Spring Valley, IL), the name, address and phone number of his or her agent with authority for receipt of service or notice of a violation of the provisions of this chapter and/or for receipt of service or notice related to compliance and/or enforcement of this chapter and/or the building or zoning ordinances of the City of Spring Valley.
- (5) Whenever there is a change in the ownership of a rental residential property or the owner's property agent, the owners shall, within 30 days of such changes, file an updated written notice with the Code Official indicating such changes.
- (6) Approval must be obtained from the Code Official prior to any change being made in the number of dwelling units or rooming units within a licensed rental residential property. Application for such change shall

be made on a form provided by the Code Official. The Code Official will review the proposed change and respond to the property owner within 30 days of the filing of the application. Any and all changes must meet all zoning and building code requirements of the City of Spring Valley.

(7) The full legal name of the adult tenant and/or adult tenants of the rental residential property. Additionally, the owner shall provide written notice to the city of any change in the tenant and/or pursuant to the definition of tenant as provided herein, adult occupant of the rental residential property.

(B) Each application for a new license or a renewal of an existing license shall be accompanied by a fee of \$25.00 for single family dwelling residential rental property, \$25.00 for multiple family dwelling residential rental property and \$25.00 for rooming house residential rental property. In addition thereto, a dwelling unit and a rooming unit fee of \$10.00 will be assessed for each dwelling unit and rooming units in excess of one. The fee shall be required to be paid with the application in regard to any new license application. Any newly issued license shall be valid unless suspended and/or revoked as provided herein from the date of issuance up to and including the next prospective September 30th. All residential rental licenses shall expire on September 30th of each year. The charge regarding any renewal shall be as aforesaid in the amount of \$20.00. Additionally, in the event that any fee due in regard to a renewal of an existing license shall not be paid by September 30th of any given year, then in that event, there shall be an additional late charged assessed in the amount of an additional \$10.00 regarding the renewal. All fees and charges required by this Ordinance shall be due and payable at the office of the Spring Valley City Clerk and Billing Department.

7. Inspection Requirements.

(A) All rental residential property shall be subject to an inspection as a condition to the issuance of the license prior to the occupancy by a tenant and prior to the issuance of the initial license and/or after any change in tenancy, which per the definition of tenant in this Ordinance includes a change of adult occupancy. However, no change in tenancy inspection shall be required in the event that the residential rental premises involved in the change of tenancy have passed inspection satisfactory to the Building Inspector within ninety (90) days preceding the change in adult tenancy. Additional inspections shall be allowed to

the City upon a request of a tenant or owner, or upon the city determining that probable cause exists for a violation of the provisions of this Ordinance and /or any other city code for the purpose of determining whether the residential rental property is in compliance with all Spring Valley building codes, and further in compliance with the City's Zoning Ordinance, and all other applicable provisions of the City Code of the City of Spring Valley . Any such inspection shall also within the discretion of the Building Inspector include a physical inspection of the residential property including the building exterior, common areas, basement, and all individual units of the rental residential property.

- (B) That notwithstanding the provision within (A) above, in the event that the owner shall have provided written notice to the City of Spring Valley of a request for initial inspection and/or request for inspection based upon change of tenancy/occupancy as provided herein by either certified mail, return receipt requested, addressed to the City of Spring Valley Building Inspector c/o 504 West St. Paul Street, Spring Valley, IL 61362 or to the email address of the City of Bureau Building Inspector c/o the Spring Valley City Clerk, 215 North Greenwood Street, Spring Valley, Illinois, 61362 and in the further event that following receipt of said notice by the City shall not within five (5) days perform the inspection then in that event the premises may be leased and occupied by tenants without the issuance of the license, with the City however retaining the right to reasonably inspect the premises regarding said initial issuance and/or change of occupancy within ninety (90) days of said written notice.
- (C) Compliance time frame will be set by the Code Official. In establishing a compliance time frame, the Code Official shall determine the reasonable minimal time necessary to correct the violations based upon the number and severity of the violations. In the event that the property is unoccupied at the time that an inspection of a rental residential property reveals any violations of applicable ordinances, the Building Inspector shall have the discretion to require, depending upon a circumstance as deemed appropriate within the appropriate exercise of discretion by the Building Inspector that corrections in regard to the full remediation and compliance be made prior to the residential rental property being allowed to be reoccupied. The Code Official shall send notice to the property owner or the listed property agent by regular U.S. mail at the last address provided on the most recent license application. The notice shall include the following:

- (1) Description of the property sufficient for identification;
- (2) A statement listing the violations of applicable ordinances;
- (3) A statement of the date upon which the licensing re-inspection will occur; and
- (4) An explanation that if upon completion of the licensing re-inspection that the requirements of applicable city ordinances have not been met, a written denial of the license application revoking the temporary certificate will be issued.

- (D) A licensing re-inspection will be conducted as provided above in the event of change of tenancy, which per the definition of this Ordinance shall include change in adult occupancy. The license shall remain in effect upon the successful completion of a licensing re-inspection that determines the rental residential property meets the requirements of applicable city ordinances. If the Code Official finds that the requirements of applicable city ordinances have not been met, or that any information provided in the license application is false, the license shall be suspended or revoked in accordance with the provisions of this ordinance.

Applications for license renewals shall be made in the same manner as for new applications except that such applications shall state thereon such fact.

8. Enforcement.

It shall be the duty of the Department of the Building Inspector to enforce the provisions of this chapter as authorized by the City of Spring Valley and the building, electrical and plumbing codes as adopted and amended by the city. The Code Official referred to in this chapter shall be the Building Inspector of the City of Spring Valley and/or any other representative of the city that may be specifically designated by the City Council to be the Code Official for purposes of this chapter unless and until such time as the City Council appoints a different representative, the Building Inspector shall be the Code Official. Additionally, the appeals board referred to herein shall be the body of officials of the Zoning Board of Appeals of the city. Any final decision of the Zoning Board of Appeals may be pursued through the Circuit Court of Bureau County pursuant to the law and provisions made in respect to appeals of administrative decisions in administrative review.

9. Violations.

The following shall constitute violations of this ordinance:

- (A) Failure of the owner or owners of the rental residential property to license such property with the Code Official;
- (B) Failure of the occupants of the rental residential property to vacate such property within 60 days after receiving notice from the Code Official that such property is not properly licensed or that the license or temporary certificate has been revoked ;
- (C) Failure of the owner of the rental residential property to vacate all tenants from said property within 60 days after the license or temporary certificate has been revoked;
- (D) Failure of the owners of the rental residential property to maintain the structure and premises in compliance with applicable building, property maintenance and zoning ordinances;
- (E) Any person other than an inspector from the department who removes or defaces any notices which have been posted pursuant to this chapter without the approval of the Code Official shall be liable for the penalties provided for by this ordinance;
- (F) Failure of the owner of the rental residential property to comply with any other applicable provision of this chapter or other city ordinances.

10. License: Suspension and Revocation.

- (A) A license may be suspended when violations of applicable city ordinances have been identified by the department and the property owner has been properly notified of the violations and given a reasonable period of time in which to correct violations, but has failed to do so. A license may also be suspended when any information provided in the license application is determined by the Code Official to be false.
- (B) When an inspection of a licensed rental residential property reveals any violations of applicable ordinances, a compliance time frame will be set by the Code Official using the standard as set forth in Section 5(C) of this ordinance. The Code Official shall send notice to the property owner or the listed property agent by regular U.S. mail at the last address provided on the most recent license application. Said notice shall include the following:
 - (1) Description of the rental residential property sufficient for identification;
 - (2) A statement listing the violations of applicable ordinances;
 - (3) A statement on the date upon which re-inspection will

occur; and

- (4) An explanation that if upon completion of the re-inspection that the requirements of applicable city ordinances have not been met, that the license for rental residential property will be suspended.
- (C) A re-inspection will be conducted at the end of the compliance time frame. If the Code Official finds that the requirements of applicable city ordinances have not been met upon the completion of such reinspection, the license for the rental residential property shall be suspended.
- (D) When a license is suspended, the Code Official shall send notice to the property owner or the listed property agent at the last address provided on the most recent license application. Said notice shall be sent by certified mail, return receipt requested, or personally served upon the property owner or the property agent listed on the most recent license application. The notice shall include the following:
- (1) Description of the property sufficient for identification;
 - (2) A statement of the reasons for the suspension;
 - (3) An explanation of the property owner's right to appeal the suspension;
 - (4) If the property owner changes his or her address or changes property agents and fails to notify the department, such notice shall be sufficient if sent by certified mail to the owner or his or her property agent's last address provided on the last license application.
- (E) A property owner whose license has been suspended may request a re-inspection prior to revocation. If, upon re-inspection, the department finds that the licensed rental residential property in connection with which the notice was issued is now in compliance with this chapter, the Code Official may reinstate the license. The request for a re-inspection shall not stay the revocation of the license unless the Code Official grants such request pursuant to a showing of good cause by the property owner.
- (F) Any person whose license has been suspended shall be entitled to appeal the suspension by filing a petition with the Spring Valley City Clerk who shall refer the appeal to the Spring Valley Zoning Board of Appeals for consideration of such petition and recommendation by the Spring Valley City Council to either affirm or reverse the suspension or revocation. Such an appeal shall operate as a stay of

the suspension or revocation until such time as the Spring Valley Zoning Board of Appeals and the Spring Valley City Council render a decision on the appeal. A hearing shall be scheduled in accordance with the provisions of this code and the rules and regulations of the Spring Valley Zoning Board of Appeals. The Spring Valley Zoning Board of Appeals considering any such petition may recommend to the Spring Valley City Council immediate revocation of the license, continuance of the suspension to a definite compliance date with revocation being the penalty for noncompliance, or dismissal of the charges and reinstatement of the license. The Spring Valley Zoning Board of Appeals shall make its recommendations in accordance with the provisions of this ordinance and its rules and regulations and its recommendations shall be promptly forwarded to the Spring Valley City Council for final action to either accept or reject the recommendation of the Spring Valley Zoning Board of Appeals by the Spring Valley City Council.

- (G) A license may be revoked when a petition for appeal has not been filed within 20 days following the date of issuance of an order of suspension, or, if the suspension is sustained after appeal. A license may also be revoked when in the opinion of the Code Official emergency conditions exist in a rental residential property that require the immediate vacating of a structure due to the condition in the structure which threatens imminent harm to occupants of the structure.
- (H) A license which has been properly revoked as herein provided shall not be reinstated. The property owner may, however, obtain a new license after all violations have been corrected and by following the procedures for obtaining a new license as set forth in this chapter, including the payment of all applicable fees.
- (I) If a license is revoked without having the opportunity of a suspension hearing, the property owner has the right to appeal that revocation. Said appeal shall conform to division (E) of this section. Such an appeal shall operate as a stay of the revocation until such time as the appeals board renders a decision on the appeal.
- (J) Notification - Revocation of License
 - (1) Whenever a license is revoked, the Code Official shall send notice to

the property owner or the listed property agent at the last address provided on the most recent license application. The notice shall be sent by certified mail, return receipt requested. The Code Official shall also notify all tenants and occupants of the rental residential property by posting a notice on all entrances to the rental residential structure. The notice to the tenants and occupants shall include the following:

- (a) "You are hereby notified that the license for this structure has been revoked pursuant to the Spring Valley, Illinois Residential Rental Licensing ordinance.
- (b) You must vacate this structure within sixty (60) days of the date of this notice.
- (c) If you fail to vacate this structure, you will be in violation of the Spring Valley, Illinois Residential Rental Licensing Ordinance of the City of Spring Valley and subject to penalties of fines with a minimum of \$50.00 and a maximum of \$500.00 for each day you are in violation."

- (2) Any tenant of the rental residential property may appeal the revocation of the license. Said appeal shall conform with division (F) of this section. Such an appeal shall operate as a stay of the revocation until such time as the appeals board renders a decision on the appeal.

(K) Notification - Failure to License

- (1) Whenever an owner or property agent of a rental residential property fails to license said property with the department, the Code Official shall notify all tenants and occupants of the rental residential property by posting a notice on all entrances to the rental residential property indicating the following:

- (a) "You are hereby notified that the owner or agent of this structure has failed to license this rental residential property with the department in violation of the Spring Valley Illinois Residential Rental Licensing Ordinance.
- (b) You must vacate this structure within sixty (60) days of this notice.

(c) If you fail to vacate this structure, you will be in violation of the Spring Valley, Illinois Residential Licensing Ordinance adopted by the City of Spring Valley and subject to penalties and fines with a minimum of \$50 and a maximum of \$500 for each day you are in violation."

(2) Any tenant of the rental residential property may appeal the Code Official's order to vacate the structure because the owner has failed to license said property with the department. Said appeal shall conform with division (F) of this section. Such an appeal shall operate as a stay of the order to vacate the structure until such time as the appeals board renders a decision on the appeal.

11. Owner Responsibility.

(A) The owner of a rental residential property shall maintain a record for each property with the full legal names of every tenant or occupant residing in each dwelling unit or rooming unit.

(B) The owner or property agent of a rental residential property shall provide each tenant or occupant with the name and telephone number of a responsible person who, in emergency situations, will be available on a 24-hour basis and who has the authority to make repairs as needed. The owner shall also cause said information to be posted and maintained within the main entryway of every rental residential structure.

(C) The owner of a rental residential property shall make available to the City Official, upon request, the tenant and occupant records required to be maintained under this section.

11. Inspection Access.

If any owner, property agent, tenant, occupant or other person in control of a rental residential property or a dwelling unit or a rooming unit contained therein fails or refuses to consent to free access and entry to the property or dwelling unit or rooming unit under his or her control for any inspection pursuant to this chapter, the Code Official or his or her designee may apply to the circuit court for a search warrant or other appropriate court order authorizing such inspections. However, except in an emergency situation, no application for such a search warrant shall be made without first making a reasonable effort to secure access and entry to the property or dwelling unit or rooming unit through the owner or the owner's property agent as identified by the power pursuant to Section 4(A)(1) or Section 4(A)(4).

12. Severability.

If any provisions, clause, sentence, paragraph, section or part of this ordinance or application thereof to any person or circumstance, shall for any reason be adjudged by a court of competent jurisdiction to be unconstitutional or invalid, said judgment shall not affect, impair or invalidate the remainder of this ordinance and the application of such provision to other persons or circumstances, but shall be confined in its operation to the provision, clause, sentence, paragraph, section or part thereof directly involved in the controversy in which such judgment shall have been rendered and to the person or circumstance involved. It is hereby declared to be the legislative intent of the city council that this ordinance would have been adopted had such unconstitutional or invalid provisions, clause, sentence, paragraph, section or part thereof had been included.

13. Section Penalty.

Any person, firm or corporation violating any provision of this ordinance, in addition to other legal and equitable remedies available to the City of Spring Valley , shall be fined as provided below.

- (A) Any person violating any of the provisions or failing to comply with any of these mandatory requirements of this chapter shall be guilty of an offense. Except in cases where a different penalty is prescribed by any ordinances of the City of Spring Valley , any person convicted of an offense under this chapter of the City of Spring Valley shall be punished by a fine of not less than \$50 nor more than a fine of \$750.
- (B) Each day during which a violation of this chapter continues or is permitted to exist shall be considered a separate and distinct offense.
- (C) In all cases where the same offense is made punishable or is created by different clauses or sections of this ordinance, the prosecuting officer may proceed to hearing under any and all such sections and clauses; but not more than a maximum fine of \$750 shall be had against the same person or entity for the same day of the same offense; provided that the revocation of a license or permit shall not be the same day of the same offense; provided that the revocation of a license or permit shall not be considered a recovery or penalty so as to bar any other penalty being enforced.
- (D) The levy and/or payment of any penalty or fine provided in this chapter shall not be deemed a waiver of the power of the City of Spring Valley to suspend, revoke or refuse to renew any license or permit for cause.

14. This ordinance will be in full force and effect sixty days after its adoption, approval and publication in pamphlet form as provided by law.

PRESENTED, PASSED AND ADOPTED at a regular meeting of the City Council of


the City of Spring Valley, Bureau County, Illinois, by an aye and nay roll call vote as follows:

DEBRA BALTIKAUSKI AYE; _____ NAY; _____ ABSENT; _____ PASS
LARRY KOEHLER AYE; _____ NAY; _____ ABSENT; _____ PASS
CHARLES HANSEN AYE; _____ NAY; _____ ABSENT; _____ PASS
MICHAEL HERRMANN AYE; _____ NAY; _____ ABSENT; _____ PASS
FREDERICK WEST AYE; _____ NAY; _____ ABSENT; _____ PASS
JEFF JANUSICK AYE; _____ NAY; _____ ABSENT; _____ PASS
KENNETH BOGACZ AYE; _____ NAY; _____ ABSENT; _____ PASS
DAVE PELLEGRINI AYE; _____ NAY; _____ ABSENT; _____ PASS

APPROVED:



Walt Marini, Mayor



Rebecca Hansen, City Clerk

EXAMPLES OF PUBLIC NUISANCE CONDITIONS

Exhibit A

TABLE 4: HEALTH AND SAFETY CONDITIONS APPROPRIATE FOR THE LICENSING INSPECTION

HEALTH AND SAFETY CONDITION	WHY THIS IS ESSENTIAL TO HEALTH AND SAFETY	WHY IT MAY BE A PUBLIC NUISANCE
<p>1. Fire safety</p> <ul style="list-style-type: none"> Smoke and CO detectors appropriately located and in good working order Two or more means of egress 	<p>Lack of detectors and/or inadequate egress increases risk of fires and the risk of bodily harm resulting from fires. In addition to posing a risk to tenants, both increase risks for adjacent properties and impose fire service and health costs on the public.</p>	<p>Increased risk of fire on a property increases risks for adjacent properties and imposes fire service and health costs on the public.</p>
<p>2. Other safety conditions</p> <ul style="list-style-type: none"> All doors to the exterior must close fully and have appropriate, well-functioning locking mechanisms All hand or guard rails must be firmly fastened and capable of supporting reasonable loads Sidewalks and walkways must be in reasonable repair 	<p>Improperly closing doors or malfunctioning locks can provide opportunities for burglary or trespassing with significant risk to tenants.</p> <p>Insecure or inadequate guard rails can result in injury to tenants or visitors, particularly senior citizens or individuals with physical disabilities.</p> <p>Holes, cracks and other deficiencies in sidewalks and walkways can lead to injury of tenants, visitors and passers-by.</p>	<p>Increased risk of injury affects tenants, visitors and neighbors and imposes health and emergency service costs on the public</p> <p>increased risk of injury affects tenants, visitors and neighbors and imposes health and emergency service costs on the public</p>
<p>3. Plumbing</p> <ul style="list-style-type: none"> Access to public water and sewer service; or, a well and/or septic system approved by the appropriate approval authority. Complete bathroom, including sink with hot and cold running water, toilet and shower and/or bathtub in working order with all fixtures properly installed and no visible water hazards present. 	<p>Inadequate water service can lead to tenant health problems, while inadequate sewer service can affect health for both tenants and residents of nearby properties because of the potential spread of disease.</p> <p>Lack of adequate, properly functioning and safe washing, bathing and toilet facilities can lead to significant health problems for tenants.</p>	<p>Inadequate water service can lead to resident health problems, while inadequate sewer service can affect health for both residents and nearby residents, in both cases imposing costs on the public.</p> <p>Tenant health problems can impose costs of treatment on the public.</p>
<p>4. Drainage</p> <ul style="list-style-type: none"> Properly operating drains in bathroom and kitchen 	<p>Improperly functioning drains can lead to significant health problems for tenants, as well as for nearby residents through potential spread of disease.</p>	<p>Increased risk of disease can affect neighbors as well as tenants and impose costs on public.</p>

<ul style="list-style-type: none"> • Proper drainage from apartment into sewer or septic system • Gutters and downspouts in good condition and draining properly 	<p>Improperly functioning drains can lead to significant health problems for tenants, as well as for nearby residents through potential spread of disease.</p> <p>Improperly functioning gutters and downspouts can lead to ponding, flooding and infestation, as well as lead to roof and wall problems creating health and safety problems for tenants and neighbors.</p>	<p>Increased risk of disease imposes costs on public.</p> <p>Increased risk of health and safety problems can affect neighbors as well as tenants and impose costs on public.</p>
<p>5. Working and property vented heating system</p>	<p>Lack of adequate heating facilities can lead to significant health and safety problems for tenants, including the use of alternative heating measures that lead to fire risk.</p>	<p>Can create health problems and increase fire risk both imposing costs on public.</p>
<p>6. Working and safe electrical system</p>	<p>Dangerous or inadequate electrical systems increase the risk of physical injury to residents and visitors and increase fire risk for the property and adjacent properties.</p>	<p>Can increase health problems and fire risk for residents and neighbors and impose costs on public.</p>
<p>7. Kitchen with operating stove, oven, refrigerator and sink</p>	<p>Lack of operating kitchen equipment can lead to use of undesirable and dangerous alternatives by tenants which increase risk of physical injury and risk of fire to property and adjacent properties.</p>	<p>Can increase health problems and fire risk for residents and neighbors and impose costs on public.</p>
<p>8. Roof free from leaks; if evidence of prior leaks is visible, documentation that repairs were made</p>	<p>Leaking roof can lead to significant health and safety problems for tenants.</p>	<p>Can lead to health problems for tenants imposing treatment costs on public, as well as increase risk of deterioration that may require corrective action at public cost</p>
<p>9. Absence of holes, breaks, rotting material or major cracks in walls or floors</p>	<p>Holes, breaks or major cracks in walls or floor can pose injury risks to tenants, particularly children, as well as indicate potential structural problems.</p>	<p>Can lead to health problems for tenants imposing treatment costs on public, as well as increase risk of deterioration that may require corrective action at public cost</p>
<p>10. Soundness of exterior structural elements, including balconies, stairs and decks</p>	<p>Unsafe balconies, decks, stairs and visible joists can pose severe injury risks to tenants and visitors.</p>	<p>Can lead to health problems for tenants imposing treatment costs on public, as well as increase risk of deterioration that may require corrective action at public cost</p>
<p>11. Absence of mold or mildew</p>	<p>Mold or mildew can lead to significant health and safety problems for tenants</p>	<p>Can contribute to health problems for residents imposing public cost for treatment</p>

12. Absence of rats, mice, termites or bedbugs	Rats and other vermin can lead to significant health and safety problems for tenants.	Can contribute to health problems for residents imposing public cost for treatment
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