

STATE OF ILLINOIS)
) SS
COUNTY OF DU PAGE)

I, Lynn Curiale, City Clerk of Wood Dale, Illinois DO HEREBY CERTIFY that as such City Clerk and keeper of the records, that the foregoing is a true and correct copy of Ordinance **#O-22-031 AN ORDINANCE AMENDING THE MUNICIPAL CODE OF THE CITY OF WOOD DALE AMENDING ARTICLE XVI RESIDENTIAL RENTAL PROPERTY REGULATIONS**

Passed by The City Of Wood Dale, Du Page County, Illinois, IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed the seal of the City of Wood Dale, this 17th day of November, 2022



Maura Montalvo - Deputy
Lynn Curiale, City Clerk clerk

Ordinance #O-22-031

**AN ORDINANCE AMENDING THE MUNICIPAL CODE OF THE CITY OF WOOD
DALE AMENDING ARTICLE XVI RESIDENTIAL RENTAL PROPERTY
REGULATIONS**

Passed: November 17, 2022
Published in Pamphlet Form: November 18, 2022

I, Lynn Curiale, as the City Clerk for the City of Wood Dale, hereby certify that the attached
Ordinance is a true and correct copy of **#O-22-031**

**AN ORDINANCE AMENDING THE MUNICIPAL CODE OF THE CITY OF WOOD
DALE AMENDING ARTICLE XVI RESIDENTIAL RENTAL PROPERTY
REGULATIONS**

Passed and approved by the City Council of the City of Wood Dale on November 17, 2022 and
hereby published in pamphlet on November 18, 2022

Maria Montali - Deputy
Lynn Curiale, City Clerk
Clerk



ORDINANCE NO. O-22-031

**AN ORDINANCE AMENDING THE MUNICIPAL CODE
OF THE CITY OF WOOD DALE AMENDING ARTICLE XVI
RESIDENTIAL RENTAL PROPERTY REGULATIONS**

WHEREAS, the City of Wood Dale is a body politic and corporate, organized and existing pursuant to the Illinois Municipal Code, 65 ILCS 5/1-1-1 *et seq.*; and

WHEREAS, the City is authorized and empowered, under the Illinois Municipal Code and the Code of Ordinances of the City of Wood Dale (“City Code”), to regulate properties located within the municipal boundaries of the City; and

WHEREAS, in furtherance of this authorization, the City has previously adopted regulations requiring the registration of residential rental properties in the City, which regulations have been codified in Article XVI, Chapter 6; and

WHEREAS, the City of Wood Dale has recently reviewed the regulations adopted, and has determined that it best serves the City and its residents to amend the regulations, specifically to stagger the time for which residential rental properties must register and be inspected, and more generally to provide an update to current Code requirements, all as set forth in Exhibit A, attached hereto and incorporated herein by reference; and

WHEREAS, the Mayor and the City Council of the City of Wood Dale have reviewed the matter herein and have determined that the amendment to Article XVI, Chapter 6 as set forth herein is in the best interests of the City of Wood Dale.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WOOD DALE, DUPAGE COUNTY, ILLINOIS, as follows:

SECTION ONE: The recitals set forth above are incorporated herein and made a part hereof.

SECTION TWO: That Article XVI, “RESIDENTIAL RENTAL PROPERTY SECTION” is hereby amended as shown in Exhibit A.

SECTION THREE: That all ordinances and resolutions, or parts thereof, in conflict with the provisions of this Ordinance are to the extent of such conflict, expressly repealed.

SECTION FOUR: That the City Clerk of the City of Wood Dale be and is directed hereby to publish this Ordinance in pamphlet form, pursuant to the statutes of the State of Illinois.

SECTION FIVE: That this Ordinance shall be in full force and effect from and after its passage, approval, and publication in the manner provided by law.

PASSED this 17th day of November 2022

AYES: 4

NAYS: Alderman Susmarski, Alderman Woods

ABSENT: Alderman Curiale

APPROVED this 17th day of November 2022

SIGNED: Annunziato Pulice
Annunziato Pulice, Mayor

ATTEST: Maria Montalvo - Deputy Clerk
Lynn Curiale, City Clerk

Published in pamphlet form November 18, 2022

EXHIBIT A

6.1601. Purpose

6.1602. Provisions Of Inspection Rights And Penalties; ~~Rental Zones~~

6.1603. Rules And Definitions

6.1604. Registration Required

6.1605. Registration Application And Requirements

6.1606. Inspection Requirements; ~~Temporary Certificate~~; Registration Issuance Or Denial

6.1607. Registration; Suspension And Revocation

6.1608. Owner Responsibility

6.1609. Leases And Rental Agreements

6.1610. Inspection Access

6.1611. Enforcement

6.1612. Violations

6.1613. Penalty For Violation

6.1614. Fees (Rep. by Ord. O-18-024, 7-19-2018)

~~6.1615. Effective Date~~

Sec. 6.1601. Purpose.

The purpose of this article is to provide for the registration and inspection of rental residential property so as to protect the public health, safety and welfare of the people of the City of Wood Dale including:

- A. To protect the public health and safety by ensuring rental units comply with minimum housing standards of City ordinances;
- B. To protect the character and stability of residential areas, to prevent congestion of population, to facilitate the suppression of disorder and to ensure the quiet enjoyment of property by all people of the City, particularly in residential areas;
- C. To correct and prevent housing conditions and situations that adversely affect or are likely to adversely affect the life, safety, general welfare and health, including the physical, mental and social well being of persons occupying dwellings in residential areas, including the neighboring residents;
- D. To prevent the overcrowding of dwellings by requiring compliance with minimum space standards per occupant for each dwelling unit;
- E. To facilitate the enforcement of minimum standards for the maintenance of existing residential buildings and thus to prevent slums and blight;
- F. To preserve the value of land and buildings throughout the City.

G. To foster the peaceful enjoyment of all residents. (Ord. O-07-001, 1-4-2007; amd. Ord. O-20-010, 4-16-2020)

Sec. 6.1602. Provisions Of Inspection Rights And Penalties/Rental Zones.

This article 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 this Code. (Ord. O-07-001, 1-4-2007)

For the purposes of this article, and for the conduct of rental residential inspections, the City is divided into geographic rental zones, and applications, renewals and inspections will be based on the timeframe established for each zone, also referred to as the zone period.

A rental residential registration is valid for one year with an expiration date as identified on the registration. It is the responsibility of the registration holder to renew the rental registration prior to its expiration each year. The expiration of a rental registration shall be based on the geographic location of the premises, wherein a map of the geographic areas identifying the zones to be used in the administration of this article will be published and retained by the Community Development Director.

All applications, payments and inspections are due on the first day of the zone period where the property is located.

Any property for which the owner determines to provide rental residential use, shall be immediately registered with the City, notwithstanding the zone in which the property is located. Subsequent registrations shall follow the zone period.

Rental residential properties that are not in compliance by the beginning of the zone period for the property will be subject to late fees and/or additional fines and administrative adjudication.

Sec. 6.1603. Rules And Definitions.

A. The language set forth in the text of this article shall be interpreted in accordance with the following rules of construction:

1. The singular number includes the plural number and the plural the singular.
2. The word "shall" is mandatory; the word "may" is permissive.
3. The masculine gender includes the feminine and neuter.

B. Whenever, in this article the following words and phrases have been used, they shall, for the purposes of this article, have the meanings respectively ascribed to them in this subsection, except when the context otherwise indicates:

CODE OFFICIAL: The ~~City Housing Officer~~ Community Development Director or his or her designee.

CONDITIONAL REGISTRATION: A limited approval of the premises for a period of up to six (6) months when a property cannot fully comply with all the applicable requirements of the City of Wood Dale due to special circumstances (e.g., weather conditions, unavailability of required materials or services, or other circumstances approved by the Code eOfficial).

MULTIPLE-FAMILY RENTAL RESIDENTIAL PROPERTY: Rental residential property with two (2) or more dwelling units.

PREMISES: A lot, plot or parcel of land including the interior and exterior of any structures thereon.

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: Residential structures or individually titled dwelling units let or intended to be let for rent or lease, including single-family detached structures, and structures being used for short-term rentals, being defined as any rental period of less than thirty (30) days, or being used ~~as an Airbnb or~~ for any other similar sharing of residential accommodations for gain or profit.

TENANT: An occupant of rental residential property, regardless of the duration of such tenancy or whether there exists any written lease or similar documentation, including any individual(s) participating in a short-term rental, ~~Airbnb or~~ any other similar sharing of residential accommodations for gain or profit.

C. Words or phrases as used in this article and not defined in this section shall be defined as provided by the City of Wood Dale's current Property Maintenance Code, current Building Code, and current Unified Development Code. (Ord. O-07-001, 1-4-2007; amd. Ord. O-10-017, 10-21-2010; Ord. O-20-010, 4-16-2020)

Sec. 6.1604. Registration 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 of Wood Dale a rental residential property or property used for lodging accommodation for which remuneration or compensation is received by the Property Owner or a Representative of the Property Owner, including short-term rental, ~~Airbnb~~ or other similar sharing of residential accommodations for gain or profit, whether vacant or not, without first applying for a rental residential property registration, or having secured and maintained such registration, obtaining a registration or a temporary certificate as provided in this article. Application for a rental residential registration shall serve as temporary authority to operate as a rental residential property, if authorized by the Code Official, pending inspection and full registration.

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 as rental residential property a property or unit thereof which is not registered or which is without a temporary authority to operate as same certificate as provided in this article.

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 any dwelling unit that becomes vacant in a rental residential property which is not registered or for which a registration is revoked or is under suspension.

D. This article shall not apply to the following structures, unless said property is also being used to provide temporary lodging or accommodation, short-term rental, ~~Airbnb~~ or other similar sharing of residential accommodations for gain or profit:

1. Owner occupied residential dwelling units, unless said unit is also being used to provide temporary lodging or accommodation, ~~short-term rental, Airbnb or~~ other similar sharing of residential accommodations for gain or profit;

2. Residential buildings or dwelling units which are vacant and which are not intended to be let for rent;

3. Hotels, motels, and other structures which rent rooms to occupants which are primarily transient in nature;

4. Dwellings, buildings, structures and uses registered and inspected by the State or the Federal government, including, but not limited to, nursing homes, retirement centers, rest homes, etc.;

5. Dwellings, buildings, structures and uses owned by other governmental agencies and public housing authorities.

E. A registration or a temporary allowance for use as a certificate for a rental residential property cannot be transferred to another rental residential property nor a succeeding owner. (Ord. O-07-001, 1-4-2007; amd. Ord. O-20-010, 4-16-2020)

Sec. 6.1605. Registration Application And Requirements.

A. Each applicant for a registration to maintain a residential property for the purpose of renting it to others shall file a written application with the Code ~~e~~Official stating:

1. The full legal name, address, and home and work telephone numbers of each and every owner;

2. If the residential property is held in a trust, state the name, address, work phone number of the trustee and each beneficial interest holder;

3. The address of the rental residential property;

4. The number of dwelling units within the rental property;

5. The name, address, and phone number of any management company retained as property agent for the property and the name, address, and phone number of the person specifically assigned to the rental residential property;

6. The name and twenty four (24) hour phone number or numbers of a responsible person who, in emergency situations, will be available on a twenty four (24) hour basis and who has the authority to make repairs as needed;

7. The name and phone number of each ~~the~~ tenant of the rental residential property.

B. Whenever there is a change in the ownership of a rental residential property or the owner's property agent, the owners shall within thirty (30) days of such changes, file an updated written notice with the Code ~~e~~Official indicating such changes. (Ord. O-07-001, 1-4-2007)

C. Each application for a new registration or a renewal of an existing registration shall be accompanied by a fee as specified in the master fee schedule. All such fees shall be payable at the Offices of the Community Development Department.

D. All registration fees shall be due and payable upon submission of the registration application or renewal forms. All registrations shall expire every year as identified on the rental registration. December 31. For a renewal registration a renewal registration fees that remain unpaid after-after the first day of the zone period December 31 shall be assessed a late payment fee as specified in the master fee schedule. This late payment fee shall be in addition to the registration fee. (Ord. O-18-024, 7-19-2018)

E. No permits for any structural, mechanical, electrical, or plumbing alterations or repairs, or any remodeling, shall be granted to rental residential properties unless the property has a valid rental registration, or the work requiring a permit is to bring the property into compliance with property maintenance, zoning and building requirements so that a rental registration can be issued. (Ord. O-07-001, 1-4-2007)

Sec. 6.1606. Inspection Requirements; ~~Temporary Certificate~~; Registration Issuance Or Denial.

A. Upon submission of a completed application for a registration or a registration renewal for any rental residential property and the payment of all required fees, an inspection of the rental residential property shall be scheduled by the applicant with the Code eOfficial to occur within two (2) weeks.

B. Upon receipt of a completed application for a registration or a registration renewal for any rental residential property, including the payment of all required fees and the scheduling of a required registration inspection, the property is authorized to be used as a rental residential property ~~Code official shall issue a temporary certificate indicating that a registration has been duly applied for, and that such~~ R-registration shall be issued or denied after the property has been inspected for compliance with applicable City codes. A temporary use of the property as a rental residential property certificate, as issued, shall authorize continued occupancy of the rental residential property pending the issuance or denial of the applied for registration. The temporary allowance of use of the property certificate shall be valid until ~~may be continued until~~ the scheduled date of the registration inspection, and following the registration inspection until the date of reinspection issued by the Code eOfficial or his or her designee. However, in no case shall a temporary use of the property as a rental residential property certificate be valid for longer than one hundred twenty (120) days.

C. A registration inspection of rental residential property shall include the premises and, in the case of multi-family rental residential property, a percentage of the individual dwelling units with a minimum of at least one dwelling unit. The Code eOfficial or his designee shall determine which dwelling units are to be inspected.

D. When a registration inspection of a rental residential property reveals any violations of applicable codes, a compliance time frame will be set by the Code eOfficial. In establishing a compliance time frame, the Code eOfficial shall determine the reasonable minimal time necessary to correct the violations based upon the number and severity of the violations. The Code eOfficial shall provide notice by personal service or send notice to the property owner or the listed property agent by certified mail, return receipt requested regular U.S. mail at the last address provided on the most recent registration application. Such notice shall include the following:

1. Description of the property sufficient for identification;
2. A statement listing the violations of applicable codes;
3. A statement of the date upon which the registration reinspection will occur; and
4. An explanation that if upon completion of the registration reinspection the requirements of applicable City codes have not been met, then a written denial of the registration and a revocation of the temporary use certificate may be issued.

E. A registration reinspection shall be conducted at the end of the compliance time frame. Upon completion of the registration reinspection of the rental residential property, the Code eOfficial shall:

1. Approve the registration if the rental residential property meets the requirements of applicable City codes; or
2. Approve a conditional registration if the property cannot be fully registered due to special circumstances; or
3. Issue a written denial of the registration and revoke the temporary [use permitted by the filing of the application for registration certificate](#) if the requirements of City codes have not been met. The written denial shall specify the defect(s) that remain and shall be transmitted by [certified mail, return receipt requested, to the owner or property agent identified by the applicant. regular U.S. mail to the applicant.](#)

F. A conditional registration may be issued for a term not exceeding six (6) months to those rental properties which cannot be fully registered due to special circumstances (e.g., weather conditions, unavailability of required materials or services, or other circumstances approved by the Code eOfficial). Any property which has not met the requirements of the applicable City codes by the end of the conditional registration term shall be considered unregistered.

G. A [rental residential property dwelling unit](#) which is in total compliance at the time of the registration inspection shall receive a registration to replace the temporary certificate. If said property remains in compliance and no violations occur within the period covered by the registration and the tenants do not change during the registration period, a one year extension of the registration may be given, with no additional inspections being required, provided a registration renewal fee is paid. If any violation occurs, then an additional inspection may be required.

H. If during a registration inspection any dwelling unit is determined to be unfit for occupancy as specified in the City's Property Maintenance Code, an additional number of the dwelling units in the subject rental residential property will be inspected. The number of units to be inspected shall be determined by the Code eOfficial. If similar violations are observed in the additional dwelling units, the entire rental residential property will be subject to inspection. Any unit found unfit for occupancy shall be subject to the enforcement procedures contained in the City's Property Maintenance Code.

The number of dwelling units to be inspected per registered [rental residential property building](#) shall be determined by the Code eOfficial. The dwelling units to be inspected shall be selected by the Code eOfficial. (Ord. O-07-001, 1-4-2007)

I. All additional inspections made necessary because of cited violations not being corrected at the time of the initial registration reinspection, access is denied, or when the owner/tenant is not ready for a scheduled inspection, shall be subject to a fee as specified in the master fee schedule, except that a single reinspection will be conducted at the end of the conditional registration term without added fees for the purpose of determining compliance. The conditional registration and the full rental residential registration shall not be issued and the property shall not be considered properly registered until all reinspection fees are paid. (Ord. O-18-024, 7-19-2018)

J. Applications for registration renewals shall be made in the same manner as for new applications except that such applications shall state thereon such fact. (Ord. O-07-001, 1-4-2007)

Sec. 6.1607. Registration; Suspension And Revocation.

A. A registration may be suspended when any violation of applicable City codes has been identified by the Community Development Department and the property owner has been properly notified of the violation and given a reasonable period of time in which to correct the violation, but has failed to do so. A registration may also be suspended when any information provided in the registration application is determined by the Code eOfficial to be false.

B. When an inspection of a registered rental residential property reveals any violations of applicable codes, a compliance time frame will be set by the Code eOfficial using the standard as set forth in this article. The Code eOfficial shall provide notice by personal service or send notice to the property owner or the listed property agent by certified regular U.S. mail, return receipt requested at the last address provided on the most recent registration application. Such notice shall include the following:

1. Description of the property sufficient for identification;
2. A statement listing the violation(s) of applicable codes;
3. A statement indicating the date upon which a reinspection will occur; and
4. An explanation that if upon completion of the reinspection the requirements of applicable City codes have not been met, then the registration for the rental residential property shall be suspended.

C. A reinspection will be conducted at the end of the compliance time frame. If the Code eOfficial finds that the requirements of applicable City codes have not been met upon the completion of such reinspection, then the registration for the rental residential property shall be suspended.

D. When a registration is suspended, the Code eOfficial shall send notice to the property owner or the listed property agent at the last address provided on the most recent registration application. Such notice shall be sent by certified mail, return receipt requested. 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 address or changes property agents and fails to notify the Community Development Department, such notice shall be sufficient if sent by certified mail to the owner or his property agent's last address provided on the last registration application.

E. A property owner whose registration has been suspended may request a reinspection prior to revocation. If, upon reinspection, the Community Development Department finds that the registered property in connection with which the notice was issued is now in compliance with this article, then the Code eOfficial may reinstate the registration. The request for a reinspection shall not stay the revocation of the registration unless the Code eOfficial grants such request pursuant to a showing of good cause by the property owner.

F. Any property for which person whose registration has been suspended shall be entitled to appeal the suspension to the City Council by filing a petition within twenty (20) days after the date of suspension. The Code eOfficial shall transmit to the City Council copies of all records and notices upon which the suspension is based. A hearing shall be scheduled as soon as practical upon receipt of a timely petition. The City Council in considering any such petition may immediately revoke the registration, continue the suspension to a definite compliance date with revocation being the penalty for noncompliance, or dismiss the charges and reinstate the registration.

G. A registration may be revoked when a petition for appeal has not been filed within twenty (20) days following the date of issuance of an order of suspension, or, if the suspension is sustained after appeal. A registration may also be revoked when in the opinion of the Code eOfficial emergency conditions exist in a rental residential property that require the immediate vacating of a structure as specified in the City's Property Maintenance Code.

H. A registration which has been properly revoked as provided in this section shall not be reinstated. The property owner may, however, obtain a new registration after all violations have been corrected and by following the procedures for obtaining a new registration and payment of appropriate fee as set forth in this article.

I. If a registration is revoked without having the opportunity of a suspension hearing, the property owner has the right to appeal the revocation. Such appeal shall conform to subsection F of this section. Such an appeal shall operate as a stay of the revocation until such time as the City Council renders a decision on the appeal. (Ord. O-07-001, 1-4-2007)

J. Whenever a temporary allowance for use of the property certificate or registration is revoked, the Code eOfficial shall send notice to the property owner or the listed property agent at the last address provided on the most recent registration application. Such notice shall be sent by certified mail, return receipt requested. The Code eOfficial shall also notify all tenants of the rental residential property by posting a notice on all entrances to the rental residential structure. The notice to the tenants shall include the following:

- 1) You are hereby notified that the temporary use certificate or registration for this structure has been revoked pursuant to this chapter of the City of Wood Dale Municipal Code.
- 2) You must vacate this structure within 60 days of the date of this notice.
- 3) If you fail to vacate this structure, you will be in violation of the City of Wood Dale Municipal Code and subject to a fine of up to \$750 for each day you are in violation.

K. Whenever an owner or property agent of a rental property fails to register such property with the Community Development Department, the Code eOfficial shall notify all tenants of the rental property by posting a notice on all entrances to the rental property indicating the following:

- 1) You are hereby notified that the owner or the agent of this rental structure has failed to register this rental property with the City of Wood Dale in violation of the City of Wood Dale Municipal Code.
- 2) You must vacate this structure within 60 days of the date of this notice.
- 3) If you fail to vacate this structure, you will be in violation of the City of Wood Dale Municipal Code and subject to a fine of up to \$750 for each day you are in violation.

(Ord. O-18-024, 7-19-2018)

Sec. 6.1608. 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 in each dwelling unit.

B. The owner or property agent of a rental residential property shall provide each tenant with the name and telephone number of a responsible person who, in emergency situations, will be available on a twenty four (24) hour basis and who has the authority to make repairs as needed.

C. The owner of a rental residential property shall inform each tenant in writing, prior to occupancy, of the maximum number of persons allowable by the occupancy standards of the City Property Maintenance Code as amended. This number shall be determined by the Code eOfficial. (Ord. O-07-001, 1-4-2007)

Sec. 6.1609. Leases And Rental Agreements.

A. All rental agreements, leases, and renewal agreements shall be in writing, signed by the tenant.

B. Each rental agreement, lease or renewal agreement shall contain the following provision:

The tenant(s) is hereby notified that, upon proper notice, the City of Wood Dale may conduct annual inspections with the consent of the tenant, solely for purposes of compliance with the City of Wood Dale Rental Residential Property Ordinance and other relevant provisions of the City Code.

C. Except as provided herein, this article is not intended to affect the rights and obligations of the parties to a lease or rental agreement for a rental residential property. (Ord. O-07-001, 1-4-2007)

Sec. 6.1610. Inspection Access.

If any owner, property agent, occupant or other person in control of a rental residential property or a dwelling unit contained therein fails or refuses to consent to free access and entry to the property or dwelling unit under his control for any inspection pursuant to this article, the Code eOfficial or his designee may apply to the Circuit Court for a search warrant or other appropriate court order authorizing such inspections. (Ord. O-07-001, 1-4-2007)

Sec. 6.1611. Enforcement.

It shall be the duty of the Community Development Department to enforce the provisions of this article as authorized by this Code and the current Property Maintenance Code as adopted and amended from time to time by the City of Wood Dale. (Ord. O-07-001, 1-4-2007)

Sec. 6.1612. Violations.

The following shall constitute violations of this article:

A. Failure of the owner or owners of the rental residential property to register such property with the City;

B. Failure of the occupants of the rental residential property to vacate such property within sixty (60) days after receiving notice from the Code eOfficial that such property is not properly registered or that the registration or temporary certificate has been revoked;

C. Failure of the owner or owners of the rental residential property to vacate all tenants from such property within sixty (60) days after the registration or temporary [use of the property pursuant to the filing of an application certificate](#) has been revoked;

D. Failure of the owner or 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 one authorized by the Code official who removes or defaces any notices which have been posted pursuant to this article shall be liable for the penalties provided for by this article. (Ord. O-07-001, 1-4-2007)

Sec. 6.1613. Penalty For Violation.

Any person, firm or corporation violating any of the provisions of this article, in addition to other legal and equitable remedies available to the City, shall be subject to enforcement as defined in chapter 1, article IV of this Code and penalties as specified in the master fee schedule. (Ord. O-18-024, 7-19-2018)

Sec. 6.1614. Fees 1 .

(Rep. by Ord. O-18-024, 7-19-2018)

Notes

1. Refer to the master fee schedule.

6.1601. Purpose

6.1602. Provisions of Inspection Rights and Penalties/Rental Zones

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Sec. 6.1601. Purpose.

The purpose of this article is to provide for the registration and inspection of residential rental property so as to protect the public health, safety and welfare of the people of the City of Wood Dale including:

A. To protect the public health and safety by ensuring residential rental units comply with minimum housing standards of City ordinances;

B. To protect the character and stability of residential areas, to prevent congestion of population, to facilitate the suppression of disorder and to ensure the quiet enjoyment of property by all people of the City, particularly in residential areas;

C. To correct and prevent housing conditions and situations that adversely affect or are likely to adversely affect the life, safety, general welfare and health, including the physical, mental and social well-being of persons occupying dwellings in residential areas, including the neighboring residents;

D. To prevent the overcrowding of dwellings by requiring compliance with minimum space standards per occupant for each dwelling unit;

E. To facilitate the enforcement of minimum standards for the maintenance of existing residential buildings and thus to prevent slums and blight;

F. To preserve the value of land and buildings throughout the City.

G. To foster the peaceful enjoyment of all residents. (Ord. O-07-001, 1-4-2007; amd. Ord. O-20-010, 4-16-2020)

Sec. 6.1602. Provisions of Inspection Rights and Penalties/Rental Zones.

This article 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 this Code. (Ord. O-07-001, 1-4-2007)

For the purposes of this article, and for the conduct of residential rental inspections, the City is divided into geographic rental zones, and applications, renewals and inspections will be based on the timeframe established for each zone, also referred to as the zone period.

A residential rental registration is valid for one year with an expiration date as identified on the registration. It is the responsibility of the registration holder to renew the rental registration prior to its expiration each year. The expiration of a rental registration shall be based on the geographic location of the premises, wherein a map of the geographic areas identifying the zones to be used in the administration of this article will be published and retained by the Community Development Director.

All applications, payments and inspections are due on the first day of the zone period where the property is located.

Any property for which the owner determines to provide residential rental use, shall be immediately registered with the City, notwithstanding the zone in which the property is located. Subsequent registrations shall follow the zone period.

Residential rental properties that are not in compliance by the beginning of the zone period for the property will be subject to late fees and/or additional fines and administrative adjudication.

Sec. 6.1603. Rules and Definitions.

A. The language set forth in the text of this article shall be interpreted in accordance with the following rules of construction:

1. The singular number includes the plural number and the plural the singular.
2. The word "shall" is mandatory; the word "may" is permissive.
3. The masculine gender includes the feminine and neuter.

B. Whenever, in this article the following words and phrases have been used, they shall, for the purposes of this article, have the meanings respectively ascribed to them in this subsection, except when the context otherwise indicates:

CODE OFFICIAL: The Community Development Director or his or her designee.

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MULTIPLE-FAMILY RESIDENTIAL RENTAL PROPERTY: Residential rental property with two (2) or more dwelling units.

PREMISES: A lot, plot or parcel of land including the interior and exterior of any structures thereon.

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 residential rental property including the authority to receive notices or citations.

RESIDENTIAL RENTAL PROPERTY: Residential structures or individually titled dwelling units let or intended to be let for rent or lease, including single-family detached structures, and structures being used for short-term rentals, being defined as any rental period of less than thirty (30) days, or being used for any other similar sharing of residential accommodations for gain or profit.

TENANT: An occupant of residential rental property, regardless of the duration of such tenancy or whether there exists any written lease or similar documentation, including any individual(s) participating in a short-term rental, or any other similar sharing of residential accommodations for gain or profit.

C. Words or phrases as used in this article and not defined in this section shall be defined as provided by the City of Wood Dale's current Property Maintenance Code, current Building Code, and current Unified Development Code. (Ord. O-07-001, 1-4-2007; amd. Ord. O-10-017, 10-21-2010; Ord. O-20-010, 4-16-2020)

Sec. 6.1604. Registration 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 of Wood Dale a residential rental property or property used for lodging accommodation for which remuneration or compensation is received by the Property Owner or a Representative of the Property Owner, including short-term rental, or other similar sharing of residential accommodations for gain or profit, whether vacant or not, without first applying for a residential rental property registration, or having secured and maintained such registration as provided in this article. Application for a residential rental registration shall serve as temporary authority to operate as a residential rental property, if authorized by the Code Official, pending inspection and full registration.

B. It is unlawful for a person to occupy a residential rental property, or for any owner or property agent to allow anyone to occupy as residential rental property a property or unit thereof which is not registered or which is without temporary authority to operate as same as provided in this article.

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 any dwelling unit that becomes vacant in a residential rental property which is not registered or for which a registration is revoked or is under suspension.

D. This article shall not apply to the following structures, unless said property is also being used to provide temporary lodging or accommodation, short-term rental, or other similar sharing of residential accommodations for gain or profit:

1. Owner occupied residential dwelling units, unless said unit is also being used to provide temporary lodging or accommodation, short-term rental, or other similar sharing of residential accommodations for gain or profit;

2. Residential buildings or dwelling units which are vacant and which are not intended to be let for rent;

3. Hotels, motels, and other structures which rent rooms to occupants which are primarily transient in nature;

4. Dwellings, buildings, structures and uses registered and inspected by the State or the Federal government, including, but not limited to, nursing homes, retirement centers, rest homes, etc.;

5. Dwellings, buildings, structures and uses owned by other governmental agencies and public housing authorities.

E. A registration or a temporary allowance for use as a residential rental property cannot be transferred to another residential rental property nor a succeeding owner. (Ord. O-07-001, 1-4-2007; amd. Ord. O-20-010, 4-16-2020)

Sec. 6.1605. Registration Application and Requirements.

A. Each applicant for a registration to maintain a residential property for the purpose of renting it to others 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;
2. If the residential property is held in a trust, state the name, address, work phone number of the trustee and each beneficial interest holder;
3. The address of the residential rental property;
4. The number of dwelling units within the residential rental property;
5. The name, address, and phone number of any management company retained as property agent for the property and the name, address, and phone number of the person specifically assigned to the residential rental property;
6. The name and twenty four (24) hour phone number or numbers of a responsible person who, in emergency situations, will be available on a twenty four (24) hour basis and who has the authority to make repairs as needed;
7. The name and phone number of each tenant of the residential rental property.

B. Whenever there is a change in the ownership of a residential rental property or the owner's property agent, the owners shall within thirty (30) days of such changes, file an updated written notice with the Code Official indicating such changes. (Ord. O-07-001, 1-4-2007)

C. Each application for a new registration or a renewal of an existing registration shall be accompanied by a fee as specified in the master fee schedule. All such fees shall be payable at the Offices of the Community Development Department.

D. All registration fees shall be due and payable upon submission of the registration application or renewal forms. All registrations shall expire every year as identified on the rental registration. All renewal registration fees that remain unpaid after the first day of the zone period shall be assessed a late payment fee as specified in the master fee schedule. This late payment fee shall be in addition to the registration fee. (Ord. O-18-024, 7-19-2018).

E. No permits for any structural, mechanical, electrical, or plumbing alterations or repairs, or any remodeling, shall be granted to residential rental properties unless the property has a valid rental registration, or the work requiring a permit is to bring the property into compliance with property maintenance, zoning and building requirements so that a rental registration can be issued. (Ord. O-07-001, 1-4-2007)

Sec. 6.1606. Inspection Requirements; Registration Issuance or Denial.

A. Upon submission of a completed application for a registration or a registration renewal for any residential rental property and the payment of all required fees, an inspection of the

residential rental property shall be scheduled by the applicant with the Code Official to occur within two (2) weeks.

B. Upon receipt of a completed application for a registration or a registration renewal for any residential rental property, including the payment of all required fees and the scheduling of a required registration inspection, the property is authorized to be used as a residential rental property. Registration shall be issued or denied after the property has been inspected for compliance with applicable City codes. A temporary use of the property as a residential rental property shall authorize continued occupancy of the residential rental property pending the issuance or denial of the applied for registration. The temporary allowance of use of the property may be continued until the scheduled date of the registration inspection and following the registration inspection until the date of reinspection issued by the Code Official or his or her designee. However, in no case shall a temporary use of the property as a residential rental property be valid for longer than one hundred twenty (120) days.

C. A registration inspection of residential rental property shall include the premises and, in the case of multi-family residential rental property, a percentage of the individual dwelling units with a minimum of at least one dwelling unit. The Code Official or his designee shall determine which dwelling units are to be inspected.

D. A registration reinspection shall be conducted at the end of the compliance time frame. Upon completion of the registration reinspection of the residential rental property, the Code Official shall:

1. Approve the registration if the residential rental property meets the requirements of applicable City codes; or

2. Approve a temporary registration if the property cannot be fully registered due to special circumstances; or

3. Issue a written denial of the registration and revoke the temporary use permitted by the filing of the application for registration if the requirements of City codes have not been met. The written denial shall specify the defect(s) that remain and shall be transmitted by certified mail, return receipt requested, to the owner or property agent identified by the applicant.

E. A temporary registration may be issued for a term not exceeding six (6) months to those rental properties which cannot be fully registered due to special circumstances (e.g., weather conditions, unavailability of required materials or services, or other circumstances approved by the Code Official). Any property which has not met the requirements of the applicable City codes by the end of the conditional registration term shall be considered unregistered.

F. A residential rental property which is in total compliance at the time of the registration inspection shall receive a registration to replace the temporary certificate. If said property remains in compliance and no violations occur within the period covered by the registration and the tenants do not change during the registration period, a one year extension of the registration may be given, with no additional inspections being required, provided a registration renewal fee is paid. If any violation occurs, then an additional inspection may be required.

G. If during a registration inspection any dwelling unit is determined to be unfit for occupancy as specified in the City's Property Maintenance Code, an additional number of the dwelling units in the subject residential rental property will be inspected. The number of units to be inspected shall be determined by the Code Official. If similar violations are observed in the additional dwelling units, the entire residential rental property will be subject to inspection. Any unit found

unfit for occupancy shall be subject to the enforcement procedures contained in the City's Property Maintenance Code.

H. All additional inspections made necessary because of cited violations not being corrected at the time of the initial registration reinspection, access is denied, or when the owner/tenant is not ready for a scheduled inspection, shall be subject to a fee as specified in the master fee schedule, except that a single reinspection will be conducted at the end of the temporary registration term without added fees for the purpose of determining compliance. The temporary registration and the full residential rental registration shall not be issued and the property shall not be considered properly registered until all reinspection fees are paid. (Ord. O-18-024, 7-19-2018)

I. Applications for registration renewals shall be made in the same manner as for new applications except that such applications shall state thereon such fact. (Ord. O-07-001, 1-4-2007)

Sec. 6.1607. Registration; Suspension and Revocation.

A. A registration may be suspended when any violation of applicable City codes has been identified by the Community Development Department and the property owner has been properly notified of the violation and given a reasonable period of time in which to correct the violation, but has failed to do so. A registration may also be suspended when any information provided in the registration application is determined by the Code Official to be false.

B. When an inspection of a registered residential rental property reveals any violations of applicable codes, a compliance time frame will be set by the Code Official using the standard as set forth in this article. The Code Official shall provide notice by personal service or send notice to the property owner or the listed property agent by certified mail, return receipt requested at the last address provided on the most recent registration application. Such notice shall include the following:

1. Description of the property sufficient for identification;
2. A statement listing the violation(s) of applicable codes;
3. A statement indicating the date upon which a reinspection will occur; and
4. An explanation that if upon completion of the reinspection the requirements of applicable City codes have not been met, then the registration for the residential rental property shall be suspended.

C. A reinspection will be conducted at the end of the compliance time frame. If the Code Official finds that the requirements of applicable City codes have not been met upon the completion of such reinspection, then the registration for the residential rental property shall be suspended.

D. When a registration 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 registration application. Such notice shall be sent by certified mail, return receipt requested. 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 address or changes property agents and fails to notify the Community Development Department, such notice shall be sufficient if sent by certified mail to the owner or his property agent's last address provided on the last registration application.
 - E. A property owner whose registration has been suspended may request a reinspection prior to revocation. If, upon reinspection, the Community Development Department finds that the registered property in connection with which the notice was issued is now in compliance with this article, then the Code Official may reinstate the registration. The request for a reinspection shall not stay the revocation of the registration unless the Code Official grants such request pursuant to a showing of good cause by the property owner.
 - F. Any property for which registration has been suspended shall be entitled to appeal the suspension to the City Council by filing a petition within twenty (20) days after the date of suspension. The Code Official shall transmit to the City Council copies of all records and notices upon which the suspension is based. A hearing shall be scheduled as soon as practical upon receipt of a timely petition. The City Council in considering any such petition may immediately revoke the registration, continue the suspension to a definite compliance date with revocation being the penalty for noncompliance, or dismiss the charges and reinstate the registration.
 - G. A registration may be revoked when a petition for appeal has not been filed within twenty (20) days following the date of issuance of an order of suspension, or, if the suspension is sustained after appeal. A registration may also be revoked when in the opinion of the Code Official emergency conditions exist in a residential rental property that require the immediate vacating of a structure as specified in the City's Property Maintenance Code.
 - H. A registration which has been properly revoked as provided in this section shall not be reinstated. The property owner may, however, obtain a new registration after all violations have been corrected and by following the procedures for obtaining a new registration and payment of appropriate fee as set forth in this article.
 - I. If a registration is revoked without having the opportunity of a suspension hearing, the property owner has the right to appeal the revocation. Such appeal shall conform to subsection F of this section. Such an appeal shall operate as a stay of the revocation until such time as the City Council renders a decision on the appeal. (Ord. O-07-001, 1-4-2007)
 - J. Whenever temporary allowance for use of the property or registration 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 registration application. Such notice shall be sent by certified mail, return receipt requested.
 - K. Continuation of the property as a residential rental unit following revocation of the rental registration shall be a violation of the City Code, and shall subject the Owner of the Property to enforcement as defined in chapter 1, article IV of this Code and penalties as specified in the master fee schedule. Each day a tenant remains on the property following notice of revocation is a separately stated offense subject to a \$750 fine for each day a violation exists.

Sec. 6.1608. Owner Responsibility.

- A. The owner of a residential rental property shall maintain a record for each property with the full legal names of every tenant in each dwelling unit.

B. The owner or property agent of a residential rental property shall provide each tenant with the name and telephone number of a responsible person who, in emergency situations, will be available on a twenty four (24) hour basis and who has the authority to make repairs as needed.

C. The owner of a residential rental property shall inform each tenant in writing, prior to occupancy, of the maximum number of persons allowable by the occupancy standards of the City Property Maintenance Code as amended. This number shall be determined by the Code Official. (Ord. O-07-001, 1-4-2007)

Sec. 6.1609. Leases and Rental Agreements.

A. All rental agreements, leases, and renewal agreements shall be in writing, signed by the tenant.

B. Each rental agreement, lease or renewal agreement shall contain the following provision:

The tenant(s) is hereby notified that, upon proper notice, the City of Wood Dale may conduct annual inspections with the consent of the tenant, solely for purposes of compliance with the City of Wood Dale Rental Residential Property Ordinance and other relevant provisions of the City Code.

C. Except as provided herein, this article is not intended to affect the rights and obligations of the parties to a lease or rental agreement for a residential rental property. (Ord. O-07-001, 1-4-2007)

Sec. 6.1610. Inspection Access.

If any owner, property agent, occupant or other person in control of a residential rental property or a dwelling unit contained therein fails or refuses to consent to free access and entry to the property or dwelling unit under his control for any inspection pursuant to this article, the Code Official or his designee may apply to the Circuit Court for a search warrant or other appropriate court order authorizing such inspections. (Ord. O-07-001, 1-4-2007)

Sec. 6.1611. Enforcement.

It shall be the duty of the Community Development Department to enforce the provisions of this article as authorized by this Code and the current Property Maintenance Code as adopted and amended from time to time by the City of Wood Dale. (Ord. O-07-001, 1-4-2007)

Sec. 6.1612. Violations.

The following shall constitute violations of this article:

A. Failure of the owner or owners of the residential rental property to register such property with the City;

B. Failure of the owner or owners of the residential rental property to maintain the structure and premises in compliance with applicable building, property maintenance and zoning ordinances;

C. Any person other than one authorized by the Code Official who removes or defaces any notices which have been posted pursuant to this article shall be liable for the penalties provided for by this article. (Ord. O-07-001, 1-4-2007)

Sec. 6.1613. Penalty For Violation.

Any person, firm or corporation violating any of the provisions of this article, in addition to other legal and equitable remedies available to the City, shall be subject to enforcement as defined in

chapter 1, article IV of this Code and penalties as specified in the master fee schedule. (Ord. O-18-024, 7-19-2018)

Sec. 6.1614. Fees 1 .
(Rep. by Ord. O-18-024, 7-19-2018)

Notes

1. Refer to the master fee schedule.