



## Legislation Text

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An Ordinance Amending Chapter 43 (Fee Schedule) and Chapter 156 (Residential Real Property Licensing and Crime Free Housing) of the Village Code of Ordinances

WHEREAS, the Village of Romeoville has heretofore adopted certain ordinances now codified as and for Section 43.02B and Section 156.04(E) of the Village Code of Ordinances that establish certain Police Department fees for permits, licenses and registrations; and

WHEREAS, after review, it has been determined that certain of the provisions set forth therein are in need of revision, and specifically that provisions should be added to provide for the establishment of a late fee with respect to the issuance of a residential rental license under Section 156.04(E); and

WHEREAS, review of Chapter 156 has also determined that the provisions of Section 156.08 pertaining to enforcement procedures require revision to clarify the same relative to the initiation of administrative adjudication proceedings under Chapter 42A of this Code to enforce the provisions of Chapter 156 of this Code.

NOW THEREFORE BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES FOR THE VILLAGE OF ROMEOVILLE, WILL COUNTY, ILLINOIS, THAT:

**SECTION 1: RECITALS.** The foregoing recitals are hereby incorporated into this Ordinance as if fully set forth herein.

**SECTION 2: AMENDMENT OF SECTION 43.02B OF VILLAGE CODE OF ORDINANCES.** All those provisions of all heretofore adopted Village ordinances codified as Section 43.02B of the Village Fee Schedule shall hereby be amended to include the following text, to be codified as and for Section 43.02B(C):

(C) Late fee for Residential Rental License. In addition to the fees otherwise required by this code for the issuance of a residential rental license under Section 156.04 of this Code, a late fee of \$25.00 shall be charged to any licensee for the issuance of a residential rental license for a given calendar year where such license is issued after January 1 of the calendar year for which such license is required.

**SECTION 3: AMENDMENT OF SECTION 156.04(E)(2) OF VILLAGE CODE OF ORDINANCES.** All those provisions of all heretofore adopted Village ordinances codified as Section 156.04(E)(2) shall hereby be amended to read as hereinafter set forth:

(2) Licenses shall be issued on a calendar year basis, beginning January 1 of each year, and expiring on December 31 of each year. If ownership of a residential rental property changes during a license year, a new license shall be required. License fees shall not be prorated. A late fee of \$25.00 shall be charged to any

licensee for the issuance of a residential rental license for a given calendar year where such license is issued after January 1 of the calendar year for which such license is required, in addition to the otherwise applicable fee for the license.

**SECTION 4:** AMENDMENT OF SECTION 156.08. All those provisions of all heretofore adopted Village ordinances codified as Section 156.08 shall hereby be amended to read as hereinafter set forth:

(A) All sworn personnel of the Police Department and all members of the Code Enforcement Division thereof are authorized to exercise the police power of the village through judicial enforcement proceedings or alternatively through administrative adjudication proceedings commenced under Chapter 42A of this Code in such manner and to such extent as any of them shall determine that the character of the violation and the interests of public health, safety and welfare warrant to secure compliance with the provisions of this chapter and this Code.

(B) The sworn personnel of the Police Department and all members of the Code Enforcement Division thereof are authorized and shall demand compliance with the provisions of this title and this Code through judicial enforcement actions including, but not limited to, prosecution for violations, and to recover any penalty or fine and costs, the institution of the appropriate action of law or in equity to restrain, correct or abate such violation, to require the removal of the unlawful use or to prevent the continued occupancy of any residential real property in violation of the provisions of this chapter. In addition, in such judicial enforcement actions they may seek the revocation of any license issued hereunder if the licensee is in continuing violation of any law or ordinance, or if a nuisance violation pertaining to tenant activity on the premises has or continues to occur, or if the licensee is operating in a manner otherwise prohibited by any chapter of this Code. Prior written notice of a violation shall not be required for the initiation of judicial enforcement actions. The sworn personnel of the Police Department and all members of the Code Enforcement Division thereof shall institute or cause to be instituted the appropriate legal proceedings to prosecute, restrain, correct or abate any violation or to require removal or termination of the unlawful use of the premises, building or structure in violation of the provisions of this title or of any order or direction made pursuant thereto. Without limiting or affecting the aforesaid authority of the sworn personnel of the Police Department and all members of the Code Enforcement Division thereof to demand compliance with this title or this Code by any of the aforementioned means, all such sworn personnel of the Police Department and members of the Code Enforcement Division thereof shall further be authorized to initial administrative adjudication proceedings pursuant to Chapter 42A of this Code as a means of demanding compliance with the provisions of this title or of this Code.

(C) All judicial enforcement actions under this chapter shall be commenced in accordance with the applicable provisions of Article 1, Division 2 of the Illinois Municipal Code, and all administrative adjudication proceedings to enforce the provisions of this Chapter shall be commenced pursuant to Chapter 42A of this Code.

(D) Any person, firm, or corporation that fails to obtain a license when required or operates a residential rental property without such a license that violates, disobeys, omits, neglects or refuses to comply with the provisions of this chapter shall be subject to the initiation of a judicial enforcement action or administrative adjudication proceeding as set forth in this chapter.

(E) Any person or legal entity that violates any provision of this chapter or of this Code or fails to comply with any of the requirements thereof shall be subject to a fine for each offense of not less than \$150 nor more than \$750, in addition to any equitable relief, abatement action, compliance action, or license revocation that may be obtained in any judicial enforcement action or administrative adjudication proceeding to enforce this chapter. Each day that a violation continues shall be deemed a separate offense. For properties which contain multiple rented or leased units, each lease or rental agreement which fails to comply with the provisions of this

Code shall be construed as a separate offense.

(F) Any person or legal entity charged with any violation of this chapter that has since come into compliance and that desires to avoid further enforcement proceedings in advance of the initial date for a court appearance in a judicial enforcement action under this chapter may avoid the further prosecution of such action by the payment of a fine to the Village in the amount of Fifty Dollars (\$50.00), and the abatement of the violation and presentation to the Village of an affidavit and agreement of compliance and waiver of any right to further proceedings in such action. The failure to make payment of such fine, to bring any applicable violation into compliance and to submit an acceptable affidavit and agreement of compliance and waiver of any right to further proceedings in such action not less than fourteen (14) calendar days prior to the initial court date in such matter shall result in the continuation of the judicial enforcement action. In the event that payment of the fine, achievement of compliance and the submission of an affidavit and agreement of compliance to the Village are completed at least fourteen (14) days prior to the initial court date in such matter, the Village shall dismiss the then pending judicial enforcement action. Notwithstanding anything herein to the contrary, the Village reserves the right to investigate and verify compliance and all information presented in any affidavit and agreement of compliance, and to reject the same if found to be incomplete, inaccurate, false, misleading or untruthful; in such a case, there shall be no dismissal of the then pending judicial enforcement action.

(G) Notwithstanding any contrary provision of this chapter or this Code, no judicial enforcement action or administrative adjudication proceeding to enforce this chapter shall be taken by the village that violates the provisions of ILCS Ch. 65, Act 5, § 1-2-1.5(b).

SECTION 4: SEVERABILITY. That the various provisions of this Ordinance are to be considered severable and if any part or portion of this Ordinance shall be held invalid by any Court of competent jurisdiction, such decision shall not affect the validity of the remaining provisions of this Ordinance.

SECTION 5: CONFLICTS. All prior Ordinances and Resolutions, or parts thereof in conflict or inconsistent with this Ordinance are hereby expressly repealed only to the extent of such conflict or inconsistency, and upon such repeal the relevant substantive provisions thereof shall be deemed to be replaced with the relevant substantive provisions hereof.

SECTION 6: EFFECTIVE DATE. This Ordinance shall be in full force and effect from and after its approval and publication in pamphlet form as provided by law.

