

**AN ORDINANCE AMENDING CHAPTER 5 OF THE CODE OF THE CITY OF PEORIA
PERTAINING TO THE REGISTRATION OF RESIDENTIAL PROPERTY**

WHEREAS, the City Council is a home rule unit of government pursuant to Article VII, Section 6 of the Constitution of the State of Illinois 1970, and may exercise any power and perform any function pertaining to its government and affairs; and

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PEORIA, ILLINOIS, as follows:

SECTION 1. Chapter 5 of the Code of the City of Peoria is hereby amended by deleting the following stricken words and by adding the following underlined words:

ARTICLE XIII. –REGISTRATION OF RESIDENTIAL PROPERTY

Sec. 5-520. –Definitions.

For the purpose of this article, unless the context requires otherwise, the following terms shall be construed as herein defined:

Dwelling shall mean any enclosed space which is wholly or partially habitable by human occupants, and is used or intended to be used for living, sleeping, cooking and eating; provided that temporary housing is not a dwelling.

Dwelling unit shall mean a single unit providing complete independent living facilities for one or more persons including permanent provisions for living, sleeping, eating, cooking and sanitation.

Code shall mean chapters 5, 13, and 15 of the Code of the City of Peoria, and additionally, any other provisions of the Code of the City of Peoria establishing or relating to construction, plumbing, heating, electrical, fire prevention, or other heating and safety standards that are applicable to dwellings.

Owner shall mean any person who alone, jointly or severally with others, has legal title of the realty as shown by the records of the Peoria County Recorder of Deed Office except if legal title is held by an Illinois Land Trust, owner shall mean the beneficial owner or owners of the trust.

Lot shall mean one or two or more contiguous parcels of land, legally described comprising the tract or tracts of land upon which a dwelling is located.

Temporary housing means any tent, trailer, mobile home and any other transported structure used for human shelter not attached to the ground, to another structure or to any utility system on the same premises for more than 30 consecutive days.

The singular shall include the plural throughout this article.

(Ord. No. 15736, § 1, 1-18-05; Ord. No. 16401, § 2, 2-24-09; Ord. No. 17114, § 1, 6-24-14; Ord. No. 17549, § 1, 1-23-18)

Sec. 5-521. - Registration required.

- (a) Except as provided hereafter, every owner of a lot, or lots upon which is located an occupied or vacant dwelling(s), unless exempted under section 5-528 hereof, shall file an annual registration statement for each such lot on forms provided by the City of Peoria for such purposes. Any such registration statements shall be prima facie proof of the statement therein contained in any administrative enforcement proceeding or court proceeding instituted by the city against the owner or owners of the dwelling.

- (1) The name, street address, telephone number and the driver's license number of a current driver's license of each owner of the dwelling or a copy of a State of Illinois identification card or other comparable identification. If the owner is a partnership, corporation or voluntary unincorporated association, the statement shall further include the name, street address, the telephone number, the driver's license number of a current driver's license, and position of all partner(s) or officer(s). If the owner is a corporation, the statement shall further include the name, street address and telephone number of the registered agent therefor.
 - (2) The name, street address and telephone number of a natural person 21 years or older, designated by the owner or owners as the authorized agent for receiving notices of code violations and receiving process in any court proceeding or administrative enforcement proceeding, on behalf of such owner or owners in connection with the enforcement of this Code. The authorized agent must adhere to all State of Illinois rules and regulations which includes having the proper license to operate as a property manager in the State of Illinois. This person must maintain an office in Peoria County, Illinois, or must actually reside within Peoria, Tazewell or Woodford County, Illinois. An owner who is a natural person and who meets the requirement of this subsection as to location of residence or office may designate himself as agent. Failure to have an appropriate authorized agent with the City of Peoria as defined previous in this section will invalidate the registration.
 - (3) The name, street address and telephone number of the owner's agent for the purpose of managing, controlling or collecting rents and other person not an owner who is controlling such dwelling, if any.
 - (4) [*Reserved.*]
 - (5) The street address and property index number(s) of the lot or lots upon which the dwelling is located, the number of dwelling units, and the date on which the dwelling was built.
 - (6) The maximum number of occupants permitted by the owner in each dwelling unit. For the purposes of this section, a post office box does not suffice as an address.
- (b) [Reserved.]

(Ord. No. 15736, § 1, 1-18-05; Ord. No. 16401, § 2, 2-24-09; Ord. No. 17114, § 1, 6-24-14; Ord. No. 17549, § 1, 1-23-18)

Sec. 5-522. - Time of registration.

- (a) The owner of a lot not exempt under section 5-528 hereof shall register the property with the City of Peoria within 30 days of purchase or acquisitions of such property; if a parcel becomes subject to registration because it is no longer exempt under section 5-528 hereof, then the owner shall have 30 days from the date on which the property ceased to be exempt under section 5-528 to register the property.

Upon registration, and payment of the fee, if applicable, the City of Peoria shall issue a certificate of registration to the owner which shall certify that the owner has registered the lot in compliance with section 5-521 of this chapter. It shall be the duty of any subsequent owner of the lot to register it as required under section 5-521 within ten business days after the transfer of ownership.

Upon demonstration by an owner that the lot is not required to be registered under the provision of these sections, the code official or his/her designee shall issue a waiver of registration.

- (b) *Registration shall be required annually.* For 2009, registration shall be required on or before September 30, 2009. Every registration, whether new or renewed, shall expire on February 28 and must be renewed on or before March 1 of each calendar year if the property is required to be registered under this article. Said annual registration shall not occur earlier than January 1 of the calendar year. Failure to register within 30 days of the March 1 deadline will result in a \$100.00 late fee. Failure to pay the late fee and the registration fee will be considered noncompliance. Enforcement will be

handled as defined in sections 5-525 and 5-526. Failure to register the property within 30 days of the time requirements set forth in section 5-522(a) will result in a \$100.00 late fee. Exemption to late fee: The late fee will be waived if a property owner has never registered any property previously with the City of Peoria and registers within 30 days from which the City of Peoria issues a citation to register the property or sends a written notice via standard mail service informing the property owner of registration requirement.

(Ord. No. 15736, § 1, 1-18-05; Ord. No. 16401, § 3, 2-24-09; Ord. No. 17114, § 1, 6-24-14; Ord. No. 17474, § 1, 7-11-17; Ord. No. 17549, § 1, 1-23-18)

Sec. 5-523. - Amended registration.

The owner of the lot required to register with the City of Peoria under section 5-521 of this article shall notify the city, within ten business days, of any change in the registration information by filling out an amended registration statement on a form provided by the department of community development for such purpose. There shall be no additional fee for filing an amended registration statement.

(Ord. No. 15736, § 1, 1-18-05; Ord. No. 17114, § 1, 6-24-14; Ord. No. 17549, § 1, 1-23-18)

Sec. 5-524. - Registration records.

The City of Peoria shall maintain the dwelling registration records. These records shall consist of the registration information under sections 5-521 and 5-523 of this article.

(Ord. No. 15736, § 1, 1-18-05; Ord. No. 17114, § 1, 6-24-14; Ord. No. 17549, § 1, 1-23-18)

Sec. 5-525. - Enforcement.

- (a) The director of the department of community development shall enforce the provisions of this article and, in addition to any other remedies provided by law, may apply to the corporation counsel for prosecution of owners who fail to comply.
- (b) The building official may refuse to issue any permit(s) required under this Code for any construction, alteration, installation, razing or other work done in or on any dwelling as defined in section 5-520, of this article, or any certificate of occupancy required under this Code for such a dwelling, unless the owner(s) or other applicant for such permit(s) or certificate(s) presents either a current certificate of registration or a waiver of registration for the dwelling.
- (c) The City of Peoria shall issue no real property transfer tax stamps for a transfer involving a dwelling as defined in section 5-520 of this chapter unless the grantee or purchaser presents either a current certificate of registration or a waiver of registration for the dwelling.
- (d) No dwelling shall be rented or occupied by a non-owner or continue to be rented or occupied by a non-owner without a current registration as required by this article or if the registration for that dwelling unit has been suspended or revoked.

(Ord. No. 15736, § 1, 1-18-05; Ord. No. 17114, § 1, 6-24-14; Ord. No. 17549, § 1, 1-23-18)

Sec. 5-526. - Penalties.

- (a) Each day that any lot is not registered in accordance with the provisions of sections 5-521 and 5-523 this article shall constitute a separate and distinct violation.

- (b) In addition to any of the penalties provided in this article, any person committing an offense under sections 5-521 or 5-523 of this article, shall, upon conviction thereof, be fined \$300.00 for the first offense, and \$500.00 for the second and each subsequent offense in any 180-day period.
- (c) The intentional submission of false information on a registration statement or an amended registration statement filed pursuant to section 5-521 and 5-523 of this article shall be a violation punishable by a fine of not less than \$300.00 nor more than \$1,000.00. Each day that such violation remains uncorrected by the owner(s) shall constitute a separate and distinct violation.
- (d) Violations of this article XIII on registration of lots shall constitute an ordinance violation and shall not be pursued through the code hearing process set forth in sections 5-273 through 5-284. Registering your property and paying the applicable late fee and registration fee will be considered a defense for failure to register by applicable deadline as defined by this chapter.
- (e) In addition to the penalties set forth above, the registration for the property may be suspended or revoked upon a finding by a hearing officer that:
 - (1) The dwelling is a chronic nuisance property as defined by chapter 20 of the Code; or
 - (2) The lot and/or dwelling has been found in violation of any section of the Code by the hearing officer within the previous 12-month period.
- (f) If the registration of a property has been suspended all of the following conditions must be met before reinstatement:
 - (1) Compliance with all requirements of the police department pursuant to chapter 20 of the Code;
 - (2) All Code violations must be corrected and verified by the department of community development;
 - (3) The owner must pay all fines/fees/costs owed to the City of Peoria or its agents; and
 - (4) The owner must pay a reinstatement fee of \$100.00.
- (g) No dwelling that has had its registration revoked for cause after a hearing shall be rented or occupied by a non-owner for a period of one year after the revocation and until conditions prescribed in above subsection (f) have been met.
- (h) In addition to fine penalties imposed for any violations, the corporation counsel of the City of Peoria may commence a court action to obtain injunctive relief against an owner who fails to comply.

(Ord. No. 15736, § 1, 1-18-05; Ord. No. 16401, § 4, 2-24-09; Ord. No. 17114, § 1, 6-24-14; Ord. No. 17306, § 1, 12-8-15; Ord. No. 17474, § 1, 7-11-17)

Sec. 5-527. - Notice of code violation.

By designating an authorized agent under the provisions of section 5-521 the owner is consenting to receive any and all notices of code violation concerning the registered lot and all process in any court proceeding or administrative enforcement proceeding brought to enforce code provisions concerning the registered lot by service of the notice or process on the authorized agent.

- (1) Any owner who has designated an authorized agent under the provisions of section 5-521 shall be deemed to consent to the continuation of the agent's designation for the purpose of this chapter until the owner notifies the department of community development of a change of authorized agent pursuant to section 5-523.
- (2) Any owner who fails to register a lot under the provisions of section 5-521 and 5-523 of this chapter shall further be deemed to consent to receive by posting at the dwelling, any and all notices of code violations concerning the dwelling.

(Ord. No. 15736, § 1, 1-18-05; Ord. No. 17114, § 1, 6-24-14)

Sec. 5-528. - Exemptions from registration.

- (a) Hotels, motels, hospitals, and units of local government or governmental agencies.
- (b) Owners who occupy single-family dwellings or duplexes.
- (c) Properties occupied by immediate family members of the property owner.
- (d) Properties that are temporarily vacant for no more than six continuous months.
- (e) Properties listed for sale.
- (f) Properties mothballed per city Code.
- (g) Properties in probate or similar estate settlement status.

(Ord. No. 15736, § 1, 1-18-05; Ord. No. 17549 , § 1, 1-23-18)

Editor's note— Ord. No. 17549 , § 1, adopted Jan. 23, 2018, changed the title of § 5-528 from "Exemptions" to read as herein set out.

Sec. 5-529. - Registration fee.

- (a) Every owner registering a property pursuant to section 5-521 shall pay an annual registration fee of \$150.00 for every lot required to be registered under section 5-521. Provided, however, that the annual registration fee shall be reduced to \$75.00 for each property owner by the same legal deed holder if the property has met the following conditions:
 - the property owner does not owe the City of Peoria any outstanding funds for any reason, including but not limited to fines, fees, utility bills and back taxes.
 - the property owner has not received a judgement or default related to a Chapter 5 code violation via the City of Peoria Hearing Officer within the previous calendar year.
 - the property owner has not had a work order issued and executed by the City of Peoria within the previous calendar year.
 - the property owner has not received a fine and found guilty of criminal housing management as defined by Chapter 5 of the City of Peoria code within a 24-month period.
 - the property owner has not had a property that was deemed and convicted as a Nuisance property per the City of Peoria Code.

~~owner or designated, authorized agent, listed pursuant to section 5-521, attends a city sponsored landlord training session in February of that calendar year.~~ If any of the above conditions are not met on any property owned by the same owner or entity, no properties will be allowed to receive the reduced registration amount. Property owners that do not meet the above conditions may attend the annual non-owner occupied training session held by the City of Peoria to receive a reduced registration rate of \$125 per property. The property owner, registered State of Illinois business agent, State of Illinois licensed property manager or immediate family member of the deed holder are the only people allowed to attend the training to represent the property and make the property eligible to receive the discounted rate. If a property owner is not eligible for the discount and does not attend the training, they will be required to pay a registration fee of \$250 per property. Each property containing more than one unit will be required to pay an additional registration fee of \$20.00 per additional unit up to the maximum of \$5,000.00 per parcel.

For purposes of the section, each property identification number constitutes a single lot.

- (b) The registration fee shall be reduced if the requirement to register becomes active in October, November or December of that calendar year. The property will pay a reduced rate of \$50.00.

- (c) The reduction of the registration fee as described in above subsection (a) will not be applicable if property or properties are registered after the March 1 deadline of that calendar year. The reduction of the registration fee is not applicable for registration fees imposed for additional units on the same parcel.
- (d) No refund, or retroactive proration of any payment shall be made based upon the property becoming exempt subsequent to registration and payment of fee.

(Ord. No. 15736, § 1, 1-18-05; Ord. No. 16401, § 5, 2-24-09; Ord. No. 16770, § 1, 11-22-11; Ord. No. 17306, § 1, 12-8-15; Ord. No. 17455, § 1, 4-11-17; Ord. No. 17549, § 1, 1-23-18

Sec. 5-530. - Severability.

If any section, subsection, paragraph, sentence, clause or word of this ordinance shall be held to be invalid, either on its face or as applied, the invalidity of such provision shall not affect the other sections, subsections, paragraph, sentences, clauses or words of this ordinance, and the applications thereof; and to that end the sections, subsections, paragraph, sentences, clauses, and words of this article, shall be deemed severable.

(Ord. No. 15736, § 1, 1-18-05)

SECTION 2. This Ordinance shall be in effect on the 31st day of December, 2018 after its passage and publication in pamphlet form.

PASSED BY THE CITY COUNCIL OF THE CITY OF PEORIA, ILLINOIS this _____ day of _____, 2018.

APPROVED.

Mayor

ATTEST:

City Clerk

EXAMINED AND APPROVED:

Corporation Counsel

