

ORDINANCE NO. 17,729

**AN ORDINANCE AMENDING CHAPTER 5 OF THE CODE OF THE CITY OF PEORIA
PERTAINING TO BUILDINGS AND BUILDING REGULATIONS**

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 PROPERTY¹⁷¹

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 at the time of acquisition or the closing date of the property. ~~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 at the time of acquisition or the closing date of the property. ~~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 ~~\$50.00~~\$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 ~~\$50.00~~\$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.

ARTICLE XIV. - INSPECTION OF DWELLINGS¹⁸¹

Sec. 5-532. - Frequency of inspections.

- (a) All dwellings subject to this registration requirement set forth in article XIII (regardless of year built) shall be inspected by the landlord and tenant prior to the time at which the tenant moves in. The landlord and tenant shall review the property using a form provided by the director of community development and said form shall be filled out and signed by both the landlord and the tenant. If systematic inspections are to occur, in cases where an authorized agent other than the owner has been designated to receive notices of code violations pursuant to section 5-521, written notice of the date of the inspection shall be given to the agent and dwelling occupant at least 15 days prior to the date of the inspection. Otherwise, written notice of the date of inspection shall be given to the owner of the property as defined under section 5-520 and the dwelling unit occupant 15 days prior to the date of its inspection. Said notice shall advise the owner or authorized agent and occupant of the inspection, his/her right to refuse inspection of the dwelling unit, and the city's right to seek issuance of an administrative search warrant in the event of any such refusal. No inspection of an occupied dwelling shall occur without the consent of the tenant/occupant unless an administrative search warrant is obtained. It shall be the responsibility of the owner or the designated agent or the occupant to be present at the dwelling unit on the date and time of inspection to provide access for inspection. Property owners wishing to deny access to their property and wishing to have the city obtain an administrative search warrant shall provide the following to the city in writing for each property: (1) owner name and address (agent if applicable) and; (2) property address and tax identification number. The city will recognize and record these denials for access when the above information is provided for each property. An owner's denial of access shall not preclude a tenant from granting access.
- (b) Nothing in this section shall preclude the inspection of any premises subject to this article more frequently than set forth in paragraph (a) above; provided, however, that any inspection more frequent than set forth in paragraph (a) above, shall be based upon a citizen complaint or other indicia that is more probable than not that a housing violation exists.
- (c) In addition to the inspection pursuant to section 5-531(a), owners, with the consent of tenants/occupants, may request a full minimum housing code inspection pursuant to sections 5-165 through 5-271 hereunder for their rental properties. If, after inspection, the property is found to be in compliance with the full minimum housing code, photographs shall be taken by the inspector to verify that the property meets the minimum housing code. These pictures and the testimony of the inspector may be utilized by the landlord against any tenant who destroys or damages the landlord's rental property.
- (d) When a rental property becomes vacant, the owner may request, for his/her convenience, that the inspection pursuant to section 5-53(a) be performed during the vacancy. The city shall make every reasonable effort to comply with the request and perform said inspection during the vacancy. If the city is unable to perform the inspection during said vacancy, then the property remains subject to the inspection as set forth in this article.
- (e) A property owner desiring to notify the city that access is denied, prior to a request for an inspection, may do so by advising the city in writing that they wish to deny access to their property and require the city to obtain an administrative search warrant. Said notice should be in writing and should contain the following information: (1) owner name and address (agent if applicable); and (2) property address and tax identification number. An owner's denial of access shall not preclude a tenant from granting access.
- (f) In addition, all dwellings subject to this registration requirement set forth in article XIII (regardless of year built) shall be inspected by the landlord/property owner and tenant prior to the time at which the tenant moves in and at least once a year. The landlord/property owner and tenant shall review the property using the form provide by the City of Peoria and said form shall be completed and signed by both the landlord/property owner and tenant. The form must be provided to the City of Peoria within twenty-four hours of being requested. ~~annually as part of the annual registration process as defined by this chapter. The most current copy of the form must be submitted with the registration.~~ Property owners are required to disclose to the current tenant and any future/prospective tenants if they have a current administrative hearing office case for chapter 5 violations, if they have been convicted of criminal housing management or had any chapter 5 cases in the last 12 months that resulted in a fine.

In addition to inspecting all items on the form an ensuring all issues are in compliance, all other information must be filled out completely. Property owners are required to provide tenants with a tenant right and responsibility form created by the City of Peoria as part of the self-inspection process.


The city will make every reasonable effort to recognize any other constitutionally recognized method of refusing access to a building but will recognize denials for access when the above information in provided for each property.

Sec. 5-534. - Inspection procedure.


- (a) Inspections required by the tenant and landlord prior to tenant occupancy will be documented on the inspection form provided by the director of community development inspections. This inspection will consist of such portions of the interior health and life-threatening violations listed in section 5-531 as the director of community development inspections deems appropriate, and which are listed on the form. ~~Additional information will include the legal number of occupants allowed by City of Peoria Code, number of bedrooms, name of the tenant on the lease, the tenant's drivers' license number or form of identification, and date and signature of tenant and landlord.~~ This inspection form will be the responsibility of the landlord to maintain and made readily available at the request of the city. Failure to provide the inspection form within twenty-four hours at the request of the city will result in a fine of not less than \$200.00 nor more than \$500.00.

Section 2. This Ordinance shall be in full force and effect immediately after its passage.

PASSED BY THE CITY COUNCIL OF THE CITY OF PEORIA, ILLINOIS, this 12TH day of NOVEMBER, 2019.

APPROVED:


Mayor

ATTEST:


City Clerk

EXAMINED AND APPROVED:


Corporation Counsel