

Village of East Dundee  
PRESIDENT AND BOARD OF TRUSTEES  
Committee of the Whole  
Monday, June 8, 2015  
06:00 PM

Call to Order

Roll Call

Public Comment: Agenda items only - Please keep comments to 5 minutes or less

Old Business

A. 201 Penny Ave Rezoning from Office to Residential

New Business

[A. Green Bean Restaurant Impact Fees](#)

B. Electric Aggregation Update

C. Bass Sound Levels Update

[D. Ordinance of the Village of East Dundee, Illinois, Establishing Licensing Regulations for Rental Buildings and Dwelling Units](#)

Miscellaneous

Executive Session

Recess to Executive Session Executive Session, closed to the public and media under the provisions of the Illinois Open Meetings Act, 5ILCS, 120/2, (2) (21), Discussion of Minutes, (C) (6), Pending Litigation, 2 (C) (1), Personnel and 2 (C) (5) Acquisition of Property.

Public Comment - Please keep comments to 5 minutes or less

Adjournment



6/1/2015

Village of East Dundee

Re: Impact Fees for Green Bean Restaurant

Thank you for taking the time to review my request. I received the notice of the Permit Fees and Impact Fees from the Village of East Dundee; I was surprised how high they have become. I understand the Village of East Dundee is dependent on the income to fund public services. The total fees that have been assigned are \$23,829.00. When comparing this to the total project valuation (\$172,000.00) the costs would make up 14% of building costs. I pulled up letter from a Village of East Dundee meeting from 4/14/14 where impact fees were discussed and the recommended cost of impact fees should be at 6.7% building cost. There is also an example in that letter of another project which total project value is almost double and the square footage is three times the size of our building, yet the initial fees is less than our fees.

I am asking for reconsideration on the impact fee amount to follow the previous method. At 6.7% of total project valuation would be \$11,524.00, I believe that this is more than fair impact fee for an 800 square foot building. I hope that the Village of East Dundee finds this resolution acceptable so that we may proceed with construction.

Thank you,

A handwritten signature in black ink, appearing to read "Aaron Bush", written over a horizontal line.

Aaron Bush

Managing Partner

Green Bean Restaurants, LLC

**AN ORDINANCE OF THE VILLAGE OF EAST DUNDEE, ILLINOIS, ESTABLISHING LICENSING REGULATIONS FOR RENTAL BUILDINGS AND DWELLING UNITS**

**WHEREAS**, the Village of East Dundee (the “*Village*”) is a duly organized and validly existing home-rule municipality created in accordance with the Constitution of the State of Illinois of 1970 and the laws of the State; and,

**WHEREAS**, the Village pursuant to its home rule authority and its property maintenance codes desires to license and enforce such codes upon all commercial and residential rental buildings and dwelling units in the Village.

**NOW, THEREFORE, BE IT ORDAINED** by the President and Board of Trustees of the Village of East Dundee, Kane and Cook Counties, Illinois, as follows:

Section 1: That the East Dundee Municipal Code, as amended, be and is hereby amended by adding Chapter 119, RENTAL LICENSE, to Title XI, Business Regulations, to read as follows:

**“CHAPTER 119: - RENTAL LICENSE**

**§ 119.01 - Purpose**

The purpose of this chapter is to provide for property maintenance standards, inspection and licensing of rental property so as to protect the public health, safety and welfare of the residents and guests of rental units including:

- (A) To protect the public health and safety by obtaining compliance with the property maintenance standards of the village.
- (B) To protect the character and stability of residential and commercial areas.
- (C) To correct and prevent housing conditions 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 rental residential dwelling units.
- (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 property maintenance for the maintenance of existing buildings and thus to prevent deteriorating buildings and blight.

**§ 119.02 – Definitions**

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning:

**PROPERTY:** Any unimproved or improved real property or portion thereof, situated in the Village of East Dundee and includes the buildings or structures located on the property regardless of condition.

**RENTAL LICENSE:** A license required for any owner of a building, structure, dwelling or dwelling unit who rents, leases, or controls any portion of the property, building or structure to another person, business, corporation or entity for any fixed period of time.

### **§ 119.02 – Rental License Required**

- (A) License Required: No person shall engage in the business of renting without having obtained a license.
  - (1) Residential Property: It shall be unlawful to rent a residential dwelling or dwelling unit without first obtaining a rental license issued by the building department for the specific location.
  - (2) Nonresidential Property: It shall be unlawful to rent a nonresidential building or structure without first obtaining a rental license issued by the building department for the specific location.
  - (3) Rooming House: It shall be unlawful to operate a rooming house or occupy any rooming unit in any rooming house without first obtaining a rental license issued by the building department for the specific location. This licensing requirement shall not apply to group homes governed by 405 ILCS 35/1 et seq., as amended, Specialized Living Centers Act, dealing with the developmentally disabled, or other similar uses governed by state or federal laws, rules or regulations.
- (B) It is unlawful for a person to occupy a rental building or residential unit, or for any owner or property agent to allow anyone to occupy a rental building or residential unit, which is not licensed.
- (C) It is unlawful for any person to offer for rent or to occupy any vacant building or dwelling unit or any building or dwelling unit that becomes vacant for which a license is under suspension.
- (D) This chapter shall not apply to the following structures:
  - (1) Hotels, motels, and other structures which rent rooms to occupants which are primarily transient in nature.
  - (2) Dwellings, buildings, structures and uses licensed and inspected by village, state or federal government, including but not limited to nursing homes, retirement centers, rest homes, etc.
  - (3) Dwellings, buildings, structures and uses owned by governmental agencies and public housing authorities.
- (E) A license for a rental residential property cannot be transferred to another rental residential property or a succeeding owner.

## **§ 119.02 – Application, Inspection and Enforcement**

- (A) Application for a license hereunder shall be made in writing and shall be processed in accordance with chapter 110 of this title and shall submit the following information in an application provided by the village:
- (1) Name, address, and home and business telephone numbers of the owner of the property and, if property is held in trust, the name, address, home and business telephone numbers of the beneficiaries and the percentages of ownership of all the beneficiaries of the trust, appropriate corporate or partnership information. The name, address and phone number of the management company and agent representing an owner shall be provided.
  - (2) Name, address (no P.O. boxes), business and home telephone numbers of the owner or agent to be contacted when potential violations of municipal ordinances occur.
  - (3) Telephone number of the owner or agent to be contacted when an emergency exists.
  - (4) An acknowledgment that the agent or owner shall be reasonably accessible to the village and have a telephone number which shall be available to the village at any time. The owner or agent shall have a local office available for contact in Illinois.
  - (5) In the event any of the information requested should change, it shall be the obligation of the owner to notify the village in writing within ten (10) days of the change.
  - (6) No license shall be issued or renewed unless the owner or operator agrees in their application to an inspection pursuant to this chapter as the village administrator may require to determine whether the location in connection with which such license is sought is in compliance with the applicable provisions of this chapter and with the applicable rules and regulations pursuant thereto in this Code.
- (B) License Fee: The cost of a license shall be as set forth in the annual fee ordinance.
- (C) Crime-Free Housing Seminar required for residential property owners: All persons applying for a rental license for residential property shall have successfully completed a mandatory crime-free housing seminar prior to issuance of the license. The seminar may be attended after an application has been submitted. The license will be issued after successful completion of the seminar.
- (D) Rooming Houses: A rooming house shall comply with other conditions of this Code dealing with rooming houses. The license must be displayed in a conspicuous place within the rooming house at all times.
- (E) Notice of maximum occupancy: 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 village's Property Maintenance Code as determined by the code official or the lease, whichever is less.
- (F) Inspections: The village administrator may require inspections to determine whether the location in connection with which such license is in compliance with the applicable provisions of this chapter and with the applicable rules and regulations pursuant thereto. After inspection, no such license shall be issued unless the location is found to meet all applicable requirements of this chapter and applicable rules and regulations pursuant thereto.

Locations that change ownership may be required to be inspected before a new license can be issued. After inspection, no such license shall be issued unless the location is found to meet all applicable requirements of this chapter and applicable rules and regulations pursuant thereto.

- (1) Whenever, upon inspection of the location, the building official or designee finds that conditions or practices exist which are in violation of the provisions of this chapter or of any applicable rules and regulations pursuant thereto, the owner shall be served with notice of such violation in the manner herein provided. Such notice shall state that unless the violations cited are corrected within reasonable time, the license may be suspended.
  - (2) At the end of the time allowed for correction of any violation cited, the building official or designee shall reinspect the location, and if the reinspection reveals that such conditions have not been corrected, a request to the village administrator to suspend the license may be made.
  - (3) In the alternative, the building official may file a complaint in the Village's administrative adjudication system or file a complaint against the owner in the circuit court.
  - (4) Any person whose license has been recommended for suspension shall be entitled to an appeal to the village administrator in the manner provided by this title. Any written request for appeal shall be filed with the village administrator within fifteen (15) days following the issuance of the notice.
  - (5) If, upon reinspection, the building official or designee finds that the location in connection with which the notice was issued is now in compliance with this chapter and with the applicable rules and regulations issued pursuant thereto, a recommendation of the reinstatement of the license may be made to the village administrator.
  - (6) When the building official or designee determines after an initial inspection that additional follow up inspections are necessary for enforcement of this chapter, two (2) additional follow up inspections for noncompliance shall be granted each license holder without charge. In the event more than two (2) follow up inspections are needed, the license holder shall be assessed a noncompliance inspection service charge as established in the annual fee ordinance to make the reinspection. Payments must be made in full prior to the license being renewed. Failure to pay any balance will serve as grounds to deny further permits or licenses from being issued by the village.
- (G) Crime Free Housing: Any owner, agent or designee of residential rental property shall utilize a crime free lease addendum or have a clause in the lease similar to a crime free lease addendum for any leases executed. A copy of a sample crime free lease addendum shall be provided by the Village to any owner, agent or designee of residential rental property. The clause is to make criminal activity (not limited to violent criminal activity or drug related criminal activity engaged by, facilitated by or permitted by the renter, member of the household, guest or other party under the control of the renter) a lease violation. The landlord shall have authority under that clause to initiate an eviction proceeding as specified in the Illinois Compiled Statutes Forcible Entry and Detainer statutes. Proof of

criminal violation in the Forcible Entry and Detainer Statutes shall be by a preponderance of the evidence.”

**Section 2:** This Ordinance shall be in full force and effect upon its passage, approval and publication as provided by law.

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2015

AYES: \_\_\_\_\_

NAYS: \_\_\_\_\_

ABSENT: \_\_\_\_\_

Approved this \_\_\_\_\_ day of \_\_\_\_\_, 2015

\_\_\_\_\_  
Lael Miller, Village President

Attest:

\_\_\_\_\_  
Heather Maieritsch, Village Clerk

Published in pamphlet form:

\_\_\_\_\_, 2015