

CITY OF AURORA, ILLINOIS
ORDINANCE NO. 008-96
DATE OF PASSAGE October 14, 2008

AN ORDINANCE AMENDING CHAPTER 12 DEALING WITH LICENSING OF
RENTAL PROPERTIES IN THE CITY OF AURORA

WHEREAS, the City of Aurora has a population of more than 25,000 persons and is, therefore, a home rule unit under subsection (a) of Section 6 of Article VII of the Illinois Constitution of 1970; and

WHEREAS, subject to said Section, a home rule unit may exercise any power and perform any function pertaining to its government and affairs for the protection of the public health, safety, morals and welfare; and

WHEREAS, in order to protect the health, safety and welfare of the citizens of the City of Aurora, it is desirable to amend the city's ordinances to require mandatory licensure of all rental properties within the City of Aurora.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Aurora, Illinois, as follows:

Section One: That Chapter 12, Article IV, Division 1, Section 12-112 entitled "Licensing of the operation of dwellings" be amended as follows:

Sec. 12-112.0 LICENSING OF THE OPERATION OF DWELLINGS, inclusive, is added and amended as follows:

PM 112.1: ~~No~~ It is unlawful for any person shall to operate or maintain any non-owner occupied residential unit, two-family or multiple-family building, whether vacant or not, without first obtaining a license for such property, with the following exceptions: any of the following types of dwellings unless he holds a current, valid operating license issued by the City of Aurora in his name for the specific named type of dwelling:

(a) ~~Single family dwellings that are rented or leased to, or occupied by, a person or entity that is not the owner.~~

- (1) The following types of single-family dwellings must be registered with the City, at no charge, and shall be exempt from the interior inspection requirements of this ordinance, unless the conditions as set forth in subsections (1.) and (2.) are present.
 - (a.) Dwellings occupied by immediate family members of the owner, as well as their family members, where no rent is paid.
 - (1.) Such dwellings shall be required to be inspected on an exterior basis only and, if three (3) or more exterior violations of this code are found, or if a significant single code violation is found as determined by the code official or his designee, the property shall then be required to be licensed with the appropriate fee paid, and interior inspections made.
 - (2.) Such dwellings shall also be required to be licensed with the appropriate fee paid and interior inspections made if there are two (2) or more verified calls for police service at the premises within a consecutive twelve-month time period.
- (2) The following types of single-family dwellings shall be exempt from registration and licensing inspections under this code:
 - (a.) Vacant single-family residences that are being prepared for sale by the heirs, trustees or legal representatives, after the death of the owner, for a period of up to two (2) years.
 - (b.) Single-family residences that are not occupied by the owner where no rent is paid and the same occupants have resided at the property for the last ten (10) years.
 - ~~(b) Units in a two-family dwelling that are rented or leased to, or occupied by, a person or entity that is not the owner.~~
 - ~~(c) Multiple dwelling or rooming houses of three (3) units or larger.~~
 - ~~(d) All dwellings within the downtown core and downtown fringe zoning districts, as set forth in the Aurora Zoning Ordinance.~~
 - ~~(e) Two (2) or more buildings located upon the same zoning lot, parcel, or on property having the same tax parcel number, containing two (2) or more total dwellings or dwelling units.~~

~~(f) Condominium and townhome dwellings, of three (3) attached units or larger, where the following conditions are met:~~

~~(1) The total number of dwelling units within the condominium or townhome complex is fifty (50) or more; and~~

~~(2) The total number of rental dwelling units within the condominium or townhome complex exceeds fifty (50) percent or more.~~

~~(g) Hotels and motels that are not licensed by the State of Illinois.~~

PM 112.1A: Licenses shall be for an entire structure, complex of buildings, or any sub-part thereof.

PM 112.2: The following types of dwelling units shall be excluded from licensing:

- (1) All owner-occupied units.
- (2) All owner-occupied, single-family properties.
- (3) ~~All two-family dwelling and non-owner-occupied single-family dwelling properties for a time period of twenty-five (25) years.~~
- (4) ~~Any property owned or operated exclusively by any unit of government.~~
- (5) Any property owned or operated by a college or university, including, but not limited to, dormitories, graduate housing, and school-owned apartments.
- (6) Any property which is the subject of a contract sale and the seller or buyer resides in the property.
- (7) ~~In the case of multiple-family dwellings, condominiums and town homes, and all dwelling units within the downtown core and downtown fringe, all newly constructed buildings for a time period of seven (7) years after the issuance of the last certificate of occupancy and compliance, after which a license shall be required.~~
- (8) Units and premises licensed and inspected by the State of Illinois, including, but not limited to, motels and hotels, nursing homes, assisted living centers, and similar facilities.
- (9) The applicable provisions of Section 100 provide the code official with the ability to perform inspections subject to the conditions enumerated therein. Although this ordinance exempts certain units and properties from licensure, the city reserves the right to perform reasonable inspections of those properties which are exempt and at all properties in the city, in accordance with law.

~~PM 112.3: Criteria for removing the exclusion of licensing for newly constructed units referenced in sections 112.2(3) and (7) before the twenty five (25) or seven year exclusion period.~~

~~Such units shall be subject to licensure if these dwellings or rental portion thereof meet one or more of the following conditions:~~

- ~~(1) — The dwelling or the lot on which the dwelling is located has been the subject of a finding, decision, adjudication, or verdict in an administrative hearing or circuit court for violation of property maintenance; junk and trash; sidewalk maintenance; or zoning codes, ordinances, or laws, as determined by the Director of the Division of Property Standards or his designee; or~~
- ~~(2) The City's administrative hearing officer has declared the dwelling or the lot on which the dwelling is located a public nuisance due to the condition of the property or the conduct of the tenant(s), owner(s), occupier(s), or their guest(s) and invitee(s).~~

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~~PM 112.7: No operating license shall be issued or renewed unless the applicant owner or the owner's local representative on behalf of the owner has first made application therefor on an application form provided by the city, and paid the requisite fee, and successfully completed the mandatory crime-free housing seminar administered by the Aurora police department, or another approved program, prior to issuance of the license. The seminar may be attended after application has been submitted and the license will be issued after successful completion.~~

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Section Two: That this ordinance shall be in full force and effect, and shall be controlling, sixty (60) days after its passage and approval.

Section Three: That all ordinances or parts of ordinances thereof in conflict herewith are hereby repealed to the extent of any such conflict.

Section Four: That any Section or provision of this ordinance that is construed to be invalid or void shall not affect the remaining Sections or provisions which shall remain in full force and effect thereafter.

PASSED by the City Council of the City of Aurora, Illinois, on Oct. 14, 2008.

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APPROVED AND SIGNED by the Mayor of the City of Aurora, Illinois, on Oct. 14, 2008

