



VILLAGE OF MIDLOTHIAN

ORDINANCE NO. 2086

**AN ORDINANCE AMENDING THE RESIDENTIAL
RENTAL HOUSING PROGRAM PURSUANT TO THE
VILLAGE CODE OF THE VILLAGE OF MIDLOTHIAN,
TITLE IV, CHAPTER 19**

**GARY L'HEUREUX, Village President
ALLEN MOSKAL, Village Clerk**

**KATHY CAVENEY, Village Trustee
SANDRA CROWLEY, Village Trustee
JACK HILLE, Village Trustee
CARL IVAN, Village Trustee
KATHLEEN JOHNSON, Village Trustee
DONALD KILLELEA, Village Trustee**

**ADOPTED BY THE VILLAGE BOARD OF THE
VILLAGE OF MIDLOTHIAN
THIS 10th DAY OF NOVEMBER, 2021**

**Published in pamphlet form by authority of the Village Board of the
Village of Midlothian, Cook County, Illinois, this 10th day of November 2021**

ORDINANCE #2086

**AN ORDINANCE AMENDING THE RESIDENTIAL
RENTAL HOUSING PROGRAM PURSUANT TO THE
VILLAGE CODE OF THE VILLAGE OF MIDLOTHIAN,
TITLE IV, CHAPTER 19**

WHEREAS, the Village of Midlothian (the "*Village*") is 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, the Village Code of the Village of Midlothian ("*Village Code*") provides for the Village's Residential Rental Housing (Village Code Section 4-19-1 *et. al.*); and

WHEREAS, the President and Village Board of Trustees of the Village (the "*Corporate Authorities*") believe it to be in the best interests of the Village and residents thereof to Amend the Residential Rental Housing rules and regulations; and

WHEREAS, the Corporate Authorities desire to Amend Title IV (BUILDING REGULATIONS), Chapter 19 (RESIDENTIAL RENTAL HOUSING).

NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF MIDLOTHIAN, ILLINOIS, AS FOLLOWS:

SECTION 1: That the above recitals and legislative findings are found to be true and correct and are hereby incorporated herein and made a part hereof, as if fully set forth in their entirety.

SECTION 2: That the Village Code of the Village of Midlothian is hereby amended by the deletion of the following ~~strike through~~ language and addition of the following underlined language to Title V, Chapter 4 of the Village Code as follows:

4-19-1: PURPOSE, CRIME PREVENTION, DEFINITIONS:

(C) Definitions:

APARTMENT BUILDING: A residential building containing two (2) or more dwelling units in which one or more units is leased or rented to a household person other than the owner. An apartment building may also be classified as a multi-family dwelling.

BUILDING: A structure entirely separated from any other structure by space or by walls in which there are no communicating doors or windows, or similar openings, and having a roof supported by walls or columns and properly supported on a masonry foundation extending down below the frost line, and adapted to permanent or continuous occupancy for resident or business assembly, factory or storage purposes; the term "building" shall be construed as if followed by the words "or part thereof."

DWELLING: A building, or portion thereof, but not an automobile house trailer, designed or used exclusively for residential occupancy, including single-family dwellings, two-family dwellings, townhouse dwellings, and multi-family dwellings, but not including "hotel/motel" or "bed and breakfast establishment",

DWELLING UNIT: One or more rooms containing individualized cooking, sleeping and sanitary facilities, which is designed to be occupied or intended for use by one household. A single unit containing one or more rooms providing complete, independent living facilities for one household, including permanent provisions for living, sleeping, eating, cooking and sanitation.

DWELLING, ATTACHED: A dwelling which is joined to another dwelling at one or more sides by a party wall or walls.

DWELLING, DETACHED: A dwelling which is entirely surrounded by open space on the same lot.

DWELLING, MULTIPLE-FAMILY: This use includes buildings containing three (3) or more dwelling units that are not designed as townhouses (see definition of Dwelling, Townhouse), where each unit is provided with an individual entrance to the outdoors or to a common hallway, with other dwelling units above and/or below. "Dwelling, multiple-family" may include apartment buildings, condominiums and independent living senior housing, but shall not include "dwelling, townhouse", as defined herein.

DWELLING, SINGLE-FAMILY: This use includes detached buildings containing only one dwelling unit surrounded by yards. Manufactured homes, mobile homes, travel trailers, housing mounted on self-propelled or drawn vehicles, tents, or other forms of temporary or portable housing are not included in this definition.

DWELLING, TOWNHOUSE: This use includes buildings having three (3) or more dwelling units that are arranged side by side, sharing common fire resistive walls without openings, and each occupying an exclusive vertical space without another dwelling unit above or below. Each dwelling unit shall have at least one individual entrance to the outdoors. "Dwelling, townhouse" may include apartments, condominiums and independent living senior housing, but shall not include "dwelling, multiple-family", as defined herein.

DWELLING, TWO-FAMILY: This use includes detached buildings containing two (2) dwelling units surrounded by yards, and attached either vertically or horizontally.

4-19-2: INTERPRETATION; SCOPE; RESPONSIBILITY; LICENSING REGISTRATION:

(D) Occupancy, License, And Registration:

1. No residential rental housing may be occupied unless it has been inspected, registered and licensed. The provisions of section 4-19-7 of this chapter shall apply for registration and biennial inspections (every 2 years, residential rental housing having an even house number shall be inspected in even calendar years and residential rental housing having an odd house number shall be inspected in odd calendar years) of any residential rental housing within the village.

2. Occupancy limits shall be determined by this code. No individual person or persons, corporation or business entity of any kind or nature whatsoever, shall engage in the business of operating any residential rental housing to the public, or operating a residential rental dwelling or dwelling unit, unless a valid and current residential rental housing license has been issued by the village clerk for the specific location. This is not intended to apply to licensed professionals acting as brokers or agents, unless licensed professionals are owners or managers of property subject to this code.

3. No person shall rent or occupy a dwelling unit unless a current valid residential rental housing license has been issued for that specific location. This licensing requirement shall not apply to group homes governed by the specialized living centers act, 405 Illinois Compiled Statutes 25/1 et seq., dealing with the developmentally disabled, or other similar uses governed by state or federal laws, rules or regulations. No license shall be issued or renewed unless the owner ~~or operator~~ agrees to such inspections as may be required

pursuant to this chapter and until all applicable inspection fees, license fees, past due water bills, repair costs owed to the village of Midlothian, liens and citation fines have been paid to the village.

4-19-4: ACCESS FOR INSPECTION:

(E) Required Inspections: Systematic residential rental housing inspections will be conducted biennially (every 2 years, residential rental housing having an even house number shall be inspected in even calendar years and residential rental housing having an odd house number shall be inspected in odd calendar years). The village will conduct additional inspections based upon complaints when received and when an inspection is determined to be necessary.

4-19-7: RESIDENTIAL RENTAL HOUSING REGISTRATION:

(A) Registration Form Date:

1. Filing Of License: Prior to engaging in the business of renting any dwelling unit to the public or operating a rental dwelling or dwelling unit, every owner of residential rental housing, whether occupied or vacant, shall file with the village a completed residential rental housing license application for the dwelling unit and owner's registration form including the appropriate fee for each rental property and units.

4-19-9: FEES:

The village board shall set the amount of the registration and residential rental housing license fees by resolution or ordinance in a fee schedule to be maintained by the village clerk and which shall be made available to the public upon request.

4-19-15: PENALTIES:

(A) General: Any individual person or persons, firm, corporation, or other entity violating any provision of this chapter or other provisions of this code shall be subject to the penalties as set forth in this chapter or other provisions of this code. Such individual person or persons, firm, corporation, or other entity shall be deemed guilty of a separate offense for each and every day or portion thereof during which such violation is committed, continued, or permitted, and upon finding that a violation has occurred, shall be fined in accordance

with the appropriate provisions of this chapter and this code for this and subsequent or continuing violations.

4-19-17: EFFECTIVE DATE:

This chapter shall take effect and be in full force immediately upon approval of the village board of trustees. After the effective date hereof, it shall be unlawful for any "owner", as defined herein, to lease or operate residential rental housing without registering each separate building with the village of Midlothian and obtaining a residential rental housing license to operate the dwelling unit(s) in such registered building(s) as residential rental housing and complying with the provisions of this chapter and with all other applicable ordinances of the village of Midlothian, as well as federal and state laws.

SECTION 3: The officials and officers of the Village are hereby authorized to undertake actions on the part of the Village to implement the newly adopted ordinance

SECTION 4: All ordinances or parts of ordinances, resolutions, motions or orders in conflict with this ordinance are hereby repealed to the extent of any such conflict.

SECTION 5: 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.

SECTION 6: That this ordinance shall be in full force and effect from and after passage, approval, and, if required by law, publication in the manner provided for by law.

	Aye	Nay	Abstain	Absent
Kathleen Caveney Trustee				✓
Sandra Crowley Trustee	✓			
Jack Hille Trustee	✓			
Carl Ivan Trustee	✓			
Kathleen Johnson Trustee	✓			
Donald Killelea Trustee				✓
Gary L'Heureux Mayor			✓	

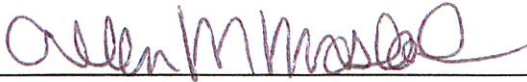
PRESENTED AND PASSED on a roll call vote this 10th day of November 2021.

APPROVED this 10th day of November 2021.



GARY L'HEUREUX, VILLAGE PRESIDENT

ATTEST:



ALLEN MOSKAL, VILLAGE CLERK

RECORDED this 10th day of November 2021