

CHAPTER 19

RESIDENTIAL RENTAL HOUSING

SECTION:

4-19-1: Purpose, Crime Prevention, Definitions

4-19-2: Interpretation; Scope; Responsibility; Licensing Registration

4-19-3: Enforcement

4-19-4: Access For Inspection

4-19-5: Violations

4-19-6: Hearing

4-19-7: Residential Rental Housing Registration

4-19-8: Crime Free Program

4-19-9: Fees

4-19-10: Zoning Ordinance

4-19-11: Property Maintenance

4-19-12: Residential Rental Housing Standards

4-19-13: Parking And Bicycles

4-19-14: Tenant Responsibilities

4-19-15: Penalties

4-19-16: Severability

4-19-17: Effective Date

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

(A) Purpose:

1. Minimum Residential Rental Housing Standards: The purpose of this chapter is to provide minimum standards for the protection of the life, safety, health, welfare, and property of residential rental housing owners and tenants, as well as that of the general public.
2. Maximum Occupant Loads: To prevent the overcrowding of residential rental housing by requiring compliance with minimum space standards per occupant for each dwelling unit.
3. Prevent Slum Areas: To facilitate the enforcement of minimum standards for the maintenance of existing residential rental housing and thus to prevent slums and blight.
4. Maintain Property Values: To preserve the value of land and buildings throughout the village of Midlothian.
5. Crime Free Multihousing Program: To reduce and prevent crimes from occurring within residential rental housing and surrounding neighborhoods.

(B) Crime Prevention: This chapter is intended to promote the reduction in crime with regulations that require the land/building owners to be annually licensed by the village. A residential rental housing license will be issued when application forms are completed with the accurate tenant records as required by the Midlothian police department and/or Midlothian building department. "Crime prevention through environmental design" (CPTED) will also be part of building construction standards.

(C) Definitions:

ABANDONED DWELLING: A dwelling unit, building, structure, property, or part thereof that has not been actively used for its intended, designed, or permitted purpose for a period of twelve (12) consecutive months, or for a cumulative period of eighteen (18) months during any three (3) year period.

ABANDONED USE: A legal, nonconforming use within a dwelling unit, building, structure, property, or part thereof, that has been discontinued for a period of twelve (12) consecutive months, or for a minimum of eighteen (18) months during any three (3) year period. This does not include a special use pursuant to section 11-2-16 of this code.

APARTMENT: A unit within an apartment building.

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 other than the owner. An apartment building may also be classified as a multi-family dwelling.

APPROVED: Having received approval of the village of Midlothian building department.

BATHROOM: A room meeting the criteria of subsection 4-19-12(A) of this chapter.

BEDROOM: A room within a dwelling unit capable of being used for sleeping purposes, having a closet and an operable window, and meeting the minimum square footage requirements as provided in chapter 18 of this title.

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."

CRIME FREE RENTAL HOUSING PROGRAM: A system of rules used to educate rental housing unit owners, owner's managers and/or agents for the control and recordkeeping for any municipal violation or criminal activity as defined by local, state or federal law. This includes the environmental design for rental housing units and facilities.

DANGEROUS BUILDINGS, STRUCTURE, OR PREMISES: Any building, structure or premises that has become or remains in an unsafe or dilapidated condition so to pose a danger to public health, safety or welfare.

DUPLEX: A single building containing only two (2) dwelling units, side by side or one above the other.

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, 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 UNIT: 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.

FAMILY: An individual, or two (2) or more persons related by blood, marriage or adoption, or members of the same civil union, living together as a single household unit; or a group of not more than four (4) persons not related by blood, marriage or adoption, living together as a single household unit.

GRANDFATHERING: Permitted use of a previously existing nonconformity. (See definition of Previously Existing Nonconformity.)

GUEST: An individual who is present at a tenant's dwelling unit by invitation, consent, permission or assent, but who is not an owner, occupant or tenant of that dwelling unit.

HABITABLE ROOM: Any room meeting the requirements of this code for living, sleeping, cooking or dining purposes, but not including bathrooms, pantries, hallways, storage areas, utility rooms, or unfinished cellars/basements, or attics.

HOT WATER: Water at a temperature of not less than one hundred ten degrees Fahrenheit (110°F).

HOUSEHOLD: See definition of Family.

IMMEDIATE FAMILY: Kinship members including:

Mother or stepmother;

Father or stepfather;

Son or stepson;

Daughter or stepdaughter;

Brother or stepbrother;

Sister or stepsister;

Grandfather or stepgrandfather;

Grandmother or stepgrandmother;

Grandson or stepgrandson;

Granddaughter or stepgranddaughter;

Spouse;

Members of the same civil union.

IMMINENT DANGER: A condition which could cause serious or life threatening injury or death at any time.

INDIVIDUAL: A human being.

KITCHEN: An area or room meeting the criteria of subsection 4-19-12(B), "Kitchen Equipment", of this chapter.

LANDLORD: The landowner, lessor, or sublessor of residential rental property.

LESSEE: See definition of Tenant.

OCCUPANT: A person who lives in a dwelling unit. An occupant who is not an owner is a tenant.

OWNER: The landowner, person, agent, operator, firm or corporation having a legal or equitable interest in the property; or otherwise having control of the property, including the guardian of the estate of any such person, and the personal representative of the estate of such person.

OWNER'S AGENT: A person eighteen (18) years of age or older who maintains a "primary residence" (as defined herein) or an office for the purpose of transacting business in the village of Midlothian and is customarily present to perform the duties of managing agent on a full time basis whether the rental unit is occupied or not.

PERSON: An individual, partnership, limited liability company, corporation, unincorporated association, trust or other legal entity.

PREVIOUSLY EXISTING NONCONFORMITY: Occupancy levels or permissible number of units in a dwelling granted prior to the adoption of the village zoning ordinance, which would be less under that code or subsequent amendments.

PRIMARY RESIDENCE: A dwelling unit maintained and occupied on a routine basis by at least one individual owner more than fifty percent (50%) of the year and can be proven to be that individual owner's legal residence through real estate tax records or other official documents filed with the state or federal government. A residence occupied by its owner fifty percent (50%) or less of the year is classified as a "secondary residence".

PROPERTY MAINTENANCE CODE: The property maintenance code adopted by the village of Midlothian in chapter 18 of this title.

REGISTRATION: The process by which owners submit application for a license to operate one or more rental units in the village. All residential rental housing must be licensed and registered to be occupied by tenants. A license and occupancy may be refused or revoked by the village on units not in compliance.

RENTAL UNIT: A dwelling unit not occupied by the owner as a primary or secondary residence. See definition of Residential Rental Housing.

RENTER: A tenant.

RESIDENTIAL RENTAL HOUSING: A dwelling, townhouse, condominium, single-family residence, dwelling unit, building, premises or structure for residential use by a person or persons who is not the legal owner of record. Units occupied by "immediate family" as herein defined are not considered residential rental housing provided that the legal owner resides in the dwelling, townhouse, condominium, single-family residence, dwelling unit, building, premises or structure for residential use. This chapter is not intended to, and does not apply to, hotels, motels, hotel clubs, motel clubs, rooming houses, nursing homes or assisted living facilities.

SECONDARY RESIDENCE: A dwelling unit occupied by an owner less than fifty percent (50%) of the year and occupied by no one else at any time, except for individuals related by blood or marriage, when the owner is actually present.

SINGLE-FAMILY RESIDENCE: A building designed to be occupied by a family; single household. See definition of Family.

TENANT: A person not the owner who occupies a dwelling unit with the consent of the owner for monetary or nonmonetary consideration.

VILLAGE: The village of Midlothian, Illinois.

VILLAGE CODE: The village code of the village of Midlothian, Illinois.

ZONING ORDINANCE: The village of Midlothian zoning ordinance. (Ord. 1761, 8-24-2011; amd. Ord. 2086, 11-10-2021)

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

(A) Interpretation: In their interpretation and application, the provisions of this chapter shall be held to be minimum requirements adopted for the protection of the public health, safety, and welfare. This chapter and chapter 18 of this title, as amended from time to time, shall apply, as minimum standards for maintenance of residential rental housing. Where the requirements of this chapter vary from any other lawfully adopted village or state laws, rules, regulations, ordinances, codes, deed restrictions or covenants, the more restrictive or that imposing the higher standards shall govern. The village does not enforce any private covenants between landowners or tenants or finally determine conflicts between neighboring property owners.

(B) Scope: This chapter shall apply to all real property located within the incorporated limits of Midlothian, Illinois, which contains "residential rental housing", as defined herein.

(C) Responsibility: The village of Midlothian has created this chapter pursuant to its home rule powers and has designated the building department as the enforcement body. The superintendent of the building department, or his/her designee, has the authority for enforcing the provisions of this chapter and shall serve to render interpretations of this chapter. The crime free rental housing program will be coordinated by the Midlothian police department through the chief of police or his/her designee.

(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 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 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. (Ord. 1761, 8-24-2011; amd. Ord. 1946, 12-7-2016; Ord. 2086, 11-10-2021)

4-19-3: ENFORCEMENT:

The village of Midlothian departments of building and police shall administer this chapter. These departments may delegate such duties and responsibilities in connection with the administration and enforcement of this chapter to such persons as are appropriate for conformance through respective department chain of command. The building superintendent and the chief of police, may, when circumstances dictate, call upon the building department, police department, county, state, fire department or other authorities, agencies, codes or regulations in identifying and correcting conditions in rental housing which constitute violations of this chapter or other duly enacted ordinances, regulations, or laws as applicable. (Ord. 1722, 5-12-2010)

4-19-4: ACCESS FOR INSPECTION:

Upon presentation of proper credentials, village authorized representatives may enter at reasonable times, after giving notice to the landlord of any building, structure, or land within the village, to perform the duties imposed by this chapter. Reasonable notice for required scheduled inspections shall be defined as a minimum of ten (10) calendar days' advance written notice. It shall be the responsibility of the landlord to notify the tenant(s) of inspection appointments, arrange access with the tenant(s) and provide access to all units. In the absence of the building landlord or landlord's agent, an adult at least eighteen (18) years of age must be present during the inspection.

(A) Revocation Of Registration: Units not made accessible for inspection by the landlord (or otherwise not inspected) in accordance with this chapter, shall be in violation of this chapter and shall not be licensed/registered or shall have the registration revoked. Notwithstanding anything to the contrary in this chapter, a tenant or occupant must be present and must consent to the inspection. If the tenant or occupant is not present or does not consent to the inspection, then the inspection shall not be conducted.

(B) Residential Rental Property Complaints: In the case of a complaint of a potentially life or health threatening condition(s) or a property maintenance violation from any source, the village may promptly inspect or investigate without prior notice, except that notice of such inspection or investigation shall be provided to the landlord or agent as soon as reasonably possible.

(C) Inspection Areas: Residential rental housing inspections will include a physical inspection of the property including the interior of all rental units, building exterior, exterior structures such as garages and storage areas, common areas, basements/cellars, laundry areas, electrical, plumbing and storage areas, as deemed appropriate by the inspector/code enforcement official with the exception of personal items.

(D) Denial Of Access: Except in the case of an emergency, if a tenant or property owner denies an inspector access to a rental property, the building superintendent or his/her designee shall apply to the circuit court for the issuance of an administrative search warrant for inspections under this chapter.

(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 inspections based upon complaints when received and when an inspection is determined to be necessary. (Ord. 1722, 5-12-2010; amd. Ord. 1727, 6-9-2010; Ord. 2086, 11-10-2021)

4-19-5: VIOLATIONS:

Violations of this chapter and fines shall be as stated in this chapter or, if not stated in this chapter, as specified in title 1, chapter 4 of this code.

(A) Time Limit For Removal: When a licensing inspection of residential rental housing reveals any violations of applicable codes, ordinances or laws, a compliance time frame will be set by the inspector. In establishing a compliance time frame, the inspector shall determine the reasonable minimal time necessary to correct the violations based upon the number and severity of the violations. The village shall send notice to the property owner or the listed property agent by regular U.S. mail at the last address provided on the most recent license application. Said notice shall include the following:

1. Description of the property sufficient for identification.
2. A statement listing the violations of applicable codes.
3. The date upon which the licensing reinspection will occur.
4. An explanation that, if upon completion of the licensing reinspection, the requirements of applicable village codes have not been met, the residential rental housing license may be suspended or revoked.

(B) **Immediate Action:** Notice of violations involving imminent danger to the life, safety, health, welfare and/or property of the landlord and/or tenants as well as that of the general public, may be made by any means reasonably calculated to provide actual notice, which shall include, but not be limited to, personal delivery, registered or certified mail, or posting of an appropriate notice on the premises.

(C) **Occupancy Denial:** In the case of imminent danger or fire hazard, structural failure or danger of imminent collapse, interruptions or failures in plumbing, heating, electrical systems, or other hazardous health situations, the village may order immediate repair or correction and may order the premises vacated pending such repair or correction.

(D) **Citation Issuance:** If, at the conclusion of the period established for corrective action, the violation has not, in the village's reasonable judgment, been satisfactorily corrected, then the village may issue citations in accordance with provisions of this code, suspend or revoke the license for the affected unit or units, and have the rental unit(s) vacated. Citations for local municipal violations are adjudicated pursuant to chapter 20 of this title.

1. Units vacated under this subsection shall be posted with signs indicating that the unit has been determined to be "illegal", or if applicable "unfit for habitation" and that occupancy is prohibited until the rental unit has been inspected to verify that the violation has been corrected.

2. Any person who defaces or removes a posted sign as described in subsection (D)1 of this section without the approval of the village shall be in violation of this code.

(E) **Time Limit To Vacate A Building Or Unit:** If notification has been presented to the landlord that the property is not properly licensed or that the license has been suspended or revoked, the landlord shall vacate the rental property or properties within sixty (60) days of notification.

1. If said property is not vacated within the sixty (60) day period, the landlord will be responsible for all fines as set forth in this chapter. Citations will be issued with a mandatory court appearance. Fines imposed upon rental property owners who have initiated statutory eviction proceedings against tenant(s) pursuant to the crime free housing program, shall be waived so long as such eviction proceedings are pending and being actively pursued. This waiver does not relate to fines resulting from property maintenance violations.

2. Notification will be either personally delivered or mailed to the landlord or property agent as listed on the most recent registration application. The following notice to the tenants and occupants will be posted:

1. *You are hereby notified that the license for this structure has been revoked or the owner has failed to license this residential rental property pursuant to Title IV Chapter 19 of the Village of Midlothian Code.*

2. *You must vacate this structure within sixty (60) days of the date of this notice.*

3. *If you fail to vacate this structure, you will be in violation of this above referenced Ordinance and subject to penalties and fines with a minimum of \$100.00 and a maximum of \$750.00 for each day you are found to be in violation with a mandatory court appearance.*

(F) **"Crime Free Rental Housing":** The landlord or managing agent will be in violation of this code if he/she has not complied with all "crime free housing program" requirements as stated in section 4-19-8 of this chapter. The chief of police or his/her designee shall designate a crime free rental housing coordinator, who shall be responsible for conducting the crime free housing seminars and maintain a list of the attendees and their dates of attendance.

(G) **Unfit Properties:**

1. The village may prohibit persons from entering or occupying, except for repair related activity, any rental unit, building or structure, including utility and out buildings, found to be unfit, found not to comply with village codes or ordinances, or that poses dangerous, unsafe, or unhealthy conditions for the building's occupants, passersby, or the general public.

2. Unfit properties shall be posted with appropriate language that does not permit occupancy. Any person, not the owner, who enters, occupies, uses or any person, including the owner, who permits others to enter, occupy or use the structure after such a posting shall be charged with trespassing pursuant to section 6-8-23 of this code. Each day the rental unit building or structure is entered, occupied or used following such a posting shall be considered a separate offense. (Ord. 1722, 5-12-2010)

4-19-6: HEARING:

(A) Whenever a property owner gets notice of a permit denial, suspension or threatened revocation and required vacating of a license issued under this chapter, the licensee shall have the right to request a hearing. The request shall be made within seven (7) days of receipt of the notice. The request shall be made by certified or registered mail, overnight courier or hand delivery to the village building department.

(B) Whenever a request for a hearing is made, the village president shall call a hearing pursuant to the procedures as set forth in section 5-1-11 of this code. (Ord. 1722, 5-12-2010)

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 license application for the dwelling unit and owner's registration form including the appropriate fee for each rental property and units.

2. **Initial Registration Time Frame:** All residential rental housing must be licensed and registered with the village within six (6) months of the effective date of this chapter or within thirty (30) days of notification by the village. A residential rental license shall be issued for a period of one calendar year and shall expire on December 31 of each year.

(B) Application Form Renewal: Application for license registration renewal must be filed at least thirty (30) days prior to the registration expiration date. A failure to renew an existing rental housing building(s) license and registration will result in an additional charge as specified section 4-19-15 of this chapter.

(C) New Owner Registration: Any person becoming an owner of an existing registered rental unit shall file a complete license application and registration form within thirty (30) days of the property ownership transfer; however, the new owner will not have to pay the license and registration fee until the next annual license and registration if the previous owner had registered the property and paid the appropriate fees but must attend a "crime free housing" training seminar within three (3) months of property ownership transfer.

(D) Notification Of Sale: Registration/license is nontransferrable to another person or to another rental dwelling unit. Every person holding a registration/license must give notice in writing to the village of Midlothian within five (5) business days after having legally transferred or otherwise disposed of the ownership or legal control of any registered/licensed rental dwelling. Such notice must include the name, address and contact information of the person succeeding to the ownership or control of such rental dwelling or dwellings.

(E) New Residential Rental Housing Registration: All residential rental housing must be registered within thirty (30) days of construction, conversion from owner-occupancy, or change from any other nonrental status.

(F) Residential Rental Housing License Application Required Information: The residential rental housing license application form shall contain the following information:

1. A description of the premises by street name and number and property tax identification number.
2. The name and address of the property owner. If the owner is a corporation, the name and address of the "owner's agent" thereof shall also be provided. If the property is held in a land trust, the names and addresses of all beneficiaries must be disclosed. The agent shall be authorized by the owner in writing to accept service of any village notices on behalf of the owner, including appointment letters, notices of code violations, court process or any other communication or correspondence in connection with the administration and enforcement of this and other village codes and ordinances.
3. The name, address and twenty four (24) hour contact information of the owner's agent.
 - (a) When a rental unit is owned by more than one individual, or is owned by an entity that is not a natural person, an owner's agent must be designated.
 - (b) The village shall be notified in writing within ten (10) days of any change of the owner's agent.
 - (c) An owner with a designated "owner's agent" who is found not to be customarily available or able to perform the duties as defined shall designate a different individual who is able to properly fulfill the requirements within ten (10) days of being notified of the deficiency.
 - (d) The signature of the owner or the owner's agent.
 - (e) For the purposes of an emergency response to a residential rental property the owner or owner's designated agent must be located within thirty (30) miles of the village corporate limits for building and tenant emergencies. This person must be listed on the license application and registration form and readily accessible to the unit tenant, village, police and/or fire departments.

(G) Refusals Or Revocation Of License And Registration: Rental units found to be out of compliance after an administrative adjudication hearing or by an appropriate court order with this or other applicable laws or ordinances shall lose rental status, shall have the license and registration refused or revoked, and shall not be occupied until brought back into compliance. Tenant removal shall be the responsibility of the building owner. (Ord. 1722, 5-12-2010; amd. Ord. 2086, 11-10-2021)

4-19-8: CRIME FREE PROGRAM:

(A) Owner Responsibilities: "Owners" and "owner's agents" must comply with all rules and regulations required in the crime free rental housing program.

1. Owners or "owner's agent" must advise prospective tenants of the village of Midlothian's crime free rental housing program.
2. All owners or owners' agents shall require a signed lease, identifying all tenants eighteen (18) years of age or older.
3. All landlords shall incorporate into the body of all leases or rental agreements, or renewals of leases or rental agreements, the first and last legal names, gender and date of birth of all individuals who will reside at the rental property during the term of the lease. All such landlords shall also require their tenants, as a condition of their lease, to provide written notice containing the first and last legal names, gender and date of birth of any guests who will be temporarily residing at the rental property for more than a calendar week (7 consecutive days).
4. Owners or owner's agents must have all adult tenants sign the crime free lease addendum that must read as follows:

In addition to all other terms of this lease, Landlord and Tenant agree as follows:

The tenant, any member of the tenant's household, any guest or any other person or persons associated with the tenant or his or her household,

- 1. Shall not engage in any criminal activity or violation of municipal ordinances or any other violations of local, state or federal law on or near the rental unit, common areas or appurtenances;*
- 2. Shall not engage in any act intended to facilitate any violation of local municipal ordinances or any other violations as defined by local, state or federal law and/or obstruct or resist law enforcement efforts regarding criminal activity on or near the rental unit, common areas or appurtenances;*

3. Shall not permit the rental unit, the area on or near the rental unit, common areas or appurtenances to be used for or to facilitate any violations of local ordinances or any other violations of local, state or federal law.

4. Should the tenant, any member of the tenant's household, any guest or any other person or persons associated with the tenant, or his/her household, violate any provisions stated herein on or near the rental unit, common areas or appurtenances, such a violation shall constitute a material noncompliance with the lease and shall further constitute grounds for termination of tenancy and eviction.

5. Violation of any of the above provisions shall be a material and irreparable violation of the lease and good cause for termination of tenancy. A single violation of any of the provisions of this added addendum shall be deemed a serious violation and a material and irreparable non-compliance. It is understood that a single violation shall be good cause for immediate termination of the lease. Proof of violation shall not require criminal conviction, but the tenant understands and agrees that an arrest for a described violation or criminal activity shall be sufficient evidence of a violation and grounds for termination of tenant's tenancy and occupancy.

6. In case of conflict between the provisions of this addendum and any other provisions of the lease, the provisions of the addendum shall govern.

(B) Tenant Access To Owner Or Owner's Agent: The owner or owner's agent of a residential rental housing shall provide each tenant or occupant with the name and telephone number of a responsible person, or managing agent, who in emergency situations will be available on a twenty four (24) hour basis and who has the authority to make repairs as needed for occupancy.

(C) Maximum Number Of Tenants Notification: The owner of a residential rental housing shall inform each tenant or occupant in writing, prior to occupancy, of the maximum number of persons allowable by the occupancy standards set forth in this chapter.

(D) Tenant Records Access: The owner or owner's agent of a residential rental housing shall make available to the building department, building superintendent and/or chief of police or their designees, upon request, the following: the signed lease, the signed crime free lease addendum, credit history, and background checks as required to be maintained by this chapter.

(E) Subleasing: The owner or owner's agent must advise all tenants that subleasing is not allowed without prior approval of the owner/managing agent and compliance with the "crime free rental housing program" requirements.

(F) Construction Requirements: See subsection 4-19-12(L) of this chapter for "crime prevention through environmental design" (CPTED).

(G) Nuisance Residential Rental Property: It is hereby declared a nuisance and declared to be against the health, safety, peace, and comfort of the village of Midlothian for any property owner or owner's agent to allow or permit the following:

1. Offenses: Rental of a rental unit, or residential rental housing, to a tenant who allows any of the following offenses to occur on or near the rental unit, common areas or appurtenances related to the tenant: murder, kidnapping, sexual assault, robbery, burglary, aggravated kidnapping, prostitution, solicitation of prostitution, pandering, obscenity, child pornography, sale or distribution of obscene publications, possession of explosives, unlawful use of weapons, sale of firearms, gambling, keeping a gambling place, concealing a fugitive, violation of the Illinois controlled substances act, violation of the cannabis control act or commission of any other crime under state or federal law not specifically listed above. Prohibition of these offenses applies also to members of the tenant's household, guests or other parties under control of the tenant.

2. Additional Offenses: Rental of a rental unit, or residential rental housing to a tenant who allows any of the following offenses to occur on or near the rental unit, common areas or appurtenances relating to the tenant: commission of four (4) or more village ordinance violations in a six (6) month period or an unreasonably high number of calls for police service including, but not limited to, calls that may fall within the descriptions listed above that when compared to other properties in the village of similar type, reasonably indicate that the activity at this property is out of character for the area and is impacting the quality of life of those in the area. Prohibition of these offenses applies also to members of the tenant's household, guests or other parties under control of the tenant.

3. Police Assistance: The village of Midlothian police department crime free housing coordinator will attempt to assist property owners in proceedings for the eviction of tenants that have committed any of the above referenced offenses, but shall not provide legal advice or engage in the unauthorized practice of law as set forth in the Illinois attorney act.

4. Evidence: For purposes of subsections (G)1 and (G)2 of this section, it shall be sufficient evidence that a described offense occurred if the offender has been arrested or cited for one or more of the offenses described in subsection (G)1 or (G)2 of this section. (Ord. 1722, 5-12-2010)

5. Exception: No tenant or landlord shall be penalized, considered for eviction or declared a nuisance based upon the following:

(a) Any contact made to police or other emergency services if: 1) the contact was made with the intent to prevent or respond to domestic violence or sexual violence; 2) the intervention or emergency assistance was needed to respond to or prevent domestic violence or sexual violence; or 3) the contact was made by, on behalf of, or otherwise concerns an individual with a disability and the purpose of the contact was related to that individual's disability;

(b) An incident or incidents of actual or threatened domestic violence or sexual violence against a tenant, household member or guest occurring in the dwelling unit or on the premises; or

(c) Criminal activity or a local ordinance violation occurring in the dwelling unit or on the premises that is directly relating to domestic violence or sexual violence, engaged in by a tenant, member of a tenant's household, guest, or other party, and against a tenant, household member, guest or other party.

6. Definitions: The following definitions shall apply to this section:

CONTACT: Includes any communication made by a tenant, landlord, guest, neighbor, or other individual to police or other emergency services.

CRIMINAL ACTIVITY: A violation of the criminal code of 2012, as amended, of the cannabis control act, of the Illinois controlled substances act or of the methamphetamine control and community protection act.

DISABILITY: With respect to a person:

- (a) A physical or mental impairment which substantially limits one or more of such person's major life activities;
- (b) A record of having such an impairment; or
- (c) Being regarded as having such an impairment, but such term does not include current, illegal use of or addiction to a controlled substance, as defined in the federal controlled substances act, 21 USC section 802.

DOMESTIC VIOLENCE, LANDLORD, SEXUAL VIOLENCE AND TENANT: Shall have those meanings provided under section 10 of the safe homes act.

DWELLING UNIT: Has the meaning provided under subsection (a) of section 15 of the landlord tenant act.

PENALIZES: Includes, but is not limited to:

- (a) Assessment of fees or fines;
- (b) Revocation, suspension, or nonrenewal of any license or permit required for the rental or occupancy of any dwelling unit;
- (c) Termination or denial of a subsidized housing contract or housing subsidy; and
- (d) Termination or nonrenewal of a residential lease agreement.

SUBSIDIZED HOUSING: Has the meaning provided under subsection (a) of section 9-119 of the code of civil procedure. (Ord. 1905, 11-11-2015)

(H) **Required Class Training:** The owner of any residential rental housing, the owner's agent, and when applicable, the property management agent of any residential rental housing, shall register, attend and successfully complete a landlord "crime free rental housing program" training class conducted by the village of Midlothian within three (3) months from the date of the issuance of a license or renewal license for any residential rental housing.

1. An owner or owner's agent of any residential rental housing who successfully completes the village landlord training class for "crime free rental housing program" shall not be required to attend and complete a landlord training class following the issuance of any subsequent license or renewal license for any residential rental housing as long as all properties stay in compliance with the "crime free rental housing program" requirements. If a residential rental property owner or owner's agent has successfully completed and received a certificate of completion of the required "crime free rental housing" training class from another Illinois municipality meeting the requirements of this chapter in the last five (5) years, the class requirement will be waived with verification of the certificate.

2. If the "crime free rental housing program" class is not attended or certification is denied, the residential rental license for all properties owned or managed by that owner or property manager will be denied or revoked. Penalties set forth in this chapter for nonlicense compliance will be applicable.

3. When a new owner's agent or property management agent is hired for a residential rental property and that owner's agent or property management agent has not attended and successfully completed a landlord training class for "crime free rental housing program" by the village, the new property agent shall attend and successfully complete this class within three (3) months from the date of the person's hiring as the owner's agent or property management agent for the residential rental property. (Ord. 1722, 5-12-2010)

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. (Ord. 1722, 5-12-2010; amd. Ord. 2086, 11-10-2021)

4-19-10: ZONING ORDINANCE:

No residential rental housing shall be created or occupied unless it complies with the provisions of the village of Midlothian zoning ordinance and other applicable village ordinances.

(A) **New Residential Rental Housing:** No new residential rental housing shall be established or added, nor shall the occupancy limit of any residential rental housing be increased except in conformity with the village zoning ordinance and all other applicable village ordinances.

(B) **Existing Abandoned Residential Rental Housing:** Residential rental housing that has been abandoned, as defined herein, have lost rental status for any reason, are otherwise unlicensed, unregistered or have not been inspected in accordance with this chapter, shall lose or forfeit any previously existing legal nonconformity and must meet current standards and requirements prior to occupancy. (Ord. 1722, 5-12-2010)

4-19-11: PROPERTY MAINTENANCE:

No residential rental housing shall be occupied or continued to be occupied unless the structure in which said unit is located complies with the provisions and standards of the property maintenance code adopted by the village of Midlothian as chapter 18 of this title and is maintained in a structurally sound condition and kept free from health, fire and other hazards to life and property.

(A) **General Repair:** The owner of residential rental housing shall be responsible for keeping the premises maintained in good repair and fit for human habitation, which shall include the building's interior and exterior and all living areas. Repairs may require obtaining proper village building permits.

(B) Exterior And Site: The building exterior and sites which residential rental housing are located shall be maintained and be in compliance with village ordinances, including, but not limited to:

1. Building exterior envelope: walls, roof, soffits, doors, windows, etc.
2. Building address.
3. Landscaping.
4. Parking lot spaces and access aisle repair and maintenance.
5. Roof and site water drainage of an "approved" design.
6. Public and private sidewalks.
7. The property maintenance code adopted by the village of Midlothian as chapter 18 of this title.

(C) Exterior Balconies: Exterior balconies and porches may not be used as storage areas.

(D) Equipment Safety And Maintenance: Every facility, piece of equipment, utility or service which is required under this chapter shall be so constructed and/or installed to function safely and effectively and shall be maintained in satisfactory working condition and shall not be removed, shut off or disconnected in any occupied residential rental housing, except for such temporary interruptions as may be necessary while actual repairs or alterations are in process or during temporary emergencies or tenant's failure to pay agreed upon services. Utilities or services shared by more than one unit shall be the owner's responsibility to maintain.

(E) Rodents, Insects, And Other Pests: All structures shall be kept free from insect and rodent infestation. A licensed pest control company shall inspect and/or treat all residential rental housing annually. Receipts or reports must be made available upon request to the village inspector. All structures in which insects or rodents are found shall be promptly exterminated by approved processes that will not be injurious to human health. If, upon inspection, there is an insect or rodent infestation in more than one dwelling unit, the owner shall be required to contract with a licensed extermination company to treat all common areas and infested units not less than on a monthly basis for the remainder of the license year.

(F) Garbage Containers: Providing for garbage and rubbish removal and supplying such facilities or containers as are necessary for the sanitary disposal of all garbage and rubbish is a condition of occupancy. Storage of all containers shall be at the rear of the building in such a manner as to be concealed from view from the street or public way of such building. All areas surrounding the containers must be clean and free of garbage or refuse at all times. The containers must be emptied at a frequency so that garbage and rubbish does not overflow provided containers. It is the owner's responsibility to provide the appropriate type and number of such facilities or containers.

(G) Interior Storage: In a common area, patio, balcony, hallway, stairwell, or in any living areas, it shall be unlawful to:

1. Accumulate and store building materials, lumber, boxes, cartons, scrap metal, machinery, junk, flammable or hazardous materials or devices in such quantities or in such a manner as to create a fire, health, or other hazard to the premises or persons residing therein.
2. Store gasoline and similar combustible liquids (if in a multi- family dwelling such liquids must be locked in an approved fire resistant cabinet).
3. Store a motorcycle, moped, gasoline powered lawn mower, snowblower, or other similar equipment which may contain a hazardous material including, without limitation, gasoline.

(H) Public Utilities: Water, electric, and natural gas utilities must be made available and operational in buildings and rental residential units for occupancy approval. (Ord. 1722, 5-12-2010)

4-19-12: RESIDENTIAL RENTAL HOUSING STANDARDS:

All new and existing residential rental housing shall meet the standards set forth in chapter 18 of this title and this chapter. In the event of conflict between standards, the more stringent standard shall apply.

(A) Bathroom Equipment: Full bathrooms, shall contain the following minimum equipment:

1. One flush toilet with at least thirty two inches (32") of clear shoulder width and eighteen inches (18") clear space in front.
2. One sink connected to hot and cold running water.
3. One bathtub or shower stall connected to hot and cold running water.
4. All bathrooms and powder rooms shall be contained within a separate room providing privacy from other portions of the unit or building.

(B) Kitchen Equipment: Kitchens, where required, shall contain the following minimum equipment:

1. One sink connected to hot and cold running water.
2. Space and safe access to utility hookups for adequate refrigeration and cooking appliances.
3. Fixed counter space made of impermeable, cleanable and durable material for food preparation consisting of a minimum of three (3) continuous linear feet and a minimum of eighteen inches (18") deep.
4. Adequate storage space for food, dishes, cookware and utensils in proportion to the number of occupants configured in a manner to prevent contamination from food preparation, cleaning activities, pets or vermin. Storage space may not be directly on the floor unless within a pantry or closet.

(C) Living Space Requirements For Tenants:

1. Prohibited Occupancy: Kitchens, living, family, dining rooms and nonhabitable spaces shall not be used for sleeping purposes. More occupants than permitted by the minimum area requirements of this chapter shall not occupy residential rental housing.
2. Bedrooms: Every bedroom occupied by one person shall contain at least seventy (70) square feet of floor area. Every room occupied for sleeping purposes by more than one occupant shall contain at least fifty (50) square feet of floor area for each occupant twelve (12) years of age and over and at least thirty five (35) square feet of floor area for each occupant less than twelve (12) years of age.
3. Access From Bedrooms: Bedrooms shall not constitute the only means of access to other bedrooms or habitable spaces and shall not serve as the only means of egress from other habitable spaces.
4. Living Rooms: Living rooms shall be a minimum of one hundred twenty (120) square feet.
5. Dining Rooms: Dining rooms shall be a minimum of eighty (80) square feet.

(D) Plumbing Requirements: All plumbing fixtures, including sinks, bathtubs, shower stalls and toilets, shall be installed per the state of Illinois plumbing code and constructed of dense, durable, nonabsorbent materials and shall have smooth impervious surfaces free from defects and concealed surfaces unable to be kept sanitary.

1. All plumbing fixtures shall be properly maintained, vented and connected to the village municipal water and/or sewer system.
2. All units must have water service to be considered habitable. Any unit lacking potable water service must be vacated immediately.

(E) Heating Requirements:

1. The owner or manager of any residential rental housing shall have heating facilities which are properly installed, maintained in safe and good working condition, and are capable of safely and adequately heating all habitable rooms, bathroom, and water closet compartments contained therein to a minimum temperature of sixty eight degrees Fahrenheit (68°F), at a distance of three feet (3') above floor level. Between the period of October 1 and May 15 of the succeeding year the owner or manager of any residential rental housing within the village shall provide heat to those persons occupying said residential rental housing as provided in the following schedules:

A minimum temperature of seventy degrees Fahrenheit (70°F) from six thirty o'clock (6:30) A.M. to eleven o'clock (11:00) P.M. averaged throughout any room occupied by the tenant when the outdoor temperature is minus twenty degrees Fahrenheit (-20°F) or above.

A minimum temperature of sixty five degrees Fahrenheit (65°F) from eleven o'clock (11:00) P.M. to six thirty o'clock (6:30) A.M. averaged throughout any room occupied by the tenant when outdoor temperature is minus twenty degrees Fahrenheit (-20°F) or above.

Gas or electric appliances designed exclusively for cooking or water heating purposes shall not be considered as heating facilities.

2. Any unit where the utility or service required for operation of the heating system has been removed; shut off or disconnected shall be considered uninhabitable and must be vacated immediately.
3. All gas duct furnaces must be vented to the exterior. All duct furnaces shall be tested in accordance with ANSI Z83.8 or UL795 and shall be installed in accordance with the manufacturer's installation instructions. Heating plants designed or intended to serve one or more dwelling units shall not be located in a habitable room.
4. No heater shall be operated with the use of an extension cord. All floor furnaces shall be approved and tested in accordance with ANSI Z21.86/CSA 2.32 and shall be installed in accordance with the manufacturer's installation instructions.
5. Heaters and vents shall be installed with clearances from combustible materials in accordance with the manufacturer's installation instruction.
6. Any unit or service required for operation of the heating system(s) must be maintained by the building owner.

7. For the protection of building tenants, the village may require the heating system to be inspected and repaired by a qualified heating system specialist whenever a hazard condition is apparent or may be considered possible.

(F) Electrical Requirements:

1. All electrical wiring shall be protected by a circuit breaker or fuse. Every room in a rental unit, except a bathroom shall be equipped with not less than two (2) duplex outlets. Bathrooms shall have at least one outlet.
2. Residential rental housing shall have a minimum electrical service of at least one hundred (100) amps.
3. Where provisions are made for major electrical appliances requiring two hundred twenty (220) volt service such as room heaters, air conditioners, stoves, washers and dryers, such units shall be on individual circuits.
4. No electrical circuit shall serve more than one residential rental unit.
5. Every outlet, circuit, fixture, load center, service entrance or other component shall be maintained in a safe working condition.
6. All kitchen and bathroom outlets shall be equipped with ground fault circuit interruption (GFCI) outlets.
7. All work performed on electrical systems in residential rental housing must be performed in accordance with applicable codes

and regulations and may require permits and/or additional inspections. Electrical contractors providing service shall be licensed and bonded as required by village ordinances.

(G) Stairways And Steps Standards:

1. All stairways, both interior and exterior, shall be maintained in a safe condition, as required by chapter 18 of this title or other village ordinances.
2. Building common area stairways must remain illuminated at all times. Lighting standards for stairways shall not be reduced.
3. Storage is not allowed under or near stairwells.

(H) Handrails And Guardrails:

1. Stairway Handrails: Continuous handrails shall be placed on both sides of stairways accessible to the general public. Handrail height shall be not less than thirty inches (30"), nor more than thirty four inches (34"), measured vertically at the tread nosing for stairways with three (3) or more risers. Stairways within individual dwelling units may be on one side of the stairway. Handrails acting as a guardrail along stairways shall follow the details for guardrail openings in subsection (H)3 of this section.
2. Guardrails: Porches, balconies, landings, or raised floors surfaces located more than thirty inches (30") above the floor or grade below shall have a guardrail not less than forty two inches (42") above the floor or grade below in areas open to the general public. Guardrail height may be reduced to thirty six inches (36") in height when located within a single-family dwelling unit.
3. Guardrail Openings: Handrails or guardrails on open sides where the floor or grade below is more than eighteen inches (18") shall have intermediate rails, parts, or closures which will not allow passage of an object six inches (6") in diameter.

(I) Light And Ventilation:

1. Every bathroom not containing an operable window shall provide adequate light and mechanical ventilation. Ventilation must vent to the outside.
2. Other permitted living areas without direct access to the exterior via an operable door or window must provide adequate light and ventilation.
3. In every dwelling unit, for protection against mosquitoes, flies and other insects, every door used or intended to be used for ventilation opening directly from a dwelling unit to outdoor space shall have supplied and installed screens and a self- closing device; and every window or other device with opening to outdoor space, used or intended to be used for ventilation, shall likewise be supplied with screens installed. Insect screens must be in place on all doors, windows and other outside openings required for ventilation of habitable rooms.

(J) Moisture:

1. All living areas shall be kept dry and free from exterior moisture penetration.
2. Building components, including enclosed cavities, which have become wet for any reason, shall be dried adequately to prevent mold growth.
3. All areas of a dwelling unit, including nonliving areas of or adjacent to the dwelling unit, shall be kept free of water entry or standing water. Measures must be taken to prevent moisture contact with permeable building components or other materials.

(K) Fire Safety And Exits: Dwelling units shall be provided with two (2) independent fire escape routes. An escape route such as an exterior porch roof, an accessible operable exterior window or an exterior door or landing may constitute an independent fire escape route. Exterior fire escapes shall be designed to prevent the accumulation of snow or ice.

1. Exit Requirements: Every bedroom shall have at least one operable exterior window or exterior door constructed to permit emergency exit or rescue.

- (a) Bedrooms protected by a functioning approved sprinkler system that is tested and certified annually by a qualified inspector may have no direct exterior exit.
- (b) Where no exterior door or window exists in a bedroom, two (2) doors are required.
- (c) Each door must open into a different room or area and lead to an independent exit of the unit.
- (d) Minimum clear window openings shall be eight hundred twenty (820) square inches (5.7 square feet) with a minimum of twenty four inches (24") high and a minimum of twenty inches (20") wide. Opening must be attainable without the use of tools. Bottom of the opening shall be no more than forty four inches (44") above the floor or to the top of an appropriate fixed step or platform.

2. Smoke Detectors:

- (a) An electrical (hardwired) smoke detector in each bedroom is required as regulated by state of Illinois and this code as applicable at time of building permit issuance.
- (b) Smoke detectors operated by battery are only acceptable as allowed by village ordinance and as permitted by the Illinois smoke detector act [1](#) and the Illinois facilities requiring smoke detector act [2](#).
- (c) In the case of any dwelling unit that is newly constructed, reconstructed, or substantially remodeled after December 31, 1987, the requirements of this section shall apply beginning on the first day of occupancy of the dwelling unit after such construction, reconstruction or substantial remodeling. The smoke detectors required in such dwelling unit shall be permanently wired into the structure's AC power line, and if more than one detector is required to be installed within the dwelling unit, the detectors shall be

wired so that the actuation of one detector will actuate all the detectors in the dwelling unit.

(d) All smoke alarms shall be listed in accordance with UL 217 and installed in accordance with the provisions of village ordinances and the household fire warning equipment provisions of NFPA 72.

(1) Smoke detectors are to be installed as required by the manufacturer and placed on each and every floor level including the basement, all bedrooms and on the ceiling or wall outside of each separate sleeping area in the immediate vicinity of bedrooms.

(2) Smoke detectors should be installed in all multi-unit common area hallways, exit passageways, and stairwells.

(3) Areas separated by doors or distance may require additional smoke detectors.

(4) All substantially remodeled or rewired, enlarged, expanded, or otherwise upgraded units shall meet all applicable codes including having interconnected smoke detectors.

(5) All systems, devices and equipment to detect a fire, actuate an alarm, or suppress or control a fire or any combination thereof shall be maintained in an operable condition at all times in accordance with the National Fire Protection Association (NFPA). Maintaining the operable condition of all smoke detectors shall be the responsibility of the owner and managing agent. Should any smoke detectors be found to have been removed, disabled, or destroyed by the tenant, the tenant shall be deemed guilty of a municipal infraction under the provisions of this chapter or state laws as applicable.

3. Fire Extinguishers: All residential rental housing shall have one fire extinguisher, 2.5 pound charge, manufactured by an approved testing agency for combating class A, B, and C fires.

4. Carbon Monoxide Detectors: Carbon monoxide detectors shall be the owner's responsibility for installation as required by the Illinois carbon monoxide alarm detector's act ³.

5. Fire Separation And Barriers Between Residential Units: Attached single- and multi-family dwelling units shall maintain wall and ceiling fire barriers as required from their original building permit requirements. Openings between residential units and common use areas shall be patched as needed for controlling the spread of fire. (Units constructed after December 17, 1985, require a 2 hour fire separation rating for construction per village ordinance.)

6. Mistaken Egress: Any door, passage or stairway which is neither a means of egress nor access to a means of egress, and which is so located or arranged as to be mistaken for a means of egress, shall be properly identified as to its use.

(L) Security; Crime Free Rental Housing Program Requirements: The following requirements provide "crime prevention through environmental design" (CPTED). Each rental unit must comply with these requirements:

1. Dead bolts with three inch (3") screws secured into the building framing for strike plates on all unit entry doors.

2. Antilift slide devices on sliding doors and windows on the first floor, garden levels and accessible second levels.

3. Adequate security lighting for all hallways, entryways, parking lots and common areas.

4. Proper trimming of trees and shrubs, eliminating hiding places.

5. Eye views on entry doors with one hundred eighty degree (180°) view.

6. All multi-unit buildings must have the building address in clear view on the front and back of the building. Single residences must have the building address in clear view on the front of the building. Each of the figures of every such address on any residence or apartment building shall not be less than four inches (4") in height. These numbers must contrast with their background.

7. Buzzer type entry security system must be in proper working order from all of the dwelling units in every multi-unit building with common entrances. All front and back entry doors must be locked at all times. (Ord. 1722, 5-12-2010)

Notes

¹ 1. 425 ILCS 60/1 et seq.

² 2. 425 ILCS 10/0.01 et seq.

³ 1. 430 ILCS 135/1 et seq.

4-19-13: PARKING AND BICYCLES:

(A) Off street parking shall be provided and maintained for all residential rental housing in accordance with the standards set forth in the village of Midlothian zoning ordinance and other village ordinances.

(B) Secure bicycle stands shall be provided where necessary or as requested by tenants. (Ord. 1722, 5-12-2010)

4-19-14: TENANT RESPONSIBILITIES:

Every tenant of residential rental housing shall keep in a clean and sanitary condition that portion of the premises, both interior and exterior, that the tenant occupies, uses, shares or controls, including, but not limited to, walls and carpeting. Every tenant shall ensure that his/her trash, garbage and other refuse is stored and disposed of in a clean and sanitary manner.

(A) No tenant, either by negligence or abuse, shall create or contribute to the creation of any violation of this code.

(B) No tenant shall create or permit to be created by others any noise, smoke, vibration, fumes, vapor, glare, odor or dust within

that portion of the premises that the tenant occupies, uses or controls which interferes with the reasonable use and enjoyment of other residential rental housing or of nearby properties.

(C) No tenant shall store flammable or hazardous materials or devices in such quantities or in such a manner as to create a fire, health, or other hazard to the premises or other persons.

(D) Vehicles are to be parked or driven on improved parking areas or driveways only, without blocking public access to sidewalks or roadways.

(E) In a common area, patio, balcony, hallway, stairwell, or in any living area, a person shall not store or accumulate a motorcycle, moped, gasoline powered lawn mower, or other similar equipment which may contain a hazardous material including, without limitation, gasoline. These areas may not be used as storage areas. (Ord. 1722, 5-12-2010)

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.

(B) Fines:

1. Failure to register as an owner: Two hundred fifty dollars (\$250.00) per day for each day not registered.
2. No show inspections for designated scheduled times by owner/owner's agent:

First offense	\$250.00
Second offense	350.00
Third offense	750.00

3. Fine up to seven hundred fifty dollars (\$750.00), but not less than two hundred fifty dollars (\$250.00) for violations when a citation or ticket(s) is/are served. Each day shall be a separate violation. (Ord. 1722, 5-12-2010; amd. Ord. 2086, 11-10-2021)

4-19-16: SEVERABILITY:

Should any section or provision of this chapter be declared by a court of competent jurisdiction to be unconstitutional or invalid, such decision shall not affect the validity of this chapter as a whole, or any part thereof other than the part so declared to be unconstitutional or invalid. (Ord. 1722, 5-12-2010)

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 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. (Ord. 1722, 5-12-2010; amd. Ord. 2086, 11-10-2021)