

Ordinance No. 02-2014

AN ORDINANCE AMENDING THE CODE OF ORDINANCES, CHAPTER
18: BUILDINGS AND BUILDING REGULATIONS OF THE VILLAGE OF
GODFREY, MADISON COUNTY, ILLINOIS TO ADD SECTIONS 18-183
THROUGH 18-189 REQUIRING OCCUPANCY PERMITS

WHEREAS, the Village of Godfrey, adopted Ordinance No. 03-2013, pursuant to the Illinois Municipal Code, 65 ILCS 5/11-13-1 establishing building regulations within the Village of Godfrey, Madison County, Illinois; and

WHEREAS, the President and the Trustees of the Village of Godfrey have adopted the International Property Maintenance Code (Sect. 18-181); and

WHEREAS, the President and Trustees of the Village of Godfrey intend to protect the health, safety and welfare of its citizens by ensuring that all existing residential structures shall meet certain minimum maintenance requirements for the protection of the occupants.

NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND THE TRUSTEES OF THE VILLAGE OF GODFREY, ILLINOIS:

The following Sections 18-183 through 18-189 shall be added to Village's Code of Ordinances:

Section 18-183: Occupancy Permit Required - Transfer of Ownership, Change in Possession or Occupancy.

- a. Except as otherwise provided herein, it shall be unlawful for the owner or any agent of an owner to occupy or permit the occupancy by any third party of any residential dwelling or dwelling unit within the Village of Godfrey until such time as an occupancy permit has been issued by the Village of Godfrey. Nothing in this Ordinance shall prohibit the transfer of ownership or possession of the dwelling or dwelling unit prior to the issuance of an occupancy permit so long as sub-part b hereof is complied with fully.
- b. It shall be the responsibility of the owner, seller, lessor or transferor of any residential property located within the Village of Godfrey to assure that an occupancy permit will be issued or is issued to any transferee or occupant assuming possession from the owner, seller, lessor or transferor of the property; and , if necessary, to provide

for the corrections of any violations whether such corrections takes place prior to or after a transfer of ownership or possession of the property and before the issuance of the occupancy permit.

However, if the owner, seller, lessor or transferor provides a true and correct copy of this ordinance to the purchaser, transferee or lessee and thereafter obtains the purchaser's, transferee's or lessee's written consent to assume full responsibility to obtain the occupancy permit and, if necessary , to correct any violations that may exist to obtain such occupancy permit then, upon filing an original of the written consent signed by the party to be so bound, with the Village's building and zoning administrator, the obligation to correct any such violations prior to the issuance of any occupancy permit shall then be the responsibility of the purchaser, transferee or lessee, who shall be bound thereby without further notice.

c. For purposes of sub-parts a. and b. of this Section, the transfer of possession of a residential dwelling or dwelling unit does not entitle the transferee or possessor of the dwelling or dwelling unit to occupy the dwelling or dwelling unit until an occupancy permit is issued. No overnight occupancy shall be allowed pending any occupancy permit inspection and the actual issuance of any occupancy permit.

d. This section shall not apply to transfers of residential real estate wherein the transferee notifies the building and zoning administrator, in writing, of intent to demolish within ninety (90) days of the transfer any buildings located thereon. The building and zoning administrator may, for good cause shown, extend the demolition period for one additional period of ninety (90) days. No overnight occupancy shall be allowed within any dwelling or dwelling unit that is subject to this demolition exception.

e. This section shall apply to any transfers of dwelling or dwelling units taking place after the effective date of this ordinance with the exception of those transfers under contract for sale on or before the effective date of this ordinance.

Section 18-184: Temporary and Interim Occupancy Permit.

a. The owner of a residential property may apply for a temporary occupancy permit for the purposes of remodeling, rebuilding or repairing the structure prior to occupancy so that utilities may be supplied in order to perform the work. No person is shall reside in the structure unless and until a permanent occupancy permit is obtained.

b. For rental properties, Landlords and property owners may obtain an interim permit to maintain utility service, if necessary, between periods of tenancy when no one resides in a structure. The interim occupancy permit may be issued for ninety (90) days, with the building zoning administrator being allowed for good cause shown to continue the interim occupancy permit for one additional ninety (90) day period.

c. This section shall apply to any transfers of dwelling or dwelling units taking place after the effective date of this ordinance with the exception of those transfers under contract for sale on or before the effective date of this ordinance.

Section 18-185: Utilities.

a. With the exception stated in sub-part b below, no person or entity that provides a utility service, such as natural gas, water, electricity, etc., shall provide its service to any building, or addition thereto, or part thereof, that is to be used as a dwelling or dwelling unit until an occupancy permit, temporary occupancy permit or interim occupancy permit has been issued by the building and zoning administrator concerning the dwelling or dwelling unit.

b. The owner or landlord of a dwelling or dwelling unit may, however, contact the appropriate utility providers to have the utilities temporarily transferred to the owners name in an emergency such as when tenants move out without sufficient notice subjecting the property to damage if the utilities are not provided to the property. In the event the utilities are temporarily transferred to the owner's name in an emergency circumstance, the owner shall have seven (7) working days to obtain an interim permit from the office of the building and zoning administrator. If the property owner fails to obtain an interim permit, then after seven (7) working days, the utility company shall discontinue services to the property.

c. This section shall apply to any transfers of dwelling or dwelling units taking place after the effective date of this ordinance with the exception of those transfers under contract for sale on or before the effective date of this ordinance.

d. Saturdays, Sundays and holidays are not considered to be working days under this section.

Section 18-186: Permit Fees.

a. The applicant for an occupancy permit shall pay an application fee of thirty five dollars (\$35.00) and the fee shall be submitted to the Village's building and zoning administrator along with the occupancy permit application. An additional fee of thirty five dollars (\$35.00) shall be charged if the applicant or their agent fails to be present at the appointed time scheduled for an inspection unless written, telephonic or email notice of the cancellation of a scheduled inspection is delivered to the building and zoning administrator at least twenty four (24) hours in advance of the scheduled inspection. An additional fee of thirty five dollars (\$35.00) shall be charged in connection with each

subsequent inspection if an inspection of a residential property indicates that the residential dwelling fails to meet the minimum standards for the issuance of an occupancy permit.

b. The minimum standard for a property to pass an occupancy inspection for the issuance of an occupancy permit is that the property being inspected must not contain any deficiencies in construction or maintenance that could impact the life, safety or health of the occupants of the dwelling and dwelling unit, including but not by way of limitation all state statutes for the installation and maintenance of smoke and carbon monoxide detectors.

c. Any occupancy permit may be revoked or suspended by the building and zoning administrator upon a showing that an occupancy permit, temporary occupancy permit, or interim occupancy permit was issued through the use of a false or misleading application or any untruthful statement contained upon such application.

Section 18-187: Violations.

a. It shall be unlawful for any person required to obtain an occupancy permit, temporary occupancy permit, or interim occupancy permit to fail to obtain the permit as required by this ordinance or to knowingly make any false or misleading statement in an application for an any type of occupancy permit including without limitation the names, ages, relationships, or number of occupants who will occupy the premises.

b. Any person or entity found to be in violation of the foregoing sections, 18-183 through 18-186, shall be fined not less than \$200.00 and not more than \$ 250.00 per day for each day the violation is found to have occurred. For any owner who is found to be in violation of this ordinance for a second or more offense, within a five (5) year period, the fine shall be \$ 500.00 per day for each day the violation is found to have occurred.

c. The Village shall also be entitled to a reimbursement of its attorney fees court costs and expenses of litigation incurred in the successful prosecution of any violation of this ordinance.

Section 18-188: Inspections.

a. Upon proper application for an occupancy permit, the building and zoning administrator or his or her agent shall cause an inspection to be made of the premises in question to determine if an occupancy permit may be issued. If the inspection is satisfactory, the building and zoning administrator shall issue an occupancy permit which shall be valid until the next change of ownership or occupancy or until said occupancy permit is revoked by the building and zoning administrator as provided in Section 18-187c.

b. The specifications for the occupancy permit inspection will be kept at the Village's building and zoning department and made available to the public. The specifications shall be reviewed and approved by resolution of the Godfrey Village Board of Trustees every two years or more often as the Trustees so determine.

c. All inspections are to be conducted by the Village building and zoning administrator or a designee of that office.

Section 18-189: Reserved Permits.

a. Persons contemplating a change of ownership or occupancy of a dwelling or dwelling unit may after payment of the permit fee specified in Section 18-186 apply for an occupancy permit to determine if there are any violations of this ordinance. After proper inspection, if the building and zoning administrator determines that an occupancy permit may be issued, upon the request of the applicant, said occupancy permit may be reserved for a reasonable time (not to exceed 120 days) within the department of building and zoning, to be issued to a subsequent owner or occupant when such person or persons are ascertained and qualified for said occupancy permit. No additional fee shall be charged to issue the occupancy permit.


PASSED BY THE BOARD OF TRUSTEES OF THE VILLAGE OF
GODFREY, ILLINOIS THIS 4TH DAY OF MARCH, 2014.

APPROVED BY THE PRESIDENT OF THE VILLAGE OF GODFREY,
ILLINOIS THIS 5TH DAY OF MARCH, 2014.

AYES: JOHNES, STEWART, STUMPF, WEBER, WILLIAMS

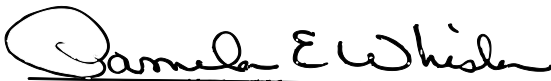
NAYS: NONE

ABSENT: GIBSON



Michael J. McCormick
Village of Godfrey, Illinois

Attest:



Pamela E. Whisler, Village Clerk,
Village of Godfrey, Illinois