

## ORDINANCE 17,601

### AN ORDINANCE AMENDING CHAPTER 5 OF THE CODE OF THE CITY OF PEORIA PERTAINING TO BUILDINGS AND BUILDING REGULATIONS

**WHEREAS**, the City of Peoria, Illinois is a home rule municipality pursuant to Article VII, Section 6 of the Illinois Constitution of 1970; and

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

**Section 1.** There shall be added to the Code of the City of Peoria the following underlined words and deleting the following stricken words in Article VI of Chapter 5 of the Code of the City of Peoria pertaining to Buildings and Building Regulations

Sec. 5-296. - Designation as unfit for human habitation.

- (a) The code official shall designate a dwelling, dwelling unit, or rooming unit as unfit for human habitation when it is damaged, decayed, dilapidated, unsanitary, unsafe, vermin-infested, lacks illumination, ventilation, or required sanitation facilities to such extent as to create a clear and present danger to health, life and safety of occupants and is not repaired or corrected in less than 72 hours after receipt of notice of violation of code.
- (b) Whenever any dwelling, dwelling unit or rooming unit has been designated as unfit for human habitation, the code official shall placard the dwelling indicating that it is unfit for human habitation. If occupied, the code official shall order the dwelling, or that part thereof, vacated within 24 hours. In cases that the condition of the dwelling was caused, in whole or in substantial part, by the neglect of the owner, Occupants shall ~~relocate~~ be relocated and, if necessary, be reasonably re-housed ~~for not more than seven days~~ at the expense of the city. All relocation and housing costs paid by the city and incurred pursuant to this section shall be reimbursed to the city by either: the owner of the dwelling designated unfit for human habitation, provided that the condition of the dwelling was caused, in whole or in substantial part, by the neglect of the owner
- ~~(1) The owner of the dwelling designated unfit for human habitation, provided that the condition of the dwelling was caused, in whole or in substantial part, by the neglect of the owner; or~~
- ~~(2) By any occupant of the dwelling designated unfit for human habitation, provided that the condition of the dwelling was caused, in whole or in substantial part, by the neglect of that occupant; or~~
- ~~(3) By the tenant of the dwelling designated unfit for human habitation, provided that the condition of the dwelling was caused, in whole or in substantial part, by the neglect of that tenant; or~~
- ~~(4) By the owner or the occupant or the tenant, jointly, provided that each of those to be held jointly liable has caused by this neglect, in whole or in substantial part, the condition of the dwelling designated unfit for human habitation.~~

If the owner is liable for reimbursement of all or any part of the costs under this section, such costs shall constitute a lien against the premises and shall be recoverable upon filing a notice of lien with the recorder of deeds of the county. This lien shall be in favor of the city and against the premises and shall be recoverable by a civil action against the owner or his successors and assigns, brought in any court of competent jurisdiction.

- (c) No dwelling, dwelling units or rooming units which have been designated as unfit for human habitation and have been placarded as such and have been vacated shall be used again for

human habitation until all costs and expenses of relocation and housing of vacated occupants shall be reimbursed to the city, all defects have been repaired and corrected and written approval is given from the code official and the placard is removed upon approval of the code official.

- (d) No person shall deface, cover up or remove the placard from any dwelling, dwelling unit or rooming unit or cause another to deface, cover up or remove a placard from any premises which has been designated as unfit for human habitation and has been placarded as such. A violation of this subsection (d) ~~shall be punishable by a fine of not less than \$100.00 and not more than \$2,500.00 or by imprisonment for a period not to exceed six months, or both such fine and imprisonment shall be considered an instance of criminal housing management consistent with Sec.5-264~~
- (e) It shall be unlawful for any person to occupy or inhabit the premises of any structure knowing that such premises have been designated as unfit for human habitation. Further, it shall be unlawful for any person to rent, cause to rent or allow another to occupy any premises knowing that such premises have been designated as unfit for human habitation. A violation of this subsection (e) ~~shall be punishable by a fine of not less than \$100.00 and not more than \$2,500.00 or by imprisonment for a period not to exceed six months, or both such fine and imprisonment shall be considered an instance of criminal housing management consistent with Sec.5-264.~~

(Code 1957, § 16-121; Ord. No. 14472, § 1, 3-4-98)

#### Sec. 5-264. – Criminal housing management.

- (a) Criminal housing management is hereby prohibited. A person commits criminal housing management when, having personal management or control of residential real estate, whether as a legal or equitable owner of the residential real estate or as a managing agent or otherwise, he permits, by his carelessness or neglect, the physical condition or facilities of the residential real estate to become or remain so deteriorated that the health and safety of an inhabitant is endangered. In addition, failure to comply with an action that is ordered by the Code Official or his or her designee that would address the conditions that are endangering the health and safety of an inhabitant will constitute a violation of this section. Moving a person into a property that has health and life-threatening code violations as defined by Sec. 5-531 constitutes a violation of this section. Defacing, removing or covering up the placard from any dwelling, dwelling unit or rooming unit or causing another to deface, cover up or remove a placard from any premises which has been designated as unfit for human habitation and has been placarded as such constitutes a violation of this section.
- (b) A person convicted of criminal housing management shall be fined not less than \$500.00 nor more than \$5,000.00. Each day any violation of any provision of this code or of any ordinance shall continue it shall constitute a separate offense.

**PASSED BY THE CITY COUNCIL OF THE CITY OF PEORIA, ILLINOIS** this 24<sup>th</sup> day of July, 2018.

APPROVED:  
/s/ James E. Ardis, III  
Mayor

ATTEST:  
/s/ Beth Ball  
City Clerk

EXAMINED AND APPROVED:

/s/ Donald B. Leist  
Corporation Counsel