

STATE OF ILLINOIS }
 }
COUNTY OF COOK }

CLERK’S CERTIFICATE


I, STEPHANIE GARDNER, the duly appointed, qualified and acting Village Clerk of the Village of Hodgkins, Cook County, Illinois, **DO HEREBY CERTIFY** that attached hereto is a true and correct copy of Ordinance 18-11 is now on file in my office entitled:

**AN ORDINANCE INSERTING POINT OF RESALE INSPECTION
REQUIREMENTS IN CHAPTER 9, CHAPTER 14 IN THE HODGKINS
VILLAGE CODE**

Which Ordinance was passed by the Board of Trustees of the Village of Hodgkins at a meeting held on the 14th day of May, 2018 at which a quorum was present and there were no objections to the proposed Ordinance. Approved by the President in the Village of Hodgkins on the 14th day May, 2018.

I FURTHER CERTIFY that a fully executed original copy of said Ordinance was duly filed in the office of the Clerk the 14th day of May, 2018 and that attached hereto is a copy of said Ordinance. That the original Ordinance is entrusted to my care for safekeeping and that I am the lawful keeper of same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Village of Hodgkins, this 26th day of June, 2018.


Stephanie Gardner, Village Clerk

*** SEAL ***

ORDINANCE 18-11
AN ORDINANCE INSERTING POINT OF RESALE INSPECTION
REQUIREMENTS IN CHAPTER 9, CHAPTER 14 IN THE HODGKINS
VILLAGE CODE

BE IT ORDAINED by the President and the Board of Trustees of the Village of Hodgkins, Cook County, Illinois as follows:

SECTION 1

That there shall be added to Title 9 of the Village Code as follows:

"CHAPTER 14 POINT OF RESALE INSPECTIONS"

9-14-1: FINDINGS

- A. As an Illinois Home Rule Municipality, the Village of Hodgkins ("Village") has a constitutional directive to protect and ensure public health, safety and welfare of its citizens insofar as they are affected by the continued occupancy and maintenance of residential structures and premises.
- B. The Village recognizes the balance between an owner's right to transfer property and compliance with a specific set of regulatory standards protecting subsequent purchasers and neighboring residents.
- C. The Village seeks the orderly adherence to property maintenance codes and the adopted Illinois Mobile Home Act through consensual point of resale inspections of existing residential structures.

9-14-2: DEFINITION

- A. For the purpose of this section the term "point of resale inspection" shall mean an inspection by qualified Village employees ("Village Inspector") or its qualified agents to determine whether the condition of residential buildings or mobile home structures within a Manufactured Home Community ("Community") comply with specific regulations identified in this Chapter.
- B. "Residential Structure" shall mean both buildings and mobile/manufactured homes within a Community that is older than 15 (fifteen) years from the date of inspection.

9-14-3: TIMING AND FREQUENCY OF INSPECTION

Inspections shall only be required when there is proposed to be a transfer of interest by an owner of a residential building or a mobile home structure.

9-14-4: NOTICE OF TRANSFER

- A. Whenever an owner of a residential building proposes to transfer his interest to a prospective buyer said owner shall notify the Village at least twenty eight (28) calendar days prior to the transfer date.
- B. Whenever the Manager of a Community has knowledge of a transfer of title from one of its ground lessees said Manager shall notify the Village Clerk at least twenty eight (28) calendar days prior to the transfer date.
- C. Notice shall be either in writing to the Village Clerk at 8990 Lyons Street, Hodgkins, IL 60525 or by phone to the Village Clerk, 708-579-6700.

9-14-5: COMPLIANCE INSPECTION CODES USED

- A. All structures shall be in compliance with the 2015 edition of the International Property Maintenance Code.
- B. Structures that are located in a Community shall also comply with the Illinois Mobile Home Act and the Hodgkins Mobile Home and Mobile Park Chapter 9 of Title 10.

9-14-6: COMPLIANCE INSPECTION PROCEDURES

- A. When the owner notifies the Village of a transfer, the Village will schedule an inspection to be conducted within five (5) business days of the notice.
- B. A notice of transfer form will be provided by the Village to the owner and shall include the following:
 - 1. Date and time of the proposed compliance inspection.
 - 2. A statement that if the owner has not already provided consent for the inspection, the owner has the right to continue to withhold consent and require the Village to obtain a warrant to conduct an inspection.

9-14-7: REFUSAL TO CONSENT AND WARRANT PROCEDURES

If the owner does not consent to the proposed inspection, the Village may appear before any judge in the Circuit Court of Cook County and seek an administrative search warrant to allow an inspection. Any such application shall be made within five (5) calendar days after the owner's nonconsenting. The application for the warrant shall specify the basis upon which the warrant is being sought and shall include a statement that the inspection will be limited to a determination whether there's violations of the code provisions identified within this section. The court may consider any of the following factors along with such other matters as it deems pertinent in its decision as to whether a warrant shall issue:

- 1. Eyewitness account of violations;
- 2. Citizen complaints;

3. Plainview violations;
4. Violations apparent from Village records;
5. Property deterioration;
6. Age of property;
7. Condition of similar properties in the area;

9-14-8: UNINSPECTED PROPERTY

In the event the owner refuses to consent to an inspection and the Village does not seek a warrant (or if court refuses an application for the warrant) the Village Clerk shall notify the buyer that it is an “uninspected structure”.

9-14-9: INSPECTION PROCEDURES AND APPEAL

- A. In the event consent is given or a warrant is issued, the Village shall conduct the compliance inspection as provided in Section 9-14-6. Within three (3) business days after the compliance inspection the Village shall issue written notice of violations and repairs, if any, necessary to bring the structure into compliance with this Section.
- B. In the event the owner disputes the determination of violations and repairs, the owner may file a request for administrative review on a form provided by the Village. An independent administrative hearing officer appointed by the Village shall convene an administrative hearing within five (5) business days from the date of appeal. Upon completion of the administrative hearing, the hearing officer will issue a final determination of violation and repairs.

9-14-10: FOLLOW-UP REPAIRS

A party issued a notice of repairs as provided for in subsection 9-14-9 A shall proceed to make such repairs. Upon completion of said repairs thereof to the Village, the Village will conduct a re-inspection within three (3) business days thereafter. Upon completion of the follow-up repairs the Village shall issue a certificate of compliance.

9-14-11: CONDITIONAL CERTIFICATE OF COMPLIANCE

An owner who has not completed the repairs identified through the inspection may nevertheless transfer ownership of property if:

- A. If the owner has deposited with the Village, in a separate escrow, an amount determined by the Village Inspector or his designee to be sufficient to bring the structure into compliance with applicable Village regulations as stated in Section 9-14-5.
- B. The purchaser, assignee or successor in title ownership (hereinafter "buyer") has entered into an escrow agreement with the Village whereby the buyer agrees, within the time period determined by the Village Inspector or his designee, to bring the structure in compliance with all applicable code requirements. Said compliance period shall not exceed ninety (90) days after the transaction closing or conveyance of title.
- C. If a buyer enters into such an agreement, a conditional certificate will issue in order to allow the closing to be completed or the certificate of title to be executed in the case of a mobile structure; provided however occupancy of the mobile home shall not occur until a certificate of compliance is issued.
- D. In the event the buyer fails to complete the required repairs and have the repairs verified on re-inspection, the Inspector is hereby authorized to pursue enforcement proceedings through the Village of Hodgkins administrative adjudication process or at his discretion, through the Circuit Court of Cook County.

9-14-12: CERTIFIED CONTRACTORS

- A. All contractors performing repairs identified in the point of resale inspections shall be licensed contractors and shall make available, upon request, their license, verification of their liability insurance, errors and omissions insurance policies.
- B. The owners of structures for resale may perform their own repairs but must be certified by the Certified Contractor as described above.

9-14-13: VALIDITY OF CERTIFICATE OF COMPLIANCE

A certificate of compliance issued to the seller shall be valid for one hundred eighty (180) days from the date of issuance.

9-14-14: NO WARRANTY

In issuing a certificate of compliance or a conditional certificate of compliance, the Village and its agents do not make any warranty, representation or statement nor does it intend to insure or guarantee to either buyer or seller of the structure subject to the point of resale inspection or any of their designees, agents, representative, heirs or assigns or any other interested party, including mortgage companies, insurance companies, banks or any other party which may have any interest relative to the property subject to the point of resale inspection, nor does the Village affirm that there are no additional unnoted violations relative to any other provisions of any of the Municipal Code of the Village of Hodgkins, or relevant statutes, ordinances, rules and regulation of the County of Cook, the State of Illinois or the United States of America.

9-14-15: INSPECTION FEE SCHEDULE

- A. The fee for a point of resale inspection shall be one hundred fifty (\$150.00) dollars for all residential structures. The failure of an owner/seller to appear at the time of inspection shall result in a fifty (\$50.00) dollar penalty.
- B. Each fee set for the above covers the cost of one (1) re-inspection to verify compliance. In the event that additional inspections are required because full compliance did not exist at the time of the re-inspection, then an additional re-inspection fee of fifty (\$50.00) dollars shall be assessed.

Section 2

If any action, paragraph, clause or provision of this Ordinance shall be held invalid, the invalidity shall not affect any of the other provisions of this Ordinance.

Section 3

All Ordinances or parts thereof in conflict with the provisions that are hereby repealed insofar as the conflict herewith.

Section 4

This Ordinance shall be in full force and effect from and after its adoption and approval. The Village Clerk is directed to publish this Ordinance in pamphlet form after its adoption.

ADOPTED this 14th day of May, 2018 by roll call vote as follows:

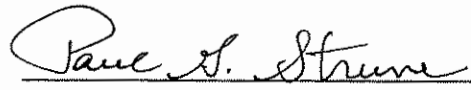
AYES: 5

NAYS: 0

ABSENT: 1

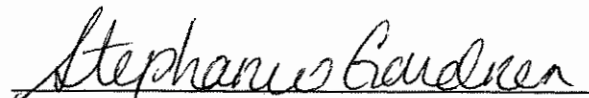
ABSTAIN: 0

APPROVED by me the same day and date as written above.



Village President Pro Temp

ATTEST:



Village Clerk

Published by me this 14th, day of May, 2018