

ORDINANCE NO. _____

**AN ORDINANCE
SUPPLEMENTING AND AMENDING DIVISION 2
OF ARTICLE X OF CHAPTER 20 OF THE RANTOUL CODE**

**VILLAGE OF RANTOUL
CHAMPAIGN COUNTY, ILLINOIS**

CERTIFICATE OF PUBLICATION

Published in pamphlet form this _____ day of _____, 2018, by authority of the President and Board of Trustees of the Village of Rantoul, Champaign County, Illinois.

Village Clerk

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OF ARTICLE X OF CHAPTER 20 OF THE RANTOUL CODE

BE IT ORDAINED BY THE PRESIDENT AND THE BOARD OF TRUSTEES OF THE VILLAGE OF RANTOUL, ILLINOIS, as follows:

Section 1. Adoption. Division 2, currently entitled “AGGRAVATED NUISANCES” of Article X, entitled “PUBLIC NUISANCES”, of Chapter 20, entitled “OFFENSES AND MISCELLANEOUS PROVISIONS”, of the Rantoul Code, as supplemented and amended, be and the same is hereby further supplemented and amended to add a new and completely revised Division 2 to be entitled “CRIME-FREE HOUSING”, to provide as set forth in the title, headings and text thereof as attached hereto and hereby incorporated herein by this reference thereto.

Section 2. Repeal. Upon the effective date of this Ordinance as set forth in Section 3 below, the provisions of such Division 2, entitled “CRIME-FREE HOUSING” shall completely supersede and repeal all provisions of the Division 2, entitled “AGGRAVATED NUISANCES” of such Article X of Chapter 20 of the Rantoul Code.

Section 3. Effective Date. The provisions of this Ordinance shall become effective on May 1, 2018, following its passage, approval and publication as required by law.

Section 4. Conflict. All other ordinances or parts of other ordinances which are in conflict with the provisions of this Ordinance are, to the extent of such conflict, hereby repealed.

Section 5. Publication. The Village Clerk is hereby authorized and directed to cause this Ordinance to be published in pamphlet form.

This ordinance is hereby passed, the “ayes” and “nays” being called, by the concurrence of a majority of the members of the Corporate Authorities then holding office at a regular meeting on the date set forth below.

PASSED this ____ day of _____, 2018.

Village Clerk

APPROVED this ____ day of _____, 2018.

Village President

DIVISION 2. – CRIME-FREE HOUSING

Sec. 20-308. – Definitions.

All words and phrases not otherwise defined in this Division shall have the same meanings ascribed to them in Section 10-408 of Division 2 - Rental Property Regulations of Chapter 10 of this Code, as supplemented and amended (the **“Rental Property Regulations”**).

Sec. 20-309. – Crime-free housing seminar required for owners of certain rental residential premises.

The owner of any residential premises required to file a registration statement with the Inspection Department of the Village under the Rental Property Regulations for (i) any two (2) or more rental residential premises; or (ii) any single rental residential premises containing two (2) or more rental residential units ((i) and (ii) being, collectively, the **“CFH Rental Residential Premises”**) shall successfully complete a mandatory crime-free housing seminar (the **“Seminar”**) administered by the Rantoul Police Department (the **“Department”**) on or before January 1, 2019. The owner of any such CFH Rental Residential Premises who has successfully completed the seminar for the first or any subsequent time shall also be required to successfully complete a seminar every third year thereafter. Proof of having completed such seminar shall be a part of the registration statement required to be filed pursuant to Section 10-410 of the Rental Property Regulations. For the purposes of this Division, an owner shall be deemed to include any officer, director, member, manager, agent or employee of the owner.

Sec. 20-310. – Crime-free lease addendum.

- (a) The owner and any other person designated by the owner with the authority or responsibility to oversee the management of any CFH Rental Residential Premises (a **“Manager”**) entering into leases regarding any CFH Rental Residential Premises shall utilize a crime-free lease addendum or have a clause in the lease substantially similar to a crime-free lease addendum. The form of a crime-free lease addendum shall be available from the Department. The Department shall review any clauses within actual leases to determine if the clause is substantially similar to the required crime-free lease addendum. The owner or Manager of any CFH Rental Residential Premises shall advise prospective tenants of the required crime-free lease addendum or substantially similar clause prior to entering into any lease or rental agreement. The crime-free lease addendum or substantially similar clause shall make certain criminal activity, including certain drug-related criminal activity, a lease violation and shall specify that any such criminal activity engaged in, facilitated or permitted by any of the following shall be a lease violation: (i) the tenant or any member of the tenant’s household when occurring on or off the CFH Rental Residential Premises; or (ii) any guest of or any person under the control of the tenant or any member of the tenant’s household when occurring on or near the CFH Rental Residential Premises. As used in this Division, “criminal activity” means:
- a. the commission or attempted commission of murder, kidnapping, arson, sexual assault, felony sexual abuse, indecent solicitation of a child, stalking, home invasion, robbery, burglary, burglary from motor vehicle, motor vehicle theft, aggravated fleeing and eluding, mob action, aggravated battery, aggravated assault, prostitution, solicitation of prostitution, child pornography, possession of explosives, unlawful

use of weapons, unlawful discharge of a firearm, unlawful sale of firearms, gambling, keeping a gambling place, concealing a fugitive, felony violation of the Illinois Cannabis Control Act, violation of the Illinois Controlled Substances Act, violation of the Methamphetamine Control and Community Protection Act or the commission of two (2) or more of any other offenses under the Illinois Criminal Code of 2012 not specifically listed above; or

- b. the commission in a six-month period of four (4) or more village ordinance violations that threaten the health, safety or welfare of other residents or the right to peaceful enjoyment of the CFH Rental Residential Premises by other residents.

Proof of any such criminal activity shall be established by a preponderance of the evidence and shall give the owner or Manager the authority to initiate an action for eviction proceedings as specified in the forcible entry and detainer provisions of the State of Illinois (735 ILCS 5/9-101 et seq.) (the “**Eviction Proceedings**”). No new lease for a residential unit within a CFH Rental Residential Premises shall be entered into on or after January 1, 2019, and no rental residential unit within a CFH Rental Residential Premises shall be rented on or after January 1, 2020, unless a crime-free lease addendum or approved clause is included in the lease substantially conforming to the required crime-free lease addendum.

- (b) It shall be unlawful and a violation of this section for any owner or Manager of any CFH Rental Residential Premises to knowingly permit any tenant to occupy any rental residential unit within an CFH Rental Residential Premises without entering into a crime-free lease addendum or to occupy any rental residential unit within any CFH Rental Residential Premises in violation of any provision of the crime-free lease addendum or substantially similar clause required under this section.
- (c) It shall be unlawful and a violation of this section for any owner or Manager of any CFH Rental Residential Premises to permit the rental, sublease, possession or occupancy of any residential unit of the owner to a person who, within a period of the immediately preceding three (3) years, was in violation of a crime-free lease addendum or substantially similar clause in any other lease with such owner.
- (d) The failure of any such owner or Manager to take reasonable action to enforce the terms of the crime-free lease addendum or substantially similar clause, including but not limited to initiating an action for Eviction Proceedings after having been notified by the Department of activity or conduct by a tenant, a member of the tenant’s household, a guest or any party under the control of the tenant occurring in violation of the addendum or substantially similar clause, shall be a violation of this section.

Sec. 20-311. – Public nuisance rental residential premises.

- (a) It is hereby declared a public nuisance contrary to the health, safety, peace, and comfort of the village and a violation of this section for any owner or Manager to allow or permit criminal activity to take place on or within any rental registration premises if that owner or Manager had knowledge or reasonably should have known of facts indicating a reason to believe that any such criminal activity:

- (1) was about to occur or was occurring and took no action reasonably calculated to prevent or stop such criminal activity; or
- (2) occurred and took no action reasonably calculated to prevent the same or similar criminal activity from happening again.

Action reasonably calculated to prevent or stop criminal activity or to prevent the same or similar criminal activity from happening again shall include, but is not limited to, giving notice to the Department of the suspected criminal activity and the identity of the person(s) suspected to have been involved in the criminal activity; initiating Eviction Proceedings consistent with a crime-free lease addendum or substantially similar clause; or barring the presence of a person who is not a tenant or member of the tenant's household from the multi-family rental residential premises in the manner specified in the Eviction Proceedings; and following through with any recommendations of the Department to reduce such criminal activity.

Sec. 20-312. – Notices.

- (a) Upon determining that an owner or Manager permitted or allowed any public nuisance activity to occur in violation of Section 20-311 above, the Department shall serve or cause to be served upon such owner or Manager a notice which specifically describes the alleged public nuisance permitted or allowed by such owner or Manager and gives such owner or Manager ten (10) days from the date of such notice in which to take action reasonably calculated to comply with Section 20-311. Such notice shall further contain a description of the appeal process as provided in subsection (b) below. All such notices shall be deemed to be properly served when deposited in the U.S. mail, first-class postage prepaid, addressed to such owner or Manager at the address provided in the registration statement filed under the Rental Property Regulations.
- (b) The owner or Manager of the rental residential premises who has been served with notice pursuant to subsection (a) above shall have the right to make a written request within ten (10) days of the date of the notice for an appeal on the question of whether such owner or Manager permitted or allowed the public nuisance to occur or continue in violation of Section 20-311. Such written request for an appeal shall be made to the administrative officer of the Village and shall include the grounds for such appeal. An appeal shall be based upon a claim that the provisions of Section 20-311 do not fully apply or that the requirements of Section 20-311 have been adequately satisfied by other means. The hearing on the appeal shall be held by the administrative officer within ten (10) business days following receipt of the written request and at least three (3) business days' notice of the hearing on appeal shall be given to the owner or Manager requesting the appeal. The owner or Manager shall be given the opportunity to present evidence at the hearing and the formal rules of evidence shall not apply. Proof of whether an owner or Manager permitted or allowed the alleged public nuisance to occur or continue shall be established by a preponderance of the evidence. At the hearing on appeal, the administrative officer may affirm or reverse the decision of the Department.
- (c) Any violation of the provisions of this section shall be deemed final at the conclusion of the tenth (10th) day following the date of such notice as specified by this section in the event the

owner or Manager fails to make a written request for a hearing or upon the date of the decision of the administrative officer upon the hearing on appeal.

Sec. 20-313. – Domestic violence, sexual violence, stalking or dating violence.

Notwithstanding anything in this Division to the contrary, no activity involving the commission of an offense or the violation of an ordinance shall be deemed to occur under this Article if such activity is:

- (1) based solely on the tenant's or household member's status as a victim of domestic violence or sexual violence as those terms are defined in Section 10 of the Safe Homes Act (765 ILCS 750/1 et seq.), stalking as that term is defined in the Criminal Code of 2012 (720 ILCS 5/26-1 et seq.) or dating violence;
- (2) based solely upon an incident of actual or threatened domestic violence, dating violence, stalking or sexual violation against a tenant or household member;
- (3) based solely upon criminal activity directly relating to domestic violence, dating violence, stalking or sexual violence engaged in by a member of a tenant's household or any guest or other person under the tenant's or household member's control, and against the tenant, lessee or household member; or
- (4) based upon a demand for possession where the tenant, lessee or household member who was the victim of domestic violence, sexual violence, stalking or dating violence did not knowingly consent to the barred person entering the premises or a valid court order permitted the barred person's entry onto the premises.

Provided, however, that nothing in this Section 20-313:

- (1) limits enforcement of Section 15.2 of the Emergency Telephone System Act (50 ILCS 750/15.2), Article 26 of the Criminal Code of 2012 (720 ILCS 5/26-1 et seq.), or Article IX of the Code of Civil Procedure (735 ILCS 5/9-101 et seq.); or
- (2) prohibits the village from enforcing any offense or ordinance violation on the basis of the underlying activity to the extent not covered by parts (1), (2), (3) and (4) above; or
- (3) limits or prohibits Eviction Proceedings of or the imposition of penalties against the perpetrator of the domestic violence, sexual violence, stalking, dating violence or other criminal activity.

Sec. 20-314. – Penalties.

Any person violating any of the provisions of sections 20-309, 20-310 or 20-311 shall be punished by a fine of not less than \$75.00 nor more than \$750.00 for each offense. A separate offense shall be deemed committed on each day during or on which a violation of 20-309, 20-310 or 20-311 continues.