

CITY OF CARLYLE

ORDINANCE NO. _____

**AN ORDINANCE ADDING ARTICLE VIII TO CHAPTER 7 OF THE
REVISED CODE OF THE CITY OF CARLYLE, ESTABLISHING
HEALTH AND SAFETY INSPECTIONS FOR ALL RENTAL
PROPERTY WITHIN THE CITY OF CARLYLE AND ESTABLISHING
A PERMIT FEE FOR SAID INSPECTIONS**

ADOPTED BY THE CITY COUNCIL OF THE CITY OF CARLYLE

THIS _____ DAY OF _____, 2018

PUBLISHED IN PAMPHLET FORM BY AUTHORITY OF THE CITY COUNCIL
OF THE CITY OF CARLYLE, CLINTON COUNTY, ILLINOIS, THIS _____
DAY OF _____, 2018

CERTIFICATE OF PUBLICATION

I, Sharon Hustedde, the duly qualified and acting City Clerk of the City of Carlyle, Illinois, and the official custodian of the records of said City, do hereby certify that this Ordinance was published in pamphlet form by authority of the City Council on the _____ day of _____, 2018.

SHARON HUSTEDDE, CITY CLERK

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WHEREAS, the City of Carlyle ("City"), Clinton County, Illinois is a duly created, organized and validly existing municipality of the State of Illinois under the 1970 Illinois Constitution and the laws of the State of Illinois, including particularly the Illinois Municipal Code, and all laws amendatory thereof and supplementary thereto; and

WHEREAS, the current City of Carlyle Revised Code of Ordinances does not adequately provide for the inspection of rental property for health and safety purposes; and

WHEREAS, the City wished to provide for health and safety inspections for all rental property within the City of Carlyle; and

WHEREAS, It is necessary, and the City wishes to establish a health and safety inspection fee to facilitate the administration of the health and safety inspections; and

WHEREAS, the City has determined it is necessary and in the best interest of the City to establish an Article VIII in Chapter 7 of the City Code to establish health and safety inspections for rental property within the City of Carlyle and establish a permit fee for said inspections.

NOW, THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CARLYLE, CLINTON COUNTY, ILLINOIS:

Section 1. The preceding recitations in the upper part of this Ordinance are re-alleged, restated and adopted as paragraph one ("1") of this Ordinance.

Section 2. The title of Chapter 7, Article VIII, of the Carlyle City Code shall hereinafter read as follows: **HEALTH AND SAFETY INSPECTIONS FOR ALL RENTAL PROPERTY WITHIN THE CITY OF CARLYLE.**

Section 3. The Carlyle City Code is amended to add Article VIII to Chapter 7, which shall read as follows:

“7-8-1 HEALTH AND SAFETY INSPECTIONS. Henceforth, no rental property (i.e. apartments, duplexes, rental houses, etc.) shall be occupied or used until an inspection of the premises has been conducted and a health/safety permit issued by the Occupancy Inspector, or their designee, stating that the rental property complies with the provisions of the City Code and with the requirements of the most current edition of the International Property Maintenance Code, (a copy of which is available at Carlyle City Hall) including but not limited to, the checklist attached as Exhibit “A” of this ordinance.

(A) Any health/safety permit for rental property shall be applied for coincident with each new tenant’s occupancy of said rental property. A health/safety permit shall be valid until there is a change in occupancy of the rental property.

(B) The tenant shall be responsible for payment of the \$80.00 health/safety permit fee. Said fee shall be paid at Carlyle City Hall prior to occupancy. In the event a re-inspection is required due to the rental property’s failure to comply with the provisions of the City Code or the current International Property Maintenance Code, an additional \$40.00 fee shall be assessed for the re-inspection and shall be paid by the property owner. The inspector will wait no longer than 15 minutes to begin a scheduled inspection. If the property owner does not appear at any scheduled inspection, said inspection shall be rendered a failure. Initial inspections will be scheduled and initiated within 5 days of application. Re-inspections will be scheduled and initiated within 30 days of the prior inspection.

(C) Should an occupant be permitted by the owner to occupy any structure without first obtaining a health/safety permit, the owner shall be guilty of violating this Section and shall be subject to a fine of not less than \$100.00 and not more than \$750.00. Each day of unlawful occupancy shall be considered a new violation subject to the preceding fine limits. Failure to obtain a health/safety permit prior to the occupant moving onto the rental

property shall not waive the right of the City to enter onto and conduct an inspection of the rental property.

(D) Any property owner shall have the right to appeal to the Carlyle City Council, any Occupancy Inspector's inspection determination in connection with the enforcement of this Code. Any such appeal shall be based solely upon and shall state a claim that: (i) the true intent of the code or the rules or regulations adopted pursuant thereto have been incorrectly interpreted, (ii) the provisions of the code do not apply, or (iii) an equivalent form of construction can be used. Any appeal under this section shall be in writing, shall contain a written statement of the grounds for the appeal and must be received by the office of the City Administrator within thirty (30) days after the rendering of the Occupancy Inspector's inspection decision. Appeals will be heard by the City Council no less than 5 days, nor greater than 35 days, following receipt of the appeal by the City Administrator's office.

Section 4. All provisions of the Carlyle Revised Code of Ordinances not specifically amended by this ordinance remain unchanged and in effect. To the extent the provisions of this ordinance are inconsistent with, or in conflict with, previously enacted ordinances, the provisions of this ordinance shall prevail

This Ordinance shall be in full force and effect from and after its passage and approval as provided by law.

STATE OF ILLINOIS)
)
COUNTY OF CLINTON)

MEMORANDUM OF ENACTMENT OF ORDINANCE

The foregoing Ordinance No. _____ was passed this _____ day of _____, 2018 by the Mayor and City Council of the City of Carlyle, Clinton County, Illinois. The City Council voted as follows:

NAME	AYE	NAY	ABSTAIN	ABSENT	CONFLICT
Scott Diekemper					
Jason Edwards					
Brenda Johnson					
Kent Newkirk					
Donald Perez					
Jeff Taylor					
Jeremy Weh					
Eric Nordike					

The Mayor declared the Ordinance adopted and ordered it recorded and published as provided by law.

Dated this _____ day of _____, 2018.

 JUDY SMITH, MAYOR
 CARLYLE, ILLINOIS

Attest:

 SHARON HUSTEDDE
 CITY CLERK