9-5-17
Finance

(A1)

SUBSTITUTE ORDINANCE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHICAGO:

SECTION 1. Chapter 13-10 of the Municipal Code of Chicago is hereby repealed in its entirety.

SECTION 2. Article III of Chapter 2-14 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

2-14-108 Petition to set aside default order.

(a) An administrative law officer may set aside any order entered by default and set a new hearing date, upon a petition filed within 21 days after the issuance of the order of default, if the administrative law officer determines that the ~~petitioner's~~ respondent's failure to appear at the hearing was for good cause, or, at any time, if the petitioner or the respondent subject to the order entered by default establishes that ~~the petitioner~~ such respondent was not provided with proper service of process. If the petition is granted, the administrative law officer shall proceed with a new hearing on the underlying matter as soon as practical.

(Omitted text is unaffected by this ordinance)

2-14-151 Definitions.

As used in this Article III, unless the context requires otherwise:

(Omitted text is unaffected by this ordinance)

(c) "Building owner" shall mean: (1) the legal title holder or holders of the realty containing a building or other structure; (2) the beneficial owner or owners of an Illinois Land Trust if legal title is held by such a trust; (3) the purchaser under any real estate installment sales contract if such a contract exists; (4) ~~any person or entity registered as an owner pursuant to Chapter 13-10 of the Municipal Code of Chicago; (5)~~ a person

who contracts with the federal government or any of its agencies, including without limitation the Department of Housing and Urban Development, to care for vacant residential real estate; (~~6~~5) a person who has management authority over real property; or (~~7~~6) for purposes of proceedings involving alleged violations of Section 8-4-090, any person who owns, manages or controls the applicable premises.

2-14-152 Service of notice to building owner.

(a) The date for a hearing to adjudicate a building code violation shall not be less than 30 days after the violation is reported by the building inspector in nonemergency situations; the date for the hearing in emergency situations may be scheduled in accordance with Section 2-14-074.

(b) Service of a notice of violation and/or notice of hearing to adjudicate a building code violation may be made upon any person liable for the violation under this Code~~, or his or her registered designee for service under Chapter 13-10 of this Code~~ by: (i) personal service; ~~(ii) first class or express mail or overnight carrier to the designee and address registered with the city under Chapter 13-10 of this Code;~~ or (~~iii~~ ii) first class or express mail or overnight carrier to the residence or place of business of the person liable for the violation~~, if service under (ii) is found to be undeliverable or if the building or structure is not registered or subject to registration under Chapter 13-10 of this Code~~.

If service cannot be made under (i)~~,~~ or (ii) ~~or (iii)~~ above, service on the owner may be made by posting a copy of the notice of violation or notice of hearing on the front entrance of the building or structure where the violation is found, or if the property is unimproved or fenced off, by posting a copy of the notice of violation or notice of hearing in a prominent place upon the property where the violation is found, not less than 20 days before the scheduled date of the hearing.

(Omitted text is unaffected by this ordinance)

SECTION 3. Chapter 3-33 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored,

as follows:

(Omitted text is unaffected by this ordinance)

3-33-040 Payment of the tax.

(Omitted text is unaffected by this ordinance)

D. ~~Neither the comptroller nor any agent of the comptroller shall issue tax stamps in connection with any building, as that term is defined by Section 13-10-010 of this Code, unless there is presented to the department or its agent either (1) a certificate of registration showing that the building is registered with the department of buildings pursuant to Chapter 13-10 of this Code, or (2) a waiver of registration issued by the building commissioner.~~

~~E.~~ Neither the comptroller nor any agent of the comptroller shall issue tax stamps in connection with a parcel of residential property located in the city that is within one or more of the categories specifically described in subsection 3-33-045(A) of this chapter unless there is presented to the department or its agent either: (1) a valid certificate of zoning compliance issued by the zoning administrator under Section 3-33-045 of this chapter; or (2) evidence that the requirement for a certificate of zoning compliance has been waived by virtue of the failure of the zoning administrator to act within the time periods prescribed in either subsection 3-33-045(D) or subsection 3-33-045(E) of this chapter.

3-33-045 Certificate of zoning compliance.

A. Categories of property covered. A certificate of zoning compliance shall be required prior to the issuance of tax stamps pursuant to Section 3-33-030 of this chapter for residential property zoned for, or occupied by, one or more: (1) one-family dwellings, (2) two-family dwellings, or (3) multifamily dwellings containing five or fewer dwelling units, all as defined in the Chicago zoning ordinance. However, a certificate of zoning compliance shall not be required for residential property subject to the Illinois condominium property act, for residential property located within cooperative buildings, ~~as defined in Section 13-10-020 of this Code,~~ or for property containing a newly

constructed dwelling that is sold to the initial occupant of the dwelling. For purposes of this section, a cooperative building is defined as a multiple-dwelling complex owned by a cooperative corporation, stock in which affords the owner thereof the right to possess or occupy a particular family unit allocated to that stock within the complex. This right of possession or occupancy is granted through a proprietary lease or similar arrangement, and, unlike the owner of a condominium, the owner of the cooperative stock does not hold legal title to his or her individual family unit.

(Omitted text is unaffected by this ordinance)

SECTION 4. Section 13-12-125 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

13-12-125 Vacant buildings – Owner required to act – Enforcement authority.

(a) (1) The owner of any building that has become vacant shall within 30 days after the building becomes vacant or within 30 days after assuming ownership of the building, whichever is later, file a registration statement for each such building with the department of buildings on forms provided by that department for such purposes. The registration shall remain valid for six months from the date of registration. The owner shall be required to renew the registration for successive six-month periods as long as the building remains vacant and shall pay a registration or renewal fee in the amount prescribed in paragraph (3) of this subsection (a) for each registered building; provided, however, that ~~all Chicago Public Schools and City Colleges of Chicago and~~ all governmental entities shall be exempt from the payment of the registration and renewal fees. The owner shall notify the department of buildings, within 20 days, of any change in the registration information by filing an amended registration statement on a form provided by the department of buildings for such purposes. The registration statement shall be deemed prima facie proof of the statements therein contained in any administrative enforcement proceeding or court proceeding instituted by the city against the owner or owners of the building. Registration of a building in accordance with this

section shall be deemed to satisfy ~~the registration requirement set forth in Section 13-10-030 and~~ the notification requirement set forth in Section 13-11-030. After filing a registration statement the building owner shall provide access to the city to conduct an exterior and interior inspection of the building to determine compliance with the municipal code, following reasonable notice, during the period covered by the initial registration or any subsequent renewal.

(Omitted text is unaffected by this ordinance)

(3) The registration and renewal fee for each registered building shall be ~~$250~~ $300 ~~(the "base registration fee"). Provided, however, that any vacant building subject to the base registration fee that is in violation of any provision of the building code or fire code at the time renewal is required shall be assessed a renewal fee of $500 for such renewal period (the "doubled period"). If a vacant building in the doubled period is in violation of any provision of the building code or fire code at the time renewal is required, the fee shall be $750 for such renewal (the "tripled period"). If a vacant building in the tripled period is in violation of any provision of the building code or fire code at the time renewal is required, the fee shall be $1,000 for such renewal, and shall remain at $1,000 for each subsequent renewal, if, at the time such renewal is required, the building is in violation (the "quadrupled period")~~. The ~~base~~ registration fee or ~~and each~~ renewal fee ~~set forth above in this subparagraph (3)~~ shall be doubled if the applicable ~~initial~~ registration or renewal ~~registration~~ takes place not through voluntary and timely compliance, but as the result of a City identification of a violation of this section ~~or Section 13-12-135~~. ~~Such doubled fee shall not be subject to a reduction, during the relevant period, for having registered or renewed following the issuance of a citation for failure to register or renew. If the owner of a building that is in the doubled, tripled or quadrupled period can show to the satisfaction of the building commissioner and the fire commissioner, at the time renewal is required, that the building is in full compliance with the building code and fire code, then such renewal shall revert to the base registration fee. For purposes of this subparagraph (3), "in violation" shall mean that a citation has been issued, and the conditions forming the basis for the citation have not been fully remedied. In the event of a final determination that issuance of the~~

~~citation was not factually supported, the increased fee for the six-month period(s) at issue shall be refunded to the owner.~~

(Omitted text is unaffected by this ordinance)

SECTION 5. Section 13-12-126 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

13-12-126 Vacant buildings – Mortgagee required to act – Enforcement authority.

(a) (1) The mortgagee of any building which is vacant and not registered pursuant to this section or Section 13-12-125(a) of this Code shall, within the later of~~:~~ ~~(A)~~ 30 days after the building becomes vacant and unregistered or ~~(B)~~ 10 days after a default, file a registration statement with the department of buildings on forms provided by that department for such purposes and pay a registration fee of $700. ~~If the mortgagee elects to file upon condition (A) above, the initial registration fee shall be $700. If the mortgagee elects to file upon condition (B) above, the initial registration fee shall be $400.~~ The registration shall remain valid for ~~twelve~~ six months from the date of registration. The mortgagee shall be required to renew the registration every ~~twelve~~ six months, at a renewal fee of $300 ~~$700~~, as long as~~: (i)~~ the building remains vacant and unregistered by an owner pursuant to Section 13-12-125~~, or (ii) the mortgagor remains in default and the mortgagee has not assumed ownership, thereby becoming subject to Section 13-12-125~~. Governmental entities shall be exempt from the payment of the registration and renewal fees. The mortgagee shall notify the department of buildings within 20 days of any change in the registration information by filing an amended registration statement on a form provided by the department of buildings for such purposes. The registration statement shall be deemed prima facie proof of the statements therein contained in any administrative enforcement proceeding or court proceeding instituted under this section by the city against the mortgagee with respect to the registered building.

(Omitted text is unaffected by this ordinance)

SECTION 6: The application of the amendments to section 13-12-126 in SO2016-4003, which was adopted July 20, 2016, is stayed to coincide with the effective date of the amendments to section 13-12-126 provided in this ordinance.

SECTION 7: Except as otherwise provided below, this ordinance shall take effect upon passage and publication. The amendments to sections 13-12-125(a)(3) and 13-12-126 effected by this ordinance shall take effect on a date determined by the Commissioner of Buildings, but in the absence of such determination, shall become effective no later than 180 days after passage and publication. The Commissioner of Buildings shall notify the public of the effective date of the amendments to sections 13-12-125(a)(3) and 13-12-126 by posting a notice on the Department of Buildings web site no less than 10 days in advance of such effective date. No person who registered pursuant to any provision repealed or modified by this ordinance shall be entitled to a refund.

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George A. Cardenas
Alderman, 12th Ward