

# VILLAGE OF SWANSEA

1400 N. Illinois Street  
Swansea, IL 62226  
618-234-0044 – phone  
618-234-0222 – fax



## RENTAL PROPERTY INSPECTION CODE

### INSTRUCTIONS FOR LANDLORDS

1. Effective September 1, 2011, any owner of rental property within the Village must register. Registration is required annually. The registration expires December 31st every year. The cost is \$10.00. You may print the form from the Village website, [www.swanseail.org](http://www.swanseail.org), and click on common forms on the home page. The "Landlord Registration" form is found under Building and Zoning.
2. Effective September 1, 2011, the owner or agent of the owner may request an inspection of an occupied rental dwelling unit if he/she has a reasonable belief that the condition or use of the rental dwelling significantly affects the health or safety of the occupants. The cost of an inspection is \$35.00 per unit. An inspection will be scheduled between 8:00 a.m. - 4:30 p.m. and other times as permitted by the ordinance. If violations are found, the inspector will send a notice of the violations and date on which the violations must be corrected. If you do not complete the repairs prior to the completion date on the notice, you may call the inspector at 355-0280 and ask for an extension. The inspector will call and arrange a time for a re-inspection. There is no charge for the first re-inspection.
3. Inspections are not required at the time of a change of tenants. Also, the Village does not issue residential occupancy permits.
4. A tenant may also request an inspection of his/her rental unit if he/she has a reasonable belief that the condition or use of the rental dwelling significantly affects the health or safety of the occupants. The tenant must pay for the inspection; the cost is \$ 35.00. If violations are found, the property owner will be sent the notice of violations. If the tenant has requested an inspection and the conditions reported by the tenant are completely unfounded, the tenant may be issued a summons for making a false report.
5. The Village building inspector may inspect the exterior, common areas and property surrounding rental property on an as needed basis. There is no charge for such inspections.
6. If a tenant engages in criminal acts or is disruptive to adjacent residents, the tenant may be cited by the police department. If there are repeated violations, the owner will also be notified of the notice to the tenant.
7. If the violations cited by the inspector or the criminal or disruptive acts cited are not corrected within six months of the violation notice (or prior to the end of an extension period), a Village staff member will meet with the owner to develop a correction plan, require the owner to attend a seminar on good rental practices, prohibit the rental of vacant unit(s) cited in the building until the cited unit(s) or other conditions are corrected, and refer uncorrected violations for prosecution.
8. If the violations cited by the inspector, or the criminal or disruptive behavior cited is not corrected within nine months of the violation notice (or prior to the end of an extension period), the Board of Trustees may seek an injunction in Circuit Court to obtain compliance or request the appointment of a receiver.

To view the rental property inspection code in full, go to [www.swanseail.org](http://www.swanseail.org)., click on Rental Property Inspection.



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APPLICATION FOR LANDLORD REGISTRATION

Name of Owner \_\_\_\_\_ Phone # \_\_\_\_\_

Address \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

Name of Managing Agent \_\_\_\_\_ (if none, write none)

Name of Firm of Managing Agent \_\_\_\_\_

Firm Address \_\_\_\_\_ (No P.O. Box)

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

Firm Phone Number \_\_\_\_\_

Email Address \_\_\_\_\_

List All Rental Property Addresses:

- Address: \_\_\_\_\_ ( ) Apartment House ( ) Apartment Complex ( ) Rental House
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License Year: \_\_\_\_\_ Fee Paid: \_\_\_\_\_ Date: \_\_\_\_\_

( Jan. 1 - Dec. 31 )

**VILLAGE OF SWANSEA, ILLINOIS**

**ORDINANCE NO. 1613**

**AN ORDINANCE TO AMEND THE SWANSEA MUNICIPAL CODE  
BY AMENDING CHAPTER 15 SWANSEA BUILDING CODE, PART 1 GENERAL  
PROVISIONS, BY ADDING A SECTION TO BE NUMBERED AND TITLED 15-110  
INSPECTION OF RENTAL DWELLINGS, AND BY AMENDING SECTION 15-107  
TABLE OF FEES BY ADDING PARAGRAPH C LISTING FEES FOR RENTAL  
PROPERTY INSPECTIONS**

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*WHEREAS*, there is need to protect the public and occupants of residential rental dwellings from conditions existing in buildings that are not in compliance with the various building and fire safety codes of the Village; and

*WHEREAS*, certain criminal or disruptive conduct within residential property can affect the peace and feeling of security of nearby residents and patrons and employees of businesses, thereby affecting the quality of life within the Village of Swansea; and

*WHEREAS*, the Board of Trustees desires to amend the Village Municipal Code to authorize a program for inspection of rental dwellings;

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**NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND THE BOARD OF TRUSTEES OF THE VILLAGE OF SWANSEA, ILLINOIS:**

**SECTION 1:** the Municipal Code of the Village of Swansea is hereby amended by amending Chapter 15 Swansea Building Code, Part 1 General Provisions, by adding a section numbered and titled Section 15-110 Inspection of Rental Dwellings, said text to read as follows:

**SECTION 15-110. INSPECTION OF RENTAL DWELLINGS.**

- A. **Rental dwelling unit defined.** A rental dwelling unit shall mean a dwelling unit within the Village that is available for rent or lease or is rented or leased, with or without contract, including without limitation, unit(s) within a single building (an "apartment building") or a group of buildings on one parcel (an "apartment complex"), single family residences which are available for rent, manufactured homes which are available for rent, sleeping rooms, condominium units which are available for rent, rental dwelling units located within commercial property, and including accessory structures and premises on which rental dwellings are located, but not including rental units that are available for occupancy at no charge, residences owned under terms of bond for deed, hotels, nursing facilities and assisted living facilities. A dwelling that is rented or leased with an option to purchase is considered a rental dwelling unit until the lessee fully exercises the option to purchase.
- B. **Owner, agent of owner defined.** "Owner" shall mean as the person or entity maintaining fee simple title to the real estate on which the structure is located, and shall mean any part owner, joint owner, mortgagee in possession, tenant in common, joint tenant, beneficiary of a land trust, tenant in partnership, or tenant by the entity. "Agent of the owner" shall mean the person or entity authorized by the owner to rent, lease, manage, maintain, make expenditures, collect rent, receive notices and correspondence from government agencies or courts or engage in any other activity required in the use and occupancy of a rental dwelling, and shall mean the person representing the agent or owner at a multi-family apartment building or multi-family apartment complex, or other rental dwelling.

- C. **Nuisance conditions defined.** In addition to any other act declared to be a nuisance within the municipal code or other ordinances of the Village, nuisances are hereby defined and declared to be as follows.
- Any dwelling unit(s), including common areas and premises, within which three (3) or more instances of any one or any combination of the actions listed below have occurred or continue to occur, which have occurred during any one hundred eighty (180) day period, which have resulted in three or more separate factual events that have been investigated by any law enforcement agency, which have resulted in an arrest, issuance of a warrant for any arrest, issuance of a court citation or the filing of a police report, which have been the alleged actions of the owner, occupants or persons frequenting or congregating about the premises:
- 1) Disorderly conduct as defined in 720 ILCS 5/26-1, as amended, or subsequent statute,
  - 2) Unlawful use of weapons as defined in 720 ILCS 5/24-1,
  - 3) Mob action as defined in 720 ILCS 5/25-1,
  - 4) Discharge of a firearm as defined in 720 ILCS 5/24-1.2,
  - 5) Gambling as defined in 720 ILCS 5/28-1,
  - 6) Possession, manufacture or delivery of a controlled substance as defined in 720 ILCS 570/401,
  - 7) Assault or battery or any related offense as defined in 720 ILCS 5/12-1,
  - 8) Sexual abuse or related offenses as defined in 720 ILCS 5/12-15,
  - 9) Public indecency as defined in 720 ILCS 5/21-1,
  - 10) Prostitution as defined in 720 ILCS 5/11-14,
  - 11) Criminal damage of property as defined in 720 ILCS 5/21-1,
  - 12) Possession, cultivation, manufacture or delivery of cannabis as defined in 720 ILCS 550/1,
  - 13) Illegal consumption or possession of alcohol as defined in 235 ILCS 5/10;
  - 14) Any of the above statutes referenced, as amended, or any subsequent statute of the same subject matter,
  - 15) Violation of a municipal ordinance of the same subject matter as the above referenced state statute.
- D. **Registration of owners.** The owners of all rental dwellings shall annually register with the zoning administrator all rental dwellings in their ownership located within the Village. The registration fee shall be paid at the time of the submission of the registration application. All registrations made pursuant to this Section shall be valid for the twelve month period beginning January 1 and ending December 31. Registration applications submitted on any date after January 1 shall expire December 31. When the last day of December falls on a Saturday or Sunday, the registration shall be valid until the first Tuesday in January. Registrations shall become invalid upon the sale of the property or reconstitution of the entity in which name the property is owned. It shall be a violation of this Section for any owner to fail to submit a registration application and pay the required fee. A late fee shall be imposed for any application received after January 15.
- E. **Authorization to inspect.** The code administrator, or his designated representative, is authorized and directed to make inspections to determine compliance with the building, residential, electrical, mechanical, fuel gas, plumbing, fire and property maintenance codes and ordinances enacted to provide for the safety and maintenance of structures and premises. For the purpose of making such inspections, the code administrator and his designated representatives are authorized to enter and inspect all structures and premises.
- F. **Schedule of inspections, common areas.** Inspections of common areas and premises surrounding any rental dwelling unit may be conducted on a routine basis determined by the code administrator.
- G. **Inspection of occupied rental dwelling units.** The owner, agent of the owner or tenant may request an inspection of an occupied rental dwelling unit if same has a reasonable belief that the condition or use of the rental dwelling significantly affects the health or safety of the occupants. It shall be the responsibility of the person who has requested the inspection to pay the inspection fee. If the tenant has requested an inspection, the code administrator shall notify the owner at least twenty-four (24) hours prior to the inspection. If the owner has requested an inspection, the code administrator shall notify the tenant at least twenty-four (24) hours prior to the inspection. Additionally, the fire chief and the police chief or their designees may request that the code administrator conduct an inspection for code violations after any call for fire department or police department service at any rental dwelling unit if either of the officials believes there is evidence of code violations that affect the health or safety of the occupants.
- H. **Hours of inspection of rental dwelling units, common areas and premises.** The code administrator is authorized to make inspections of the interiors of rental dwelling units, common areas and premises surrounding any rental dwelling unit between the hours of 7:00 a.m. and 6:00 p.m. Monday through Friday, with legal holidays excepted. Inspections in conjunction with fire

investigations, police investigations, child or elder abuse investigations or other health or safety reasons may be conducted at any time.

- I. **Refusal of entry; court authorization to inspect.**
  - 1) When there is believed to be a condition or use that exists which significantly affects the health or safety of the occupants or of adjacent residents, and the tenant or the owner of the rental dwelling unit refuses to allow entry by the code administrator for an inspection to be conducted within the hours specified in Paragraph H of this Section, the code administrator, or his designee, is authorized to obtain a warrant from the Circuit Court of St. Clair County.
  - 2) The Circuit 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 for an inspection shall be issued:
    - i. eyewitness account of violation;
    - ii. citizen complaints;
    - iii. tenant complaints;
    - iv. plain view violations;
    - v. violations apparent from Village records;
    - vi. property deterioration;
    - vii. age of property;
    - viii. nature of alleged violation;
    - ix. similar properties in the area;
    - x. documented violations of similar inspections in the area;
    - xi. passage of time since last inspection; and
    - xii. previous violations on the property.
- J. **Application for inspection.** The application for an inspection may be completed by the owner, agent of the owner, or tenant on a form provided by the village. The inspection fee shall be paid at the time of the submission of the inspection application. If any subsequent inspections are required, the fees for said inspections shall be paid prior to conducting the inspections.
- K. **False complaint of violation.** It shall be a violation of this Section for any person to knowingly make a false complaint of violation of village codes against the owner, the agent of the owner or the tenant concerning the condition or use of any rental dwelling, or part thereof.
- L. **Notice of code violations.** If, as a result of the inspection, the code administrator determines that within the dwelling unit, common areas or premises there is evidence of one or more violations of village codes, he shall issue to the owner or the agent of the owner a written notice of violation and correction order. The notice shall be sent not more than three business days after the inspection date; the inspection date not included. The notice may be delivered in person, by first class mail or electronically. Said notice shall include the following:
  - 1) list the conditions or uses believed to be in violation of the code(s) and provide the applicable code sections,
  - 2) order the owner to correct the conditions or uses within a reasonable time,
  - 3) advise the method to appeal the determination of the code administrator,
  - 4) list the compliance actions that will be taken by the code administrator if all violations are not corrected within six (6) months and within nine (9) months after the date of the notice.
- M. **Notice of nuisance conditions.** Whenever the chief of police believes that nuisance conditions as defined in Paragraph C of this Section are occurring at any rental dwelling or on the premises therein, the chief of police shall issue a written notice of violation and correction order to the person or persons he believes is causing the nuisance or permitting the nuisance to occur. If the person causing a nuisance is a tenant or person or persons associating with a tenant of a rental dwelling, the chief of police shall direct the notice to the tenant. In the case of a nuisance notice directed to a tenant, the owner or agent of the owner shall also be notified.
- N. **Extensions of time to attain compliance; releases from compliance.**
  - 1) The code administrator is authorized to grant extensions not to exceed six (6) months, 180 calendar days, from the date of inspection in order to complete repairs. The chief of police is authorized to grant extensions not to exceed six (6) months to the owner, agent of the owner or tenant to abate any nuisance conditions, as herein defined. Requests for extensions beyond 180 calendar days may only be granted by the Board of Trustees.
  - 2) The code administrator is not authorized to release an owner from compliance with the building, residential, electrical, mechanical, fuel gas, plumbing, fire and property maintenance codes and ordinances enacted to provide for the safety and maintenance of structures and premises. The Board of Trustees may release an owner from compliance by formal motion at a meeting of the Board.
  - 3) Requests for an extension or release from compliance granted by the Board of Trustees shall be made to the Village Clerk. After scheduling by the Village Clerk, the requesting party shall make their request personally at a meeting of the Board of Trustees.

- O. **Non-compliance after six months, code administrator actions.** If the owner fails to correct code violations or nuisance conditions cited by the code administrator or the police chief within six (6) months from the date of violation notice, or prior to an extension if one is granted by the Board of Trustees, the code administrator shall notify the owner by first class mail of the following actions to be taken by the code administrator:
- 1) Conduct an informal meeting with the owner to develop a mutually agreeable correction plan; and
  - 2) Require the owner to attend the Crime Free Multi-Housing seminar provided by the Village or by another source within St. Clair or Madison counties within twelve months, or provide certification of attendance at said seminar within the previous twelve months; and
  - 3) Prohibit the rental of the rental dwelling unit in which code violations have been cited, if it is vacant, until all violations in the cited unit(s), common areas, building exterior(s) and premises are corrected, inspected and found to be in compliance with Village codes. The owner shall be notified at the time of the informal meeting. The code administrator shall contact the electric and/or the water utility to request that the utility initiate its procedure to disconnect such utility service to the cited vacant unit until the violations, hazardous health and/or safety conditions are corrected; and
  - 4) Refer all uncorrected code violations for prosecution by administrative adjudication.
- P. **Non-compliance after nine months, code administrator actions.** If the code violations or nuisance conditions are not corrected within nine (9) months from the date of the violation notice, or prior to an extension if one is granted by the Board of Trustees, the code administrator shall request that the Board of Trustees approve submission of a petition in the Circuit Court of St. Clair County for an injunction requiring compliance with such ordinances or for such other order as the court may deem necessary or appropriate to secure such compliance, or to appoint a receiver for the property as permitted in 65 ILCS 5/11-31-2 through 65 ILCS 5/11-31-2.3.
- Q. **Nuisance conditions-action by owner.** The Village shall not prohibit the rental of any unit nor subject the owner to the penalties in Paragraph S of this Section if the owner has made a good faith effort to mitigate any nuisance conditions cited by the police chief which are the subject of the correction plan developed by the code administrator and the owner required pursuant to Paragraph O.1.
- R. **Appeals.** Any appeal as to the meaning or application of the Property Maintenance Code or the imposition of compliance measures set forth in this Section shall be heard by the Board of Building Appeals. An appeal shall be filed with the code administrator no later than twenty (20) calendar days from the date of the violation notice and correction order. The Board of Building Appeals shall hear the matter within thirty (30) days of receipt of the appeal. If an appeal is sustained by the Board of Building Appeals, the appeal fee will be returned to the appellant.
- S. **Penalties.** Any person or entity convicted of a violation of any section of this Section shall be subject to a fine of not less than one hundred dollars (\$100.00) nor more than five hundred dollars (\$500.00) for each such offense.

**SECTION 2:** the Municipal Code of the Village of Swansea is hereby amended by amending Chapter 15 Swansea Building Code, Part 1 General Provisions, Section 15-107 Fees, by adding a Paragraph C, said text to read as follows:

C. The fees for rental property inspections and related fees shall be as follows:

Annual rental dwelling ownership registration	\$10.00
Annual rental dwelling ownership registration late fee	\$25.00
Rental dwelling unit inspection except that there shall be no charge for the first re-inspection	\$35.00
Each additional inspection of the same rental dwelling unit	\$45.00
Inspection occurring between 7:00 and 8:00 a.m. or between 4:30 p.m. and 6:00 p.m., Monday through Friday	\$45.00
Appeal of violation notice and correction order, or other appeal	\$25.00
Crime Free Multi-Housing seminar	\$35.00

**SECTION 3:** this ordinance shall be implemented beginning September 1, 2011;

**SECTION 4:** this ordinance shall be in full force and effect ten (10) after its passage, approval and publication in pamphlet form.

Passed this 6<sup>th</sup> day of June, 2011 by the Board of Trustees of the Village of Swansea, St. Clair County, Illinois

Lauren O'Neill

LAUREN O'NEILL, VILLAGE CLERK

FREED May O'MALLEY Age SAAK Age  
SUTTERFIELD Age WELLS Age THACKER Age  
RAUCKMAN Age

Approved by the President of the Board of Trustees of the Village of Swansea, St. Clair County, Illinois, this 6<sup>th</sup> day of June, 2011

James B. Rauckman

JAMES B. RAUCKMAN, PRESIDENT,  
BOARD OF TRUSTEES

ATTEST:

Lauren O'Neill

LAUREN O'NEILL VILLAGE CLERK

[seal]

Ordinance-inspections-residential #2 Rev. 6 5/10/11

VILLAGE OF SWANSEA, ILLINOIS

ORDINANCE NO. 1614

AN ORDINANCE TO AMEND THE SWANSEA MUNICIPAL CODE BY AMENDING CHAPTER 15 SWANSEA BUILDING CODE, PART 7 PROPERTY MAINTENANCE CODE, SECTION 15-702 ADDITIONS, INSERTIONS, CHANGES, BY REVISING REGULATIONS ON SLEEPING ROOMS

WHEREAS, the overcrowding of residential dwelling units can create undesirable living conditions for the occupants and can affect the peace of nearby residents; and

WHEREAS, there is need to amend the Swansea Property Maintenance Code to establish regulations prohibiting the use of certain rooms as sleeping rooms;

NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND THE BOARD OF TRUSTEES OF THE VILLAGE OF SWANSEA, ILLINOIS:

SECTION 1: the Municipal Code of the Village of Swansea shall be, and hereby is amended by amending Chapter 15 Swansea Building Code, Part 7 Property Maintenance Code, Section 15-702 Additions, Insertions, Changes, as follows.

The existing paragraph F) shall be re-lettered G) and the existing paragraph G) shall be re-lettered H), and the following shall be inserted as paragraph F).

F) In Section 404.4.4 Prohibited Occupancy, delete the text therein and insert the following text:

Living rooms, dining rooms, family rooms, dens, kitchens, bathrooms, closets, halls, storage or utility spaces, basements (except in bedrooms which are code compliant) and attics (except in bedrooms which are code compliant) shall not be used for sleeping purposes.

SECTION 2: this ordinance shall be in full force and effect immediately after its passage, approval and publication in pamphlet form.

Passed this 6<sup>th</sup> day of June, 2011 by the Board of Trustees of the Village of Swansea, St. Clair County, Illinois

Lauren O'Neill

LAUREN O'NEILL, VILLAGE CLERK

FREED Aye O'MALLEY Aye SAAK Aye  
SUTTERFIELD Aye WELLS Aye THACKER Aye  
RAUCKMAN -

Approved by the President of the Board of Trustees of the Village of Swansea, St. Clair County, Illinois, this 6<sup>th</sup> day of June, 2011



JAMES B. RAUCKMAN, PRESIDENT  
BOARD OF TRUSTEES

ATTEST:



LAUREN O'NEILL VILLAGE CLERK

[seal]

Ordinance-Property Maint. Code-bedrooms Rev. 2 3/11/11