

ORDINANCE NO. 2015 - 2166

**AN ORDINANCE AMENDING SECTION 14.52.020, ENTITLED
“VILLAGE INSPECTION OF REAL ESTATE – CERTIFICATE OF COMPLIANCE
REQUIRED”, OF CHAPTER 14.52, ENTITLED “CERTIFICATES OF COMPLIANCE”,
OF TITLE 14, ENTITLED “BUILDINGS AND CONSTRUCTION”,
OF THE WESTCHESTER MUNICIPAL CODE**

WHEREAS, pursuant to Chapter 14.52, entitled “Certificates of compliance”, of the Westchester Municipal Code, prior to the transfer of ownership of real estate located within the Village of Westchester (“Village”), an inspection of the building or structure located upon the real estate is required to be conducted in order to determine if it is in compliance with the Village’s Compliance Inspection Checklist and provisions of Chapter 14.52 of the Village Code; and

WHEREAS, the Village has adopted and implemented a Compliance Inspection Checklist consisting of twenty requirements that the building or structure must comply with in order for the Village to issue a certificate of compliance to the property owner; and

WHEREAS, the inspection of the building or structure shall be conducted by the Building Commissioner of the Village of Westchester, or his or her designee, who shall perform a visual inspection of the building or structure in order to determine if it satisfies the requirements of the Village’s Compliance Inspection Checklist and Chapter 14.52 of the Village Code; and

WHEREAS, the corporate authorities of the Village desire to amend Section 14.52.020, entitled “Village inspection of real estate --- Certificate of compliance required”, of Chapter 14.52, entitled “Certificates of Compliance”, of the Westchester Municipal Code, in order to specify the inspection requirements necessary for the issuance of a certificate of compliance prior to the transfer of real estate within the Village.

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

Section 1: The facts and statements contained in the preamble to this Ordinance are found to be true and correct and are hereby adopted as part of this Ordinance.

Section 2: Section 14.52.020, entitled “Village inspection of real estate --- Certificate of compliance required”, of Chapter 14.52, entitled “Certificates of Compliance”, of the Westchester Municipal Code is hereby amended as follows:

14.52.020 Village inspection of real estate—Certificate of compliance required.

- (a) Whenever any owner of real estate or of the beneficial interest in a land trust, or any person or agent acting on behalf of such owner, offers to sell any real estate located within the Village, said owner, person or agent shall notify the Village of such proposed sale.
- (b) Upon receipt of such notice, the Village shall cause an inspection to be made of the building or structure located upon such real estate, in order to determine if it is in compliance with the following provisions of the International Property Maintenance Code of 2012, as adopted as the Property Maintenance Code (“PMC”) of the Village of Westchester in Chapter 14.16 of the Westchester Municipal Code, the provisions of the Illinois Smoke Detector Act and the Illinois Carbon Monoxide Alarm Detector Act, and as provided in the Village’s Compliance Inspection Checklist.
 - (1) Sec. 304.3 of the PMC – Address on building shall be properly displayed for residence identification by emergency vehicles.
 - (2) Sec. 304.3 of the PMC – Address on detached garage shall be properly displayed for residence identification by emergency vehicles.
 - (3) Sec. 304.6 of the PMC – Exterior walls shall be free of holes or loose or rotting boards.
 - (4) Sec. 304.7 of the PMC – Roof shall be structurally sound and free of defects.
 - (5) Sec. 304.10 of the PMC – Exterior stairs and porches shall be free of hazards and safe for entering and exiting.
 - (6) Sec. 302.7 of the PMC – Any fencing shall be in good repair.
 - (7) All doors provide for unobstructed exiting.
 - (8) Sec. 304.13 of the PMC – Building shall be free of unsafe or broken windows.
 - (9) The residence complies with applicable zoning regulations regarding use (i.e. single-family, multi-family).
 - (10) Sec. 305.3 of the PMC – Floors, walls and ceilings shall be maintained in good condition, free of safety hazards.

(11) Sec. 402 of the PMC, Sec. 403 of the PMC – All rooms shall be provided with adequate light and ventilation.

(12) Sec. 309.1 of the PMC – Building shall be free of infestation of rodents or insects.

(13) Sec. 305.4 of the PMC, Sec. 305.5 of the PMC – Interior stairs and railings shall be free of safety hazards and shall be safe for entering and exiting.

(14) Sec. 505.1 of the PMC – All sinks, lavatories, bathtubs, and showers shall be supplied with running water and maintained in a usable condition.

(15) Sec. 507.1 of the PMC – Downspouts and sump pump shall properly discharge into the yard or storm sewer.

(16) Sec. 604 of the PMC – Building shall have electrical panel(s) and all exposed wiring shall be installed and maintained in a safe manner.

(17) 425 ILCS 60/3 – Electric or battery operated smoke detector(s) shall be installed in each bedroom and on each floor.

(18) 430 ILCS 135/10 - Building shall have properly located and operating carbon monoxide detectors.

(19) Sec. 602.2 of the PMC, Sec. 505.4 of the PMC – Building shall have a functioning heating unit and hot water heater.

(20) Sec. 302.1 of the PMC, Sec. 302.4 of the PMC – Building shall be free of inside or outside storage which could promote a health, fire or safety problem.

- (c) Upon conclusion of said inspection, the Building Commissioner, or his or her designee, shall notify the owner or agent of any violations of the Village's Compliance Inspection Checklist, the Village Code or the Illinois Compiled Statutes as specified herein above, and prior to the issuance of the certificate of compliance, a re-inspection shall be conducted. A certificate of compliance will be available within forty-eight hours following the inspection or re-inspection. Upon presentation of the certificate of compliance, the Village will affix a stamp upon the original deed or document of transfer.
- (d) If any owner, property agent, tenant, occupant or other person in control of residential property or a dwelling unit contained therein fails or refuses to consent to free access and entry to the property or dwelling unit under his control for any inspection pursuant to this Chapter, the Village may apply to the Circuit Court of Cook County for an administrative search warrant or other appropriate court order authorizing such inspection.
- (e) The Village does not warrant the condition of any property inspected and shall not be responsible for any claims arising out of the property or the condition thereof. The Village does not warrant that all deficiencies are listed in the certificate of compliance and does not warrant anything as to the condition of the property or the liability thereof.

Section 2: Any ordinance or portion of any ordinance in conflict with any of the provisions of this Ordinance is hereby repealed solely to the extent of such conflict.

Section 3: This Ordinance shall be in full force and effect upon its passage and approval as provided by law.

ADOPTED this 15th day of December, 2015, pursuant to a roll call vote as follows:

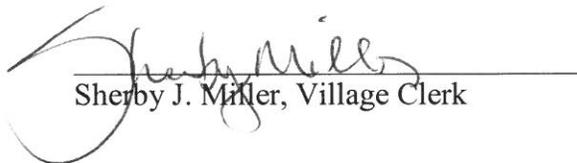
Angelo A. Calcagno	<u>Aye</u>	Celestine Reda	<u>Absent</u>
Carl C. Celestino	<u>Aye</u>	Nick Steker	<u>Aye</u>
Frank Perry	<u>Aye</u>	Tom Yurkovich	<u>Aye</u>
	President Pulia	<u>Aye</u>	

APPROVED this 15th day of December, 2015.



Sam D. Pulia, Village President

ATTEST:



Sherby J. Miller, Village Clerk