

PROPERTY ENHANCEMENT COMMITTEE
Citizen's Code Academy
MEETING MINUTES
April 25, 2018

Present: Chair Bill Schmidt, Sandy Gresak, Jim Hilborn, Paul Gasiecki,

Also Present: *Staff liaison:* Tom Bialas (Steve Kalish – Excused), Trustee Chester Pojack,

Absent: Syed Razvi, Mohammed Siddiqi, Don Williams, Bill Burger

Chair Bill Schmidt called the meeting to order at 6:33 PM.

Minutes

The March 28, 2018 minutes were approved as corrected.

Discussion Items: Landlord / Manager Meeting

- Police Department Incidents and the Nuisance Ordinance presentation by Chief Douglas Flint.
 - Power Point presented regarding the Village's Nuisances Ordinance. Discussion included defining nuisance activity, working with landlords, tenants and police to establish plans to eliminate such problems, and the Adjudication Hearing vs. the 18th Judicial Circuit Court enforcement actions available to the Village for non-compliance with the ordinance. The importance of landlords partnering with tenants to establish a safe place to live, as well as the need to review the Rental Property Crime Prevention Partnership manual, were also discussed.

Topic of Discussion – Miscellaneous Discussion by Committee

No items were brought to the attention of the Committee at this date and time.

Next Meeting:

- The next Property Enhancement Meeting will be May 23, 2018 at 6:30 PM in the Floyd Brown room at Village Hall.
- The next Landlord/Managers Meeting is scheduled for August 22, 2018 at 6:30 PM in the Council Chamber at Village Hall.

Adjourn: The meeting was adjourned by Chairman Schmidt at 7:10 PM.

Property Enhancement Committee Partnership with Community Development

The Property Enhancement Committee members assist the Department of Community Development with monitoring businesses and residences for maintenance violations or needed improvements on properties within the Village of Glendale Heights.

Property Enhancement Committee Partnership

Chaired by Trustee Bill Schmidt

Members appointed by the Village President Linda Jackson

Current Membership

- James Hilborn
- Sandy Gresak
- Bill Burger
- Paul Gasiecki
- Syed Razvi
- Mohammed Siddiqi
- Don Williams

Community Development Liaisons
Lead Code Enforcement
Officer Steve Kalish
Assistant to the Director
Tom Bialas

Presenter: Chief Doug Flint

■ Committee Responsibilities

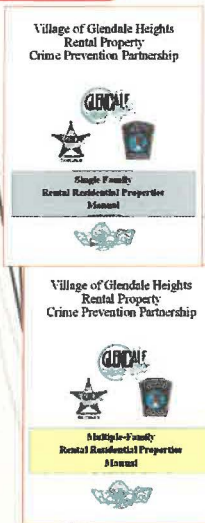
- Attendance at Committee meetings on the 4th Wednesday of the month as scheduled by the Village.
- Dates are provided on the Village website and on the Village calendar.
- Committee review and discussion of ongoing Code Enforcement efforts.
- Committee input, review, consultation and recommendation of various programs and possible ordinance changes related to Code Enforcement ordinances and the Property Maintenance Code as adopted and amended by the Village as may be needed.
- Recent examples include the Adopt a Street Program, Well Kept Property Resident Recognition Program and the Rental Program ordinance update.
- Provide a forum for public discussion on property maintenance issues at businesses and residences within the Village.
- Facilitate education programs on Code Enforcement issues, including:
 - The Citizen's Code Academy
 - The Landlord/Manager's Meetings

2018 Village of Glendale Heights Rental Property Crime Prevention Partnership Landlord/Manager Meetings



- April 25, 2018 – Topic:
- Police Department Incidents
and the Nuisance Ordinance

The Nuisances Ordinance

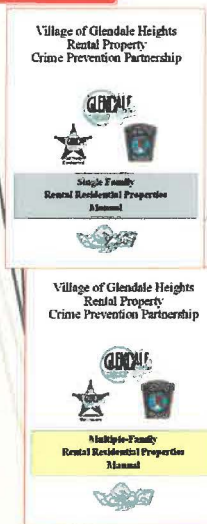


- Definitions
- 5-2-2: Violation – **Chronic Nuisance Property declared a public nuisance. See definition.**
- 5-2-3: Complaints of Nuisance Activity; Review – **GHPD reviews complaints for qualifying nuisance activity, sends notice of such occurrences and may require initiation of a procedure involving the parties to address the problem.**

The Nuisances Ordinance

- 5-2-4: Procedure for Addressing Potential Chronic Nuisance Property – **Development of a mutually agreed upon plan.**
- 5-2-5: Abatement; Administrative Hearing – **Failure to correct results in citations and a hearing in Adjudication to determine if the property is a Chronic Nuisance Property...results in fines.**

The Nuisances Ordinance



- 5-2-6: Alternative Enforcement – ***Failure to correct results in filing of charges in the 18th Judicial Circuit Court... results in fines and other court ordered remedies.***
- 5-2-7: Chronic Nuisance Located at Multi-Family Dwelling Rental Residential Property – ***Specifies applicability of the ordinance to the problem unit.***

The Nuisances Ordinance

- 5-2-8: Affirmative Defenses – ***Of major importance is the limitations of the ordinance when domestic and mental health issues are involved.***
- 5-2-9: Background Checks – ***The Village does not require criminal background checks, but, if checks are conducted, credit checks and checks for past evictions should also be investigated. Fair assessment required.***
- 5-2-10: Penalties

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- ▀ Next month's Property Enhancement Committee Meeting will be May 23, 2018 at 6:30 pm in the Floyd Brown Room.
 - ▀ Next Landlord/Manager Meeting will be August 22, 2018 at 6:30 pm in the Council Chambers.
 - ▀ For more information about the rental program and meetings check the Community Development webpage at the Village website:
www.glendaleheights.org.

Chapter 2

NUISANCES

5-2-1: DEFINITIONS:

5-2-2: VIOLATION:

5-2-3: COMPLAINTS OF NUISANCE ACTIVITY; REVIEW:

5-2-4: PROCEDURE FOR ADDRESSING POTENTIAL CHRONIC NUISANCE PROPERTY:

5-2-5: ABATEMENT; ADMINISTRATIVE HEARING:

5-2-6: ALTERNATIVE ENFORCEMENT:

5-2-7: CHRONIC NUISANCE LOCATED AT MULTI-FAMILY DWELLING RENTAL RESIDENTIAL PROPERTY:

5-2-8: AFFIRMATIVE DEFENSES:

5-2-9: BACKGROUND CHECKS:

5-2-10: PENALTIES:

5-2-1: DEFINITIONS:

The following words, terms and phrases, when used in this chapter, shall have the meaning(s) ascribed to them in this section, except where the context clearly indicates a different meaning:

CHIEF OF POLICE: The chief of police of the village of Glendale Heights or his/her designee.

CHRONIC NUISANCE PROPERTY: Any property located within the village upon which three (3) or more nuisance activities within a six (6) month period have occurred as a result of separate factual events that have either: a) been independently investigated and verified by any law enforcement agency and/or the village's community development department, or b) for which citations or criminal complaints for offenses defined as a nuisance activity occurring within a six (6) month period have been adjudicated with findings of liable or findings of guilty having been entered either by a village of Glendale Heights administrative hearing officer or by a court of competent jurisdiction.

CONTACT: Includes any communication made by a tenant, landlord, guest, neighbor, or other individual to police or other emergency services.

CONTROL: The ability or legal duty to regulate, restrain, dominate, counteract, or govern conduct that occurs on that property either directly or by intervention of any governmental authority or by virtue of parent/child relationship or guardian/ward relationship. For all purposes of this chapter, a parent or guardian shall be conclusively deemed to have control over his or her respective child or ward, as the case may be.

DISABILITY: With respect to a person:

- A. A physical or mental impairment, which substantially limits one or more of such person's major life activities;
- B. A record of having such an impairment; or
- C. Being regarded as having such an impairment, but such term does not include current illegal use of, or addiction to, a controlled substance as defined in the federal controlled substance act, 21 USC 802.

DOMESTIC VIOLENCE: "Abuse" as defined in section 103 of the Illinois domestic violence act of 1986 by a "family or household member" as defined in section 103 of the Illinois domestic violence act of 1986.

DWELLING: A building that contains one or two (2) dwelling units used, intended or designed to be used, rented, leased, let or hired out to be occupied for living purposes.

DWELLING UNIT: A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

LANDLORD: The owner of a building or the owner's agent with regard to matters concerning landlord's leasing of a dwelling.

NUISANCE ACTIVITIES: Any of the following building code violations, property maintenance code violations, ordinance violations or criminal activities, behavior or conduct, as defined by state law or similar provisions of this code:

- A. Disorderly conduct, as defined in 720 Illinois Compiled Statutes 5/26-1 or section 6-6A-3 of this code;
- B. Unlawful use of weapons, as defined in 720 Illinois Compiled Statutes 5/24-1 et seq., or section 6-6D-1 of this code;
- C. Mob action, as defined in 720 Illinois Compiled Statutes 5/25-1 or section 6-6A-7 of this code;
- D. Discharge of a firearm, as defined in 720 Illinois Compiled Statutes 5/24-1.2 and 1.5, or section 6-6D-4 of this code;
- E. Gambling, as defined by 720 Illinois Compiled Statutes 5/28-1, or section 6-6C-1 of this code;
- F. Possession, manufacture, or delivery of controlled substances, as defined by 720 Illinois Compiled Statutes 570/401 et seq., or section 6-6C-5 of this code;
- G. Public indecency, as defined by 720 Illinois Compiled Statutes 5/11-30 or section 6-6C-2 of this code;
- H. Assault, as defined in 720 Illinois Compiled Statutes 5/12-1 or section 6-6A-1 of this code;
- I. Aggravated assault, as defined in 720 Illinois Compiled Statutes 5/12-2;
- J. Battery, as defined in 720 Illinois Compiled Statutes 5/12-3 or section 6-6A-2 of this code;
- K. Aggravated battery, as defined in 720 Illinois Compiled Statutes 5/12-3.05;
- L. Reckless conduct, as defined in 720 Illinois Compiled Statutes 5/12-5;
- M. Hate crime, as defined in 720 Illinois Compiled Statutes 5/12-7.1;
- N. Sexual abuse or related offense, as defined in 720 Illinois Compiled Statutes 5/11-1.50 or 5/11-1.60;
- O. Prostitution, as defined in 720 Illinois Compiled Statutes 5/11-14 et seq., or lewdness public nuisance act, as defined in 740 Illinois Compiled Statutes 105/0.01 et seq.;
- P. Criminal damage to property, as defined in 720 Illinois Compiled Statutes 5/21-1 et seq., or section 6-6B-2 of this code;
- Q. Possession, cultivation, manufacture, or delivery of cannabis, as defined in 720 Illinois Compiled Statutes 550/1 et seq., or section 6-6C-5 of this code;
- R. Illegal consumption or possession of alcohol by a person under the age of twenty one (21) years, as defined in 235 Illinois Compiled Statutes 5/1 et seq., or section 4-3-30 of this code;
- S. Criminal housing management, as defined in 720 Illinois Compiled Statutes 5/12-5.1;
- T. Nuisance, as defined in 720 Illinois Compiled Statutes 5/37-1;
- U. Two (2) or more separate violations of the village's building code, title 10, chapter 2 of this code, or property maintenance code, title 10, chapter 9 of this code, which continue after a disposition by a finding of guilty by the circuit court of DuPage County for those violations, or similar finding of liability by the village administrative hearing officer.

OWNER: Any person, partnership, land trust, or corporation having any legal or equitable interest in the property. In addition, owner includes, but is not limited to:

- A. A mortgagee in possession in whom is vested:
 - 1. All or part of the legal title to the property.
 - 2. All or part of the beneficial ownership and the rights to the present use and enjoyment of the premises.
- B. An occupant who can control what occurs on the property.

C. Any person acting as an agent of an "owner" as defined herein.

PERMIT: To suffer, allow, consent to, acquiesce by failure to prevent, or attempt to prevent, or expressly assent or agree to the doing of an act.

PERSON: Any natural person, association, partnership, corporation, or other entity capable of owning, occupying, or using property in the village.

PERSON IN CHARGE: Any person in actual or constructive possession of a property, including, but not limited to, an owner, property manager, tenant or occupant of the property in question under his or her ownership or control.

PROPERTY: Any real property, including its land and that which is affixed, incidental, or pertinent to land, including, but not limited to, any premises, room, house, building, or structure, or any separate part or portion thereof, whether occupied or leased for residential purposes, owned, leased or used for commercial purposes, whether under written or oral agreement.

RENTAL OR LEASE AGREEMENT: All written and oral agreements of whatever duration, which embody the terms and conditions of the use and occupancy of a residential dwelling unit or commercial property.

RENTAL RESIDENTIAL PROPERTY: Residential structures or dwelling units, not owner occupied, intended to be rented or leased, including single-family detached structures containing only one dwelling unit, condominium units, townhouse units, and multiple-family dwelling residential structures and intended to be used as a home, residence or sleeping place by one or more persons who maintain a household, together with all land, appurtenances, buildings and common areas whether rented or leased with or without compensation to tenants, including family members.

SEXUAL VIOLENCE: Has the meaning provided under section 10 of the safe homes act2.

SHALL: Mandatory and not merely directory or permissive.

TENANT: A person who has entered into an oral or written lease with a landlord whereby the person is the lessee under the lease, or otherwise entitled to possession of the property whether or not payment is provided for the tenancy.

VILLAGE: The village of Glendale Heights, DuPage County, Illinois.

VILLAGE CODE: The village code of ordinances of the village of Glendale Heights, from time to time in effect, including all codes adopted by specific reference. (Ord. 2016-54, 10-6-2016)

5-2-2: VIOLATION:

A. Chronic nuisance property is hereby declared to be a public nuisance.

B. It shall be unlawful for any person to allow or permit property within the village to become or remain a chronic nuisance property in violation of this chapter.

C. It shall be unlawful for any landlord(s), manager(s) or person(s) in charge, or tenant in possession to:

1. Encourage, aid, abet or permit a property to become a chronic nuisance property; or

2. Allow a property to continue as a chronic nuisance property after receipt of notice to abate the nuisance activity.

D. Each day that a violation of this section continues shall be considered a separate and distinct offense.

E. The owner(s), manager(s) or other persons in charge of the property, or tenant(s) in possession thereof may raise any affirmative defense delineated in section 5-2-8 of this chapter.

F. This chapter is not intended to deter those persons in need of police, fire, paramedic or other public services from calling for those services. (Ord. 2016-54, 10-6-2016)

5-2-3: COMPLAINTS OF NUISANCE ACTIVITY; REVIEW:

Whenever the chief of police of the village receives any combination of three (3) or more police reports documenting the occurrence of nuisance activity, as set forth in section 5-2-1, definition of "nuisance activities", subsections A through T of this chapter, or community development department reports documenting the occurrence of nuisance activity, as provided in section 5-2-1, definition of "nuisances activities", subsection U of this chapter, within a six (6) month period, on or within a property, the chief of police, or his/her designee, shall independently review such reports and any other relevant facts or evidence to determine whether nuisance activity or other prohibited conduct, as provided in section 5-2-1, definition of "nuisance activities" of this chapter, has occurred at or on the property in question. Upon a determination by the chief of police, or his/her designee, that the complained of activity(ies) has occurred, the chief of police may initiate those procedures for addressing chronic nuisance property, as detailed in section 5-2-4 of this chapter. (Ord. 2016-54, 10-6-2016)

5-2-4: PROCEDURE FOR ADDRESSING POTENTIAL CHRONIC NUISANCE PROPERTY:

A. Following the independent review, as set forth in section 5-2-3 of this chapter, if the chief of police or his designee concludes that the nuisance activities have occurred, the chief of police shall notify the owner(s), manager(s), person(s) in charge, and, in the event, the property is leased property, the tenant, in writing that the property in question is in danger of becoming a chronic nuisance property. Such notice shall be provided by either personal delivery, first class mail postage prepaid or by certified mail return receipt requested. If service is by regular or certified mail, service shall be deemed complete three (3) days after mailing. In the event the property is a single-family dwelling rental, notice shall be served upon the landlord or manager at the address provided in the license application provided by section 10-14A-3 of this code or, if a multiple-family dwelling, section 10-14B-3 of this code. (Ord. 2016-54, 10-6-2016; amd. Ord. 2016-66, 11-17-2016)

The notice shall contain substantially the following information:

1. The street address or a legal description sufficient for identification of the potential nuisance property.
2. A statement that the chief of police has information that the property may be a "chronic nuisance property" or a potential "chronic nuisance property" as defined by this chapter, with a concise description of the criminal activity(ies) or nuisance activity(ies) that may exist, or that has occurred and why the chief of police believes the property may be determined to be a chronic nuisance property or a potential chronic nuisance property.
3. A statement that the owner, manager(s) or person(s) in charge and, in the event the property is a leased property, the tenant(s) or other designee may, within five (5) days of issuance of the notice, respond and request a meeting with the chief of police or his designee.
4. That the owner(s), manager(s) or other persons in charge of the property, and/or tenant(s) in possession thereof may raise any affirmative defense delineated in section 5-2-8 of this chapter.
5. This section is not intended to deter those persons in need of police, fire or paramedic services from calling for those services.

B. At the meeting between the chief of police or his/her designee and the parties notified, the chief of police may request that the owner, manager(s), person(s) in charge or his or her or its tenant(s), in the case of rental property, implement a reasonable abatement plan designed to alleviate and prevent future occurrences of criminal activity or nuisance activity upon the property. The mitigation or abatement plan shall be in writing and shall be reasonable under the circumstances in its objective, cost and scope, and shall be implemented within thirty (30) days of the meeting with the chief of police or such longer period if not practically feasible to do so within thirty (30) days. The chief of police shall, within ten (10) days after the conclusion of the meeting, make written findings of fact and conclusions, with respect to the complaints received and reviewed, and the proposed remedial action to be taken by the owner(s), manager(s), or other person(s) in charge or in possession of the property, as recommended by the chief of police. Such report shall note whether such remedial action was consented to by the parties attending such meeting.

If the criminal activity or nuisance activity complained of has or is being committed, facilitated or permitted by a tenant leasing the property, and such activity is a violation of the material terms of a lease agreement, and if the owner, manager(s), or person(s) in charge commences an action for eviction, in good faith, the village may reasonably assist in the eviction action

by cooperating with the owner, manager(s) or person(s) in charge of the property, including, but not limited to, providing law enforcement officers or other municipal employees as witnesses regarding the nuisance activity if relevant.

1. Under the crime prevention partnership lease addendum, the owner or owner's agent must generally advise prospective tenants of the crime prevention partnership program, and have a signed lease for the rental of the property which identifies all tenants eighteen (18) years of age or older; include a provision in the lease requiring written notice of any guests who will be temporarily residing at the rental property more than seven (7) consecutive days; and inform each tenant in writing of the maximum occupancy restrictions for the property; and have all adult tenants sign the crime prevention partnership lease addendum. Upon request of a police or code enforcement official, it shall be a violation of this chapter for the owner or owner's agent to fail to provide a copy of the signed crime prevention partnership lease addendum.

2. The crime prevention partnership lease addendum shall provide in words and phrases, similar to those delineated below, that the tenant, any member of the tenant's household, any guest or any other person or persons associated with the tenant or his or her household:

a. Shall not engage in any criminal activity or violation of municipal codes or ordinances or any other violations of local, state or federal law on or near the rental unit, common areas or appurtenances;

b. Shall not engage in any act intended to facilitate any violation of local municipal ordinances or codes or any other violations as defined by local, state or federal law and/or obstruction or resistance of law enforcement efforts against criminal activity on or near the rental unit, common areas or appurtenances;

c. Shall not permit on or near the rental unit, common areas or appurtenances to be used for or to facilitate any violations of local municipal ordinances or codes or any other violation of local, state or federal law;

d. Should the tenant, any member of the tenant's household, any guest or any other person or persons associated with the tenant, or his/her household, violate any provisions stated herein on or near the rental unit, common areas or appurtenance, such a violation shall constitute a material noncompliance with the lease and shall further constitute grounds for termination of tenancy and eviction;

e. That the owner(s), manager(s) or other person(s) in charge of the property, and/or tenant(s) in possession thereof may raise any affirmative defense delineated in section 5-2-8 of this chapter;

f. This section is not intended to deter those persons in need of police, fire or paramedic services from calling for those services.

C. If, after complying with the procedures of subsection B of this section and within six (6) months from the date of the first confirmed case of criminal activity or nuisance activity after the meeting, the chief of police receives a report documenting the occurrence of a fourth or subsequent instance of criminal activity or nuisance activity upon the property, the property may be declared a chronic nuisance property.

D. It shall be a violation of this chapter for:

1. The owner, manager(s), person(s) in charge of the property in question to fail to implement, within sixty (60) days of the meeting with the chief of police or such other reasonable amount of time under the circumstances, a reasonable mitigation or abatement plan, as requested by the chief of police.

E. When any party affected by this chapter responds to and meets with the chief of police, as set forth in subsection B of this section, no statements made by that person in the meeting with the chief of police shall constitute an admission or be used in any judicial or quasi-judicial proceeding as an admission that any nuisance activity has or is occurring at or on the property. This subsection E shall not require the exclusion of any other evidence, otherwise admissible and offered for a purpose other than an admission against interest by that person making the statement. (Ord. 2016-54, 10-6-2016)

5-2-5: ABATEMENT; ADMINISTRATIVE HEARING:

A. The village may commence an action before the village's administrative hearing officer for a determination that the property is a chronic nuisance property pursuant to section 5-2-4 of this chapter. At any hearing before the village administrative hearing officer to determine whether the property in question is a chronic nuisance property, which hearing shall be conducted pursuant to the provisions and procedures of title 1, chapter 4, article A of this code, the village shall have the initial burden of proof to show, by a preponderance of the evidence, that the property in question is a chronic nuisance property. Notice of the hearing shall be provided to owner(s), manager(s), person(s) in charge, and, in the event, the property is leased property, the tenants who may be adversely affected by a decision declaring the property a chronic nuisance property.

The village's representative shall present evidence in support of its claim that the property is a chronic nuisance property. The landlord(s), manager(s) or tenant(s) in possession, if a leased property, or person(s) in charge or that person's representative or attorney on behalf of the responding party shall be permitted to rebut such evidence.

No continuances shall be authorized by the administrative hearing officer in proceedings under this chapter unless for good cause shown or except where a continuance is absolutely necessary to protect the rights of any party to the proceeding. Lack of preparedness shall not be grounds for a continuance.

The administrative hearing officer may, at the request of either party, direct witnesses to appear and give testimony at the hearing. The formal rules of evidence will not apply at the hearing and hearsay evidence including police reports shall be admissible only if it is the type commonly relied upon by reasonable, prudent persons in the conduct of their affairs or is otherwise admissible under the administrative adjudication code of the village.

At the conclusion of the hearing, the administrative hearing officer shall make a determination on the basis of the evidence presented at the hearing, whether or not a violation(s) exists or existed and whether or not the property is a chronic nuisance property. The determination shall be in writing and shall be designated as the findings, decision, and order. The administrative hearing officer's decision shall be final and binding, except that the provisions of the Illinois administrative review law shall apply with respect to judicial review of the administrative hearing officer's findings, decision and order. The findings, decision, and order shall include the administrative hearing officer's findings of fact, a decision whether or not a violation(s) exists, a determination as to whether the property in question is or is not a chronic nuisance property based upon the findings of fact, and any monetary fine or other appropriate sanction imposed against the person(s) in charge/manager(s)/owner(s)/tenant(s) or occupant(s), as specified in subsection B of this section, or dismissing the case in the event a violation is not proved. A copy of the findings, decision, and order shall be served upon the person in charge, owner, or tenant or occupant, within fourteen (14) business days of the date of the hearing.

B. If the administrative hearing officer makes a finding that a property was, or is, a chronic nuisance property, the administrative hearing officer may fine the party(ies) responsible for the violation, for each violation of this chapter. Each day a nuisance activity occurs or continues shall be considered a separate and distinct violation for purposes of determining a property to be a chronic nuisance property. The administrative hearing officer may, in his or her discretion, impose such a fine for each day the nuisance activity goes unabated. No person shall be found in violation of this section unless the village proves the violation by a preponderance of the evidence. (Ord. 2016-54, 10-6-2016)

5-2-6: ALTERNATIVE ENFORCEMENT:

A. Nuisance Abatement: The village, as an alternative to administrative adjudication, may commence an action in the circuit court of DuPage County for a determination that the property is a chronic nuisance property and/or to abate the chronic nuisance.

Upon being satisfied by affidavits or other sworn evidence that an alleged chronic nuisance property exists, the court may, without notice or bond, enter a temporary restraining order or a preliminary injunction or permanent injunction to enjoin any defendant from maintaining such chronic nuisance property and may enter an order restraining any defendant named from occupying, using or interfering with all property used in connection with the chronic nuisance property.

B. Commencement Of Action, Burden Of Proof:

1. In an action seeking closure of a chronic nuisance property, the village shall have the initial burden of showing by a preponderance of the evidence that the property is a chronic nuisance property.
2. In establishing the amount of any civil penalty or other relief requested, the court may consider any of the following factors, if they are found appropriate, and shall cite those found applicable:
 - a. The actions or lack of action taken by the owner or person(s) in charge to mitigate or correct the nuisance activity at the property;
 - b. Whether the criminal activity or nuisance activity at the property was repeated or continuous;
 - c. The magnitude or gravity of the criminal activity or nuisance activity at the property;
 - d. The cooperation of the owner or person(s) in charge of the property with the village to correct the offending condition or abate the nuisance;
 - e. Whether the owner or property manager, in the event of rental or leased property, has required the tenant(s) to sign a "crime prevention partnership lease addendum";
 - f. Whether the landlord(s) or property manager, in the event of rental or leased property, have reviewed and verified that they understand the "Village Crime Prevention Partnership Manual"; and
 - g. The cost to the village of investigating and correcting or attempting to correct the condition.

C. Remedy:

1. In the event a court determines a property to be a chronic nuisance property, the court may order that the property be closed and secured against all use and occupancy for a period of not less than thirty (30) days, but not more than one hundred eighty (180) days or until the nuisance activity(ies) or violation(s) complained of is abated. In addition, the court may employ any other remedy deemed by it appropriate to permanently abate the nuisance, including the entry of a permanent injunction enjoining any tenants, cotenants, and/or occupants responsible or partially responsible for the property becoming a chronic nuisance property from future use, occupancy of or presence at or upon the property.
2. In addition to the remedy provided in subsection A of this section, the court may impose upon the owner(s), manager(s), person(s) in charge and/or tenant(s) or occupant(s) of the property in question a civil penalty payable to the village of Glendale Heights, for each day the owner(s), person(s) in charge and/or tenant(s) or occupant(s) had actual knowledge that the property was a chronic nuisance property and permitted the property to remain a chronic nuisance property.
3. In determining what remedy or remedies to employ, the court may consider evidence of other conduct, which has occurred on the property, including, but not limited to:
 - a. The disturbance of neighbors;
 - b. The occurrence of other criminal activity or nuisance activity at, on or from the property;
 - c. The property's general reputation for criminal or nuisance activity and/or the reputation of persons residing at or frequenting the property;
 - d. Physical damage to the property in question or surrounding properties;
 - e. Any hazard posed to any occupant of the property or adjoining property occupant or owner resulting from the physical condition of the property in question or its structures.

D. Physical Securing Of Property: The court may authorize the village to physically secure the property against use or occupancy in the event the owner or person in charge of the property fails to do so within the time specified by the court. In the event that the village is authorized to secure the property, all costs reasonably incurred by the village to effect the closure shall be made and assessed as a lien against the property and shall be a debt due and owing the village. As used herein, "costs" mean those costs actually incurred by the village for the physical securing of the property.

E. Statement Of Costs: The village community development department employee effecting the closure shall prepare a statement of costs incurred, and the village shall thereafter submit said statement to the court for its review. If no objection of the statement is made within the period described by the court, a lien in said amount shall be recorded against the property.

F. Liability For Payment: Any person who is assessed the cost of closure and/or civil penalty by the court shall be personally liable for the payment thereof to the village.

G. Obligation To Pay Rent: The entry of such an order or injunction against a tenant shall not constitute a defense to nor an excuse of the obligation to pay rent by such tenant during the effective period of such order or injunction. (Ord. 2016-54, 10-6-2016)

5-2-7: CHRONIC NUISANCE LOCATED AT MULTI-FAMILY DWELLING RENTAL RESIDENTIAL PROPERTY:

A. In the event any chronic nuisance property is a multi-family dwelling rental residential property, any order entered by the court to abate the nuisance or otherwise vacate the property shall, in the discretion of the court, be limited in scope as to apply only to the individual rental unit or person(s) in charge or tenant(s) or occupant(s) of that unit forming the basis for a finding that the property is a chronic nuisance property. (Ord. 2016-54, 10-6-2016)

5-2-8: AFFIRMATIVE DEFENSES:

A. Tenants and landlords shall not be penalized under this chapter based on:

1. Contact made to police or other emergency services, if: a) the contact was made with the intent to prevent or respond to domestic violence, or sexual violence; b) the intervention or emergency assistance was needed to respond to or prevent domestic violence or sexual violence; or c) the contact was made by, on behalf of, or otherwise concerns an individual with a disability and the purpose of the contact was related to that individual's disability;
2. An incident or incidents of actual or threatened domestic violence or sexual violence against a tenant, household member, or guest occurring in the dwelling unit or on the premises; or
3. Nuisance activities occurring in the dwelling unit or on the premises that is directly relating to domestic violence, dating violence, sexual violence, engaged in by a member of a tenant's or lessee's household or any guest or other person under the tenant's, lessee's or household member's control, and against the tenant, lessee, or household member.
4. It shall be an affirmative defense by the landlord of rental or leased property to an action seeking the closure of a chronic nuisance property that the owner of the property, manager(s) or person(s) in charge, at the time in question, could not, in the exercise of reasonable care or diligence, determine that the property had become a chronic nuisance property, or could not, in spite of the exercise of reasonable care and diligence, control the conduct of tenants or others in possession leading to the findings that the property is a chronic nuisance property, or could not, in spite of the exercise of reasonable care and diligence, obtain an order for possession of the property, pursuant to the provisions of the forcible entry and detainer act³.

B. Nothing with respect to this section:

1. Limits enforcement of 50 Illinois Compiled Statutes 750/15.2 against any person calling the number "911" for the purpose of making a false alarm or complaint and reporting false information, from being charged with disorderly conduct as defined in 720 Illinois Compiled Statutes 5/26-1 or section 6-6A-3 of this code; or
2. Prohibits claims made pursuant to 735 Illinois Compiled Statutes 5/9-101 et seq., of the forcible entry and detainer statute, except 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; or
3. Prohibits the village from enacting or enforcing ordinances to impose penalties on the basis of the underlying criminal activity or local ordinance violation not covered by subsection A of this section and to the extent otherwise permitted by existing state and federal law; or

4. Shall prevent the landlord or village from seeking possession solely against a tenant, household member, or lessee of the premises who perpetrated the domestic violence, sexual violence, or other criminal activity; or

5. Shall prevent the landlord or village from seeking possession against a tenant, lessee or household member who is a victim of domestic violence, dating violence, and stalking, sexual violence or has a disability, if that tenant, lessee, or household member has committed the nuisance activity on which the demand for possession is based.

C. A landlord shall have the power to bar the presence of a person from the premises owned by the landlord who is not a tenant or lessee or who is not a member of the tenant's or lessee's household. A landlord bars a person from the premises by providing written notice to the tenant or lessee that the person is no longer allowed on the premises. That notice shall state that if the tenant invites the barred person onto any portion of the premises, then the landlord may treat this as a breach of the lease, whether or not this provision is contained in the lease. Subject to subsection B2 of this section, the landlord may evict the tenant.

D. Further, a landlord may give notice to a person that the person is barred from the premises owned by the landlord. A person has received notice from the landlord within the meaning of this subsection if he has been notified personally, either orally or in writing including a valid court order of protection, as defined by subsection (7) of 725 Illinois Compiled Statutes 5/112A-3(7) of the code of criminal procedure of 1963, granting exclusive possession as the remedy (2) of subsection (b) of 725 Illinois Compiled Statutes 5/112A-14(b) of that code, or if a printed or written notice forbidding such entry has been conspicuously posted or exhibited at the main entrance to such land or the forbidden part thereof. Any person entering the landlord's premises after such notice has been given shall be guilty of criminal trespass to real property as set forth in 720 Illinois Compiled Statutes 5/21-3 of the criminal code of 2012, or section 6-6B-1 of this code; or

After notice has been given, an invitation to the person to enter the premises shall be void if made by a tenant, lessee, or member of the tenant's or lessee's household and shall not constitute a valid invitation to come upon the premises or a defense to a criminal trespass to real property. (Ord. 2016-54, 10-6-2016)

5-2-9: BACKGROUND CHECKS:

Owners, managers, and/or leasing agents shall not be required to perform or require lessees to submit to criminal background checks. It is, however, recommended that if prospective lessees of rental residential property are required to submit to criminal background checks, that credit checks, and checks for past evictions prior to entering into a lease agreement should also be investigated. The decision whether or not to lease to a tenant should not be based solely on the fact that the prospective tenant has an arrest record, without further inquiry as to whether or not the arrest record actually reflects that person's conduct. Other factors to consider from a prospective tenant's arrest record, when deciding to lease to him or her, is how old, minor, or irrelevant the records might be to the person's current ability to be a good tenant. Landlords should not impose strict bans on prospective tenants on the basis of the fact that they have a criminal background without making an individualized assessment of the circumstances surrounding the offenses on the person's record and giving the person an opportunity to explain. (Ord. 2016-54, 10-6-2016)

5-2-10: PENALTIES:

Any person who shall violate any provision of this chapter shall be subject to a fine as provided in section 1-4-1 of this code, if found to be guilty of such violation. If any violation shall be of a continuing nature, each day of violation shall be deemed a separate offense and shall subject the violator to the progressive minimum fines contained herein. (Ord. 2016-54, 10-6-2016)

Footnotes - Click any footnote link to go back to its reference.

Footnote 1: 750 ILCS 60/art. I et seq.

Footnote 2: 765 ILCS 750/10.

Footnote 3: 735 ILCS 5/9-101 et seq.

PROPERTY ENHANCEMENT COMMITTEE
Citizen's Code Academy
MEETING MINUTES
March 28, 2018

Present: Chair Bill Schmidt, Sandy Gresak, Jim Hilborn, Paul Gasiiecki,

Also Present: *Staff liaison:* Tom Bialas (Steve Kalish – Excused), Trustee Chester Pojack,

Absent: Syed Razvi, Mohammed Siddiqi, Don Williams, Bill Burger

Chair Bill Schmidt called the meeting to order at 6:30 PM.

Minutes

The February 28, 2018 minutes were approved as corrected.

Correction: The meeting was adjourned by Trustee Pojack rather than Chairman Schmidt on 2/28/18.

Discussion Items: Citizens Code Academy

- Seasonal Property Maintenance Issues – Winter into Spring – Exterior Areas presentation by Assistant to the Director Tom Bialas.
 - Power Point presented regarding common exterior maintenance issues encountered by Code Enforcement Officers as the season changes. Discussion included windblown debris, potholes, growing weeds, dead diseased trees and properly securing waste once it has been collected and placed for removal.

Topic of Discussion – Miscellaneous Discussion by Committee

- Committee Member Gresak provided information on several location related to the topic:
 - Hilltop Center at Army Trail and Gladstone had debris blown into the corner of the rear property and dumpsters in the rear area were not stored in their garbage corrals.*
 - Garbage / recycling trucks were heard collecting waste at 4:00 AM prior to permitted hours of between 7:00 AM through to 9:00 PM.*
 - Holiday lights from were observed as several locations that have not been taken down yet. Seasonal Decorations may be displayed until April 1st.*
 - Auto Zone, Bloomingdale and Dale has dead / dying bushes.*
 - Polo Club and Polo Club Ct. has a fence in disrepair. Gate is held up/secured with elastic cords.*
- Trustee Pojack provided information regarding the following:
 - Garbage cans have been left out repeatedly past the time frame to bring the in after pick up days at a residence at the end of Hilldale on the west side of the street.*
 - Garbage piles up and cans are left out at 2170 Payson Circle.*
- Member Gresak inquired about proper disposal of items such as e cigarettes and smoke detectors. Chairman Schmidt and Trustee Pojack recommended contacting the waste hauler for her area for specific information as well as inquiring with the local fire department regarding any special disposal methods for smoke detectors.
- Trustee Pojack reminded the committee that a paper shredding event was coming up on April 7th at the Village after Member Gresak inquired.
- Chairman Schimdt reported the siding was missing from 1324 Leslie Lane and a screen from one of the windows was laying on the roof.*

*The information will be forwarded for Community Development inspectors to investigate.

Next Meeting:

- The next Property Enhancement Meeting will include a Landlord/Managers Meeting and is scheduled for April 25, 2018 at 6:30 pm in the Council Chamber at Village Hall.

Adjourn: The meeting was adjourned by Chairman Schmidt at 7:10 PM.