



NEIGHBORHOOD INTEGRITY ORDINANCE SUBCOMMITTEE

Wednesday, May 4, 2016

6:00 p.m.

Lorraine H. Morton Civic Center, 2100 Ridge Avenue, Room 2404

AGENDA

1. CALL TO ORDER / DECLARATION OF QUORUM

2. NEW BUSINESS

A. Review Minutes from the April 20, 2016 meeting

B. Presentation of two items: (i) rental property program best practices; and (ii) samples of rental property inspection reports; Carl Caneva, Assistant Director of Health & Human Services Department

C. Review and consideration of a sample Crime Free Addendum

3. OLD BUSINESS

A. Review and discussion of edits to City Code Section 9-5-4 "*Nuisance Premises*".

B. Discussion of the nuisance premise flowchart steps for which offenses would trigger the nuisance premise process.

4. ADJOURNMENT



MEETING MINUTES

NEIGHBORHOOD INTEGRITY ORDINANCE SUBCOMMITTEE

Wednesday April 20, 2016; 6:00 p.m.
Lorraine H. Morton Civic Center
2100 Ridge Ave, Room 2404

Members Present: Ald. Ann Rainey (chair), Ald. Brian Miller, Ald. Donald Wilson, Michael Filipek, Eric Paset and Dan Schermerhorn

Staff Present: Chief of Police, Richard Eddington; Police Commander, Brian Henry; Assistant Director of the Health and Human Services Department, Carl Caneva; and Deputy City Attorney, Michelle Masoncup

DECLARATION OF QUORUM

Ald. Rainey declared that the Subcommittee had a quorum, with a majority of the members present and called the meeting to order at 6:07 p.m.

NEW BUSINESS

Mike Cera, Carlis Sutton, Tina Paden and John E. Fuller spoke to the committee during citizen comment on their concerns with the Nuisance Premises ordinance. Amy Meek of ACLU of Illinois handed out the guidance issued on April 4, 2016 by the U.S. Department of Housing and Urban Development Office of General Counsel entitled *Application of Fair Housing Act Standards to the Use of Criminal Records by Providers of Housing and Real Estate-Related Transactions*.

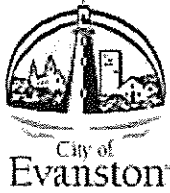
Carl Caneva distributed and discussed a memorandum providing an update to the subcommittee on overview of residential inspections performed and length of time between each inspection. He explained that residential rental inspections occur every 4-5 years and every 3 years for CDBG target areas. Alderman Peter Braithwaite was present at the meeting. He commented that inspections should occur more regularly for landlords receiving checks for rent from the City of Evanston General Assistance program.

He addressed the outdated software system utilized by Property Standards and the limitations in inspection process utilizing the system which schedules inspections alphabetically according to property address. Alderman Miller requested revisions to policies on how inspections are prioritized and scheduled. The Department is actively reviewing proposals from several companies to replace the Accela system utilized by Property Standards.

The subcommittee members reviewed the nuisance premises flowchart outlined by Alderman Wilson during the April 6th meeting. The flowchart needs to be fleshed out with details on (1) which offenses qualify to trigger the nuisance premises flowchart; and

(2) what will trigger the review, convictions, arrests, or calls for service to the premises. City staff will confer on these two central issues prior to the next meeting.

The Committee will meet again on May 4, 2016. Upon motion and second, the meeting was adjourned at 7:40 p.m..



Health and Human Services
2100 Ridge Ave.
Evanston, Illinois 60201
T 847.448.4311
TTY 847.448.8064
www.cityofevanston.org

November 30, 2015

Tommy and Vivian Anderson
1827 Lyons Street
Evanston, IL 60201

**Re: LYONS STREET, 1827
Monday, December 14, 2015 - 09:30 AM - Compliance Inspection Appointment**

Dear M/M Anderson:

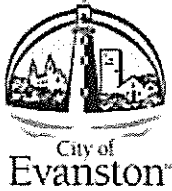
On November 20, 2015, the Evanston Department of Health and Human Services inspected your property at the above address. The following violations of the 2012 International Property Maintenance Code as adopted and amended were documented. To prevent nuisances and violations from endangering the health and safety of tenants and neighbors, you are ordered to correct these violations by the date referenced above.

If, at the time of the reinspection, the violations listed are not completely corrected according to all applicable codes and ordinances, the city will cite you for all applicable violations. Each day a provision of Chapter 5-1 of the City Code is found to have been violated constitutes a separate violation. Please arrange to meet me at the above inspection time to confirm compliance of these violations. If you have any questions regarding this letter, please call me at (847) 448-4311 between the hours of 8:30 a.m. and 5:00p.m., Monday through Friday.

All violations not corrected by the above listed time will be written to the Second District Municipal Court In Skokie, IL to be heard on January 22, 2016. If you will be represented by an attorney, send them this letter.

Sincerely,

Arben (Ben) Sylejmani
Property Maintenance Inspector I



Health and Human Services
2100 Ridge Ave.
Evanston, Illinois 60201
T 847.448.4311
TTY 847.448.8064
www.cityofevanston.org

November 25, 2015

T. Manning
Socially Responsible Ventures, L3C
133 Clyde Ave., Unit 3N
Evanston, IL 60202

Re: DODGE AVENUE, 1716
Friday, December 11, 2015 - 10:00 AM - Compliance Inspection

Dear Mr. Manning:

On November 20, 2015, the Evanston Department of Health and Human Services inspected your property at the above address. The following violations of the 2012 International Property Maintenance Code as adopted and amended were documented. To prevent nuisances and violations from endangering the health and safety of tenants and neighbors, you are ordered to correct these violations by the date referenced above.

If, at the time of the reinspection, the violations listed are not completely corrected according to all applicable codes and ordinances, the city will cite you for all applicable violations. Each day a provision of Chapter 5-1 of the City Code is found to have been violated constitutes a separate violation. Please arrange to meet me at the above inspection time to confirm compliance of these violations. If you have any questions regarding this letter, please call me at (847) 448-4311 between the hours of 8:30 a.m. and 5:00p.m., Monday through Friday.

All violations not corrected by the above listed time will be written to the Second District Municipal Court In Skokie, IL to be heard on January 22, 2016. If you will be represented by an attorney, send them this letter.

Sincerely,

Arben (Ben) Sylejmani
Property Maintenance Inspector I

November 25, 2015

SRV RED L3C Prop No 2
133 Clyde Ave., #3N
Evanston, IL 60202

Re: DODGE AVENUE, 1716
Friday, December 11, 2015 - 10:00 AM - Compliance Inspection

Dear Property Owner:

On November 20, 2015, the Evanston Department of Health and Human Services inspected your property at the above address. The following violations of the 2012 International Property Maintenance Code as adopted and amended were documented. To prevent nuisances and violations from endangering the health and safety of tenants and neighbors, you are ordered to correct these violations by the date referenced above.

If, at the time of the reinspection, the violations listed are not completely corrected according to all applicable codes and ordinances, the city will cite you for all applicable violations. Each day a provision of Chapter 5-1 of the City Code is found to have been violated constitutes a separate violation. Please arrange to meet me at the above inspection time to confirm compliance of these violations. If you have any questions regarding this letter, please call me at (847) 448-4311 between the hours of 8:30 a.m. and 5:00p.m., Monday through Friday.

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Sincerely,

Arben (Ben) Sylejmani
Property Maintenance Inspector I

Violation List *DARROW AVENUE, 1914*

15-1674

<i>Unit Violation Code Location</i>	<i>Previous Observed Date</i>	<i>Violation Date</i>	<i>Corrected Date</i>
<u>Exterior</u>			
1 . PM-604.3 Replace standard receptacle at the exterior front porch with a weather/outdoor rated GFI receptacle.		11/20/15	12/9/15
2 . PM-604.3 Provide a globe for the exterior lights at the front porch and side door		11/20/15	12/9/15
3 . PM-304.2 Scrape and paint the peeling paint along the front porch railing and guard rails.		11/20/15	12/9/15
4 . PM-608.1 label both the electrical and gas meters with the address number of the house.		11/20/15	12/9/15
5 . PM-304.2 Scrape and paint the peeling paint of the gutters		11/20/15	12/9/15
6 . PM-304.2 Scrape and paint the uppers west side window trim of window.		11/20/15	12/9/15
7 . PM-304.7 Repair the North West Gutter downspout that is broken		11/20/15	12/9/15
8 . PM-304.6 Repair or replace siding with holes and breaks on the south and west facades.		11/20/15	12/9/15
<u>Interior - Basement</u>			
1 . PM-305.5 Secure the loose handrail at the base of the stairs to the basement		11/20/15	12/9/15
<u>Interior - Bathroom</u>			
1 . PM-305.4 Repair broken and cracked floor tiles		11/20/15	12/9/15
2 . PM-604.3 Replace the bathroom vanity mirror as there may be a hazard where the light bar used to be. Electrical tape is used to cover the sockets.		11/20/15	12/9/15
3 . PM-305.3 Recaulk the deteriorated caulking around the base of the tub surround		11/20/15	12/9/15
<u>interior - Kitchen</u>			
1 . PM-305.4 repair broken and cracked floor tiles		11/20/15	12/9/15

Correction Order Reference

<i>Code Number</i>	<i>Code Description</i>
PM-608.1	Meter identification. All meters, including but not limited to gas and electric serving a building, structure or any portion thereof, shall be legibly marked to designate the address, space, tier or unit that such meter is servicing. The marking shall be of sufficient durability to withstand the environment involved.
PM-604.3	Electrical system hazards. Where it is found that the electrical system in a structure constitutes a hazard to the occupants or the structure by reason of inadequate service, improper fusing, insufficient receptacle and lighting outlets, improper wiring or installation, deterioration or damage, or for similar reasons, the code official shall require the defects to be corrected to eliminate the hazard.
PM-305.5	Handrails and guards. Every handrail and guard shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition.
PM-305.4	Every stair, ramp and landing, balcony, porch, deck or other walking surface shall be maintained in sound condition and good repair. Any components, including but not limited to treads and risers, that evidence excessive wear, rot, deterioration or are broken, warped or loose shall be replaced. Treads and risers shall be uniform. Building Permits shall be required for the following: porch/deck replacement, stringer/stair replacement, and/or replacement of any structural member including posts and posts that support roof overhangs.
PM-305.3	Interior surfaces. All interior surfaces, including windows and doors, shall be maintained in good, clean and sanitary condition. Peeling, chipping, flaking or abraded paint shall be repaired, removed or covered. Cracked or loose plaster, decayed wood and other defective surface conditions shall be corrected.
PM-304.7	The roof and flashing shall be sound, tight and not have defects that admit rain. Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior portion of the structure. Roof drains, gutters and downspouts shall be maintained in good repair and free from obstructions. Roof water shall not be discharged in a manner that creates a public nuisance
PM-304.6	Exterior walls. All exterior walls shall be free from holes, breaks, and loose or rotting materials; and maintained weatherproof and properly surface coated where required to prevent deterioration.
PM-304.2	Protective treatment. All exterior surfaces, including but not limited to, doors, door and window frames, cornices, porches, trim, balconies, decks and fences shall be maintained in good condition. Exterior wood surfaces, other than decay-resistant woods, shall be protected from the elements and decay by painting or other protective covering or treatment. Peeling, flaking and chipped paint shall be eliminated and surfaces re-painted. All siding and masonry joints as well as those between the building envelope and the perimeter of windows, doors, and skylights shall be maintained weather resistant and water tight. All metal surfaces subject to rust or corrosion shall be coated to inhibit such rust and corrosion and all surfaces with rust or corrosion shall be stabilized and coated to inhibit future rust and corrosion. Oxidation stains shall be removed from exterior surfaces. Surfaces designed for stabilization by oxidation are exempt from this requirement.



Health and Human Services
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Evanston, Illinois 60201
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November 23, 2015

Riana Lynn
1914 DARROW AVENUE
Front
Evanston, IL 60201

Re: DARROW AVENUE, 1914
Thursday, December 10, 2015 - 09:00 AM - Compliance Inspection Appointment

Dear Ms. Lynn:

On November 20, 2015, the Evanston Department of Health and Human Services inspected your property at the above address. The following violations of the 2012 International Property Maintenance Code as adopted and amended were documented. To prevent nuisances and violations from endangering the health and safety of tenants and neighbors, you are ordered to correct these violations by the date referenced above.

If, at the time of the reinspection, the violations listed are not completely corrected according to all applicable codes and ordinances, the city will cite you for all applicable violations. Each day a provision of Chapter 5-1 of the City Code is found to have been violated constitutes a separate violation. Please arrange to meet me at the above inspection time to confirm compliance of these violations. If you have any questions regarding this letter, please call me at (847) 448-4311 between the hours of 8:30 a.m. and 5:00p.m., Monday through Friday.

All violations not corrected by the above listed time will be written to the Second District Municipal Court in Skokie, IL to be heard on January 22, 2016. If you will be represented by an attorney, send them this letter.

Sincerely,

Joseph DiCicco
Environmental Health Practitioner

Violation List DODGE AVENUE, 1716

15-1672

<i>Unit</i>	<i>Violation Code</i>	<i>Location</i>	<i>Previous Observed Date</i>	<i>Violation Date</i>	<i>Corrected Date</i>
<u>Basement</u>					
1.	9-15-3(A)	Furnace area		11/25/15	12/11/15
		Install carbon monoxide detector.			
<u>1st - Bathroom</u>					
1.	PM-604.3			11/25/15	12/11/15
		Re-wire GFCI, showing open ground.			
2.	PM-305.1			11/25/15	12/11/15
		Replace toilet paper holder.			
3.	PM-305.1			11/25/15	12/11/15
		Mount sink to cabinet properly and securely then to wall properly & securely.			
<u>1st - Kitchen</u>					
1.	PM-604.3			11/25/15	12/11/15
		Re-wire 2 GFCI outlets along sink backsplash, showing open ground.			
2.	PM-305.1			11/25/15	12/11/15
		Replace missing cabinet doors.			
3.	PM-605.1			11/25/15	12/11/15
		Replace missing fan blades and re-tighten fixture to utility box.			
<u>1st - Living Room</u>					
1.	PM-604.3			11/25/15	12/11/15
		Re-tighten outlet to utility box.			
2.	PM-704.2			11/25/15	12/11/15
		Replace smoke detector.			
<u>1st - Sleeping Room</u>					
1.	PM-604.3			11/25/15	12/11/15
		Replace light fixture, light bulb housing is cracked.			
2.	PM-605.1	middle		11/25/15	12/11/15
		Re-tighten light fixture to utility box, fan swaying when in use.			
<u>2nd - Bathroom</u>					
1.	PM-305.1			11/25/15	12/11/15
		Mount bathroom sink to cabinet securely and properly.			
2.	PM-604.3			11/25/15	12/11/15
		Re-wire GFCI properly, showing open ground.			
3.	PM-605.1			11/25/15	12/11/15
		Replace bathfan.			
<u>2nd - Kitchen</u>					
1.	PM-305.4			11/25/15	12/11/15
		Replace cracked tiles on kitchen floor.			
2.	PM-304.14			11/25/15	12/11/15
		Replace or repair window screen right of sink.			

<u>Unit</u>	<u>Violation Code</u>	<u>Location</u>	<u>Previous Observed Date</u>	<u>Violation Date</u>	<u>Corrected Date</u>
<u>2nd - Kitchen</u>					
3.	PM-305.3			11/25/15	12/11/15
	Scrape, prime, paint all affected areas on walls & ceilings.				
4.	PM-305.1			11/25/15	12/11/15
	Mount kitchen countertop properly & securely.				
<u>2nd - Living Room</u>					
1.	9-15-3(A)			11/25/15	12/11/15
	Install carbon monoxide detector.				
<u>2nd - Office/Den</u>					
1.	PM-305.3	Rear		11/25/15	12/11/15
	Re-paint the entire room, walls are scuffed & chipped.				
2.	PM-305.4	Rear		11/25/15	12/11/15
	Repair floor around floor vent.				
<u>2nd - Rear Door</u>					
1.	PM-304.15	Dead Bolt		11/25/15	12/11/15
	Replace dead bolt hardware.				
2.	PM-802.5	Screen door		11/25/15	12/11/15
	Replace spring door closure on screen door.				
<u>2nd - Sleeping Room</u>					
1.	PM-304.14	rear right		11/25/15	12/11/15
	Replace or repair window screen.				
2.	PM-305.6	rear right		11/25/15	12/11/15
	Replace missing door frame components.				
<u>Exterior</u>					
1.	PM-307.1	Alleyway		11/25/15	12/11/15
	Remove any & all accumulation of rubbish and garbage along alleyway. (IPMC 2012: 308.1)				
2.	PM-304.10	Deck		11/25/15	12/11/15
	Properly anchor exterior deck & provide proper support for overhang and staircase.				
	1. Three "cut" stringers should have been installed instead of the two that currently exist. The cut stringers can be subject to breakage if the stringers have been overcut.				
	2. The 2nd level landing is supported with a cantilevered system but the overhang appears to be greater than allowed. Code allows for the overhang to be the length of the beam divided by 4. It is not possible to determine how far the beam goes into the house without removal of siding, sheathing. Post installations to support the landing is recommended.				
	3. Lack of attachment ledger board to house, beam to post. Nails are prone to withdraw. Lag or through bolt attachment is required.				
3.	PM-302.8	Rear drive-way		11/25/15	12/11/15
	Remove box truck.				

Correction Order Reference

<i>Code Number</i>	<i>Code Description</i>
PM-802.5	Doors. Exterior doors, doors leading from garage areas into multiple-dwelling buildings, and doors leading into stairwells, shall be equipped with self-closing devices. All doors leading to apartment doors shall also be equipped with self-locking devices.
PM-704.2	
PM-605.1	Installation. All electrical equipment, wiring and appliances shall be properly installed and maintained in a safe and approved manner.
PM-604.3	Electrical system hazards. Where it is found that the electrical system in a structure constitutes a hazard to the occupants or the structure by reason of inadequate service, improper fusing, insufficient receptacle and lighting outlets, improper wiring or installation, deterioration or damage, or for similar reasons, the code official shall require the defects to be corrected to eliminate the hazard.
PM-307.1	Every exterior and interior flight of stairs having more than four risers shall have a handrail on one side of the stair and every open portion of a stair, landing, balcony, porch, deck, ramp or other walking surface which is more than 30 inches (762 mm) above the floor or grade below shall have guards. Handrails shall not be less than 30 inches (762 mm) in height or more than 42 inches (1067 mm) in height measured vertically above the nosing of the tread or above the finished floor of the landing or walking surfaces. Guards shall not be less than 30 inches (762 mm) in height above the floor of the landing, balcony, porch, deck, or ramp or other walking surface. EXCEPTION: Guards shall not be required where exempted by the adopted building code.
PM-305.6	Interior doors. Every interior door shall fit reasonably well within its frame and shall be capable of being opened and closed by being properly and securely attached to jambs, headers or tracks as intended by the manufacturer of the attachment hardware.
PM-305.4	Every stair, ramp and landing, balcony, porch, deck or other walking surface shall be maintained in sound condition and good repair. Any components, including but not limited to treads and risers, that evidence excessive wear, rot, deterioration or are broken, warped or loose shall be replaced. Treads and risers shall be uniform. Building Permits shall be required for the following: porch/deck replacement, stringer/stair replacement, and/or replacement of any structural member including posts and posts that support roof overhangs.
PM-305.3	Interior surfaces. All interior surfaces, including windows and doors, shall be maintained in good, clean and sanitary condition. Peeling, chipping, flaking or abraded paint shall be repaired, removed or covered. Cracked or loose plaster, decayed wood and other defective surface conditions shall be corrected.
PM-305.1	General. The interior of a structure and equipment therein shall be maintained in good repair, structurally sound and in a sanitary condition. Occupants shall keep that part of the structure which they occupy or control in a clean and sanitary condition. Every owner of a structure containing a rooming house, housekeeping units, a hotel, a dormitory, two or more dwelling units or two or more nonresidential occupancies, shall maintain, in a clean and sanitary condition, the shared or public areas of the structure and exterior property.
PM-304.15	Doors. All exterior doors, door assemblies and hardware shall be maintained in good condition. Locks at all entrances to dwelling units, rooming units and guestrooms shall tightly secure the door. Locks on means of egress doors shall be in accordance with Section 702.3.
PM-304.14	Insect screens. During the period from April 1st to November 1st, every door, window and other outside opening utilized or required for ventilation purposes serving any structure containing habitable rooms, food preparation areas, food service areas, or any areas where products to be included or utilized in food for human consumption are processed, manufactured, packaged or stored, shall be supplied with approved tightly fitting screens of not less than 16 mesh per inch and every swinging door shall have a self-closing device in good working condition. Exception: Screen doors shall not be required where other approved means, such as air curtains or insect-repellent fans, are employed.
PM-304.10	Stairways, decks, porches and balconies. Every exterior stairway, deck, porch and balcony, and all appurtenances attached thereto, shall be maintained structurally sound, in good repair, with proper anchorage and capable of supporting the imposed loads.
PM-302.8	Motor vehicles, boats and trailers. Except as provided for in other regulations, no inoperative or unlicensed motor vehicle shall be parked, kept or stored on any premises, and no vehicle shall at any time be in a state of major disassembly, disrepair, or in the process of being stripped or dismantled.

Correction Order Reference

Code Number

Code Description

9-15-3(A)

Every dwelling unit shall be equipped with at least one approved carbon monoxide alarm in an operating condition within fifteen feet (15') of every room used for sleeping purposes. The carbon monoxide alarm may be combined with smoke detecting devices provided that the combined unit complies with the respective provisions of this code, reference standards, and departmental rules relating to both smoke detecting devices and carbon monoxide alarms and provided that the combined unit emits an alarm in a manner that clearly differentiates the hazard.

TABLE 1: THE RENTAL HOUSING REGULATORY FRAMEWORK

ELEMENT	DESCRIPTION	RATIONALE
Landlord registration or licensing ordinances	<p>A <i>registration</i> ordinance requires landlords to register their properties with the municipalities and provide contact information</p> <p>A <i>licensing</i> ordinance requires registration and a regular health and safety inspection, may also require other actions by the landlord, and gives the municipality the power to revoke the landlord's ability to conduct business within the municipality.</p>	<p>A registration system is informational only, and does not affect the right of a landlord to own and operate rental property. A licensing system conditions that right on compliance with appropriate public interest standards, and raises the bar for landlords in the community. Where legally permitted, a licensing system is a much more effective way of improving rental housing quality.</p>
Mechanisms to ensure landlords are registered and/or licensed	<p>Procedures (see Sec. 1.1) to ensure that landlords register or comply with licensing requirements.</p>	<p>No ordinance is self-enforcing, and simply passing a registration or licensing ordinance does not get landlords, especially small landlords of single-family properties to comply. Proactive steps are needed to get landlords into the system.</p>
Rental property information system	<p>A data base of registered/licensed rental properties in the community, including information about code compliance, police incidents, and tax/fee payment status.</p>	<p>The ability to track landlords and rental properties is a key to effective enforcement. A strong property information system allows a municipality to target resources to problems more effectively</p>
Strategic code enforcement	<p>Code enforcement that goes beyond complaint response to strategically address systemic targets and focus on bringing properties into compliance with codes</p>	<p>Complaint-driven code enforcement, while necessary, is inefficient and leads to scattered outcomes rather than systematic compliance and neighborhood stabilization</p>
Compliance-oriented fee structure	<p>Fee structures that are oriented to generating positive outcomes and maximizing compliance rather than revenues</p>	<p>Fees should not be seen as a revenue generating mechanism, but as a way of motivating landlords to affirmatively comply with ordinances as responsible owners.</p>

CRIME-FREE HOUSING LEASE PROVISION
Prohibition Against Criminal Activity on Premises

- 1) The Tenant, any member of the Tenant's household, Tenant's guest(s), and any person under Tenant's control shall not engage in or facilitate criminal activity on the leased premises or on Lessor's property, which includes the leased premises, at

- 2) The Tenant, any member of the Tenant's household, Tenant's guest(s), and any person under Tenant's control shall not permit the leased premises to be used for, or to facilitate, criminal activity, regardless of whether the individual engaging in such activity is a member of the household, or a guest.
- 3) The Tenant, any member of the Tenant's household, Tenant's guest(s), and any person under Tenant's control shall not engage in or facilitate any breach of the lease agreement that jeopardizes the health, safety, and welfare of the landlord, his agent, or other tenant, or involves imminent or actual serious property damage.
- 4) The Tenant is vicariously liable for the criminal activity of any member of the Tenant's household, Tenant's guest(s), and any person under Tenant's control, whether or not the Tenant had knowledge of the activity or whether or not the household member or guest was under the Tenant's control.
- 5) One or more violations of subsections 1, 2, or 3 of this Lease Section constitute a substantial violation and a material noncompliance with the Lease. Any such violation is grounds for termination of tenancy and eviction from the leased premises. Unless otherwise required by law, proof of violation shall not require a criminal conviction, but shall be by a preponderance of the evidence.
- 6) In case of conflict between the provisions of this addendum and any other provision of the lease, the provisions of this addendum shall govern.
- 7) For purposes of this Lease Section, criminal activity shall mean:
 - a) Any offense defined and prohibited by Article 9 (Homicide) of the Criminal Code of 2012, 720 ILCS 3/0-1, et seq.
 - b) Any offense defined and prohibited by Article 19 (Kidnapping and related offenses) of the Criminal Code of 2012, 720 ILCS 5/10-1, et seq.
 - c) Any offenses defined and prohibited by Article 11 (Sex Offenses), Subdivision 15 (Prostitution Offenses) of the Criminal Code of 2012, 720 ILCS 5/11-14, et seq.
 - d) Any offense defined and prohibited by Article 12 (Bodily Harm) of the Criminal Code of 2012, 720 ILCS 5/12, et seq.
 - e) Any offense defined and prohibited by Article 16 (Theft) of the Criminal Code of 2012, 720 ILCS 5/16-1, et seq.
 - f) Any offense defined and prohibited by Article 20-2 (Possession of Explosives or Incendiary Devices) of the Criminal Code of 2012, 720 ILCS 5/20-2, et seq.
 - g) Any offense defined and prohibited by Article 21-1 (Damage and Trespass to Property) of the Criminal Code of 2012, 720 ILCS 5/21-1, et seq.
 - h) Any offense defined and prohibited by Article 24 (Deadly Weapons) of the Criminal Code of 2012, 720 ILCS 5/24-1, et seq.

- i) Any offense defined and prohibited by Article 25 (Mob Action) of the Criminal Code of 2012, 720 ILCS 5/25-1, et seq.
- j) Any offense defined and prohibited by Article 26 (Disorderly Conduct) of the Criminal Code of 2012, 720 ILCS 5/26-1, et seq.
- k) Any offense defined and prohibited by Article 28 (Gambling) of the Criminal Code of 2012, 720 ILCS 28-1, et seq.
- l) Any offense defined and prohibited by Article 31 (Interference with Public Officers) of the Criminal Code of 2012, 720 ILCS 5/31-1, et seq.
- m) Any offense defined and prohibited by Section 37-1 (Maintaining Public Nuisance) of the Criminal Code of 2012, 720 ILCS 5/37-1.
- n) Any offense defined and prohibited by Section 6-16 (Prohibited Sales and Possession) or Section 6-20 (Transfer, Possession, and Consumption of Alcoholic Liquor; Restrictions) of the Liquor Control Act of 1934, 235 ILCS 5/6-16 and 5/6-20.
- o) Any offense defined and prohibited by the Cannabis Control Act, 720 ILCS 550/1, et seq.
- p) Any offense defined and prohibited by the Illinois Controlled Substances Act, 720 ILCS 570/1, et seq.
- q) Any inchoate offense defined and prohibited by Article 8 (Inchoate Offenses) of the Criminal Code of 2012, 720 ILCS 5/8-1, et seq., which is relative to the commission of any of the aforesaid principal offenses.
- r) Any offense that constitutes a felony under state or federal law or Class A misdemeanor under state law.

This LEASE ADDENDUM is incorporated into the lease executed or renewed this day between Owner and Tenant.

_____ Date: _____
 Tenant Signature

_____ Date: _____
 Owner/Property Manager Signature

Property Name/Location _____

9-5-4. - NUISANCE PREMISES. (CURRENT CODE LANGUAGE)

(A) Definitions:

<p><i>ENCOURAGES OR PERMITS:</i></p>	<p>Acquiesces, by failure to prevent or expressly consent to an act.</p>
<p><i>NUISANCE PREMISES:</i></p>	<p>Any "premises", as defined herein, used for any offense, as defined below, is hereby declared a public nuisance; provided however that no public nuisance or violation of this Section shall be deemed to exist unless:</p>
	<p>1. The offense for which the premises is used is punishable by imprisonment for one year or more or the premises is used for two (2) or more such offenses within any six (6) month period; or</p>
	<p>2. In any six (6) month period, the premises is the site of two (2) or more offenses which are misdemeanors under state or federal law or a violation of this Code, as amended, including, but not limited to, the following provisions:</p>
	<p>a. Subsection 3-4-3(A)1 of this Code, liquor license required.</p>
	<p>b. Section 3-4-11, "Sales To Minors, Certain Persons Restricted", of this Code.</p>
	<p>c. Section 3-4-13, "Responsibility Of Parents And Others For Alcohol Consumption By Minors", of this Code.</p>
	<p>d. Section 3-4-14, (liquor) "Age Restrictions; Identification Cards", of this Code.</p>
	<p>e. Title 8, Chapter 13, "Marijuana", of this Code.</p>
	<p>f. Title 8, Chapter 14, "Drug Paraphernalia Control", of this Code.</p>
	<p>g. Section 9-4-3-2, "Limitation On Number Of Dogs", of this title.</p>
	<p>h. Section 9-4-14, "Cruelty To Animals", of this title (includes animal fighting).</p>
	<p>i. Section 9-4-17, "Dangerous Dogs", of this title.</p>
	<p>j. Section 9-5-3, "Disorderly Conduct", of this Chapter.</p>
	<p>k. Section 9-5-6, "Disturb The Peace", of this Chapter.</p>
	<p>l. Section 9-5-8-1, "Gambling House, Establishments", of this Chapter.</p>
	<p>m. Section 9-5-8-4, "Gambling Acts", of this Chapter.</p>

	n. Subsection 9-5-10 (C)1 of this Chapter, alcoholic beverages, consumption/possession public property (sidewalks and parkways).
	o. Section 9-5-18-1 , "Obedience To Police In Public Places", of this Chapter.
	p. Section 9-5-18-4 , "Resisting Or Interfering With Police", of this Chapter.
	q. Section 9-5-20 , "Noises Prohibited", of this Chapter.
	r. Section 9-6-1 , "Curfew", of this title.
	s. Chapter 8, "Weapons", of this title.
	t. 720 ILCS 5/11-14, prostitution.
	u. 2003 international fire code, Section 107.6 and 202, overcrowding.
	v. 2003 International Property Maintenance Code.
	w. Title 6 of this Code, the zoning ordinance.
PREMISES:	Any parcel of property or part thereof and the building or structure, if any, which is situated on the property, and any portion of the public way that abuts the parcel of property when it is used in conjunction with the abutting property for the commission of illegal activity.
REASONABLY BELIEVES:	"Reasonably believes" or "reasonable belief" means that the person concerned, acting as a reasonable person, believes that the described facts exist.

(B) Maintaining Nuisance Premises Prohibited:

1. Any person who owns, manages, or controls a premises and who encourages or permits an illegal activity described in Subsection (A) of this Section to occur or continue on said premises shall be guilty of maintaining a nuisance premises.
2. Any person who owns, manages, or controls any premises and who fails to implement, within the thirty (30) day period following the notice required in Subsection (D) of this Section, or within any other period agreed upon by the person and the City, reasonable and warranted abatement measures identified in the notice issued pursuant to Subsection (D) of this Section, or such measures agreed to by the person and the City subsequent to the issuance of said notice, or other abatement measures which successfully abate the public nuisance on the premises, shall be liable for maintaining a nuisance premises. No person shall be found in violation of this Subsection (B)2 unless the City proves, in a court of competent jurisdiction or in the City's Division of Administrative Adjudication, by a preponderance of the evidence, that the abatement measures were reasonable and warranted, and that he/she knowingly failed to implement them.
3. Each day that a violation of this Section continues shall be considered a separate and distinct offense.

(C) Order Of Abatement: Whenever the City Manager or his/her designee reasonably believes that any premises constitutes a public nuisance as described in this Section, he/she may bring an action to abate the

nuisance in a court of competent jurisdiction or in the City's Division of Administrative Adjudication. The presiding authority shall issue an order of abatement upon a finding of liability pursuant to this Section. The order of abatement shall require the respondent to take measures reasonably calculated to prevent the recurrence of the illegal activity. In ordering these measures, the presiding authority shall consider the magnitude of the harm caused by the nuisance, the value of the property, and the extent to which the respondent has taken effective measures to abate the nuisance or whether the respondent has failed to take effective measures to abate the nuisance. Those measures may include, but are not limited to, making improvements to real estate and installing lighting to enhance security, the hiring of licensed and insured security personnel, the hiring of a receiver, the initiation and execution of eviction proceedings against tenants engaged in illegal activity, or, at the request of the City Manager or his/her designee, the assignment or forfeiture to the City of all of the respondent's rights, title and interest in the real estate. Assignment or forfeiture of the respondent's rights, title and interest in the real estate shall be considered as an abatement measure only when the respondent has failed to abate a nuisance following an order issued pursuant to this Subsection, or has failed to abate a nuisance within thirty (30) days of a notice issued pursuant to Subsection (D) of this Section, and:

- 1) A forcible felony as defined in Section 2-8 of the Illinois Criminal Code of 1961, 720 ILCS 5/2-8, as amended, is committed on the premises; or
- 2) Two (2) or more violations of the Illinois Controlled Substances Act or the Cannabis Control Act occur on the premises on separate days within a one year period.

The order of abatement may also authorize the issuance of ex parte administrative search warrants reasonably calculated to determine whether the nuisance has been abated or whether the order of the court or hearing officer has been obeyed. Any order of abatement issued by an Administrative Hearing Officer pursuant to this Section is subject to enforcement pursuant to [Section 11-1-17](#) of this Code. Actions brought pursuant to this Section may also be accompanied by the recording of a lis pendens notice against the property.

(D) *Notice Of Violation:* Whenever the City Manager or his/her designee reasonably believes that any premises constitutes a public nuisance as described in this Section and that the person who owns or controls the premises does not have actual or constructive knowledge of the illegal activity occurring thereon, he/she shall give written notice to the person who owns or controls the premises. Such notice shall include, but not be limited to, stating that a public nuisance exists and identifying reasonable abatement measures that must be taken within thirty (30) days of the notice. The notice shall be in writing and may be served in person or sent by certified mail, return receipt requested. The notice shall provide the recipient a reasonable opportunity to meet with a representative of the City to discuss the allegations in the notice and the need for abatement measures. Failure to respond to the notice or failure to implement the abatement measures requested therein or those subsequently agreed to by the recipient and the City within the thirty (30) day period following the notice, or within any period subsequently agreed upon by said parties, constitute a violation of Subsection (B)2 of this Section. The notice shall not be a prerequisite to the issuance of a citation for violation of Subsection (B)1 of this Section.

(E) *Penalties:* Upon a finding of liability pursuant to this Section, in a court of competent jurisdiction or in the City's Division of Administrative Adjudication, by a preponderance of the evidence, the respondent shall be fined:

1. Not less than three thousand dollars (\$3,000.00) and not more than six thousand dollars (\$6,000.00) for any offense on the premises which may be charged as a class X felony by the Criminal Code of 1961, 720 ILCS 5/1 et seq., as amended (hereinafter, "Criminal Code");
2. Not less than one thousand five hundred dollars (\$1,500.00) and not more than three thousand dollars (\$3,000.00) for any offense on the premises which may be charged as a class 1 felony by the Criminal Code;
3. Not less than seven hundred dollars (\$700.00) and not more than one thousand four hundred dollars (\$1,400.00) for any offense on the premises which may be charged as a class 2 felony by the Criminal Code;

4. Not less than five hundred dollars (\$500.00) and not more than one thousand dollars (\$1,000.00) for any offense on the premises which may be charged as a class 3 felony by the criminal code;

5. Not less than three hundred dollars (\$300.00) and not more than one thousand dollars (\$1,000.00) for any offense on the premises which may be charged as a class 4 felony by the criminal code; and

6. Not less than two hundred dollars (\$200.00) and not more than one thousand dollars (\$1,000.00) for all offenses on the premises not otherwise specified.

(F) *Evictions*: No person evicted due to a notice of violation or nuisance abatement order issued or agreed to, pursuant to the terms of this Section, shall be eligible to receive City funded relocation assistance.

(G) *Disposition Of Property*: Any property assigned or forfeited to the City pursuant to this Section may be disposed of as authorized by the City Council.

(H) *Severability*: If any provision of this Section or the application thereof to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this Section which can be given effect without the invalid provisions or applications thereof.