

Effective date: May 1, 2009

2/26/2009

19-O-09

AN ORDINANCE

**Amending Section 5-1-3 of the City Code,
Property Maintenance Code "Amendments,"
to Enact Fees for Multiple Re-inspections
and Cancelled Inspections**

WHEREAS, pursuant to its home rule authority to legislate for the public health, safety, and welfare, the City of Evanston ("the City") has adopted by reference the 2003 International Property Maintenance Code ("IPMC"); and

WHEREAS, pursuant to the terms of the IPMC, City staff routinely inspect residential properties for violations of the IPMC; and

WHEREAS, multiple re-inspections, due to persistent violations of the IPMC, and cancellations of scheduled inspections disrupt the City's inspection schedule; and

WHEREAS, such disruptions decrease procedural efficiency, require additional resources and staff time, and impede the City's ability to enforce the IPMC in order to promote the public health, safety, and welfare,

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL
OF THE CITY OF EVANSTON, COOK COUNTY, ILLINOIS:**

SECTION 1: That Section 5-1-3 of the Evanston City Code of 1979, as amended, is hereby further amended to include the following:

104.4 Right of Entry.

The code official is authorized to enter the structure or premises at reasonable times to inspect subject to constitutional restrictions on unreasonable searches and seizures. If entry is refused or not obtained, the code official is authorized to pursue recourse as provided by law. If the premises owner does not grant the code official entry to the entire premises during an initial inspection, cure code violations discovered and cited during an initial inspection before the compliance re-inspection, or grant the code official access to the entire premises to re-inspect for every such cited violation, thereby requiring the code official to perform multiple re-inspections, the premises owner shall owe the City a fee of one hundred fifty dollars (\$150.00) for the second and any subsequent re-inspection. If the premises owner does not grant the code official entry for a scheduled inspection without canceling said inspection on a City business day and at least twenty-four (24) hours in advance of the appointed inspection time, or fails to give his or her tenants forty-eight (48) hours notice of the inspection date, the premises owner shall owe the City a fee of: one hundred fifty dollars (\$150.00) for the first such failure; two hundred fifty dollars (\$250.00) for the second such failure; and five hundred dollars (\$500.00) for the third and any subsequent such failure. Any fees assessed pursuant to this section shall be debts due and owing to the City that the City may collect by any means allowed by law, including, but not limited to: refusing to issue any permit, license, or zoning relief related to the structure or premises; employing a collection agency; and filing a lien against the premises.

SECTION 2: That all ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 3: That if any provision of this ordinance or application thereof to any person or circumstance is held unconstitutional or otherwise invalid, such invalidity shall not affect other provisions or applications of this ordinance that can be given effect without the invalid application or provision, and each invalid provision or invalid application of this ordinance is severable.

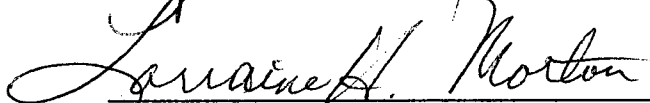
SECTION 4: That this Ordinance 19-O-09 shall be in full force and effect from and after its passage, approval and publication in the manner provided by law.

Introduced: March 9, 2009


Approved:

Adopted: April 14, 2009

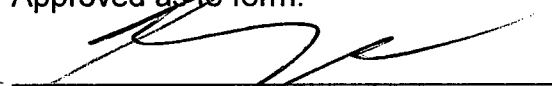
April 17, 2009


Lorraine H. Morton, Mayor

Attest:


Rodney Greene, City Clerk

Approved as to form:


Elke B. Tober-Purze, Interim
First Assistant Corporation Counsel

