



**ORDINANCE NUMBER 1774**

**AN ORDINANCE CREATING A REAL ESTATE TRANSFER INSPECTION  
WITHIN THE VILLAGE OF MONEE, A HOME RULE UNIT OF  
GOVERNMENT, WILL COUNTY, ILLINOIS**

**ADOPTED BY THE BOARD OF TRUSTEES  
OF THE VILLAGE OF MONEE**

**THIS 14TH DAY OF December, 2016**

**Published in Pamphlet Form by Authority of the  
Board of Trustees of the Village of Monee,  
Will County, Illinois,**

**This 14th day of December, 2016**

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**WHEREAS**, the elected officials of the Village of Monee (“Village”) are responsible to take the necessary action to protect the public health, safety and welfare; and

**WHEREAS**, in connection with said responsibility, the Village has adopted ordinances and building codes pertaining to various types of buildings and structures including residential, commercial and industrial facilities; and

**WHEREAS**, the Village also provides essential services to Owners of real estate including, but not limited to, water, sewer and garbage disposal; and

**WHEREAS**, it has been determined that prior to the transfer of any single family, multi-family, commercial or industrial buildings an inspection of the premises shall be implemented by the Village to insure Village Code compliance; and

**WHEREAS**, the Village Board has further determined that it is fair and equitable to require all outstanding water, sewer and garbage fees be paid in full and brought current prior to any such real estate transfer.

**NOW, THEREFORE, BE IT ORDAINED** by the Mayor and Board of Trustees of the Village of Monee, a Home Rule Unit of Government, Will County, Illinois, pursuant to its home rule powers, as follows:

**Section One. Preambles.** That the preambles above set forth are incorporated herein as if set forth in full.

**Section Two. Definition.** For the purpose of this Ordinance, “real estate” shall mean single family residences, apartment buildings, multi-family dwellings, condominiums, townhouses, commercial and industrial structures.

**Section Three. Inspection of Real Estate.** That the following rules and regulations shall apply to the transfer of real estate within the Village of Monee:

44 a. **Notice of Transfer.** Whenever an Owner of real estate within the  
45 Village proposes to engage in the transfer of real estate, such Owner  
46 shall provide the Village with a Notice of Transfer form. Said form shall  
47 authorize the Village Building Department official to conduct an  
48 inspection of the real estate to insure compliance with any and all  
49 pertinent building and zoning code regulations of the Village.  
50

51 b. **Inspection Timetable.** Upon the filing of a Notice of Transfer, the  
52 Village will schedule a compliance inspection within fourteen (14) days.  
53

54 c. **Refusal to Allow Inspection.** If the Owner or occupant does not  
55 consent to the inspection, the Village Building Department officials may  
56 appear before any judge in the Circuit Court of Will County and seek an  
57 administrative search warrant to allow an inspection. The application for  
58 said search warrant shall be made 10 days after the owner's refusal to  
59 allow the inspection. The application for the warrant shall specify the  
60 basis upon which the warrant is being sought and will be limited to a  
61 determination that there are violations of the code provisions set forth  
62 herein and whether there is compliance with the current zoning code.  
63 The Court may consider any of the following factors:  
64

- 65 1) Eyewitness account of violation;
- 66 2) Citizen complaints;
- 67 3) Tenant complaints;
- 68 4) Plain view violations;
- 69 5) Violations apparent from city records;
- 70 6) Property deterioration;
- 71 7) Age of property;
- 72 8) Nature of alleged violation;
- 73 9) Condition of similar properties in the area; and
- 74 10) Documented violations on similar properties in the area.  
75

76 d. **Uninspected Property.** In the event the Owner refuses to consent to  
77 the inspection and a warrant was not obtained, the Building Department  
78 official shall notify the Village Clerk that the real property is uninspected  
79 and the Purchaser shall be so notified.  
80

81 e. **Inspection Findings.** Within 3 business days after the inspection  
82 being completed by the Building Department official, a written notice of  
83 violations or repairs, if any, shall be issued. Said notice shall include  
84 what actions are necessary to bring the real estate into compliance with  
85 the Village Code. In the event a zoning violation has been determined,  
86 a notice shall be issued as to what steps are necessary to bring the real  
87 estate into compliance with the appropriate zoning rules. In the event

88 the real estate Owner disputes the findings of the inspection report, said  
89 owner may file a request for administrative review to be conducted by  
90 the independent administrative hearing office. Said hearing shall take  
91 place within five (5) business days from the date of the request. The  
92 hearing officer shall issue a final determination on the matter.  
93

94 f. **Follow-Up Repair.** Upon completion of the repairs as noted in the  
95 violation, the Building Department official shall reinspect the real estate.  
96 If it is determined that the follow-up repairs addressed the violations, a  
97 certificate of completion shall be issued.  
98

99 g. **Conditional Certificate of Compliance.** A real estate Owner who has  
100 not completed all the required repairs may still transfer ownership  
101 subject to the following conditions:  
102

103 1) The Buyer assignee or successor in title or transferee ("Buyer")  
104 has entered into an agreement with the Village whereby the Buyer  
105 agrees to bring the real property into full compliance with all  
106 applicable building code requirements and address all cited  
107 violations within a period not to exceed one hundred twenty (120)  
108 days after the closing of the transaction.  
109

110 2) If the Buyer enters into such an agreement, a Conditional  
111 Certificate of Compliance will issue and shall terminate on the one  
112 hundred twenty-first (121) day after closing. The Buyer shall  
113 execute an affidavit acknowledging that the repair must be  
114 completed in a timely fashion and that other violations could be  
115 discovered after work has commenced. A Certificate of  
116 Completion shall be issued upon the repairs being completed in  
117 accordance with the terms of the Village Code.  
118

119 3) In the event the Buyer fails to complete the necessary repairs in a  
120 timely fashion, the Building Department official is authorized to  
121 issue appropriate citations which will be heard through the Village  
122 Administrative Hearing process.  
123

124 4) If the repairs are not completed in a timely fashion, citations may  
125 be issued under this Ordinance with fines being not less than One  
126 Hundred (\$100) Dollars per day nor more than Seven Hundred  
127 Fifty (\$750) Dollars per day for each day the violation continues to  
128 exist.  
129

130 h. **No Warranty/Guaranty.** That in issuing a Certificate of Compliance or  
131 a Conditional Certificate of Compliance, the Village is not making any

132 warranties, guarantees or representation of any kind in any manner as  
133 to the condition of the real estate.

134  
135 i. **Payment of Water Bill, Sewer Charges and Garbage Fee.** The  
136 Owner of the real estate must pay any and all water bills, sewer charges  
137 and garbage fees prior to the issuance of a Certificate of Completion. In  
138 the event the Owner disputes such obligations, the Village Clerk shall  
139 provide the Owner a due process hearing notification and a hearing shall  
140 be so scheduled if requested by the Owner. The Owner may pay the bill  
141 "under protest" and may pursue any remedies available at law for an  
142 overcharge.

143  
144 j. **Inspection Fees.** A fee of \_\_\_\_\_ shall be assessed the  
145 Owner for a single family residential unit. A fee of \_\_\_\_\_  
146 shall be assessed the Owner for verification inspections.

147  
148 **Section Four. Recording of Ordinance.** A certified copy of this Ordinance  
149 shall be recorded with the Will County Recorder of Deeds Office.

150  
151 **Section Five. Repealer.** That all Ordinances or parts of Ordinances in  
152 conflict herewith are expressly repealed.

153  
154 **Section Six. Savings Clause.** That in the event any portion of this  
155 Ordinance is declared to be void, that such other parts or remainder of this  
156 Ordinance shall not be adversely effected and shall otherwise remain effective  
157 and valid.

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159 **Section Seven. Adoption Clause.** That this Ordinance shall be in full force  
160 and effect from and after its approval, adoption and publication as required by  
161 law.

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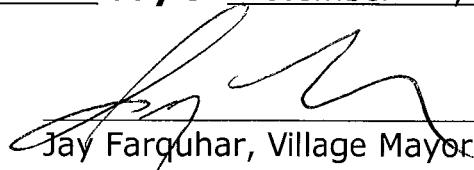
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<u>AYES:</u>	<u>NAYS:</u>	<u>ABSTAIN:</u>	<u>ABSENT:</u>	<u>PRESENT:</u>
Gonzalez				
Gray				
Horne				
Holston				
			Popp	
Raczek				

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**PASSED and APPROVED this 14th day of December, 2016.**

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Jay Farquhar, Village Mayor

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**ATTEST:**

  
Wayne Haser, Village Clerk

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