

ORDINANCE NO. 10242023

AN ORDINANCE AMENDING THE  
CODE OF THE VILLAGE OF PHOENIX, COOK COUNTY, ILLINOIS  
BY ADDING "CERTIFICATE OF OCCUPANCY UPON SALE"

**WHEREAS**, the Village of Phoenix is a validly organized and existing Home Rule Municipality; and

**WHEREAS**, pursuant to its Home Rule authority, the Village of Phoenix may exercise any power and perform any function pertaining to its government and affairs;

**WHEREAS**, on August 28, 2007, the Village passed Ordinance No. 082807 entitled Certificate of Occupancy Upon Sale;

**WHEREAS**, Ordinance 082807 was never codified;

**WHEREAS**, the Village now wishes to codify and amend Ordinance No. 082807.

**NOW, THEREFORE BE IT ORDAINED** by the President and Board of Trustees of the Village of Phoenix, County of Cook, State of Illinois, a home rule unit Government, as follows:

**SECTION 1:** That Chapter 22, Article VI "Property Maintenance" of the code of the Village of Phoenix is hereby amended with the addition of the new Division 6 entitled, Certificate of Occupancy Upon Sale shall read as follows:

DIVISION 6 CERTIFICATE OF OCCUPANCY UPON SALE

22-426-1 Definitions.

"Appropriate Authority" shall mean that person within the governmental structure of the corporate unit who is charged with the administration of the appropriate code.

"Building" shall mean a fixed structure with walls, foundation and roof, such as a house, factory, garage, etc.

“Commercial Building” shall mean any building or premises used to conduct a business or to manufacture or store goods or merchandise.

“Dwelling” shall mean any enclosed space wholly or partly used or intended to be used for living, sleeping, cooking and eating.

“Enforcement Authority” shall mean that person or persons assigned to administer enforcement of this chapter or the referenced codes by the Mayor of the Village of Phoenix.

“Multiple Family Dwelling” shall mean any dwelling containing more than two dwelling units, including rooming houses, lodging houses, hotels and motels.

“Occupy” shall mean to take possession, reside, inhabit or live in, or to use for a commercial purpose in the case of commercial property.

“Owner” shall mean any person who, alone or jointly or severally with others:

1. Shall have legal title to any premise, dwelling or dwelling unit, with or without accompanying actual possession thereof, and
2. Shall have charge, care, or control of any premise, dwelling or dwelling unit, as owner or agent of the owner, or an executor, administrator, manager, trustee, or guardian of the estate of the owner.

Any such person thus representing the actual owner shall be found to comply with the provisions of this chapter and of rules and regulations adopted pursuant thereto, to the same extent as if he were the owner.

“Property” shall mean a platted lot or part thereof or unplatted lot or parcel of land or plot of land, either occupied or unoccupied by any dwelling or non-dwelling structure, commercial, residential, industrial or otherwise, and includes any such building, accessory structure or other structure thereon.

“Residential Building” shall include mobile homes, single family homes, duplexes, apartments, cooperative apartments and condominiums and other multiple family dwellings.

“Transferor” shall mean the owner transferring the property.

“Transferee” shall mean the entity to whom the property is transferred.

22-426-2 Certificate of Occupancy Required.

Except as otherwise provided in this chapter, whenever there is a proposed change in ownership, including contract sales, or possession of any commercial building or residential building or dwelling or premises or part thereof, the new owners shall not occupy the premises unless a certificate of occupancy has been issued by the Enforcement Authority, dated not earlier than fifteen (15) days prior to the change of ownership or possession. It shall be the duty of the owner to obtain the certificate of occupancy prior to the change in ownership or possession.

#### 22-426-3 Requirements.

Entities or persons wishing to transfer the property within the Village shall make application with the enforcement authority for a certificate of occupancy. A certificate of occupancy shall be issued by the Enforcement Authority after an inspection of the premises discloses that the premises are in compliance with the Village Property Maintenance Code and other applicable ordinances of the Village and laws of the State of Illinois, and in the case of multiple family dwellings and commercial buildings, in addition to the aforementioned ordinances, codes and statutes, the Village Fire Prevention code and requirements contained in this chapter. Compliance with the provisions of said codes, ordinances and statutes shall be met if the provisions of the respective codes in effect at the time of the inspections are met, or if the provisions of the codes in effect at the time the permit was issued for the particular construction or installation were met. In a situation where there is compliance with the applicable code or chapter in effect at the time the permit was issued, but there is noncompliance with the current code or chapter, and the situation presents a hazardous condition endangering health or safety, the Enforcement Authority shall issue a noncompliance notice setting forth the hazardous condition. In addition to all other requirements provided herein, the final water bill and all other debts or liens against the owner or property must be paid prior to issuance of said certificate of occupancy.

#### Additional Electrical Requirements:

- A. In addition to all other requirements, the electrical service for any dwelling unit shall be not less than 100 amps with circuit breakers. Any fused systems must be replaced with circuit breakers. Any service changes require a permit and must be approved by the Village of Phoenix Electrical Inspector.
- B. Ground-fault circuit-interrupter protection: All 120 volt, single phase, 15 and 20 ampere receptacle outlets installed in bathrooms, lavatories, powder rooms, outdoor locations and kitchens within six (6) feet of sink areas shall have suitable ground-fault circuit-interrupter protection for personnel.

#### 22-426-4 Non-Compliance.

If an inspection by the Enforcement Authority discloses noncompliance with any of the codes, ordinances or statutes referred to herein, said Enforcement Authority shall issue

a noncompliance notice setting forth the areas of noncompliance and stating that the premises shall be brought into compliance within sixty (60) days, or by a date thereafter established by the Enforcement Authority. When a subsequent inspection discloses compliance, a certificate of occupancy shall be issued. If there is continual noncompliance after the time limit established, continued occupancy in the premises without a certificate of occupancy by the seller shall subject the owner to a penalty of five hundred dollars (\$500.00) per day. It shall be unlawful for the transferee to occupy the premises without a certificate of occupancy issued by the enforcement authority. In the event the inspection discloses non-compliance provided that the final water bill and all other debts or liens against the owner or the property are paid, the Village may issue a Certificate of Non-Occupancy allowing the title to transfer "As Is" so long as the parties post sufficient escrow with the Village in an amount determined by the Village.

22-426-5 Non-Liability of Village.

A certificate of occupancy indicates that so far as can be reasonably determined by a visual inspection of the premises and a review of Village records and chapters, the premises meet the requirements of the codes. Neither the Village of Phoenix nor the Enforcement Authority assumes any liability in the inspection or the issuance of a certificate of occupancy and by the issuance of a certificate of occupancy does not guarantee or warrant the condition of the premises inspected.

22-426-6 Fee.

A. The following fees shall be paid to the Village for inspection of the premises, required prior to the issuance of a certificate of occupancy, which fees shall be paid at the time of applying for such inspection:

One or two units .....\$200  
Each additional unit over two..\$ 50

B. However, if it is necessary that an additional inspection be made by the building inspector or his authorized representative, no fee shall be charged for said second inspection; provided further, that any additional inspections beyond two by the building inspector or his authorized representative shall be at a fee of two hundred and fifty dollars (\$250.00) per inspection.

C. The following fees shall be paid to the Village for inspection of the commercial buildings, required prior to the issuance of a certificate of occupancy, which fees shall be paid at the time of applying for such inspection:

Square Feet	Fee Amount
0 - 2,499	\$ 200
2,500 - 4,999	\$ 300
5,000 - 9,999	\$ 400
10,000 - 14,999	\$ 500
15,000 - 19,999	\$ 600
20,000 - 29,999	\$ 700
30,000 - 39,999	\$ 800
40,000 - 49,999	\$ 900
50,000 - 59,999	\$1,000
60,000 - 69,999	\$1,100
70,000 - 79,999	\$1,200
80,000 - 89,999	\$1,300
90,000 - 99,999	\$1,400
100,000	\$1,500

In the event the Enforcement Authority deems it necessary to retain the services of a professional in connection with said inspections, the fees for such services shall be paid by the applicant prior to the issuance of any permit or certificate.

22-426-7 Payment of Past Due Water and Sewer Charges.

No certificate of occupancy shall be issued if there are unpaid water and sewer charges, or debts or liens against the property or parties outstanding. Payment of all past due charges shall be made prior to issuance of a certificate of occupancy.

22-426-8 Forms.

The Enforcement Authority shall provide the forms for:

Application for Inspection and Issuance of a Certificate of Occupancy

Certificate of Occupancy

Notice of Non-Compliance

"As Is" Affidavit

22-426-9 Appeal.

Any owner or occupant or proposed new occupant aggrieved by the issuance of a noncompliance notice, may appeal to the Mayor and Board of Trustees by following the procedure established under the rules and regulations of the board, provided that such Application is made within ten (10) working days of the date the notice was issued and

the grounds for appeal are stated in writing .

22-426-10 Exceptions .

Transfers of ownership due to death, divorce, or other court-ordered transfers shall be exempt from the inspection provisions but subject to the remaining requirements of this section. Transfers of Village owned property shall be exempt from all requirements of this Division.

22-426-11 Penalty .

Any person, firm or corporation violating any provision of this chapter shall be fined not less than five hundred dollars (\$500) for each offense, and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

**SECTION 2:** Repeal All Ordinances or parts of Ordinances in conflict with the provisions hereof are hereby repealed .

**SECTION 3:** Effective Date: This Ordinance shall be effective on  24th   
October, 2023, after its passage, approval and proper publication as required by law .

Passed by the President and Board of Trustees of the Village of Phoenix, County of Cook, State of Illinois this  24th  day of  October , 2023

**VOTING AYE:**

Trustee Maffey	Trustee William
Trustee Proctor-Harris	Trustee Riley
Trustee Taylor	Trustee McCullar

**VOTING NAY:**

None	

**ABSENT:**

None

_____	_____
_____	_____
_____	_____

Passed by me this 24th day of October, 2023.

\_\_\_\_\_  
TERRY WELLS  
President

**ATTEST:**

\_\_\_\_\_  
PATRICIA HARRIS  
Village Clerk

PUBLISHED in pamphlet form by authority of the Corporate Authorities on \_\_\_\_\_, 2023.

**ATTEST:**

\_\_\_\_\_  
PATRICIA HARRIS, Village Clerk  
Village of Phoenix  
Cook County, Illinois