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**VILLAGE OF MELROSE PARK  
COOK COUNTY, ILLINOIS**

**ORDINANCE NO. 1332**

**AN ORDINANCE AMENDING CHAPTER 15.32 OF THE VILLAGE  
OF MELROSE PARK MUNICIPAL CODE REGARDING  
TRANSFER OF REAL PROPERTY, FOR THE VILLAGE OF  
MELROSE PARK, COUNTY OF COOK, STATE OF ILLINOIS.**

**ADOPTED BY THE  
PRESIDENT AND BOARD OF TRUSTEES  
OF THE  
VILLAGE OF MELROSE PARK**

**THIS 9<sup>TH</sup> DAY OF NOVEMBER 2009**

**RONALD M. SERPICO, Village President  
MARY ANN PAOLANTONIO SALEMI, Village Clerk**

**Board Of Trustees**

**CATHLEEN COSSIDENT ITALIA  
ANTHONY J. PRIGNANO  
ARTURO J. MOTA  
MARY RAMIREZ TACONI  
JAIME ANGUIANO  
ANTHONY N. ABRUZZO**

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**Published by authority of the  
President and Board of Trustees  
Of the Village of Melrose Park,  
Cook County, Illinois on  
This 10<sup>TH</sup> day of NOVEMBER 2009**

**ORDINANCE NO. 1332**

**AN ORDINANCE AMENDING CHAPTER 15.32 OF THE VILLAGE OF MELROSE PARK MUNICIPAL CODE REGARDING THE TRANSFER OF REAL PROPERTY, FOR THE VILLAGE OF MELROSE PARK, COUNTY OF COOK, STATE OF ILLINOIS.**

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**WHEREAS**, the Village of Melrose Park, County of Cook, State of Illinois (the “Village”) is a duly organized and existing municipality and unit of local government created under the provisions of the laws of the State of Illinois, and is operating under the provisions of the Illinois Municipal Code, and all laws amendatory thereof and supplementary thereto, with full powers to enact ordinances and adopt resolutions for the benefit of the residents of the Village; and

**WHEREAS**, the Village President (the “President”), the Honorable Ronald M. Serpico, the Village Clerk, the Honorable Mary Ann Paolantonio Salemi, and the Board of Trustees of the Village (the “Village Board”), the Honorable Cathleen Cossident Italia, Arturo J. Mota, Anthony J. Prignano, Mary Ramirez Taconi, Jaime Anguiano and Anthony N. Abruzzo, having taken office on April 30, 2009, constitute the duly elected, qualified and acting officials of the Village; and

**WHEREAS**, to protect its residents and their property, the President and the Village Board (collectively, the “Corporate Authorities”) desire to ensure that all properties located within the Village are safely maintained in a manner consistent with all applicable codes including, but not limited to, the building code, electrical code, plumbing code, zoning code and all national codes in effect in the Village; and

**WHEREAS**, to determine compliance with the aforementioned codes, the Village of Melrose Park Municipal Code (the “Village Code”) requires that properties within the Village be

inspected when any owner, or person acting on behalf of any owner, offers to sell or transfer ownership or interest in any building or structure located within the Village; and

**WHEREAS**, the Building Commissioner of the Village is authorized to issue a conditional certificate of compliance, in lieu of a certificate of compliance, to any buyer or transferee of real property within the Village to allow the buyer or transferee to close upon the purchase or transfer of said real property; and

**WHEREAS**, a conditional certificate of compliance may only be issued when the conditions set forth in the Village Code are satisfied, which include, without limitation: (1) the Village's receipt of a One Hundred and No/100 U.S. Dollar (\$100.00) administrative fee; (2) the Village, the seller and the buyer or the transferee executing an escrow agreement (the "Agreement"); (3) the seller or the buyer, as determined by the Building Commissioner, depositing funds as required by the Agreement (the "Escrow Amount"); and (4) the buyer or transferee agreeing to correct any and all specified violations within three (3) months; and

**WHEREAS**, the Village incurs costs in connection with ensuring that the buyer or transferee corrects the violations within the required three (3) month period; and

**WHEREAS**, the Corporate Authorities have determined that it is both advisable and in the best interests of the Village and its residents to amend the Village Code to require the forfeiture of the Escrow Amount to the Village if the violations specified in the Agreement have not been corrected within the three (3) months following the date of the sale or transfer of ownership or interest in the subject property; and

**WHEREAS**, the Corporate Authorities have determined that it is necessary, advisable, economical and in the best interests of the Village and its residents to amend Chapter 15.32 of the Village Code as set forth herein; and

**WHEREAS**, the enactment of this Ordinance directly pertains to and is in furtherance of the health, welfare and safety of the residents of the Village; and

**NOW, THEREFORE, BE IT ORDAINED** by the President and the Board of the Trustees of the Village of Melrose Park, County of Cook, State of Illinois, as follows:

**ARTICLE I.  
IN GENERAL**

**Section 01. Incorporation Clause.**

The Corporate Authorities hereby find that all of the recitals hereinbefore stated as contained in the preambles to this Ordinance are full, true and correct and do hereby, by reference, incorporate and make them part of this Ordinance as legislative findings.

**Section 02. Purpose.**

The purpose of this Ordinance is to amend the Village Code to require the forfeiture of the Escrow Amount to the Village if a buyer or transferee of real property within the Village fails to make the corrections specified in the Agreement within the three (3) months following the sale or transfer of property.

**Section 03. Invocation of Authority.**

This Ordinance is enacted pursuant to the police powers and authority granted to the Village by the Constitution of the State of Illinois and the Illinois Compiled Statutes.

**Section 04. State Law Adopted.**

All applicable provisions of the Illinois Compiled Statutes, including the Illinois Municipal Code, as may be amended from time to time, relating to the purposes of this Ordinance are hereby incorporated herein by reference.

**Sections 05 - 09. Reserved.**

**ARTICLE II.  
AMENDMENT TO CHAPTER 15.32**

**Section 10.00 Amendment to Section 15.32.060 of the Village of Melrose Park Municipal Code, "Conditional certificate of compliance."**

Section 15.32.060 of the Village Code, titled "Conditional certificate of compliance" is hereby amended notwithstanding any provision, ordinance, resolution or Village Code section to the contrary, by deleting Subsections A(2) and B of Section 15.32.060 in their entirety and inserting the following language:

- "A(2). There exists a written agreement between the Village, the seller and the buyer or the transferee certifying that such buyer or transferee has agreed to correct any and all violations, as specified in the agreement, within three (3) months of the sale or transfer of ownership or interest in the subject property. Any escrowed funds deposited with the Village to ensure the correction of any and all violations shall be forfeited to the Village if said corrections are not completed within three (3) months of the sale or transfer of ownership or interest, as determined by the Village in its sole and absolute discretion.
  
- B. The issuance of such conditional certificate of compliance is within the sole discretion of the Building Commissioner. The Building Commissioner is authorized to require the seller or buyer, as the case may be, to place on deposit with the Village, to be held by the Village in escrow, a sum of money sufficient to correct and remedy any and all defects and violations set forth in the order of correction. The Building Commissioner is additionally authorized to require that the transaction contemplated by this subsection be reduced to writing and/or otherwise memorialized in the agreement referenced in subsection A(2) of this section. The Building Commissioner is further authorized to prohibit occupancy of the subject property as a condition of issuing such conditional certificate of compliance."

**Section 10.01 Other Actions Authorized.**

The officers, employees and/or agents of the Village shall take all action necessary or reasonably required to carry out, give effect to and consummate the transactions contemplated by this Ordinance and shall take all action necessary in conformity therewith including, without limitation, the execution and delivery of any and all documentation required to be delivered in connection with this Ordinance.

**Sections 11.00 – 15.00 Reserved.**

**ARTICLE III.  
HEADINGS, SAVINGS CLAUSES,  
PUBLICATION, EFFECTIVE DATE**

**Section 16.00 Headings.**

The headings for the articles, sections, paragraphs and subparagraphs of this Ordinance are inserted solely for the convenience of reference and form no substantive part of this Ordinance nor should they be used in any interpretation or construction of any substantive provision of this Ordinance.

**Section 17.00 Severability.**

The provisions of this Ordinance are hereby declared to be severable and should any provision, clause, sentence, paragraph, subparagraph, section or part of this Ordinance be determined to be in conflict with any law, statute or regulation by a court of competent jurisdiction, said provision clause, sentence, paragraph, subparagraph, section or part shall be excluded and deemed inoperative, unenforceable and as though not provided for herein, and all other provisions shall remain unaffected, unimpaired, valid and in full force and effect. It is hereby declared to be the legislative intent of the Village Board that this Ordinance would have been adopted had such unconstitutional or invalid provision, clause, sentence, paragraph, subparagraph, section or part thereof not been included.

**Section 18.00 Superseder.**

All code provisions, ordinances, resolutions and orders, or parts thereof, in conflict herewith are to the extent of such conflict hereby superseded.

**Section 19.00 Publication.**

A full, true and complete copy of this Ordinance shall be published in pamphlet form or in a newspaper published and of general circulation within the Village as provided by the Illinois Municipal Code, as amended.

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**Section 20.00 Effective Date.**

This Ordinance shall be in full force and effect upon its passage, approval and publication, as provided by law.

On The Individual Poll And Voice Vote Of The Board Of Trustees:

AYE VOTES: Trustee Prignano, Trustee Mota, Trustee Taconi,  
Trustee Anguiano, Trustee Abruzzo

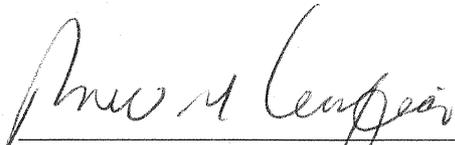
NAY VOTES:

ABSTAIN:

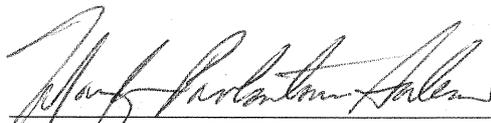
ABSENT: Trustee Italia

SO PASSED, ADOPTED, APPROVED AND ENACTED IN AND AT THE VILLAGE  
OF MELROSE PARK, COUNTY OF COOK, STATE OF ILLINOIS, THIS NINTH DAY OF  
NOVEMBER, 2009, A.D.

APPROVED:

  
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RONALD M. SERPICO  
VILLAGE PRESIDENT

ATTEST:

  
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Mary Ann Paolantonio Salemi  
Village Clerk

(SEAL)

Recorded in the Municipal Records: November 9, 2009  
Published in Pamphlet Form: November 10, 2009