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

ORDINANCE NO. 973

**AN ORDINANCE ESTABLISHING CERTAIN REGULATIONS FOR
CONDOMINIUM CONVERSIONS IN 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 8TH DAY OF MAY 2006

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

Board Of Trustees

**JOHN S. CONTEDEUCA
CATHLEEN COSSIDENT ITALIA
THOMAS KLEIN
RUBEN LOMELI
ARTURO J. MOTA
ANTHONY J. PRIGNANO**

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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 9th day of MAY 2006**

ORDINANCE NO. 973

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FOR CONDOMINIUM CONVERSIONS IN THE VILLAGE OF
MELROSE PARK, COUNTY OF COOK, STATE OF ILLINOIS.**

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

WHEREAS, the Village President, the Honorable Ronald M. Serpico, the Village Clerk, the Honorable Mary Ann Paolantonio Salemi, having taken office on May 2, 2005 and the Village Board of Trustees, the Honorable John S. Conteduca, Cathleen Cossident Italia, Tom "T.K." Klein, Ruben Lomeli, Trustee Arturo J. Mota and Anthony J. Prignano, having taken office on May 2, 2005, constitute the duly elected, qualified and acting officials of the Village; and

WHEREAS, the President and Board of Trustees of the Village of Melrose Park, County of Cook, State of Illinois (hereinafter “Village”), recognize that equity ownership of multi-family dwellings is a positive development for the Village and, within certain limits, such ownership should be encouraged; and

WHEREAS, because of the unique nature of condominium ownership and the age of existing multiple-family dwelling stock in the Village, it is further concluded that the

quality of housing and the rights of the condominium purchaser should be protected by the introduction of regulatory elements into the condominium conversion process; and

WHEREAS, the President and Board of Trustees of the Village of Melrose Park recognize the need to regulate conversion of rental properties into condominium units; and

WHEREAS, it is in the best interests of the residents of the Village to maintain the quality of the Village's multi-family housing units and to address, whenever possible, the shortage of available parking and the issue of traffic congestion; and

WHEREAS, introducing regulatory elements into the condominium conversion process will facilitate Village inspections of condominium conversion projects and, thus, reduce the possibility of a condominium or condominium project containing material defects that would have an adverse effect on the safety of its occupants or neighboring property; and

WHEREAS, introducing regulatory elements into the condominium conversion process will serve to prevent increased on street vehicle parking issues that would place an unreasonable burden upon unit owners and neighboring property owners; and

WHEREAS, The Illinois Condominium Act, 765 ILCS 605, (hereinafter the "Illinois Condominium Act") governs the conversion of properties into condominiums within the State of Illinois; and

WHEREAS, the Illinois Senate and House recently amended the Illinois Condominium Act by addition of SB 1219 (765 ILCS 605/30.5) which allows non-home rule municipalities to adopt regulatory elements with regard to inspection of apartment buildings prior to conversion to condominium units.

WHEREAS, SB 1219 (765 ILCS 605/30.5) also requires condominium conversions to comply with the current life safety, building and zoning code and ordinances of the municipality; and

WHEREAS, the President and Board of Trustees of the Village of Melrose Park find that it is in the best interest of the health, safety and welfare of the residents of the Village of Melrose Park to introduce regulatory elements into the condominium conversion process which are aimed at the protection of the rights of the condominium conversion unit purchasers and preserving and improving the quality of housing and parking within the Village; and

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

**ARTICLE I.
IN GENERAL**

Section 01. Adoption of the Illinois Condominium Act

The terms, provisions and conditions of the Illinois Condominium Act, 765 ILCS 605, are hereby adopted and made a part hereof and hereby incorporated herein by reference.

Section 02. Incorporation Clause.

The President and Board of Trustees of the Village (the "Village Board") hereby find that all of the recitals hereinbefore stated as contained in the preambles to this Ordinance are full, true and correct and does hereby, by reference, incorporate and make them part of this Ordinance.

Section 03. Purpose.

The purpose of this Ordinance is to adopt regulatory elements with regard to condominium conversions for the Village of Melrose Park.

Section 04. Invocation of Authority.

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

Section 05. 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 06-09. Reserved.

**ARTICLE II.
DEFINITIONS**

Section 10.00 Definitions.

For the purposes of this Ordinance, the following words and phrases shall have the meanings ascribed to them by this section:

Agent means any person, firm, corporation, association, joint venture or any other entity or any combination thereof who represent or act for or on behalf of an owner and/or developer on the sale or offer of sale of any condominium unit, excepting an escrow officer acting for a title company.

Association means the unit owners acting as a group in accordance with the By-laws of the Association and the Condominium Declaration.

Certificate of Code Compliance means a written instrument issued by the Village as evidence of a condominium project's compliance with the requirements of this Ordinance and all applicable zoning, building and/or other life safety code standards of the Village.

Closing means the act of transferring ownership of a condominium unit to the purchaser from the owner and/or developer.

Code Inspection Report means a written report issued by the Village as evidence that all units and common elements in a condominium project have been inspected for compliance with all applicable zoning, building and/or other life safety code standards of the Village.

Common Elements or Areas means all portions of the condominium property, including limited common elements, except the condominium units.

Condominium means a form of property established pursuant to the Illinois Condominium Property Act.

Conditional Certificate of Code Compliance means a written instrument issued by the Village, at its sole discretion, for those portions of a condominium project which have not met all the requirements of this Ordinance but which substantially comply with this Ordinance and all applicable zoning, building and/or other life safety code standards of the Village.

Condominium Project means the sale of or plan by an owner and/or developer to sell or offer for sale residential condominium units, commercial condominium units, or business condominium units, or any combination thereof, in an existing building or any modification or reconstruction of an existing building.

Condominium Unit or Unit means a separate three-dimensional area within a condominium building, identified as such in the declaration and on the condominium plat, and shall include all improvements contained within such area except those excluded in the declaration.

Conversion, Convert, or Like Words means the offering for sale by an owner and/or developer or their agent of a condominium unit or building containing such units.

Developer means any person or entity who/which undertakes to develop a condominium unit or building by conversion.

Director means The Director of Public Works or his authorized representative.

Limited Common Elements means a portion of the common elements so designated in the declaration as being reserved for the use of a certain unit or units to the exclusion of other units, including, but not limited to, balconies, terraces, patios and parking spaces or facilities.

Offering means any inducement, solicitation, advertisement or announcement to encourage the purchase of a condominium unit in a condominium or prospective condominium.

Owner means the titleholder of property being converted to a condominium.

Partial Certificate of Code Compliance means a written instrument issued by the Village, as evidence of an individual condominium unit's compliance with this title.

Parking Space means a space: (1) dedicated exclusively to the location or storage of a motor vehicle, and; (2) which is in substantial compliance with the requirements of the standards for Parking established in this Ordinance and the Parking Code and ordinances of the Village. The Director shall establish a schedule defining "substantial

compliance” with this definition, which schedule shall be revised from time to time and made available to the public.

Person means a natural individual, corporation, partnership, trustee or other legal entity capable of holding title to real property.

Property and/or Building shall mean all structures and the lot occupied or utilized by all structures in or on which any condominium project is proposed.

Prospective Purchaser means a person who investigates the condominium project site for the purpose of inspection for possible purchase.

Other Definitions to the extent not set forth in this section, the definitions set forth in the Illinois Condominium Act shall apply.

ARTICLE III CONDOMINIUM CONVERSION MEETING

Section 11.00 Condominium Conversion Meeting

- A. The developer shall schedule an informational meeting with the Director of Public Works at least ninety (90) days prior to filing the declaration, pursuant to the Illinois Condominium Property Act, or within thirty (30) days of providing notice to tenants of an existing building of the developer’s intention to file a declaration to convert such building to a condominium building in accordance with the Illinois Condominium Property Act.

The purpose of the meeting will be for the Village to provide the developer and developer’s agents with information concerning the application of the Village’s fair housing and condominium development laws and regulations to the developer’s condominium development.

**ARTICLE IV
CERTIFICATION AND CODE INSPECTIONS**

Section 12.00 Certification and Code Inspections

- A. No existing building or part thereof, shall be submitted to the provisions of the Illinois Condominium Property Act nor shall an existing apartment be offered for sale or sold as a proposed condominium unit without the prior issuance of a certificate of code compliance, conditional certificate of code compliance, or partial certificate of code compliance issued pursuant to this Ordinance.
- B. A developer shall, sixty (60) days prior to the submission of a property to the provisions of the Illinois Condominium Property Act and/or offering an existing apartment for sale as a proposed condominium unit, file a written notice of intent to convert with the Director of Public Works. The notice shall include a current survey of the subject property, the address of the subject property, a description of the subject units, the names and telephone numbers of all existing occupants and the current property owner if other than the developer. The developer shall timely provide such other information regarding the condition of the proposed development of the property, as the Director of Public Works shall reasonably request.
- C. A code inspection of the property, including the exterior of the subject property, all projected condominium units, common elements, parking areas and facilities, shall be scheduled by agreement between the developer and the Director of Public Works, or his designated representative, when the notice of intent to convert is received. The inspection shall include compliance with all applicable zoning, building and/or other life safety codes. The Director shall issue a written code inspection report after any inspection or re-inspection and immediately mail a copy to the applicant at the address provided. The inspection fee for each inspection or any re-inspection shall be One Hundred Fifty Dollars and 00/100 (\$150.00) per unit.
- D. Prior to commencement of construction, conversion or alteration, the developer shall make application for and receive any and all necessary building permits, variances, zoning relief or other Village requirement necessary prior to commencement of construction, conversion or alteration of the subject property.
- E. No certificate of code compliance shall issue until the Director of Public Works finds:

1. That the subject property is in compliance with this Ordinance and all applicable zoning, building and/or other life safety code standards of the Village, and
 2. That the subject property has two (2) off street parking spaces provided per one (1) condominium conversion unit. A waiver of this requirement may be obtained by payment of a fee in the amount of Five Thousand Dollars and 00/100 (\$5,000.00) per parking space deficiency into the Village of Melrose Park Parking Reserve Fund.
 3. That the subject property has one (1) guest parking spot provided per every six (6) condominium conversion units. The guest parking spot may be an on street parking spot. A waiver of this requirement may be obtained by payment of a fee in the amount of Five Thousand Dollars and 00/100 (\$5,000.00) per parking space deficiency into the Village of Melrose Park Parking Reserve Fund.
 4. At least one parking space must be supplied as part of the sale of each condominium conversion unit.
 5. Additional parking spaces may be sold to condominium conversion unit owners. However, condominium conversion unit owners may not own more than two (2) parking spaces per condominium conversion unit.
- F. Any code violations and deficiencies detected during an inspection of projected condominium conversion units and common elements and facilities should be corrected by the developer at least thirty (30) days prior to the closing of a sales contract on any condominium unit to provide the Director of Public Works with adequate time to perform a re-inspection of the premises and prepare the inspection report and certificate for delivery to the prospective purchaser by the developer at or prior to closing as required by this Ordinance. Said corrections shall be evidenced by a code inspection report and certificate of code compliance.
- G. If substantial rehabilitation is being performed as part of a conversion to condominium, the Director of Public Works may issue a partial certificate of code compliance to permit the closing of sales contracts for those condominium units in which rehabilitation is complete and all code violations are corrected. Partial certificates also may be issued for common elements and facilities on which rehabilitation is complete and all code violations are corrected. However, prior to the issuance of a certificate of code compliance for the entire property, a re-inspection shall be made on all common elements and facilities and units for which sales contracts have not been closed. Any recurrence of code violations in the common elements and facilities covered by a partial certificate of code compliance shall be

corrected by the developer at the developer's expense unless control of the building has passed to the Board of Managers.

- H. The Director of Public Works may issue a conditional certificate of code compliance for those condominium units and/or common elements and facilities not in compliance with Section 12.00 (E) if the following conditions are met:
1. A detailed written plan has been submitted providing for compliance with Section 12.00 (E) within the time required by any planned development or building permit, and;
 2. Compliance with the plan is secured by a performance bond, letter of credit or escrow issued by or with an approved institution and in an amount equal to at least 110% of the estimated total cost of completion.
 3. Any failure to comply with a written plan submitted pursuant to this section shall be a basis for revocation of any conditional certificate issued pursuant to such plan and/or the imposition of penalties provided in this Ordinance on or with respect to any unit(s) and/or common areas not in compliance.
- I. The Director of Public Works may extend any deadline and allow additional time for compliance for good cause shown. Any such extension must be in writing and shall not be deemed a waiver or estoppel by or against the Village. In the event an extension is allowed, any security provided shall be appropriately modified as a condition precedent.
- J. Until such time as all units in a condominium property are sold, the Director of Public Works shall conduct annual building inspections of all common elements, all common facilities, and at least ten percent (10%) (but never less than one unit) of the unsold condominium units.
- K. Subsequent to the sale of all condominium units, the Director of Public Works shall conduct an annual inspection of all the common elements and facilities of a condominium property. The condominium building shall be subject to all applicable Village Code and Ordinances that may be enforced as to the developer, unit owners, Board of Managers or any other person to whom the ordinances are applicable.
- L. A developer shall be required to provide a prospective purchaser with a copy of any code inspection report, certificate of code compliance, partial certificate of code compliance, or conditional certificate of code compliance

prior to the closing of a condominium unit sales contract. All condominium sales contracts shall contain the following provision:

The Village of Melrose Park Condominium Conversion Ordinance requires that the condominium property and your unit be inspected for conformity with Village Codes and Ordinances. It also requires that the person contracting to purchase have the opportunity to review the code of inspection report and the applicable code certificate by the Village.

- M. A tenant shall not unreasonably withhold consent to the developer or Village to enter the unit in order to comply with or enforce the provisions of this Ordinance. Except in case of emergency, or unless otherwise provided in the lease, a tenant shall be given at least two (2) days' notice by the developer of its intent to enter the unit for purposes of inspection.
- N. Unless the tenant consents, or the lease otherwise provides, a developer shall not undertake construction for conversion of a unit while it is occupied by a tenant, or create any unreasonable disruption of the common areas, including but not limited to restricting access thereto, or interfere with the quiet use and enjoyment of the premises.
- O. If consent is withheld in violation of this section, the Village may seek appropriate relief from the Circuit Court for the purpose of enforcing this Ordinance.
- P. No certification, or other approval shall issue if property is submitted to the provisions of the Illinois Condominium Property Act in violation of this Ordinance. No certification, or other approval shall issue unless all water bills and Village liens outstanding with respect to any building, or any part thereof, being developed are paid or adequate surety is provided.
- Q. That the Village has issued a certificate shall not be deemed a finding that the Village has in any way passed upon the merits or given approval to the condominium project. It shall be unlawful to make or cause to be made to a prospective purchaser any representation contrary to the foregoing.

The following provision shall be reprinted on every certificate issued by the Village pursuant to this title:

By virtue of the issuance of this certificate, the Village does not guarantee the condition of the subject property, or its suitability or fitness for the purpose for which it is being sold or transferred, and the Village shall not be responsible or liable for any claims

arising out of the condition of the property or any defects or deficiencies therein.

ARTICLE V WARRANTIES

Section 13.00 Warranties

- A. Any developer of a property submitted subject to the provisions of the Illinois Condominium Property Act shall be required to provide a warranty against any defects in the following property components:
 - 1. Roof
 - 2. Foundation
 - 3. External and supporting walls
 - 4. Central heating plant
 - 5. Elevator(s)
- B. Said warranty shall cover the defects listed in this Section for a period of fifteen (15) months from the date control of the condominium property passes to the Board of Managers.
- C. Repair or replacement of the defects listed in this Section shall be performed in a timely manner by the developer following notification by the Board of Managers.
- D. Warranty coverage shall not include the cost of normal, routine maintenance of the property components listed in this Section or defects caused by fire (not related to any breach of warranty), acts of God, vandalism, or negligence of a unit owner.
- E. To assure compliance with this Section, the developer shall, at the time of each closing, place in escrow, with an Illinois licensed title insurance company mutually acceptable to the Village and the developer, a sum equal to two percent (2%) of the total of the unit sale price. Said sum shall remain in escrow for a period of not less than fifteen (15) months from the date control of the condominium project passes to the Board of Managers and all interest earnings on the sum held in escrow shall accrue solely to the developer. The developer shall notify the Village Clerk by registered or certified mail that control of the condominium project, has passed to the Board of Managers within five (5) days of the passage control. At least sixty (60) days prior to the termination of the escrow period, the developer shall

notify the Board of Managers and the affected unit owners by certified mail of the date upon which the escrow will terminate. If the required prior notice has been given and no notice of claim by any unit owner is received within the fifteen (15) month period, the funds in escrow shall be returned to the developer. If notice of claim is received by the escrowee, funds shall be retained in escrow in the amount of the claim until the claim is adjusted between the claimant and the developer or until the validity of the claim is determined by court action.

ARTICLE VI PENALTIES

Section 14.00 Penalties

- A. Any person or entity violating any of the provisions of this Ordinance shall, upon conviction thereof, be fined not less than one hundred dollars nor more than seven hundred fifty dollars for each offense. Each violation of the provisions of this Ordinance and each day such violation shall continue shall be deemed a separate and distinct offense.
- B. The remedies provided in this Ordinance shall be cumulative and in addition to provisions and remedies provided elsewhere in the Village Code and Ordinances regarding zoning, building and/or other life safety regulations.
- C. The developer, the unit owner and the Association shall be liable for violations occurring in a unit and each may be cited for any individual violation. The developer and the Association shall be liable for violations occurring in common areas and each may be cited for any individual violation.
- D. In addition to the imposition of a fine, the Village may seek injunctive relief to prevent a violation of this title, including, but not limited to enjoining the occupancy and/or sale of any building or unit.

**ARTICLE VII
APPEALS**

Section 15.00 Appeals

- A. All reports and decisions of the Director of Public Works made pursuant to this title shall be made timely and in writing. Any decision of the Director of Public Works regarding this Ordinance may be appealed to the Planning Zoning Board of Appeals.

- B. Appeals shall be heard in a timely manner. Appeals must be made in writing to the Village President and filed with the Village Clerk within ten business days of the issuance of the memorandum of the action appealed. The burden of proof shall be on the appellant. No decision of the Director of Public Works shall be reversed or modified unless the Planning Zoning Board of Appeals finds that the Director of Public Work's action or interpretation of the Village Code and Ordinances was clearly erroneous. The Planning Zoning Board of Appeals shall timely report its decision in writing to the Village President and Board of Trustees and the appellant. The decision of the Planning Zoning Board of Appeals shall be final and binding.

- C. All reports and decisions of the Director of Public Works and decisions of any Planning Zoning Board of Appeals made pursuant to this Ordinance shall be sent immediately to the applicant/appellant by mail and, if an address within the Village is provided, also by delivery.

**ARTICLE VIII
SAVINGS CLAUSES,
PUBLICATION, EFFECTIVE DATE**

Section 16.00 Headings.

The headings for the articles, sections, paragraphs and sub-paragraphs 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 provisions of this Ordinance.

Section 19.00 Effective date

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

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

AYE VOTES: Trustee Conteduca, Trustee Italia, Trustee Klein,
Trustee Lomeli, Trustee Mota

NAY VOTES:

ABSTAIN:

ABSENT: Trustee Prignano

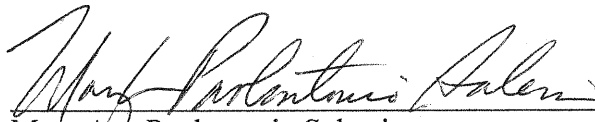
SO PASSED, ADOPTED, APPROVED AND ENACTED IN AND AT THE
VILLAGE OF MELROSE PARK, COUNTY OF COOK, STATE OF ILLINOIS, THIS
EIGHTH DAY OF MAY, 2006 A.D.

APPROVED:



RONALD M. SERPICO,
VILLAGE PRESIDENT

ATTEST:



Mary Ann Paolantonio Salemi
Village Clerk

(SEAL)

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