



## Legislation Details (With Text)

**File #:** 18-942      **Version:** 1

**Type:** Ordinance      **Status:** Passed

**File created:** 10/25/2018      **In control:** City Council

**On agenda:** 11/7/2018      **Final action:** 11/7/2018

**Title:** Waive first reading and pass the ordinance repealing Ordinance 16-42, adopted by City Council on August 16, 2016, amending section 6-2-15 of the Naperville Municipal Code (requires six positive votes)

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Ordinance Repealing Ordinance 16-162

Date	Ver.	Action By	Action	Result
11/7/2018	1	City Council	passed	Pass

### CITY COUNCIL AGENDA ITEM

#### **ACTION REQUESTED:**

Waive first reading and pass the ordinance repealing Ordinance 16-42, adopted by City Council on August 16, 2016, amending section 6-2-15 of the Naperville Municipal Code (requires six positive votes)

**DEPARTMENT:** Legal Department

**SUBMITTED BY:** Kristen Foley, Senior Assistant City Attorney

#### **BOARD/COMMISSION REVIEW:**

N/A

#### **BACKGROUND:**

On August 16, 2016, in response to complaints about unlawful boarding facilities and to aid in the enforcement of the zoning ordinance requirements for boarding facilities, City Council adopted Ordinance 16-162 requiring boarding facilities to provide inspections and written leases upon request.

Ordinance 16-162 added the following language to section 6-2-15:1.1 of the Naperville Municipal Code: "and as determined by the City's inspection of said shared home. The property owner shall allow the City or its agents to enter the premises for inspection purposes only within seven (7) business days of receipt of a written notice for inspection forwarded by certified mail, return receipt requested, to the property owner of record. Notwithstanding other lease types provided in Section 1-3-5 of the Naperville Municipal Code, a single written lease including all tenants living within the premises of a shared home, as defined herein, shall be required for the rental of said facility, for any lease term. A written lease need not be filed with the City of Naperville but must be kept by lessor

and furnished for examination upon require by the City.”

**DISCUSSION:**

In the two years since the passage of Ordinance 16-162, the requirement of written leases and inspections has proved to be an ineffective tool in the enforcement of unlawful boarding facilities. It is recommended that this language be removed by repealing Ordinance 16-162. The enforcement of unlawful boarding facilities can be effectuated through other means, including the standards that define boarding facilities in the zoning ordinance.

**FISCAL IMPACT:**

None