

VILLAGE OF BANNOCKBURN

ORDINANCE NO. 2009-30

AN ORDINANCE ESTABLISHING TRANSFER COMPLIANCE INSPECTIONS

Adopted by the
President and Board of Trustees
of
the Village of Bannockburn
this 27th day of July, 2009

Published in pamphlet form by direction
and authority of the Village of Bannockburn,
Lake County, Illinois
This 27th day of July, 2009

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BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF BANNOCKBURN, COUNTY OF LAKE, STATE OF ILLINOIS, as follows:

SECTION ONE: Recitals; Purposes.

A. The Village of Bannockburn (the "**Village**") is a home rule municipality as defined by Article VII of the Illinois Constitution of 1970.

B. The Village operates a potable water system (the "**Water System**"), a sanitary sewage collection system (the "**Sewer System**"), and stormwater management system (the "**Stormwater System**") that serve the various premises within the Village (collectively, the "**Systems**").

C. The Village has adopted several ordinances to regulate the uses of and services from the Systems, including without limitation Ordinance No. 03-08, as amended, being the "The Bannockburn Water Systems and Facilities Regulations" (the "**Water System Ordinance**"), and Ordinance No. 77-9.12.1, as amended, being the "Storm and Sanitary Sewerage Systems and Facilities Regulations," which ordinance has been amended from time to time (the "**Sewer System Ordinance**"), and Ordinance No. 92-45, as amended, being the " An Ordinance Establishing Stormwater Regulations in the Village of Bannockburn," (the "**Stormwater System Ordinance**") (which various ordinances are collectively referred to as the "**Village Ordinances**").

D. Premises within the Village that are not in compliance with the Village Ordinances may create undue burdens on the Systems and impose unwarranted costs upon the Village and its residents.

E. The Village has also adopted regulations relating to buildings and structures in the Village, including without limitation Bannockburn Ordinance No. 2008-46, as amended ("**Building Code**"), and the Bannockburn Zoning Code, as amended (the "**Zoning Code**"), (collectively, the Building Code and Zoning Code are referred to as the "**Development Regulations**").

F. Premises within the Village that are not in compliance with the Development Regulations may, *inter alia*, affect the absorptive capacity of the soils in the Village and otherwise alter the natural overland drainage routes in ways that adversely affect neighboring property owners and the Systems.

G. The Village hereby establishes a compliance process by which premises within the Village will, prior to the transfer of ownership, be subject to physical inspection and review for compliance with the Village Ordinances or Development Regulations (the "**Compliance Inspection**"). To the extent areas of noncompliance are identified, appropriate corrective action can be taken prior to any transfer.

H. The Compliance Inspections are intended to protect the general public health, safety, and welfare by addressing areas of noncompliance that may adversely affect the Systems.

I. Prospective purchasers who acquire premises in Bannockburn which do not have a valid Compliance Certificate (as hereinafter defined) at the time of closing are deemed to assume joint and several responsibility for all conditions on such premises and all obligations that the seller-transferor may have *vis-à-vis* the Village.

J. The President and Board of Trustees have determined that it is in the best interests of the Village and its residents to require a Compliance Inspection prior to the transfer of any real property as set forth in this Ordinance.

SECTION TWO. Compliance Inspections; Compliance Certificates.

A. Compliance Inspections Required. Prior to any grant, conveyance, or transfer of interest of real property within the Village (the "**Premises**") for which a transfer declaration is required pursuant to 35 ILCS 200/31-1 *et seq.* (a "**Transfer**"), the party transferring the interest (the "**Transferor**") shall be required to (i) notify the Village in writing of the impending transfer (a "**Transfer Notice**") at least 10 business days prior to the scheduled closing date for such Transfer (or such longer period as may be prescribed pursuant to Section 2.E of this Ordinance) and (ii) schedule a Compliance Inspection. Such Transfer Notice shall include the name of the person or entity to which the Premises is to be transferred (the "**Recipient**") and the anticipated closing date for the Transfer. Following receipt of such Transfer Notice, the Village, or its authorized agent, will conduct the Compliance Inspection, which will include an on-site inspection of the Premises to identify any conditions of noncompliance relating to the Premises under the Village Ordinances and Development Regulations, including a review of Village records to determine whether any fees, charges, rates, penalties, fines, obligations, liabilities, permits, inspections, or violations relating to the Premises are outstanding ("**Conditions of Noncompliance**"). After the Village, or its authorized agent, conducts the Compliance Inspection, the Village will notify the Transferor of any Conditions of Noncompliance identified as part of the Compliance Inspection relating to or arising from the Premises and direct the Transferor to take appropriate action to resolve such Conditions of Noncompliance. Following corrections of any such Conditions of Noncompliance, a follow-up Compliance Inspection will be conducted. After the Conditions of Noncompliance have been fully resolved, the Village will issue a certificate signifying that the Premises have satisfied the Compliance Inspection with respect to the Village Ordinances and Development Regulations as of the inspection date (the "**Compliance Certificate**"), which Compliance Certificate shall remain valid with respect to any Transfer occurring within 90 days after its issuance.

B. Responsibility of Transferor. In the absence of a Transfer Notice and issuance of a Compliance Certificate, the Transferor will remain liable for any and all Conditions of Noncompliance accrued under the Village Ordinances and Development Regulations prior to the Transfer that involve outstanding payments or penalties. If, however, there is a valid Compliance Certificate as of the closing date of a Transfer, then the Transferor will be deemed to have no responsibility for any Conditions of Noncompliance identified after the date of the Transfer.

C. Responsibility of Recipient. If no Compliance Certificate is issued by the Village prior to the Transfer, the Recipient will be deemed to have assumed responsibility for all Conditions of Noncompliance with respect to the Premises, including joint and several responsibility for outstanding payments and penalties, irrespective of the contribution of the Recipient to creating or causing the Conditions of Noncompliance. If there is a valid Compliance Certificate as of the closing date of a Transfer, then the Recipient will be released from any Conditions of Noncompliance (including any outstanding payments or penalties) associated with the Premises and accruing under the Village Ordinances and Development Regulations prior to the Transfer. Nothing in this Section 2.C shall preclude the Village from enacting or enforcing regulations with respect to nonconforming conditions on any Premises.

D. Compliance Inspection Fee. The Village hereby establishes a fee for the initial Compliance Inspection of \$ 100 for residential property and \$.10 per square foot for commercial property. For any follow-up Compliance inspection, a fee of \$50 shall be paid. Such fees shall be paid prior to issuance of any Compliance Certificate.

E. Implementation. The Village Manager may establish such regulations and forms that are necessary or convenient in the implementation of this Ordinance. Such regulations may include time periods within which Transfer Notices must be submitted and within which Conditions of Noncompliance must be corrected.

SECTION THREE. Recordation Against Village Properties. The Village Clerk is hereby authorized and directed to cause a certified copy of this Ordinance to be filed with the Lake County Recorder of Deeds and recorded against all real property within the Village.

SECTION FOUR. Effective Date. This Ordinance shall be in full force and effect from and after the date of its passage, approval, publication in pamphlet form, and posting in the manner provided for by law.

PASSED THIS 27th DAY OF July, 2009.

AYES: Five: Kirby, Korner, Nordby, Orth, Rothing

NAYS: None

ABSENT: One: Boyle

APPROVED THIS 27th DAY OF July, 2009.

James Barkemeyer
Village President

ATTEST:

William Montgomery
Village Clerk

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