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AN ORDINANCE AMENDING TITLE 5 CHAPTER 1 OF THE ORLAND PARK VILLAGE CODE (BUILDING PERMITS AND FEES)

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WHEREAS, the Corporate Authorities of the Village of Orland Park, an Illinois home rule municipality (the “Village”) have the authority to adopt ordinances and to promulgate rules and regulations that pertain to the government and affairs and to protect the public health, safety and welfare of its citizens; and

WHEREAS, the Village has frequently experienced business owners and operators conducting business without first having procured from the Village a Certificate of Occupancy for the business premises, as well as lessors leasing the business premises to business owners and operators who then conduct business without first having procured from the Village a Certificate of Occupancy for the business premises; and

WHEREAS, the Village has experienced increased staff costs to monitor and determine that from time to time businesses are operating and conducting business without first having procured the required Certificate of Occupancy and, to recover those increased costs, the Village finds it necessary to increase the fee for processing and issuing a Certificate of Occupancy to those business owners or operators, or lessors to those business owners or operators, who failed to procure the required Certificate of Occupancy; and

WHEREAS, the Village has determined that the amendments set out below are in the best interests of the Village and its residents and will enhance the public health, safety and welfare.

NOW, THEREFORE, Be It Ordained by the Village President and Board of Trustees of the Village of Orland Park, Cook and Will Counties, Illinois, as follows:

SECTION 1:

The final sentence of the second paragraph of Title 5, Chapter 1, Section 5-1-4 (CERTIFICATE OF OCCUPANCY) is amended to provide as follows:

“A conditional certificate may be issued for the temporary use of a building or structure or portion thereof under the conditions set forth above, or the conditions set forth in Section 5-1-13, Paragraph 111.3, of this Code.”

SECTION 2:

Title 5, Chapter 1, Section 5-1-4 (CERTIFICATE OF OCCUPANCY) shall be further amended by amending the third paragraph thereof in its entirety to provide as follows:

“It shall be a violation of this Section for any person (which includes for purposes of this Section any individual, partnership, corporation, firm or entity which conducts, engages in,

maintains, operates, carries on or manages a business or occupation within the Village) to conduct, engage in, maintain, operate, carry on, or manage a business or occupation without a Certificate of Occupancy first having been procured from the Village for the premises of such business or occupation. The fee for processing and issuing a Certificate of Occupancy (see Section 5-2-9 of this Chapter) shall be doubled for any person not having procured a Certificate of Occupancy for the premises as required by this Section prior to maintaining, operating, carrying on or managing a business. In addition, any person, as lessor or landlord, leasing or renting out the business premises to a business owner or operator (“tenant”) who has not procured a Certificate of Occupancy, as required by this Section, prior to maintaining, operating, carrying on or managing the business shall be subject to a fine of up to \$5,000.00 in accordance with the fine schedule located in Appendix B, for each offense of which such person shall be convicted. Each tenant found to be maintaining, operating, carrying on or managing a business without having first procured a Certificate of Occupancy shall constitute a separate offense.

SECTION 3:

APPENDIX B: FINE SCHEDULE appearing at the end of this Code shall be amended by adding thereto the following:

“APPENDIX B: FINE SCHEDULE

Title and Chapter	Ordinances	Fine Ranges	
Title 5 Chapter 1 – Building Code	_____5-1-4	First offense	\$1,500.00
		Second offense	\$3,000.00
		Third offense	\$5,000.00

SECTION 4:

All ordinances or parts of ordinances in conflict herewith are, to the extent of such conflict, hereby repealed.

SECTION 5:

If any section, subsection, sentence, clause or phrase of the Ordinance is for any reason held to be invalid, such decision or decisions shall not affect the validity of the remaining portions of this Ordinance.

SECTION 6:

This Ordinance shall be in full force and effect from and after its adoption, approval and publication in pamphlet form as provided by law.

SECTION 7:

The Village Clerk be and hereby is authorized and directed to publish this Ordinance in pamphlet form.