

ORDINANCE NO. 3641

**AN ORDINANCE AMMENDING THE HOUSING CODE**  
**FOR NON-OWNER-OCCUPIED DWELLINGS**  
**IN THE CITY OF MARION**

WHEREAS The City finds it necessary, on occasion, to amend and update sections of the Marion City Code; and

WHEREAS The City finds it necessary to amend Ordinance Numbers 3265 and 3076A so codified in Title 10, Chapter 6 of the City Code;

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MARION, ILLINOIS THAT THE FOLLOWING AMENDMENTS ARE MADE:

**I. Section 10-6-6 titled “DEFINITIONS” is amended with the following changes:**

A. A new definition to be added with the following language:

CONTRACT FOR DEED: Any Installment sales contract or agreement, bond for deed, or any other sale or legal device whereby a seller agrees to sell and the buyer agrees to buy a residential real estate, in which the consideration for the sale is payable in installments for a period of at least one year after the date of sale, and the seller continues to have an interest or security for the purchase price or otherwise in the property.

B. the word “LET” is amended by replacing the existing definition with the following language:

LET: Any lease, agreement or arrangement permitting occupancy or use; this term also includes any contract for deed, or agreement to purchase, or unrecorded deed permitting occupancy or use of a dwelling unit. *(deleted language exempting property receiving homestead exemption)*

C. The word “OWNER” is amended by replacing the existing definition with the following language:

OWNER: Any person or entity who shall have a legal, equitable or beneficial interest in the subject real estate, or any improvements thereto; or a reversionary leasehold interest in the subject real estate, or any improvements thereto; or a capacity to manage the subject real estate or any improvements thereto pursuant to an order of court, power, or agreement. An Owner includes a seller on an installment sales contract or contract for deed.

D. The word “DWELLING” is amended by replacing the existing definition with the following language:

DWELLING: Any building which is wholly or partly used, designed, or intended to be used for living or sleeping by human occupants; provided that "temporary housing" as hereinafter defined shall not be regarded as a dwelling. This includes Rental Dwellings and Dwellings under an Installment Sales Contract or Contract for Deed.

## **II. The following new Section is added after the Section titled “Definitions”:**

### DUTY TO REGISTER

- A. All Owners shall register annually with the City of Marion Building and Codes Services Department.
- B. The Owner must register the name, phone number and current mailing address for the owner and any designated agent. The Owner must also provide a current and active email address for receiving electronic notices from the City.
- C. The registration must also include a list of all properties owned for rental property, property let to another for occupancy in any dwelling or dwelling unit, or property sold by an installment sales contract or contract for deed. The list shall also contain the Street Address of the property, whether the property is vacant and if not, the name of the tenant, and whether it is a rental agreement or an installment sales contract.
- D. All registrations are to be filed or updated with the Building and Code Services Department no later than January 31 of each year.

## **III. Subsection A and C of Section 10-6-16 titled “Mandatory Rental Dwelling Inspection Program” is amended by replacing Subsection A with the following new language and C1e is added to Subsection C as follows (the remainder of Subsection C remains the same):**

- A. Inspection Required: Except as hereinafter provided, no person shall lease, let, contract for deed or otherwise permit occupancy of any rental dwelling within the city, unless the rental dwelling has been inspected by the building and inspection department and/or fire department and an occupancy permit has been issued for the property. Marion City Water service will not be turned on without such occupancy permit being provided to the water office for verification. Any person who leases to another any rental dwelling on or before the effective date of this chapter may continue leasing said rental dwelling without an inspection and a certificate of occupancy for a period of one year from the effective date of this chapter. In addition, any owner who converts the usage of an owner occupied dwelling to a rental dwelling during the five (5) year period subsequent to the effective date of this chapter may lease said rental dwelling without an inspection and a certificate of occupancy for a period of one year from date of conversion of the owner occupied dwelling to a rental dwelling. No

contract for deed shall be executed and recorded without first passing the inspection and receiving the certificate of occupancy or occupancy permit.

C. Frequency, Access For And Notice Of Inspection:

1. All rental dwellings shall be inspected by the employees or agents of the building and inspection department and fire department at least once every three (3) years. Inspections may occur more frequently provided there is:
- e. A change in status or ownership of an installment sales contract or contract for deed.

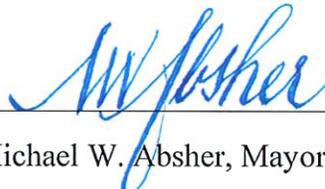
**IV. The following new Section is added following the Section titled "Mandatory Rental Dwelling Inspection Program":**

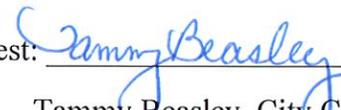
CONTRACT FOR DEED REQUIRED TO BE RECORDED:

- A. All Installment Sales Contracts and Contracts for Deed are required to be recorded at the Williamson County Clerk and Recorder's Office pursuant to 765 ILCS 67/20 within ten (10) days of the date of sale.
- B. A copy of all active Installment Sales Contracts and Contracts for Deed shall be provided to the Building and Codes Services Department.

Passed and Approved by the Marion City Council this 24<sup>th</sup> day of August, 2020.

Signed by the Mayor this 24<sup>th</sup> day of August, 2020.

  
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Michael W. Absher, Mayor

Attest:   
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Tammy Beasley, City Clerk