

## CHAPTER 25.

### CONDOMINIUM CONVERSION (Amended in its Entirety by Ord. 18-29)

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#### Article I. Conversion to Condominium Use or Ownership.

##### Sec. 25-1. Definitions.

**Applicant** or **Developer** shall mean any person desiring to convert a multiple family dwelling to condominium use or ownership.

**Persons, unit owner, unit, common elements, property, declaration, and plat** shall have the definitions and meanings ascribed to them in the Condominium Property Act (765 ILCS 605/1 *et seq.*)

**Sell, sale** and **sold** include soliciting, advertising or offering for sale.

**Code** includes: 1981 N.F.P.A. Life Safety Code 101, Chapter 19, Addison Zoning Ordinance O-73-10, Addison Housing Code and Addison Building Code.

**Enforcement agencies** includes the Village of Addison Building Department, Addison Fire Protection District and Village Engineer.

**Sec. 25-2. Sale of Condominium Unit.**

No unit located within the Village of Addison shall be converted to condominium use under the provisions of the Condominium Property Act until this ordinance, including the issuance of a Condominium Conversion Occupancy Permit, has been complied with. Condominium zoning is considered zoning is considered a multiple zoning classification, and evidence of a satisfactory fire and safety inspection performed within the last twelve (12) months will be required. No conversion shall be allowed which would increase the density more than the original permit and zoning.

**Sec. 25-3. Application.**

Any person desiring to convert a multiple family dwelling to condominium use shall first apply to the Building Commissioner for a Condominium Conversion Occupancy Permit. The applicant shall submit with the application the declaration and plat pertaining to the property and a site development plan certified by a registered civil engineer. Application for a Condominium Conversion Occupancy Permit shall be valid for a period of one (1) year.

The Building Commissioner and Fire Protection District shall, thereupon, cause a visual inspection to be made of the unit and of the common elements to ascertain compliance with applicable codes as outlined under Section 25-1.

Except as otherwise contained in Section 25-5, no Condominium Conversion Occupancy Permit shall be issued, and no occupancy of a converted unit shall be allowed until the common elements pertaining thereto are in compliance with the codes outlined in Section 25-1.

**Sec. 25-4. Conversion Occupancy Permit.**

After the inspection, as provided for above, has been completed and compliance with codes has been ascertained, the Building Commissioner shall issue a Condominium Conversion Occupancy Permit, usable for one (1) year only, to the applicant with respect to the common elements. The Building Commissioner shall also issue to such applicant clear and legible copies of said certificates.

**Sec. 25-5. Transfer of Certificate.**

Prior to the deed being conveyed to the buyer, the developer must give a copy of the certificate of inspection to the buyer. The developer shall maintain records of all Certificates of Inspection and present them upon request for examination to the Addison Building Department or Addison Fire Protection District. At the time of the last unit conversion sale, the developer shall transfer all certificates of inspection to the homeowner's association.

The Developer shall submit a copy of the Declaration of Condominium Ownership and By-laws after they are recorded for verification that the "Condominium Property Act" has been complied with.

The Developer shall submit an inspection report from a licensed electrical contractor stating that he has inspected the electrical system within the building and the system is in safe condition. Any aluminum wire used for branch circuit wiring must be removed. Any wiring system which was added without permits shall be brought up to current codes.

Exterior entrances and service doors shall have lights, and also hallways and parking lots.

**Sec. 25-6. Fees.**

The applicant shall pay a fee of one hundred dollars (\$100.00) for every ten (10) units or fraction thereof within the building for inspection of the common elements, plus a fee of ten dollars (\$10.00) for inspection of each unit.

**Sec. 25-7. Waiver of Responsibility.**

- (A) The intent of this Chapter is to ensure minimum Life Safety Requirements and Housing Standards. No warranty or certification of structural, plumbing, H.V.A.C., etc. is implied by the issuance of a Condominium Conversion Occupancy Permit.
- (B) Relief from Personal Liability. Any building official who acts in good faith in the discharge of his duties of enforcement of the Condominium Conversion Ordinance is relieved of all personal liability for any damage that may accrue to persons or property as a result of such acts or alleged failure to act. Further, he shall not be held liable for any costs in any action. The official shall be defended by the jurisdiction's attorney-at-law.

**Sec. 25-8. Inspection upon Warrant.**

Whenever the Building Official or Fire Protection District, upon presentation of proper credentials and request for entry to inspect, is refused access to any building undergoing conversion to condominiums, the Building Official/Fire Protection District is authorized to petition any judge for the issuance of a search warrant authorizing the inspection of such building or unit for the purpose of making such inspections as shall be necessary for the enforcement of the provisions of this Chapter.

**Sec. 25-9. Notice of Violations.**

- (A) Notice Required. Whenever in the opinion of the Building Official or Fire Protection District Official any violation of the provisions of this Chapter is found to exist, they shall, within ten (10) days after discovery thereof, serve written notice of such alleged violation upon the developer or owner responsible therefor.
- (B) Method of Service. Notice shall be given either by personal service or by mailing a copy thereof to the alleged violator at his last known address or, in the event neither of these is effective to actually notify the alleged violator, by posting a copy thereof in a conspicuous place in or about the building containing the alleged violation.

- (C) Required Contents. Such notice may include more than one alleged violation; shall demand compliance with this Chapter, and shall specify a period of time for compliance, which shall be such time as, in the opinion of the Building Official, is reasonably required to effect changes necessary for compliance.
- (D) Permissible Contents. Such notice may contain an outline of remedial action which if taken will affect compliance with the provisions of this Chapter and with any rules and regulations adopted pursuant hereto.

## **Article II. Conversion from Condominium Use or Ownership.**

### **Sec. 25-10. Definitions.**

For the purposes of this Article, the definitions used in the Condominium Property Act (765 ILCS 605/1 *et seq.*) shall apply as though set forth herein.

### **Sec. 25-11. Approval of Sale of Condominium Property by Unit Owners.**

- (A) Unless a greater percentage is provided for in the declaration or bylaws, not less than seventy-five percent (75%) of the unit owners where the property contains six or fewer units or not less than eighty-five (85%) of the unit owners where the condominium property contains seven or more units may, by affirmative vote at a meeting of unit owners duly called for such purpose, elect to sell the property. Such action shall be binding upon all unit owners, and it shall thereupon become the duty of every unit owner to execute and deliver such instruments and to perform all acts as in manner and form may be necessary to effect such sale, provided, however, that any unit owner who did not vote in favor of such action and who has filed written objection thereto with the manager or board of managers within twenty (20) days after the date of the meeting at which such sale was approved shall be entitled to receive from the proceeds of such sale an amount equivalent to the greater of: (1) the value of his or her interest, as determined by a fair appraisal, less the amount of any unpaid assessments or charges due and owing from such unit owner or (2) the outstanding balance of any bona fide debt secured by the objecting unit owner's interest which was incurred by such unit owner in connection with the acquisition or refinance of the unit owner's interest, less the amount of any unpaid assessments or charges due and owing from such unit owner. The objecting unit owner is also entitled to receive from the proceeds of a sale under this Section reimbursement for reasonable relocation costs, determined in the same manner as under the federal Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended from time to time, and as implemented by regulations promulgated under that Act.
- (B) If there is a disagreement as to the value of the interest of a unit owner who did not vote in favor of the sale of the property, that unit owner shall have a right to designate an expert in appraisal or property valuation to represent him, in which case, the prospective purchaser of the property shall designate an expert in appraisal or property valuation to represent him, and both of these experts shall mutually designate a third expert in

appraisal or property valuation. The three (3) experts shall constitute a panel to determine by vote of at least two (2) of the members of the panel, the value of that unit owner's interest in the property.

**Sec. 25-12. Notice of Acquisition of Condominium Property from the Unit Owners.**

Any person who acquires a condominium property from the unit owners as aforesaid shall notify the Director of Community Development of the Village of Addison within ten (10) days after the closing of the sale of the condominium property. Said notice shall identify the condominium property which has been acquired by address, by the number of units comprising the property and the business address, phone number and contact person for the acquirer of the condominium property. Notice shall be provided by certified mail, return receipt requested, and shall be addressed to the Village of Addison Director of Community Development.