

CHAPTER 29

PROPERTY MAINTENANCE CODE

ARTICLE I – ADMINISTRATION

DIVISION - GENERAL

29-1-1 **TITLE.** These regulations shall be known as the *Property Maintenance Code* of the City of Benton, hereinafter referred to as "this Code". **(101.1)**

29-1-2 **SCOPE.** The provisions of this Code shall apply to all existing residential and nonresidential structures and all existing premises and constitute minimum requirements and standards for premises, structures, equipment and facilities for light, ventilation, space, heating, sanitation, protection from the elements, life safety, safety from fire and other hazards, and for safe and sanitary maintenance; the responsibility of owners, operators and occupants; the occupancy of existing structures and premises, and for administration, enforcement and penalties. **(101.2)**

[This Section establishes the broad purpose of the Code—to protect the public health, safety and welfare in both existing residential and nonresidential structures and on all existing premises.

Four specific areas are addressed in greater detail in subsequent sections:

(1) Establishing minimum maintenance standards for such elements as basic equipment, light, ventilation, heating, sanitation and fire safety.

(2) Fixing responsibility among owners, operators and occupants for following the Code.

(3) Regulating the use of existing structures and premises.

(4) Providing for administration, enforcement and penalties.

These four categories provide communities with the tools to reduce risks created by deteriorated or unsafe buildings and help communities upgrade and maintain other existing structures.]

29-1-3 **INTENT.** This Code shall be construed to secure its expressed intent, which is to ensure public health, safety and welfare insofar as they are affected by the continued occupancy and maintenance of structures and premises. Existing structures and premises that do not comply with these provisions shall be altered or repaired to provide a minimum level of health and safety as required herein. Repairs, alterations, additions to and change of occupancy in existing buildings shall comply with the *International Existing Building Code*. **(101.3)**

[This Code is intended to provide requirements addressing the public health, safety and welfare as they relate to the use and maintenance of existing structures and premises. The Code requires existing structures and premises that are not in compliance with the Code to be altered or repaired to meet the Code. The Code requirements are intended to represent the minimum acceptable level of public health and safety. The International Existing Building Code® (IEBC®) is listed as the required Code for all repairs, alterations, additions and change of occupancies to existing structures.]

29-1-4 **SEVERABILITY.** If a section, subsection, sentence, clause or phrase of this Code is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this Code. **(101.4)**

[Only invalid sections of the Code (as established by the court of jurisdiction) can be set aside. This is essential to safeguard the application of the Code text to situations whereby a provision of the Code is declared illegal or unconstitutional. This Section would preserve the legislative action that put the legal provisions in place.]

DIVISION II - APPLICABILITY

29-1-5 **GENERAL.** The provisions of this Code shall apply to all matters affecting or relating to structures and premises, as set forth in **Division I**. Where, in a specific case, different sections of this Code specify different requirements, the most restrictive shall govern. **(102.1)**

29-1-6 **MAINTENANCE.** Equipment, systems, devices and safeguards required by this Code or a previous regulation or Code under which the structure or premises was constructed, altered or repaired shall be maintained in good working order. No owner, operator or occupant shall cause any service, facility, equipment or utility which is required under this Section to be removed from or shut off from or discontinued for any occupied dwelling, except for such temporary interruption as necessary while repairs or alterations are in progress. The requirements of this Code are not intended to provide the basis for removal or abrogation of fire protection and safety systems and devices in existing structures. Except as otherwise specified herein, the owner or the owner's designated agent shall be responsible for the maintenance of buildings, structures and premises. **(102.2)**

[This Section contains general maintenance requirements. The Code specifically prohibits the disconnection of any required utilities for an occupied dwelling. This helps to safeguard persons who have a physical condition and are dependent on these systems. Some examples of this include: a person who has to have electricity to power a kidney dialysis machine; a patient who is on an oxygen system full time; or someone with particularly bad allergies who needs to have an air-conditioning system to help filter the air. Any safety system that exists in a building must be maintained. A fire protection or safety system is not to be removed from a building if it is required by the Code or a previous regulation or code that was in effect when the building was built. This Section also specifies that the owner or the owner's agent is responsible for maintenance, not the tenants of rental property.]

29-1-7 **APPLICATION OF OTHER CODES.** Repairs, additions or alterations to a structure, or changes of occupancy, shall be done in accordance with the procedures and provisions of the *International Existing Building Code, International Fuel Gas Code, International Mechanical Code, and International Electrical Code*. Nothing in this Code shall be construed to cancel, modify or set aside any provision of the *Municipal Zoning Code*. **(102.3)**

29-1-8 **EXISTING REMEDIES.** The provision in this Code shall not be construed to abolish or impair existing remedies of the jurisdiction or its officers or agencies relating to the removal or demolition of any structure which is dangerous, unsafe and unsanitary. **(102.4)**

29-1-9 **WORKMANSHIP.** Repairs, maintenance work, alterations or installations which are caused directly or indirectly by the enforcement of this Code shall be executed and installed in a workmanlike manner and installed in accordance with the manufacturer's installation instructions. **(102.5)**

29-1-10 **HISTORIC BUILDINGS.** The provisions of this Code shall not be mandatory for existing buildings or structures designated as historic buildings when such buildings or structures are judged by the Code Official to be safe and in the public interest of health, safety and welfare. **(102.6)**

29-1-11 **REFERENCED CODES AND STANDARDS.** The codes and standards referenced in this Code shall be those that are listed in **Article VIII** and considered part of the requirements of this Code to the prescribed extent of each such reference. Where differences occur between provisions of this Code and the referenced standards, the provisions of this Code shall apply.

Exception: Where enforcement of a code provision would violate the conditions of the listing of the equipment or *appliance*, the conditions of the listing shall apply.

(A) **Conflicts.** Where conflicts occur between provisions of this Code and the referenced standards, the provisions of this Code shall apply. (IPMC 102.7.1)

(B) **Provisions in Reference Codes and Standards.** Where the extent of the reference to a referenced code or standard includes subject matter that is within the scope of this Code, the provisions of this Code, as applicable, shall take precedence over the provisions in the referenced code or standard. **(102.7.2)**

29-1-12 **REQUIREMENTS NOT COVERED BY CODE.** Requirements necessary for the strength, stability or proper operation of an existing fixture, structure or equipment, or for the public safety, health and general welfare not specifically covered by this Code shall be determined by the Code Official. **(102.8)**

29-1-13 **APPLICATION OF REFERENCES.** References to chapter, article or section numbers, or to provisions not specifically identified by number, shall be construed to refer to such chapter, article, section or provision of this Code. **(102.9)**

29-1-14 **OTHER LAWS.** The provisions of this Code shall not be deemed to nullify any provisions of local, state or federal law. **(102.10)**

DIVISION III – PROPERTY MAINTENANCE INSPECTION

29-1-15 **GENERAL.** The Department of Property Maintenance Inspection is hereby created and the executive official in charge thereof shall be known as the Code Official. **(103.1)**

29-1-16 **APPOINTMENT.** The Code Official shall be appointed by the Mayor with the advice and consent of the City Council; and the Code Official shall not be removed from office except for cause and after full opportunity to be heard on specific and relevant charges by and before the appointing authority. **(103.2)**

29-1-17 **DEPUTIES.** In accordance with the prescribed procedures of this jurisdiction and with the concurrence of the appointing authority, the Code Official shall have the authority to appoint a deputy code official, other related technical officers, inspectors and other employees. **(103.3)**

29-1-18 **LIABILITY.** The Code Official, member of the board of appeals or employee charged with the enforcement of this Code, while acting for the jurisdiction, in good faith and without malice in the discharge of the duties required by this Code or other pertinent law or ordinance, shall not thereby be rendered liable personally, and is hereby relieved from all personal liability for any damage accruing to persons or property as a result of an act or by reason of an act or omission in the discharge of official duties. Any suit instituted against any officer or employee because of an act performed by that officer or employee in the lawful discharge of duties and under the provisions of this Code shall be defended by the legal representative of the jurisdiction until the final termination of the proceedings. The Code Official or any subordinate shall not be liable for costs in an action, suit or proceeding that is instituted in pursuance of the provisions of this Code. **(103.4)**

29-1-19 PERMIT TO OCCUPY.

(A) **Permit Required.** It shall be unlawful for any person, owner or agent thereof to occupy or sue, or to permit any person to occupy or use any premises for any purpose including the movement of furniture, equipment or other personal property into said premises until a permit to occupy has been issued by the Code Official. The permit so issued shall state that the condition of the premises and its proposed occupation complies with all of the provisions of this Code as far as can be determined by a visual inspections of the premises and a review of the records.

(B) **Application for occupancy.** It shall be unlawful for any person to knowingly make any false statements on an application for permit to occupy a dwelling unit as to the names, relationships, ages, or number of occupants who will occupy the dwelling unit. One of the following documents shall be submitted with application; copy of lease, rent receipt with photo identification, sales contract or closing papers.

(C) **Action on an application.** The Code Official shall examine or cause to be examined all applications for permits within a reasonable time after filing. No certificate of occupancy will be issued until an inspection of the premises has been completed and approved. No inspection shall be required for a dwelling unit that is less than **five (5) years** of age.

(D) **Suspension of permit.** Any permit issued shall become invalid if the occupancy is not commenced within **six (6) months** after issuance of the permit.

(E) **Revocation of permit.** The Code Official may revoke a permit in case of any false statement or misrepresentation of facts in the application on which a permit was based, or in the event a structure or part thereof is condemned pursuant to this Code.

~~29-1-29-1-20~~ FEES. The fees for activities and services performed by the department in carrying out its responsibilities under this Code shall be indicated in the following schedule. **(103.5)**

(A) Inspection Permit Fee of **Fifty Dollars (\$50.00)** shall be paid prior to the City conducting an inspection of a multi-family rental structure (apartments). It shall be the responsibility of the property owner/agent to make advance payment of the fee and schedule the required inspection with the City. An inspection shall be valid for a period of **one (1) year**. The dwelling unit does not have to be reinspected during that period, even if the occupancy changes.

(B) Inspection Permit Fee of **One Hundred Dollars (\$100.00)** shall be paid prior to the City conducting an inspection of a single family residence. It shall be the responsibility of the property owner/agent to make advance payment of the fee and schedule the required inspection with the City. An inspection shall be valid for a period of **one (1) year**. The dwelling unit does not have to be reinspected during that period, even if the occupancy changes.

(C) Inspection Permit Fee of **Seventy Five Dollars (\$75.00)** shall be paid prior to the City conducting an inspection of a manufactured/mobile home. It shall be the responsibility of the property owner/agent to make advance payment of the fee and schedule the required inspection with the City. An inspection shall be valid for a period of **one (1) year**. The dwelling unit does not have to be reinspected during that period, even if the occupancy changes.

(D) Inspection Permit Fee of **One hundred Dollars (\$100.00)** shall be paid prior to the City conducting an inspection of a duplex/condominium. It shall be the responsibility of the property owner/agent to make advance payment of the fee and schedule the required inspection with the City. An inspection shall be valid for a period of **one (1) year**. The dwelling unit does not have to be reinspected during that period, even if the occupancy changes.

(E) A copy of an existing Certificate of Occupancy shall be a fee of **Twenty Dollars (\$20.00)**.

(F) The Certificate of Occupancy fee of **Thirty Dollars (\$30.00)** shall be paid at the time certificate is issued. It shall be the responsibility of the tenant/occupant to apply for certificate of occupancy after application for occupancy has been approved.

(G) A re-inspection fee of **Fifty Dollars (\$50.00)** shall be paid when initial inspections fail or no access to structure. It shall be the responsibility of the property owner/agent to make the advance payment prior to scheduling a re-inspection.

DIVISION IV – DUTIES AND POWERS OF THE CODE OFFICIAL

29-1-21 GENERAL. The code official is hereby authorized and directed to enforce the provisions of this Code. The code official shall have the authority to render interpretations of this Code and to adopt policies and procedures in order to clarify the application of its provisions. Such interpretations, policies and procedures shall be in compliance with the intent and purpose of this Code. Such policies and procedures shall not have the effect of waiving requirements specifically provided for in this Code. **(104.1)**

29-1-22 Inspections. The code official shall make all of the required inspections, or shall accept reports of inspection by approved agencies or individuals. All reports of such inspections shall be in writing and be certified by a responsible officer of such approved agency or by the responsible individual. The code official is authorized to engage such expert opinion as deemed necessary to report upon unusual technical issues that arise, subject to the approval of the appointing authority. (IPMC 104.2)

~~**29-1-22 INSPECTIONS.**~~ ~~The Code Official~~ shall make all of the required inspections, or shall accept reports of inspection by approved agencies or individuals. All reports of such inspections shall be in writing and be certified by a responsible officer of such approved agency or by the responsible individual. The Code Official is authorized to engage such expert opinion as deemed necessary to report upon unusual technical issues that arise, subject to the approval of the appointing authority. **(104.2)**

29-1-23 RIGHT OF ENTRY. Where it is necessary to make an inspection to enforce the provisions of this Code, or whenever the Code Official has reasonable cause to believe that there exists in a structure or upon a premises a condition in violation of this Code, the Code Official is authorized to enter the structure or premises at reasonable times to inspect or perform duties imposed by this Code, provided that if such structure or premises is occupied the Code Official shall present credentials to the occupant and request entry. If such structure or premises is unoccupied, the Code Official shall first make a reasonable effort to locate the owner or other person having charge or control of the structure or premises and request entry. If entry is refused, the Code Official shall have recourse to the remedies provided by law to secure entry. **(104.3)**

[This Section establishes the right of the Code Official to enter the premises in order to make the inspections required by Section 29-1-22. The right to enter structures or premises is limited. First, to protect the right of privacy, the owner or occupant must grant the Code Official permission before an interior inspection of the property can be conducted. Permission is not required for inspections that can be accomplished from within the public right-of-way. Second, such access may be denied by the owner or occupant. Unless the inspector has reasonable cause to believe that a violation of the Code exists, access may be unattainable. Third, Code Officials must present proper identification and request admittance during reasonable hours—usually the normal business hours of the establishment—to be admitted. Fourth, inspections must be aimed at securing or determining compliance with the provisions and intent of the regulations that are specifically within the established scope of the Code Official's authority.

Searches of a private residence to gather information for the purpose of enforcing codes, ordinances or regulations are considered unreasonable and are prohibited by the Fourth Amendment to the U.S. Constitution. "Reasonable cause" in the context of this Section must be distinguished from "probable cause", which is required to gain access to property in criminal cases. The burden of proof establishing reasonable cause may vary among jurisdictions. Usually, an inspector must show that the property is subject to inspection under the provisions of the Code; that the interests of the public health, safety and welfare outweigh the individual's right to maintain privacy; and that such an inspection is required solely to determine compliance with the provisions of the Code.

Many jurisdictions do not recognize the concept of an administrative warrant and may require the Code Official to prove probable or reasonable cause in order to gain access upon refusal. This burden of proof is usually more substantial, often requiring the Code Official to stipulate in advance why access is needed (usually access is restricted to gathering evidence for seeking an indictment or making an arrest), what specific items or information is sought, its relevance to the case against the individual subject, how knowledge of the relevance of the information or items sought was obtained and how the evidence sought will be used. In all such cases, the right to privacy must always be weighed against the right of the Code Official to conduct an inspection to verify that the public health, safety and welfare are not in jeopardy. Such important and complex constitutional issues should be discussed with the jurisdiction's legal counsel. Jurisdictions should establish procedures for securing the necessary court orders when an inspection is deemed necessary following a refusal.]

29-1-24 **NOTICES AND ORDERS.** The Code Official shall issue all necessary notices or orders to ensure compliance with this Code. **(104.6)**

29-1-25 **DEPARTMENT RECORDS.** The Code Official shall keep official records of all business and activities of the department specified in the provisions of this Code. Such records shall be retained in the official records for the period required for retention of public record. **(104.6)**

29-1-26 **COORDINATION OF INSPECTIONS.** Whenever in the enforcement of this Code or another code or ordinance, the responsibility of more than one code official of the jurisdiction is involved, it shall be the duty of the code officials involved to coordinate their inspections and administrative orders as fully as practicable so that the owners and occupants of the structure shall not be subjected to visits by numerous inspectors or multiple or conflicting orders. Whenever an inspector from any agency or department observes an apparent or actual violation of some provision of some law, ordinance or code not within the inspector's authority to enforce, the inspector shall report the findings to the Code Official having jurisdiction.

29-1-27 - 29-1-29 **RESERVED.**

DIVISION V - APPROVAL

29-1-30 **MODIFICATIONS.** Whenever there are practical difficulties involved in carrying out the provisions of this Code, the Code Official shall have the authority to grant modifications for individual cases, provided the Code Official shall first find that special individual reason makes the strict letter of this Code impractical and the modification is in compliance with the intent and purpose of this Code and that such modification does not lessen health, life and fire safety requirements. The details of action granting modifications shall be recorded and entered in the department files. **(105.1)**

29-1-31 **ALTERNATIVE MATERIALS, METHODS AND EQUIPMENT.** The provisions of this Code are not intended to prevent the installation of any material or to prohibit any method of construction not specifically prescribed by this Code, provided that any such alternative has been approved. An alternative material or method of construction shall be approved where the Code Official finds that the proposed design is satisfactory and complies with the intent of the provisions of this Code, and that the material, method or work offered is, for the purpose intended, at least the equivalent of that prescribed in this Code in quality, strength, effectiveness, fire resistance, durability and safety. **(105.2)**

29-1-32 **REQUIRED TESTING.** Whenever there is insufficient evidence of compliance with the provisions of this Code, or evidence that a material or method does not conform to the requirements of this Code, or in order to substantiate claims for alternative materials or methods, the Code Official shall have the authority to require tests to be made as evidence of compliance at no expense to the jurisdiction. **(105.3)**

(A) **Test Methods.** Test methods shall be as specified in this Code or by other recognized test standards. In the absence of recognized and accepted test methods, the Code Official shall be permitted to approve appropriate testing procedures performed by an approved agency. **(105.3.1)**

(B) **Test Reports.** Reports of tests shall be retained by the Code Official for the period required for retention of public records. **(105.3.2)**

29-1-33 **MATERIAL AND EQUIPMENT REUSE.** Materials, equipment and devices shall not be reused unless such elements are in good repair or have been reconditioned and tested when necessary, placed in good and proper working condition and approved. **(105.5)**

29-1-34 **RESEARCH REPORTS.** Supporting data, where necessary to assist in the approval of materials or assemblies not specifically provided for in this Code, shall consist of valid research reports from approved sources. **(105.6)**

DIVISION VI - VIOLATIONS

29-1-35 **UNLAWFUL ACTS.** It shall be unlawful for a person, firm or corporation to be in conflict with or in violation of any of the provisions of this Code. **(106.1)**

29-1-36 **NOTICE OF VIOLATION.** The Code Official shall serve a notice of violation or order in accordance with **Division VII.** **(106.2)**

29-1-37 **PROSECUTION OF VIOLATION.** Any person failing to comply with a notice of violation or order served in accordance with **Division VII** shall be deemed guilty of a misdemeanor, and the violation shall be deemed a strict liability offense. If the notice of violation is not complied with, the Code Official shall institute the appropriate proceeding at law or in equity to restrain, correct or abate such violation, or to require the removal or termination of the unlawful occupancy of the structure in violation of the provisions of this Code or of the order or direction made pursuant thereto. Any action taken by the authority having jurisdiction on such premises shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate. **(106.3)**

29-1-38 **VIOLATION PENALTIES.** Any person who shall violate a provision of this Code, or fail to comply therewith, or with any of the requirements thereof, shall be prosecuted within the limits provided by **Section 1-1-20.** Each day that a violation continues after due notice has been served shall be deemed a separate offense. **(106.4)**

29-1-39 **ABATEMENT OF VIOLATION.** The imposition of the penalties herein prescribed shall not preclude the legal officer of the jurisdiction from instituting appropriate action to restrain, correct or abate a violation, or to prevent illegal occupancy of a building, structure or premises, or to stop an illegal act, conduct, business or utilization of the building, structure or premises. **(106.5)**

[Despite the assessment of a penalty in the form of a fine against a violator, the violation itself must still be corrected. Failure to make the necessary corrections will result in the violator being subject to additional penalties as described in the proceeding section.]

29-1-40 **RESERVED.**

DIVISION VII – NOTICES AND ORDERS

29-1-41 **NOTICE TO PERSON RESPONSIBLE.** Whenever the Code Official determines that there has been a violation of this Code or has grounds to believe that a violation has occurred, notice shall be given in the manner prescribed in **Sections 29-1-42** and **29-1-43** to the person responsible for

the violation as specified in this Code. Notices for condemnation procedures shall also comply with **Section 29-1-49. (107.1)**

29-1-42 **FORM.** Such notice prescribed in **Section 29-1-41** shall be in accordance with all of the following:

- (A) Be in writing.
- (B) Include a description of the real estate sufficient for identification.
- (C) Include a statement of the violation or violations and why the notice is being issued.
- (D) Include a correction order allowing a reasonable time to make the repairs and improvements required to bring the dwelling unit or structure into compliance with the provisions of this Code.
- (E) Inform the property owner of the right to appeal.
- (F) Include a statement of the right to file a lien in accordance with **Section 29-1-37.**

(107.2)

29-1-43 **METHOD OF SERVICE.** Such notice shall be deemed to be properly served if a copy thereof is:

- (A) delivered personally;
- (B) sent by certified or first-class mail addressed to the last known address; or
- (C) if the notice is returned showing that the letter was not delivered, a copy thereof shall be posted in a conspicuous place in or about the structure affected by such notice.

All of the services noted above may be expensive and time consuming. In some communities, the courts may consider service to be valid if the notice was sent to the last known address of the owner or owner's agent by regular postage and the notice was not returned by the post office. This method of service is obviously much cheaper and usually faster than waiting for the return of a certified letter. It must, however, be acceptable to the court system. The jurisdiction's attorney should be consulted to determine that the type of service is legally acceptable, reasonably cost effective and timely. **(107.3)**

(D) **Unauthorized Tampering.** Signs, tags or seals posted or affixed by the Code Official shall not be mutilated, destroyed or tampered with, or removed without authorization from the Code Official. **(107.4)**

29-1-44 **PENALTIES.** Penalties for noncompliance with orders and notices shall be as set forth in **Section 29-1-38. (107.4)**

29-1-45 **TRANSFER OF OWNERSHIP.** It shall be unlawful for the owner of any dwelling unit or structure who has received a compliance order or upon whom a notice of violation has been served to sell, transfer, mortgage, lease or otherwise dispose of such dwelling unit or structure to another until the provisions of the compliance order or notice of violation have been complied with, or until such owner shall first furnish the grantee, transferee, mortgagee or lessee a true copy of any compliance order or notice of violation issued by the Code Official and shall furnish to the Code Official a signed and notarized statement from the grantee, transferee, mortgagee or lessee, acknowledging the receipt of such compliance order or notice of violation and fully accepting the responsibility without condition for making the corrections or repairs required by such compliance order or notice of violation. **(107.5)**

[When a property has a pending violation order, it is unlawful for an owner to sell, transfer, mortgage, lease or otherwise dispose of the property without either following the order or advising the buyer, mortgagee, etc., of the pending violation. The owner must prove that the buyer has received notice of pending violations by providing the Code Official with a signed, notarized receipt from the new transferee.

Determining who is the current owner of a building is a frustrating and difficult activity. To evade code enforcement action, owners will frequently transfer ownership of their property. This provision of the Code permits the Code Official to cite the seller if he or she did not provide the Code

Official with the required notification when the property was transferred; thus, even though the seller may avoid complying with the outstanding violation orders, he or she can still be charged with a violation for failing to provide proof that the transferee was aware of the pending orders.]

29-1-46 RESERVED.

DIVISION VIII - - UNSAFE STRUCTURES AND EQUIPMENT

29-1-47 GENERAL. When a structure or equipment is found by the Code Official to be unsafe, or when a structure is found unfit for human occupancy, or is found unlawful, such structure shall be condemned pursuant to the provisions of this Code. **(108.1)**

[This Section provides a brief description of conditions where the Code Official is given the authority to condemn an existing structure or equipment. Where a structure or equipment is "unlawful", as described in the text of this Section, that structure or equipment does not comply with the requirements of the Code. The deficiencies are such that an unsafe condition or a condition that is unfit for human occupancy exists.]

(A) **Unsafe Structures.** An unsafe structure is one that is found to be dangerous to the life, health, property or safety of the public or the occupants of the structure by not providing minimum safeguards to protect or warn occupants in the event of fire, or because such structure contains unsafe equipment or is so damaged, decayed, dilapidated, structurally unsafe or of such faulty construction or unstable foundation, that partial or complete collapse is possible. **(108.1.1)**

(B) **Unsafe Equipment.** Unsafe equipment includes any boiler, heating equipment, elevator, moving stairway, electrical wiring or device, flammable liquid containers or other equipment on the premises or within the structure which is in such disrepair or condition that such equipment is a hazard to life, health, property or safety of the public or occupants of the premises or structure. **(108.1.2)**

(C) **Structure Unfit for Human Occupancy.** A structure is unfit for human occupancy whenever the Code Official finds that such structure is unsafe, unlawful or, because of the degree to which the structure is in disrepair or lacks maintenance, is unsanitary, vermin or rat infested, contains filth and contamination, or lacks ventilation, illumination, sanitary or heating facilities or other essential equipment required by this Code, or because the location of the structure constitutes a hazard to the occupants of the structure or to the public. **(108.1.3)**

(D) **Unlawful Structure.** An unlawful structure is one found in whole or in part to be occupied by more persons than permitted under this Code, or was erected, altered or occupied contrary to law. **(108.1.4)**

[An unlawful structure is one that has serious deficiencies such that an unsafe condition or a condition that is unfit for human occupancy exists. An unlawful structure does not mean one where there are criminal activities.]

(E) **Dangerous Structure or Premises.** For the purpose of this Code, any structure or premises that has any or all of the conditions or defects described below shall be considered dangerous: **(108.1.5)**

- (1) Any door, aisle, passageway, stairway, exit or other means of egress that does not conform to the approved building or fire code of the jurisdiction as related to the requirements for existing buildings.
- (2) The walking surfaces of any aisle, passageway, stairway, exit or other means of egress is so warped, worn loose, torn or otherwise unsafe as to not provide safe and adequate means of egress.
- (3) Any portion of a building, structure or appurtenance that has been damaged by fire, earthquake, wind, flood, deterioration, neglect, abandonment, vandalism or by any other cause to such an extent that it is likely to partially or completely collapse, or to become detached or dislodged.
- (4) Any portion of a building, or any member, appurtenance or ornamentation on the exterior thereof that is not of sufficient strength or stability, or is not

- so anchored, attached or fastened in place so as to be capable of resisting natural or artificial loads of one and one-half the original designed value.
- (5) The building or structure, or part of the building or structure, because of dilapidation, deterioration, decay, faulty construction, the removal or movement of some portion of the ground necessary for the support, or for any other reason, is likely to partially or completely collapse, or some portion of the foundation or underpinning of the building or structure is likely to fail or give way.
 - (6) The building or structure, or any portion thereof, is clearly unsafe for its use and occupancy.
 - (7) The building or structure is neglected, damaged, dilapidated, unsecured or abandoned so as to become an attractive nuisance to children who might play in the building or structure to their danger, become a harbor for vagrants, criminals or immoral persons, or enables persons to resort to the building or structure for committing a nuisance or an unlawful act.
 - (8) Any building or structure has been constructed, exists or is maintained in violation of any specific requirement or prohibition applicable to such building or structure provided by the approved building or fire code of the jurisdiction, or of any law or ordinance to such an extent as to present either a substantial risk of fire, building collapse or any other threat to life and safety.
 - (9) A building or structure, used or intended to be used for dwelling purposes, because of inadequate maintenance, dilapidation, decay, damage, faulty construction or arrangement, inadequate light, ventilation, mechanical or plumbing system, or otherwise, is determined by the Code Official to be unsanitary, unfit for human habitation or in such a condition that is likely to cause sickness or disease.
 - (10) Any building or structure, because of a lack of sufficient or proper fire-resistance-rated construction, fire protection systems, electrical system, fuel connections, mechanical system, plumbing system or other cause, is determined by the Code Official to be a threat to life or health.
 - (11) Any portion of a building remains on a site after the demolition or destruction of the building or structure or whenever any building or structure is abandoned so as to constitute such building or portion thereof as an attractive nuisance or hazard to the public.

29-1-48 CLOSING OF VACANT STRUCTURES. If the structure is vacant and unfit for human habitation and occupancy, and is not in danger of structural collapse, the Code Official is authorized to post a placard of condemnation on the premises and order the structure closed up so as not to be an attractive nuisance. Upon failure of the owner to close up the premises within the time specified in the order, the Code Official shall cause the premises to be closed and secured through any available public agency or by contract or arrangement by private persons and the cost thereof shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate and may be collected by any other legal resource. **(108.2)**

(A) **Authority to Disconnect Service Utilities.** The Code Official shall have the authority to authorize disconnection of utility service to the building, structure or system regulated by this Code and the referenced codes and standards set forth in **Section 29-1-11** in case of emergency where necessary to eliminate an immediate hazard to life or property or when such utility connection has been made without approval. The Code Official shall notify the serving utility and, whenever possible, the owner and occupant of the building, structure or service system of the decision to disconnect prior to taking such action. If not notified prior to disconnect the owner or occupant of the building structure or service system shall be notified in writing as soon as practical thereafter. **(108.2.1)**

29-1-49 **NOTICE.** Whenever the Code Official has condemned a structure or equipment under the provisions of this Section, notice shall be posted in a conspicuous place in or about the structure affected by such notice and served on the owner or the person or persons responsible for the structure or equipment in accordance with **Section 29-1-43**. If the notice pertains to equipment, it shall also be placed on the condemned equipment. The notice shall be in the form prescribed in **Section 29-1-42**.

29-1-50 **PLACARDING.** Upon failure of the owner or person responsible to comply with the notice provisions within the time given, the Code Official shall post on the premises or on defective equipment, a placard bearing the word "Condemned" and a statement of the penalties provided for occupying the premises, operating the equipment or removing the placard. **(108.4)**

(A) **Placard Removal.** The Code Official shall remove the condemnation placard whenever the defect or defects upon which the condemnation and placarding action were based have been eliminated. Any person who defaces or removes a condemnation placard without the approval of the Code Official shall be subject to the penalties provided by this Code. **(108.4.1)**

[Only the Code Official is authorized to remove a condemnation placard. The Code Official is to remove the placard only when the defect or defects have been corrected as required by the Code. Any other person who removes or defaces a placard is in violation of the Code and subject to its penalties.]

29-1-51 **PROHIBITED OCCUPANCY.** Any occupied structure condemned and placarded by the Code Official shall be vacated as ordered by the Code Official. Any person who shall occupy a placarded premises or shall operate placarded equipment, and any owner or any person responsible for the premises who shall let anyone occupy a placarded premises or operate placarded equipment shall be liable for the penalties provided by this Code. **(108.5)**

29-1-52 **ABATEMENT METHODS.** The owner, operator or occupant of a building, premises or equipment deemed unsafe by the Code Official shall abate or cause to be abated or corrected such unsafe conditions either by repair, rehabilitation, demolition or other approved corrective action. **(108.6)**

29-1-53 **RECORD.** The Code Official shall cause a report to be filed on an unsafe condition. The report shall state the occupancy of the structure and the nature of the unsafe condition.

29-1-54 - 29-1-59 **RESERVED.**

DIVISION IX - EMERGENCY MEASURES

29-1-60 **IMMINENT DANGER.** When, in the opinion of the Code Official, there is imminent damage of failure or collapse of a building or structure which endangers life, or when any structure or part of a structure has fallen and life is endangered by the occupation of the structure, or when there is actual or potential danger to the building, occupants or those in the proximity of any structure because of explosives, explosive fumes or vapors or the presence of toxic fumes, gases or materials, or operation of defective or dangerous equipment, the Code Official is hereby authorized and empowered to order and require the occupants to vacate the premises forthwith. The Code Official shall cause to be posted at each entrance to such structure a notice reading as follows: **"This Structure is Unsafe and its Occupancy has been Prohibited by the Code Official."** It shall be unlawful for any person to enter such structure except for the purpose of securing the structure, making the required repairs, removing the hazardous condition, or of demolishing the same. **(109.1)**

29-1-61 **TEMPORARY SAFEGUARDS.** Notwithstanding other provisions of this Code, whenever, in the opinion of the Code Official, there is imminent danger due to an unsafe condition, the Code Official shall order the necessary work to be done, including the boarding-up of openings, to render such structure temporarily safe whether or not the legal procedure herein described has been instituted; and shall cause such other action to be taken as the Code Official deems necessary to meet such emergency. **(109.2)**

29-1-62 **CLOSING STREETS.** When necessary for public safety, the Code Official shall temporarily close structures and close, or order the authority having jurisdiction to close, sidewalks, streets, public ways and places adjacent to unsafe structures, and prohibit the same from being utilized. **(109.3)**

29-1-63 **EMERGENCY REPAIRS.** For the purposes of this Section, the Code Official shall employ the necessary labor and materials to perform the required work as expeditiously as possible. **(109.4)**

29-1-64 **COSTS OF EMERGENCY REPAIRS.** Costs incurred in the performance of emergency work shall be paid by the jurisdiction. The legal counsel of the jurisdiction shall institute appropriate action against the owner of the premises where the unsafe structure is or was located for the recovery of such costs. **(109.5)**

29-1-65 **HEARING.** Any person ordered to take emergency measures shall comply with such order forthwith. Any affected person shall thereafter, upon petition directed to the appeals boards, be afforded a hearing as described in this Code. **(109.6)**

29-1-66 **RESERVED.**

DIVISION X - DEMOLITION

29-1-67 **GENERAL.** The Code Official shall order the owner of any premises upon which is located any structure, which in the Code Official's judgement is so old, dilapidated or has become so out of repair as to be dangerous, unsafe, unsanitary or otherwise unfit for human habitation or occupancy, and such that it is unreasonable to repair the structure, to demolish and remove such structure; or if such structure is capable of being made safe by repairs, to repair and make safe and sanitary or to demolish and remove at the owner's option; or where there has been a cessation of normal construction of any structure for a period of more than **two (2) years**, to demolish and remove such structure. **(110.1)**

29-1-68 **NOTICES AND ORDERS.** All notices and orders shall comply with **Division VII.** **(110.2)**

[Before the Code Official can pursue action to demolish a building in accordance with Section 29-1-67 or 29-1-69, it is imperative that all owners and any other persons with a recorded encumbrance on the property be given proper notice of the demolition plans (See Division VII for notice and order requirements).]

29-1-69 **FAILURE TO COMPLY.** If the owner of a premises fails to comply with a demolition order within the time prescribed, the Code Official shall cause the structure to be demolished and removed, either through an available public agency or by contract or arrangement with private persons, and

the cost of such demolition and removal shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate. **(110.3)**

29-1-70 **SALVAGE MATERIALS.** When any structure has been ordered demolished and removed, the governing body or other designated officer under said contract or arrangement aforesaid shall have the right to sell the salvage and valuable materials at the highest price obtainable. The net proceeds of such sale, after deducting the expenses of such demolition and removal, shall be promptly remitted with a report of such sale or transaction, including the items of expense and amounts deducted, for the person who is entitled thereto, subject to any order of a court. If such a surplus does not remain to be turned over, the report shall so state, with the approval of the City Council. **(110.4)**

29-1-71 **RESERVED.**

DIVISION XI - MEANS OF APPEAL

29-1-72 **APPLICATION FOR APPEAL.** Any person directly affected by a decision of the Code Official or a notice or order issued under this Code shall have the right to appeal to the Board of Appeals, provided that a written application for appeal is filed within **twenty (20) days** after the day the decision, notice or order was served. An application for appeal shall be based on a claim that the true intent of this Code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this Code do not fully apply, or the requirements of this Code are adequately satisfied by other means. The fee for an application of appeal of **Fifty Dollars (\$50.00)** is to be paid at the time application is filed and shall be non-refundable. **(111.1)**

29-1-73 **MEMBERSHIP OF THE BOARD.** The Board of Appeals shall consist of a minimum of **five (5) members** who are qualified by experience and training to pass on matters pertaining to property maintenance and who are not employees or elected officials of this municipality. The Code Official shall be an ex-officio member but shall have no vote on any matter before the Board. The Board shall be appointed by the Mayor with the advice and consent of the City Council, and shall serve staggered and overlapping terms. The term of office shall be **five (5) years.** **(111.2)**

(A) **Alternate Members.** The Mayor shall appoint **two (2) or more alternate members** who shall be called by the Board Chairman to hear appeals during the absence or disqualification of a member. Alternate members shall possess the qualifications required for Board membership. Alternate members shall be appointed for **five (5) years** or until a successor has been appointed. **(111.2.1)**

[This Section authorizes the Mayor to appoint two (2) alternate members who are to be available if the principal members of the Board are absent or disqualified. Alternate members must possess the same qualifications as the principal members.]

(B) **Chairman.** The Board shall annually select one of its members to serve as Chairman. **(111.2.2)**

(C) **Disqualification of Member.** A member shall not hear an appeal in which that member has any personal, professional or financial interest. **(111.2.3)**

[All members must disqualify themselves regarding any appeal in which they have a personal, professional or financial interest.]

(D) **Secretary.** The Mayor shall designate a qualified person to serve as Secretary to the Board. The Secretary shall file a detailed record of all proceedings in the office of the Mayor. **(111.2.4)**

[The Secretary is required to file a detailed record of all proceedings in the office of the Chief Administrative Officer.]

(E) **Compensation of Members.** Compensation of members shall be determined by the City Council in the annual budget. **(111.2.5)**

29-1-74 **NOTICE OF MEETING.** The Board shall meet upon notice from the Chairman, within **ten (10) days** of the filing of an appeal, or at stated periodic meetings. **(111.3)**

29-1-75 **OPEN HEARING.** All hearings before the Board shall be open to the public. The appellant, that appellant's representative, the Code Official and any person whose interests are affected shall be given an opportunity to be heard. A quorum shall consist of not less than **two-thirds (2/3)** of the Board membership. **(111.4)**

(A) **Procedure.** The Board shall adopt and make available to the public through the Secretary procedures under which a hearing will be conducted. The procedures shall not require compliance with strict rules of evidence, but shall mandate that only relevant information be received. **(111.4.1)**

29-1-76 **POSTPONED HEARING.** When the full Board is not present to hear an appeal, either the appellant or the appellant's representative shall have the right to request a postponement of the hearing. **(111.5)**

29-1-77 **BOARD DECISION.** The Board shall modify or reverse the decision of the Code Official only by a concurring vote of **three (3) members.** **(111.6)**

(A) **Resolution.** The decision of the Board shall be by resolution. Certified copies shall be furnished to the appellant and to the Code Official.

(B) **Administration.** The Code Official shall take action with **five (5) working days** in accordance with the decision of the Board.

[To avoid any undue hindrance in the progress of construction, the Code Official is required to act without delay based on the Board's decision. This action may be to enforce the decision or to seek judicial relief if the Board's action can be demonstrated to be inappropriate.]

29-1-78 **COURT REVIEW.** Any person, whether or not a previous party of the appeal, shall have the right to apply to the appropriate court for a writ of certiorari to correct errors of law. Application for review shall be made in the manner and time required by law following the filing of the decision in the office of the Mayor. **(111.7)**

29-1-79 **STAYS OF ENFORCEMENT.** Appeals of notice and orders (other than Imminent Danger notices) shall stay the enforcement of the notice and order until the appeal is heard by the appeals board. **(111.8)**

29-1-80 **RESERVED.**

DIVISION XII – STOP WORK ORDER

29-1-81 **AUTHORITY.** Whenever the Code Official finds any work regulated by this Code being performed in a manner contrary to the provisions of this Code or in a dangerous or unsafe manner, the Code Official is authorized to issue a stop work order. **(112.1)**

29-1-82 **ISSUANCE.** A stop work order shall be in writing and shall be given to the owner of the property, to the owners agent, or to person doing the work. Upon issuance of a stop work order, the cited work shall immediately cease. The stop work order shall state the reason for the order and the conditions under which the cited work is authorized to resume. **(112.2)**

29-1-83 **EMERGENCIES.** Where an emergency exists, the Code Official shall not be required to give a written notice prior to stopping the work. **(112.3)**

29-1-84 **FAILURE TO COMPLY.** Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable to a fine of not less than **One Hundred Dollars (\$100.00)** or more than **One Thousand Dollars (\$1,000.00)**. Each day that a violation continues shall be considered a separate offense.

ARTICLE II - DEFINITIONS

DIVISION I - GENERAL

29-2-1 **SCOPE.** Unless otherwise expressly stated, the following terms shall, for the purposes of this Code, have the meanings shown in this Article. **(201.1)**

29-2-2 **INTERCHANGEABILITY.** Words stated in the present tense include the future; words stated in the masculine gender include the feminine and neuter; the singular number includes the plural and the plural, the singular. **(201.2)**

29-2-3 **TERMS DEFINED IN OTHER CODES.** Where terms are not defined in this Code and are defined in the *International Building Code, International Existing Building Code, International Fire Code, International Fuel Gas Code, International Mechanical Code, International Plumbing Code, International Residential Code, State of Illinois Plumbing Code, International Residential Code*, or NFPA 70, such terms shall have the meanings ascribed to them as in those codes. **(201.3)**

29-2-4 **PARTS.** Whenever the words "dwelling unit", "dwelling", "premises", "building", "rooming house", "rooming unit", "housekeeping unit", or "story" are stated in this Code, they shall be construed as though they were followed by the words "or any part thereof".

DIVISION II - DEFINITIONS

29-2-5 **DEFINITIONS.**

"ANCHORED": Secured in a manner that provides positive connection.

"APPLIANCE": A device or apparatus that is manufactured and designed to utilize energy and for which this Code provides specific requirements.

"APPROVED": Approved by the Code Official.

"BASEMENT": That portion of a building which is partly or completely below grade.

"BATHROOM": A room containing plumbing fixtures including a bathtub or shower.

"BEDROOM": Any room or space used or intended to be used for sleeping purposes in either a dwelling or sleeping unit.

"CODE OFFICIAL": The official who is charged with the administration and enforcement of this Code, or any duly authorized representative.

"COMBUSTION AIR": The air provided to fuel-burning equipment including air for fuel combustion, draft hood dilution and ventilation of the equipment enclosure.

"CONDEMN": To adjudge unfit for occupancy.

"DETACHED": When a structural element is physically disconnected from another and that connection is necessary to provide a positive connection.

"DETERIORATION": To weaken, disintegrate, corrode, rust or decay and lose effectiveness.

"DWELLING UNIT": A single unit providing complete, independent living facilities for **one (1)** or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

"EASEMENT": That portion of land or property reserved for present or future use by a person or agency other than the legal fee owner(s) of the property. The easement shall be permitted to be for use under, on or above a said lot or lots.

"EQUIPMENT": All piping, ducts, vents, control devices and other components of systems other than appliances that are permanently installed and integrated to provide control of environmental conditions for buildings. This definition shall also include other systems specifically regulated in this Code.

"EQUIPMENT SUPPORT": Those structural members or assemblies of members or manufactured elements, including braces, frame, lugs.

"EXTERIOR PROPERTY": The open space on the premises and on adjoining property under the control of owners or operators of such premises.

"GARBAGE": The animal and vegetable waste resulting from the handling, preparation, cooking and consumption of food.

"GRAFFITI": Graffiti means and includes any unauthorized inscription, word, figure, or design or collections thereof, which marked, etched, scratched, painted, drawn or printed on any structural component of any building, structure, or other facility, regardless of the nature of the material of that structural component.

"GROUP R": Residential occupancies containing sleeping units or more than **two (2)** dwelling units where the occupants are primarily permanent in nature.

"GUARD": A building component or a system of building components located at or near the open sides of elevated walking surfaces that minimizes the possibility of a fall from the walking surface to a lower level.

"HABITABLE SPACE": Space in a structure for living, sleeping, eating or cooking. Bathrooms, toilet rooms, closets, halls, storage or utility spaces, and similar areas are not considered habitable spaces.

"HAZARDOUS LOCATION": Any location considered to be a fire hazard for flammable vapors, dust, combustible fibers or other highly combustible substances.

"HEARING OFFICER": Means a City employee or an officer or agent of the City, other than a police officer or sheriff, whose duty is to do the following:

(A) Preside at an administrative hearing called to determine whether or not a property is or was a nuisance property;

(B) Hear testimony and accept evidence from the Sheriff, the person in charge/owner/occupant, and all interested parties relevant to the existence of the nuisance activity;

(C) Preserve and authenticate the transcript and record of the hearing and all exhibits and evidence introduced at the hearing; and issue and sign a written finding, decision, order stating whether a violation of this Article exists.

"HOUSEKEEPING UNIT": A room or group of rooms forming a single habitable space equipped and intended to be used for living, sleeping, cooking and eating which does not contain, within such a unit, a toilet, lavatory and bathtub or shower.

"IGNITION SOURCE": A flame, spark or hot surface capable of igniting flammable vapors or fumes. Such sources include appliance burners, burner ignitions and electrical switching devices.

"IMMINENT DANGER": A condition which could cause serious or life-threatening injury or death at any time.

"INFESTATION": The presence, within or contiguous to, a structure or premises of insects, rats, vermin or other pests.

"INOPERABLE MOTOR VEHICLE": A vehicle which cannot be driven upon the public streets for reason including but not limited to being unlicensed, wrecked, abandoned, in a state of disrepair, or incapable of being moved under its own power.

"LABELED": Equipment, materials or products to which has been affixed a label, seal, symbol or other identifying mark of a nationally recognized testing laboratory, inspection agency or other organization concerned with product evaluation that maintains periodic inspection of the production of the above-labeled items and whose labeling indicates either that the equipment, material or product meets identified standards or has been tested and found suitable for a specified purpose.

"LET FOR OCCUPANCY OR LET": To permit, provide or offer possession or occupancy of a dwelling, dwelling unit, rooming unit, building, premises or structure by a person who is or is not the legal owner of record thereof, pursuant to a recorded or unrecorded agreement of contract for the sale of land.

"LIVING SPACE": Space within a dwelling unit utilized for living, sleeping, eating, cooking, bathing, washing and sanitation purposes.

"NEGLECT": The lack of proper maintenance for a building or structure.

"NUISANCE ACTIVITY": Mean any act that would constitute a felony or Class A misdemeanor under the laws of the State of Illinois.

"NUISANCE PROPERTY": Means any property on which the Police Department has **one (1)** or more official police reports of nuisance activity which has occurred within a **one (1) year** period.

"OCCUPANCY": The purpose for which a building or portion thereof is utilized or occupied.

"OCCUPANT": Any individual living or sleeping in a building, or having possession of a space within a building.

"OPENABLE AREA": The part of a window, skylight or door which is available for unobstructed ventilation and which opens directly to the outdoors.

"OPERATOR": Means any agent of the owner, manager, contract purchaser, executor, administrator, trustee or guardian of the estate of the owner, person who is in charge, care or control of such premises in which buildings or dwelling units are rented shall be bound to comply with this Code and the rules and regulations adopted pursuant thereto to the same extent as if he/she were the owner.

"OWNER": Any person, agent, operator, firm or corporation having a legal or equitable interest in the property; or recorded in the official records of the state, county or municipality as holding title to the property; or otherwise having control of the property, including the guardian of the estate of any such person, and the executor or administrator of the estate of such person if ordered to take possession of real property by a court.

"PERSON": Means any natural person, agent, association, firm, partnership, corporation or other entity capable of owning, occupying, or using property in the City.

"PERSON IN CHARGE": Means any person, in actual or constructive possession of a property, including, but not limited to, an owner or occupant of property under his ownership or control.

"PEST ELIMINATION": The control and elimination of insects, rodents or other pests by eliminating their harborage places; by removing or making inaccessible materials that serves as their food or water; by the approved pest elimination methods.

"PREMISES": Means the lot, plot or parcel of land, and includes the buildings, structures, and dwelling units thereon.

"PROPERTY": Means any property, including land and that which is affixed, incidental, or appurtenance to land, including, but not limited to, any business or residence, parking area, loading area, landscaping, building or structure or any separate part, unit, or portion thereof, or any business equipment, whether or not permit. For property consisting of more than one unit, property may be limited to the unit or portion of the property on which any nuisance activity has occurred or is occurring, but includes areas of the property used in common by all units of property, including, without limitation other structures erected on the property and areas used for parking, loading, and landscaping.

"PUBLIC WAY": Any street, alley or similar parcel of land essentially unobstructed from the ground to the sky, which is deeded, dedicated or otherwise permanently appropriated to the public for public use.

"RENTAL HOUSING": For purposes of this Code, "Rental Housing" shall constitute any dwelling unit, rooming house, rooming unit, or sleeping unit being made available to a tenant in exchange for compensation of any kind. Rental Housing shall also include:

- (A) lots or pads made available for placement of mobile homes thereon and
- (B) properties that primarily operate as hotels and motels.

Exceptions: Rental Housing, for the purposes of this Chapter, shall not include the following:

(A) Lawfully operating housing for the elderly that meets the definition of "housing for older persons," as provided in 42 U.S.C. § 3607.

(B) Lawfully operating group homes, governed by the Specialized Living Centers Act, 405 ILCS 3/1 et seq., as amended, dealing with the developmentally disabled, and such other similar non-profit uses governed by state or federal laws, rules or regulations if such similar uses are required to be exempted by law.

(C) Owner-occupied single-family dwellings having not more than one authorized boarder.

"ROOMING HOUSE": A building arranged or occupied for lodging, with or without meals, for compensation and not occupied as a one- or two-family dwelling.

"ROOMING UNIT": Any room or group of rooms forming a single habitable unit occupied or intended to be occupied for sleeping or living, but not for cooking purposes.

"RUBBISH": Combustible and noncombustible waste materials, except garbage; the term shall include the residue from the burning of wood, coal, coke and other combustible materials, paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass, crockery and dust and other similar materials.

"SLEEPING UNIT": A room or space in which people sleep, which can also include permanent provisions for living, eating and either sanitation or kitchen facilities, but not both. Such rooms and spaces that are part of a dwelling unit are not sleeping units.

"STRUCTURE": That which is built or constructed or a portion thereof.

"TENANT": A person, occupant of leased or rented premises, corporation, partnership or group whether or not the legal owner of record, occupying a building or portion thereof as a unit.

"ULTIMATE DEFORMATION": The deformation at which failure occurs and which be deemed to occur if the sustainable load reduces to 80 percent or less of the maximum strength.

"VENTILATION": The natural or mechanical process of supplying conditioned air to, or removing such air from, any space.

"WORKMANLIKE": Executed in a skilled manner, e.g., generally plumb, level, square, in line, undamaged and without marring adjacent work.

"YARD": An open space on the same lot with a building, structure or use, unoccupied and unobstructed from the ground up, except for accessory buildings, or such projections as are expressly permitted in these regulations.

"YARD, FRONT": A yard extending across the full width of the lot between the front lot line and the nearest line or point of the building.

"YARD, REAR": A yard extending across the full width of the lot between the rear lot line and the nearest line or point of the principal building.

"YARD, SIDE": A yard extending from the front yard to the rear yard between the side lot line and the nearest line or point of the building.

ARTICLE III - GENERAL REQUIREMENTS

DIVISION I - GENERAL

29-3-1 **SCOPE.** The provisions of this Chapter shall govern the minimum conditions and the responsibilities of persons for maintenance of structures, equipment and exterior property. **(301.1)**

29-3-2 **RESPONSIBILITY.** The owner of the premises shall maintain the structures and exterior property in compliance with these requirements, except as otherwise provided for in this Code. A person shall not occupy as owner-occupant or permit another person to occupy premises which are not in a sanitary and safe condition and which do not comply with the requirements of this Chapter. Occupants of a dwelling unit, rooming unit or housekeeping unit are responsible for keeping in a clean, sanitary and safe condition that part of the dwelling unit, rooming unit, housekeeping unit or premises which they occupy and control. **(301.2)**

29-3-3 **VACANT STRUCTURES AND LAND.** All vacant structures and premises thereof or vacant land shall be maintained in a clean, safe, secure and sanitary condition as provided herein so as not to cause a blighting problem or adversely affect the public health or safety. **(301.3)**

29-3-4 **RESERVED.**

DIVISION II - EXTERIOR PROPERTY AREAS

29-3-5 **SANITATION.** All exterior property and premises shall be maintained in a clean, safe and sanitary condition. The occupant shall keep that part of the exterior property which such occupant occupies or controls in a clean and sanitary condition. **(302.1)**

29-3-6 **GRADING AND DRAINAGE.** All premises shall be graded and maintained to prevent the erosion of soil and to prevent the accumulation of stagnant water thereon, or within any structure located thereon. **(302.2)**

(A) **Exception:** Approved retention areas and reservoirs.

29-3-7 **SIDEWALKS AND DRIVEWAYS.** All sidewalks, walkways, stairs, driveways, parking spaces and similar areas shall be kept in a proper state of repair, and maintained free from hazardous conditions. **(302.3)**

29-3-8 **WEEDS.** (See Chapter 25; Article II)

29-3-9 **RODENT HARBORAGE.** All structures and exterior property shall be kept free from rodent harborage and infestation. Where rodents are found, they shall be promptly exterminated by approved processes which will not be injurious to human health. After extermination, proper precautions shall be taken to eliminate rodent harborage and prevent reinfestation. **(302.5)**

29-3-10 **EXHAUST VENTS.** Pipes, ducts, conductors, fans or blowers shall not discharge gases, steam, vapor, hot air, grease, smoke, odors or other gaseous or particulate waste directly upon abutting or adjacent public or private property or that of another tenant. **(302.6)**

29-3-11 **ACCESSORY STRUCTURES.** All accessory structures, including detached garages, fence and walls, shall be maintained structurally sound and in good repair. **(302.7)**

29-3-12 **MOTOR VEHICLES.** Except as provided for in other regulations, no inoperative or unlicensed motor vehicle shall be parked, kept or stored on any premises, and no vehicle shall at any time be in a state of major disassembly, disrepair, or in the process of being stripped or dismantled. Painting of vehicles is prohibited unless conducted inside an approved spray booth. **(302.8)**

Exception: A vehicle of any type is permitted to undergo major overhaul, including body work, provided that such work is performed inside a structure or similarly enclosed area designed and approved for such purposes.

29-3-13 **PARKING MOTOR VEHICLES.** The parking of vehicles on any surface that is not an imposed surface in the front or side yard areas of a residential zone district is prohibited. Boats, travel trailers and utility trailers are subject to the **Zoning Code – Chapter 40.**

(A) **Improved Surface.** Means an area, excluding a driveway, the surface of which is comprised of a selected materials constructed to a depth sufficient to distribute the weight of a vehicle over such area to preclude deterioration and deflection of the area due to vehicle load, adverse weather, or other conditions.

29-1-14 **GRAFFITI.** All structures and exterior property shall be kept free from graffiti. The existence of graffiti on building, or on structures, including but not limited to fences or walls located upon any property is declared a nuisance. Where graffiti is found, a notice shall be issued describing the nuisance and shall establish a reasonable time limit for the abatement thereof by such owner, which time shall be not less than **five (5) days** nor more than **fourteen (14) days** after service of such notice. The notice shall also specify clearly that graffiti established on a painted surface shall be painted over with a color consistent with the predominant tone of the building or structure, and that graffiti established on any unpainted masonry or wood surface shall be removed by clearing so that such unpainted surface is returned.

DIVISION III – SWIMMING POOLS, SPAS AND HOT TUBS

29-3-15 **SWIMMING POOLS.** Swimming pools shall be maintained in a clean and sanitary condition, and in good repair. **(303.1)**

29-3-16 **ENCLOSURES.** Private swimming pools, hot tubs and spas, containing water more than **twenty-four (24) inches (610 mm)** in depth shall be completely surrounded by a fence or barrier at least **forty-eight (48) inches (1219 mm)** in height above the finished ground level measured on the side of the barrier away from the pool. Gates and doors in such barriers shall be self-closing and self-latching. Where the self-latching device is less than **fifty-four (54) inches (1372 mm)** above the bottom of the gate, the release mechanism shall be located on the pool side of the gate. Self-closing and self-latching gates shall be maintained such that the gate will positively close and latch when released from an open position of **six (6) inches (152 mm)** from the gatepost. No existing pool enclosure shall be removed, replaced or changed in a manner that reduces its effectiveness as a safety barrier. **(303.2)**

29-3-17 **RESERVED.**

DIVISION IV - EXTERIOR STRUCTURE

29-3-18 **GENERAL.** The exterior of a structure shall be maintained in good repair, structurally sound and sanitary so as not to pose a threat to the public health, safety or welfare. **(304.1)**

29-1-19 **UNSAFE CONDITIONS.** The following conditions shall be determined as unsafe and shall be repaired or replaced to comply with the Code of Ordinances as required for existing buildings: **(304.1.1)**

(A) The nominal strength of any structural member is exceeded by nominal loads, the load effects or the required strength;

(B) The anchorage of the floor or roof to walls or columns, and of walls and columns to foundations is not capable of resisting all nominal loads or load effects;

(C) Structures or components thereof that have reached their limit state;

(D) Siding and masonry joints including joints between the building envelope and the perimeter of windows, doors and skylights are not maintained, weather resistant or water tight;

(E) Structural members that have evidence of deterioration or that are not capable of safely supporting all nominal loads and load effects;

(F) Foundation systems that are not firmly supported by footings, are not plumb and free from open cracks and breaks, are not properly anchored or are not capable of supporting all nominal loads and resisting all load effects;

(G) Exterior walls that are not anchored to supporting and supported elements or are not plumb and free of holes, cracks or breaks and loose or rotting materials, are not properly anchored or are not capable of supporting all nominal loads and resisting all load effects;

(H) Roofing or roofing components that have defects that admit rain, roof surfaces with inadequate drainage, or any portion of the roof framing that is not in good repair with signs of deterioration, fatigue or without proper anchorage and incapable of supporting all nominal loads and resisting all load effects;

(I) Flooring and flooring components with defects that affect serviceability or flooring components that show signs of deterioration or fatigue, are not properly anchored or are incapable of supporting all nominal loads and resisting all load effects.

(J) Veneer, cornices, belt courses, corbels, trim, wall facings and similar decorative features not properly anchored or that are anchored with connections not capable of supporting all nominal loads and resisting all load effects;

(K) Overhang extensions or projections including, but not limited to, trash chutes, canopies, marquees, signs, awnings, fire escapes, standpipes and exhaust ducts not properly anchored or that are anchored with connections not capable of supporting all nominal loads and resisting all load effects.

(L) Exterior stairs, decks, porches, balconies and all similar appurtenances attached thereto, including guards and handrails, are not structurally sound, not properly anchored or that are anchored with connections not capable of supporting all nominal loads and resisting all load effects; or

(M) Chimneys, cooling towers, smokestacks and similar appurtenance not structurally sound or not properly anchored, or that are anchored with connections not capable of supporting all nominal loads and resisting all load effects.

Exceptions:

1. When substantiated otherwise by an approved method.

2. Demolition of unsafe conditions shall be permitted when approved by the Code

Official.

29-3-20 **PROTECTIVE TREATMENT.** All exterior surfaces, including but not limited to, doors door and window frames, cornices, porches, trim, balconies, decks and fences shall be maintained in good condition. Exterior wood surfaces, other than decay-resistant woods, shall be protected from the elements and decay by painting or other protective covering or treatment. Peeling, flaking and chipped paint shall be eliminated and surfaces repainted. All siding and masonry joints as well as those between the

building envelope and the perimeter of windows, doors, and skylights shall be maintained weather resistant and water tight. All metal surfaces subject to rust or corrosion shall be coated to inhibit such rust and corrosion and all surfaces with rust or corrosion shall be stabilized and coated to inhibit future rust and corrosion. Oxidation stains shall be removed from exterior surfaces. Surfaces designed for stabilization by oxidation are exempt from this requirement. **(304.2)**

29-3-21 **PREMISES IDENTIFICATION.** Buildings shall have approved address numbers placed in a position to be plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Address numbers shall be Arabic numerals or alphabet letters. Numbers shall be a minimum of **four (4) inches (102 mm)** high with a minimum stroke width of **one-half (0.5) inch (12.7 mm)**. **(304.3)**

29-3-22 **STRUCTURAL MEMBERS.** All structural members shall be maintained free from deterioration, and shall be capable of safely supporting the imposed dead and live loads. **(304.4)**

29-3-23 **FOUNDATION WALLS.** All foundation walls shall be maintained plumb and free from open cracks and breaks and shall be kept in such condition so as to prevent the entry of rodents and other pests. **(304.5)**

29-3-24 **EXTERIOR WALLS.** All exterior walls shall be free from holes, breaks, and loose or rotting materials; and maintained weatherproof and properly surface coated where required to prevent deterioration. **(304.6)**

29-3-25 **ROOFS AND DRAINAGE.** The roof and flashing shall be sound, tight and not have defects that admit rain. Roof drainage shall be adequate to prevent dampers or deterioration in the walls or interior portion of the structure. Roof drains, gutters and downspout shall be maintained in good repair and free from obstructions. Roof water shall not be discharged in a manner that creates a public nuisance. **(304.7)**

29-3-26 **DECORATIVE FEATURES.** All cornices, belt courses, corbels, terra cotta trim, wall facings and similar decorative features shall be maintained in good repair with proper anchorage and in a safe condition. **(304.8)**

29-3-27 **OVERHANG EXTENSIONS.** All overhang extensions including, but not limited to canopies, marquees, signs, metal awnings, fire escapes, standpipes, exhaust ducts shall be maintained in good repair and be properly anchored so as to be kept in a sound condition. When required, all exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment. **(304.9)**

29-3-28 **STAIRWAYS, DECKS, PORCHES AND BALCONIES.** Every exterior stairway, deck, porch and balcony, and all appurtenances attached thereto, shall be maintained structurally sound, in good repair, with proper anchorage and capable of supporting the imposed loads. **(304.10)**

29-3-29 **HANDRAILS AND GUARDS.** Every handrail and guard shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition. **(304.12)**

29-3-30 **WINDOW, SKYLIGHT AND DOOR FRAMES.** Every window, skylight, door and frame shall be kept in sound condition, good repair and weather tight. **(304.13)**

(A) **Glazing.** All glazing materials shall be maintained free from cracks and holes. **(304.13.1)**

(B) **Openable Windows.** Every window, other than a fixed window, shall be easily openable and capable of being held in position by window hardware. **(304.13.2)**

29-3-31 **INSECT SCREENS.** During the period from April to October, every door, window and other outside opening required for ventilation of habitable rooms, food preparation areas, food service areas or any areas where products to be included or utilized in food for human consumption are processed, manufactured, packaged or stored, shall be supplied with approved tightly fitting screens of not less than **16 mesh per inch (16 mesh per 25 mm)** and every swinging door shall have a self-closing device in good working condition. **(304.14)**

(A) **Exception:** Screens shall not be required where other approved means, such as air curtains or insect repellent fans, are employed.

29-3-32 **DOORS.** All exterior doors, door assemblies and hardware shall be maintained in good condition. Locks at all entrances to dwelling units, rooming units and guestrooms shall tightly secure the door. Locks on means of egress doors shall be in accordance with **Section 29-7-5.**

29-3-33 **BASEMENT HATCHWAYS.** Every basement hatchway shall be maintained to prevent the entrance of rodents, rain and surface drainage water. **(304.16)**

29-3-34 **GUARDS FOR BASEMENT WINDOWS.** Every basement window that is openable shall be supplied with rodent shields, storm windows or other approved protection against the entry of rodents. **(304.17)**

29-3-35 **BUILDING SECURITY.** Doors, windows or hatchways for dwelling units, room units or housekeeping units shall be provided with devices designed to provide security for the occupants and property within. **(304.18)**

(A) **Doors.** Doors providing access to a dwelling unit, rooming unit or housekeeping unit that is rented, leased or let shall be equipped with a deadbolt lock meeting specifications set forth herein. Such deadbolt locks shall be operated only by the turning of a knob or a key and shall have a lock throw of not less than **one (1) inch.** For the purpose of this Section, a sliding bolt shall not be considered an acceptable deadbolt lock. Such deadbolt locks shall be installed according to manufacturer's specifications and maintained in good working order. All deadbolt locks required by this Section shall be designed and installed in such a manner so as to be operable inside of the dwelling unit, rooming unit or housekeeping unit without the use of a key, tool, combination thereof or any other special knowledge or effort. **(304.18.1)**

(B) **Windows.** Operable windows located in whole or in part within **six (6) feet (1828 mm)** above ground level or a walking surface below that provide access to a dwelling unit, rooming unit or housekeeping unit that is rented, leased or let shall be equipped with a window sash locking devices. **(304.18.2)**

(C) **Basement Hatchways.** Basement hatchways that provide access to a dwelling unit, rooming unit or housekeeping unit that is rented, leased or let shall be equipped with devices that secure the units from unauthorized entry. **(304.18.3)**

29-3-36 **GATES.** All exterior gates, gate assemblies, operator systems if provided, and hardware shall be maintained in good condition. Latches at all entrances shall tightly secure the gates. **(304.19)**

DIVISION V - INTERIOR STRUCTURE

29-3-37 **GENERAL.** The interior of a structure and equipment therein shall be maintained in good repair, structurally sound and in a sanitary condition. Occupants shall keep that part of the structure which they occupy or control in a clean and sanitary condition. Every owner of a structure containing a rooming house, housekeeping units, a hotel, a dormitory, **two (2)** or more dwelling units or **two (2)** or more nonresidential occupancies, shall maintain, in a clean and sanitary condition, the shared or public areas of the structure and exterior property. **(305.1)**

(A) **Unsafe Conditions.** The following conditions shall be determined as unsafe and shall be repaired or replaced to comply with **Chapter 6 Building Regulations: (305.1.1)**

- (1) The nominal strength of any structural member is exceeded by nominal loads, the load effects or the required strength;
- (2) The anchorage of the floor or roof to walls or columns, and of walls and columns to foundations is not capable of resisting all nominal loads and load effects;
- (3) Structures or components thereof that have reached their limit state;
- (4) Structural members are incapable of supporting nominal loads and load effects;
- (5) Stairs, landings, balconies and all similar walking surfaces, including guards and handrails, are not structurally sound, not properly anchored or are anchored with connections not capable of supporting all nominal loads and resisting all load effects;
- (6) Foundation systems that are not firmly supported by footings are not plumb and free from open cracks and breaks, are not properly anchored or are not capable of supporting all nominal loads and resisting all load effects;
- (7) When substantiated otherwise by an approved method.
- (8) Demolition of unsafe conditions shall be permitted when approved by the Code Official.

29-3-38 **STRUCTURE MEMBERS.** All structural members shall be maintained structurally sound, and be capable of supporting the imposed loads. **(305.2)**

29-3-39 **INTERIOR SURFACES.** All interior surfaces, including windows and doors, shall be maintained in good, clean and sanitary condition. Peeling, chipping, flaking or abraded paint shall be repaired, removed or covered. Cracked or loose plaster, decayed wood and other defective surface conditions shall be corrected. **(305.3)**

29-3-40 **STAIRS AND WALKING SURFACES.** Every stair, ramp, landing, balcony, porch, deck or other walking surface shall be maintained in sound condition and good repair. **(305.4)**

29-3-41 **HANDRAILS AND GUARDS.** Every handrail and guard shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition. **(305.5)**

29-3-42 **INTERIOR DOORS.** Every interior door shall fit reasonably well within its frame and shall be capable of being opened and closed by being properly and securely attached to jambs, headers or tracks as intended by the manufacturer of the attachment hardware. **(305.6)**

DIVISION VI – COMPONENT SERVICEABILITY

29-3-43 GENERAL. The components of a structure and equipment therein shall be maintained in good repair, structurally sound and in a sanitary condition. **(306.1)**

(A) **Unsafe Conditions.** Where any of the following conditions cause the component or system to be beyond its limit state, the component or system shall be determined as unsafe and shall be repaired or replaced to comply with **Chapter 6 Building Regulations** as required for existing buildings: **(306.1.1)**

- (1) Soils that have been subjected to any of the following conditions:
 - (a) Collapse of footing or foundation systems;
 - (b) Damage to footing, foundation, concrete or other structural element due to soil expansion;
 - (c) Adverse effects to the design strength of footing, foundation, concrete or other structural element due to a chemical reaction from the soil;
 - (d) Inadequate soil as determined by a geotechnical investigation;
 - (e) Where the allowable bearing capacity of the soil is in doubt; or
 - (f) Adverse effects to the footing, foundation, concrete or other structural element due to the ground water table.
- (2) Concrete that has been subject to any of the following conditions:
 - (a) Deterioration;
 - (b) Ultimate deformation;
 - (c) Fractures;
 - (d) Fissures;
 - (e) Spalling;
 - (f) Exposed reinforcement; or
 - (g) Detached, dislodged or failing connections.
- (3) Aluminum that has been subject to any of the following conditions:
 - (a) Deterioration;
 - (b) Corrosion;
 - (c) Elastic deformation;
 - (d) Ultimate deformation;
 - (e) Stress or stain cracks;
 - (f) Joint fatigue; or
 - (g) Detached, dislodged or failing connections.
- (4) Masonry that has been subject to any of the following conditions:
 - (a) Deterioration;
 - (b) Ultimate deformation;
 - (c) Fractures in masonry or mortar joints;
 - (d) Fissures in masonry or mortar joints;
 - (e) Spalling;
 - (f) Exposed reinforcement; or
 - (g) Detached, dislodged or failing connections.
- (5) Steel that has been subject to any of the following conditions:
 - (a) Deterioration;
 - (b) Elastic deformation;
 - (c) Ultimate deformation;
 - (d) Metal fatigue; or
 - (e) Detached, dislodged or failing connections.
- (6) Wood that has been subject to any of the following conditions:
 - (a) Ultimate deformation;
 - (b) Deformation;
 - (c) Damages from insects, rodents and other vermin;
 - (d) Fire damage beyond charring;

- (e) Significant splits and cracks;
- (f) Horizontal shear cracks;
- (g) Vertical shear cracks;
- (h) Inadequate support;
- (i) Detached, dislodged or failing connections; or
- (j) Excessive cutting and notching.

Exception:

- (A) When substantiated otherwise by an approved method.
- (B) Demolition of unsafe conditions shall be permitted when approved by the Code

Official.

DIVISION VII – HANDRAILS AND GUARDRAILS

29-3-44 **GENERAL.** Every exterior and interior flight of stairs having more than **four (4) risers** shall have a handrail on one side of the stairs and every open portion of a stair, landing, balcony, porch, deck, ramp or other walking surface which is more than **thirty (30) inches (762 mm)** above the floor or grade below shall have guards. Handrails shall not be less than **thirty (30) inches (762 mm)** in height or more than **forty-two (42) inches (1067 mm)** in height measured vertically above the nosing of the tread or above the finished floor of the landing or walking surfaces. Guards shall not be less than **thirty (30) inches (762 mm)** in height above the floor of the landing, balcony, porch, deck, or ramp or other walking surface. **(307.1)**

Exception: Guards shall not be required where exempted by the adopted Building Code.

29-3-45 **RESERVED.**

DIVISION VIII - RUBBISH AND GARBAGE

29-3-46 **ACCUMULATION OF RUBBISH OR GARBAGE.** All exterior property and premises, and the interior of every structure shall be free from any accumulation of rubbish or garbage. **(308.1)**

29-3-47 **DISPOSAL OF RUBBISH.** Every occupant of a structure shall dispose of all rubbish in a clean and sanitary manner by placing such rubbish in approved containers. **(308.2)**

(A) **Rubbish Storage Facilities.** The owner of every occupied premise shall supply approved covered containers for rubbish, and the owner of the premises shall be responsible for the removal of rubbish. **(308.2.1)**

(B) **Refrigerators.** Refrigerators and similar equipment not in operation shall not be discarded, abandoned or stored on premises without first removing the doors. **(308.2.2)**

29-3-48 **DISPOSAL OF GARBAGE.** Every occupant of a structure shall dispose of all rubbish garbage in a clean and sanitary manner by placing such garbage in an approved garbage disposal facility or approved garbage containers. **(308.3)**

(A) **Garbage Facilities.** The owner of every dwelling shall supply one of the following: an approved mechanical food waste grinder in each dwelling unit; an approved incinerator unit in the structure available to the occupants in each dwelling unit; or an approved leakproof, covered, outside garbage container. **(308.3.1)**

(B) **Containers.** The operator of every establishment producing garbage shall provide, and at all times cause to be utilized, approved leakproof containers provided with close-fitting covers for the storage of such materials until removed from the premises for disposal. **(308.3.2)**

29-3-49 **RESERVED.**

DIVISION IX – PEST ELIMINATION

29-3-50 **INFESTATION.** All structures shall be kept free from insect and rodent infestation. All structures in which insects or rodents are found shall be promptly exterminated by approved processes that will not be injurious to human health. After pest elimination, proper precautions shall be taken to prevent reinfestation. **(309.1)**

29-3-51 **OWNER.** The owner of any structure shall be responsible for pest elimination within the structure prior to renting or leasing the structure. **(309.2)**

29-3-52 **SINGLE OCCUPANT.** The occupant of a one-family dwelling or of a single-tenant nonresidential structure shall be responsible for pest elimination on the premises. **(309.2)**

29-3-53 **MULTIPLE OCCUPANCY.** The owner of a structure containing **two (2)** or more dwelling units, a multiple occupancy, a rooming house or a nonresidential structure shall be responsible for pest elimination in the public or shared areas of the structure and exterior property. If infestation is caused by failure of an occupant to prevent such infestation in the area occupied, the occupant and owner shall be responsible for pest elimination. **(309.4)**

29-3-54 **OCCUPANT.** The occupant of any structure shall be responsible for the continued rat-free condition of the structure, and if the occupant fails to maintain the rat-free condition, the cost of extermination shall be the responsibility of the occupant.

(A) **Exception:** Where the infestations are caused by defects in the structure, the owner shall be responsible for pest elimination. **(309.5)**

ARTICLE IV - LIGHT, VENTILATION AND OCCUPANCY LIMITATIONS

DIVISION I - GENERAL

29-4-1 **SCOPE.** The provisions of this Chapter shall govern the minimum conditions and standards for light, ventilation and space for occupying a structure. **(401.1)**

29-4-2 **RESPONSIBILITY.** The owner of the structure shall provide and maintain light, ventilation and space conditions in compliance with these requirements. A person shall not occupy as owner-occupant, or permit another person to occupy, any premises that do not comply with the requirements of this Chapter. **(401.2)**

29-4-3 **ALTERNATIVE DEVICES.** In lieu of the means for natural light and ventilation herein prescribed, artificial light or mechanical ventilation complying with the *International Building Code* shall be permitted. **(401.3)**

29-4-4 **RESERVED.**

DIVISION II - LIGHT

29-4-5 **HABITABLE SPACES.** Every habitable space shall have at least **one (1) window** of approved size facing directly to the outdoors or to a court. The minimum total glazed area for every habitable space shall be **eight percent (8%)** of the floor area of such room. Wherever walls or other portions of a structure face a window of any room and such obstructions are located less than **three (3) feet (914 mm)** from the window and extend to a level above that of the ceiling of the room, such window shall not be deemed to face directly to the outdoors nor to a court and shall not be included as contributing to the required minimum total window area for the room.

Exception: Where natural light for rooms or spaces without exterior glazing areas is provided through an adjoining room, the unobstructed opening to the adjoining room shall be at least **eight percent (8%)** of the floor area of the interior room or space, but not less than **twenty-five (25) square feet (2.33 m²)**. The exterior glazing area shall be based on the total floor area being served. **(402.1)**

29-4-6 **COMMON HALLS AND STAIRWAYS.** Every common hall and stairway in residential occupancies, other than in one-and two-family dwellings, shall be lighted at all times with at least a **sixty (60) watt** standard incandescent light bulb for each **two hundred (200) square feet (19 m²)** of floor area or equivalent illumination, provided that the spacing between lights shall not be greater than **thirty (30) feet (9144 mm)**. In other than residential occupancies, means of egress, including exterior means of egress stairways shall be illuminated at all times the building space served by the means of egress is occupied with a minimum of **one (1) footcandle (11 lux)** at floors, landings and treads. **(402.2)**

29-4-7 **OTHER SPACES.** All other spaces shall be provided with natural or artificial light sufficient to permit the maintenance of sanitary conditions, and the safe occupancy of the space and utilization of the appliance, equipment and fixtures. **(402.3)**

29-4-8 **RESERVED.**

DIVISION III - VENTILATION

29-4-9 **HABITABLE SPACES.** Every habitable space shall have at least **one (1)** openable window. The total openable area of the window in every room shall be equal to at least **forty-five percent (45%)** of the minimum glazed area required in **Section 29-4-5.**

Exception: Where rooms and spaces without openings to the outdoors are ventilated through an adjoining room, the unobstructed opening to the adjoining room shall be at least **eight percent (8%)** of the floor area of the interior room or space, but not less than **twenty-five (25) square feet (2.33 m²).** The ventilation openings to the outdoors shall be based on a total floor area being ventilated. **(403.1)**

29-4-10 **BATHROOMS AND TOILET ROOMS.** Every bathroom and toilet room shall comply with the ventilation requirements for habitable spaces as required by **Section 29-4-9**, except that a window shall not be required in such spaces equipped with a mechanical ventilation system. Air exhausted by a mechanical ventilation system from a bathroom or toilet room shall discharge to the outdoors and shall not be recirculated. **(403.2)**

Exception: This Section shall not apply to existing nonconforming buildings or structures.

29-4-11 **COOKING FACILITIES.** Unless approved through the certificate of occupancy, cooking shall not be permitted in any rooming unit or dormitory unit, and a cooking facility or appliance shall not be permitted to be present in a rooming unit or dormitory unit. **(403.3)**

Exception:

(A) Where specifically approved in writing by the Code Official.

(B) Devices such as coffee pots and microwave ovens shall not be considered cooking appliances.

29-4-12 **PROCESS VENTILATION.** Where injurious, toxic, irritating or noxious fumes, gases, dusts or mists are generated, a local exhaust ventilation system shall be provided to remove the contaminating agent at the source. Air shall be exhausted to the exterior and not be recirculated to any space. **(403.4)**

29-4-13 **CLOTHES DRYER EXHAUST.** Clothes dryer exhaust systems shall be independent of all other systems and shall be exhausted in accordance with the manufacture's instructions. **(403.5)**

Exception: Listed and labeled condensing (ductless) clothes dryers.

29-4-14 **RESERVED.**

DIVISION IV - OCCUPANCY LIMITATIONS

29-4-15 **PRIVACY.** Dwelling units, hotel units, housekeeping units, rooming units and dormitory units shall be arranged to provide privacy and be separate from other adjoining spaces. **(404.1)**

29-4-16 **MINIMUM ROOM WIDTHS.** A habitable room, other than a kitchen, shall not be less than **seven (7) feet (2134 mm)** in any plan dimension. Kitchens shall have a clear passageway of not less than **three (3) feet (914 mm)** between counterfronts and appliances or counterfronts and walls. **(404.2)**

Exception: This Section shall not apply to existing nonconforming buildings or structures.

29-4-17 MINIMUM CEILING HEIGHTS. Habitable spaces, hallways, corridors, laundry areas, bathrooms, toilet rooms and habitable basement areas shall have a clear ceiling height of not less than **seven (7) feet (2134 mm)**. **(404.3)**

Exceptions:

(A) In one- and two-family dwellings, beams or girders spaced not less than **four (4) feet (1219 mm)** on center and projecting not more than **six (6) inches (152 mm)** below the required ceiling height.

(B) Basement rooms in one- and two-family dwellings occupied exclusively for laundry, study or recreation purposes, having a ceiling height of not less than **six (6) feet eight (8) inches (2033 mm)** with not less than **six (6) feet four (4) inches (1932 mm)** of clear height under beams, girders, ducts and similar obstructions.

(C) Rooms occupied exclusively for sleeping, study or similar purposes and having a sloped ceiling over all or part of the room, with a clear ceiling height of at least **seven (7) feet (2134 mm)** over not less than **one-third (1/3)** of the required minimum floor area. In calculating the floor area of such rooms, only those portions of the floor area with a clear ceiling height of **five (5) feet (1524 mm)** or more shall be included.

(D) This Section shall not apply to existing nonconforming buildings or structures.

29-4-18 BEDROOM AND LIVING ROOM REQUIREMENTS. Every bedroom and living room shall comply with the requirements of **Sections 29-4-18(A)** through **29-4-18(F)**. **(404.4)**

(A) **Room Area.** Every living room shall contain at least **one hundred twenty (120) square feet (11.2 m²)** and every bedroom shall contain a minimum of **seventy (70) square feet (6.5 m²)** and every bedroom occupied by more than one person shall contain a minimum of **fifty (50) square feet (4.6 m²)** of floor area for each occupant thereof. **(404.4.1)**

(B) **Closet.** Bedrooms shall contain at least **one (1)** closet or contain at least **nine (9) square feet** or an approved wardrobe cabinet.

(C) **Access From Bedroom.** Bedrooms shall not constitute the only means of access to other bedrooms or habitable spaces and shall not serve as the only means of egress from other habitable spaces. **(404.4.2)**

Exception:

(1) Units that contain fewer than **two (2) bedrooms**.

(2) Nonconforming use.

(D) **Water Closet Accessibility.** Every bedroom shall have access to at least **one (1)** water closet and **one (1)** lavatory without passing through another bedroom. Every bedroom in a dwelling unit shall have access to at least **one (1)** water closet and lavatory located in the same story as the bedroom or an adjacent story. **(404.4.3)**

Exception: Nonconforming use.

(E) **Prohibited Occupancy.** Kitchens and nonhabitable spaces shall not be used for sleeping purposes. **(404.4.4)**

(F) **Other Requirements.** Bedrooms shall comply with the applicable provisions of this Code including, but not limited to, the light, ventilation, room area, ceiling height and room width requirements of this Chapter; the plumbing facilities and water-heating facilities requirements of **Article V**; the heating facilities and electrical receptacle requirements of **Article VI**; and the smoke detector and emergency escape requirements of **Article VII**. **(404.4.5)**

29-4-19 OVERCROWDING. Dwelling units shall not be occupied by more occupants than permitted by the minimum area requirements of **Table 29-4-19**. **(404.5)**

**Table 29-4-19
MINIMUM AREA REQUIREMENTS**

Space	Minimum area in square feet		
	1-2 occupants	3-5 occupants	6 or more
Living room(a,b) Dining room (a,b)	120 No requirements	120 80	150 100
Bedrooms	Shall comply with Section 29-4-18(A)		

For SI: 1 square foot = 0.093 m²

Note a. See Section 29-4-19(B) for combined living room/dining room spaces.

Note b. See Section 29-4-19(A) for limitations on determining the minimum occupancy area for sleeping purposes.

(A) **Sleeping Area.** The minimum occupancy area required by **Table 29-4-19** shall not be included as a sleeping area in determining the minimum occupancy area for sleeping purposes. All sleeping areas shall comply with **Section 29-4-18. (404.5.1)**

Exception.

- (1) Nonconforming use.
- (2) Manufactured homes.
 - (a) All bedrooms shall have at least **fifty (50) square feet** of floor area.
 - (b) Bedrooms designed for **two (2)** or more people shall have **seventy (70) square feet** of floor area plus **fifty (50) square feet** for each person in excess of **two (2)**. (HUD 3280.109)

(B) **Combined Spaces.** Combined living room and dining room spaces shall comply with the requirements of **Table 29-4-19** if the total area is equal to that required for separate rooms and if the space is located so as to function as a combination living room/dining room. **(404.5.2)**

29-4-20 EFFICIENCY UNIT. Nothing in this Section shall prohibit an efficiency living unit from meeting the following requirements:

(A) A unit occupied by not more than **one (1) occupant** shall have a minimum clear floor area of **one hundred twenty (120) square feet (11.2 m²)**. A unit occupied by **two (2) occupants** shall have a minimum clear floor area of **two hundred twenty (220) square feet (20.4 m²)**. A unit occupied by **three (3) occupants** shall have a minimum clear floor area of **three hundred twenty (320) square feet (29.7 m²)**. These required areas shall be exclusive of the areas required by paragraphs (B) and (C).

(B) The unit shall be provided with a kitchen sink, cooking appliance and refrigeration facilities, each having a minimum clear working space of **thirty (30) inches (762 mm)** in front. Light and ventilation conforming to this Code shall be provided.

(C) The unit shall be provided with a separate bathroom containing a water closet, lavatory and bathtub or shower.

(D) The maximum number of occupants shall be **three (3)**.

29-4-21 FOOD PREPARATION. All spaces to be occupied for food preparation purposes shall contain suitable space and equipment to store, prepare and serve foods in a sanitary manner. There shall be adequate facilities and services for the sanitary disposal of food wastes and refuse, including facilities for temporary storage. **(404.7)**

ARTICLE V - PLUMBING FACILITIES AND FIXTURE REQUIREMENTS

DIVISION I - GENERAL

29-5-1 **SCOPE.** The provisions of this Chapter shall govern the minimum plumbing systems, facilities and plumbing fixtures to be provided. **(501.1)**

29-5-2 **RESPONSIBILITY.** The owner of the structure shall provide and maintain such plumbing facilities and plumbing fixtures in compliance with these requirements. A person shall not occupy as owner-occupant or permit another person to occupy any structure or premises which does not comply with the requirements of this Chapter. **(501.2)**

DIVISION II - REQUIRED FACILITIES

29-5-3 **DWELLING UNITS.** Every dwelling unit shall contain its own bathtub or shower, lavatory, water closet and kitchen sink which shall be maintained in a sanitary, safe working condition. The lavatory shall be placed in the same room as the water closet or located in close proximity to the door leading directly into the room in which such water closet is located. A kitchen sink shall not be used as a substitute for the required lavatory. **(502.1)**

29-5-4 **ROOMING HOUSES.** At least **one (1)** water closet, lavatory and bathtub or shower shall be supplied for each **four (4)** rooming units. **(502.2)**

DIVISION III - TOILET ROOMS

29-5-5 **PRIVACY.** Toilet rooms and bathrooms shall provide privacy and shall not constitute the only passageway to a hall or other space, or to the exterior. A door and interior locking device shall be provided for all common or shared bathrooms and toilet rooms in a multiple dwelling. **(503.2)**

29-5-6 **FLOOR SURFACE.** In other than dwelling units, every toilet room floor shall be maintained to be a smooth, hard, nonabsorbent surface to permit such floor to be easily kept in a clean and sanitary condition. **(503.4)**

DIVISION IV – PLUMBING SYSTEMS AND FIXTURES

29-5-7 **GENERAL.** All plumbing fixtures shall be properly installed and maintained in working order, and shall be kept free from obstructions, leaks and defects and be capable of performing the function for which such plumbing fixtures are designed. All plumbing fixtures shall be maintained in a safe, sanitary and functional condition. **(504.1)**

29-5-8 **FIXTURE CLEARANCES.** Plumbing fixtures shall have adequate clearance for usage and cleaning. **(504.2)**

29-5-9 **PRESSURE-RELIEF VALVE.** Boilers shall be equipped with pressure-relief valves with minimum rated capacities for equipment served. Pressure relief valves shall be set at the maximum rating of the boiler. Discharge shall be piped to drains by gravity to within **eighteen (18) inches (457 mm)** of the floor or to an open receptor. **(IRC M2002.4)**

29-5-10 **PLUMBING SYSTEM HAZARDS.** Where it is found that a plumbing system in a structure constitutes a hazard to the occupants or the structure by reason of inadequate service, inadequate venting, cross connection, backsiphonage, improper installation, deterioration or damage or for similar reasons, the Code Official shall require the defects to be corrected to eliminate the hazard. **(504.3)**

DIVISION V - WATER SYSTEM

29-5-11 **GENERAL.** Every sink, lavatory, bathtub or shower, drinking fountain, water closet or other plumbing fixtures shall be properly connected to either a public water system or to an approved private water system. All kitchen sinks, lavatories, laundry facilities, bathtubs and showers shall be supplied with hot or tempered and cold running water in accordance with the *Illinois Plumbing Code*. **(505.1)**

29-5-12 **CONTAMINATION.** The water supply shall be maintained free from contamination, and all water inlets for plumbing fixtures shall be located above the flood-level rim of the fixture. Shampoo basin faucets, janitor sinks faucets and other hose bibs or faucets to which hoses are attached and left in place, shall be protected by an approved atmospheric-type vacuum breaker or an approved permanently attached hose connection vacuum breaker. **(505.2)**

29-5-13 **SUPPLY.** The water supply system shall be installed and maintained provide a supply of water to plumbing fixtures, devices and appurtenances in sufficient volume and at pressures adequate to enable the fixture to function properly, safely, and free from defects and leaks. **(505.3)**

29-5-14 **WATER HEATING FACILITIES.** Water heating facilities shall be properly installed, maintained and capable of providing an adequate amount of water to be drawn at every required sink, lavatory, bathtub, shower and laundry facility at a minimum temperature of not less than **one hundred (100) degrees F. (43 degrees C.)**. A gas-burning water heater shall not be located in any bathroom, toilet room, bedroom or other occupied room normally kept closed, unless adequate combustion air is provided. An approved combination temperature and pressure-relief valve and relief valve discharge pipe shall be properly installed and maintained on water heaters. **(505.4)**

29-5-15 **WATER HEATERS INSTALLED IN GARAGES.** Water heaters having an ignition source shall be elevated such that the source of ignition is not less than **eighteen (18) inches (457 mm)** above the garage floor. **(IRC P2801.6)**

Exception: Elevation of the ignition source is not required for appliances that are listed as flammable vapor ignition resistant.

DIVISION VI – SANITARY DRAINAGE SYSTEM

29-5-16 **GENERAL.** All plumbing fixtures shall be properly connected to either a public sewer system or to an approved private sewage disposal system. **(506.1)**

29-5-17 **MAINTENANCE.** Every plumbing stack, vent, waste and sewer line shall function properly and be kept free from obstructions, leaks and defects. **(506.2)**

29-5-18 **GREASE INTERCEPTORS.** Grease interceptors and automatic grease removal devices shall be maintained in accordance with this Code and manufacturer's installation instructions. Grease interceptors and automatic grease removal devices shall be regularly serviced and cleaned to prevent the discharge of oil, grease, and other substances harmful or hazardous to the building drainage system, the public sewer, the private sewage disposal system or the sewer treatment plant or processes. All records of maintenance, cleaning and repairs shall be available for inspection by the Code Official. **(506.3) (See Chapter 38, Article IV)**

DIVISION VII - STORM DRAINAGE

29-5-19 **GENERAL.** Drainage of roofs and paved areas, yards and courts, and other open areas on the premises shall not be discharged in a manner that creates a public nuisance. **(507.1)**

ARTICLE VI - MECHANICAL AND ELECTRICAL REQUIREMENTS

DIVISION I - GENERAL

29-6-1 **SCOPE.** The provisions of this Chapter shall govern the minimum mechanical and electrical facilities and equipment to be provided. **(601.1)**

29-6-2 **RESPONSIBILITY.** The owner of the structure shall provide and maintain mechanical and electrical facilities and equipment in compliance with these requirements. A person shall not occupy as owner-occupant or permit another person to occupy any premises which does not comply with the requirements of this Chapter. **(601.2)**

DIVISION II - HEATING FACILITIES

29-6-3 **FACILITIES REQUIRED.** Heating facilities shall be provided in structures as required by this Section. **(602.1)**

29-6-4 **RESIDENTIAL OCCUPANCIES.** Dwellings shall be provided with heating facilities capable of maintaining a room temperature of **sixty-eight (68) degrees F. (20 degrees C.)** in all habitable rooms, bathrooms and toilet rooms based on the winter outdoor design temperature for the locality indicated in Section R303.9 of the *International Residential Code*. Cooking appliances shall not be used, nor shall portable unvented fuel-burning space heaters be used, as a means to provide required heating. **(602.2)**

29-6-5 **HEAT SUPPLY.** Every owner and operator of any building who rents, leases or lets one or more dwelling units, or sleeping units on terms, either express or implied, to furnish heat to the occupants thereof shall supply heat during the period from October to April to maintain a minimum temperature of **sixty-eight (68) degrees F. (20 degrees C.)** in all habitable rooms, bathrooms, and toilet rooms. **(602.3)**

29-6-6 **ROOM TEMPERATURE MEASUREMENT.** The required room temperatures shall be measured **three (3) feet (914 mm)** above the floor and near the center of the room and **two (2) feet (610 mm)** inward from the center of each exterior wall. **(602.5)**

DIVISION III - MECHANICAL EQUIPMENT

29-6-7 **MECHANICAL APPLIANCES.** All mechanical appliances, fireplaces, solid fuel-burning appliances, cooking appliances and water heating appliances shall be properly installed and maintained in a safe working condition, and shall be capable of performing the intended function. **(603.1)**

29-6-8 **REMOVAL OF COMBUSTION PRODUCTS.** All fuel-burning equipment and appliances shall be connected to an approved chimney or vent. **(603.2)**

Exception: Fuel-burning equipment and appliances which are labeled for unvented operation.

29-6-9 **CLEARANCES.** All required clearances to combustible materials shall be maintained. **(603.3)**

29-6-10 **ELEVATION OF IGNITION SOURCE.** Equipment and appliances having ignition source shall be elevated such that the source of ignition is not less than **eighteen (18) inches (457 mm)** above the floor in hazardous locations. For the purpose of this Section, rooms or spaces that are not part of the living space of a dwelling unit and that communicate directly with a private garage through openings shall be considered to be part of the private garage. **(IRC G2408.2)**

Exception. Elevation of the ignition source is not required for appliances that are listed as flammable vapor ignition resistant.

(A) **Installation in Residential Garages.** In residential garages where appliances are installed in a separate, enclosed space having access only from outside of the garage, such appliances shall be permitted to be installed at floor level, provided that the required combustion air is taken from the exterior of the garage. **(IRC G2408.1)**

29-6-11 **SAFETY CONTROLS.** All safety controls for fuel-burning equipment shall be maintained in effective operation. **(603.4)**

29-6-12 **COMBUSTION AIR.** A supply of air for complete combustion of the fuel and for ventilation of the space containing the fuel-burning equipment shall be provided for the fuel-burning equipment. **(603.5)**

29-6-13 **ENERGY CONSERVATION DEVICES.** Devices intended to reduce fuel consumption by attachment to a fuel-burning appliance, to the fuel supply line thereto, or to the vent outlet or vent piping therefrom, shall not be installed unless labeled for such purpose and the installation is specifically approved. **(603.6)**

DIVISION IV - ELECTRICAL FACILITIES

29-6-14 **FACILITIES REQUIRED.** Every occupied building shall be provided with an electrical system in compliance with the requirements of this Section and **Article VI Division V.** **(604.1)**

29-6-15 **SERVICE.** The size and usage of appliances and equipment shall serve as a basis for determining the need for additional facilities in accordance with NFPA 70 listed in **Article VIII.** Dwelling units shall be served by a three-wire, 120/240 volt, single-phase electrical service having a minimum rating of **sixty (60) amperes.** **(604.2)**

29-6-16 **ELECTRICAL SYSTEM HAZARDS.** Where it is found that the electrical system in a structure constitutes a hazard to the occupants or the structure by reason of inadequate service, improper fusing, insufficient receptacle and lighting outlets, improper wiring or installation, deterioration or damage, or for similar reasons, the Code Official shall require the defects to be corrected to eliminate the hazard. **(604.3)**

DIVISION V - ELECTRICAL EQUIPMENT

29-6-17 **INSTALLATION.** All electrical equipment, wiring and appliances shall be properly installed and maintained in a safe and approved manner. **(605.1)**

29-6-18 **RECEPTACLES.** Every habitable space in a dwelling shall contain at least **two (2)** separate and remote receptacle outlets. Every laundry area shall contain at least **one (1)** grounding-type receptacle or a receptacle with a ground fault circuit interrupter. Every bathroom shall contain at least **one (1)** receptacle. Any new bathroom receptacle outlet shall have ground fault circuit interrupter protection. All receptacle outlets shall have the appropriate faceplate cover for the location. **(605.2)**

29-6-19 **LUMINAIRES.** Every public hall, interior stairway, toilet room, kitchen, bathroom, laundry room, boiler room and furnace room shall contain at least **one (1)** electric luminaire. Pool and spa luminaries over **fifteen (15) V** shall have ground fault circuit interrupter protection. **(605.4)**

29-6-20 **WIRING.** Flexible cords shall not be used for permanent wiring, or for running through doors, windows, or cabinets, or concealed within walls, floors, or ceilings. **(605.4)**

DIVISION VI – DUCT SYSTEMS

29-6-21 **GENERAL.** Duct systems shall be maintained free of obstructions and shall be capable of performing the required function. **(607.1)**

ARTICLE VII - FIRE SAFETY REQUIREMENTS

DIVISION I - GENERAL

29-7-1 **SCOPE.** The provisions of this Article shall govern the minimum conditions and standards for fire safety relating to structures and exterior premises, including fire safety facilities and equipment to be provided. **(701.1)**

29-7-2 **RESPONSIBILITY.** The owner of the premises shall provide and maintain such fire safety facilities and equipment in compliance with these requirements. A person shall not occupy as owner-occupant or permit another person to occupy any premises that do not comply with the requirements of this Article. **(701.2)**

DIVISION II - MEANS OF EGRESS

29-7-3 **GENERAL.** A safe, continuous and unobstructed path of travel shall be provided from any point in a building or structure to the public way. Means of egress shall comply with the *International Fire Code*. **(702.1)**

29-7-4 **AISLES.** The required width of aisles in accordance with the *International Fire Code* shall be unobstructed. **(702.2)**

29-7-5 **LOCKED DOORS.** All means of egress doors shall be readily openable from the side from which egress is to be made without the need for keys, special knowledge or effort, except where the door hardware conforms to that permitted by the *International Building Code*. **(702.3)**

29-7-6 **EMERGENCY ESCAPE OPENINGS.** Required emergency escape openings shall be maintained in accordance with the Code in effect at the time of construction, and the following. Required emergency escape and rescue openings shall be operational from the inside of the room without the use of keys or tools. Bars, grilles, grates or similar devices are permitted to be placed over emergency escape and rescue openings provided the minimum net clear opening size complies with the Code that was in effect at the time of construction and such devices shall be releasable or removable from the inside without the use of a key, tool or force greater than that which is required for normal operation of the escape and rescue opening. **(702.4)**

29-7-7 **FIRE PARTITIONS.**

(A) **Opening Protection.** Openings from a private garage directly into a room used for sleeping purposes shall not be permitted. Other openings between the garage and residence shall be equipped with either solid wood doors not less than **one and three-eighths (1 3/8) inch (35 mm)** in thickness, solid or honeycomb core steel doors not less than **one and three-eighths (1 3/8) inch (35 mm)** thick, or **twenty (20) minute** fire-rated doors. **(IRC 309.1 2003)**

(B) **Floor Surfaces.** Garage floor surfaces shall be of approved noncombustible material. **(IRC 309.3 2003)**

(C) **Separation Required.** The garage shall be separated from the residence and its attic area by not less than **one-half (1/2) inch (12.7 mm)** gypsum board applied to the garage side. Garages beneath habitable rooms shall be separated from all habitable rooms above by not less than **five-eighths (5/8) inch (15.9 mm)** Type X gypsum board or equivalent. Where the separation is a floor-

ceiling assembly, the structure supporting the separation shall also be protected by not less than **one-half (1/2) inch (12.7 mm)** gypsum board or equivalent. **(IRC 309.2 2003)**

(D) **Duplex.** Dwelling units in two-family dwellings shall be separated from each other by wall and/or floor assemblies having not less than **one (1) hour** fire-resistance rating when tested in accordance with ASTM E 119. Fire resistance-rated floor-ceiling and wall assemblies shall extend to and be tight against the exterior wall, and wall assemblies shall extend to the underside of the roof sheathing. **(IRC 317.1 2003)**

DIVISION III - FIRE-RESISTANCE RATINGS

29-7-8 **FIRE-RESISTANCE-RATED ASSEMBLIES.** The required fire-resistance rating of fire-resistance-rated walls, fire stops, shaft enclosures, partitions and floors shall be maintained. **(703.1)**

29-7-9 **OPENING PROTECTIVES.** Required opening protectives shall be maintained in an operative condition. All fire and smokestop doors shall be maintained in operable condition. Fire doors and smoke barrier doors shall not be blocked or obstructed or otherwise made inoperable. **(703.2)**

DIVISION IV - FIRE PROTECTION SYSTEMS

29-7-10 **GENERAL.** All systems, devices and equipment to detect a fire, actuate an alarm, or suppress or control a fire or any combination thereof shall be maintained in an operable condition at all times in accordance with the *International Fire Code*. **(704.1)**

(A) **Automatic Sprinkler Systems.** Inspection, testing and maintenance of automatic sprinkler systems shall be in accordance with NFPA 25. **(704.1.1)**

29-7-11 **SMOKE ALARMS.** Single or multiple-station smoke alarms shall be installed and maintained in Group R occupancies, regardless of occupant load at all of the following locations:

(A) On the ceiling or wall outside of each separate sleeping area in the immediate vicinity of bedrooms.

(B) In each room used for sleeping purposes.

(C) In each story within a dwelling unit, including basements and cellars but not including crawl spaces and uninhabitable attics. In dwellings or dwelling units with split levels and without an intervening door between the adjacent levels, a smoke alarm installed on the upper level shall suffice for the adjacent lower level provided that the lower level is less than **one (1)** full story below the upper level.

29-7-12 **POWER SOURCE.** In Group R or I-1 occupancies, single-station smoke alarms shall receive their primary power from the building wiring provided that such wiring is served from a commercial source and shall be equipped with a battery backup. Smoke alarms shall emit a signal when the batteries are low. Wiring shall be permanent and without a disconnecting switch other than as required for overcurrent protection. **(704.3)**

Exception: Smoke alarms are permitted to be solely battery operated in buildings where no construction is taking place, buildings that are not served from a commercial power source and in existing areas of buildings undergoing alterations or repairs that do not result in the removal of interior wall or ceiling finishes exposing the structure, unless there is an attic, crawl space or basement available which could provide access for building wiring without the removal of interior finishes.

29-7-12 **INTERCONNECTION.** Where more than **one (1)** smoke alarm is required to be installed within an individual dwelling unit in Group R or I-1 occupancies, the smoke alarms shall be interconnected in such a manner that the activation of one alarm will activate all of the alarms in the individual unit. Physical interconnection of smoke alarms shall not be required where listed wireless alarms are installed and all alarms sound upon activation of one alarm. The alarm shall be clearly audible in all bedrooms over background noise levels with all intervening doors closed. **(704.4)**

Exceptions:

(A) Interconnection is not required in buildings which are not undergoing alterations, repairs or construction of any kind.

(B) Smoke alarms in existing areas are not required to be interconnected where alterations or repairs do not result in the removal of interior wall or ceiling finishes exposing the structure, unless there is an attic, crawl space or basement available which could provide access for interconnection without the removal of interior finishes.

29-7-13 **CARBON MONOXIDE DETECTORS.** Effective **January 1, 2007**, every Illinois home was required to have at least one carbon monoxide alarm in an operating condition within **fifteen (15) feet** of every room used for sleeping purposes. Homes that do not rely on the burning of fuel for heat, ventilation or hot water; are not connected to a garage; and are not near a source of carbon monoxide (as determined by the Code Official) are not required to install carbon monoxide detectors. (P.A. 94-741)

ARTICLE VIII – CRIMINAL NUISANCE ABATEMENT

DIVISION I – NUISANCE FREE RENTAL HOUSING

29-8-1 **NUISANCE FREE RENTAL HOUSING.** It is determined and declared to be in the best interests of the residents of the City to implement a program in order to work with all owners, operators and persons in charge of rental housing to eliminate nuisance activity in order to safeguard their property and create a peaceful and safe environment in the City. It is the responsibility of the owners, operators and persons in charge of rental housing to take any and all actions permitted by law to eliminate such nuisances. However, this Article shall not be construed or enforced in any manner which would affect the tenancy of a Tenant whose only involvement in nuisance activity is only as the victim of a crime.

29-8-2 **NUISANCE FREE LEASE ADDENDUM.** Any owner, operator or person in charge of rental housing is required to utilize a nuisance-free lease addendum, in the form provided by the Chief, as part of every lease executed by an owner, operator or person in charge. The lease addendum shall state that any nuisance activity committed on the subject property by the Tenant, member of the Tenant’s household, guest, operator or person in charge shall have the authority pursuant to the lease addendum to initiate eviction proceedings under Section 9-120 of the Illinois Code of Civil Procedure (**735 ILCS 5/9-120**) and/or other Illinois law regarding forcible entry and detainer.

29-8-3 **VIOLATIONS.**

(A) Any property on which nuisance activity occurs may be declared a nuisance property. No property shall be declared a nuisance property unless it is proven by a preponderance of the evidence that there has been **one (1)** or more instances of nuisance activity within a **one (1) year** period of time arising out of or arising from the property.

(B) Any owner, operator or person in charge who (a) allows or permits a property to become a nuisance property; (b) allows or permits a property to continue as a nuisance property; and (c) fails to implement reasonable and warranted measures, as specified in writing by the Chief, shall be in violation of this Article.

(C) Each day that a violation of this Article continues shall be considered a separate and distinct offense.

29-8-4 **PROCEDURES.**

(A) When the Police Chief receives notification **one (1)** or more documented occurrences of nuisance activity on a property, he or she may, at his or her discretion, independently review such reports to determine whether they describe the activities, behaviors, or conduct enumerated under **Section 25-1-1** hereof. Upon such finding, the Chief may, at his or her discretion, do either of the following:

(1) Notify the owner, operator or person in charge, in writing, that the property has been determined to be a nuisance property. If the Police Chief sends such notice, the notice shall contain the following information:

(a) The street address of the property or a legal description sufficient for identification of the property.

(b) A statement that the matter is being referred to the City law department to be brought before an administrative hearing officer, as defined in **25-1-1** of this Code, for a hearing.

- (c) If the person in charge notifies the Police Chief immediately upon receipt of the notice and agrees to abate the nuisance within **ten (10) days**, or take other agreed upon, timely and warranted measures, the Police Chief may, at his or her discretion, postpone referring the matter to the law department.
 - (d) Service of notice shall be made either personally or by first-class mail, postage prepaid, or such other place which is likely to give the owner, operator or person in charge notice of the determination of the Police Chief.
 - (e) A copy of the notice shall be served on the owner at the address shown on the tax rolls of the county in which the property is located, and/or occupant at the address of the property, if these persons are different than the operator or person in charge, and shall be made either personally or by first-class mail, postage prepaid.
 - (f) The failure of any person to receive notice, as provided above, shall not invalidate or otherwise affect the proceedings under this chapter.
- (2) Notify the owner, operator or person in charge, in writing, that property is in danger of becoming declared a nuisance property. If the Police Chief sends such notice, the notice shall contain the following information:
- (a) The street address of the property or a legal description for identification of the property;
 - (b) A statement that the Police Department has information that the property may be a nuisance property along with a concise description of the nuisance activities that exist or have occurred. The Police Chief shall offer the owner, operator or person in charge an opportunity to propose a course of action that the Police Chief agrees will abate the nuisance activities giving rise to the violation.
 - (c) Demand that the person in charge respond to the Police Chief within **ten (10) business days** to discuss the nuisance activity.

29-8-5 BURDEN OF PROOF; PROCEDURE; FINES AND REMEDIES.

(A) At hearing before the administrative hearing officer, the City shall have the initial burden of proof to show, by a preponderance of evidence, that the property is a nuisance property.

(B) If an owner, operator or person in charge is summoned before the hearing officer due to nuisance property, he shall give notice, in writing, to all of his tenants on that property. Said notice shall provide the following: The physical address of the property; the date and time that the property owner is to appear before the hearing officer; the fact that the appearance is due to alleged nuisance activity; and the be delivered, either personally or by U.S. mail, to each tenant on the property and must be posted in a prominent location on the property where the tenant(s) are likely to see it.

(C) Such a hearing shall be held in accordance with the procedures, as specified in **25-3-5**. The City's representative shall present evidence in support of its claim that the property is a nuisance property. The owner, operator or person in charge or a legal representative shall be permitted to rebut such evidence and present any other evidence that is, in the discretion of the hearing officer, relevant and reliable. The owner, operator, person in charge or tenant may invoke at hearing the affirmative defense set forth in Section 9-106.2 of the Illinois Code of Civil Procedure (**735 ILCS 5/9-106.2**), and, if proven by a preponderance of the evidence, such tenant shall not be forced to vacate the property for any initial incident involving domestic violence or sexual violence at the property,

provided that the owner, operator or person in charge must have barred the perpetrator of such domestic violence or sexual violence in accordance with applicable subsections (f) and/or (g) thereof.

(D) At the conclusion of the hearing, the hearing officer shall make a determination on the basis of the evidence presented at the hearing, whether or not a violation of this Article exists. The determination shall be in writing and shall be designated as the findings, decisions, and order. The hearing officer's decision shall be final and binding. The findings, decision and order shall include the hearing officer's finding of fact, and order for abatement of the nuisance activity or sanctioning the owner, operator or person in charge, as specified below, or dismissing the case in the event a violation is not proved.

- (1) A copy of the findings, decision, and order shall be served upon the person in charge, or owner or operator if different than the person in charge, within **ten (10) business days**. Service shall be in the same manner as specified in **25-3-5**.
- (2) Payment of any penalty or fine shall be made to the City.
- (3) In the event that the order provides for the abatement of nuisance activity, the hearing officer shall establish a status date, which would be after the date established for the abatement of the nuisance activity, in order to determine where there has been compliance with the order. At such time, the hearing officer shall hear testimony and accept any evidence relevant to the compliance with the order and continued abatement of the nuisance activity.

(E) If the hearing officer makes a finding that a property was, or is, a nuisance property, he may impose any or all of the following remedies:

- (1) Fine the person in charge, and/or the owner or operator of the property if those persons are different than the person in charge, not less than **Two Hundred Dollars (\$200.00)** and not more than **One Thousand Dollars (\$1,000.00)** for each violation of this Article. Each day a nuisance activity occurs or continues shall be considered a separate and distinct violation. The hearing officer may, at his or her discretion, impose such a fine for each day the nuisance activity goes unabated. No person shall be found in violation of this section unless the City proves by a preponderance of the evidence that the owner, operator or person in charge failed to take reasonable and warranted measures to abate the nuisance activity. In establishing the amount of any fine, the hearing officer may consider any of the following factors:
 - (a) The actions taken by the owner, operator or person in charge to mitigate or correct the nuisance activities at the property.
 - (b) The repeated or continuous nature of the problem.
 - (c) The magnitude or gravity of the problem.
 - (d) Amount of cooperation given to the City by the owner, operator or person in charge.
 - (e) The cost incurred on the City to investigate, correct, or attempt to correct the nuisance activities.
 - (f) Any other factors deemed relevant by the hearing officer. Evidence of a property's general reputation and/or the reputation of the persons in or frequenting it shall be admissible.
- (2) Order the owner, operator or person in charge to take reasonable, timely and lawful measures to abate the nuisance activity, including specifying deadlines for the same, and in furtherance thereof, may order a period of continued compliance wherein the matter will be returned

before the hearing officer to update him/her as to the continued nuisance-free status of the property for a period of up to **one (1) year**.

- (3) Suspend/revoke the rental housing occupancy and criminal nuisance abatement permit for the rental unit(s) involved in the nuisance or aggravated nuisance activity if such property is rented or leased. The hearing officer may order that said rental unit(s) be closed and secured against all unauthorized access, use, and occupancy for a period of up to **one (1) year**. If the hearing officer suspends or revokes the rental housing occupancy and criminal nuisance abatement permit for the rental unit(s) involved in the nuisance activity, the person in charge, or the owner or operator of the rental unit(s), if those persons are different than the person in charge, shall receive written notice that the rental housing occupancy and criminal nuisance abatement permit and the right to lease said unit(s) is suspended or revoked, as the case may be. The suspension or revocation of any rental housing occupancy and criminal nuisance abatement permit, or any right to lease unit(s), shall not release or discharge the rental housing occupancy and criminal nuisance abatement permit holder from paying fees or fines under this Code, nor shall such rental housing occupancy and criminal nuisance abatement permit holder be released from criminal prosecution or further civil proceedings.
- (4) Suspend or revoke the occupancy permit that has been issued by the City for the establishment, business, club or any commercial entity that currently occupies the property. The hearing officer may order that the property be closed and secured against all unauthorized access, use, and occupancy for a period of up to **one (1) year**.
- (5) Close any business, office, commercial warehouse, manufacturing, industrial, office or research operation, plant, or any other commercial property, entity, or use located on or in the nuisance property. The hearing officer may order that the property be closed and secured against all unauthorized access, use, and occupancy for a period of up to **one (1) year**.
- (6) Order that a vacant or unused nuisance property of whatever use or a vacant lot which is a nuisance property, whether residential or commercial, be closed and secured against all unauthorized use, access and occupancy. The hearing officer may order that the property be closed and secured against all unauthorized access, use, and occupancy for a period of **one (1) year**. The hearing officer may further require that the nuisance property be fenced and/or gated to physically restrict access. He or She may also require the hiring of security personnel to assure there is no unauthorized access, use, and occupancy.
- (7) Issue an order to close and secure any rented or leased, non-licensed, residential property against all unauthorized access, use, or occupancy for a period of not less than **sixty (60) days**, nor more than **one (1) year**.

(F) The hearing officer shall require each owner, operator or person in charge who is found to have violated this Article to attend the next available rental housing occupancy and criminal nuisance abatement class as administered by the Police Department or any other entity designated by the City.

29-8-6 CHARGE FOR NUISANCE SERVICES. The City finds that any premises that has generated more calls for police service for nuisance activities after being declared a nuisance property has received more than the level of general and adequate police service and has placed an undue and inappropriate burden on the taxpayers of the City. The City therefore directs the Police Chief to charge the owners of such premises the costs associated with abating nuisance violations as defined herein at such premises for a period of **one (1) year**, after which, charging for the services will cease unless the City reconsiders the facts and determines to continue to charge for such services.

29-8-7 RENTAL HOUSING OCCUPANCY AND CRIMINAL NUISANCE ABATEMENT PERMIT.

(A) **Permit Required.** It shall be unlawful for any person, person in charge, owner or operator, as defined in this Code, to lease, rent, or occupy the premises of a rental property for any reason or use of the said rental property until a rental housing occupancy and criminal nuisance abatement permit has been lawfully issued by the Code Official, notwithstanding the other requirements of this Code, as well as the requirements set forth in **29-1-8** and this Code. The permit so issued shall state that the condition of the premises and its proposed occupation and rental uses comply with all of the provisions of this Code as far as can be determined by a visual inspection of the premises, as well as a review of all relevant records.

(B) **Application for Permit.** It shall be unlawful for any person, person in charge, owner or operator, as defined in this Code, to knowingly or recklessly make any false statement on the application for a rental housing occupancy and criminal nuisance abatement permit to allow occupancy of rental housing units by tenants as to the names, relationships, history, background, criminal nuisance activity, nuisance activity, or number of occupants who will occupy the rental unit, notwithstanding the requirements of **29-1-8** of this Code. The following documents shall be submitted with application; copy of lease with nuisance-free lease addendum and rent receipt with photo identification. In order to successfully apply for the permit, any person, person in charge, owner or operator must participate in the City mandated rental housing occupancy and criminal nuisance abatement class, as well as pay the **Twenty-Five Dollar (\$25.00)** fee per permit, per rental unit, on an annual basis. Any person, person in charge, owner or operator, who has already attended a municipal mandated criminal housing program within the City, may lawfully opt out of the class by providing documentation of successful program completion in the municipality.

(C) **Action on Application.** The Code Official shall examine or cause to be examined all applications for rental housing occupancy and criminal nuisance abatement permits within a reasonable time after filing. No certificate of rental housing occupancy will be issued until an inspection of the premises and relevant records, as well as successful completion of the class or documentation proof of completion of a like city class, along with payment of the required fees.

(D) **Rejection of Application.** If the application does not comply with the requirements of all pertinent laws, the Code Officials shall reject such application in writing, stating reasons thereof. Rejection of said application would forfeit paid fees and require a new application and class.

(E) **Suspension of Permit.** Any permit issued shall become invalid if the occupancy of the rental unit is not commenced within **six (6) months** after issuance of the permit. Any permit shall also become invalid for a period specified by the Code Official if a violation of this Code is found by the hearing officer. Such suspension may result in a fine, as well as the need to reapply for a rental housing occupancy and criminal nuisance abatement permit per rental unit that is found in violation.

(F) **Revocation of Permit.** The Code Official may revoke a permit in case of any false statement or misrepresentation of facts in the application on which the permit was based, or in the event of a violation of **29-1-8** and this Code. Such revocation will result in a fine, as well as the need to reapply for a rental housing occupancy and nuisance abatement permit per rental unit found in violation of the law or this Code.

PROPERTY MAINTENANCE CODE ARTICLE IX

ARTICLE IX - REFERENCED STANDARDS

This Article lists the standards that are referenced in various sections of this document. The standards are listed herein by the promulgating agency of the standard, the standard identification, the effective date and title, and the section or sections of this document the reference the standard. The application of the referenced standards shall be as specified in **Section 29-1-11**.

ASME American Society of Mechanical Engineers
Three Park Ave
New York, NY 10016-5990

Standard reference number	Title	Referenced in code Section Number
A17.1/CSA B44-2007	Safety Code for Elevations or Escalators.....	606.1

ASTM ASTM International
100 Barr Harbor Drive
West Conshohocken, PA 19428-2959

Standard reference number	Title	Referenced in code Section Number
F 1346-91 (2003)	Performance Specifications for Safety Covers and Labeling Requirements for All Covers for Swimming Pools, Spas and Hot Tubs	303.2

ICC International Code Council
500 New Jersey Avenue, NW
6th Floor
Washington, DC 20001

Standard reference number	Title	Referenced in code Section Number
IBC-12	International Building Code®	102.3, 201.3, 401.3, 702.3
IEBC-12	International Existing Building Code®	305.1.1, 306.1.1
IFC-12	International Fire Code®.....	201.3, 604.3.1.1, 604.3.2.1, 702.1, 702.2, 704.1, 704.2
IFGC-12	International Fuel Code	102.3
IMC-12	International Mechanical Code	102.3, 201.3

NFPA National Fire Protection Association
1 Batterymarch Park
Quincy, MA 02269

Standard reference number	Title	Referenced in code Section Number
25-11	Inspection, Testing and Maintenance of Water-Based Fire Protections Systems.....	704.1.1
70-11	National Electrical Code	102.4, 201.3, 604.2