

CHAPTER 18

HOUSING CODE

18-1-1 **PURPOSE.** Pursuant to the authority delegated to municipalities by numerous provisions of State Law, this Code edstablishes a comprehensive set of minimum standards relating to the condition and maintenance of all dwellings in this Municipality. These regulations are intended to preserve, protect, and promote the public health, safety, comfort, and general welfare. More specifically, they are intended to assist in achieving the following objectives:

- (A) To preserve sound existing housing and to upgrade or eliminate substandard housing through this Municipality;
- (B) To prevent overcrowding hazards, energy waste, unsanitary conditions, and vermin infestation in all dwellings;
- (C) To preserve or increase the municipal tax base by arresting – and ultimately, reversing – the spread of blight;
- (D) To enhance the appearance and public image of this Municipality;
- (E) To delineate the responsibilities of the owners and occupants of all dwelling units; and
- (F) To establish fair and efficient procedures for the administration and enforcement of this Code.

18-1-2 **APPLICABILITY.** This Code shall be applicable, in pertinent part, to the following:

- (A) Every single-family dwelling, including every mobile home;
- (B) Every two-family or multiple-family dwelling and every dwelling unit therein;
- (C) Any accessory structure associated with any of the above; and
- (D) The lot on which any of the above is located.

This Code shall be applicable retroactively and, except as specifically provided otherwise, the fact that any dwelling existed prior to the effective date of this Code or was built in compliance with ordinances in force at the time of construction shall not be a valid defense in any proceeding related to the enforcement of this Code.

18-1-3 **INTERPRETATION, CONFLICT WITH OTHER CODES.** Every provision of this Code shall be construed liberally in favor of this Municipality, and every requirement imposed herein shall be considered minimal. If any provision of this Code is found in direct conflict with another municipal ordinance or with State law, the more stringent provision shall prevail.

(A) **Relationship to Zoning Code.** This Code shall not be interpreted as permitting the construction of a dwelling or the continuation or alteration of a non-conforming use except in compliance with the Zoning Code.

(B) **Relationship to Building, Plumbing, Electrical Codes.** Any construction or remodeling work that may result from the enforcement of this Code shall be carried out in compliance with any Building, Plumbing, or Electrical Code adopted by this Municipality.

18-1-4 DISCLAIMER OF LIABILITY.

(A) Except as may be provided otherwise by statute or Code, no officer, board member, agent, or employee of this Municipality shall render himself personally liable for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of his duties under this Code. (See “**Local Governmental and Governmental Employees Tort Immunity Act**”, Ill. Comp. Stat., Ch. 745, Sec. 10/1-101)

(B) Any suit brought against any officer, board member, agent, or employee of this Municipality, as a result of any act required or permitted in the discharge of his duties under this Code, shall be defended by the Municipal Attorney until the final determination of the legal proceedings.

ARTICLE II – DEFINITIONS

18-2-1 CONSTRUCTION OF TERMS. In construing the intended meaning of terminology used in this Code, the following rules shall be observed:

(A) Unless the context clearly indicates otherwise, words and phrases shall have the meaning respectively ascribed to them in **Section 18-2-2**; terms not defined in **Section 18-2-2** shall have the meanings respectively ascribed to them in the Zoning Code or Building, Plumbing, or Electrical Code of this Municipality; if any term is not defined either in **Section 18-2-2** or in such Code, said term shall have its standard English dictionary meaning.

(B) See Definitions in Chapter 1, City Code and Zoning Code.

(C) References to Sections shall be deemed to include all subsections within that section; but a reference to a particular subsection designates only that subsection.

(D) A general term that follows or is followed by enumeration of specific terms shall not be limited to the enumerated class unless expressly limited.

18-2-2 SELECTED DEFINITIONS.

“Accessory Structure”. Any structure or exterior appurtenance subordinate to the dwelling and located on the same lot.

“Administrator”. The official appointed by the Mayor/President and approved by the Council/Board of Trustees to administer this Code, or his duly authorized representative.

“Basement”. (See Zoning Code Chapter 40)

“Bathroom”. A room in a dwelling unit that affords privacy to the user and contains a flush toilet, a tub or shower, and a lavatory.

“Crawl Space”. In a dwelling without a basement, the area between the ground and the underside of the floor.

“Dwelling Unit”. **One (1)** or more rooms designed or used as living quarters by **one (1) family**. A “dwelling unit always includes a bathroom and a kitchen.

“Dwelling”. A building that contains **one (1)** or more dwelling units. As used in this Code, the term “dwelling” includes all dwelling units located therein.

“Extermination”. The control and elimination of rodents, insects, and other pests by poisoning, fumigating, trapping, etc., or by eliminating their food supply and harborage places.

“Family”. An individual; or **two (2)** or more persons related by blood, marriage, or adoption; or not more than **three (3)** unrelated persons (excluding servants) maintaining a common household.

“Floor Area, Gross”. The gross horizontal area of a room or other enclosed space, generally expressed in square feet.

“Garbage”. Animal and vegetable wastes resulting from the handling, preparation, cooking, and consumption of food.

“Habitable Room”. A room or enclosed floor space (in a dwelling unit) arranged for living, eating, or sleeping purposes. The term “habitable room” includes kitchens, but excludes bathrooms, closets, hallways, pantries, etc.

“Infestation”. The presence on residential premises of insects, rodents, or other vermin.

“Kitchen”. A room or area used primarily for the preparation of food, and containing a sink, stove, and refrigerator.

“Lead Paint”. As set forth in State Law (**410 ILCS Sec. 45/2**), “lead paint” means any paint or other surface coating material containing more than **one half of one percent (0.5%)** lead by weight in the total nonvolatile content of liquid paint, or such lower standard as may be adopted by the Illinois Department of Public Health.

“Mobile Home”. (See Chapter 23, City Code)

“Mobile Home Stand”. (See Chapter 23, City Code)

“Occupancy Permit”. A permit issued by the Administrator to allow occupancy of a dwelling. The permit indicates that the Administrator has determined by inspection that the dwelling and proposed occupancy conforms to the requirements of this Code.

“Occupancy Permit, Temporary”. A short-term permit issued by the Administrator to allow occupancy of a non-complying dwelling while repairs are in progress.

“Occupant”. The family maintaining a household in the dwelling unit in question.

“Ordinary Maximum Summer Conditions”. The temperature **fifteen degrees Fahrenheit (15°F)** below the highest recorded temperature for the previous **ten (10) year** period.

“Overcrowding”. The condition of having more occupants in a dwelling unit than is permitted by the minimum habitable space standards in this Code.

“Owner”. The owner or owners of the freehold of the premises or lesser estate therein; a mortgagee or vendee in the possession; assignee of rents; receiver; executor; trustee; lessee or other person, firm, or corporation having meaningful control of a building or premises; or their duly authorized agents.

“Premises, Residential”. A dwelling and all yards and accessory structures associated therewith.

“R” Value. A measure of the resistance to heat transfer achieved by insulation of a particular type as installed.

“Skirting”. The covering affixed to the bottom of the exterior walls of a mobile home to conceal the underside thereof.

“Smoke Alarm System”. Any warning device or series of devices which, when properly installed in a dwelling, sounds an alarm when smoke in said dwelling reaches a level indicative of a potentially dangerous fire.

“Structure”. Anything constructed or erected on the ground, or attached to something having a fixed location on the ground.

“Trash”. Garbage plus other solid wastes such as paper, cardboard, tin cans, bottles, yard clippings, and similar materials.

“Vermin”. Any objectionable insects, rodents, or other animals such as roaches, rats, mice, etc.

“Weatherstripping”. Strips of felt, metal, or other material applied to loose-fitting windows and doors to prevent the entry of outside air into the dwelling.

“Yard”. Open space on the same lot as the dwelling.

ARTICLE III – STRUCTURAL AND MAINTENANCE REQUIREMENTS

18-3-1 **FOUNDATIONS, EXTERIOR WALLS, ROOFS.** The foundation, exterior walls, and roof of every dwelling shall be structurally sound, substantially watertight, and protected against rodents.

(A) **Foundation, Supports.** The foundation shall adequately support the dwelling at all points. Similarly, all structural members shall be capable of carrying normally-imposed loads.

(B) **Exterior Walls, Projections.** All exterior walls shall be free of deterioration, holes, cracks, loose or rotting boards, or any other condition that might admit rain, dampness, or vermin to the interior portions of the walls. All cornices, molding, lintels, pediments, and similar projections shall be securely attached and without dangerous cracks or other defects.

(C) **Roofs, Gutters.** The roof of every dwelling shall be free of defects that would admit rain or impede rainwater runoff. Gutters shall be properly attached to the roof, and downspouts shall be securely fastened to the gutters and to the exterior walls.

(D) **Chimneys.** Every chimney and chimney flue shall be properly installed and maintained in safe working condition.

18-3-2 **INTERIOR WALLS, CEILINGS, FLOORS.** All interior walls, ceilings, and floors shall be structurally sound, in good repair, clean, and adequately protected against the passage and harborage of vermin.

(A) **Floors.** All floors shall be capable of supporting normally imposed loads and shall be free of holes; cracks; or loose, warped, protruding, or rotting floor boards. Every bathroom floor surface shall be substantially impervious to water and easily maintainable in a clean and sanitary condition.

(B) **Interior Walls, Ceilings.** Every interior wall and ceiling shall be free of holes or cracks. Plaster, paint, and all other surface materials shall be reasonably smooth, tight, and easily cleanable.

18-3-3 **LEAD PAINT PROHIBITED.** The presence or application of lead bearing paint as defined by State Law (**410 ILCS Sec. 45/2**) is hereby prohibited:

(A) On or to any exposed surface of any dwelling; or

(B) On or to any fixtures or other objects used, installed, or located on any exposed surface of a dwelling, or intended to be so used, installed, or located and which, in the ordinary course of use, are accessible to and chewable by children.

18-3-4 **BASEMENTS.** Basements and crawl spaces shall be maintained free from dampness that contributes to structural deterioration. Water shall not be permitted to stand on the floor. All slab drains shall be covered with grating, and all sewer connections shall be properly trapped. Basements shall be maintained free from accumulations of trash.

18-3-5 **STAIRWAYS AND PORCHES.** Every interior and exterior stairway and every porch or similar feature shall be structurally sound and properly maintained.

(A) **Railings.** Every flight of stairs more than **four (4) risers** high shall have at least **one (1)** railing not less than **two and one-half (2 ½) feet** high, measured vertically from the nose of the tread to the top of the railing; and every porch, balcony, or deck more than **four (4) risers** above the ground shall have railings at least **two and one-half (2 ½) feet** (measured from the floor to the top of the railing) extending around it. Railings shall be securely fastened, properly maintained, and capable of bearing normally imposed loads.

(B) **Stairs Structurally Sound.** No flight of stairs shall have settled more than **one (1) inch** out of its intended position; or have pulled away from supporting or adjacent structures; or have rotting, loose, or deteriorating supports. All treads and risers shall be uniform in width and height. Every stair tread shall be uniform in width and height. Every stair tread shall be strong enough to support a concentrated load of at least **four hundred (400) pounds** without danger of breaking.

(C) **Porch Floors and Supports.** The floor of any porch, balcony, or deck shall be free of holes; cracks, or loose, warped, protruding, or rotting floor boards. The structural supports of any such feature shall be capable of carrying normally imposed loads.

18-3-6 **WINDOWS AND DOORS.**

(A) **Windows.** Every window sash shall fit reasonably tightly within its frame and be fully supplied with glass panes (or an approved substitute) that are without cracks or holes. Every window or other than a fixed window shall be easily openable, and shall be held in position by window hardware and shall be capable of being locked.

(B) **Doors.** Every exterior door, when closed, shall fit reasonably well within its frame. Every door available as an exit shall be capable of being opened from the inside easily and without the use of a key.

(C) **Window/Door Frames.** Every window or door frame shall be constructed and aligned with adjacent walls so as to exclude rain and wind from the dwelling interior as completely as possible.

(D) **Weatherstripping, Caulking.** To conserve energy, loose-fitting windows and doors shall be weatherstripped in a manner approved by the Administrator. Similarly, to reduce warm air leakage and cold air infiltration, cracks around window and door frames shall be caulked as directed by the Administrator. (See also, Secs. 18-3-1, 18-3-7(C).)

(E) **Basement Hatchways.** Every basement hatchway shall be constructed and maintained so as to prevent rodents or rain/surface runoff from entering into the dwelling.

18-3-7 SCREENS AND STORM WINDOWS.

(A) **Rodent Screens.** In order to prevent the entry of rodents, every openable basement window shall be supplied with a heavy wire or hardware cloth screen of not less than **four (4)** mesh per inch that fits tightly and is securely fastened to its frame.

(B) **Insect Screens.** Every window or other opening used for ventilation and every door opening directly to the outdoors shall be supplied with a screen of not less than **sixteen (16)** mesh per inch; provided, however, that no screens shall be required for a dwelling unit located above the fourth story except under circumstances of unusually heavy insect prevalence as determined by the Administrator. Every screen door shall have a self-closing device in good working condition.

18-3-8 INTERIOR SANITATION. The occupant shall maintain the interior of his dwelling unit in a clean and sanitary condition, free from vermin and any accumulation of trash. (Trash accumulating between collections shall be stored in containers required by **Section 18-3-10.**) In multiple-family dwellings, the owner shall be responsible for keeping the shared/public areas clean. (See **Chapter 23**)

18-3-9 EXTERMINATION. Any necessary extermination work shall be conducted in a manner protective of human health and, after the work is completed, adequate measures to prevent reinfestation shall be taken. In multiple-family dwellings, the tenant shall be responsible for the elimination of rodents and other vermin from that part of the premises under his exclusive control; but when more than **one (1) dwelling unit** is infested at the same time, the dwelling owner shall be responsible for the extermination work.

18-3-10 TRASH CONTAINERS.

(A) **Container Specifications.** The owner or occupant of every dwelling unit shall provide and maintain in good condition a sufficient number of trash containers for the temporary storage of all trash accumulating between collections. The standard trash

container required by this Code shall be a receptacle of not less than **fifteen (15)** nor more than **thirty (30) gallon** capacity, of impervious material and sturdy construction, with a tight fitting cover, and equipped with handles properly placed to facilitate handling. The container must not have any interior protrusions which hinder the free discharge of the contents. The combined weight of the contents and container shall not exceed **fifty (50) pounds**. Metal **fifty-five (55) gallon** barrels or oil drums are not approved containers.

(B) **Multiple-Family Dwellings.** In multiple-family dwellings and apartment complexes, the owner shall provide:

- (1) At least **one (1)** standard trash container for every living unit; or
- (2) Such number of **one and one-half (1 ½) cubic yard** metal containers equipped for mechanical dumping (dumpsters) that the total capacity thereof equals or exceeds the capacity required under paragraph (A). In the case of multiple-family dwellings erected after the effective date of this Code, dumpsters (rather than standard trash containers) shall be mandatory.
- (3) Dumpsters shall be concealed from public view.

18-3-11 **ACCESSORY STRUCTURES.** Structures accessory to dwellings include, but are not limited to, porches, decks, stoops, garages, carports, sheds, and fences.

(A) **Maintenance, Removal.** All accessory structures shall be structurally sound, currently functional, and maintained in good repair and alignment. The owner shall remove any accessory structure that serves no useful purpose and is deteriorated beyond economical repair.

(B) **Obstructions, Vermin Harborage.** Accessory structures shall not block light and air from any dwelling unit, obstruct access to any dwelling unit, or provide harborage for vermin.

18-3-12 **YARDS.** Every yard shall be properly graded and drained to prevent the accumulation of stagnant water. Moreover, every yard shall be maintained free from trash and noxious species of plants. All vegetation shall be kept trimmed so that it does not interfere with vehicular or pedestrian traffic. No lumber, bricks, or similar material shall be stored outdoors unless appropriate measures are taken to deny harborage to vermin.

(A) **Area Near Intersection.** As set forth in the Zoning Code, on corner lots, in the triangular portion of land bounded by the street lines of said lot and a line joining the **two (2) points** each of which is on **one (1) street** line and **thirty (30)**

feet from the point of intersection, the owner shall keep all vegetation trimmed so that it does not extend more than **two (2) feet** above ground level; provided that this requirement shall not apply to trees having a trunk diameter of **two (2) inches** or more when measured **twelve (12) inches** above the ground.

18-3-13 **BOARDING-UP.** Whenever the glass in any window, glazed exterior door, exterior transom, or skylight is broken in a vacant house, the owner shall promptly remove the broken glass from the premises and temporarily board-up the affected openings in order to prevent accidents, provide protection from the elements, keep out animal pests, and provide security to the occupants or contents of the dwelling unit. Since the presence of sloppily boarded-up building invites vandalism and creates a blighting influence, all boarding-up of exterior openings shall be accomplished in a neat, workmanlike manner using not less than **one-half (1/2) inch** thick weather-resistant plywood cut to fit within openings, fastened in place as securely as possible, and suitably coated with a color that blends with the exterior colors of the building as inconspicuously as possible.

The Administrator shall notify the owner or his agent of any boarded-up dwelling unit(s) not complying with these requirements, and shall allow him not more than **ten (10) working days** from the date of notice in which to replace the broken glass or to repair, replace or paint the boarding.

ARTICLE IV – ROOM AND OCCUPANCY REQUIREMENTS

18-4-1 **BEDROOMS.** Every room used primarily for sleeping purposes shall meet the following requirements:

- (A) **Minimum Floor Area.** The minimum gross floor area shall be:
- (1) In the case of a bedroom used for sleeping by only **one (1) person**, **seventy (70) square feet.**
 - (2) In the case of a bedroom used for sleeping by **two (2) or more persons**, **fifty (50) square feet** per person.

In calculating the floor area of attic or top half-story bedrooms, only these portions of the floor over which the ceiling is at least **five (5) feet** high shall be counted.

(B) **Minimum Dimensions.** No bedroom floor shall be less than **seven (7) feet** in length or width.

(C) **Access to Bathroom.** Every bedroom shall have access to at least **one (1) bathroom**. Except in the case of existing single-family dwellings without ledgers, said required access shall not necessitate passage through another bedroom.

(D) **Closets.** Every bedroom shall have at least **five (5) square feet** of closet space opening into the bedroom.

18-4-2 KITCHENS. Every dwelling unit shall include a kitchen which may be either a separate room or portion of a multi-purpose room. Every kitchen shall include, at a minimum, the following equipment:

(A) **One sink** in good working condition that provides at all times an adequate amount of heated and unheated running water under pressure, and that is properly connected to the sewage disposal system;

(B) **One stove** (or similar device) for cooking food, properly installed for safe and efficient operation. Portable cooking equipment employing flame and the use of liquid fuel is prohibited; and

(C) **One refrigerator** (or similar device) for the safe storage of food at temperature less than **fifty degrees Fahrenheit (50°F)** but more than **thirty-two degrees Fahrenheit (32°F)** under ordinary maximum summer conditions, properly installed and connected for safe, sanitary and efficient operation.

18-4-3 BATHROOMS. Every dwelling unit shall contain at least **one (1) bathroom** that affords privacy to the individual using it. Every required bathroom shall be equipped with a flush toilet, tub or shower, and lavatory basin. All these fixtures shall be in good working condition, and properly connected to the water system and to the sewage disposal system. Every lavatory basin and bathtub/shower shall be capable of providing at all times an adequate amount of heated and unheated running water under pressure.

18-4-4 BASEMENT ROOMS. No room in any basement shall be counted to satisfy the minimum room and space requirements of this Article unless such basement room conforms to every pertinent regulation of this Code, and is constructed in such a manner that:

(A) The required minimum window area (**See Section 18-4-7**) is entirely above ground level; and

(B) Moisture cannot stop through the floor or walls.

18-4-5 **CEILING HEIGHT.** The clear ceiling height in all habitable rooms shall be at least **seven feet four inches (7'4")**, except that in attic rooms or top half-stories the ceiling height shall be at least **seven (7) feet** over not less than **one-third (1/3)** of the area used for sleeping, study, or similar activity.

18-4-6 **NATURAL LIGHTING.** Every habitable room except the kitchen shall have a window, skylight, or other means of transmitting natural light from outdoors. As used in this Section, the term "window" includes all such means. The total clear glass area of such window(s) shall be at least **ten percent (10%)** of the floor area of the room **ten (10) square feet**, whichever is greater.

18-4-7 **VENTILATION.**

(A) **Rooms.** Except as specifically provided otherwise below, every habitable room shall be adequately ventilated either naturally or by a mechanical ventilation system approved as to type and installation by the Administrator.

Natural ventilation shall be deemed adequate when the total area through which outside air can flow into the room by acceptable means equals at least **forty-five percent (45%)** of the total clear glass area required for natural light. (See Section 18-4-7) Acceptable means of natural ventilation include windows, louvers, monitors, or other direct openings to the outdoors, but not doors.

(B) **Small Kitchens.** A kitchen less than **seventy (70) square feet** in floor area that is without either a mechanical ventilation system or a direct opening to the outdoors shall nonetheless be considered adequately ventilated if there is an opening at least **thirty-two (32) square feet** in area between the kitchen and another room in the same dwelling unit that has adequate natural ventilation.

(C) **Bathrooms.** Every bathroom shall be adequately ventilated by **one (1)** or more of the following means:

- (1) Natural or mechanical ventilation as set forth above; or
- (2) A gravity vent flue having a total clear area equal to at least **five percent (5%)** of the floor area of the bathroom or **one hundred twenty (120) square inches**, whichever is greater. Gravity vent flues shall be constructed of incombustible material and shall be provided with a weather cap, directional vane, or rotary type ventilation on the roof.

18-4-8 **EGRESS REQUIREMENTS.** Every dwelling unit shall have at least **two (2)** unobstructed means of egress that leads to a public street or alley either directly or through a court or yard. Every dwelling unit located on the third or higher story shall

have at least **two (2)** such exits. Passage to a dwelling unit's exit(s) shall not lead through any other dwelling unit or through a space that might reasonably be located by anyone who is not a member of the household. Provided, that dual egress shall not be required in structures that are of fireproof construction as defined in the Municipal Building Code.

18-4-9 **CONNECTION TO COMMERCIAL USE PROHIBITED.** No habitable room and no bathroom that is accessory to a dwelling unit shall open directly into or be used in conjunction with any commercial establishment or professional's office.

ARTICLE V – BASIC FACILITIES

18-5-1 **ELECTRICAL SYSTEM.** In every dwelling unit, every electrical outlet, switch, and fixture – whether required or not – shall be installed, maintained, and connected to the source of electric power in accordance with the provisions of the Building or Electrical Code adopted by this Municipality.

(A) **Minimum Service.** Every dwelling unit shall have main electrical service of at least **one hundred (100) amperes.**

(B) **Lighting.** Every bathroom and kitchen, every hallway and stairway, and every laundry area, furnace room, or every similar non-habitable work space shall contain at least **one (1)** working ceiling or wall lighting fixture. In multiple-family dwellings, every shared/public hall and stairway shall have a minimum of **five (5) footcandles** of daylight or electric illumination at all times.

(C) **Convenience Outlets.** Every habitable room shall contain at least **two (2)** separate and remote wall-type electric convenience outlets. Every bathroom and laundry area shall contain at least **one (1)** working grounded-type convenience outlet.

18-5-2 **ELECTRICAL HAZARDS.** In determining whether the electrical system of any dwelling unit is hazardous to the occupants (and thus in violation of this Code), the Administrator shall consider the size of the dwelling unit, the number of occupants, and the occupants' usage of appliances and equipment. The electrical system of a dwelling unit may be found hazardous due to any of the following conditions:

- (A) Insufficient amperage;
- (B) Improper fusing, wiring, or installation;
- (C) Improper or inadequate grounding of the system or parts thereof;
- (D) The presence of loose, hanging, frayed, or bare wires;
- (E) The use of extension cords except for short-term purposes;
- (F) Insufficient outlets or fixtures;
- (G) The presence of conductor supported pendant switches or light;
- (H) The presence of flush or semi-flush mounted floor convenience outlets, lacking approved waterproof covers; or
- (I) General deterioration of the system or parts thereof.

18-5-3 HEATING.

(A) **Generally.** Every dwelling unit shall be served by acceptable, properly installed heating facilities in good working condition. “Good working condition” means that the heating facilities can safely heat all habitable rooms and bathrooms within said dwelling unit to a temperature of at least **sixty-eight degrees Fahrenheit (68°F)** when the temperature outdoors is **zero degrees Fahrenheit (0°F)**. “Acceptable” heating facilities do not include appliances designed primarily for cooking or water heating purposes, or portable heating equipment employing flame.

(B) **When Landlord Must Provide Heat.** Every landlord or manager of any apartment building or other multiple-family dwelling who leases or rents any dwelling unit(s) on terms, either expressed or implied, to furnish heat to the tenants or occupants thereof shall, at a minimum, act as follows:

Between **October 1** and **May 15** of each year he shall maintain in the habitable rooms a temperature of at least **sixty-eight degrees Fahrenheit (68°F)** between **6:00 A.M.** and **11:00 P.M.** of each day, and a temperature of not less than **sixty degrees Fahrenheit (60°F)** during the other hours of the day; except that when the outside temperature drops below **zero degrees Fahrenheit (0°F)** and the heating plant is operating at its full capacity, a minimum inside temperature of **sixty degrees Fahrenheit (60°F)** shall be maintained at all times.

18-5-4 WATER HEATING FACILITIES.

(A) **General.** Every dwelling unit shall be served by water heating facilities that are properly installed and connected to the building’s hot water lines and maintained at all times in safe operating condition. The water heating facilities shall be capable of heating water to such a temperature as to permit an adequate amount of water to be drawn at every required kitchen

sink, bathroom sink, and bathtub or shower at a temperature of not less than **one hundred twenty degrees Fahrenheit (120°F)** even when the space heating facilities required by **Section 18-5-3** are not in operation.

(B) **When Landlord Must Provide Hot Water.** Every landlord or manager of any apartment building or other multiple-family dwelling who leases or rents **one (1)** or more dwelling unit(s) on terms, either expressed or implied, to furnish hot water to the tenants or occupants thereof shall provide an adequate amount of water at all times at every kitchen sink, bathroom sink, and bathtub or shower at a temperature of not less than **one hundred twenty degrees Fahrenheit (120°F)**.

18-5-5 PLUMBING GENERALLY. In every dwelling unit every sewer line, water line, plumbing fixture, vent, and drain shall be properly installed, and maintained free from obstructions, leaks, or defects so as to prevent structural deterioration or health hazards. All repairs and installations shall be made in conformity with the Building and Plumbing Code adopted by this Municipality.

18-5-6 FIRE PROTECTION REQUIRED.

(A) **Smoke Alarms.** Every dwelling unit shall be equipped with a properly installed and functioning smoke alarm system of the type approved by the Municipal Fire Chief in compliance with the National Electrical Code.

(B) **Fire Extinguishers in Mobile Homes.** As required by State Law (**See 210 ILCS Sec. 115/9.9**) every mobile home shall be equipped with **two (2)** working fire extinguishers, one in each end of the home. (**See also Section 3-11**) (**See Chapter 23**)

ARTICLE VI – ADMINISTRATION AND ENFORCEMENT

18-6-1 ENFORCEMENT OFFICER, DUTIES. The Code Enforcement Officer, referred to herein as the Administrator, is hereby authorized and directed to administer and enforce the provisions of this Code. This broad responsibility encompasses, but is not limited to, the following specific duties:

(A) To inspect dwellings, accessory structures, and residential premises in accordance with **Section 18-6-2.**

- (B) To take appropriate actions to correct violations of this Code.
- (C) To review and pass upon applications for occupancy permits and temporary occupancy permits;
- (D) To maintain up-to-date records of all matters pertaining to the administration and enforcement of this Code;
- (E) To periodically review the provisions of this Code to determine whether revisions are needed, and to make recommendations on these matters to the Corporate Authorities at least once each year;
- (F) To provide information to the general public on matters related to this Code;
- (G) To perform such other duties as the Corporate Authorities may from time to time prescribe.

18-6-2 **INSPECTIONS.** Pursuant to properly filled complaints or on his own initiative, the Administrator may inspect dwellings, accessory structures, and residential premises as often as reasonably necessary to insure compliance with the provisions of this Code.

(A) Whenever the Administrator considers it reasonably necessary or desirable to have such inspections made by another department of this Municipality, he shall arrange for this to be done in such a manner that the owner or occupants are not subjected to numerous inspections or to multiple or conflicting correction orders.

(B) The owner or occupant shall give the Administrator free access to the premises at any reasonable time upon display of proper identification in order to allow him to perform his duties under this Code.

18-6-3 **OCCUPANCY PERMITS.**

(A) **Required.** Except as provided in paragraph (B) of this Section, it shall be unlawful for any person to occupy or for any owner or agent to allow another person to occupy any dwelling unit unless he holds a valid occupancy permit. The Administrator shall not issue any occupancy permit until he has inspected the dwelling and the proposed occupancy thereof conforms to the requirements of this Code; PROVIDED that this Section shall not apply to any occupancy which began on or before the effective date of this Code.

(B) **Temporary Occupancy Permit.** A dwelling not in full compliance with this Code may be occupied while repairs are being made if the Administrator has issued a Temporary Occupancy Permit. No temporary occupancy permit shall be issued until the Administrator has inspected the premises and determined that the occupancy thereof does not constitute a serious hazard to the health or safety of the occupants. A temporary occupancy permit shall be valid for **ninety (90) days** and may be renewed once.

18-6-4 **ANNUAL PERMIT.** That upon the request of any landlord or agent, the Administrator may issue an Annual Permit. The purpose of the Annual Permit is to protect and facilitate the showing of vacant properties. It is a violation of this Section for any landlord or realtor to allow occupancy of any premises under an Annual Permit.

18-6-5 **APPLICATIONS FOR PERMITS.**

(A) **Application for Annual Permit.** Every application for an Annual Permit shall be filed with the Administrator on a prescribed form. Application filing fee shall be **Fifteen Dollars (\$15.00)** for an Annual Permit. Every application for an Annual Permit shall include the name, address and telephone number of the applicant. All Annual Permits shall expire on **June 30th** of each year. Before reissuing any Annual Permit, the Administrator may inspect any rental property of the applicant.

18-6-6 **REVOCAION OF PERMITS.** The Administrator, upon notice in writing, may revoke any occupancy permit or temporary occupancy permit if:

- (A) He determines that information contained in the application for the permit is false;
- (B) The occupant refuses to allow the inspection of his premises;
- (C) The work authorized by a temporary occupancy permit is not proceeding in a timely fashion; or
- (D) The occupant fails to comply with a corrective action order.

18-6-7 **UTILITIES NOT TO BE PROVIDED.** Upon notification by Administrator it shall be unlawful for any utility company to begin providing gas, electric, water or telephone service whenever the Administrator determines by inspection that the introductory of such utility service, into a dwelling, dwelling unit or accessory structure, constitute a serious hazard to the health or safety of the occupants. Subsequently, in the event the Administrator determines that the owner and/or occupant has corrected the hazardous condition, said utilities shall be notified by the Administrator of the corrected condition. In any event, utility service shall be provided in accordance with the rules and regulations of the utility and the Illinois Commerce Commission, where applicable.

18-6-8 **CORRECTIVE ACTION ORDERS.**

(A) **Basis of Corrective Action Order.** Whenever the Administrator determines, by inspection or otherwise, that any occupancy or any dwelling, dwelling unit, accessory structure or other

portion of residential premises is in violation of this Code he shall so notify the owner and/or occupant in writing and order appropriate correction action.

(B) **Contents of Order.** The order to take corrective action(s) shall include the following information:

- (1) A description of the premises sufficient for identification;
- (2) The date by which the violation must be corrected;
- (3) The date by which an appeal of the correction order must be filed and a statement of the procedure for so filing;
- (4) A statement that if the violation is not corrected or if the order is not appealed within the prescribed time limits, the occupancy permit may be revoked, a fine may be imposed, and/or the property may be declared unfit for human habitation with attendance consequences.

(C) **Service of Order.** The corrective action order shall be deemed properly served upon the owner, agent, or occupant if it is:

- (1) Served upon him personally;
- (2) Sent by registered mail to his last known address; or if (1) or (2) are impossible;
- (3) Posted in a conspicuous place on or about the dwelling or premises.

(D) **Transfer of Ownership Prohibited.** It shall be unlawful for the owner of any dwelling who has been served a corrective action order to sell, transfer, mortgage, lease, or otherwise dispose of the dwelling until he has either:

- (1) Effected compliance with the provisions of this Code; or
- (2) furnished the grantee, transferee, mortgagee, or lessee a true copy of the corrective action order, and has given the Administrator a signed and notarized statement from said grantee, transferee, mortgagee, or lessee that acknowledges receipt of such corrective action order and unconditionally accepts responsibility for making the required repairs.

(E) **Access by Owner or Operator.** The occupant(s) of every dwelling unit shall give the owner or operator, or his agent or employee, free access thereto at any reasonable time in order to allow him to make any inspection, alteration, maintenance, or repair necessary to effect compliance with this Code.

18-6-9 **DWELLINGS UNFIT FOR HUMAN HABITATION.** In addition to action authorized elsewhere in this Code, the Administrator shall declare “unfit for human habitation” any dwelling that is so damaged, dilapidated, vermin-infested, or deficient with respect to illumination, ventilation, or basic facilities (including sanitary, electrical, plumbing, heating, etc.) that it creates a serious hazard to the health or safety of the occupants or the public.

(A) **Placard.** The Administrator shall post a placard on every dwelling declared unfit for human habitation. The placard shall include:

- (1) The name of this Municipality;
- (2) A statement that said placard has been posted by the Administrator under authority of this Code.
- (3) The date of posting.
- (4) An order that the dwelling must remain vacated and off-limits to all unauthorized persons until compliance with this Code is achieved and such order to vacate is withdrawn; and
- (5) A statement that defacement or removal of the placard is a violation of this Code punishable by a fine not to exceed **Five Hundred Dollars (\$500.00)**.

(B) **Dwelling to be Vacated.** Any dwelling declared unfit for human habitation and so placarded shall be vacated within a reasonable time as ordered by the Administrator. Occupancy of such dwelling shall not be resumed until the Administrator has approved in writing and removed the placard. The Administrator shall remove the placard as soon as the defects that prompted the declaration of unfitness have been eliminated. No other person shall deface or remove said placard.

(C) **Vacated Dwelling to be Made Secure.** The owner of every dwelling declared unfit for human habitation shall make said dwelling safe and secure to the satisfaction of the Administrator and Fire Chief, so that it does not constitute a fire hazard or public nuisance.

18-6-10 **EMERGENCY MEASURES.** Notwithstanding any other provisions of this Code, whenever the Administrator determines that any dwelling, accessory structure, or other part of a residential premises poses an immediate peril to the occupants or to the public, he may take any action necessary to alleviate the perilous condition—including ordering immediate demolition—without notice.

18-6-11 **CORRECTION BY MUNICIPALITY.** If any dwelling owner fails to obey a corrective action order, the Administrator may cause the necessary work (including demolition) to be performed by municipal employees or may contract to have the work done by a private concern. The Administrator shall keep an accurate account of expenses incurred, and shall file said account with the Municipal Clerk. The Clerk shall pay such expenses on behalf of this Municipality.

18-6-12 **DEMOLITION OF ABANDONED BUILDINGS.** It is within the authority of the Municipality, after proper notice has been given, to cause the demolition of any structure that poses an immediate peril to the occupants or to the public; is a fire hazard; or is in such a state of disrepair that the cost to bring the structure into compliance with municipal ordinances exceeds the cost of demolition.

18-6-13 **RECOVERY OF COSTS.** The Clerk shall mail a statement of the total expenses incurred to the owner of the dwelling. In accordance with **Illinois Compiled Statutes, Chapter 65, Section 5/11-31-1**, if the owner has not paid the total amount due within **sixty (60) days** after said statement is mailed, the costs shall constitute a lien on the property. The Municipal Clerk shall file notice of this lien with the County Recorder of Deeds, setting forth the following:

- (A) A description of the real estate sufficient for identification;
- (B) The amount of the expenses incurred; and
- (C) The date on which the expenses were incurred.

The lien must be enforced by customary foreclosure proceedings within **three (3) years** from the date notice thereof is filed.

18-6-14 **COMPLAINTS.** Whenever any violation of this Code occurs or is alleged to have occurred, any person may file a written complaint on forms provided by the Administrator. The Administrator shall record such complaints, promptly investigate, and if necessary, institute appropriate corrective action.

18-6-15 **PENALTIES.**
(A) A violation of any provision of this Code shall be an ordinance violation. The occupant shall be considered separate and independent from the owner (unless they are one and the same), and each shall be, upon conviction, subject to the penalties indicated below.

(B) Any person who is convicted of a violation of this Code shall be fined not less than **Fifty Dollars (\$50.00)** nor more than **Five Hundred Dollars (\$500.00)** per day, plus costs, that the structure remains in a state of noncompliance with this Code.

(C) Nothing contained in this Section shall prevent this Municipality from taking any other lawful action that may be necessary to secure compliance with this Code.

18-6-16 **APPEALS.** Any person aggrieved by any decision or order of the Administrator in any matter related to the interpretation or enforcement of any provision of this Code may appeal to the Corporate Authorities.

(A) **Filing; Record Transmittal.** Every appeal shall be made within **ten (10) days** of the matter complained of by filing with the Administrator and the Municipal Clerk a written notice specifying the grounds for appeal. The fee for filing an appeal shall be **Twenty-Five Dollars (\$25.00)**. Not more than **five (5) working days** after the notice of appeal has been filed, the Administrator shall transmit to the Corporate Authorities all records pertinent to the case.

(B) **Stay of Further Proceedings.** An appeal stays all further action on the matter being appealed unless the Administrator certifies to the Corporate Authorities, after the notice of appeal has been filed with him, that for reasons stated in the certificate a stay would cause imminent peril to life or property. In such case, further action shall not be stayed unless the circuit court grants a restraining order for due cause, and so notifies the Administrator.

(C) **Hearing; Decision by Corporate Authorities.** The Corporate Authorities shall publicly hear each appeal at their next regularly scheduled meeting following submission of the Administrator's records. Any interested party may appear at the hearing and testify, either in person or by duly authorized agent or attorney. The Corporate Authorities shall render a decision on the appeal within a reasonable time after the hearing. They may reverse or affirm, wholly or partly, or may modify or amend the decision or order appealed from to the extent and in the manner they deem appropriate.