

CHAPTER 29

PROPERTY MAINTENANCE CODE

ARTICLE I - GENERAL PROVISIONS

29-1-1 TITLE: PURPOSE.

(A) These regulations shall be known as the "Property Maintenance Code" hereinafter referred to as the "Property Maintenance Code" or "This Code".

(B) This Code is to establish minimum acceptable standards, premises, and facilities in the Village, which must be maintained in existing buildings, structures, premises, and facilities to protect health, safety, and general welfare.

29-1-2 SCOPE. This Code is to protect the public health, safety, and welfare in all Village neighborhoods, by:

(A) Establishing minimum exterior maintenance standards for all nonresidential structures.

(B) Establishing minimum exterior maintenance standards for residential structures.

(C) Establishing minimum maintenance standards for basic equipment and facilities for light, ventilation, space, heating and sanitation of all residential dwelling units and structures.

(D) Fixing the responsibilities of owners, operators, and occupants of all structures.

(E) Providing for administration, enforcement, and penalties.

29-1-3 LIBERAL INTERPRETATION REQUIRED. This Code shall be construed liberally and justly to insure public health, safety, and welfare insofar as they are affected by the maintenance of structures and premises.

29-1-4 EFFECT ON EXISTING ORDINANCES, REMEDIES.

(A) This Code establishes minimum requirements for the initial and continued occupancy and use of all structures and premises and does not replace or modify requirements otherwise established by ordinance which may be additional or more stringent for the construction, repair, alteration, or use of structures, equipment, or facilities.

(B) The provisions in this Code shall not be construed to prevent the enforcement of other ordinances or regulations which prescribe standards other than are provided herein.

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(C) The provisions in this Code shall not be deemed to abolish or impair existing remedies of the Village or its officers or agencies relating to the removal or demolition of any buildings which are deemed to be dangerous, unsafe, and unsanitary.

(D) This Code shall not effect violations of any other ordinances, codes, or regulations existing prior to the effective date hereof, and any such violation shall be governed and shall continue to be punishable to the full extent of the law under the provisions of those ordinances, codes, or regulations in effect at the time the violation was committed.

29-1-5 CODE ENFORCEMENT GUIDELINES.

(A) Building, Construction Code .

- (1) Any repairs or alterations to a structure or changes of use therein, which may be caused directly or indirectly by the enforcement of this Code shall be done in accordance with the procedures and provisions of the Building Code now in existence.
- (2) Any repair, alteration, or replacement of structural elements of a building, which may be required by the provisions of these guidelines, shall be done in accordance with the applicable sections of the Building Code, Electrical Code, Plumbing Code or other applicable code or ordinance of this jurisdiction.

(B) **Zoning Code.** The provisions of these guidelines shall not permit the abridgement or violation of the Zoning Code of this municipality, if any.

(C) **Conflicts.** Specific provisions of these guidelines indicate their precedence over the requirements of other related codes and ordinances. Where specific precedence is not indicated, the requirements of the most restrictive code or ordinance prevail.

29-1-6 OCCUPANCY PERMIT REQUIRED.

(A) Hereinafter, upon change of occupants, no residential property shall be occupied or used until an occupancy permit shall have been issued by the Building Official stating that the premises complies with the provisions of this Code.

(B) Multiple-family complexes which are less than **ten (10) years** of age, have **fifty (50)** or more units and contractual maintenance service or maintenance staff available **twenty-four (24) hours** a day, shall be inspected on a quarterly basis and are exempt from the requirements of **29-1-6(A)**. A selected number of vacant units shall be inspected, upon request, once per quarter. A yearly inspection shall be conducted of all common mechanical areas.

(C) The fee for the occupancy permit shall be **Twenty-Five Dollars (\$25.00)** for each dwelling unit occupied. If an inspection certificate has been issued, then an occupant may move in on weekends and holidays when the department, responsible for issuing occupancy permits, is closed. The occupant is required to obtain the written permit **three (3) days** after the department is open.

(D) Multiple-family complexes as identified in **29-1-6(B)** shall pay **Twenty-Five Dollars (\$25.00)** per dwelling unit inspected, at the time of inspection, and **One Hundred Dollars (\$100.00)** for the annual inspection.

29-1-7 APPLICATION DWELLING UNIT. It shall be unlawful for any person to knowingly make any false statement on an application for an occupancy permit for a dwelling unit as to the names, relationships, or number of occupants who will occupy the dwelling unit.

29-1-8 ACTION ON AN APPLICATION. The Code Official shall examine, or cause to be examined, all applications for permits within a reasonable time after filing. He shall cause the premises to be inspected within **seven (7) working days** after filing. If premises are not inspected within the **seven (7) working days**, then the Permit and Certificate of Compliance shall be automatically issued without an inspection. If the premises are not in compliance with this Code and all laws and ordinances applicable thereto, the code official shall provide the applicant with a list of defects that are not in compliance. Said defects shall be listed with as much specificity as possible. The owner or occupant of every dwelling unit and its premises will give the code official free access thereto, at a reasonable time, for the purpose of such inspection.

There shall be no fee for the original inspection, or the first reinspection, if necessary. A reinspection shall be made within **seven (7) working days**, from receipt of the written request, if not then the Permit and Certificate of Compliance shall be automatically issued without a reinspection. If specific defects are found in the original inspection, the code official shall not require additional defects to be corrected that were discovered on a reinspection unless the new defects occurred after the original inspection. There shall be a fee of **Fifty Dollars (\$50.00)** for every reinspection after the first one.

29-1-9 ISSUANCE OF PERMIT. If all the fees are paid and the code official is satisfied that the premises and its occupancy are in compliance with this code and all laws and ordinances applicable thereto, the code official shall issue the occupancy permit as soon as practicable.

29-1-10 CONDITIONAL PERMIT. Occupancy shall be permitted on a conditional basis when in the judgment of the code official practical difficulties interfere with the completing all repairs required to bring the premises into full compliance with this Code prior to permitting occupancy. However, no conditional permit shall be issued when there is a condition on the premises which can threaten the health or safety of an occupant. No conditional permit shall be issued under the provisions of this Code for premises which have

been newly constructed, newly altered, or on which a change in use is proposed unless a Certificate of Use and Occupancy has first been issued under the provisions of the Building Code.

29-1-11 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 the reasons therefore.

29-1-12 SUSPENSION OF PERMIT. Any permit issued shall become invalid if the occupancy is not commenced within **six (6) months** after issuance of a permit or if the occupancy is terminated.

29-1-13 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.

29-1-14 EXISTING RESIDENTIAL OCCUPANCIES. The provisions of **Section 29-1-6** shall not apply to any residential occupancy in existence at the time this ordinance takes effect, unless there is a change in the occupancy of any person after said date, or complaint filed.

ARTICLE II - DEFINITIONS

29-2-1 GENERAL.

(A) Scope. Unless otherwise expressly stated, the following terms shall, for the purpose of this Code, have the meanings indicated in this Article.

(B) Interchangeability. Words used in the present tense include the future; words in the masculine gender include the feminine and neuter; the singular number includes the plural and the plural the singular.

(C) Terms Defined in Other Codes. Where terms are noted in this Code and are defined in the Building, Plumbing and/or Mechanical Codes, they shall have the same meanings ascribed to them as in those Codes.

(D) Terms Not Defined. Where terms are not defined under the provisions of this Code or under the provisions of the Building, Plumbing and/or Mechanical Codes, they shall have ascribed to them their ordinarily accepted meanings or such as the context herein may imply. (See Chapter 1 of the Revised Code)

29-2-2 APPLIED MEANINGS OF WORDS AND TERMS.

“APPROVED”. Approved, as applied to a material, device, or method of construction shall mean approved by the Code Official under the provisions of this Code, or approved by other authority designated by law to give approval in the matter in question.

“BASEMENT”. That portion of a building which is partly below and partly above grade, and having at least **one-half (1/2)** its height above grade. (See **“Cellar”**).

“BUILDING CODE”. The Building Code officially adopted by the legislative body of this jurisdiction, or such other code as may be officially designed by the legislative body of the jurisdiction for the regulation of construction, alteration, addition, repair, removal, demolition, use, location, occupancy and maintenance of buildings and structures.

“BUILDING OFFICIAL”. The official designated by the jurisdiction to enforce building, zoning or similar laws, or a duly authorized representative.

“CELLAR”. That portion of a building which is partly or completely below grade and having at least **one-half (1/2)** its height below grade. (See **“Basement”**).

“CENTRAL HEATING”. The heating system permanently installed and adjusted so as to provide the distribution of heat to all habitable rooms, bathrooms and water closet compartments from a source outside of these rooms.

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

"CONDEMN". To adjudge unfit for use or occupancy.

"CONDEMNATION". The act of judicially condemning.

"DWELLING UNIT". One (1) or more rooms in a residential structure which are arranged, designed, used or intended for use by one (1) family plus not more than four (4) lodgers for living or sleeping purposes, and which include complete kitchen facilities permanently installed.

"DWELLINGS":

(A) **"ROOMING HOUSE"**. A building in which sleeping quarters (but not meals or cooking facilities) are provided by pre-arrangement for compensation on a weekly or longer basis for three (3) or more persons.

(B) **"ONE-FAMILY DWELLING"**. A dwelling unit designed for the occupancy by one family.

(C) **"TWO-FAMILY DWELLING"**. A building containing two (2) separate dwelling units with not more than five (5) lodgers or boarders per family.

(D) **"MULTI-FAMILY APARTMENT BUILDING"**. A building or portion thereof, designed or altered for occupancy by three (3) or more families living independently of each other.

(E) **"BOARDING HOUSE"**. A building other than a hotel or restaurant where meals are provided for compensation to three (3) or more persons but not more than ten (10), who are not members of the keeper's family.

(F) **"DORMITORY"**. Any building containing eleven (11) or more rooming or dormitory units. A dormitory also provides a public restroom, a laundry room, foyer, storage space for out-of-season articles of the residents, public lounge and recreational space for the use of residents.

(G) **"DORMITORY ROOM"**. A habitable room used or intended to be used by four (4) or more individuals for sleeping or study purposes, excluding bathrooms, toilet rooms, laundries, pantries, foyers, communicating corridors, closets, storage space and stairwells.

(H) **"HOTEL"**. An establishment containing lodging accommodations designed for use by transients, travelers or temporary guests, with no provisions in such accommodations for cooking in any individual room or suite. Facilities provided may include maid service, laundering of linen used on the premises, telephone and secretarial or desk service.

"ENFORCEMENT OFFICER". The official designated herein or otherwise charged with the responsibilities of administering this Code, or the officials authorized representative.

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“EXTERIOR PROPERTY AREAS”. The open space on the premises and on adjoining property under the control of owners or operators of such premises.

“EXTERMINATION”. The control and elimination of insects, rats, or other pests by eliminating their harborage places, by removing or making inaccessible materials that may serve as their food; by poison spraying, fumigating, trapping, or by any other approved pest elimination.

“FAMILY”. One (1) or more persons related by blood, marriage or adoption (excluding servants), or a group of not more than **three (3)** (including servants and roomers) who need not be related by blood, marriage or adoption, living together and maintaining a common household, but not including sororities, fraternities or other similar organizations.

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

“HABITABLE SPACE”. Space in a structure for living, sleeping, eating or cooking. Bathrooms, toilet compartments, closets, halls, storage or utility space, and similar areas are not considered habitable space.

“HOTEL”. See **“Dwellings”**.

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

“LET FOR OCCUPANCY OR LET”. To permit possession or occupancy of a dwelling, dwelling unit, rooming unit, building or structure by a person who shall be legal owner or not be the legal owner of record thereof, pursuant to a written or unwritten lease, agreement or licensee, or pursuant to a recorded or unrecorded agreement of contract for the sale of land.

“LODGING OR ROOMING HOUSE”. A building with more than **three (3)** guest spaces where lodging is provided for compensation pursuant to previous arrangement, but not open on a daily, overnight or per meal basis to transient guests.

“LODGING OR ROOMING HOUSE UNIT”. A habitable room used or intended to be used by up to **three (3) individuals** for sleeping purposes, excluding bathrooms, toilet rooms, laundries, pantries, foyers, communicating corridors, closets, storage space and stairwells.

“MAINTENANCE”. Conformance of a building and its facilities to the Code under which the building was constructed.

"MOTEL". A group of attached or detached buildings containing individual sleeping or living units, designed for or used temporarily by automobile tourists or transients, with garage attached or parking space conveniently located to each unit, including auto courts, motels, motor lodges or other similar type uses.

"MULTI-FAMILY (MULTIPLE) DWELLINGS". See **"Dwellings"**.

"OCCUPANT". Any person over **one (1) year** of age (including owner or operator) living and sleeping in a dwelling unit or having actual possession of said dwelling or rooming unit.

"OPENING AREA". That part of a window or door which is available for unobstructed ventilation and which opens directly to the outdoors.

"OPERATOR". Any person who has charge, care or control of a structure or premises which are let or offered for occupancy.

"OWNER". Any person, agent, firm, or corporation having a legal or equitable interest in the property.

"PERSON" includes a corporation or co-partnership as well as an individual.

"PLUMBING". The practice, materials, and fixtures used in the installation, maintenance, extension and alteration of all piping fixtures, appliances, and appurtenances within the scope of the Plumbing Code.

"PLUMBING FIXTURE". A receptacle or device which is either permanently or temporarily connected to the water distribution system of the premises, and demands a supply of water therefrom; or discharges used water, liquid-borne waste materials, or sewage either directly or indirectly to the drainage system of the premises; or which requires both a water supply connection and a discharge to the drainage system of the premises.

"PREMISES". A lot, plot or parcel of land including the buildings or structures therein.*

"PUBLIC NUISANCE". Includes the following:

- (A) The physical condition, or use of any premises regarded as a public nuisance at common law; or
- (B) Any physical condition, use or occupancy of any premises or its appurtenances considered an attractive nuisance to children, including, but not limited to, abandoned wells, shafts, basements, excavations and unsafe fences or structures; or
- (C) Any premises which have unsanitary sewerage or plumbing facilities; or
- (D) Any premises designated as unsafe for human habitation or use; or
- (E) Any premises which are manifestly capable of being a fire hazard, or are manifestly unsafe or insecure as to endanger life, limb or property; or

*Whenever the words "multi-family dwelling", "residence building", "dwelling unit", "lodging or rooming house", "lodging or rooming house unit", or "premises" are used in this Code, they shall be construed as though they were followed by the words, "or any part thereof".

(F) Any premises from which the plumbing, heating and/or facilities required by this Code have been removed, or from which utilities have been disconnected, destroyed, removed or rendered ineffective, or the required precautions against trespassers have not been provided; or

(G) Any premises which are unsanitary, or which are littered with rubbish or garbage, or which have an uncontrolled growth of weeds; or

(H) Any structure or building that is in a state of dilapidation, deterioration or decay; faulty construction; overcrowded; open, vacant or abandoned; damaged by fire to the extent as not to provide shelter, in danger of collapse or failure and is dangerous to anyone on or near the premises.

“RENOVATION”. A building and its facilities made to conform to present day minimum standards of sanitation, fire prevention and safety.

“RESIDENCE BUILDING”. A building in which sleeping accommodations or sleeping accommodations and cooking facilities as a unit are provided; except when classified as an institution under the Building Code.

“RUBBISH”. Combustible and noncombustible waste materials, except garbage, and 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.

“SANITARY”. Rules and conditions of health; especially, of absence of dirt and agents of infection or tending to promote health and healthful conditions.

“STRUCTURE”. Anything constructed or erected which requires location on the ground or is attached to something having location on the ground, including a fence or free-standing wall. A sign, billboard or other advertising medium, detached or projecting, shall be construed to be a structure.

“SUPPLIED”. Installed, furnished or provided by the owner or operator.

“VENTILATION”. The process of supplying and removing air by natural or mechanical means to or from any space.

(A) Ventilation by power-driven devices.

(B) Ventilation by opening to outer air through windows, skylights, doors, louvers, or stacks without wind-driven devices.

“WORKING DAYS”. Those days during which the Village Hall is open for business.

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“WORKMANLIKE”. Whenever the words “workmanlike state of maintenance and repair” are used in this Code, they shall mean that such maintenance and repair shall be made in a reasonably skillful manner.

“YARD”. An open unoccupied space on the same lot with a building extending along the entire length of street, or rear or interior lot line.

ARTICLE III

ADMINISTRATION AND ENFORCEMENT

29-3-1 **DUTIES AND POWERS OF CODE OFFICIAL.** The Code Official shall enforce all provisions of this Code relative to the maintenance of structures and premises, except as may otherwise be specifically provided for by other regulations.

(A) **Notices and Orders.** The Code Official shall issue all necessary written notices and orders to abate illegal or unsafe conditions to insure compliance with the Code requirements for the safety, health, and general welfare of the public.

(B) **Coordination of Enforcement.** Inspection of premises, the issuance of written notices and orders, and enforcement thereof shall be the responsibility of the Code Officials so charged by the Village. Whenever, in the opinion of a Code Official initiating an inspection under this Code, it is deemed necessary or desirable to have inspections by any other department, the Official shall make reasonable effort to arrange for the coordination of such inspections so as to minimize the number of visits by inspectors, and to confer with the other departments for the purpose of eliminating conflicting orders before any are issued. A department shall not, however, delay the issuance of any emergency order which it determines must be ordered.

29-3-2 **RIGHT OF ENTRY.** If any owner, occupant, or other person in charge of a structure subject to the provisions of this Code refuses, impedes, inhibits, interferes with, restricts, or obstructs entry and free access to any part of the structure where inspection authorized by this Code is sought, the administrative authority may seek, in a court of competent jurisdiction, an order that such owner, occupant, or other person in charge cease and desist with such interference.

(A) **Access of Owner or Operator.** Every occupant of a nonresidential structure or premises shall give the owner or operator thereof, or agent or employee, access to any part of such structure or its premises at reasonable times for the purpose of making inspections as are necessary to comply with the provisions of this Code.

(B) **Credentials.** The Code Official or the Code Official's authorized representative shall disclose proper credentials of their respective office for the purpose of inspecting any and all buildings and premises in the performance of duties under this Code.

29-3-3 **NOTICE TO OWNER OR TO PERSONS RESPONSIBLE.** Whenever the Code Official determines that there has been a violation of this Code or has reasonable grounds to believe that a violation has occurred, notice shall be given to the owner or the person or persons responsible in the manner described below.

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29-3-4 **FORM OF NOTICE.** Such notice prescribed in Section 29-3-3 shall:

- (A) Be in writing;
- (B) Include a description of the real estate for identification;
- (C) Include a statement of the reason or reasons why the notice is being issued; and
- (D) Include a correction order allowing a reasonable time for the repairs and improvements required to bring the dwelling unit or structure into compliance with the provisions of this Code.

29-3-5 **SERVICE OF NOTICE.** Such service shall be deemed to be properly served upon such owner if a copy thereof is delivered to the owner personally; or by leaving the notice at the usual place of abode, in the presence of someone in the family of suitable age and discretion who shall be informed of the contents thereof; or known address with return receipt requested; or if the certified or registered letter is returned with receipt showing that it has not been delivered, by posting a copy thereof in a conspicuous place in or about the structure affected by such notice.

ARTICLE IV - RIGHT TO APPEAL

29-4-1 PETITION. Any person affected by any notice which has been issued in connection with the enforcement of any provision of this Code, or of any rule or regulation adopted pursuant thereto, may request and shall be granted a hearing on the matter before the Board; provided that such person shall file, in the office of the Board, a written petition requesting such hearing and containing a statement of the grounds therefore within **twenty (20) days** after the day the notice was served.

29-4-2 APPEALS BOARD. In order to protect existing structures in the jurisdiction by vigorous enforcement of the provisions of this Code, there shall be and is hereby created a Code Appeals Board, hereafter referred to as the Board, consisting of **five (5) members** who shall be appointed by the chief executive of the jurisdiction.

The Appeals Board for this Code shall be the Village Board.

29-4-3 VOTE. The Board shall hear all appeals relative to the enforcement of this Code, and by a concurring vote of the majority of its members may reverse or affirm wholly or partly, or may modify, the decision appealed from, and shall make such order or determination as in its opinion ought to be made. Failure to secure such concurring votes shall be deemed a confirmation of the decision of the Code Official.

29-4-4 FINANCIAL INTEREST. A member of the Board shall not participate in any hearings or vote on any appeal in which that member has a direct or indirect financial interest, or is engaged as a contractor, or is engaged in the preparation of plans and specifications, or in which that member has any personal interest.

29-4-5 RECORDS. The secretary of the Board shall keep a record of each meeting so that the record shows clearly the basis for each decision made by the Board.

29-4-6 MEETINGS, QUORUM. All meetings of the Board shall be held at the call of the Chairman and at such times as the Board may determine, provided that the establishment of the meeting date, time, and location are consistent with the overall intent of this Section and are in accordance with the Illinois Open Meetings Act and other applicable state laws.

ARTICLE V - PREMISES CONDITIONS

29-5-1 SCOPE OF REGULATIONS. The provisions of this Article shall govern the minimum conditions for maintenance of exterior property, premises, and structures. Premises shall comply with the conditions herein prescribed insofar as they are applicable.

29-5-2 RESPONSIBILITY OF OWNER. The owner of the premises shall maintain such structures and premises in compliance with these requirements. A person shall not occupy as owner-occupant or let to another for occupancy or use permits which do not comply with the requirements of this Article.

29-5-3 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.

29-5-4 SANITATION. All exterior property areas and premises shall be maintained in a clean, safe, and sanitary condition free from any accumulation of rubbish or garbage.

29-5-5 GRADING AND DRAINAGE. All premises shall be graded and maintained so as to prevent the accumulation of stagnant water thereon, or within any structure located thereon.

29-5-6 INSECT AND RAT CONTROL. An owner of a structure or property shall be responsible for the extermination of insects, rats, vermin, or other pests in all exterior areas of the premises, except that the occupant shall be responsible for such extermination in the exterior areas of the premises of a single-family dwelling. Whenever infestation exists in the shared or public parts of the premises of other than a single-family dwelling, extermination shall be the responsibility of the owner.

29-5-7 ACCESSORY STRUCTURES. All accessory structures, including detached garages, swimming pools, jacuzzis, fences, and walls, shall be maintained structurally sound and in compliance with the provisions of this Code.

ARTICLE VI - EXTERIOR OF STRUCTURES

29-6-1 MAINTENANCE REQUIRED. The exterior of a structure shall be maintained structurally sound and sanitary so as not to pose a threat to the health and safety of the occupants and so as to protect the occupants from the environment.

29-6-2 STRUCTURAL MEMBERS. All supporting structural members of all structures shall be kept structurally sound, free of deterioration, and maintained capable of safely bearing the dead and live loads imposed upon them.

29-6-3 EXTERIOR SURFACES. Every foundation, exterior wall, roof, and all other exterior surfaces shall be maintained in a manner which will comply with the following standards.

(A) **Foundations, Exterior Walls and Roofs.** Every foundation, exterior wall and roof of every building shall be substantially weather-tight, and rodent proof; shall be kept in sound condition and good repair; shall be kept free of holes or breaks, and loose or rotting boards, timbers, bricks, stones and other structural material; and shall be safe to use and capable of supporting the load which normal use may cause to be placed thereon.

(B) **Exterior Surfaces.** All exterior surfaces of any building shall be reasonably capable of withstanding the effects of the elements and decay. Any exterior surface which is deteriorated, decaying, disintegrating or which has lost its capability to reasonably withstand the effects of the elements shall be repaired.

(C) **Windows and Exterior Doors.** Every window, storm window, exterior door, exterior storm door, basement or cellar door and hatchway shall be substantially weather-tight, wind-tight, water-tight, and rodent proof; shall be equipped with all appropriate hardware, shall be capable of being easily opened unless designed to be fixed.

(D) **Decorative Features.** All cornices, entablatures, belt courses, corbels, terra cotta trim, wall facings, and similar decorative features shall be maintained in good repair and proper anchorage and in a safe condition.

(E) **Protective Railings.** Any handrails, guardrails or other types of protective railings required to be constructed or installed under any provision of the Municipal Code of the Village or which have otherwise been constructed and installed shall be maintained in good repair.

(F) **Chimneys.** All chimneys, cooling towers, smoke stacks, and similar appurtenances shall be maintained structurally safe, sound, and in good repair.

(G) **Stairs and Porches.** Every stair, porch, balcony, ramp, and all appurtenances attached thereto shall be so constructed as to be safe to use and capable of supporting the loads to which it is subjected and shall be kept in sound conditions and in good repair.

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(H) **Roof Drainage.** Roof drainage shall be adequate to prevent rain water from causing dampness or deterioration in the walls or interior portion of the building. Roof water shall not be discharged in a manner that creates a nuisance to owners or occupants of adjacent premises, or that creates a public nuisance.

29-6-4 **WINDOW AND DOOR FRAMES.** Every window, door, and frame shall be constructed and maintained in such relation to the adjacent wall construction so as to exclude rain as completely as possible, and to substantially exclude wind from entering the dwelling or structure.

ARTICLE VII - INTERIOR OF STRUCTURE

29-7-1 GENERAL. The interior of a structure and its equipment shall be maintained in good repair, structurally sound and in a sanitary condition so as not to pose a threat to the health, safety or welfare of the occupants or visitors, and to protect the occupants from the environment.

(A) **Lead-Based Paint.** Lead-based paint with a lead content of more than **0.5 percent** shall not be applied to any interior or exterior surface of a dwelling, dwelling unit or child care facility, including fences and outbuildings at these locations. Existing interior and exterior painted surfaces of dwelling units and child care facilities that contain an excess of **0.5 percent** lead shall be removed or covered with paneling or other suitable covering approved by the Code Official.

(B) **Sanitation.** The interior of every structure shall be maintained in a clean and sanitary condition free from any accumulation of rubbish, refuse or garbage. Rubbish, garbage, and other refuse shall be properly kept inside temporary storage facilities until properly disposed.

(C) **Storage.** Garbage or rubbish shall not be allowed to accumulate or be stored in public halls or stairways.

(D) **Insect and Rat Harborage.** All structures shall be kept free from insect and rat infestation, and where insects or rats 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 prevent reinfestation.

ARTICLE VIII

LIGHT, VENTILATION AND SPACE REQUIREMENTS

29-8-1 GENERAL.

(A) **Scope.** The provisions of this Article shall govern the minimum conditions and standards for the light, ventilation and space for the occupancy of a structure. All light, ventilation and space conditions shall comply with the requirements herein prescribed insofar as they are applicable.

(B) **Responsibility.** The owner of the structure shall provide and maintain such light and ventilation and space conditions in compliance with these requirements. A person shall not occupy as owner-occupant or let to another for occupancy or use any premises which do not comply with the following requirements of this Article.

(C) **Alternative Devices.** In place of the means for natural light and ventilation herein prescribed, alternative arrangement of windows, louvers, or other methods and devices that will provide the equivalent minimum performance requirements shall be permitted when complying with the Building Code.

29-8-2 LIGHT. All spaces or rooms shall be provided sufficient light so as not to endanger health and safety.

(A) **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 window area, measured between stops, for every habitable space shall be **eight percent (8%)** of the floor area of such room except in kitchens when artificial light is provided in accordance with the provisions of the Building Code. In one-family dwellings units, rooms and spaces without openings to the outdoors may be ventilated through an adjoining room. In one-family dwelling units, the unobstructed opening to the adjoining room shall be at least **fourteen (14) square feet.**

(B) **Common Halls and Stairways.** Every common hall and stairway in every building, other than one and two-family dwellings, shall be adequately lighted at all times with an illumination of at least a **sixty (60) watt** standard incandescent light bulb or equivalent.

29-8-3 VENTILATION. All spaces or rooms shall be provided sufficient natural or mechanical ventilation so as not to endanger health and safety. Where mechanical ventilation is provided in lieu of the natural ventilation, such mechanical ventilating systems shall be maintained in operation during the occupancy of any structure or portion thereof.

When part of the air provided by a mechanical ventilation system is recirculated, the portion or volume of air recirculated shall not be recirculated to a different residential space or occupancy of dissimilar use from which it is withdrawn.

(A) **Toilet Rooms.** Every bathroom and water closet compartment shall comply with the light and ventilation requirements for habitable spaces as required by Article II except that a window shall not be required in bathrooms or water closet compartments equipped with an approved mechanical ventilation system. One-family dwelling units built prior to 1978 are not required to comply with the regulation.

(B) **Cooking Facilities.** Unless approved through the Certificate of Occupancy (see **Zoning Code**), cooking shall not be permitted in any sleeping room or dormitory unit, and a cooking facility or appliance shall not be permitted to be present in a sleeping room or dormitory unit.

(C) **Clothes Dryer Exhaust.** Clothes dryer venting systems shall be independent of all other systems and shall be vented in accordance with the manufacturer's recommendations.

29-8-4 DWELLING UNIT LIMITATIONS.

(A) **Separation of Units.** Dwelling units shall be separate and apart from each other. Sleeping rooms shall not be used as the only means of access to other sleeping rooms or habitable spaces.

(B) **Privacy.** Hotel units, lodging units, and dormitory units shall be designed to provide privacy, and be separate from other adjoining spaces.

29-8-5 SPACE REQUIREMENTS.

(A) **Area for Sleeping Purposes.** Every room occupied for sleeping purposes shall have adequate floor space.

(B) **Water Closet Accessibility.** In all dwelling units other than a one-family dwelling every room used as a bedroom shall have access to at least one water closet without passing through another room used as a bedroom.

(C) **Prohibited Use.** Kitchens, nonhabitable spaces and public spaces shall not be used for sleeping purposes.

ARTICLE IX

PLUMBING FACILITIES AND FIXTURE REQUIREMENTS

29-9-1 GENERAL.

(A) **Scope.** The provisions of this Article shall govern the minimum plumbing facilities and fixtures to be provided. All plumbing facilities and fixtures shall comply with the requirements herein described insofar as they are applicable.

(B) **Responsibility.** The owner of the structure shall provide and maintain such plumbing facilities and fixtures in compliance with these requirements. A person shall not occupy as owner-occupant or let to another for occupancy or use any structure or portion thereof or premises which does not comply with the following requirements of this Article.

29-9-2 REQUIRED FACILITIES.

(A) **Dwelling Units.** Every dwelling unit shall include its own plumbing facilities which are in proper operating condition, can be used in privacy, and are adequate for personal cleanliness and the disposal of human waste.

(B) **Water Closet and Lavatory.** Every dwelling unit shall contain within its walls, a room separate from habitable spaces, which affords privacy and a water closet supplied with cold running water. A lavatory shall be placed in the same room as the water closet or located in another room, in close proximity to the door leading directly into the room in which said water closet is located. The lavatory shall be supplied with hot and cold running water.

(C) **Bathtub or Shower.** Every dwelling unit shall contain a room which affords privacy to a person in said room and which is equipped with a bathtub or shower supplied with hot and cold running water.

(D) **Kitchen Sink.** Every dwelling unit shall contain a kitchen sink apart from the lavatory required and such sink shall be supplied with hot and cold running water.

(E) **Rooming Houses.** At least **one (1)** water closet, lavatory basin and bathtub or shower properly connected to an approved water and sewer system and in good working condition shall be supplied for each **four (4) rooms** within a rooming house, wherever said facilities are shared. Every lavatory basin and bathtub or shower shall be supplied with hot and cold water at all times.

(F) **Hotels.** Where private water closets, lavatories, and baths are not provided, **one (1)** water closet, **one (1)** lavatory and **one (1)** bathtub or shower accessible from a public hallway shall be provided on each floor for each **ten (10) occupants**. Each lavatory, bathtub or shower shall be supplied with hot and cold water at all times.

29-9-3 TOILET ROOMS.

(A) **Privacy.** Toilet rooms and bathrooms shall be designed and arranged to provide privacy.

(B) **Direct Access.** Toilet rooms and bathrooms shall not be used as a passageway to a hall or other space, or to the exterior.

(C) **Same Story.** Toilet rooms and bathrooms serving hotel units, lodging houses, or dormitory units, unless located within such respective units, or directly connected thereto, shall be provided on the same story with such units, and be accessible only from a common hall or passageway.

29-9-4 WATER SYSTEM.

(A) **General.** Every sink lavatory, bathtub or shower, drinking fountain, water closet or other facility shall be properly connected to either a public water system or to an approved private water system. All sinks, lavatories, bathtubs and showers shall be supplied with hot and cold running water.

(B) **Water Heating Facilities.** Where hot water is provided, water heating facilities shall be installed in an approved manner, properly maintained, and properly connected with hot water lines to the fixtures required to be supplied with the hot water.

29-9-5 SEWAGE SYSTEM.

(A) **General.** Every sink, lavatory, bathtub or shower, drinking fountain, water closet or other facility shall be properly connected to either a public sewer system or to an approved private sewage disposal system.

(B) **Maintenance.** Every plumbing stack, waste and sewer line shall be, so installed and maintained as to function properly and shall be kept free from obstructions, leaks and defects to prevent structural deterioration or health hazards. All repairs and installations shall be made in accordance with the provisions of the Building and Plumbing Code.

ARTICLE X

MECHANICAL AND ELECTRICAL REQUIREMENTS

29-10-1 GENERAL.

(A) **Scope.** The provisions of this Article shall govern the minimum mechanical and electrical facilities and equipment to be provided. All mechanical and electrical facilities and equipment shall comply with the requirements herein prescribed insofar as they are applicable.

(B) **Responsibility.** The owner of the structure shall provide and maintain such mechanical and electrical facilities and equipment in compliance with these requirements. A person shall not occupy as owner-occupant or let to another for occupancy or use any premises which does not comply with the following requirements of this Article.

29-10-2 HEATING FACILITIES: RESIDENTIAL BUILDINGS. Every owner of any structure who rents, leases, or lets **one (1) or more** dwelling units or guest rooms on terms, either express or implied, to furnish heat to the occupants thereof, shall supply sufficient heat during the period from **October 1** to **May 15** to maintain a room temperature of not less than **sixty-five (65) degrees F. (eighteen (18) degrees C.)**, in all habitable spaces, bathrooms, and toilet rooms during the hours between **6:30 A.M. and 10:30 P.M.** of each day and maintain a temperature of not less than **sixty (60) degrees F. (sixteen degrees C.)** during other hours. The temperature shall be measured at a point **three (3) feet (nine hundred fourteen (914) millimeters)** above the floor and **three (3) feet (nine hundred fourteen (914) millimeters)** from the exterior walls.

29-10-3 ELECTRICAL FACILITIES.

(A) **Facilities Required.** Every building or part thereof used for human occupancy shall be adequately and safely provided with an electrical system in compliance with the requirements of this Section. The provisions of this Section shall be considered absolute minimum requirements.

(B) **Lighting Fixtures.** Every public hall, interior stairway, water closet compartment, bathroom and laundry room shall contain at least **one (1)** electrical lighting fixture.

(C) **Service.** When the electrical system requires modification to correct inadequate service, then service shall be corrected to a minimum of **one hundred (100) ampere, three (3) wire service.**

(D) **Installation.** All electrical equipment, wiring and appliances shall be installed and maintained in a safe manner in accordance with all applicable laws. All electrical equipment shall be of an approved type.

ARTICLE XI - FIRE SAFETY REQUIREMENTS

29-11-1 GENERAL.

(A) **Scope.** The provisions of this Article shall govern the minimum fire safety facilities and equipment to be provided.

All structures shall be constructed and maintained to prevent and avoid fire hazards, and in a manner conducive to fire safety. All fire safety facilities and equipment shall comply with the requirements herein prescribed insofar as they are applicable.

(B) **Responsibility.** The owner of the structure shall provide and maintain such fire safety facilities and equipment in compliance with these requirements and the Fire Prevention Code. A person shall not occupy as owner-occupant or let to another for occupancy or use any premises which does not comply with the following requirements of this Article.

29-11-2 MEANS OF EGRESS.

(A) **General.** A safe, continuous and unobstructed means of egress shall be provided from the interior of a structure to the exterior at a street, or to a yard, court, or passageway leading to a public open area at grade.

(B) **Direct Exit.** Every dwelling unit shall have access directly to the outside or to an exit access corridor that leads directly to the outside.

(C) **Locked Doors.** All doors located in the required means of egress shall be readily operable from the inner side without the use of keys. Exits from multiple-family dwelling units, hotel units, lodging houses, and dormitory units shall not lead through other such units, or through toilet room or rooms. "Dead-bolt" locks are allowable provided the key is in place at all times and structure is occupied.

(D) **Fire Escapes.** All required fire escapes shall be maintained in working condition and structurally sound.

(E) **Dual Egress.** Every residential building exceeding **one (1) story** in height above grade, not including basements, shall be provided with not less than **two (2)** approved independent exits from each floor above the first floor, fully accessible to each occupant on the floor or provide safety ladders for each bedroom above the first floor.

29-11-3 ACCUMULATION AND STORAGE. Waste, refuse, or other materials shall not be allowed to accumulate in stairways, passageways, doors, windows, fire escapes, or other means of egress.

29-11-4 FIRE DOORS. All required fire resistance rated doors or smoke barriers shall be maintained in good working order, including all hardware necessary for the proper operation thereof. The use of door stops, wedges and other unapproved hold-open devices is prohibited.

29-11-5 SMOKE DETECTORS REQUIRED. Smoke detectors shall be provided outside of each sleeping area in the immediate vicinity of the bedrooms and on each additional story of the dwelling, including basements and cellars but not including crawl spaces and uninhabitable attics. In dwellings or dwelling units with split levels, a smoke detector need be installed only on the upper level, provided the lower level is less than **one (1) full story** below the upper level, except that if there is a door between levels then a detector is required on each level. In multiple dwelling units a smoke detector shall be installed in all common hallways or rooms. All detectors shall be connected to a sounding device or other detectors to provide, when actuated, an alarm which will be audible in all sleeping areas. All detectors shall be approved and listed and shall be installed in accordance with the manufacturer's instructions.

ARTICLE XII - RESPONSIBILITIES OF PERSONS

29-12-1 GENERAL. The provisions of this Article shall govern the responsibilities of persons for the maintenance of structures, and the equipment and premises thereof. The owner has the ultimate legal responsibility to comply with this Section.

29-12-2 SANITARY CONDITION.

(A) **Cleanliness.** Every occupant of a structure or part thereof shall keep that part of the structure or premises thereof which that occupant occupies, controls, or uses in a clean and sanitary condition. Every owner of a dwelling containing **two (2) or more** dwelling units shall maintain, in a clean and sanitary condition, the shared or public areas of the dwelling and premises thereof.

(B) **Disposal of Rubbish.** Every occupant of a structure or part thereof shall dispose of all rubbish in a clean and sanitary manner.

(C) **Disposal of Garbage.** Every occupant of a structure or part thereof shall dispose of garbage in a clean and sanitary manner by placing it in garbage disposal facilities, or if such facilities are not available, by placing it in approved garbage storage containers.

29-12-3 EXTERMINATION.

(A) **Owner.** The owner of any structure shall be responsible for extermination within the structure prior to renting or leasing the structure.

(B) **Multiple Occupancy.** Every owner, agent or operator of **two (2) or more** dwelling units or multiple occupancies, or nonresidential structures and rooming houses, shall be responsible for the extermination of any insects, rats or others in the public or shared areas of the structure and premises.