

## CHAPTER 18

## HOUSING CODE

## ARTICLE I – GENERALLY

**18-1-1**        **LEGISLATIVE FINDINGS OF FACT.** It is hereby found and declared to exist in the Village, premises used for human habitation which are, or may become in the near future, substandard with respect to structure, equipment, or maintenance, and further that such conditions together with inadequate provisions for light and air, heating, unsanitary condition, and over-crowding constitute a menace to the health, safety, morals, welfare and reasonable comfort of its citizens. It is further found and declared that the existence of such conditions, factors, or characteristics has created and will continue to create, slum and blighted areas requiring large scale clearance, and further that, in the absence of corrective measure, such areas will experience a deterioration of social values, a curtailment of investment and tax revenues, and an impairment of economic values. It is further found and declared that the establishment and maintenance of minimum housing standards are essential to the prevention of blight and decay, and the safeguarding of public health, safety, morals and welfare.

**18-1-2**        **PURPOSE OF CODE.** The purpose of this Code is to protect the public health, safety, morals and welfare of the people of the Village, by establishing minimum standards, governing the condition, occupancy and maintenance of dwellings, dwelling units, rooming houses, rooming units, and premises; establishing minimum standards governing utilities, facilities, and other physical components and conditions essential to make dwellings, dwelling units, rooming houses, rooming units and premises safe, sanitary and fit for human habitation, fixing certain responsibilities and duties of the owners, operators, agents and occupants of dwellings, dwelling units, rooming houses, and rooming units unfit for human habitation; and fixing penalties for the violations declared to be remedial and essential to the public interest, and it is intended that this Code be liberally construed to effectuate the purposes stated above.

**18-1-3**        **APPLICABILITY TO ALL DWELLINGS.** Every portion of a building or premises, used or intended to be used for any dwelling purpose, except temporary housing, shall comply with the provisions of this Code, irrespective of when such building shall have been constructed, altered or repaired; and irrespective of any permits or licenses which shall have been issued for the construction or repair of the building, or for the installation or repair of equipment or of the facilities prior to the effective date of this Code, except as provided in **Section 18-1-4**. This Code establishes minimum standards otherwise established for the construction, repair, alteration or use of building facilities or equipment except as provided in **Section 18-1-5**.

**18-1-4**        **APPLICABILITY TO ANNEXED AREAS.** In those areas annexed to the Village, after the effective date of this Code, the provisions of this Code shall not be applicable in the areas until the lapse of a period of **one (1) year** after the effective date.

**18-1-5**        **CONFLICT WITH OTHER ORDINANCES.** In any case where a provision of this Code is found to be in conflict with a provision of any zoning, building, electrical, plumbing, fire, safety, or health, or heating code, or regulation of the Village, the provision which established the highest standard shall prevail.

**18-1-6 CONFLICTS OF PERMITS AND LICENSES.** All departments and officials of the Village who have the duty or authority to issue permits or licenses in regard to the construction, installation, or repair of dwellings, dwelling units, rooming houses, rooming units, equipment, or facilities, shall conform to the provisions of this Code, and no such permit or license shall be issued if such would be in conflict with this Code, except as provided in **Section 18-1-5**.

**18-1-7 DEFINITIONS.**

(A) **Accessory Structure.** A structure, the use of which is incidental to that of the main building, and which is attached thereto or located on the same premises.

(B) **Approved.** Approved by the authority designated by this Code as the Housing Code Enforcement Authority.

(C) **Basement.** Means a story of a building or structure having **one-half (1/2)** or more of its clear height below grade.

(D) **Bathroom.** Enclosed space containing **one (1)** or more bathtubs, showers, or both, and which may also include toilets, lavatories, or fixtures serving similar purposes.

(E) **Building.** A combination of any materials, whether portable or fixed, having a roof to form a structure affording shelter for persons, animals or property. The word "building" shall be construed, when used herein, as though followed by the words "or part or parts thereof" unless the context clearly requires a different meaning.

(F) **Dwelling.** Any building which is wholly or partly used or intended to be used for living or sleeping by human occupants; provided that temporary housing as hereinafter defined shall not be regarded as a dwelling. This paragraph shall not be construed to include hotels, motels, and rooming houses.

(G) **Dwelling Unit.** Any room or group of rooms located within a dwelling and forming a single habitable unit with facilities which are used or intended to be used for living, sleeping, cooking and eating.

(H) **Exterior Property Areas.** Open space on the premises and vacant open space in adjacent premises.

(I) **Extermination.** The control and elimination of insects, rodents, or other pests by eliminating their harborage; by removing or making inaccessible materials that may serve as their food; by poisoning, spraying, fumigating, trapping; or by any other recognized and legal pest elimination methods approved by the proper authorities.

(J) **Floor Area.** The total area of a habitable space.

(K) **Garbage.** The animal, vegetable, and mineral waste products resulting from handling, storage, preparation, cooking and consumption of food, or anything that may decompose and become offensive or dangerous to health.

(L) **Grade.** (Ground level) is the average of the finished ground level. In case walls are parallel to and within **five (5) feet** of a sidewalk, the above ground level shall be measured at the sidewalk.

(M) **Habitable Space or Habitable Room.** Room or enclosed floor space used or intended to be used for living, sleeping, cooking, or eating purposes, excluding bathroom, water closet, compartments, laundries, pantries, foyers, or communicating corridors, closets and storage spaces.

(N) **Hotel and Motel.** See Rooming House.

(O) **Infestation.** The presence, within or contiguous to a dwelling, dwelling units, rooming house, rooming units, or premises of insects, rodents, vermin, or other pests.

(P) **Kitchen.** Space **sixty (60) square feet** or more in floor area, with a minimum width of **five (5) feet** used for cooking or preparation of food, and deemed habitable space.

(Q) **Kitchenettes.** Space less than **sixty (60) square feet** in floor area, used for cooking or preparation of food.

(R) **Multiple Dwelling.** Any dwelling containing more than **two (2) dwelling units**.

(S) **Occupant.** Any person living, sleeping, or cooking or eating in, or having actual possession of dwelling unit or rooming unit.

(T) **Operator.** Any person who has charge, care or control of a multiple dwelling, hotel, motel, or rooming house, in which dwelling units or rooming units are let or offered for occupancy.

(U) **Outside Design Temperature.** Outside design temperature shall be **26.4 degrees.**

(V) **Owner.** Any person who, alone or jointly or severally with others shall have legal title to any dwelling or dwelling unit, as owner or as executor, executrix, administrator, administratrix, trustee, guardian of the estate of the owner. Any such person thus representing the actual owner shall be bound to comply with the provisions of the Code, and of rules and regulations adopted pursuant thereto, to the same extent as is he were the owner.

(W) **Person.** A natural person, his heirs, executors, administrators, or assigns, and also included as a firm, partnership, or corporation, its or their successors or assigns, or the agent of any of the aforesaid.

(X) **Plumbing System.** Pipes, fixtures, and other apparatus for supplying water for consumption, for the conveyance of waste and drainage, or for heating system.

(Y) **Potable Water.** Water duly approved as satisfactory and safe for drinking by the State Sanitary Water Board.

(Z) **Premises.** A lot, plot, or parcel of land including any building, or structures thereon.

(AA) **Public Sewer.** A sewerage system operated by the Village and available for public use.

(BB) **Rooming House.** Any dwelling, or any part of any dwelling containing **one (1)** or more rooming units, in which space is let by the owner of the operator to **four (4)** or more persons who are not husband and wife, son or daughter, mother or father, or sister or brother of the owner or operator, except that any family occupying **one (1)** rooming unit for the purpose of this definition may constitute **one (1) person.**

(CC) **Rooming Unit.** Any room or group of rooms forming a single habitable unit or intended to be used for living or sleeping, but not for cooking or eating purposes.

(DD) **Rubbish.** Combustible and noncombustible waste, materials, except garbage; and the term shall include the residue from the burning of wood, coal, excelsior, rubber, leathers, tree branches, yard trimmings, paper, coke, rags, cartons, boxes, plastics, tin cans, metals, and mineral matter, glass and crockery.

(EE) **Sewage.** Waste from a flush toilet, bath, sink, lavatory, dishwashing, or laundry machine, or the water carried waste from any other fixture, or equipment or machine.

(FF) **Story.** Means that part of a building comprised between a floor and the floor or roof next above. A mezzanine shall be considered a story if it exceeds **33 1/3%** of the roof area of the floor immediately below. A penthouse shall be considered a story if it exceeds **one thousand (1,000) square feet** or **33 1/3%** of the roof area. The basement of a building used for educational occupancy shall be considered a story if it is used for purposes other than storage or heating.

(GG) **Structure.** Combination of any materials, whether fixed or portable, forming a construction, including buildings. The wood structure shall be construed as though followed by the words, "or part or parts thereof."

(HH) **Supplied Facilities.** Facilities paid for, furnished or provided by, or under control of the owner or operator.

(II) **Temporary Housing.** Any tent, trailer, or other structure used for human shelter which is designed to be transportable and which is not attached to the ground, to another structure, or to any utility system for more than **thirty (30) consecutive days.** Any tent, trailer, or other structure occupied for more than **thirty (30) days** consecutively, shall meet all requirements of this Code.

(JJ) **Toilet Room or Compartment.** Enclosed space containing **one (1)** or more toilets, which may also contain **one (1)** or more lavatories, urinals, or other plumbing fixtures.

(KK) **Trailers.** A trailer shall be interpreted as any vehicle or portable structure, whether it has wheels and a tongue, or whether the wheels and tongue have been removed.

(LL) **Trailer Park.** Means any plot of ground upon which **two (2)** or more trailers, occupied for dwelling or sleeping purposes are located, regardless of whether or not a charge is made for such accommodations. **(Ord. No. 222; 03-17-86)**

(MM) **Ventilation.** Supply and removal of air to and from any space by natural or mechanical means.

(NN) **Ventilation, Mechanical.** Ventilation by opening to outer air through windows, skylights, doors, louvers, or stacks with wind-driven devices.

**18-1-8 STANDARDS FOR EXTERIOR PROPERTY AREAS.** The following standards shall be the basis of determination for fitness of dwelling purposes.

(A) **Free from Hazards.** Exterior property areas shall be free from conditions which might create a health, accident, or fire hazard, (or might endanger the public welfare) such as holes and excavations, sharp protrusion, sheer embankments, inoperative or abandoned vehicles or machinery unused household goods or appliances, and other objects or materials. Walks, steps and driveways that contain holes or tripping hazards shall be filled, repaired, or replaced as the need indicates. Open wells, cesspools, or cisterns shall be filled or securely closed.

(B) **Free from Rubbish and Garbage.** Disposal of rubbish and other refuse shall be done in accordance with all regulations of the Village.

(C) **Sewage.** Sewage must be discharged into a public sewer system or an approved septic tank. Discharge of inadequately treated sewage shall not be permitted upon the surface of the ground or into any natural or artificial drainage way.

(D) **Noxious Weeds.** Exterior property areas shall be kept free of weeds which are noxious or detrimental to the public health. This includes, but is not limited to ragweed, poison ivy, poison oak, and poison sumac.

(E) **Insect and Rodent Harborage.** Where insect, rodent, or vermin breeding areas, harborage, or infestation exist, such source shall be eliminated.

**18-1-9 STANDARDS FOR MAINTENANCE OF DWELLING AND DWELLING UNITS.** The following standards shall be the basis of determination for fitness of dwelling purposes.

(A) **Every Foundation, Floor, Wall, Ceiling, and Roof** shall be reasonably weathertight, watertight, and rodent-proof; shall afford privacy; and shall be kept in good repair. The foundation elements shall adequately support the building at all points; floors shall be free of holes and wide cracks which might admit rodents, or which constitute an accident hazard; every exterior wall is free of holes, breaks, loose or rotting boards and timbers; and any other conditions which might admit rodents, rain or dampness to the interior portions of the walls, or to the interior spaces of the dwelling; every interior wall is free of holes and large cracks, loose plaster and other structural material. The roof is tight and has no defects which admit rain.

(B) **Every Window, Exterior Door and Basement Hatchway** shall be reasonably weathertight, watertight, and rodent-proof; and shall be kept in working condition and good repair.

(C) **Stairs and Porches.** Every inside and outside stair, every porch and every appurtenance thereto, shall be so constructed as to be safe to use and capable of supporting the load that normal use may cause to be placed thereon and shall be kept in sound condition and good repair.

(D) **Railings.** Handrails or railings shall be provided where necessary for stairs, balconies, porches, and accessible roofs.

(E) **Chimneys, Flues, Vents.** Chimneys and all flue and vent attachments thereto, on every structure used for human habitation, and all other flues and vents shall be structurally sound, free from defects, performing the function for which they are designed and are used. Each shall have sufficient draft to develop the rated output of the equipment. Chimneys, flues, gas vent and their supports shall be structurally safe, durable, smoke tight, and capable of withstanding the action of flue gasses.

(F) **Bathroom Floors.** The floor surface of every bathroom, shower room and toilet room or compartment shall be constructed of or covered with a moisture resistant finished material.

(G) **Rubbish and Garbage.** The interior of every structure used for human habitation shall be maintained free from rubbish and garbage that might become a health, accident or fire hazard.

**18-1-10 STANDARDS FOR BASIC EQUIPMENT AND FACILITIES.** The following standard shall be the basis of determination for fitness of dwelling purposes.

(A) **Kitchen Sink.** Every dwelling unit shall contain a kitchen sink in good working condition and properly connected to a water and sewage system in accordance with the Plumbing Code and Codes of the Village and the State of Illinois.

(B) **Toilet Facilities.** Every dwelling unit shall contain a room which affords privacy to a person within the room and which is equipped with a flush water closet and lavatory basin both in good working condition and properly connected to a water and sewerage system in accordance with Plumbing Code of the Village and the State of Illinois.

(C) **Bathing Facilities.** Every dwelling unit shall contain a room which affords privacy and which is equipped with a bathtub or shower in good working condition and properly connected to a water and sewer system in accordance with the Plumbing Code of the Village and the State of Illinois.

(D) **Water Supply.** Every kitchen sink, lavatory basin, and bathtub or shower required under the provisions of **Section 18-1-10(A), (B) and (C)** shall be properly connected with both hot and cold water lines.

(E) **Water Heating Facilities.** Every dwelling shall have supplied water heating facilities which are properly installed and connected with the hot water lines required under the provisions of **Section 18-1-10(D)**, and are capable of heating water to such a temperature as to permit an adequate amount of water to be drawn at every required kitchen sink, lavatory basin, tub, or shower at a temperature of not less than **one hundred twenty (120) degrees.**

(F) **Garbage Storage Facilities.** Every dwelling unit shall have adequate garbage disposal facilities, type and location of which conform to Code, rules and regulations of the Village.

(G) **Rubbish Storage Facilities.** Every dwelling unit shall be supplied with adequate rubbish storage facilities, type and location of which conform to Code, rules and regulations of the Village.

(H) **Means of Egress.** Every dwelling unit shall have safe unobstructed means of egress leading to safe and open space at ground level, as required by the laws of the State of Illinois and the Codes of the Village.

**18-1-11 STANDARDS FOR LIGHT, VENTILATION AND HEATING.** The following standards shall be the basis of determination for fitness of dwelling purpose.

(A) **Window Area.** Every habitable room shall have at least **one (1)** window or skylight facing directly to the outdoors. The minimum total window area for every habitable room shall be at least **ten percent (10%)** of the floor area of such room. Whenever exterior walls or other portions of structures are located less than **three (3) feet** from the window and extend to a level above that of the ceiling of the room, such a window shall not be deemed to face directly to the outdoors, and shall not be included as contributing to the minimum total window area. Whenever the only window is a skylight-type window in the top of such room, the total window area of such skylight shall equal at least **twelve and one-half percent (12 ½%)** of the total floor area of such room.

(B) **Ventilation.** Every habitable room shall have at least **one (1) window** or skylight which can easily be opened or such other device as will adequately ventilate the room. The total of openable window area in every habitable room shall be equal to at least **forty-five percent (45%)** of the minimum window area size or minimum skylight-type window size, as required in **Section 18-1-11(A)**, except where there is some device of a type approved by the Housing Code Enforcement Authority.

(C) **Bathroom Ventilation.** Every bathroom and water closet compartment shall comply with the light and ventilation requirements for habitable rooms contained in **Section 18-1-11(B)**, except that no window or skylight shall be required in an adequate mechanical ventilated system.

(D) **Electric Service.** Where there is Electric Service available from powerlines not more than **three hundred (300) feet** from a dwelling, every habitable room of such dwelling shall contain at least **two (2)** separate floor or wall type electric convenience outlets with one supplied wall switch controlled convenience outlet and/or one ceiling or wall type electric light fixture. Every such

outlet and fixture shall be installed, or connected to the source of electric power in accordance with the National Electric Code and the Electrical Code of the Village.

(E) **Heating Facilities.** Every dwelling shall have heating facilities which are properly installed and maintained in safe and good working condition, and are capable of safely and adequately heating all habitable rooms, bathrooms and water closet compartments in every dwelling unit located therein to a temperature of at least **seventy (70) degrees Fahrenheit**, at a distance of **three (3) feet** above floor level at the outside design temperature. (Temperature based on the average low temperature recorded for the Village for as long as temperature records have been kept.)

(F) **Cooking Facilities.** Every dwelling unit shall be provided with installed cooking facilities, or space and utility connection for such facilities.

(G) **Public Halls and Stairways.** In multiple dwellings, every public hall and stairway serving **five (5)** or more dwelling units shall be adequately lighted at all times. A minimum of **five (5) foot candle** of daylight or artificial illumination shall be deemed adequate. Every public hall and stairway in structures devoted solely to dwelling occupancy and containing not more than **four (4) dwelling units** may be supplied with conveniently located light switches, controlling an adequate lighting system which may be turned on when needed.

(H) **Refrigeration.** In every dwelling unit where perishable foods are kept, refrigerated space for their storage or appropriate utility connections shall be provided. Each occupied dwelling unit where perishable foods are kept must have electrical, gas, or ice refrigeration which will maintain an average temperature of at least **fifty (50) degrees Fahrenheit** over a space of at least **four (4) cubic feet**.

(I) **Insect Protection.** During that portion of the year when the Housing Code Enforcement Authority deems it necessary for protection against mosquitoes, flies, and other insects, every door opening directly from a dwelling unit to outdoor space shall have supplied screens and a self-closing device; and every window or other device with openings to outdoor space, used or intended to be used for ventilation, shall likewise be supplied with screens; provided that such screens shall not be required during such period in rooms deemed by the Housing Code Enforcement Authority to be located high enough in the upper stories of buildings as to be free from such insects.

(J) **Cellar and Basement Ventilation.** Every basement window used for ventilation and every other opening to a basement which might provide an entry for rodents shall be supplied with a screen or such device as will effectively prevent their entrance.

**18-1-12 STANDARDS FOR SPACE, USE AND LOCATION.** The following standards shall be the basis for determination for fitness of dwelling purposes.

(A) **Total Floor Space.** Every dwelling unit shall contain at least **one hundred fifty (150) square feet** of floor area for the first occupant thereof, and at least **one hundred (100) square feet** of floor area additional for every additional occupant thereof. Floor area is to be calculated on the basis of total habitable room area.

(B) **Sleeping Rooms.** Every room used for sleeping purposes by **one (1) person** shall contain at least **seventy (70) square feet** of floor area, and every room used for sleeping purposes by more than **one (1) person** shall contain at least **fifty (50) square feet** of floor area for each person **twelve (12) years** of age and over.

(C) **Access to Bathroom.** No dwelling or dwelling unit containing **two (2)** or more sleeping rooms shall have such room arrangements that access to a bathroom or water closet intended for use by occupants of more than **one (1) sleeping room** can be had only by going through another sleeping room or a bathroom or water closet compartment.

(D) **Height Requirements.** At least **one-half (1/2)** of the floor area of every habitable room shall have a ceiling height of at least **seven (7) feet**; and the floor area of that part of any room where the ceiling height is less than **five (5) feet** shall not be considered as part of the floor area in computing the total area of the room for the purpose of determining the maximum permissible occupancy thereof.

(E) **Basement Rooms.** No basement space shall be used as a habitable room or dwelling unit, unless:

- (1) The floor and walls are impervious to leakage of underground and surface run-off water and dampness;
- (2) The total of window area in each room is equal to at least the minimum window area sizes as required in **Section 18-1-11(B)**, except where there is supplied some other type of device affording adequate ventilation approved by the Housing Code Enforcement Authority.

**18-1-13 RESPONSIBILITIES OF OWNERS AND OCCUPANTS.** The following standards shall be the basis of determination for fitness and dwelling purposes.

(A) **Maintenance of Private Space.** Occupants of a dwelling or dwelling unit shall keep in a clean and sanitary condition that part of the dwelling, dwelling unit, and premises thereof which they occupy and control.

(B) **Maintenance of Public Space.** Every owner of a dwelling containing more than **one (1)** dwelling unit shall be responsible for maintaining in a clean and sanitary condition the shared or public areas of a dwelling and premises thereof.

(C) **Waste Disposal.** Occupants of a dwelling or dwelling unit shall dispose of rubbish, garbage, and other matter as provided by the Village Codes. In dwellings containing **three (3)** or more dwelling units, adequate rubbish and garbage containers shall be supplied by the owner.

(D) **Extermination.** Occupants of a single dwelling unit shall be responsible for the extermination of any rodents, vermin or other pests therein or on the premises. Every occupant of a dwelling unit in a building containing more than **one (1)** dwelling unit shall be responsible for such extermination, except that whenever such infestation is caused by the failure of the owner to carry out the provision of this Chapter as cited in **Section 18-1-8(B)**, and **Section 18-1-11(J)**, it shall be the responsibility of the owner to carry out the provisions of this Code within such building, as cited above.

(E) **Supplied Facilities.** Every owner of a dwelling, dwelling unit, rooming house and rooming unit, shall be responsible for keeping supplied facilities in proper operating condition.

(F) **Supplied Heat.** Every owner or operator of a building, who permits to be occupied any dwelling unit, or rooming unit therein under an agreement, expressed or implied, to furnish heat to the occupants thereof, shall supply heat adequate to maintain therein from **September 15<sup>th</sup>** to **May 30<sup>th</sup>** of the following year, a minimum inside temperature of **seventy (70) degrees at three (3) feet** above floor level based on outside design temperature in all habitable rooms, bathrooms, shower rooms, and toilet rooms, or compartments, between the hours of **6:30 A.M.** and **11:00 P.M.** and not less than **sixty (60) degrees Fahrenheit** between the hours of **11:00 P.M.** and **6:30 A.M.** in all such rooms. The provisions of this Section shall not apply where the failure to maintain minimum requirements is caused by a general shortage of fuel, negligent or malicious act of the occupant, necessary repairs or alterations, or any cause beyond the control of the owner or occupants.

(G) **Discontinuance of Utilities.** No owner, occupant, or occupants shall cause any service, facility, equipment or utility which is required to be supplied by the provisions of this Code to be removed from, or shut off from, or discontinued for any occupied dwelling unit, except for necessary repairs, alterations or emergencies, or non-payment of rent.

(H) **Occupancy of Vacant Units.** No person shall occupy as owner-occupied or permit to be occupied by another party any vacant dwelling or dwelling unit unless it is in full compliance with all the provisions of this Code and the rules and regulations adopted pursuant thereto.

**18-1-14 STANDARDS FOR ROOMING HOUSES.** The following standards shall be the basis of determination for fitness of dwelling purposes:

(A) **Rooming Houses.** No person shall operate a rooming house or shall occupy or let to another for occupancy any rooming house except in compliance with the provisions of every section of this Code, except the provisions of **Section 18-1-10(A)-(H)**.

(B) **Rooming House Permit.** No person shall operate a rooming house unless he holds a valid rooming house permit issued by the Housing Code Enforcement Authority in the name of the

operator and for the specific dwelling or dwelling unit. The operator shall apply to the Housing Code Enforcement Authority for such permit which shall be issued by the Housing Code Enforcement Authority upon inspection, and upon compliance by the operator which the applicable provisions of this Code and of any rules and regulations adopted pursuant thereto. **Five Dollars (\$5.00)** yearly for each permit. Each permit shall be displayed in a conspicuous place within the rooming house, at all times. No such permit shall be transferable. Every person holding such a permit shall give notice in writing to the Housing Code Enforcement Authority within **twenty-four (24) hours** after having sold, transferred, given away, or otherwise disposed of ownership, or interest in, or control of any rooming house. Every rooming permit shall be dated **May 1**, and shall expire on **April 30**, of the year following, unless suspended or revoked as hereinafter provided.

(C) **Application for Hearing.** Any person, whose application for a permit to operate a rooming house has been denied, may request and shall be granted a hearing on the matter before the Housing Code Enforcement Authority, under the procedure provided by **Section 18-1-15(Q)** of the Chapter.

(D) **Suspension of Rooming House Permit.** Whenever the inspection of any rooming housing indicates that conditions or practices exists which are in violation of any provision of this Chapter or of any rule or regulation adopted pursuant thereto, the Housing Code Enforcement Authority shall give notice in writing to the operator of such rooming house that unless such conditions or practices are corrected within a reasonable period to be determined by the Housing Code Enforcement Authority, the operator's rooming house permit will be suspended. At the end of such period, the Housing Code Enforcement Authority shall re-inspect such rooming house, and if it finds that such conditions and practices have not been corrected, it shall give notice in writing to the operator that the latter's permit has been suspended. Upon receipt of such notice of suspension, such operator shall immediately cease operation of such rooming house and no person shall occupy for sleeping or living purpose any rooming unit herein.

(E) **Revocation of Permit.** Any person whose permit to operate a rooming house has been suspended, or who has received notice from the Housing Code Enforcement Authority that his permit is to be suspended unless existing conditions of practices at his rooming house are corrected, may request and shall be granted a hearing on the matter before the Housing Code Enforcement Authority, under the procedure provided by **Section 18-1-15(Q)**. Provided that if no petition for such hearing is filed within **ten (10) days** following the day on which such permit was suspended, such permit shall be deemed to have been automatically revoked.

(F) **Bathing and Toilet Facilities.** At least **one (1)** flush water closet, lavatory basin, and bathtub or shower, properly connected to a sewer and water system in accordance with the Plumbing Code and Ordinances of the Village and the State of Illinois, and in good working condition shall be supplied for each **eight (8) persons** or fraction thereof, residing within a rooming house, including members of the operator's family wherever they share the use of said facilities. Provided that a rooming house where rooms are let only to males, flush urinals may be substituted for not more than **one-half (1/2)** the required number of water closets. All such facilities shall be so located within the dwelling as to be reasonably accessible from a common hall or passageway to all persons sharing such facilities. Every lavatory basin and bathtub or shower shall be supplied with hot water at all times. No such facilities shall be located in a basement except by written approval of the Housing Code Enforcement Authority.

(G) **Rooming Unit.** Every room occupied for sleeping purposes by **one (1) person** shall contain at least **seventy (70) square feet** of floor space, every room occupied for sleeping purposes by more than one shall contain at least **fifty (50) square feet** of floor space for each occupant thereof.

(H) **Means of Egress.** Every rooming unit shall have safe, unobstructed means of egress leading to safe and open space at ground level as required by the laws of the State of Illinois and the Village.

(I) **Maintenance.** The owner or operator of every rooming house shall be responsible for the sanitary maintenance of all walls, floors, and ceilings and the maintenance of a sanitary condition in every other part of the rooming house; and the operator shall be further responsible for the sanitary maintenance of the entire premises where the entire structure or building is leased or occupied by the operator.



(J) **Hotels.** Every provision of this Code which applies to rooming houses shall also apply to hotels, except to the extent that any such provision may be found in conflict with the laws of the State of Illinois, or with the lawful regulations of any State Board or Agency.

(K) **Motels.** Every provision of this Code which applies to rooming houses shall apply to motels, except to the extent that any such provision may be found in conflict with the laws of the State of Illinois, or with the lawful regulations of any State Board or Agency.

(L) **Trailers.** Every provision of this Code which applies to rooming houses shall apply to trailers, except that for the purposes of occupancy the sole determining standard shall be **one hundred fifty (150) square feet** of floor space for **one (1) person** and **one hundred (100) square feet** for every additional person.

**18-1-15 ENFORCEMENT.**

(A) **Housing Surveys.** The Housing Code Enforcement Authority is authorized to make surveys in any area of the Village to determine the general condition of a structure used for human habitation, the extent of deterioration, lack of facilities and maintenance, unsafe and unsanitary conditions, the extent of overcrowding, and land use.

(B) **The Housing Code Enforcement Authority.** The Housing Code Enforcement Authority is the Agency charged with the administration, interpretation, and enforcement of the several actions of this Code and shall be composed of the following officials of the Village:

- (1) The Mayor
- (2) Working Village Supervisor
- (3) Fire Chief
- (4) Police Chief
- (5) Zoning Administrative Officer

**(Ord. No. 452; 09-20-93)**

(C) **Inspection of Dwelling; Authority.** The Housing Code Enforcement Authority or any of the members or authorized personnel shall be authorized to make inspections to determine the condition of dwellings, dwelling units, rooming houses, rooming units, and premises in order to safeguard the health and safety, morals and welfare of the public. The Housing Code Enforcement Authority and its members shall be authorized to at any reasonable time during daylight hours, or at such time as his duties under this Code. Inspections herein authorized shall be limited to the provisions of this Code.

(D) **Access to Dwellings.** The owner, operator, agent, or occupant of every dwelling, dwelling unit, rooming house, rooming unit, or premises shall give personnel authorized in paragraph (C), access to such dwelling, dwelling unit, rooming house, rooming unit, and premises for the purpose such inspections at any reasonable time during daylight hours, or at such time as may be necessary for an emergency.

(E) **Identification of Inspectors.** Each member of the Housing Code Enforcement Authority shall be supplied with official identification and shall exhibit such identification when entering any dwelling, dwelling unit, rooming house unit, or premises.

(F) **Notice of Violation.** Whenever the Housing Code Enforcement Authority or any of its members determines that there has been a violation of any provision of this Code, or any rule or regulation adopted pursuant thereto, he shall give notice of such violation to the person or persons responsible for such violation. Such notice shall be in writing and shall specify the alleged violation and shall provide a reasonable time for compliance said time to be not more than **ninety (90) days**, and shall be served upon the owner, agent, operator, or occupant as the case may require. Such notice shall be deemed valid if served upon him personally; or if a copy thereof is sent by registered mail, return receipt requested to the last known address of such person or if there steps fail, then a copy may be posted in a conspicuous place in or about the building affected by the notice, or notice given by such other method authorized by the laws of the State of Illinois. Such notice shall inform the person, to whom it is directed of his right to apply for a hearing before the Housing Code Enforcement Authority as provided in paragraph (Q) of this Section. Such notice may contain an outline of remedial action which, if taken, will effect compliance with the provisions of this Code and with rules and regulations adopted pursuant thereto.

(G) **Final Order.** Any notice of violation provided for in this Section, paragraph (F) shall automatically become a final order if written request for a hearing is not filed in the office of the Housing Code Enforcement Authority within **ten (10) days** after receipt of the notice. A copy of the order shall be served as provided in this Section, paragraph (F).

(H) **Referral of Violations.** Whenever it is determined that the condition of a dwelling, dwelling unit, rooming house, rooming unit, or premises is in violation of any other applicable code which is not provided for by this Chapter, or which is provided for by a higher standard of such law, code, ordinance, or regulation as provided in **Section 18-1-5**, such condition or violation shall be referred to the appropriate authority.

(I) **Power to Act in Emergencies.** Whenever the Housing Code Enforcement Authority, at any stage of the proceedings instituted under the provision of this Chapter, finds that a violation of this Chapter exists which in its opinion, requires immediate action to abate a direct hazard, or immediate danger to the health, safety, morals, or welfare of the occupants of a hearing, issue an order citing the violation and directing that such action be taken as is necessary to remove or abate the hazard our danger. Such order may include an order to vacate as provided in **Section 18-1-16(C)**. Notwithstanding any other provision of this Chapter, such an order shall be effective immediately upon service and shall be complied with immediately or as otherwise provided.

(J) **Agency to Abate Hazards in Emergencies.** Whenever any violation of this Chapter, which in the opinion of the Housing Code Enforcement Authority, causes direct hazard or immediate danger to the health, safety, morals, or welfare of the occupants of a building, or the public has not been corrected in the time specified by the other issued under this Section, paragraph (I), the Housing Code Enforcement Authority may take such direct action as is necessary to abate the hazard or danger. Expenses incurred in the execution of such orders shall be recovered as provided in **Section 18-1-16(J)**.

(K) **Demolition as Compliance.** Any owner of a building, receiving a notice of violation stating that such building does not comply with the provisions of this Chapter may demolish such building, and such action shall be deemed compliance.

(L) **Reinspection.** At the end of the period specified in the notice of violation, or any extension thereof it shall be the duty of the Housing Code Enforcement Authority to make a reinspection of the dwelling, dwelling unit, rooming house, rooming unit, or premises and if compliance has not been established, appropriate legal action shall be instituted as specified in the **Section 18-1-16(C) and (G)**, provided that additional notices of violations are not required.

(M) **Extension of Compliance Time.** The Housing Code Enforcement Authority may extend the compliance time specified in any notice or order issued under the provisions of this Chapter, where there is evidence of intent to comply within the period specified provided that reasonable conditions exist which prevent immediate compliance.

(N) **Recording of Notices.** Where a notice or order has been issued for any infraction of this Chapter, the Housing Code Enforcement Authority shall file a copy of such notice or order in the office of the Village Clerk. Such recording shall constitute appropriate information of such notice or order to any subsequent purchaser, transferee, grantee, mortgagee or lessee of the property affected thereby.

(O) **Transfer of Ownership.** No owner of any dwelling, dwelling unit, rooming house, rooming unit, or premises, upon whom any notice, or order pursuant to this Chapter has been served shall sell, transfer, grant, mortgage, lease or otherwise dispose thereof, such property to another until compliance of the provisions of such notice or order has been secured; or until such owner shall furnish to the purchaser, transferee, and grantee, mortgagee, or lessee, a true copy of such notice or order and, at the same time, give adequate notification to the Housing Code Enforcement Authority and supply the name and address of such person, persons, or firm to whom the sale, transfer, grant, mortgage, or lease and sale of lease is consummated.

(P) **Records and Searches.** All records of the Housing Code Enforcement Authority shall be public. Upon request, the Housing Code Enforcement Authority shall be required to make a search and issue a certificate of any of its records, including violations, and shall have the power to charge and collect reasonable fees for such searches or certificates.

(Q) **Request for Hearing.** Any person affected by any notice of violation, issued in connection with the enforcement of any provisions of this Chapter, or any rule or regulation adopted

pursuant thereto, may request and shall be granted a hearing before the Housing Code Enforcement Authority, provided that such person file, in the office of the Housing Code Enforcement Authority, a written request for such hearing, setting forth a brief statement of the grounds therefor, designating the person and his address upon whom orders may be served and setting forth the reasons why such notice of violation should be modified or withdrawn. If this request is filed within **ten (10) days** after the service of notice of violation, compliance with such notice shall not be required while the hearing is pending.

(R) **Hearing.** Upon receipt of a request for a hearing as provided in paragraph (Q) of this Section, the Housing Code Enforcement Authority shall set a time and a place for such hearing, and shall give the applicant at least **ten (10) days** written notice thereof. Such hearing shall commence not later than **thirty (30) days** after the date on which the request was filed; however, hearings may be postponed beyond such **thirty (30) day** period for good and sufficient reasons. At such hearing, the applicant or his representative shall be given an opportunity to show cause why such notice of violation should be modified or withdrawn.

(S) **Quorum.** **Three (3) members** of the Housing Code Enforcement Authority shall constitute a quorum at hearing.

(T) **Finding of Hearing.** After a hearing held in accordance with this Section, paragraphs (Q) and (R), and on consideration of the evidence presented, the Housing Code Enforcement Authority shall sustain, modify or withdraw the notice. If the notice of violation is sustained or modified, such decision shall be deemed a final order and shall be served as provided in this Section, paragraph (F), on the person or persons whom the head of the Housing Code Enforcement Authority shall find to be responsible for the violations. Where there are practical difficulties or unreasonable hardships in the literal enforcement of the provisions of this Chapter, the Housing Code Enforcement Authority shall have the power to authorize a variance from the provisions of this Chapter, provided that the intent of the Chapter shall be observed with respect to the safeguarding of public health, safety, morals, or welfare.

(U) **Record of Hearing.** The Housing Code Enforcement Authority shall keep a transcript of testimony and a copy of every relevant notice or order, the request for a hearing, entries of appearances, finding of fact, and the final determination, and such record shall be maintained as a public record.

#### **18-1-16**      **DESIGNATION OF UNFIT DWELLING UNITS.**

(A) **Unfit Dwelling Units.** Any dwelling, dwelling unit, rooming house, rooming unit or premises, having any of the defects found in subparagraph (1) through (4) of this Section, may be designated by the Housing Code Enforcement Authority as unfit for human habitation and may be so placarded, if:

- (1) The structure lacks illumination, ventilation, sanitation, heat, or other facilities adequate to protect the health and safety of the occupants or the public.
- (2) The structure is damaged, decayed, dilapidated, unsanitary, unsafe, or vermin infested, in such a manner as to create a serious hazard to the health and safety of the occupants or the public.
- (3) The structure because of the location, general conditions, state of the premises, or number of occupants, is so unsanitary, unsafe, overcrowded, or otherwise detrimental to health and safety that it creates a serious hazard for the public.
- (4) The structure because of the failure of the owner or occupant to comply with such notices or orders issued pursuant to this Chapter, is unfit for human habitation.

(B) **Notice of Intent to Vacate.** Whenever the Housing Code Enforcement Authority determines that a dwelling, dwelling unit, rooming house, or rooming unit, is unfit for human habitation as provided in paragraph (A) of this Section, it shall include such findings within the notice of violation provided for in **Section 18-1-15(F)**, and it shall also include a statement of its intent to vacate and placard the dwelling, dwelling unit, rooming house, or rooming unit, if compliance with the provisions of the notice of violation has not been secured.

(C) **Order to Vacate.** Whenever a notice of violation, as provided in paragraph (B) of this Section has not been complied with, or where **Section 18-1-15(Q)** has not been invoked, the Housing Code Enforcement Authority may order the dwelling, dwelling unit, rooming house, or rooming unit to be vacated. A copy of such notice to vacate shall be served on the owner, agent, operator, and the occupant as provided in **Section 18-1-6(F)**.

(D) **Vacating an Unfit Dwelling.** Any dwelling, dwelling unit, rooming house, rooming unit, designated as unfit for human habitation, pursuant to this Section, paragraph (A), and ordered vacated as provided in paragraph (C), shall be vacated within such reasonable time as the Housing Code Enforcement Authority may specify in the order. No such dwelling, dwelling unit, rooming house, rooming unit shall again be used for human habitation and the placard removed until written approval is secured from the Housing Code Enforcement Authority.

(E) **Removal of Placard.** No person shall deface or remove the placard from any dwelling, dwelling unit, rooming house or rooming unit which has been designated as unfit for human habitation, except as provided in this Section, paragraph (D).

(F) **Vacated Dwelling Made Secure.** The owner, agent, or operator of any dwelling, dwelling unit, rooming house, or rooming unit shall make such dwelling, dwelling unit, rooming house, or rooming unit safe and secure in whatever manner the Housing Code Enforcement Authority shall deem necessary. Any vacant building, open at the doors and windows, if unguarded, shall be deemed dangerous to human life and a nuisance within the meaning of this Chapter.

(G) **Notice of Intent to Demolish.** Whenever the Housing Code Enforcement Authority designates a building unfit for human habitation as provided in this Chapter, and determines that the cost necessary to correct the violation is not reasonably related to the value of the building, it shall include within the notice of violation provided for in **Section 18-1-15(F)**, a statement of its intent to order the demolition of the structure. A copy of such notice shall be served on the owner, occupant, lessee, and mortgagee, as provided in **Section 18-1-16(F)** of this Chapter. The owner may demolish such structure as provided in **Section 18-1-15(K)**, or correct the violation regardless of cost, provided that the requirements of the building code in effect at the time of attempted compliance are satisfied.

(H) **Order to Demolish.** Whenever a notice of violation as provided in **Section 18-1-16(G)** of this Chapter has not been complied with, the Housing Code Enforcement Authority may order the building demolished. Such order shall be served as provided in **Section 18-1-15(F)**, and demolition shall be completed within the time specified by the Housing Code Enforcement Authority.

(I) **Authority to Make Repairs or Demolish.** Whenever a notice or order to remove a violation, secure, vacate, or demolish a building has not been complied with, and when such failure to comply is deemed by the Housing Code Enforcement Authority to constitute a nuisance, it may proceed to cause the structure to be demolished, repaired, altered, secured, vacated or take such other action as is necessary to abate the nuisance. Whenever the Housing Code Enforcement Authority determines that such nuisance exists, it shall record sufficient proof to support such determination and the owner, occupant, lessee and mortgagee shall be notified of such finding pursuant to **Section 18-1-15(F)** of this Chapter. Abatement authorized by this Section shall not commence until at least **ten (10) days** after service of such notice.

(J) **Recovery of Expenses.** The expenses incurred pursuant to this Section, paragraph (I), shall be paid by the owner or occupant of the premises, or by the person who caused or maintained such nuisance or other condition. The Housing Code Enforcement Authority shall file, among its records, an affidavit stating, with fairness and accuracy the items of expense and the date of execution of action authorized by this Section, paragraph (I) and (J) of this Chapter. The Housing Code Enforcement Authority may institute a suit to recover such expenses or may cause such expenses to be charged against the property as a lien. Except with respect to a lien imposed for expenses incurred in demolition, nothing herein shall be construed as placing a lien upon the property which superseded the lien of any mortgage on such property executed and recorded prior to the existence of a lien herein authorized.

**18-1-17      RULEMAKING; ADMINISTRATIVE RELATIONSHIPS; PENALTIES.**

(A)      **Rules and Regulations.** The Housing Code Enforcement Authority is authorized to make and adopt such written rules and regulations as may be necessary for the proper enforcement and interpretation of this Chapter and to secure the intent thereof. Such rules and regulations shall not be in conflict with the provisions of this Chapter, or any Code of the Village, nor shall they have the effect of waiving any provisions of this Code or any Code. Such rules and regulations shall be submitted to the Village Board to approve, reject or modify such rules and regulations. Failure of the Village Board to approve, reject, or modify such rules and regulations within **thirty (30) days**, after submission, shall be deemed to constitute approval thereof. The rules and regulations, as approved by the Village Board, shall be on file and available as a matter of public record.

(B)      **Administrative Liability.** No officer, agent, or employee of the Village 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. Any suit brought against any officer, agent, or employee of the Village, as a result of any act required or permitted in the discharge of his duties under this Code, shall be defended by the Village Attorney until the final determination of the proceedings therein.

(C)      **Penalties.** Any person who shall knowingly or willfully violate or assist in the violation of this Code, shall, upon conviction, be punished by a fine of not less than **Five Dollars (\$5.00)**, and not more than **Two Hundred Dollars (\$200.00)** or imprisoned for not more than **thirty (30) days**, or both for each offense. Each day that such violation continues, after conviction, shall constitute a separate offense. The term "person" as used in this subsection shall include the owner, occupant, mortgagee, or vendee in possession, assignee of rents, receiver, executor, trustee, lessee, agent, or any other person, firm, or corporation directly or indirectly in control of a building or part thereof.

(D)      **The Duties of Legal Officer.** The Village Attorney shall, upon complaint of the Housing Code Enforcement Authority, or upon his own motion, institute appropriate action to restrain, prevent, enjoin, abate, correct, or remove such violation, and to take such other legal action as is necessary to carry out the terms and provisions of this Code. The remedies, provided herein, shall be cumulative and not exclusive and shall be in addition to any other remedies provided by law; and the pursuit of any remedy shall not be construed as an election or the waiver of the right to pursue any and all of the others.

(E)      **Judicial Review.** Any person or persons, jointly or severally aggrieved by any final order of the Housing Code Enforcement Authority may seek to have such order reviewed by the Courts in the manner prescribed by laws of the State of Illinois.