

ARTICLE 22

PROPERTY MAINTENANCE CODE

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ARTICLE 22

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CHAPTER 1 GENERAL PROVISIONS

SECTION

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22-1-1 GENERAL PROVISIONS

The following general provisions shall apply in the interpretation and enforcement of this Article.

22-1-2 LEGISLATIVE FINDING

It is hereby found that there exist, and may in the future exist, within the City, premises, buildings, structures or parts thereof, which by reason of their structure, equipment, sanitation, maintenance, use or occupancy affect or are likely to affect adversely the public health (including the physical, mental, and social well-being of persons and families), safety, and general welfare. To correct and prevent the existence of such adverse conditions, and to achieve and maintain such levels of residential environmental quality as will protect and promote public health, safety, and general welfare, it is further found that the establishment and enforcement of minimum property maintenance standards are required.

22-1-3 PURPOSES

It is hereby declared that the purpose of this Article is to protect, preserve, and promote the physical and mental health and social well-being of the people, to prevent and control the incidence of communicable diseases, to reduce environmental hazards to health, to regulate privately and publicly owned buildings or structures for the purpose of maintaining adequate sanitation and public health, and to protect the safety of the people and to promote the general welfare by legislation which shall be applicable to all buildings now in existence or hereafter constructed. It is

hereby further declared that the purpose of this Article is to insure that the quality of housing is adequate for protection of public health, safety and general welfare, including: Establishment of minimum standards for basic equipment and facilities for light, ventilation, and thermal conditions, for safety from fire and accidents, for the use and location and amount of space for human occupancy, and for an adequate level of maintenance; determination of the responsibilities of owners, operators and occupants of buildings or structures; and provision for the administration and enforcement thereof.

22-1-4 SCOPE

The provisions of this Article shall apply uniformly to the construction, maintenance, use and occupancy of all residential and commercial buildings and structures and accessory structures, where applicable, and shall apply uniformly to the alteration, repair, equipment, use, occupancy and maintenance of all existing residential and commercial buildings and structures and accessory structures, within the City irrespective of when or under what code or codes such buildings or structures were originally constructed or rehabilitated.

22-1-5 TITLE

This Article shall be known and may be cited as the Property Maintenance Code of the City of Park Ridge, hereinafter referred to as "this Article".

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CHAPTER 2 DEFINITIONS

SECTION

22-2-1 Definitions

22-2-1 DEFINITIONS

The following definitions shall apply in the interpretation and enforcement of this Article:

ACCESSORY BUILDING: A building, structure or part of a building which is secondary or subordinate in capacity or use from the main or principal building or structure on the same premises.

APPROVED: Approved by the Housing Inspector or state authority having such administrative authority.

BUILDING: Any structure designed, built for the support, enclosure, shelter or protection of persons, animals, chattels or property of any kind and which is permanently affixed to the land.

DORMITORY: A building or a group of rooms in a building used for institutional living and sleeping purposes by persons not members of the same family group.

DWELLING: A building or portion thereof used or intended to be used for living, sleeping, cooking, eating and sanitation purposes, including single-family, two-family and multiple-family dwellings, but not including mobile homes or other trailers or lodging rooms in hotels, motels or lodging houses.

DWELLING, MULTIPLE FAMILY: A dwelling containing three (3) or more dwelling units.

DWELLING, SINGLE-FAMILY: A dwelling which forms no more than one (1) single habitable unit with facilities which are used or intended to be used for living, sleeping, cooking, eating and sanitation.

DWELLING, TWO-FAMILY: A dwelling containing two (2) dwelling units only.

DWELLING UNITY: A portion of a dwelling in which a room or group of rooms forms a single habitable unit with facilities which are used or intended to be used for living, sleeping, cooking, eating, and sanitation.

EGRESS: An arrangement of exit facilities to assure a safe means of exit from buildings.

EXTERMINATION: The control and elimination of insects, rodents, or other pests by eliminating their harborage places; 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 Housing Inspector or state authority having such administrative authority.

GUEST: An individual who shares a dwelling or a dwelling unit in a non-permanent status for not more than thirty (30) days, without payment of rent.

HABITABLE ROOM: Any room or enclosed floor space used or intended to be used for living, sleeping, cooking or eating purposes, excluding bathrooms, water closet compartments, laundries, pantries, foyers, corridors, closets, storage spaces, stairways, utility rooms or similar spaces.

HEATED WATER: Water heated to a temperature of not less than 120 F at the outlet.

HEATING DEVICE: All furnaces, unit heaters, domestic incinerators, cooking and heating stoves, and ranges, and other similar devices.

HOUSEHOLD: A parent or parents and children of such parent or parents or a group of not more than five persons who are not related as parents and children but who maintain a common household in a dwelling or dwelling unit. This definition does not include convents, sororities, fraternities or similar uses and does not include occasional guests or domestic employees.

(Ord. 2011-19, 3/21/2011)

HOUSING INSPECTOR: The administrative official of the City designated as such by the Director of Community Preservation and Development.

INFESTATION: The presence, within or around a building of any insects, rodents or other pests.

LITTER: Any discarded, used or consumed substance or waste. Litter includes, but is not limited to any garbage, trash, refuse, debris, rubbish, grass clippings or other lawn or garden waste, newspaper, magazine, glass, metal, plastic or paper containers, wood, motor vehicle parts, furniture, oil, carcass of dead animal, animal or human excreta, any nauseous or offensive material or liquid of any kind, any object which creates a public health or safety hazard, public nuisance or a fire hazard or anything else of an unsightly or unsanitary nature which has been discarded, abandoned or otherwise disposed of improperly.

MEANING OF CERTAIN WORDS: Whenever the words "dwelling", "dwelling unit", "rooming units", "building", "premises", "structure" are used in the Article they shall be construed as though they were followed by the words "or any part thereof". Words used in the singular include the plural, and the plural the singular, the masculine gender includes the feminine and the feminine the masculine.

OCCUPANT: Any individual, over one (1) year of age, living, sleeping, working, cooking, or eating in or having possession of a building or portion thereof; except that in dwellings and dwelling units a guest shall not be considered an occupant.

OPERATOR: Any person who has charge, care, control, or management of a building, or part thereof.

OWNER: Any person who, alone or jointly or severally with others:

1. Shall have legal or beneficial title to any premise, building, structure, dwelling or dwelling unit, with or without accompanying actual possession thereof, or
2. Shall have charge, care, control of any premise, building, structure, dwelling or dwelling unit, as owner or agent of the owner, or an executor, administrator, trustee, or guardian of the estate of the owner. Any such person thus representing the actual owner shall be bound to comply with the provisions of this Article and of Rules and regulations adopted pursuant thereto, to the same extent as if he were the owner.

PERMISSIBLE OCCUPANCY: The maximum number of individuals permitted to reside in a dwelling, dwelling unit, rooming unit, or dormitory.

PERSON: Shall mean and include any individual, firm, corporation association, partnership, cooperative or governmental agency.

PLUMBING: Shall mean and include all the following supplied facilities and equipment: Gas pipes, gas burning equipment, water pipes, garbage disposal units, waste pipes, water closets, sinks, installed dishwashers, lavatories, bathtubs, shower baths, installed clothes washing machines, catch basins, drains, vents, and other similar supplied fixtures, and the installation thereof, together with all connections to water, sewer, or gas lines.

PREMISES: A platted lot or part thereof or unplatted lot or parcel of land or plot of land, either occupied or unoccupied by any building or structure.

PRIVACY: The existence of conditions which will permit an individual or individuals to carry out an activity commenced without interruption or interference, either by sight or sound by unwanted individuals.

PROPERTY CONNECTED: Connected in accordance with all applicable codes and ordinances of this City of Park Ridge as from time to time enforced; provided, however, that the application of this definition shall not require the alteration or replacement of any connection in good working order and not constituting a hazard of life or health.

ROOMING HOUSE: Any dwelling, other than a hotel or motel, or that part of any dwelling, containing one (1) or more rooming units, and/or one (1) or more dormitory rooms and in which persons either individually or as families are housed with or without meals being provided.

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

SPACE HEATER: A self-contained, heating appliance of either the convection type or the radiant type and intended primarily to heat only a limited space.

SUPPLIED: Paid for, furnished by, provided by, or under the control of the owner, operator, or agent.

TEMPORARY HOUSING: Any tent, trailer, mobile home, or any other structure used for human shelter which is designed to be transportable and which is not attached in the ground, to another structure, or to any utility system on the same premises for more than thirty (30) consecutive days.

TOXIC SUBSTANCE: Any chemical product applied on the surface of or incorporated into any structural or decorative material which constitutes a potential hazard to human health at acute or chronic exposure levels.

VERMIN PROOFING: A form of construction which will prevent the ingress and egress of insects, rodents, birds and other pests to or from a given space or building, or from gaining access to food, water, or harborage. It consists of the closing and keeping closed of every opening in foundations, basements, cellars, exterior and interior walls, ground or first floors, roofs sidewalk gratings, sidewalk openings, and other places that may be reached and entered by insects, rodents, birds and other pests by climbing, burrowing or other methods, by the use of materials impervious to rat gnawing and other methods approved by the Housing Inspector.

UNDEFINED WORDS: Words not specifically defined in this Article shall have the common definitions set forth in a standard dictionary.

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CHAPTER 3 **SANITATION RESPONSIBILITIES OF OWNERS AND OCCUPANTS**

SECTION

22-3-1	Premises Fit For Occupancy
22-3-2	Owner Maintains Premises
22-3-3	Occupant Maintains Premises
22-3-4	Storage of Litter
22-3-5	Extermination
22-3-6	Sanitary and Operable

22-3-1 PREMISES FIT FOR OCCUPANCY

No owner or other person shall occupy or let to another person any dwelling or dwelling unit unless it and the premises are free of any accumulation of litter, sanitary, fit for human occupancy, and comply with all applicable legal requirements of the State and the City.

22-3-2 OWNER MAINTAINS PREMISES

Every owner of a dwelling containing two (2) or more dwelling units shall maintain in a sanitary condition and free of any accumulation of litter, the shared or public area of the dwelling and premises thereof.

22-3-3 OCCUPANT MAINTAINS PREMISES

Every occupant of a dwelling or dwelling unit shall maintain in a sanitary condition and free of any accumulation of litter that part or those parts of the dwelling, dwelling unit and premises thereof that he occupies and controls.

22-3-4 STORAGE OF LITTER

Litter storage and disposal shall be in compliance with all applicable provisions of the Park Ridge Municipal Code.

22-3-5 EXTERMINATION

Every occupant of a single family dwelling shall be responsible for the extermination of vermin including insects, rodents, birds or other pests, on the premises; and every occupant of a dwelling unit in a dwelling containing more than one (1) dwelling unit shall be responsible for such extermination whenever his dwelling unit is the only one infested. Notwithstanding the foregoing provisions of this subsection, whenever infestation is caused by failure of the owner to maintain a dwelling in a vermin proof condition, extermination shall be the responsibility of the owner. Whenever infestation exists in two (2) or more of the dwelling units in any dwelling, or in the shared or public parts of any dwelling containing two (2) or more dwelling units, extermination thereof shall be the responsibility of the owner.

22-3-6 SANITARY AND OPERABLE

Every occupant of a dwelling or dwelling unit shall keep all supplied plumbing and electrical fixtures, every other facility and piece of equipment or utility therein in a safe, sanitary, and operable condition and shall be responsible for the exercise of reasonable care in the proper use and operation thereof.

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CHAPTER 4 MINIMUM STANDARDS FOR BASIC EQUIPMENT AND FACILITIES FOR TENANT OCCUPIED DWELLING UNITS

SECTION

22-4-1	Kitchen Facility
22-4-2	Toilet Facility
22-4-3	Lavatory
22-4-4	Bathing Facility
22-4-5	Access

22-4-1 KITCHEN FACILITY

Every dwelling unit shall have a room or portion of a room in which food may be prepared and/or cooked, which shall be equipped with the following:

- A. A kitchen sink in good working condition and properly connected to a water supply system which is approved by the Housing Inspector and which provides at all times an adequate amount of heated and unheated running water under pressure, and which is connected to a sewer system approved by the Housing Inspector.
- B. A stove, or similar device for cooking food, and a refrigerator, or similar device, for the safe storage of food at temperatures less than 45F but more than 32F under ordinary maximum summer conditions, which are properly installed with all necessary connections for safe, sanitary and efficient operation; provided that such stove, refrigerator, and/or similar devices need not be installed when a dwelling unit is not occupied and when the occupant is expected to provide same on occupancy, and that sufficient space and adequate connections for the safe and efficient, installation and operation of said store, refrigerator and/or similar devices are provided.

22-4-2 TOILET FACILITY

Within every dwelling unit there shall be a non-habitable room which affords privacy to a person within said room and which is equipped with a flush water closet in good working condition. Said flush water closet shall be equipped with easily cleanable surfaces, be properly connected to a water system that at all times provides an adequate amount of running water under pressure to cause the water closet to be operated properly, and shall be properly connected to a sewer system which is approved by the Housing Inspector. In dwelling units with a single toilet facility, access to such room shall be provided without passing through a sleeping room.

22-4-3 LAVATORY

Within every dwelling unit there shall be a lavatory sink. Said lavatory sink may be in the same room as the flush water closet, or, if located in another room, the lavatory sink shall be located in close proximity to the door leading directly into the room in which said water closet is located. The lavatory sink shall be in good working condition and properly connected to a water supply system which is approved by the Housing Inspector and which provides at all times an adequate amount of heated and unheated running water under pressure, and which is properly connected to a sewer system approved by the Housing Inspector. Water inlets for lavatory sinks shall be located above the overflow rim of these facilities.

22-4-4 BATHING FACILITY

Within every dwelling unit there shall be a room which affords privacy to a person within said room and which is equipped with a bathtub or shower in good working condition. Said bathtub or shower may be in the same room as the flush water closet or in another room and shall be properly connected to a water supply system which is approved by the Housing Inspector and which provides at all times an adequate amount of heated and unheated water under pressure, and which is connected to a sewer system approved by the Housing Inspector. Water inlets for bathtubs shall be located above the overflow rim of these facilities.

22-4-5 ACCESS

One means of access to or egress from each dwelling unit shall be provided without passing through any other dwelling unit.

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CHAPTER 5 **MAXIMUM DENSITY REQUIREMENTS**

SECTION

- 22-5-1 Amount of Space
- 22-5-2 Number of People

22-5-1 AMOUNT OF SPACE

Every dwelling or dwelling unit shall contain at least three hundred and fifty (350) square feet of habitable floor space for the first occupant and at least one hundred and fifty (150) additional square feet of habitable floor space for every additional occupant. Total habitable floor space shall exclude rooms or portions of rooms used for cooking purposes. Each bedroom shall have at least eighty (80) square feet of habitable floor space for the first occupant of that bedroom and at least fifty (50) additional square feet of habitable floor space for each additional occupant of that bedroom. Floor space where the ceiling height is less than seven feet (7') may not be included in calculating total habitable room area.

(Ord 2006-01, 1/9/06, S24)(Ord. 2011-19, 3/21/2011)

22-5-2 NUMBER OF PEOPLE

Not more than one (1) household shall occupy a dwelling or dwelling unit.

(Ord. 2011-19, 3/21/2011)

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CHAPTER 6 MINIMUM STANDARDS FOR LIGHT AND VENTILATION

SECTION

22-6-1	Lighting
22-6-2	Ventilation
22-6-3	Minimum Electrical Requirements
22-6-4	Hallway Lighting

22-6-1 LIGHTING

Every room used for cooking or sleeping purposes shall have at least one window facing directly to the outdoors. The minimum total window area, computed on the basis of clear glass surface, for every room used for cooking or sleeping purposes shall be seven percent (7%) of the floor area of such room. Whenever a window of any such room faces or abuts on any structure, located less than three (3) feet from the window or a window is below grade and the window well enclosure or the earth is less than three (3) feet from the window, such a window shall not be deemed to face directly to the outdoors and shall not be included as contributing to the required minimum total window area.

(Ord 2006-01, 1/9/06, S24)

22-6-2 VENTILATION

Every habitable room, water closet compartment, bathroom and any room used for eating or cooking shall have at least one window which can easily be opened or such other device as well adequately ventilate the room. The total of openable window area in every room used for cooking or sleeping purposes shall be equal to at least forty-five percent (45%) of the minimum window area size as required in 22-6-1, except where there is supplied some device affording adequate ventilation and approved by the Housing Inspector. All openings to the outside shall be screened to prevent the entrance of insects, birds, rodents and other pests.

22-6-3 MINIMUM ELECTRICAL REQUIREMENTS

Every dwelling or dwelling unit and all public and common areas shall be supplied with electric service, outlets, and fixtures which shall be properly installed, shall be maintained in good and safe working condition, and shall be connected to a source of electric power in a manner prescribed by the ordinances, rules and regulations of the City. The minimum capacity of such services and the minimum number of outlets and fixtures and some specific electrical regulations shall be as follows:

- A. Every dwelling or dwelling unit shall be supplied with at least two (2) fifteen (15) ampere circuits and such circuits shall not be shared with another dwelling unit.
- B. Every single-family dwelling shall be supplied with at least four (4) fifteen (15) ampere circuits.
- C. Every habitable room shall contain at least two separate wall type duplex electric convenience outlets, or one such duplex convenience outlet and one supplied wall or ceiling type electric light fixture. No duplex outlet shall serve more than two fixtures or appliances.
- D. Temporary wiring or extension cords shall not be used as permanent wiring.
- E. Non-habitable rooms, such as water closet compartments, bathrooms, laundry rooms, furnace rooms, and public halls shall contain at least one (1) supplied ceiling or wall-type electric light fixture.
- F. Every switch, outlet, and junction box shall be covered by a protective plate.
- G. Electrical wires shall not be frayed or bare.
- H. The capacity of the wires shall not be exceeded by the fuse or circuit breaker capacity.
- I. The electrical service panel shall be properly grounded to the water pipe of the City water system.

22-6-4 HALLWAY LIGHTING

Every public hall and stairway inside or outside of every two-family or multiple family dwelling shall be adequately lighted by natural or artificial light at all times so as to provide all parts thereof with at least 10 foot-candles of light at the tread or floor level. Every public hall and stairway inside or structures containing not more than two dwelling units may be supplied with conveniently located light switches controlling an adequate lighting system which may be turned on when needed instead of full-time lighting.

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CHAPTER 7 MINIMUM THERMAL STANDARDS

SECTION

- 22-7-1 Adequate Heat Provided
- 22-7-2 Heating Devices Vented
- 22-7-3 Sufficient Supply of Heat

22-7-1 ADEQUATE HEAT PROVIDED

Every dwelling shall have heating equipment and appurtenances which are properly installed and are maintained in safe and good working condition, and are capable of safely and adequately heating all habitable rooms, bathrooms and water closet compartments located therein to a temperature of at least 68F at a distance of thirty-six (36) inches above floor level when the outside temperature is ten (10) degrees below zero (-10) degrees Fahrenheit.

22-7-2 HEATING DEVICES VENTED

No owner or occupant shall install, operate or use a heating device, including hot water heating units, which employs the combustion of carbonaceous fuel, which is not vented to the outside of the structure in an approved manner, and which is not supplied with sufficient air to continuously support the combustion of the fuel. All heating devices shall be constructed, installed, and operated in such a manner as to minimize accidental burns.

22-7-3 SUFFICIENT SUPPLY OF HEAT

In every dwelling unit and/or rooming unit when the control of the supplied heat is the responsibility of a person other than the occupant, a temperature of at least 68 F shall be maintained in all habitable rooms, bathrooms, and water closet compartments at a distance of thirty-six (36) inches above the floor level.

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CHAPTER 8 GENERAL REQUIREMENTS RELATING TO THE SAFE AND SANITARY MAINTENANCE OF BUILDINGS OR STRUCTURES

SECTION

22-8-1	Structures Safe
22-8-2	Structures Weather Tight
22-8-3	Gutters
22-8-4	Fences
22-8-5	Accessory Building
22-8-6	Equipment and Utility Conformance
22-8-7	Free of Hazards
22-8-8	Utility Shutoffs
22-8-9	Construction Conformance
22-8-10	Condition of Signs
22-8-11	Graffiti
22-8-12	Closing Windows and Other Openings
22-8-13	Shingles
22-8-14	Downspout/Sump Discharges

22-8-1 STRUCTURES SAFE

Every foundation, roof, floor, exterior and interior wall, ceiling, inside and outside stair, every porch, sidewalk, driveway, parking space and every appurtenance thereto, shall be safe to use and capable of supporting the loads that normal use may cause to be placed thereon; and shall be kept in sound condition and good repair.

22-8-2 STRUCTURES WEATHER TIGHT

Every foundation, roof and exterior wall, door, skylight and window shall be reasonably weather-tight, water-tight, damp free and vermin proof and shall be kept in sound condition and good repair.

Exterior surface materials including but not limited to wood and metal shall be properly coated when required for weatherproofing to prevent deterioration.

22-8-3 GUTTERS

Gutters, leaders and downspouts on any building or structure, if provided, shall be maintained in good working condition as to provide drainage of stormwater. Downspout installations shall conform to the appropriate ordinances and regulations of the City.

22-8-4 FENCES

All fences shall be constructed of approved fencing materials, shall be maintained in good condition and shall not create a harborage for vermin. The permissible height and other characteristics of all fences shall conform to the appropriate statutes, ordinances, and regulations of the City.

22-8-5 ACCESSORY BUILDING

Accessory buildings present or provided by the owner, agent, or tenant occupant on any premises shall be structurally sound, and be maintained in good repair and free of insects, rats, and other vermin.

22-8-6 EQUIPMENT AND UTILITY CONFORMANCE

Every plumbing and electrical fixture and pipe, every chimney, flue and smoke pipe, and every other facility, piece of equipment, or utility which is present in a building or structure, or which is required under this Article, shall be constructed and installed in conformance with the appropriate statutes, ordinances and regulations of the City and the State, and shall be maintained in a satisfactory and sanitary working condition such that it will function safely and effectively.

22-8-7 FREE OF HAZARDS

Every owner of a building or structure shall provide and maintain the building or structure free from hazards to health due to the presence of toxic substances, e.g., lead-base paint, or due to any other gas, vapor, fume, particulate matter or due to any other hazardous condition as determined by the Housing Inspector in accordance with national, state and regional standards and regulations.

(Ord 2006-01, 1/9/06, S24)

22-8-8 UTILITY SHUTOFFS

No owner, operator, or occupant shall cause any gas, water or electrical utility service or supply, or any equipment or facility which is required under this Article to be removed from or shut off from or discontinued for any occupied dwelling or dwelling unit let or occupied by him, except for such temporary interruption as may be necessary while actual repairs or alterations are in process, or

during temporary emergencies when discontinuance of service is approved by the Housing Inspector.

22-8-9 CONSTRUCTION PERFORMANCE

Whenever a building is constructed, altered or remodeled, the construction, materials and installation and use of equipment shall conform with the building, electrical, plumbing and fire protection statutes, ordinances, and regulations of the City and the State.

22-8-10 CONDITION OF SIGNS

All signs, canopies and marquees shall be maintained in sound condition and good repair. The permissible size and other characteristics of all signs shall conform to the appropriate statutes, ordinances and regulations of the City.

22-8-11 GRAFFITI

All buildings and structures shall be free of messages, drawings, or slogans written, drawn or painted on the exterior surface except for approved signs that conform to the appropriate statutes, ordinances and regulations of the City.

22-8-12 CLOSING WINDOWS AND OTHER OPENINGS

Any building that is not secured and is abandoned or vacant shall have all unsecured wall openings including but not limited to, windows, doors, and porch openings boarded up or otherwise closed up until the building is properly secured. No building opening shall be boarded up or otherwise closed for more than 60 days, unless approved by the Housing Inspector or Building Official.

(Ord 2006-01, 1/9/06, S24)(Ord. 2010-29, 03/15/2010)

22-8-13 SHINGLES

Roll roofing shall not be used for covering a building roof that has slope in excess of seventeen percent (2 in 12-inch pitch) unless approved by the Housing Inspector or Building Official. Roll roofing and shingles shall not be used as building siding unless approved by the Housing Inspector or Building Official.

22-8-14 DOWNSPOUT/SUMP DISCHARGES

All downspouts and/or sump pumps shall be installed in such a manner that the flow of discharge shall be directed away from interior side lot lines. Downspouts shall be located within five (5) feet of a front or rear corner of a building and must be directed towards the front or rear of the property unless attached to a drainage system approved by the Building Official. The point of discharge shall be four (4) feet or more from any interior side lot line and ten (10) feet or more from any other

lot line. Downspouts for detached accessory buildings shall be located in a manner to minimize discharge of water onto neighboring properties. The point of discharge for downspouts on detached accessory buildings shall be located at least two feet from any property line.

(Ord 2006-01, 1/9/06, S24)

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CHAPTER 9 RESERVED

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CHAPTER 10 **INSPECTIONS: POWERS OF THE HOUSING INSPECTOR**

SECTION

22-10-1	Powers
22-10-2	Entry Refusal
22-10-3	Interference with the Housing Inspector in the Performance of His Duties

22-10-1 POWERS

The Housing Inspector is hereby authorized to inspect buildings or structures and the surrounding premises subject to this Article, for the purpose of determining whether there is compliance with its provisions and to that end shall make such orders, requirements, decisions, and determinations as are necessary with respect to the enforcement of this Article. While in the performance of his duties, he shall have the authority of a conservator of the peace.

22-10-2 ENTRY REFUSAL

If any owner, occupant, or other person in charge of a building or structure, fails or refuses to permit free access and entry to the structure or premises under his control or any part thereof, with respect to which an inspection authorized by this Article is sought to be made, the Housing Inspector may petition a court of competent jurisdiction to obtain an order directing compliance with the inspection requirements of this Section with respect to such buildings or structures. If the Housing Inspector has probable cause to believe that any violation of this Article exists at any premises subject to this Article, he may enter the premises pursuant to an administrative search warrant issued for purposes of inspection.

22-10-3 INTERFERENCE WITH THE HOUSING INSPECTOR IN THE PERFORMANCE OF HIS DUTIES

Any person who shall in any way interfere with or hinder or prevent the Housing Inspector from discharging or performing his duty shall be fined not less than fifty dollars (\$50.00) nor more than two thousand five hundred dollars (\$2,500.00) for each offense.

(Ord 2006-01, 1/9/06, S24)

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CHAPTER 11 REPAIRS OF BUILDINGS OR STRUCTURES

SECTION

- 22-11-1 Making Repairs
- 22-11-2 Notice to Make Repairs
- 22-11-3 Allowing Access to Make Repairs
- 22-11-4 Payment for Cost of Repairs

22-11-1 MAKING REPAIRS

Whenever an owner, operator, or agent of a building or structure fails, neglects, or refuses to make repairs or other corrective action called for by the order of notice of violation issued pursuant to this Article, the City may undertake such repairs or action, when a failure to make them will endanger the public health, safety, or welfare.

22-11-2 NOTICE TO MAKE REPAIRS

Notice of the intention to make such repairs or take other corrective action shall be issued to the owner, operator, or agent and any lien holders of record.

22-11-3 ALLOWING ACCESS TO MAKE REPAIRS

Every owner, operator, or agent of a building or structure who has received notice of the intention of the City to make repairs or take other corrective action shall give entry and fee access to the agent of the City for the purpose of making such repairs. Any owner, operator, or agent of a building or structure who refuses, impedes, interferes with or hinders, or obstructs entry by such agent pursuant to a notice of intention to make repairs or take other corrective action shall be subject to a civil penalty of up to two thousand five hundred dollars (\$2,500.00) per day for each such failure to comply with this Chapter.

(Ord 2006-01, 1/9/06, S24)

22-11-4 PAYMENT FOR COST OF REPAIRS

When repairs are made or other corrective action taken by the City, cost of such repairs and corrective action shall constitute a debt in favor of the City against the owner of the repaired structure. In the event such owner fails, neglects, or refuses to pay the City the amount of this debt, it shall be recoverable in a civil action against the owner or his successor brought in a court of competent jurisdiction by the City which shall possess all rights of a private creditor.

ARTICLE 22

PROPERTY MAINTENANCE CODE

CHAPTER 12 DESIGNATION OF UNFIT BUILDINGS OR STRUCTURES

SECTION

22-12-1	Unfit Building
22-12-2	Posting Unfit Buildings
22-12-3	Using Unfit Buildings
22-12-4	Rescinding Unfit Designation
22-12-5	Removal of Placard

22-12-1 UNFIT BUILDING

Any building or structure shall be designated as unfit for human occupancy of use when any of the following defects or conditions are found, and when such defect creates a hazard to the health, safety, or welfare of the occupants or of the public or endangers the property of the occupant, owner or public:

- A. The building is damaged, decayed, dilapidated, unsanitary, unsafe, and/or vermin infested and/or contains hazardous levels of lead-based paint or other substances and/or contains unsafe plumbing and electrical fixtures, pipes, equipment or facilities.
- B. The building lacks illumination, ventilation and/or required sanitation facilities.
- C. The general condition of the Building, structure and premise is unsanitary, unsafe and/or unhealthful.

22-12-2 POSTING UNFIT BUILDINGS

Whenever any building or structure has been designated as unfit for human occupancy or use, the Housing Inspector shall placard the building or structure, indicating that it is unfit for human occupancy or use, and, if occupied, shall order the building or structure vacated within a reasonable time, such time to be not less than twenty-four (24) hours or more than three (3) days.

22-12-3 USING UNFIT BUILDINGS

No building or structure which has been designated as unfit for human occupancy or use, has been placarded as such and vacated shall be used or occupied again until written approval is secured from the Housing Inspector and the placard removed by the Housing Inspector.

22-12-4 RESCINDING UNFIT DESIGNATION

The Housing Inspector shall rescind the designation as unfit for human occupancy or use, and remove the placard when the defect or condition upon which such designation and placarding was based has been removed or eliminated and the building or structure is deemed by the Housing Inspector as a safe, sanitary, and fit place for human occupancy or use.

22-12-5 REMOVAL OF PLACARD

No person shall deface or remove the placard from any building or structure which has been designated as unfit for human occupancy and use, and has been placarded as such.

ARTICLE 22

PROPERTY MAINTENANCE CODE

CHAPTER 13 DEMOLITION OF ANY BUILDING OR STRUCTURE DESIGNATED AS UNFIT FOR HUMAN HABITATION

SECTION

22-13-1	Ordering Demolition
22-13-2	Notices of Demolition
22-13-3	Court Order
22-13-4	Demolition Conditions
22-13-5	Extermination Prior to Demolition

22-13-1 ORDERING DEMOLITION

The City shall order a building or structure to be demolished if it has been designated as unfit for human occupancy or use, has been placarded as such, has been vacated, and has not been put into proper repair so as to rescind the designation as unfit for human occupancy or use. The City may also order a building or structure, or an uncompleted building or structure that has been abandoned, to be demolished.

22-13-2 NOTICE OF DEMOLITION

The owner, operator or agent and any lien holders of record of any building or structure which has been ordered demolished shall be given written notice of this order and shall be given at least fifteen (15) days to demolish such structure.

22-13-3 COURT ORDER

When the owner fails, neglects, or refuses to demolish an unfit unsafe, or unsanitary building or structure within the fifteen (15) day time period, the City may apply to a court of competent jurisdiction for a demolition order.

22-13-4 DEMOLITION CONDITIONS

Whenever a building or structure is demolished, whether carried out by the owner or by the City, such demolition shall include the filling in or the excavation on which the demolished building or structure was located in such manner as to eliminate all potential danger to the public health, safety, or welfare arising from such excavation.

22-13-5 EXTERMINATION PRIOR TO DEMOLITION

All demolition shall be preceded by an inspection of the premises by the Housing Inspector to determine whether or not extermination procedures are necessary. If the premises are found to be infested, appropriate extermination measures to prevent the spread or infestation to adjoining or other areas shall be instituted before, during and after demolition.

ARTICLE 22

PROPERTY MAINTENANCE CODE

CHAPTER 14 EMERGENCIES, REGULATIONS AND PENALTIES

SECTION

22-14-1	Abating a Hazard
22-14-2	Notice of Violation
22-14-3	Penalties

22-14-1 ABATING A HAZARD

Whenever an emergency exists, which requires immediate action to protect the public health, safety, or welfare, the City may take such action as is appropriate to correct or abate the emergency.

22-14-2 NOTICE OF VIOLATION

Whenever a section of this Article has been violated, the Housing Inspector or his/her designee shall issue a written notice setting forth the alleged violations and advising the owner or any occupant, operator, or agent, that such violations must be corrected.

(Ord 2006-01, 1/9/06, S24)

22-14-3 PENALTIES

(Ord. 2010-29, 03/15/2010)

- A. Unless another fine or penalty is specified, any residential property owner/occupier violating any of the terms or provisions of this Article or failing to comply with an order of the Housing Inspector, shall be fined not less than one hundred dollars (\$100.00) for the first offense, two hundred dollars (\$200.00) for the second offense, and five hundred dollars (\$500.00) for each subsequent offense but not more than two thousand five hundred dollars (\$2,500.00) for any violation. Each day such violation is committed or permitted to continue or exist shall constitute a separate offense and shall be punishable as such. For purposes of this paragraph A, residential property owner/occupier shall mean a person who occupies or dwells in a residential dwelling unit of which the same person is the legal or beneficial owner or the owner of residential property that is not offered to tenants for occupancy.

- B. Unless another fine or penalty is specified, any contractor, commercial property owner, firm or corporation violating any of the terms or provisions of this Article or failing to comply with an order of the Housing Inspector, shall be fined not less than two hundred dollars (\$200.00) for the first offense, four hundred dollars (\$400.00) for the second offense and one thousand dollars (\$1,000.00) for each subsequent offense but not more than two thousand five hundred dollars (\$2,500.00) for any violation. Each day such violation is committed or permitted to continue or exist shall constitute a separate offense and shall be punishable as such. For purposes of this paragraph B, commercial property owner shall include the landlord of a residential dwelling unit that is tenant occupied or offered to tenants for occupancy.