



## CHAPTER 12 BUILDINGS AND BUILDING REGULATIONS\*

### INTERNATIONAL PROPERTY MAINTENANCE CODE

**CITY OF LIGHTS** § 5-36 et seq.; erosion and sedimentation control, Ch. 15; fire prevention codes and standards, § 17-101 et seq.; floodplain management, Ch. 18; open housing, § 22-41 et seq.; planning and development, Ch. 34; preservation, Ch. 37; awnings, § 42-176 et seq.; subdivisions, Ch. 43; zoning, App. A. --State law reference(s)--Powers of home rule units, Ill. Const. art. VII, § 6.

## ARTICLE IV. PROPERTY MAINTENANCE

### ARTICLE IV. - PROPERTY MAINTENANCE

#### DIVISION 1. - GENERALLY

##### Sec. 12-101.1. - Title.

These regulations shall be known as the Property Maintenance Code of The City of Aurora, hereinafter referred to as "this code". (Ord. No. 000-190, §§ 1, 2, 12-26-00)

##### Sec. 12-101. - Code—Adopted.

A certain document, three (3) copies of which are on file in the office of Development Services being marked and designated as The International Property Maintenance Code/ 2015 Edition and it's Appendix A as published by the International Code Council, Inc., is adopted as the property maintenance code of the city for the control of buildings, structures and improved or unimproved parcels as herein provided; and each and all of the regulations of such International Property Maintenance Code are referred to, adopted, and made a part hereof as if fully set forth in this article, together with the additions, insertions, deletions and changes as prescribed in this article. (Code 1969, § 23-31; Ord. No. O95-05, § 1, 2-7-95; Ord. No. 000-190, §§ 1, 2, 12-26-00)

##### Cross reference— Fine schedule for violations, § 1-11.

##### Sec. 12-102. - Additions, insertions, deletions and changes.

**102.3 Application of other codes.** Repairs, additions or alterations to a structure, or changes of *occupancy*, shall be done in accordance with the procedures and provisions of the *International Building Code*, *International Existing Building Code*, *International Energy Conservation Code*, *International Fire Code*, *International Fuel Gas Code*, *International Mechanical Code*, *International Residential Code*, *Illinois State Plumbing Code* and NFPA 70. All existing structures shall conform to the International Fire Code, IRC appendix J and the Existing Building Code provisions. Nothing in this code shall be construed to cancel, modify or set aside any provision of the *Aurora Zoning Ordinance*.

**103.2.1 Code Official.** The Manager of the Property Maintenance compliance officers is hereby designated as the code official. Additionally, all managers of the code official, the building and fire code officials, the fire chief and fire marshal shall additionally be granted the powers of the code official.

**103.3.1 Deputies.** All city inspectors and compliance officers are hereby delegated authority to act as the code official.

**103.5.1 Fee Resolutions and Notices, Fine and Penalty schedules and Notices.** Fees, Fines and Penalties shall be as adopted in resolutions or ordinances and as posted on-line in and/or as set by the Administrative Hearing Officer. (See Fine Schedule in Municipal Code Chapter 1-GENERAL PROVISIONS Section 1-11; This Code; Section 106.4, Section 109.7, Section 302.4.2, Rental Program Fees, P-Ticket Fines and other Fees and Fines as posted on the City Website).

**103.6 Restriction of Employees.** An Official or an employee connected with the enforcement of this code, except whose only connection is that of a member of a board of appeals, shall not be engaged in, or directly or indirectly connected with , the furnishing of labor, materials or appliances for the construction, alteration or maintenance of a building, or the preparation of construction documents thereof, unless that person is the owner of the building; nor shall such officer or employee engage in any work that conflicts with official duties or with the interests of the department.

**103.7 Rental Properties Owned by City of Aurora Employees.** Employee owned or partially owned rental properties shall be inspected and/or witnessed by Property Standards division management until a qualified third party vendor can be engaged to provide these inspection services. Upon commencement of the third party program, if the cost of the third party services are borne by the licensee, the inspection related portion of the fees of the city program may be waived to the extent required to equal the currently applicable licensing charges for others.

**106.1 Unlawful Acts.** It shall be unlawful for a person, firm or corporation to be in conflict with or in violation of any of the provisions of this code or any of Aurora's codes or ordinances.

**106.4.1 Penalty Amounts.** Upon conviction or a finding of liability therefore, the person shall be subject to a fine of not less than \$50.00 nor more than \$500.00 per day. In addition to the municipal fees and fines above, owners of residential rental properties for which unit(s) have been vacated by a City Code Official or their designee, may if found negligent, be liable for up to 30 days of temporary housing costs for the displaced occupants at the Aurora area hotel *average daily rate* per night of vacation of occupancy of each unit. For instances of displacement not due to or contributed to by owner negligence, Aurora will encourage and assist with the use of our not for profit emergency shelter and service providers.

**107.3 Method of Service**

**2. Mail.** Notice shall be mailed a copy to the ownership parties at the last-known mailing address of the owner/occupant or if not known, the address of the property where the nuisance exists. Certified mail, return receipt requested shall be used for inoperable and non-registered motor vehicle violations. Regular postage and US mail service shall be used for all other matters. The envelope and the return receipt, if applicable, shall bear the return address of the division issuing the notice.

**3.1 Posting for junk and trash, grass and weeds.** The posted sign shall be at least eleven (11) inches by eight (8) inches and the top thereof in large letters shall state the words, "Ordinance Violation."

**109.7 Criminal housing management:** Criminal housing management is hereby prohibited. A person commits criminal housing management when, having personal management or control of residential real estate, whether as a legal or equitable owner thereof, or as a managing agent or otherwise, they knowingly permits, by his gross carelessness or neglect, the physical condition or facilities of the residential real estate to become or remain so deteriorated that the health and safety of an inhabitant is endangered.

A person convicted of criminal housing management shall be fined not less than five hundred dollars (\$500.00). The maximum fine shall be as determined by the court, may include imprisonment, or may be subject to other remedies as provided by law and as determined by the court.

**110.5 Planting of grass.** After any demolition of building(s) and after removal of debris therefrom, black topsoil shall be spread four (4) inches deep over the entire surface of the building site; and the soil shall be seeded for grass or sodded within thirty (30) days of demolition or the commencement of seasonable weather, i.e., April 15 through June 15 and August 15 through October 15 inclusive. If seeded, seeding shall be established at a minimum of five (5) pounds per one thousand (1,000) square feet and shall be an approved commercial perennial blend. Once seeded or sodded, the grass shall be maintained; if need be it shall be replaced or reseeded or re-sodded until such time as the grass takes hold, grows and survives. Vehicular access to the site shall be obstructed by removing any curb cuts with replacements as determined by the City of Aurora engineering department.

**Subsections 111.2 through 111.8 shall be deleted and replaced with the following:**

**111.2 Appeals Board.** City of Aurora Administrative Hearings shall act as the Board of Appeals for tickets and decisions of the Code Official(s). Appeals of the Administrative Hearing process shall occur at Circuit court per section 113.14.

**111.3 Fees:** Appeals shall be accompanied by a \$100 verbatim transcript fee.

**113.0 Licensing of the operation of dwellings, inclusive, is added and amended as follows:**

**113.1 License Required:** It is unlawful for any person to operate or maintain any non-owner occupied residential unit, two-family or multiple-family building, whether vacant or not, without first obtaining a license for such property. Licenses shall be for an entire structure, complex of buildings, or any sub-part thereof.

- A. **City of Aurora Rental Application Renewals** shall require, Trustee(s) and LLC agent(s) disclosure, all owner contacts, plot plans (for lodging houses), **Eighteen (18) year old and older** occupant's full names and contact information, **total number of occupants including minors**, plus other data as required by the code official.
- B. **New City of Aurora Rental Applications;** in addition to the items required for renewal, new applications shall require, Floor plans with room designations and dimensions, egress and fire safety components, total occupant load, plot plans, plus other data as required by the code official.
- C. **City of Aurora Lease Addendum** shall accompany the License applications, and the background check verification owner's affidavit for all **Eighteen (18) year old and older residents**, **and the total number of occupants including minors**. These shall include the occupant's full legal name. For apartment complexes of **greater than eight (8) units** which aide emergency responders with surveillance cameras of an acceptable

quantity and acceptable resolution to the community oriented policing officers and retain such video for a minimum of 30 days, their property management documentation and records may be accepted in lieu of the prescriptive city documents.

**For properties which are unleased at time of application but leased by the time of inspection**, an additional 100% license fee will be assessed should the missing lease addendum and background check verification affidavit not be provided by the landlord to the division offices 14 calendar days prior to the property inspection. Lodging House license types, and others as determined by the code official, shall require that the License be prominently posted inside the home in a certificate frame (above or adjacent to the main entry door) and available for Police Department or enforcement staff reference. **Additionally, at time of new lease establishment, the landlord shall forward a revised lease addendum within 14 days of a new lease being signed.**

#### 113.1.1 Exemptions.

- A. **Registration required, inspection exempt.** Single-family dwellings occupied by immediate family members of the owner, as well as their own family members, where no rent is paid, must be registered with the City, at no charge, and shall be exempt from licensure and the interior inspection requirements of this Article, unless the conditions set forth below are present:
1. Such dwellings shall be required to be inspected on an exterior basis only, if three (3) or more exterior violations are found, or if a significant single code violation is found as determined by the code official or his designee, the property shall then be required to be licensed with the appropriate fee paid, and interior inspections made.
  2. Such dwellings shall also be required to be licensed with the appropriate fee paid and interior inspections made if there are two (2) or more verified calls for police service at the premises within a consecutive twelve-month time period, or if complaints are received for interior violations, or if the city can document a six month lack of water consumption.
- B. **Exempt.** The following types of dwellings shall be exempt from licensing, registration and licensing inspections under this code:
1. Vacant single-family residences that are being prepared for sale by the heirs, trustees or legal representatives, after the death of the owner, for a period of up to two (2) years.
  2. All owner-occupied, single-family properties, **with all occupants meeting the definition of family.**
  3. All owner-occupied dwelling units not used as lodging, rooming or boarding houses.
  4. All owner-occupied dwelling units not containing guest rooms, as defined.
  5. Any property owned or operated by a college or university, including, but not limited to, dormitories, graduate housing, and school-owned apartments.
  6. Any property which is the subject of a contract sale and the seller or buyer resides in the property and has recorded the contract **or a memorandum of contract** with the county in which the property is located.
  7. Units and premises licensed and inspected by the State of Illinois, including, but not limited to, nursing homes, assisted living centers, and similar facilities.
  8. The applicable provisions of Section 113 provide the code official with the ability to perform inspections subject to the conditions enumerated therein. Although this article exempts certain units and properties from licensure, the city reserves the right to perform reasonable inspections of those properties which are exempt, and of all properties in the city, in accordance with law.

**113.3 License term.** Every license shall expire on August 31<sup>st</sup>. The code official may transition licenses to different dates and even terms of length if determined the licensing program would result in improved effectiveness and system efficiencies.

**113.4 Authorization to issue license.** The code official is hereby authorized, upon application, to issue new licenses and renewals thereof, in the names of the applicant owner.

**113.5 Refusal to issue; revocation; suspension.** The code official may refuse to issue said licenses, and may revoke or suspend said licenses, if the application, applicant, property, structure or premises is found not to meet, or to have violated within the preceding twelve (12) months, all or any applicable requirements of the Aurora code of ordinances including but not limited to the provisions of this code. Continuance of use of without a valid license shall incur fines up to \$1,000 per unit per day.

**113.6 Application form, fee, landlord training required.** No license shall be issued or renewed unless the applicant owner or the owner's local representative on behalf of the owner has first made application therefor on an application form provided by the city, paid the requisite fee, and both the landlord and the owner's management agent or local representative have successfully completed the mandatory crime-free housing seminar administered by the Aurora police department, or another program approved by the city, prior to issuance of the

license. The seminar may be attended after application has been submitted and the license will be issued after successful completion. Owners and/or management agents or local representatives may be required to retake the class and pay the commensurate fee if the Code official determines due to lack of compliance that the owner and/or management agents or local representatives would likely benefit from the additional training.

**113.7 Licensed Dwelling Premises Requirements.** No license shall be issued unless the premises for which the license is sought meets the following requirements:

- A. **Off Street Parking.** For newly established licensed dwellings or renewals after a 3 year lapse of licensing; required parking space(s) shall comply with the requirements of section 10 of the Aurora Zoning Ordinance; except that Section 10.6.2 shall not be applicable. Where there are practical difficulties or particular hardships in complying with this provision as to providing the required number of off-street parking spaces, or type of construction of said spaces, said owner or local representative may apply for a variance of said provision **per section 111.2 appeal to the administrative hearing officer.**
  - 1. Single Family Rental Housing. A minimum of two (2) off-street parking spaces per dwelling unit.
  - 2. Two Family Rental Housing. A minimum of two (2) off-street parking spaces per dwelling unit.
  - 3. Multi-Family Rental Housing. A minimum of one (1) off-street parking spaces per dwelling unit.
- B. **Landscaping.** A minimum amount of landscaping, pursuant to the Aurora Zoning Ordinance foundation and dwelling unit landscaping requirement must be met. Turf grass must be well maintained and with no dead areas or muddy ruts. **Landscaping shall be maintained so as not to create violations per Chapter 21 section 18 Enumeration of Nuisances.**
- C. **Property Taxes.** Property may not be filed under Homeowner Exemption for property tax purposes.
- D. **Garbage and Refuse.** Garbage receptacles shall be provided per 305.3.2 Containers Required.

**113.8 Additional Lodging House Premises Requirements.** In addition to the Licensed Dwelling premises requirements, lodging houses shall additionally meet the following:

- A. **Parking.** Individually accessible off street parking spaces (as defined in the zoning ordinance) equal to the number of 18 year old and older occupants. This may reduce the number of permitted occupants below that permitted under the occupancy standards. Common area parking managed by an association shall require parking calculations for the association and an approval from the association.
- B. **Storage.** Additional personal clothing storage per bedroom occupant. In addition to the occupancy standard square footage per occupant an additional twelve square feet per person of clothing storage shall be required within the bedroom.
- C. **Electrical System.** Electrical system upgrade to fully compliant system with current electrical code for new construction shall be required.
- D. **Alarm System.** A fully monitored through a central station, code compliant smoke and carbon monoxide detection and alarm system shall be required.
- E. **Garbage and Refuse.** Garbage receptacles per 305.3.2(c) Containers Required.

**Note:** Grandfathering of renewals for existing previously licensed 113.8 non-conforming lodging, rooming and boarding houses will be re-issued for a maximum of five (5) years. These represent licensing cycles through the end of calendar year 2022. In calendar year 2023, 113.7 non-conforming structures will either be required to come into conformance or shall cease to be used as lodging, rooming or boarding homes.

**113.9 Annual inspection required.** The current inspection bye system shall remain in place until the Property Standards Division fully implements the STAR Landlord, and Property Manager Registration system and informs each registrant of their current STAR status. No earlier than the later of August 30<sup>th</sup> 2019, OR 6 months after these STAR notices are made. Inspection passing percentage of owner or agent, quantity and severity of violations, plus quantity of validated calls for disorderly conduct and part 1 crimes will be utilized to determine inspection frequency. The city reserves the right to terminate the waiver and reinstate the annual inspection requirement in the event that violations are discovered or complaints require investigation. Inspections shall be attended by either owners or licensed management agents.

**113.10 Aurora Licensed Management Agent required.** In cases where the owner resides more than thirty miles from the city limits, no license shall be issued or renewed unless the owner designates, in writing to the city, a city licensed management agent or a registered State of Illinois Real Estate Broker or Leasing Agent (State of Illinois property management requirements) for the receipt of service of notice of violations and for service of process with carbon copy to the owner. City management licensed agents shall be required to attend and shall pay the requisite fee for landlord training. City management licensed agents shall additionally pay registration processing

fee of 50% of the fee of a one unit rental. State of Illinois Real Estate Broker or Leasing Agents acting as Management Agents shall upon presenting current State credentialing be registered at no cost but shall be required to attend and shall pay the requisite fee for landlord training.

**113.11 Re-inspections.** At the end of the time allowed for correction of any violations cited, the code official shall re-inspect the structure and premises, and if the code official determines that such conditions have not been corrected, they may file a case with the city's administrative hearing officer, seeking the issuance of an order to correct the conditions or seek an order suspending or revoking the license. Tenant-caused violations will not be considered as grounds for suspension, revocation or failure to issue as long as licensee cooperates in a good faith and timely fashion to gain compliance. The code official may still issue an order suspending the license for failure to renew the license.

**113.12 Notice of tenants.** If an owner is summoned before the hearing officer for suspension or revocation of the license, they shall give notice, in writing, to all of his tenants on that property. Said notice shall provide the following: the physical address of the property; the date and time that the property owner is to appear before the hearing officer; the fact that the appearance is due to alleged ordinance violations; and the possible sanctions that may be imposed upon the property. The notice shall be delivered, either personally or by U.S. Mail, to each tenant on the property and must be posted in a prominent location on the property where the tenants are likely to see it. Owner shall present proof of the delivery of these notices to the hearing officer upon first appearance.

**113.13 Hearing procedures.** If the City's administrative hearing officer determines, after hearing, that any person or entity has failed to comply with city ordinances or any applicable rules and regulations adopted pursuant thereto, they may fine that person or entity, order remediation and compliance, and/or suspend or revoke the license held by that person. Any such suspension or revocation may be for an entire structure, complex of buildings, or any sub-part thereof. Such a hearing shall be held in accordance with the provisions of Chapter 12, Article VII of the Code of Ordinances. The City's representative shall present evidence in support of the suspension or revocation, and the license holder or the license holder's local representative shall be permitted to rebut such evidence and present any other evidence that is, in the discretion of the hearing officer, relevant and reliable. Based upon the evidence presented at the hearing, the hearing officer shall issue a written decision. The hearing officer's decision shall be final and binding. If the hearing officer orders a license suspended or revoked, they may order that the property, or portion thereof, be closed and secured against all unauthorized access, use, and occupancy for a period of not less than thirty (30) days nor more than one (1) year. If a suspension or revocation is ordered, the hearing officer shall set a status date at which they may, at his discretion, reconsider and amend such order. The suspension or revocation of any license shall not release or discharge the license holder from paying fees or fines, nor shall such license holder be released from criminal prosecution or further civil proceedings.

**113.14 Right to Appeal.** Any person or entity whose license has been suspended or revoked by the City's administrative hearing officer after a hearing held under this Section may appeal the hearing officer's decision to the entity designated by the City Council to hear such appeals by filing a written notice of appeal with the City of Aurora's Law Department within three (3) business days of the person's receipt of the hearing officer's decision. Appeals may be stayed in the event that life- or safety-threatening conditions exist at the property, in which case, the suspension or revocation must proceed forthwith. Stays of appeal must be substantiated factually and in writing by the manager of the Division of Property Standards and submitted to the Law Department within three (3) business days of the filing of the appeal. The entity designated to hear such appeals may review the hearing officer's decision and may affirm or reverse the decision or remand it to the hearing officer for further action or review.

**113.15 Expense Recovery.** The City shall be authorized to recover any expenses incurred by the City in the following enforcement activities. It is not a defense to the payment of these expenses that the City may have otherwise experienced such costs in the ordinary course of business.

**113.15.1 Expense Recovery after a fire.** Recoverable expenses shall also include all costs incurred by the City in responding to and extinguishing a fire at a property, and such expenses shall be chargeable to and collected from the property owner whether or not the fire was directly caused by the owner. The owner shall be responsible only for the costs that are directly attributable to his own neglect and shall be limited only to those cases where written notice was given by the City and the owner subsequently failed to take adequate and timely measures to abate the conditions or conduct which caused the fire.

**113.15.2 Filing Fee charges due at time of hearing officer case filing.** When the City has found it necessary to file a case to the hearing officer to obtain compliance, the owner shall be minimally liable for filing fee costs.

**113.16 Reinstatement.** If, upon re-inspection, the hearing officer determines that the structure or premises in connection with which the order was issued is now in compliance with this Code and with applicable rules and regulations issued pursuant thereto, they may reinstate the license.

**113.17 Tenant Vandalism.** No tenant shall commit vandalism in the building in which the tenant's dwelling unit is located and no tenant shall permit vandalism to occur in such dwelling unit nor violate any of the Code of ordinances.

**202 General Definitions, are (amended, added or replaced) as follows:**

**Adult Occupant (added):** means occupants 18 years of age and older which are not legal dependents of another occupant of the same unit.

**Average Daily Rate (added):** The Average daily rate of an Aurora area hotel room as calculated by Smith Travel Research or other consultant as engaged and monitored by the Aurora Area Convention & Visitors Bureau.

**Bedroom (for purposes of determining minimum code requirements) (replaced):** a room with a minimum of 70 square feet in floor area (excluding clothing storage floor area), which is a habitable space, that may be lawfully furnished with a bed and used for sleeping, but not including the living room, a dining room or a kitchen. However, a den, a study, a loft, or any room which may lawfully be used as a bedroom shall be considered a bedroom for the purposes of determining minimum safety requirements for current or future occupants if it contains a closet or clothing storage provisions.

**Bedroom (for purposes of determining the potential illegal use of a space) (replaced):** an area in a building which contains some of the appurtenances associated with occupancy use as a bedroom. These appurtenances shall include but are not limited to: Beds, mattresses, futons or bedding materials, clothing storage, night stands, alarm clocks, etc. Should the inspector suspect an illegal use of a space as a bedroom, the full extents of the building and any storage structures on the site shall be made available for inspection.

**Boarding House (amended):** See Building Code definitions

**Building. (added):** Any structure used or intended for supporting or sheltering a use or occupancy.

**Carbon monoxide alarm (added):** A carbon monoxide detector or alarm that complies with all of the requirements of the rules and regulations of the Illinois State Fire Marshal, bears the label of a nationally recognized testing laboratory, and complies with the standards of the Underwriters Laboratories or the Canadian Standard Association.

**Clothing Storage (added):** means a closet a minimum of twelve (12) square feet in floor area or an armoire a minimum of twelve (12) square feet in floor area used for the storage of clothing and personal goods in a bedroom. Clothing Storage area shall be increased eight (8) square feet per additional occupant of the bedroom.

**Contact Person(s) (added):** additional owner chosen recipients of notices and correspondences. Notices and correspondences sent to the(se) individuals shall additionally count as legal notice. These individuals are not responsible to the ownership as management agents nor do they represent multiple property ownerships. If they are responsible for management of the property or represent multiple property ownerships they shall be required to register as a Management Agent.

**Current Occupants (added) -** Any individual living or sleeping in a building, or having possession of a space within a building.

**Family (added):** Shall mean any individual or two (2) or more persons related by blood, marriage, legal adoption, or guardianship living together as a single housekeeping unit with provisions for living, sleeping, eating, cooking and sanitation within a dwelling unit including domestic employees and foster children. The definition of family shall not include more than three (3) unrelated persons.

**Filing Fee (added):** The cost of enforcement beyond the initial inspection and citation required to achieve compliance. Additional inspections not resulting in full compliance shall have a filling fee of \$50 per additional inspection, which becomes due and owing when a case is filed for hearing. Once filed these fees are due and owing even if prior to the actual hearing the violation has been cured.

**Guest Rooms (amended):** See Building Code definitions. Temporary visitors to the dwelling shall become guests when there stay exceeds 30 calendar Days.

**Health authority (added):** The personnel of the City of Aurora, or other county or state agencies authorized by ordinance of the city or statutes of the state to enforce the provisions of this code.



**Inoperable vehicle (replaced):** Any motor vehicle from which, for a period of at least seven (7) days, the engine, wheels or other parts have been removed, or on which the engine, wheels or other parts have been altered, damaged or otherwise so treated that the vehicle is incapable of being driven under its own motor power. "Inoperable motor vehicle" shall not include any motor vehicle that is kept within a completely closed building when not in use.

**Junk and trash (added):** Any and all garbage and rubbish.

**Late Application Fee (added):** Application fees received after the expiration of the prior license shall be considered past due on the 30<sup>th</sup> day after the prior license expiration. Late fees will begin to accrue on the 31<sup>st</sup> day after the expiration.

**Life Safety Violation (added):** Any Violation from the following Unsafe Conditions sections; 304.1.1, 305.1.1, 306.1.1; OR Chapters 5 Plumbing, Chapter 6 Mechanical and Electrical, Chapter 7 Fire Safety; OR violation of other city ordinances; OR violation which the Code Official determines that any vacation of occupancy is required.

**Lodging House (amended):** See *Building Code definitions*

**Management Agent or Local Representative (added):** A local owner's representative acting as the owner's local property manager. This Agent shall be registered annually. In order to attain licensure the Agent shall attend City of Aurora Landlord Training.

**Preventative Maintenance Violation (added):** Any Violation from the IPMC which is not deemed a Life Safety Violation.

**Property owner (added):** Any person or entity entitled to legal or beneficial ownership of land, occupying land or managing land upon which, or owning land adjoining any dedicated but unimproved street upon which, weeds are located.

**Rubbish (replaced):** Combustible and noncombustible waste materials, except garbage, including, but not limited to, the residue from the burning of wood, coal, coke and other combustible materials, paper, rags, cartons, boxes, household furniture such as sofas, stuffed chairs and mattresses when found on the exterior of the property, wood, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass, crockery, dust, inoperable and/or abandoned motor vehicles, trucks, tractors, machinery of any kind, any parts thereof, old iceboxes, refrigerators and stoves, and other similar materials irrespective of whether or not such objects are located on public or private property, or whether such objects are located on the property of the owner or bailee of such objects. "Rubbish" shall not include wood that is stacked and stored for fuel.

**STAR Landlord, Management Agent (added):** Landlord, agent or property manager whom was not penalized for lack of attendance at an inspection the previous year, nor for work without permits, plus had no life safety violations and a better than average total violations per property when compared to license type peers of their largest unit number property type as calculated from year to year.

**Weed (added):** All noxious vegetation and all grasses, including giant and common ragweed, poison ivy, and all varieties of Canada thistle, or any other vegetation that creates a health or safety hazard to the public, in the opinion of the health authority. This term shall not include cultivated flowers.

**Workmanlike or Workmanship (amended):** Executed in a skilled manner; e.g. generally plumb, level, square, in line, undamaged, and without marring adjacent work. Siding, roofing and all other exterior finishes work should be accomplished using consistent colors and material types in accordance with being executed in a skilled manner and per manufacturer's recommendations. Mixing of brands and types of similar functioning materials in a manner which violates manufacturer's warranties shall be prohibited.

**301.3.1 Re-occupancy of vacated residential structures:** In the event that a vacant residential structure, or portion thereof, is secured at the order of the city in accordance with Section 301.3 or has an existing violation notice issued against it prior to securing and is secured by the City, the structure or portion thereof shall not be reoccupied until the following actions occur:

- (1) An application for the appropriate remodeling permit is made by the owner with the Division of Building and Permits if the certificate of occupancy had been revoked.
- (2) An inspection is performed by the code official to determine what violations, if any, exist.
- (3) Violations are corrected to be in compliance with code, and the certificate of occupancy is reissued. Any city fees and fines shall be paid prior to required permit issuance or certificate issuance.

**301.3.2 Parking of vehicles:** It shall be unlawful to park any vehicle on any type of surface not approved under the applicable provisions of Section 10 of the Aurora Zoning Ordinance. Parking on grass or dirt shall be prohibited. Parking on a gravel surface shall be prohibited unless said condition is legal and nonconforming pursuant to Sections 6 and 10 of the Aurora Zoning Ordinance.

**302.3.1 Pavement maintenance:** It shall be unlawful to fail to maintain pavement or parking areas and allow fatigue (alligator) cracking, settlement and ponding, or potholes. Gravel pavement surfaces determined to be legal and nonconforming pursuant to Sections 6 and 10 of the Aurora Zoning Ordinance shall also be maintained to prevent weeds, ruts, settlement and ponding, or potholes.

**302.3.2 Public Sidewalks and Driveway Aprons:** Public sidewalks and Driveway Aprons shall be maintained in accordance with Section 42 of the Aurora Code of Ordinances.

**302.4 Weeds.** Duty of property owner; excluded areas.

- (a) Every property owner is required to cut and destroy all weeds located on land within the jurisdictional limits of the city whenever they exceed a height of eight (8) inches or if, in the opinion of the health authority, destruction of weeds is necessary. Any property owner who does not maintain property as required by this section shall be in violation of this code.
- (b) The health authority may exclude from the provisions of this section any land located in a public nature area or not within two hundred (200) feet of any private residence or place of public use; provided, that such weeds do not otherwise cause a health or safety hazard in the opinion of the health authority.
- (c) The health authority shall exclude those areas located within any property owned or leased by a unit of local government within the jurisdictional limits of the city used for institutional or recreational purposes.

**302.4.1 Notice to abate.**

- (a) Lots with occupied structures. Notice to abate a violation of this section shall be given in writing to the property owner in the manner herein described and shall state a specified period of time for abatement by the property owner. The inspector issuing the notice shall personally serve or deliver a copy to the property owner, mail a copy to the residence of the property owner, or if said residence is unknown, the address of the property where the nuisance exists by proof of mail, or by posting.
- (b) Lots with unoccupied structures and vacant lots. The city shall cause to be published in a newspaper of general circulation within the city limits once a week for two (2) consecutive weeks during the month of May of each year a notice informing all such property owners that the growth of weeds on any such lot is contrary to the ordinances of the city. The notice shall further inform the public that should the weeds ever grow to more than eight (8) inches in height, the city may cut the weeds without further notice and the property owner shall be liable to the city for its costs. This notice shall be a display advertisement.

**302.4.2 Penalties.**

- (a) Upon failure to abate within the specified time indicated in the notice provided pursuant to Section 302.4.1, the health authority is authorized to cut or destroy such weeds. If the health authority cuts or destroys any weeds as provided in this section, the city shall have a lien for the costs of abatement, including recording fees and offender provisions herein, for an administrative fee in the amount established including, but not limited to, inspections, correspondence, preparation of lien, title searches, and other expenses which may have been incurred by the city regarding such abatement. Additionally, offender fine provisions shall increase in amount each time the city is required to cut or destroy weeds within a growing season (May 1st to November 15th) as follows:
  - (1) First time offense: Fifty dollars (\$50.00)
  - (2) Second time offense within same growing season: One hundred fifty dollars (\$150.00)
  - (3) Third time offense within same growing season: Two hundred fifty dollars (\$250.00)
  - (4) Fourth time offense within same growing season: Five hundred dollars (\$500.00)
- (b) A property owner who fails to cut or destroy weeds, as required in the notice provided in Section 302.4.1, shall be guilty of an offense punishable as provided herein. Each day a violation exists after notice is sent, posted or advertised, shall be a separate offense. In addition to the penalty provided in this section, the city may apply for injunctive relieve to require abatement, in addition to any other remedies available.

**302.7.1 Fencing:** Fences shall have a top horizontal support structure to ensure that the fence material remains straight, sound and in good repair.

**302.7.2 Retaining Walls:** Shall be maintained in a structurally sound condition. Failing walls taller than 30 inches or bearing a surcharge from vehicular traffic on the high side shall require permitting for repairs or replacement and shall be designed by a licensed design professional acceptable to the building official.

**302.7.3 Chimneys, towers, canopies, signage and poles:** All chimneys, towers, canopies, signage and poles and similar appurtenances shall be maintained structurally safe and sound, and in good repair. All exposed metal or wood shall be



protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.

**302.8 Motor Vehicles:** Except as provided for in other regulations, no inoperative or non-currently registered or unlicensed motor vehicle shall be parked, kept or stored on any residential, commercial or industrial premises for more than thirty (30) days within any 12 month period, provided not more than one (1) such vehicle is parked, kept or stored on any residential premises at any time. No vehicle shall at any time be in a state of major disassembly, disrepair or in the process of being stripped or dismantled. Painting of vehicles is prohibited unless conducted inside an approved spray booth.

**Exception:** Vehicles lacking state issued license plates, may be parked or stored inside a completed enclosed garage or similar enclosed building designed and approved for such purposes.

**302.10 Exterior Nuisances, Violations and Abatement:**

**302.10.1 Violations declared nuisance.** The storing of junk and trash on private property within the city, where such storage is not authorized under the terms of the zoning ordinance, and in any manner not permitted by the zoning ordinance, is declared a nuisance.

**302.10.2 Violations declared criminal upon failure to abate.** Any property owner or any occupant of property who allows such storage on the property owned or occupied by him, shall be guilty of a misdemeanor; and any person who shall neglect to abate and remove such nuisance after notice thereof shall, for each twenty-four (24) hours thereafter during which the nuisance continues, be guilty of a misdemeanor.

**302.10.3 Notice to abate.**

(a) Lots with occupied structures. Any inspector of the city upon observing any violation of this section shall issue a notice directed to the owner of record of the property on which the nuisance occurs at their last known address, or to the occupant of the property, or to both. The notice shall describe the violation and shall establish a reasonable time limit for the abatement thereof by such owner or occupant, which time shall be not less than two (2) days after service of such notice. In cases of inoperable vehicles, the owner of the vehicle shall also be issued a notice; and all notices in such cases shall provide five (5) days for removal of the inoperable vehicle or notice shall be posted in a conspicuous place on the inoperable vehicle.

(b) Lots with unoccupied structures and vacant lots. The city shall cause to be published in as a display advertisement in a newspaper of general circulation within the city limits once a week for two (2) consecutive weeks during the month of January each year a notice informing all such property owners that the storage of junk and trash on any such lot is contrary to the ordinances of the city. The notice shall further inform the public that should the junk and trash be stored in violation of this code the city may remove same without further notice and the property owner shall be liable to the city for its costs.

**302.10.4 Failure to comply with notice.** In the event the owner or occupant of the property where such nuisance exists, or vehicle owner, if applicable, has failed within the prescribed time to abate such nuisance, then the inspector may summarily abate such nuisance as provided in Section 302.8.5, may file a request with the city's law department to initiate a complaint with the appropriate circuit court, or initiate an action before the City's Administrative Hearing Officer, charging violation of this article and demanding that the owner of the property or the occupant thereof, or both, and, in cases of inoperable vehicles, the owner of the vehicle, be punished as herein provided. In cases of inoperable vehicles and parts thereof, the police department shall have the authority to remove, after five (5) days from the issuance of the notice as provided in Section 107, any inoperable motor vehicles or parts thereof.

**302.10.5 Abatement.** At the termination of notice provided by Section 302.8.4, the inspector may abate the nuisance as provided by Section 21-18 of the Aurora Code of Ordinances. The expenses of removal shall be collected from the person or persons. If the expense is not paid, the legal counsel of the jurisdiction shall initiate appropriate action against the person or persons for cost recovery.

**302.10.6 Summary abatement.** Summary abatement of the rubbish nuisance without notice shall be permitted as provided by Section 21-19 of the Aurora Code of Ordinances. The expense of removal shall be collected from the person or persons. If the expense is not paid, the legal counsel of the jurisdiction shall initiate appropriate action against the person or persons for cost recovery.

**302.10.7 Penalties.** Each time the city is required to abate or summarily abate the nuisance as provided herein, the city shall have a lien for the costs of abatement, including recording fees and offender provisions herein, for an administrative fee in the amount established including, but not limited to, inspections, correspondence, preparation of lien, title searches and other expenses which may have been incurred by the city regarding such abatement. Offender provisions shall increase in amount each time the city is required to abate or summarily abate within the calendar year as follows:

- (1) First time offense: Fifty dollars (\$50.00)
- (2) Second time offense within the same calendar year: One hundred fifty dollars (\$150.00)
- (3) Third time offense within the same calendar year: Two hundred fifty dollars (\$250.00)

- (4) Fourth time offense within the same calendar year: Five hundred dollars (\$500.00)

**302.11 Dead and dying trees:** The code official may order the owner of premises upon which are located dead and dying trees or dead and dying tree limbs which are dangerous to life, health, property or the safety of the public, to remove such trees. The tree shall be removed at least one (1) foot below grade with black dirt and seeding required up to grade level.

**302.12 Number of parked vehicles:** For properties used for single-family and two-family residential not regulated by rental licensing provisions, there shall be no more than three (3) vehicles per dwelling unit parked on the premises. Excluded from this allowable number shall be vehicles parked inside of an enclosed building such as a garage. Vehicles belonging to visitors that are parked on the premises for no more than six (6) hours shall be exempt from this standard. In cases where a proper surface is available for the parking of additional vehicles within the side or rear yard on the premises, the code official shall have the authority to authorize the parking of up to two (2) additional vehicles per unit. The parking of additional vehicles may be authorized by the Zoning Administrator.

**302.13 Front yard driveways and parking:** Front yard parking for residential properties shall only be permitted in those locations where it is authorized by sections 10 and 11 of the Aurora Zoning Ordinance. Driveway and driveway extensions shall be permitted as provided therein.

**303.3 Pool, spa and hot tub draining:** Pools, spas and hot tubs shall be drained in a manner so as not to drain onto a neighbor's property or create a public nuisance.

**304.14 Insect Screens:** During the period from May 1st to October 1st every door, window and other outside opening utilized or required for ventilation purposes serving any structure containing habitable rooms, food preparation areas, food service areas, or any areas where products to be included or utilized in food for human consumption are processed, manufactured, packaged or stored, shall be supplied with approved tightly fitting screens of not less than sixteen (16) mesh per inch and every swinging door shall have a self-closing device in good working condition.

**304.15.1 Garage Doors:** Principal vehicular doorways for attached and detached garages shall have closing doors. The closing doors shall be established in a workmanlike manner. This requirement shall be enforced retroactively. All carports where a garage door was not originally installed are excluded from all door requirements (See Zoning Code for carport and garage definitions).

**304.20 Furniture on porches, accessory structures, yards and landings:** Household furniture such as sofas, stuffed chairs and mattresses, which are not designed to withstand the elements and outdoor use, shall not be permitted to be placed on porches, accessory structures, yards and landings. Such furniture may provide a location where insects, rodents or other vermin may breed or may reasonably be expected to breed. This section shall not prohibit the storage of such household furniture on a totally enclosed porch having a roof, walls, screens or glass windows.

**305.1.1 Unsafe Conditions:** Condition number 7. Shall be added as follows.

**7. Sanitation.** Interior property and premises shall be maintained in a clean, safe and sanitary condition.

7.1 Organic growth of any kind shall be deemed unsanitary and when determined appropriate shall be abated by a certified remediation company with credentialing found acceptable to the Code Official. A written cleaning/abatement plan shall be approved by the code official. Upon completion a written no further remediation statement acceptable to the code official shall be provided by the credentialed remediation company.

**305.3.2 Containers Required:**

(a) General Requirement: Every owner, or his agent, or the occupant of any house, building or apartment in the city wherein persons reside, board or lodge, shall provide for such house, building or apartment and at all times maintain containers for refuse, garbage, trash or rubbish in a number sufficient to store and handle for disposal the accumulation from each such house, building or apartment according to the specifications of this chapter, including disposal of yard waste pursuant to section 20-09 hereof.

- (1) Such container(s) shall not be located in front yards, as defined by the zoning ordinance, and, wherever possible, shall be located so it is not visible from public streets, excluding alleys.
- (2) Such covered container(s) shall not be located in side yards, as defined by the zoning ordinance, unless located so it is not visible at the public street at the center of the front lot line (a point on a line perpendicular from the center of the home and intersecting the front lot line). No bags or stickered items may be placed in the side yard.

Further, side yard cart locations shall only be permissible if they meet one of the following view obstructing methods as approved by the code official.

1. Opaque fencing materials equivalent to slatted chain link.
2. Non-deciduous Evergreen shrubbery or hedgerow landscaping.
3. Other reasonable shielding as approved by the code official.

(b) Single family Rental Housing, Lodging and Boarding House Requirements:

- (1) Trash and Recycling receptacle requirements: Aurora recommends that the trash and refuse account be placed in the landlord's name as fines for lack of compliance will accrue to the landlord. If a dumpster is required it will require screening per the zoning ordinance.
  1. Single Family rental houses: A minimum of a 65 gallon trash and recycling bins for 6 single family occupants and an additional 31 gallons of trash and recycling bin for each additional 4 occupants.
  2. Lodging and Boarding houses: A minimum of a 65 gallon trash and recycling bins for 4 unrelated adult occupants and an additional 31 gallons of trash and recycling bin for each additional occupant.

(c) **Small** Multifamily:

Multifamily facilities with **eight (8)** or fewer units may use the following trash bin formula, when permitted by the city trash hauler: One trash and recycling container per unit, and a minimum of 31 gallons of trash and recycling bin for each occupant.

- (1) **Upon violations for trash receptacle usage and in the opinion of the Code Official a permanent dumpster location would help to alleviate future trash citations, the Code Official shall have the authority to mandate the placement of a Dumpster.**
- (2) **When chosen by the landlord, mandated by the refuse hauler, or mandated by the Code Official; dumpsters shall meet the Large Multifamily, Commercial and Industrial dumpster criteria below.**

(d) **Large** Multifamily, Commercial and Industrial Requirements:

- (1) Every multifamily residential premises of more than **eight (8)** dwelling units and every commercial or industrial premises shall have at least one (1) sufficiently-covered dumpster-style or other similar garbage container of appropriate capacity located on the property thereof for the use of occupants therein.
- (2) For any multifamily residential premises, no such container shall be located nearer than five (5) feet to any building or property line thereof unless physically impossible to otherwise locate such thereon.
- (3) For such multifamily residential premises and commercial or industrial premises, each such container which may be partially or totally viewed from the street shall be enclosed on at least three (3) sides by non-deciduous landscaping, an architecturally-compatible structure or wall, or an opaque fence, of height exceeding the container top by at least six (6) inches. Screening shall be accomplished so that the street side is screened. Where there exists a clear and certain physical impracticality therein, such as interference with safe traffic movement or obstruction of building ingress and egress, the enforcement official may automatically waive the screening requirement.
- (4) No garbage shall be stored in any such container exceeding the top edges thereof, nor shall garbage be allowed to accumulate around and outside thereof.
- (5) All such containers shall be privately emptied at least once per week or more often if necessary for compliance with paragraph (4) of this subsection; occupants of the premises being notified which days of the week collection will occur.
- (6) Notice of violation of this subsection shall be given by the appropriate city department, following which citations and other process may be served and other applicable procedures may be initiated as provided by law or ordinance.

**507.2 Sump Pump Discharge.** Sump pump discharge shall be released on the same property and not less than 15 feet from property lines, plus in a manner that does not create a public nuisance, nor flow onto public sidewalks.

**602.3.1 Heat Supply.** *Insert the dates* **September 23<sup>rd</sup> to May 5<sup>th</sup>.**

**602.3.2 Senior Housing Cooling Requirements.** **Between the dates of May 6<sup>th</sup> to September 22<sup>nd</sup> apartment and housing complexes marketed for seniors, or predominantly housing seniors, including nursing homes and assisted living facilities shall have cooling systems to keep the resident rooms below 82 degrees Fahrenheit, or shall have a heat emergency action plan in place with provisions for emergency cooling on premises with an occupant load to satisfy all residents.**

Action plan shall mandate operational cooling locations within 24 hours of room temperatures exceeding 82 degrees Fahrenheit for a 4 hour period. The cooling locations shall at least consist of all on premises common areas; dining rooms, activity rooms, day rooms or the equivalent.

**602.4.1 Occupiable work spaces.** *Insert the dates* **September 23<sup>rd</sup> to May 5<sup>th</sup>.**

**602.4.2 Primary Heat Source.** A fireplace or a wood burning appliance shall not be used as the primary heat source.

**603.1 Mechanical Equipment and Appliances.** Mechanical equipment, appliances, fireplaces, solid fuel-burning appliances, cooking appliances and water heating appliances shall be properly installed and maintained in a safe working condition, and shall be capable of performing the intended function.

**603.3 Clearances to combustibles.** All required clearances to combustible structural or finish materials shall be maintained. Clearances of 36 inches shall be maintained for all other combustibles, such as stored materials.

**603.7 Location of Furnaces.** A fuel burning appliance may be located in an enclosed closet within a dwelling unit when solely serving that dwelling unit. The closet shall have non-combustible floor and clearances to combustibles for walls, code compliant combustion air, and shall be installed per the International Mechanical Code.

**604.2 Service.** The size and usage of appliances and equipment shall serve as a basis for determining the need for additional facilities in accordance with NFPA 70. Dwelling units shall be served by a three-wire, 120/240 volt, single-phase electrical service having a minimum rating of 60 amperes with distribution panel and wiring properly installed and protected. All panels shall be dead front. A panel designated for a unit may not serve other units. For multi-family services, no more than two 60 amp main disconnects shall be allowed on a 100 amp service. No more than four 60 amp main disconnects plus one 30 amp house main disconnect shall be allowed on a 200 amp service.

**604.2.1 Disconnect and Overcurrent Protection.** Main disconnect and overcurrent protective devices shall be accessible to each tenant. Overcurrent devices, such as fuses or breakers shall not be used to protect branch circuit conductors. Branch circuits shall not contain more than ten outlets. Edison style socket type fuses shall be protected with Type S adaptors.

**604.2.2 Service Grounding.** Electrical services shall be bonded to the cold water pipe at the water meter and a bonding jumper shall be installed around the water meter. All bonding clamps shall be free of corrosion and shall be operable.

**604.4 Exposed non-current carrying metal parts.** All exposed non-current carrying metal parts that are within 8 feet vertically or 5 feet horizontally of ground or grounded metal objects subject to contact by persons, shall be grounded.

**701.2.1 Additional Responsibility.** The owner of the premises shall additionally provide and maintain such fire safety facilities and equipment in compliance with the International Fire Code.

**SECTION 703 FIRE-RESISTANT RATINGS** (2015 IPMC sections 703 shall be deleted and replaced with the following 2018 IPMC sections).

**703.1 Fire-resistance-rated assemblies.** The provisions of this chapter shall govern maintenance of the materials, systems and assemblies used for structural fire resistance and fire-resistance-rated construction separation of adjacent spaces to safeguard against the spread of fire to or from buildings.

**703.2 Unsafe Conditions.** Where any components are not maintained and do not function as intended or do not have the fire resistance required by the code under which the building was constructed or altered, such component or portions thereof shall be deemed unsafe conditions in accordance with Section 111.1.1 of the *International Fire Code*. Components or portions thereof determined to be unsafe shall be repaired or replaced to conform to that code under which the building was constructed or altered. Where the condition of the components is such that any building, structure or portion thereof, the code official shall act in accordance with Section 111.2 of *The International Fire Code*.

**703.3 Maintenance.** The required fire-resistance rating of fire-resistance-rated construction, including walls, firestops, shaft enclosures, partitions, smoke barriers, floors, fire-resistive coatings and sprayed fire-resistant materials applied to structural members and joint systems, shall be maintained. Such elements shall be visually inspected annually by the

owner and repaired, restored or replaced where damaged, altered, breached, or penetrated. Records of inspections and repairs should be maintained. Where concealed, such elements shall not be required to be visually inspected by the owner unless the concealed space is accessible by the removal or movement of a panel, access door, ceiling tile or entry to the space. Openings made therein for the passage of pipes, electrical conduit, wires, ducts, air transfer and any other reason shall be protected with approved methods capable of resisting the passage of smoke and fire. Openings through fire-resistance-rated assemblies shall be protected by self- or automatic-closing doors of approved construction meeting the fire protection requirements for the assembly.

**703.3.1 Fire blocking and draft stopping.** Required fire blocking and draft stopping in combustible concealed spaces shall be maintained to provide continuity and integrity of the construction.

**703.3.2 Smoke barriers and smoke partitions.** Required smoke barriers and smoke partitions shall be maintained to prevent the passage of smoke. Openings protected with approved smoke barrier door or smoke dampers shall be maintained in accordance with NFPA 80.

**703.3.3 Fire walls, fire barriers, and fire partitions.** Required fire walls, fire barriers and fire partitions shall be maintained to prevent the passage of fire. Openings protected with approved doors or fire dampers shall be maintained in accordance with NFPA 80.

**703.4 Opening protectives.** Opening protectives shall be maintained in an operative condition in accordance with NFPA 80.

The application of field-applied labels associated with the maintenance of opening protectives shall follow the requirements of the approved third-party certification organization accredited for listing the opening protective. Fire doors and smoke barrier doors shall not be blocked or obstructed, or otherwise made inoperable. Fusible links shall be replaced whenever fused or damaged. Fire door assemblies shall not be modified.

**703.4.1 Signs.** Where required by the code official, a sign shall be permanently displayed on or near each fire door in letters not less than 1 inch (25mm) high to read as follows:

1. For doors designed to be kept normally open; FIRE DOOR – KEEP OPEN.
2. For doors designed to be kept normally closed: FIRE DOOR – KEEP CLOSED.

**703.4.2 Hold-open devices and closers.** Hold-open devices and automatic door closers shall be maintained. During the period that such a device is out of service for repairs, the door it operates shall remain in the closed position.

**703.4.2.1 Closer Tampering.** Doors held open with devices to prevent closers from functioning properly in the event of a fire shall not be permitted. When discovered they shall be removed. Subsequent violations shall be assessed a fine per the fire code.

**703.4.3 Door operation.** Swinging fire doors shall close from the full-open position and latch automatically. The door closer shall exert enough force to close and latch the door from any partially open position.

**703.4.3.1 Interior Doors at Common Area Corridors.** In un-sprinklered multifamily buildings with interior doors at the building's common area corridor walls, these doors shall be 1 hour rated labeled doors with door closers, unless permitted by the building official per an existing building code analysis.

**703.5 Ceilings.** The hanging and displaying of salable goods and other decorative materials from acoustical ceiling systems that are part of a fire-resistance-rated horizontal assembly shall be prohibited.

**703.6 Testing.** Horizontal and vertical sliding and rolling fire doors shall be inspected and tested annually to confirm operation and full closure. Records of inspections and testing shall be maintained and available for inspection.

**703.7 Vertical shafts.** Interior vertical shafts, including stairways, elevator hoist ways and service and utility shafts, which connect two or more stories of a building shall be enclosed or protected as required in Chapter 11 of the International Fire Code. New floor openings in existing buildings shall comply with the International Building Code.

**703.8 Opening protective closers.** Where openings are required to be protected, opening protectives shall be maintained self-closing or automatic-closing by smoke detection. Existing fusible-link-type automatic door-closing devices shall be replaced if the fusible link rating exceeds 135 degrees F (57 degrees C).

**SECTION 705 - FIRE PROTECTION SYSTEM additions from 2018 IPMC** (2015 IPMC sections 705 shall be added as follows).

**705.1 Inspection, testing and maintenance.** Fire detection, alarm and extinguishing systems, mechanical smoke exhaust systems, and smoke and heat vents shall be maintained in accordance with the International Fire Code in an operative condition at all times, and shall be replaced or repaired where defective.

**705.1.1 Installation.** Fire protection systems shall be maintained in accordance with the original installation standards for that system. Required systems shall be extended, altered or augmented as necessary to maintain and continue protection where the building is altered or enlarged. Alterations to fire protection systems shall be done in accordance with applicable standards.

**705.1.2 Required fire protection systems.** Fire protection systems required by this code, the *International Fire Code* or the *International Building Code* shall be installed, repaired, operated, tested and maintained in accordance with this code. A fire protection system for which is a design option, exception or reduction to the provisions of this code, the *International Fire Code* or the *International Building Code* has been granted shall be considered to be a required system.

**705.1.3 Fire protection systems.** Fire protection systems shall be inspected, maintained and tested in accordance with the following *International Fire Code* requirements.

1. Automatic sprinkler systems, see Section 903.5.
2. Automatic fire-extinguishing systems protecting commercial cooking systems, see Section 904.12.5.
3. Automatic water mist extinguishing systems, see Section 904.11.
4. Carbon dioxide extinguishing systems, see Section 904.8.
5. Carbon monoxide alarms and carbon monoxide detection systems, see Section 915.6
6. Clean-agent extinguishing systems, see Section 904.10.
7. Dry-chemical extinguishing systems, see Section 904.6.
8. Fire alarm and fire detection systems, see Section 907.8
9. Fire department connections, see Sections 912.4 and 912.7.
10. Fire pumps, see Section 913.5.
11. Foam extinguishing systems, see Section 904.7.
12. Halon extinguishing systems, see Section 904.9.

**705.2 Standards.** Fire protection systems shall be inspected, tested and maintained in accordance with the referenced standards listed in Table 704.2 as required in this section.

**Table 704.2  
Fire Protection System Maintenance Standards**

System	Standard
Portable fire extinguishers	NFPA 10
Carbon dioxide fire-extinguishing system	NFPA 12
Halon 1301 fire-extinguishing systems	NFPA 12A
Dry-chemical extinguishing systems	NFPA 17
Wet-chemical extinguishing systems	NFPA 17A
Water-based fire protection systems	NFPA 25
Fire alarm systems	NFPA 72
Smoke and heat vents	NFPA 204
Water-mist systems	NFPA 750
Clean-agent extinguishing systems	NFPA 2001

**705.2.1 Records.** Records shall be maintained of all system inspections, tests and maintenance required by the referenced standards.

**705.2.2 Records Information.** Initial records shall include the: name of the installation contractor; type of components installed; manufacturer of the components; location and number of components installed per floor; and manufacturers’ operation and maintenance instruction manuals. Such records shall be maintained for the life of the installation.

**705.3 Systems out of service.** Where a required fire protection system is out of service, the fire department and the fire code official shall be notified immediately and, where required by the fire code official, either the building shall be evacuated or an approved fire watch shall be provided for all occupants left protected by the shutdown until the fire protection system had been returned to service. Where utilized, fire watches shall be provided with not less than one approved means for notification of the fire department and shall not have duties beyond performing constant patrols of the protected premises and keeping watch for fires. Actions shall be taken in accordance with Section 901 of the *International Fire Code* to bring the systems back in service.

**705.3.1 Emergency impairments.** Where unplanned impairments of fire protection systems occur, appropriate emergency action shall be taken to minimize potential injury and damage. The impairment coordinator shall implement the steps outlined in Section 901.7.4 of the *International Fire Code*.

**705.4 Removal of or tampering with equipment.** It shall be unlawful for any person to remove, tamper with or otherwise disturb any fire hydrant, fire detection and alarm system, fire suppression system or other fire appliance required by this code except for the purposes of extinguishing fire, training, recharging or making necessary repairs.

**705.4.1 Removal of or tampering with appurtenances.** Locks, gates, doors, barricades, chains, enclosures, signs, tags, and seals that have been installed by or at the direction of the fire code official shall not be removed, unlocked, destroyed or tampered with in any manner.

**705.4.2 Removal of existing occupant-use hose lines.** The fire code official is authorized to permit the removal of existing occupant-use hose lines where all of the following apply:

1. The installation is not required by the *International Fire Code* of the *International Building Code*.
2. The hose line would not be utilized by trained personnel or the fire department.
3. The remaining outlets are compatible with local fire department fittings.

**705.4.3 Termination of monitoring service.** For fire alarm systems required to be monitored by the *International fire Code*, notice shall be made to the fire code official whenever alarm monitoring services are terminated. Notice shall be made in writing by the provider of the monitoring service being terminated.

**705.5 Fire department connection.** Where the fire department connection is not visible to approaching fire apparatus, the department connection shall be indicated by an *approved* sign mounted on the street front or on the side of the building. Such sign shall have the letters "FDC" not less than 6 inches (152 mm) high and words in letters not less than 2 inches (51 mm) high or an arrow to indicate the location. Such signs shall be subject to the approval of the fire code official.

**705.5.1 Fire department connection access.** Ready access to fire department connections shall be maintained at all times and without obstruction by fences, bushes, trees, walls or any other fixed or movable object. Access to fire department connections shall be approved by the fire chief.

**Exception:** Fences, where provided with an access gate equipped with a sign complying with the legend requirements of Section 912.5 of the *International Fire Code* and a means of emergency operation. The gate and the means of emergency operation shall be approved by the fire chief and maintained operational at all times.

**705.5.2 Clear space around connections.** A working space of not less than 36 inches (914 mm) in width, 36 inches (914 mm) in depth and 78 inches (1981 mm) in height shall be provided and maintained in front of and to the sides of wall-mounted fire department connections and around the circumference of free-standing fire department connections.

**SECTION 706 - CARBON MONOXIDE ALARMS AND DETECTION from 2018 IPMC** (Section 705 shall be added as follows).

**706.1 General.** Carbon monoxide alarms shall be installed in dwellings in accordance with Section 1103.9 of the International Fire Code, except that alarms in dwellings covered by the International Residential Code shall be installed in accordance with Section R315 of that code.

**706.2 Installation and maintenance per State of Illinois law.** Every dwelling or rooming unit shall comply with both this code AND the State of Illinois requirements and minimally be equipped with at least one approved carbon monoxide alarm in an operating condition within fifteen (15) feet of every room used for sleeping purposes. The carbon monoxide alarm may be combined with smoke detecting devices provided that the combined unit complies with the respective provisions of state rules and regulations relating to both smoke detecting devices and carbon monoxide alarms and provided that the combined unit emits an alarm in a manner that clearly differentiates the hazard.

1. Every structure that contains more than one (1) dwelling unit shall contain at least one (1) approved carbon monoxide alarm in operating condition within fifteen (15) feet of every room used for sleeping purposes.
2. The carbon monoxide alarms required herein may be either battery powered, plug-in with battery back-up, or wired into the structure's AC power line with secondary battery back-up.

(Code 1969, §§ 23-32, 26-4; Ord. No. O90-20, §§ 2, 3, 2-20-90; Ord. No. O93-67, § 1, 9-7-93; Ord. No. O95-02, § 1, 1-3-95; Ord. No. O95-05, § 1, 2-7-95; Ord. No. O96-53, §§ 1, 2, 5-14-96; Ord. No. O96-60, §§ 1, 2, 5-28-96; Ord. No. O00-188, § 2, 12-26-00; Ord. No. O00-189, § 2, 12-26-00; Ord. No. O00-190, §§ 1, 2, 12-26-00; Ord. No. O01-16, §§ 1, 2, 2-27-01; Ord. No. O01-43, § 1, 5-8-01; Ord. No. O02-95, § 1, 9-10-02; Ord. No. O03-17, § 1, 2-11-03; Ord. No. O06-09, § 1, 9-12-06; Ord. No. O07-110, Exh. A, 10-23-07; Ord. No. O08-96, § 1, 10-14-08)

**Cross reference—** Fine schedule for violations, § 1-11.

**Secs. 12-103—12-125. - Reserved.**







## CHAPTER 21 HEALTH AND SANITATION\*

\*Cross reference— Ambulances, Ch. 7; garbage and trash, Ch. 20; water, sewers and sewage disposal, Ch. 48.

\*State Law reference— Powers of home rule units, Ill. Const. art. VII, § 6; public health and safety generally, Ill. Rev. Stat. Ch. 111½.

# ARTICLE II. OFFENSIVE AND UNHEALTHY CONDITIONS AND PRACTICES

## Chapter 21 - HEALTH AND SANITATION

### ARTICLE I. - IN GENERAL

#### Sec. 21-1. - Recognition of county board jurisdiction.

The city recognizes the respective jurisdictions of the applicable county boards of health as those jurisdictions may apply to the review, control and enforcement of health and sanitation matters within the territorial boundaries of the city. It is the city's intent to cooperate with and, where requested, to assist such boards to the end of assuring quality health and sanitation conditions within the guidelines and purview of such boards and as is necessary and desirable to meet the public welfare.

(Ord. No. 087-5640, § 1, 3-17-87)

#### Secs. 21-2—21-15. - Reserved.

### ARTICLE II. - OFFENSIVE AND UNHEALTHY CONDITIONS AND PRACTICES

#### Sec. 21-16. - Nuisance; definitions; prohibition.

##### (a) Definitions.

- (1) For purposes of this article, the term "nuisance" is defined to mean any condition or use of any premises which is detrimental to the property of others, a threat to health or safety, or which causes or tends to cause substantial diminution in the value of other property. Nuisance shall also include all conditions set forth in [section 21-18](#), any other condition declared to be a nuisance in the City Code, and any condition declared to be a nuisance in 720 ILCS 5/47-5.
  - (2) For purposes of this article, the term "weeds" is defined to include any noxious weed, and all grasses, annual plants and vegetation in excess of eight (8) inches (203 mm.), but specifically excluding trees, shrubs and cultivated flowers and gardens.
  - (3) Owner shall mean any and all owners of record, including the person or entity to whom the last tax bill was sent, any and all beneficial owners and any and all purchasers pursuant to articles of agreement or similar contract.
  - (4) Responsible party shall include owners, tenants, occupiers, property managers and lessees.
- (b) It shall be unlawful to maintain a nuisance, within the city; or outside the city if the nuisance has a detrimental effect within the city.

(Ord. No. 006-127, § 1, 12-12-2006)

#### Sec. 21-17. - Parties responsible for abatement of nuisances and for maintaining a nuisance.

Each and every obligation or liability imposed by this article II shall be the joint and several liability or obligation of every owner and responsible party.

(Ord. No. 006-127, § 1, 12-12-2006)

#### Sec. 21-18. - Enumeration of nuisances.

In addition to those actions which are elsewhere in this Code declared to be and constitute a nuisance, it is a nuisance for any person within the territorial jurisdiction of the city and within one-half (½) mile of the corporate limits:

- (1) To obstruct or impede the passage of any gutter, drainage, conduit, sewer or the natural drainage on any public or private property.
- (2) To construct or encroach upon public highways, streets, or other public property.
- (3) To own, keep or use any yard, pen, place or premises, in or upon which animals shall be confined or kept, so as to be offensive to those residing in the vicinity or cause annoyance to others.
- (4) To cause or allow any motor vehicle not in operating condition or current use, or any motor vehicle parts or components, or any pile or deposit of garbage, refuse, glass bottles or jars, broken glass or other trash or

- rubbish of any kind to collect, accumulate or remain upon any public or private grounds, street, yards, automotive body shops, repair shops, or sales lots, woods, fields, parks, parkways or elsewhere.
- (5) To allow, to collect, to stand or remain on any premises, water which is or which may become stagnant, foul or offensive, or detrimental to the health and comfort of persons residing in the neighborhood.
  - (6) To use any premises to create an offensive smell which taints the air and renders it unwholesome or unreasonably disagreeable to other persons.
  - (7) To render unwholesome or impure the water of any spring, stream, pond or well.
  - (8) To produce or permit to be produced, in or upon any premises in the city, any offensive noise which disturbs the peace or quiet of the neighborhood or of any person residing in the vicinity of such premises.
  - (9) To allow to remain after the completion of each day of construction work, any dirt, mud, gravel or rock to collect, accumulate or remain upon any public streets.
  - (10) To permit any animal (including birds) to be or remain on the property of a person not the owner, when the owner of the other property has given notice that the animal is not permitted on the property.
  - (11) To keep or maintain any structure that is in violation of any life safety regulation or any structure that is in violation of more than one (1) of any other structure, safety, property maintenance or land use regulation of the city.
  - (12) To keep or maintain any structure which is structurally unsound or the exterior of which is not in good repair as required by the City Code.
  - (13) To board up or cover with tarps any portion of a structure unless done temporarily because of fire or weather-related emergency or while completing work pursuant to a valid city permit.
  - (14) To permit weeds on vacant lots or other property, along public sidewalks or the outer edge of any public street, or weeds in any other location that constitute a fire hazard.
  - (15) To cause or allow to accumulate soil, soil stock piles on inactive subdivisions, litter, debris, plant trimmings, or trash on vacant lots or other property.
  - (16) To cause or allow to accumulate used or damaged lumber, junk, salvage materials; abandoned, discarded or unused furniture; stoves; sinks, toilets, cabinets, or other fixtures, or equipment to be stored so as to be visible from a public street, alley, or adjoining property. The placement of stacked firewood for personal non-commercial use on the premises is permissible.
  - (17) To cause or allow any attractive nuisance dangerous to children and other persons including, but not limited to, abandoned, broken, or neglected household appliances, equipment and machinery, abandoned foundations, structures or excavations, or improperly maintained or secured pools.
  - (18) To cause or allow dead, decayed, diseased, or hazardous trees, weeds, hedges, and overgrown or uncultivated vegetation which are in or create a hazardous condition, are an obstruction to pedestrian or vehicular traffic, conducive to crime, or are likely to harbor rats, vermin, or other pests.
  - (19) To burn garbage, other than in incinerators approved by the environmental protection agency of the state.
  - (20) To bury garbage.
  - (21) To cause or allow garbage and/or debris to accumulate for more than seven (7) days or to attract flies, vermin or rats.
  - (22) To cause or allow persons to urinate or defecate other than in a restroom or temporary restroom facility on any private property.
  - (23) To cause or allow any vegetation to accumulate onto sidewalks, driveways, parking lots or any pavement surfaces not intended for vegetation.
  - (24) To cause or allow any vegetation, other than turf grasses, to accumulate on unimproved lots in or adjacent to a residential or commercially zoning lot.
  - (25) To cause or allow mounds of soil, rocks, or other spoils from excavation or construction on a vacant lot, residential or commercial property without an active building permit.
  - (26) To cause or allow the growth of vegetation in excess of (4) four feet in height within the front setback, side yard setback, and rear yard setback of a residentially or commercially zoned vacant property.
  - (27) To cause or allow the growth of vegetation which creates an intersection traffic safety sight issue (15) feet off of the corner of the intersection.

(Ord. No. O06-127, § 1, 12-12-06; Ord. No. O08-100, § 1, 10-28-08)



**CHAPTER 12 BUILDINGS AND BUILDING REGULATIONS\* ARTICLE II – BUILDING CODE**

\*Cross reference(s)--Airport zoning, § 5-36 et seq.; erosion and sedimentation control, Ch. 15; fire prevention codes and standards, § 17-101 et seq.; floodplain management, Ch. 18; open housing, § 22-41 et seq.; planning and development, Ch. 34; preservation, Ch. 37; awnings, § 42-176 et seq.; subdivisions, Ch. 43; zoning, App. A. --State law reference(s)--Powers of home rule units, Ill. Const. art. VII, § 6.

**ARTICLE II. - BUILDING CODES**  
**DIVISION 1. - GENERALLY**

**CHAPTER 2**

**The following Definitions shall be added/modified in SECTION 202 DEFINITIONS:**

Boarding House: A building arranged or used for lodging for compensation or not, with or without meals, and not occupied by a single family unit.

Guest Rooms : A room used or intended to be used by one or more occupants not defined as family for living (see IPMC adoption for definition of family).

Lodging House : A one-family dwelling where one or more occupants are primarily permanent in nature with guest rooms, which does not qualify as a custodial care facility.

**CHAPTER 3**

**The following Definitions shall be added/modified in Chapter 3:**

310.5.1 Care Facilities within a dwelling: Care facilities for five or fewer persons receiving care that are within a single family dwelling are permitted to comply with the International Residential Code provided either; an automatic sprinkler system is installed in accordance with Section 903.1.3 or Section P2904 of the International Residential Code, or the 24hr. Staff Supervised facility has a monitored smoke detection and alarm system in accordance with R-4 standards.

**ARTICLE II.**  
**DIVISION 8. – EXISTING BUILDING CODE**

**CHAPTER 10 - Change of Occupancy**

**The following shall be added/modified in Chapter 10:**

1001.2.2.2 Lodging Houses: Conversion of one and two family structures to lodging houses shall be considered a change of use. This change of use shall require:

- A. Electrical system upgrade to fully compliant system with current electrical code for new construction shall be required.
- B. A fully monitored through a central station, code compliant smoke and carbon monoxide detection and alarm system shall be required.