

AN ORDINANCE  
ADOPTING THE "INTERNATIONAL PROPERTY MAINTENANCE CODE,  
2012 EDITION" AS THE PROPERTY MAINTENANCE CODE FOR THE CITY OF ELGIN

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ELGIN, ILLINOIS:

Section 1. That Chapter 16.12 entitled "Property Maintenance Code," of the Elgin Municipal Code, 1976, as amended, be and is hereby repealed.

Section 2. That Chapter 16.12 entitled "Property Maintenance Code," be and is hereby added to the Elgin Municipal Code, 1976, as amended, to read as follows:

"Chapter 16.12  
PROPERTY MAINTENANCE CODE

Section:

- 16.12.010 Adopted.
- 16.12.020 Additions, Insertions and Changes.
- 16.12.030 Conflicts with Other Provisions.

16.12.010 ADOPTED-EXCEPTIONS.

That a certain document, one (1) copy of which is on file in the office of the City Clerk of the City of Elgin, being marked and designated as the *International Property Maintenance Code 2012*, as published by the International Code Council, be and is hereby adopted as and shall be known as the Property Maintenance Code of the City of Elgin for establishing minimum regulations governing the construction, alteration, addition, repair, removal, demolition, location, occupancy, and maintenance of all buildings and structures; and each and all of the regulations, provisions, penalties, conditions and terms of said *International Property Maintenance Code 2012* are hereby referred to, adopted, and made a part hereof, as if fully set out in this ordinance, with the additions, insertions, deletions and changes prescribed in this chapter.

16.12.020 ADDITIONS, INSERTIONS AND CHANGES.

The *International Property Maintenance Code 2012* is amended and revised in the following respects:

Section 101.1, entitled "Title," shall be amended to read as follows:

These regulations shall be known as the Property Maintenance Code of the City of Elgin, hereinafter referred to within this chapter as "this code."

Section 101.3, entitled "Intent," shall be amended to read as follows:

This code shall be construed to secure its expressed intent, which is to ensure public health, safety and welfare in so far as they are affected by the continued occupancy and maintenance of structures and premises. Existing structures and premises that do not comply with these provisions shall be altered or repaired to provide a minimum level of health and safety as required herein. Repairs, alterations, additions to and change of occupancy in existing buildings shall comply with the Elgin Municipal Code, 1976, as amended.

Section 102.3, entitled "Application of other codes," shall be amended to read as follows:

Repairs, additions or alterations to a structure, or changes of occupancy, shall be done in accordance with the procedures and provisions of the Elgin Municipal Code, 1976, as amended. Nothing in this code shall be construed to cancel, modify or set aside any provision of Title 19 of the Elgin Municipal Code, 1976, as amended.

Section 102.6, entitled "Historic buildings," shall be deleted in its entirety.

Section 103.1, entitled "General," shall be amended to read as follows:

The property maintenance division of the department of code administration and development services is hereby created and the executive official in charge of the department of code administration and development services shall be known as the code official.

Section 103.2, entitled "Appointment," shall be amended to read follows:

The code official shall be appointed by the city manager.

Section 103.5, entitled "Fees," shall be amended to read as follows:

The fees for activities and services performed by the department in carrying out its responsibilities under this code shall be as indicated in the provisions of the Elgin Municipal Code, 1976, as amended.

Section 106.3, entitled "Prosecution of violation," shall be amended to read as follows:

Any person who shall violate any provision of this code, or any person failing to comply with a notice of violation or order served in accordance with Section 107, shall be deemed guilty of a misdemeanor or civil infraction as determined by the city, and the violation shall be deemed a strict liability offense. In the event of a violation of any provision of this code, or if a notice of violation is not complied with, the code official shall institute the appropriate proceeding at law or in equity to restrain, correct or abate such violation, or to require the removal or termination of the unlawful occupancy of the structure in violation of the provisions of this code or of the order or direction made

pursuant thereto. Any action taken by the city on such premises shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate.

Section 106.4, entitled "Violation penalties," shall be amended to read as follows:

Penalties shall be in accordance with the provisions set forth in Chapter 1.20 of the Elgin Municipal Code, 1976, as amended.

Section 107.2, entitled "Form," shall be amended to read as follows:

Such notice referenced in Section 107.1 shall be in accordance with all of the following:

1. Be in writing.
2. Include a description of the real estate sufficient for identification.
3. Include a statement of the violation or violations and why the notice is being issued.
4. Include a statement of any violations or charges assessed to date.
5. Include a correction order allowing a reasonable time to make the repairs and improvements required to bring the dwelling unit or structure into compliance with the provisions of this code.
6. Inform the property owner of the right to appeal.
7. Include a statement of the right to file a lien in accordance with Section 106.3.

The failure to provide a notice referenced in Section 107.1, or the provision of a notice not in accordance with Section 107.2, shall not be a defense in any proceeding to enforce the regulations of this code or to prosecute a violation of the provisions of this code.

Section 107.3, entitled "Method of service," shall be amended to read as follows:

Such notice shall be deemed to be properly served if a copy thereof is either:

1. Delivered personally;
2. Sent by certified or first-class mail addressed to the last known address. If the notice is returned showing that the letter was not delivered, a copy thereof shall be posted in a conspicuous place in or about the structure affected by the notice; or
3. Posted in a conspicuous place in or about the structure affected by the notice.
4. Posted on the property in a conspicuous place.

Section 108.2, entitled "Closing of vacant structures," shall be amended to read as follows:

If the structure is vacant and unfit for human habitation and occupancy, and is not in danger of structural collapse, the code official is authorized to post a placard of condemnation on the premises and order the structure closed up so as not to be an attractive nuisance. Any enclosure order shall require the structure's window and door openings to be enclosed with wood painted in the same color as the window or door frame surrounding the opening and shall also require such wood to be positioned and secured flush with the interior border of the window or door frame surrounding the opening. Upon failure of the owner to close up the premises within the time specified in the order, the code official shall cause the premises to be closed and secured through any available public agency or by contract or arrangement by private persons and the cost thereof shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate and may be collected by any other legal resource.

Section 111.2, entitled "Membership of the board," shall be amended to read as follows:

The board of appeals shall consist of five members who are qualified by experience and training to pass on matters pertaining to the property maintenance code and two members at large who may or may not have such experience and training. The board shall be appointed by the mayor and city council.

Section 111.2.1, entitled "Alternate members," shall be deleted in its entirety.

Section 111.2.4, entitled "Secretary," shall be amended to read as follows:

The code official shall designate a qualified person to serve as secretary to the board. The secretary shall maintain a detailed record of all board proceedings within the department.

Section 111.2.5, entitled "Compensation of members," shall be deleted in its entirety.

Section 111.3, entitled "Notice of meeting," shall be amended to read as follows:

The board shall meet upon notice from the chairman or at stated periodic meetings.

Section 111.4, entitled "Open hearing," shall be amended to read as follows:

All hearings before the board shall be open to the public. The appellant, the appellant's representative, the code official or his designee and any person whose interests are affected shall be given an opportunity to be heard. A quorum shall consist of not less than four board members.

Section 111.5, entitled "Postponed hearing," shall be deleted in its entirety.

Section 111.6, entitled "Board decision," shall be amended to read as follows:

The board shall modify or reverse the decision of the code official only by a concurring vote of a majority of the board members present at the time of such vote.

Section 111.7, entitled "Court review," shall be amended to read as follows:

The appellant shall have the right to apply to the appropriate court for a writ of certiorari to correct errors of law. Application for review shall be made in the manner and time required by law following the issuance of the board's written decision.

Section 112.4, entitled "Failure to comply," shall be amended to read as follows:

Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be subject to a fine and penalties in accordance with the provisions set forth in Chapter 1.20 of the Elgin Municipal Code, 1976, as amended.

Section 201.3 entitled "Terms defined in other codes," shall be amended to read as follows:

Where terms are not defined in this code and are otherwise defined in the Elgin Municipal Code, 1976, as amended, such terms shall have the meanings ascribed to them as in such other provisions of the Elgin Municipal Code.

Section 202, entitled "General Definitions," shall be amended so that the definition of the term "Dwelling Unit", as set forth within said section, reads as follows:

Dwelling unit. When used in this chapter, the term "dwelling unit" shall be ascribed the same meaning for that term as defined in Title 19 of the Elgin Municipal Code, 1976, as amended.

Section 202, entitled "General Definitions," shall be amended so that the definition of the term "Exterior Property", as set forth within said section, reads as follows:

Exterior Property. The open space on the premises and on adjoining property under the control of owners or operators of such premises including, without limitation, the tree bank or parkway adjacent to any private premises.

Section 301.2, entitled "Responsibility," shall be amended to read as follows:

The owner of the premises shall maintain the structures and exterior property in compliance with these requirements. No person shall occupy or permit any other person to occupy premises which are not in a sanitary and safe condition and which do not comply with the requirements of this chapter. Occupants of a dwelling unit, rooming unit or housekeeping unit are responsible for keeping in a clean, sanitary and safe condition that part of the dwelling unit, rooming unit, housekeeping unit or premises which they occupy and control. The owner of the premises shall be responsible for all conditions of

the premises and compliance with any requirements of this code, regardless of whether an occupant may also be determined to be responsible for the same under any applicable provision of this code.

Section 302.3, entitled "Sidewalks and driveways," shall be amended to read as follows:

All sidewalks, walkways, stairs, driveways, parking spaces and similar areas shall be kept in a proper state of repair and maintained free from hazardous conditions. All driveways, parking lots and parking spaces paved with asphalt shall be regularly maintained with periodic sealcoating to protect the asphalt surface from the damaging effects of water, gasoline, oil, salt and chemicals whenever cracks in the asphalt surface are present. No driveway, parking lot or parking space may be created or expanded by using gravel or any similar loose stone surface. All parking lot striping shall be maintained. All striping applied to driveways, parking lots and parking spaces shall be maintained so that the paint or other material used for the striping is clearly visible and the purpose for which the striping has been applied is readily recognizable.

Section 302.3.1, entitled "Parking of motor vehicles on paved surfaces only," shall be created to read as follows:

The parking of motor vehicles shall be on concrete or asphaltic paved surfaces only, unless otherwise specifically provided for in the Elgin Municipal Code, 1976, as amended.

Section 302.4, entitled "Weeds," shall be amended to read as follows:

All premises and exterior property shall be maintained free from weeds in excess of 8 inches. Weeds shall be defined as all grasses, annual plants and vegetation, other than trees or shrubs provided: however, this term shall not include cultivated flowers and gardens. All noxious weeds shall be prohibited. Noxious weeds shall include the following: ragweed, giant and common; Canada thistle, all varieties; perennial sow thistle; European bind weed; hoary cress; leafy spurge; and Russian knapweed.

Section 302.4.1, entitled "Landscape Maintenance," shall be created to read as follows:

Landscaped areas and required landscape yards shall be maintained free of litter and weeds. All dead and unsightly plant material in required landscape yards shall be replaced.

Section 302.8.1, entitled "Motor vehicle sales," shall be created to read as follows:

The selling of previously owned vehicles from any premises zoned for residential use is permitted, subject to the following restrictions:

1. Not more than two (2) vehicles may be offered for sale during any twelve (12) month period.

2. A vehicle being offered for sale must be titled to the current resident of the property upon which the vehicle is being offered for sale.

3. A vehicle may be offered for a period not exceeding twenty-one (21) days within any twelve (12) month period.

4. Any vehicle being offered for sale shall be operable and properly licensed.

The selling of previously owned vehicles from any property in the city not zoned for residential use is prohibited unless the property on which the previously owned vehicle is being sold has been issued a certificate of occupancy or a certificate of reoccupancy for a land use that permits the sale of previously owned vehicles at that location.

Section 302.10, entitled "Residential storage," shall be created to read as follows:

Household items incidental to and commonly and customarily associated with a dwelling unit shall be stored entirely within an enclosed building. No commercial equipment or materials shall be kept or stored out of doors in any residence district.

Section 302.11, entitled "Commercial storage," shall be created to read as follows:

Items incidental to and commonly and customarily associated with the principal use established on any premises zoned for business, commercial or industrial land uses shall be stored within an enclosed building. The prohibitions of this section shall not apply to any lawfully established "commercial operations yard," as that term is defined in the Elgin Municipal Code, 1976, as amended.

Section 302.12, entitled "Refuse collection area," shall be created to read as follows:

All premises with more than four (4) dwelling units located in either the RC2 Residence Conservation District or the RC3 Residence Conservation District, and all premises located in the MFR Multiple-Family Residence Zoning District, PMFR Planned Multiple-Family Residence District, CF Community Facility District, RB Residence Business District, NB Neighborhood Business District, AB Area Business District, CC1 Center City District, CC2 Center City District, ORI Office Research Industrial District, GI General Industrial District or CI Commercial Industrial District shall establish a refuse collection area on the premises. The refuse collection area shall be screened from view from adjoining property and public rights of way by a solid fence or wall at minimum structure height of six (6) linear feet and shall not be located within a required building setback from any type of lot line. For the purposes of this section "refuse collection area" shall be defined as any portion of the premises where refuse is stored in approved enclosures such as a "garbage can" or "garbage dumpster" until removed by a refuse disposal service.

Section 302.13, entitled "Mobile storage containers," shall be created to read as follows:

No mobile storage container shall remain on the exterior property area of any premises for more than fourteen (14) days within any twelve (12) month period while such property is owned by the same record owner. Mobile storage containers shall be placed on a paved surface and the placement of the mobile storage container shall not encroach upon the public right-of-way. For the purposes of this section, a "mobile storage container" shall be defined as any container designed for on-site, exterior storage that is capable of being transported to distant locations by a commercial motor vehicle and is generally sized to accommodate the contents of an approximately 1200 square-foot or greater dwelling unit.

Section 302.14, entitled "Holiday decorations," shall be created to read as follows:

Decorations, including signs, that are clearly incidental, customary, and commonly associated with a national, local, or religious holiday, may be displayed for a period of not more than sixty (60) days within a calendar year, and may be of any type, number, area, height, location, illumination or animation, provided that no such holiday decoration or sign shall be utilized for the purpose of advertising.

Section 302.15, entitled "Groundcover," shall be created to read as follows:

Groundcover. Exterior property not covered by approved paving material shall be covered by natural groundcover in sufficient quantities to reasonably cover all otherwise exposed soil or ground, except as otherwise provided herein. Alternatively, any exterior property not covered by approved paving material may be covered by decorative stone or mulch in sufficient quantities to reasonably cover all otherwise exposed soil or ground provided such decorative stone or mulch does not to exceed twenty-five percent of the total area of the zoning lot. All groundcover shall comply with the noxious weed and height provisions of Chapter 9.16 and Chapter 16.12 of the Elgin Municipal Code, 1976, as amended. The provisions of this section shall not apply to the following:

- A. Cultivated flowers and gardens;
- B. Active construction sites;
- C. Areas maintained and utilized for organized sporting or entertainment purposes, which purposes require the existence of particular surfaces other than as provided herein; provided, however, that no such purpose shall be deemed to constitute an exception to the provisions of Chapter 9.16 and Chapter 16.12 of the Elgin Municipal Code, 1976, as amended;
- D. Areas which are physically incapable of supporting natural groundcover.



Section 302.16, entitled "Tree maintenance," shall be created to read as follows:

A. Dead, decayed, diseased, defective or hazardous trees located on private property shall be pruned, treated or removed under the direction and supervision of the code official or his or her representative.

B. The owner of a lot or parcel of land upon which a dead, decayed, diseased, defective or hazardous tree is found and fails to comply with an order of the code official to remove, treat or prune such tree within thirty (30) days of the notice ordering such removal, treatment or pruning shall be deemed in violation of this section.

C. The code official shall be authorized to order the removal, treatment or pruning of any dead, decayed, diseased, defective or hazardous tree, located on private property in the city.

D. In the event any dead, decayed, defective or hazardous tree has not been pruned, treated or removed within thirty (30) days from the mailing of a notice ordering the pruning, treatment or removal of such tree, or in the event that the code official has determined that any dead, decayed, defective or hazardous tree constitutes a threat or imminent danger to life, health, safety or property, the code official or his or her representative shall be authorized to enter upon any premises within the city to remove, prune or treat such dead, decayed, diseased, defective or hazardous tree.

E. When the city has pruned, treated or removed a dead, decayed, diseased, defective or hazardous tree in accordance with this section, and such owner refuses or neglects to pay the cost of the city's pruning, treatment or removal of the dead, decayed, diseased, defective or hazardous tree within ten (10) days after the city's mailing of a statement of the costs for the pruning, treating or removing the dead, decayed, diseased, defective or hazardous tree, the code official, or his or her designee, on behalf of the city, shall file a notice of lien within sixty (60) days after such cost and expense is incurred in the office of the recorder of deeds of the county in which the property is located. Said lien shall be a lien against the real estate superior to all other liens and encumbrances except tax liens. However, said liens shall not be valid to any purchaser whose rights in and to such real estate have arisen subsequent to the removal, pruning or treatment of the dead, decayed, diseased, defective or hazardous tree and prior to the filing of notice of lien, and said lien shall not be valid as to any mortgagee, judgment, creditor or other lien payment whose rights in and to such real estate arise prior to the filing of such notice. The notice of lien shall consist of a sworn statement, setting out a description of the real estate sufficient for the identification thereof, the amount of money representing the cost and expense and administrative fee incurred and payable for the service, and the date or dates when such cost and expense was incurred.

F. After the notice of lien provided for in this section has been filed, upon payment to the city for the cost and expense of said lien and payment of the release of lien fee by the owner or any other persons interested in the property, the lien shall be released by the city

clerk on behalf of the city. The fee for issuing a release of lien filed pursuant to this section shall be \$25.00.

Section 302.17, entitled "Dead or decaying plants," shall be created to read as follows:

All exterior property areas shall be maintained free from dead or decaying plants. The prohibitions of this section shall not apply to any tree stump with a height of not more than twenty-four inches (24") above the ground.

Section 302.18, entitled "Outdoor Storage of Firewood", shall be created to read as follows:

The outdoor storage of firewood shall be permitted, provided that any firewood is required to be stored at least six (6) inches off the ground and stacked neatly. No firewood shall be allowed in the front or side yards, and must be at least six (6) feet from any lot line.

Section 304.2.1, entitled "Exterior Surface Maintenance," shall be created to read as follows:

All premises shall be maintained free from buildup of dirt, grease, incomplete painting, priming, or any other discoloration which creates an obvious uneven appearance.

Section 304.3, entitled "Premises Identification," shall be created to read as follows:

Buildings shall have approved address numbers placed in a position to be plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Address numbers shall be Arabic numerals and shall be a minimum of 5 inches high with a minimum stroke width of 0.5 inch.

Section 304.13.3, entitled "Exterior window covering," shall be created to read as follows:

No exterior surface on any window, skylight, porch or door shall be covered or insulated with any material consisting of plastic, paper, foil or fiberglass, with the exception of manufactured storm windows utilizing what is commonly referred to as "plexiglass."

Section 304.14, entitled "Insect screens," shall be amended to read as follows:

During the period from May 1 to October 31, 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 16 mesh per inch (16 mesh per 25 mm), and every swinging door shall have a self-closing device in good working condition.

Exception: Screen doors shall not be required where other approved means, such as air curtains or insect repellent fans, are employed.

Section 305.3, entitled "Interior surfaces," shall be amended to read as follows:

All interior surfaces, including windows and doors, shall be maintained in good, clean and sanitary condition. Peeling paint, cracked or loose plaster, decayed wood, and other defective surface conditions shall be corrected. Floors located in kitchens, bathrooms and toilet rooms shall be installed and maintained with materials rendering the floors impervious to water.

Section 305.7, entitled "Hazardous Materials," shall be created to read as follows:

Combustibles, flammable, explosive or other hazardous materials, such as paint, volatile oils and cleaning fluids, or combustible rubbish, such as wastepaper, boxes and rags, shall not be accumulated or stored unless specifically authorized in relation to an approved use or occupancy of the premises.

Section 305.8, entitled "Accumulation," shall be created to read as follows:

Rubbish, garbage or other materials shall not be stored or allowed to accumulate in stairways, passageways, or in or around doors, windows, fire escapes or other means of egress.

Section 310, entitled "Carbon Monoxide Alarm Detectors," shall be created to read as follows:

#### A. DEFINITIONS.

For the purposes of this section:

"Approved carbon monoxide alarm" or "alarm" means carbon monoxide alarm that complies with all 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 most recent standards of the Underwriters laboratories or the Canadian Standard Association. "Dwelling Unit" means a room or suite of rooms used for human habitation, and includes a single-family residence as well as each living unit of a multiple-family residence and each living unit in a mixed use building.

#### B. INSTALLATION.

1. Every dwelling unit shall 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 the respective provisions of the administrative code, reference standards, and departmental rules 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.

2. Every structure that contains more than one dwelling unit shall contain at least one approved carbon monoxide alarms in operating condition within fifteen (15) feet of every room used for sleeping purposes.

3. It is the responsibility of the owner of the structure to supply and install all required alarms. It is the responsibility of the tenant to test and to provide general maintenance for alarms within the tenant's dwelling unit or rooming unit, and to notify the owner or authorized agent of the owner in writing of any deficiencies that the tenant cannot correct. The owner is responsible for providing one tenant per dwelling unit with written information regarding alarm testing and maintenance. The tenant is responsible for replacement of any required batteries in the carbon monoxide alarms in the tenant's dwelling unit, except that the owner shall ensure that the batteries are in operating condition at the time tenant takes possession of the dwelling unit. The tenant shall provide the owner or authorized agent of the owner with access to the dwelling unit to correct any deficiencies in the carbon monoxide alarm that have been reported in writing to the owner or the authorized agent of the owner. The carbon monoxide alarms required under this code 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.

#### C. FAILURE TO INSTALL OR MAINTAIN.

Failure to install or maintain in operating condition any carbon monoxide detector or tampering with, removing, destroying, disconnecting or removing batteries from any installed carbon monoxide alarm, except in the course of inspection, maintenance, or replacement of the alarm, is in violations of this code.

#### D. EXEMPTIONS.

The following residential units shall not require carbon monoxide detectors:

1. A residential unit in a building that; (i) does not rely on combustion of fossil fuel for heat, ventilation, hot water; (ii) is not connected in any way to a garage; and (iii) is not sufficiently close to any ventilation source of carbon monoxide, as determined by local building official, to receive carbon monoxide from that source.

2. A residential unit that is not sufficiently close to any source of carbon monoxide so as to be at risk of receiving carbon monoxide from that source, as determined by the local building official.

Section 401.2, shall be amended to be entitled "Light, Ventilation and Occupancy Limitations; Responsibility," and shall be amended to read as follows:

The owner of the structure shall provide and maintain light, ventilation and space conditions in compliance with these requirements. A person shall not occupy any premises or permit another person to occupy any premises that do not comply with the requirements of this chapter.

Section 401.3 entitled "Alternative devices" shall be amended to read as follows:

In lieu of the means for natural light and ventilation herein prescribed, artificial light or mechanical ventilation complying with the Elgin Municipal Code, 1976, as amended, shall be permitted.

Section 403.5, entitled "Clothes dryer exhaust," shall be amended to read as follows:

Clothes dryer exhaust systems shall be independent of all other systems and shall be exhausted in accordance with the manufacturer's instructions unless the manufacturer's instructions expressly authorize interior venting. The owner or occupant of the dwelling unit shall have the burden of demonstrating the clothes dryer venting system conforms with the manufacturer's instructions.

Section 404.3, entitled "Minimum Ceiling Heights," Exception No. 2 shall be amended to read as follows:

Basement rooms in one-and two-family dwellings occupied exclusively for laundry, study or recreation purposes, and bathrooms, having a ceiling height of not less than 6 feet 8 inches with not less than 6 feet 4 inches of clear height under beams, girders, ducts and similar obstructions.

Section 404.4, shall be amended to be entitled "Bedroom Requirements," and shall be amended to read as follows:

Every bedroom shall comply with the requirements of Sections 404.4.1 through 404.4.5.

Section 404.4.1, shall be amended to be entitled "Area for sleeping purposes," and shall be amended to read as follows:

Every bedroom occupied by one person shall contain at least 70 square feet (6.5 m<sup>2</sup>) of floor area, and every bedroom occupied by more than one person shall contain at least 50 square feet (4.6 m<sup>2</sup>) of floor area for each occupant thereof.

Section 404.4.4, entitled "Prohibited occupancy," shall be amended to read as follows:

Kitchens, nonhabitable spaces and interior public areas shall not be occupied for sleeping purposes.

Section 404.4.5, entitled "Other requirements," shall be amended to read as follows:

Bedrooms in dwelling units containing one or more bedrooms must have closeable doors that afford privacy. Bedrooms shall also comply with the applicable provisions of this code including, but not limited to, the light, ventilation, room area, ceiling height and room width requirements of this chapter; the plumbing facilities and water-heating

requirements of Chapter 5; the heating facilities and electrical receptacle requirements of Chapter 6; and the smoke detector and emergency escape requirements of Chapter 7.

Section 404.5, entitled "Overcrowding," shall be amended to read as follows:

Dwelling units shall not be occupied by more occupants than permitted by the minimum area requirements of Table 404.5.

**TABLE 404.5  
MINIMUM AREA REQUIREMENTS**

| SPACE                    | MINIMUM AREA IN SQUARE FEET     |               |                                                                                |
|--------------------------|---------------------------------|---------------|--------------------------------------------------------------------------------|
|                          | 1-2 Occupants                   | 3-5 Occupants | 6 or more Occupants                                                            |
| Living Room <sup>a</sup> | No Requirements                 | 120           | 150 for 6 occupants plus ten additional square feet for each occupant over 6   |
| Dining Room <sup>a</sup> | No Requirements                 | 80            | 100 for 6 occupants plus seven additional square feet for each occupant over 6 |
| Kitchen                  | 50                              | 50            | 60                                                                             |
| Bedrooms                 | Shall comply with Section 404.4 |               |                                                                                |

a. See Section 404.5.1 for combined living room/dining room spaces.

Section 404.5.1, entitled "Combined spaces," shall be created to read as follows:

Combined living room and dining room spaces shall comply with the requirements of Table 404.5 if the total area is equal to that required for separate rooms and if the space is located so as to function as a combination living room/dining room.

Section 501.2, shall be amended to be entitled "Plumbing Facilities and Fixtures Requirements; Responsibility," and shall be amended to read as follows:

The owner of the structure shall provide and maintain such plumbing facilities and plumbing fixtures in compliance with these requirements. A person shall not occupy any premises or permit another person to occupy any premises which does not comply with the requirements of this chapter.

Section 505.1, entitled "General," shall be amended to read as follows:

Every sink, lavatory, bathtub or shower, drinking fountain, water closet or other plumbing fixture shall be properly connected to either a public water system or to an approved private water system. All kitchen sinks, lavatories, laundry facilities, bathtubs and showers shall be supplied with hot or tempered and cold running water in accordance with the Elgin Municipal Code, 1976, as amended.

Section 507.1, shall be amended to be entitled "Storm drainage; General," and shall be amended to read as follows:

Drainage of roofs and paved areas, yards and courts, and other open areas on the premises shall not be discharged in a manner that creates a public nuisance. Notwithstanding anything to the contrary provided in this code, sump pump drainage shall not be discharged onto or across any adjacent building, premises or public street or sidewalk. The discharge pipe must be placed a minimum of six (6) feet from any lot line.

Section 601.2, shall be amended to be entitled "Mechanical and Electrical Requirements; Responsibility," and shall be amended to read as follows:

The owner of the structure shall provide and maintain mechanical and electrical facilities and equipment in compliance with these requirements. A person shall not occupy any premises or permit another person to occupy any premises not comply with the requirements of this chapter.

Section 602.2, entitled "Residential occupancies," shall be amended to read as follows:

Dwellings shall be provided with heating facilities capable of maintaining a room temperature of 65°F. (18°C) in all habitable rooms, bathrooms and toilet rooms based on the winter outdoor design temperature for the locality indicated in Appendix D of the *2012 International Plumbing Code*. Cooking appliances shall not be used to provide space heating to meet the requirements of this section.

Section 602.3, entitled "Heat supply," shall be amended to read as follows:

Every owner and operator of any building who rents, leases or lets one or more dwelling unit, rooming unit, dormitory or guest room on terms, either express or implied, to furnish heat to the occupants thereof shall supply sufficient heat during the period from October 1 to May 31 to maintain a temperature of not less than 65°F (18°C) in all habitable rooms, bathrooms, and toilet rooms.

Exception: When the outdoor temperature is below the winter outdoor design temperature for the city, maintenance of the minimum room temperature shall not be required provided that the heating system is operating at its full design capacity. The winter outdoor design temperature for the locality shall be as indicated in Appendix D of the *2012 International Plumbing Code*.

Section 602.4, entitled "Occupiable work spaces," shall be amended to read as follows:

Indoor occupiable work spaces shall be supplied with heat during the period from October 1 to May 31 to maintain a temperature of not less than 65°F. (18°C) during the period the spaces are occupied.

Exceptions:

1. Processing, storage and operation areas that require cooling or special temperature conditions.
2. Areas in which persons are primarily engaged in vigorous physical activities.

Section 604.2 entitled "Service," shall be amended to read as follows:

The size and usage of appliances and equipment shall serve as a basis for determining the need for additional facilities in accordance with the Elgin Municipal Code, 1976, as amended. Dwelling units shall be served by a three-wire, 120/240 volt, single-phase electrical service having a rating of not less than 60 amperes.

Section 606.1 shall be amended to be entitled "Elevators, escalators and dumbwaiters; General," and shall be amended to read as follows:

Elevators, dumbwaiters and escalators shall be maintained in compliance with the Elgin Municipal Code, 1976, as amended, and shall be maintained to sustain safely all imposed loads, to operate properly, and to be free from physical and fire hazards. The most current certification of inspection shall be on display at all times within the elevator or attached to the escalator or dumbwaiter, or the certificate shall be available for public inspection in the office of the building operator. The inspection and tests shall be performed at not less than the periodic intervals provided for in the Elgin Municipal Code, 1976, as amended, except where otherwise specified by the authority having jurisdiction.

Section 701.2, shall be amended to be entitled "Fire Safety Requirements; Responsibility," and shall be amended to read as follows:

The owner of the premises shall provide and maintain such fire safety facilities and equipment in compliance with these requirements. A person shall not occupy any premises or permit another person to occupy any premises that do not comply with the requirements of this chapter.

Section 702.1 entitled "General," shall be amended to read as follows:

A safe, continuous and unobstructed path of travel shall be provided from any point in a building or structure to the public way. Means of egress shall comply with the Elgin Municipal Code, 1976, as amended.

Section 702.2 entitled "Aisles," shall be amended to read as follows:

The required width of aisles in accordance with the Elgin Municipal Code, 1976, as amended shall be unobstructed.



Section 702.3 entitled "Locked doors," shall be amended to read as follows:

All means of egress doors shall be readily openable from the side from which egress is to be made without the need for keys, special knowledge or effort, except where the door hardware conforms to that permitted by the Elgin Municipal Code, 1976, as amended.

Section 702.4, entitled "Emergency escape openings," shall be amended to read as follows:

Every sleeping room located in a basement in residential and group home occupancies shall have at least one openable window or exterior door approved for emergency egress or rescue; or shall have access to not less than two approved independent exits.

Every basement area in residential and group home occupancies which includes a kitchen or an area with cooking facilities shall have at least one exterior door approved for emergency egress, or shall have access to not less than two approved independent exits.

Exception: Buildings equipped throughout with an automatic fire suppression system.

Section 704.1 entitled "General," shall be amended to read as follows:

All systems, devices and equipment to detect a fire, actuate an alarm, or suppress or control a fire or any combination thereof shall be maintained in an operable condition at all times in accordance with the Elgin Municipal Code, 1976, as amended.

Section 704.2, entitled "Smoke alarms," shall be amended to read as follows:

A. DEFINITIONS.

For the purposes of this section:

"Approved smoke detector" or "detector" means a smoke detector of the ionization or photoelectric type, which complies with all the requirements of the Rules and Regulations of the Illinois State Fire Marshal.

"Dwelling unit" means a room or suite of rooms used for human habitation, and includes a single family residence as well as each living unit of a multiple family residence and each living unit in a mixed-use building.

"Hotel" means any building or buildings maintained, advertised, or held out to the public to be a place where lodging is offered for consideration to travelers and guests. "Hotel" includes inns, motels, tourist homes or courts, bed and breakfast establishments and lodging houses.

## B. INSTALLATION.

1. Every dwelling unit shall be equipped with at least one approved smoke detector in an operating condition within 15 feet of every room used for sleeping purposes. The detector shall be installed on the ceiling and at least 6 inches from any wall, or on a wall located between 4 and 6 inches from the ceiling, or in each room used for sleeping purposes, or where determined by listing or labeling of the unit.

2. Every single family residence shall have at least one approved smoke detector installed on every story of the dwelling unit, including basements but not including unoccupied attics. In dwelling units with split levels, a smoke detector installed on the upper level shall suffice for the adjacent lower level if the lower level is less than one full story below the upper level; however, if there is an intervening door between the adjacent levels, a smoke detector shall be installed on each level.

3. Every structure which (1) contains more than one dwelling unit, or (2) contains at least one dwelling unit and is a mixed-use structure, shall contain at least one approved smoke detector at the uppermost ceiling of each interior stairwell. The detector shall be installed on the ceiling, at least 6 inches from the wall, or on a wall located between 4 and 6 inches from the ceiling.

4. It shall be the responsibility of the owner of a structure to supply and install all required detectors. The owner shall be responsible for making reasonable efforts to test and maintain detectors in common stairwells and hallways. It shall be the responsibility of a tenant to test and to provide general maintenance for the detectors within the tenant's dwelling unit or rooming unit, and to notify the owner or the authorized agent of the owner in writing of any deficiencies which the tenant cannot correct. The owner shall be responsible for providing one tenant per dwelling unit with written information regarding detector testing and maintenance.

The tenant shall be responsible for replacement of any required batteries in the smoke detectors in the tenant's dwelling unit, except that the owner shall ensure that such batteries are in operating condition at the time the tenant takes possession of the dwelling unit. The tenant shall provide the owner or the authorized agent of the owner with access to the dwelling unit to correct any deficiencies in the smoke detector which have been reported in writing to the owner or the authorized agent of the owner.

5. The requirements of this Section shall apply to any dwelling unit in existence on July 1, 1988, beginning on that date. Except as provided in subsections 6 and 7, the smoke detectors required in such dwelling units may be either battery powered or wired into the structure's AC power line, and need not be interconnected.

6. In the case of any dwelling unit that is newly constructed, reconstructed, or substantially remodeled after December 31, 1987, the requirements of this Section shall apply beginning on the first day of occupancy of the dwelling unit after such construction, reconstruction or substantial remodeling. The smoke detectors required in

such dwelling unit shall be permanently wired into the structure's AC power line, and if more than one detector is required to be installed within the dwelling unit, the detectors shall be wired so that the actuation of one detector will actuate all the detectors in the dwelling unit.

7. Every hotel shall be equipped with operational portable smoke-detecting alarm devices for the deaf and hearing impaired of audible and visual design, available for units of occupancy.

Specialized smoke-detectors for the deaf and hearing impaired shall be available upon request by guests in such hotels at a rate of at least one such smoke detector per 75 occupancy units or portions thereof, not to exceed 5 such smoke detectors per hotel. Incorporation or connection into an existing interior alarm system, so as to be capable of being activated by the system, may be utilized in lieu of the portable alarms.

Operators of any hotel shall post conspicuously at the main desk a permanent notice, in letters at least 3 inches in height, stating that smoke detector alarm devices for the deaf and hearing impaired are available. The proprietor may require a refundable deposit for a portable smoke detector not to exceed the cost of the detector.

#### C. TAMPERING.

Anyone tampering or interfering with the effectiveness of a smoke detector shall be in violation of this code.

Section 704.3, entitled "Power source," shall be deleted in its entirety.

Section 704.4, entitled "Interconnection," shall be deleted in its entirety.

Appendix A, entitled "Boarding Standard," shall be deleted in its entirety.

#### 16.12.030: CONFLICTS WITH OTHER PROVISIONS:

When a provision of this chapter conflicts with any other provision of the Elgin Municipal Code regulating the same subject matter, either as presently adopted or to be adopted or amended in the future, the more stringent or restrictive provision shall apply.

Section 3. That all ordinances or parts of ordinances in conflict with the provisions of this ordinance be and are hereby repealed, provided that such repeal shall not affect or prevent any punishment or penalty incurred before this ordinance took effect, nor shall such repeal affect or prevent the prosecution or punishment of any person for any act done or committed in violation of any ordinance hereby repealed prior to this ordinance taking effect.

Section 4. That this ordinance shall be in full force and effect immediately after its passage and publication in the manner provided by law.

  
\_\_\_\_\_  
David J. Kaptain, Mayor

Presented: October 24, 2012  
Passed: October 24, 2012  
Omnibus Vote: Yeas: 7 Nays: 0  
Recorded: October 24, 2012  
Published: October 26, 2012

Attest:

  
\_\_\_\_\_  
Kimberly Dewis, City Clerk

