

## ***PROPERTY MAINTENANCE CODE***

### ***SCOPE AND ADMINISTRATION***

#### **§ 150.120 GENERAL**

(A) *Title.* These regulations shall be known as the Property Maintenance Code of Swansea, Illinois hereinafter referred to as “this Code”.

(B) *Scope.* The provisions of this code shall apply to all existing residential and nonresidential *structures* and all existing *premises* and constitute minimum requirements and standards for *premises, structures, equipment* and facilities for light, *ventilations*, space, heating, sanitation, protection from the elements, life safety, safety from fire and other hazards, and for safe and sanitary maintenance; the responsibility of *owners, operators* and *occupants*; the *occupancy* of existing *structures* and *premises*, and for administration, enforcement and penalties.

(C) *Intent.* This code shall be construed to secure its expressed intent, which is to ensure public health, safety and welfare insofar 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.

(D) *Severability.* If a section, subsection, sentence, clause or phrase of this code is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this code.

#### **§ 150.121 APPLICABILITY**

(A) *General.* Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall govern. Where differences occur between provisions of this code and the reference standards, the provisions of this code shall apply. Where, in a specific case, different sections of this code specify different requirements, the most restrictive shall govern.

(B) *Maintenance.* *Equipment*, systems, devices and safeguards required by this code or a previous regulation or code under which the *structure* or *premises* was constructed, altered or repaired shall be maintained in good working order. No *owner, operator* or *occupant* shall cause any service, facility, *equipment* or utility which is required under this section to be removed from or shut off from or discontinued for any occupied dwelling, except for such temporary interruption as necessary while repairs or alterations are in progress. The requirements of this code are not intended to provide the basis for removal or abrogation of fire protection and safety systems and devices in existing *structures*. Except as otherwise specified herein, the *owner* or the *owner's* designated agent shall be responsible for the maintenance of buildings, *structures* and *premises*.

(C) *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 Swansea Building Code Regulations. Nothing in this code shall be construed to cancel, modify or set aside any provisions of the Swansea Zoning Code.

(D) *Existing remedies.* The provisions in this code shall not be construed to abolish or impair existing remedies of the jurisdiction or its officers or agencies relating to the removal or demolition of any structure which is dangerous, unsafe and insanitary.

(E) *Workmanship.* Repairs, maintenance work, alterations or installations which are caused directly or indirectly by the enforcement of this code shall be executed and installed in a *workmanlike* manner and installed in accordance with the manufacturer's instructions.

(F) *Historic buildings.* The provisions of this code shall not be mandatory for existing buildings or *structures* designated as historic buildings when such buildings or *structures* are judged by the *code official* to be safe and in the public interest of health, safety and welfare.

(G) *Referenced codes and standards.* The codes and standards referenced in this code shall be those that are listed in sections 150.020 through 150.108 of the Swansea Code of Ordinances and are considered part of the requirements of this code to the prescribed extent of each such reference and as further regulated in Sections 150.122 (G) (1) and 150.122 (G) (2).

*Exception:* Where enforcement of a code provision would violate the conditions of the listing of the *equipment* or *appliance*, the conditions of the listing shall apply.

(1) *Conflicts.* Where conflicts occur between provisions of this code and the referenced standards, the provisions of this code shall apply.

(2) *Provisions in reference codes and standards.* Where the extent of the reference to a referenced code or standard includes subject matter that is within the scope of this code, the provisions of this code, as applicable, shall take precedence over the provisions in the referenced code or standard.

(H) *Requirements not covered by code.* Requirements necessary for the strength, stability or proper operation of an existing fixture, structure or *equipment*, or for the public safety, health and general welfare, not specifically covered by this code, shall be determined by the *code official*.

(I) *Application of references.* References to chapter, or section numbers, or to provisions not specifically identified by number, shall be construed to refer to such chapter, section or provision of this code.

(J) *Other laws.* The provisions of this code shall not be deemed to nullify any provisions of local, state or federal law.

## § 150.123 DEPARTMENT OF PROPERTY MAINTENANCE INSPECTION

(A) *General.* The department of property maintenance inspection is hereby created and the executive official in charge thereof shall be known as the *code official*.

(B) *Appointment.* The *code official* shall be appointed by the Swansea Village President of the Board of Trustees of the jurisdiction.

(C) *Deputies.* In accordance with the prescribed procedures of this jurisdiction and with the concurrence of the Swansea Village President of the Board of Trustees, the *code official* shall have the authority to appoint a/an deputy(s). Such employees shall have powers as delegated by the *code official*.

(D) *Liability.* The *code official*, member of the board of appeals or employee charged with the enforcement of this code, while acting for the jurisdiction, in good faith and without malice in the discharge of the duties required by this code or other pertinent law or ordinance, shall not thereby be rendered liable personally, and is hereby relieved from all personal liability for any damage accruing to *persons* or property as a result of an act or by reason of an act or omission in the discharge of official duties. Any suit instituted against any officer or employee because of an act performed by that officer or employee in the lawful discharge of duties and under the provisions of this code shall be defended by the legal representative of the jurisdiction until final termination of the proceedings. The *code official* or any subordinate shall not be liable for costs in an action, suit or proceeding that is instituted in pursuance of the provisions of this code.

(E) *Permit to occupy.*

(1) *Permit Required.* It shall be unlawful for any *person owner* or agent thereof to occupy or use, or to permit any *person* to occupy or use any *premises* for any purpose including the movement of furniture, *equipment* or other personal property into said *premises* until a permit to occupy has been issued by the *Code Official*. The permit so issued shall state that the condition of the *premises* and its proposed occupation complies with all of the provisions of this Code as far as can be determined by a visual inspections of the *premises* and a review of the records.

*Exception:* Persons legally and continually occupying a premise prior to December 1 2015 shall not be required to obtain a permit to occupy.

(2) *Application for occupancy.* It shall be unlawful for any *person* to knowingly make any false statements on an application for permit to occupy a *dwelling unit* as to the names, relationships, ages, or number of *occupants* who will occupy the *dwelling unit*. One of the following documents shall be submitted with application; copy of lease, , sales contract or closing papers.

(3) *Action on an application.* The *Code Official* shall examine or cause to be examined all applications for permits within a reasonable time after filing. No certificate of *occupancy*

will be issued until an inspection of the *premises* has been completed and *approved*. No inspection shall be required for a *dwelling unit* that is less than five (5) years of age.

(4) *Suspension of permit*. Any permit issued shall become invalid if the *occupancy* is not commenced within six (6) months after issuance of the permit.

(5) *Revocation of permit*. The *Code Official* may revoke a permit in case of any false statement or misrepresentation of facts in the application on which a permit was based, or in the event a structure or part thereof is *condemned* pursuant to this Code.

(F) *Fees*. The fees for activities and services performed by the department in carrying out its responsibilities under this code shall be indicated in the following schedule.

(1) Inspection Permit Fee of Fifty Dollars (\$50.00) per unit shall be paid prior to the Village conducting an inspection of a multi-family rental structure (apartments). It shall be the responsibility of the property *owner/agent* to make advance payment of the fee and schedule the required inspection with the Village. An inspection shall be valid for a period of one (1) year. The *dwelling unit* does not have to be re-inspected during that period, even if the *occupancy* changes.

(2) Inspection Permit Fee of One Hundred Dollars (\$100.00) shall be paid prior to the Village conducting an inspection of a single family residence. It shall be the responsibility of the property *owner/agent* to make advance payment of the fee and schedule the required inspection with the Village. An inspection shall be valid for a period of one (1) year. The *dwelling unit* does not have to be reinspected during that period, even if the *occupancy* changes.

(3) Inspection Permit Fee of Seventy Five Dollars (\$75.00) shall be paid prior to the Village conducting an inspection of a manufactured/mobile home. It shall be the responsibility of the property *owner/agent* to make advance payment of the fee and schedule the required inspection with the Village. An inspection shall be valid for a period of one (1) year. The *dwelling unit* does not have to be re-inspected during that period, even if the *occupancy* changes.

(4) Inspection Permit Fee of One hundred Dollars (\$100.00) shall be paid prior to the Village conducting an inspection of a duplex/condominium. It shall be the responsibility of the property *owner/agent* to make advance payment of the fee and schedule the required inspection with the Village. An inspection shall be valid for a period of one (1) year. The *dwelling unit* does not have to be reinspected during that period, even if the *occupancy* changes.

(5) A copy of an existing Certificate of *Occupancy* shall be a fee of Twenty Dollars (\$20.00).

(6) The Certificate of *Occupancy* fee of Thirty Dollars (\$30.00) shall be paid at the time certificate is issued. It shall be the responsibility of the *tenant/occupant* to apply for certificate of *occupancy* after application for *occupancy* has been *approved*.

(7) A re-inspection fee of Fifty Dollars (\$50.00) shall be paid when initial inspections fail or no access to structure. It shall be the responsibility of the property *owner/agent* to make the advance payment prior to scheduling a re-inspection.

*Exception:* For inspections that fail for minor code violations the Building and Zoning Director shall use their discretion in waiving the re-inspection fee.

All fees shall be non-refundable.

#### **§ 150.124 DUTIES AND POWERS OF THE CODE OFFICIAL**

(A) *General.* The *code official* is hereby authorized and directed to enforce the provisions of this code. The *code official* shall have the authority to render interpretations of this code and to adopt policies and procedures in order to clarify the application of its provisions. Such interpretations, policies and procedures shall be in compliance with the intent and purpose of this code. Such policies and procedures shall not have the effect of waiving requirements specifically provided for in this code.

(B) *Inspections.* The *code official* shall make all of the required inspections, or shall accept reports of inspection by *approved* agencies or individuals. All reports of such inspections shall be in writing and be certified by a responsible officer of such *approved* agency or by the responsible individual. The *code official* is authorized to engage such expert opinion as deemed necessary to report upon unusual technical issues that arise, subject to the approval of the appointing authority.

(C) *Right of entry.* Where it is necessary to make an inspection to enforce the provisions of this code, or whenever the *code official* has reasonable cause to believe that there exists in a structure or upon a *premises* a condition in violation of this code, the *code official* is authorized to enter the structure or *premises* at reasonable times to inspect or perform duties imposed by this code, provided that if such structure or *premises* is occupied the *code official* shall present credentials to the *occupant* and request entry. If such structure or *premises* is unoccupied, the *code official* shall first make a reasonable effort to locate the *owner* or other *person* having charge or control of the structure or *premises* and request entry. If entry is refused, the *code official* shall have recourse to the remedies provided by law to secure entry.

(D) *Identification.* The *code official* shall carry proper identification when inspecting *structures* or *premises* in the performance of duties under this code.

(E) *Notice and orders.* The *code official* shall issue all necessary notices or orders to ensure compliance with this code.

(F) *Department records.* The *code official* shall keep official records of all business and activities of the department specified in the provisions of this code. Such records shall be retained in the official records for the period required for retention of public record.

## § 150.125 APPROVAL

(A) *Modifications.* Whenever there are practical difficulties involved in carrying out the provisions of this code, the *code official* shall have the authority to grant modifications for individual cases upon application of the *owner* or *owner's* representative, provided the *code official* shall first find that special individual reason makes the strict letter of this code impractical and the modification is in compliance with the intent and purpose of this code and that such modification does not lessen health, life and fire safety requirements. The details of action granting modifications shall be recorded and entered in the department files.

(B) *Alternative materials, methods and equipment.* The provisions of this code are not intended to prevent the installation of any material or to prohibit any method of construction not specifically prescribed by this code, provided that any such alternative has been *approved*. An alternative material or method of construction shall be *approved* where the *code official* finds that the proposed design is satisfactory and complies with the intent of the provisions of this code, and that the material, method or work offered is, for the purpose intended, at least the equivalent of that prescribed in this code in quality, strength, effectiveness, fire resistance, durability and safety.

(C) *Requesting testing.* Whenever there is insufficient evidence of compliance with the provisions of this code, or evidence that a material or method does not conform to the requirements of this code, or in order to substantiate claims for alternative materials or methods, the *code official* shall have the authority to require tests to be made as evidence of compliance at no expense to the jurisdiction.

(1) *Test methods.* Test methods shall be as specified in this code or by other recognized test standards. In the absence of recognized and accepted test methods, the *code official* shall be permitted to approve appropriate testing procedures performed by an *approved* agency.

(2) *Test reports.* Reports of tests shall be retained by the *code official* for the period required for retention of public records.

(D) *Used material and equipment.* The use of used materials which meet the requirements of this code for new materials is permitted. Materials, *equipment* and devices shall not be reused unless such elements are in good repair or have been reconditioned and tested when necessary, placed in good and proper working condition and *approved* by the *code official*.

(E) *Approved materials and equipment.* Materials, *equipment* and devices *approved* by the *code official* shall be constructed and installed in accordance with such approval.

(F) *Research reports.* Supporting data, where necessary to assist in the approval of materials or assemblies not specifically provided for in this code, shall consist of valid research reports from *approved* sources.

## § 150.126 VIOLATIONS

(A) *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.

(B) *Notice of violation.* The *Code official* shall serve a notice of violation or order in accordance with Section 150.127.

(C) *Prosecution of violation.* Any *person* failing to comply with a notice of violation or order served in accordance with Section 150.127 shall be deemed guilty of a misdemeanor or civil infraction as determined by the local municipality, and the violation shall be deemed a strict liability offence. If the 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 order or direction made pursuant thereto. Any action taken by the authority having jurisdiction 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.

(D) *Violation penalties.* Any person who violates a provision of this code or fails to comply with any of the requirements thereof or who erects, constructs, alters or repairs a building or structure in violation of the approved construction documents or directive of the building official, or of a permit or certificate issued under the provisions of this code, shall be subject to all fines, penalties, and sentencing of a petty offense, as such term is defined in the Unified Code of Corrections Act (see 730 ILCS 5/5-4.5-75). Each day that a violation continues after due notice has been served shall be deemed a separate offense. Penalty, see § 150.999

(E) *Abatement of violation.* The imposition of the penalties herein prescribed shall not preclude the legal officer of the jurisdiction from instituting appropriate action to restrain, correct or abate a violation, or to prevent illegal *occupancy* of a building, structure or *premises*, or to stop an illegal act, conduct, business or utilization of the building, structure or *premises*.

## § 150.127 NOTICES AND ORDERS

(A) *Notice to person responsible.* Whenever the *code official* determines that there has been a violation of this code or has grounds to believe that a violation has occurred, notice shall be given in the manner prescribed in Section 150.127 (B) and Section 150.127 (C) to the *person* responsible for the violation as specified in this code. Notices for condemnation procedures shall also comply with Section 150.128 (B).

(B) *Form*. Such notice prescribed in Section 150.127 (A) 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 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.
- (5) Inform the property *owner* of the right to appeal.
- (6) Include a statement of the right to file a lien in accordance with Section 150.126 (C).

(C) *Method of service*. Such notice shall be deemed to be properly served if a copy thereof is:

- (1) Delivered personally;
- (2) Sent by certified or first-class mail addressed to the last known address; or
- (3) 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 such notice.

(D) *Unauthorized tampering*. Signs, tags or seals posted or affixed by the *code official* shall not be mutilated, destroyed or tampered with, or removed without authorization from the *code official*.

(E) *Penalties*. Penalties for noncompliance with orders and notices shall be set forth in Section 150.126 (C).

(F) *Transfer of ownership*. It shall be unlawful for the *owner* of any *dwelling unit* or structure who has received a compliance order or upon whom a notice of violation has been served to sell, transfer, mortgage, lease or otherwise dispose of such *dwelling unit* or structure to another until the provisions of the compliance order or notice of violation have been complied with, or until such *owner* shall first furnish the grantee, transferee, mortgagee or lessee a true copy of any compliance order or notice of violation issued by the *code official* and shall furnish to the *code official* a signed and notarized statement from the grantee, transferee, mortgagee or lessee, acknowledging the receipt of such compliance order or notice of violation and fully accepting the responsibility without condition for making the corrections or repairs required by such compliance order or notice of violation.

## § 150.128 UNSAFE STRUCTURE AND EQUIPMENT

(A) *General*. When a structure or *equipment* is found by the *code official* to be unsafe, or when a structure is found unfit for human *occupancy*, or is found unlawful, such structure shall be *condemned* pursuant to the provisions of this code.

- (1) *Unsafe structures*. An unsafe structure is one that is found to be dangerous to the life, health, property or safety of the public or the *occupants* of the structure by not providing minimum safeguards to protect or warn *occupants* in the event of fire, or because such structure



contains unsafe *equipment* or is so damaged, decayed, dilapidated, structurally unsafe or of such faulty construction or unstable foundation, that partial or complete collapse is possible.

(2) *Unsafe equipment.* Unsafe *equipment* includes any boiler, heating *equipment*, elevator, moving stairway, electrical wiring or device, flammable liquid containers or other *equipment* on the *premises* or within the structure which is in such disrepair or condition that such *equipment* is a hazard to life, health, property or safety of the public or *occupants* of the *premises* or structure.

(3) *Structure unfit for human occupancy.* A structure is unfit for human *occupancy* whenever the *code official* finds that such structure is unsafe, unlawful or, because of the degree to which the structure is in disrepair or lacks maintenance, is unsanitary, vermin or rat infested, contains filth and contamination, or lacks *ventilation*, illumination, sanitary or heating facilities or other essential *equipment* required by this code, or because the location of the structure constitutes a hazard to the *occupants* of the structure or to the public.

(4) *Unlawful structure.* An unlawful structure is one found in whole or in part to be occupied by more *person* than permitted under this code, or was erected, altered or occupied contrary to law.

(5) *Dangerous structure or premises.* For the purpose of this code, any structure or *premises* that has any or all of the conditions or defects described below shall be considered dangerous:

(a) Any door, aisle, passageway, stairway, exit or other means of egress that does not conform to the *approved* building or fire code of the jurisdiction as related to the requirements for existing buildings as required in the 2015 International Existing Building Code.

(b) The walking surface of any aisle, passageway, stairway, exit or other means of egress is so warped, worn loose, torn or otherwise unsafe as to not provide safe and adequate means of egress.

(c) Any portion of a building, structure or appurtenance that has been damaged by fire, earthquake, wind, flood, *deterioration*, *neglect*, abandonment, vandalism or by any other cause to such an extent that it is likely to partially or completely collapse, or to become *detached* or dislodged.

(d) Any portion of a building, or any member, appurtenance or ornamentation on the exterior thereof that is not of sufficient strength or stability, or is not so *anchored*, attached or fastened in place so as to be capable of resisting natural or artificial loads of one and one-half the original designed value.

(e) The building or structure, or part of the building or structure, because of dilapidation, *deterioration*, decay, faulty construction, the removal or movement of some portion of the ground necessary for the support, or for any other reason, is likely to partially or completely collapse, or some portion of the foundation or underpinning of the building or structure is likely to fail or give way.

(f) The building or structure, or any portion thereof, is clearly unsafe for its use and *occupancy*.

(g) The building or structure is *neglected*, damaged, dilapidated, unsecured or abandoned so as to become an attractive nuisance to children who might play in the building

or structure to their danger, becomes a harbor for vagrants, criminals or immoral *persons*, or enables *persons* to resort to the building or structure for committing a nuisance or an unlawful act.

(h) Any building or structure has been constructed, exists or is maintained in violation of any specific requirement or prohibition applicable to such building or structure provided by the *approved* building or fire code of the jurisdiction, or of any law or ordinance to such an extent as to present either a substantial risk of fire, building collapse or any other threat to life and safety.

(i) A building or structure, used or intended to be used for dwelling purposes, because of inadequate maintenance, dilapidation, decay, damage, faulty construction or arrangement, inadequate light, *ventilation*, mechanical or plumbing system, or otherwise, is determined by the *code official* to be unsanitary, unfit for human habitation or in such a condition that is likely to cause sickness or disease.

(j) Any building or structure, because of a lack of sufficient or proper fire-resistance-rated construction, fire protection systems, electrical system, fuel connections, mechanical system, plumbing system or other cause, is determined by the *code official* to be a threat to life or health.

(k) Any portion of a building remains on a site after the demolition or destruction of the building or structure or whenever any building or structure is abandoned so as to constitute such building or portion thereof as an attractive nuisance or hazard to the public.

(B) *Closing of vacant structures.* If the structure is vacant and unfit for human habitation and *occupancy*, and is not in danger of structure 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. 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.

(1) *Authority to disconnect service utilities.* The *code official* shall have the authority to authorize disconnection of utility service to the building, structure or system regulated by this code and the referenced codes and standards set forth in Section 1-11 in case of emergency where necessary to eliminate an immediate hazard to life or property or when such utility connection has been made without approval. The *code official* shall notify the serving utility and, whenever possible, the *owner* and *occupant* of the building, structure or service system of the decision to disconnect prior to taking such action. If not notified prior to disconnection the *owner* or *occupant* of the building structure or service system shall be notified in writing as soon as practical thereafter.

(C) *Notice.* Whenever the *code official* has *condemned* a structure or *equipment* under the provisions of this section, notice shall be posted in a conspicuous place in or about the structure affected by such notice and service on the *owner* or the *person* or *persons* responsible for the structure or *equipment* in accordance with Section 150.127 (C). If the notice pertains to *equipment*,

it shall also be placed on the *condemned equipment*. The notice shall be in the form prescribed in Section 150.127 (B).

(D) *Placarding*. Upon failure of the *owner* or *person* responsible to comply with the notice provisions within the time given, the *code official* shall post on the *premises* or on defective *equipment* a placard bearing the word “*Condemned*” and a statement of the penalties provided for occupying the *premises*, operating the *equipment* or removing the placard.

(1) *Placard removal*. The *code official* shall remove the condemnation placard whenever the defect or defects upon which the condemnation and placarding action were based have been eliminated. Any *person* who defaces or removes a condemnation placard without the approval of the *code official* shall be subject to the penalties provided by this code.

(E) *Prohibited occupancy*. Any occupied structure *condemned* and placarded by the *code official* shall be vacated as ordered by the *code official*. Any *person* who shall occupy placarded premises or shall operate placarded *equipment*, and any *owner* or any *person* responsible for the *premises* who shall let anyone occupy placarded premises or operate placarded *equipment* shall be liable for the penalties provided by this code.

(F) *Abatement methods*. The *owner*, *operator* or *occupant* of a building, *premises* or *equipment* deemed unsafe by the *code official* shall abate or cause to be abated or corrected such unsafe conditions either by repair, rehabilitation, demolition or other *approved* corrective action.

(G) *Record*. The *code official* shall cause a report to be filed on an unsafe condition. The report shall state the *occupancy* of the structure and the nature of the unsafe condition.

## § 150.129 EMERGENCY MEASURES

(A) *Imminent danger*. When, in the opinion of the *code official*, there is *imminent danger* of failure or collapse of a building or structure which endangers life, or when any structure or part of a structure has fallen and life is endangered by the occupation of the structure, or when there is actual or potential danger to the building *occupants* or those in the proximity of any structure because of explosives, explosive fumes or vapors or the presence of toxic fumes, gases or materials, or operation of defective or dangerous *equipment*, the *code official* is hereby authorized and empowered to order and require the *occupants* to vacate the *premises* forthwith. The *code official* shall cause to be posted at each entrance to such structure a notice reading as follows: “This Structure Is Unsafe and Its *Occupancy* Has Been Prohibited by the Code Office.” It shall be unlawful for any *person* to enter such structure except for the purpose of securing the structure, making the required repairs, removing the hazardous condition or of demolishing the same.

(B) *Temporary safeguards*. Notwithstanding other provisions of this code, whenever, in the opinion of the *code official*, there is *imminent danger* due to an unsafe condition, the *code official* shall order the necessary work to be done, including the boarding up of openings, to render such structure temporarily safe whether or not the legal procedure herein described has been instituted;

and shall cause such other action to be taken as the *code official* deems necessary to meet such emergency.

(C) *Closing streets.* When necessary for public safety, the *code official* shall temporarily close *structures* and close or order the authority having jurisdiction to close, sidewalks, streets, *public ways* and places adjacent to unsafe *structures*, and prohibit the same from being utilized.

(D) *Emergency repairs.* For the purposes of this section, the *code official* shall employ the necessary labor and materials to perform the required work as expeditiously as possible.

(E) *Costs of emergency repairs.* Costs incurred in the performance of emergency work shall be paid by the jurisdiction. The legal counsel of the jurisdiction shall institute appropriate action against the *owner* of the *premises* where the unsafe structure is or was located for the recovery of such costs.

(F) *Hearing.* Any *person* ordered to take emergency measures shall comply with such order forthwith. Any affected *person* shall thereafter, upon petition directed to the appeals board, be afforded a hearing as described in this code.

#### **§ 150.130 DEMOLITION**

(A) *General.* The *code official* shall order the *owner* of any *premises* upon which is located any structure, which in the *code officials* judgment after review is so deteriorated or dilapidated or has become so out of repair as to be dangerous, unsafe, insanitary or otherwise unfit for human habitation or *occupancy*, and such that it is unreasonable to repair the structure, to demolish and remove such structure; or if such structure is capable of being made safe by repairs, to repair and make safe and sanitary, or to board up and hold for future repair or to demolish and remove at the *owner's* option; or where there has been a cessation of normal construction of any structure for a period of more than two years, the *code official* shall order the *owner* to demolish and remove such structure, or board up until future repair. Boarding the building up for future repair shall not extend beyond one year, unless *approved* by the building official.

(B) *Notices and orders.* All notices and orders shall comply with Section 150.127.

(C) *Failure to comply.* If the *owner* of a *premises* fails to comply with a demolition order within the time prescribed, the *code official* shall cause the structure to be demolished and removed, either through an available public agency or by contract or arrangement with private *persons*, and the cost of such demolition and removal shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate.

(D) *Salvage materials.* When any structure has been ordered demolished and removed, the governing body or other designated officer under said contract or arrangement aforesaid shall have the right to sell the salvage and valuable materials at the highest price obtainable. The net proceeds of such sale, after deducting the expenses of such demolition and removal, shall be promptly remitted with a report of such sale or transaction, including the items or expense and the amounts deducted,

for the *person* who is entitled thereto, subject to any order of a court. If such a surplus does not remain to be turned over, the report shall so state, with the approval of the Village Board.

### § 150.131 MEANS OF APPEAL

(A) *Application for appeal.* Any *person* directly affected by a decision of the *code official* or a notice or order issued under this code shall have the right to appeal to the board of appeals, provided that a written application for appeal is filed within 20 days after the day the decision, notice or order was served. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply, or the requirements of this code are adequately satisfied by other means. The fee for an application of appeal of Fifty Dollars (\$50.00) is to be paid at the time application is filed and shall be non-refundable.

(B) *Membership of the board.* The Board of Appeals shall consist of a minimum of five members who are qualified by experience and training to pass on matters pertaining to property maintenance and who are not employees of the jurisdiction. The *code official* shall be an ex-officio member but shall have no vote on any matter before the board. The Board shall be appointed by the Swansea Village President of the Board of Trustees, and shall service staggered and overlapping terms as follows: one (1) for five (5) years for four (4) years, one (1) for three (3) years, one (1) for two (2) years, and one (1) for one (1) year. Thereafter, each new member shall serve for five (5) years or until a successor has been appointed.

(1) *Alternate members.* The chief appointing authority shall appoint a minimum of two alternate members who shall be called by the Board of Appeals Chairman to hear appeals during the absence or disqualification of a member. Alternate members shall possess the qualifications required for board membership. Alternate members shall be appointed for five (5) years or until a successor has been appointed.

(2) *Chairman.* The Board shall annually select one of its members to serve as Chairman.

(3) *Disqualification of member.* A member shall not hear an appeal in which that member has any personal, professional or financial interest.

(4) *Secretary.* The Building and Zoning Director shall serve as Secretary to the board. The Secretary shall file detailed record of all proceedings in the office of the Swansea Village President of the Board of Trustees, and in the office of the *code official*.

(C) *Notice of meeting.* The Board shall meet upon notice from the chairman, with ten (10) days of the filing of an appeal, or at state periodic meetings.

(D) *Open hearing.* All hearings before the Board shall be open to the public. The appellant, that appellant's representative, the *code official* and any *person* whose interests are affected shall be given an opportunity to be heard. A quorum shall consist of a minimum of two-thirds of the board membership.

(1) *Procedure.* The board shall adopt and make available to the public through the secretary procedures under which a hearing will be conducted. The procedures shall not require compliance with strict rules of evidence but shall mandate that only relevant information is received.

(E) *Postponed hearing.* When the full board is not present to hear an appeal, either the appellant or the appellant's representative shall have the right to request a postponement of the hearing.

(F) *Board decision.* The board shall modify or reverse the decision of the *code official* by a concurring vote of three (3) members.

(1) *Resolution.* The decision of the Board shall be by resolution. Certified copies shall be furnished to the appellant and the *code official*.

(2) *Administration.* The *code official* shall take action with five (5) working days in accordance with the decision of the Board.

(G) *Court review.* Any *person*, whether or not a previous party of the appeal, 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 filling of the decision in the office of the chief administrative officer.

(H) *Stays of enforcement.* Appeals of notice and orders (other than Imminent Damager notices) shall stay the enforcement of the notice and order until appeal is heard by the appeals board.

## § 150.132 STOP WORK ORDER

(A) *Authority.* Whenever the *code official* finds any work regulated by this code being performed in a manner contrary to the provisions of this code or in a dangerous or unsafe manner, the *code official* is authorized to issue a stop work order.

(B) *Issuance.* A stop work order shall be in writing and shall be given to the *owner* of the property, to the *owner's* agent, or to *person* doing the work. Upon issuance of a stop work order, the cited work shall immediately cease. The stop work order shall state the reason for the order and the conditions under which the cited work is authorized to resume.

(C) *Emergencies.* Where an emergency exists, the *code official* shall not be required to give a written notice prior to stopping the work.

(D) *Failure to comply.* 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 liable to a fine of not less than Twenty-Five Dollars (\$25.00) or more than Seven Hundred Fifty Dollars (\$750.00). Each day that a violation continues shall be considered a separate offense.

## DEFINITIONS

### § 150.132 GENERAL

(A) *Scope.* Unless otherwise expressly stated, the following terms shall, for the purposes of this code, have the meanings shown in this Section.

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

(C) *Terms defined in other codes.* Where terms are not defined in this code and are defined in the 2015 International Building Code, 2015 International Residential Code, 2015 International Existing Building Code, 2006 International Fire Code, 2015 International Fuel Gas Code, 2015 International Mechanical Code, State of Illinois Plumbing Code, or 2014 National Electrical Code, such terms shall have the meanings ascribed to them as stated in those codes.

(D) *Terms not defined.* Where terms are not defined through the methods authorized by this section, such terms shall have ordinarily accepted meanings such as the context implies.

(E) *Parts.* Whenever the words “*dwelling unit*,” “*dwelling*,” “*premises*,” “*building*,” “*rooming house*,” “*rooming unit*,” “*housekeeping unit*” or “*story*” are stated in this code, they shall be construed as though they were followed by the words “or any part thereof.”

### § 150.134 DEFINITIONS

**ANCHORED.** Secured in a manner that provides positive connection.

**APPLIANCE.** A device or apparatus that is manufactured and designed to utilize energy and for which this code provides specific requirements.

**APPROVED.** *Approved by the code official.*

**BASEMENT.** That portion of a building which is partly or completely below grade.

**BATHROOM.** A room containing plumbing fixtures including a bathtub or shower.

**BEDROOM.** Any room or space used or intended to be used for sleeping purposes in either a dwelling or *sleeping unit*.

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

**COMBUSTION AIR.** The air provided to fuel-burning *equipment* including air for fuel combustion, draft hood dilution and *ventilation* of the *equipment* enclosure.

**CONDEMN.** To adjudge unfit for *occupancy*.

**DETACHED.** When a structural element is physically disconnected from another and that connection is necessary to provide a positive connection.

**DETERIORATION.** To weaken, disintegrate, corrode, rust or decay and lose effectiveness.

**DWELLING UNIT.** A single unit providing complete, independent living facilities for one or more *persons*, including permanent provisions for living, sleeping, eating, cooking and sanitation.

**EASEMENT.** That portion of land or property reserved for present or future use by a *person* or agency other than the legal fee *owner(s)* of the property. The *easement* shall be permitted to be for use under, on or above a said lot or lots.

**EQUIPMENT.** All piping, ducts, vents, control devices and other components of systems other than appliances that are permanently installed and integrated to provide control of environmental conditions for buildings. This definition shall also include other systems specifically regulated in this code.

**EQUIPMENT SUPPORT.** Those structural members or assemblies of members or manufactured elements, including braces, frame, lugs, snigger, hangers or saddles, that transmit gravity load, lateral load and operating load between the *equipment* and the structure.

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

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

**GRAFFITI.** *Graffiti* means and includes any unauthorized inscription, word, figure, or design or collections thereof, which marked, etched, scratched, painted, drawn or printed on any structural component of any building, structure, or other facility, regardless of the nature of the material of that structural component.

**GROUP R.** Residential occupancies containing *sleeping units* or more than two *dwelling units* where the *occupants* are primarily permanent in nature.

**GUARD.** A building component or a system of building components located at or near the open sides of elevated walking surfaces that minimizes the possibility of a fall from the walking surface to a lower level.



**HABITABLE SPACE.** Space in a structure for living, sleeping, eating or cooking. *Bathrooms, toilet rooms, closets, halls, storage or utility spaces, and similar areas are not considered habitable spaces.*

**HAZARDOUS LOCATION.** Any location considered to be a fire hazard for flammable vapors, dust, combustible fibers or other highly combustible substances.

**HOUSEKEEPING UNIT.** A room or group of rooms forming a single *habitable space* equipped and intended to be used for living, sleeping, cooking and eating which does not contain, within such a unit, a toilet, lavatory and bathtub or shower.

**IGNITION SOURCE.** A flame, spark or hot surface capable of igniting flammable vapors or fumes. Such sources include *appliance* burners, burner ignitions and electrical switching devices

**IMMINENT DANGER.** A condition which could cause serious or life-threatening injury or death at any time.

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

**INOPERABLE MOTOR VEHICLE.** A vehicle which cannot be driven upon the public streets for reason including but not limited to being unlicensed, wrecked, abandoned, in a state of disrepair, or incapable of being moved under its own power.

**LABELED.** *Equipment, materials or products to which have been affixed a label, seal, symbol or other identifying mark of a nationally recognized testing laboratory, inspection agency or other organization concerned with product evaluation that maintains periodic inspection of the production of the above-labeled items and whose labeling indicates either that the equipment, material or product meets identified standards or has been tested and found suitable for a specified purpose.*

**LET FOR OCCUPANCY or LET.** To permit, provide or offer possession or *occupancy* of a dwelling, *dwelling unit, rooming unit, building, premise or structure by a person who is or is not the legal owner* of record thereof, pursuant to a recorded or unrecorded agreement of contract for the sale of land.

**LIVING SPACE.** Space within a *dwelling unit* utilized for living, sleeping, eating, cooking, bathing, washing and sanitation purposes.

**NEGLECT.** The lack of proper maintenance for a building or structure.

**OCCUPANCY.** The purpose for which a building or portion thereof is utilized or occupied.

**OCCUPANT.** Any individual living or sleeping in a building, or having possession of a space within a building.

**OPENABLE AREA.** That part of a window, skylight or door which is available for unobstructed *ventilation* and which opens directly to the outdoors.

**OPERATOR.** Means any agent of the *owner*, manager, contract purchaser, executor, administrator, trustee or guardian of the estate of the *owner*, *person* who is in charge, care or control of such *premises* in which buildings or *dwelling units* are rented shall be bound to comply with this ordinance and the rules and regulations adopted pursuant thereto to the same extent as if he/she were the *owner*.

**OWNER.** Any *person*, agent, *operator*, firm or corporation having a legal or equitable interest in the property; or recorded in the official records of the state, county or municipality as holding title to the property; or otherwise having control of the property, including the guardian of the estate of any such *person*, and the executor or administrator of the estate of such *person* if ordered to take possession of real property by a court.

**PERSON.** Means any natural *person*, agent, association, firm, partnership, corporation or other entity capable of owning, occupying, or using property in Swansea.

**PEST ELIMINATION.** The control and elimination of insects, rodents or other pests by eliminating their harborage places; by removing or making inaccessible materials that serves as their food or water; by the *approved pest elimination* methods.

**PREMISES.** Means the lot, plot or parcel of land, and includes the buildings, *structures*, and *dwelling units* thereon.

**PUBLIC WAY.** Any street, alley or similar parcel of land essentially unobstructed from the ground to the sky, which is deeded, dedicated or otherwise permanently appropriated to the public for public use.

**ROOMING HOUSE.** A building arranged or occupied for lodging, with or without meals, for compensation and not occupied as a one- or two- family dwelling.

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

**RUBBISH.** Combustible and noncombustible waste materials, except *garbage*; the term shall include the residue from the burning of wood, coal, coke and other combustible materials, paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, *yard* trimmings, tin cans, metals, mineral matter, glass, crockery and dust and other similar materials.

**SLEEPING UNIT.** A room or space in which people sleep, which can also include permanent provisions for living, eating and either sanitation or kitchen facilities, but not both. Such rooms and spaces that are part of a *dwelling unit* are not *sleeping units*.

**STRICT LIABILITY OFFENSE.** An offense in which the prosecution in a legal proceeding is not required to prove criminal intent as a part of its case. It is enough to prove that the defendant either did an act which was prohibited, or failed to do an act which the defendant was legally required to do.

**STRUCTURE.** That which is built or constructed or portion thereof.

**TENANT.** A *person, occupant* of leased or rented *premises*, corporation, partnership or group whether or not the legal *owner* of record, occupying a building or portion thereof as a unit.

**TOILET ROOM.** A room containing a water closet or urinal but not a bathtub or shower.

**ULTIMATE DEFORMATION.** The deformation at which failure occurs and which be deemed to occur if the sustainable load reduces to 80 percent or less of the maximum strength.

**VENTILATION.** The natural or mechanical process of supplying conditioned or unconditioned air to, or removing such air from, any space.

**WORKMANLIKE.** Executed in a skilled manner; e.g., generally plumb, level, square, in line, undamaged and without marring adjacent work.

**YARD.** An open space located on the same lot with a building, *structure* or use, unoccupied and unobstructed from the ground up, except for accessory buildings, or such projections as are expressly permitted in these regulations.

**YARD, SIDE.** A *yard* extending from the front *yard* to the rear *yard* between the side lot line and the nearest line or point of the building.

**YARD, FRONT.** A *yard* extending across the full width of the lot between the front lot line and nearest line or point of the principal building.

**YARD, REAR.** A *yard* extending across the full width of the lot between the rear lot line and the nearest line or point of the principal building.

## GENERAL REQUIREMENTS

### § 150.135 GENERAL

(A) *Scope.* The provisions of this Section shall govern the minimum conditions and the responsibilities of *persons* for maintenance of *structures, equipment* and *exterior property*.

(B) *Responsibility.* The *owner* of the *premises* shall maintain the *structures* and *exterior property* in compliance with these requirements, except as otherwise provided for in this code. A *person* shall not occupy as *owner-occupant* or permit another *person* to occupy *premises* which are not in a sanitary and safe condition and which do not comply with the requirements of this Section. *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.

(C) *Vacant structures and land.* All vacant *structures* and *premises* thereof or vacant land shall be maintained in a clean, safe, secure and sanitary condition as provided herein so as not to cause a blighting problem or adversely affect the public health or safety.

### § 150.136 EXTERIOR PROPERTY AREAS

(A) *Sanitation.* All *exterior property* and *premises* shall be maintained in a clean, safe and sanitary condition. The *occupant* shall keep that part of the *exterior property* which such *occupant* occupies or controls in a clean and sanitary condition.

(B) *Grading and draining.* All *premises* shall be graded and maintained to prevent the erosion of soil and to prevent the accumulation of stagnant water thereon, or within any *structure* located thereon.

*Exception: Approved retention areas and reservoirs.*

(C) *Sidewalks and driveways.* All private sidewalks, walkways, stairs, driveways, parking spaces and similar areas shall be kept in a proper state of repair, and maintained free from hazardous conditions.

(D) *Weeds.* All *premises* and *exterior property* shall be maintained free from weeds or plant growth in excess of 12 inches. All noxious weeds shall be prohibited. 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 or gardens.

Upon failure of the *owner* or agent having charge of a property to cut and destroy weeds after service of a notice of violation, they shall be subject to prosecution in accordance with Section 150.126 and as prescribed by the authority having jurisdiction. Upon failure to comply with the notice of violation, any duly authorized employee of the jurisdiction or contractor hired by the

jurisdiction shall be authorized to enter upon the property in violation and cut and destroy the weeds growing thereon, and the cost of such removal shall be paid by the *owner* or agent responsible for the property.

(E) *Rodent harborage.* All *structures* and *exterior property* shall be kept free from rodent harborage and *infestation*. Where rodents are found, they shall be promptly exterminated by *approved* processes which will not be injurious to human health. After *pest elimination*, proper precautions shall be taken to eliminate rodent harborage and prevent reinfestation.

(F) *Exhaust vents.* Pipes, ducts, conductors, fans or blowers shall not discharge gases, steam, vapor, hot air, grease, smoke, odors or other gaseous or particulate wastes directly upon abutting or adjacent public or private property or that of another *tenant*.

(G) *Accessory structures.* All accessory *structures*, including detached garages, fences and walls, shall be maintained structurally sound and in good repair.

(H) *Motor vehicles.* Except as provided for in other regulations, no inoperative or unlicensed motor vehicle shall be parked, kept or stored on any *premises*, and 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:* A vehicle of any type is permitted to undergo major overhaul, including body work, provided that such work is performed inside a *structure* or similarly enclosed area designed and *approved* for such purposes.

(I) *Parking motor vehicles.* The parking of vehicles on any surface that is not an improved surface in the front or side *yard* areas of a residential zone district is prohibited. Boats, travel trailers and utility trailers are subject to Village of Swansea Ordinance 154.059 (C).

(1) *Improved surface.* Means an area, excluding a driveway, the surface of which is comprised of a selected materials constructed to a depth sufficient to distribute the weight of a vehicle over such area to preclude *deterioration* and deflection of the area due to vehicle load, adverse weather, or other conditions.

(J) *Graffiti.* All *structures* and *exterior property* shall be kept free from *graffiti*. The existence of *graffiti* on building, or on *structures*, including but not limited to fences or walls located upon any property is declared a nuisance. Where *graffiti* is found, a notice shall be issued describing the nuisance and shall establish a reasonable time limit for the abatement thereof by such *owner*, which time shall be not less than five (5) days nor more than fourteen (14) days after service of such notice. The notice shall also specify clearly that *graffiti* established on a painted surface shall be painted over with a color consistent with the predominant tone of the building or *structure*, and that *graffiti* established on any unpainted masonry or wood surface shall be removed by cleaning so that such unpainted surface is returned.

## § 150.137 SWIMMING POOLS, SPAS AND HOT TUBS

(A) *Swimming pools.* Swimming pools shall be maintained in a clean and sanitary condition, and good repair.

(B) *Enclosures.* Private swimming pools, hot tubs and spas, containing water more than 24 inches (610 mm) in depth shall be completely surrounded by a fence or barrier at least 48 inches (1219 mm) in height above the finished ground level measured on the side of the barrier away from the pool. Openings in the fence or barrier shall not allow the passage of a 4-inch-diameter (102 mm) sphere. The vertical clearance between grade and the bottom of the fence or barrier shall not exceed 2 inches (51 mm) for grade surfaces that are not solid, such as grass or gravel, where measured on the side of the fence or barrier that faces away from the vessel. Gates and doors in such barriers shall be self-closing and self-latching. Where the self-latching device is a minimum of 54 inches (1372 mm) above the bottom of the gate, the release mechanism shall be located on the pool side of the gate. Self-closing and self-latching gates shall be maintained such that the gate will positively close and latch when released from an open position of 6 inches (152 mm) from the gatepost. No existing pool enclosure shall be removed, replaced or changed in a manner that reduces its effectiveness as a safety barrier.

*Exception:* Spas or hot tubs with a safety cover that complies with ASTM F 1346 shall be exempt from the provisions of this section.

(C) *Barrier.* Where a wall of a dwelling serve as part of barrier, one of the following conditions shall be met: (IRC AG105.2(9))

(1) The pool shall be equipped with a powered safety cover in compliance with ASTM F 1346:

(2) Doors with direct access to the pool through that wall shall be equipped with an alarm which produces an audible warning when the door and/or its screen, if present, are opened. The alarm shall be listed and *labeled* in accordance with UL 2017. The deactivation switch(es) shall be located at least 54 inches (1372 mm) above the threshold of the door; or

(3) Other means of protection, such as self-closing doors with self-latching devices, which are *approved* by the governing body, shall be accepted as long as the degree of protection afforded is not less than the protection afforded by item 1 and 2 described herein.

## § 150.138 EXTERIOR STRUCTURE

(A) *General.* The exterior of a *structure* shall be maintained in good repair, structurally sound and sanitary so as not to pose a threat to the public health, safety or welfare.

(B) *Unsafe conditions.* The following conditions shall be determined as unsafe and shall be repaired or replaced to comply with sections 150.020 through 150.108 of the Swansea Code of Ordinances as required for existing buildings:

- (1) The nominal strength of any structural member is exceeded by nominal loads, the load effects or the required strength;
- (2) The anchorage of the floor or roof to walls or columns, and of walls and columns to foundations is not capable of resisting all nominal loads or load effects;
- (3) *Structures* or components thereof that have reached their limit state;
- (4) Siding and masonry joints including joints between the building envelope and the perimeter of windows, doors and skylights are not maintained, weather resistant or water tight;
- (5) Structural members that have evidence of *deterioration* or that are not capable of safely supporting all nominal loads and load effects, including tie down devices for manufactured homes;
- (6) Foundation systems that are not firmly supported by footings, are not plumb and free from open cracks and breaks, are not properly *anchored* or are not capable of supporting all nominal loads and resisting all load effects;
- (7) Exterior walls that are not *anchored* to supporting and supported elements or are not plumb and free of holes, cracks or breaks and loose or rotting materials, are not properly *anchored* or are not capable of supporting all nominal loads and resisting all load effects;
- (8) Roofing or roofing components that have defects that admit rain, roof surfaces with inadequate drainage, or any portion of the roof framing that is not in good repair with signs of *deterioration*, fatigue or without proper anchorage and incapable of supporting all nominal loads and resisting all load effects;
- (9) Flooring and flooring components with defects that affect serviceability or flooring components that show signs of *deterioration* or fatigue, are not properly *anchored* or are incapable of supporting all nominal loads and resisting all load effects.
- (10) Veneer, cornices, belt courses, corbels, trim, wall facings and similar decorative features not properly *anchored* or that are *anchored* with connections not capable of supporting all nominal loads and resisting all load effects;
- (11) Overhang extensions or projections including, but not limited to, trash chutes, canopies, marquees, signs, awnings, fire escapes, standpipes and exhaust ducts not properly *anchored* or that are *anchored* with connections not capable of supporting all nominal loads and resisting all load effects.
- (12) Exterior stairs, decks, porches, balconies and all similar appurtenances attached thereto, including *guards* and handrails, are not structurally sound, not properly *anchored* or that are *anchored* with connections not capable of supporting all nominal loads and resisting all load effects; or
- (13) Chimneys, cooling towers, smokestacks and similar appurtenance not structurally sound or not properly *anchored*, or that are *anchored* with connections not capable of supporting all nominal loads and resisting all load effects.

*Exceptions:*

- (a) When substantiated otherwise by an *approved* method.
- (b) Demolition of unsafe conditions shall be permitted when *approved* by the *code official*.

(C) *Protective treatment.* All exterior surfaces, including but not limited to, doors, door and window frames, cornices, porches, trim, balconies, decks and fences, shall be maintained in good condition. Exterior wood surfaces, other than decay-resistant woods, shall be protected from the elements and decay by painting or other protective covering or treatment. Peeling, flaking and chipped paint shall be eliminated and surfaces repainted. All siding and masonry joints, as well as those between the building envelope and the perimeter of windows, doors and skylights, shall be maintained weather resistant and water tight. All metal surfaces subject to rust or corrosion shall be coated to inhibit such rust and corrosion, and all surfaces with rust or corrosion shall be stabilized and coated to inhibit future rust and corrosion. Oxidation stains shall be removed from exterior surfaces. Surfaces designed for stabilization by oxidation are exempt from this requirement.

(D) *Premises identification.* Building 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 or alphabet letters. Number shall be a minimum of 4 inches (102 mm) in height with a minimum stroke width of 0.5 inches (12.7 mm).

(E) *Structural members.* All structural members shall be maintained free from *deterioration*, and shall be capable of safely supporting the imposed dead and live loads.

(F) *Foundation walls.* All foundation walls shall be maintained plumb and free from open cracks and breaks and shall be kept in such condition so as to prevent the entry of rodents and other pests.

(G) *Exterior walls.* All exterior walls shall be free from holes, breaks, and loose or rotting materials; and maintained weatherproof and properly surface coated where required to prevent *deterioration*.

(H) *Roofs and drainage.* The roof and flashing shall be sound, tight and not have defects that admit rain. Roof drainage shall be adequate to prevent dampness or *deterioration* in the walls or interior portion of the *structure*. Roof drains, gutters and downspouts shall be maintained in good repair and free from obstructions. Roof water shall not be discharged in a manner that creates a public nuisance.

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

(J) *Overhang extensions.* All overhang extensions including, but not limited to canopies, marquees, signs, metal awnings, fire escapes, standpipes and exhaust ducts shall be maintained in good repair and be properly *anchored* so as to be kept in a sound condition. When required, all exposed surfaces of 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.



(K) *Stairways, decks, porches and balconies.* Every exterior stairway, deck, porch and balcony, and all appurtenances attached thereto, shall be maintained structurally sound, in good repair, with proper anchorage and capable of supporting the imposed loads.

(L) *Handrails and guards.* Every handrail and *guard* shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition. Handrails shall be provided on at least one side of each continuous run of treads or flight with four or more risers.

(M) *Opening limitations.* Required *guards* shall not have openings from the walking surface to the required *guard* height which allow passage of a sphere 4 inches (102 mm) in diameter.

(N) *Window, skylight and door frames.* Every window, skylight, door and frame shall be kept in sound condition, good repair and weather tight.

(1) *Glazing.* All glazing materials shall be maintained free from cracks and holes.

(2) *Openable windows.* Every window, other than a fixed window, shall be easily openable and capable of being held in position by window hardware.

(O) *Insect screens.* During the period from April 1 to October 31, every door, window and other outside opening required for *ventilation* of 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 minimum 16 mesh per inch (16 mesh per 25 mm), and every screen door used for insect control shall have a self-closing device in good working condition.

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

(P) *Doors.* All exterior doors, door assemblies, *operator* systems if provided, and hardware shall be maintained in good condition. Locks at all entrances to *dwelling units* and *sleeping units* shall tightly secure the door. Locks on means of egress doors shall be in accordance with Section 150.163 (C)

(Q) *Basement hatchways.* Every *basement* hatchway shall be maintained to prevent the entrance of rodents, rain and surface drainage water.

(R) *Guards for basement windows.* Every *basement* window that is openable shall be supplied with rodent shields, storm windows or other *approved* protection against the entry of rodents.

(S) *Building security.* Doors, windows or hatchways for *dwelling units*, room units or *housekeeping units* shall be provided with devised designed to provide security for the *occupants* and property within.

(1) *Doors.* Doors providing access to a *dwelling unit*, *rooming unit* or *housekeeping unit* that is rented, leased or let shall be equipped with a deadbolt lock designed to be readily

openable from the side from which egress is to be made without the need for keys, special knowledge or effort and shall have a minimum lock throw of 1 inch (25 mm). Such deadbolt locks shall be installed according to the manufacturer's specifications and maintained in good working order. For the purpose of this section, a sliding bolt shall not be considered an acceptable deadbolt lock.

(2) *Windows.* Operable windows located in whole or in part with 6 feet (1828 mm) above ground level or a walking surface below that provide access to a *dwelling unit*, *rooming unit* or *housekeeping unit* that is rented, leased or let shall be equipped with a window sash locking device.

(3) *Basement hatchways.* *Basement* hatchways that provide access to a *dwelling unit*, *rooming unit* or *housekeeping unit* that is rented, leased or let shall be equipped with devices that secure the units from unauthorized entry.

(T) *Gates.* All exterior gates, gate assemblies, *operator* systems if provided, and hardware shall be maintained in good condition. Latches at all entrances shall tightly secure the gates.

## § 150.139 INTERIOR STRUCTURE

(A) *General.* The interior of a *structure* and *equipment* therein shall be maintained in good repair, structurally sound and in a sanitary condition. *Occupants* shall keep that part of the *structure* which they occupy or control in a clean and sanitary condition. Every *owner* of a *structure* containing a *rooming house*, *housekeeping units*, a hotel, a dormitory, two or more *dwelling units* or two or more nonresidential occupancies, shall maintain, in a clean and sanitary condition, the shared or public areas of the *structure* and *exterior property*.

(1) *Unsafe conditions.* The following conditions shall be determined as unsafe and shall be repaired or replaced to comply with sections 150.020 through 150.108 of the Swansea Code of Ordinances as required for existing buildings:

(a) The nominal strength of any structural member is exceeded by nominal loads, the load effects or the required strength;

(b) The anchorage of the floor or roof to walls or columns, and of walls and columns to foundations is not capable of resisting all nominal loads and loads effects;

(c) *Structures* or components thereof that have reached their limit state;

(d) Structural members are incapable of supporting nominal loads and load effects.

(e) Stairs, landings, balconies and all similar walking surfaces, including *guards* and handrails, are not structurally sound, not properly *anchored* or are *anchored* with connections not capable of supporting all nominal loads and resisting all load effects;

(f) Foundation systems that are not firmly supported by footings are not plumb and free from open cracks and breaks, are not properly *anchored* or are not capable of supporting all nominal loads and resisting all load effects.

### *Exceptions:*

1. When substantiated otherwise by an *approved* method.

2. Demolition of unsafe conditions shall be permitted when *approved* by the *code official*.

(B) *Structure members*. All structural members shall be maintained structurally sound, and be capable of supporting the imposed loads.

(C) *Interior surfaces*. All interior surfaces, including window and doors, shall be maintained in good, clean and sanitary condition. Peeling, chipping, flaking or abraded paint shall be repaired, removed or covered. Cracked or loose plaster, decayed wood and other defective surface conditions shall be corrected.

(D) *Stairs and walking surfaces*. Every stair, ramp, landing, balcony, porch, deck or other walking surface shall be maintained in sound condition and good repair.

(E) *Open Risers*. Open risers are permitted provided that the opening between treads does not permit the passage of a 4-inch-diameter (102 mm) sphere. (IRC R311.7.5.1)

(F) *Under-stair protection*. Enclosed accessible space under-stairs shall have walls, under-stair surface and any soffits protected on the enclosed side with 1/2-inch (12.7 mm) gypsum board. (IRC R302.7)

(G) *Handrails and guards*. Every handrail and *guard* shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in sound condition and good repair. Handrails shall be provided on at least one side of each continuous run of treads or flight with four or more risers. (IRC R311.7.8)

(H) *Opening limitations*. Required *guards* shall not have openings from the walking surface to the required *guard* height which allow passage of a sphere 4 inches (102 mm) in diameter. (IRC R312.1.3)

(I) *Interior doors*. Every interior door shall fit reasonably well within its frame and shall be capable of being opened and closed by being properly and securely attached to jambs, headers or tracks as intended by the manufacturer of the attachment hardware.

(J) *Dwelling/garage opening penetration protection*. Openings and penetrations through the walls or ceilings separating the dwelling from the garage shall be in accordance with Section 150.139 (J) (1) through 150.139 (J) (3). (IRC R302.5)

(1) *Opening protection*. Openings from a private garage directly into a room used for sleeping purposes shall not be permitted. Other openings between the garage and residence shall be *equipped* with solid wood doors not less than 1 3/8 inches (35 mm) thick, or 20-minute fire-rated doors, equipped with a self-closing device.

(2) *Duct penetration*. Ducts in the garage and ducts penetrating the walls or ceiling separating the dwelling from the garage shall be constructed of a minimum No. 26 gage (0.48 mm) sheet steel or other *approved* material and shall have no openings into the garage. (IRC R302.5.2)

(3) *Other penetrations.* Penetrations through the separation required in Section 150.139 (K) shall be protected as required by Section 150.139 (J) (3) (a). (IRC R302.5.3)

(a) At Opening around vents, pipes, ducts, cables and wires at ceiling and floor level, with an *approved* material to resist the free passage of flame and products of combustion. The material filling this annular space shall not be required to meet the ASTM E 136 requirements. (IRC R302.11 item 4)

(K) *Garage ceiling.* Fire Rated Sheathing for garage ceiling beneath habitable rooms shall be installed in accordance with the 2015 International Residential Code.

*Exception:* Not required where an *approved* certified sprinkler systems is installed.

(L) *Automatic garage door openers.* Automatic garage door openers, if provided, shall be listed and *labeled* in accordance with UL 325.

*Note:* Automatic garage door openers must have receptacle, the use of an extension cord is prohibited.

## § 150.140 COMPONENT SERVICEABILITY

(A) *General.* The components of a *structure* and *equipment* therein shall be maintained in good repair, structurally sound and in a sanitary condition.

(1) *Unsafe conditions.* Where any of the following conditions cause the component or system to be beyond its limit state, the component or system shall be determined as unsafe and shall be repaired or replaced to comply with sections 150.020 through 150.108 of the Swansea Code of Ordinances as required for existing buildings:

(a) Soils that have been subjected to any of the following conditions:

- (i) Collapse of footing or foundation systems;
- (ii) Damage to footing, foundation, concrete or other structural element due to soil expansion;
- (iii) Adverse effects to the design strength of footing, foundation, concrete or other structural element due to a chemical reaction from the soil;
- (iv) Inadequate soil as determined by a geotechnical investigation;
- (v) Where the allowable bearing capacity of the soil is in doubt; or
- (vi) Adverse effects to the footing, foundation, concrete or other structural element due to the ground water table.

(b) Concrete that has been subject to any of the following conditions;

- (i) *Deterioration;*
- (ii) *Ultimate deformation;*

- (iii) Fractures;
- (iv) Fissures;
- (v) Spalling;
- (vi) Exposed reinforcement; or
- (vii) Detached, dislodged or failing connections.

(c) Aluminum that has been subject to any of the following conditions:

- (i) *Deterioration*;
- (ii) Corrosion;
- (iii) Elastic deformation;
- (iv) *Ultimate deformation*;
- (v) Stress or stain cracks;
- (vi) Joint fatigue; or
- (vii) Detached, dislodge or failing connections.

(d) Masonry that has been subjected to any of the following conditions:

- (i) *Deterioration*;
- (ii) *Ultimate deformation*;
- (iii) Fractures in masonry or mortar joints;
- (iv) Fissures in masonry or mortar joints;
- (v) Spalling;
- (vi) Exposed reinforcement; or
- (vii) Detached, dislodged or failing connections.

(e) Steel that has been subjected to any of the following conditions.

- (i) *Deterioration*;
- (ii) Elastic deformation;
- (iii) *Ultimate deformation*;
- (iv) Metal fatigue; or
- (v) Detached, dislodge or failing connections.

(f) Wood that has been subjected to any of the following conditions.

- (i) *Ultimate deformation*;
- (ii) *Deterioration*;
- (iii) Damage from insects, rodents and other vermin;
- (iv) Fire damage beyond charring;
- (v) Significant splits and cracks;
- (vi) Horizontal shear cracks;
- (vii) Vertical shear cracks;
- (viii) Inadequate support;

- (ix) Detached, dislodged or failing connections; or
- (x) Excessive cutting and notching.

*Exception:*

1. When substantiated otherwise by an *approved* method.
2. Demolition of unsafe conditions shall be permitted when *approved* by the *code official*.

## § 150.141 HANDRAILS AND GUARDRAILS

(A) *General*. Every exterior and interior flight of stairs having more than four risers shall have a handrail on one side of the stairs and every open portion of a stair, landing, balcony, porch, deck, ramp or other walking surface which is more than 30 inches (762 mm) above the floor or grade below shall have *guards*. Handrails shall not be less than 30 inches (762 mm) in height or more than 42 inches (1067 mm) in height measured vertically above the nosing of the tread or above the finished floor of the landing or walking surfaces. *Guards* shall not be less than 30 inches (762 mm) in height above the floor of the landing, balcony, porch, deck, or ramp or other walking surface. Handrails shall be provided on at least one side of each continuous run of treads or flight with four or more risers. (IRC R311.7.8)

(B) *Opening limitations*. Required *guards* shall not have openings from the walking surface to the required *guard* height which allow passage of a sphere 4 inches (102 mm) in diameter. (IRC R312.1.3)

*Exception: Guards* shall not be required where exempted by the adopted building code.

## § 150.142 RUBBISH AND GARAGE

(A) *Accumulation of rubbish or garbage*. All *exterior property* and *premises*, and the interior of every *structure* shall be free from any accumulation of *rubbish* or *garbage*.

(B) *Disposal of rubbish*. Every *occupant* of a *structure* shall dispose of all *rubbish* in a clean and sanitary manner by placing such *rubbish* in *approved* containers.

(1) *Rubbish storage facilities*. The *owner* of every occupied premise shall supply *approved* covered containers for *rubbish*, and the *owner* of the *premises* shall be responsible for the removal of *rubbish*.

(2) *Refrigerators*. Refrigerators and similar *equipment* not operation shall not be discarded, abandoned or stored on *premises* without first removing the doors.

(C) *Disposal of garbage*. Every *occupant* of a *structure* shall dispose of all *rubbish garbage* in a clean and sanitary manner by placing such *garbage* in an *approved garbage* disposal facility or *approved garbage* containers.

(1) *Garbage facilities*. The *owner* of every dwelling shall supply one of the following: an *approved* mechanical food waste grinder in each *dwelling unit*; an *approved* incinerator unit in

the *structure* available to the *occupants* in each *dwelling unit*; or an *approved* leakproof, covered, outside *garbage* container.

(2) *Containers*. The *operator* of every establishment producing *garbage* shall provide, and at all times cause to be utilized, *approved* leakproof containers provided with close-fitting covers for the storage of such materials until removed from the *premises* for disposal.

## § 150.143 PEST ELIMINATION

(A) *Infestation*. All *structures* shall be kept free from insect and rodent *infestation*. All *structures* in which insects or rodents are found shall be promptly exterminated by *approved* processes that will not be injurious to human health. After *pest elimination*, proper precautions shall be taken to prevent reinfestation.

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

(C) *Single occupant*. The *occupant* of a one-family dwelling or of a single-tenant nonresidential *structure* shall be responsible for *pest elimination* on the *premises*.

(D) *Multiple occupancy*. The *owner* of a *structure* containing two or more *dwelling units*, a multiple *occupancy*, a *rooming house* or a nonresidential *structure* shall be responsible for *pest elimination* in the public or shared areas of the *structure* and *exterior property*. If *infestation* is caused by failure of an *occupant* to prevent such *infestation* in the area occupied, the *occupant* and *owner* shall be responsible for *pest elimination*.

(E) *Occupant*. The *occupant* of any *structure* shall be responsible for the continued rodent and pest-free condition of the *structure*.

*Exception*: Where the *infestations* are caused by defects in the *structure*, the *owner* shall be responsible for *pest elimination*.

## LIGHT, VENTILATION AND OCCUPANCY LIMITATIONS

### § 150.145 GENERAL

(A) *Scope*. The provisions of this Section shall govern minimum conditions and standards for light, *ventilation* and space for occupying a *structure*.

(B) *Responsibility*. The *owner* of the *structure* shall provide and maintain light, *ventilation* and space conditions in compliance with these requirements. A *person* shall not occupy as *owner-occupant*, or permit another *person* to occupy, any *premises* that do not comply with the requirements of this Section.

(C) *Alternative devices.* In lieu of the means for natural light and *ventilation* herein prescribed, artificial light or mechanical *ventilation* complying with sections 150.020 through 150.108 of the Swansea Code of Ordinances shall be permitted.

## § 150.146 LIGHT

(A) *Habitable spaces.* Every *habitable space* shall have at least one window of *approved* size facing directly to the outdoors or to a court. The minimum total glazed area for every *habitable space* shall be 8 percent of the floor area of such room. Whenever walls or other portions of a *structure* face a window of any room and such obstructions are located less than 3 feet (914 mm) from the window and extend to a level above that of the ceiling of the room, such window shall not be deemed to face directly to the outdoors not to a court and shall not be included as contributing to the required minimum total window area for the room.

*Exception:* Where natural light for rooms or spaces without exterior glazing areas is provided through an adjoining room, the unobstructed opening to the adjoining room shall be at least 8 percent of the floor area of the interior room or space, but a minimum of 25 square feet (2.33 m<sup>2</sup>). The exterior glazing area shall be based on the total floor area being served.

(B) *Common halls and stairways.* Every common hall and stairway in residential occupancies, other than in one- and two-family dwellings, shall be lighted at all times with at least a 60-watt standard incandescent light bulb for each 200 square feet (19 m<sup>2</sup>) of floor area or equivalent illumination, provided that the spacing between lights shall not be greater than 30 feet (9144 mm). In other than residential occupancies, means of egress, including exterior means of egress, stairways shall be illuminated at all times the building space served by the means of egress is occupied with the minimum of 1 footcandle (11 lux) at floors, landings and treads.

(C) *Other spaces.* All other spaces shall be provided with natural or artificial light sufficient to permit the maintenance of sanitary conditions, and the safe *occupancy* of the space and utilization of the *appliances, equipment* and fixtures.

## § 150.147 VENTILATION

(A) *Habitable spaces.* Every *habitable space* shall have at least one openable window. The total *openable area* of the window in every room shall be equal to at least 45 percent of the minimum glazed area required in Section 150.146 (A).

*Exception:* Where rooms and spaces without openings to the outdoors are ventilated through an adjoining room, the unobstructed opening to the adjoining room shall be at least 8 percent of the floor area of the interior room or space, but a minimum of 25 square feet (2.33 m<sup>2</sup>). The *ventilation* openings to the outdoors shall be based on a total floor area being ventilated.

(B) *Bathrooms and toilet rooms.* Every *bathroom* and *toilet room* shall comply with the *ventilation* requirements for *habitable spaces* as required by Section 150.147 (A), except that a



window shall not be required in such spaces equipped with a mechanical *ventilation* system. Air exhausted by a mechanical *ventilation* system from a *bathroom* or *toilet room* shall discharge to the outdoors and shall not be recirculated.

*Exception:* This Section shall not apply to existing Non-Conforming Buildings or *Structures*.

(C) *Cooking facilities.* Unless *approved* through the certificate of *occupancy*, cooking shall not be permitted in any *rooming unit* or dormitory unit, and a cooking facility or *appliance* shall not be permitted to be present in the *rooming unit* or dormitory unit.

*Exception:*

1. Where specifically *approved* in writing by the *code official*.
2. Devices such as coffee pots and microwave ovens shall not be considered cooking *appliances*.

(D) *Process ventilation.* Where injurious, toxic, irritating or noxious fumes, gases, dusts or mists are generated, a local exhaust *ventilation* system shall be provided to remove the contaminating agent at the source. Air shall be exhausted to the exterior and not be recirculated to any space.

(E) *Clothes dryer exhaust.* Clothes dryer exhaust systems shall be independent of all other systems and shall be exhausted outside the *structure* in accordance with the manufactures instruction.

*Exception:* Listed and *labeled* condensing (ductless) clothes dryers.

## § 150.148 OCCUPANCY LIMITATIONS

(A) *Privacy.* *Dwelling units*, hotel units, *housekeeping units*, *rooming units* and dormitory units shall be arranged to provide privacy and be separate from other adjoining spaces.

(B) *Minimum room widths.* A habitable room, other than a kitchen, shall be a minimum of 7 feet (2134 mm) in any plan dimension. Kitchen shall have a minimum clear passageway of 3 feet (914 mm) between counterfronts and appliances or counterfronts and walls.

*Exception:* This Section shall not apply to existing Non-conforming Buildings or *Structures*.

(C) *Minimum ceiling heights.* *Habitable spaces*, hallways, corridors, laundry areas, *bathrooms*, *toilet rooms* and habitable *basement* area shall have a minimum clear ceiling height of 7 feet (2134 mm).

*Exception:*

1. In one- and two-family dwellings, beams or girders spaced a minimum of 4 feet (1219 mm) on center and projecting a maximum of 6 inches (152 mm) below the required ceiling height.

2. *Basement* rooms in one- and two-family dwellings constructed after January 1, 1980 occupied exclusively for laundry, study or recreation purposes, having a minimum ceiling height of 6 feet 8 inches (2033 mm) with a minimum clear height of 6 feet 4 inches (1932 mm) under beams, girders, ducts and similar obstructions. One- and two-family dwellings constructed prior to January 1, 1980 shall have no minimum ceiling height for basement rooms.

3. Rooms occupied exclusively for sleeping, study or similar purposes and having a sloped ceiling over all or part of the room, with a minimum clear ceiling height of 7 feet (2134 mm) over a minimum of one-third of the required minimum floor area. In calculating the floor area of such rooms, only those portions of the floor area with a minimum clear ceiling height of 5 feet (1524 mm) shall be included.

4. Compliance with this section for existing Non-Conforming Buildings or Structures shall be at the discretion of the Building and Zoning Director.

(D) *Bedroom and living room requirements.* Every *bedroom* and living room shall comply with the requirements of Sections 150.148 (D) (1) through 150.148 (D) (6).

(1) *Room area.* Every living room shall contain at least 120 square feet (11.2 mm) and every *bedroom* shall contain a minimum of 70 square feet (6.5 m<sup>2</sup>) and every *bedroom* occupied by more than one *person* shall contain a minimum of 50 square feet (4.6 mm<sup>2</sup>) of floor area for each *occupant* thereof.

(2) *Closet.* *Bedrooms* shall contain at least 1 closet contain at least 9 square feet or an approved wardrobe cabinet.

(3) *Access from bedroom.* *Bedrooms* shall not constitute the only means of access to other *bedrooms* or *habitable spaces* and shall not serve as the only means of egress from other *habitable spaces*.

*Exception:*

1. Units that contain fewer than two *bedrooms*.
2. Non-conforming use.

(4) *Water closet accessibility.* Every *bedroom* shall have access to at least one water closet and one lavatory without passing through another *bedroom*. Every *bedroom* in a *dwelling unit* shall have access to at least one water closet and lavatory located in the same story as the *bedroom* or an adjacent story.

*Exception:* Non-conforming use.

(5) *Prohibited occupancy.* Kitchens and nonhabitable spaces shall not be used for sleeping purposes.

(6) *Other requirements.* *Bedrooms* shall 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 Section; the plumbing facilities and water-heating facilities requirements of Sections 150.149 – 150.155; the heating facilities and electrical receptacle requirements of Sections 150.156 – 150.161; and the smoke detector and emergency escape requirements of Sections 150.162 – 150.163.

(E) *Overcrowding.* *Dwelling units* shall not be occupied by more *occupants* than permitted by the minimum area requirements:

### MINIMUM AREA REQUIREMENTS

SPACE	MINIMUM AREA IN SQUARE FEET		
	1-2 occupants	3-5 occupants	6 or more occupants
Living room <sup>a.b.</sup>	120	120	150
Dining room <sup>a.b.</sup>	No requirement	80	100
<i>Bedrooms</i>	Shall comply with Section 150.148 (D) (1)		

For SI: 1 square foot=0.093 m<sup>2</sup>.

a. See Section 150.148 (E) (2) for combined living rooming/dining room spaces.

b. See Section 150.148 (E) (1) for limitations on determining the minimum *occupancy* area for sleeping purposes.

(1) *Sleeping area.* The minimum *occupancy* area required by the above table shall not be included as a sleeping area in determining the minimum *occupancy* area for sleeping purposes. All sleeping areas shall comply with Section 150.148 (D).

*Exception.*

(1) Non-conforming use.

(2) Manufactured Homes.

(a) All *bedrooms* shall have at least fifty (50) square feet of floor area.

(b) *Bedrooms* designed for two (2) or more people shall have seventy (70) square feet of floor area plus fifty (50) square feet for each *person* in excess of two (2). (HUD 3280.109)

(2) *Combined spaces.* Combined living room and dining room spaces shall comply with the requirements of the above table 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.

(F) *Efficiency unit.* Nothing in this section shall prohibit an efficiency living unit from meeting the following requirements:

1. A unit occupied by not more than one *occupant* shall have a minimum clear floor area of 120 square feet (11.2m<sup>2</sup>). A unit occupied by not more than two *occupants* shall have a minimum clear floor area of 220 square feet (20.4m<sup>2</sup>). A unit occupied by three *occupants* shall

have a minimum clear floor area of 320 square feet (29.7m<sup>2</sup>). These required areas shall be exclusive of the areas required by Items 2 and 3.

2. The unit shall be provided with a kitchen sink, cooking *appliance* and refrigeration facilities, each having a minimum clear working space of 30 inches (762 mm) in front. Light and *ventilation* conforming to this code shall be provided.

3. The unit shall be provided with a separate *bathroom* containing a water closet, lavatory and bathtub or shower.

4. The maximum number of *occupants* shall be three.

(G) *Food preparation.* All spaces to be occupied for food preparation purposes shall contain suitable space and *equipment* to store, prepare and serve foods in a sanitary manner. There shall be adequate facilities and services for the sanitary disposal of food wastes and refuse, including facilities for temporary storage.

## PLUMBING FACILITIES AND FIXTURE REQUIREMENTS

### § 150.149 GENERAL

(A) *Scope.* The provisions of this Section shall govern the minimum plumbing systems, facilities and plumbing fixtures to be provided.

(B) *Responsibility.* 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 as *owner-occupant* or permit another *person* to occupy any *structure* or *premises* which does not comply with the requirements of this Section.

### § 150.150 REQUIRED FACILITIES

(A) *Dwelling units.* Every *dwelling unit* shall contain its own bathtub or shower, lavatory, water closet and kitchen sink which shall be maintained in a sanitary, safe working condition. The lavatory shall be placed in the same room as the water closet or located in close proximity to the door leading directly into the room in which such water closet is located. A Kitchen sink shall not be used as a substitute for the required lavatory.

(B) *Rooming houses.* At least one water closet, lavatory and bathtub or shower shall be supplied for each four *rooming units*.

### § 150.151 TOILET ROOMS

(A) *Privacy.* *Toilet rooms* and *bathrooms* shall provide privacy and shall not constitute the only passageway to a hall or other space, or to the exterior. A door and interior locking device shall be provided for all common or shared *bathrooms* and *toilet rooms* in a multiple dwelling.

(B) *Floor surface.* In other than *dwelling units*, every *toilet room* floor shall be maintained to be a smooth, hard, nonabsorbent surface to permit such floor to be easily kept in a clean and sanitary condition.

#### § 150.152 PLUMBING SYSTEMS AND FIXTURES

(A) *General.* All plumbing fixtures shall be properly installed and maintained in working order, and shall be kept free from obstructions, leaks and defects and be capable of performing the function for which such plumbing fixtures are designed. All plumbing fixtures shall be maintained in a safe, sanitary and functional condition.

(B) *Fixtures clearances.* Plumbing fixtures shall have adequate clearances for usage and cleaning.

(C) *Pressure-relief valve.* Boilers shall be equipped with pressure-relief valves with minimum rated capacities for *equipment* served. Pressure relief valves shall be set at the maximum rating of the boiler. Discharge shall be piped to drains by gravity to within 18 inches (457 mm) of the floor or to an open receptor.

(D) *Plumbing system hazards.* Where it is found that a plumbing system in a *structure* constitutes a hazard to the *occupants* or the *structure* by reason of inadequate service, inadequate venting, cross connection, backsiphonage, improper installation, *deterioration* or damage or for similar reasons, the *code official* shall require the defects to be corrected to eliminate the hazard.

#### § 150.153 WATER SYSTEM

(A) *General.* Every sink, lavatory, bathtub or shower, drinking fountain, water closet or other plumbing fixtures 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 State of Illinois Plumbing Code.

(B) *Contamination.* The water supply shall be maintained free from contamination, and all water inlets for plumbing fixtures shall be located above the flood-level rim of the fixture. Shampoo basin faucets, janitor sink faucets and other hose bibs or faucets to which hoses are attached and left in place, shall be protected by an *approved* atmospheric-type vacuum breaker or an *approved* permanently attached hose connection vacuum breaker.

(C) *Supply.* The water supply system shall be installed and maintained to provide a supply of water to plumbing fixtures, devices and appurtenance in sufficient volume and at pressures adequate to enable the fixtures to function properly, safely, and free from defects and leaks.

(D) *Water heating facilities.* Water heating facilities shall be properly installed, maintained and capable of providing an adequate amount of water to be drawn at every required sink, lavatory,

bathtub, shower and laundry facility at a minimum temperature of 110°F (43°C). A gas-burning water heater shall not be located in any *bathroom, toilet room, bedroom* or other occupied room normally kept closed, unless adequate *combustion air* is provided. An *approved* combination temperature and pressure-relief valve and relief valve discharge pipe shall be properly installed and maintained on water heaters, discharge pipe with in 6” of floor. (IRC P2803.6)

(E) *Water heaters installed in garages.* Water heaters having an *ignition source* shall be elevated such that the source of ignition is not less than 18 inches (457 mm) above the garage floor. (IRC P2801.6)

*Exception:* Elevation of the *ignition source* is not required for *appliances* that are listed as flammable vapor ignition resistant (Documentation of certification is required).

(F) *Supply freeze protection.* Water supply system components subject to temperatures below 32°F (0°C) shall be equipped with an approved freeze protection device.

#### **§ 150.154 SANITARY DRAINAGE SYSTEM**

(A) *General.* All plumbing fixtures shall be properly connected to either a public sewer system or to an *approved* private sewage disposal system.

(B) *Maintenance.* Every plumbing stack, vent, waste and sewer line shall function properly and be kept free from obstructions, leaks and defeats.

(C) *Grease interceptors.* Grease interceptors and automatic grease removal devices shall be maintained in accordance with this code and manufacture’s installation instructions. Grease interceptors and automatic grease removal devices shall be regularly serviced and cleaned to prevent the discharge of oil, grease, and other substances harmful or hazardous to the building drainage system, the public sewer, the private sewage disposal system or the sewer treatment plant or processes. All records of maintenance, cleaning and repairs shall be available for inspection by the *code official*.

#### **§ 150.155 STORM DRAINAGE**

(A) *General.* 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.

### **MECHANICAL AND ELECTRICAL REQUIREMENTS**

#### **§ 150.156 GENERAL**

(A) *Scope.* The provisions of this Section shall govern minimum mechanical and electrical facilities and *equipment* to be provided.

(B) *Responsibility.* 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 as *owner-occupant* or permit another *person* to occupy any *premises* which does not comply with the requirements of this Section.

#### § 150.157 HEATING FACILITIES

(A) *Facilities required.* Heating facilities shall be provided in *structures* as required by this section .

(B) *Residential occupancies .* Dwellings shall be provided with heating facilities capable of maintaining a room temperature of 68°F (20°C) in all habitable rooms, *bathrooms* and *toilet rooms* based on the winter outdoor design temperature for the locality indicated in section R303.9 of the International Residential Code. Cooking *appliances* shall not be used, nor shall portable unvented fuel-burning space heaters be used, as a means to provide required heating.

(C) *Heat supply.* Every *owner* and *operator* of any building who rents, leases or lets one or more *dwelling units*, or *sleeping units* on terms, either expressed or implied, to furnish heat to the *occupants* thereof shall supply heat during the period from October 1 to April 30 to maintain a minimum temperature of 68° (20°C) in all habitable rooms, *bathrooms* and *toilet rooms*.

(D) *Installation of materials.* All materials used shall be installed in strict accordance with the standards under which the materials are accepted and *approved*. In the absence of such installation procedures, the manufacturer's instructions shall be followed. Where the requirements of referenced standards or manufacturer's instructions do not conform to minimum provisions of this code, the provisions of this code shall apply. (IRC G2415.1)

(E) *Room temperature measurement.* The required room temperatures shall be measured 3 feet (914 mm) above the floor near the center of the room and 2 feet (610 mm) inward from the center of each exterior wall.

#### § 150.158 MECHANICAL EQUIPMENT

(A) *Mechanical appliances.* All mechanical *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.

(B) *Removal of combustion products.* All fuel-burning *equipment* and *appliances* shall be connected to an *approved* chimney or vent.

*Exception:* Fuel-burning *equipment* and *appliances* which are *labeled* for unvented operation.

(C) *Clearances.* All required clearances to combustible materials shall be maintained.

(D) *Equipment and appliances having ignition source* shall be elevated such that the source of ignition is not less than 18 inches (457 mm) above the floor in *hazardous locations*. For the purpose of this section, rooms or spaces that are not part of the *living space* of a *dwelling unit* and that communicate directly with a private garage through openings shall be considered to be part of the private garage. (IRC G2408.2)

*Exception:* Elevation of the *ignition source* is not required for *appliances* that are listed as flammable vapor ignition resistant.

(1) *Installation in residential garages.* In residential garages where *appliances* are installed in a separate, enclosed space having access only from outside of the garage, such *appliances* shall be permitted to be installed at floor level, provided that the required *combustion air* is taken from the exterior of the garage. (IRC G2408.1)

(E) *Safety controls.* All safety controls for fuel-burning *equipment* shall be maintained in effective operation.

(F) *Combustion air.* A supply of air for complete combustion of the fuel and for *ventilation* of the space containing the fuel-burning *equipment* shall be provided for the fuel-burning *equipment*.

(G) *Energy conservation devices.* Devices intended to reduce fuel consumption by attachment to a fuel-burning *appliance*, to the fuel supply line thereto, or to the vent outlet or vent piping therefrom, shall not be installed unless *labeled* for such purpose and the installation is specifically *approved*.

## § 150.159 ELECTRICAL FACILITIES

(A) *Facilities required.* Every occupied building shall be provided with an electrical system in compliance with the requirements of this Section and Section 150.160.

(B) *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 listed in Sections 150.162 – 150.165. *Dwelling units* shall be served by a three-wire, 120/240 volt, single phase electrical service having a minimum rating of 100 amperes.

(C) *Electrical system hazards.* Where it is found that the electrical system in a *structure* constitutes a hazard to the *occupants* or the *structure* by reason of inadequate service, improper fusing, insufficient receptacle and lighting outlets, improper wiring or installation, *deterioration* or damage, or for similar reasons, the *code official* shall require the defects to be corrected to eliminate the hazard.

## § 150.160 ELECTRICAL EQUIPMENT



(A) *Installation.* All electrical *equipment*, wiring and *appliances* shall be properly installed and maintained in a safe and *approved* manner.

(B) *Receptacles.* Every *habitable space* in a dwelling shall contain at least two separate and remote receptacle outlets. Every laundry area shall contain at least one grounding-type receptacle or a receptacle with a ground fault circuit interrupter. Every *bathroom* shall contain at least one receptacle. Any new *bathroom* receptacle outlet shall have ground fault circuit interrupter protection. All receptacles outlets shall have the appropriate faceplate cover for the location.

- (1) *Bathrooms* within six (6) feet of water source.
- (2) *Kitchens* within six (6) feet of water source
- (3) All outside receptacles shall be weather proof and GFCI.

(C) *Luminaires.* Every public hall, interior stairway, *toilet room*, kitchen, *bathroom*, laundry room, boiler room and furnace room shall contain at least one electric luminaire. Pool and spa luminaries over 15 V shall have ground fault circuit interrupter protection.

(D) *Wiring.* Flexible cords shall not be used for permanent wiring, or for running through doors, windows, or cabinets, or concealed within walls, floors, or ceilings.

## § 150.161 DUST SYSTEMS

(A) *General.* Dust systems shall be maintained free of obstructions and shall be capable of performing the required function.

## FIRE SAFETY REQUIREMENTS

### § 150.162 GENERAL

(A) *Scope.* The provisions of this Section shall govern minimum conditions and standards for fire safety relating to *structures* and exterior *premises*, including fire safety facilities and *equipment* to be provided.

(B) *Responsibility.* 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 as *owner-occupant* or permit another *person* to occupy any *premises* that do not comply with the requirements of this Section.

### § 150.163 MEANS OF EGRESS

(A) *General.* 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 International Fire Code.

(B) *Aisles.* The required width of aisles in accordance with the International Fire Code shall be unobstructed.

(C) *Locked doors.* 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 International Building Code.

(D) *Emergency escape openings.* Required emergency escape openings shall be maintained in accordance with the code in effect at the time of construction, and the following. Required emergency escape and rescue openings shall be operational from the inside of the room without the use of keys or tools. Bars, grilles, grates or similar devices are permitted to be placed over emergency escape and rescue openings provided the minimum net clear opening size complies with the code that was in effect at the time of construction and such devices shall be releasable or removable from the inside without the use of key, tool or force greater than that which is required for normal operation of the escape and rescue opening.

(E) *Fire Partitions.*

(1) *Opening Protection.* Openings from a private garage directly into a room used for sleeping purposes shall not be permitted. Other openings between the garage and residence shall be equipped with either solid wood doors not less than one and three-eighths (1 3/8) inch (35 mm) in thickness, solid or honeycomb core steel doors not less than one and three-eighths (1 3/8) inch (35 mm) thick, or twenty (20) minute fire-rated doors. (IRC 309.1 2003)

(2) *Floor Surfaces.* Garage floor surfaces shall be of *approved* noncombustible material. (IRC 309.3 2003)

(3) *Separation Required.* The garage shall be separated from the residence and its attic area by not less than one-half (1/2) inch (12.7 mm) gypsum board applied to the garage side. Garages beneath habitable rooms shall be separated from all habitable rooms above by not less than five-eighths (5/8) inch (15.9 mm) Type X gypsum board or equivalent. Where the separation is a floor-ceiling assembly, the *structure* supporting the separation shall also be protected by not less than one-half (1/2) inch (12.7 mm) gypsum board or equivalent. (IRC 309.2 2003)

(4) *Duplex.* *Dwelling units* in two-family dwellings shall be separated from each other by wall and/or floor assemblies having not less than one (1) hour fire-resistance rating when tested in accordance with ASTM E 119. Fire resistance-rated floor-ceiling and wall assemblies shall extend to and be tight against the exterior wall, and wall assemblies shall extend to the underside of the roof sheathing. (IRC 317.1 2003)

## § 150.164 FIRE-RESISTANCE RATINGS

(A) *Fire-resistance-rated assemblies.* The required fire-resistance rating of fire-resistance-rated walls, fire stops, shaft enclosures, partitions and floors shall be maintained.

(B) *Opening protective.* Required opening protective shall be maintained in an operative condition. All fire and smokestop doors shall be maintained in operable condition. Fire doors and smoke barrier doors shall not be blocked or obstructed or otherwise made inoperable.

## § 150.165 FIRE PROTECTION SYSTEMS

(A) *General.* 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 a operable condition at all times in accordance with the 2006 International Fire Code.

(1) *Automatic sprinkler systems.* Inspection, testing and maintenance of automatic sprinkler systems shall be in accordance with NFPA 25.

(B) *Smoke alarms.* Single- or multiple-station smoke alarms shall be installed and maintained in *Group R* or I-1 occupancies, regardless of *occupant* load at all of the following locations:

(1) On the ceiling or wall outside of each separate sleeping area in the immediate vicinity of *bedrooms*.

(2) In each room used for sleeping purposes.

(3) In each story within a *dwelling unit*, including *basements* and cellars but not including crawl spaces and uninhabitable attics. In dwellings and *dwelling units* with split levels and without an intervening door between the adjacent levels, a smoke alarm installed on the upper level shall suffice for the adjacent lower level provided that the lower level is less than one full story below the upper level.

(C) *Power source.* In *Group R* or I-1 occupancies, single-station smoke alarms shall receive their primary power from the building wiring provided that such wiring is served from a commercial source and shall be equipped with a battery backup. Smoke alarms shall emit a signal when the batteries are low. Wiring shall be permanent and without a disconnecting switch other than as required for overcurrent protection.

*Exception:* Smoke alarms are permitted to be solely battery operated in buildings where no construction is taking place, buildings that are not served from a commercial power source and in existing areas of buildings undergoing alterations or repairs that do not result in the removal of interior wall or ceiling finishes exposing the *structure*, unless there is an attic, crawl space or *basement* available which could provide access for building wiring without the removal of interior finishes.

(D) *Interconnection.* Where more than one smoke alarm is required to be installed within an individual *dwelling unit* in *Group R* or I-1 occupancies, the smoke alarms shall be interconnected in such manner that the activation of one alarm will activate all the alarms in the individual unit. Physical interconnection of smoke alarms shall not be required where listed wireless alarms are installed and all alarms sound upon activation of one alarm. The alarm shall be clearly audible in all *bedrooms* over background noise levels with all intervening doors closed.

*Exceptions:*

(1) Interconnection is not required in buildings which are not undergoing alterations, repairs or construction of any kind.

(2) Smoke alarms in existing areas are not required to be interconnected where alterations or repairs do not result in the removal of interior wall or ceiling finishes exposing the *structure*, unless there is an attic crawl space or *basement* available which could provide access for interconnection without the removal of interior finishes.

(E) *Carbon Monoxide Detectors*. Effective January 1, 2007, every Illinois home was required to have at least one carbon monoxide alarm in an operating condition within 15 feet of every room used for sleeping purposes. Homes that do not rely on the burning of fuel for heat, *ventilation* or hot water; are not connected to a garage; and are not near a source of carbon monoxide (as determined by the *Code Official*) are not required to install carbon monoxide detectors. (Public Act 94-741)

**§ 150.166 LIEN**

(A) Charges for such building removal, repair or alteration including attorney's fees and costs shall be a lien upon the premises.

(B) A bill representing the cost and expense incurred or payable for the service shall be presented to the owner.

(C) If this bill is not paid within 30 days of submission of the bill, a notice of lien for the cost and expenses incurred by the village shall be recorded in the following manner:

(1) A description of the real estate sufficient for identification thereof;

(2) The amount of money representing the costs and expenses incurred or payable for the service;

(3) The date or dates when said costs and expenses were incurred by the village; and

(4) Said lien shall be filed within 60 days after expenditure.

(Prior Code, §150.125, § 15-706) (Ord. 1466, passed 8-21-2006)

**§ 150.167 PAYMENT**

Notice of such lien claim shall be mailed to the owner of the premises if his or her address is known. Upon payment of the cost and expense after notice of lien has been filed, the lien shall be released by the village or person in whose name the lien has been filed and the release shall be filed or recorded in the same manner as filing notice of the lien.

(Prior Code, §150.126, § 15-707) (Ord. 1466, passed 8-21-2006)

**§ 150.168 FORECLOSURE OF LIEN.**

Property subject to a lien for unpaid charges shall be sold for non-payment of the same, after deducting costs, as is the case in the foreclosure of statutory liens. Such foreclosure shall be in the name of the village, after the lien is in effect for 60 days.

(Prior Code, § 150.127, § 15-708) (Ord. 1466, passed 8-21-2006)