

Chapter 24
PROPERTY MAINTENANCE CODE

- 24.01 Definitions
- 24.02 Inspection of Dwellings
- 24.03 Scope and Applicability
- 24.04 Maintenance Required
- 24.05 Maintenance Standards
- 24.06 Responsibilities of Owners and Operators
- 24.07 Additional Responsibilities of Owner and Operators of Hotels and Motels
- 24.08 Responsibility of Occupants
- 24.09 Inspection for Violations
- 24.10 Inspections and Right of Entry
- 24.11 Warrant Procedure
- 24.12 Transfer of Responsibility
- 24.13 Notice of Violations
- 24.14 Rules and Regulations
- 24.15 Designation of Building as Unfit for Human Use or the Use Intended, Procedures
- 24.16 Effect of Designation of Building as Unfit for Human Use or the Use Intended
- 24.17 Additional Responsibilities of Owners and Operators of Car Dealerships, Used Car Lots, Body Shops and Repair Shops *2007-O-15*
- 24.18 Assistance of Village Attorney
- 24.19 Appeals
- 24.20 Records
- 24.21 Other Village Actions
- 24.22 Effect of Noncompliance

24.01 DEFINITIONS

Terms used in this Chapter are defined in Appendix A.

24.02 INSPECTION OF DWELLINGS

The Village Board finds:

1. It is necessary to promote the public health, safety and general welfare of residents of the Village by securing adequate lighting, heating, ventilation, ingress and egress and preventing or correcting unhygienic, unsanitary or unsafe conditions posed by buildings which are in a substandard condition or state of disrepair, as manifested by violations of the Village's building code or other regulations applicable to the condition and use of real property.
2. It is necessary to create a system of inspecting buildings to ensure compliance with all of the Village's ordinances and regulations relating to stormwater management in order to comply with the EPA's Final Rule regarding the National Pollutant Discharge Elimination System - Regulations for Revision of the Water Control Program Addressing Stormwater Discharges as codified at Title 40 of the Code of Federal Regulations Parts 9, 122, 123 and 124.
3. It is necessary to prevent blight by establishing regulations to insure that buildings and

real estate within the Village are maintained in a safe and sanitary condition and free of health, fire and safety hazards.

4. It is necessary to establish and implement a systematic program of inspection of real property to identify and correct those properties in a substandard condition or state of dis-repair and to prevent poor building conditions from developing in the future.

24.03 SCOPE and APPLICABILITY

Except where specified hereinafter, the provisions of this Chapter shall apply to all buildings and real estate located within the Village and shall apply in addition to all other Village ordinances.

24.04 MAINTENANCE REQUIRED

It shall be unlawful for the owner of real estate or any owner or operator of a building to fail, refuse or neglect to maintain such real estate or building in accordance with the provisions of this Chapter.

24.05 MAINTENANCE STANDARDS *Amended, 2007-O-15*

A. General Standards:

1. All buildings and real estate shall be maintained in good repair and each part of a building shall perform the function for which such part was designed or intended to be used.
2. Facilities, utilities and equipment, including, but not limited to chimneys, heating and ventilating equipment and facilities, which are part of or used in or on a building and the real estate on which such building is located, shall be maintained in good repair and working order so that they function safely and effectively without threat to health and safety.

B. Specific Standards:

1. Foundations, Exterior Walls and Roofs: Every foundation, exterior wall and roof of every building shall be substantially weather tight and rodent proof; shall be kept in sound condition and good repair; shall be kept free of holes or breaks, and of loose or rotting boards, timbers, bricks, stones and other structural material; and shall be safe to use and capable of supporting the load which normal use may cause to be placed thereon.
2. Exterior Surfaces: All exterior surfaces of any building shall be reasonably capable of withstanding the effects of the elements and decay. Any exterior surface which is deteriorated, decaying, disintegrating or which has lost its capability to reasonably withstand the effects of the elements shall be repaired. This includes the painting of extension surfaces; such surfaces shall be free of chipping or flaking paint.
3. Windows and Exterior Doors: Every window, storm window, exterior door, exterior storm door, basement or cellar door or hatchway shall be

substantially weather tight, water tight and rodent proof; shall be equipped with all appropriate hardware; shall be capable of being easily opened unless designed to be fixed; and all windows, exterior doors and screen shall be kept in good repair.

4. Stairways and Porches: Every inside and outside stairway and porch and every appurtenance thereto shall be maintained in a good state of repair and free from rotting, loose or deteriorating supports, rails, floors and stairs so as to be safe to use and capable of supporting the loads that normal use may cause to be placed thereon.
5. Accessory Structures: All garages, tool sheds and all other accessory structures shall be kept in good repair so as not to be unsafe or a harborage for rats and other rodents. Fences and roadside mailboxes shall be maintained in good repair, solid and in the same condition required for other exterior surfaces. If attached to the exterior of a building, a television antenna shall be firmly and securely fastened to the building and shall be maintained in good repair. No television antenna shall be attached to any tree located on public property.
6. Vegetation: No real estate within the Village shall have uncontrolled growths of vegetation in violation of this Code. No dead trees shall be allowed to remain on real estate within the Village for more than 3 months.
7. Driveways and Walkways: Cement or asphalt driveways and parking areas shall be maintained free of loose or broken material and cracks which are safety hazards. Such driveways and parking areas shall be repaired as necessary to avoid safety hazards. Stone driveways, walkways and parking areas shall be maintained in forms designed to prevent the spread of gravel to public ways, easements and adjoining private property.
8. Gutters, Downspouts and Sump Pumps: All gutters and downspouts shall be maintained free of debris which might prevent their proper functioning and shall not be allowed to discharge in a manner which might create unnecessary erosion. All gutters and downspouts shall be securely fastened to the building which they serve. No sump pumps shall discharge across the surface of public or private property. All painted gutter and downspout surfaces shall be maintained free of chipping and flaking paint.
9. Rat Proofing: Every building and the property on which buildings are located shall be maintained in a rat free and rat proof condition.
10. Plumbing: Every plumbing fixture and all water and waste pipes shall be properly installed and maintained in good and sanitary working condition.
11. Ingress and Egress: The means of ingress to and the egress from any building, including but not limited to hallways, corridors, stairs and porches, shall be maintained in good repair and free from any obstructions.

12. Protective Railings: Any handrail, guardrails or other types of protective railings required to be constructed or installed under any provision of this Code or which have otherwise been constructed and installed, shall be maintained in good repair. All painted surfaces on handrails, guardrails and other protective surfaces shall be maintained free of chipping or flaking.
13. Storage of Motor Vehicles: No licensed or unlicensed motor vehicle or part thereof shall be abandoned, parked or stored if such motor vehicle or part thereof is in an abandoned, wrecked, dismantled or inoperative condition, upon any private commercial property within the Village unless such motor vehicle or part thereof is completely enclosed within a building in a lawful manner where it is not plainly visible from the street or other public or private properties, or unless such motor vehicle or part thereof is parked and stored on a paved parking lot and said parking lot is screened by a permanent opaque fence, wall, berm or densely planted evergreen treatment of a height sufficient to screen such vehicles or parts thereof from public view without obstructing the sight or vision of passing motorists or in any way causes a dangerous or hazardous traffic condition.

All vehicles stored on private commercial property, where the principal use is auto repair or auto service, shall be stored on a paved surface. In the event a vehicle is not removed from a private commercial property within 30 days, then such vehicle or parts thereof must be completely enclosed within a building or stored behind a permanent opaque fence, wall, berm or densely planted evergreen treatment of a height sufficient to screen such vehicle or parts thereof from public view.

For residential properties, inoperative vehicles may be stored on private driveways for up to 30 days. After 30 days, inoperative vehicles must be stored within a building where it is not plainly visible from the street or other public or private properties.

All property owners required to create a screened area in order to comply with this Section shall have 12 months from the effective date of this ordinance to create the required screened area.

14. Garbage and Debris Accumulation Prohibited: Accumulation of garbage and debris which violates the provisions of Chapter 13 of this Code is prohibited.

24.06 RESPONSIBILITIES OF OWNERS and OPERATORS

Every owner or operator of a building or real estate shall:

1. Compliance with Imposed Duties: Comply with all duties imposed by this Chapter. Furthermore, no owner or operator shall let to another person any building or real estate unless such building or real estate or both are clean, sanitary, fit for human use and occupancy, and comply with all applicable provisions of local, state and federal law.

2. Shared Area and Facilities: Maintain in a clean and safe condition the shared or public areas of a building and the real estate on which it is located, including parkways, and maintain and repair any equipment or facilities which said owner or operator supplies or is required to provide pursuant to this Chapter.
3. Extermination: Prevent infestation of any building and exterminate any insects, rodents or other pests in any building.
4. Garbage and Rubbish Disposal: Supply and maintain facilities for the temporary storage and disposal of garbage and rubbish as required by Chapters 12 and 13 of this Code and provide for the collection of garbage and rubbish from the premises in the appropriate manner provided in this Code.
5. Accumulation of Debris and Storage of Goods: No owner of a building or real estate shall accumulate or permit the accumulation of rubbish, boxes, lumber, scrap metal or any other material in such a manner that such accumulation may provide a rat harborage or fire hazard.

24.07 ADDITIONAL RESPONSIBILITIES OF OWNER and OPERATORS OF HOTELS and MOTELS

In addition to complying with the provisions of this Chapter, the owner or operator of every hotel or motel shall be responsible for the following:

1. The sanitary maintenance of all walls, floors and ceilings and for the maintenance of a sanitary condition in every part of the hotel or motel.
2. The extermination of any insects, rodents or other pests wherever found in the hotel or motel.
3. The sanitary maintenance and extermination of the premises.
4. The disposal of all garbage and rubbish by supplying each rooming unit with facilities for storage and disposal of garbage and rubbish and by providing for the general garbage and rubbish storage and collection needs of the hotel or motel.

24.08 RESPONSIBILITY OF OCCUPANTS

A. Maintenance: Every occupant of a building or real estate shall maintain in a safe and sanitary condition that part of a building or real estate or both which such occupant controls and be responsible for misuse of common areas and facilities.

B. Garbage and Rubbish Disposal: Every occupant of a building or real estate shall dispose of all garbage and rubbish in a clean and sanitary manner by placing it in approved storage or disposal facilities which are safe and sanitary.

C. Accumulation of Litter, Debris and Storage of Goods: No person shall place on any real estate or in any building material which causes a fire hazard or otherwise endangers the life, health or safety of any person or constitutes a blighting or deteriorating influence on the premises or neighborhood, nor place in storage on the premises any furniture, equipment or ma-

terial which harbors insects, rodents or other pests or is conducive to infestation.

24.09 INSPECTION FOR VIOLATIONS

Every structure, improvement, building or portion of a building, which is subject to this Chapter, shall be subject to regular and systematic inspections for compliance herewith. Inspections of such buildings shall consist of both exterior and interior inspections. Such inspections shall be for purposes of ensuring compliance with the Village's applicable codes and ordinances including, but not limited to, the Subdivision Code (Chapter 22), the Building Code (Chapter 23) Property Maintenance Code (Chapter 24), Stormwater Drainage and Detention (Chapter 28) and regulations governing the illicit discharge of non-stormwater substances (Section 12.10). Interior inspections, however, shall be limited to detect ordinance violations which pose a threat to public health, safety and general welfare of the residents of the Village. Items subject to interior inspection shall include, but not be limited, to the following:

1. Plumbing systems including those carrying wastewater out of the structure.
2. Smoke detectors, whether battery powered or hard wired, and any other fire detection or fire safety system, fixture or device.
3. Chimneys, or other exhaust or ventilation systems.
4. Railings, balusters and steps.
5. Water heaters, including related valves, gauges, exhaust or ventilation systems, and location.
6. Furnaces and other heating systems, including their location.
7. Supplied facilities (gas, sewer and water), including inspection of all pipes, lines or conduits which carry supplied services within the building.
8. Electrical, including inspection of all wiring, fuse boxes, circuit breakers, outlets or other electrical systems within the building.
9. Kitchen, including inspection of appliances.
10. Bathroom(s), including inspection of the toilet or lavatory and bathtub and/or shower.
11. Habitable rooms, including inspection of outlets, light fixtures and the use of extension cords and space heaters.
12. Exits or other modes of ingress and egress from the building.
13. Any other violation of this Code related to the health, safety and general welfare of the residents of the Village.

24.10 INSPECTIONS and RIGHT OF ENTRY

- A. Frequency of Inspections: All buildings, or portions of buildings, subject to this

Chapter may be inspected at reasonable times. The Village representative shall advise the owner and/or occupant of his/her right to refuse the inspection and the Village's right to seek issuance of an administrative search warrant in the event of any refusal. No inspection of a building shall occur without the consent of the occupant unless an administrative search warrant is obtained. In those cases where the owner and occupant are not identical, an owner's denial of access shall not preclude a tenant from granting access.

B. Inspections: The Building and Zoning Officer is authorized to conduct inspections of buildings, accessory structures and the real estate upon of which they are located to enforce the provisions of this Chapter in response to complaints or whenever the Building and Zoning Officer shall deem such inspections necessary; provided, however, that such inspections must be made at reasonable times and upon reasonable notice to, and with consent of the owner or operator and the occupant, except when an emergency requires immediate action.

24.11 WARRANT PROCEDURE

A. Where the owner and/or occupant has refused to give consent to an inspection of the building, the Village may apply to a court of competent jurisdiction for an administrative search warrant.

B. The court may consider any of the following factors, along with such other matters as it deems relevant, in its decision as to whether a warrant shall be issued:

1. Eyewitness accounts of violation(s).
2. Citizen complaints.
3. Tenant complaints.
4. Plain view violation(s).
5. Violation(s) apparent from Village records.
6. Property deterioration.
7. Age of the property.
8. Nature of alleged violation(s).
9. Similar properties in area.
10. Documented violation(s) of similar properties in the area.
11. Passage of time since last inspection.
12. Previous violation(s) on the property.
13. The use for which the building was constructed.

C. Cause for issuance of an administrative search warrant shall be deemed to exist in light of reasonable legislative and administrative standards which show that there is reason to believe that a condition of nonconformity may exist with respect to a particular property in violation of a Village ordinance.

24.12 TRANSFER OF RESPONSIBILITY

A contract effective as between owner and operator or operator and occupant or owner and occupant with regards to compliance hereunder shall not relieve any person of the requirements imposed by this Chapter upon such owner.

24.13 NOTICE OF VIOLATIONS

A. Notice Required: Whenever, in the opinion of the Building and Zoning Officer after an inspection of a building or real estate as provided herein, any violation of the provisions of this Chapter is found to exist, the Building and Zoning Officer shall serve written notice of such alleged violation upon the owner, operator or occupant responsible therefore.

B. Method of Service: Notice shall be given either by personal service or by mailing a copy thereof to the alleged violator by certified mail, return receipt requested, at his last known address, and by posting a copy thereof in a conspicuous place in or about the building containing the alleged violation.

C. Required Contents of Notice: The notice may include more than 1 alleged violation, shall demand compliance with this Chapter and shall specify a period of time for compliance, which shall be such time as, in the opinion of the Building and Zoning Officer, is reasonably required to effect changes necessary for compliance.

24.14 RULES AND REGULATIONS

The Building and Zoning Officer is authorized to adopt such written rules and regulations as may be necessary for the proper interpretation and enforcement of this Chapter. Such rules and regulations shall not conflict with or waive any provisions of this Chapter or any other ordinance of the Village. Such rules and regulations shall be submitted to the Village Board for approval and no such rule or regulation shall be effective without such approval. Such rules and regulations, upon approval by the Village Board, shall be kept on file with the Building and Zoning Officer and in the office of the Village Clerk for public examination. Such rules and regulations shall have the force and effect of this Chapter and shall continue in effect until revoked by the Building and Zoning Officer with the approval of the Village Board.

24.15 DESIGNATION OF BUILDING AS UNFIT FOR HUMAN USE OR THE USE INTENDED, PROCEDURES

Whenever any building or portion thereof is subject to designation as unfit for human use or the use intended, the Building and Zoning Officer shall carry out such designation in compliance with the following procedures:

1. Notice and Placarding: The Building and Zoning Officer shall serve notice of the designation of the building or portion thereof as unfit for human use or the use intended upon the owner, operator and occupant thereof. Service shall be by certified mail, return receipt requested, and by posting of a placard at each entrance of the affected building.
2. Contents of Notices and Placards: The notices and placards required herein shall state that the affected building or portion thereof is by such notice or placard to be unfit for human use or the use intended in accordance with the provisions of this Chapter; shall state the specific uncorrected violations leading to such designation and the person or persons responsible for the correction thereof; and shall order the affected building or portion thereof to be vacated within a specific reasonable period of time as determined by the Building and Zoning Officer, which may be immediately where conditions exist presenting immediate hazards to human life, health or safety. Such notices or placards shall further state the right of any aggrieved person to file an appeal pursuant to Section 24.19 within 30 days of the date of the receipt of such notice.

3. Defacing or Removing Placard: No person shall deface or remove the placard required herein from any building which has been designated as unfit for human use or the use intended and placarded as such.

24.16 EFFECT OF DESIGNATION OF BUILDING AS UNFIT FOR HUMAN USE OR THE USE INTENDED

A. Vacation Required: Any building or portion thereof designated as unfit for human use or the use intended shall be vacated within the time specified by the Building and Zoning Officer.

B. Conditions for Resumption of Human Use or the Use Intended: No building or portion thereof which has been designated as unfit for human use or use intended shall again be used for human use or the use intended until written approval is secured from, and the placard so designating it is removed by, the Building and Zoning Officer, who shall remove such placard only when the defects upon which designation was based have been eliminated, and after the building or portion thereof has been inspected and found to comply in all respects with the requirements of this Chapter.

24.17 ADDITIONAL RESPONSIBILITIES OF OWNERS AND OPERATORS OF CAR DEALERSHIPS, USED CAR LOTS, BODY SHOPS AND REPAIR SHOPS 2007-0-15

In addition to complying with the provisions of this Code, the owner and operator of every car dealership, used car lot, body shop and repair shop shall be responsible for the following:

1. Vehicles shall only be parked and/or displayed on paved areas. Such paving shall be pursuant to this Code.
2. Any and all inoperable vehicles awaiting repair shall not be visible from surrounding properties or rights-of-way. Said inoperable vehicles shall be completely enclosed within a building or behind a permanent opaque fence, wall, berm or densely planted evergreen treatment of a height sufficient to screen said vehicles from public view.
3. Except as provided herein, the storage of junked vehicles is prohibited. For purposes of this Section, junked vehicle shall include any vehicle missing a critical part or parts such as, but not limited to, wheels, engine, transmission, body or chassis. Junked vehicles retained on the premises for parts or repairs shall be kept in an enclosed building or behind a permanent opaque fence, wall, berm or densely planted evergreen treatment of a height sufficient to screen said vehicles from public view.
4. Enclosed storage areas shall be kept free of overgrown vegetation and the accumulation of rubbish.

The owner and operator of every car dealership, used car lot, body shop and repair shop shall be required to comply with this Section within 12 months from the effective date of this Ordinance (4/28/07).

24.18 ASSISTANCE OF VILLAGE ATTORNEY

The imposition of any penalty pursuant to this Chapter shall not preclude the Village from insti-

tuting any appropriate action or proceeding in a court of competent jurisdiction to prevent an unlawful repair or maintenance; to restrain, correct or abate a violation; to prevent the occupancy of a building; to require compliance with the provisions of this Chapter or other applicable laws, ordinances, rules or regulations, or the orders and determinations of the Building and Zoning Officer or the appropriate Village Board committee.

24.19 APPEALS

Appeals may be taken by the following persons at the following times, in the following manner and with the following effects to the Manager, who shall make recommendations on such appeals to the Village Board, who shall have final authority to decide appeals:

1. Scope of Appeal: An appeal may be taken from any decision of the Building and Zoning Officer, made pursuant to the authority conferred by this Chapter.
2. Persons Entitled to Appeal: Any person aggrieved by a decision within the scope of this Chapter may appeal such decision.
3. Time for Appeal: An appeal shall be commenced within 10 days of receiving the notice of decision from the Building and Zoning Officer. An appeal not commenced within such time shall be deemed waived.
4. Commencement of Appeal: An appeal shall be commenced by filing a notice of appeal, in duplicate, specifying the grounds thereof, in the office of the Village Clerk. The Clerk shall file the notice with the Manager and a copy with the Building and Zoning Officer. The Building and Zoning Officer shall immediately transmit to the Manager the record of the decision. The notice of appeal shall contain such information as the Village designates and such notice shall be available from the office of the Village Clerk and the office of the Building and Zoning Officer.
5. Stay Pending Appeal: An appeal shall stay all proceedings unless the Building and Zoning Officer certifies to the Manager that by reason of facts stated in the order a stay would, in his opinion, cause immediate hazards to human life, health or safety. The proceedings shall not be stayed other than by a restraining order, which may be issued by the Manager, Village Board or by a court of competent jurisdiction upon application following notice to the Building and Zoning Officer and upon due cause shown. Any stay in effect pursuant to this paragraph 5 shall continue until a decision on the appeal is rendered.
6. Action on Appeal: The Manager shall select a reasonable time and place for a public hearing on the appeal and shall give due notice in writing to the parties having a known interest. The Manager shall render a written recommendation with findings of facts, terms of recommended relief and reference to any exhibits containing plans and specifications relating to his recommendation, which plans and specifications shall remain a part of the permanent records of the Village. The findings of facts shall specify the reason or reasons for the recommendation. The terms of the relief recommended shall be specifically set forth in a conclusion or statement separate from the findings of facts. Said recommendation, findings of facts and terms shall be forwarded to the Village Board within 10 days after the date of the public hearing.

The Village Board shall review the records forwarded by the Building and Zoning Offi-

cer, the transcript of the public hearing and the findings of fact and recommendation of the Manager and shall, within 15 days, decide the appeal and mail notice, by certified mail return receipt requested, of such decision to the person who filed the appeal.

The Village Board may reverse, or affirm, in whole or in part, or may modify the decision from which the appeal was taken, and to that end the Village Board shall have all the powers of the Building and Zoning Officer with respect to such decision.

24.20 RECORDS

The Building and Zoning Officer shall maintain a record of the following:

1. Each and every complaint received by or referred to the Building and Zoning Officer of any alleged violation of this Chapter;
2. Any investigation undertaken or directed by the Building and Zoning Officer and any and all reports or other documents related to such investigation; and
3. Any and all warrants and notices related to the enforcement of the provisions of this Chapter.

24.21 OTHER VILLAGE ACTIONS

Nothing in this Chapter shall prevent the Village from taking action under any applicable Village code or ordinance or any applicable state statute for any violation thereof, or limit the right or authority of the Village to seek injunctive relief or other appropriate legal remedy for any violation of such code or ordinance or state statute. Further, this Chapter shall not preclude Village officials from taking emergency action to abate a nuisance, or any other emergency action to protect the public health, safety and general welfare of residents of the Village.

24.22 EFFECT OF NONCOMPLIANCE

If any alleged violation, of which notice has been given pursuant to this Chapter, is not corrected or eliminated within the specified time in such notice, then the owner, operator and/or occupant shall be fined pursuant to Appendix B for each violation or offense with each day such violation or offense constituting a separate offense. Further, the violator shall pay all of the Village's cost of enforcing this Chapter including, but not limit it, its reasonable attorney's fees.