

114-0-96

AN ORDINANCE

Amending the Evanston Housing Code, Title 5, Chapter 1, of the City Code of the City of Evanston, 1979, as Amended, by Adoption of the B.O.C.A. National Property Maintenance Code/1996, Fifth Edition.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EVANSTON, COOK COUNTY, ILLINOIS:

SECTION 1: That Title 5, Chapter 1, of the City Code of the City of Evanston, 1979 as amended, be and hereby is further amended in its entirety by deleting the existing text and substituting therefor:

CHAPTER 1
PROPERTY MAINTENANCE CODE

SECTION:

5-1-1: Adoption of B.O.C.A. National Property Maintenance Code/1996, Fifth Edition

5-1-2: Application

5-1-3: Amendments to the Code

5-1-4: Severability

5-1-1: ADOPTION OF B.O.C.A. NATIONAL PROPERTY MAINTENANCE CODE/1996, FIFTH EDITION:

- (A) Pursuant to the authority granted by Chapter 65 ILCS 5/1-2-4 Compiled Statutes, and pursuant to its home rule powers, the City of Evanston hereby adopts by reference as its standard for the maintenance of existing buildings, the B.O.C.A. National Property Maintenance Code/1996, Fifth Edition (B.O.C.A. Property Maintenance Code), with the amendments below stated. All advisory or text notes, other than the rules and regulations contained in the B.O.C.A. Property Maintenance Code, be and the same are hereby expressly excluded from this Chapter.

(B) Any reference in the B.O.C.A. Property Maintenance Code to "code official" shall refer to the City Manager or his or her authorized representative. Any reference to "municipality" shall mean the City of Evanston.

5-1-2: APPLICATION: The B.O.C.A. Property Maintenance Code shall apply to all matters concerning the protection of public health, safety and welfare in all existing structures, residential and nonresidential, and on all existing premises in the City of Evanston as provided in the Code.

5-1-3: AMENDMENTS TO THE CODE: The following sections of the B.O.C.A. Property Maintenance Code are deleted as noted or amended to read as follows:

(A) ARTICLE 1

PM-101.1 Title: These regulations shall be known as the Property Maintenance Code of the City of Evanston, hereinafter referred to as the "Property Maintenance Code" or "this Code."

PM-101.6 Workmanship: All 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. Work not meeting the definition of "workmanlike" shall be rejected.

PM-101.7 Application of Other Codes: Any repairs, additions or alterations to a structure, or changes of occupancy, which may be caused directly or indirectly by the enforcement of this Code, shall be done in accordance with the procedures and provisions of the building and mechanical codes, and NFPA 70 listed in Chapter 8, as well as the State of Illinois Plumbing Code and all other applicable codes and ordinances adopted by the City of Evanston.

PM-106.1.1 Criminal Housing Management: A person commits the offense of criminal housing management when, having personal management or control of residential or commercial real estate, whether as a legal or equitable owner or as a managing agent or otherwise, he recklessly permits the physical condition or facilities of the residential or commercial real estate to become or remain in any condition which endangers the health or safety of any person.

A person acts "recklessly" within the meaning of this section if he recklessly performs the acts which cause bodily harm or which endanger bodily safety of a person, or if he recklessly fails to perform and said failure causes the harm or endangers the safety of a person.

PM-106.2(a) Penalty: Except as provided below in Section PM-106.2(b), any person who shall violate a provision of this Code shall be subject to a) a fine of not less than \$25.00 nor more than \$500.00 per violation, per day; b) an order that the person correct the violations; and/or (c) such other legal and/or equitable relief the court deems just. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

PM-106.2(b) Criminal Housing Management Penalty: A person who commits the offense of criminal housing management as prohibited by Section PM-106.1.1 shall be guilty of a misdemeanor and shall be subject to a term of incarceration for a term not to exceed thirty days and a fine of up to \$500.00. The court may, as part of the sentence, require the defendant to remedy the violation(s).

PM-107.3 Method of Service: Such notice shall be deemed to be properly served upon such owner if a copy thereof is delivered to the owner personally; or by leaving the notice at the usual place of abode of the owner, in the presence of someone in the family of suitable age and discretion who shall be informed of the contents thereof; or sent by certified or registered mail addressed to the owner at the last known address with return receipt requested; or, if the certified or registered letter is returned showing that the letter was not delivered, by posting a copy thereof in a conspicuous place in or about the structure affected by such notice, and placing at least one publication of such notice in a local newspaper of general circulation; or by regular mail addressed to the owner at the last known address unless other notice is required by state statute or city ordinance.

SECTION PM 111.0 MEANS OF APPEAL, is hereby deleted in its entirety and this Section 111.1 substituted therefor.

PM-111.1 Application for Appeal: Any person aggrieved by a decision of the code official or a notice or order issued under this code shall have the right to appeal to the Property Services Board in accordance with the procedures and provisions of the Property Services Board Rules of Procedure. Such appeal must be in writing, within 30 days of issuance of the notice or order in question. The appellant shall establish by a clear preponderance of the evidence that his proposal is equivalent or superior to the adopted code requirement. The application for appeal must be in writing and include a statement of the proposal, prepared by the appellant and approved as to content and form by the Building Official together with any and all documentation which would aid the Board in its deliberations.

(B)

ARTICLE 2

PM-201.3 Terms Defined in Other Codes: Where terms are not defined in this code and are defined in the building or mechanical codes listed in Chapter 8, or in the Evanston Zoning Ordinance or State of Illinois Plumbing Code, such terms shall have the same meanings ascribed to them as in those codes, unless such meanings are clearly inappropriate or inapplicable.

PM-202.0 GENERAL DEFINITIONS

Dwellings:

One-Family Dwelling: A building containing one dwelling unit.

Two-Family Dwelling: A building containing two dwelling units.

Multi-Family Dwelling: A building containing two or more dwelling units.

Rooming House: A building arranged or used for lodging, with or without meals, for compensation and not occupied as a dwelling unit.

Family: (A) One or more persons related by blood, marriage or adoption living together as a single housekeeping unit in a dwelling unit.

(B) Two (2) unrelated persons and their children living together as a single housekeeping unit in a dwelling unit.

(C) A group of not more than three (3) unrelated persons living together as a single housekeeping unit in a dwelling unit.

(D) A group of two (2) or more persons containing within it one or more families, as defined in (A) and (B) above, including a husband and wife married to one another and their children, as well as adults, living together in a dwelling unit as a single housekeeping unit and management, in premises in which the adult occupants are affiliated with a bona fide not-for-profit corporation organized for religious purposes chartered by the State of Illinois, that owns or rents the property and has been in existence for at least five (5) years prior to seeking certification by the Director of Planning and Zoning as provided herein; provided that in no case shall the total occupancy of the dwelling unit exceed two (2) persons per bedroom, nor shall the premises be utilized for religious public assembly. This type (D) family may occupy a dwelling unit only in accordance with the procedures in section 6-4-1-14.

"Family" shall not be construed to mean a club, a lodge or a fraternity-sorority house.

Motor Vehicle: Any car, bus, truck, trailer, boat, motorcycle or other type of motorized or non-motorized vehicle which is either unlicensed, unregistered, in disrepair and/or inoperable on a public street, or, in the case of a boat, if incapable of being used as a means of transportation on water and/or if not currently registered in accordance with the Boat Registration and Safety Act, 625 ILCS 45/1, et seq., as amended.

Graffiti: Any and every name, identification, description, announcement, declaration, demonstration, display, illustration or insignia, other than advertising which is otherwise provided for in this Code or other ordinances of the City, which, without authorization, is marked, written, drawn, painted, scratched, inscribed, or affixed directly to or upon any of the following objects or structures: public or private curbstone, flagstone, or any portion or part of any sidewalk or street or upon any tree, lamppost, utility pole, postal mail receptacle, sign, hydrant, gate, fence, door, wall, window, garage, enclosure, vehicle, bridge, pier or upon or within any other public or private structure or building.

(C)

ARTICLE 3

PM-303.2 Grading and Drainage: All premises shall be graded and maintained to prevent the erosion of soil and to prevent the accumulation of stagnant water thereon, within any structures located thereon, or on any surrounding premises or structures. The grade of a premises shall not be altered for the purpose of storing any type of soil, stone, chips or any other type of fill or material.

PM-303.4 Weeds: All premises and exterior property shall be maintained free from weeds or plant growth in excess of 8 inches (203.2 mm). 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 and gardens.

PM-303.8 Motor Vehicles: Except as provided for in other regulations, no currently unregistered, unlicensed and/or inoperable motor vehicles 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. **EXCEPTION**: Any 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.

PM-304.5 Foundation Walls: All foundation walls shall be maintained so as to carry the safe design and operating dead and live loads and shall be maintained plumb, and free from open cracks and breaks, so as not to be detrimental to public safety and welfare and to prevent the entry of rats.

PM-304.7 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, free from obstructions, vegetation, rust, cracks and holes. Painted gutters and downspouts with exposed surfaces or peeling paint shall be painted. Roof water shall not be discharged in a manner that creates a public nuisance.

PM-304.14 Window and Door Frames: Every window, skylight, door and frame shall be kept in sound condition, good repair, weathertight and maintained in such relation to the adjacent wall construction so as to exclude rain as completely as possible, and to substantially exclude wind from entering the dwelling structure. Weatherstripping shall be used to exclude wind or water from entering the dwelling or structure and shall be kept in sound condition and good repair.

PM-304.14.1 Glazing: All glazing materials shall be maintained free from cracks and holes. Open cracks and/or unstable glazing shall be corrected by replacement of the window pane.

PM-304.15 Insect Screens: During the period from April 1 to November 1, every door, window and other outside opening utilized or required for ventilation purposes serving any structure containing habitable rooms, food preparation areas, food service areas, or any areas where products to be included or utilized in food for human consumption are processed, manufactured, packaged or stored, shall be supplied with approved tightly fitting screens of not less than 16 mesh per inch and every swinging door shall have a self-closing device in good working condition.

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

PM-304.19 Graffiti Removal: All exterior and interior structure surfaces must be kept clean and free of graffiti, as graffiti is defined in Section 202.0. Surfaces which have been exposed to graffiti must be cleaned, painted or in some manner covered, so as to effect the complete removal of the graffiti from that surface and to return the surface to a clean condition.

PM-305.3 Interior Surfaces: All interior surfaces, including windows, doors, floors, walls, ceilings, and other interior surfaces, shall be maintained in good, clean and sanitary condition. Peeling paint, cracked or loose plaster, decayed wood, and other defective surface conditions shall be corrected.

305.3.1 Bathroom and Kitchen Floors: Every toilet, bathroom and kitchen floor surface and juncture with the wall shall be constructed and maintained so as to be substantially impervious to water and so as to permit such floor to be easily kept in a clean and sanitary condition. This provision shall not be interpreted as preventing the use of carpeting.

PM-305.9 Unit Numbers: Each dormitory, dwelling, hotel and rooming unit, except for buildings containing three or fewer units, shall have each unit number displayed in a position easily observed and readable from outside the dwelling or unit. The unit number shall be posted on or adjacent to the front or main egress door of the unit. All numbers shall be in Arabic numerals at least 1½ inches (37 mm) high and 1/4-inch (6 mm) stroke.

PM-307.6 Rodent Harborage; Owners and Occupants: No owner or occupant of a dwelling or dwelling unit shall accumulate rubbish, boxes, firewood, lumber, scrap metal, or any other materials so that rodent harborage exists. Stored materials shall be stacked neatly in piles elevated at least twelve (12) inches above the ground.

(D) ARTICLE 4

PM-405.1 Privacy: Dwelling units, hotel units, rooming units, and dormitory units shall be arranged to provide privacy, and be separate from other adjoining spaces. Egress shall have operating locks to ensure privacy.

PM-405.5 Overcrowding: Dwelling units shall not be occupied by more occupants than permitted by the minimum area requirements of Table PM-405.5.

TABLE PM-405.5
MINIMUM AREA REQUIREMENTS

Space	Minimum area in square feet ^b		
	<u>1-2 occupants</u>	<u>3-5 occupants</u>	<u>6 or more</u>
Living Room	No requirements	120	150
Kitchen	50	50	60
Bedrooms	Shall comply with Section PM-405.3.		

Note b. 1 square foot = 0.093 m².

PM-405.6 Combined Spaces: Delete.

PM-405.8 Minimum Ceiling Heights: Exceptions:

4. Legally established nonconforming uses within structures in existence on the effective date of this Code, with ceiling heights less than 7 feet, shall be exempted from this provision.

PM-503.4.3 Walls: Every room containing a shower shall have walls surrounding the shower covered by a smooth, easily cleanable, non-toxic, non-corrosive, non-absorbent and waterproof material up to a height of at least sixty inches (60"). Such walls shall form a watertight joint with each other and with the bathtub, shower, or the floor.

PM-506.3 Supply: Every owner and operator of any building who rents, leases, or lets one or more dwelling unit, rooming unit, dormitory or guest room on terms, either express or implied, to furnish water to the occupants thereof shall supply sufficient water at all times. The water supply system shall be installed and maintained to provide a supply of water to plumbing fixtures, devices, and appurtenances in sufficient volume and at pressures adequate to enable the fixtures to function properly, safely, and free from defects and leaks. Water pressure shall be no lower at the fixture outlet than the following minimums: lavatory basins, two (2) gallons/minute; bathtub faucets, four (4) gallons/minute; toilet pressure, as required by the State of Illinois Plumbing Code as adopted by the City of Evanston.

PM-506.4 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 temperature of not less than 115 degrees F(46 degrees 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.

(F) ARTICLE 6

PM-602.2 Residential Buildings: Every dwelling shall be provided with heating facilities capable of maintaining a room temperature of 68 degrees F. (20 degrees C.) in all habitable rooms, bathrooms and toilet rooms based on the outside design temperature required for the locality by the mechanical code listed in Chapter 8.

PM-602.2.1 Heat Supply: Every owner and operator of any building who rents, leases, or lets one or more dwelling unit, rooming unit, dormitory or guest room on terms, either express or implied, to furnish heat to the occupants thereof shall supply sufficient heat to maintain the room temperatures as follows:

- (1) 65 degrees F. (18 degrees C). during the hours from 6:00 a.m. to 8:00 a.m.;
- (2) 68 degrees F. (20 degrees C.) during the hours from 8:00 a.m. to 10:00 p.m.; and
- (3) 63 degrees F. (16 degrees C.) during the hours from 10:00 p.m. to 6:00 a.m.

PM-602.2.2 Room Temperature Exception: When the outdoor temperature is below the outdoor design temperature required for the locality by the mechanical code listed in Chapter 8, -10 degrees F., the owner or operator shall not be required to maintain the minimum room temperatures, provided that the heating system is operating at full capacity, with supply valves and dampers in a full open position.

PM-602.3 Nonresidential Structures: Every enclosed occupied work space shall be supplied with sufficient heat to maintain a temperature of not less than 65 degrees F. (18 degrees C.) during all working hours.

PM-603.1 Mechanical Equipment: All mechanical equipment, fireplaces and solid fuel-burning appliances shall be properly installed and maintained in a safe working condition, and shall be capable of performing the intended function and shall perform the intended function. Space heaters are prohibited where employed as permanent and/or primary heating equipment for any dwelling or structure.

PM-603.3.1 Appliance Connections: Every gas outlet for an appliance, including stoves and clothes dryers, shall have an individual shutoff valve. The shutoff valve shall be adjacent to the appliance, with access provided to the shutoff valve. In conjunction with the installation of a shutoff valve, any existing flexible gas connector shall be replaced with a new approved flexible gas connector. All existing uncoated brass flexible gas connectors shall also be replaced.

PM-605.2 Receptacles: Every habitable space in a dwelling shall contain at least two separate and remote receptacle outlets. Every laundry area, bathroom and toilet room shall contain at least one grounded-type receptacle. When an ungrounded-type receptacle is existing in a bathroom or laundry area, a ground fault interrupter receptacle shall be provided. Worn, damaged, and/or defective receptacles shall be replaced.

(G) ARTICLE 7

PM-702.9 Stairways, Handrails and Guards: Every exterior and interior flight of stairs having more than four risers, 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) nor more than 42 inches (1067 mm) high, 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) high above the floor of the landing, balcony, porch, deck, ramp or other walking surface. All stairs and railings and other exit facilities of every structure shall be maintained in sound condition and good repair. Any components, including treads and risers, that evidence excessive wear or are broken, warped or loose shall be replaced. Treads and risers shall be uniform.

PM-705.5 Smoke Detectors: A minimum of one approved single-station or multiple-station smoke detector shall be installed in each guestroom, suite or sleeping area in occupancies in Use Groups R-1 and I-1, and in dwelling units in the immediate vicinity, within fifteen feet, of the bedrooms in occupancies in Use Groups R-2 and R-3. In all residential occupancies, smoke detectors shall be required on every story of the dwelling unit, including basements. In dwelling units with split levels and without an intervening door between the adjacent levels, a smoke detector 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.

5-1-4: SEVERABILITY: It is the intention of the City Council that the provisions of this Chapter and the B.O.C.A. National Property Maintenance Code, Fifth Edition, 1996, are severable and the invalidity of any section or part of any section of this Chapter and the Code hereby adopted shall not affect any other section or portion of the said Chapter or Code.

SECTION 2: All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 3: This ordinance shall be in full force and effect from and after its passage, approval, and publication in the manner provided by law.

Introduced: October 14, 1996

Adopted: January 27, 1996

Approved: February 3, 1996

Lorraine A. Norton

ATTEST:

Kristen Davis
City Clerk

Approved as to form:

[Signature]
Corporation Counsel

