

127-O-00

AN ORDINANCE

**Establishing a Fine Schedule for
Certain Violations of Building Regulations,
City Code, Title 4 and Housing Regulations,
City Code Title 5**

WHEREAS, the City Council has determined that the establishment of a fine structure applicable to certain violations of the Building Regulations set forth in Title 4 of the City Code and to certain violations of the Housing Regulations in Title 5 of the City Code is appropriate and in the best interests of the citizens of the City of Evanston,

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

SECTION 1: That these sections of Title 4 of the Evanston City Code of 1979, as amended, be and they hereby are deleted in their entirety:

Section 4-2-3: PENALTY FOR VIOLATIONS of the BOCA National Building Code, as adopted and modified by Title 4, Chapter 2 of the City Code.

Section 4-5-2: F112.3 PENALTY FOR VIOLATIONS of the BOCA National Fire Prevention Code and the National Fire Protection Association Life Safety Code 101 as adopted and modified by Title 4, Chapter 5 of the City Code.

Section 4-6-4: PENALTY for violation of the State of Illinois Plumbing Code, as adopted and modified by Title 4, Chapter 6 of the City Code.

Section 4-7-8: PENALTY for violation of the National Electrical Code as adopted and modified by Title 4, Chapter 7 of the City Code.

Section 4-9-2: PENALTY for violation of the BOCA International Mechanical Code as adopted and modified by Title 4, Chapter 9 of the City Code.

Section 4-10-10-7: PENALTY for violation of the Environmental Control Code, Title 4, Chapter 10 of the City Code.

Section 4-11-2: PENALTY for violation of CABO One and Two Family Dwelling Code, as adopted and modified Title 4, Chapter 11 of the City Code.

Section 4-12-21: PENALTY FOR VIOLATION OF SIGN REGULATIONS as adopted and modified by Title 4, Chapter 12 of the City Code.

SECTION 2: That these sections of Title 4 of the City Code, be, and they hereby are, enacted, and set forth in their respective Chapters, to read as follows:

Section 4-2-3: PENALTY FOR VIOLATIONS. Any person found to have violated any provision of the BOCA National Building Code as adopted by the City, or who shall fail to comply with any of the requirements thereof, or who shall erect, construct, alter or repair a building or structure in violation of any approved plan or direction of the Building Official or of any permit or certificate issued by the Building Official or his designee, shall be guilty of an offense, punishable as follows:

- a. (1) The fine for a first violation is \$50.
- (2) The fine for a second violation is \$150.
- (3) The fine for a third or subsequent violation is \$300.
- b. Each day a provision of this Chapter is found to have been violated constitutes a separate violation subject to the fine schedule set forth in Section 4-2-3 (a).
- c. The fines provided for herein shall not be construed as limiting the power of a Court of competent jurisdiction or an Administrative Hearing Officer to impose other penalties and remedies as provided for by applicable legislation.

Section 4-5-2: F112.3 PENALTY. Any person, firm or corporation found to have violated the provisions of the BOCA National Fire Prevention Code and the National Fire Protection Association Life Safety Code 101 adopted by the City Code or found to have failed to comply with any lawful order issued pursuant to any section hereof, in addition to being required

by an Administrative Hearing Officer or a Court of competent jurisdiction to comply with said Codes or such order, may be punished as follows:

- a. (1) The fine for a first violation is \$50.
- (2) The fine for a second violation is \$150.
- (3) The fine for a third or subsequent violation is \$300.
- b. Each day a provision of this Chapter is found to have been violated constitutes a separate violation subject to the fine schedule set forth in the Section.
- c. The fines provided for herein shall not be construed as limiting the power of a Court of competent jurisdiction or an Administrative Hearing Officer to impose other penalties and remedies as provided for by applicable legislation.

Section 4-6-4: PENALTY. Any person who shall install, extend, alter, repair or maintain plumbing systems in or adjacent to buildings except in conformity with the provisions of the State of Illinois Plumbing Code, as adopted and modified by this Chapter, shall be guilty of a violation punishable as follows:

- a. (1) The fine for a first violation is \$50.
- (2) The fine for a second violation is \$150.
- (3) The fine for a third or subsequent violation is \$300.
- b. Each day a provision of this Chapter is found to have been violated constitutes a separate violation subject to the fine schedule set forth in the Section.
- c. The fines provided for herein shall not be construed as limiting the power of a Court of competent jurisdiction or an Administrative Hearing Officer to impose other penalties and remedies as provided for by applicable legislation.

Section 4-7-8: PENALTY. Any person found to have violated any provisions of the National Electrical Code adopted hereby or who shall be found to have failed to comply with any of the requirements thereof, or

who shall be found to have changed, moved, or altered any wiring apparatus, fixture, machinery or device in violation of any approved plan or direction of the Director of the Department of Community Development or of any permit or certificate issued under the provisions of said National Electrical Code, shall be guilty of an offense, punishable as follows:

- a. (1) The fine for a first violation is \$50.
- (2) The fine for a second violation is \$150.
- (3) The fine for a third or subsequent violation is \$300.
- b. Each day a provision of this Chapter is found to have been violated constitutes a separate violation subject to the fine schedule set forth in the Section.
- c. The fines provided for herein shall not be construed as limiting the power of a court of competent jurisdiction or an Administrative Hearing Officer to impose other penalties and remedies as provided for by applicable legislation.

Section 4-9-2: PENALTY. Any person who shall install, extend, alter, repair or maintain mechanical systems in or adjacent to buildings except in conformity with the provisions of the BOCA International Mechanical Code, as adopted hereby, shall be guilty of a violation punishable as follows:

- a. (1) The fine for a first violation is \$50.
- (2) The fine for a second violation is \$150.
- (3) The fine for a third or subsequent violation is \$300.
- b. Each day a provision of this Chapter is found to have been violated constitutes a separate violation subject to the fine schedule set forth in this Section.
- c. The fines provided for herein shall not be construed as limiting the power of a court of competent jurisdiction or an Administrative Hearing Officer to impose other penalties and remedies as provided for by applicable legislation.

Section 4-10-10-7: PENALTY. Any person found to have failed or to have refused to comply with or to have resisted or opposed the enforcement of any of the provisions of this Environmental Code shall be deemed to have committed a violation thereof punishable as follows:

- a. (1) The fine for a first violation is \$50.
- (2) The fine for a second violation is \$150.
- (3) The fine for a third or subsequent violation is \$300.
- b. Each day a provision of this Chapter is found to have been violated constitutes a separate violation subject to the fine schedule set forth in this Section.
- c. The fines provided for herein shall not be construed as limiting the power of a court of competent jurisdiction or an Administrative Hearing Officer to impose other penalties and remedies as provided for by applicable legislation.

Section 4-11-2: PENALTY: Any person found to have violated any provision of the CABO Code adopted in the City Code shall be guilty of a violation punishable as follows:

- a. (1) The fine for a first violation is \$50.
- (2) The fine for a second violation is \$150.
- (3) The fine for a third or subsequent violation is \$300.
- b. Each day a provision of this Chapter is found to have been violated constitutes a separate violation subject to the fine schedule set forth in this Section.
- c. The fines provided for herein shall not be construed as limiting the power of a court of competent jurisdiction or an Administrative Hearing Officer to impose other penalties and remedies as provided for by applicable legislation.

Section 4-12-21: PENALTY: Any person found to have violated the provisions of the Sign Regulations adopted by the City shall be punished as follows:

- a. (1) The fine for a first violation is \$50.
- (2) The fine for a second violation is \$150.
- (3) The fine for a third or subsequent violation is \$300.
- b. Each day a provision of this Chapter is found to have been violated constitutes a separate violation.
- c. The penalties provided for herein shall not be construed as limiting the power of a court of competent jurisdiction or an Administrative Hearing Officer to impose other penalties and remedies as provided for by applicable legislation.

SECTION 3: That these sections of 1979, as amended, of Title 5 of the City Code be, and they hereby are, deleted in their entirety:

Section 5-1-3(A), PM-106.2, Penalty for violation of the BOCA Property Maintenance Code as adopted and modified by Title 5, Chapter 1 of the City Code, with the remaining text of Section 5-1-3 (A) unchanged.

Section 5-2-11 Penalty for Violation of the Lodging Establishments Ordinance.

Section 5-7-8: Violations and Penalties for violation of the Burglary Prevention Ordinance.

SECTION 4: That these sections of Title 5 of the City Code, be and they hereby are enacted and set forth in their respective Chapters, to read as follows:

Section 5-1-3(A), PM 106.2(a) Penalty: Any person found to have violated any provision of the BOCA Property Maintenance Code adopted hereby shall be guilty of an offense punishable as follows:

- a. (1) The fine for a first violation is \$50.
- (2) The fine for a second violation is \$150.
- (3) The fine for a third or subsequent violation is \$300.

Section 5-1-3(A), 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 punishable by incarceration in County jail for a term not to exceed six (6) months and/or a fine not to exceed One Thousand Five Hundred and no/100 (\$1,500.00).

Section 5-1-3(A), PM 106.2(c). Each day a provision of this Chapter is found to have been violated constitutes a separate violation subject to the fine schedule set forth in this Section.

Section 5-1-3(A), PM 106.2(d). The fines provided for herein shall not be construed as limiting the power of a court of competent jurisdiction or an Administrative Hearing Officer to impose other penalties and remedies as provided for by applicable legislation.

Section 5-2-11: Penalty: Any owner, tenant or other person who shall be found to have violated any of the provisions of this chapter, Lodging Establishments, shall be guilty of an offense punishable as follows:

- a.
 - (1) the fine for a first violation is \$50.
 - (2) the fine for a second violation is \$150.
 - (3) the fine for a third or subsequent violation is \$300.
- b. Each day a provision of this Chapter is found to have been violated constitutes a separate violation subject to the fine schedule set forth in this Section.
- c. The fines provided for herein shall not be construed as limiting the power of a court of a competent jurisdiction or an Administrative Hearing Officer to impose other penalties and remedies as provided for by applicable legislation. In addition, a licensee found to have violated any provision of this Chapter may be subject to license revocation, suspension, or nonrenewal.

Section 5-7-8: VIOLATIONS AND PENALTIES. It shall be unlawful for any person to erect, construct, enlarge, alter, repair, move, improve, remove, convert, equip, use, occupy, or maintain a multi-family residential building or structure in the City, or cause the same to be done, unless

done in conformance with the provisions of this Burglary Prevention Ordinance. Any person found to have violated any provision of this Ordinance shall be guilty of an offense, punishable as follows:

- a. (1) The fine for a first violation is \$50.
- (2) The fine for a second violation is \$150.
- (3) The fine for a third or subsequent violation is \$300.
- b. Each day a provision of this Chapter is found to have been violated constitutes a separate violation subject to the fine schedule set forth in this Section.
- c. The fines provided for herein shall not be construed as limiting the power of a court of competent jurisdiction or an Administrative Hearing Officer to impose other penalties and remedies as provided for by applicable legislation.

SECTION 5: That all ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 6: That this ordinance shall be in full force and effect from and after its passage, approval, and publication in the manner provided by law.

Introduced: January 8, 2000

Adopted: February 12, 2001

Lorraine H. Norton
Approved: February 16, 2001

Mayor

ATTEST:

Mary D. Morris
City Clerk

Approved as to form:


Corporation Counsel

