

Effective Date: May 29, 2014

2/17/2014

4/30/2014

34-O-14

AN ORDINANCE

**Amending City Code Title 5, Chapter 1,
"Property Maintenance Code"**

WHEREAS, the City Evanston may regulate against various nuisances and public offenses under the Illinois Municipal Code, and as a home rule entity, legislate to protect the health, welfare and safety of its residents; and

WHEREAS, Article VII, Section (6)a of the Illinois Constitution of 1970, which states that the "powers and functions of home rule units shall be construed liberally," was written "with the intention that home rule units be given the broadest powers possible" (*Scadron v. City of Des Plaines*, 153 Ill.2d 164, 174-75 (1992)); and

WHEREAS, pursuant to 65 ILCS 5/1-2-1, the City may make all rules and regulations to carry into effect the powers granted to the City, such broad and general grant of authority complementing the City's home rule powers; and

WHEREAS, the City Council of the City of Evanston considers it in the public interest to update its Property Maintenance Code to reflect the updated changes from the International Code Council Property Maintenance Code of 2012, as its standard maintenance of existing buildings for human occupancy in the City of Evanston; and

WHEREAS, at meetings held in compliance with the provisions of the Illinois Open Meetings Act (5 ILCS 120/1 *et seq.*), the City Council considered this Ordinance, heard public comment, made findings; and



WHEREAS, it is well-settled law in Illinois that the legislative judgment of the City Council must be considered presumptively valid (see *Glenview State Bank v. Village of Deerfield*, 213 Ill.App.3d 747 (2nd Dist. 1991)) and is not subject to courtroom fact-finding (see *People ex rel. Sherman v. Cryns*, 203 Ill.2d 264, 291 (2003)); and

WHEREAS, these revisions to Title 5 of the Evanston City Code of 2012, as amended (the "Property Maintenance Code"), are intended to reflect updated revisions to the International Property Maintenance Code, include additional property regulations to enhance the image and quality of life in the City of Evanston, and reflect modifications to fine amounts,

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

SECTION 1: Section 5-1-1 of the Property Maintenance Code, "Adoption," is hereby further amended to read as follows:

5-1-1. ADOPTION:

- (A) Pursuant to the authority granted by 65 Illinois Compiled Statutes 5/1-2-4, 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 International Code Council, International Property Maintenance Code of 2012 ("International Property Maintenance Code"), with the amendments below stated. All advisory or text notes, other than the rules and regulations contained in the ICC, international property maintenance code, be and the same are hereby expressly excluded from this chapter.
- (B) Any reference in the Property Maintenance Code, to "code official" shall refer to the Field Staff Supervisor or his/her designee. Any reference to "municipality" shall mean the City of Evanston.

SECTION 2: Section 5-1-1 of the Property Maintenance Code, "Application," is hereby further amended and revised to read as follows:

5-1-2. APPLICATION:

The International 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 as provided in the code.

SECTION 3: Section 5-1-1 of the Property Maintenance Code,

"Amendments," is hereby further amended and revised to read as follows:

5-1-3. AMENDMENTS:

The following sections of the International Property Maintenance Code are deleted, amended or added to read as follows:

Chapter 1. Administration.

Section 101 General

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

101.3 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. Repairs, alterations, additions to and change of occupancy in existing buildings shall comply with the, international building code, international residential code, international fire code, national fire prevention association 101 life safety code, international mechanical code, international plumbing code, international fuel gas code, NEC electrical code, state of Illinois plumbing code, all as adopted and amended by the City of Evanston, any other applicable code or ordinance adopted by the City of Evanston, and any other applicable legislation or regulation.

Section 102 Applicability

102.3 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 the International Building Code, International Residential Code, International Fire Code, National Fire Prevention Association 101 Life Safety Code, International Mechanical Code, International Plumbing Code, International Fuel Gas Code, NEC Electrical Code, State of Illinois Plumbing Code, and any other applicable code or ordinance adopted by the City of Evanston and any other applicable legislation or regulation. Nothing in this code shall be construed to cancel, modify or set aside any provision of the Evanston Zoning Ordinance, Title 6 of the Evanston City Code, as amended.

102.5 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, straight, true, level, plumb, clean and installed in accordance with the manufacturer's installation instructions. Work not meeting the definition of "workmanlike" may be rejected by the code official.

Section 103 Health Department

103.1 General. The Health Department is hereby assigned to enforce this code and the executive official in charge thereof, the Field Staff Supervisor, shall be known as the Code Official.

103.5 Fees. Delete

Section 104 Duties And Powers Of The Code Official

104.3 Right Of Entry. The code official is authorized to enter the structure or premises at reasonable times to inspect subject to constitutional restrictions on unreasonable searches and seizures. If entry is refused or not obtained, the code official is authorized to pursue recourse as provided by law. If the premises owner does not grant the code official entry to the entire premises during an initial inspection, cure code violations discovered and cited during an initial inspection before the compliance re-inspection, or grant the code official access to the entire premises to re-inspect for every such cited violation, thereby requiring the code official to perform multiple re-inspections, the premises owner shall owe the city a fee of one hundred fifty dollars (\$150.00) for the second and any subsequent re-inspection. If the premises owner does not grant the code official entry for a scheduled inspection without canceling said inspection on a city business day and at least twenty-four (24) hours in advance of the appointed inspection time, or fails to give his or her tenants forty-eight (48) hours notice of the inspection date, the premises owner shall owe the city a fee of: one hundred fifty dollars (\$150.00) for the first such failure; two hundred fifty dollars (\$250.00) for the second such failure; and five hundred dollars (\$500.00) for the third and any subsequent such failure. Any fees assessed pursuant to this section shall be debts due and owing to the city that the city may collect by any means allowed by law, including, but not limited to: refusing to issue any permit, license, or zoning relief related to the structure or premises; employing a collection agency; and filing a lien against the premises.

104.6 Documentation. The code official may require written submittal of estimates, executed contracts, invoices, receipts, proof of payment or other documentation regarding the completion or proposed completion of work for which a notice of violation has been issued. Submittal of leases may be required to establish the occupancy of any leased or rented space.

104.7 Engineering Reports. The code official may require submittal of written reports by a licensed design professional regarding violations for which a notice of violation has been issued.

104.11 Permits Required. Any owner or authorized agent who intends to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any electrical, gas, mechanical or plumbing system, the installation of which is regulated by the international building code, international residential code, national fire prevention association 101, life safety code, international fire code, international mechanical code, international plumbing code, international fuel gas code, NEC electrical code or the state of Illinois plumbing code or to cause any such work to be done, shall first make application to the building official and obtain the required permit.

Section 106 Violations

106.3 Prosecution Of Violations. Any person failing to comply with a notice of violation or order served in accordance with section 107 shall be deemed guilty of a violation of this code, and the violation shall be deemed a strict liability offense. 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 the order of 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.

106.4 Violation Penalties. Any person found to have violated any provision of this code, the International Property Maintenance Code, adopted hereby, shall be guilty of an offense punishable as follows:

1. The fine for a first violation is \$150.00
2. The fine for a second violation is \$400.00
3. The fine for a third and any subsequent violation is \$750.00

A separate offense shall be deemed to have been committed upon each such day such violation shall occur or continue.

106.6 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/she 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/she recklessly performs the acts which cause bodily harm or which endanger bodily safety of a person, or if he/she recklessly fails to perform and said failure causes the harm or endangers the safety of a person.

106.6.1 Criminal Housing Management Penalty. A person who commits the offense of criminal housing management as prohibited by 106.6 shall be guilty of a misdemeanor and shall be subject to a term of incarceration not to exceed six (6) months and a fine not to exceed one thousand five hundred dollars (\$1,500.00). Each day that a violation continues after due notice has been served shall be deemed a separate offense. The court, may as part of any sentence, require the defendant to remedy the violation(s).

106.7 Fines. The fines and 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 107 Notices And Orders

107.2 Form. Such notice prescribed in section 107.1 shall be in accordance with all of the following:

1. Be in writing.
2. Include a description of the real estate sufficient for identification.
3. Include a statement of the violation or violations and why the notice is being issued.
4. Include a correction order allowing a reasonable time to make the repairs and improvements required to bring the dwelling unit, structure or premises into compliance with the provision of this code.
5. Include a statement that the city may file a lien in accordance with section 106.3.
6. Include a statement that the city may initiate immediate legal action upon certain violations of this code subsequent to a first notice of violation issued by property standards.
7. Notwithstanding the foregoing, any violation found subsequent to issuance of a violation notice or legal action within the previous 365 days relating to litter, garbage, rubbish, inoperable motor vehicles, weeds and other similar exterior violations, a violation notice may be posted on or about the structure or premises affected by the violation. Such violation notice shall not identify a date for correction but shall state that legal action may be initiated without any further notice.

107.3 Method Of Service. Such notice shall be deemed to be properly served if a copy thereof is:

1. Delivered personally which shall include service upon an employee; or
2. Sent by first-class mail, express mail, overnight carrier or certified mail addressed to the last known address; or
3. Posted in a conspicuous place in or about the structure affected by such notice; or
4. Sent by facsimile machine (fax) to a party who has agreed in writing to accept notice by such means; or
5. Sent by electronic mail (e-mail) to a party who has agreed in writing to accept notice by such means.

109.6 Hearing. Delete.

Section 111 Means Of Appeal. Delete.

Section 112 Stop Work Order

112.1 Authority. Whenever the code official or Building Authority (as defined in Section 4-2-1-B of this Code) finds any work regulated by this code being performed in a matter 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.

112.2 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 the 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.

112.3 Emergencies. Where an emergency exists, the code official shall not be required to give written notice prior to stopping the work.

112.4 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 subject to the penalties provided for in section 106.4.

Chapter 2. Definitions.

Section 201 General

201.3 Terms Defined In Other Codes. Where terms are not defined in this code and are defined in the international building code, international residential code, international fire code, national fire prevention association 101, life safety code, international mechanical code, international plumbing code, international fuel gas code, national electrical code, state of Illinois plumbing code, such terms shall have the meanings ascribed to them as in those codes.

Section 202 General Definitions

Accessible. Refers to any opening in the exterior of a building larger than eight inches by twelve inches (8" × 12") (e.g., door, window, transom, vent duct, skylight, etc.) that is within eighteen feet (18') from the ground or bottom of the opening.

Burglary-Resistant Glazing Material. Glazing materials shall meet or exceed Underwriters Laboratories standard #UL 972 for burglary-resistant glazing material.

Combination Dead Latch And Dead Bolt. A device combining a dead latch operable by knob from inside and outside by a key, both of which can be retracted from the inside by turning the knob and from the outside by a key.

Cylinder Guard. A hardened steel ring or plate surrounding the otherwise exposed portion of a cylinder lock to protect the cylinder from cutting, prying, pulling or wrenching with common tools.

Dead Bolt. A lock bolt which has no automatic spring action and which is operated by a key, thumb-turn, lever or knob and is positively held fast in the protected position against return, by end pressure.

Dead Latch. A latch which is positively held in latched position with a strike, by an added integral bolt-type mechanism and is again released by a key from the outside and a knob or similar actuator from the inside.

Door Scope. A system of lenses encased for convenient installation in entrance doors permitting an inside viewer to observe a one hundred eighty degree (180°) area of the outside with the door closed.

Double-Cylinder Dead Bolt. A dead bolt lock actuated by a key from the inside and outside.

Dwelling Unit. As defined in Section 6-18-3 of the Evanston City Code, as amended.

Escutcheon Plate. A protective shield or enclosure that encompasses the circumference of a pipe that typically penetrates a floor, and covers the open area surrounding the pipe or penetration.

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, building or premises.

Inoperable Motor Vehicle. A vehicle, including any auto, bus, truck, van, motorcycle, trailer or boat, which cannot be lawfully driven or used upon the public streets for reasons including but not limited to being unlicensed, unregistered, wrecked, abandoned, in a state of disrepair, or incapable of being moved under its own power for motor vehicles, 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.

Insert. A hardened steel roller inside unhardened bolts to prevent bolt cutting or sawing with common tools.

Latch. A spring-loaded device which automatically holds a swinging door shut upon closing by engaging a strike and which is released by turning a knob, lever, or similar actuator from inside or outside.

Litter. Any papers, newspapers, packaging, bags, plastics, cups, containers, cans and other similar materials lying scattered about that are subject to movement by any wind or breeze.

Mortise-Type Lock. A lock placed into an opening, groove or slot, cut in the edge of a door.

Multi-Family Rental Dwelling. A building or portion thereof, operating under a rental agreement, including renter-occupied cooperatives and condominium units.

Multiple Point Locks. A system of lever-operated bolts that engages a door opening, at the head and sill as a minimum, operated by a single knob or handle from the inside, and, optionally, a cylinder-locked handle from the outside.

Owner-Occupied Unit. A dwelling unit occupied by an owner of the building and or unit titleholder of the property including "those who have any undivided, joint, or survivorship interest by specific devise or by any recorded document whether that interest is an entire ownership interest or less than an entire ownership interest."

Rabbeted Jamb. The wooden sides and head of a door cut in such a way so that a notch is created against which the door may be closed.

Rim-Type Cylinder Lock. A lock made for mounting on the face of a door.

Rooming house. As defined in Title 5, Chapter 2 of the Evanston City Code, as amended.

Sash Fasteners. Locking devices which prevent a window from being moved.

Sign. A name, identification, description, display, message or illustration which is affixed to, or represented directly or indirectly upon, a building, structure, or piece of land so as to be principally seen from out-of-doors and which directs attention to an object, product, place, activity, concept, thought, person, institution, organization, or business.

Sign, Abandoned. Any sign advertising a business, commodity, service, entertainment or activity which has been discontinued.

Single Cylinder Dead Bolt. A dead bolt lock activated from the outside by a key and from the inside by a knob, thumb-turn, lever, or similar actuator.

Single-Family Dwelling. A building containing one owner-occupied dwelling unit; an owner-occupied condominium unit or cooperative.

Single-Family Rental. A unit operating under a rental agreement.

Strike. A metal plate designed to receive and hold a projected bolt or latch.

Window Area. Any transparent area on a facade through which the interior of a premises may be viewed from outside.

Chapter 3. General Requirements.

Section 301 General

301.3 Vacant Structures. All vacant structures shall be regulated further according to Title 4, Chapter 16 of the City Code as amended, "Vacant Buildings."

301.4 Emergency Phone Contact. The owner shall provide each tenant with the name and telephone number of a responsible person who, in emergency situations, will be available on a 24-hour basis and who has the authority to make repairs to the building and premises as needed. The owner shall also cause said information to be posted with alphabet letters and Arabic numerals at least 1½ inches (37 mm) high and ¼-inch (6 mm) stroke and maintained within the main entryway at least five feet (5) above the floor, of every rental residential structure, except that two unit buildings where the owner resides in at least one unit shall be exempt from posting.

Section 302 Exterior Property Areas

302.2 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, or within any structures located thereon, or on any surrounding premises or structures. The grade of premises shall not be altered by the storage of any type of soil, stone, chips or any other type of fill or material. Water shall

not be allowed to accumulate and remain stagnant in any equipment, storage, debris or containers that may be present on the property.

302.3 Sidewalks and Walkways. All private sidewalks, walkways, stairs, driveways, parking spaces, parking lots and similar areas on private property shall be kept in a proper state of repair, and maintained free from hazardous conditions including, but not limited to, snow and/or ice.

Whenever the code official determines that there has been a violation of this section, or has grounds to believe that such a violation has occurred, notice, in the form prescribed below, shall be served in any manner prescribed in Section 107.3, to the person responsible for the violation as specified in this Code. Such notice shall:

1. Be in writing.
2. Include a description of the real estate sufficient for identification.
3. Include a statement of the violation or violations and why the notice is being issued.
4. Include a statement that the City may file a lien in accordance with Section 106.3.
5. Include a statement that the City may initiate immediate legal action without any further notice.

302.4 Weeds And Grass. All premises and exterior property shall be maintained free from weeds or plant growth in excess of eight inches (8"). All noxious weeds shall be prohibited. Weeds shall be defined as all grasses, annual, biennial and perennial plants and vegetation which are propagated by seed or vegetative parts, which are of little value and compete with cultivated plants or may affect the health of humans or animals, other than trees and shrubs. However, this term shall not include cultivated grasses, flowers and gardens.

The owner or agent having charge of a property who fails to cut weeds within seven (7) days of service of a notice of violation, shall be subject to prosecution in accordance with section 106 of this code.

Upon failure by the owner or agent to comply with the notice of violation, any duly authorized agent of the city or contractor hired by the city shall be authorized to enter upon the property in violation and cut and destroy the weeds growing thereon and the costs for such removal shall be paid by the owner or agent responsible for the property.

If the city cuts any weeds on any vacant lot or premises with a vacant structure as provided in this section, the city may impose a lien on the property in violation. Upon being recorded in the manner required by article XII of the code of civil procedure, as amended, or by the uniform commercial code, as amended, the lien shall be imposed on said property as a debt due and owing the city in an

amount including, but not limited to: any city costs or contractor's fees for cutting the weeds; inspections; correspondence; title searches; preparation of lien; and recording fees.

302.5 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 integrated pest management processes which will utilize engineering controls to build out pests, pesticides will be used only when no other alternative has proven viable. After extermination, property precautions shall be taken to eliminate rodent harborage and prevent reinfestation. There shall be no accumulation of 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 or grade.

302.7 Accessory Structures. All accessory structures, including detached garages, sheds, fences, gates and walls, shall be maintained structurally sound and in good repair.

302.7.1 Doors. All accessory structures shall be provided with doors which are maintained and operational. For carports and similar structures which by intent, design and construction do not have doors, doors shall not be required.

302.8 Motor Vehicles, Boats And Trailers. No inoperative, unlicensed, and or unregistered, motor vehicle, boat or trailer, 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.

302.10 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.

302.11 Landscape. All premises shall be maintained in the following manner regarding grass, shrubs, trees and other plant growth.

302.11.1 Grass. All premises, including vacant land and parkways, shall have grass, or other forms of approved ground cover provided and maintained. Any requirement for grass installation either sod or seed, shall be completed in accordance with city specifications.

A property owner who fails to establish seed or sod in conformance with a violation notice shall provide the code official with an executed contract for the sodding or seeding of the site with a landscape contractor who possesses a valid business license issued by the municipality in which the landscape business is

based. In the instance a municipality does not issue such a license, the contractor must provide evidence satisfactory to the code official that it is in the business of landscape contracting. Installation of sod or seed shall be completed when the soil temperature is at least 55 degrees Fahrenheit.

302.11.2 Trees. All premises and exterior property shall be maintained free of fallen trees, limbs and branches. Trees with dead limbs or branches which are or may become hazardous to persons or property in the vicinity, shall have such limbs or branches removed. Trees which are dead, diseased, infected, infested or are otherwise determined to be hazardous shall be removed. Tree boughs or limbs that project over any private means of egress from a structure shall not project over such means of egress at a height of less than eight feet (8') above such means of egress.

302.11.3 Encroachment. Any plant growth which shall encroach on the public way or affect movement or vision of pedestrians or vehicles on the public way, shall be trimmed to allow for unobstructed vision and passage of persons, pedestrians and vehicles.

302.12 Furniture. Any furniture placed exterior of a building shall have been constructed for such exterior use and shall be constructed of materials that are water and weather-proof and resistant to rot, mildew, mold, decay and insect infestation. Exterior type furniture shall not be required in spaces which are completely enclosed and protected from the exterior elements.

302.13. Parking Of Motor Vehicles. No vehicle, regardless of status of licensing, registration or operability, shall be parked within any public sidewalk area, parkway area, private sidewalk, or upon any unimproved surface including any vegetation, grass, soil, rock, stone or surface other than concrete, asphalt, pavers or similar surface.

Section 304 Exterior Structure

304.3.1 Alley Frontage Identification. Buildings shall have approved address numbers placed in a position to be plainly legible and visible from the alley when a premises abuts an alley. Premises shall have the address placed on garages when present or on the principal structure. These numbers shall contrast with their background. Address numbers shall be Arabic numerals or alphabet letters. Numbers shall be a minimum of 4 inches (102 mm) high with a minimum stroke width of 0.5 inch (12.6 mm).

304.7 Roof. The roof and flashing shall be sound, tight, and not have defects that admit rain. All roof components, including, but not limited to, roofs over stairs, soffits, fascia and flashing, shall be adequate to prevent dampness or deterioration in the walls or interior portion of the structure. The roof shall not have any animal entry points due to deterioration or damage. Roof drains, gutters

and downspouts shall be maintained in good repair, free from obstructions, vegetation, rust, peeling paint, cracks and holes.

304.7.1 Gutters, Sump Pump or Other Discharge. Where gutters are provided, downspouts shall be required and shall terminate water discharge a minimum of three feet (3') away from any portion of the structure and not within ten feet (10') of any property line. Sump pumps and discharge from other sources including downspouts shall not discharge upon a public way nor be directed towards adjacent properties and shall be drained upon the premises without causing retention of stagnant water thereon. Gutters and downspouts shall not retain stagnant water.

304.13.1 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.

304.14 Insect Screens. During the period from April 1st to November 1st, 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.

304.18 Building Security. Delete

304.20 Burglar Bars, Grilles, Grates, Shutters. Any type of burglar bars, including but not limited to bars, grilles, grates or shutters shall be prohibited from placement on the exterior of any building, structure or premises, which fronts or is visible from a street or thoroughfare, except that such security measures are allowed when used on openings that are adjacent to an alley or similar area. Any such security measures shall only be permitted to be placed on the interior of a building when fronting or visible from a street or thoroughfare, shall remain in the open position, thereby not visible and not impeding egress during any hours of operation for non-residential occupancies and in compliance with egress requirements for all occupancies and use groups. This section shall not prohibit the placement of fencing on a premises, or security doors that are installed on the exterior stairways of buildings where approved by permit. Property shall be in compliance with this section within one year of the adoption of this code.

304.21 Masking Of Windows. Any building space located at grade where the interior of such space is visible from the public way or private property intended

for public use and is vacant or undergoing construction, renovation, alterations or a change of use, and such space is not in conformance with this code, such space shall have the window area masked so that the interior of the space is not visible from the public way. Masking materials shall be uniform in appearance and may include liquid or film. Installation of newspaper or similar print materials shall be prohibited. All installations shall be installed in a clean and workmanlike manner. This section shall not prohibit placement of signage which conforms with the Evanston sign regulations.

304.22 Sign Maintenance And Repair. Every sign including but not limited to those signs for which permits are required, shall be maintained in a safe, presentable, and good structural condition at all times, including replacement of defective parts, painting, cleaning and other acts required to maintain the sign, advertising structure, marquee, canopy or awning in its originally permitted and installed condition in accordance with Title 4, Chapter 10 of the City Code, sign regulations. Required repair or maintenance of any sign shall in no manner be constituted as approval of any sign whether such sign is permitted, prohibited or unlawful.

304.23 Obsolete Or Abandoned Signs. Any sign or advertising structure now or hereafter existing, which advertises a business, commodity, service, entertainment, activity, or event which has been discontinued, or is located on property which has been vacant and unoccupied, shall have such sign removed. Any portion of the building or surface that is uncovered due to removal of a sign shall be restored to a condition free from holes, breaks and loose or rotting materials and maintained weatherproof and properly surface-coated where required to prevent deterioration.

304.24 Window Glass Maintained. All windows and window areas shall be maintained in a clean and sanitary condition, free and clear of all dirt, filth, grease, adhesive, paint and any other similar materials or substances that mar the window surface.

Section 305 Interior Structure

305.4 Stairs And Walking Surfaces. Every stair, ramp and landing, balcony, porch, deck or other walking surface shall be maintained in sound condition and good repair. Any components, including but not limited to treads and risers, that evidence excessive wear, rot, deterioration or are broken, warped or loose shall be replaced. Treads and risers shall be uniform. Building Permits shall be required for the following: porch/deck replacement, stringer/stair replacement, and/or replacement of any structural member including posts and posts that support roof overhangs.

305.7 Bathrooms, Toilet Rooms, And Kitchen Floors. Every bathroom, toilet room, kitchen and similar rooms equipped with running water, shall be

maintained to be a smooth, hard, nonabsorbent surface to permit such floor to be easily kept in a clean and sanitary condition.

305.8 Walls. Every room containing a shower shall have walls surrounding the shower covered by a smooth, hard, nonabsorbent surface and easily cleanable, to a height of at least sixty inches (60") above the surrounding floor. Such walls shall form a watertight joint with each other and with the bathtub, shower, and or floor.

305.9 Unit Identification. Each dormitory, dwelling, hotel and rooming unit, except for buildings containing two or fewer units, shall have each unit-number or designation, displayed in a position easily observed and readable from outside of the unit. The unit-number shall be posted on or adjacent to the front or main egress door of the unit. Units which are located in hallways, stairways or similar areas, where such units have differing street addresses, such units shall have the street address posted in addition to the unit number on the front and rear unit doors. Identification shall be in Arabic numerals and alphabet letters at least 1½ inches (37 mm) high and ¼-inch (6 mm) stroke.

Section 308 Rubbish And Garbage

Section 308 Rubbish and garbage is hereby deleted in its entirety and this section 308 substituted therefor.

308.1 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.

308.2 Disposal Of Rubbish Or Garbage. Every occupant of a structure shall dispose of all rubbish and/or garbage in a clean and sanitary manner by placing such rubbish or garbage in approved leak-proof containers with tightfitting covers and closing such covers.

308.2.1 Rubbish And Garbage Containers. The owner of every occupied premises and the operator or occupant of every establishment or building producing garbage and or rubbish, shall be responsible for supplying and utilizing approved covered leak-proof containers with tight fitting covers for the temporary storage of rubbish and garbage until such materials are permanently removed from the premises. The owner, operator, and building occupant shall be responsible for the removal of rubbish and garbage.

The owner or agent having charge of a property who fails to remove rubbish and garbage within seven (7) days of service of a notice of violation, shall be subject to prosecution in accordance with Section 106 of this code.

Upon failure by the owner or agent to comply with the notice of violation, any duly authorized agent of the city or contractor hired by the city shall be authorized to enter upon the property in violation and remove any and all rubbish and garbage located thereon and the costs for such removal shall be paid by the owner or agent responsible for the property.

308.2.2 Container Labeling. All containers servicing business, commercial, or multi-residential premises shall 1) display the name and address of the premises they serve in conspicuous lettering. Said lettering is to be maintained in a clean and legible condition. Containers shall be situated so that the required lettering is visible from the public way.

308.2.3 Container Locks. If located in the downtown zoning districts, as defined in section 6-18-3 of the Evanston zoning ordinance as amended, containers shall be maintained with their lids shut and locked, except when depositing or removing waste.

308.3 Garbage And Rubbish Services For Multi-Unit Residential Buildings. The owner of every occupied building with more than four (4) dwelling and/or rooming units shall provide each week, minimum proper container or dumpster capacity capable of holding not less than the volume indicated by the following:

0.25 cubic yard (uncompacted) per dwelling unit.

0.10 cubic yard (uncompacted) per rooming unit.

308.3.1 Container Capacity. Each container or dumpster shall be considered to contribute the volume of garbage and rubbish that can be enclosed with the lid or cover completely closed. Calculations of volume by the scavenger service providing the container may be accepted in determining service capacity.

308.3.2 Minimum Service Schedule. All containers or dumpsters shall be emptied and maintained at least once per week, or more often, as needed to maintain the property and premises in a safe, clean and sanitary manner.

308.3.3 Pickup Calculations. A container shall be considered to provide its capacity in volume each time it is regularly scheduled for pickup, and is picked up. Upon a written request from the code official, the owner and/or operator of any building or establishment shall promptly provide a written contract or documentation from the utilized scavenger service indicating the address of the property serviced; the party contracting the service; the number of containers provided, and the capacity of each; the days of the week the containers are emptied by the scavenger service.

308.3.4 Additional Capacity Requirements. Any container or dumpster in which the volume of contents prevents full closure of the cover shall be deemed overloaded. Rubbish or garbage stacked or piled near, on the exterior, or above the sidewalls of the dumpster or container shall evidence an overloaded

condition. Overloaded containers or dumpsters shall be remedied immediately by the owner and/or operator, and immediately thereafter supplemented by additional pickups and/or containers of a sufficient amount so as to prevent any recurrence of the overloaded condition.

The owner and/or operator of the building or establishment shall promptly provide to the city upon request of the code official an executed written contract or documentation from the utilized scavenger service indicating the address of the property serviced; the party contracting for the service; itemization of the number of existing and added number of containers and the capacity of each; itemization of the number existing and the added number of pick-up days of the week, and itemization of each day of the week that service is provided.

308.4 Additional Capacity Requirements For Commercial (Non-Residential) Property. Any container or dumpster in which the volume of contents prevents full closure of the cover shall be considered to be overloaded. Rubbish or garbage stacked or piled near, on the exterior, or above the sidewalls of the dumpster or container shall evidence an overloaded condition. Overloaded containers or dumpsters shall be remedied promptly, and immediately thereafter supplemented by additional pickups and/or containers of a sufficient amount so as to prevent any recurrence of the overloaded condition.

In addition, the owner and/or operator of the building or establishment shall promptly provide to the city upon request by the code official: a written contract or documentation from the utilized scavenger service indicating the address of the property serviced; the party contracting the service; itemization of the existing and the increase of the total number of containers and the capacity of each; itemization of the existing and the increase of the total number of pick-up days of the week, and itemization of each day of the week that service is provided.

308.5 Additional Capacity Requirements For Condominiums And Residential Buildings Of One (1) Through Four (4) Dwelling And/or Rooming Units. Any container or dumpster in which the volume of contents prevents full closure of the cover shall be considered to be overloaded. Rubbish or garbage stacked or piled near, on the exterior, or above the sidewalls of the container or dumpster shall evidence an overload condition. Overloaded containers or dumpsters shall be remedied immediately, by the owner, and thereafter supplemented by additional containers to prevent any recurrence of the overload condition. Additional containers shall not exceed thirty-five (35) gallons in size and the total weight of the container and the material placed within shall not exceed fifty (50) pounds. Special additional pickups may be employed for occasional overload conditions.

308.6 Refrigerators, Discarded. Refrigerators and similar equipment not in operation shall not be discarded, abandoned, kept or stored on any premises without first removing the doors.

308.7 Tires, Discarded. Tires for use on any type of vehicle or equipment shall not be discarded, abandoned, kept or stored on the exterior of any premises.

Chapter 4. *Light, Ventilation And Occupancy Requirements.*

Section 403 Ventilation

403.3 Cooking Facilities. Unless approved through the certificate of occupancy, cooking or the preparation of food or beverages shall not be permitted in any rooming unit or lodging unit or dormitory unit, and a cooking facility or appliance including but not limited to stoves, ovens, microwave ovens, hot plates, coffee pots, crock pots, blenders, shall not be permitted to be present in a rooming unit or lodging unit or dormitory unit.

404.1 Privacy. Dwelling units, hotel units, rooming units, and dormitory units shall be arranged to provide privacy, and be separate from other adjoining spaces. Egress doors shall have operating locks to provide privacy.

404.7.1 Food Storage. In rooming and dormitory units, refrigerators shall not exceed three (3) cubic feet in capacity as rated by the manufacturer. Not more than one (1) refrigerator of such size shall be allowed per occupant of any rooming unit, including dormitory rooming units.

Chapter 5. *Plumbing Facilities And Fixture Requirements.*

Section 501 General

501.2.1 Disconnection Notice. It shall be a violation of this code for any owner of a non-owner occupied residential property who is issued or who is in receipt of a notice of disconnection or termination for the utility service provided by the city or the utility involved, to fail to promptly remedy the circumstance or situation upon which the disconnection notice is based.

Section 505 Water System

505.3 Supply. 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 pressure 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 as follows: lavatory basins, two (2) gallons/minute; bathtub faucets, four (4) gallons/minute; toilet pressure, as required by Title 4, Chapter 5 of the Evanston City Code, as amended.

505.4 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.

Chapter 6. Mechanical And Electrical Requirements.

Section 601 General

601.2.1 Disconnection Notice. It shall be a violation of this code for any owner of a non-owner occupied residential property who is issued or who is in receipt of a notice of disconnection or termination for the utility service provided by the city or the utility involved, to fail to promptly remedy the circumstance or situation upon which the disconnection notice is based.

Section 602 Heating Facilities

602.2 Residential Occupancies. Dwellings 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 winter outdoor design temperature for the locality indicated in appendix D of the international plumbing code. Neither cooking appliances nor space heaters shall be used to provide space heating to meet the requirements of this section.

602.3 Heat Supply. Every owner and operator of any building who rents, leases, or lets one or more dwelling unit, lodging unit, rooming unit, dormitory or guest room on terms, either expressed or implied, to furnish heat to the occupants thereof shall supply heat during the period from September 15th to June 1st to maintain a temperature of not less than 68F (20C) in all habitable rooms, bathrooms and toilet rooms. Space heaters, whether portable or permanently installed, shall not be utilized as the primary source of heat for any such unit or room. Buildings or individual units shall employ central heating systems except where a designed system is approved by the building official.

602.4 Occupiable Work Spaces. Indoor occupiable work spaces shall be supplied with heat during the period from September 15th to June 1st to maintain a temperature of not less than 65 degrees F (18 degrees C) during the period the spaces are occupied.

602.5 Room Temperature Measurement. The required room temperatures shall be measured approximately 3 feet (914 mm) above the floor near the center of the room, approximately 3 feet (914mm) above the floor near the center of interior walls of the room that are perpendicular to the exterior wall of the room.

Temperatures may be measured utilizing thermometers that measure air temperature or thermometers that measure surface temperature.

Section 603 Mechanical Equipment

603.1 Mechanical Equipment. 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.

603.1.1 Forced-Air Systems. Forced-air heating and/or cooling systems shall not serve more than one dwelling unit after the existing mechanical equipment is replaced due to age or failure. A Building Permit is required for equipment replacement including for the addition of duct work to separate the systems.

603.7 Mechanical Appliance Connections. Every gas outlet for appliances, including but not limited to heaters, 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 with approved gas connectors.

Section 604 Electrical Facilities

604.2 Service. The size and usage of appliances and equipment shall serve as a basis for determining the need for additional facilities in accordance with the NEC national electrical code as adopted by the City of Evanston. Dwelling units shall be served by a three-wire, 120/240 volt, single-phase electrical service having a rating of not less than 60 amperes. Each dwelling unit shall be served by not less than four (4) branch circuits with a minimum of two (2) twenty-amp circuits.

604.5 Fuse Panels. In all electrical panels and boxes where plug-type fuses with Edison base are utilized, such fuses shall be replaced with non-tampering type "S" fuse adaptors which are properly sized for the gauge of wire that the fuse is protecting.

604.6 Panel Identification. All electrical panels regardless of type of disconnecting means shall be legibly marked to designate the address, space, tier or unit that such panel is servicing. The marking shall be of sufficient durability to withstand the environment involved.

604.7 Disconnecting Means Identification. All electrical disconnecting means including circuit breakers and fuses, shall be legibly marked to designate the address, unit, space or rooms it is servicing. The marking shall be of sufficient durability to withstand the environment involved.

Section 605 Electrical Equipment

605.2 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 grounded-type receptacle or a receptacle with a ground fault circuit interrupter. Every bathroom shall contain at least one receptacle. Any new bathroom or laundry room receptacle outlet shall have ground fault circuit interrupter protection. When an ungrounded-type receptacle exists in a bathroom or laundry area, a ground fault interrupter receptacle shall be provided. Any existing worn, damaged, painted and/or defective receptacles shall be replaced.

Section 608 Meters

608.1 Meter Identification. All meters, including but not limited to gas and electric serving a building, structure or any portion thereof, shall be legibly marked to designate the address, space, tier or unit that such meter is servicing. The marking shall be of sufficient durability to withstand the environment involved.

Chapter 7. Fire Safety Requirements.

703.2 Opening Protectives. Required opening protectives shall be maintained in an operative condition. All fire and smokestop doors shall be maintained in operable condition, be rated as required and provided with approved self-closing devices which shall force the door to close and latch. Fire doors and smoke barrier doors shall not be blocked or obstructed or otherwise made inoperable.

704.2 Smoke Alarms. Single or multiple-station smoke alarms shall be installed and maintained in groups R-2, R-3, R-4 and in dwellings not regulated in group R 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 or 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.
4. On the ceiling above the top landing in each interior stairway that serves dwelling, rooming or dormitory units.
5. On the basement ceiling of a building in the immediate vicinity of the bottom step.

CHAPTER 8. *Building Security.*

Section 801 General

801.1 Scope. The provisions of this chapter shall apply to:

1. All multi-unit non-owner occupied units in residential buildings, regardless of relationship of occupants to the owner.
2. All non-owner occupied single-family homes, detached or attached, regardless of relationship of occupants to the owner.

Exclusions:

1. Residence at a public or private medical, geriatric, educational, or religious institution.
2. Occupancy in a structure operated for the benefit of a social or fraternal organization.
3. Transient occupancy in a hotel or motel.
4. Owner-occupied units in multi-family buildings including condominiums, cooperatives, townhouse, rowhouse and single-family homes.

Section 802 Building Security Application

802.1 Building Security. Doors, windows and hatchways shall be provided with devices designed to provide security for the occupants and property within.

802.1.1 Intercoms. Multi-family units shall have an intercom system that is maintained in good working condition. The removal of an intercom system is prohibited and does not constitute repair or maintenance.

802.2 Locks. Doors providing access to individual units shall be equipped with a deadbolt lock meeting specifications set forth herein. Such deadbolt locks shall be operated only by the turning of a knob or a key and shall have a lock throw of not less than 1-inch and hardened steel inserts or a surface/rim mounted vertical drop, dead bolt lock. Cylinder guards shall be installed on all rim-type vertical dead bolt locks whenever the cylinder projects beyond the face of the door or is otherwise accessible to gripping tools. Strike plates shall be secured with hardened steel screws four inches (4") long. For the purpose of this section, a sliding bolt shall not be considered an acceptable deadbolt lock. Such deadbolt locks shall be installed according to manufacturer's specifications and maintained in good working order. All deadbolt locks required by this section shall be designed and installed in such a manner so as to be operable inside of the unit without the use of a key, tool, combination thereof or any other special knowledge or effort.

802.3 Window Locks. Accessible openable windows shall be equipped with window locking devices.

802.4 Basement Hatchways. Basement hatchways shall be equipped with devices that secure the hatchway from unauthorized entry.

802.5 Doors. Exterior doors, doors leading from garage areas into multiple-dwelling buildings, and doors leading into stairwells, shall be equipped with self-closing devices. All doors leading to apartment doors shall also be equipped with self-locking devices.

802.6 Vision Panels. Accessible vision panels in individual entrance doors to individual units or within forty inches (40") of the inside activating device shall be of rated burglary-resistant glazing material. Burglary bars may be used as an alternative to burglary-resistant glazing material on the interior of transoms only.

802.7 Door Scope. An interviewer or door scope, providing a 180-degree field of view, shall be provided in each individual unit entrance door which does not contain a vision panel.

802.8 Sliding Door Panels. All accessible single sliding patio doors shall have the movable section of the door sliding on the inside of the fixed portion of the door.

802.9 Sliding Door Locks. Accessible sliding glass doors shall be equipped with locking devices and shall be so installed that the doors cannot be moved in any direction or lifted from the track when the doors are in the locked position, and doors shall have an approved auxiliary locking device added to their primary locking system to provide additional security when in the closed position.

802.10 Window Panels. Accessible windows shall be so constructed and/or maintained so that when the window is locked it cannot be lifted from the frame.

802.11 Lighting. All exterior common entrances of multiple family buildings shall be illuminated with a minimum sixty (60) watt incandescent light bulb or its equivalent in other light sources, enclosed in a tamper-proof cover, located within ten (10') feet of the doorway.

802.12 Window Sash Fasteners. All wooden double-hung windows which are at ground level or otherwise accessible from the exterior via porches, fire escapes, trees, or other existing means shall be equipped with approved window-ventilating sash fasteners to allow each window to be locked at no more than four inches (4") open. Such fasteners shall be movable to permit the window to be fully opened from the inside of the dwelling unit.

CHAPTER 9. REFERENCED STANDARDS.

Chapter 8, Referenced Standards, of the International Property Maintenance Code of 2012 is hereby adopted as if fully restated and re-numbered to be Chapter 9 herein.

SECTION 4: All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 5: If any provision of this ordinance or application thereof to any person or circumstance is ruled unconstitutional or otherwise invalid, such invalidity shall not affect other provisions or applications of this ordinance that can be given effect without the invalid application or provision, and each invalid provision or invalid application of this ordinance is severable.

SECTION 6: The findings and recitals herein are declared to be prima facie evidence of the law of the City and shall be received in evidence as provided by the Illinois Compiled Statutes and the courts of the State of Illinois.

SECTION 7: That this Ordinance 34-O-14 shall be in full force and effect from and after its passage, approval, and publication in the manner provided by law.

Introduced: May 12, 2014

Approved:

Adopted: May 27, 2014

May 29, 2014

Elizabeth B. Tisdahl
Elizabeth B. Tisdahl, Mayor

Attest:

Approved as to form:

Rodney Greene
Rodney Greene, City Clerk

W. Grant Farrar
W. Grant Farrar, Corporation Counsel