

## **CHAPTER 29: PROPERTY MAINTENANCE CODE**

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## ARTICLE I: GENERAL PROVISIONS

### Section

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### **29-1-1 TITLE; PURPOSE.**

(A) These regulations shall be known as the “Property Maintenance Code”, hereinafter referred to as the “Property Maintenance Code” or “this code.”

(B) This code is to establish minimum acceptable standards in the city which must be maintained in buildings, structures, premises and facilities to protect health, safety and general welfare.

### **29-1-2 SCOPE.**

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

### **29-1-3 INTENT**

This code shall be construed to secure its expressed intent, which is to ensure public health, safety and welfare in so far 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.

#### **29-1-4 SEVERABILITY**

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

#### **29-1-5 APPLICABILITY**

(A) *General.* The provisions of this code shall apply to all matters affecting or relating to structures and premises, as set forth in Sections 29-1-1 through 29-1-4. Where, in a specific case, different sections of this code specify different requirements, the most restrictive shall govern.

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

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

(D) *Historic buildings.* The provisions of this code shall not be mandatory for existing buildings or structures designated as historic buildings when such buildings or structures are judged by the Building Inspector / Code Administrator to be safe and deviation from the requirements of this code is in the public interest.

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

#### **29-1-6 EFFECT ON EXISTING ORDINANCES; REMEDIES.**

(A) This code establishes minimum requirements for the initial and continued occupancy and use of all structures and premises, and does not replace or modify requirements otherwise established by ordinance which may be additional or more stringent for the construction, repair, alteration or use of structures, equipment or facilities.

(B) The provisions in this code shall not be construed to prevent the enforcement of other ordinances or regulations which prescribe standards stricter than are provided herein.

(C) The provisions in this code shall not be deemed to abolish or impair existing remedies of the city or its officers or agencies relating to the removal or demolition of any buildings which are deemed to be dangerous, unsafe and unsanitary.

(D) This code shall not affect violations of any other ordinances, codes or regulations existing prior to the effective date hereof, and any such violation shall be governed and shall continue to be punishable to the full extent of the law under the provisions of those ordinances, codes or regulations in effect at the time the violation was committed.

## **29-1-7 CODE ENFORCEMENT GUIDELINES.**

### *(A) Building and construction codes.*

(1) Any repairs or alterations to a structure or changes of use therein, 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 Code adopted in Chapter 6 of the City's Code of Ordinances.

(2) Any repair, alteration or replacement of structural elements of a building, which may be required by the provisions of these guidelines, shall be done in accordance with the applicable sections of the Building Code, Electrical Code, Plumbing Code or other applicable code or ordinance of this jurisdiction.

*(B) Zoning Code.* The provisions of these guidelines shall not permit the abridgement or violation of the Zoning Code of this municipality.

*(C) Conflicts.* Specific provisions of these guidelines indicate their precedence over the requirements of other related codes and ordinances. Where specific precedence is not indicated, the requirements of the most restrictive code or ordinance prevail.

## **29-1-8 CERTIFICATE OF BUILDING MAINTENANCE AND OCCUPANCY REQUIRED.**

(A) It shall be unlawful for any person, firm or corporation to occupy, or permit to be occupied, any rental dwelling unit or commercial/industrial unit without obtaining a Certificate of Building Maintenance and Occupancy ("occupancy permit") described in Section 29-1-8 or Conditional Permit described in Section 29-1-12 of this Code.

(B) For purposes of this code, an on-premises inspection shall be required and an occupancy permit required for each of the following events or occurrences:

(1) *Change in Rental Dwelling Unit or Commercial/Industrial Unit Occupancy.* Whenever there is a change in occupancy of any structure containing a rental dwelling unit or a commercial/industrial unit, an application for an occupancy permit shall be made by the owner thereof or by his duly authorized agent or representative and filed with the Building Inspector / Code Administrator. If an occupancy permit was previously issued for such structure within a twelve (12) month period prior to the change in occupancy, a new occupancy permit for the change in occupancy shall be required; however, a re-inspection shall not be required.

Exceptions: 1. Assisted Living facilities and the crisis apartment(s) owned or operated by Human Support Services, which shall apply for an occupancy permit and be inspected on an annual basis.

2. Skilled nursing and supportive living facilities that are inspected on an annual or more frequent basis by the Illinois Department of Health and/or the Illinois Department of Healthcare and Family Services, which are exempt from the requirements of this section.

(2) *Complaint Received.* Upon receipt of a complaint filed by a tenant occupying a rental dwelling or commercial / industrial unit complained of.

(3) Notwithstanding anything contained in this section of this code to the contrary, a Certificate of Use and Occupancy issued by the Building Official under the authority given and requirements stated in the City's Building Code (Chapter 6 of the City's Municipal Code) will be considered and is to be expressly distinguished from a Certificate of Building Maintenance and Occupancy under this code.

(C) *Exempt Property.* Notwithstanding anything contained in the preceding subsections A and B of this Section of this code, no on-premises inspection shall be required and a Certificate of Building Maintenance and Occupancy shall not be required for newly constructed structures for which a Certificate of Use and Occupancy has been issued by the Building Official under the authority given and requirements stated in the City's Building Code until after the lapse of five (5) years following the date of the issuance of said Certificate of Use and Occupancy, nor shall an on-premises inspection be required or a Certificate of Building Maintenance and Occupancy be required of a single family dwelling unit, upon change of occupancy, unless same has been rented during the preceding twelve (12) months.

(D) A fee for each inspection, Certificate of Building Maintenance and Occupancy issued, and re-inspection, if required, shall be paid as required in accordance with the schedule as established by Chapter 12 of the City Code of the City of Waterloo, Illinois as amended from time to time, or other ordinances of the city.

#### **29-1-9 CERTIFICATE OF BUILDING MAINTENANCE AND OCCUPANCY PERMIT APPLICATION.**

(A) Application for a Certificate of Building Maintenance and Occupancy required by this code shall be made by the owner of the structure containing the dwelling/commercial/industrial unit or by his duly authorized representative. If the application is made by a person other than the owner in fee, it shall be accompanied by a signed statement of the owner to the effect that the applicant is authorized by the owner in fee to make such application. The full names and addresses of the owner or the name and address of the responsible party if the owner is a corporation, trust or other type of legal entity that is not a natural person and the name and address of the applicant shall be stated in the application.

(B) The application for such certificate shall be submitted in such form as the Building Inspector / Code Administrator prescribes and shall be filed with the Building Inspector / Code Administrator whenever one of the events described in Section 29-1-8 (B)(1) require an inspection and issuance of an occupancy permit.

(C) It shall be unlawful for any person to knowingly make any false statement on an application for an occupancy permit for a dwelling unit as to the names, relationships or number of occupants who will occupy the dwelling unit.

#### **29-1-10 ACTION ON AN APPLICATION.**

(A) The Building Inspector / Code Administrator shall examine or cause to be examined all applications for permits and shall schedule the inspection, if required, to be completed within seven (7) working days after filing. If the premises are not in compliance with this code and all laws and ordinances applicable thereto, the Building Inspector / Code Administrator shall provide the applicant with a list of defects that are not in compliance. Said defects shall be listed with as much specificity as possible. The owner or occupant of every dwelling unit and its premises will give the Building Inspector / Code Administrator free access thereto, within and at a reasonable time, for the purpose of such inspection.

#### **29-1-11 ISSUANCE OF PERMIT.**

When all fees are paid and a dwelling unit or commercial/industrial unit is entitled thereto, the Building Inspector / Code Administrator shall issue a Certificate of Building Maintenance and Occupancy. The certificate shall certify compliance with the provisions of this code, shall state the maximum number of occupants permitted to occupy the dwelling unit in accordance with the provisions of city ordinances, street address or other means of identification, date of issue, and such other information as the Building Inspector / Code Administrator shall deem appropriate for the implementation of this code.

#### **29-1-12 CONDITIONAL PERMIT.**

Occupancy shall be permitted on a conditional basis when, in the judgment of the Building Inspector / Code Administrator, practical difficulties interfere with the completing of all repairs required to bring the premises into full compliance with this code prior to permitting occupancy. However, no conditional permit shall be issued when there is a condition on the premises which can threaten the health or safety of an occupant.

#### **29-1-13 REJECTION OF APPLICATION.**

If the application does not comply with the requirements of all pertinent laws, the Building Inspector / Code Administrator shall reject such application in writing, stating the reasons therefore.

#### **29-1-14 INVALIDITY OF PERMIT.**

Any permit issued shall become invalid if the occupancy is not commenced within six months after issuance of a permit or if the occupancy is terminated except that the Building Inspector / Code Administrator is authorized to grant an extension of time for an additional period not exceeding six months after a follow-up inspection. The extension shall be requested in writing and justifiable cause demonstrated.

#### **29-1-15 REVOCATION OF PERMIT.**

The Building Inspector / Code Administrator may revoke a permit in case of any false statement or misrepresentation of facts in the application on which a permit was based or in the event a structure or part thereof is condemned pursuant to this code.

#### **29-1-16 EXISTING RESIDENTIAL AND COMMERCIAL/INDUSTRIAL OCCUPANCIES.**

The provisions of Section 29-1-8 shall not apply to any residential or commercial/industrial occupancy in existence at the time this chapter takes effect, unless there is a change in the occupancy of any person after said date, or complaint filed.

#### **29-1-17 UNSCHEDULED INSPECTIONS.**

Nothing in this code shall be construed to prevent the Building Inspector / Code Administrator from performing inspections at unscheduled, random intervals or spontaneous frequency in furtherance of the implementation of this code, particularly in the instance of complaints brought to his attention, or in the course of a block or multi-block survey, or in the event of obvious cause.

## ARTICLE II: DEFINITIONS

### Section

- 29-2-1 General
- 29-2-2 Applied meanings of words and terms

#### **29-2-1 GENERAL.**

(A) *Scope.* Unless otherwise expressly stated, the terms in Section 29-2-2 shall, for the purpose of this code, have the meanings indicated in this article.

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

(C) *Terms defined in other codes.* Where terms are noted in this code and are defined in the Building, Plumbing and/or Mechanical Codes, they shall have the same meanings ascribed to them as in those codes.

(D) *Terms not defined.* Where terms are not defined under the provisions of this code or under the provisions of the Building, Plumbing and/or Mechanical Codes, they shall have ascribed to them their ordinarily accepted meanings or such as the context herein may imply.

#### **29-2-2 APPLIED MEANINGS OF WORDS AND TERMS.**

For the purpose of this chapter, the following definitions shall apply, unless the context clearly indicates or requires a different meaning.

**APPROVED.** As applied to a material, device or method of construction shall mean approved by the Building Inspector / Code Administrator under the provisions of this code or approved by other authority designated by law to give approval in the matter in question.

**ASSISTED LIVING FACILITY.** A building intended for furnishing services for the elderly or disabled, but not providing the same degree of care as a nursing home.

**BASEMENT.** That portion of a building which is partly below and partly above grade and having at least one-half its height below grade.

**BOARDING HOUSE.** A building other than a hotel or restaurant where meals are provided for compensation to three or more persons but not more than ten, who are not members of the keeper's family.

**BUILDING CODE.** The Building Code officially adopted by the legislative body of this jurisdiction, or such other code as may be officially designed by the legislative body of the jurisdiction for the regulation of construction, alteration, addition, repair, removal, demolition, use, location, occupancy and maintenance of buildings and structures.

**BUILDING INSPECTOR / CODE ADMINISTRATOR.** The official who is charged with the administration and enforcement of this code, or any duly appointed representative.

**BUILDING OFFICIAL.** The official designated by the jurisdiction to enforce building, or similar laws, or a duly authorized representative.

**CENTRAL HEATING.** The heating system permanently installed and adjusted so as to provide the distribution of heat to all habitable rooms, bathrooms and water closet compartments from a source outside of these rooms.

**CODE OFFICIAL.** As used in this code, the **BUILDING INSPECTOR / CODE ADMINISTRATOR**, or any duly appointed representative.

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

**CONDEMNATION.** The act of judicially condemning.

**DORMITORY.** Any building containing 11 or more rooming or dormitory units. A **DORMITORY** also provides a public restroom, a laundry room, foyer, storage space for out-of-season articles of the residents, public lounge and recreational space for the use of residents.

**DORMITORY ROOM.** A habitable room used or intended to be used by two or more individuals for sleeping or study purposes, excluding bathrooms, toilet rooms, laundries, pantries, foyers, communicating corridors, closets, storage space and stairwells.

**DWELLING UNIT.** One or more rooms in a residential structure which are arranged, designed, used or intended for use by one family for living or sleeping purposes, and which includes complete kitchen and bathroom facilities permanently installed.

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

**EXTERMINATION.** The control and elimination of insects, rats or other pests by eliminating their harborage places, by removing or making inaccessible materials that may serve as their food, by poison spraying, fumigating, trapping or by any other approved pest elimination.

**FAMILY.** One or more persons related by blood, marriage or adoption, excluding servants, or a group of not more than three, including servants and roomers, who need not be related by blood, marriage or adoption, living together and maintaining a common household, but not including sororities, fraternities or other similar organizations.

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

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

**HISTORIC BUILDING.** A building recognized as being of particular architectural or historic interest. A building of local importance included on a Local List, or a Listed building.

**HOTEL.** An establishment containing lodging accommodations designed for use by transients, travelers or temporary guests, with no provisions in such accommodations for cooking in any individual room or suite. Facilities provided may include maid service, laundering of linen used on the premises, communications and secretarial or desk service.

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

**INOPERABLE MOTOR VEHICLES.** Any motor vehicle which, for a period of at least seven days, is incapable of being driven under its own motor power. **INOPERABLE MOTOR VEHICLE** shall not include a motor vehicle which is temporarily incapable of being driven under its own motor power in order to perform ordinary service or repair operations inside a structure or similarly enclosed area designed and approved for such purposes.

**LET FOR OCCUPANCY or LET.** To permit possession or occupancy of a dwelling, dwelling unit, rooming unit, building or structure by one person who is or purports to be the owner or agent of same to another person pursuant to a written or unwritten lease, agreement or license, or pursuant to a recorded or unrecorded agreement of contract for the sale of land.

**LODGING OR ROOMING HOUSE.** A building with more than three guest spaces where lodging is provided for compensation pursuant to previous arrangement, but not on a daily, overnight or per-meal basis to transient guests.

**LODGING OR ROOMING HOUSE UNIT.** A habitable room used or intended to be used by up to three individuals for sleeping purposes, excluding bathrooms, toilet rooms, laundries, pantries, foyers, communicating corridors, closets, storage space and stairwells.

**MAINTENANCE.** Work that is done regularly to keep a building and its facilities in good condition and working order.

**MOTEL.** A group of attached or detached buildings containing individual sleeping or living units, designed for or used temporarily by automobile tourists or transients with garage attached or parking space conveniently located to each unit, including auto courts, motels, motor lodges or other similar type uses.

**MULTI-FAMILY APARTMENT BUILDING.** A building or portion thereof, designed or altered for occupancy by three or more families living independently of each other.

**OCCUPANCY PERMIT.** As used in this Code, a Certificate of Building Maintenance and Occupancy.

**OCCUPANT.** Any person over one year of age, including owner or operator, living and sleeping in a dwelling unit or having actual possession of said dwelling or rooming unit.

**ONE-FAMILY DWELLING.** A dwelling unit designed for occupancy by one family, i.e., a single family dwelling.

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

**OPERATOR.** Any person who has charge, care or control of a structure or premises which are let or offered for occupancy.

**OWNER.** Any person, agent, firm or corporation having a legal or equitable interest in the property.

**PERSON.** Includes a corporation or co-partnership as well as an individual.

**PLUMBING.** The practice, materials and fixtures used in the installation, maintenance, extension and alteration of all piping fixtures, appliances and appurtenances within the scope of the Plumbing Code.

**PLUMBING FIXTURE.** A receptacle or device which is either permanently or temporarily connected to the water distribution system of the premises, and demands a supply of water therefrom; or discharges used water, liquid-borne waste materials or sewage either directly or indirectly to the drainage system of the premises; or which requires both a water supply connection and a discharge to the drainage system of the premises.

**PREMISES.** A lot, plot or parcel of land including the buildings or structures thereon. Whenever the words “multi-family dwelling”, “residence building”, “dwelling unit”, “lodging or rooming house”, “lodging or rooming house unit” or “premises” are used in this code, they shall be construed as though they were followed by the words “or any part thereof”.

**PUBLIC NUISANCE.** Includes the following:

- (1) The physical condition or use of any premises regarded as a public nuisance at common law;
- (2) Any physical condition, use or occupancy of any premises or its appurtenances considered an attractive nuisance to children, including but not limited to abandoned wells, shafts, basements, excavations and unsafe fences or structures;
- (3) Any premises which have unsanitary sewerage or plumbing facilities;
- (4) Any premises designated as unsafe for human habitation or use;
- (5) Any premises which are manifestly capable of being a fire hazard or are manifestly unsafe or insecure as to endanger life, limb or property;
- (6) Any premises from which the plumbing, heating and/or facilities required by this code have been removed, or from which utilities have been disconnected, destroyed, removed or rendered ineffective or the required precautions against trespassers have not been provided;
- (7) Any premises which are unsanitary or which are littered with rubbish or garbage, or which have an uncontrolled growth of weeds; or
- (8) Any structure or building that is in a state of dilapidation, deterioration or decay; faulty construction; over-crowded; open, vacant or abandoned; damaged by fire to the extent as not to provide shelter, in danger of collapse or failure, and is dangerous to anyone on or near the premises.

**RENOVATION.** A building and its facilities made to conform to present-day minimum standards of sanitation, fire prevention and safety.

**RESIDENCE BUILDING.** A building in which sleeping accommodations or sleeping accommodations and cooking facilities as a unit are provided, except when classified as an institution under the Building Code.

**ROOMING HOUSE.** A building in which sleeping quarters, but not meals or cooking facilities, are provided by prearrangement for compensation on a weekly or longer basis for three or more persons.

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

**SANITARY.** Rules and conditions of health, especially of absence of dirt and agents of infection or tending to promote health and healthful conditions.

**STRUCTURE.** Anything constructed or erected which requires location on the ground or is attached to something having location on the ground, including a fence or free-standing wall. A sign, billboard or other advertising medium, detached or projecting, shall be construed to be a **STRUCTURE**.

**SUPPLIED.** Installed, furnished or provided by the owner or operator.

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

**TWO-FAMILY DWELLING.** A building containing two separate dwelling units.

**VENTILATION.** The process of supplying and removing air by natural or mechanical means to or from any space, and shall include:

- (1) Ventilation by power-driven devices.
- (2) Ventilation by opening to outer air through windows, skylights, doors, louvers or stacks without wind-driven devices.

**WORKING DAYS.** Those days during which the City Hall is open for business.

**WORKMANLIKE.** Whenever the words “workmanlike state of maintenance and repair” are used in this code, they shall mean that such maintenance and repair shall be made in a skillful manner.

**YARD.** An open unoccupied space on the same lot with a building extending along the entire length of street, or rear or interior lot line.

## ARTICLE III: ADMINISTRATION AND ENFORCEMENT

### Section

- 29-3-1 Duties and powers of Building Inspector / Code Administrator
- 29-3-2 Liability
- 29-3-3 Right of Entry
- 29-3-4 Notice to Owner or to Persons Responsible
- 29-3-5 Violations

### **29-3-1 DUTIES AND POWERS OF BUILDING INSPECTOR/ CODE ADMINISTRATOR**

(A) The Building Inspector / Code Administrator, or other designee, shall enforce all provisions of this code relative to the maintenance of structures and premises, except as may otherwise be specifically provided for by other regulations.

(B) *Appointment.* The Building Inspector / Code Administrator shall be appointed by the Mayor of the City of Waterloo with the advice and consent of the City Council. The Building Inspector / Code Administrator shall serve at the pleasure of the Mayor and City Council. The position of Building Inspector / Code Administrator shall be a salaried position exempt from the requirements of wages and hours laws. In addition, it shall not be covered by any collective bargaining agreement.

(C) *Notices and orders.* The Building Inspector / Code Administrator shall issue all necessary written notices and orders to abate illegal or unsafe conditions to ensure compliance with the code requirements for the safety, health and general welfare of the public.

(D) *Coordination of enforcement.* Inspection of premises, the issuance of written notices and orders and enforcement thereof shall be the responsibility of the Building Inspector / Code Administrator so charged by the city. Whenever, in the opinion of a Building Inspector / Code Administrator initiating an inspection under this code, it is deemed necessary or desirable to have inspections by any other department, the Building Inspector / Code Administrator shall make reasonable effort to arrange for the coordination of such inspections so as to minimize the number of visits by inspectors and to confer with the other departments for the purpose of eliminating conflicting orders before any are issued. A department shall not, however, delay the issuance of any emergency order which it determines must be ordered.

### **29-3-2 LIABILITY.**

The, officer or employee charged with the enforcement of this code, while acting for the jurisdiction, shall not thereby be rendered liable personally, and is hereby relieved from all personal liability for any damage accruing to persons or property as a result of an act required or permitted in the discharge of official duties. Any suit instituted against any officer or employee because of an act performed by that officer or employee in the lawful discharge of duties and under the provisions of this code shall be defended by the legal representative of the jurisdiction until the final termination of the proceedings. The Building Inspector / Code Administrator or any subordinate shall not be liable for costs in an action, suit or proceeding that is instituted in pursuance of the provisions of this code; and any officer of the department of property maintenance inspection, acting in good faith and without malice, shall be free from liability for acts performed under any of its provisions or by reason of any act or omission in the performance of official duties in connection therewith.

### **29-3-3 RIGHT OF ENTRY.**

(A) The Building Inspector / Code Administrator is authorized to enter the structure or premises at reasonable times to inspect subject to constitutional restrictions on unreasonable searches and seizures. Where no consent to enter or inspect any property has been given by the owner, occupant, or other person in charge of a structure subject to the provisions of this code, no entry or inspection shall be made without procurement of a warrant from the Circuit Court of Monroe County. The Court may consider any of the following factors along with such other matters as it deems pertinent in its decision as to whether a warrant shall issue:

1. Eye witness account of violation.
2. Citizen's Complaint.
3. Tenant Complaint.

(B) *Credentials.* The Building Inspector / Code Administrator or the Building Inspector / Code Administrator's authorized representative shall disclose proper credentials of their respective office for the purpose of inspecting any and all buildings and premises in the performance of duties under this code.

### **29-3-4 NOTICE TO OWNER OR TO PERSONS RESPONSIBLE.**

(A) *Notice.* Whenever the Building Inspector / Code Administrator determines that there has been a violation of this code or has reasonable grounds to believe that a violation has occurred, notice shall be given to the owner or the person or persons responsible in the manner described below.

(B) *Form of Notice.*

Such notice prescribed in Section A shall:

- (1) Be in writing;
- (2) Include a description of the real estate for identification;
- (3) Include a statement of the reason or reasons why the notice is being issued; and
- (4) Include a correction order allowing a reasonable time for the repairs and improvements required to bring the dwelling unit or structure into compliance with the provisions of this code.

(C) *Service of Notice.* Such service 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, in the presence of someone in the family of suitable age and discretion who shall be informed of the contents thereof; or known address with return receipt requested; or if the certified or registered letter is returned with receipt showing that it has not been delivered, by posting a copy thereof in a conspicuous place in or about the structure affected by such notice.

### **29-3-5 VIOLATIONS**

(A) *Unlawful Acts.* It shall be unlawful for a person, firm or corporation to be in conflict with or in violation of any of the provisions of this code.

(B) *Notice of violation.* The code official shall serve or have served a notice of violation or order in accordance with Section 29-3-5.

(C) *Prosecution of violation.* Any person failing to comply with a notice of violation or order served in accordance with Section 29-3-5 shall be deemed guilty of an ordinance violation and the violation shall be deemed a strict liability offense. If the notice of violation is not complied with, the Building Inspector / Code Administrator 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 or direction made pursuant thereto. Any action taken by the authority having jurisdiction on such premises shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate.

(D) *Violation Penalty.* Any person, firm or corporation convicted of a violation of any section of this code shall be fined not less than one-hundred dollars (\$100.00) nor more than seven hundred fifty dollars (\$750.00) plus costs. If more than one provision, standard or requirement of this code is violated, then each such provision, standard or requirement violated shall be considered to be a separate offense. Each day that a violation occurs or continues, after due notice has been served, shall be considered to be a separate offense for which the violator shall be liable to the maximum penalty herein specified for each violation.

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

## ARTICLE IV: RIGHT TO APPEAL

### Section

- 29-4-1 Petition
- 29-4-2 Board of Appeals
- 29-4-3 Administration
- 29-4-4 Court Review
- 29-4-5 Stays of Enforcement

#### **29-4-1 PETITION.**

Any person affected by any notice which has been issued in connection with the enforcement of any provision of this code or of any rule or regulation adopted pursuant thereto may request and shall be granted a hearing on the matter before the Appeals Board, provided that such person shall file, in the office of the Appeals Board, a written petition requesting such hearing and containing a statement of the grounds therefor within 20 days after the day the notice was served.

#### **29-4-2 BOARD OF APPEALS.**

(A) *General.* Any person directly affected by a decision of the Building Inspector / Code Administrator or a notice or order issued under this code shall have the right to appeal to a Board of Appeals provided that a written application for appeal is filed within twenty (20 ) days after the day the decision, notice or order was served. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply, or the requirements of this code are adequately satisfied by other means.

(B) *Board of Appeals.* In order to hear and decide appeals of orders, decisions or determinations made by the Building Inspector / Code Administrator relative to the application and interpretation of this code, there shall be and is hereby created a Board of Appeals.

(C) *Membership of Board.* The Board of Appeals shall consist of three members who have the capacity to interpret and understand this code. The three members shall be appointed by the Mayor with the advice and consent of the City Council as follows: one for three years, one for two years, and one for one year. Thereafter, each member shall serve for three years and until a successor has been appointed and has qualified.

(D) *Alternate Members.* The Mayor shall appoint one alternate member with the advice and consent of the City Council, who shall be called by the Board Chairman to hear appeals during the absence or disqualification of a member. The alternate member shall possess the same qualifications required for Board membership, and shall be appointed for three years and until a successor has been appointed and qualified.

(E) *Chairman.* The Mayor shall appoint the Chairman of the Board with the advice and consent of the City Council.

(F) *Secretary.* The Board of Appeals shall designate a qualified clerk to serve as Secretary to the Board. The Secretary shall file a detailed record of all proceedings in the office of the Building Inspector / Code Administrator.

(G) *Notice of Meeting.* The Board shall meet upon notice from the Chairman, or majority of Board, within twenty (20) days of the filing of an appeal, or at stated periodic meetings.

(H) *Open hearing.* All hearings before the Board shall be open to the public. The appellant, the appellant's representative, the Building Inspector / Code Administrator and any person whose interests are affected shall be given an opportunity to be heard.

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

(J) *Postponed Hearing.* When two members are not present to hear an appeal, either the appellant or the appellant's representative shall have the right to request a postponement of the hearing.

(K) *Board Decision.* The Board may modify or reverse the decision of the Building Inspector / Code Administrator by a concurring vote of two members.

(L) *Exclusive Jurisdiction.* The Board of Appeals shall have exclusive jurisdiction with respect to appeal of decisions of the Building Inspector / Code Administrator, and the Zoning Board of Appeals created by Chapter 40 of the city code shall have no jurisdiction to hear an appeal of a decision of the Building Inspector / Code Administrator with respect to the Property Maintenance Code of the City of Waterloo, Illinois.

(M) *Other Duties.* When duly appointed, the members of this Board of Appeals may also serve as the Board of Appeals authorized by Chapter 6, Building Code, of the City Code of the City of Waterloo.

### **29-4-3 ADMINISTRATION.**

The Building Inspector / Code Administrator shall take immediate action in accordance with the decision of the board.

### **29-4-5 STAYS OF ENFORCEMENT.**

Appeals of notice and orders (other than Imminent Danger notices) shall stay the enforcement of the notice and order until the appeal is heard and decided upon by the Appeals Board.

## **ARTICLE V: PREMISES CONDITIONS**

### Section

- 29-5-1 Scope of regulations
- 29-5-2 Responsibility of owner
- 29-5-3 Vacant structures and land
- 29-5-4 Sanitation
- 29-5-5 Grading and drainage
- 29-5-6 Insect and rat control
- 29-5-7 Accessory structures
- 29-5-8 Weeds
- 29-5-9 Personalty
- 29-5-10 Inoperable Motor Vehicles
- 29-5-11 Defacement of Property
- 29-5-12 Swimming Pools
- 29-5-13 Enclosures

### **29-5-1 SCOPE OF REGULATIONS.**

The provisions of this article shall govern the minimum conditions for maintenance of exterior property, premises and structures. Premises shall comply with the conditions herein prescribed insofar as they are applicable.

### **29-5-2 RESPONSIBILITY OF OWNER.**

The owner of the premises shall maintain such structures and premises in compliance with these requirements. A person shall not occupy as owner-occupant or let to another for occupancy or use—premises which do not comply with the requirements of this article.

### **29-5-3 VACANT STRUCTURES AND LAND.**

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

### **29-5-4 SANITATION.**

All exterior property areas and premises shall be maintained in a clean, safe and sanitary condition free from any accumulation of rubbish, garbage, or animal waste.

### **29-5-5 GRADING AND DRAINAGE.**

All premises shall be graded and maintained so as to prevent the accumulation of stagnant water thereon or within any structure located thereon.

#### **29-5-6 INSECT AND RAT CONTROL.**

An owner of a structure or property shall be responsible for the extermination of insects, rats, vermin or other pests in all exterior areas of the premises, except that the occupant shall be responsible for such extermination in the exterior areas of the premises of a single-family dwelling. Whenever infestation exists in the shared or public parts of the premises of other than a single-family dwelling, extermination shall be the responsibility of the owner.

#### **29-5-7 ACCESSORY STRUCTURES.**

All accessory structures, including but not limited to detached garages, swimming pools, hot tubs, spas, fences, and walls, shall be maintained structurally sound and in compliance with the provisions of this code.

#### **29-5-8 WEEDS.**

All premises and exterior property shall be maintained free from weeds or plant growth in excess of eight (8) inches. All noxious weeds shall be prohibited. Weeds shall be defined as all grasses, annual plants and vegetation, other than trees or shrubs provided; however, this term shall not include cultivated flowers and gardens. Upon failure of the owner or agent having charge of a property to cut and destroy weeds after service of a notice of violation, they shall be subject to prosecution in accordance with the provisions of this Code. Upon failure to comply with the notice of violation, any duly authorized employee of the jurisdiction or contractor hired by the jurisdiction shall be authorized to enter upon the property in violation and cut and destroy the weeds growing thereon, and the costs of such removal shall be paid by the owner or agent responsible for the property.

#### **29-5-9 PERSONALTY**

No person owning, leasing, occupying or having charge of any premises shall maintain or keep or store any unsheltered old, unused objects or equipment including, but not limited to stripped, junked automobiles, vehicles, machinery, lawn mowers, air conditioners, refrigerators, furniture, stoves, freezers, cans, water heaters or other containers, old lumber and/or personal property of any kind which is no longer safely usable for the purposes for which it was manufactured for a period of 20 days, except in a licensed junk yard within the corporate limits of this city, and such is hereby declared to be a nuisance and dangerous to the public safety.

#### **29-5-10 INOPERABLE MOTOR VEHICLES**

Except as provided for in other regulations, no inoperable or unlicensed motor vehicle shall be parked, kept or stored on any unenclosed exterior property area. In addition, no vehicle shall at any time be in a state of major disassembly, disrepair, or in the process of being stripped or dismantled on any unenclosed exterior property area. Painting of vehicles is prohibited unless conducted inside an approved spray booth.

#### **29-5-11 DEFACEMENT OF PROPERTY.**

No person shall willfully or wantonly damage, mutilate or deface any exterior surface of any structure or building on any private or public property by placing thereon any marking, carving or graffiti. It shall be the responsibility of the owner to restore said surface to an approved state of maintenance and repair.

### **29-5-12 SWIMMING POOLS.**

Swimming pools shall be maintained in a clean and sanitary condition, and in good repair.

### **29-5-13 ENCLOSURES.**

Private swimming pools, hot tubs and spas, containing water more than 24 inches (610 mm) in depth shall be completely surrounded by a fence or barrier at least 48 inches (1219 mm) in height above the finished ground level measured on the side of the barrier away from the pool. Gates and doors in such barriers shall be self-closing and self-latching. Where the self-latching device is less than 54 inches (1372 mm) above the bottom of the gate, the release mechanism shall be located on the pool side of the gate. Self-closing and self latching gates shall be maintained such that the gate will positively close and latch when released from an open position of 6 inches (152 mm) from the gatepost. No existing pool enclosure shall be removed, replaced or changed in a manner that reduces its effectiveness as a safety barrier.

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

## ARTICLE VI: EXTERIOR OF STRUCTURES

### Section

- 29-6-1 Maintenance required
- 29-6-2 Structural members
- 29-6-3 Exterior surfaces
- 29-6-4 Window and door frames

#### **29-6-1 MAINTENANCE REQUIRED.**

The exterior of a structure shall be maintained structurally sound and sanitary so as not to pose a threat to the health and safety of the occupants and so as to protect the occupants from the environment.

#### **29-6-2 STRUCTURAL MEMBERS.**

All supporting structural members of all structures shall be kept structurally sound, free of deterioration and maintained capable of safely bearing the dead and live loads imposed upon them.

#### **29-6-3 EXTERIOR SURFACES.**

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

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

(C) *Foundations, exterior walls and roofs.* Every foundation, exterior wall and roof of every building shall be substantially weather-tight and rodent-proof; shall be kept in sound condition and good repair; shall be kept free of holes or breaks and loose or rotting boards, timbers, bricks, stones and other structural material; and shall be safe to use and capable of supporting the load which normal use may cause to be placed thereon

(D) *Exterior surfaces.* All exterior surfaces of any building shall be reasonably capable of withstanding the effects of the elements and decay. Any exterior surface which is deteriorated, decaying, disintegrating or which has lost its capability to reasonably withstand the effects of the elements shall be repaired.

(E) *Windows and exterior doors.* Every window, storm window, exterior door, exterior storm door, basement or cellar door and hatchway shall be substantially weather-tight, wind-tight, water-tight, and rodent-proof; shall be equipped with all appropriate hardware; and shall be capable of being easily opened. Every window, other than a fixed window, shall be capable of being held in position by window hardware.

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

(G) *Protective railings.* Any handrails, guardrails or other types of protective railings required to be constructed or installed under any provision of the municipal code of the city, or which have otherwise been constructed and installed shall be maintained in good repair.

(H) *Chimneys.* All chimneys, cooling towers, smoke stacks and similar appurtenances shall be maintained structurally safe, sound and in good repair.

(I) *Stairs and porches.* Every stair, porch, balcony, ramp and all appurtenances attached thereto shall be so constructed as to be safe to use and capable of supporting the loads to which it is subjected and shall be kept in sound conditions and in good repair.

(J) *Roof drainage.* Roof drainage shall be adequate to prevent rain water from causing dampness or deterioration in the walls or interior portion of the building. Roof water shall not be discharged in a manner that creates a nuisance to owners or occupants of adjacent premises, or that creates a public nuisance.

#### **29-6-4 WINDOW AND DOOR FRAMES.**

Every window, door and frame shall be constructed 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 or structure.

## ARTICLE VII: INTERIOR OF STRUCTURES

### Section

#### 29-7-1 General

#### **29-7-1 GENERAL.**

(A) The interior of a structure and its equipment shall be maintained in good repair, structurally sound and in a sanitary condition so as not to pose a threat to the health, safety or welfare of the occupants or visitors and to protect the occupants from the environment.

(B) *Lead-based paint.* Lead-based paint with a lead content of more than 0.5% shall not be applied to any interior or exterior surface of a dwelling, dwelling unit or child care facility, including fences and outbuildings at these locations. Existing interior and exterior painted surfaces of dwelling units and child care facilities that contain an excess of 0.5% lead shall be removed or covered with paneling or other suitable covering approved by the Code Official.

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

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

(E) *Handrails and guards.*

(1) Every handrail and guard shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition.

(2) Every interior flight of stairs having more than four risers shall have a handrail on one side of the stair 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) high or 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, or ramp or other walking surface.

**Exception:** Guards shall not be required where exempted by the Building Code adopted in Chapter 6 of the City Code of the City of Waterloo.

(F) *Sanitation.* The interior of every structure shall be maintained in a clean and sanitary condition, free from any accumulation of rubbish, refuse or garbage. Rubbish, garbage and other refuse shall be properly kept inside temporary storage facilities until properly disposed.

(G) *Storage.* Garbage or rubbish shall not be allowed to accumulate or be stored in public halls or stairways.

(H) *Insect and rat harborage.* All structures shall be kept free from insect and rat infestation, and where insects or rats are found, they shall be promptly exterminated by approved processes which will not be injurious to human health. After extermination, proper precautions shall be taken to prevent re-infestation.

## ARTICLE VIII: LIGHT, VENTILATION AND SPACE REQUIREMENTS

### Section

- 29-8-1 General
- 29-8-2 Light
- 29-8-3 Ventilation
- 29-8-4 Dwelling unit limitations
- 29-8-5 Space requirements

### 29-8-1 GENERAL.

(A) *Scope.* The provisions of this article shall govern the minimum conditions and standards for the light, ventilation and space for the occupancy of a structure. All light, ventilation and space conditions shall comply with the requirements herein prescribed insofar as they are applicable.

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

(C) *Alternative devices.* In place of the means for natural light and ventilation herein prescribed, alternative arrangement of windows, louvers or other methods and devices that will provide the equivalent minimum performance requirements shall be permitted when complying with the Building Code.

### 29-8-2 LIGHT.

(A) *Sufficient light required.* All spaces or rooms shall be provided sufficient light so as not to endanger health and safety.

(B) *Habitable spaces.* Every habitable space shall have at least one window of approved size facing directly to the outdoors or to a court. The minimum total window area, measured between stops, for every habitable space shall be 8% of the floor area of such room, except in kitchens when artificial light is provided in accordance with the provisions of the Building Code.

**Exception:** Where rooms and spaces without openings to the outdoors are ventilated through an adjoining room, the unobstructed opening to the adjoining room shall be at least 8 percent of the floor area of the interior room or space, but not less than 25 square feet (2.33 m<sup>2</sup>). The ventilation openings to the outdoors shall be based on a total floor area being ventilated.

(C) *Common halls and stairways.* Every common hall and stairway in residential occupancies, other than one- and two-family dwellings, shall be adequately lighted at all times with an illumination of at least a 60-watt standard incandescent light bulb or equivalent for each 200 square feet of floor area. In other than residential occupancies, means of egress, including exterior means of egress, stairways shall be illuminated at all times the building space served by the means of egress is occupied with a minimum of 1 footcandle (11 lux) at floors, landings and treads.

### **29-8-3 VENTILATION.**

(A) *Ventilation required.*

- (1) All spaces or rooms shall be provided sufficient natural or mechanical ventilation so as not to endanger health and safety. Where mechanical ventilation is provided in lieu of the natural ventilation, such mechanical ventilating systems shall be maintained in operation during the occupancy of any structure or portion thereof.
- (2) When part of the air provided by a mechanical ventilation system is re-circulated, the portion or volume of air re-circulated shall not be re-circulated to a different residential space or occupancy of dissimilar use from which it is withdrawn.
- (3) Where rooms and spaces without openings to the outdoors are ventilated through an adjoining room, the unobstructed opening to the adjoining room shall be at least 8 percent of the floor area of the interior room or space, but not less than 25 square feet.

(B) *Toilet rooms.* Every bathroom and water closet compartment shall comply with the light and ventilation requirements for habitable spaces as required by this article, except that a window shall not be required in bathrooms or water closet compartments equipped with an approved mechanical ventilation system. One-family dwelling units built prior to 1978 are not required to comply with the regulation.

(C) *Cooking facilities.* Unless approved through the certificate of occupancy, cooking shall not be permitted in any sleeping room or dormitory unit, and a cooking facility or appliance shall not be permitted to be present in a sleeping room or dormitory unit. Exception: Devices such as coffee pots and microwave ovens shall not be considered cooking appliances.

(D) *Clothes dryer exhaust.* Clothes dryer venting systems shall be independent of all other systems and shall be vented in accordance with the manufacturer's recommendations.

### **29-8-4 DWELLING UNIT LIMITATIONS.**

(A) *Separation of units.* Dwelling units shall be separate and apart from each other.

(B) *Privacy.* Hotel units, lodging units and dormitory units shall be designed to provide privacy and shall be separate from other adjoining spaces.

### **29-8-5 SPACE REQUIREMENTS.**

(A) *Area for sleeping purposes.* Every room occupied for sleeping purposes shall have adequate floor space.

(B) *Water closet accessibility.* In all dwelling units other than a one-family dwelling, every room used as a bedroom shall have access to at least one water closet without passing through another room used as a bedroom.

(C) *Prohibited use.* Kitchens, non-habitable spaces and public spaces shall not be used for sleeping purposes.

(D) *Overcrowding.* The number of persons, occupying a dwelling unit shall not create conditions that, in the opinion of the Building Inspector/Code Administrator, endanger the life, health, safety or welfare of the occupants.

## ARTICLE IX: PLUMBING FACILITIES AND FIXTURE REQUIREMENTS

### Section

- 29-9-1 General
- 29-9-2 Required facilities
- 29-9-3 Toilet rooms
- 29-9-4 Water system
- 29-9-5 Sewage system

#### **29-9-1 GENERAL.**

(A) *Scope.* The provisions of this article shall govern the minimum plumbing facilities and fixtures to be provided. All plumbing facilities and fixtures shall comply with the requirements herein described insofar as they are applicable.

(B) *Responsibility.* The owner of the structure shall provide and maintain such plumbing facilities and fixtures in compliance with these requirements. A person shall not occupy as owner-occupant or let to another for occupancy or use any structure or portion thereof or premises which do not comply with the requirements of this article.

#### **29-9-2 REQUIRED FACILITIES.**

(A) *Dwelling units.* Every dwelling unit shall include its own plumbing facilities which are in proper operating condition, can be used in privacy and are adequate for personal cleanliness and the disposal of human waste.

(B) *Water closet and lavatory.* Every dwelling unit shall contain within its walls a room separate from habitable spaces which affords privacy and a water closet supplied with cold running water. A lavatory shall be placed in the same room as the water closet or located in another room in close proximity to the door leading directly into the room in which said water closet is located. The lavatory shall be supplied with hot and cold running water.

(C) *Bathtub or shower.* Every dwelling unit shall contain a room which affords privacy to a person in said room, and which is equipped with a bathtub or shower supplied with hot and cold running water.

(D) *Kitchen sink.* Every dwelling unit shall contain a kitchen sink apart from the lavatory required, and such sink shall be supplied with hot and cold running water.

(E) *Rooming houses and bed and breakfast establishments.* At least one water closet, lavatory basin and bathtub or shower properly connected to an approved water and sewer system and in good working condition shall be supplied for each four rooms within a rooming house, wherever said facilities are shared. Every lavatory basin and bathtub or shower shall be supplied with hot and cold water at all times.

(F) *Hotels.* Hotels are required to have a private water closet, lavatory, and bath/shower for each room. Each lavatory, bathtub or shower shall be supplied with hot and cold water at all times.

### 29-9-3 TOILET ROOMS.

- (A) *Privacy.* Toilet rooms and bathrooms shall be designed and arranged to provide privacy.
- (B) *Direct access.* No toilet room or bathroom shall be used as a passageway to a hall or other space, or to the exterior.
- (C) *Same Story.* Toilet rooms and bathrooms serving lodging houses or dormitory units, unless located within such respective units or directly connected thereto, shall be provided on the same story with such units, and be accessible only from a common hall or passageway.
- (D) *Employee toilet facilities.* Toilet facilities shall have access from within the employees' working area. The required toilet facilities shall be located not more than one story above or below the employees' working area and the path of travel to such facilities shall not exceed a distance of 500 feet (152 m). Employee facilities shall either be separate facilities or combined employee and public facilities.

**Exception:** Facilities that are required for employees in storage structures or kiosks, which are located in adjacent structures under the same ownership, lease or control, shall not exceed a travel distance of 500 feet (152 m) from the employees' regular working area to the facilities.

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

### 29-9-4 WATER SYSTEM.

- (A) *General.* Every sink lavatory, bathtub or shower, drinking fountain, water closet or other facility shall be properly connected to either a public water system or to an approved private water system. All sinks, lavatories, bathtubs and showers shall be supplied with hot and cold running water in accordance with the Illinois State Plumbing Code.
- (B) *Water heating facilities.* Where hot water is provided, water heating facilities shall be installed in an approved manner, properly maintained, and properly connected with hot water lines to the fixtures required to be supplied with the hot water.
- (C) *Contamination.* The water supply shall be maintained free from contamination, and all water inlets for plumbing fixtures shall be located above the flood-level rim of the fixture. Shampoo basin faucets, janitor sink faucets and other hose bibs or faucets to which hoses are attached and left in place, shall be protected by an approved atmospheric-type vacuum breaker or an approved permanently attached hose connection vacuum breaker.

### 29-9-5 SEWAGE SYSTEM.

- (A) *General.* All plumbing fixtures shall be properly connected to either a public sewer system or to an approved private sewage disposal system.
- (B) *Maintenance.* Every plumbing stack, waste and sewer line shall be so installed and maintained as to function properly and shall be kept free from obstructions, leaks and defects.

## ARTICLE X: MECHANICAL AND ELECTRICAL REQUIREMENTS

### Section

- 29-10-1 General
- 29-10-2 Heating Facilities
- 29-10-3 Mechanical Facilities
- 29-10-4 Electrical Facilities
- 29-10-5 Elevators, Escalators, and Dumbwaiters

### 29-10-1 GENERAL.

(A) *Scope.* The provisions of this article shall govern the minimum mechanical and electrical facilities and equipment to be provided. All mechanical and electrical facilities and equipment shall comply with the requirements herein prescribed insofar as they are applicable.

(B) *Responsibility.* The owner of the structure shall provide and maintain such mechanical and electrical facilities and equipment in compliance with these requirements. A person shall not occupy as owner-occupant or permit another person to occupy any premises which do not comply with the requirements of this article.

### 29-10-2 HEATING FACILITIES.

(A) *Residential Occupancies.* Every owner of any structure who rents, leases or lets one or more dwelling units or guest rooms on terms, either express or implied, to furnish heat to the occupants thereof, shall supply sufficient heat during the period from October 1 to May 15 to maintain a room temperature of not less than 68°F (20°C) in all habitable spaces, bathrooms and toilet rooms during the hours between 6:30 a.m. and 10:30 p.m. of each day, and maintain a temperature of not less than 65°F (18°C) during other hours. The temperature shall be measured at a point three feet (914 mm) above the floor and three feet (914 mm) from the exterior walls.

(B) *Occupiable work spaces.* Indoor occupiable work spaces shall be supplied with heat during the period from October 1 to May 15 to maintain a temperature of not less than 65°F (18°C) during the period the spaces are occupied.

#### Exceptions:

1. Processing, storage and operation areas that require cooling or special temperature conditions.
2. Areas in which persons are primarily engaged in vigorous physical activities.

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

### 29-10-3 MECHANICAL FACILITIES

(A) *Mechanical appliances.* All mechanical appliances, fireplaces, solid fuel-burning appliances, cooking appliances and water heating appliances shall be properly installed and maintained in a safe working condition, and shall be capable of performing the intended function.

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

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

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

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

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

#### **29-10-4 ELECTRICAL FACILITIES.**

(A) *Facilities required.* Every building or part thereof used for human occupancy shall be adequately and safely provided with an electrical system in compliance with the requirements of this section. The provisions of this section shall be considered absolute minimum requirements.

(B) *Lighting fixtures.* Every public hall, interior stairway, water closet compartment, bathroom and laundry room shall contain at least one electrical lighting fixture.

(C) *Service.* When the electrical system requires modification to correct inadequate service, then service shall be corrected to meet the standards of the National Electric Code, as amended from periodically.

(D) *Installation.* All electrical equipment, wiring and appliances shall be installed and maintained in a safe manner in accordance with all applicable laws. All electrical equipment shall be of an approved type.

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

#### **29-10-5 ELEVATORS, ESCALATORS AND DUMBWAITERS**

(A) *General.* Elevators, dumbwaiters and escalators shall be maintained in compliance with ASME A17.1. The most current certification of inspection shall be on display at all times within the elevator or attached to the escalator or dumbwaiter, or the certificate shall be available for public inspection in the office of the building operator. The inspection and tests shall be performed at not less than the periodical intervals listed in ASME A17.1, Appendix N, except where otherwise specified by the authority having jurisdiction.

(B) *Elevators.* In buildings equipped with passenger elevators, at least one elevator shall be maintained in operation at all times when the building is occupied.

**Exception:** Buildings equipped with only one elevator shall be permitted to have the elevator temporarily out of service for testing or servicing.

## ARTICLE XI: FIRE SAFETY REQUIREMENTS

### Section

- 29-11-1 General
- 29-11-2 Means of Egress
- 29-11-3 Fire Resistance Ratings
- 29-11-4 Fire Protection Systems
- 29-11-5 Lock Box Entry Systems

### 29-11-1 GENERAL

(A) *Scope.*

1. The provisions of this chapter shall govern the minimum conditions and standards for fire safety relating to structures and exterior premises, including fire safety facilities and equipment to be provided.
2. For conditions beyond the scope of this Article, the provisions of NFPA 101, Life Safety Code, as enforced by the State Fire Marshall shall apply.

(B) *Responsibility.* The owner of the premises shall provide and maintain such fire safety facilities and equipment in compliance with these requirements. A person shall not occupy as owner-occupant or permit another person to occupy any premises that do not comply with the requirements of this chapter.

### 29-11-2 MEANS OF EGRESS

(A) *General.* A safe, continuous and unobstructed path of travel shall be provided from any point in a building or structure to the public way. Means of egress shall comply with the *International Fire Code*.

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

(C) *Locked doors.* All means of egress doors shall be readily openable from the side from which egress is to be made without the need for keys, special knowledge or effort, except where the door hardware conforms to that permitted by the Building Code.

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

### 29-11-3 FIRE-RESISTANCE RATINGS

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

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

### 29-11-4 FIRE PROTECTION SYSTEMS

(A) *General.* All systems, devices and equipment to detect a fire, actuate an alarm, or suppress or control a fire or any combination thereof shall be maintained in an operable condition at all times in accordance with the *International Fire Code*.

(B) *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. Single or multiple-station smoke alarms shall be installed in other groups in accordance with the *International Fire Code*.

(C) *Power source.* In Group R occupancies and in dwellings not regulated as Group R occupancies, single-station smoke alarms shall receive their primary power from the building wiring provided that such wiring is served from a commercial source and shall be equipped with a battery backup. Smoke alarms shall emit a signal when the batteries are low. Wiring shall be permanent and without a disconnecting switch other than as required for over current protection.

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

(D) *Interconnection.* Where more than one smoke alarm is required to be installed within an individual dwelling unit in Group R-2, R-3, R-4 and in dwellings not regulated as Group R occupancies, the smoke alarms shall be interconnected in such a manner that the activation of one alarm will activate all of the alarms in the individual unit. The alarm shall be clearly audible in all bedrooms over background noise levels with all intervening doors closed.

**Exceptions:**

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

**29-11-5 LOCK BOX ENTRY SYSTEMS.**

(A) The owner or operator of a building or structure required to have the key lock box entry system shall, at all times, keep a key in the lock box that will allow for access to the building or structure.

(B) The Fire Chief of the Waterloo Community Fire Protection District shall be notified of every change of locks on a building or structure required to have a key lock box entry system. The Fire Chief and Building Inspector/Code Administrator shall jointly inspect the lock box to insure that the lock box key fits the new lock on the building or structure.